



Agenda

Land Use Management Committee

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

Monday 5 September 2005

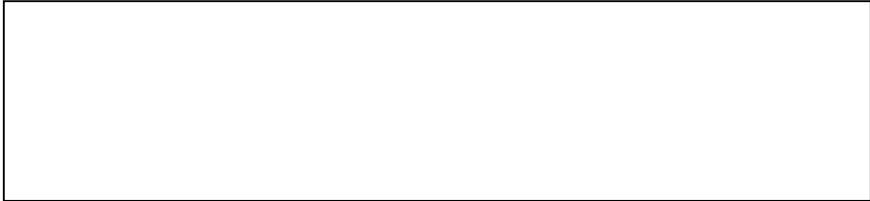
Commencing at 7:30 pm for the purpose of considering items included on the Agenda.

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

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

Seating Arrangements for Meetings

Staff Staff General Manager Chairperson Staff Minute Taker



Mayor Dr Peter Macdonald

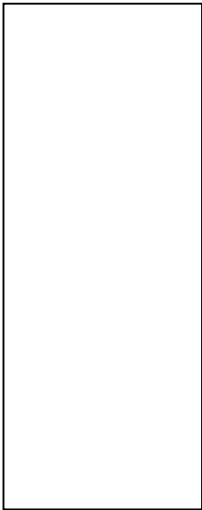
Clr Mark Norek

Clr Joanna Evans

Clr Barbara Aird

Clr Brad Pedersen

Deputy Mayor
Clr Richard Morrison



Clr Jean Hay AM

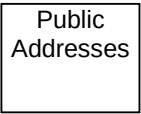
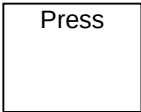
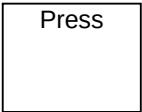
Clr Adele Heasman

Clr Dr Judy Lambert

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



Public Gallery

Chairperson: Clr Dr Judy Lambert
Deputy Chairperson: Clr Simon Cant

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

The Land Use Management Committee of 1 AUGUST 2005

PUBLIC ADDRESSES**SITE INSPECTIONS**

The following site inspections will take place on Monday, 5 September, 2005.

2 Heaton Avenue, Clontarf	8:00am
51 Stuart Street, Manly	8:35am

ENVIRONMENTAL SERVICES DIVISION REPORTS**Environmental Services Division Report No. 46**

2 Heaton Avenue, Clontarf

82A Review 2

Environmental Services Division Report No. 47

51 Stuart Street, Manly

82A Review 8

Environmental Services Division Report No. 48

197-215 Condamine Street, Balgowlah

Totem Redevelopment..... 22

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Development Application Being Processed During September 2005 211

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Appeals List for September 2005..... 214

CLOSED COMMITTEE ITEMS

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

TO: Land Use Management Committee - 5 September 2005
REPORT: Environmental Services Division Report No. 46
SUBJECT: 2 Heaton Avenue, Clontarf 82A Review
FILE NO: DA162/04

<u>Application Lodged:</u>	2 nd February 2005 (Section 82A Review)
<u>Applicant:</u>	Viridian Design
<u>Owner:</u>	Craig & Audra Annakian
<u>Estimated Cost:</u>	\$70,000.00
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	Two and three storey dwelling houses
<u>Heritage:</u>	N/A

SUMMARY:

1. COUNCIL IS IN RECEIPT OF AN APPLICATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT FOR REVIEW OF DETERMINATION REFUSING AN APPLICATION TO MODIFY THE CONSENT BY DELETION OF A CONDITION REQUIRING A 1500MM REDUCTION IN THE HEIGHT OF THE PROPOSED POOL.
2. THE APPLICATION WAS NOTIFIED TO ADJOINING AND NEARBY PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE PRECINCT COMMITTEE FORUM FOR COMMENT.
4. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
5. A SITE INSPECTION IS RECOMMENDED.
6. THE APPLICATION IS RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.

LOCALITY PLAN

Shaded area is subject land.



REPORT

Introduction

The subject site is located on the north eastern (high) side of Heaton Avenue and has its north eastern (rear) boundary adjoining Kanangra Crescent. The site is currently developed with a part two and part three storey dwelling and detached double garage accessed via Kanangra Crescent.

Development application No.162/04 for a new swimming pool positioned between the dwelling and the front boundary was received by Council on 17/03/04. Notification of the application resulted in

Environmental Services Division Report No. 46 (Cont'd)

one submission being received from adjoining property owners to the south. The application was considered by Council's Development Assessment Unit. Council issued a letter to the applicant dated 06/09/04 granting a Deferred Commencement consent. Part A of the consent required the submission of amended plans showing a 1500mm reduction in height of the proposed pool and associated water feature.

On 1/10/04, Council received a Section 96 application to modify the consent to delete Part A of the consent to allow the pool to be built as per the plans originally submitted with the development application. Following notification of the Section 96 application, an objection was received from adjoining property owners to the south. The modification application was considered by Council's Development Assessment Unit. Council issued a letter to the applicant dated 10/11/04 advising that the Section 96 application has been refused.

On 02/02/05 Council received an application pursuant to Section 82A of the EP&A Act 1979 seeking a Review of the Determination. The application includes the following revisions to the plans in response to the issues raised in Council's refusal letter:

1. Height of pool lowered by 350mm
2. New sandstone and new rendered walls below pool.
3. Pool coping on western side reduced to allow the 1200mm high pool balustrade to be replaced by a 300mm high glass.
4. Additional planting on two tiers on western (street) side.
5. Water feature redesigned to be a textured tile panel to allow water to flow down the wall instead of a water fountain.
6. The 1500mm high wall of the water feature steps down the site.
7. Additional planting along the southern side of the water feature wall to screen wall from adjoining property.

This report will assess this application for a review of the determination.

Development Control Plan Numerical Assessment

The following is an assessment of the proposal's compliance with the relevant 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>
Setback - pools Front setback	2 x height (5.3m)	1.6m	No
Pool South Side	2.5m	1.2m	No
North Side	1.6m	4m	Yes
Excavation – Boundary setback	> 0.9m	1.2m	Yes

Applicant's Supporting Statement

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

Submissions

In response to the notification of the Section 82A Review, Council received one letter of objection from the adjoining owners to the south. Concerns raised include the following:

1. "Council approved the development subject to a 1.5m reduction in height consistent with the elevation criteria in Section 3.13.2(a) of the DCP for the Residential Zone.... The currently

Environmental Services Division Report No. 46 (Cont'd)

submitted plan shows only 350mm elevation reduction..... It is disturbing to contemplate why the developers would suddenly assume that Council would even consider an elevation reduction so significantly less than what has been approved and upheld."

2. Non compliance with Sections 3.13.2 © and (d) of DCP for Residential Zone pertaining to setbacks 3.13.2 (d) "If a pool is proposed to extend more than 1m out of ground, the setback of the outer edge of the pool concourse from the side boundary must be equivalent to the height of the pool concourse above existing ground level." "The developers new plan increases the height of the pool , contrary to Council's approval, and blatantly ignores setbacks"
3. "...also propose a 1.5m stepped down wall water feature above the level of the already elevated pool...This wall now extends along the entire boundary to our property... Not a noiseless or a visually aesthetic feature from our side."
4. "The least that can be done to minimise its impact is to have the developers comply with the boundary setback and height elevation laws for swimming pools .. for council to uphold its two previous determinations."
5. Developer argues that it is safer to have pool elevated to improve visibility from within the lower level of the dwelling. It is important to note that the lower level does not service the primary living and kitchen area of the home and the pool at any level would not be visible from those areas.
6. "Council has not denied the application to build a swimming pool and we have never asked Council to do so.. We urge Council to be steadfast in upholding their previous determinations in this matter and not succumb to whatever intimidation has emboldened the developers into submitting yet another plan which ignores the DCP."

Precinct Community Forum Comments

The Section 96 application was referred to the Clontarf Precinct Community Forum with the following comment received.

"This DA has previously been discussed by the Precinct and the Precinct had resolved to ask the Council to reject the application due to the excessive height of the wall at the front and the effect on the streetscape and adjoining properties. The application was approved with a condition imposed that the height of the wall be reduced by 1.5m. A Sect 96 has now been lodged to vary the consent to remove the wall height condition.

RESOLVED

That the Council be asked to reject the S.96 application on the basis that the proposed wall height on the street is excessive, substantially contravening the DCP requirements and out of keeping with the adjoining streetscape. Unanimous."

Building Comments

No objections, subject to conditions

Landscape Architects Comments

No objections, subject to conditions

Planning Comments

The amendments made to the proposal have reduced the visual impact of the proposed pool when viewed from the street. The reduced height, elimination of the balustrade to the street elevation, the new sandstone wall and two tier planting in front of the pool will reduce the apparent height, bulk and scale of the proposal.

One of the reasons for the condition of consent to require a reduction in the pool height was to retain the existing topography and landscape features, including the garden terraces and rock outcrop at the front of the site. The rock outcrop will be disturbed irrespective of the height of the

Environmental Services Division Report No. 46 (Cont'd)

pool. It is considered that the proposed solid wall to the underside of the pool structure presents more favorably to the street than the columns and elevated pool shell originally proposed.

The proposed garden terraces and stepping of the pool below the existing terrace at lower ground floor level of the dwelling will reflect existing topography of the site. However, it is considered necessary to reduced the height of the proposed pool another 350mm to better relate to the steep topography. This can be achieved without significantly impacting on the future use of the pool. This reduction in the height of the pool, will result in the proposal being generally in character with the surrounding development

It is noted that the road reserve forward of the subject site is approximately 8.0m wide.

It is considered that Council's performance criteria in respect of the Streetscape, fences and walls will be satisfied in terms of Council's objectives as follows:

a) to ensure that all development contributes positively to the street and locality and identified in the locality analysis

b) to minimise the impact of walls and fences on the street frontage.

c) to ensure all fences and walls contribute positively to the identified streetscape

d) in some circumstances front fences and walls may not be appropriate and soft landscape alternatives should be considered

The objections from the adjoining owner to the south are noted. The proposed pool is adjacent to the garden area of the existing dwelling on the adjoining site to the south. This garden area is on a slope and is not considered to be usable open space. However, to minimize any potential impacts on the amenity of the adjoining property the setback of the proposed swimming pool from the south side should be increased from 1.2m to 2.3m which together with the reduced height of the pool, would then satisfy Clause 3.12.3 (d) of the Development Control Plan for the Residential Zone (setback equivalent to height). The increased setback of 2.3m will allow sufficient space for effective screening trees and shrubs to be planted between the swimming pool and the side boundary. The pool can be repositioned closer to the northern boundary to maintain the length of the pool and remain in compliance with the north side boundary setback requirement.

It is also considered necessary to reduce the height of the water feature wall from 1.5m to 1.0m to reduce its impact on the adjoining property. It is considered that with the recommended further modifications to the proposal, the proposed location and height of the pool and the water feature will be satisfactory in terms of impact on the amenity of adjoining public and private land. There will be no adverse impacts in terms of overshadowing or view loss.

With the increase in setback from the south side and the reduction in the height of the pool and water feature, the proposal is considered to be consistent with the objectives of Section 3.13 of Councils Development Control Plan for the Residential Zone as follows:

"a) Swimming pools should be located to minimize their impact on adjoining properties, buildings and people, so as to filter noise, maximize privacy and to ensure no spillage or overflow to adjoining properties.

b) Swimming pools should be appropriately located for visual and aural privacy and not adversely impact on the streetscape."

The property is located within the Foreshore Scenic Protection Area and under Clause 17 of the Manly Local Environmental Plan 1988 Council must be satisfied that the development will not have a detrimental effect on the amenity of the Foreshore Scenic Protection Area, In this regard it is noted that the proposed swimming pool is well removed from the foreshore area and when viewed from the Harbor is screened from view by existing vegetation and buildings. The proposed

Environmental Services Division Report No. 46 (Cont'd)

landscape terraces and plantings will screen the proposed swimming pool from its immediate surroundings.

Comments on Clause 10 Objectives under the Manly Local Environmental Plan 1988

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

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

(c) to allow a variety of housing types while maintaining the existing character of the residential areas throughout the Manly Council area;
The proposal adds variety to the type of development in the area and the existing residential character of the area is maintained.

(d) to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the quality of the environment;
The proposal subject to recommended conditions will not result in any identifiable degradation of the environment or amenity of surrounding 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;
The proposal provides for landscape treatment of the front yard area and extensive screen plantings. The proposal is considered to be compatible with this objective.

(f) n/a

(g) to ensure full and efficient use of existing social and physical infrastructure and the future provisions of services and facilities to meet any increased demand;
The occupants will continue to utilize existing social and physical infrastructure.

(h) to encourage the revitalization of residential areas by rehabilitation and suitable redevelopment;
The proposal subject to recommended conditions is considered to be suitable development for the area.

(i) n/a

CONCLUSION:

The proposal has been considered pursuant to Section 82A and 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan, 1988, and the Development Control Plan for the Residential Zone 2001. The proposal is subsequently recommended for approval subject to the development being further amended to reduce the height of the pool and water feature, and to increase the setback from the southern side boundary.

RECOMMENDATION

That the application for a Review of the Determination under Section 82A of the Environmental Planning & Assessment Act 1979 to modify the consent to DA 162/04 for erection of a swimming pool at No.2 Heaton Avenue Clontarf be approved with Condition A of the deferred commencement consent amended as follows;

Environmental Services Division Report No. 46 (Cont'd)

A. Submitted amended plans showing works generally in accordance with Drawing No 30435 –1 (Issue D) by Viridian Design dated 13/05/05, with the following changes:

1. The height of the pool be reduced by a further 350mm to be no higher than RL56.3.
2. The setback of the pool and water feature from the southern side boundary be 2.3m with the pool repositioned northwards to maintain its length.
3. The height of the water feature wall above the pool level not to exceed RL57.3.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 46 *****

<u>Application Lodged:</u>	3 June 2005 (Section 82A review)
<u>Applicant:</u>	Blackmore Design Group
<u>Owner:</u>	Mr & Mrs R L Blackmore
<u>Estimated Cost:</u>	\$700,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 – Residential, within Foreshore Scenic Protection Area.
<u>Surrounding Development:</u>	Two and three storey dwelling houses and residential flat buildings.
<u>Heritage:</u>	Not applicable

1. DEVELOPMENT APPLICATION 250/04 FOR THE DEMOLITION OF THE EXISTING DWELLING HOUSE AND THE ERECTION OF A NEW TWO STOREY DWELLING HOUSE WITH BASEMENT PARKING WAS REFUSED BY COUNCIL ON 22 FEBRUARY 2005.
2. ON 2 JUNE 2005, THE APPLICANT LODGED AN APPLICATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT FOR REVIEW OF THE DETERMINATION.
3. THE SECTION 82A APPLICATION WAS NOTIFIED TO ALL ADJOINING PROPERTY OWNERS AND OCCUPIERS WITH THREE SUBMISSIONS RECEIVED.
4. THE APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR NOREK.
5. A SITE INSPECTION IS RECOMMENDED.
6. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

39
43 45 47
49
34 36 38 40
1 DP 304765
DP 752038
SP 34184
1 DP 77261
1 DP 781514
SP 8183
DP 245138
10
SP 2935
14
MARSHALL
15
16
53
SP 8319
51
SP 13076
55
SP 3802
1 DP 1074144
13
57
9
13
57
9
13
1
A DP 4
2 DP 892389
A DP 100428
TDP 338894
1
2 DP 891134
1 DP 776240
1 DP 777298
DP 74

The subject site is located on the north east (high) side of Stuart Street one allotment to the north of the intersection of Stuart Street and Marshall Street. The land is rectangular in configuration and is currently developed with a single storey flat roofed dwelling with garage under.

Environmental Services Division Report No. 47 (Cont'd)

Consent is sought for the demolition of the existing dwelling house, excavation works and erection of a new two storey dwelling house with a basement garaging and a roof terrace.

The proposed basement level contains car parking and manoeuvring area for two cars (or four vehicles in stacked formation), stairs to ground floor, storm water detention tank room, and services room.

The proposed ground floor contains a living room, kitchen, dining room and guest bedroom and bathroom. There is a front terrace over the basement garage.

The proposed first floor level contains three bedrooms and a study. The two bedrooms at the rear have access to a 2m wide balcony across the width of the dwelling, and the front master bedroom has access to a small front balcony.

A roof terrace is proposed at the south western portion of the dwelling together with a service room adjacent to the stairs accessing the roof terrace.

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	1/250m ²	1/306m ²	Yes
Floor space ratio	0.6:1 (184m ²)	0.75:1 (232m ² excluding garage) 1.05:1 (inclusive of 90m ² of basement garage)	No No
Wall height NW side	7.4 m	7.2m to 7.9m to top of service room and part of wall over stairs to roof top terrace	No
SE side	7.4m	4.5m to 6.8m	Yes
Roof height	1m (parapet)	1m parapet/balustrade over southern part	Yes
Fence height	1.0 metre -masonry 1.5 metre (30% transparent)	500mm	Yes
Setback Front	6.0 metres or consistent with adjoining	6.0m	Yes
Setback Rear	8.0 metres	6.0m ground floor and 8.0m first floor	No (on ground floor)
Setback SE side	2.0m	1.0m to 2.0m	No
Setback NW side	2.0m	1.0m to 2.0m	No
Wall on boundary length –west	10.0m	4.7m	Yes
Wall on boundary height	3.0m	1.5 – 2.7 m	Yes
Open space - total	55%	56%	Yes
Open space - soft	35%	50%	Yes
Number of Endemic Trees	1	1	Yes

Environmental Services Division Report No. 47 (Cont'd)

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Car Parking	2	Possible 4	Yes
Excavation	900mm	900mm but Nil on front western portion of site	No
Landslip and Subsidence	Zone D	Follow good engineering practice	Yes

Applicant's Supporting Statement

In support of the Section 82A Review application, the applicant has submitted a written statement by Don Fox Planning in support of the application, which is available for viewing on Council's file.

Submissions

The Section 82A Review application was notified to adjoining and nearby property owners with four submissions received. The submissions raise the following concerns;

New dwelling built on side boundary
 Impact of building on boundary on future use of their own land
 Loss of privacy as a result of rear first floor balcony
 Loss of light and ventilation
 Habitable roof space
 Proposal contrary to DCP in relation to FSR, height, setbacks and overshadowing.
 Overdevelopment of site
 Why have service room on rooftop?
 Access and repair to wall on boundary
 Excessive bulk and scale
 Need to address drainage

Precinct Community Forum Comments

The June 2004 Meeting of the Little Manly Precinct Committee commented on the original proposal resolved to recommend changes to the roof form to ensure protection of views and to ensure that the new roof is non reflective.

Building Comments

No objections to the proposal subject to appropriate conditions of consent.

Engineers Comments

No objections to the proposal subject to appropriate conditions of consent.

Landscape Architects Comments

No objections to proposal subject to appropriate conditions of consent.

Environmental Projects Support Officer

No objections to proposal in relation to the 8-Part Test subject to suggested management measures.

Environmental Services Division Report No. 47 (Cont'd)**Planning Comments**

The subject site is known as 59 Stuart Street, Manly and is located on the north eastern side of Stuart, Manly. The site is rectangular in shape and has an area of 306.9m². The frontage along Stuart Street is 10.06 metres. The site is 30.48m deep.

The site is currently supports a single storey dwelling house with parking under. A three storey brick residential flat building is located to the immediate east of the site at 53 Stuart Street. There is a two storey building containing four flats to the west at 49 Stuart Street. A two storey dwelling house is to the rear at 10 Marshall Street.

The original proposal was refused mainly for reasons of impact of the proposal on the views of the adjoining properties, the main view loss being from the property immediately adjoining to the rear. Other concerns were in relation to the DCP contravention in relation to FSR, landscaping, setbacks, amount of excavation, and excavation to boundary.

The subject site is located in Zone No. 2-Residential under Manly Local Environmental Plan 1988. The proposed use is permissible with consent.

Amendments – The amended plans have significantly reduced the bulk and height of the roof to improve the view corridor for properties at the rear. Side boundary setbacks have been increased. The floor space and amount of excavation for the basement carpark have also been reduced. The applicant has also submitted an amended sketch plan to Council showing an increase in the setback of the front portion of the building to 500mm from the western boundary and landscaping treatment along the western boundary to improve the western elevation.

The following comments are made in relation to the objectives of the Residential 2 zone in Clause 10 of the Manly Local Environmental Plan 1988:

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

The proposal is for continued use of the site for residential purposes and is therefore consistent with this objective.

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

The proposal has been assessed having regard to the relevant control plan and is considered acceptable subject to conditions.

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

The proposed dwelling is an appropriate form of development for the subject site. The development to the immediate east and west of the site comprises of residential flat buildings.

(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 height, bulk and scale of the development are generally consistent with the general character of the area.

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

There is sufficient modulation in the design to allow landscaping to be adequately provided.

(f) n/a

(h) to ensure full and efficient use of existing social and physical infrastructure and the future provisions of services and facilities to meet any increased demand.

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

Environmental Services Division Report No. 47 (Cont'd)

The proposal will replace a dwelling on the site and is considered to be suitable redevelopment.

(i) *n/a*

Floor Space Ratio

The maximum permissible floor space ratio for the subject site is 0.6:1(184m²). The proposed FSR is 1.05:1 (inclusive of 90m² of basement garage, in accordance with the definition of gross floor area in the LEP). The FSR excluding the including the basement carpark is 0.75:1 (232m²))

The applicant has stated that because the basement carpark is totally below ground level, and the rear portion of the ground floor is below the existing ground level, the height, bulk and scale of the proposed dwelling is smaller than the adjoining developments, and satisfies the objectives of Clause 3.3 (Floor space ratio).

The following comments are made in respect of the DCP objectives regarding floorspace ratio:

a) to control the bulk of building

As a result of the changes made to the roof form and reduction in the proposed FSR, the bulk and scale of the building is now acceptable.

b) to ensure that the scale of development does not obscure important landscape features

There are no important landscape features on the site. There is articulation in the layout of the proposal and sufficient setbacks from the side boundaries to provide landscaping.

c) to be consistent with the existing and future character of the residential area

The development is consistent in its bulk and scale to the adjoining developments in the immediate vicinity of the site.

d) to minimise disruption to views, loss of privacy and loss of sunlight to existing residential development as well as proposed development

There will be a view corridor for the property at the rear where view sharing is considered to be acceptable. Privacy to adjoining properties will be discussed below. The amount of sunlight to the adjoining properties is considered to be acceptable.

e) to provide sunlight access to private open space within the development and maintain adequate sunlight access to private open spaces and habitable rooms of adjacent dwellings

The shape and orientation of the subject site, and the design of the new building will optimise the amount of sunlight to the proposed dwelling. Adequate sunlight access will be maintained for the adjoining properties.

Height

The front 3.5 metres of the roof over the stairs to the roof terrace are approximately 900mm above the permissible wall height. The rest of the dwelling complies with the roof height and wall height. The amended roof form provides a view corridor of the harbour across the site from the rear living room balcony of the adjoining property to the rear. The angle of this view is relatively confined by the existing three storey residential flat building to the south east of the subject site. To the west, the view is constrained by trees and residential development in the mid distance. The primary view of the harbour will not be significantly affected by this minor contravention of the wall height. The impact of the views from the other surrounding properties is also considered to be acceptable. The proposed height is consistent with the two adjoining buildings on either side of the subject site.

There is a small 3.5mx1.5m service room adjacent to the stairs to the roof terrace. The applicant proposes to house the air conditioning units here rather than in the basement. The location of this room will not have any significant impact on views. There are concerns with the possible noise as a result of the air conditioning units. The applicant has indicated that he is prepared to comply with any reasonable conditions to ensure that there is no noise impact on adjoining owners.

Environmental Services Division Report No. 47 (Cont'd)

It is considered that the proposal satisfies the following objectives of the height controls in the DCP.

- a) *to control the height of buildings by specifying maximum wall and roof/ridge heights*
- b) *to provide for building heights that are consistent with the locality*
- c) *to minimise disruption to views, loss of privacy and loss of sunlight to existing residential development*
- d) *to provide sunlight access to private open spaces within the development site and maintain adequate sunlight access to private open spaces windows of living spaces of adjacent dwellings*

Setbacks

Council's performance criteria in respect to setbacks are considered to be satisfied.

- a) *to preserve and enhance the existing streetscape*

The proposed front setback complies with the minimum 6m. The adjoining building to the east at the corner of Stuart Street and Marshall Street (No 53 Stuart Street) is set back only 2.4m from Stuart Street. The proposal is positioned in accordance with the adjoining properties with adequate side and rear setbacks.

Part of the rear of building will be along the western boundary, and the applicant has provided a sketch (SK01 & SK02 dated 9 August 2005) to show the front portion amended to be set back 500mm from the western boundary with landscaping being provided in the 500mm strip. There are no windows to the wall on the boundary and the height easily satisfies the 3m wall height because this portion of the ground floor is partly below the existing ground level. The middle portion of the dwelling will have a central landscaped courtyard and is set back 2700mm. The proposed setback from No 49 Stuart Street is considered to be satisfactory. The setback from the eastern boundary is satisfactory.

- b) *to provide privacy*

The setback and location of windows on the side walls will not have a significant impact on the privacy of the adjoining owners. There is a small balcony on first floor eastern elevation above the ground floor kitchen that will look into the side of No 53. This balcony should be deleted or alternatively provided with an effective privacy screen.

The rear setback on the ground floor is 6m and is less than the 8m required. The first floor is setback 8m. In view of the size of the site and the relationship to the adjoining properties, the setback from the rear boundary is considered to be satisfactory. It is considered however, that the rear balcony over the infringing section of the ground floor must be deleted to avoid overlooking over the adjoining properties. This balcony can be converted to a non trafficable roof over the ground floor area.

- c) *to provide equitable access to light and sunshine*

There is no significant impact on the sunlight to the adjoining properties.

- d) *to promote flexibility in the siting of building*

This criterion has been satisfied. There is adequate modulation in the design.

- e) *to enable view sharing*

Achieved.

- f) *to accommodate planting of native vegetation including endemic trees*

The proposal is capable of accommodating the planting of endemic trees.

- g) *to control the nature of development adjoining specific open space lands and national parks so as to not unduly detract from the nature of those lands and to comply with SEPP19.*

Environmental Services Division Report No. 47 (Cont'd)

Not applicable.

h) to maintain adequate space between buildings to protect the views and vistas from public space

The driveway of No 49 Stuart Street runs beside the western boundary of the subject site, and there is sufficient modulation in the side setbacks to satisfy this objective.

Excavation/ cut and fill

Although the applicant has significantly reduced the proposed excavation to the western side boundary, part of the excavation for the driveway and about 6m of the front of the proposed garage remains on the boundary. The area of the basement carpark is larger than a normal two car garage. Clause 3.6.2 (a) of the DCP states that natural ground level must be maintained within the 900mm of a side or rear boundary. The applicant has provided the following justification for the basement area:

- *does not take additional carspace from street which in summer is badly congested*
- *improves the streetscape and allows additional street planting opportunities because the driveway crossing is 3m rather than 6m.*
- *allows the occupant to safely maneuver the car across footpath in a forward direction*
- *Is a far more attractive solution in that a double garage door is not attractive in the public domain and the proposal has less visible impact from the users of Little Manly beach and public domain generally..*

It is accepted that the carpark is well below existing ground level and does not add to the bulk of the building. The consequence of compliance with the 0.9m setback requirement of the DCP will be a wider garage opening facing the street. The excavation to the boundary is adjacent to the driveway of No 49, and the applicant's reasons for his request for a larger garage in this instance is considered reasonable.

The objectives of Clause 3.6 in relation to Excavation/Cut and Fill are:

(a) To limit excavation, cut and fill activities, particularly on sites that have a slope of 1:5 or greater
The excavation is limited to the basement carpark.

(b) To ensure that development respects topography and the natural fall or slope of the land.
The proposed built form respects the natural fall of the land.

(c) To discourage the alteration or redirection of natural flows of groundwater to existing vegetation.

The proposal which includes provision of drainage measures, is not considered to interrupt or divert the natural flow of surface or subsurface drainage in the area.

(d) To ensure that development not result in sedimentation or blockage of stormwater pipes, waterways and drainage lines.

Council's Development Engineer, subject to compliance with appropriate conditions supports stormwater designs submitted.

(e) To ensure that development does not mar the landscape or landforms degrade or destroy neighbouring bushland.

There are no landscape or landforms or neighbouring bushland that will be affected by the proposal.

(f) To limit the height of retaining walls and encourage softening of these areas through planting preferably using native species.

Satisfied.

Environmental Services Division Report No. 47 (Cont'd)**Overshadowing**

There will be no significant impact on the sunlight access of the adjoining properties. The amount of sunlight available to the adjoining properties satisfies Clause 3.7.2 (a) and (e) of the DCP. The following objectives of the DCP are considered to be satisfied.

- a) To preserve the environmental quality and property value for existing and new residents.*
- b) To minimise loss of sunlight to adjacent buildings.*
- c) To maximise mid-winter sunlight to windows of neighbouring living rooms and to the principal outdoor areas of adjacent properties*
- d) To maximise passive solar design and the use of solar power, and be energy efficient*
- e) To encourage rooms in the roof to reduce overshadowing*
- f) To encourage breaking up of plan sizes and building bulk to admit more sunlight.*

Streetscape, fences and walls

A low 500mm wall along the boundary with a higher wall ranging from 1500mm to 2000mm set back 1 mm from the front boundary with landscaping in between is proposed along Stuart Street. A single garage opening will on the western side. There will be a terrace outside the living room on the ground floor level above the garage. The proposed treatment of this front elevation is considered to be satisfactory and will satisfy the following criteria:

- a) to ensure that all development contributes positively to the street and locality, identified in the locality analysis*
- b) to minimise the impact of walls and fences on the street frontage*
- c) to ensure all fences and walls contribute positively to the identified streetscape*
- d) in some circumstances, front fences and walls may not be appropriate and soft landscape alternatives should be considered.*

Privacy

The concerns with the proposed first floor balconies on the eastern elevation and along the rear of the proposed dwelling have already been discussed. With a condition requiring the screening of the south eastern balcony and deletion of the rear balcony it is considered that privacy to adjoining properties will be satisfactory.

There are objections to the proposed roof terrace. There is an angled blade wall to provide privacy to the eastern property. The western property is located further back from the roof terrace but it is recommended that privacy can be improved if a privacy screen is erected along the western edge of the terrace to stop overlooking into No 49 Stuart Street.

With the changes discussed above, the proposal is considered to satisfy the following objectives of the DCP in Clause 3.10.1 of the DCP.

- a) to screen between closely spaced buildings*
- b) to mitigate direct viewing into windows from others*
- c) to provide screening to outdoor areas*
- d) to encourage increased security between neighbours*

The site is located within Foreshore Scenic Protection Area and under the provisions of Clause 17 of the Manly Local Environmental Plan 1988, Council must be satisfied that the development will not have a detrimental effect on the amenity of the area. The proposed development is considered to be a suitable replacement of the existing dwelling on the site. The proposed height, bulk and scale of the proposal are considered to be in character with the adjoining buildings and to the streetscape.

Environmental Services Division Report No. 47 (Cont'd)**CONCLUSION:**

The proposal has been assessed 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 and is considered acceptable subject to the recommended conditions.

RECOMMENDATION

That Development Application No 250/04 for the demolition of the existing dwelling and the erection new two storey dwelling house with rooftop terrace and basement garaging at 51 Stuart Street, Manly be approved subject to the following conditions:

1. This approval relates to drawings/plans in Job Number DA 01 to DA10 dated 20/04/05 and received by Council 22 April 2005, except where amended as shown in Sketch numbered SK 01 & Sk02 dated 9 August 2005.
2. In order to protect the privacy of the adjoining properties, the first floor balcony on the south eastern elevation is to be provided with a privacy screen 1.6m minimum height above balcony level and the first floor balcony along the rear of the proposed dwelling is to be deleted and replaced with a non-trafficable roof. Plans being suitably amended prior to issue of the Construction Certificate.
3. In order to protect the privacy of the 49 Stuart Street, a 1.5m high solid privacy screen must be erected along the western edge of the roof terrace. Plans being suitably amended prior to issue of the Construction Certificate.
4. If any natural spring is present at the site suitable construction methods shall be adopted to collect the water and discharge it into Council's storm water pipe system by a new double grated drainage pit on the road. The cost of the construction shall be borne by the applicant.
5. That 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 the issue of the Construction Certificate.**
6. The construction of a kerb layback is required. The design and construction shall be in accordance with Council's "Specification for Construction of Vehicular Crossings". The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specification. The work shall be inspected and approved by Council officers. All works shall be carried out prior to the issue of the Occupation Certificate.
7. The existing surplus vehicular crossing and/or kerb layback shall be removed and the kerb and nature strip reinstated **prior to issue of the Occupation Certificate.**
8. No portion of the proposed building or works, including gates and doors during opening and closing operations, are to encroach upon any road reserve or other public land.
9. A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance shall be planked out.
10. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$10,000. The Deposit is required as security of

Environmental Services Division Report No. 47 (Cont'd)

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.**

11. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
12. 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.
13. Any adjustment to the public utility service is to be carried out in compliance with their standards and the cost is to be borne by the applicant.
14. 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.**
15. 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.**
16. 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.
17. 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.
18. 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.

19. 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.
20. No portion of the proposed building is to encroach onto a Public Road or Reserve, except as may be permitted by the Local Government Act 1993.
21. Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

Environmental Services Division Report No. 47 (Cont'd)

22. 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.**
23. 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.
24. 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.
25. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
26. The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
27. 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.
28. A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund **Deposit prior to the issue of the Construction Certificate.**
29. Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate.**
30. 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.**
31. 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.
32. An approved water interceptor shall be provided across the driveway at the street boundary and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.
33. Prior to the sale, transfer, assignment or other disposal of or leasing or parting with provision of any part of the land subject to this approval, a copy of the approval shall be given to the purchaser, transferee, assignee, leasee, occupier or other person of that part of the land.
34. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
35. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
36. 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.

Environmental Services Division Report No. 47 (Cont'd)

37. 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.
38. A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The principal Certifying Authority shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.
39. A system of onsite stormwater detention shall be provided within the property in accordance with Council's "Specification for on-site stormwater management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

The specification can be downloaded from Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council.
40. All demolition is to be carried out in accordance with AS2601-1991.
41. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
42. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
43. 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.
44. 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.**
45. All lights used to illuminate the exterior of the buildings or site shall be positioned and/or fitted with cut off luminaries (baffles) so as to prevent the emission of direct light onto adjoining roadways and land.
46. 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.
47. **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.**
48. 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.

Environmental Services Division Report No. 47 (Cont'd)

49. The works require the following inspection/certification during the course of construction:-

Silt control fences
Reinforced concrete slab x 4
Wet area moisture barrier
Drainage inspection
Driveway crossing/kerb layback
Final inspection

The cost of these inspections by Council is \$1980 (being \$220.00 per 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 \$100.00.

50. Issue of a Compliance Certificate from the Principal Certifying Authority prior to occupation to the effect that:

1. Required inspections have been undertaken and the work has been completed in accordance with the approved plans and specifications, the Development Consent and the Construction Certificate.

2. Documentary evidence relative to:

- wet areas waterproofing certificate
- reinforcement concrete and structural members details
- structural engineers inspection certificate
- survey certificate
- floor/finished ridge level certificate
- hydraulic consultants certificate

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

52. 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.

53. 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.

54. 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.

55. 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

Environmental Services Division Report No. 47 (Cont'd)

- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.
- 56. 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.
- 57. There is to be no noise emitted from any process carried on within the premises that will register more than 5 decibels above the background noise at any point more than 3m outside the premises. In this regard the applicant's attention is drawn to the mechanical ventilation system.
- 58. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

ATTACHMENTS

There are no attachments for this report.

LUM050905ESD_1

***** End of Environmental Services Division Report No. 47 *****

TO: Land Use Management Committee - 5 September 2005
REPORT: Environmental Services Division Report No. 48
SUBJECT: 197-215 Condamine Street, Balgowlah Totem Redevelopment
FILE NO: DA168/05

Application Lodged: 26 April 2005
 Applicant: Stockland Development Pty Ltd
 Owner: Stockland Constructors Pty Ltd & Manly Council
 Estimated Cost: \$126.4 Million
 Zoning: Business Zone 3
 Surrounding Development: Business & Residential
 Heritage: Condamine Street Trees

SUMMARY

1. DEVELOPMENT APPLICATION 168/05 FOR DEMOLITION OF EXISTING BUILDINGS AND STAGE 1 OF PROPOSED BUSINESS/RESIDENTIAL DEVELOPMENT WAS RECEIVED BY COUNCIL 26 APRIL, 2005.
2. COUNCIL ENGAGED AN EXTERNAL PLANNING CONSULTANT TO UNDERTAKE AN ASSESSMENT AND PREPARE A REPORT FOR COUNCIL'S CONSIDERATION.
3. THE CONSULTANTS REPORT IS ATTACHED – AT1.
4. THE APPLICATION IS RECOMMENDED FOR APPROVAL

Locality Plan

Shaded area is subject site



REPORT

See Consultants report AT-1.

Note: Appendix 12 – Community Submissions and
 Appendix 13 – Residents Responses to Building K Amendments,
 are located on the Development Application file and can be accessed through Council's
 Open Access Policy.

Environmental Services Division Report No. 48 (Cont'd)

RECOMMENDATION

Recommendation can be found on page 48 of the attachment AT-1.

ATTACHMENTS

AT-1 Planning Report, Recommendation & Appendixes - E Armstrong 188 page(s)
Planning Pty Ltd

LUM050905ESD_6

***** End of Environmental Services Division Report No. 48 *****

**Environmental Services Division Report No. 48
197-215 Condamine Street, Balgowlah
Totem Redevelopment**

Planning Report, Recommendation & Appendixes - E Armstrong Planning Pty Ltd

TOWN PLANNING ASSESSMENT REPORT

**TOTEM REDEVELOPMENT
197-215 Condamine Street
Balgowlah NSW 2093**

**DEVELOPMENT APPLICATION 168/2005
STOCKLAND DEVELOPMENT PTY LTD**

Prepared for:
Manly Council
Belgrave Street
Manly NSW 2095

Prepared by:
E Armstrong Planning Pty Ltd
Consultant Town Planning
Asquith NSW 2077

August 2005

ATTACHMENT 1

Environmental Services Division Report No. 48 197-215 Condamine Street, Balgowlah Totem Redevelopment

Planning Report, Recommendation & Appendixes - E Armstrong Planning Pty Ltd

Totem Development, Balgowlah

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ATTACHMENT 1

Environmental Services Division Report No. 48 197-215 Condamine Street, Balgowlah Totem Redevelopment

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Totem Development, Balgowlah

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**Environmental Services Division Report No. 48
197-215 Condamine Street, Balgowlah
Totem Redevelopment**

Planning Report, Recommendation & Appendixes - E Armstrong Planning Pty Ltd

Totem Development, Balgowlah

1. APPLICATION SUMMARY

Application Lodged:	26 April 2005
Applicant:	Stockland Development Pty Ltd
Owner:	Stockland Constructors Pty Ltd & Manly Council
Estimated Cost:	\$126.4 Million
Zoning:	Business Zone 3
Surrounding Development:	Business & Residential
Heritage:	Condamine Street Trees

2. INTRODUCTION

In May 2005 Manly Council engaged E Armstrong Planning Pty Ltd to independently assess and report to Council with recommendations in terms of Section 79(C) with a view to granting consents under Section 80(1) and Section 80(4) of the Environmental Planning & Assessment Act 1979 on a Development Application for the "TOTEM" site at Balgowlah. The Application was lodged by Don Fox Planning on behalf of Stockland for the redevelopment of what is a major component of the Balgowlah Shopping Centre.

It needs to be emphasized at the outset that the applicant is seeking consent for Staged Development Consent in terms of Section 80(4) of the Act. In other words consent is only being sought for specific parts and aspects of the development in anticipation that if consent is granted a further Application will be lodged for the remaining aspects of the proposal. It is understood that this is the first time that Manly Council has dealt with an Application under this section of the Act.

This report also includes advice from other experts both within Council and external to Council engaged to assist in the assessment of particular aspects of the proposal which fell within their area of expertise.

As required by the terms of engagement, I have inspected the site on a number of occasions at various times during the day and also at weekends. I have also had the benefit of access to a model of the proposal.

Several meetings have been held with the applicant seeking clarification of certain elements of the proposal due to the staging of the consent and the broad level of information in the documentation. Additional information has been provided.

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Environmental Services Division Report No. 48
197-215 Condamine Street, Balgowlah
Totem Redevelopment

Planning Report, Recommendation & Appendixes - E Armstrong Planning Pty Ltd

Totem Development, Balgowlah

The recommendation of this report after assessing merits of the Application pursuant to Section 79(C) of the Environmental Planning & Assessment Act 1979 and having regard to the relevant planning controls applicable to the site, is that consents should be granted to the Application pursuant to Sections 80(1) and 80(4), subject to conditions.

The most significant of the conditions is that relating to the non commencement of work on the site until a Stage 2 consent is issued. There is one exception to this limitation and that is the demolition work.

3. STAGED DEVELOPMENT CONSENT

As highlighted above the applicant is seeking in this Application, two consents from Council. The more significant of these consents is that provided for in section 80(4) (c) of the Act. This provides that "development consent may be granted for a specific part or aspect of the proposal".

The aspects of the proposal for which consent is being sought in this Application can be summarized as:

- (i) Land uses;
- (ii) Floor Space Ratio (FSR);
- (iii) Building footprints;
- (iv) Building heights;
- (v) Setbacks;
- (vi) Open space areas;
- (vii) Access arrangements; and
- (viii) Quantum of parking.

Separate consent is being sought for the demolition of existing structures.

Aspects of the development which will be the subject of the Stage 2 Development Application include:

- (i) Bulk excavation;
- (ii) Floor plan for residential and retail components;
- (iii) Number and mix of residential units;
- (iv) Car parking layouts;
- (v) Subdivision;
- (vi) Staging of construction;
- (vii) Detailed elevations of all buildings;
- (viii) Details of materials and finishes;
- (ix) Detailed landscaping plans;
- (x) Treatment public places;
- (xi) Storm water, waste management, energy efficiency and sustainability; and
- (xii) Ancillary works.

The other consent currently being sought is pursuant to Section 80(1) for the demolition works. Consent under this section of the Act is the more usual consent and permits the applicant to proceed after conditions are satisfied.

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**Environmental Services Division Report No. 48
197-215 Condamine Street, Balgowlah
Totem Redevelopment**

Planning Report, Recommendation & Appendixes - E Armstrong Planning Pty Ltd

Totem Development, Balgowlah

4. SITE

The site is a major component of the Balgowlah Shopping Centre. It is located to the north of the shopping strip along Sydney Road. Its major frontage is to Condamine Street with access also provided from Sydney Road and Griffiths Street.

The site has a total area of 21,034 square metres and comprises some 21 parcels of land in the ownership of Stockland and Manly Council. The two areas of land owned by Council total approximately 804 square metres.

The survey plan provided with the previous Application indicates that the site has a fall of approximately 11 metres from the southern boundary at Lane 34 to the northern boundary. There is a cross fall from the western boundary to Condamine Street of approximately five metres.

Currently on site are a number of structures including the existing Totem Shopping Centre, a number of specialty shops, a community club, squash courts, four dwelling houses, office buildings and a now closed ten pin bowling alley. There are several large trees on the site which are proposed to be removed as demolition work occurs.

5. PROPOSAL

The Application proposes as a first discrete stage the demolition of all structures on the site.

It is then proposed to construct two levels of below ground car parking, one level of retailing incorporating supermarkets and specialty shops, a podium on which will be erected specialty retailing and the ground floor of a number of residential buildings ranging from two storeys to eight storey. The proposal has a Gross Floor Area (GFA) equal to 45,700 square metres of which some 14,300 will be floor area for retail and commercial uses.

An approximate floor area of 31,400m² will be for residential use in the form of nine buildings. Within these buildings there will be something in the order of 260 dwellings. An indicative layout for residential level two was included in the Statement of Environmental Effects (S of EE).

The GFA on the site of 21,034m² results in a Floor Space Ratio (FSR) of 2.175:1

During discussions with the applicant, a number of changes have been made to overcome concerns of objectors and the assessment team. These relate to the floor area figures cited above. By letter dated 29 July, 2005 there have been reduction in the floor areas of Building F and E, and it is now proposed by Stockland that the use of the podium level of Building C will be non residential rather than residential. This change has not been quantified but the latter makes a difference of approximately 700m² additional retail floor area.

It is proposed to provide some 1005 car parking spaces of which 560 are for the retail/commercial use and the remainder 445 for the residential component of the development.

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At the Podium Level will be the principal public pedestrian access way into and through the site. This includes the potential for a linking the site at the centre through to Woodland Street. Also at this level towards the Condamine Street frontage is the main public plaza of some 1500m².

Vehicular access to the site for retail customers will be principally from Condamine Street via a new set of traffic lights. There will be a secondary access from Sydney Road via the existing access but restricted to left turn in and left turn out. Vehicular access from Griffiths Street will be for the residential component of the development only.

Deliveries for the retail and commercial parts of the development will be provided off Condamine Street at the north east corner of the site. There will be a secondary loading dock off Lane 34.

As justification for the GFA above the 2:1 i.e. 0.175:1m, the applicant argues that there are a number of public benefits derived from this development. These are:

- A public plaza of some 2300m² and other publicly accessible spaces throughout the site;
- Pedestrian network throughout the site to adjacent streets;
- Major upgrading and widening of Lane 34;
- Provision of new and improved public toilets;
- The installation of traffic lights to access the centre in Condamine Street;
- Upgrading of the intersection of Sydney Road and Condamine Street;
- An integrated building form along Condamine Street improving streetscape; and
- A new retail shopping facility to complement the existing Balgowlah Shopping Centre.

6. PREVIOUS APPLICATION

There have been some three previous Applications for the development of the site generally in line with what is now proposed. Each of these has been rejected by Council.

The most recent Application lodged by Stockland in 2004 was the subject of an appeal to the Land and Environment Court. That appeal was unsuccessful. The main reasons for the Court rejecting the proposal related to the non-compliance with Council's planning controls.

As the applicant points out the Court summarized its decision by stating:

"The proposal fails, both because of its disregard for the controls carefully developed after consultation with all relevant parties but also because of the impacts occasioned by the height and scale of the development which are unsatisfactory".

That decision in essence reinforced that the Council's controls in the 1999 Balgowlah Urban Design Control Plan (UDCP) has the same weight as any other Development Control Plan (DCP). This is mentioned to assist in simplifying and reporting on this proposal as there is no assumption that any one of Council's planning controls has greater weight than any other.

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The Application recognizes the decision of the Court and has attempted, through discussions with the Community Reference Group and in paying greater attention to the planning controls, to comply with the parameters set for the site. While there is some non compliance, the proposal is said to be consistent with the community's expectations for the site.

Nevertheless, it is therefore important for the applicant to demonstrate in this Application that it has been designed having regard for those controls and to justify any departures.

7. BACKGROUND

The existing Totem Shopping Centre was originally constructed in 1963. There has been recognition that the Centre no longer meets contemporary standards for retailing.

In 1999 because of the possibility of the Totem site being redeveloped, Council undertook an Urban Design Study known as the "Balgowlah Futures" and adopted the Balgowlah Urban Design Plan and Urban Design Controls as a means of guiding development of the site.

Those Urban Design Controls include statements which indicate Council would support the redevelopment of the Totem site. The aims of the Plan include:

- To create an environment that is friendly, safe and convenient;
- To improve visual and physical amenity of the area in order to encourage more regular and extended visits to the Centre; and
- To create a distinct identity of the Balgowlah Shopping Centre.

The Urban Design Plan states that it seeks to provide a mechanism that will regenerate the shopping centre functionally and visually improve the attractiveness and amenity to others.

8. CONTEXT

The Balgowlah Centre is seen as an important and convenient retailing focus for the residents of Manly, particularly given its somewhat central location and its high degree of accessibility.

The site is surrounded by retailing along Sydney Road frontage which backs onto Lane 34 which is the site's southern boundary. Adjoining the site to the north and to the west, the development comprises residential flat buildings of up to three storeys and a number of single storey dwelling houses respectively. To the east on the other side of Condamine Street are dwelling houses many of which are single storey. There is also the Balgowlah Uniting Church on this side of Condamine Street.

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9. APPLICATION IN DETAIL

There is a need to restate at this point of the report the nature of the Application. That is that the Application is in terms of broad parameters rather than as one would normally expect setting out all of the details including building and car parking layouts etc.

Details of the Application are as set out in the S of EE prepared by Don Fox Planning & ALLEN JACK + COTTIER, dated April 2005.

Volume 1 contains the Town Planning Impact Assessment and Volume 2 contains the reports of other associated consultants, e.g. Traffic (Colston Budd Hunt & Kafes Pty Ltd), Heritage (NBRSP), Acoustic (Acoustic Logic) and the Arborists (Pittendrigh Shinkfield Bruce Pty Ltd).

Volume 3 contains the set of drawings as follows:

➤ Survey Drawing	020312BDY
➤ Site Analysis	DA1 - 01A
➤ Residential Car Park Envelope	DA1 - 10A
➤ Retail Car Park Envelope	DA1 - 11A
➤ Retail Envelope Plan	DA1-12 A
➤ Podium Plan (Retail & Residential)	DA1 -20 A
➤ Building Envelope Plan	DA1-21A
➤ Building Envelope Elevations	DA1 -30A
➤ Building Envelope Elevations	DA1-31A
➤ Building Envelope Sections Sheet 1	DA1 - 40A
➤ Building Envelope Sections Sheet 2	DA1 - 41A
➤ Shadow Diagram	DA1 - 50A, 51A & 52A
➤ Photomontages Sheets 1-4	DA1 - 55A, 56A, 58A & 59A
➤ Pedestrian Circulation & Landscape Zones	DA 1- 60

All dated 6 April 2005.

As a result of discussions, Stockland, in July 2005, submitted a "Supplementary information to the Statement of Environmental Effects". This is attached at **Appendix 1**. This provides a further explanation of:

- Building Envelopes;
- FSR Calculations;
- Height Measurements;
- Height of Specific Buildings;
- Public Open Space;
- Treatment of Lane 34; and
- Integration with Woodland Street lands.

On 19 July 2005 Stockland submitted to Council a "Response to Submissions" report. As stated elsewhere there were some 38 submissions and these related either to specific impacts on adjoining properties or objections to the broader aspects of the proposal.

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The report, a copy of which is attached at **Appendix 2**, addresses the following issues raised in the submission:

- Height;
- FSR;
- Traffic;
- Access to Loading Dock;
- Loss of Recreation and Community Facilities;
- Density;
- Public Open Space;
- Building K (Revised Plan Included);
- Building A;
- Buildings C & E;
- Setback Northern Boundary;
- Appearance & Aesthetics;
- Underground Shopping Centre;
- Noise from Pool;
- SEPP No. 65;
- Economic Impact; and
- Duration of Construction.

These responses will be considered in section 14 at page (21) dealing with the submissions.

Don Fox Planning on behalf of Stockland also provided:

- On 27 July, 2005 - Correspondence relating to justification for departure from the UDC and DCP requirements (**Appendix 3**).
- On 29 July, 2005 – Amendments to building envelopes and calculation of Open Space Areas (**Appendix 4**).
- On 16 August, 2005 – Economic Impact Assessment (To be tabled).

This assessment has included reference to all this material in the relevant section.

10. EXPLANATION OF THE PLANS

It is important to explain the nature of the plans in the Application given that this is a staged consent application.

Contrary to what is normally shown in Development Application plans, the subject plans attempt to define a series of building envelopes. These are fixed in terms of distance to side boundaries, by specifying floor levels, floor areas and ceiling heights.

Building footprints are shown for 9 buildings and spaces between the buildings are defined by specifying a minimum separation in terms of what is acceptable according to the State Environmental Planning Policy No. 65. (see dwg. DA-21).

In order to achieve a higher level of urban design and residential amenity, articulation zones are defined around most footprints of the residential buildings. This will enable articulation of

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the buildings and may allow some adjustments of the footprints. A sample of this adjustment is shown at **Appendix 5**.

Building heights specified on the plans are to the Reduced Level (RL) of the top ceiling. The number of storeys in each building above the podium level are shown on Drawing DA-21. The elevations shown on drawing DA-30 show the Reduced Level (RL) of the ceiling of the top most level.

A rooftop articulation zone is also proposed to allow for the detailing of the rooftop areas as the design development process occurs. An example of this is shown at **Appendix 6**.

Given that the building heights are one of the major issues with the redevelopment proposals for this site, any additional height above the ceiling levels needs to be explained.

Firstly the Supplementary Statement indicates that the proposal includes an allowance of 3.3 metres for the articulation zone above the ceiling height. This is consistent with the Residential Zones DCP which provides a wall height (which more or less equates to a ceiling height) and then allows a roof allowance of three metres.

Whether the full three metres is ultimately taken up in the design is unknown at this time however Stockland have confirmed that there will not be habitable floor space in the roof articulation zone.

The above has been pointed out in order to give Council some certainty as to what is being approved in the event that it decides to consent to the Application, and that what will be eventually built will conform closely to the building envelopes depicted on the Stage 1 plans.

It will be noted that the plans show a nominal three metres between floor levels within the residential buildings. At page 31 of this assessment is a table comparing the ceiling heights of each building to the Council UDC and DCP requirements. This is adequate in terms of internal amenity for the occupants of the residential units and is consistent with SEPP No65 – Urban Design Guidelines. Council is unlikely to be confronted with an application in the future to increase the building heights due to urban design difficulties.

11. ZONING

(a) Local Environmental Plans (LEP)

The site is zoned Business 3 under the Manly Local Environment Plan (MLEP) 1988.

On 23 August, 2003 Amendment No 45 was made to the MLEP relating to the properties at numbers 207 to 215 Condamine Street. This had the effect of changing the zoning from Residential to Business and increasing the FSR from 0.75:1 to 2:1 on these sites thereby making it the same as for the remainder of the Business Zone.

There are no "Development Standards" within the Manly LEP with which compliance is required.

(b) Development Control Plans (DCP)

The Manly DCP for the Business Zones applies to the site and has specific controls relating to the Balgowlah Shopping Centre.

The Manly DCP for the Residential Zones 2003 also applies to the land in part and has controls relating heights and setbacks. These are included as an attachment to the Business Zones DCP.

(c) State Environmental Planning Policies (SEPP)

There are three SEPPs which apply to the site. These are:

1. SEPP No. 11 relating to traffic generating developments. This required the Application to be referred to the Regional Traffic Committee of the RTA. The outcome of that Committee's consideration of the Application is attached as **Appendix 7**.
2. SEPP No. 65 applies to the part of the development comprising the residential flat buildings. A statement is included in the S of EE referring to compliance with the Policy. Council has engaged the services of GM Urban Design and Architecture to assess the compliance with this State Policy.
3. Draft SEPP No. 66 – Integrated Transport which relates to development of a regional scale and access to public transport is also relevant.

(d) Other Relevant Planning Controls

The Balgowlah UDP 1999 came into force on 15 April, 1999 and applies to the site. This includes general requirements as to how the pedestrian, vehicular and built environment might be treated. Given that this is staged consent, the matters covered by this document should be taken into account in the next stage Development Application.

The Balgowlah Shopping Centre UDC 1999. This document came into force on 29 March, 1999. It includes controls which are specifically directed at redevelopment of the Totem site. Those that are relevant to a Stage 1 Development Application will be identified in the assessment process.

The following Council Planning Instruments have been considered and taken into account in preparing the application:

- DCP for Energy Efficiency;
- DCP for Landslip;
- DCP for Waste Management;
- DCP for Access;
- Councils Section 94 Contributions Plan;

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- Council's Social Plan; and
- CPTED.

These will be considered in more detail should the Stage 1 consent be issued.

12. REFERRALS

(a) Engineering

Council's Engineer has indicated that there is no objection to the proposal subject to the inclusion of appropriate conditions.

(b) Landscaping

Council's Landscape Architect comments:

"With respect to the removal of the two Heritage listed Brushbox trees in Condamine Street, which they are in good general health (as good as the better specimens along the street). It is noted that there exists a gap in the Brushbox verge immediately to the south of the two trees (uphill) where the proposed vehicular entry exit is located (hence there is no necessity to remove any street trees).

The two Brushbox trees proposed for removal are not shown on the submitted plans. I would prefer to see the two trees remain as any proposed replacement of this species will never have the same impact, and any proposed location would by definition not be in the same general vicinity due to the close proximity of the proposed vehicular entry/exit with the loading dock (the loading dock location being the argument for the removal of the two trees), hence the integrity of the Brushbox streetscape will be compromised".

In general it is noted that the information provided is limited given the nature of the staged Development Application process. Hence at this stage other than my concerns regarding the loss of the two heritage trees, I have no objection to the Development Application consent sought.

(c) Heritage

Council's Heritage Planner has examined the impacts of the development on the heritage aspects of the site. That report is at **Appendix 8**.

The report identifies the following:

- " (i) The Totem Centre (including houses in Condamine Street) should be photographically recorded.
- (ii) The Totem Poles should be examined for heritage significance.
- (iii) Archaeological relics should be recovered during excavation.

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- (iv) Removal of heritage trees in Condamine Street is not supported.
- (v) Additional Brushbox trees should be planted in Condamine Street to reinforce streetscape significance.
- (vi) Buildings in Condamine Street should not dominate heritage streetscape i.e. Brushbox.

The report recommends that inclusion of some 10 conditions. These have been included in Part A of the recommendation, that is, as requirements associated with the consent for demolition.

Of the above matters, items (iv) and (vi) cannot be covered by way of conditions.

In regard to (iv) being the retention of the Brushbox trees, it should be noted that only two are nominated for removal. Further the UDC 1999 requires all vehicular entry to the supermarket service area and for private vehicles should be off Condamine Street. The distance between these two entry points is to be maximized. It is clearly difficult to achieve this given the slope of the site and retain all of the street trees. Therefore the removal of the two trees is supported. It will be noted that Stockland has agreed to review the design of the vehicular entry at the traffic lights as part of the Stage 2 consent. Whether this will result in retention of the trees is unknown.

On the issue of whether the new buildings will dominate the streetscape, it should be noted firstly that the buildings are set back the additional four metres required by the UDC. Further, while the buildings exceed the 10.5m height limit by as much as 3.8m, the average exceedance is 800mm for Building E and 2.3cm for Building H. As both are less than one floor level, the only way by which this could be reduced is by shortening the length of the buildings. There are no other adverse impacts arising from the lengths of the buildings and therefore any shortening is considered unnecessary.

It will be noted that the applicant has offered to plant additional Brushbox trees to reinforce the streetscape.

(d) Urban Design

Council's Architect Planning & Strategy has review the Application and has commented as set out in the attached memorandum at **Appendix 9**.

The main points can be summarized as:

- In respect to Buildings to Lane 34 that the façade height of Buildings E and C should be at least compliant (with the 10.5m height requirement) to help reduce the scale of the development on the narrow Lane 34 thereby protecting the pedestrian amenity.
- The southern wall of Building C should have an articulation zone to improve the amenity of residents on the opposite side of Lane 34.
- The articulation zone on Building E should not be in the setback zone required in the UDC otherwise the setback will not be achieved.

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- In respect to the proposed Plaza "that the inclusion of the Plaza space is admirable it is felt that having a sheer façade of 24 metres high abutting this space will have disastrous impact on its amenity and greatly reduce its potential use as a place for people. As a result no wall abutting the Plaza should be any higher than the UDC allows and if any height above is required is considered appropriate by Council it should be setback by a distance that will alleviate its overbearing impact on this suburban public Plaza".
- In respect to buildings on Condamine Street the intention of the four metre setback was to protect existing street trees and to accommodate public spaces (Dwg. 4 UDC) and a wall height is clearly 10.5 metres. The agreement for non compliance is not accepted and greater compliance with the UDC and SEPP 65 is required which would have the added benefit of adding solar access to the Plaza.

(e) Environmental Health

No objection has been raised to the proposal subject to conditions relating to plant operations and the control of stormwater. As these relate to excavation activities they are relevant to any Stage 2 consent should Council consent to the Stage 1 application

(f) Building

Council's Building Officer has reviewed the Application and raises no objection to the proposal. A series of conditions are recommended most of which will be relevant to the Stage 2 Application. Others will however be relevant to the demolition of the existing structures such as control of demolition and sedimentation controls. These have been included in the recommendation for consent to the works (Part A of the recommendation).

(g) Waste

Council's Waste Management Officer has commented:

"Part 1 of the DA that has been submitted makes only fleeting reference to waste management issues. It is made clear in a number of areas (Executive Summary Part 5 and Part 6) that waste management issues will be dealt with in part 2 of the DA. At that time, there is expected to be confirmation of the number and location of residential units and the provision of more detailed plans should then enable a more comprehensive assessment of their waste management proposals".

13. EXTERNAL

(a) Urban Design

The Application was referred to Ms Gabrielle Morrish of GM Urban Design to assess the Application in terms of SEPP No. 65 in relation to the design of the residential flat buildings and in terms of the urban design generally.

Ms Morrish's comprehensive report is to be found at **Appendix 10**. This not only assesses the proposal against SEPP No. 65 but also examines the proposal against the Manly LEP, the Manly DCP for the Residential and Business Zones as well as considering the requirements and objectives of the Urban Design Plan and Urban Design Controls for the Balgowlah Centre

Ms Morrish's report concludes:

"Based on the above assessments against the requirements of the various State and Local Government Instruments and provisions we advise that the Stage 1 Development Application as lodged is suitable for approval on Urban Design and SEPP No. 65 grounds subject to the following amendments to the Development Application prior to approval:

- The proposal exceeds the allowable FSR for the site. This is creating additional pressure on the massing of the built form with no demonstrable public benefit at present. Adverse impacts are the relationship of Building F and G to building J in terms of separation and articulation and Building F to the existing properties on Woodland Street in terms of scale transition, Building C to Lane 34 and future development in terms of separation distances and the setback for the pedestrian link from Woodland Street.
- The articulation zones on Building D and E should be removed where they are in close proximity to the south and the DA should be conditioned such that neither building can locate either balconies or habitable areas on the two opposing corners for the height of the building.
- A character board indicating architectural character and overall quality standard should be required as part of this Stage 1 DA prior to approval to illustrate the likely architectural style and quality of materials."

(b) Traffic

The Application was referred to the RTA's Sydney Regional Development Advisory Committee (SRDAC) for concurrence under Section 138 of the Roads Act and SEPP No 11.

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Consideration was given to the Application at its meeting on 25 May, 2005 and concurrence was granted subject to some 13 conditions. A copy of the SRDAC letter is attached at **Appendix 7..**

Principal among the conditions are:

- The RTA supports the new traffic signals in Condamine Street.
- Restricting access from Sydney Road to left in and left out.
- Altering the phasing at the intersection of Sydney Road and Condamine Street.
- The Local Traffic Committee to consider "No Stopping" restrictions in Griffiths Street and review kerbside parking in Griffiths Street.

The Application was considered by the Manly Traffic Committee at its meeting on 27 June, 2005. The report to the Committee is attached at **Appendix 11.**

The following comments from the report are noted:

- The parking provision of 1005 spaces in total is considered satisfactory and that the proposal will provide an adequate number of spaces to meet the demand of each component.
- The access arrangements aim to manage traffic distribution and will have appropriate sight lines in accordance with the relevant Australian Standard.
- The access arrangements are similar to Council's UDC which provides for traffic flowing easterly in Lane 34 and residential access to Woodland Street.
- Subject to compliance with Australian Design Standards the provision for service vehicles is satisfactory.
- The intersection of Sydney Road and Condamine Street will require a right turn phase from Condamine Street into Sydney Road and will operate at a level of Service C.
- The proposed traffic management, the resulting intersection levels of service are considered satisfactory.

The Committee made the following recommendation to Council at its meeting of 18 July, 2005 which recommendations were adopted by Council:

- That the RTA's concurrence, recommendations and comments relating to the proposed Totem redevelopment be received and noted.
- That the RTA's concerns regarding additional delay along Sydney Road be noted.
- That the proposed traffic management as part of the Totem Redevelopment Stage 1 Development Application be approved in principle.
- That a Local Area Traffic Management Plan, including pedestrian facilities and bicycle facilities, be developed to manage local issues as part of the Stage 2 Development Application.

As a result of the above, the Stage 1 Development Application will be subject to a condition that a Local Area Traffic Management Plan be developed by the developer in consultation with Precincts, residents and Council to Council's satisfaction as part of the Stage 2 Development Application.

(c) Utility Services

By letter dated 6 July, 2005 Sydney Water has advised that it has reviewed the proposal and has no "in principle" objection to the proposal subject to the following comments being considered by Council.

Sydney Water requires the developer to:

- Obtain a Section 73 Certificate.
- Correctly size the water and wastewater mains etc.
- Meet requirements relating to building over services.

Sydney Water also comments that a preliminary assessment of the capacity of the services reveals that both the water main and sewer are considered sufficient to accommodate the proposed development. Further, while it does not have statutory power to compel Council to adopt water conservation standards, it recommends that Council introduce these standards to ensure consistency with ESD Principles. It is pointed out that "new development" provides significant opportunities to achieve more sustainable water use thereby avoiding the need for expensive retrofitting programs in the future. On residential and commercial sites the fitting of conservation devices is an important first step in a suite of water conservation measures. Further environmental benefits can be gained by adopting water sensitive urban design principles and whole of water cycle management principles in the design of new development."

These matters will be considered as part of any Stage 2 consent and if appropriate relevant conditions will be imposed.

(d) Urban Design Access Committee

The Urban Design Access Committee viewed the plans and commented that they were not detailed enough to properly advise on access issues. However from what was sighted, all appeared to meet standards at least until more detailed plans are made available and further comment can be made.

14. PUBLIC NOTIFICATION

The Application was advertised from 30 April, 2005 until 30 June 2005. As a result some 38 submissions were received. Copies of these are attached at **Appendix 12**.

The submissions fall into two categories. Those that relate to the overall development and its broad impacts, and those that are made by immediately adjoining owners with specific issues. As a consequence the following addresses the submissions in those two categories.

In summary the following issues in relation to the overall development were identified:

- Buildings too high above the UDC control and show the ceiling levels only.

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- Site not suitable for a building of this magnitude.
- Impact on the visual environment.
- Precedent for excessive development along Sydney Road and other areas.
- Increased traffic congestion (especially Sydney Road and Condamine Street).
- Increased traffic noise and air pollution.
- Increased air pollution.
- Excessive height and bulk.
- Site cannot support 260 units.
- Development is at expense of community club.
- No community facilities.
- Council needs to negotiate with RTA regarding traffic management & pedestrian.
- Safety.
- Site should be a transport interchange.
- Overhead wires in Sydney Road & Condamine Street should be underground.
- Local impacts on privacy, overshadowing and out of character with surrounding area.
- Objects to phased development.
- Not clear when centre will open.
- Loss of views.
- Out of character with surrounding development.
- Not following Land and Environment Court's decision.
- Legal action threatened if economic impact on other centres not addressed.
- Inadequate link from Sydney Road to Plaza.

Objections in respect of specific aspects of the development relate to:

- The scale of the proposed infill residential flat Building K in Griffiths Street and impacts in terms of overshadowing and loss of privacy.
- The impacts and loss of access to light from the proposed infill Building A in Sydney Road.
- The principal vehicular entry / exit to the retail areas being opposite dwellings on the eastern side of Condamine Street.

Stockland has also had discussions with several residents living in Griffiths and Woodland Streets in response to their concerns relating to traffic management.

It has been proposed by Stockland and accepted by those residents that the process to be followed to ensure resolution of their concerns is:

1. Council will complete their assessment of the Development Application as submitted. If the Application is approved the assessment process will verify the traffic solution as proposed (i.e. retail car and truck access off Condamine Street). This will allow Stockland and Council to continue with the planning of the development with some agreed parameters.
2. Council condition their approval of Stage 1 Development Application with the need for Stockland to undertake further studies to resolve the traffic concerns raised. These concerns are; headlight flash from residents exiting at Griffiths Street; traffic that is not local traffic using Griffiths Street; and others as might be raised during the exhibition period.

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3. Stockland will commence work on the Stage 2 Development Application and conditions of Stage 1 Development Application approval.

Stockland also requested and were provided with the submissions lodged. At **Appendix 2** is response dated 19 July, 2005 by Don Fox Planning to the issues raised. Some 26 issues are covered in the response.

Comment:

In this submission the applicant argues that the majority of the concerns have been either satisfactorily addressed by the design or any impacts have been minimized. Additionally in some cases it is indicated that a condition will be accepted to assist in resolving the concerns. These include:

- Undertaking a wind study during the Stage 2 design process.
- Further traffic studies as part of the Stage 2 Development Application.
- Design of the driveway and signalized intersection in Condamine Street during Stage 2 Development Application to minimize impacts on properties opposite.
- Restricting size of vehicles using Griffiths Street.
- Resolving the concerns of owners of 366-370 Sydney Road as to sunlight and ventilation impacts arising from Building A as part of the Stage 2 design.
- Acoustic assessment of potential noise impacts from the pool equipment.

*Because of concerns by residents adjoining Building K in Griffiths Street, amended plans have been prepared for this building and these are attached at **Appendix 4**. Subsequently letters have been received from adjoining owners indicating they are now satisfied with the design of the building envelope for Building K (attached at **Appendix 13**).*

In this submission the applicant argued that the link to Sydney Road could not be made more direct. However in subsequent correspondence dated 29 July, 2005 revised plans for Building E were submitted. These plans shortened this building envelope at its western end by some five metres. This is considered to now satisfy the requirements of the UDC for a visual link between the plaza and Sydney Road.

These alterations to the plans will need to be referred to in any consent by way of condition.

As a result of the submission of amended plans and the offer to resolve other issues by way of condition, the applicant's arguments relating to the concerns of residents are accepted, except for the following matters:

- Height and Planning Controls;
- FSR; and
- Loss of Community Facilities.

The last two of these issues will be further addressed in this report in the Assessment section at pages 24 onwards.

However because of the weight given to the Land & Environment Court decision on the previous Application relating to the first of the above mentioned issues, it is relevant to deal with this major issue at this stage of the report. The applicant by letter dated 27 July, 2005 has

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set out comprehensively its arguments why the proposals are acceptable. The fundamental argument is having noted that Justice McClellan paid particular attention to the public consultation in preparing the UDP and the UDC, Stockland entered into an agreed process of community consultation which at the end of the day resulted in the current building envelopes and heights.

The applicant's submission compares the processes in terms of parties involved, number of meetings and length of process, and concludes that "the consultation undertaken by Stockland was far more intensive and interactive".

It is agreed that the consultation process was as extensive as would have occurred if a new set of planning controls i.e. a DCP were being prepared for the site. However, while it is agreed that the proposal was largely acceptable to the community the UDP and UDC still represent the benchmark against which the proposal should be tested. This is not to say that any non compliance should lead automatically to refusal of the Application but rather ensuring that none of the benefits derived from the application of the UDP and UDC controls are lost.

In regard to the heights and floor space generally, it will be noted that although not strictly compliant they are both much closer to what the UDC and DCP require than did the previous scheme and therefore more likely to be acceptable.

15. COMMUNITY PRECINCT FORUM RESPONSES

(a) Balgowlah Heights Precinct

At its meeting of 10 May 2005, the meeting noted "two building exceed UDC (Urban Design Control) height control by about 6 metres i.e. about 2 stories. Plans indicate that the highest buildings are about 2 metres lower than the Biarritz building and also about 2 metres higher than the Telstra building. "Surprising" small shadow impacts. Geotech Report to be submitted with Stage 2 DA. (Not sure why – Does Stage 1 have any impact in excavations?). Contribution to green or open space given extra demand generated. Is there public open space in the development i.e. open space and landscaping associated with the development? Note comparisons with previous application to demonstrate improvements rather than aiming for a whole new standard. Community is relying on Council staff to assess technical issues including traffic flows, over-shadowing, relationship between stage 1 and 2 etc. What is Stage 2?".

(b) Seaforth Precinct Community Forum

At its meeting of 11 May, 2005 the Forum reviewed the proposal and "felt that this scheme was a vast improvement on all previous schemes". The Forum requested Council to ensure that the Local Area Traffic Management Plan of the development includes the installation of lights at the intersection of Griffiths and Condamine Streets.

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(c) Ocean Beach Precinct Community Forum

"The Forum was of the view that any development should be in accordance with the LEP and DCP".

(d) Little Manly Precinct Community Forum

At its meeting of 11 May, 2005 "The meeting noted and appreciated Council's ongoing efforts to obtain an equitable solution for this planned development".

(e) Fairlight Precinct Community Forum

At its meeting of July, the Forum reviewed the proposal and the "Precinct expresses grave concerns that Stockland have used the usual developer tactics to extract agreement from Council to exceed the DCP – in particular, maximum height requirements".

(f) Ivanhoe Park Precinct Community Forum

At its July meeting the Precinct commented "While this project is out of the Precinct area, would pass on the following comments: The new proposed DA before council was a vast improvement on the original proposal. It was much more in line with its surrounds and the changes to traffic entrances and exits were very positive. The Precinct notes that the provision of a coin based return system or similar for shopping trolleys would be a benefit to the neighbouring areas, and that the provision of a childcare centre within the complex would be of general benefit to the community within the complex and the surrounding areas".

(g) Clontarf Precinct Community Forum

At its meeting of 3 August, 2005 "The Precinct in general supports this latest DA. However the Precinct has real concerns about the traffic impact, both on journeys from Clontarf to Brookvale and Manly, and on any traffic increase in Clontarf resulting from Totem residents and shoppers taking short cuts through Clontarf. This Precinct asks the Council to provide an independent traffic study, and a traffic management plan, covering the whole Seaforth, Clontarf, Balgowlah Heights, Balgowlah and North Harbour area, taking into account the impact of the Totem proposal".

"The Precinct expresses concern about the potential loss of community amenities e.g. health centres, sports facilities, facilities for youth, etc., and whether the opportunity is being taken to increase such facilities, and venues such as cinemas. The Precinct asks the council to confirm that such facilities will be incorporated in the new plan for Totem".

(h) Balgowlah Precinct Community Forum.

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This Forum at its July meeting informally discussed the application and noted the community's apparent acceptance

Comment:

As can be seen from the above responses, the Precinct Forums are generally of the opinion that this proposal is an improvement over previous schemes. There remains however concerns relating to non compliance with the height controls and with traffic impacts.

The question of non compliance with the UDC and DCP's will be assessed later in this report and the traffic impacts will be assessed as part of the Stage 2 Development Application. The request by the Seaforth PCF for lights at the intersection of Griffiths and Condamine Streets has not been supported by Council, the RTA or Stockland.

16. STOCKLAND CONSULTATION – COMMUNITY REFERENCE GROUP

Following the Land and Environment Court's rejection of the previous Development Application, Council and Stockland agreed that an appropriate way to facilitate the redevelopment of the site was through an extensive consultation process during the design development phase.

Council established a Community Reference Group, chaired by the Mayor, Dr Peter Macdonald, and included representatives of a wide range of business and resident interests.

The Group met on some seven occasions and while recognizing that Stockland had responded to the criticisms of the previous schemes, made it clear that it did not endorse the current plans.

The Group noted that the following aspects of the proposal were of merit:

- Shopping facilities will be greatly improved.
- The lowering of the podium provided greater areas of public access and meeting spaces.
- Landscaping will assist in greening the Centre.
- Residential unit blocks were lower but a final decision on heights and number of units yet to be determined.
- Traffic access to and from the site will be simplified.
- Access to the retail areas will be via lights in Condamine Street and the existing access in Sydney Road.

Stockland was made acutely aware that it will have to justify any departure from the UDC and the DCP that apply to the site.

Stockland held a Community Information and Feedback Session on Saturday the 12 February 2005 at the Totem Centre. Attached at **Appendix 14** is Stockland's consultants report on the session.

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Council at the same time released a statement that:

"Neither Council nor the Community Reference Group has endorsed the scheme on display. However, Council is of the view that this proposal is worthy of your serious consideration".

17. COMPLIANCE - STATUTORY ASSESSMENT

As has been identified above, there are a multiplicity of planning documents which apply to this particular site and within these planning documents there are many planning standards and requirements to be satisfied.

In an effort to simplify the assessment and Council's consideration of the issues, this assessment will follow the same format as the Application in the S of EE and address the issues rather than attempt to analyse the development against each of the planning documents. Reference will however be made to each of those documents under the various issue headings. It will be noted that at Appendix C within the S of EE a matrix indicating how the planning documents have been addressed.

The "aspects" of the development to be addressed are those set out on page four of this report and they will be addressed in that order.

(a) Permitted Uses

The first aspect of the application for which consent is sought is the land uses. The only uses nominated in the Application are Retailing, Commercial and Residential Flat Buildings. Each of these uses is permitted within the Business Zone No 3 with Council's consent.

The plans lodged with the Application indicate the various levels throughout the development upon which the above uses will be located.

The only other information included in the Application relating to these uses is the estimated floor area.

The approximate GFA for retailing and commercial uses equates to 14,300m² and is on two levels. There is no breakdown of what percentage is for purely retail and what percentage is for commercial (i.e. office or the like).

These are shown on plans DA1-12 and DA1-20. The greater percentage of the space is on the lower level. The Application states that retailing is on the lower level with retailing and commercial uses at the upper or podium level.

In respect of the Residential component, the Application states that the approximate GFA for residential use is 31,400 square metres. This is to be distributed over nine building foot prints which range from one level to eight levels.

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Again the detailing of these areas is not shown in the Application other than in Appendix D to the S of EE which illustrates an indicative layout to level two and in the Supplementary Report which shows an indicative layout for Building J. It must however be emphasized that these are only indicative and cannot be assumed to be final.

As all of these uses are permitted in the zone and the general distribution of the uses are compatible with surrounding development, there is no reason per se why consent should not be granted to those uses. This is not to say that later in this assessment concerns may be raised as to the quantum of the uses or a concern with a particular location of part of the space generally identified on the plans for a particular use.

If after considering this assessment Council determines that consent should be granted, it would be appropriate to include in any approval reference to the various levels at which the uses could occur.

For example it would not be appropriate to permit the units in the residential units to be converted to commercial office suites at some later date.

Having said that it could be anticipated that there may be other uses which may be permissible and therefore be proposed in either the Stage 2 Development Application or in the future after the centre is completed. As a consequence a further condition should be included requiring that consent is obtained for the use of each individual lot or tenancy within the development.

By letter dated 29 July, 2005 the applicant has proposed, as a means of overcoming impacts caused by the unsatisfactory relationship between Building C and Lane 34 that the residential component on the podium level be changed to 'non residential' uses. While there is no difficulty in accepting an undefined use such as is suggested because the site is zoned 'Business' the question of whether this overcomes the location of the building will be further discussed under the 'Setback' assessment section.

It is noted that the Stage 2 Development Application contemplates the subdivision of the development. In any event that is permissible within this zone and consent to a Stage1 application will not be inconsistent with a future application to subdivide the development at a later stage.

(b) Floor Space Ratio (FSR)

The Floor Space Ratio (FSR) controls for this site are specifying in the DCP for the Business Zone. Clause 2.1 of the DCP states that the FSR is not to exceed 2:1. It will be noted however that this DCP does not specify how much of the floor space ratio is to be assigned for retail, commercial or residential use.

The S of EE states that the FSR proposed is 2.175:1 which is a GFA of some 45,700 sq metres. The excess FSR of 0.175:1 equates to some 3,630 square metres or 8.6% in excess of the permissible quantity. This excludes parking excess to Council's requirements.

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The parking in excess of Council's requirements is said to be some 50 spaces. Based on the standard configuration of car parking areas, one space would equate to some 20 square metres which provides a total of 1,100 square metres additional GFA.

When this is added to the acknowledged excess FSR the total becomes an excess GFA of 4,730 m² or 10.1% of the permissible FSR.

Other than the parking excess it is not clear where this excess floor area is located, that is whether it is excess retail floor area or residential floor area.

The applicant argues that the FSR controls are only in place to give an indication of the overall maximum scale of the development. Further that the approach agreed upon by the Community Reference Group and the Technical Advisory Group was to achieve a design that best responds to the site and its surroundings. In taking this approach it said that while the FSR controls were considered, greater attention was paid to the outcomes in terms of height, bulk and scale.

The applicant argument that the excess parking, being within a basement, does not add to the building bulk and scale has some merit. However it has been long recognized that there is the opportunity to convert excess parking into a commercial or retail use at some future date (e.g. contemplate a commercial car wash in the retail customer car park).

This matter has been discussed with the applicant who has indicated an acceptance of a condition requiring that all the car parking will remain for car parking in the future. Having said that and subject to the above qualification, the excess parking does not warrant inclusion in the GFA of the proposal.

The retail/commercial floor areas are said to have a GFA of 14,300m² resulting in an FSR of 0.68:1. The spaces depicted on the plans for these uses are approximately 16,000m². Given that some areas are not included in the GFA (storage etc) and that the area quoted by the applicant represents some 90% of the measured area, it is considered that the 14,300m² for these uses is realistic. Further, given that two supermarkets and a number of specialty and leisure outlets are proposed, the amount of floor area for those purposes is acceptable.

Turning now to the residential component. It should firstly be noted that while there is no residential FSR for this site, the DCP for the Residential Zones has a range depending upon location in the municipality. The maximum set is 1.5:1 for Sub zone 1 and is applicable to beachfront sites along The Steyne. The next is for Sub zone 2 at a density FSR of 0.75:1 for a number of locations including land in Griffiths Street adjoining this site.

The GFA of residential component of the development when applied to this site results in a FSR of 1.493:1. If Council accepts that this location should have the same FSR as the beachfront area, then the excess FSR may be acceptable. However because this site is not contiguous with that beachfront area, further questioning of the impacts and perhaps benefits of this needs to be canvassed.

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The applicant has also argued that the excess FSR is justified not only on commercial viability but also on the substantial public benefits, the acceptable urban form, and amenity and traffic impacts. Further there are strategic planning advantages to be gained from the proposal and a significant floor area is below ground.

At pages 3 to 8 of **Appendix 1**, the applicant sets out the justification for departures from the UDC & DCP controls including the excess FSR. In particular, reference is made to the public benefits which are cited as:

- (i) improved supermarket facilities;
- (ii) extensive public open space;
- (iii) a plaza of some 2000m² well in excess of the 500m² required, with greater opportunity for a range of uses;
- (iv) active edges to the plaza;
- (v) the plaza might not have been provided without the additional FSR;
- (vi) Council gains an additional \$477,000 S94 contribution from the additional GFA;
- (vii) Link from Sydney Road to Totem Centre;
- (viii) Through site links to surrounding streets; and
- (ix) Minimizing footprints therefore maximizing public spaces.

While it is acknowledged that the above list will improve the attractiveness of the centre many of the facilities provided are required by the UDC or DCP and would have to be part of the development whether or not the excess FSR is included. Additionally these facilities benefit the owner of the site e.g. the new supermarkets.

The only items which may be a significant public benefit are the larger plaza area and the Section 94 Contribution. In regard to the latter, Council should not as it were sell floor space. The Section 94 Contribution is the outcome of whether the proposal is firstly environmentally acceptable and this will be considered later in the report it being noted that Ms Morrish has already indicated that subject to some changes the proposal is acceptable.

This leaves the question of this larger public plaza. While this is a significant public benefit it only justifies higher buildings rather than additional FSR.

Clearly the FSR is a function of the building footprints and the number of levels of the development. Therefore these need to be assessed before the FSR can be said to be acceptable.

Later sections of this report consider the issues of setbacks and building heights. In some cases concerns relating to these two controls have been discussed with the applicant. As a consequence changes have been made which might reduce the floor area and hence the FSR. These changes which are set out as conditions in Part B of the recommendation will result in a reduction of the floor area by some 1700m². This reduces the residential floor area to 29,700m². As a consequence conditions are included in the recommendation limiting the residential component to the above figure and the total Gross Floor Area to 44,000ms. This equates to a Floor Space Ratio of approximately 2.1:1.

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(c) Density

While the applicant is not seeking approval for a certain number of residential dwellings this issue was considered as it may be relevant to why the FSR is exceeded by some 3,600m². The question of whether the suggested number of units (260) is too many has been raised by some objectors as being out of character with the area.

In the same manner as the planning instruments do not specify a FSR control for the residential development of the site, they do not specify a density control. The number of units proposed has, however, implications for many aspects of the development including some for which consent is being sought (i.e. car parking and building bulk).

The proposal assigns some 31,400 square metres of GFA to the residential element. This is equivalent to more than 60% of the total GFA of the proposal. One could argue that this is therefore the dominant use of the site notwithstanding that it is zoned Business. It is also the residential component of the development which results in the height plane being exceeded.

As a means of assessing the residential component, I am assuming that the podium level is zoned Residential and comparing the proposal to the controls which apply in other parts of the Manly Local Government Area.

In areas zoned Residential, in addition to a FSR control, a density control applies. The highest density in Manly is one unit per 50 square metres of site area and this sub zone 1 is generally in the vicinity of the Manly Town Centre and along the oceanfront. Adjacent to this site (in sub zone 2) the residential density is one unit per 150 square metres of site area.

It is proposed to have something in the order of 10% of the development as one bedroom units, 60% as two bedroom units and 25% as three bedroom units and the remaining 5% as three bedroom plus study units. In total it is proposed to have approximately 260 units.

Given that the site has an area of 21,043 square metres, this results in a density of one unit per 81 square metres of site area that is somewhere between the two density sub zones mentioned above.

A further factor which needs to be considered is whether the mix of units' sizes in terms of number of bedrooms is appropriate. As a general rule where a Council is trying to achieve a mix of housing accommodation consistent when providing housing choice objectives, 10% of one bedroom units are seen as a minimum.

Given that this site is within a major shopping precinct and that the site was identified in the Council's Housing Strategy for increased density, the number of units proposed at a density of one per 81m² is acceptable.

However should it eventuate that the overall floor area is to be reduced, the developer has the choice of either reducing the size of the larger units thus enabling the

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developer to achieve the same number of units or reducing the number of units. The applicant has indicated that the mix of units has yet to be determined.

(d) Building Footprints

Consent is being sought for in essence building footprints at four levels. These are:

- (i) Extent of the car parking levels (dwg. DA1-10);
- (ii) Extent of the main retail level (dwg. DA1-12);
- (iii) Extent of the retail areas and residential buildings at the podium level (dwg. DA1-20); and
- (iv) Extent of the residential component (dwg. DA1-21).

In regard to (i) above, the following needs to be noted:

- These are largely underground with the exception of the north eastern corner.
- The slope of the site and the fact that the main retailing is on one level which is partly underground at the Lane 34 end of the site.
- The podium level has to be near ground level at that point to provide a satisfactory pedestrian link to Sydney Road.

As a result, the heights at which the car parking levels shown are considered acceptable.

As far as the lateral extent of the car parking footprints are concerned these are factors of the number of spaces to be provided. As has been said, some 1005 spaces are provided for (approximately 500 on each level). Although this is some 50 in excess of Council's code requirements, there is no concern from a building envelope point of view or from a land use with this excess. If these spaces were to be required to be deleted from the proposal, it is likely that less excavation would occur rather than setting the building back where it is out of the ground. Additionally where it is out of the ground it is setback the five to twelve metres as required by the UDC.

Therefore the footprint for the car parking levels is acceptable.

In regard to (ii) above, the following needs to be noted:

- The applicant has attempted to create the largest footprint possible on this level to achieve maximum retail benefit as is usual for contemporary shopping centres which include supermarkets.
- Part of this retail level is underground.
- This level includes the loading dock area and the access to it which is within the enclosing walls on the northern side.
- The extent of the retail level is setback four metres from the Condamine Street frontage in accordance with the UDC requirement.
- It is setback five metres from the northern boundary as required by the UDCP.

Although there is a non compliance with the setback in the north western corner, the height of that part of the retail floor area is lower than the 10.5m height control plane.

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Therefore the footprint of the main retail level is acceptable.

In regard to (iii) above, the following needs to be noted:

- It is expected that the retail spaces are reasonably fixed in terms of amount of floor area and access to these will be via the public spaces.
- That these footprints will define the open spaces at this level and the public areas e.g. four metres wide space is left to provide public access from Sydney Road to the Plaza area.
- The footprints for both retail and residential uses have been minimized in order to maximize the open parts of the site.
- The setbacks from the boundaries are fixed and comply with the setback requirements of the UDC and the residential Zones DCP (for this level).

There are only two areas of concern. These relate to the setback of Building C to Lane 34, and the relationship between Buildings E & D at the northern end of the access way from Sydney Road. Council's in house architect and the external Urban Design Consultant has commented on these areas and subject to change as recommended the footprints are acceptable.

In regard to (iv) above, the following should be noted:

- The setbacks to the boundaries of the site are fixed.
- Internal distances between buildings refer to distance between outer edges of any balcony as required by SEPP No. 65.
- That a balance between site coverage and building height has resulted in these footprints.

Provided that the footprints do not vary too greatly in the second Application and after making the following adjustments, the footprints at this level are considered acceptable.

Changes need to be made to:

- The western end of Building E to open the access way from Sydney Road to the Plaza consistent with the UDC which required a visually strong gateway to the Totem Shopping Centre; and
- The southern edge of Building C where it adjoins Lane 34. It will be noted that at the level of the Lane residential units will immediately abut. While the Lane is being widened it will only be some six metres wide. The result is that residential accommodation will be constructed on this boundary which is a public space and vehicles passing immediately adjacent to the wall. There is therefore a need to set the wall of Building C back some two metres to allow a perimeter wall to be erected as a noise and security barrier while providing a small outdoor area for the adjacent units.

(e) Setbacks

The setback requirements are specified in the:

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- UDC 1999 at Drawing A4; and
- The DCP for the Business Zones – Part 2 which incorporates part of the DCP for the Residential Zones.

For the purposes of this assessment UDC Drawing A4 will be the principal document relied upon for compliance purposes. However where that Plan is silent on setbacks to the perimeter of the site, the other documents will come into consideration. That is along the western boundary, the side boundaries to the Griffiths Street parcel, the Sydney Road parcel and Lane 34.

The following assesses the setback requirements against those requirements on a frontage by frontage basis. It should also be noted that whereas some of the dimensions shown on the plans have some degree of flexibility, the applicant has stated that the setbacks as shown on the plans are fixed.

On the Condamine Street frontage the UDC requires a four metre setback. This has been provided however balconies 1.5 metres wide intrude into this zone. Provided these balconies can provide the weather protection as claimed in the S of EE, the intrusion is acceptable as it will permit retention of the street trees and a widened footpath. This will be conditioned.

Along the northern boundary at the rear of properties fronting Griffiths Street there are two setback requirements. One being a five metre minimum or one-third wall height at the eastern portion of the site, while for the western portion the setback is 12 metres to any car park structure above RL 39.5. The eastern setback is five metres in compliance with the UDC.

At the western boundary of the site the wall of the main retail level is to be built to the boundary. Its highest point above the ground is approximately three metres. There is nothing in the UDC or the Business Zones DCP to require a setback from the boundary for this use. If the Residential DCP were to apply a setback of one metre would be required. However in normal circumstances a 1.8m fence would be erected on this common boundary and the wall 3m high erected one metre back. Given that the height above a 1.8m fence reduces to nil over some 35m and because the affected allotments slope towards the rear boundary it is considered that the height of the retail level is acceptable.

The only other boundary which requires the setback to be assessed is along Lane 34. While Building E is setback adequately in order to achieve the desired activation of the Lane Building C has no setback to the boundary of the widened Lane. The applicant's attention has been drawn to the impacts which are likely to arise from this relationship. Although it has been suggested in the applicant's letter of 29 July, 2005 that the podium level of this part of Building C be restricted to non residential uses unacceptable impacts will still occur because there is no setback. Council's Urban Design consultant has commented on these impacts.

However and notwithstanding that the UDC set out a number of setback controls for the site, the Business Zones DCP by the inclusion of extracts of the Residential Zones DCP at Attachment 2 also has setback controls. As has been referred to above there is a ratio of building height to boundary setback which applies. In this case the wall height is some 11.3 metres this requiring a setback of 3.9m. In my opinion a setback of 3.5metres for the whole of the southern elevation of Building C will provide the means of mitigating vehicular impacts on the ground floor uses be they residential or commercial. The Urban Design consultant has

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expressed the view that a three metre setback would be adequate and therefore a condition is included in the recommendation B that this be the setback.

(f) Height

The height controls are specified in:

- The DCP for the Business Zones.
- The DCP for the Residential Zones.
- The Balgowlah UDC.

Drawing A5 in the UDC can be accepted as summarizing the height controls for the site.

It will firstly be noted that there is a central part of the site which allows for buildings to reach RL 58.5. For the remainder of the site the height is controlled by a wall height of 10.5 metres above ground level on the boundary. The Land & Environment Court interpreted this control to be a plane at that level across the site. Because the site slopes the 10.5m height plane varies depending upon which frontage is adopted.

The S of EE included a plan showing building outside the RL 58.5 height zone and which buildings exceed RL 58.5. These are parts of Buildings B & D.

There are a number of buildings which exceed the 10.5 metre height plane including those parts of Buildings B & D which exceed the RL 58.5 height plane. To explain the situation the following table identifies those buildings which do not comply with the height controls and by how much.

Level	RL of Floor Level	Ceiling Level (RL)	Building Height in DCP	Excess Height
Residential Car Park	28.0		NA	
Retail Car Park	31.0		NA	
Principal Retail / Supermarket Level	RL 34.5		NA	
Podium Level -- (level 1) Specialty Retailing & Ground Floor Residential	RL 38.5, RL 39.5 & RL 40.5		10.5m on edges above ground	Minor in NE Cnr.
Residential Levels 2-8				
Single Storey Building H		43.3	RL 40-RL 42	3.3 max
Two Storey Building H Building J		46.3 46.3	44.5-42 40-46.5	2m 6.3 max

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Three Storey Building J Building E		49.3 49.3	40.0-46.5 47.5-50.5	9.3 max 1.8m
Four Storey Building C Building E Pt Building D		52.3 52.3 52.3	50.0 50.0 58.5	2.3m 2.3m (6.2m)
Six Storey Pt Building B Building G Pt Building G Pt Building F Pt Building F Pt		58.3 58.3 58.3 58.3 58.3	58.5 58.5 49 58.5 49	(0.2m) (0.2m) 9.3max (0.2m) 9.3 max
Eight Storey Pt Building B Pt Building D Pt Building D		64.3 64.3 64.3	50.0 58.5 50	14.5m 5.8m 14.3
Building A		51.8	52.5	(0.7m)
Building K		45.8	45.0	0.8m

It is accepted and particularly given that the applicant is entitled to a FSR of 2.0:1 and the Council's desire to maximize open public areas at the podium level, that there will be a consequential effect on the height of buildings and some buildings are likely to exceed the height control. It will also be noted that the applicant has moved the taller buildings further to the south and outside the RL 58.5 height control. This has been done on the basis that there is a better relationship to the Telstra building which has been used as the benchmark for this site.

The question is then one of whether any of the excess height results in any adverse impacts and whether the scale is reasonable. It can be seen from the above table that all buildings exceed the height control either in part or whole except for building A.

The extent to which Buildings C, E and H exceed the height control is considered acceptable as the additional height is less than one storey and they are not adjacent to single dwellings. Additionally in the case of Buildings E and H the excess height is partly due to the significant slope of the site along Condamine Street.

Building K is the infill building in Griffiths Street. This was initially stated to be 3.5 storeys, in other words part three storeys and part four storeys. It appears from Fig 347 on Page 68 of the S of EE that the ceiling of Building K may be up to one floor above 121 Griffiths Street and will cast significant shadow over No. 125 Griffiths Street

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than a compliant building. As a result objections have been received from residents on either side of this building. The applicant has submitted an amended design for this building which reduces its height to a part 2 & part 3 storey building. Council has subsequently received written acceptance of the redesigned building from the there adjoining residents. The height of building K is now considered acceptable.

The eight storey sections of Buildings B & D have been moved to the south outside the RL 58.5 Zone. This has the effect of increasing the non compliance. It will be noted that both buildings have a lower section within the RL 58.5 Zone. In one case the six storey section of Building B is consistent with the height limit of RL 58.5 and for Building D the four storey section is some 6.2 metres below it. The impact arising from the eight storey sections of these buildings is minimal and is offset by the reduction in height of the four storey section of Building D within the RL58.5 Zone. As a consequence the height of these buildings is considered acceptable.

Building J is a combination of two and three storeys. The additional height comes about from the fact that it is on top of the podium. It will also be noted that the height control falls away quickly towards Condamine Street along this inside of the site. To achieve compliance the building would have to be either eliminated from the scheme or reduced to single storey. This part of the site is suitable for accommodating a residential flat building and given that the adjoining buildings to the north buildings are three and four storeys and the separation between those buildings and Building J is in the order of 20 metres its height is considered acceptable. The height of building J facing the dwellings in Woodland Street is also considered acceptable as the two storey section complies with the height control and the three storey section is only partially in excess.

Only Buildings F & G remain to be assessed. Parts of these buildings are within the RL 58.5 Zone and part (the northern section) within the 10.5 metre height zone. However unlike what has been attempted with other tall buildings this has been moved to the north that is closer to the adjoining residential properties.

The applicant initially argued that there is a considerable distance between Woodland Street and Building F and as there are trees screening this building its height is acceptable.

As this ignored the significant impact on the properties on the eastern side of Woodland Street the issue was discussed with the applicant. Currently the Woodland St sites are subject to a height control of 6.5 to 8.0 metres. Building F is shown to be 18 metres to the uppermost ceiling. As a result of those discussions the applicant has submitted two options for amending the upper level of building F. Councils Urban Design consultant has reassessed these options and has recommended that two levels be deleted from the first ten metres from the western end of the building in order to achieve an appropriate relations hip between this building and future buildings on the Woodland St sites.

In summary there is only one change being recommended as a result of the height assessment. Building J should be partly reduced in height by 2 storeys at its western end.

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(g) Car Parking

The proposal envisages that there will be some 1005 spaces on two levels - 560 of these are for retail/commercial uses (and include staff parking) and the balance of 445 for the residential component which includes visitor parking.

Council has two parking standards which might be applicable to the residential component of the proposal. That is the DCP for the Residential Zones and the DCP for the Business Zones. Because the former results in a higher number on site, the applicant has adopted that DCP requirement which requires 395 spaces. It is considered that this is appropriate to apply to this development. As it will be noted elsewhere in this report, I have treated the residential component above the podium as if it is within a Residential Zone. Nevertheless there is the question of whether Council should allow the further 50 spaces proposed for residential component. Notwithstanding that the applicant argues that the scale of the residential component is appropriate because it is within a shopping centre and on a public transport route, the additional spaces are considered acceptable due to the fact that being underground there will be minimal impact from these additional spaces and it would be difficult in the future to provide these should the demand grow.

In respect of the Commercial/Retail component, the applicant proposes a number higher than the former Business Zones DCP (495) and marginally higher than the RTA's Guide (550). It is however some 20 less than that required under the recently introduced Amendment to the Business Zones DCP (i.e. 580 spaces).

Balancing these two up, it will be noted that the parking for the residential component is 50 spaces over whereas the parking for the business component is 20 spaces under. The net effect is an additional 30 spaces out of a total of some 1005 spaces.

In my opinion this is satisfactory given the objective of the Business Zones DCP "to ensure there is adequate provision for car parking in further development in the business areas".

The other issue which needs to be addressed is the proposal to interconnect the two parking floors by a ramp and have 50 commercial spaces on the residential level. This is considered acceptable provided that the two parking areas are physically separated so that the commercial/retail customers do not exit the site via the ramp into Griffiths Street. A condition has been included in the recommendation to this effect.

The proposal provides for two floors of parking but without parking layout. It appears that these levels are of sufficient floor area to accommodate the number of spaces proposed. Therefore it will be proposed by way of condition that the layout of the parking levels complying with requirements for space dimensions, aisle widths, disabled and parking for parents with children in prams be part of the Stage 2 Development Application.

(h) Open Space

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The UDC contains two requirements relating to open space and landscaping on the site. Firstly there is the requirement for a central public space with a minimum area of 500m² (possibly glimpsed from Sydney Road) should be the focal point of the Totem Development and secondly there are a number of performance requirements relating to residential development. There are however no specific numerical standards in relation to the provision of open space on the site. Nevertheless as a general rule of thumb and because the residential development has a density in the order of Residential Sub zones 1 & 2, the amount of open space could be expected to be between 45% to 50 % of the site area.

The proposal has a major feature a central plaza of something in the order of 1200m² to 1500m². This has a north south axis and is uncovered. This more than satisfies the UDC requirements. This is supplemented by other public plaza areas which connect to Sydney Rd, Condamine Street and the lower level retail area. In total these areas represent public spaces of some 2300m². These also provide the pedestrian connectivity sought by the UDC.

For other parts of the site it is proposed to have extensive areas of landscaped open space much of which will be available for public access.

The applicant has provided details that these areas in total represent some 10,600 sq metres of both public and private open space. This represents in excess of the site at the podium level if 50% of the articulation zone is included. It will be further noted that the Residential Zones DCP for up to 25% of the open space requirement to be satisfied by above ground areas if certain design criteria are met. Given that the ultimate design in the Stage 2 application will include balconies which would qualify as open space the proposal is likely to provide a quantum of open space which is in excess of Councils standards. While this is benefit justifies having the taller buildings it does not justify the excess FSR. Nevertheless the quantum of open space proposed in the application is considered acceptable.

Councils Architect Planning and Strategy has expressed strong concern over the heights of buildings surrounding the plaza and the impacts caused to the amenity of users of the plaza. GM Urban design has also examined this aspect of the proposal and has concluded the relationship between the buildings and the plaza is satisfactory given the size of the plaza. It is noted that the majority of buildings surrounding the space are an average of three storeys above the podium level and that the building to the north is only two storeys. While it is accepted that there will be some loss of amenity the UDC would allow buildings to be erected to a height of six storeys in this location. Therefore on balance the height of Building D will not be required to be lowered nor will the proposal be required to be amended in respect of the plaza.

(i) Access Arrangements

Consent is sought for the following vehicular access arrangements:

- (i) for retail parking off Condamine Street;
- (ii) for retail parking off Sydney Road;
- (iii) for resident parking only off Griffiths Street;

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- (iv) drop off and unloading areas along Lane 34; and
- (v) retail delivery vehicles including large trailers off Condamine Street.

The UDC 1999 specifies requirements for access arrangements. The above are consistent with those requirements except for two areas. Firstly the UDC envisages access to retail parking off Griffiths Street and secondly it proposes Lane 34 to be one way east bound rather than west bound.

From a planning perspective and notwithstanding there is some objection to the placement of the major access off Condamine Street and to the impacts from vehicle using the Griffiths Street exit, the proposed arrangements are considered acceptable. Moreover the RTA and Councils Traffic Committee support the arrangements subject to conditions which require further investigation as part of the Stage 2 Application.

In regard to the concerns raised by objectors the applicant has offered to investigate these issues as part of the Stage 2 DA and conditions have been included in the recommendation to achieve this review.

In terms of the UDC aim to develop and re-define a linked and coherent set of public spaces through and around the development block and the Design Controls in Section 4 of the UDC to have a visually strong link between the Totem Centre and Sydney Road, the Application includes a plan (DA1-60) illustrating pedestrian circulation and publicly accessible landscaped areas.

It is considered the pedestrian linkages are consistent with the requirements of the UDC and subject to refinement in the Stage 2 application can be accepted in principle.

It will also be noted that the pedestrian circulation provides for a pedestrian access through to Griffiths Street via a set of stairs and for an extension to Woodland Street as suggested in the UDC. This extension is not proposed as part of this proposal and could only occur in the event that those sites are redeveloped.

(j) Social Impacts

Although consent is not being sought for community facilities it is necessary to consider the social impacts of a development of this scale under Section 79C. This is particularly the case given the loss of both the ten pin bowling centre and the squash courts. The future of the Masonic Club is also unknown. It should also be noted that the objections to the proposal raised concerns relating to the loss of the above facilities.

The Statement of Environmental Effects deals with Social Impacts at pages 106 to 119.

In regard to the Masonic Club Stockland has stated that they are actively assisting the Club to maintain a facility in the area.

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In terms of the loss of the two sporting facilities from the centre the applicant has shown that there are a number of alternative facilities within a two km radius to meet that demand.

In the previous Development Application it was pointed out that while active recreation facilities may be available there was little provided for in terms of passive recreation facilities. "The possibility of incorporating a community within the development can be reviewed with the Stage 2 DA when the Uniting Church objectives become clearer and in consultation with Council the demand for such a facility becomes clearer. A community facility that is adaptable in its function could be provided on the podium level off the plaza could be used as a drop in centre for youth or as a community room for all ages. Further it is also appropriate to defer this issue for consideration with the implementation of the Sec 94 Contributions Plan.

It is considered having regard to the above that the issue of social impact has been reasonably addressed at this time and as the applicant points out these matters can be the subject of the refinement of the proposal at the Stage 2 Application.

(k) Economic Impacts

Due to possible economic impacts of the proposal and concerns raised in submissions an Economic Impact Assessment was undertaken by Dimasi Strategic Research on behalf of Stockland. This assessment was submitted to Council on 16 August, 2005, a copy of which will be tabled at the meeting.

The report:

- projects future population and retail spending within the trade area (population to grow by 4400 to 2016 and expenditure to grow by \$66 million in 10 years);
- examines the main competition to the two new supermarkets particularly Warringah Mall and the Manly Town Centre;
- assesses likely trading impacts on other retailers in the surrounding areas; and
- takes into account the economic effects, i.e. employment.

The report concludes there is a need for additional supermarket floor space in Balgowlah when compared to the Sydney and Australia average spending per person. For the Balgowlah trade area this demand is estimated at 18-20,000m² of which Totem will only take up some 37%.

The analysis concludes that the level of impact on retailers throughout the trade area is likely to have, on average, a very slightly reduction in sales in 2007/08 as a result of the Totem expansion.

Comment:

The report is considered comprehensive in identifying impacts arising from redevelopment of the Totem site. The major benefit will be to retain spending which is currently escaping to Warringah Mall. There will also be benefits to surrounding residents in terms of convenience to this level of retailing.

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It is accepted that without some form of redevelopment the centre will continue to decline as shoppers are attracted to other newer centres. This would result in a worse outcome for local traders than any minor impact which the current proposal provides.

It will be noted that the zoning allows a retail centre of this scale to be developed. It is therefore difficult to refuse an application such as this on economic grounds particularly when the analysis shows that its impact in competition terms on surrounding retailing centres is relatively minor.

Therefore on balance it is considered that the economic impacts are such that the proposal need not be scaled back in floor area or use particularly having regard to the other economic benefits including local employment and less car usage which will flow from the development.

18. SPECIFIC DESIGN REQUIREMENTS

(a) SEPP No. 65

Design Quality of Residential Flat Buildings.

The requirements of this SEPP have been comprehensively assessed in the attached report by GM Urban Design and Architecture relating to:

- Context;
- Scale;
- Density;
- Energy Efficiency;
- Amenity; and
- Safety & Security.

Certain components of the development require change and other requirements will be assessed as part of the Stage 2 Application. Nevertheless the proposal is considered suitable for approval.

(b) Urban Design Plan 1999

This Plan in addition to providing controls for the site which have been dealt with elsewhere in this report contains a number of specific requirements for this site. These include for example:

- street planting must be strengthened;
- public toilets should provide a better service ;
- pedestrian spaces must be clearly integrated by distinct paving to connect the whole centre; and
- demonstrating compliance with the Council's Conservation Strategy.

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These are important matters of detail which need to be addressed. An approval by Council of the Stage 1 Application will not prevent achievement of compliance with these requirements.

19. SECTION 79C ASSESSMENT

(a) Assessment of Demolition

All structures on the site are proposed to be demolished. These are shown on the survey plan provided by the applicant and dated 31 October 2002.

If the Council accepts the recommendation of this report with respect to the granting of consent is pursuant to Section 80(4) of the Act that is for the development in broad terms, there is no reason why Council would not allow works to be demolished.

There is the disadvantage that if the existing buildings remain, there are opportunities for vandalism and for vermin to inhabit the property. It is therefore in the interests of the public that the demolition occurs as soon as possible. The applicant has indicated that within two months of this consent being granted demolition work will commence.

There are however a number of Council requirements relating to demolition work which have to be observed, most important of which is that a Demolition Plan of Management be submitted to Council.

This will of course include the management and movement of vehicles during the demolition and hours of work. It will be noted that it is intended that excavation works will occur during the Stage 2 Development Application.

While a security fence will be erected around the perimeter of the site it is considered that not all of the site should be inaccessible for the public. Firstly Lane 34 will have to remain open to provide access for those properties fronting Sydney Rd and secondly there does not appear to be any significant reason why Council's land fronting Sydney Rd cannot continue to be used as a small plaza. It will be recommended that temporary toilet facilities be provided on this land at the applicant's expense following commencement of demolition work (which includes the existing public toilets) and the opening of the new centre.

It will be the recommendation of this report that Council grant development consent pursuant to Section 80(1) of the Environmental Planning & Assessment Act for the demolition of the existing structures on the site.

(b) Assessment of Stage 1 Application

The assessment has shown that when assessed against the Manly Local Environmental Plan that the proposed land uses are permissible with Council's consent and consistent with the planning objectives for this area.

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(c) Section 94 Contributions

Council in April 2005 adopted the Manly Section 94 Contributions Plan for the purpose of levying contributions on developers for public services and amenities required as a consequence of development.

Section 1.4 of the Plan states that it applies to all land within the municipality and because of the small size of the municipality, that access will be available to all services and facilities provided.

The contributions are levied for both commercial and residential development.

At this stage when the exact floor area and the number of units are unknown it is not possible to calculate what the Sec 94 contribution might be. Therefore this will be determined as part of the Stage 2 Application.

(d) Section 79C Considerations

The following is an assessment of the proposal in terms of Section 79C of the Environmental Planning and Assessment Act.

Section 79C (1) (a) (i) – The provisions of any Environmental Planning instrument.

The proposal has been assessed against the provision of The Manly Local Environmental Plan 1988 including amendment No. 45. All of the uses proposed are permissible with Council's consent.

The proposal is consistent with the objectives of the Manly LEP and in particular:

Clause 3(1)(d) to encourage further development of the commercial centres to cater for the retail, commercial, entertainment, welfare and recreation needs of residents and visitors.

There are no other controls in the Manly LEP with which compliance is required.

The proposal has also been assessed against the provisions of SEPP No. 65 and has been found to have short comings in terms of meeting the Design Principles and Design Code.

The objectives of draft SEPP No. 66 relating to locating developments so as to maximize the potential for travel to and from the development by public transport have been satisfied and the development is consistent with that Policy.

The assessment of the development against the provisions of SEPP No. 11 – Traffic Generating Development has been undertaken by the RTA's Regional Traffic Committee. It has endorsed the proposal and recommends the imposition of conditions

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needed to resolve impact issues prior to consent being granted for the Stage 2 application.

Section 79C (1) (a) (ii) – The provisions of any draft LEP

Enquiries at Council have revealed that there is no draft LEP which affects the site.

Section 79C (1) (a) (iii) – The provisions of any Development Control Plan

The Application has been assessed against the:

- DCP for the Business Zones
- DCP for the Residential Zones; and
- Balgowlah UDC.

The above assessment has shown that while there are a number of non-compliances with the requirements in those planning instruments in particular

- (i) exceeding the FSR for the Business Zones and;
- (ii) exceeding the height controls for the residential component; and

As a result of the imposition of the recommended conditions which reduce the scale of the residential component the excess FSR would be in the order of 5%. On site of these dimensions it is likely that any impacts arising from this excess FSR can be mitigated in the Stage 2 consent. The applicant has already demonstrated this by altering the envelope for Building K.

In regard to the non compliance with the height controls the assessment has shown that the position on the site of the principal buildings which do not comply being Buildings B & D have little impact on the surrounding area. There is a greater concern for the height of Building J and a condition has been recommended to partly resolve that concern. It is anticipated that the detailed design of all buildings in the Stage 2 Application will further reduce any remaining impact concerns. Examples include the articulation of the building form and landscaping.

As a result and notwithstanding the above non compliances the proposal as a Stage 1 Application is considered acceptable. It being noted that it satisfies aims and objectives of those documents and in particular the UDC which states that development must:

- (i) attain a high standard of architectural design for maximum community benefit (i.e. the public plaza);
- (ii) develop and re-define a linked and coherent set of public spaces through and around the development block;
- (iii) create active street level use along the built frontage to Sydney Road and Condamine Street (and in this case around the plaza); and
- (iv) improve pedestrian amenity and service efficiency of Lane 34.

Section 79C (1) (a) (iv) – Matters prescribed by regulations

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There are no matters prescribed by the regulations relevant to the Stage 1 Application however the regulation make provision for demolition work to be carried out in accordance with the provisions of Australian Standard AS 2601.

Notwithstanding that the applicant states an intention to prepare a Hazardous Substance Audit and Management Plan and a Work Plan, Council's normal condition relating to demolition is included in the Part A recommendation.

Section 79C (1) (b) – Likely impact of the development

The likely physical, social and economic impacts of the development have been assessed in earlier sections of this report and in the report by Ms Morrish of GM Urban Design & Architecture P/L.

The impacts arising from the retail/commercial component are largely minimized due to the greater portion of these areas being underground. Parking for these uses is provided in accordance with appropriate standards and therefore no overflow parking is expected to occur in surrounding streets. Vehicular access is in accordance with the requirements of the Urban Design Controls and will be subject to further refinement in the Stage 2 Development Application.

Traffic impacts will be further assessed at the Stage 2 Application however the "in principle" approval given by each relevant traffic body suggests that solutions can be found to the major concerns.

It is recognized that the development has positive impacts in terms of upgrading what has become a dated retail centre. Further the open space areas particularly the central plaza area results in a more attractive area for the community notwithstanding the loss of some recreation and community facilities.

The component of the development having the greatest impact in terms of the immediate surrounding properties and the wider community and visual impact is the residential component.

By and large the setbacks to the surrounding areas are such that adverse external impacts have been minimized. The only area where change is required is the relationship between Building C and Lane 34. Ms Morrish has recommended that this be increased as does Council's Architect Planning & Strategy and if not for different reasons. The internal relationship between buildings and hence the amenity of future residents is governed by SEPP No. 65 considerations. The plans show separating dimensions consistent with SEPP No. 65 and refinements to ensure compliance will occur as part of the Stage 2 Application.

Although the heights of the buildings exceed that provided for in the UDC and DCP's the overshadowing impacts and privacy impacts have been minimized by the placement of the taller components to the southern and central part of the site.

The only areas where height is still of concern are in respect of Buildings A, F and K. In respect of Building A the concern relates to impacts on the adjacent units to the west however these can be addressed in the Stage 2 Application. The applicant has

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submitted amended plans which lower the heights of Building K and some of the adjoining owners have supported these plans. Building K will be comparable in height to the adjoining development. The heights of buildings along the western side of the site in relationship to the land in Woodland Street are of greatest concern in terms of dominating the skyline. As a result conditions have been recommended to lessen this impact.

From further afield although the site will be identifiable because of the tall buildings they will not be as noticeable as previously proposed and the proposal is now more in keeping with the scale of the surrounding area given that the building form transitions down to the scale of the surrounding development.

As a result of changes to the plans by the applicant and the recommended conditions the Floor Space Ratio is only some 5% above that permitted. This order of variation is not expected to cause any undue impacts particularly given that the number of units proposed is considered to be appropriate and is at a density less than that permitted in other parts of the municipality.

Other impacts such as visual appearance, noise, amenity, safety, wind, privacy and pedestrian convenience will be addressed as part of the Stage 2 Application.

As a consequence it is considered that subject to the conditions recommended that the impacts from the proposal have been adequately addressed and minimized.

Section 79C (1) (c) – Suitability of the site for the development

The site is considered suitable for the development having regard to its zoning and particularly the objectives of SEPP No. 66 relating to major development on public transport corridors. It should be noted that the site is currently being used for the purposes proposed albeit for a development of considerably lesser scale.

Section 79C (1) (d) – Submissions

The submissions received by Council show that while there is substantial support for the proposal there are many residents who consider that the impacts are still unacceptable

The submissions have been considered in two groups:

- those that raise concerns arising from the development as a whole and with broader implications (i.e. the non compliance with the FSR etc); and
- those that relate to specific impacts on adjoining properties.

In regard to the latter, the applicant has attempted to mitigate some of the impacts on adjoining premises by redesigning part of Building K and have offered to review vehicular access arrangements at both Condamine Street and Griffiths Street to determine where further measures can be taken to lessen those specific impacts. It is agreed this can be part of the Stage 2 Application. The objections from the residents

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in the Sydney Road units can also be addressed when the detailed design of that part of the proposal occurs in the next stage. It should however be noted that envelope for Building A complies with Council's DCP for the site in terms of height and is to be lower than the height of the objectors building.

It is therefore considered that the benefits flowing from the proposal if it were to proceed would outweigh any disbenefits which might be occasioned by the development not proceeding. In particular Council's UDP 1999 were prepared as a means of facilitating redevelopment of the Centre. An extensive consultation has resulted in a significantly fewer objections to the current scheme and there are a number of Precinct Forums which although appearing to have reservations acknowledge the proposal is better than previous proposals.

Section 79C (1) (e) – Public Interest

While it is in the public interest that the centre be redeveloped, as envisaged by the Council's UDP for the Balgowlah Centre and the Balgowlah UDC, it is also in the public interest that the development being proposed has regard for the Council's planning controls and guidelines. It needs to be borne in mind that the Council has prepared and adopted specific planning controls for not only this centre but also this site. The applicant has pointed out that there has been an extensive consultation process involved in arriving at this particular proposal and one which equates to the process which led to Council UDC. As a consequence and while it is important in the public interest that compliance with those controls be maintained the support for the current proposal may reflect the community's current expectations for the site. It will be noted that it is some six years since the UDC was adopted and while they still remain valid this Application could be regarded as a refinement of those controls which result in a more acceptable design outcome. This is a unique site particularly in terms of size and location. Therefore the extent to which there is any relaxation of the planning controls will not create a precedent. In any event the non compliances are less than a 10% variation or the outcome will be equal to or better than if the development was forced to comply.

Therefore, on balance the public interest will be served by the granting of consent to the demolition of the existing structures and to the Stage 1 Application subject to conditions as recommended.

20. CONCLUSION

The Application sought consent for a number of aspects of the ultimate proposal. Of those, this assessment has shown that the following are acceptable:

- The GFA of 14,300 square metres for the retail/commercial uses;
- The location of the retail/commercial uses at RL 34.5 and at the podium level;
- The use of the podium level for a mix of public and private open space, retail/commercial use;
- The two levels of car parking below the main retail level for car parking;
- The provision of 1005 car parking spaces;

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- Approximately 560 car spaces for the retail/commercial component including staff parking located in the basement and Lane 34;
- A total of 445 parking spaces for the residents and visitor associated with the residential component;
- Vehicular access to and from the residential parking via Griffiths Street;
- Vehicular access and egress to the retail parking from Condamine Street and restricted access /egress via Sydney Road; and
- Service vehicle access for retail delivery vehicles via a dedicated access from Condamine Street only.

The following aspects of the proposal require modification:

- (i) In respect of Building heights which are generally acceptable except for Building F which is to be reduced in height in part by two levels.
- In respect of the building footprints which are generally acceptable except for:
 - (i) Building E which is to be reduced in length at its western end by five metres to provide a more direct visual connection from Sydney Road to the Plaza.
 - (ii) Building C which is to be setback a minimum of six metres from centre of the widened Lane 34.
 - (iii) Buildings F & G are to be reduced in width to provide adequate amenity for residents.

In respect of the GFA sought for the residential component it will be reduced from the 31,400 square metres (as will the FSR of 1.493:1) as a result of the above changes. The FSR will be in the order of 2.1:1

The proposal is considered appropriate for the site given its location within Manly second largest business centre and when carried out should meet the community's and the Council's aspirations for a greatly enhanced and convenient centre. It is therefore recommended that consent be granted to the application to demolish the existing structures and the Stage 1 aspects of the application.

21. RECOMMENDATION

In respect of the application by Stockland Development Pty Ltd for the demolition and reconstruction of a mixed retail/ commercial and residential complex on a site generally known as the Totem Shopping Centre at Balgowlah that:

- A:** Consent be granted pursuant to Sec 80(1) of the Environmental Planning and Assessment Act, 1979 for the demolition for all structures on the site the subject of Development Application 168/05 at 197-215 Condamine Street known as the Totem Site subject to the following conditions:
1. This consent relates to the buildings shown on the survey plan provided by Stockland and referred as Drawing No. 224100 and dated 31 October, 2003.

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2. Council's land off Sydney Road, being Lot 3 DP 701218, shall be excluded from the demolition site.
3. The applicant is to provide and maintain at no cost to Council temporary public amenities within the Council's land referred to in Condition 2 until such times as the existing facilities to be demolished off Condamine Street are replaced. The number of toilet facilities to be provided is to be approved by Council.
4. Lane 34 shall be excluded from the demolition site in order to maintain access to properties fronting Sydney Road.
5. Prior to the commencement of demolition work a Vermin Control Management Plan shall be prepared and submitted to Council for approval. If approved the Plan shall be implemented from the commencement of demolition and until the site is developed and open to the public.
6. Prior to commencement of demolition works a Traffic Management Plan shall be prepared and submitted to Council for approval. Such Management Plan is to address vehicle numbers, routes, points of access and workers' parking arrangements.
7. The applicant will be responsible for reinstating public roadways surrounding the site where damage is caused by vehicles associated with the demolition work.
8. A single entrance is permitted to service the site for demolition. The footway and nature strip at the service entrance shall be planked out.
9. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any demolition works, payment of a Trust Fund Deposit of \$200,000. 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 e.g., cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least seven days prior to the commencement of any work on site.
10. Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per Australian Standard AS 1742.3, "Part 3 - Traffic control devices for works on roads".
11. 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.
12. 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

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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.

13. The implementation of adequate care during demolition to ensure that no damage is caused to any adjoining properties.
14. An adequate security fence, is to be erected around the perimeter of the site prior to commencement of any demolition works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.
15. A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund Deposit prior to the issue of the Construction Certificate.
16. All demolition is to be carried out in accordance with AS2601-2001.
17. No approval is expressed or implied for excavation works.
18. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
19. Demolition must be carried out by a registered demolition contractor. Documentary evidence of registration must be submitted to Council prior to the commencement of demolition work.
20. During and following completion of demolition works measures shall be put in place to ensure no dust, rubbish or other material is blown off the site.
21. In relation to the demolition of the existing buildings on the site:
 - (i) A report is to be submitted to the Principal Certifying Authority detailing whether any hazardous materials exist on the site. (eg. lead in paints and ceiling dust or asbestos).

Note: If no hazardous materials are identified, the demolition may proceed in accordance with the following conditions including dust control and WorkCover requirements.
 - (ii) Should any hazardous materials be identified, as per item (1), a Work Plan shall be submitted to Council in accordance with AS2601-2001 - Demolition of Buildings. The report shall contain specific details regarding:
 - (a) The type of hazardous material;
 - (b) The level or measurement of the hazardous material in comparison to National Guidelines;
 - (c) Proposed methods of containment; and
 - (d) Proposed methods of disposal.

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- (iii) Where high levels of lead, cadmium, zinc, copper, asbestos, mercury and acid sulphate soils are found in a premises to be demolished, Item (ii) should be followed, and the soil sample from site should be tested by a NATA Registered Laboratory before and after demolition. This will determine whether remediation of the site is necessary.
 - (iv) The demolition must be in accordance with AS2601-2001.
 - (v) Any asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
 - (vi) All work involving lead paint removal must not cause lead contamination of air or ground. Particular attention must be given to the control of dust levels on the site.
22. A barrier or temporary fence shall be erected around the existing street trees to protect them from damage during construction.
23. No existing street trees shall be removed without Council approval. Where such approval is granted, the trees shall be replaced at full cost by the applicant with super advanced trees of a species nominated by Council's relevant officer.
24. A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier prior to the commencement of demolition works. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the demolition works.
25. Prior to the issue of the Construction Certificate, the applicant shall submit details of protective hoardings, fences, and lighting which are to be provided during demolition, excavation and building works in accordance with the requirements of the Department of Industrial Relations, Construction Safety Act and the WorkCover Authority.
- Note:** On corner properties, particular attention is to be given to the provision of adequate sight distances.
26. Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.
27. All materials stored on site shall be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
28. All demolition and excess construction materials are to be recycled wherever practicable.
29. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.

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30. Building or construction work must be confined to the hours between 7.00 a.m. to 6.00 p.m., Monday to Friday and 7.00 a.m. to 1.00 p.m., 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 1.00 p.m. to 4.00 p.m. 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.

31. 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.
32. A photographic archival quality record shall be made of all the proposed buildings and structures to be demolished. All these buildings are to be photographically recorded in accordance with the NSW Heritage Office Guidelines **prior to commencement of works or any demolition works**. The record is to be in an A4 format and shall include plans, the streetscape context, their street numbering and black and white photographs, their negatives and colour photographs, two copies of which are to be submitted to Council **prior to issue of the Construction Certificate**. Photographs are also to include the heritage listed street trees, the interior and exterior of all the buildings and their setting. The record is to be prepared by a heritage consultant and include a brief outline of the history of the locality and the buildings. When received, a copy will be sent to the Manly Local Studies Library.
33. The heritage listed Brushbox (*Lophospermum confertius*) street trees in Condamine Street are to be retained due to their identified aesthetic value and significant contribution to the streetscape of Condamine Street. An alternative design and lower building height is required to ensure retention of these trees and their dominance in the streetscape setting. **Details of which are to be submitted to Council for approval prior to issue of the Construction Certificate.**
34. Additional semi-mature Brushbox are to be planted in Condamine Street to reinforce the significance of the existing street trees. **Details of which are to be submitted with the Landscape plan with Stage 2 of the development.**
35. The development is to incorporate systems to improve the health and longevity of these trees. Protective buffers are to be placed around the heritage listed trees of Condamine Street to ensure that damage to the trunks and root systems does not occur during demolition/development of the site. Details of the method of protection of the trees shall be **submitted to Council for approval prior to the issue of the Construction Certificate.**

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

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tree trunk. An annotated photograph(s) of the trees, with particular emphasis on the lower part of the trees, shall be **submitted to Council prior to the commencement of any building work.**

36. The reuse and recycling of all materials is required, particularly in regard to the historic bungalows and interwar buildings proposed to be demolished. The reuse of the sandstone foundations of these buildings is to be incorporated into the development, such as on the exterior foundations of the new buildings, retaining walls, and/or fences fronting Condamine Street. The recycling of the 'liver' bricks, leadlight windows and the like is to occur, preferably on site and/or to suitable professional recycling yards specializing in the recycling of historic building materials. Demolition and storage of these materials is to be carefully carried out by the workers and a specific stockpile area is to be designated and protected. Details of the above requirements are to be **submitted to Council prior to issue of the Construction Certificate.**
37. The 'totem' neon sign on Sydney Road and the 'totem' in Condamine Street are to be retained for their historic links to the locality and the site and are to be incorporated into suitable major public open spaces such as the proposed plaza off Condamine Street or within the shopping centre such that they:
- feature prominently and provide opportunities to act as a meeting place foci;
 - and are given suitable all-weather protection.
38. An historical interpretation of the history of the site and the totem shopping centre including the sign and totems is to be located in the vicinity of the sign and totem, and it is preferable that both the sign and totem are displayed together as part of the interpretation. The interpretation is also to include historic photographs of the site and the significance of the street trees in Condamine Street. The use of the name "totem" should be considered to continue with site due to its local connections and identify with the locality. Details of the above are to be **submitted to Council for approval prior to issue of the Construction Certificate.**
39. Any stone kerb in the vicinity of the development site is to be protected from damage during construction. Details of the method of protection of the kerb are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. Photographs of the kerb are to be **submitted to Council prior to the commencement of any building work.**
40. Where driveway construction necessitates the removal of any part of any existing stone kerb, the redundant stone kerb blocks are to be carefully removed, without damage, in whole blocks. These kerb blocks are to be delivered to Council's depot in Balgowlah. To arrange access to the depot and a suitable time for delivery contact Council's Works Superintendent on 0418 608 494 between 8.00 a.m. and 4.00 p.m. Mon-Fri. The removal and delivery of the stone kerb blocks is to be undertaken at the expense of the owner/applicant.
41. If, during the course of construction and any associated earth disturbing activities, human remains or archaeological deposits originating from Indigenous or non-Indigenous cultures are exposed, works must cease immediately and Council

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informed. The Police must also be informed if human remains are uncovered. If this procedure is not followed the applicant may be guilty of an offence under the NSW National Parks and Wildlife Act 1974 and the Aboriginal and Torres Strait Islander Heritage Protection Act 1984, and will be reported to the relevant authorities.

- B** Stage 1 Consent be granted pursuant to Sec 80(4) of the Environmental Planning and Assessment Act, 1979 for the following aspects of Development Application No. 168/05 at 197-215 Condamine Street known as the Totem Site:
- The site being used for retail/commercial uses and residential uses generally as shown on the approved drawings.
 - The location of the retail/commercial uses at RL 34.5 and on the podium level.
 - The location and dimensions of the building footprints as shown on the plans referred to in this consent.
 - The use of the podium level for a mix of public and private open space, retail/commercial use.
 - The two levels of car parking below the main retail level for car parking.
 - The provision of 1005 car parking spaces.
 - Approximately 560 car spaces for the retail/commercial component including staff parking located in the basement and Lane 34.
 - A total of 445 parking spaces for the residents and visitor associated with the residential component.
 - Vehicular access to and from the Griffiths Street for residential parking only.
 - Vehicular access for retail and commercial purposes from both Condamine Street and Griffiths Street generally as shown on the plans referred to in this consent.
 - Access to loading docks being from Condamine St as shown on the plans referred to in this consent.

subject to the following conditions:

1. This consent relates to the set of drawings as follows:

➤ Survey Drawing	020312BDY
➤ Site Analysis	DA1-01A
➤ Residential Car Park Envelope	DA1-DA10A
➤ Retail Car Park Envelope	DA1-11A
➤ Retail Envelope Plan	DA1-12A
➤ Podium Plan (Retail & Residential)	DA1-20A
➤ Building Envelope Plan	DA1-21A
➤ Building Envelope Elevations	DA1-30A
➤ Building Envelope Elevations	DA1-31A
➤ Building Envelope Sections Sheet 1	DA1-40A
➤ Building Envelope Sections Sheet 2	DA1-41A
➤ Shadow Diagram	DA1-50A, 51A & 52A
➤ Photomontages sheets 1-4	DA1-55A, 56A, 58A & 59A
➤ Pedestrian Circulation & Landscape Zones	DA1-60

all dated 6 April, 2005 as amended by the following conditions.

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2. This Stage 1 Consent does not imply that any subsequent Development Application lodged in accordance with this Stage 1 consent will necessarily be acceptable as a full and thorough assessment under the provision of the Environmental Planning and Assessment Act, 1979 will be required.
3. No excavation or construction or the carrying out of any development (including all buildings of light weight construction) shall commence in relation to this Stage 1 consent until a further development application is consented to and a Construction Certificate issued.
4. The details in any Stage 2 Development Application shall be generally in accordance with the plans the subject of this consent.
5. The following requirements are to be part of any Stage 2 Development application for this proposal:
 - A Construction Management Plan; and
 - A Local Area Traffic Management Plan.
6. Any part of the building at a level above the podium level shall not be used for other than a residential purpose without the prior consent of Council.
7. The levels of the development nominated on the plans lodged with the Application and shown as car parking shall not be used for any other purpose unless prior consent is obtained from Council.
8. This consent does not grant consent to individual spaces within the development. Separate consent will be required in respect of each tenancy or allotment before any use can commence.
9. The total gross floor space of the development is not to exceed 44,000 square metres.
10. The total gross floor area to be used for residential development shall not exceed 29,700 sq metres.
11. The ceiling heights of the top levels of the residential buildings shall not exceed those specified on the plans referred to in this consent.
12. The setbacks to side boundaries for the development shall not be less than that shown on the plans referred to in this consent.
13. The Plans referred to in Condition 1 are amended as follows:
 - (i) The western end of Building E is to be shortened by five metres in accordance with the sketch provided by the applicant on 29 July 2005.
 - (ii) Building K is to be a part two storey a part three storey building in accordance with the sketch provided by the applicant on 29 July 2005
 - (iii) The setback to Building C is to be increased to provide a minimum of six metres from the centre line of the widened Lane 34 to the building envelope to

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- provide 50% of the required separation distance in the Residential Design Flat Code.
- (iv) The upper two floors on Building F are to be setback by 10 metres from the western edge of the development envelope to provide a four storey scale to the western boundary and thereby create a more appropriate transitional scale to the adjoining development on Woodland Street.
 - (v) The articulation zones on Building D and E are to be removed where they are in close proximity to the south western corner of the main plaza area. The articulation zones are to be removed for a length of five metres from the corner of Building D to the southern and eastern elevations and eight metres to the northern elevation of Building E. Fenestration or balconies to living area are prohibited on the two opposing corners for both Building D and E for the height of the building.
 - (vi) Buildings F and G are to be reduced in width to provide a minimum of 15 metres between the two core Building envelopes (i.e. dark blue on the plan).
 - (vii) The pedestrian link adjacent to Building K is to have a minimum dimension of 3.2 metres from the boundary to the edge of any built form.
 - (viii) A minimum setback of two metres is to be provided from the built form to the eastern boundary for Building K.
 - (ix) The articulation of the southern façade of building E shall not occur within the articulation zone shown on the plans but within the footprint as shown
14. A character board indicating architectural character and overall quality standard is to be provided to the satisfaction of the Director of Planning prior to lodgment of the Stage 2 Development Application.
15. High quality materials are to be provided throughout the development including the podium walls at the interface with adjoining properties whether on the boundary or inset from it and to all pedestrian links into the site and to the full length of Lane 34.
16. Any proposed loading and servicing from Lane 34 is to be limited to small vans only.
17. As part of any Stage 2 Development Application Lane 34 is to be activated for a minimum of 50% of its length at the ground floor. This can be by retail or commercial frontages.
18. Any apartments with fenestration or balconies to Lane 34 are to be provided with appropriate acoustic treatment to ameliorate the noise associated with loading and unloading.
19. High quality architectural design treatments are required to all significant corners within the development that terminate a pedestrian link or public space or create a visual focus from the main connections into the site or from the public open space areas and squares.
20. The Local Area Traffic Management Plan, including pedestrian facilities and bicycle facilities, be developed to manage local issues as part of the Stage 2 Development Application.

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21. The LATM Plan is to be developed in consultation with the relevant Community Precinct Forums and residents to Council's satisfaction.
22. Any Stage 2 application shall be accompanied by an analysis of issues arising from impacts occasioned by the entry and exiting of vehicles on those premises opposite the access points in both Condamine and Griffiths Streets. This to include ease of access, safety and headlight flash issues.
23. In the event that retail parking is provided at the residential parking level it shall be permanently and physically separated from the residential parking area.
24. That any Stage 2 application is to comply with AS 1428.1 and Council's Access DCP
25. That any Stage 2 application is to comply with AS 2890.1 Parking Facilities and AS 2890.2 Commercial Vehicle Loading Facilities.
26. That the following comments and conditions arising from the SRDA committee of the RTA be noted and complied with as appropriate:
 1. The RTA supports the installation of new traffic signals at the intersection of Condamine Street/retail Access located between Sydney Road and Griffiths Street with the following configuration:
 - Site access - (2 entry lanes / 2 exit lanes)
 - Condamine Street (south approach) – (Left-Through / Through)
 - Condamine Street (north approach) – (Through / Through-Right)
 2. To minimize vehicle conflicts due to the proposed loading dock access being located near the main signalized retail access the RTA requires the installation of a 900mm wide concrete median island along Condamine Street starting at the stop line of the proposed signalized access at Condamine Street/Retail Access and extending 25 metres north.

Note: This may require some localized widening into the footway areas along Condamine Street.

Affected land owners must be consulted with regard to the proposed signalized access and median island along Condamine Street.
 3. To restrict access along Sydney Road to left-in / left-out the RTA requires the installation of a 20 metre long 900mm wide concrete median island covering the vehicle access to the Totem Retail site.

Note: This may require some localized widening into the footway areas along Sydney Road.
 4. As noted within the Traffic Report, the RTA supports the provision of a separate phase at the intersection of Sydney Road / Condamine Street. This additional phase will accommodate the following movements simultaneously:

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- Southbound through movements along Condamine Street;
- Right turn movement from Condamine Street into Sydney Road westbound;
- Left turn movement from Sydney Road into Condamine Street northbound.

It is understood that this would require changes to the lantern displays at this intersection.

5. Sydney Road is a significant bus route and traffic flow needs to be as efficient as possible to minimize delays to buses. In order to minimize these delays and for the RTA to support the retention of existing ingress as a result of the large increases to entry movements, time restricted (3.00 p.m. to 7.00 p.m. Mon-Fri) "No Stopping" restrictions are to be provided along Sydney Road from Woodland Street (North) to the totem access point on Sydney Road.

This shall also require consultation to occur with the affected businesses by the developer (in consultation with Council). Council's Local Traffic Committee is to consider the results of the consultation prior to implementation. Prior to the installation of "No Stopping" parking restrictions the applicant is to contact the RTA's Traffic Management Services on ph: (02) 8814.2053 for a "Works Instruction".

6. Detailed SCATES modelling for the existing and proposed scenarios of Thursday AM, Thursday PM and Saturday Midday traffic conditions are to be provided to the RTA (in electronic format for assessment) for the following intersections:
 - Sydney Road / Condamine Street
 - Sydney Road / Woodland Street
 - Condamine Street / Balgowlah Road
 - Condamine Street / Retail Access

Note: Electronic version can be emailed to Andrew.Popoff@rta.nsw.gov.au

This must be submitted to the RTA for review as part of the Stage 2 Development Application. Further recommendations could be provided once the RTA has assessed the traffic modelling.

7. Council's Local Traffic Committee is to consider the implementation / application of the following:
 - "No Stopping" restrictions for a distance of six metres either side of the Totem residential access onto Griffiths Street.
 - Kerbside parking restrictions would need to be reviewed along Griffiths Street to satisfy local road conditions relating to the development proposal.
8. Parking restrictions at the new signalized access on Condamine Street must comply with the requirements of RTA Technical Directions – "Stopping and Parking Restrictions at Intersections and Crossings" - TDT 2002/12.

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9. Should the development proceed, detailed design plans of the proposed median island long Sydney Road (including Keep Left signage and possible pavement widening), the proposed new traffic signal design plan for Condamine Street / Retail Access and the revised signal design plan for Sydney Road / Condamine Street will need to be forwarded to the RTA for approval prior to the commencement of any roadworks. The applicant is to be advised that a plan checking fee (amount to be advised) and lodgement of a performance bond will be required prior to the release of approved road / signal design plans by the RTA. In addition, a ten year operational/maintenance charge would also be required for the proposed new traffic signals at Condamine Street / Retail Access – (amount to be advised).
10. All works / regulatory signposting associated with this development will be at no cost to the RTA and are to be completed prior to occupation.

In addition Council should consider the following Standard Comments:

11. The development should be designed such that road traffic noise from Sydney Road and Condamine Street is mitigated by durable materials, in accordance with the Environmental Protection Authority criteria "The Environmental Criteria for Road Traffic Noise, May 1999". The RTA's Environmental Noise Management Manual provides practical advice in selection noise mitigation treatments.

Where the EPA external noise criteria would not practically and reasonably be met, the RTA recommends that Council applies the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:

- All sleeping rooms: 35 dB(A) Leq(9hr)
- All other habitable rooms: 45 dB(A) Leq(15hr) and 40 dB(A) Leq(9 hr).

12. Off street parking associated with the proposed development, including aisle widths, parking bay dimensions, sight distances, turn paths and internal circulating roadways are to be in accordance with AS 2890.1-2004 and AS 2890.2 – 2002 for loading areas.
13. Storm water run-off from the subject site onto Sydney Road and Condamine Street, as a result of the proposed development is not to exceed the existing level of run-off from the site.

The reasons for the Consents being issued subject to conditions includes:

- (i) achieving greater compliance with the Manly planning controls which apply to the site including the Urban Design Controls 1999;
- (ii) minimising impacts on surrounding development;
- (iii) ensuring the scale and height of the development are appropriate for the subject site taking into account surrounding development;
- (iv) adverse impacts relating to traffic generation and movements are mitigated;
- (v) ensuring that the Stage 2 - Development Application takes into account community concerns and attempts to mitigate identified impacts;

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- (vi) achieving a high level of urban design;
 - (vii) satisfying community aspirations for a retail centre which is safe and convenient; and
 - (viii) the public interest is protected.
- C. That the Roads and Traffic Authority of NSW be advised of the determination of the application as required by State Environmental Planning Policy No 11 – Traffic Generating Development.
- D. That all Precinct Forums and all persons who made submissions concerning this application be advised of its determination.

Eric Armstrong
Planning Consultant

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TOTEM REDEVELOPMENT

STAGE 1 DEVELOPMENT APPLICATION

197-215 CONDAMINE STREET, BALGOWLAH

SUPPLEMENTARY INFORMATION TO STATEMENT OF ENVIRONMENTAL EFFECTS

JULY 2005

Dan Fox Planning

ALLEN JACK & COTTIER



Stockland

ATTACHMENT 1

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Totem Redevelopment, Stage 1 Development Application
197-215 Condamine Street, Balgowlah

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8 July 2005
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ATTACHMENT 1

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1.0 INTRODUCTION

This Supplementary Report addresses the matters discussed during meeting between the applicant and Council's assessment team on Friday 24 June 2005 in relation to the Stage 1 development application for the Totem Shopping Centre Redevelopment. During this meeting a number of questions and points of clarification were raised by Eric Armstrong and Gabrielle Morrish who are engaged by Council to carry out the assessment of the Stage 1 DA.

Each of the matters discussed at the meeting of 24 June is addressed in this Supplementary Report with a reference to supporting plans or diagrams where necessary.

This information is to be read in conjunction with the Statement of Environmental Effects (SEE) lodged as part of the development application or substitutes the SEE where indicated.

2.0 FLOOR SPACE RATIO

Appendix D of SEE –
Indicative Plan

2.1 Building Envelopes

2.1.1 Operation of the Articulation Zone

Figure 1 (on the following page) has been prepared to illustrate how the articulation zone is proposed to operate in respect of Building J. This is a replacement of the indicative floor plan contained at Appendix D in the SEE.

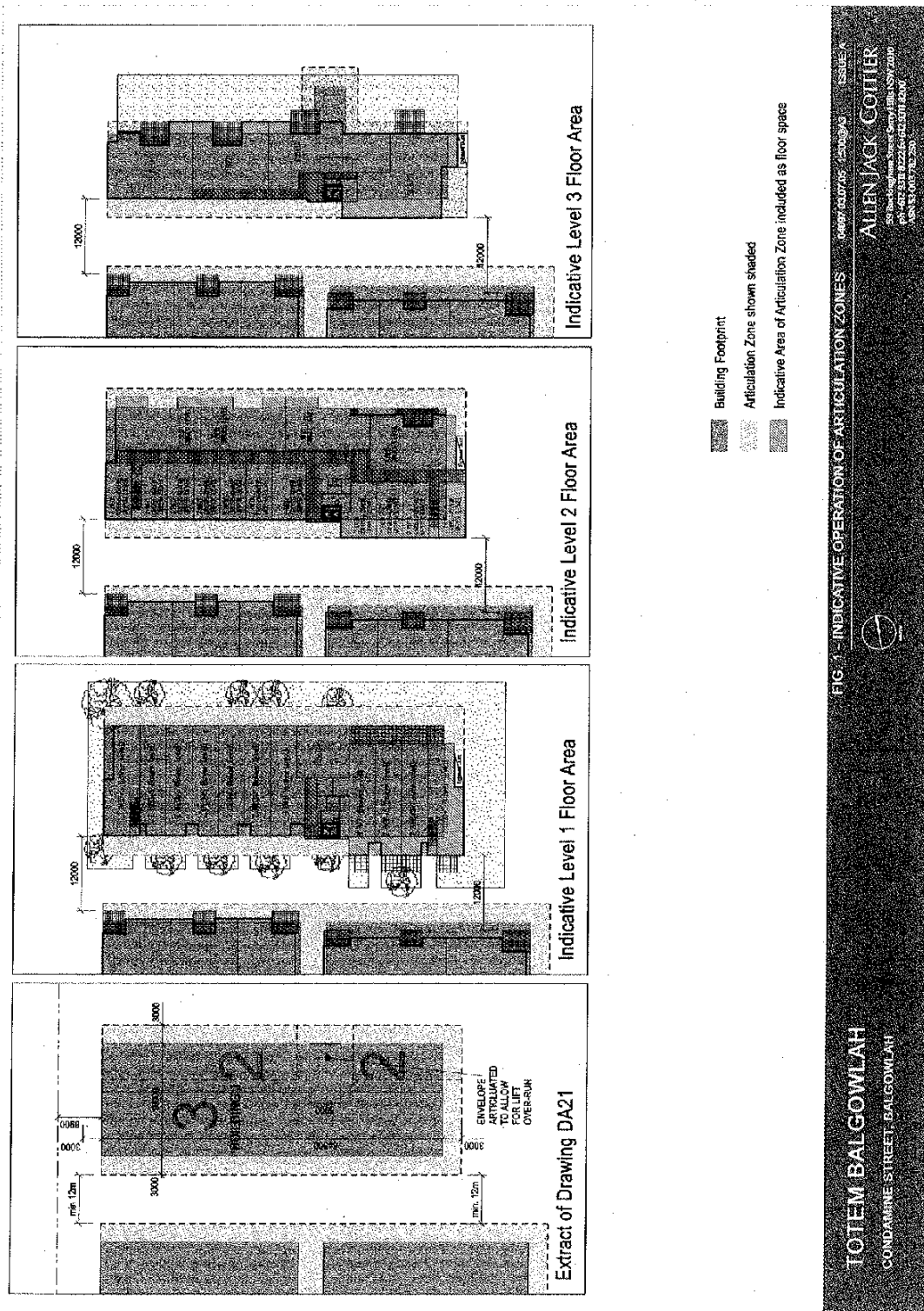
This plan demonstrates how the articulation zone provides flexibility to ensure a minimum distance of 12m is achieved between the final building location of Buildings G and F in relation to Building J.

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2.1.2 Building J Articulation Zone

*Volume 3 –
Drawing DA1-21*

The SEE is correct in so far as Building J does not have an articulation zone along the western elevation. A condition could be imposed on a development consent to confirm that the western elevation of Building J is not to have an articulation zone on its western façade.

2.1.3 Building Footprint

Section 6.3.1 of S.E.E.

The definition of Building Footprint at Page 40 states that it is a *indicative minimum footprint*. The definition should not have included the word "minimum". As demonstrated in Figure 16 on page 41, the external wall of the building could move out to occupy part of the articulation zone, and conversely the footprint could be recessed behind the building footprint.

2.1.4 Annotated Distance Between Buildings

*Volume 3 –
Drawing DA1-21*

Drawing DA1-21 provides a number of dimensions for setbacks from site boundaries. Dimensions to the site boundaries (i.e. setbacks) are fixed dimensions and not variable. The minimum dimensions between buildings are to ensure that an appropriate separation between buildings is achieved primarily to meet the criteria of State Environmental Planning Policy No. 65. These minimum dimensions are not drawn so as to be scaled.

These minimum dimensions allow buildings to move to provide flexibility in the design of each building and its relationship with adjoining buildings. They do not allow the buildings to expand beyond the articulation zones.

2.2 FSR Calculation

2.2.1 FSR and Car Parking

Section 6.2 of S.E.E.

Table 3 of the SEE (page 33) indicates that there are approximately an additional 50 car parking spaces provided in excess of Council's requirements under the Manly Development Control Plan for the Business Zone (DCP).

The gross floor area represented by these additional spaces was not included in the Stage 1 DA as a detailed car parking layout had not been determined. For this reason the SEE states that the proposed 2.175:1 Floor Space Ratio excludes the car parking.

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The additional car parking spaces are the result of a higher parking rate applied to the residential component over and above the rate of 1 space per dwelling required under the DCP. The justification for this additional parking is provided at page 38 of the SEE. This additional parking is intended to reduce the on-street parking that might otherwise occur with the DCP's lower rate of 1 space per dwelling. The extra gross floor area does not add to the height, bulk or scale of the proposal as it is all below ground.

The SEE also notes that the proposed Draft Manly DCP for the Business Zone applied a higher parking rate for shopping centres than applied under the DCP applicable at the time of preparing and lodging the Stage 1 DA. It is noted that Council has now adopted the Draft DCP. Had the DA been lodged after the adoption of the amended DCP, then the additional parking would not have been counted as gross floor area.

2.2.2 Extent of Floor Space Above Height Controls

Section 6.2 of S.E.E.

The following **Figure 2** illustrates the extent to which the Stage 1 DA breaches the Balgowlah Urban Design Controls (UDC) height control of RL 58.5.

The building envelope shown in **Figure 2** has been established through the community consultation process leading to the Stage 1 DA submission and dimensionally located so as to have negligible visual and shadow impact. The justification for the building heights shown in **Figure 2** are further outlined in the SEE and Section 3.2 of this submission.

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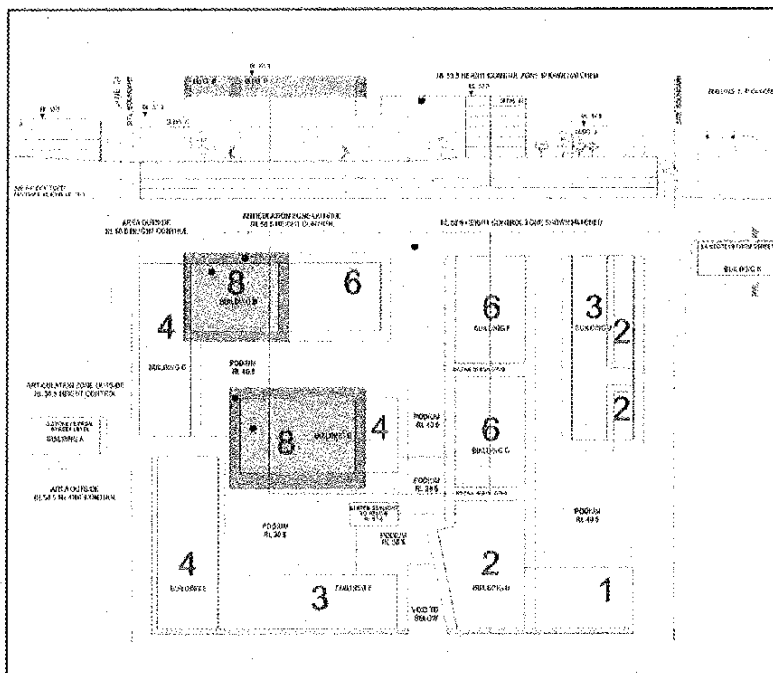


Figure 2 – Departure from RL 58.5 Height Control

The intent of the Stage 1 DA is to seek general approval for development within the envelopes shown in the drawings and SEE. The design and detailed extent of development will be provided to by Council as part of the Stage 2 DA submission.

2.2.3 Objectives and Site Attributes

The FSR control is contained in the DCP but not in the Manly LEP 1988 and is therefore not a development standard to which State Environmental Planning Policy No 1 would otherwise apply. Council has the discretion on the merits of the proposed development to approve the variation of the FSR control under the DCP.

The objectives of FSR are not identified in the DCP. The FSR is reasonably assumed to relate to objectives of controlling bulk, scale and height of development. The DCP does state that "floor space ratio controls are

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included to give an indication of the overall maximum scale of development considered; in practice many sites may be limited in the ability to achieve this scale given characteristics of the site itself, and the other requirements of the DCP."

The aggregate site the subject of the Stage 1 DA is not constrained by its site area or width and does not contain any physical constraints such as trees, slope, orientation or heritage buildings that would limit its potential to achieve an FSR in excess of 2:1. In fact, the site exhibits many attributes that make it conducive to redevelopment including: -

- The large site area of over 21,000m²;
- Large dimensions and regular proportions which do not pose a constraint suffered by narrow, small sites;
- A gentle slope without difficult level changes either within the site or between neighbouring properties;
- The slope has a northern orientation;
- No trees of significance on the subject site; and
- No buildings of heritage significance that warrant their retention

The 2:1 FSR applies to all Business zoned land within the Balgowlah Shopping Centre. An examination of the subdivision pattern reveals that the majority of the sites within the Balgowlah Shopping Centre are considerably smaller and narrower sites than the Totem site. Recent developments along Sydney Road on smaller or narrow sites do not appear to comply with the maximum FSR control of 2:1. For instance, we have estimated the floor space ratio of the development at 370 Sydney Road at approximately 2.25:1. Unlike the majority of other sites in Balgowlah, the subject site does suffer the constraints of small and narrow sites.

It is our opinion that the absence of restrictive constraints and the subject site's attributes identified above, offer strong support for an increase in the FSR. The SEE demonstrates that an increase in FSR can be achieved with minimal impacts.

A further key attribute of the site is its location along major transport routes at a district shopping centre. The opportunity to provide additional residential density in a location well serviced by public transport, services and facilities has sound town planning grounds consistent with

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State Environmental Planning Policy No. 66 and the
Sydney Metro Strategy.

2.2.4 Public Benefits

The main overall public benefits of the Totem proposal are:

- Creation of a vastly improved twin supermarket facility;
- Development of extensive public open space centrally within the Balgowlah shopping precinct;
- A public plaza of approximately 2300m² well in excess of the minimum 500m²;
- A main plaza area of 2000m² with proportions capable of being used for a far greater range of uses (e.g. markets, outdoor seating) than would be capable within a significantly small space of 500m²;
- Inclusion of additional retail floor space around the perimeter of the plaza to ensure that the public plaza is an active and inviting public space. The extent of retail floor space necessary to activate the plaza is far greater than would have been the case had the plaza been 500m²;
- Exceeding the UDC objectives resulting in the provision of additional retail floor space necessary to make the plaza successful. This additional floor space might not have otherwise been provided;
- If Council determines that the additional gross floor area is attributed to the two levels of Buildings B and D above the RL 58.5 height control, then additional Section 94 contributions apply. This would equate to approximately \$477,000 (based on 20 x 2 bedroom dwellings within these two levels). The Section 94 contributions can be spent on other public facilities and services in Balgowlah as identified in the Contributions Plan, providing further benefits to the public.

Specific benefits that flow from the development concept proposed include:

- A significant portion of the building bulk has been located below ground level and thus contained below the envelope envisaged by the UDC and DCP;
- The above approach has enabled access to the public plaza area at the southern end of the site at same level as Lane 34;

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- A continuous pedestrian link between the Totem Centre and The Sydney Road shopping strip has been created through 360-384 Sydney Road without significant level changes as presently occurs;
- The quality and safety of the pedestrian link between Sydney Road and the shopping centre will be therefore be greatly improved;
- Through site links are proposed between:-
 - Griffiths Street and the Totem Centre;
 - Condamine Street to Sydney Road; and
 - Potentially between Woodland Street and Condamine Street.
- Escalators and lift connections between the upper public plaza and the main shopping centre level; and
- Minimising the building footprints and maximising the spaces between buildings, with much of this space taking the form of public plaza, walkways or landscaped areas.

It is our view that the aggregate of public benefits significantly exceeds the requirements of the UDC. The additional floor space enables these to be delivered. As demonstrated in the SEE and this supplementary report, the additional floor space not only delivers public, social and economic benefits, but in doing so does not give rise to any adverse impacts of bulk, privacy or overshadowing.

3.0 BUILDING HEIGHT ISSUE

3.1 Height Measurement

Section 6.3 of S.E.E.

As stated in Section 6.3 of the SEE (page 40), all building heights labeled on the submitted plans are measured to the ceiling level. The roof structure is proposed above this height. The roof structure will vary between buildings. The extent of roof structure above the ceiling height is detailed in the definition of the *roof articulation zone* on page 40 and shown graphically in Figure 15 on page 41 of the SEE. We confirm that any habitable floor space is not proposed within the roof articulation zone.

An allowance of 3.3m above the ceiling height is proposed for the roof articulation zone.

Council's assessors have requested a schedule comparing the ceiling height of each building with the Telstra building (RL 62.1) which is provided below.

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BUILDING	BUILDING HEIGHT (RL)	HEIGHT RELATIVE TO TELSTRA BUILDING (RL62.1)
A	51.8	10.3m below
B	58.3 64.3	3.8m below to 2.2m above
C	52.3	9.8m below
D	52.3 64.3	9.8m below to 2.2m above
E	49.3 52.3	Between 9.8m and 12.8m below
F	58.3	3.8m below
G	58.3	3.8m below
H	46.3 43.3	15.8m to 18.8m below
J	49.3	12.8m below
K	45.8	16.3m below

This schedule demonstrates that only Buildings B and D have a height above that of the Telstra building.

3.2 Buildings B and D

3.2.1 Location of Buildings

Section 6.3 of S.E.E.

We believe that the issue of building height should not necessarily be linked to that of FSR. The height of Buildings B and D were the result of extensive analyses of building heights in various locations across the site and objectives of the UDC and DCP.

During the Community Consultation presentations, options for building locations and heights were discussed. The most revealing observation that arose during the analyses was that the location of the RL 58.5 zone as nominated in the UDC was not necessarily located in the best position for low impact development. Locating the taller buildings, in particular Buildings B and D, to the south of the RL 58.5 zone was seen to generate an improved outcome.

The decision to extend Buildings B and D south of the RL 58.5 zone as indicated in **Figure 2** to this submission was based on an improved urban design outcome for the proposal and therefore has sound planning grounds. This decision was not approached as a means of achieving additional floor space.

We recognize that a minor adjustment should be made to the second bullet point in Section 6.3.5 – Summary of Departures of the SEE, which should read:

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- The location of Buildings B and D have been carefully placed to reduce the visual impacts and are not perceptible from the surrounding streets maintaining the Balgowlah townscape character.

Further explanation and justification of the heights of Buildings B and D is provided in the following sections of this report:

3.2.2 Building B

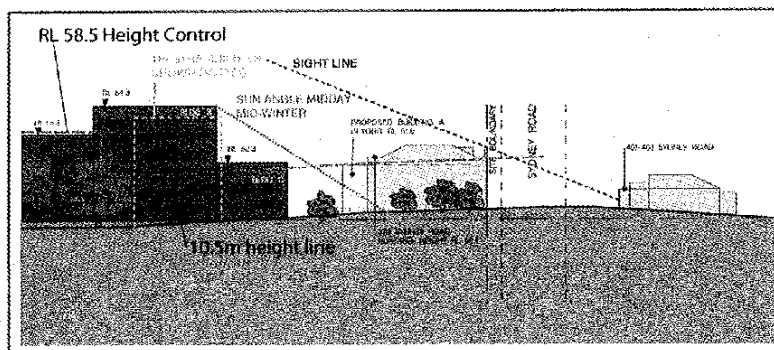
Section 6.3.4 of S.E.E
 – page 48

The table on page 48 of the SEE has been amended as follows to indicate the applicable controls and proposed heights of Building B.

Applicable Policy	Height Control	Proposed Building Heights	No. of Storeys Above Podium
UDC	RL58.5	RL58.3 RL64.3	6 storey 8 storey
Business Zone DCP	10.5m above ground level	Approx. 25.5m	

* Height is measured from boundary line

Figure 20 on page 48 of the SEE has been amended below to illustrate the height controls in relation to Building B.



Replacement of Figure 20 in S.E.E

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Figure 2 to this submission illustrates in plan form the location of Building B in relation to the UDC height control zone.

The justification for the height of Building B is contained in Page 49 of the SEE, namely:

- The Telstra Building screens the tallest component (8 storeys) from view from Woodland Street;
- The building is screened from view from Sydney Road by the existing development (refer Figure 20 in the SEE);
- The building will be screened by the proposed Building C when viewed from Lane 34 (refer Figure 20 in the SEE),
- The proposed siting of the building does not give rise to any adverse impacts such as overshadowing, potential privacy impacts or loss of views; and
- The building will not be readily visible from the streets immediately surrounding the site retaining the current scale and feel of the Balgowlah shopping district.

3.2.3 Building D

Section 6.3.4 of S.E.E.
 – page 55

Figure 2 to this submission also indicates that Building D is partly located outside of the RL58.5 zone. It is noted that the 4 storey component of the building complies with the height control. However, the applicable height control for the remaining 8 storey component is both the RL 58.5 zone and the 10.5m height control of the DCP. The table on page 55 of the SEE has been amended as follows to indicate all the applicable controls and proposed height of Building D.

Applicable Policy	Height Control	Proposed Building Height	No. of Storeys Above Podium
UDC	RL58.5	RL64.3 RL52.3	8 storey 4 storey
Business Zone DCP	10.5m above Lane 34	Approx 24.6m*	

* Height is measured from Lane 34.

The justification from departures from the building height controls is outlined in the pages 55 and 56 of the SEE. The location of the 8 storey component of Building D has been chosen with the objectives of minimizing visual

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impacts and preventing adverse shadow impacts to the south. Specifically:-

- Views from Woodland Street are screened by the Telstra Building and Building B;
- Views from Condamine Street are screened by the proposed low scale buildings along Condamine Street frontage;
- Views from Sydney are screened by the existing development along Sydney Road;
- Views from Griffiths Street are screened by both existing residential flat development in Griffiths Street as illustrated in Figure 27 of the SEE (page 57) and Buildings F and G. It is noted that buildings F and G sit slightly outside of the RL 58.5 zone, however buildings within the control zone would still screen Building D;
- The building will not be readily visible from the streets immediately surrounding the site retaining the current scale and feel of the Balgowlah shopping district and immediate residential streets;
- The proposed siting does not give rise to any adverse impacts such as overshadowing, potential privacy impacts or loss of views; and
- The internal overshadowing (including the plaza) is minimised by siting the building to the south without adversely impacting upon the solar access to existing or future residential development south of Lane 34.

3.2.4 Removal of a Level From Building C

*Section 6.3.4 of S.E.E.
 – page 51*

The only variation to the DCP controls for Building C is a minor height departure which is illustrated in Figure 22 of the SEE (page 51).

Figure 23 (page 52) of the SEE demonstrates the 2.3m widening of Lane 34 and the scale of Building C in relation to the recently completed building at 370 Sydney Road. Proposed Building C is 3.8m lower than the development on this site and has negligible impact upon it.

The building at 370 Sydney Road is considered to be an indicator of the future character of development along Sydney Road as its redevelopment takes place. It is not unreasonable to expect that future redevelopment along Sydney Road will be of similar scale.

Under the above circumstances we believe that the height and scale of Building C is consistent with adjoining development and objectives of the UDC and DCP and the

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removal of a level from Building C will not achieve any additional benefit.

3.2.6 Height of Building K

The Griffith Street elevation at Drawing DA1-30 and the western elevation indicated on Drawing DA1-31 both indicate the ceiling height of Building K at RL45.8.

Volume 3 –
Drawings DA1-30 and
DA1-31

4.0 PUBLIC OPEN SPACE

Section 6.8 of S.E.E

Figure 3 below indicates the calculation of the approximate area of 2300m² public open space area referred to in the SEE.

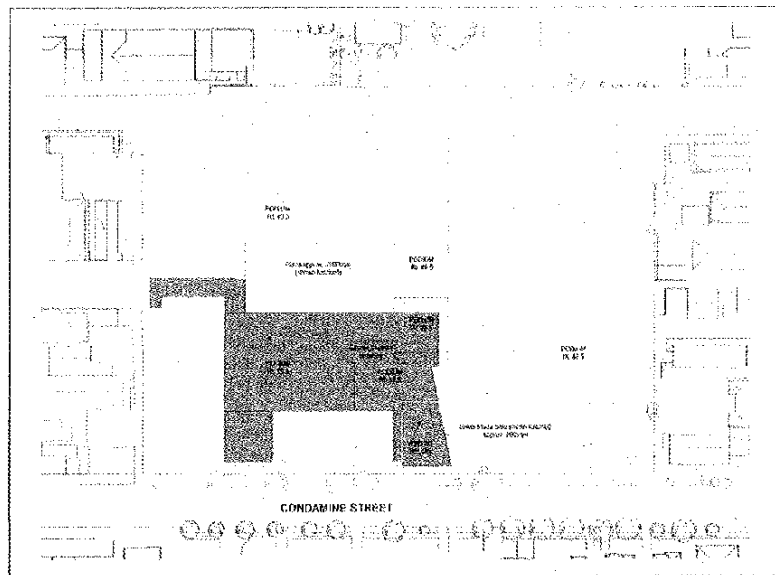


Figure 3 – Public Open Space

This 2,300m² incorporates not only the main plaza of approximately 2000m² but also publicly accessible areas such as those leading into the plaza. It is noted that the public plaza is well in excess of the 500m² plaza required by the UDC. An additional public plaza area of approximately 200m² is also proposed at the lower level retail entry.

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5.0 LANE 34 ISSUES

5.1 Landscaping

Section 6.8 of S.E.E.

The setback of Building E from Lane 34 enables the provision of parking along Lane 34. This does not preclude the provision of landscaping between car parking spaces. We do not consider there to be any inconsistency between Figure 43 and DA1-60.

5.2 Lane 34 Loading Zone

*Volume 3 –
 Drawing DA1-60*

Drawing DA1-60 indicates a loading zone alongside Building C. This loading area is indicative only and its design will be subject to the Stage 2 DA.

**6.0 INTEGRATION WITH FUTURE
 DEVELOPMENT OF WOODLAND
 STREET**

*Volume 3 –
 Drawing DA1-60 and
 Section 6.4 of S.E.E*

Figure 45 in Section 6.9 of the SEE indicates how the east-west pedestrian spine of the proposed development provides an opportunity to create a pedestrian connection to Woodland Street with the Totem Shopping Centre. This is consistent with the UDC (Annexure A3), which indicates a pedestrian access from Woodland Street. This potential link could be realised with the future redevelopment of the Woodland Street properties.

The SEE has addressed how the proposed development relates to existing development of Woodland Street. However, many of these properties are in the same ownership thus increasing the possibility of their redevelopment.

The Manly DCP for the Residential Zone applies to the Woodland Street properties. In reality, the density within the Residential zone along Woodland Street is low at 1 dwelling per 300m² and a floor space ratio of 0.5:1. These properties are unlikely to be redeveloped at such a low density. A higher density development and therefore scale is more likely.

The table below provides a comparison of the distance separation between the proposed buildings along the western boundary and the setback of potential buildings on the Woodland Street properties, if redeveloped.

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BUILDING	PROPOSED SETBACK TO WESTERN BOUNDARY (including articulation zone)	WOODLAND STREET SETBACK (Residential DCP)	DISTANCE SEPARATION (minimum)	SEPP 65 (Distance Separation)
B (6/8 storey)	5.9m – 8.9m	8m	13.9m to 16.9m	18m ¹ 13m ²
F (6 storey)	6.9m	8m	14.9m	18m ¹ 13m ²
J (2/3 storey)	6.9m	8m	14.9m	12m ¹

Note 1 Separation between habitable rooms or balconies

Note 2 Separation between habitable rooms or balconies and a non-habitable room.

The flexibility provided by the articulation zones and building footprint, together with room uses to be determined at the Stage 2 DA can achieve these building separations required by SEPP 65 and the Residential Flat Design Code.

We are therefore of the opinion that under the current controls, the likely built form along Woodland Street and the building separation provided for in this Stage 1 design would facilitate an appropriate and acceptable relationship with potential future development along Woodland Street.

7.0 SUNDRY CLARIFICATION ISSUE

7.1 Building A Floor Plate

Volume 3 –
Drawing DA1-21

Building A contains the arcade connecting the Totem Shopping Centre with Sydney Road. We can confirm that the building will be built across the full site width for the levels above the ground floor (arcade) level. This is illustrated in Drawing DA1-21 and Drawing No. DA1-31 - Sydney Road Elevation.

7.2 Deep Soil Zone

Section 6.4 of S.E.E.

At page 76 of the SEE, there is a reference to the deep soil zone extending for the full length of the western site boundary. The deep soil zone is a reference to the landscaping proposed on top of the podium. The podium does not extend for the full length of the western boundary. The deep soil zone extends for approximately half of the length of the podium as indicated in Drawing DA1-60.

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7.3 Section CC Drawing DA1-40

*Volume 3 –
Drawing DA1-41*

Section CC shows the western site boundary in the wrong location. Section CC has been amended to correct the location of the proposed basement structure such that it is located wholly within the site boundaries, and is attached at **Appendix A**.

7.4 Weather Protection Along Condamine Street

*Volume 3 –
Drawing DA1-21 and
Section 6.4 of S.E.E
(page 79).*

The weather protection along the Condamine Street elevation will be provided by a combination of the 1.5m wide balconies and awnings within the 4m setback zone to provide the weather protection to shop fronts below.

7.5 Access to 50 Retail Tenant Parking Spaces on the Residential Car Park Level

Section 6.6.1 of S.E.E.

The 50 tenant parking spaces located within the basement are accessed from Condamine Street, not Griffiths Street as stated at page 88 of the SEE.

The tenant parking is located on the same level as the residential parking (accessed from Griffiths Street), however access to this level is by means of the internal ramp. No access will be available to or from Griffiths Street for these tenant parking spaces.

7.6 Relationship between Buildings D & E

*Volume 3 –
Drawing DA1-21*

The narrowing of the public space between Buildings D and E is deliberate to define the edges of the public plaza and also create a sense of arrival into the public plaza. Its width is not so narrow as to compromise its function as a pedestrian space.

It is acknowledged that the opposing facades of Buildings D and E will require attention to detail in the design phase of the Stage 2 DA to ensure that the objectives of SEPP 65 are achieved, particularly in relation to privacy between dwellings.

7.7 Visual Treatment of Buildings C & E Façade

*Volume 3 –
Drawing DA1-21*

We agree that the quality of the public area leading from the arcade from Sydney Road (through Building A) will in part depend upon the treatment of the facades and corner elements of Buildings C, D and E.

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The architectural resolution of these Buildings is beyond the scope of the Stage 1 DA, however, it is suggested that a notation be placed on the critical corners and facades of these buildings to require careful attention to their design with the Stage 2 DA.

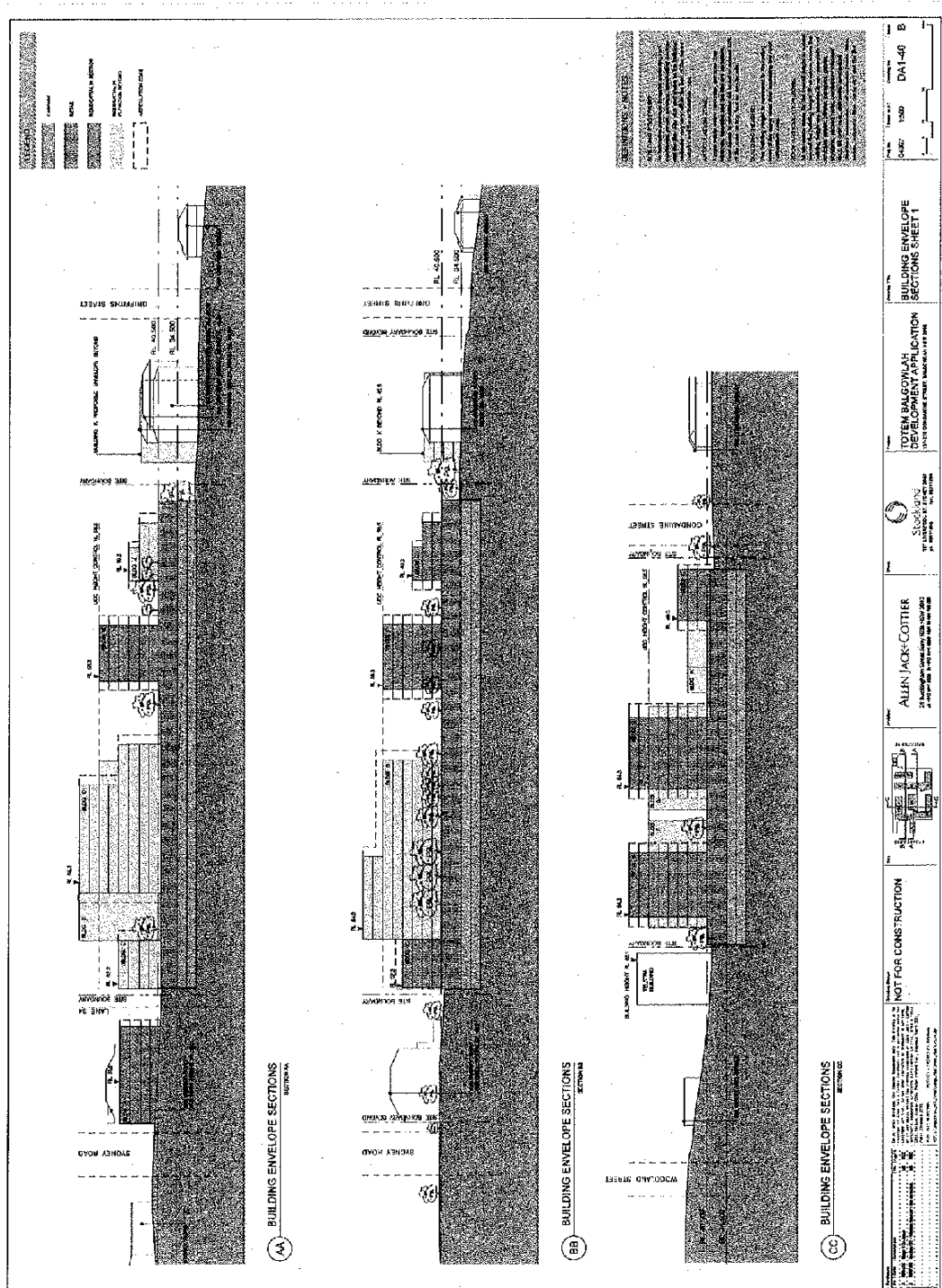
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Planning Report, Recommendation & Appendixes - E Armstrong Planning Pty Ltd

Deon Fox Planning
APPENDIX A

Environmental Services Division Report No. 48
197-215 Condamine Street, Balgowlah
Totem Redevelopment

Planning Report, Recommendation & Appendixes - E Armstrong Planning Pty Ltd



**Environmental Services Division Report No. 48
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19 July 2005
 Our Ref: 6116.6DK

SCANNED
 DOC. No.

The General Manager
 Manly Council
 PO Box 82
 MANLY 1655

E-MAILED

Attention: Eric Armstrong

MANLY COUNCIL	
REC'D	21/6/05
DISTRIBUTION	
1) ERIC A	
2)	
3)	
4)	

Dear Sir

Totem - Staged Development Application
DA 168/05
197-215 Condamine Street, Balgowlah
Response to Submissions

We thank you for forwarding to Stockland copies of the submissions received by Manly Council following the notification of the above staged development application. This letter is a formal response to the submissions received. There is similarity in many of the issues raised and we have addressed these collectively. There are also some specific comments in relation to more detailed matters or properties which we have addressed individually.

1.0 HEIGHT

A number of the submissions raised issues regarding the height of buildings and their bulk and scale in relation to the townscape of Balgowlah. We have categorised the issues relating to height as follows:

1.1. Buildings B and D

The Statement of Environmental Effects and the Supplementary Report submitted to Council on 8 July 2005 provides the justification for the height and location of these buildings. Buildings B and D have been carefully sited to minimise visual impacts from the surrounding areas and to avoid overshadowing of adjacent properties. Existing development in Sydney Road, Griffiths Street and the lower scale buildings proposed along Condamine Street, all assist in limiting sight lines to Buildings B and D.

1.2 Height and Planning Controls

Stockland have undertaken extensive consultation with the community to determine the priorities for the site. The priorities determined are summarised as follows:

- Ensure the connectivity of the site with the surrounding area;
- Create a large community space;

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- Remove retail traffic from Griffiths and Woodland Street;
- Sensitive treatment of the interface between the northern boundary of the site and the existing residential properties along Griffith Street.

Each of these priorities were addressed over a number of months in the design process for the site and the trade-offs examined in detail. At the completion of the design process it was agreed that the scheme had adequately addressed the majority of the concerns of the community.

1.3 Bulk and Scale

The height of buildings has been carefully distributed around the site to locate the taller buildings where they have least visual impact. As stated above, the lower scale buildings along the Condamine Street frontage and the northern boundary, as well as existing lower scale development in Sydney Road and Griffiths Street, assist in maintaining a consistent scale to immediate streets around the Totem Shopping Centre.

1.4 Impacts on Overshadowing and Privacy

The Statement of Environmental Effects has analysed each of the proposed buildings in relation to overshadowing and privacy impacts. The Statement of Environmental Effects concludes that there is no adverse overshadowing or privacy impacts as a consequence of the height of the proposed buildings.

Specifically, in respect of Building B, the SEE makes the following comments:

Solar Access The shadow diagrams contained in Volume 3 of the Statement of Environmental Effects indicate that the shadow from Building B affect part of Lane 34, part of the access driveway leading from Sydney Road and the commercial properties to the west. Figure 20 of the Statement of Environmental Effects also demonstrates that at 12 noon the shadow does not affect the recently completed residential building on the opposite side of Lane 34. The shadows over Lane 34 are also minimised by the fact that it is the narrow end of the building casting the shadow. Building B will not overshadow the eastern side of Condamine Street at 3pm during the Winter solstice thus achieving the UDC objective.

The additional height associated with Building B is therefore acceptable and it does not cause any adverse impacts to surrounding properties and its location towards the southern end of the site minimises internal shadow impacts.

Privacy The Telstra building and the existing local vegetation will also screen views to the closest residential properties along Woodland Street.

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In respect to Building D, the SEE makes the following comments:

- | | |
|--------------|--|
| Solar Access | The setback of Building D from Lane 34 and the significant open areas between the proposed buildings allows sunlight to various parts of the rear of the Sydney Road properties during the winter solstice. Whilst the majority of these properties are commercial and retail in nature, small scale redevelopment of the Sydney Road properties are likely contain a residential component located above Lane 34. The proposal provides for adequate sunlight to be received to future shop-top housing style development of these properties. The additional height associated with Building D is acceptable and does not cause any adverse impacts to surrounding properties. |
| Privacy | <p>The distance separation to adjoining residential development will restrict intimate views of surrounding properties. The siting of this building within the centre of the site and the other proposed buildings also restricts viewing opportunities.</p> <p>Within the site, the building is capable of achieve the privacy objectives of SEPP 65.</p> <p>The additional 2 levels is therefore not giving rise to any adverse internal or external privacy impacts.</p> |

1.5 Loss of Views

This concern relates to loss of views from a residential flat building at 20 Angle Street, Balgowlah. Stockland have inspected the writer's property and believe that the ocean and a large proportion of the district views enjoyed from this property will not be affected as a consequence of the height of Buildings B and D.

However, given the properties are 750m apart and the higher elevation of 20 Angle Street Stockland agree that some part of the view from the apartment will be altered. Again this will not apply to the ocean and a large proportion of the district views enjoyed by this property.

1.6 Wind Turbulence

Stockland are prepared to undertake detailed wind studies that can be used to address this concern during the design process of the Stage 2 development application.

1.7 Precedent

The Supplementary Report submitted to Council on 8 July 2005 demonstrates that the site exhibits many attributes that make it conducive to the redevelopment proposed. In particular, the large site area of over 21,000m² provides flexibility in design opportunities for the site. There are no other properties within Balgowlah with such a large site area that would enable them to be built to a height of six or eight storeys. It is, therefore considered that the remainder of the sites within the Balgowlah Shopping Centre could not be physically capable of accommodating a development of this scale or height and, therefore, the Stage 1 development application will not set a precedent for future development in Balgowlah.

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2.0 FLOOR SPACE RATIO

The Statement of Environmental Effects and the Supplementary Report dated 8 July 2005 both provide the justification for the departure from the floor space ratio controls of the Manly Development Control Plan for the Business Zone. The justification for the departure from the floor space ratio controls is not solely on commercial viability, but also based on the substantial public benefits proposed, the resultant urban form, acceptable internal amenity impacts, acceptable traffic impacts, strategic planning advantages to be gained from the proposal and the location of a significant area of floor space below ground level.

3.0 TRAFFIC

3.1 Traffic Congestion

The RTA were consulted in the preparation of the Stage 1 DA and Manly Council have also referred the development application to the RTA under the provisions of State Environmental Planning Policy No. 11 – Traffic Generating Developments. We understand that the RTA have not raised any issues with the proposal in relation to traffic matters.

The Traffic Report prepared by Colston Budd Hunt & Kafes demonstrates that the traffic generated by the proposal does not impact negatively upon the surrounding road network. This report demonstrates that the proposal improves the access to the site for traffic by relocating the access to the retail component from the Griffiths Street entrance to Condamine Street and Sydney Road.

Stockland have been liaising with both Manly Council and the Balgowlah Precinct Committee and are prepared to accept a condition of a development consent to the Stage 1 development application to require Stockland to undertake further traffic studies as part of the Stage 2 development application.

3.2 Traffic, Parking and Lack of Infrastructure

The proposal provides an additional 50 car parking spaces in excess of Council's requirement. These additional parking spaces are being allocated to the residential component of the development and are intended to reduce the on-street parking demands that would otherwise arise if Council's parking rate was applied to the proposal.

The area is well served by public transport. However, if it emerges that the existing bus services will not cope with additional passenger numbers, we have been advised that the State Transit Authority have informed Stockland that they will adjust bus services to cope with any additional demand.

3.3 Traffic Lights

The most appropriate location for an additional set of traffic lights has been thoroughly examined in the preparation of the Stage 1 development application. The intersection of Griffiths Street and Condamine Street was not considered to be the most appropriate location for an additional set of traffic lights by the RTA and Stockland's Traffic Consultant. Instead, the proposal accommodates an additional set of traffic lights on Condamine Street at the driveway serving the retail car park.

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3.4 Location of Condamine Street Driveway and Traffic Lights

Concerns have been raised regarding the location of the traffic lights and proposed driveway entry/exit at Condamine Street.

Stockland understands that the location of the driveway for the retail component off Condamine Street was the preferred location arising from the consultation undertaken with the Community Reference Group.

Stockland are prepared to consider further, the design of the driveway and signalised intersection during the Stage 2 design process to minimise impacts to properties on the eastern side of Condamine Street.

5.0 ACCESS TO LOADING DOCK

All service vehicle movements for the supermarket trading level will be carried out within the Totem development. Sufficient analysis has been carried out to demonstrate that the internal dock space will accommodate articulated and fixed axle vehicles.

Stockland agrees with the suggestion that Council should restrict the size of vehicles that are allowed to use Griffiths Street.

6.0 LOSS OF RECREATION AND COMMUNITY FACILITIES

Stockland are actively working with the Masonic Club to provide new premises for the Club to ensure that they can maintain a social and community presence within Balgowlah.

The Statement of Environmental Effects also addresses the availability of other recreational facilities located within close proximity of the Totem Shopping Centre.

7.0 DENSITY

Stockland have not requested approval for the number of dwellings or the dwelling mix, however, concern has been expressed that the *indicative* proposal of 260 dwelling represents an overdevelopment of the site.

The Statement of Environmental Effects demonstrates that the building envelopes proposed to accommodate the *indicative* 260 dwellings and the likely bulk, height and scale of the buildings is acceptable within the surrounding context. The Traffic Report prepared by Colston Budd Hunt & Kafes also demonstrates that the traffic impacts arising from the proposal, which is based on an *indicative* 260 dwellings, is also acceptable. Therefore we do not believe that the proposal for an *indicative* 260 dwellings represents an overdevelopment of the site.

The proposed density is also consistent with the urban consolidation objectives of the State Government and the principles of the Metropolitan Strategy for Sydney.

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8.0 PUBLIC OPEN SPACE

The public open space areas and pedestrian connectivity incorporated into the proposal exceeds the minimum requirements of the Balgowlah Urban Design Controls and the Manly Development Control Plan for the Business Zone. One submission from the Balgowlah Chamber of Commerce raised concern that the pedestrian link from the public plaza to Sydney Road should be a straight link without the dog-leg turn proposed.

A straight connection is not feasible because Stockland do not own properties further to the east along Sydney Road. The alternative would have been to locate the public plaza more towards the centre of the site to enable a straight connection to be provided. However, this would result in the public plaza being remote from Condamine Street, internalising the public plaza within the development and reducing its connectivity to both Sydney Road and Condamine Street. We note that another submission considers that the proposed location of the public plaza is too remote from the shopping centre and is cut off from the public realm and highly visible.

We would point out that the Stage 1 development application incorporates another north/south link through Building E, which connects the plaza to Lane 34. This would provide a future opportunity for the buildings on Sydney Road immediately opposite the arcade to be designed to provide a further connection from Sydney Road to the public plaza.

Further detailed design of the public open space will be undertaken with the Stage 2 development application to ensure that the public plaza is readily visible and therefore utilised by the public to ensure that it is a successful public space.

9.0 CONCERNS REGARDING BUILDING K

The main concerns regarding the design and siting of Building K relate to issues of overshadowing, privacy and a suggestion to increase the front setback.

Stockland acknowledge some of these concerns and propose modifications to the scheme. A revised envelope design has been included in this letter for consideration by Council.

This revision does not reduce the floorspace in the Development Application as submitted.

10.0 CONCERNS REGARDING BUILDING A

The specific concerns relating to Building A are its relationship to the adjoining commercial/residential building at 366-370 Sydney Road. In particular, there is a concern that the building envelope for Building A will obstruct sunlight and ventilation to the U-shaped light well on the eastern elevation of the neighbouring building. We believe that limiting the height of this Building A to the height of the current building is an unreasonable constraint to be placed on the site.

We point out that the Stage 1 DA is for building envelopes only and during the detailed design phase of the Stage 2 development application, the building form of Building A will have regard to its relationship to the neighbouring buildings. This will also be a matter for Council's further assessment with the Stage 2 development application.

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11.0 CONCERNS REGARDING BUILDINGS C AND E

One submission has made a suggestion to amend Buildings C and E to reduce their length to provide "view slots". This suggestion also includes transferring the "lost" floor space to additional building height. It is assumed that these suggested "view slots" would enable view corridors to be created through the site.

District views from the rear of 366-372 Sydney Road would be obstructed by buildings that comply within the 10.5 metre height control along Lane 34 or buildings located within the RL58.5 zone. The Statement of Environmental Effects has established the distance separation and relationship of Buildings C and E to existing and future development along Sydney Road is considered to be acceptable on the grounds of townscape, solar access, views and privacy.

The following are extracts from Section 6.3.4 (page 52-54) of the Statement of Environmental Effects justifying the acceptability of Building C and E.

Townscape	Figure 23 of the SEE shows a section diagram through Lane 34. This illustrates that the scale of Building C and E is consistent with the scale of existing and proposed development on the opposite side of Lane 34. The widening of Lane 34 by 2.3 meters, as required by the UDC, also assists the scale of these buildings. Building C is setback the required 2.3m and Building E by appropriately 7.5m. These setbacks increase the separation of buildings on the opposite side of Lane 34 to create an open feel conducive to encouraging its use as a pedestrian environment. The 7.5m also setback provides landscaping opportunities to assist in providing visual relief to the height. In addition, Buildings C and E are separate buildings and their varied setbacks avoid a continual built form and bulk along Lane 34 creating an appropriate bulk and scale to Lane 34 that will not detract from its future character.
Solar Access	The shadow diagram as contained in Volume 3 of the SEE and shown on Figure 23 of the SEE demonstrate that the additional building height will not adversely impact upon solar access to properties on the southern side of Lane 34. At present there is one recently constructed residential development at 366-372 Sydney Road incorporating dwellings fronting Lane 34 as illustrated in Figure 24 of the SEE. These dwellings are elevated above Lane 34, which assists in their solar access. The solar access achieved to this property is representative of the likely future development along Lane 34, including proposed Building A.
Views	The height above 10.5m will not adversely impact upon views from these residential properties on the southern side of Lane 34. Whilst their outlook will change, this will be from one of a service lane and blank walls to a more active and interesting elevation.

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Despite the additional height of Building C and E, the views from the rear of many Sydney Road properties would potentially be affected by buildings located within the RL58.5 height control applying to the site.

Privacy

The additional height does not result in any privacy impacts. The widening of Lane 34 and the large setback provided to Building E provide adequate separation between the proposed buildings and existing and future development along Sydney Road. The indicative floor plan at Appendix D of the SEE illustrate that the floor plate will lend itself to apartments occupying the full depth of the building. Living rooms and balconies will be located on the northern side taking advantage of the northern orientation. Lower usage rooms such as bedrooms and utility rooms will logically be best sited on the southern elevation. Future development of the Sydney Road properties will likewise take advantage of the northern orientation as has occurred at 366-372 Sydney Road. The design minimises impacts of privacy to existing and future developments on both sides of Lane 34.

12.0 REAR SETBACK TO NORTHERN BOUNDARY

The setback of the podium from the northern boundary complies with the setbacks of the Urban Design Controls. Buildings sited on top of the podium are setback behind the line of the podium, providing a setback of 12 metres in total. The proposed setback between the rear of the residential development along Griffiths Street and the proposed buildings is considered to be acceptable. The buildings along the northern boundary have been kept to a lower height to ensure an acceptable scale relationship between the neighbouring developments.

13.0 APPEARANCE AND ASTHETICS

The architectural appearance, building finishes and materials will all be matters for the Stage 2 development application.

14.0 UNDERGROUND SHOPPING CENTRE

One submission has made a suggestion that a central light well or dome be provided to allow light to penetrate through to the shopping centre to overcome the perceived concerns of the shopping centre being underground.

Stockland do not believe that a light well is necessary for the proposed shopping centre. In addition there are no requirements within the Balgowlah Urban Design Controls or the Manly Development Control Plan for the Business Zone that would require the provision of such a light well.

15.0 NOISE FROM THE PROPOSED POOL AND POOL FILTER

Potential noise impacts from the swimming pool and the location of pool equipment will be a matter that Stockland will further consider in the preparation of the Stage 2 development application. Stockland are prepared to accept a condition of development consent that requires the Stage 2 development application to undertake further acoustic assessment of the potential noise impacts from the proposed pool and pool equipment.

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16.0 STATE ENVIRONMENTAL PLANNING POLICY NO. 65

The Statement of Environmental Effects demonstrates how the proposal complies with the Residential Flat Design Code. The Design Verification Statement attached as Appendix E to the Statement of Environmental Effects notes that the design of the Stage 1 DA has had regard for the principles of SEPP 65 to ensure that the Stage 2 DA can achieve the principles of SEPP 65 and the Residential Flat Design Code.

17.0 ECONOMIC IMPACT

During consultation with the technical advisory group prior to the preparation of the development application and Statement of Environmental Effects, the need for an economic impact assessment was not identified. Subsequent to the lodgement of the development application, Council has not requested the need for an economic impact assessment.

18.0 DURATION OF CONSTRUCTION

At this stage, Stockland are unable to advise when the retail component of the proposed development will be open to the public.

In our experience, it is more common for negative responses to be received in response to the notification of a development application. However, in this instance we note that several of the letters received by Council have made positive responses to the proposal. Specifically, we have noted that the following comments have been made in support of the proposal:

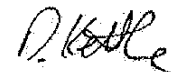
- "Seems vast improvement on previous schemes – especially height and bulk"
- The Seaforth Community Forum "felt that this scheme was a vast improvement on all previous ... schemes".
- Happy that Stockland have addressed the issue of public open space and considers that "if it is a choice between height and public space I will choose to keep the public space every time".
- "We support the redevelopment of the site to revitalize the shops as well as provide housing."
- "Generally supportive of the redevelopment of the site."

We understand that only 35 objections have been received which is extremely low reflecting high level of community acceptance to proposal.

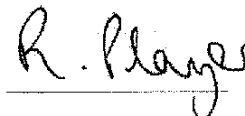
We note that we have arranged a further meeting with Mr Eric Armstrong for Friday, 22 July 2005 at 9am. During this meeting, we propose to further discuss the progress of the development application and also to review with Mr Armstrong Stockland's response to these submissions.

Yours faithfully

DON FOX PLANNING PTY LIMITED



DAVID KETTLE
SENIOR TOWN PLANNER
 dkettle@donfoxplanning.com.au

Reviewed: 

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27 July 2005
Our Ref: 6116.7DK

The General Manager
Manly Council
PO Box 82
MANLY 1655

Dear Eric

**TOTEM – Staged Development Application
197-215 Condamine Street, Balgowlah
DA 168/05**

We thank you for taking the time to meet with David Bedingfield of Stockland and David Kettle of Don Fox Planning on Friday, 22 July 2005. During this meeting, we discussed a number of issues relating to the above development application and we undertook to provide you with a further response to issues regarding:

- Height of Building F;
- Building C, in relation to its setback/land use;
- Reinforce the Sydney Road Link;
- Height relationship to RL 62.1 on the Telstra building;
- Clarification of the arcade through Building A;
- Percentage of open space on the site; and
- Economic Impact Assessment.

In relation to the first three bullet points, Allen Jack & Cottier is preparing plans and a response to those matters and this letter addresses the remaining matters. We intend that an Economic Impact Assessment will be submitted to Council shortly.

1.0 COMMUNITY CONSULTATION

During our meeting on Friday, Mr Armstrong again expressed concerns about the departures from the Balgowlah Shopping Centre Urban Design Controls (UDC) and the Manly Development Control Plan for the Business Zone (DCP) in respect of height and floor space ratio. We take this opportunity to make further submissions that might assist Mr Armstrong and Council in their deliberations on this matter particularly in relation to the community consultation and public benefits realised by this proposal.

We note in Justice McClellan's judgement, that he paid particular attention to the consultation process undertaken by Manly Council during the preparation of the Urban Design Plan (UDP) and Urban Design Controls (UDC). In light of the Court's emphasis placed on the previous community consultation, Stockland in agreement with Manly Council entered into an extensive community consultation process in the development of the scheme submitted to Council.

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The table below compares the community consultation process undertaken by Manly Council during the preparation of the UDP and UDC with the community consultation undertaken in the preparation of the staged development application submitted to Council.

Consultation	UDP/UDC	Totem Staged DA
Parties involved	• Mayor; • A number of Councillors; • Council's Planning Design and Environment Group; • Landscape Management and Urban Design Committee; • Balgowlah Chamber of Commerce; • Balgowlah Rejuvenation Committee; • Residents (unknown number).	• Mayor; • 2 Councillors; • Council's General Manager; • Representative of Council's Planning Design and Environment Group; • 2 representatives of Balgowlah North Precinct Committee; • Balgowlah Chamber of Commerce; • Balgowlah Uniting Church; • 7 nearby residents including 1 local business owner; • Stockland representative; • Allen Jack & Cottier, architects; • Consultant team (town planning and traffic consultants); • Council's independent town planner and urban designer. This group was known as the Community Reference Group (CRG)
Number of community meetings	• 1 public meeting.	• 5 facilitated CRG meetings; • 1 Community Information Feedback Session (CIFS).
Consultation process	• 5 August 1998 - Council and the Chamber of Commerce agreed to hold a public meeting; • 2 September 1998 - Public Meeting; - 150 attendees; • 26 October 1998 - Service Planning & Commissions Meeting endorses UDC and its exhibition. • 12 November 1998 - Balgowlah Rejuvenation Steering Committee; • 16 November 1998 to 7 December 1998 - Exhibition of UDC for 21 days; - Advertising in <i>Manly Daily</i>; - Copies forwarded to Chamber of Commerce, Totem Centre and North Harbour and Manly West Precinct Community Forum Committees; • 12 December 1998 - Service, Planning and Commissioning Committee recommend exhibition of UDP; • 1 February 1999 to 1 March 1999 - Exhibition of UDP;	• 11 November 2004 – - First CRG meeting; - Consultation process with CRG commenced; - Terms of reference and timetable established; - Issues, opportunities and constraints identified; • 2 December 2004 - 2nd CRG meeting; - Presentation of scheme/ options; - Discussion; • 13 January 2005 - 3rd CRG meeting; - Overview of concept design; - Review of opportunities and constraints; • 2 February 2005 - 4th CRG meeting; - Presentation of design concept; • 12 February 2005 - CIFS; - 480 attendees; - 130 feedback forms; • 2 March 2005 - 5th CRG meeting; - review of CIFS; • CIFS feedback reviewed and input

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Consultation	UDP/UDC	Totem Staged DA
	- 23 submissions received; • 15 March 1999 - UDP and UDC adopted by Council.	- into design; • 6 April 2005 - lodgement of staged DA
Duration of process	7½ months	5 months

The UDP and UDC were developed concurrently and considered at various times by the various Committees of Council. The UDP and UDC were considered together at the public meeting on 2 September 1998. After this date, the community consultation processes were not run in parallel which we consider would have been the best approach for related planning documents. The exhibition of both plans was undertaken separately.

- The UDC was exhibited for 21 days between 15 November 1998 and 7 December 1998.
- The UDP was exhibited for 1 month from 1 February 1999 to 1 March 1999.

Nevertheless, the process and exhibition associated with the UDC and UDP was typical of any development control plan-type process, with the plan being prepared by Council's town planning staff in consultation with councillors, public meeting, and exhibition of the plans (albeit separately).

By comparison the level of community consultation undertaken by Stockland was far more intensive and interactive. We believe that the main advantages of the community consultation process undertaken by Stockland compared to the consultation associated with the UDC and UDP, are:

- Greater opportunity for the stakeholders and community representatives to be involved;
- Greater diversity of professional input;
- Greater range of stakeholders;
- Greater number of meetings with the stakeholders;
- Constant revision of the design concept through the consultation process responding to stakeholders' input;
- Explanation of scheme to stakeholders in relation to the UDC and DCP controls;
- Mail drop to approximately 2,000 households.
- Community Information Feedback Session with the consultant team, councillors and stakeholders involved;
- 14-day period for the community to respond to the scheme;
- High level of community feedback and;
- Review of feedback to stakeholders involved in the community consultation.

Stockland have had due regard to the previous consultation processes leading up to the adoption of the UDP and UDC. The high level of community consultation and opportunity for input we believe was more intensive than that undertaken in the preparation of the UDP and UDC. The decision of Justice McClellan in terms of community consultation should not pose an obstacle for Council when determining the acceptability of the departures from the height and floor space ratio controls of the UDC and DCP.

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2.0 PLANNING PRINCIPLES RELEVANT TO CONSIDERATION OF DEVELOPMENT CONTROL PLANS

In terms of the Land and Environment Court Judgement, the community consultation and community input into the UDP and UDC has not been disregarded. Stockland acknowledged the level of community interest and in association with Council, actively sought to involve the community.

Paragraph 87 of Justice McCiellan's judgment summarises the planning principles established from a number of Court decisions. We have considered each of the 5 principles referenced in the judgment and make the following observations and comments:

Planning Principle	Comment
A development control plan is a detailed planning document which reflects a council's expectation for parts of its area, which may be a large area or confined to an individual site. The provisions of a development control plan must be consistent with the provisions of any relevant local environmental plan. However, a development control plan may operate to confine the intensity of development otherwise permitted by a local environmental plan.	The consultation undertaken recognised the departures from the UDC and DCP. The consultation undertaken identified the community's issues and identified opportunities and constraints with the community in order to develop a scheme that responded to the community's concerns and expectations.
A development control plan adopted after consultation with interested persons, including the affected community, will be given significantly more weight than one adopted with little or no community consultation.	The proposal has not disregarded the previous consultation undertaken in developing the UDP and UDC. Instead, Stockland recognises these previous consultations and commenced its own consultation in conjunction with Manly Council, to actively involve the community and interested parties.
A development control plan which has been consistently applied by a council will be given significantly greater weight than one which has only been selectively applied.	This principle is difficult to apply in this instance because the majority of the controls in both the UDP and UDC apply to the subject site and therefore, there is little opportunity to examine the consistency in the application of these plans by Manly Council.
A development control plan which can be demonstrated, either inherently or perhaps by the passing of time, to bring about an inappropriate planning solution, especially an outcome which conflicts with other policy outcomes adopted at a State, regional or local level, will be given less weight than a development control plan which provides a sensible planning outcome consistent with other policies	Whilst the UDP and UDC have been in existence for 6 years, we are not suggesting that the UDP or UDC are inappropriate or out of date. However, the consultation demonstrates a scheme with improved outcomes originally envisaged for the Totem Shopping Centre site. In particular the location and size of the plaza, location of building height and vehicle access all achieve improved outcomes in comparison to the UDC. The consultation process can be viewed as a contemporary review of the UDC incorporating improved outcomes whilst also achieving consistency with the State government policy outcomes such as the Metropolitan Strategy.
Consistency of decision-making must be a fundamental objective of those who make administrative decisions. That objective is assisted by the adoption of development control plans and the making of decisions in individual cases which are consistent with them. If this is	Approval of the Staged DA is not undermining the previous consultation process. Council can make a decision on the staged DA and be consistent in its decision-making, knowing that the community consultation undertaken in

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Planning Report, Recommendation & Appendixes - E Armstrong Planning Pty Ltd

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Planning Principle	Comment
done, those with an interest in the site under consideration or who may be affected by any development of it have an opportunity to make decisions in relation to their own property which is informed by an appreciation of the likely future development of nearby property.	preparing the staged DA had more than adequate regard for the consultation undertaken in the past.

3.0 PUBLIC INTEREST AND PUBLIC BENEFITS

In terms of the public interest head of consideration under Section 79C(1)(e) of the Environmental Planning and Assessment Act, the consultation process undertaken in preparing the staged DA has specifically responded to the public interest in the redevelopment of the Totem Shopping Centre.

Notwithstanding, the Staged DA includes a number of public benefits which either exceed or are additional to the requirements of the UDC. All of these initiatives were identified as opportunities by the community in Stockland's consultation process.

The key opportunities for the site and public benefits delivered are identified below:

1. Connectivity

A key planning element for the site has been ensuring the connectivity to the surrounding streets and the Balgowlah Town Centre. Meaningful connectivity has been achieved by:

- substantially lowering the podium;
- building a substantial amount of retail below ground and increasing the depth of the car parking excavation; and
- locating the main plaza closer to Condamine Street improving visual connections.

2. Open Space

A large community open space area in the form of the plaza has been established in the plan. The area identified is 2300m² and represents an opportunity to provide a public meeting place for the local community currently unavailable in Balgowlah.

As well as being a significant component of the project the proposed plaza occupies a substantial amount of the site that would otherwise have been available for building footprints. This has greatly influenced the siting of buildings and created planning challenges to ensure the residential amenity required is achieved.

3. Traffic

Vehicular access to the shopping centre has been relocated from Griffiths St to Condamine St. Retail traffic will no longer enter Griffiths St and it will return to a residential street. This is seen as a positive benefit for the community.

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4.0 HEIGHT RELATIONSHIP TO TELSTRA BUILDING

We have clarified that the RL 62.1 of the Telstra building relates to the metal grille along the eastern and southern sides of the building. This RL is very close to the RL of the parapet around the landing occupying the southern third of the building, being RL 61.85.

The roof articulation zone, as defined in the Statement of Environmental Effects and plans submitted as part of the staged development application reads as follows:-

"Roof articulation zone:

An allowance made for the overall height to extend beyond the building height. Protrusions above the building height are intended to accommodate roof structure (slats, plinths, parapets, gables, pitched roofs, clerestorey windows etc.), lift over-runs, stairwells, mechanical plant and enclosures, roof elements (vents, flues, aerials, exhausts, fans, ducts, etc.) and the like."

This includes all roof elements including aerials. For the purposes of comparison, we have added to the table in our Supplementary Report, the height of the transmission antenna on the Telstra building, the majority of which are RL 64.4.

BUILDING	BUILDING HEIGHT*		BUILDING HEIGHT WITH ROOF ARTICULATION ZONE*	
	BUILDING HEIGHT (RL)	HEIGHT RELATIVE TO TELSTRA BUILDING (RL62.1)	BUILDING HEIGHT (RL) (includes 3.3m roof articulation zone)	HEIGHT RELATIVE TO TELSTRA BUILDING (RL65.4)
A	51.8	10.3m below	55.1	10.3m below
B	58.3	3.8m below to	61.6	3.8m below to
	64.3	2.2m above	67.6	2.2m above
C	52.3	9.8m below	55.6	9.8m below
D	52.3	9.8m below to	55.6	9.8m below to
	64.3	2.2m above	67.6	2.2m above
E	49.3	9.8m and 12.8m	52.6	9.8m and
	52.3	below	55.6	12.8m below
F	58.3	3.8m below	61.6	3.8m below
G	58.3	3.8m below	61.6	3.8m below
H	46.3	15.8m to 18.8m	49.6	15.8m to 18.8m
	43.3	below	46.6	below
J	49.3	12.8m below	52.6	12.8m below
K	45.8	16.3m below	49.1	16.3m below

Note* The roof articulation zone will not necessarily occupy the full building footprint being confined to a limited number of elements comprising the roof structure of the building.

We note that addition of the 3.3 metre roof articulation zone results in only the 8-storey buildings (B and D) being above the height of the Telstra building including its roof elements.

**Environmental Services Division Report No. 48
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5.0 WIDTH OF ARCADE THROUGH BUILDING A

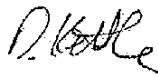
We note at page 96 of the Statement of Environmental Effects we have stated that the arcade through Building A was proposed to have a width of approximately 6 metres, with retail space addressing the arcade. This is an error in the report. The plans are correct and a 4-metre wide arcade is proposed. This arcade width will be capable of achieving the UDC requirement of a 2-metre wide café seating area, separate to a pedestrian walkway.

The plans referred to earlier will be prepared by Allen Jack & Cottier and will be submitted under separate cover. We trust that this information assists Council's assessment team and Council in their consideration of the staged development application.

Should you wish to discuss the concepts of this letter further, please contact either David Kettle of Don Fox Planning on 9980 6933, or David Bedingfield of Stockland on 9561 2699.

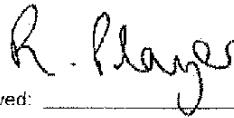
Yours faithfully

DON FOX PLANNING PTY LIMITED



**DAVID KETTLE
SENIOR TOWN PLANNER**

dkettle@donfoxplanning.com.au



Reviewed: _____

Environmental Services Division Report No. 48
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Totem Redevelopment

Planning Report, Recommendation & Appendixes - E Armstrong Planning Pty Ltd

Don Fox Planning

Don Fox Planning Pty Ltd
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Email: donfoxpl@donfoxplanning.com.au
Internet: www.donfoxplanning.com.au
Phone: (02) 9980 6933 Fax: (02) 9980 6217

29 July 2005
Our Ref: 6116.8DK

The General Manager
Manly Council
DX 9205
MANLY NSW

Dear Eric

**TOTEM – Staged Development Application,
197-215 Condamine Street, Balgowlah
DA 168/05**

Further to our letter dated 27 July 2005 and our meeting on Friday, 22 July 2005, we now enclose copies of plans and information regarding the following issues:

- Alternatives to height of Building F;
- Reinforcement of the Sydney Road Link;
- Section through the pedestrian pathway from Griffiths Street;
- Schedule of open space areas; and
- Building C and Lane 34 relationship.

1. Building F (Appendix 1 and 2)

Allen Jack & Cottier has prepared conceptual plans illustrating two options to reduce the height of Building F and address the concerns regarding its height and scale relationship with the Woodland Street properties. These illustrations are self-explanatory. Stockland are prepared to accept a condition of development consent in relation to Building F for either of these two options.

2. Sydney Road Link (Appendix 3)

The primary issue was to increase the visual link from Sydney Road Arcade to the proposed public plaza. The Balgowlah Shopping Centre Urban Design Controls (UDC) states that the central public space (ie. the proposed plaza) should be a focal point and "possibly glimpsed from Sydney Road".

The option presented with this letter enhances the vista and increases the visual connection from the arcade to the proposed plaza. In order to achieve this, the following amendments have been suggested:

- Delete a 5 metre length off the western end of Building E for its full height (four storeys);

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- Align the western edge of Building E with the eastern edge of Building D's footprint, maintaining the strong edge to define the plaza;
- Increase the width of the open space between Buildings C and E, to 11 metres; and
- Introduce a focal point on the southern elevation of Building D.

Again Stockland are prepared to accept a condition of development consent in accordance with this alternative to address this issue.

3. Griffiths Street Pedestrian Link (Appendix 4)

The plans include a Griffiths Street elevation and section along the western boundary. These plans illustrate the manner in which a pedestrian link and combined pedestrian entry to Building F can be accommodated and manage the level changes across the site. Its final design, detailing and landscape treatment will be a matter for the Stage 2 development application.

4. Open Space Schedule (Appendix 5)

As suggested by Mr Armstrong we have undertaken the calculation to determine the open space available on the site. The attached schedule confirms the building footprints plus 50% of the articulation zone of each building in order to determine the open space area available on the site. The open space area equates to 10,355.3m² or 49.2% of the site area.

5. Building C and Lane 34

During our meeting on 22 July 2005, Mr Armstrong raised concerns about the proposed residential land use fronting Lane 34 and potential amenity impacts. Stockland recognised this potential problem and is prepared to accept a condition of consent to change the proposed land use from residential to non-residential uses adjacent to Lane 34. Such a condition should address the potential for residential elements such as access and lobbies that could be located off Lane 34.

The conceptual plans submitted with this letter are designed to serve as a tool to assist in framing conditions of consent and Stockland are prepared to accept such amendments by way of conditions of consent to the staged DA.

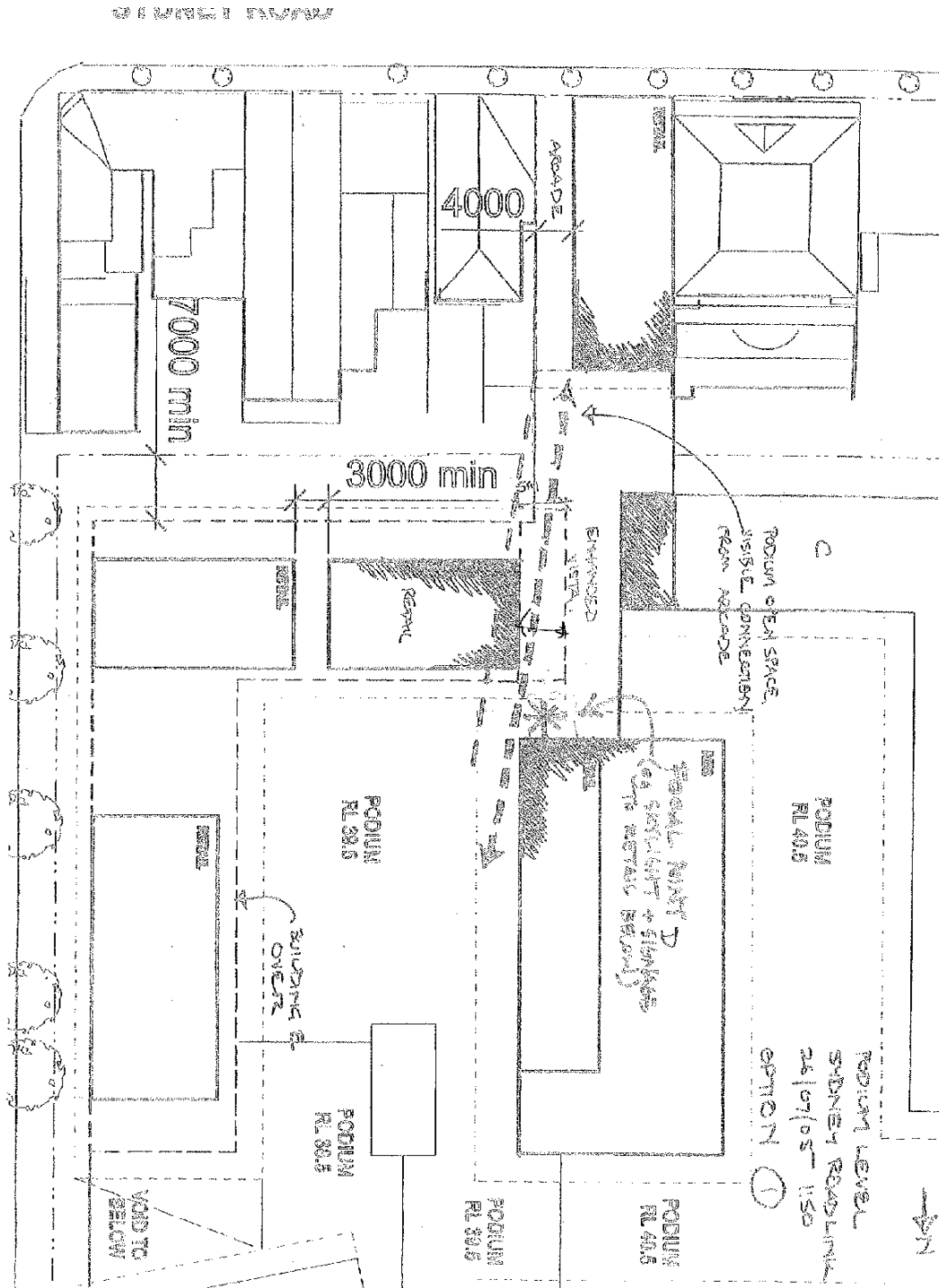
Should you wish to discuss these conceptual plans further, please contact either David Kettle of Don Fox Planning Pty Ltd on 9980 6933, or David Bedingfield of Stockland on 9561 2699.

Yours faithfully
DON FOX PLANNING PTY LIMITED

**DAVID KETTLE
SENIOR TOWN PLANNER**

DAVID KETTLE
encl.

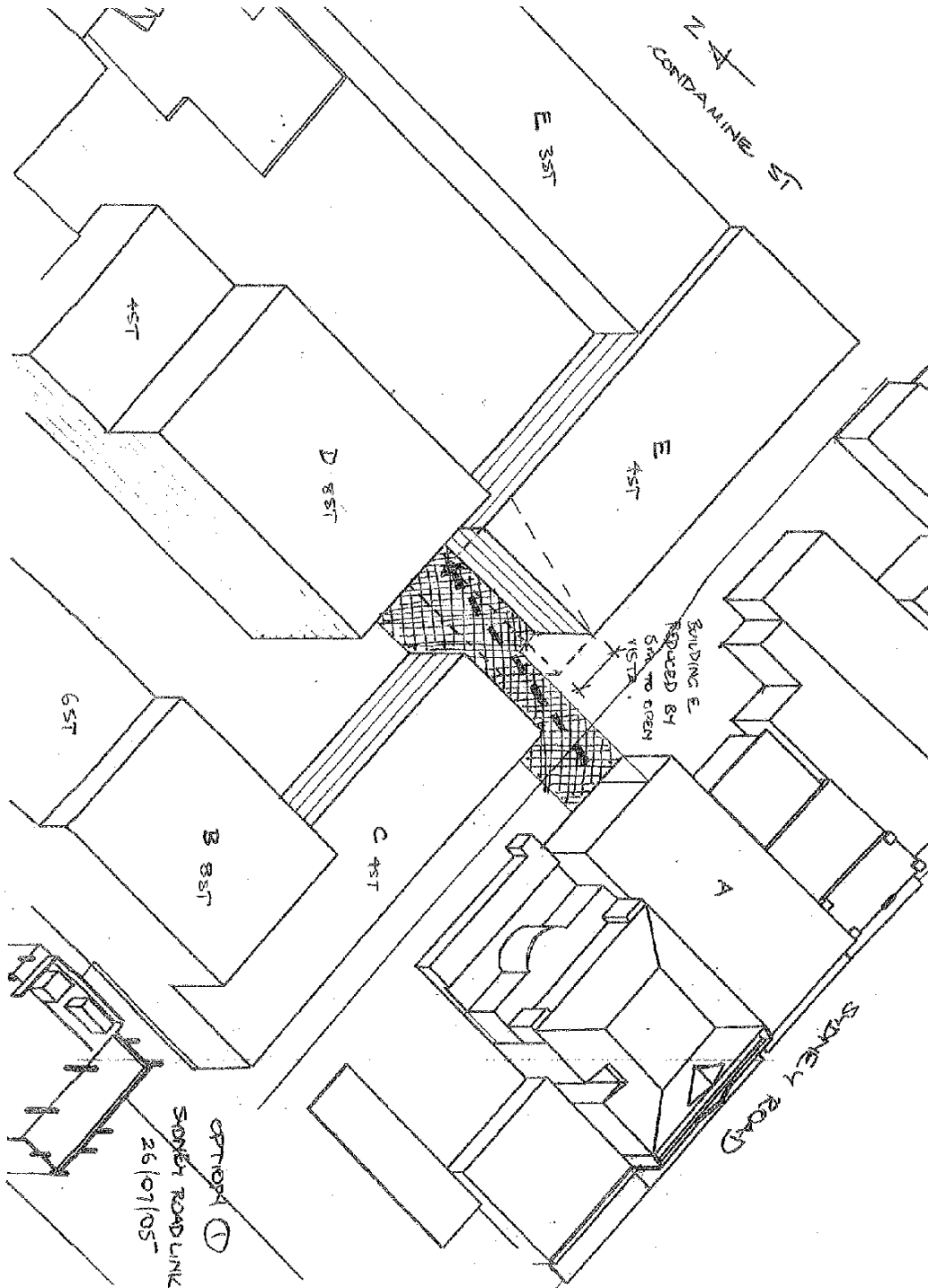
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ATTACHMENT 1

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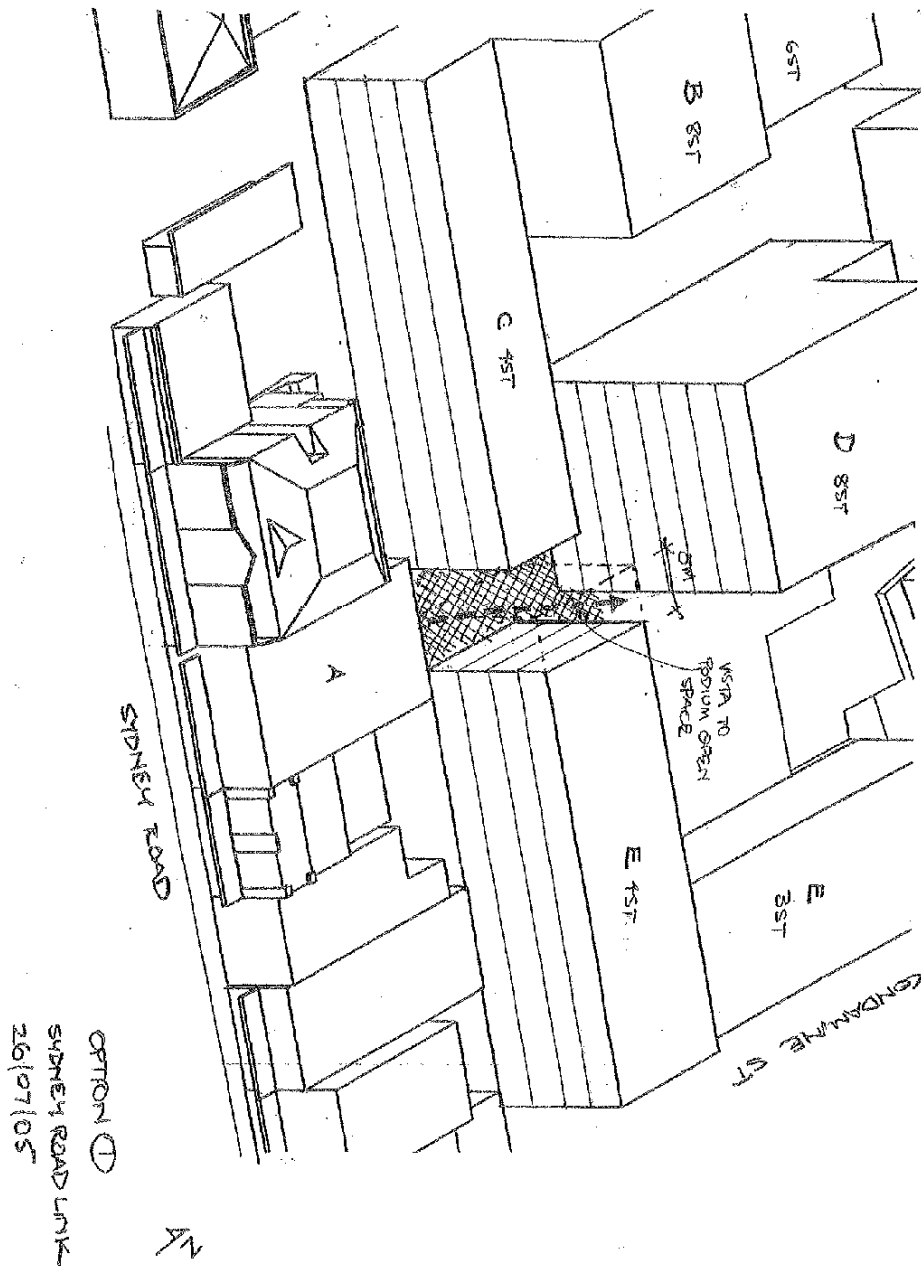
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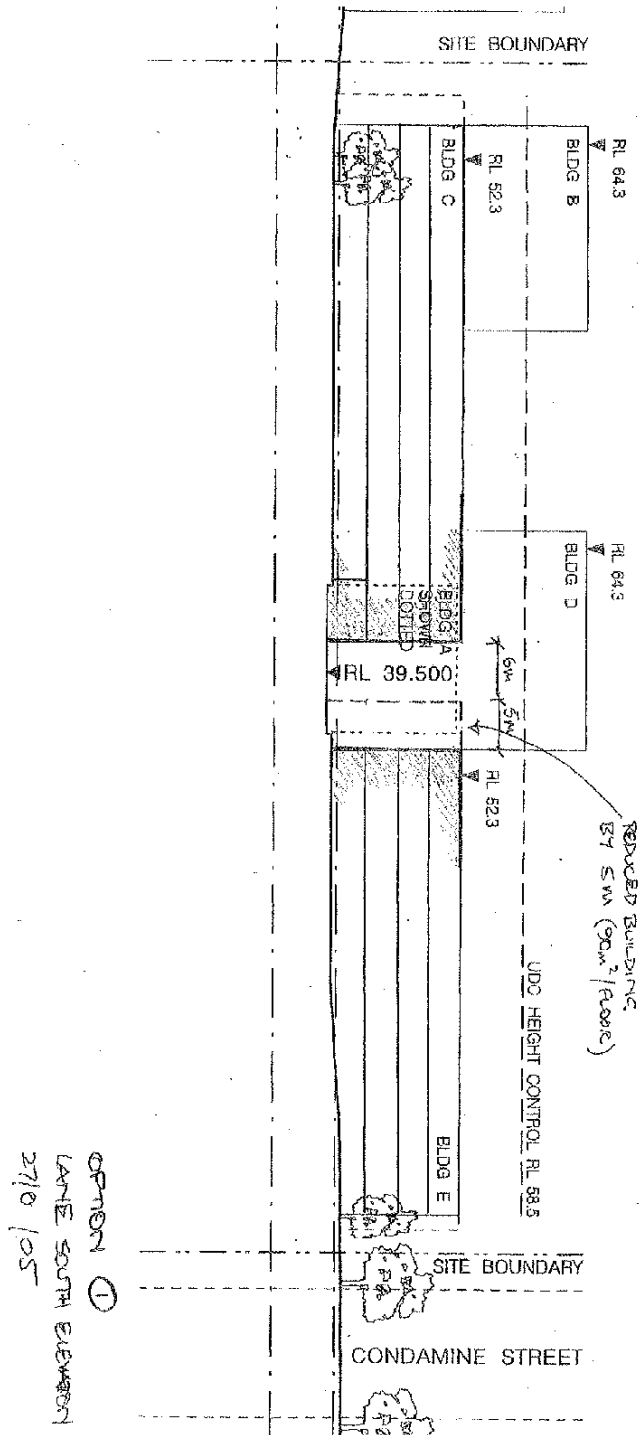
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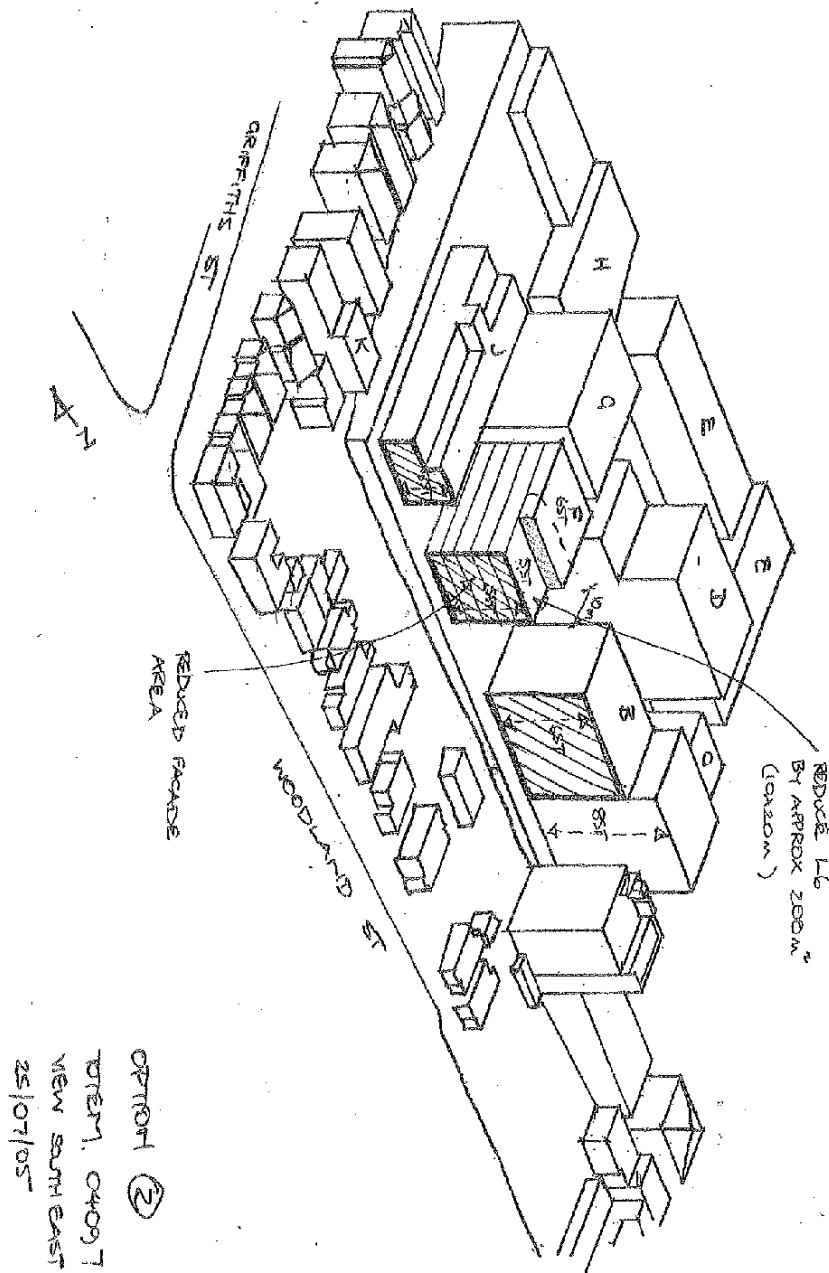
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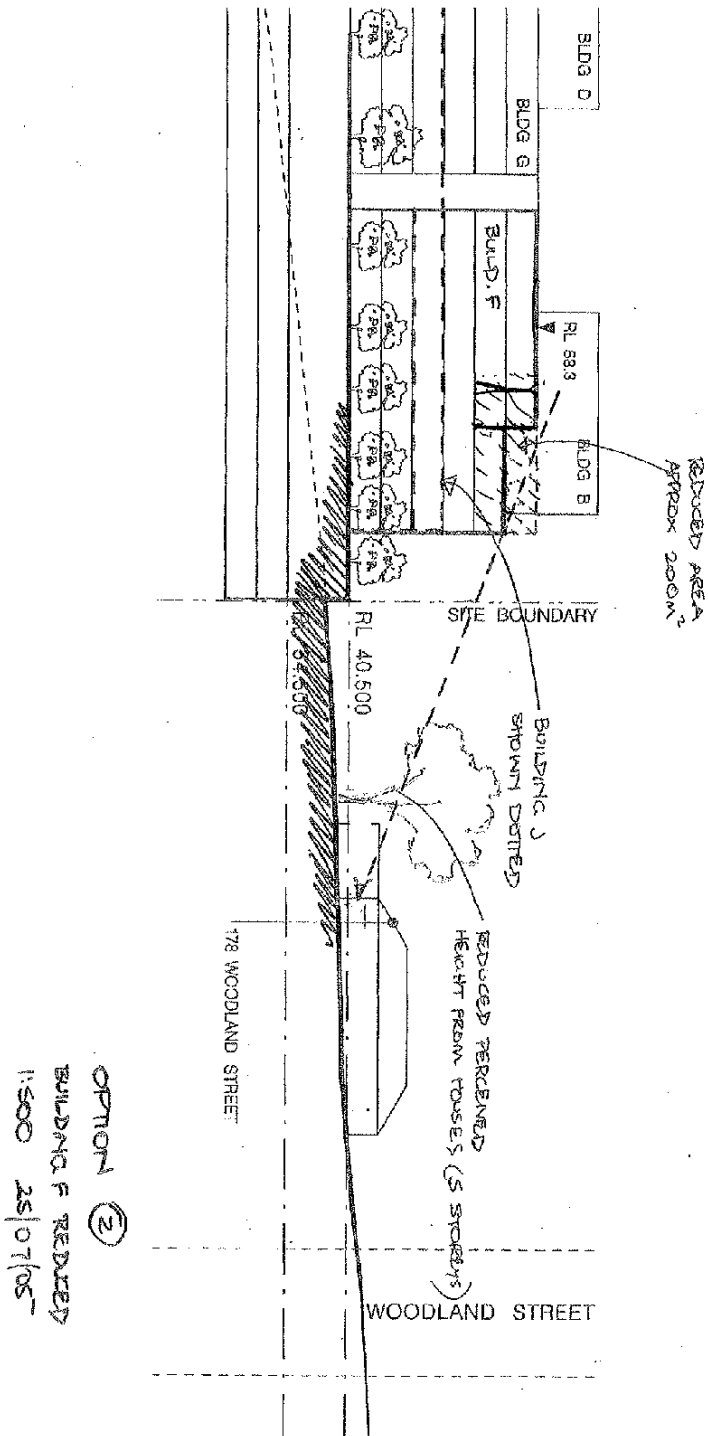
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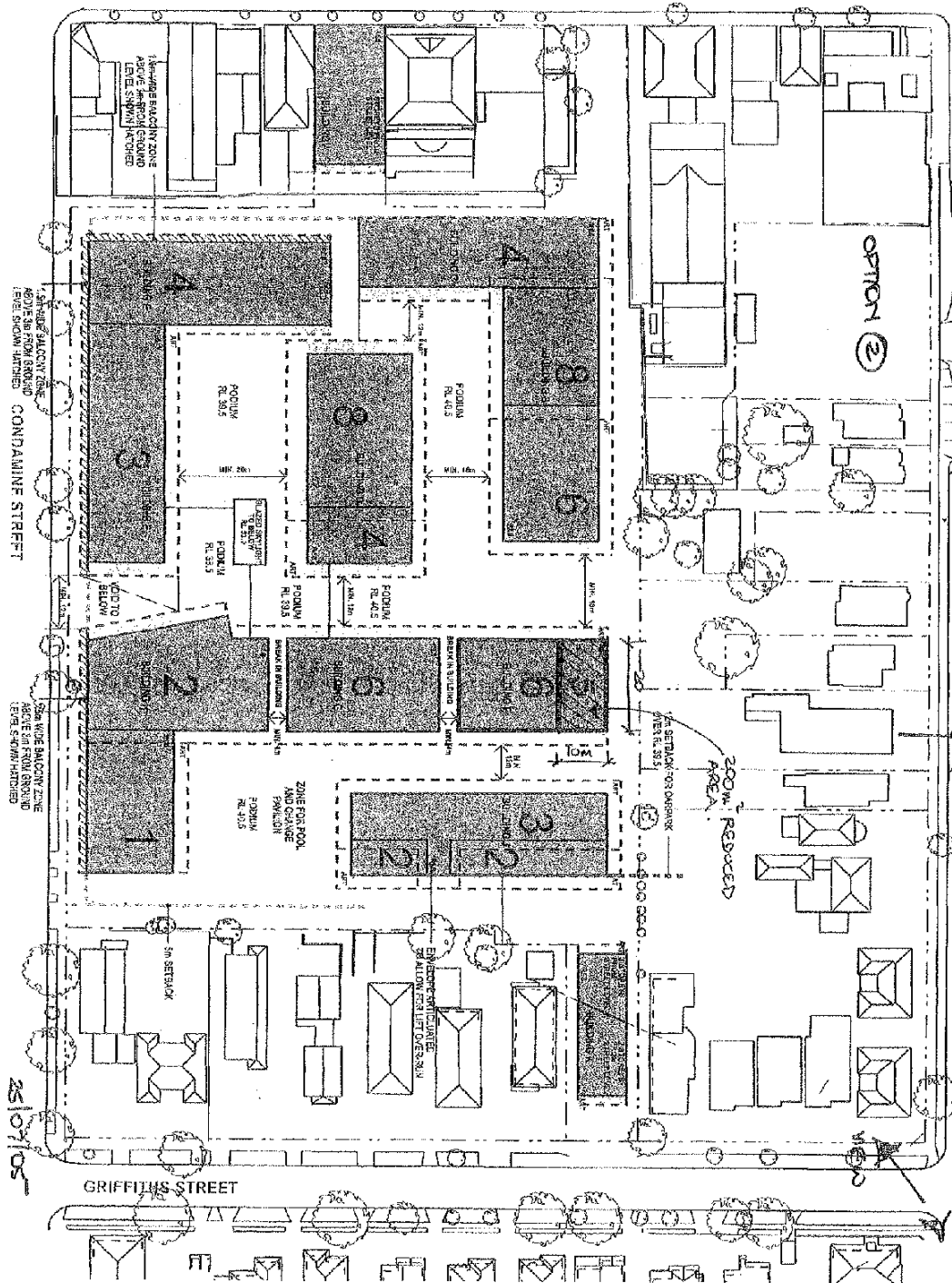
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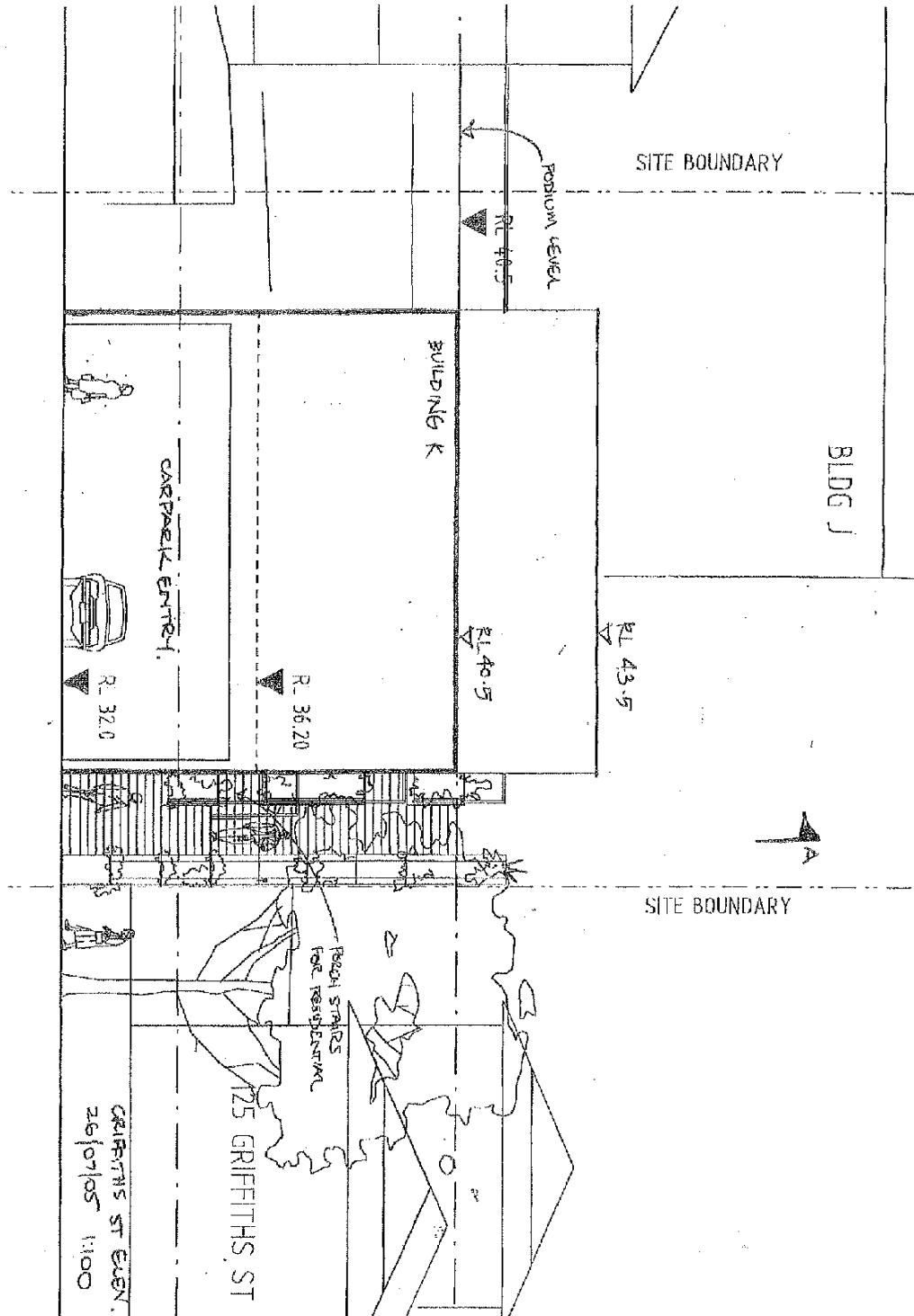
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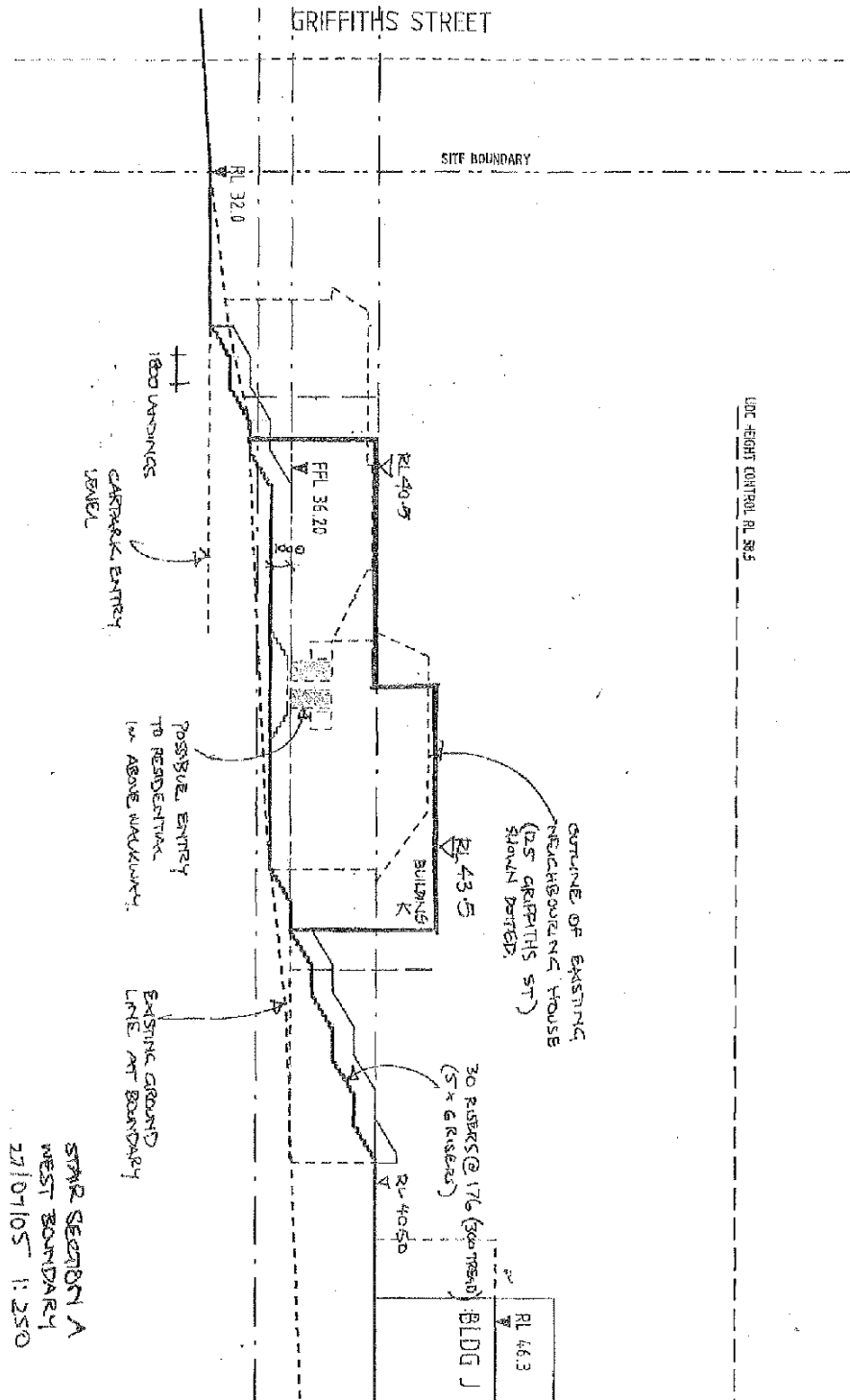
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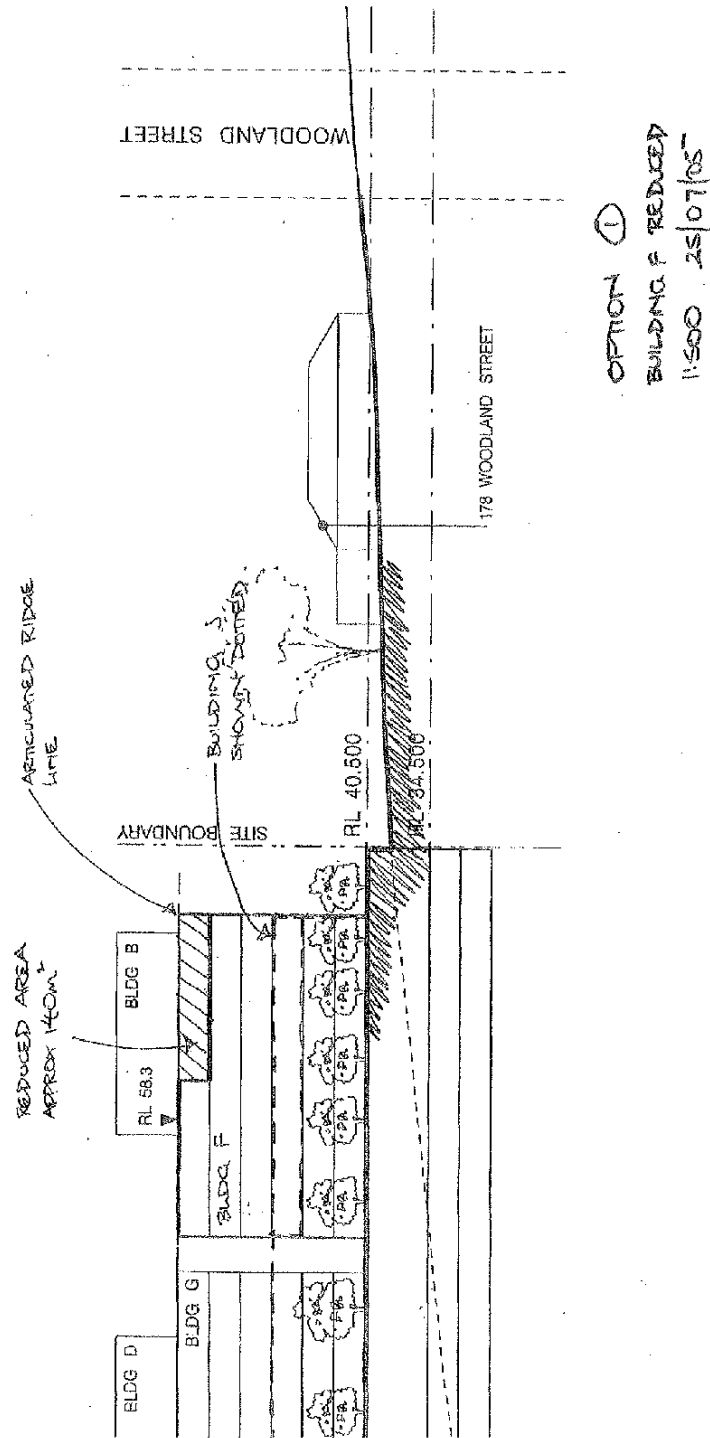
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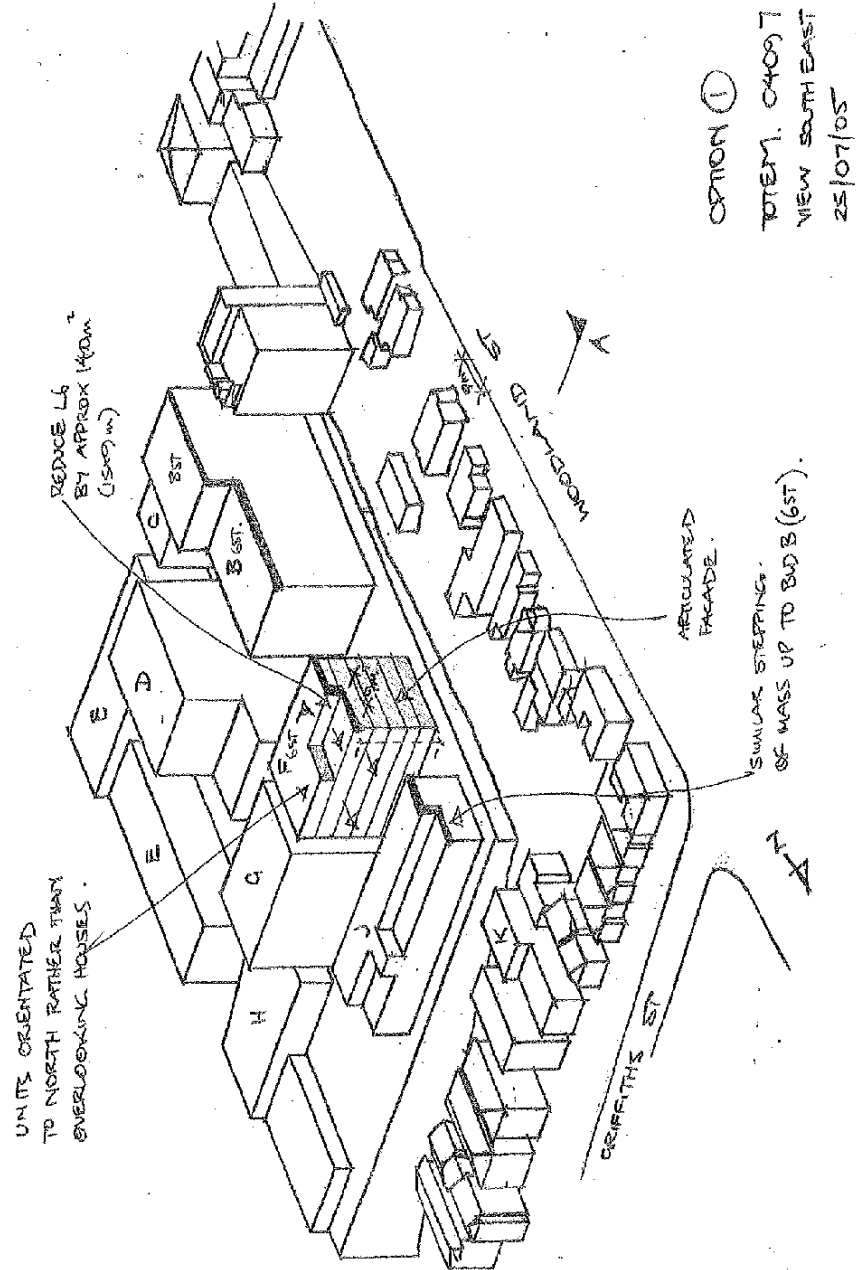
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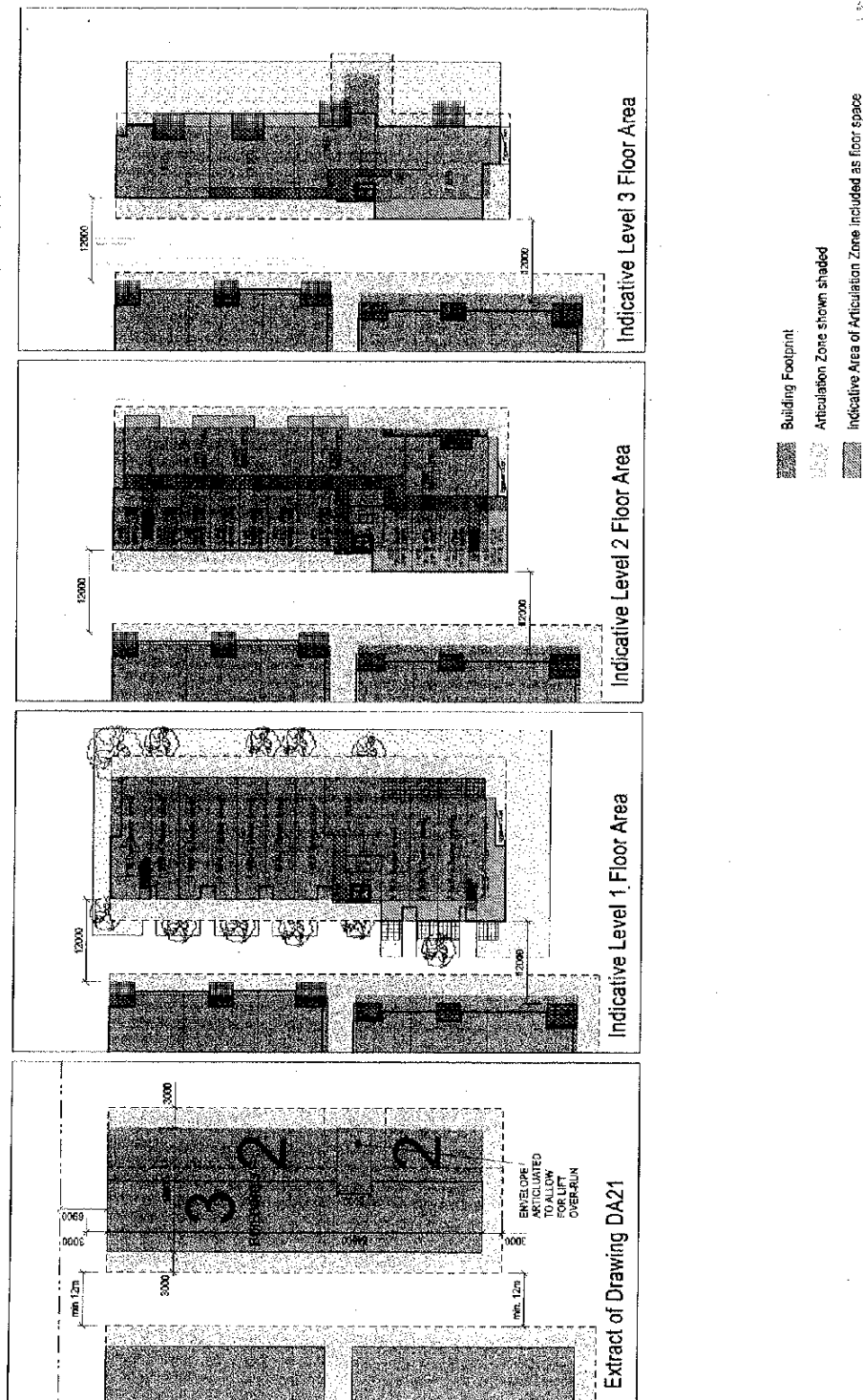


FIG. 1 - INDICATIVE OPERATION OF ARTICULATION ZONES

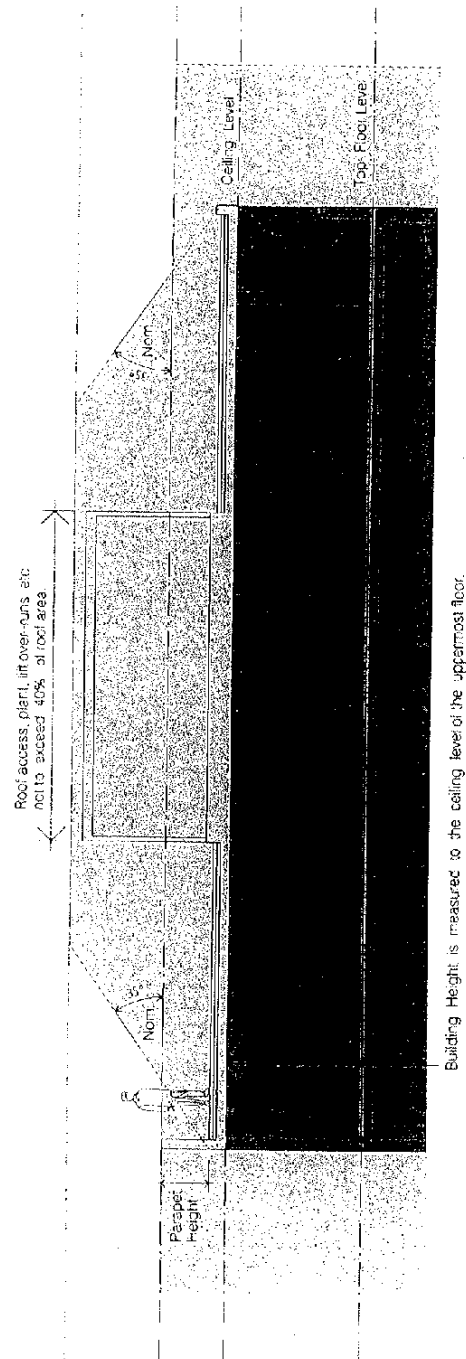
TOTEM BALGOWLAH
CONDAMINE STREET, BALGOWLAH

ALLEN JACK COTTIER
59 Balgowlah Street, Balgowlah NSW 1585
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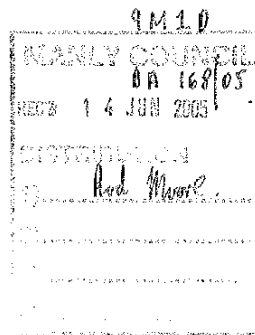
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ID 2002-638 (Part 3)

Andrew Popoff

The General Manager
 Manly Council
 DX 9205
 MANLY

Attention: Rod Moore



SRDAC

**SYDNEY
 REGIONAL
 DEVELOPMENT
 ADVISORY
 COMMITTEE**

81 Flushcombe Road
 Blacktown NSW 2148
 Telephone (02) 9831 0914
 Facsimile (02) 9831 0107
 PO Box 558
 Blacktown NSW 2148
 DX 8120 Blacktown

**PROPOSED REDEVELOPMENT OF TOTEM SHOPPING CENTRE AT 197-215
 CONDOMINE ST, BALGOWLAH.**

Dear Rod

I refer to your letter of 29 April 2005 (Council Reference: DA-168/05), concerning the above mentioned development application referred for concurrence under Section 138 of the Roads Act and under the provisions of Schedule No 1 of State Environmental Planning Policy No 11 (SEPP 11). I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) considered the application at its meeting on 25 May 2005.

Exercise of Concurrence Function under the Roads Act.

The RTA has reviewed the development application and grants its concurrence under section 138(2) of the Roads Act to the development application subject to the following comments being included in the Council's conditions of development consent (should the development application be approved):

Below are the Committee's recommendation and RTA's comments on the subject application:

1. The RTA supports the installation of new traffic signals at the intersection of Condamine Street /Retail Access located between Sydney Road and Griffiths Street with the following configuration:
 - Site access – (2 entry lanes / 2 exit lanes),
 - Condamine Street (south approach) – (Left-Through / Through),
 - Condamine Street (north approach) – (Through / Through-Right).
2. To minimise vehicular conflicts due to the proposed loading dock access being located near the main signalised retail access the RTA requires the installation of a 900mm wide concrete median island along Condamine Street starting at the stop line of the proposed signalised access at Condamine Street/Retail Access and extending 25m north. Note: This may require some localised widening into the footway areas along Condamine Street.

Affected land owners must be consulted with regard to the proposed signalised access and median island along Condamine Street.

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Totem Redevelopment

Planning Report, Recommendation & Appendixes - E Armstrong Planning Pty Ltd

(2)

3. To restrict access along Sydney Road to left-in / left-out the RTA requires the installation of a 20m long 900mm wide concrete median island covering the vehicular access to the Totem Retail site. Note: This may require some localised widening into the footway areas along Sydney Road.
4. As noted within the Traffic Report, the RTA supports the provision of a separate phase at the intersection of Sydney Road / Condamine Street. This additional phase will accommodate the following movements simultaneously:
 - Southbound through movements along Condamine Street;
 - Right turn movement from Condamine Street into Sydney Road westbound;
 - Left turn movement from Sydney Road into Condamine Street northbound.

It is understood that this would require changes to the lantern displays at this intersection.

5. Sydney Road is a significant bus route and traffic flow needs to be as efficient as possible to minimise delays to buses. In order to minimise these delays and for the RTA to support the retention of existing ingress as a result of the large increases to entry movements, time restricted (3pm-7pm Mon-Fri) "No Stopping" restrictions are to be provided along Sydney Road from Woodland Street (North) to the Totem access point on Sydney Road.

This shall also require consultation to occur with the affected businesses by the developer (in consultation with Council). Council's Local Traffic Committee is to consider the results of the consultation prior to implementation. Prior to the installation of "No Stopping" parking restrictions the applicant is to contact the RTA's Traffic Management Services on ph: (02) 8814 2053 for a "Works Instruction".

6. Detailed SCATES modelling for the existing and proposed scenarios of Thursday AM, Thursday PM and Saturday Midday traffic conditions are to be provided to the RTA (in electronic form for assessment) for the following intersections:
 - Sydney Road / Condamine Street
 - Sydney Road / Woodland Street
 - Condamine Street / Balgowlah Road
 - Condamine Street / Retail Access

Note: Electronic version can be emailed to Andrew.Popoff@rta.nsw.gov.au

This must be submitted to the RTA for review as part of the Stage 2 development application. Further recommendations could be provided once the RTA has assessed the traffic modelling.

7. Council's Local Traffic Committee is to consider the implementation / application of the following:
 - "No Stopping" restrictions for a distance of 6m either side of the Totem residential access onto Griffiths Street.
 - Kerbside parking restrictions would need to be reviewed along Griffiths Street to satisfy local road conditions relating to the development proposal.

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**Environmental Services Division Report No. 48
197-215 Condamine Street, Balgowlah
Totem Redevelopment**

Planning Report, Recommendation & Appendixes - E Armstrong Planning Pty Ltd

(3)

8. Parking restrictions at the new signalised access on Condamine Street must comply with the requirements of RTA Technical Direction – “Stopping and Parking Restrictions at Intersections and Crossings” – TDT 2002/12.
9. Should the development proceed, detailed design plans of the proposed median island along Sydney Road (including Keep Left signage and possible pavement widening), the proposed new traffic signal design plan for Condamine Street / Retail Access and the revised signal design plan for Sydney Road / Condamine Street will need to be forwarded to the RTA for approval prior to the commencement of any roadworks. The applicant is to be advised that a plan checking fee (amount to be advised) and lodgement of a performance bond will be required prior to the release of approved road / signal design plans by the RTA.

In addition, a ten (10) year operational/maintenance charge would also be required for the proposed new traffic signals at Condamine Street / Retail Access - (amount to be advised).

10. All works / regulatory signposting associated with this development will be at no cost to the RTA and are to be completed prior to occupation.

In addition Council should consider the following Standard Comments:

11. The development should be designed such that road traffic noise from Sydney Road and Condamine Street is mitigated by durable materials, in accordance with the Environmental Protection Authority criteria 'The Environmental Criteria for Road Traffic Noise, May 1999'. The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not practically or reasonably be met, the RTA recommends that Council applies the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:

- All sleeping rooms: 35 dB(A) Leq(9hr)
- All other habitable rooms: 45 dB(A) Leq(15hr) and 40 dB(A) Leq(9hr).

12. Off street parking associated with the proposed development, including aisle widths, parking bay dimensions, sight distances, turn paths and internal circulating roadways are to be in accordance with AS 2890.1-2004 and AS 2890.2 – 2002 for loading areas.
13. Storm water run-off from the subject site onto Sydney Road and Condamine Street, as a result of the proposed development is not to exceed the existing level of run-off from the site.

In accordance with State Environmental Planning Policy No. 11 it is essential that a copy of Council's determination on the proposal (conditions of consent if approved) is forwarded to the Committee at the same time as it is sent to the developer.

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Totem Redevelopment

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(4)

Should you wish to discuss this matter any further, please contact the RTA's Development Assessment Officer – Andrew Popoff on (02) 8814 2180 or facsimile (02) 8814 2107.

Yours sincerely,



Adriana Gavazzi
Chair, Sydney Regional Development Advisory Committee

6 June 2005

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Environmental Services Division Report No. 48
197-215 Condamine Street, Balgowlah
Totem Redevelopment

Planning Report, Recommendation & Appendixes - E Armstrong Planning Pty Ltd

Memo

To: Rod Moore - Audit & Support

From: Laura Fraser - Heritage

DA No. 168/05

Subject: Totem redevelopment:
-the existing Totem Shopping Centre at 197, 203 and 205 Condamine Street;
-the retail and residential properties of 199, 201, 207-215 Condamine Street; and
-the retail premises at 360-364 Sydney Road; and 123 Griffith Street, Balgowlah

Documentation Received (4 May 2005):

Statement of Heritage Impact (SHI), prepared by Robert Staas, Director/Heritage Advisor Noel Bell Ridley Smith & Partners Pty Ltd, dated March 2005 and received by Council on 6 April 2005.

Statement of Environmental Effects (SEE), prepared by Don Fox Planning, dated April 2005, Issue A and received by Council on 6 April 2005.

Development Application Plan(s): prepared by Allen Jack & Cottier, numbered DA1-01,10,11,12,20,21,30,31,40,41,50,51,52,55,56,57,58&60, Issue A, dated 6 April 2005 and received by Council 21 April 2005.

Proposal: The applicants SEE describes the proposal as follows:

"The proposal is a Staged DA under Section 80(4) of the Environmental Planning and Assessment Act, 1979. The Staged DA seeks consent for the following aspects of the development:

- A floor space ratio of 2.175:1 excluding car parking, equating to a gross floor area of approximately 45,700m²;
- An approximate gross floor area of 14,300M² relating to retail and commercial uses comprising:
 - Main retail use at RL 34.5
 - Mixed retail and commercial use at Podium level fronting Lane 34 and Condamine Street;
- The use of the podium level for a mix of public and private open space retail/commercial use of part of the podium level;
- An approximate gross floor area of 31,400M² relating to residential uses in the form of 9 buildings;
- The use of two Levels below the main retail Level (basements) for car parking in association with the retail/commercial and residential uses and servicing vehicles for the retail component;
- A total of approximately 1,005 car parking spaces;
- A total of approximately 560 car parking spaces for the retail/commercial component, including staff parking located in a basement level and Lane 34;
- A total of 445 car parking spaces for the residential component, including resident and visitor parking located in a basement;
- Building heights, envelopes and articulation zones;
- Vehicular access and egress to the residential parking via Griffith Street;
- Vehicular access and egress to the retail parking from Condamine Street and restricted access/egress via Sydney Road; and
- Service vehicle access for retail delivery vehicles via a dedicated access from Condamine Street only.

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The application also seeks development consent pursuant to Section 80(1) of the EP&A Act for the demolition of existing buildings and structure and the removal of trees on the site. The Staged DA approach has been proposed to establish the key parameters for the site to guide the direction for the more detailed design work that will follow with a Stage 2 DA."

The proposal also involves the removal of two of the heritage listed street trees in Condamine Street to accommodate the proposed location for the vehicular entry/exit. It is also proposed to build a new residential flat building in the current location of the current vehicular ramps off Griffith Street (123 Griffith St).

Heritage Item:

The subject site is in the vicinity of several heritage items listed under the Manly LEP 1988, including No.217 Griffith Street - a block of inter-war flats (corner of Griffiths St and Condamine St and the Brush Box trees in Condamine Street (located between Griffiths Street and Sydney Road).

Clauses 18 and 19 of the Manly LEP are relevant to this application.

Comments:

The proposal involves the demolition of the existing shopping centre and a number of adjoining residential properties surrounding the existing Totem shopping centre.

Totem Shopping Centre:

The applicants Statement of Heritage Impact provides the following historical information of the existing site.

"The Totem Shopping Centre was erected in the early 1960s on an amalgamation of various smaller sites that are owned by Manly Council after 1954 and previously occupied by two tennis courts and a number of very large Coal Trees. This had replaced the earlier occupation after 1940 by the Dairy Farmers Co operative Depot. In 1960 Deasula Pty Ltd purchased the site and leased it to Totem Enterprises Pty Ltd. The centre was one of the first regional centres to be erected on an American model in Sydney and consolidated an existing linear shopping strip that occupied the intersection of Condamine Street and Sydney Road, Balgowlah. It pre dated the larger Warringah Mall by several years and was part of the general move to decentralise shopping in the post war period."

The original Totem development site (internally and externally) is required to be photographically recorded in accordance with the NSW Heritage Office Guidelines, (although not heritage listed or identified by the National Trust) for its historic value identified above and evidence of the development of the Balgowlah village in the 1960s.

Totem neon sign and totem:

The totem signs on Sydney Road and the totem in Condamine St should be assessed for their heritage significance prior to determination of the application and investigation of their retention/incorporation into any new development should be addressed. This was requested for the previous application, however, this has not been done to date and should be undertaken prior to any determination of the stage two DA if stage one is approved.

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Excavation:

It is noted that substantial excavation is proposed on the site. In this regard it is considered reasonable to require a condition regarding the discovery of any archaeological relics on the affected sites.

Heritage Item No.217 Condamine St:

The heritage item on the corner of Griffiths Street and Condamine St (217 Condamine St) is not considered to be adversely affected as there is no change to its immediate setting. The retention of the residential flat buildings opposite and the proposed screen tree planting on the northern boundary of the subject site will largely act as a visual buffer to most of the new development proposed and not significantly affect the wider visual setting of 217 Condamine Street.

Tree Removal:

The proposal includes the removal of two of the heritage listed trees on the western side of Condamine St. These trees form part of the tree lined streetscape of both the western and eastern side of Condamine Street from Sydney Road to Griffiths Street. The listing continues into the cross street of Griffith Street. The trees are listed for their aesthetic importance to the streetscape.

The plans do not provide a survey showing the exact location of the two trees in question.

Extracts of the applicant's statement of heritage impact provides the following assessment of impact on the proposed tree removal:

"Balgowlah was established as a suburb in the early decades of the 20th century and was well established at the time that the Totem centre was constructed (early 1960s). Condamine Street contains an avenue of Brush Box street trees which are approximately 60-70 years old and represent the Council's tree planting policy and street beautification schemes that accompanied interwar suburban development of the area."

"The development proposes that additional semi mature Brush Box will be planted in the street to reinforce and enhance the avenue planting in areas where trees are absent and to replace the tree proposed to be removed for convenience. The overall impact will be therefore lessened by the proposed development."

"It is proposed to remove two of the heritage listed trees that form the avenue planting along Condamine Street to allow for appropriate vehicular circulation into and out of the site. The trees are mature examples that date from the original subdivision and suburban development of the area. The trees are not evenly spaced and are not constant in size or health. There are opportunities to replant areas of the avenue with semi mature trees as part of the overall development which can be further detailed with the Stage 2 development application."

*"Do the trees contribute to the heritage significance of the item or landscape?
The trees are part of the early avenue planting that demonstrates Council policy in the early inter war period for suburban development and street beautification schemes. The trees form part of*

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the landscape character that dominates the area. The tree is part of the heritage listing which extends along Condamine Street from Griffiths Street to Sydney Road. The avenue plantings from the same period extend along Condamine Street to the north and into all of the side streets however these are not identified as having heritage significance by Council." It is noted that street tree listing continues into Griffith Street (between Condamine St and Boyle St) as identified on the Heritage LEP Map 1- Landscape.

" Why are the trees being removed?

The two trees are located in a position that would severely limit visibility and access to the redeveloped Totem Shopping Centre site. The trees are not outstanding examples of the species and are now located on the edge of the kerb."

"Has the advice of a tree surgeon or horticultural specialist been obtained?

An arborists report by Stuart Pittedrih has been provided as part of the overall submission. The report indicates that the trees have been poorly trimmed and are in a location that creates trip hazards for pedestrians. He gives the trees a SULE value of 3B indicating trees that may live for more than 15 years but would be removed for safety or nuisance reasons."

"Are the trees being replaced? Why? With the same or a new species? The Stage 2 development application will detail the proposal to replace the trees with semi mature Brush Box, and together with additional trees this will to reinforce the avenue planting along the street from Sydney Road to Griffiths Street."

"The removal of two street trees in Condamine Street will have an impact on the identified landscape value of the larger group of trees and should be considered in the light of professional advice regarding the expected life of the trees and their current contribution to the group, and the intention of Stockland to replace the trees with semi mature examples of the same species and to reinforce the remainder of the site boundary with appropriate planting".

The assessment of impact does not provide an evaluation of options that would retain these two trees. The removal of these trees will create a significant gap in the current streetscape canopy of trees. The trees are also rated as being in fair condition and healthy crowns, although tree roots are raising the concrete paving. In addition no detail is provided on the new location of the replacement trees to determine whether this is a satisfactory outcome/impact on the significance of the trees.

The above does not provide sufficient justification in heritage terms for the removal of these two trees and their removal is not supported.

Additional semi-mature brush box are required to be planted in Condamine St to reinforce the significance of the existing.

The development should incorporate systems to improve the health and longevity of the listed trees. If consent for the development is granted, protective buffers should be placed around the heritage listed trees of Condamine Street to ensure that damage to the trunks and root systems does not occur during demolition/development of the site. In addition the future paving around the trees should provide for a pervious area under the dripline. **Check with Fenton and Ted.**

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In addition to the above the street trees contribute to the streetscape character of Condamine Street as identified in the SPE as follows:

"Condamine Street on its western side continues the retail uses associated with Totem Shopping Centre and this character changes to a combination of residential, retail and commercial uses before becoming solely residential. The eastern side of Condamine Street is primarily residential in character with the exception of the Uniting Church which acts as a transition between the commercial uses of Sydney Road and the residential uses along the remainder of Condamine Street. The residential development varies from single and two storey dwelling houses to older style two storey residential flat buildings that all form a consistency in scale and open front setbacks.

Condamine Street has an open feel created by the scale and front setbacks of the buildings with a strong line of street trees forming a canopy along much of Condamine Street. The scale and street trees result in the buildings having much less dominance in the streetscape than Sydney Road, despite the main entrance to the Totem Shopping Centre, being from Condamine Street"

It is agreed with the above comments in that the existing low rise and scale development in Condamine Street are subservient to the heights and canopies of the Brush Box trees, enabling the Brush Box trees to be a dominant feature of the streetscape, rather than the buildings. In this regard any new buildings fronting Condamine Street should not dominate the streetscape or the Brush box trees in terms of height and 'open feel'. In this regard the heights of any new buildings on this street front are required to be low rise, i.e. 1 or 2 storey to maintain the existing residential character of Condamine Street. This will ensure the heritage conservation of the aesthetic and historical significance of the street tree planting and their setting in the streetscape. The current heights on the street front proposed should be revised to ensure the dominance of the Brush box trees is retained in Condamine Street prior to any approval of stage one.

Demolition:

It is noted that the National Trust have identified sections of the development site (particularly in Condamine and Woodland Streets) as being within the National Trust Urban Conservation Area Precinct 3, Balgowlah (dated March 1995). A copy is attached. However, this listing has not been recognised by Council (not mentioned in the DCP or part of any review or study) or the applicant (a heritage assessment/study of the sites affected by this development proposal has not been carried out by the applicant).

A site inspection has revealed a number of bungalow style dwellings of the 1920s-30s era; many with intact architectural detailing which are proposed to be demolished in Condamine Street, plus an interwar flat building, workshop and remnant shops in Condamine Street. They also contribute to the existing streetscape setting of the residential dwellings opposite in Condamine Street and contribute to the setting of the heritage listed trees in terms of their original period of development and maintaining a scale which permits the trees dominance in the streetscape.

At the minimum all these buildings are required to be photographically recorded in accordance with the NSW Heritage Office Guidelines prior to any demolition works and building materials (i.e. windows, stone, bricks and the like) are to be recycled to suitable second hand building material outlets.

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Heritage Conditions

Subject to the above requirements, amendments and conditions of consent the proposal will be considered acceptable under Clauses 18 and 19 of the Manly LEP.

If approval is recommended the following condition(s) are required:

1. A photographic archival quality record shall be made of all the proposed buildings and structures to be demolished. All these buildings are to be photographically recorded in accordance with the NSW Heritage Office (Guidelines prior to commencement of works or any demolition works. The record is to be in an A4 format and shall include plans, the streetscape context, their street numbering and black and white photographs, their negatives and colour photographs, two copies of which are to be submitted to Council prior to issue of the construction certificate. Photographs are also to include the heritage listed street trees, the interior and exterior of all the buildings and their setting. The record is to be prepared by a heritage consultant and include a brief outline of the history of the locality and the buildings. When received, a copy will be sent to the Manly Local Studies Library.
2. The heritage listed Brush box (*Lophostereum confertus*) street trees in Condamine St. are to be retained due to their identified aesthetic value and significant contribution to the streetscape of Condamine Street. An alternative design and lower building height is required to ensure retention of these trees and their dominance in the streetscape setting. Details of which are to be submitted to Council for approval prior to issue of the Construction Certificate.
3. Additional semi-mature brush box are to be planted in Condamine St to reinforce the significance of the existing street trees. Details of which are to be submitted with the Landscape plan to be submitted with stage 2 of the development.
4. The development is to incorporate systems to improve the health and longevity of these trees. Protective buffers are to be placed around the heritage listed trees of Condamine Street to ensure that damage to the trunks and root systems does not occur during demolition/development of the site. Details of the method of protection of the trees shall be submitted to Council for approval prior to the issue of the Construction Certificate.

The street trees shall be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed when directed by the Principal Certifying Authority. The enclosure shall be constructed out of F62 reinforcing mesh 1800mm high wired to 2400mm long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk. An annotated photograph(s) of the trees, with particular emphasis on the lower part of the trees, shall be submitted to Council prior to the commencement of any building work.

5. The reuse and recycling of all materials is required, particularly in regard to the historic bungalows and interwar buildings proposed to be demolished. The reuse of the sandstone foundations of these buildings is to be incorporated into the development, such as on the exterior foundations of the new buildings, retaining walls, and/or fences fronting Condamine St. The recycling of the 'liver' bricks, leadlight windows and the like is to occur, preferably on site and/or to suitable professional recycling yards specialising in the recycling of historic building materials. Demolition and storage of these materials is to be

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carefully carried out by the workers and a specific stockpile area is to be designated and protected. Details of the above requirements are to be submitted to Council prior to issue of the construction certificate.

6. The 'totem' neon sign on Sydney Road and the 'totem' in Condamine St are to be retained for their historic links to the locality and the site and are to be incorporated into suitable major public open spaces such as the proposed plaza off Condamine Street or within the shopping centre such that they:
 - feature prominently and provide opportunities to act as a meeting place for;
 - and are given suitable all-weather protections.
7. An historical interpretation of the history of the site and the totem shopping centre including the sign and totems is to be located in the vicinity of the sign and totem, and it is preferable that both the sign and totem are displayed together as part of the interpretation. The interpretation is also to include historic photographs of the site and the significance of the street trees in Condamine Street. The use of the name "totem" should be considered to continue with site due to its local connections and identity with the locality. Details of the above are to be submitted to Council for approval prior to issue of the Construction Certificate.
8. Any stone kerb in the vicinity of the development site is to be protected from damage during construction. Details of the method of protection of the kerb are to be submitted to the Principal certifying Authority prior to the issue of the Construction Certificate. Photographs of the kerb are to be submitted to Council prior to the commencement of any building work.
9. Where driveway construction necessitates the removal of any part of any existing Stone kerb, the redundant stone kerb blocks are to be carefully removed, without damage, in whole blocks. These kerb blocks are to be delivered to Council's depot in Balgowlah. To arrange access to the depot and a suitable time for delivery contact Council's Works Superintendent on 0418 608 494 between 8.00am and 4.00pm Mon.-Fri. The removal and delivery of the stone kerb blocks is to be undertaken at the expense of the owner/applicant.
10. If, during the course of construction and any associated earth disturbing activities, human remains or archaeological deposits originating from Indigenous or non-Indigenous cultures are exposed, works must cease immediately and Council informed. The Police must also be informed if human remains are uncovered. If this procedure is not followed the applicant may be guilty of an offence under the NSW National Parks and Wildlife Act 1974 and the Aboriginal and Torres Strait Islander Heritage Protection Act 1984, and will be reported to the relevant authorities.

The NSW National Parks and Wildlife Act 1974 (§ 90) states:

- (1) A person who, without first obtaining the consent of the Director-General, knowingly destroys, defaces or damages, or knowingly causes or permits the destruction or defacement of or damage to, an Aboriginal object or Aboriginal place is guilty of an offence against this Act.*

§210 of the Aboriginal and Torres Strait Islander Heritage Protection Act states:

- (1) A person is guilty of an offence if:*

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- (a) the person:
(i) does an act; and
(ii) the act causes damage to, the defacing of, or interference with, an Aboriginal object or an Aboriginal place; or
(b) the person does an act likely to endanger an Aboriginal object or Aboriginal place.

Penalty:

- (a) if the person is a natural person—\$10,000 or imprisonment for 5 years, or both,
or
(b) if the person is a body corporate—\$50,000.

Unless an excavation permit has been issued by the Minister it is an offence to disturb or excavate land knowing that archaeological evidence of either Indigenous or non-Indigenous origin may be present.

The Heritage Act 1977 (New South Wales) states in §139 that:

(1) A person must not disturb or excavate any land knowing or have reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.

(2) A person must not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.

Consent for a development, issued by the Council, does not provide an applicant with an excavation permit, nor a permit to destroy damage or remove items of archaeological significance originating from either Indigenous or non-Indigenous cultures. This permit must be applied for independently through the Heritage Council of New South Wales.

L Fraser
Laura Fraser
Heritage Planner
(Development Control)

28/5/05

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Attachment

Streetscape Street Trees

Item

Name of Item: Streetscape Street Trees
Type of Item: Landscape
Group/Collection: Parks, Gardens and Trees
Category: Tree groups - street
Primary Address: Condamine Street (from Griffiths Str, to Sydney Rd), Balgowlah, NSW 2093
Local Govt. Area: Manly

Property Description:

Lot/Volume Code	Lot/Volume Number	Section Number	Plan/Folio Code	Plan/Folio Number
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All Addresses

Street Address	Suburb/Town	LGA	Parish	County	Type
Condamine Street (from Griffiths Str, to Sydney Rd)	Balgowlah	Manly			Primary

Statement of Significance

Listed for its aesthetic importance to the streetscape.
Date Significance Updated: 13 Feb 02
 Note: There are incomplete details for a number of items listed on the State Heritage Register. The Heritage Office intends to develop or upgrade statements of significance for these items as resources become available.

Description

Physical Description: Brush Box (*Lophostemon Confertus*) on both sides of the street between Griffiths Street Junction and Sydney Road.
Current Use: Street plantings

Historic Themes

Australian Theme (abbrev)	New South Wales Theme	Local Theme
3. Economy - Developing local, regional and national economies	Environment - cultural landscape - Activities associated with the interactions between humans, human societies and the shaping of their physical surroundings	(none)
4. Settlement - Building settlements, towns and cities	Towns, suburbs and villages - Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	(none)

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Assessment of Significance

SHR Criteria a) Landscape, suburbanisation
 [Historical Significance]

Assessment Criteria Items are assessed against the **State Heritage Register (SHR) Criteria** to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan					

Study Details

Title	Year	Number	Author	Inspected by	Guidelines Used
Mainly Heritage Study	1986		Blackmore, Ashton, and Co.		No

References, Internet links & Images

None

Note: Internet links may be to web pages, documents or images.

(Click on Thumbnail for Full Size Image and Image Details)

Source of information for this entry

Name: Local Government
Email: Contact Local Council
Web Page: www.dlg.nsw.gov.au/

Administration

Database Number: 2020423

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18 May 2005

DA 188/05 – 215 Condamine St Balgowlah (Totem site)

Proposed: Redevelopment of Site.

Comments:

Condamine Street (West) between Sydney Road and Griffith Street

1. No.207 (1930s Art deco duplex) to be documented.
2. No.s 209-11-13 Photographic documentation.
3. Condamine Street streetscape to be photographically documented (including 1930s garage).

Condamine Street (East) between Sydney Rd and Griffith St.

1. Pearse's corner - 1920's, shop/flats worthy of listing.
2. Balgowlah Friendly Society Hall (Lifeline Shop). Important community building in early history of Balgowlah, worthy of listing.
3. Balgowlah Uniting Church: excellent and rare interwar Gothic 'village' scale church that has an important history in the Balgowlah community (see Local Studies Collection - church history 2004) and a landmark position. Probably the most important community landmark with heritage values in Balgowlah. Recommended for listing (contrary to previous recommendation by Council's previous heritage planner).
4. (a) No.s 134,136 and 142 are relatively intact, representative examples of the bungalow period (No. 140 is also an acceptable part of the streetscape with similar residential scale) that should be respected in the Totem development opposite.
 (b) No.144 is a good well detailed intact example of a 2 storey Art Deco flats with good brick decorative detailing, worthy of listing.

The scale and character of this residential precinct should be respected in the Totem development opposite, including architectural detailing and articulation.

5. Recommended that a heritage study be commissioned for the adjacent Balgowlah shopping centre precinct with a view to appropriate listings along the shopping strip as a heritage precinct.

Condamine Street (Avenue of Honour)

1. 1925 Avenue of Honour should be heritage listed (1920s trees between Sydney Road and Balgowlah Road. - see local studies History of Avenue of Honour, 2004).

Needs arborist's assessment of age of trees to determine which trees were original and which are more recent plantings.

Griffiths Street (South) between Condamine and Woodland.

1. No.111a/b: "Maryley", unusual 1930s semi that should be listed.

Griffiths Street (North) between Condamine and Woodland.

1. Recommended for streetscape listing. Representative examples of 1920s to 1940s cottages.

Woodland Street (East) - between Griffiths St and Sydney Road.

1. Representative 1920s streetscape (excluding 1960s townhouses corner of Griffiths Street) recommended for streetscape listing.

Woodland Street (West) - between Griffiths St and Lombard St.

1. Representative relatively intact, good group of 1920s cottages recommended for streetscape listing (between Griffiths and Lombard).

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9.

Corporate Planning and Strategy
Division



INTERNAL MEMO

Council Chambers
1 Belgrave Street
Manly NSW 2095

Correspondence to
General Manager
PO Box 82
Manly NSW 1655

Date: 21/7/05

Time: 5pm

Telephone 9976-1500
DX 9205 Manly

TO: David Stray/Eric Armstrong

CC JENNIE MINIFIE

FROM: Michael Biddulph

DRAFT COMMENTS RE TOTEM DA STAGE 1 DA called APRIL 2005 ISSUE A

David/Eric,
With regard to the Proposal the planning report by Don Fox Planning states that
TAC and TRG meetings have taken place previously and as a response to these
pre DA meetings... *"This interactive design and consultation process has
produced this DA proposal which departs from the height controls of the UDC,
and the floor space ratio and height control of the Business DCP."*

My comments will in no way be conditioned by any pre lodgement meetings
with the applicant and are objective in this regard and are based solely on
information presented in this DA.

The DA presented is a Stage 1 DA and my comments will be made only with
regard to issues that the level of detail presented at this stage is able to explain.

BUILDINGS TO LANE 34

Building E and C have been setback the required 2.3m from the site boundary to
Lane 34 however these buildings are higher than the 10.5m allowable height
and do not then setback from this but instead present a sheer 13m high wall
onto lane 34 (with added roof articulation zone are higher again).

The planning report on p52 states that these buildings create *"an appropriate
bulk and scale to lane 34 that will not detract from its future character"* The
report states that the height non-compliance of one full storey ie 3m is a *"minor
height departure"*

It is felt that this is not minor non-compliance and that given that the main

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northern wall line to properties on the south side of Lane 34 are set back by at least 10m then the proposed façade height of buildings E and C should respond to this and be at least compliant to help reduce the scale of development on the narrow Lane 34 thereby protecting pedestrian amenity here .

In this regard disagreement is held with the planning report comment that states *"the height and setbacks of Buildings C and E are appropriate in the context of the scale of existing and likely future development along Lane 34."*

It is clear from an assessment of the shadow diagrams that the non compliant height of buildings E and C increases overshadowing to outdoor spaces on the north sides of podium level outdoor spaces of the residential flat buildings here to the degree that there is no sun to them all day at the winter solstice.

Page 53 of the planning report states that ..(with regard to views) *"the additional height (of buildings E and C) will not adversely impact on views from these residential properties on the southern side of lane 34. Whilst their outlook will change this will be form one of a service lane and blank walls to a more active and interesting elevation"*

On p80 of this planning report however it states that the façade of building C to lane 34 will have no articulation zone on its façade .Does this mean that this wall be blank of any articulation? This wall should have an identified articulation zone and along with the required reduction in its height to make it compliant. This may reduce its impact and enhance its amenity when seen by residents opposite and pedestrians in Lane 34.

Table 6 in the planning report states on p80 that building E has a 5m wide articulation zone.

This articulation zone should not be in the setback zone required in the UDC and the Business DCP to lane 34 as the setback will not be achieved as the UDC require.

It is also unclear at this stage whether the footpath widening control on dwg A4 of the UDC has been complied with here

PROPOSED TOTEM PLAZA

The Land and Environment Court summarised the unsuitability of the previous proposal and included this comment in summing up ... *"The proposal fails both because of its disregard for the controls carefully developed with all relevant parties but also because of the impacts occasioned by the height and scale of the development which are unsatisfactory"*

The planning report on p 5 states that the proposal takes advantage of the opportunity of creating *"a people place"*. The height of the building D addressing the plaza on its western side is nearly 6 meters higher than the UDC allowance.

It is felt that this extra height is substantial and that this 24m high wall to a building that addresses the plaza will have a negative impact on the amenity of the plaza space and will increase the level of enclosure experienced to a negative or unacceptable level

The planning report compares the size of the proposed plaza with the width of The Corso in Manly's town centre. The Corso is 23m wide x over 300m long and is generally skirted by buildings of 2-4 storey height. So apart from a pure assessment of width there is little else that the two spaces will have in common. Large parts of The Corso receive sunlight most of the year round for large parts of the day. This ensures its amenity for pedestrian use.

Whilst it is felt that the inclusion of a Plaza space in the development is admirable it is felt that having a sheer façade of 24m high abutting this space

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will have disastrous impact on its amenity and greatly reduce its potential use as a place for people as is the intention. Apart from overlooking and the overbearing impression of this façade it will also reduce sunlight access to the public space that an otherwise compliant proposal would allow.

Justification of this extra height for this building addressing the plaza is based on the clauses in SEPP65 that describe adequate separation between buildings (see p 28 of the Residential Flat Design Code RFDC attached to SEPP65). The introduction to the building separation chapter states that, *"Buildings that are too close together also create amenity problems inside the building, for the space between and for neighbouring buildings. These problems include lack of visual and acoustic privacy, loss of daylight access to apartments and to private and shared open spaces"*

Compliance with the objectives of this chapter in the RFDC are it seems, more to do with maintaining amenity for the building occupants and ensuring the space on the ground between buildings is appropriate for private or shared open space again for the building occupants.

This is supported by the numeric control between buildings which uses as reference points, the distance between their habitable and non-habitable rooms and balconies etc across a separation. There is no mention of spaces between buildings that may be major or the primary public town centre spaces for the heart of a local community as is the case here.

In this case the built fabric surrounding such a space should be responsive to it and in no way detract from its potential. The planning report on p 56 talks about the way some buildings addressing the plaza have been designed (4-5storeys) to *"maintain a sense of openness to the plaza compensating for the taller height of building D"*

In this regard it is felt that no wall abutting the plaza should be any higher than the UDC allows and if any height above required is considered appropriate by council it should be set back by a distance that will alleviate its overbearing impact on this suburban public plaza

PROPOSED BUILDINGS TO CONDAMINE ST

Page 60 of the planning report talks about the way that the proposal represents a new building virtually all the way down the Condamine St frontage of the development site.

The diagram on page 60 shows that there are large areas of non compliance in buildings E and H wall heights. The argument for the appropriateness of this is that *"the 4m setback (required by the UDC) provides scope for the buildings to exceed, in part the 10.5m wall height control..."* It is unclear how the setback requirement allows extra height for this component of the proposal.

These non-compliances are described on p61 of the planning report as *"the minor and occasional variation to the 10.5m wall height..."*

For 15m-20m lengths that represent over 70% of the length of the buildings on Condamine St there is between 30% -50% non-compliance in wall heights. It is felt that this is not minor variation in height as stated. Especially as this height identified is only a ceiling height of the relevant development. Another 2-3m can be added for roof articulation zone making the overall non compliance with the UDC more extreme again.

The intention of the setback requirement was to protect existing street trees and to accommodate public spaces (see dwg A4 in UDC) and a wall height at this setback is clearly described as 10.5m on dwg A5 in UDC

In this case the building envelope has been clearly defined and as RFDC SEPP 65 states...

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'on p23 "a building envelope is not a building. It defines a generous 3 dimensional space within which quality residential design can occur"
The diagram on this page makes it quite clear that rather than a building envelope leading to non-compliances in wall height etc on a sloping site (as the planning report for this proposed development suggests ie on p 61 it states that "... it is the slope of the land that results in the intermittent departures of the building envelopes along the Condamine St...") the SEPP 65 diagram makes it very clear that the whole building form is to be designed so it is totally within the building envelope.
Greater compliance with the UDC and SEPP 65 with regard to development on Condamine Street would also have the added benefit of increasing solar access to the plaza.

MICHAEL BIDDULPH –Architect Planning and Strategy

ATTACHMENT 1

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Urban Design and SEPP 65 Assessments for
Totem Development Application
197- 215 Condamine Street,
Balgowlah

GM Urban Design & Architecture Pty Ltd
August 2006

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1. INTRODUCTION

Manly Council has requested that GM Urban Design carry out an independent Urban Design and SEPP 85 assessment of the Stage 1 Development Application for the Totem Site, 197-215 Condamine Street, Balgowlah.

This development application has evolved through an extensive consultation process with Council and the community to try and achieve a better urban design outcome for the site than a previously unsuccessful application.

Numerous meetings have been held with Council's Community and Technical Reference Groups to test proposals and assumptions. The application being assessed is the result of Stocklands balancing of that process and their own objectives for the site.

Stocklands and Manly Council are to be commended for undertaking this process which has allowed good representation and discussion of Council, the community and Stocklands views and issues.

The Staged DA seeks consent for:

- A floor space ratio of 2.175 excluding car parking, equating to a gross floor area of approximately 45,700 sqm;
- An approximate gross floor area of 14,300 sqm relating to retail and commercial uses;
- The use of the podium for a mix of private and public open space and commercial/retail use;
- The use of 2 basement levels for car parking;
- A total of approximately 1,005 car spaces;
- Building heights and envelopes within which development must be confined;
- Vehicle access and egress via Griffith and Condamine Streets;
- Service vehicles via Condamine Street.

This assessment has been based on the following information provided as part of this Stage 1 Development Assessment.

Drawings:

- 020312BDY Survey Drawing Rev C;
- DA1 – 01, 10, 11, 12, 20, 21, 30, 31, 40, 41, 50, 51, 52, 55, 56, 57, 58 and 80000 – 002, all revision A;
- Various colour photomontage views from surrounding viewpoints.
- Statement of Environmental Effects dated April 2005 Issue A by Don Fox Planning and Allen Jack + Cottier.
- Various supplementary information packs including Supplementary information to Statement of Environmental Effects July 2005.
- Letter dated 19 July 2005 – Response to Submissions.
- Letter dated 27th July.
- Letter and associated diagrams dated 29th July.

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2. The Site and surrounding context

The Site:

The site comprises the majority of a suburban block bounded by Sydney Road, Condamine, Griffiths and Woodland Street North in North Balgowlah.

Adjoining suburbs include Fairlight and Manly Vale to the north, Clontarf and Balgowlah Heights to the south, Manly and Fairlight to the east and Seabrook to the south.

Area:

The site is irregular in its shape with a total area of 21 034.8 sqm.

Topography:

The site slopes from the south western corner down to the north eastern corner of the site at Condamine Street. The total change in level is from RL 45.7 to RL 24.62 AHD. This equates to an approximately 13m fall in a northerly direction along the Condamine Street frontage.

Streets:

The site benefits from frontages to three streets surrounding the block. Minor frontages occur to Sydney Road and Griffiths Street comprising retail buildings at 380 Sydney Road and a car entry point and the Baby Health Centre. The frontage to Griffiths Street currently provides the main car park entry to the shopping centre via a concrete ramp system.

The major street frontage is to Condamine Street. At present the Condamine Street frontage is the main retail/commercial frontage for the centre.

The site also benefits from an existing laneway. It currently links from Sydney Road through to Condamine Street and is used as a service lane for the commercial properties fronting onto Sydney Road.

Vehicular and pedestrian Access:

As stated above access for vehicles is from Sydney Road and Griffiths Street for the existing shopping centre. Pedestrian access is possible from Condamine Street and Sydney Road only at present other than an arcade access to Lane 34 to the eastern end of the block.

The existing Shopping Centre

The majority of the site is occupied by the existing Totem Shopping Centre. It is a multilevel building with carparking, 2 supermarkets, specialty shops and the Masonic Club which is currently located to the middle of the centre.

Uses:

The site marks the edge of the surrounding residential zoning (occurring in the centre of the site along the lane boundary generally) with the commercial zoning applying generally to the shopping centre.

Heights:

The existing development is low scale on the site itself other than the car park structure to the middle of the site.

The Context:

Locality and topography:

The site is approximately 10 km from the centre of Sydney and about 2km west of Manly. It is located in the saddle of a ridgeline that extends from Manly to Seabrook. The site falls towards a broad gully which is located on the north of the ridgeline.

Block and subdivision pattern:

The area is generally characterised by rectangular blocks oriented in either a north south or east west direction. The average block dimensions are approximately 190m x 70m particularly for the residential area to the west of the site.

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The block in which the site is located is a larger block at 230 m x 160m. It is a similar size and configuration to the block to the east of this site (bounded by Condamine Street, Sydney Road, Griffiths Street and Boyle Street).

The development block however is no longer subdivided by any streets other than the laneway running from midblock along Sydney Road then east to Condamine Street. Had such a midblock street still been evident here then it would have reduced the development block to a size that is more consistent with the surrounding residential area.

The subdivision pattern to the retail commercial areas such as Sydney Road and Condamine Street is of narrow frontage small scale shops of generally 3 -4 storeys. Recent development has amalgamated some lots along Sydney Road.

Street network:

The development site is bounded to the south by Sydney Road, an east west arterial road between Pittwater Road and Manly Road. This road is extremely busy, being the principal arterial route from the lower North Shore and Sydney to the lower northern beaches.

The east of the site is bounded by Condamine Street. This street is a north south carriageway between Ernest Street and Pittwater Road and is part of the main north south arterial Road system through the area.

Woodland Street North to the west of the site is a north south collector road through the residential area. Griffiths Street to the north of the site is an east west residential street through the area.

There are a number of smaller residential local streets which connect onto and are terminated at Woodland Street North by the development's block. These streets are Angle Street and Lombard Street. Lombard Street continues as an east west link from Woodland Street back towards the Balgowlah Golf Course providing the only continuous east west street link for dwellings located in this area until Kilchener Street to the far north of the site.

Built form and uses:

The remainder of the block to the:

- South along Sydney Road consists of low scale 1-4 storey commercial/ retail/shop top residential narrow fronted development. Retail uses include speciality shops, cafes, chemists and real estate agents. One exception is 370 Sydney Road that rises 4 floors above ground level retail.
- West along Woodland Street North includes low scale single to 2 storey detached housing and town house developments. The Telstra Exchange building is also located along Woodland Street North at approximately 7 storeys in height. This building is notably out of scale with the remainder of the street and the locality.
- East along Condamine Street is commercial/retail and residential, ranging from single storey commercial to 2 storey residential flat buildings. The United church building is also located to near the corner of Condamine Street and Sydney Road.
- North of the site along Griffiths Street is characterised by both single storey housing and 3 – 4 storey apartment buildings with apartments facing both onto Griffiths Street and also to the southern boundary of their sites.

The surrounding locality:

- The entire surrounding locality apart from the development on the far south side of Sydney Road is zoned for residential development. Therefore this site acts as the local retail centre along with the main street development along Sydney Road and to a lesser extent Condamine Street.
- The existing scale moving away from the site in all directions is generally low 1 to 2 storey housing or townhouses apart from the Biarritz 8 storey apartment building located near the site along Sydney Road and the 3-4 storey apartments and commercial buildings along Condamine Street and Griffiths Street.
- The heights permissible around the site are mainly 6.5 – 8.0m with only the northeastern corner achieving a height of 9.0 – 10.0m in the residentially zoned areas.

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Landscape and open space

Whilst regional open space in the form of harbour and large inland parks is well provided near this locality there is a paucity of small local parks and public urban space on this side of Sydney Road.

Condamine Street and to a lesser extent Griffiths Street benefit from street tree planting although it is spasmodic to the development side of the street. Sydney Road and Woodland Street have little street tree planting.

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3. Statutory Controls Analysis

The application has been assessed against the aims, objectives and provisions of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, Manly Local Environmental Plan 1988 (Amendment 45), Manly Development Control Plans for Business Zones and Residential Zones and Balgowlah Shopping Centre Urban Design Plan 1999 and Urban Design Controls 1999.

The following identifies the relevant urban design statutory provisions and how the development responds to these provisions.

State Environmental Planning Policy No 65

Design Quality of Residential Flat Development: Design Quality Principles

Principle 1 – Context

'Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.'

Relevant considerations:

- The site is a neighbourhood shopping centre and plays a significant role as a focus to the local neighbourhood. As such it can also have a role as a visual focus for the local area.
- The surrounding built form varies from 1 and 2 storey dwellings, through 3 and 4 storey walk up apartments up to 7-8 storey tower forms. The taller forms are generally out of scale with the rest of the neighbourhood and act as visual markers to the centre.
- Any new development on the site must respond to the medium and lower scale character of the existing neighbourhood and should provide transitional forms between the higher density commercial development along Sydney Road to the lower scale character of Griffith and Condamine Streets in particular.
- The adjacent sites to the west currently occupied by single dwelling houses are likely to be redeveloped over time and may increase from their current scale. This potential may facilitate transition from any massing on the site of this Development to the lower scale residential character of Woodland Street.
- The treatment of the edges of the development is important to ensure appropriate transition and appropriate amenity for existing neighbouring properties.
- There is an existing development - The Telstra building immediately to the south west of the site which exceeds the predominant scale of the area at some 7-8 storeys. It is a building of poor visual quality that screens the south western corner of the site.
- To the north of the site are the 3-4 storey apartment buildings.
- The site would benefit from improved connectivity to respond to the original subdivision pattern of the neighbourhood. Ideally pedestrian connections to the centre from all surrounding streets should be provided particularly from Woodland Street through to Condamine Street.
- Any development should seek to reinforce the role of Lane 34 as a pedestrian as well as vehicular link. In addition the address of the shopping centre should be improved to Sydney Road.
- Separation distances and the relationship between the existing and future development to the south of Lane 34 and new development on this site is also an issue. This development should not unreasonably burden the sites to the south with additional setback requirements to meet the separation distances required under SEPP 65 and recommended in the Residential Flat Code.
- This site is the 'heart' of the Balgowlah area and as such should seek to provide a visual and spatial focus for the local area. Therefore any new development should seriously consider providing a useable, well designed public space with good northerly solar access to provide

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an urban square protected from the noise of Sydney Road. This space should be part of a connected pedestrian structure to through the block.

Comment on the DA response:

- The design of the development seeks to establish a focus for the local area both as a shopping facility but also in terms of public open space and critical mass of population via residential density.
- The Application proposes retail and residential uses. The retailing uses are located to the southern end of the site adjacent to Lane 34, Sydney Road and along Condamine Street as well as generally edging the public open spaces. This is appropriate and will reinforce the role of the centre in its locality.
- The residential component of the proposal has been located above the retail podium. Density will be dealt with under that principle but in general the residential use in combination with the retail use to create a mixed use precinct with good activity and use by residents as well as shoppers is considered to be positive and appropriate for its location.
- Whilst detail considerations and a number of issues relating to scale and massing will be dealt with under a later principle, generally the proposal responds appropriately to the surrounding context with lower scale development to the street edges that is reasonably consistent with either the existing context or likely future context.
- The greatest bulk and height has been positioned to the south closest to Sydney Road where the commercial and retail activity is focused. This is an appropriate response subject to issues of separation and character for Lane 34.
- The building envelopes have been distributed to achieve good permeability for the site.
- The design has provided excellent connections through the site from Sydney Road through to Condamine Street and the potential for a mid block connection through to Woodland Street if the sites there were to redevelop. The width and character of the Woodland Street connection is an issue that will be dealt with in a later principle.
- The public urban spaces provided within the development are well considered and generous. They provide a mix of larger and more intimate spaces that also respond to the laneway character and potentially create attractive transitional spaces in the journey from Sydney Road into the heart of the development and the main urban area.
- The shopping centre itself has been set into the site thereby reducing its impact and height relative to natural ground level.
- This has achieved an urban 'spine' through the development that should be continued by an redevelopment on the western site adjacent to Woodland Street, allowing connection at grade and potentially creating a pedestrian connection approximately midblock right through the block.
- The extent of public and private open space and the disposition of smaller built form elements across the site creates a grain that responds appropriately to the existing apartment development along Griffith Street and the commercial development along Sydney Road.
- To respond to the lower scale of Condamine Street the design provides a much lower edge that creates a positive sense of containment to the street and preserves the existing street trees.

Recommendations:

- Generally the design responds well to the existing context, particularly to Condamine Street, Sydney Road and Griffith Street.
- There are some minor concerns about the massing along the Western boundary and Lane 34 which will be dealt with under later principles.

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Principle 2 – Scale

'Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.'

Relevant considerations:

- The scale of existing development around the edges and the streets adjacent to the site varies quite significantly.
- The Sydney Road edge of the site accommodates the greatest heights however there is a variety of heights from 2 and 4 storeys up to 8 storeys set back from the lane edge.
- Condamine Street is more uniform with massing of 1 – 2 storey dwellings and apartments.
- Griffith Street has mainly 3-4 storey apartments adjacent to the site and single storey dwellings to the northern side.
- Woodland Street does not provide an address to the site but the housing along its eastern edge is generally commercial uses to the south including the Telstra building and single storey housing to the northern end.
- Therefore any new development needs to mark itself and a central place for the local area but also act to mediate between these different scales and uses and provide appropriate edge responses.

Comment on the DA response:

To Sydney Road and the south of the site:

- The proposal reaches a maximum envelope height as defined by the Statement of Environmental Effects as 8 storeys above podium level (to underside of the uppermost ceiling). This equates to approximately the height of the 8 storey development on the other side of Sydney Road and approximately 1 floor higher than the Telstra Building adjacent to the site.
- This 8 storey height has been limited to the southern portion of the site and is tucked behind the Telstra massing and located centrally in the site.
- The building envelopes reaching this height are located outside the DCP envelope for the greatest height on the site. However from an urban design viewpoint the location proposed is more appropriate as it has a lesser impact visually and in terms of amenity closer to Sydney Road and its commercial uses.
- Whilst generally such a height would not be encouraged due to its poor visual impacts, the location of the height here ameliorates its effects as it is predominantly screened by the Telstra tower and is set well back from any street frontages.
- The exceedance of the height controls applicable to the site (see later assessment) is supported in this instance as the slightly greater massing has allowed a much better design resolution of the ground plane for the development – delivering generous public spaces within the development that will fulfil a 'town square' role for the local area.
- These benefits outweigh the greater height given its location.
- The development proposes a new infill building to its frontage to Sydney Road. The massing will be some 4 storeys and responds to the new development adjacent to it.
- The scale is felt to be appropriate to the future character of Sydney Road and is supported.

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To Condamine Street:

- The heights provided to Condamine Street are 1-3 storeys above the podium level which equates to generally a 2-3 storey form along the street. The disposition of building mass provides a form which gradually steps down the street and provides only a 2 storey form to the northern edge of the site.
- This lower scale and stepped response respects the topography of the street and provides a massing that is appropriate to the context of the street and the role of the centre.
- The lower height to the northern edge of the site provides a reasonable transition to the adjoining 2 storey development.

To Griffith Street:

- The development provides an infill massing to Griffiths Street. The height is 2 storeys to Griffith Street and 3 storeys to the rear of the development. This infill development replaces the existing vehicle ramp system which is a blight on the street and has adverse impacts. Instead the proposal sinks the ramp under the new infill building and continues the existing massing.
- This is a sensitive and appropriate response that completes the street and greatly enhances the amenity of the street.
- There are issues however with the positioning of the development relative to the proposed pedestrian connection that will be dealt with later in this report.

To the Northern Boundary

- The development proposes a blank wall setback 5m of varying height to the northern boundary with development above the podium level. The development is setback a maximum of 12m in two locations.
- The apartment development does not extend for the full length of the northern boundary and occurs on to the western half and a smaller portion to the eastern edge of the site. This results in open area above the podium for a reasonable portion of the boundary, close to the two semi detached cottages in Griffith Street.
- The scale of the apartment development here is 2 storeys to the west with a setback 3rd storey and 1 storey to the east.
- This low scale form creates a reasonable scale relationship to the existing apartment development along Griffiths Street well setback to preserve privacy and amenity.
- It is considered acceptable.

To the Western Boundary:

- Whilst the development does not have direct frontage to Woodland Street the western boundary will be visible over the top of the existing low scale dwellings. The height of development proposed here varies from 2/3 storeys along the northern edge up to 6 and 8 storeys to the southern edge of this boundary.
- The built form is setback some 6 metres from this boundary. There is potential for redevelopment of the adjoining site along Woodland Street. The likely height of such development under the current controls would be 6.5 – 8.0m with roof structures able to extend 3m above max external wall height. This equates to approximately 2-3 storeys.
- Under the Residential Design Flat Code separation distances are recommended related to height. With the 6 storey height proposed to building F and arguable to Building B the development would not be contributing 50% to the required setback dimension in the event that low scale apartment redevelopment occurred on the adjoining site.
- The centre of the site at 6 storeys is visible from both Angle and Woodland Street as it equates approximately to the tops of the tree canopy along Woodland Street. Redevelopment of the Woodland Street sites would reduce the visual impact of this edge of the development.
- Whilst the 6 storey height is considered a reasonable transitional element to the south of the site (Buildings C and B), particularly as it shares the boundary with the Telstra site

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Building F is not considered to provide an appropriate gradation of scale to the north following the topography or to the existing dwellings to the west. A reduction of scale here would also to reduce the visibility of the new development from Woodland Street.

To Lane 34:

- The development proposes heights of 4 storeys along the laneway. This corresponds to the height of the new infill residential building fronting Sydney Road. The four storey scale is considered an appropriate response to the likely future character of the southern side of the laneway and is supported.
- As part of the design the applicant has widened the laneway for approximately half of its current length. This provides a 7m width to the lane that will enhance its amenity and improve its character.
- The increase in width does not continue its full length. Therefore the 4 storey scale is much closer to the existing development to the western end of the laneway.
- The additional width that is provided to the eastern section is very positive and creates opportunities for an attractive streetscape that links the Sydney Road entry point and Condamine Street as part of one experience and also improves the passive surveillance of the laneway.
- The termination of this additional width provides a sense of enclosure to the Sydney Road pedestrian route. This is generally a positive decision but will result in the remainder of the lane having a reduced amenity with more of a vehicle and servicing focus. This will be further reinforced by the vehicle entry points from Sydney Road.
- Great care will be needed to ensure a positive amenity and surveillance is achieved for this section of the Laneway.
- It should also be noted that this treatment may not provide a positive address for any future development to the west of the site.
- By its closer proximity to the western portion of the lane, Building C does not appear to be contributing 50% of the required separation distance under The Residential Flat Design Code to the existing residential or future residential development fronting Sydney Road.

Recommendations:

- Overall the scale of the development is a reasonable compromise. It creates a minor focal point for the local area visually that demarks the centre without significant adverse impacts in terms of overlooking, overshadowing or dominance to the surrounding development.
- The slightly higher forms allow a generous area of urban open space as the town centre and also excellent circulation through the site to Sydney Rd, Condamine Street, Griffiths Street and potentially in the future to Woodland Street.
- However Buildings C and F are considered too close to the boundary to provide the required separation distances under the Residential Flat Code for future or existing development relative to the proposed height. The setbacks should be increased to provide 50% of the setback required by the Design Code to ensure that future development on adjoining properties is not unreasonably burdened. The separation distances are dealt with under the next principle.
- Building F is considered to high to achieve an appropriate scale relationship to the adjoining development on Woodland Street. Therefore it should reduce the scale of the western end of the building to provide an appropriate transition. The building should be reduced to 4 storeys for a setback of 10m from the edge of the building.

Principle 3 – Built form

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'Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.'

Appropriate built form defines the public domain, contributes to the character of streetscape and parks, including their views and vistas and provides internal amenity and outlook.'

Relevant considerations:

- The disposition of building elements, their separation and relationship to the streetscape, adjoining development and each other needs to contribute positively to the area and immediate context.
- New development should provide a positive outlook to adjoining development and a good address to each of the streets.
- New development must share equally any burden for separation distances and must not impose unreasonable additional setback requirements on adjoining site to compensate for their lack of setback.
- Any public spaces within the site should be appropriately scaled with generously dimensioned links and should not be overly dominated by any new building form.
- As this is a Stage 1 DA it is neither possible nor appropriate to assess the architecture of the development. The potential for the designated envelope to deliver a well articulated built form is a relevant consideration at this point.

Comment on the DA response:

- Internally within the site the building forms are generally well considered and have been located to provide reasonable separations to preserve good amenity and solar access for the future occupants.

Setbacks and separation distances:

- Setbacks are generally consistent with the advice contained within the Residential Design Code which supports SEPP 65 other than as set out below
 - Building E and Building D come into close proximity on the southern side of Building D due to their proximity and the articulation zones. The applicant has provided additional information in an attempt to demonstrate that this is not an issue. They have also decreased the footprint of Building E by 5m to create better sightlines to the main plaza, to create a more generous pedestrian space on the laneway and also to reduce the impact of the proximity of the two buildings.
 - However the articulation zones of these buildings are still considered too close together.
 - They could result in negative impacts in terms of privacy and outlook for any apartments located in the corner of these building forms.
 - Therefore the articulation zones on each of these buildings should be deleted in this area to ensure a minimum of 6m between these buildings and neither building should be able to locate a balcony or habitable living area on these corners.
- Buildings F, G and H are acceptable as side elevations only are in close proximity and this can be handled easily by the design of the apartments.
- Generally the developments within the site are reasonably close to the separation distances required in SEPP 65. There are slight non-compliances that given the orientation of the development parcels are considered acceptable.
- However the relationship of Building F and G to building J is of some concern. The diagrams indicate a minimum separation of 12m between articulation zones for the two buildings.
- The applicants have provided a further explanatory diagram of how this separation will be provided. Whilst it is accepted that the separation distance will move in and out of the

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respective articulation allowances the overall dimension between the core building locations (indicated in darker blue on the diagrams) is only some 13.5m maximum.

- This raises a concern that the maximum depth of articulation between these buildings will be at most 1.5m and more likely only some 750mm each.
- This is not considered to provide sufficient room for the articulation zone which is indicated on the diagrams as being 3m for each building.
- It is also noted that the width of the core building envelope for Building F and G is some 20.5m. The Residential Design Flat Code recommends a maximum of 18m for apartment buildings.
- Whilst there may be some leeway in this dimension where there is plenty of separation distance around a building this dimension should be respected in such tight inter building relationships.
- Therefore Building F and G should be reduced in depth to accommodate appropriate 'real' articulation zones.
- Whilst slight allowances may be acceptable against separation distances within the development it is not considered acceptable that such relaxation should occur where the development occurs close to its boundary with other lots.
- There are two areas of concern in this regard -- with Building C in its relationship to the Lane and development to the south of the lane and also with Building F at a height of 6 storeys.
- Building C is only setback some 2.5m from the site boundary. Whilst no dimension is provided on the plans the setback for this building should be capable of contributing 50% to the required setback in the Residential Design Code between 4 storey buildings in the event that the lots to the south of the laneway were to develop.
- The design code requires a 12m separation between habitable areas for development up to 12m or 4 storeys. An existing residential development is located opposite Building C with frontage to Sydney Road.
- The new development should provide 50% of the required separation from the centre of the laneway i.e. minimum of 6m to ensure that this separation is provided for any future development along the laneway.
- Building F at 6 storeys only provides a 6m separation to the western boundary. Under the Design Code buildings of 6 storeys should provide separation of 18m between habitable rooms and 13m between habitable and non habitable rooms.
- It is reasonable to assume that any new development on the Woodland Street properties would orient habitable rooms to the western boundary. Also given the footprint of Building F it may well locate balconies and living areas on the corners of the block.
- Therefore a reasonable separation distance should be provided to the boundary. However an earlier recommendation in this report required a reduction in the scale of this building to 4 storeys at the boundary.
- In the event that Council requires a reduction in height in this location then 6m setback would be acceptable for Building F. However if the height remains at 6 storeys then the setback should be increased to 50% of the required separation in the RDFC i.e. up to 9m.

Enclosure of public spaces;

- The development provides excellent public urban spaces. These spaces vary in scale to create interest and are edged by development of varying scale. The largest space has buildings ranging from 2, 3 4 and 8 storeys.
- These built forms are carefully arranged and will provide a good sense of enclosure to the space without dominating it. The scale also maintains reasonable solar access to the space.
- The 8 storey forms are considered an acceptable scale relationship to the main square. The height of the development will be some 25m plus roof feature. The dimension of the

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square will be a minimum of 20m. Therefore this equates to a 1:1 relationship which is quite reasonable.

- The main square also has a positive sense of address to Condamine Street. This is a busy street which also carries trucks and buses. The development wraps the public space but still provides good visual connection without compromising the amenity of the space in terms of noise. The development provides significant openings to the street at the podium level.
- However the drawings have not been dimensioned to indicate a definite extent of opening. The main opening scales a dimension of 16m and the opening to the north at 23m at its widest point and 20m at its narrowest. These dimensions should be conditioned as part of any approval.
- The communal and semi public spaces in the remainder of the development also have development that is of reasonable scale.
- The development proposes a pedestrian link to the side of Building K providing access to the centre from Woodland Street. At present this link is dimensioned as 2.5m and the sketch provided by the applicant indicates that this link will also provide the entry point for the building.
- The width of Building K has not been dimensioned but scales at some 10m. The site width is 15.24m and a setback to the eastern boundary of 2.5m is indicated.
- The width of 2.5m is not in my opinion sufficient to provide an adequate pedestrian link, reasonable privacy and amenity to the apartments in the future building, landscaping and main entry to Building K.
- Firstly an entry to Building K should be provided directly from Woodland Street to provide activation and address. A second access point is possible to the rear units if desired from the link to achieve a level of activity to the laneway.
- The width of the site has the potential to accommodate a greater width to the pedestrian link which would ease the access to the building and provide better amenity to future occupants.
- Therefore the link dimension should be increased to 3.2m and the setback to the eastern boundary reduced to 2m. The remaining area can then form the building footprint for Building K.

Outlook;

- The disposition of building form also provides a good outlook for all building elevations that are likely to have habitable rooms fronting them.

Interest and articulation;

- The building envelopes propose articulation zones in addition to the main massing. These zones provide opportunities to break and vary the building form so that in some instance the external walls may extend to the edge of the articulation zone, in some instance they may align to the inner edge or in others actually inset within the main massing. This will allow a good variety of building forms and sufficient potential for interest whilst still maintaining required separation distances.

Recommendations:

- The articulation zones on Building D and E should be removed where they are in close proximity to the south western corner of the main plaza area and the DA should be conditioned such that neither building should locate either balconies or habitable areas on the two opposing corners for the height of the building.
- Dimensions are not provided for the full setback of built form from Lane 34 – a minimum setback of 6m should be provided from the centre line of the laneway to Building C to ensure adequate separation distances to any future development.
- The depth of Buildings F and G should be reduced to provide a minimum of 15m between the two core Building envelopes (i.e. dark blue on the plan).

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- If the height of Building F is reduced to 4 storeys at the western boundary then the separation distance from the boundary provided is acceptable. If the height is retained at 6 storeys however the setback should be increased to 9m to provide 50% of the required separation distance in the event of future redevelopment of the Woodland Street site to 3 storey apartments.
- Increase the dimension of the pedestrian link adjacent to Building K to 3.2m and reduce the setback to the eastern boundary reduced to 2m. The remaining area can then form the building footprint for Building K.

Principle 4 – Density

'Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.'

Relevant considerations:

- The site is located on a major bus route from the Central Business District of Sydney through to Manly Town Centre.
- The existing retail infrastructure and street systems support a concentration of residential development to encourage improved facilities.
- The site has a maximum FSR of 2:1 in the Council controls.
- The density of the site should comply with council requirements unless significant public benefit can be demonstrated to justify any exceedance.
- Any additional floor space must demonstrate that it does not result in negative impacts for the site or the adjacent existing context.
- It should also result in improved facilities for the community.

Comment on the DA response:

- The Development proposes Floor Space over the FSR within the Council controls.
- The FSR proposed is 2.175:1 not including additional car parking located within the basement.
- The justification provided by the applicant for the additional FSA is that the project will not be viable without the additional yield and therefore will not proceed.
- The applicant also argues that benefit is provided by the undergrounding of the shopping centre. However the link here to additional FSR is not clear.
- It is not within the remit of this report to assess whether the applicants claims in fact justified.
- Rather it is appropriate to determine if the additional floor space results in any detrimental impacts for the site or its surrounding area.
- Previously a number of areas have been highlighted where adjustments to the design would be beneficial. These include an additional setback to Building C to achieve a minimum of 6m from the lane centre line, reduction in the depth of Buildings F and G to achieve better separation and articulation with Building J and a reduction in height for Building F from 6 to 4 storeys on its western end to improve the scale relationship to development along Woodland Street and its visibility.
- Given these issues it is reasonable to conclude that the additional FSR is causing adverse impacts within the massing of the development. That said if these issues are addressed

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and the recommended separations and heights are adjusted then any additional FSR slightly in excess of 2:1 would be considered acceptable.

Recommendations:

- The additional FSR proposed does result in adverse impacts for the massing of the built form to Building F, G and C.
- The applicant has not demonstrated that there are public benefits (beyond those provided to justify massing outside the defined built form envelope of the site within Council controls) to outweigh these impacts to support the additional FSR.
- Therefore it is recommended that the adverse impacts outlined above be removed as suggested which will also reduce the FSR on the site. On the assumption that the remainder of the built form, massing and relationships on the site remain constant then any slight increase in FSR generated by the amended massing would be considered acceptable.

Principle 5 – Resource, energy and water efficiency

'Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.'

Relevant considerations:

- The application is a Stage 1 Development Application. Therefore it is not possible to assess detailed design from a viewpoint of sustainability.
- It is possible for a DA at this point to either undertake to provide certain sustainability initiatives or to outline a sustainability approach or process which will be conditioned for the Stage 2 DA.
- The siting of buildings and building envelope depth will allow for dual aspect and cross ventilation for apartments with all apartments potentially achieving either north/south aspects or east/west aspects.

Comment on the DA response:

- The development does not provide any undertakings as part of the Stage 1 DA application other than to explain that the buildings have been sited in response to SEPP 65 requirements and that the building depth will allow natural ventilation.

Recommendations:

- Any approval should be conditioned to require the applicant to meet the sustainability requirements of Councils DCP's and the UDC as a minimum.
- The approval should also be conditioned such that the Stage 2 DA should maximise the number of dual aspect and cross ventilated apartments as per the numeric standards within the Residential Flat Design Code.

Principle 6 – Landscape

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'Good design recognises that together landscape and buildings operate as an integral and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.'

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity and provide for practical establishment and long term management.'

Relevant considerations:

- The nature of this type of development is that it normally fully fills a site leaving little opportunity for deep soil planting.
- However wherever possible new development on this site should aim to provide areas for planting to soften the bulk and form of the building and provide planting bays capable of supporting substantial trees and landscape.

Comment on the DA response:

- The application provides large areas of public, semi public and communal open space throughout the development.
- There are large areas of impervious surfaces which are unavoidable but the applicant has also raised the podium level by 1m to provide a large area capable of supporting significant landscape within the residential component of the proposal.
- This approach includes edge planting to the northern and western boundary as well as in the centre of the site.
- The applicant is also preserving the existing Condamine Street trees and is augmenting them where removal is required for vehicle entry.
- Trees are also to be provided along a portion of Lane 34.

Recommendations:

- The application is acceptable under this principle.

Principle 7 - Amenity

'Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.'

Relevant considerations:

- Amenity applies to both internal amenity for residents but also the existing amenity that neighbouring residents and the general public enjoy.
- The application must provide a reasonable standard of amenity to surrounding dwellings and also provide a high quality public domain as part of its design.

Comment on the DA response:

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- The proposal provides a significant extent of public open space on the site that is both public and semi public as well as communal open space for building residents.
- The extent of space is well positioned with good connectivity and has the potential to create a very positive space for the locality.
- The treatment though of the building corners that form axial terminators for these public domain elements will be important in achieving a good outcome for the site as part of the Stage 2 DA.
- Therefore special design consideration should be given to these corners which has not been stipulated as part of the application.
- The internal amenity of the building forms is not possible to judge as part of a Stage 1 DA and will have to be assessed as part of later applications. However it is noted that the building depth and disposition of elements and forms does provide opportunities for outlook, solar access and reasonable privacy separation other than as already noted in earlier principles.
- As mentioned previously the built form and landscape relationships achieved by the proposed development massing does provide reasonable amenity to surrounding development. This could be improved however by the deletion of the upper floor of building F to reduce its visual impact to Woodland Street and create a better transition of scale from Griffith Street and building F.

Recommendations:

- The amenity for the public domain areas is considered acceptable for this type of application.
- The relationship to adjoining development and context could be improved by the reduction in height of Building F to minimise the visual impact for existing dwellings along Woodland Street and directly abutting the site.

Principle 8 – Safety and security

'Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities and clear definition between public and private spaces.'

Relevant considerations:

- Safety and security is not able to be assessed in a Stage 1 DA and will be dealt with as part of Stage 2 DA.

Comment on the DA response:

- N/A

Recommendations:

- N/A

Principle 9 – Social Dimensions

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'Good design responds to the social context and needs of the local community in terms of lifestyle, affordability and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs of the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.'

Relevant considerations:

- Safety and security is not able to be assessed in a Stage 1 DA and will be dealt with as part of Stage 2 DA.

Comment on the DA response:

- N/A

Recommendations:

- N/A

Principle 10 – Aesthetics

'Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.'

Relevant considerations:

- As a Stage 1 DA detailed architectural elevations cannot be provided.
- It is possible however for the applicant to provide information indicating architectural character and the standard of likely materials and architectural style via image boards.
- There are some areas of the development that could potentially have adverse impacts on adjoining properties if the quality of materials is poor.
- In this development these considerations are relevant for the podium walls containing the retailing and service areas.

Comment on the DA response:

- No information has been provided on the aesthetics.
- It is reasonable at this stage to require that high quality materials be used throughout the development including the facing to the podium walls on or adjacent to adjoining properties to ensure a high quality outcome.

Recommendations:

- A character board indicating architectural character and overall quality standard should be required as part of this Stage 1 DA prior to approval.
- Provide a condition requiring high quality materials throughout the development including the podium walls at the interface with adjoining properties whether on the boundary or inset from it.

Manly Local Environmental Plan 1998 and Amendment No 45

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<i>Aims and objectives</i>	
d) to encourage further development of the commercial centres to cater for the retail, commercial, entertainment, welfare and recreational needs of residents and visitors	Complies
e) to increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of the Municipality...	The development has the potential to provide a diversity of dwelling types and is considered to comply for this stage of the application.
j) to ensure that new development does not detract from the very special visual quality of the Municipality...	The 6 storey form of building F along Woodland Street would provide a better visual quality to Woodland Street and sense of transition if it was reduced to 5 storeys.
i) to increase safety and amenity of residential, commercial and industrial precincts without downgrading accessibility...	Cannot be assessed in Stage 1 DA.
<i>Policies and Strategies</i>	
The site contains land zoned No 2 Residential and No 3 Business with multi unit development permissible within the Residential zone and shops, multi dwelling developments permissible within the Business zone	The development complies with the zonings.
<i>Objectives of the Residential zone</i>	
c) to allow a variety of housing types while maintaining the existing character of residential areas throughout the Municipality,	The DA has potential as part of Stage 2 to meeting this objective.
d) ensure that building form.. does not degrade the amenity of surrounding residents or the existing quality of the environment,	The 6 storey form of building F along Woodland Street would provide a better visual quality to Woodland Street and sense of transition if it was reduced to 4 storeys adjacent to the western boundary.
<i>Amendment No 45</i>	
This amendment :	Complies.
extended the business zoning for the site to encompass 207 – 215 Condamine Street.	
permits basement parking for shopping at 168 – 182 Woodland Street North,	Complies.
limits the height of basement carparking at Woodland Street properties to 2 metres above ground grading to ground level between 182 – 172 Woodland Street.	N/A

Manly Development Control Plan for the Business Zone 1989

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(Amendment No 3)

Introduction Floor space ratio controls are included to give an indication of the overall maximum scale of development considered: in practice many sites may be limited in the ability to achieve this scale given characteristics of the site itself and the other requirements of this DCP.	Whilst this site is capable of achieving its maximum FSR under the DCP, exceedance of this control would have to demonstrate real public benefit to be justified or achieve a better design outcome than is possible with a lesser FSR. The proposal exceeds this FSR. The result is a greater scale to the western boundary that is ideal when viewed from Woodland Street and the adjoining development to the west. Ideally Building F should be setback by 10m for the top two floors to provide a better response to topography, adjoining development and transition from building J.
D. Aims and objectives	
3. To recognise the importance of pedestrian movements and townscape design in the strengthening and promotion of retail centres;	The development provides excellent connectivity from Sydney Rd through to both Condamine Street and Griffith Street and via its north south pedestrian way, the potential for future connection to Woodland Street. The proposal also provides generous public domain spaces to create interesting and dynamic urban squares and landscaped areas throughout the proposal. The width of the pedestrian link through from Woodland Street should be increased to 3.2m to provide reasonable amenity and access and create a 'public' character to the link.
4. To recognise the diversity, interest and heritage value of the existing townscapes and ensure that new developments are compatible with these features ...	The development massing and relationship to adjoining development meets this objective and in this regard is generally acceptable.
5. To introduce floor space ratio controls in order to provide firm guidelines as to the potential development of a centre and an individual site.	This objective clearly indicates that FSR controls are 'firm' guidelines. Therefore there must be strong justification in terms of design or community outcomes to support exceeding these controls. Such justification has not been provided at this stage by the applicant.
6. To introduce building heights, setback and other controls relating to building form and height in order to achieve a consistent and coherent townscape appropriate to the locality.....	The application does exceed the height controls within this DCP. Where this occurs generally (other than for Building F and C) the benefits of a more generous public domain outweigh the minor impacts of greater height as the building

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	forms have been carefully located to minimise impacts and to achieve a better design outcome than would be possible if the controls were met. Therefore the application generally achieves a consistent and coherent townscape and is considered appropriate to the locality.
F. Design Principles	
1. The local role of the site and of the existing buildings should be determined, when viewed: (i) from a distance and then along the routes and from viewpoints leading toward the locality; (ii) in relation to the adjacent spaces it borders and the need to define those spaces; (iii) in relation to the adjacent buildings and the need to be complementary to those buildings in terms of height, scale and design detailing. A scale and design of building appropriate to this role should then be achieved.	The applicant has provided numerous photomontages to demonstrate the impacts of the proposed massing as well as sections and elevations. The photomontages show that were the height exceeded the impacts are generally within the site itself and are acceptable given the extent and proportion of public space. The impacts to surrounding development and the public domain generally are considered acceptable other than for Building C and Building F. Building C may need to be reduced in depth to achieve a 6m setback from the centre line of the lane to allow equitable development on sites on the southern side of Lane 34. The development appears visible from Griffiths Street and from Woodland Street. At Griffiths Street the taller development is actually setback a significant distance from the street and from the existing apartments and houses. In Woodland Street the development is also setback behind existing lots but is closer to adjoining development. The visual impacts are very minor from the northern and southern portions of Woodland Street. They are more appreciable in the middle of Woodland Street however particularly in relation to Building F which is much closer to this area than the 8 storey forms. The height to building F is very visible from Angle Street and protrudes through the trees. Ideally the top 2 floors should be setback at the western edge of Building F to reduce these impacts, particularly as the extent of the 6 storeys is outside the envelope controlling the site and as the FSR is exceeded.
<i>Part 2 Balgowlah Shopping Centre</i>	
2.1 Floor space ratio – shall not exceed 2:1	The proposal exceeds the FSR.
2.2 Building heights –	
1. Max wall height shall not exceed 10.5 metres on	The proposal does exceed the height requirement for a significant portion of the site.

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street frontages. Council will consider variation to this height on another part of the site where: (i) a greater height provides a better relationship to adjoining development in terms of fulfilling the Council's townscape objectives and does not adversely affect adjoining properties in terms of loss of sunlight, views and privacy.	However the greater height does allow a better built form and a generous amount of public open space which can support community events and provide a 'town square' for the locality. It also provides opportunities for landscaping and improves amenity for new residents. Therefore the greater height is generally considered to deliver a better design outcome other than for Building F and possibly Building C if the setback is insufficient as drawn.
3. The Council may consider a greater wall height on part of a site due to the slope of the land if it can be demonstrated that no adverse affect to adjoining properties would result.	Based on the above comments Council is encouraged to consider a greater height as proposed within the DA other than for Building F which setback for the top 2 floors to minimise its impact to Woodland Street properties.
2.3 Setbacks – construct to front and side boundaries except where adjoins residential zoned land – then DCP for Residential Zone applies	
Balgowlah Centre Opportunities 1. Widen laneway to improve service access 2. Implement arcade link in development with adequate height and good design. 7. New pedestrian link from Woodland Street in conjunction with Masonic Club development.	The laneway has been widened for its full length and additional width has been provided close to Condamine Street to provide an active and vibrant link with landscape and parking. Building C may be too close though to provide a 6m separation from the centre of the lane. This should be provided to avoid burdening adjoining sites with additional setbacks to achieve SEPP 65 required separations. The arcade link has been provided as required There is also potential for a link to Woodland Street.

**Manly Development Control Plan for the Residential Zone 2001
(Amendment No 1)**

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A5 Aims and objectives of the DCP General aims:	
d) to increase the availability and variety of dwellings to enable population growth without having adverse effects on the character, amenity and natural environment of the residential areas	Has the potential to comply.
f) to protect the amenity of existing and future residents.	Building F should have the top 2 storeys setback by 10m to reduce visual impacts to both existing dwellings on the western boundary and provide suitable transition in scale.
Specific aims: c) to minimise the impact of new development on privacy, views, solar access and general amenity of adjoining and nearby residences.	See above
j) to encourage a responsible development approach resulting in design of architectural merit that interprets and responds to the site characteristics and surrounding built and natural environments.	With the reduction in height of Building F and if sufficient setback is achieved for Building C then the development has the potential to meet this objective as part of a Stage 2 DA.
3. Development Requirements 3.1 Residential density and subdivision Sub zone 4 – 1 dwelling per 300 sqm of site area.	N/A
(ii) Subdivision d) for all subdivisions the following must be considered:..... - Existing subdivision pattern, street address and vehicular access..... - The importance of existing natural features on lot boundaries and any potential impact from the proposed development.	See above comments.
3.3 Floor space ratio 3.3.1 Objectives a) to control the bulk of buildings	N/A
c) to be consistent with the existing and desired character of the residential areas.	With the suggested adjustments above the development would comply with this objective.
d) to minimise disruption to views, loss of privacy ... to existing development....	See above.
3.5.2 Performance Criteria b) side setbacks must provide sufficient separation from neighbouring properties.	Setbacks conform with requirements of SEPP 65 and are generally acceptable subject to detail design as part of a stage 2 application.

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i) Side Setbacks: a) to be min 1/3 of wall height windows facing the boundary at least 900mm from that boundary....	Complies for wall height and cannot be assessed otherwise until Stage 2 application.
3.10 Privacy and Security Objectives a) to screen between closely spaced buildings b) to mitigate direct viewing into windows from others c) to provide screening to outdoor living areas d) To encourage increased security between neighbours	N/A in Stage 1 assessment.
3.10.2 Performance Criteria c) buildings should orient to address the street to allow for maximum street surveillance and to provide a sense of security... d) when buildings are close to boundaries, splay or angled windows should be considered to provide privacy	N/A in Stage 1 assessment.

Manly Urban Design Controls 1999 (updated 2003)

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Totem Development, Balgowlah Urban Design Assessment for Manly Council	
1.0 The Setting	
▪ to be read with UD Plan for Balgowlah Shopping Centre	
2.0 Aims & Objectives (Summary)	Complies
2.1 Aims	
i. Attain high standard of architectural design and maximise commercial benefit.	The proposal does maximise commercial benefit and justifies the additional FSR on the basis of viability. The acceptability of this argument does not form part of this Urban Design assessment.
ii. Develop & redefine a linked coherent set of public spaces through & around development block	Complies and exceeds requirements.
iii. Create active street level uses along built frontage to Sydney Road	Has the potential to comply as part of the Stage 2 DA.
iv. Improve the pedestrian amenity & service efficiency of lane 34	Lane 34 has greater width and improved amenity to its eastern end. Care will need to be taken with its western end as servicing facilities are indicated and this could degrade the amenity of this section as well as create a poor relationship for existing adjoining residential development and apartments over the top of this portion of Building C.
2.2 Objectives	
i. Make efficient use of the airspace adjacent to public transport routes for residential & business uses.	The proposal complies.
Investigate workplace with residence	N/A as part of Stage 1 DA.
Enhance urban frontage to Sydney Rd	N/A as part of Stage 1 DA.
Improve pedestrian access to Totem Shopping Centre	Complies
Incorporate basement car parking	The proposal complies.
Take advantage of north facing aspect for upper level residential development	The proposal complies.
ii. Development on Sydney Rd to take advantage of north aspect	N/A as part of Stage 1 DA.
3 Development Requirements – not addressed as part of this report	

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4 Design Controls	
4.1 Traffic Access	
i. Reduce traffic congestion on Sydney Rd by reducing vehicles entering site & prohibiting vehicles servicing supermarket.	Not addressed as part of this report.
ii. Servicing supermarket from Condamine St	Not addressed as part of this report.
iii. Car parking for residential from Woodland St	Complies.
iv. Separation between servicing & residential customer entrances – great as possible	Complies
v. Lane 34 to be widened on northern side by 2.3m as part of	Complies.
4.2 Pedestrian Access/Spaces & Linkages	
i. Arcade link to the development from Sydney Road should be a visually strong gateway.	The proposal complies in principle and provides the opportunity to comply completely as part of a Stage 2 DA.
- Arcade to be clearly recognisable address And of a generous proportion – ie as a street or lane able to accommodate 2m wide cafe seating - Pedestrian access to Totem from Woodland St may be permitted - Lane to Sydney Rd connection should give– Priority to pedestrians A clear view of vehicles	The development has the potential to comply as part of a Stage 2 Application.
Central public space – min 600m2 possibly visible from Sydney Rd – focal point of centre	Complies and exceeds the area requirements. The proposal provides excellent public spaces which justify exceeding the strict height and height location of these controls.
4.3 Building Height/Bulk	
i. Building heights & FSR in residential DCP apply to residential land.	
ii. Building heights & FSR in Business DCP to business but buildings to a height of RL 58m AHD to mid block	The development does not fully comply with this height. It exceeds the height by 2 storeys or greater and has height equivalent to this AHD outside the designated location. However the proposal has distributed massing to achieve a better urban design outcome than would be possible with strict compliance with the controls. The greater height and relaxation of the actual

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	position has provided more open space and in a better configuration than would otherwise be possible. It also allows good solar penetration and cross ventilation for all building forms. Therefore other than for Building F, G and C as discussed earlier the proposal is supported.
4.4 Street Style	
4.4.1 Sydney Rd/Condamine St	
i. At street level Sydney & Condamine Street frontages must be active, well lit and predominantly retail/commercial	To be assessed at Stage 2.
ii. Existing built fabric to be recognised & contemporary interpret in façade treatment its traditional references	To be assessed at Stage 2.
iii. Development of corner buildings – special design treatment	The Stage 1 DA should indicate which corners of buildings require special treatment and methods that can be used to achieve this treatment. Ideally the corners of Building C, D, E, H, and F should all have corners that must achieve appropriate design resolution.
iv. On Condamine Street north of lane 34 a. Setback 4m b. Setback – be associated with retail frontage c. Shade masonry colonnade or awning d. Respond to slope e. Entry to Totem	Complies.
v. Street tree planting to be strengthened at street edge (especially near loading docks)	Complies.
vi. Junction between business & residential existing requires special consideration	N/A as part of Stage 1 DA.
4.4.2. Lane 34	
	N/A
4.4.3. Woodland Street	
New development must not be repetitive in form. Development should exhibit a scale and character complementing the surrounding residential character.	
4.4.4. Griffiths St	
i. Residential DCP	N/A
ii. Landscape treatment of car park entry enhance to ensure adequate screening & improve visual amenity	N/A as part of Stage 1 DA.
4.4.5. North boundary of Site	
i. Setbacks to be landscaped to screen blank	Complies

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facades from adjacent neighbours	
4.6 Residential Development	
4.6.1.Component to centre of site	
ESD	
i. Integration between environmental control, architecture, engineering and environmental control must be shown.	
Appropriate siting regard to adjacent building -Sun & Wind -Pedestrian & vehicular movement -Solar collections in roof scape -Adequate cross ventilation -Living to North	Complies.
ii. Overlooking/Overshadowing Siting not compromise amenity of landscaped private open space.	N/A as part of Stage 1 DA.
iii. Architect treatment – -facades to be articulation -heavy monolithic recessive expression to be avoided -No curtain walls or mirror glass -masonry base towards lighter structure at the top is appropriate -masonry elements and face blockwork are to be rendered and painted	N/A as part of Stage 1 DA.
iv. Colour – one colour not overwhelming	N/A as part of Stage 1 DA.
v. Landscaping – reflect architecture Proper plan	N/A as part of Stage 1 DA.

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Conclusion

Based on the above assessments against the requirements of the various State and Local Government Instruments and provisions we advise that the Stage 1 Development Application as lodged is suitable for approval on Urban Design and SEPP 65 grounds subject to the following amendments to the Development Application prior to approval:

- The proposal exceeds the allowable FSR for the site. This is creating additional pressure on the massing of the built form with no demonstrable public benefit at present. Adverse impacts are the relationship of Building F and G to building J in terms of separation and articulation and Building F to the existing properties on Woodland Street in terms of scale transition, Building C to Lane 34 and future development in terms of separation distances and the setback for the pedestrian link from Woodland Street.
- The articulation zones on Building D and E should be removed where they are in close proximity to the south and the DA should be conditioned such that neither building can locate either balconies or habitable areas on the two opposing corners for the height of the building.
- A character board indicating architectural character and overall quality standard should be required as part of this Stage 1 DA prior to approval to illustrate the likely architectural style and quality of materials.

Proposed Conditions

Based on the above assessment the following conditions are proposed for any consent issued by Council for the development:

- The setback to Building C is to be increased to provide a minimum of 6m from the centre line of Lane 34 to the building envelope to provide 50% of the required separation distance in the Residential Design Flat Code.
- The upper 2 floors on Building F are to be setback by 10m from the western edge of the development envelope to provide a 4 storey scale to the western boundary and thereby create a more appropriate transitional scale to the adjoining development on Woodland Street.
- The articulation zones on Building D and E are to be removed where they are in close proximity to the south western corner of the main plaza area. The articulation zones are to be removed for a length of 5m from the corner of Building D to the southern and eastern elevations and 6m to the northern elevation of Building E. Fenestration or balconies to living area are prohibited on the two opposing corners for both Building D and E for the height of the building.
- The depth of Buildings F and G are to be reduced to provide a minimum of 15m between the two core Building envelopes (i.e. dark blue on the plan).
- The pedestrian link adjacent to Building K is to have a minimum dimension of 3.2m from the boundary to the edge of any built form.
- A minimum setback of 2m is to be provided from the built form to the eastern boundary for Building K.
- A character board indicating architectural character and overall quality standard is to be provided to the satisfaction of the Director of Planning prior to lodgement of the Stage 2 Development Application.
- High quality materials are to be provided throughout the development including the podium walls at the interface with adjoining properties whether on the boundary or inset from it and to all pedestrian links into the site and to the full length of Lane 34.
- Any proposed loading and servicing from Lane 34 is to be limited to small vans only.
- As part of any Stage 2 Development Application Lane 34 is to be activated for a minimum of 50% of its length at the ground floor. This can be by retail or commercial frontages.

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- Any apartments with fenestration or balconies to Lane 34 are to be provided with appropriate acoustic treatment to ameliorate the noise associated with loading and unloading
- High quality architectural design treatments are required to all significant corners within the development that terminate a pedestrian link or public space or create a visual focus from the main connections into the site or from the public open space areas and squares.

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ITEM 56/05 TOTEM REDEVELOPMENT – STAGE 1 DEVELOPMENT
APPLICATION (Item 56/05: 27/06/05)

SUMMARY:

At the May 2005 meeting, the Traffic Committee considered a report on the Totem Redevelopment following Council's receipt of a Stage 1 Development Application. The traffic Committee deferred the matter pending comments from the RTA. This report outlines the comments from the RTA, the development and the proposed traffic management.

REPORT:

Summary of the proposed Development

As outlined in the State of Environmental Effects by the applicant, the proposal is a Staged DA under Section 80(4) of the Environmental Planning and Assessment Act, 1979.

The proposal is for the redevelopment of the Totem Shopping Centre and some adjoining sites for a mixed retail, commercial and residential development with associated parking and landscaping. The plans will be tabled at the meeting.

Stage 1 of the Staged DA seeks consent for the following aspects of the development: -

- A floor space ratio of 2.175:1 excluding car parking, equating to a gross floor area of approximately 45,700m² ;
- An approximate gross floor area of 14,300m² relating to retail and commercial uses comprising: -
 - Main retail use at RL 34.5 (nominal)
 - Mixed retail and commercial use at Podium level fronting Lane 34 and Condamine Street;
- The use of the podium level for a mix of public and private open space retail/commercial use of part of the podium level;
- An approximate gross floor area of 31,400m² relating to residential uses in the form of 9 buildings;
- The use of two levels below the main retail level (basements) for car parking in association with the retail/commercial and residential uses and servicing vehicles for the retail component;
- A total of approximately 1,005 car parking spaces;
- A total of approximately 560 car parking spaces for the retail / commercial component, including staff parking located in a basement level and Lane 34;
- A total of 445 car parking spaces for the residential component, including resident and visitor parking located in a basement level;
- Building heights, envelopes and articulation zones;
- Vehicular access and egress to the residential parking via Griffith Street;
- Vehicular access and egress to the retail parking from Condamine Street and restricted access/egress via Sydney Road; and

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- Service vehicle access for retail delivery vehicles via a dedicated access from Condamine Street only.

The application also seeks development consent pursuant to Section 80(1) of the EP&A Act for the demolition of existing buildings and structure and the removal of trees on the site.

The exact number of units and their mix will be detailed as part of the Stage 2 Development Application. To understand the potential floor plan layouts and scope of the residential component, it is proposed to provide approximately 260 dwellings with an indicative mix as follows:

- | | |
|----------------------------------|-----|
| • 1 Bedroom | 10% |
| • 2 Bedroom or 1 Bedroom + Study | 60% |
| • 3 Bedroom or 2 Bedroom + Study | 25% |
| • 3 Bedroom + Study | 5% |

The Stage 2 DA will address such matters as: -

- Bulk excavation
- Floor plan layouts for the residential and retail components
- The number of residential units and their mix
- Car parking layout
- Subdivision
- Staging
- Detailed architectural elevations for all buildings
- Building materials and finishes
- Detailed landscaping plans
- Treatment of public areas (paving, landscaping, etc)
- Stormwater, waste management, energy efficiency and sustainability issues

Further development applications will be submitted for individual retail tenancies and commercial office accommodation.

Traffic & Parking Proposal

A transport report has been prepared by Colston Budd Hunt & Kafes Pty Ltd. The report was prepared following consultation with Manly Council, the community and the RTA. The report reviews the parking for the commercial and residential components, and the traffic implications.

The report outlines that the proposed development meets the transport objectives relating to Part (a) of Clause 9 of the State Government's Draft state Environmental Planning Policy No. 66 – Integration of Land Use and Transport (DSEPP 66). These objectives include improving accessibility to housing by walking, cycling and public transport to reduce distances travelled and reducing dependency on cars. The vicinity to public transport and the mix of business, retail and residential components all help to meet the objectives of DSEPP 66. Some of these objectives such as trip end facilities for cyclists and suitable provision for taxis will be detailed in the Stage 2 application.

Parking Provision

The proposed parking as part of the development is 445 residential spaces including visitors and 560 retail spaces. This is a total of 1005 spaces.

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The report outlines that application of Council's current Development Control Code (DCP) will require a total of 886 parking spaces comprising 395 residential spaces and 491 retail spaces. However, Council's new draft Business Zones DCP requires 572 spaces for the retail component. This equates to a total of 961 parking spaces.

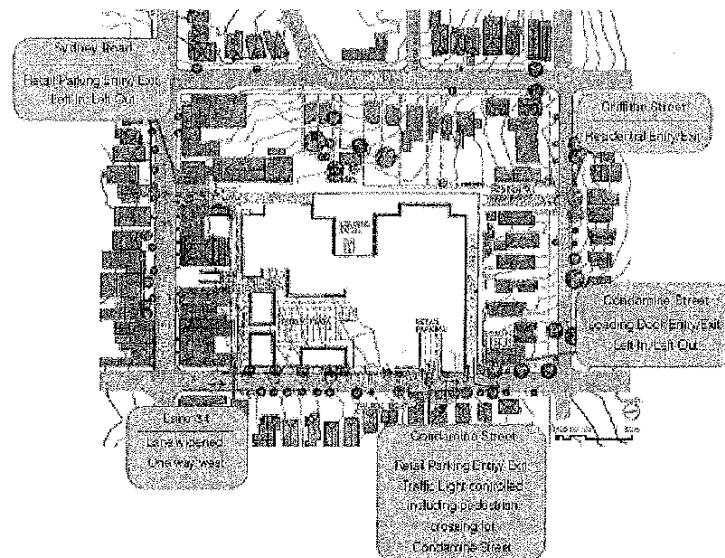
RTA's Guide to Traffic Generating Developments has a formula for shopping centres that has been developed based on extensive surveys. The Formula suggests a peak parking demand of 550 spaces for the retail component. This is less than Council's requirement by 22 spaces.

Based on the above analysis, parking provision of 1005 spaces in total is considered satisfactory and that the proposal will provide an adequate number of spaces to meet the demand of each component.

Access Arrangements

The figure below represents the proposed access arrangements for the development. These can be outlined as follows:

- The access off Sydney Road will be modified to left in and left out only.
- The Griffiths Street access will be to the residential carpark only.
- Access to Lane 34 will be from Condamine Street and the lane made one way west.
- A signalised access is proposed off Condamine Street to the retail carpark.
- A loading dock entry / exit off Condamine Street will be left in and left out only. See the section under Servicing for additional information.



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All access proposals aim to manage traffic distribution and will have appropriate sight lines in accordance with the relevant Australian Standard.

These arrangements are similar to Council's vehicular circulation for the Totem site Urban Design Controls. Council's plan differs by having an easterly direction of lane 34 and an additional residential access onto Woodland Street.

The internal circulation and parking layout will be detailed in the Stage 2 Development Application.

Servicing Arrangements

There are a number of loading docks are proposed for servicing of the development. The main supermarket and specialty retail outlets loading dock will be located on the western side of the development and accessed off Condamine Street. This access is separate to the retail carpark entry. This access will accommodate vehicles of various sizes up to articulated vehicles.

Additional specialty and residential servicing areas will be located off Lane 34. These loading docks will accommodate vans up to medium rigid trucks. No large or articulated trucks will use these loading docks. To improve accessibility and circulation, the laneway will be widened.

It is considered that subject to design compliance with the relevant Australian Standards that the provisions for service vehicles are satisfactory.

Traffic Generation

The report states that the greatest traffic impact will be during Thursday afternoon and Saturday midday when the centre's retail activity is at it busiest.

The weekday morning and afternoon peak periods are the critical times for the residential development.

Based on the RTA's rates for the different land uses, including an allowance for an additional 100 vehicles per hour during the Thursday morning peak periods, the net traffic generation to all surrounding streets is estimated as follows:

- Thursday morning – 260 vehicles per hour two-way
- Thursday afternoon – 450 vehicles per hour two-way
- Saturday midday – 475 vehicles per hour two-way

The traffic flows are expected to change as per the table below.

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Location	Thursday Morning		Thursday Afternoon		Saturday Midday	
	Existing	Redeveloped plus Forecast	Existing	Redeveloped plus Forecast	Existing	Redeveloped plus Forecast
Sydney Road						
- east of Condamine Street	6120	1885	6340	1480	8250	1390
- east of Woodland Street North	8275	1380	1495	1535	8465	1600
- west of Woodland Street North	8350	1415	1530	1595	8375	1665
Condamine Street						
- north of Balgowlah Road	8315	1355	8110	1260	8360	1455
- north of Lodge Street	845	875	720	825	915	1060
- north of Griffiths Street	813	850	885	780	915	1020
- south of Griffiths Street	805	925	705	1000	875	1170
- north of Sydney Road	795	910	690	940	850	1075
- south of Sydney Road	540	580	580	550	625	715
- south of White Street	465	450	430	440	560	675
Woodland Street North						
- north of Lodge Street	150	160	165	165	120	120
- north of Griffiths Street	150	150	165	175	160	195
- south of Griffiths Street	300	315	345	250	375	300
- north of Sydney Road	285	320	345	245	370	255
Woodland Street South						
- south of Sydney Road	270	245	245	195	300	210
- south of White Street	225	330	245	265	290	275
Griffiths Street						
- east of Woodland Street	260	340	265	250	345	310
- west of Condamine Street	260	335	345	320	335	250
- east of Woodland Street North	215	345	355	360	365	375
- west of Woodland Street North	145	145	145	135	165	160
Balgowlah Road						
- east of Condamine Street	8050	1050	800	810	895	995
- west of Condamine Street	8130	1830	825	825	890	930
- west of Woodland Street North	795	1000	740	790	825	850
Lodge Street						
- east of Condamine Street	30	30	35	35	25	35
- west of Condamine Street	30	30	30	30	25	35
- east of Woodland Street North	10	10	25	25	25	25
White Street						
- east of Condamine Street	570	570	585	545	695	675
- west of Condamine Street	565	590	475	535	610	650
- west of Woodland Street South	610	610	500	500	675	675
Leeward Street						
- west of Woodland Street	35	35	25	35	35	35
Lane 34						
- west of Condamine Street	25	30	15	15	35	25

The traffic volumes were analysed using traffic modelling programs to determine the operation of intersections.

The analysis indicated that the intersection of Sydney Road and Condamine Street will require a right turn phase from Condamine Street into Sydney Road and will operate at a level of service C.

The traffic consultant's report proposed the following traffic management plan.

- introduce traffic signals at the intersection of Condamine Street and retail car park access;
- in accordance with Council's Urban Design Controls, maintain access to Sydney Road, Condamine Street and Griffiths Street;
- provide a primary access to the centre on Condamine Street;
- modify the existing centre access onto Sydney Road to provide for left in and left out arrangements only;
- widen Lane 34 on its northern side by 2.3 metres;

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- review peak period "No Standing" restrictions in Sydney Road to the east of Condamine Street. This would occur as part of the Stage 2 development application;
- provide a right turn phase for traffic turning right into Sydney Road from Condamine Street (southbound);
- upgrade existing bus stops in Sydney Road and Condamine Street adjacent to the centre, which will be detailed in the Stage 2 development application; and
- introduce a taxi zone in Condamine Street, adjacent to the main pedestrian access to the centre.

Based on the above traffic management, the traffic volumes were analysed using traffic modelling programs to determine the operation of intersections. A copy of the measurements for intersection operation will be distributed to Committee members.

The analysis indicated that the intersection of Sydney Road and Condamine Street will require a right turn phase from Condamine Street into Sydney Road and will operate at a level of service C with average delays of 35 seconds 15 seconds per vehicle on Saturday midday.

The access to the retail carpark off Condamine Street will be signalised with a right turn phase into the carpark. The analysis indicates a level of service of B with an average delay of 25 seconds 15 seconds per vehicle during peak periods.

The other two signalised intersections – Woodland St / Sydney Rd and Condamine St / Balgowlah Rd will continue to operate at a level of service B.

The analysis of the remaining intersections indicated operation at level of service A/B with average delays of less than 15 seconds per vehicle.

The methodology used for this analysis is appropriate and satisfactorily represents the proposal. The traffic management and assessment will be referred to the RTA for its assessment and approval, particularly with the impacts on State Roads.

However, it is considered that the proposed traffic management, the resulting intersection levels of service are considered satisfactory. To manage micro traffic management issues for the local area, it is recommended that a local area traffic management plan be developed as part of the Stage 2 Development Application.

Summary

The Summary of the proposed Stage 1 from the Traffic Consultant's report is reproduced below.

In summary, the main points relating to the proposed Stage 1 application for redevelopment of the Totem Centre in Balgowlah are:-

- I. It is proposed to redevelop the existing shopping centre to incorporate the following:-
 - some 14,300m² gross floor area of retail space (some 12,700m² of gross leasable area; and
 - an indicative 260 residential units;

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- II. the proposed redevelopment will increase residential and employment densities within close proximity to existing public transport services. The proposal will therefore strengthen the existing demand for these services, supporting their efficient and viable operation;
- III. the proposed redevelopment is consistent with the provisions of DSEPP 66;
- IV. the proposed parking provision is considered appropriate;
- V. access arrangements and internal layout within the proposed car parking areas are considered appropriate and will be provided in accordance with the Australia Standard For Off-Street Car Parking Facilities with details to be provided with the Stage 2 DA;
- VI. in association with the proposed development it is proposed to:-
 - introduce traffic signals at the intersection of Condamine Street and the retail car park access;
 - in accordance with Council's Urban Design Controls, maintain access to Sydney Road, Condamine Street and Griffiths Street;
 - provide a primary access to the centre on Condamine Street;
 - modify the existing centre access onto Sydney Road to provide for left in and left out arrangements only;
 - widen Lane 34 on its northern side by 2.3 metres;
 - review peak period "No Standing" restrictions in Sydney Road to the east of Condamine Street as part of the Stage 2 DA;
 - upgrade existing bus stops in Sydney Road and Condamine Street adjacent to the centre as part of the Stage 2 DA;
 - introduce a taxi zone in Condamine Street, adjacent to the main pedestrian access to the centre; and
 - provide a right turn phase for traffic turning right into Sydney Road from Condamine Street (southbound)
- VII. the proposed redevelopment of the Totem Shopping Centre is generally in accordance with Council's Urban Design Controls for the Balgowlah Shopping Centre;
- VIII. loading dock arrangements are considered appropriate, subject to detailed design, and will be provided in accordance with the Australian Standard;
- IX. the proposed development would have the following increases in traffic generation:-
 - Thursday morning - 260 vehicles per hour two-way;
 - Thursday afternoon - 450 vehicles per hour two-way;
 - Saturday midday - 475 vehicles per hour two-way;
- X. this compares to an increase in traffic generation of the previous development scheme of some 250 to 700 vehicles per hour two-way;
- XI. the main increases in traffic flows on the surrounding road network, as a result of the proposed development, will be on Condamine Street and Sydney Road. Traffic flows in Griffiths Street and Woodland Street North will decrease compared to when the existing shopping centre was fully operational; and

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- XII. the surrounding road network, incorporating the signalisation of the intersection of Condamine Street and retail car park access, and the modifications to the Condamine Street and Sydney Road, will be able to cater for the additional traffic generated by the proposed development.

Other

The proposed signalised access to the retail carpark will result in a loss of parking in Condamine Street. In addition, a proposal by the RTA and Council recommends the possible introduction of Clearway or No Stopping restrictions in Sydney Road between Woodland Street and Boyle Street. These restrictions are not required based on the traffic modelling but would improve the operation of Sydney Road and Condamine Street intersection.

Traffic and Parking Assessment

The proposed redevelopment has been referred to the RTA for concurrence under the Roads Act and SEPP11. The matter was considered by the Sydney Regional Advisory Committee on 25 May 2005. Subsequently, the RTA has granted concurrence to the development application subject to comments, recommendations and approval of the application by Council. The RTA's concurrence is reproduced in full as attachment A.

The RTA's comments and recommendations request that the Local Traffic Committee consider implementation / application of the following:

- 'No Stopping' restrictions for a distance of 6m either side of the Totem residential access onto Griffiths Street.
- Kerbside parking restrictions would need to be reviewed along Griffiths Street to satisfy local road conditions relating to the development proposal.

It is considered that these issues be considered in detail as part of a traffic management plan to be prepared as part of the Stage 2 Development Application.

The RTA's comments and recommendations have been reviewed and are considered satisfactory and in accordance with sound traffic management objectives.

Traffic Committee Discussion

The STA raised concerns regarding the potential for additional delays at Sydney Road.

The committee also discussed the need to look at pedestrian movements north of the development on Condamine Street, particularly relating to the existing pedestrian crossing near Griffiths Street.

The Bicycle Committee's comments were raised at the meeting. The comments included a request for safe bike access to/from and through the centre. In addition, that the development proposal specify in detail the numbers and location of bike racks. In addition, the Bicycle Committee requests that it be consulted during the development of a local traffic management plan.

The committee emphasised the importance of these issues being addressed in Stage 2 of the Development Application.

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RECOMMENDATION:

1. That the RTA's concurrence, recommendations and comments relating to the proposed Totem Redevelopment be received and noted.
2. That the STA concerns regarding additional delay along Sydney Road be noted.
3. That the proposed traffic management as part of the Totem Redevelopment, Stage 1 Development Application be approved in principle.
4. That a local area traffic management plan, including pedestrian facilities and bicycle facilities, be developed to manage local issues as part of the Stage 2 Development Application.

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Totem Shopping Centre

Community Information and Feedback Session Report

Report by Elton Consulting for Stockland, Manly Council and
the Totem Reference Group

February 28, 2005

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Totem Shopping Centre – Community Information and Feedback Session Report

Introduction

The purpose of this report is to report on the feedback received from the Totem Shopping Centre Community Information and Feedback Session (CIFS) that was conducted on February 12, 2005. The purpose of the CIFS was to present, and elicit feedback on, a draft design concept for the redevelopment of the Totem Shopping Centre site.

This report focuses on structured feedback received through the feedback form (See Appendix A) which asked people about: things they liked most about the draft design concept; things they liked least; comparison to the previous proposal for the redevelopment of Totem; issues that need to be considered in future planning and design; and comments or further suggestions.

Before presenting the data it is stressed that this is a purely descriptive reporting of the results. The statistical analysis does not go beyond the reporting of frequencies for each question. The reporting does not in any way purport to be statistically valid and no statistical tests for significance have been conducted. This report is indicative of the opinion of those community members who completed a feedback form but is not presented as being statistically representative of opinions of the community as a whole.

This report does not make any recommendations regarding the future concepts plans for the site. Its purpose is purely to report on the responses to the feedback form.

Elton Consulting's privacy policy prevents any personal information gathered during this process being reproduced in this report or passed on to any third party.

The feedback form was designed with primarily open ended questions in order to enable respondents to be unrestricted in their comments. An effect of that approach is that it then requires a coding or classification exercise to be undertaken in order to effectively report the results. Coding of survey responses to open ended questions can be a difficult task and various decisions need to be made in the coding task. While best efforts have been undertaken to code the responses in an unbiased and effective manner, Elton Consulting is keenly aware that others may see alternative coding possibilities. To enable the consideration of these alternatives, and in the interests of transparency, appended to this report is a full verbatim breakdown of comments to each question (Appendix B).

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Totem Shopping Centre – Community Information and Feedback Session Report

Overview of Consultation Process

The February 12, 2005 Community Information and Feedback Session (CIFS), that this feedback report is based on, occurred within a broader consultation process that has been designed for the Totem redevelopment. The essential elements of that process are:

- The Totem Reference Group
- The Technical Advisory Group, and
- Wider community consultation.

The Totem Reference Group has met four times during the pre-lodgement phase to focus on the development of the design concept for the project. The reference group includes representatives from nearby residents, Precinct Committees, Chamber of Commerce, Masonic Club, Mayor, Councillors, General Manager, Council staff and consultants, and members of the Stockland Project Team. Community representatives on the reference group were selected by Manly Council by expression of interest and direct invitation.

The Terms of Reference of the reference group are:

- Discuss and inform the creation/development of the Totem Site within the context of the Balgowlah town centre and environs.
- Provide a time limited forum through which:
 - Information relevant to the planning, design, development and occupation of the Totem Site is made available to stakeholders
 - The community can provide local knowledge, skills and aspirations in a constructive way
 - Stakeholders can provide input into understanding key issues for the site
 - Dialogue between all stakeholders is encouraged and supported.
- Provide a conduit for input from, and the dissemination of information to community members and other key stakeholders.
- Provide input into developing appropriate strategies for community engagement and community development.
- Provide feedback as plans and strategies for the site are progressively developed.
- Provide an opportunity to enhance community building and widespread ownership of project outcomes.

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In addition to the reference group, a Technical Advisory Group has also been established. This group consists of Council officers, Stockland and their respective consultants, and has been established to review the concept plans and offer technical advice to Stockland's project team.

The consultation process also involves wider community engagement including the CIFS that is the subject of this report. As a means to inform the wider community about the project a web site (www.balgowlahvillage.com.au) has also been established.

It is important to note that the consultation that has occurred to date is prior, and in addition, to the required statutory consultation that will occur once a development application has been lodged. The purpose of this voluntary pre-lodgement consultation is to obtain the views of residents and businesses of the adjacent area and other identified stakeholders who may have an interest in proposed redevelopment concept plans. This report will inform a review of the plans and will enable feedback to be responded to prior to the lodgement of the Stage One Development Application. This development application will require a separate statutory consultation process.

An overview of the proposed planning process (for Stage One and Stage Two) is represented below.

1. New Stockland team appointed
2. Totem Reference Group and Technical Advisory Group formed
3. Concept plans developed
4. Community Information Session held and Project web site launched
5. Plans revised
6. Stage 1 development application submitted (concept plans)
7. Council's notification of the DA
8. Council decision on development application
9. (If Stage 1 approved) Stage 2 development application prepared
10. Pre-lodgement review of Stage 2 development application with Totem Reference Group and Technical Advisory Group
11. Stage 2 – Council's notification of the DA
12. Council decision on Stage 2

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Community Information and Feedback Session

The planning and organisation of the CIFS was discussed and refined through the Totem reference group process. Reference group members provided input and advice on advertising, venue, identification of key stakeholders, format and content.

A number of avenues were used to promote the CIFS throughout the local community. These efforts included:

- Distribution of approximately 3,000 flyers
- Precinct Committee Newsletters
- Council notification of all precinct committees
- Posters throughout the Totem Shopping Centre
- Two advertisements in the Manly Daily, and
- Briefing of and subsequent story and editorial in Manly Daily

The CIFS was held within the Totem Shopping Centre, where twenty display boards were used to display the proposed design concept. The following members of the project team were available to answer questions over the four hour session:

Name	Company	Role
Deborah Dearing	Stockland	Design Manager
David Bedingfield	Stockland	Development Manager
Keith Collier	Allen Jack and Cottier	Architect
Steve Blaxland	BN Group	Retail Architect
Tim Rogers	Colston Budd Hunt and Kafes	Traffic
Steve Rossiter	Elton Consulting	Community Consultation

In addition, several members of the Totem Reference Group, including members of Manly Council, were in attendance for all, or parts of, the session and assisted with answering questions and fielding enquiries.

480 people attended on the day. On arrival all were invited to sign the attendance register and were given a package containing a feedback form (See Appendix A) and reply paid envelope to Elton Consulting. All participants were encouraged to fill in the Feedback Form and either deposit it in the box provided on the night, or post/fax it back to Elton Consulting's office by Monday February 21st, 2005.

130 feedback forms were received. This equates to a return rate of approximately 27% of those who attended the CIFS. Not all respondents answered each question so the number of responses for most questions is less than 130. The number of responses for each question is indicated in the report. These forms are the basis of the results reported in the next section of this report.

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Results

This section of the report reports on the feedback form responses and follows the order of the feedback form itself. That order is:

- What things were liked most
- What things were liked least
- How does the current proposal compare with the previous one
- Things that need to be considered as the process continues
- Comments and suggestions, and
- Personal information

What things were liked most about the current proposal

116 respondents completed this question. The five top responses (with the number of responses in brackets) were:

- More public open space/larger plaza (46 responses)
- Improved local traffic arrangement (39)
- Development of a new, improved shopping centre (33)
- Reduced height (33), and
- Reduced overall footprint/bulk (30).

Other common responses included better vehicle and pedestrian access (27), more green space and landscaping (20), and good design (17).

Comments about more public open space/larger plaza included:

Increased public space.
Open plaza for community events and passive recreation.
That there is more public space for public enjoyment.

Of the 39 responses about improved local traffic arrangement, 17 responses referred to traffic management generally, 16 to a better traffic solution for Griffiths Street, 3 to better traffic solution for Woodland Street and 3 to less traffic. Comments about improved local traffic arrangement included:

Greater consideration of traffic flows.
Better commercial traffic management.
Reduction of traffic in Griffith Street and the fact it would be limited to residential traffic.

Comments about development of a new, improved shopping centre included:

It is a step towards Balgowlah getting an overdue and essential modernisation.
Very necessary for the future of Balgowlah to have this good facility.

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Opportunity to improve our local community amenity.

Comments about reduced height included:

Proposed height seems acceptable.

Acceptable height and building.

I like that, by the reduction of the towers, Stocklands is acknowledging that the towers in the original plan were too high. This, however, does not imply that I agree with the proposed height, which still exceeds DCP.

Comments about reduced overall footprint/bulk included:

The much more compact building size and scale.

Minimal impact re height and bulk while allowing development.

Not as overdeveloped/crowded/bulky.

What things were liked least about the current proposal

114 respondents completed this question. The five top responses (with the number of responses in brackets) were:

- Height (65 responses)
- Traffic (45)
- Number of residential units (32)
- Does not include Masonic Club (18), and
- Lack of detail/information (14).

Of the 65 responses about height, 37 were general comments about height, 23 were comments about height exceeding the controls, and 5 were comments about the visual impacts of height. Comments about height included:

The height exceeding limits.

Two floors over height. Too high at Woodland end. Still quite visible from Griffiths Street.

That Stockland still admits to exceeding Council's codes for building height – this sets a dangerous precedent.

Of the 45 responses about traffic, 31 were general comments about traffic impacts on surrounding streets, 10 were about traffic impacts on Condamine Street and 4 were about traffic management on Griffiths Street. Comments about traffic included:

Amount of traffic on surrounding streets.

Great concern re traffic entry/exit Condamine Street. Requires no parking on street, turning lanes, lights. Another entry/exit point ideally to decrease focus and congestion eg. Woodland and Sydney Road.

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Dangerous vehicular cross overs at the residential entrance/exit that corresponds with hill crest has not been addressed.

Comments about number of residential units included:

*Too many units!!! If you complied by FSR – less units, less height, happier community.
Too many units Cut back 25 units/2 floors/10% FSR and I would approve.
Far too many units. Too large a concept – Balgowlah should retain village atmosphere.*

Comments about not including the Masonic Club included:

*Worried about position of the Masonic Club – and its entrance and exits. Is very important to the Balgowlah residents – now and in the future.
Masonic Club not integrated into design.
Uncertainty as to future of the Masonic Club.*

Comments about lack of detail/information included:

*I am not very good at reading plans but some of the things I wanted answered were not shown eg. how many townhouses/home units are planned. I am concerned and always have been about the increase of traffic and also what is planned for the Masonic Club.
Lack of information on proposed number of dwellings.
Difficult to conceptualise without model.*

Comparison to Previous Proposal

This question was a closed response question and was completed by 115 respondents. The results are shown with the number of responses and percentage of total responses for this question:

- Very unfavourably (9 responses or 7.8% of total responses)
- Unfavourably (9 responses or 7.8%)
- About the same (23 responses or 20%)
- Favourably (57 responses or 49.6%)
- Very favourably (17 responses or 14.8%).

These results show that of 115 valid responses to this question, 64.4% viewed the proposal either favourably or very favourably when compared with the previous proposal.

This question also asked people to comment on the reasons for their answer. Reasons cited for a very unfavourable response included:

- Unappealing design
- Non-compliance with council regulations, and
- Failure to incorporate the Masonic Club.

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Some of the explanatory comments for the very unfavourable responses included:

*Unattractive scaled down design. Just to satisfy Manly Council.
Still too many units and does not comply with council regulations – sets a precedent for the area.
The reason is clear. Without the Masonic Club in an easy, reachable location for all ages to actually use it, the complex is completely not worthwhile to have as a workable shopping and meeting centre for the locality.*

Reasons cited for an unfavourable response included:

- Height
- Residential density
- Failure to include the Masonic Club, and
- Developer focused on financial return only.

Some of the explanatory comments for the unfavourable responses included:

*Too many storeys (residence) will create another peninsular slum in 20 years.
The Masonic Club has been part of the community for 35 years. Used regularly by the ageing population it is a very important part of Balgowlah, low cost meals, dancing, etc.
This club does so much in way of donations to various schools, associations, etc.*

Reasons cited for an "about the same" response included:

- Unappealing design
- Height (exceeding controls)
- Height (general)
- Residential density, and
- Non-compliance.

Some of the explanatory comments for the "about the same" responses included:

*The scale of the development is still inappropriate – particularly the height and bulkiness.
Contribution to local area traffic management controls to protect adverse impacts to Boyle Street and other local streets.
It has been portrayed better – handled better – (not so dogmatic), but height and density for the small area still sets a precedent – for Balgowlah – setting up a new scene for the future of Balgowlah – taking out the village and making it a highrise jungle.
Stockland cannot use "Commercial Viability" as a justification for exceeding these guidelines. If the commercial viability is a problem, it is a problem that they must resolve, not transfer the problem to the local community or Manly Council.*

Reasons cited for a favourable response included:

- Reduced height

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- Consideration of view of Council and residents
- Reduced residential density
- Improved traffic management, and
- Improved design.

Some of the explanatory comments for the favourable responses included:

This concept is a good resolution of everyone's concerns re visual impact/traffic/height. It is obvious that the designer has listened to concerns of residents and council and endeavoured to meet suitable plans. Substantial reduction from previous proposal in building height, mass and peak traffic flows. Comparison with the previous proposal is much less relevant than compliance with current planning ordinances. Consideration has been given to UDC requirements but these are still exceeded. Why? They are set with best interest of the community in mind.

Reasons cited for a very favourable response included:

- Reduced height
- Improved traffic management
- Improved design, and
- Creating a new shopping centre.

Some of the explanatory comments for the very favourable responses included:

Height down. Traffic in and out big improvement in Griffiths St with resident entrance only a big help, and visual impacts compare good. Aesthetically looks so much better – blending in more harmoniously into surroundings. Not as overdeveloped, crowded, bulky. More open space/greenery. Main plaza.

Issues to Consider in Future Planning

There were 115 valid responses to this question. The five top responses (with the number of responses in brackets) were:

- Traffic (60 responses)
- Height (44)
- Residential density (40)
- Accessibility in relation to entry and exiting for both cars and pedestrians (16), and
- Quality design and architecture (14).

Other common responses included parking (13 responses), eagerness for the project to proceed (13) and consideration of the Masonic Club (13).

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Of the 60 responses about traffic, 36 were comments about traffic management on surrounding streets, 20 were about generalised traffic issues and 4 were about traffic management on Griffiths Street. Comments about traffic included:

Ensuring traffic patterns do not overwhelm any advantage derived from restriction of commercial traffic to and from Griffiths Street.
The considerable impact of the increased traffic load needs to be considered. This could be ameliorated by significantly decreasing the number of units proposed on the sight.
Alternative access point to planned retail entry/exit on Condamine. Increased traffic flow in residential area of Condamine.

Of the 44 responses about height, almost all were general comments about reducing height. Some specific comments were made about the reduction of height by two storeys and other comments were made that stressed the importance of complying with height controls. Comments about height included:

Respect the heights that are required.
Take 2 floors off Woodland end.
The height of buildings and its effect on the future of the area. What a precedent to set!!

Of the 40 responses about residential density, 21 were about the number of units generally, 15 were comments about bulk and 4 were comments about floorspace. Comments about residential density included:

I don't want my local area to be overpopulated or too much traffic.
Density of residential units and impact on environment in terms of transport and road traffic.
Floorspace should be 10% less.

Comments about accessibility included:

Overloading of retail access, pedestrian access, loading access in Condamine St (but not to be relocated to Griffiths St).
Safe vehicle access/departure. Width of footpath in Condamine St, outside Totem centre should be wider than normal to cope with prams, wheely walkers etc.
Easy access for shoppers – most people who shop here now are 50+, very hard on the shops, as have limited money to shop with.

Comments about quality design and architecture included:

Quality finishes for all building work. Design excellence.
Creating a built environment that melds with the existing residential area.
A plan for aesthetic design and colours which blend tastefully with the surrounds – nothing dull, yet nothing outrageous.

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Other Comments and Suggestions

There were 109 valid responses to this question. The five top responses (with the number of responses in brackets) were:

- Need for traffic/parking/public transport plan for surrounding area (26 responses)
- Eagerness for the project to proceed (23)
- Reduce the size/overall scale (20)
- Address non-compliance (12), and
- Improved but still too high (10).

Comments about the need for traffic/parking/public transport plan for surrounding area included:

I am concerned about the effect the Sydney Rd entry/exit will have on already congested and difficult conditions existing along Sydney rd. I also believe residential buildings are still too high to be incorporated into the existing lowrise nature of the locality. Better integration between Sydney Rd and Totem Centre is also needed.

Major concern re exit and entry to Sydney Rd and Condamine St ONLY. Exit/entry via Griffiths St, as presently exists, spreads the traffic allowing it to leave the area using Woodland St and well as Condamine and Sydney Rd. Such a plan would reduce the build up of vehicles driving south – potential queue at Sydney Rd lights blocking exit from the Centre's lights just 100m apart.

Griffiths St must be made a one-way street between Woodland and Condamine Streets (from West to East). This is an extremely dangerous steep incline with many driveways on the blind crest of the hill. This one-way traffic east will also prevent traffic exiting the new plan onto Condamine St, and then turn hard left straight up Griffiths St in massive numbers. In the name of safety we must reduce the amount of traffic in Griffiths St between Woodland and Condamine Sts.

Comments about eagerness for the project to proceed included:

The quicker this project starts and finishes the better for the residents and community of this beautiful area. We need a shopping centre NOW. Let's take our heads out of the sand and progress like the rest of the world, not go back 100 years. Progress is the key!! I think it's great. 2093, 2094, 2095 are the most elderly postcodes in Australia. Many local people will be wanting to move out of their local family home, but not out of the area. This provides an ideal retirement solution for them.

The Totem needs to be restored into the shopping complex that your propose. Also the accommodation is needed as well. Balgowlah is a wonderful suburb and this proposal is needed but please not at the exclusion of the Masonic and Community Club.

Comments about reduce the size/overall scale included:

I strongly recommend that consideration be given to further reductions in building height and the developer must make it clear how many units/townhouses they intend to include in the development.

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1. Reduce bulk of overall project. 2. Try to improve concept with creativity, imagination and innovation. 3. Listen to the local community. 4. Stockland should appreciate the changes the development will bring and do something creative to reduce the impact the development will have on people's lives.
Yes – less is more. You can still develop. You can still make \$\$\$ - use the talents of your team at Stocklands and build out dream. What a fantastic opportunity for a win/win between developers and residents.

Comments about addressing non-compliance included:

Going forward – no boxy units! Comply with controls – then residents have no argument with you – you can defend the development.
If Stocklands say that they need to be 2 floors and 10% FSR over to be commercially viable it is because 1) they paid too much for the site 2) they came up with a bad design and 3) they insisted on pursuing a very expensive court case which they lost. I don't believe that residents should have to compensate a large organization like Stocklands for their commercial mismanagement.
If the 2-3 top storeys were taken off I think I would be happy with it, as long as the units weren't then added somewhere else – it must be smaller scale. The planning controls are there for a reason, and should be complied with. I don't want Balgowlah's atmosphere destroyed for ever for the sake of quick profit. We don't want it to become another Dee Why.

Comments about improved but still too high included:

No – it is so much better than before. It would not be difficult to win the local hearts and minds by addressing favourably the matters in para 4. (height and density)
From what I heard today (Saturday) if you make the towers 6 instead of 8 the local people will be pleased.
Great improvement, shame it's still so big but that is Council's fault.

Respondents

59 people identified as being from the immediately surrounding streets
67 people identified as being from Balgowlah
14 people identified as being from another part of the Manly Local Government Area
7 people identified as being a representative of a club or association, and
3 as a representative of an organisation.

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Additional Comments

Additional comments that expanded on some of the major themes represented in the feedback included:

Although I do not have an issue with the height I think that some parts of the community and council will concentrate on the breach of the DCP. I believe this is unfortunate because these people will concentrate on this issue and not consider the positive aspects of the development.

Although not explicitly stated, it seems clear that this new proposal contains even more dwellings than the previous plans (even excluding the 20% of land area not used). Council MUST insist on key ratios being complied with – especially FSR and the height limits.

I dislike the comment "The main driver for the design has been the need to produce the best plan to revitalize the area..." It appears to me that the 'driver' for this draft design is to secure the best plan for Stocklands' profit margin not the best interests of the community. The shopping area definitely needs 'revitalising' but the community has repeatedly voiced intense concern over the excessive number of units proposed, the overwhelming visual impact that this would have in an essentially low-rise area AND the huge traffic burden that such a large increase in dwellings, with ensuing vehicles, would have on a road system that is already overloaded during peak hour and on the weekends. Another comment in the draft states that heights "are sensitive to surrounding forms." This appears to be more misleading language as the overwhelming majority of 'surrounding forms' are buildings that range in height from single storey dwellings to 3 storey flats. Suffice to say that the use of the type of language quoted above implies that the developers are doing this for the 'good of the community' when their actions of continually supplying plans that exceed the council guidelines and the opinion of local residents indicates contradictory, self-interested motives couched in feel-good terminology.

If the first Stockland proposal was more economically viable, allowing a larger, more thoughtful design, then it's a pity that a few private persons and a few councilors prevent the rest of us from getting something good.

It has been portrayed better – handled better – (not so dogmatic), but height and density for the small area still sets a precedent – for Balgowlah – setting up a new scene for the future of Balgowlah – taking out the village and making it a highrise jungle.

Just because the height of the towers in this draft is less than the previous one does not justify using the first draft as a benchmark by which to assess consequent plans. The DCP is the appropriate benchmark and this current draft STILL exceeds the DCP and in my opinion is still an overdevelopment of the site, which could have serious impact on local residents for a long time to come.

'Almost' getting it right is not acceptable in this case either. If this design were to be approved, it could set a precedent in the area that allows future developers to disregard planning controls. I understand that developers are in the business to make a profit but

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these buildings are going to be here for a long time so I think it is incumbent upon Stocklands to seriously consider the impact that their business will have upon residents and not just be ruled by producing huge profits. How good would it be to feel that Stocklands' development could make a true contribution to the lives of the local residents rather than it creating a problem of a burden?

it is important that we get some momentum to redevelop this site as soon as we can, as it is depressing and ugly as it is. Agonising over exactly what we are going to have (given that in any planning process you cannot please everybody) is detrimental to the local community. We will find that traffic flows to other alternate shopping locations (Manly or Warringah Mall) will reduce when this centre is revitalized. I'm looking forward to at last being able to walk to the shops and find a variety of things to buy, and to be able to have a coffee when I get there. I believe the redevelopment of Totem will also "lift" the surrounding businesses. There are some lovely cafes and local shops, but they don't get the custom they deserve because there is no hub to draw people. So please consider the overall timeframe as well as getting the optimal result. We've been waiting a l-o-n-g time!

TO: Land Use Management Committee - 5 September 2005
REPORT: Environmental Services Division Report No. 49
SUBJECT: Development Application Being Processed During September 2005

Environmental Services Division Report No. 50 (Cont'd)

FILE NO:

SUMMARY

Development Applications Currently Being Processed September 2005.

REPORT

DA#	Date Rec by Council	Site Address	Proposal	Target Date	DEL DAU LUM
DA319/03	16-Jul-03	14 Kempbridge Avenue	Alterations and Additions	Awaiting Information	
DA525/03	20-Oct-03	22 Wentworth Street	Change of Use	Awaiting Information	
DA508/04	2-Nov-04	118 North Steyne	Alts & Adds to Heritage Cottage & 6 Storey RFB with Basement Carparking	Awaiting Information	
DA538/04	22-Nov-04	51 Wood Street	Alterations Guest House into to Dwellings and Strata Subdivision	Awaiting Information	
DA560/04	16-Dec-04	41 Lewis Street	Demolish & New 2 Storey Dwelling with Basement Garage	29-Sep-05	DAU
DA35/05	20-Dec-04	81 Curban Street, Balgowlah	Alterations and Additions to Dwelling & Pool	01-Sep-05	DAU
DA01/05	23-Dec-04	55 Frenchs Forest Road	New 3 Level Dwelling and Demolish	29-Sep-05	DAU
DA133/05	9-Mar-05	40 Birkley Road	82A Review	15-Sep-05	DAU
DA138/05	10-Mar-05	5 Clarence Street	Subdivision into Two (2) Lots each with Dwelling Entitlements	29-Sep-05	DAU
DA144/05	15-Mar-05	21 Francis Street	Alterations & Additions & Family Flat	27-Sep-05	DAU
DA189/05	11-Apr-05	31 Amiens Road	Alterations & Additions to Dwelling including Demolition/Rebuild of Upper 2 Levels	29-Sep-05	DAU
DA197/05	15-Apr-05	Boronia Lane	Construction of a Fire Trail	20-SEP-05	DAU
DA194/05	19-Apr-05	31 Seaforth Crescent	Demolish & Construct 3 Storey Dwelling	22-Sep-05	DAU
DA444/03	21-Apr-05	7 Brighton Street	Section 96 Modification	12-Sep-05	DAU
DA183/05	27-Apr-05	187 Pittwater Road	Alterations & Additions to Retail	29-Sep-05	DAU
DA587/02	3-May-05	14 Reddall Street	Section 96 Modification	Awaiting Information	
DA31/03	4-May-05	9 King Avenue	Section 96 Modification	Awaiting Information	
DA213/05	5-May-05	13 Augusta Road	Alterations & 1st Floor Additions	October	LUM
DA307/05	10-May-05	3 Oyama Avenue	Alts & Adds to Dwelling & Garage	22-Sep-05	DAU
DA301/05	12-May-05	5 Lombard Street	Demolish - New Two Storey Dwelling	06-Sep-05	DAU
DA394/04	13-May-05	9A Amiens Road	Section 96 Modification	29-Sep-05	DAU
DA247/05	23-May-05	8 Camera Street	Swimming Pool & Spa	Awaiting Information	
DA258/05	27-May-05	129 Griffiths Street	Alts & Adds & Landscaping	Awaiting Information	

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DA230/05	27-May-05	30 Castle Circuit	2 Dwellings & 2 Lot Subdivision	20-Sep-05	DAU
DA306/05	1-Jun-05	16 Radio Avenue	Alts & Adds to Dwelling	Awaiting Information	
DA277/05	1-Jun-05	439 Sydney Road	Alts & Adds & Changes of Use	04-Oct-05	DAU
DA269/05	6-Jun-05	10A Bungalow Avenue	Swimming Pool	Awaiting Information	
DA217/05	6-Jun-05	3 Craig Avenue	Two Residential Units with Basement Parking	08-Sep-05	DAU
DA278/05	8-Jun-05	42 North Steyne	Rooftop Addition of 2 Units	22-Sep-05	DAU
DA265/05	9-Jun-05	55 Woodland Street	Alts & 1st Floor Adds & Carport	29-Sep-05	
DA261/05	9-Jun-05	1/16-17 East Esplanade	Alts & Adds - No roof level change	01-Sep-05	DAU
DA276/05	10-Jun-05	57A Ethel Street	Demolish - Commercial & RFB with Basement Parking	20-Sep-05	DAU
DA289/05	14-Jun-05	30 Ogilvy Road	Alts & Adds & Pool	15-Sep-05	DAU
DA297/05	15-Jun-05	89-91 Bower Street	Extension to Access way & Carport	Awaiting Information	
DA295/05	15-Jun-05	5 Glade Street	Pool & Deck	08-Sep-05	DAU
DA299/05	16-Jun-05	231 Sydney Road	Alts & Adds, Tree Removal & Basement Garage	06-Sep-05	DAU
DA293/05	21-Jun-05	32 White Street	Alts & 1st Floor Addition	09-Sep-05	DEL
DA36/05	21-Jun-05	57 Bower Street	Section 96 Modification		
DA310/05	22-Jun-05	20 Alexander Street	Alts & 1st Floors Adds & Balcony	09-Sep-05	DEL
DA309/05	22-Jun-05	1/3 Bruce Street	Internal Alts - Removal of Walls	22-Sep-05	DAU
DA311/05	27-Jun-05	1 Glade Street	Alts & Adds & 1st Floor Deck	08-Sep-05	DAU
DA328/05	29-Jun-05	18 Lodge Street	Alts & Adds & New Front Fence	02-Sep-05	DEL
DA325/05	30-Jun-05	27 Hope Street	Demolish & Erect 2 Attached Dwellings	Awaiting Information	
DA314/05	30-Jun-05	10 Dudley Street	Demolition & Erect 2 Attach Dwellings & Subdivide	01-Sep-05	DAU
DA316/05	30-Jun-05	37 Lauderdale Avenue	Demolish & New Dwelling & Pool	06-Sep-05	DAU
DA319/05	30-Jun-05	23 Radio Avenue	Alts & 1st Floor Adds & Demolition of Carport	15-Sep-05	DEL
DA107/04	4-Jul-05	25 Quinton Street	Section 96 Modification	14-Sep-05	DEL
DA322/05	5-Jul-05	25 Clontarf Street	Alts & Adds, Pool and Cabana	Awaiting Information	
DA313/05	8-Jul-05	9/62 West Street	Erection of Timber Deck	06-Sep-05	DAU
DA315/05	11-Jul-05	33 Lower Beach Street	Inground Pool	09-Sep-05	DEL
DA55/05	12-Jul-05	76 Birkley Road	Section 96 Modification	22-Sep-05	DAU
DA324/05	18-Jul-05	Shop 0 11-27 Wentworth Street	Strata Subdivision	Awaiting Information	
DA327/05	19-Jul-05	3/3 Raglan Street	Shop Fitout	Awaiting Information	
DA106/04	19-Jul-05	27 Quinton Road	Section 96 Modification	Awaiting Information	
DA499/04	19-Jul-05	121 Seaforth Crescent	82A Review	15-Sep-05	DAU
DA333/05	21-Jul-05	2 Lombard Street	Alts & 1st Floor Adds & Deck	18-Oct-05	DAU
DA541/03	21-Jul-05	41 Ethel Street	82A Review	08-Sep-05	DAU
DA329/05	22-Jul-05	1/2B Nield Avenue	Single Hard Stand & Fencing	08-Sep-05	DAU
DA102/05	22-Jul-05	42 Bower Street	82A Review	15-Sep-05	DAU
DA337/05	25-Jul-05	7 Rolfe Street	Alts & Adds to Dwelling	24-Sep-05	DAU

Environmental Services Division Report No. 50 (Cont'd)

DA339/05	26-Jul-05	39 Ellery Parade	Alts & Adds to Dwelling	18-Oct-05	DAU
DA341/05	26-Jul-05	200 Woodland Street	Alts & Adds to Dwelling	02-Sep-05	DEL
DA340/05	27-Jul-05	28 Jamieson Avenue	Strata Subdivision	27-Sep-05	DAU
DA267/05	23-May-05	112 Sydney Road	Demolish & New 3 Storey RFB & Parking & Landscaping & Pools	15-Sep-05	DAU

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM050905ESD_7

***** End of Environmental Services Division Report No. 49 *****

TO: Land Use Management Committee - 5 September 2005

REPORT: Environmental Services Division Report No. 50

SUBJECT: Appeals List for September 2005

FILE NO:

SUMMARY

LIST OF APPEALS RECEIVED AND THEIR CURRENT STATUS FOR COUNCILLORS INFORMATION

REPORT

Application	Appeal #	Site Address	Appeal Lodged	Solicitor	Current Status
DA278/03	11050/04	27-29 Victoria Pde	1.09.04	Abbott Tout	Awaiting New Callover Date
DA255/04	10746/04	102 The Corso,	28.09.04	Abbott Tout	Hearing 20.9.05
DA487/04	10244/05	49 Golf Pde,	18.03.05	Abbott Tout	Upheld – Approved Subject to Conditions
DA555/00	10217 & 10219/05	28 Castle Circuit (Refusal)	14.03.05	Abbott Tout	Awaiting New Callover Date
DA172/05	10537/05	66 Balgowlah Rd	3.06.05	Abbott Tout	Callover 01.09.05
DA97/04	10592/05	2 Clontarf Street	21.06.05	Abbott Tout	Callover 7.9.05
DA216/05	10588/05	241-3 Sydney Rd	25.07.05	Abbott Tout	Discontinued
DA433/99	10624/05	Shop 5 93-95 North Steyne	7.06.05	Abbott Tout	Callover 31.08.05
DA424/01	10686/05	42 Bower St	13.07.05	Abbott Tout	Discontinued
DA45/05	10622/05	67 Ernest St	21.06.05	Abbott Tout	Neutral Evaluation 02.09.05
DA37/05	10832/05	11 Benelong St	1.08.05	Abbott Tout	Callover 6.9.05
DA572/04	10833/05	8 Yatama St	1.08.05	Abbott Tout	Callover 6.9.05

Environmental Services Division Report No. 50 (Cont'd)

DA576/05	10919/05	57A Ethel St	12.08.05	Abbott Tout	Callover 20.9.05
DA159/05	10913/05	2A Woodland St	5.08.05	Abbott Tout	Callover 16.9.05
	10943/05	4 Nolan	11.08.05	Abbott Tout	Callover 23.9.05
	10940/05	7 Brighton St	15.08.05	Abbott Tout	Callover 16.9.05
DA273/04	10949/05	20 Dennison St	17.08.05	Abbott Tout	Callover 23.9.05
DA529/04	10988/05	38A Rignold St	24.08.05	Abbott Tout	Callover 5.10. 05

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM050905ESD_3

***** End of Environmental Services Division Report No. 50 *****