



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 2 May 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.

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LAND USE MANAGEMENT COMMITTEE

APOLOGIES AND LEAVE OF ABSENCE

DECLARATIONS OF INTEREST

CONFIRMATION OF MINUTES

The Land Use Management Committee of 4 APRIL 2005

PUBLIC ADDRESSES

SITE INSPECTIONS

The following site inspections will take place on Monday 2 May, 2005.

8 Jellicoe Street, Balgowlah 8:00am
33 Beatty Street, Balgowlah 8:30am

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CLOSED COMMITTEE ITEMS

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

TO: Land Use Management Committee - 2 May 2005
REPORT: Environmental Services Division Report No. 18
SUBJECT: 33 Beatty Street, Balgowlah
FILE NO: DA382/04

Application Lodged: 5 August 2004; Amended plans: 23 December 2004 & 22 March 2005
Applicant/ Owner: H Peach
Estimated Cost: \$800,000.00
Zoning: Manly Local Environmental Plan, 1988 - Residential and within the Foreshore Scenic Protection Area.
Surrounding Development: Residential Dwellings
Heritage: Not Applicable

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING INCLUDING AN ADDITIONAL STOREY AND POOL RELOCATION.
2. THE PROPOSAL WAS NOTIFIED TO ALL NEIGHBOURING PROPERTIES AND EIGHT (8) LETTERS OBJECTING TO THE DEVELOPMENT WERE RECEIVED.
3. THE APPLICATION WAS ALSO REFERRED TO THE BALGOWLAH PRECINCT COMMUNITY FORUM AND COMMENTS RECEIVED.
4. THE FIRST SET OF AMENDED PLANS WAS RECEIVED ON 23 DECEMBER 2004. THESE AMENDED PLANS WERE NOTIFIED TO ALL NEIGHBOURS AND OBJECTORS AND EIGHT (8) LETTERS OBJECTON LETTERS RECEIVED. THE SECOND SET OF AMENDED PLANS WAS RECEIVED ON 22 MARCH 2005. THESE PLANS WERE RE-NOTIFIED AND FIVE (5) LETTERS OF OBJECTION RECEIVED.
5. THIS APPLICATION IS REFERRED TO THE LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR AIRD.
6. SITE INSPECTION IS RECOMMENDED.
7. THIS MATTER IS REFERRED TO COUNCIL BY THE GENERAL MANAGER.
8. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL APPROVAL.

LOCALITY PLAN

Shaded area is subject land.



REPORT

Introduction

The subject site is located on the higher side of Beatty Street. The site has an east-west orientation. Existing on the site is a two level residential building. The proposal is for alterations and additions to the existing dwelling. The proposed development includes the following:-

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- Demolition of the existing garage and swimming pool.
- Erection of a new garage (8.0 x 6.0m) approximately at the same level as the existing garage (**RL 24.49**) utilising the existing driveway.
- Entry porch to the southern side of the proposed garage.
- A new rumpus room, shower, entrance porch, foyer and water feature at the location of the existing swimming pool (**RL 29.68**), north and east facing terraces (RL 29.51), landscaped planters to east, north and south, new swimming pool, new spa and bar towards the north of the site.
- Alterations to the existing ground floor level (RL 33.03) to accommodate kitchen, family room, walk-in-pantry, living area, dining area, powder room, children's playroom, store, foyer, study and TV room. This level also includes east facing terrace (**RL 32.86**).
- Minor alterations to the existing upper ground floor level (**RL 34.45**) to accommodate a study, bath, bedroom 4 and a south facing courtyard off Bedroom 4.
- New first floor level (**RL 36.03**) to the south-east to include three (3) bedrooms, ensuite, walk-in-robe, south facing balcony and a east facing terrace.

The new proposal changes the main entry (pedestrian access) to the dwelling from the north to the southern boundary via an external set of stairs directly from the Entrance porch (RL 24.49) adjacent to the garage to the entrance porch at the Rumpus room level (RL 29.57) and foyer (RL 29.68). The original proposal included a lift that linked the rumpus room level and the garage, but this lift was deleted in the amended proposal received by Council on 23 December 2004.

The amended proposal received on the 22 March 2005 modified the proposal in the following ways:

Garage Level:

- Reduction to the size and height of the garage & increase in the setback from the front and eastern side.
- Inclusion of a tunnel way and lift.
- Inclusion of four (4) endemic trees within the front building line.

Rumpus Room Level:

- RL of the Rumpus room level reduced from RL 29.68 to **RL 29.19**.
- RL of the landscaped area reduced from RL 29.5 to **RL 29.0** and depth increased to be capable of growing substantial vegetation.
- Landscaping area from the eastern boundary to the swimming pool increased to 2.9 metres.
- RL of the deck area around the pool reduced from RL 29.5 to **RL 28.85**.
- Spa relocated from the western side of the pool to the northern side of the pool.
- Water feature in the foyer deleted.
- Increase in the width of landscaped planter above the garage.
- Entry porch roof decreased in size.
- Inclusion of a lift in the foyer.

Ground Floor Level:

- Width of the terrace on the eastern side facing the south reduced from 5.4m to 4.9m.

First Floor Level:

- Decrease in the number of bedrooms.
- Re-orientation of the bedrooms.

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- Inclusion of a storeroom & inclusion of ensuite to each bedroom.
- Deletion of west facing balcony.
- Inclusion of privacy screen to the south - facing balcony.
- Reduction in the roof over balcony.

Development Control Plan Numerical Assessment

The following is an assessment of the proposal's compliance with the numerical standards of the D.C.P. Where a variation is proposed to the standards, an assessment is included in the Planning Comments. The assessment deals with the amended plans received by Council on 23 December 2004.

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Density - Sub Zone 7	1unit/750 - 1150m ²	1 dwelling/959m ²	Yes
Floor space ratio	0.4:1.0	0.40:1	Yes
Wall height Northern side	8.0m	5.7 - 6.4m	Yes
Southern side	8.0m	5.4 - 6.9m	Yes
Roof height (Parapet)	1.0m	0.58m	Yes
Setback Front (Garage)	8.6 - 9.7 (existing)	8.7 - 9.4m	Yes
Setback Rear	8.0m	7.5 - 7.7m (existing)	N/A
North side setback	1.9 – 2.1m	0.7 - 1.2 (existing) 12.3m (first floor.)	N/A Yes
South side setback	1.8 - 2.3m	2.5m	Yes
Setback - pools Front setback	6.0m	12.8	Yes
- pools Side setback	1.5 – 2.4	3.0m	Yes
- pool deck above ground	1.0m	2.4m (part)	N/A
Open space - total percentage	70%	74%	Yes
Open space - total	671.30m ²	714m ²	Yes
Open space - soft	50% (335.65m ²)	44.4%(298.27m ²)	No
Open space - above ground	167.83m ²	226.02m ² (58.2m ² excess)	Yes
Number of Endemic Trees	4 trees	4 trees	Yes
Private Open Space	18m ²	41m ²	Yes
Car Parking – Residents	2 spaces	2 spaces	Yes

Applicant's Supporting Statement

In support of the application the applicant has submitted a Statement of Environmental Effects. This is on file. In response to the submissions the applicant has submitted a written response and a copy of this statement is appended, as an attachment to this report.

Submissions**Original application:**

In response to the notification of the application, Council received eight (8) letters objecting to the development, concerns raised include the following:

- Potential detrimental impact on the very special visual qualities of the Manly LGA
- Visually prominent from Manly Scenic Walkway and Forty Baskets Beach
- Overall height of the proposed structure
- Overshadowing to principal outdoor entertaining areas, backyard and main living rooms

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- Loss of privacy and security onto principal outdoor living areas, living rooms and bedrooms of 31 Beatty Street
- Landscape Plans do not give details of trees, boundary fences and open spaces
- View loss from major living areas
- Excessive floor to ceiling heights and parapet - excessive floor to ceiling height for garage
- Whether the development complies with SEPP No. 23 concerning foreshore developments
- 33 Beatty street has a covenant (from 4 Tutus Street) to reduce potential view loss from any development. Although there is no covenant from 4A Tutus St.
- The fact that there is a covenant from neighbouring properties indicates there is a view loss potential.
- The bulk and scale of the proposed development is excessive for the area.
- Gross overdevelopment of the site with a 4 storey development
- Privacy that I currently enjoy from my swimming pool will be lost because of the position of the terrace on the ground level and windows from the rumpus room - it will become very intrusive
- The plan is in breach of requirements for floor area to open space ratio.
- The increased height will adversely affect the amenity of the general neighbourhood, which occupies a sloping topography
- The outlook from our land will be adversely affected by an increase in the height of the existing dwelling and is out of character with the surrounding dwellings
- The domino effect/precedent that this proposed development may cause in the area.
- Height resulting in view loss - view loss from main living area
- Side setbacks less than guidelines
- Insufficient landscaping
- Pool too close to neighbours

The applicant submitted a response to the letters of objection and this letter is on file.

Amended Plans (29/12/04)

In response to the amended application which was notified from the 29th December 2004 to 27th January 2005, Council received eight (8) letters objecting to the development, concerns raised include the following:

- The amendments are only token/minor changes and do not adequately address the concerns and objections of the surrounding neighbours.
- Floor space ratio does not include the garage area
- Minimal reduction in the height of the proposed four (4) storey development.
- The existing house has no windows on the south elevation, the proposed first storey addition has windows and a terrace which will result in a lack of privacy to our lounge room, study, deck and possibly our main bedroom.
- It appears that the architect nor the applicant has utilised the full potential of the slope of the site nor sufficiently addressed the concerns of the nearby residents with the amendments.
- The east elevation shows a four storey dwelling including a garage which appears to dominate the street.
- The modified plans do show some minor changes, however, the problems remain essentially the same as the development fails to address the aims and objectives of the Manly DCP.
- The proposed first floor will overlook both our family, living room and pool and deck.
- The modified plans show a total height reduction of only 500mm thus we would still suffer view loss from our family room, our main living area, across the water to the recognised landmark of Quarantine.
- FSR does not include the garage, although it is situated well above ground level.

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- Sets an unreasonable statement in just what level of impact a development may have on neighbouring homes.
- Concerns regarding 1st floor addition - shadows, ground floor extension of terrace over rumpus - privacy & acoustic privacy, pool relocation and new rumpus room - solar access & district outlook, increased height of the garage and new lawn area over the garage - privacy & streetscape, new windows, balcony & terrace along southern side - privacy & overlooking, relocation of entrance path to the southern boundary - privacy.
- Substantial view loss from the main living area
- Excessive bulk & floor space ratio
- Insufficient landscaping
- Pool too close to neighbour
- Excessive glazing
- No success in communicating our concerns with the owners of 33, Beatty Street
- Building alignment & landscape planter on the garage floor level encroaches on my right of carriageway.
- Any development that has an impact on views, privacy, solar access and the amenity of adjoining and nearby residences could set a devastating precedent that would see a domino effect from the waterfront back up the hill.

Amended Plans (22/03/05)

In response to the amended application which was notified from the 22nd March 2005 to 29th March 2005 (extended to 5 April 2005), Council received five (5) letters objecting to the development, concerns raised include the following:

- Setback of the pool is insufficient from the side boundaries.
- Floor Space Ratio does not include the garage area.
- The amendments are only token/minor changes and do not adequately address the concerns and objections of the surrounding neighbours.
- The existing house has no windows on the south elevation, the proposal have five (5) windows which will result in a lack of privacy to our lounge room, study, deck and possibly our main bedroom. The proposed windows should be removed or at least converted to highlight windows, which are above eye level.
- Floor space ratio does not include the garage area
- Loss of water view to Fairlight from our living room & deck. Our neighbours will also be similarly affected.
- Four storey development in a two storey area.
- Total floor space only reduced by 5.0 sq.m.
- Open space and soft open space are not met.
- Loss of privacy to rear yards, swimming pool to 31 & 33A Beatty Street – no privacy screens attached.
- Fails to address the protection of the amenity of existing & future residents.
- Any development that has an impact on views, privacy, solar access and the amenity of adjoining & nearby residences could see a devastating precedent that would see a domino effect from the waterfront back up the hill.
- View loss from our family, main living area, across the water to the recognised landmark of Quarantine Station.
- Amendments are not significant & do not address our key concerns with respect to privacy (mainly caused by pool relocation & extension of the ground floor terrace), loss of solar access & view loss.
- First floor terrace and east facing windows will look onto our main outdoor living areas.
- Impact from the relocation of the entrance to the southern side.
- Impact from the lawn area above the garage.

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- The large shadow cast by 1st Floor addition sweeps across 31 Beatty Street throughout the day.
- Shadow from the additional storey cast at 3pm causes the majority of our principle outdoor living area to have no sunlight.
- Substantial view loss to us and two of our neighbours. View sharing is an aim of the DCP.
- Excessive bulkstill exceeding Council's FSR
- Excessive glazing
- We would like to request that a full 3 dimensional template be erected, prior to Council determining the application.

Precinct Community Forum Comments

The application was discussed at the September 2004 meeting of the Balgowlah Heights Precinct Community Forum and following comments received:

"Added storey and pool relocation. Michael Green: Concern about height of building and streetscape. Trevor Sky (Tutus Street)? : Has sent letters to Council. Concerned about loss of view. Effect of shading on southside neighbours. Excessive bulk exceeding floor space ratio. Insufficient landscaping. Excessive glazing. Libby Kulmar spoke saying at least 8 neighbours have sent objections."

The amended applications were not referred the Precinct Community Forum as there were no major changes to the streetscape.

Engineers Comments

No objections to the development, subject to conditions.

Building Comments

No objections to the proposal, subject to the inclusion of conditions.

Landscape Architects Comments

No objection subject to conditions contained within the Recommendation.

Planning Comments

The proposal is for major alterations and additions to the existing dwelling on the site. The existing building on the site is a two (2) level dwelling with a swimming pool towards the southern side and double garage. The proposal is to demolish the existing swimming pool located on the southern side of the property and construct a new swimming pool and spa on the northern side of the site, adjoining No. 33A, Beatty Street. The site has a east - west orientation, with major harbour views towards the east. A new first floor level is proposed to the south - eastern side on top of the existing ground floor to accommodate three (3) new bedrooms. The applicant has indicated that the new construction is restricted to the southern side as the property has a height restriction by way of a covenant with the adjoining property at the rear (No. 4, Tutus Street).

The original application was submitted to Council on 5 August 2004. Council received a number of letters objecting to the development and the applicant after going through the submissions submitted amended plans on the 23 December 2004. The amended plans also received a number of letters objecting to the development.

On 1st March 2005, the Development Assessment Unit discussed the amended plans and resolved to refuse the application. The application was scheduled to be included in the Land Use

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Management Committee meeting of 7 March 2005. However, the applicant requested Council to defer the application to resolve the issues raised in the report. The applicant met Council officers and decided to amend the plans. Amended plans were received on the 22 March 2005 and amended shadow diagrams were received on the 31 March 2005. The amended plans were re-notified and a number of letters objecting to the amended proposal were received. The comments and assessment included in this report relate to the latest amended plans.

The Site

The subject site is located on land which is zoned Residential under the Manly Local Environmental Plan (LEP), 1988 and sub-zone 7 under the Manly Development Control Plan (DCP) for the Residential Zone 2001, Amendment 1. Under the subject density sub-zone 1 dwelling is permitted per 750/950/1150m² site area, depending on the slope of the land. The subject site has an area of 959m². The site has a significant fall from the rear to the front - the fall is about 15.87 metres from the rear to the front of the site.

Floor Space Ratio

The maximum allowable floor space ratio is 0.4:1, the proposed floor space ratio of the alterations and additions is 0.40: 1.0. The proposed calculated floor area includes section of the new garage that is above the existing ground level. The proposed floor space complies with the requirements of the DCP.

The main objectives of the floor space ratio provisions of the DCP are discussed as follows:

a) *to control the bulk of building*

The bulk of the original and the first amended development were not considered to be satisfactory in that the proposal when viewed from the street and harbour would have appeared to be a four (4) storey development. The proposed garage had a floor to ceiling height of 4.15 metres with a lawn area above that, making a total height from the natural ground level of 5.19 metres. This height was considered to be excessive and would have been in keeping with the existing streetscape. The applicant has now amended the plans and these amended plans have reduced the size of the garage to a standard double garage and have reduced the floor to ceiling height of 3.3 metres. The depth of the planter and landscaped area above the garage has been increased to a minimum of 1.0 metre to be capable of growing substantial vegetation. It is considered that the vegetation would mitigate any adverse impact onto the streetscape. However, it is considered that instead of the whole area being a lawn, a section of the lawn facing east should be considered for low level shrubs. A condition to this effect is included within the Recommendation to allow for a 1.0 metre landscaped planter at RL 29.02 to further differentiate/delineate the garage from the dwelling.

The proposed bulk, with the proposed condition above, is considered to be satisfactory, as the setback from the street to the next level is approximately 18.0 metres. This is well illustrated in the Section A-A, Drawing No. A6, Issue D of the submitted drawings.

In this regard it is to be noted that rear setback section of the site is above a rock cliff and therefore inaccessible from the subject site. In practicality, that section of the site appears to be an extension of the rear yard of the adjoining property at the rear (No. 4A, Tutus Street). Therefore, there is no possibility for the proposal to extend to the rear and therefore any extension has to be within the existing building and the existing garage.

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

The proposed addition to the existing dwelling especially the first floor addition will obscure some views of the properties at the rear towards the harbour. Submissions received from the adjoining properties at the rear raises concern with the proposed first floor addition which is likely to impact on the views currently enjoyed. The applicant has erected templates to indicate the height of the proposed first floor addition. Photographs (on file) taken from the objectors' living areas indicate that there will be loss of water view. However, it is considered that the proposal would comply with the view sharing policy of Council, having regard to the objectives - Clause 3.8.1 of the DCP.

- c) *to be consistent with the existing and desired character of the residential area*

The proposal with its bulk and shape will not be inconsistent with the newer developments in the vicinity. The proposed amendments to the development have gone a long way to make the development fit in with the existing and desired character of the residential area. The proposal's lack of soft open space has been compensated by terrace level lawn and planter boxes capable of softening the impact of the proposed development.

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

The proposed development will take away some views currently enjoyed by the properties at the rear. As discussed earlier the view loss to the properties at the rear will comply with the view sharing policy of Council. The DCP objectives states that developments should minimise view loss from adjoining or nearby properties and public places, whilst still recognising development potential of a site and also to maintain and share views of existing and for future residents. In this regard it is acknowledged that the properties at the rear of the subject property will lose some of their water view but would comply with the view sharing provisions of the DCP. The templates erected by the applicant clearly supports this view.

The proposed new terraces had the opportunity of overlooking the swimming pool at No. 33A, Beatty Street but the amended plans submitted by the applicant has increased the landscape area adjoining the pool to the east. The proposed landscape strip is now 2.5metres wide, capable of growing substantial vegetated screen. A condition to this effect is included within the Recommendation to provide planting that will grow to at least 3.0m in height to avoid overlooking onto the private recreational area as well as the living areas of No. 33A, Beatty Street. Similarly, The amended application has also provided planter boxes to the west side of the proposed terraces on the rumpus room level as well as on the ground level to avoid direct overlooking onto the property at 31, Beatty Street. The proposed balcony on the first floor level facing south is provided with a privacy screen to the west side to avoid direct overlooking to the property to the west.

The shadow diagrams have been amended to indicate the extent of over shadowing on to the neighbouring property to the south. This amended shadow diagrams have taken away the shadows of the existing trees, as indicated earlier with the original submission. Shadows at 9:00am, 12:00 noon and 3:00pm are all within the guidelines of the DCP. It is acknowledged that at 3:00pm the proposed development will cast some shadows onto the outdoor area of 31, Beatty Street but the useable rear yard at the period will be not be overshadowed by the subject proposal. Council requires elevational shadows only when windows of living areas are affected and in this instance it is seen from the submitted shadow diagrams that there will be no affectation to the windows of the living areas of 31, Beatty Street.

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

As discussed above the proposed development will have some overshadowing to the outdoor living area of the adjoining property to the south. Shadow diagrams submitted indicate that there will be some impact on the outdoor area of the adjoining property at 3:00pm but there will be no impact on the windows of the living areas. The applicant has not submitted elevational shadows as there is no impact to any windows.

Height

Due to the sloping nature of the site, the permissible wall height for both northern and southern side is 8.0m above the existing natural ground level. The proposed wall height for the new first floor level varies from 5.7 - 6.4 m on the northern side and 5.4 - 6.9 m on the southern side. Both the wall heights comply with the DCP requirement.

The main objectives of the building height provision in the DCP is to:

- 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 and windows of living spaces of adjacent dwellings.*

With regards to the above, it is considered that the building height proposed is consistent with the locality, will comply with the view sharing policy of Council and the application has taken measures to minimise loss of privacy and loss of sunlight and therefore acceptable. The proposed development will lead to minimise sunlight access to private open space of the adjoining property but it is only for a short period of time and therefore acceptable.

Setbacks

The proposal generally complies with the numerical standards of the setback requirements of the DCP. In this regard it is to be noted that the existing ground floor level do not comply with the side setback requirements of the DCP. However, the proposed first floor complies with the setback requirements of the DCP. The existing rear setback do not comply with the requirements of the DCP - as noted earlier in this report there is no change to this setback and the application proposes only minor internal changes to this section.

The proposal does not comply with the objectives of the setback provisions of the DCP. The main objectives of the DCP with regard to setbacks are discussed as follows:

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

The proposed development will not have an adverse impact on the existing street. The proposal provides for adequate landscaping to soften the impact of the development. The amended proposal also provides for the four (4) endemic trees on the site as required by the DCP. The increased setback to the north side will also soften the impact of the swimming pool and will also provide the necessary screening to the adjoining property.

Environmental Services Division Report No. 18 (Cont'd)*b) to provide privacy*

The adequate measures have been proposed to avoid overlooking onto the private areas of the adjoining properties. As discussed above, the proposed landscaped and as conditioned will provide the necessary privacy to the adjoining properties.

c) to provide equitable access to light and sunshine

The submitted amended shadow diagrams provide the information required to adequately assess the issue of overshadowing. The submitted shadow diagrams clearly indicate there will be some overshadowing to the outdoor areas of the property to the south (No. 31, Beatty Street) but this overshadowing complies with requirements of the DCP as there are other areas of the site that are not overshadowed at the same period.

d) to promote flexibility in the siting of buildings

The proposed design is in the position most suitable for development as the site has two covenants. There is a right of carriageway at the front of the property and there is a height covenant in favour of the property at the rear viz., 4, Tutus Street.

e) to enable view sharing

The proposed addition to the existing building is located in an area of the site that will have some impact on the views of adjoining properties to the rear. Council's DCP requires a development to minimise view loss from adjoining or nearby properties, whilst still recognizing development potential of a site. In this regard it is considered that the proposal is satisfactory with regards to the view sharing policy of Council.

f) to accommodate planting of native vegetation including endemic trees

The proposed development requires 4 endemic trees (Section 3.2, Table 3) to be planted on the site, the amended proposal provides for four (4) endemic trees to be landscaped in the area to the front of the site. The species and height of the proposed trees is the subject of a landscape plan prepared by a suitably qualified Landscape Consultant.

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

This clause is not applicable to this development.

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

This clause is not applicable to this development.

Open space and landscape design

The DCP requires a total of 70% of the site as open space and of which 50% is to be soft open space in Density Subzone 7. With the subject development open space requirement equates to 671.30m² and the required soft open space equates to 335.65m². The proposal provides for only 74% of the site area as open space, which is 714m², and 44.4% as soft open space, which is 298.27m². A lot of open space is provided above ground by way of terraces and decks. It is to be noted here that Council's DCP only permits 25% of the required open space to be calculated above and in this case it equates to 167.83m². The proposal provides for 226.02m² of open space above ground.

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The proposal provides for four (4) endemic trees on the site to meet the requirement of the DCP. However, the type and species of the trees are not indicated as an amended Landscape Plan has not been submitted. A condition is included within the Recommendation requiring a full landscape plan prior to the release of the Construction Certificate.

The amended plans have provided for adequate open space to be capable of having landscaping to soften the proposed development and enhance the streetscape. The amended proposal along with the proposed conditions is considered to be satisfactory.

Excavation/ cut and fill

The proposal proposes some additional excavation for the new garage to the street but this has been now decreased to allow for a double garage. The proposal now includes an underground accessway to a lift - no objection is raised to this as this will not impact on the bulk of the development. The amended application has proposed the swimming pool to be generally in-ground to avoid adverse impact to the adjoining property.

Overshadowing

As discussed earlier in the report the submitted amended shadow diagrams adequate to assess the amount of loss of sunlight to the adjoining property to the south. There will be some loss of sunlight to the outdoor living areas of the adjoining property, however, overshadowing is not substantial to refuse the application. The main objectives of Council's overshadowing policy is to preserve the environment quality and property value for existing and new residents; minimise loss of sunlight to adjacent dwellings; maximise mid winter sunlight to windows of neighbouring living rooms and to the principal outdoor areas of adjacent properties and encourage breaking up of plan sizes and building bulk to admit more sunlight. With regards to the above it is considered that the proposal in its current form will not adversely impact on the adjoining property and is considered to be satisfactory.

View Sharing

The proposed first floor addition will affect the views from the properties located on Tutus Street. Site inspection has revealed the addition of the first floor would affect the views currently enjoyed by the occupants of the properties at the rear. The applicant erected templates on the site to indicate the bulk of the first floor addition. The templates indicate the front face on the first floor level and it is quite clear from these templates there will be some impact of the development on the adjoining properties to the rear in terms of view loss. However, the amount of view loss is considered acceptable in terms of the view sharing policy of Council.

Council's DCP requires that new developments should ensure continued to private and public access to the expansive views of the city, Harbour, Ocean, bush land, open space and recognised landmarks or buildings; minimise a view loss from adjoining or nearby properties and public places, whilst still recognising development potential of a site and maintain and share views of existing and for future residents. With regards to above objectives of the DCP it is considered the views from the living areas of the properties at the rear will be have some impact but not to the extent that the application would warrant a refusal.

Streetscape fences and walls

The original plans submitted indicated a fence to the street frontage, although the plans did not provide any details of the fence, the elevations of the proposal indicated the height to be as high as 2.1 metres. This was raised as an issue with the applicant. The amended application, however, has not changed the height. The height of the fence is considered to be unacceptable as Council's DCP permits a front fence of 1.0 m only and may increase the height to 1.5m, if transparency of the fence above 1m is at least 30%. This is to ensure that all development contributes positively to

Environmental Services Division Report No. 18 (Cont'd)

the street and locality and minimise the impact of walls and fences on the street frontage. The DCP also states that in some circumstances, front fences and walls may not be appropriate and soft landscaping alternatives should be considered. In this instance it is to be noted that the property is on the higher side of the street and a high fence would have an adverse impact on the streetscape. A condition is included within the Recommendation to delete the proposed fence and apply for a new Development Application for a fence.

Privacy

The original proposal did not comply with Clause 3.10 - Privacy and Security provisions of the DCP. This clause requires that development should be designed to provide screen between closely spaced buildings; adopt measures to mitigate direct viewing into windows from others; provide screening to outdoor living areas and encourage increased security between neighbours. The amended proposal has provided adequate measures to increase the privacy between the subject development and adjoining properties. The amended plans have increased landscape areas and have also included a privacy screen to the balcony off the two (2) bedrooms on the first floor level. Additional conditions have been incorporated within the Recommendations to decrease the impact of the south facing windows.

Parking

The proposed development complies with the numerical standard of the DCP with respect to car parking. The proposal is for two (2) parking spaces in the form of a double garage to the front. It is to be noted that the height of the proposed garage has been reduced to 3.3m from 4.9m in the original development and the depth of the landscaped area above has been increased to provide for substantial planting. The proposed planting will provide the necessary relief to the streetscape. The proposed garage in its current form is considered to be satisfactory and therefore acceptable.

Swimming Pool

The original proposal had the swimming pool almost 3.5m above the existing natural ground level and therefore would have required a setback of 3.5m. The setback proposed from the side boundary was only 1.9m. The amended plans located the pool about 2.5 metres from the boundary and only a small portion is out of the ground. The DCP requires that swimming pools should be located to minimise the impact of adjoining properties, buildings and people, so that to filter noise, maximise privacy and to ensure no spillage or overflow to adjoining properties and also that they be appropriately located for visual and aural privacy and not to adversely impact on the streetscape. In this regard it is considered that the proposed swimming pool and associated terrace and deck will have not have an adverse impact on the privacy of the adjoining property due to proposed landscape area. A condition regarding the screen planting is included within the Recommendation.

The submitted plans, however, do not indicate any location for the filter/plant room, noting the fact that the adjoining property has bedrooms close to the boundary. A condition to this effect is included within the Recommendation.

Sydney Regional Environmental Plan No. 23 – Sydney and Middle Harbours

The proposed development is within the boundaries of land to which REP 23 applies. Clause 18 of the REP outlines matters for consideration in determining applications. The proposed development will not be generally visible from Middle Harbour. The development is not considered to result in any significant visual impacts as viewed from the foreshore. The proposed development is not considered to result in any environmental, social or economic impacts to the harbour of its foreshores. The development is considered satisfactory under the heads of consideration listed in clause 18.

Environmental Services Division Report No. 18 (Cont'd)Foreshore Scenic Protection Area

Clause 17 of the Manly Local Environmental Plan 1988 requires consideration of the effect of any development on the amenity of the Foreshore Scenic Protection Area. With the proposed enhancement to the landscaping of the open space areas of the site, the proposed development is not considered to result in any significant amenity impacts to the Foreshore Scenic Protection Area.

Clause 10 Objectives of the LEP:

The proposal's compliance with the zone objectives are stated as follows:

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

The land is currently zoned residential and developed with a dwelling. In this regard the proposal satisfies the 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 Manly DCP for the Residential Zone 2001, Amendment 1, has been used to assess the proposed developments consistency with this objective.

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

The proposal is considered to be consistent with the newer developments in the vicinity and character of the street. The proposed building, with its proposed landscaping and stepping away from the street, will not detract from the existing character of the streetscape. The proposed development follows the topography of the land and is no greater than two storeys at any level.

- (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 building form is satisfactory as the bulk of the development is to the rear of the property and follows the topography of the land. At any point within the site, the dwelling is not more than two storeys, as required under the DCP. It is considered that the proposed alterations and additions, with the amendment to reduce the height of the proposed garage by about 500mm and increased landscaping will not have an adverse impact on the amenity of surrounding properties.

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

As discussed earlier in the report, there is minimal soft open space provided for the development. However, the landscape planting shown on the architectural plans setback to the north side as well as deep soil planting on the terrace provide adequate soft landscaping to the proposal.

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

Not Applicable

Environmental Services Division Report No. 18 (Cont'd)

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

Not Applicable

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

The proposed alterations and additions are considered to be a suitable redevelopment for the site.

Environmental Planning & Assessment Act 1979 – Section 79(C) – Matters for Consideration

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

The proposal has been considered under the provisions of the Manly Local Environmental Plan 1988 and the Development Control Plan for the Residential Zone 2001, Amendment 1.

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

The proposal is considered to have some minor adverse environmental impacts on the amenity of adjoining properties. It is to be noted that the proposal complies with the objectives as well as the numerical standards of the Manly Development Control Plan for the Residential Zone, 2001 Amendment 1 especially in terms of view sharing, privacy and sunlight.

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

The site is currently developed with a two (2) level dwelling, with the proposal to add another level above and a level between the garage and ground floor of the existing dwelling. The addition of the first floor level will have minimal impact on the surrounding developments. The applicant has tried to accommodate the interests of the adjoining properties as well improve the existing dwelling to achieve flexibility of accommodation.

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

The original application received eight (8) submissions, the first amended application also received eight (8) submissions and the latest amended application received five (5) submissions. The submissions have been considered and all relevant issues taken into consideration.

- (e) the public interest.

The proposal, with the proposed amendments, is considered to be an improvement to the streetscape and therefore is in the public interest.

CONCLUSION:

The application has been assessed under the provisions of the Section 79C of the Environmental Planning and Assessment 1979, Manly Local Environmental Plan 1988, Council's Development

Environmental Services Division Report No. 18 (Cont'd)

Control Plan for the Residential Zone 2001, Amendment 1 and the Building Code of Australia. It is considered that the applicant has amended the application to a satisfactory level and therefore recommended for conditional approval.

RECOMMENDATION

That Development Application No. 382/04 for the alterations and additions to the existing dwelling including additional storey and pool relocation at No. 33, Beatty Street, Balgowlah be approved, subject to the following conditions:-

1. This approval relates to drawing/plan Nos. 0409 – A1D, A2D, A3D, A4D, A5D and A6D dated 18 March 2005, prepared by Simon Chan & Associates Pty Ltd and received by Council on 22 March 2005.
2. A detailed Landscape Plan prepared by a suitably qualified landscape professional is to be submitted to Council/Accredited Certifier for approval **prior to the issue of Construction Certificate**. The Landscape Plan is to include four (4) endemic trees as indicated on the approved architectural plans and also details of the proposed landscaping to the north side of the proposed swimming pool to provide adequate privacy to the adjoining property.
3. The proposed south facing windows to the ensuite on the first floor level and Bedroom 3 are to be provided with translucent glazing, to avoid direct overlooking onto the neighbour's yard. Plans to be notated accordingly, **prior to the issue of Construction Certificate**.
4. The proposed south facing windows to the Study and TV room on the Ground floor level are to be provided with either translucent glazing or fixed directional louvers, to avoid direct overlooking onto the neighbour's yard. Plans to be notated accordingly, **prior to the issue of Construction Certificate**.
5. The proposed front fence as indicated on the north and south elevations is to be deleted. A separate Development Application is to be submitted to Council for approval for any front fence exceeding 1.0metre in height.
6. The planting to the north side landscaped strip is to be provided with planting that will grow to at least 3.0m in height to avoid overlooking onto the private recreational area as well as the living areas of No. 33A, Beatty Street. Landscape Plan to provide for species and size of the planting, **prior to the issue of Construction Certificate**.
7. The lawn area on the rumpus room level (RL 29.02) is to be provided with a 1.0m wide planter strip. The species and type of planting is to be included in the revised Landscape Plan, **prior to the issue of Construction 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. 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 \$10,000.00. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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10. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
11. 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.
12. Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier **prior to issue of the Construction Certificate.**
13. Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council /Accredited Certifier **prior to issue of the Construction Certificate.**
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed **additions prior to the issue of the Construction Certificate.**
20. Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**

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21. 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.
22. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
23. The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
24. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
25. 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.
26. A geotechnical engineer's report regarding the stability of the site is to be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**
27. Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier **prior to the issue of the Construction Certificate.**
28. All external cladding and trim of the approved building shall be of a non reflective nature (with reflectivity index of maximum 20%). Details of such finishes shall be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**
29. 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.
30. Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.
31. All demolition is to be carried out in accordance with AS2601-2001.
32. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
33. Care shall be taken to prevent any damage to adjoining buildings.
34. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
35. 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.
36. All sound producing plant and equipment being installed and operated in such a manner so as not to create a noise nuisance.
37. No building materials may be stored on the road reserve without separate approval from Council.

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38. A Waste Management Plan is to be submitted with the application for a Construction Certificate in accordance with Council's Development Control Plan for Waste Minimisation and Management.
39. Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Construction Certificate. 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 Council/Accredit Certifier **prior to issue of the Final Occupation Certificate.**
40. All healthy trees and shrubs identified for retention on the plan must be:
 - (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
 - (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.
41. The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.
42. No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise willfully destroyed or removed without the approval of Council.
43. Landscaping being provided in accordance with the approved Landscaping Plan and maintained in accordance with that plan at all times.
44. 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.
45. 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.
46. **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 Council/Accredited Certifier **prior to the issue of the Construction Certificate.**
47. Once commenced the development hereby permitted shall only be continued in accordance with the conditions of approval and to the satisfaction of the Principal Certifying Authority.
48. Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.
49. A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier **prior to any building works being carried out on site.**
50. The works require the following inspection/certification during the course of construction:-
 - Silt control fences x 1
 - Footing inspection - trench and steel x 1
 - Reinforced concrete slab x 4
 - Framework inspection x 1
 - Wet area moisture barrier x 1
 - Drainage inspection x 1

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Driveway crossing/kerb layback x 1
Landscaping inspection x 1
Swimming pool reinforcing steel inspection x 1
Swimming pool safety fence inspection x 1
Final inspection

The cost of these inspections by Council is \$1,023.00 (being \$70.00 per inspection and \$113.00 for Final inspection inclusive of GST). **Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.**

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$80.00.

51. An Occupation Certificate is to be issued by the Principal Certifying Authority **prior to occupation of the development.**
52. De-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:
 - a) Ground water or other water to be pumped from the site into council's stormwater system must be sampled and analysed by a NATA certified laboratory or Manly council for compliance with ANZECC Water Quality Guidelines
 - b) If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
 - c) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
 - d) It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated with erosion or scouring due to the volume of water pumped.
 - e) Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.
 - f) Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.
53. Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority **prior to the commencement of framework.**
54. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
55. 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.

Environmental Services Division Report No. 18 (Cont'd)

56. 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.
57. The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land.
- The measures must include:-
- (i) siltation fencing;
 - (ii) protection of the public stormwater system; and
 - (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.
58. No blasting is to be carried out at any time during construction of the building.
59. 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.
60. All waste waters and overflow waters from any swimming pool shall be disposed of to the sewer in accordance with the requirements of Sydney Water.
61. The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.
62. An approved Resuscitation Notice is to be erected in a prominent position in the immediate vicinity of the swimming pool and kept current at all times.
63. The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which:
- (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and
 - (b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.
64. All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.
65. An approved safety railing shall be provided around the outer elevated extremities of the swimming pool walkways, details of which shall be submitted to the Council/Accredited Certifier **prior to issue of the Construction Certificate.**
66. Any exposed external face of the swimming pool walls shall be concealed by suitable backfilling and landscaping so as to conceal the pool structure and to create a "buffer zone" between the proposed pool and neighbouring properties.

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67. Windows giving access to the pool areas must be made child safe and comply with the following:-
- (i) The bottom of the lowest opening panel of the window must (when measured in the close position) be at least 1.2m above finished floor level; and
 - (ii) Have no footholds wider than 10mm between the bottom of the lowest opening panel of the window and any point within 1.1m below the bottom of that panel; or
 - (iii) Be key locked or fixed by other approved means allowing no opening through which a round bar 105mm in diameter can be passed.
- However, if such windows are required for the ventilation of the room in accordance with the Building Code of Australia, they must be protected by way of a child safe grille only unless satisfactory alternative provision is made for ventilation.
68. A railing or other safety measures or devices are to be erected around the sides of the pool surround structure where height above natural ground level exceeds 900mm. All details of the necessary device are to be submitted to and approved by the Council/Accredited Certifier **prior to issue of the Construction Certificate**.
69. All protective fencing and gates are to be in accordance with Australian Standard 1926 **prior to the pool being filled with water**. The fence is to be a minimum of 1200mm in height and posts and/or supports are to be firmly fixed or encased in such a way that the posts/support are unable to be removed easily. The fence is not to be removed or altered at any time without the express approval of Council having been obtained beforehand.
70. The proposed pool gates are to be mounted so that:-
- (i) They are clear of any obstruction that could hold the gate open;
 - (ii) When lifted upward or pulled downward, movement of the gate does not release the latching device, unhinge the gate or provide a ground clearance greater than 100mm; and
 - (iii) They open outwards from the pool.
71. Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Council/Accredited Certifier **prior to issue of the Construction Certificate**. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".
72. **Prior to issue of the Occupation Certificate**, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".
73. 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.
74. 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.
75. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

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ATTACHMENTS

AT-1 Submission from Applicant - N Peach 1 page(s)
AT-2 Response to Objections - H Peach 9 page(s)

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***** End of Environmental Services Division Report No. 18 *****

ATTACHMENT 1

Environmental Services Division Report No. 18

33 Beatty Street, Balgowlah

Submission from Applicant - N Peach

Manly Council
PO Box
Manly NSW 2095

Dear Mr Wong

Land Use Management Committee Meeting- DP 382/2004

MANLY COUNCIL
REC'D 16 FEB 2005
DISTRIBUTION
DA 382/04

33 Beatty Street
Balgowlah Heights
NSW 2093

15 February 2005

PART SCANNED
DOC. No.

Our property application has been called up by the Mayor to the above committee. Having attended the last meeting it became obvious that Council members are given limited time to review plans and make site visits and sometimes the proposed visit times are not convenient to all Councillors.


To provide you with both information and time, I have enclosed a copy of the plans and all relevant communication to both the impacted neighbours and the Manly Environmental Services Division.

The key points are as follows:

- We have a single story dwelling that has been built towards the rear of the block
- The block is nearly 1000sq Meters
- It is on a steep gradient – our land extends behind our house up towards 4a Tutus street this area is currently unfenced and has not yet been landscaped.
- The proposed development is **only 1.5m higher** than the current roof height and **1m** above our highest ground level
- The proposed development height is lower than the recent development at 25 Beatty Street, which was completed 2004 (2 blocks down) from the street scape
- We are restricted by the existing building position in gaining additional space and believe we have been considerate of the Councils "View Sharing" policy by developing off the lower roof area of our single story dwelling
- We have selected not to impact our neighbours at 4 Tutus Street by leaving the existing roof levels unchanged.
- The rumpus room has been set-back and the roof height is planned at the current terrace level, thus ensuring no additional or overshadowing privacy issues to 31 Beatty Street
- The block has both "covenants" and "right of carriageway" imposed, which limits the flexibility to build forward whilst maintaining the same family amenities.
- Finally... The house needs upgrading to be in line with other houses that have been developed over the past couple of years – it's looking tired!

I will make contact with you over the next few days to discuss our approach with you in person and offer you the opportunity to visit the site at your convenience.

Yours sincerely,



Nigel Peach

ATTACHMENT 2

Environmental Services Division Report No. 18 33 Beatty Street, Balgowlah Response to Objections - H Peach

33 Beatty Street
Balgowlah Heights
NSW 2093

20 November 2004

Mr David Stray
Manager-Development Assessment
Environmental Services Division
Manly Council
PO Box 82
Manly
NSW 1655

Dear Mr Stray,

DP Application 382/2004

We refer to the above planning application to extend our family home. We note there have been several objections to the proposed development and consider it only fair to present our point of view, which we believe has been considerate of both our neighbours interests and compliant with Manly Council's development controls.

Overall Scheme

With any project there are constraints that need to be managed. We have a growing family – two children with another one on the way and often have visitors from overseas, so our need for additional space is becoming more apparent. The current property is a single story dwelling on the upper parts of the block with the garage at road level on Beatty Street. The separation of the house from the garage provides the challenges of getting two young children into the house and trip up and down is somewhat exhausting at the best of times. We have land, financial, neighbour's impact and with the impending growth of our family, now time constraints, that the DP Application is trying to work within.

Goal 1 – To create additional living and bedroom space

Our growing family is driving the need for more internal space. Currently we have one open living area with no family room or separate rooms for the children to play without compromising the general living area. Freeing up the current bedrooms and moving these to the upper level will create this additional accommodation.

Goal 2 –To improve the access to the house from the garage

Our preferred solution is to have direct access to the house under cover. We are limited by the location of the current house and distance to the garage. The extended garage space in the new plan is to try and get this level of integration. Due to the distance from the house and slope on the block, we are proposing to access the house from a lift at the back of the garage. Visitors will have covered access on the South side of the property leading to an entrance at the current pool level, thus bringing access closer to the road.

ATTACHMENT 2

Environmental Services Division Report No. 18 33 Beatty Street, Balgowlah Response to Objections - H Peach

Goal 3- Create affordable living space by leveraging from existing "slab" and keep main structure untouched

The current slab is laid on solid rock and is somewhat from the road. Cost of building work will be expensive due to the access. We reviewed starting again and dropping the overall house level, but the commercial considerations on this are beyond our financial constraints. We have therefore decided to leverage the existing building structure to offer a more modular and affordable scheme.

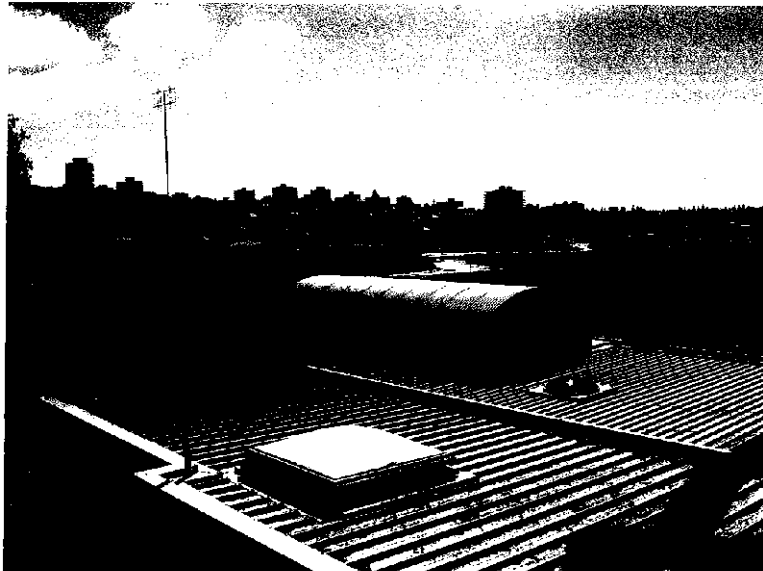
Goal 4- To create a private, integrated entertainment area

The current pool area is dysfunctional and somewhat removed from the current accommodation, including shower facilities. The current pool area is directly visible to 31 Beatty Street. Our plans to provide a more private and integrated area have been introduced by the rumpus room facility. 31 Beatty Street will also enjoy more privacy under the proposed scheme.

Consideration of our neighbours in our planning process

In proposing the current plans both my husband and I believe we have been considerate of our neighbours, as summarised below:-

- We have left the roof height and design to the North side of the property untouched to ensure we do not impact 4 Tutus Street. We note that the covenant that 4 Tutus Street enjoys over this section of our property is based upon the floor height of the original building as of 1951. As there property is on a sloping block and the original house was set-back from the current property we have the opportunity to change the design of the current roof in this section which would impact their views. We have elected not to do this under the current scheme in consideration of their views. The picture below shows the current barrel roof which is proposed to remain unchanged.

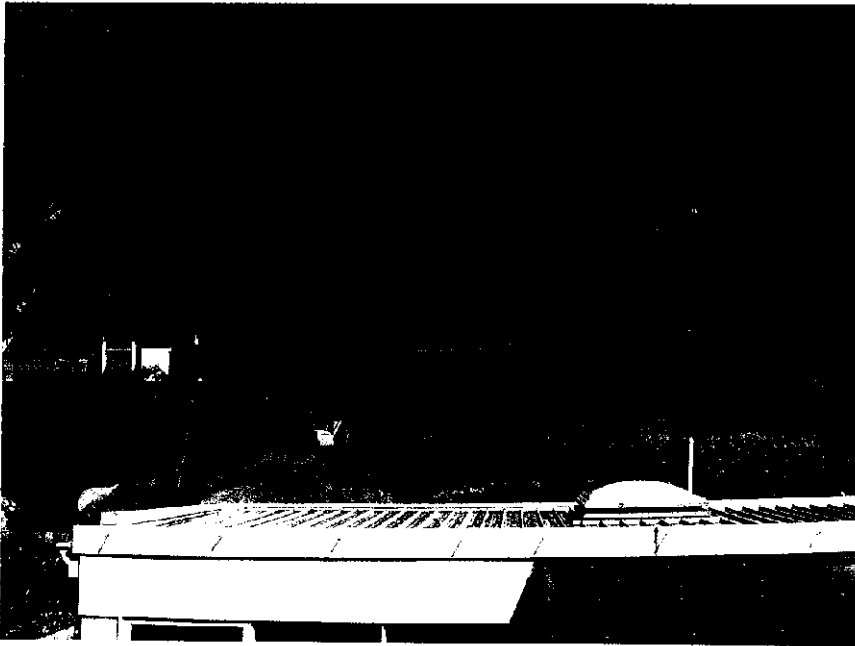


Barrel roof remains unchanged thus ensuring the main views from 4 Tutus Street remain untouched

ATTACHMENT 2

Environmental Services Division Report No. 18 33 Beatty Street, Balgowlah Response to Objections - H Peach

- We have developed the scheme off the lower roof area rather than the upper. This limits the height of the proposed development to only **2m** above the current roof height. This is well within the Councils height limits. This is in consideration of views from 2 and 4a Tutus Street.
- Our neighbours at 4a Tutus Street (Mr & Mrs Scott) have a three storey building with their lounge on level 2 and bedrooms on level 3. Level 1 is a social and study area. Our property is currently not fenced, in the event that it was their lower floor would not have any direct views.



Higher roof development, although an option, was replaced by lower roof development in consideration of views behind to 4a Tutus Street and 2 Tutus Street as shown.

Our neighbours at 2 Tutus Street (Mr & Mrs Thomson) have their direct view over 31 Beatty Street in front of them. They do have some North Easterly views across the Fairlight over our roof. The trees on 31 Beatty Street are restricting their core views as shown below. We have talked with Mrs Thomson and suggested she talks with Mr & Mrs Priddle at 31 Beatty Street to see if they could prune back the trees to improve the view. We note 2 Tutus Street still has extensive views over the roof of 31 Beatty Street, which is directly in front of 2 Tutus Street.



View from 2 Tutus Street

Our neighbours at 4 Tutus Street (Mr & Mrs Kulmar) enjoy a covenant over our property to protect their current views on the Northernly side. They have some limited views across to the water from their kitchen side window and front balcony, but for the most all views still remain unchanged due to the fact we are not developing the Northern section of our property. The current view protected from the property is extensive from Fairlight across to the Quarantine Station.

Our neighbours at 31 Beatty Street are concerned about loss of sunlight and loss of privacy. Our submission proposes a single story rumpus roof, setback on the block at the current height of the existing terrace. We already have views of their property as we are higher on the block than them, but the current landscaping offers both a level of privacy as shown below. We note that their building is in front of the building line on the street.



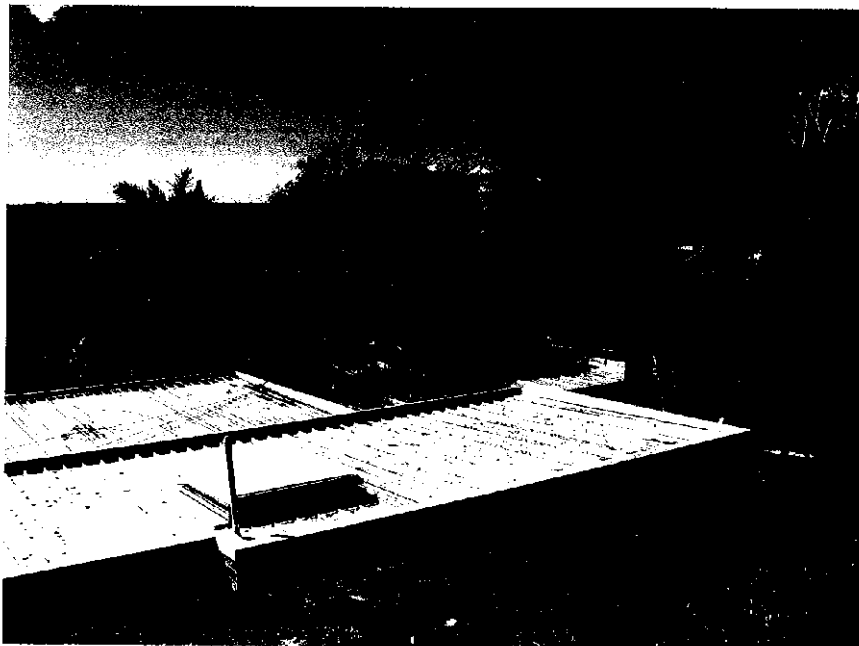
Landscape screening between 31 Beatty Street and 33 Beatty Street

The roof of the proposed rumpus room is at the level of the brush fence. The set-back is to ensure there is no loss of sunlight and we have suggested further landscaping to ensure privacy is maintained. In consideration of their need to keep the garage terrace private we have brought back the rumpus room to the same position as the end of the brush fence.

31 Beatty Street has raised concerns about "overlooking" from the proposed first story addition. You will note below the current trees provide a natural barrier and will ensure that views to both bedrooms, theirs and ours, will be protected.



Trees in 31 Beatty Street offer natural screening for proposed upper storey additions





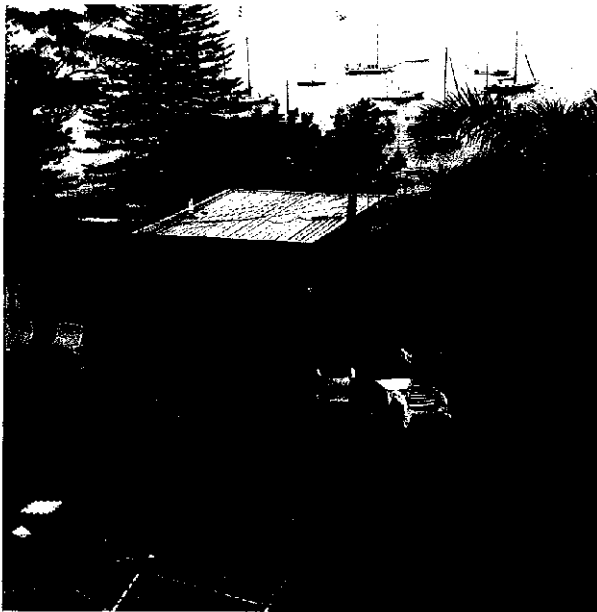
View from proposed upper floor terrace outlining the privacy on offer to 31 Beatty Street

In summary, we believe the set-back of the rumpus room and the new set-back of the upper storey additions proposed will have limited impact on loss of sunlight or loss of privacy on 31 Beatty Street and we have been considerate of both these concerns.

Our neighbour at 33a Beatty Street (Mrs Gottschald) is concerned about loss of privacy to their property. Our house currently has full visual access to their swimming pool and entertainment areas, as shown below.



Current view into 31a Beatty Street swimming pool area from our entertainment area



Current views into entertainment area of 33a Beatty Street from our terrace. This will be dramatically improved under the proposed scheme.

ATTACHMENT 2

Environmental Services Division Report No. 18

33 Beatty Street, Balgowlah

Response to Objections - H Peach

We have discussed the situation with Mrs Gottschald and believe we can increase privacy further and improve her living facilities under the new scheme:

- No direct walking access past the entertainment area under the new scheme as would access our property via the garage and visitors would access from the Southern side, which is currently not the case
- Increase height of landscaping between the two properties along the swimming pool wall
- Additional terracing, with planters, of the retaining wall to reduce the perceived "bulk"
- New landscaping on the current boundary to improve privacy from our pool area to Mrs Gottschald's entertaining area


As we noted above, any development has constraints, both physical and commercial. We believe that we have been as considerate as possible to the impact of the proposed development on our neighbours. Our architect, Simon Chan, has coached us on how we can "soften" the overall look and feel of the building to ensure that the new building is integrated into the overall environmental, which is important to us all.

We have met with all our neighbours on a one-on-one basis following the Council submission. We summarise below the additional changes to our plans that we have since submitting to Council in further consideration of their concerns. The comments in brackets relate to the objections made to Council upon submission by our neighbours.

- Reduction in roof height 0.5M of upper story (views - 2, 4, 4a Tutus Street)
- Set-Back upper roof (views - 2, 4a Tutus Street)
- Set-Back-upper roof (shading, privacy - 31 Beatty Street)
- Brought back Rumpus room (privacy and shading - 31 Beatty Street)
- Terraced Retaining Wall (Bulk - 33a Beatty Street)
- Increased landscaping (Privacy - 33a Beatty Street)
- Increase landscaping on roof terrace (Privacy - 31 Beatty Street)
- Reduction of scale of facia on building (Reduced perceived "bulk")

We now believe we have a compliant plans to the Councils development controls and we have taken due consideration of our surrounding neighbours. We recommend that Council approve this development application and we look forward to hearing from you.

Yours sincerely,



Helen Peach

cc: Mr Henry Wong - as per neighbours objection letters
Michael Regan - as per Manly Council letter 17 November 2004

TO: Land Use Management Committee - 2 May 2005
REPORT: Environmental Services Division Report No. 19
SUBJECT: 8 Jellicoe Street, Balgowlah
FILE NO: DA47/05

Application Lodged: 29th December 2004
Applicant: Ms A Looby
Owner: Ms A M Looby
Estimated Cost: \$450,000
Zoning: Manly Local Environmental Plan, 1988 - Residential the property is also in the foreshore scenic protection area
Surrounding Development: Residential Dwellings
Heritage: Not Applicable

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING, INCLUDING AN ADDITIONAL STOREY, DECKS AND RENDERING OF EXISTING BUILDING.
2. THE APPLICATION WAS NOTIFIED TO ADJOINING AND NEARBY PROPERTY OWNERS AND OBJECTIONS RECEIVED FROM FIVE PROPERTIES.
3. THE PRECINCT WAS ADVISED OF THE APPLICATION.
4. A HEIGHT PROFILE WAS ERECTED ON THE SITE.
5. THE ARCHITECT SUBMITTED A DETAILED ASSESSMENT OF THE OBJECTIONS, TOGETHER WITH PHOTOGRAPHS FROM OBJECTOR'S PROPERTIES.
6. THE APPLICATION IS REPORTED TO COUNCIL AT THE REQUEST OF COUNCILLOR MACDONALD.
7. A SITE INSPECTION IS RECOMMENDED
8. REFUSAL OF THE APPLICATION IS RECOMMENDED.

LOCALITY PLAN

Shaded area is subject land.



REPORT

Introduction

Council is in receipt of an application for alterations and additions to the existing two storey dwelling on the site, including an additional storey. The proposed additional storey at roof level contains a bedroom, wardrobe and bathroom as well as a timber terrace.

Alterations and additions are also proposed to the existing first-floor level to provide a dining room in place of a terrace to extend the kitchen area a small extension adjacent to the living and TV

Environmental Services Division Report No. 19 (Cont'd)

rooms and demolish portion of the existing living room to be replaced with a timber deck as well as providing new timber decks to the rear.

On the ground floor it is proposed to provide a storeroom at the end of the carport space, eliminate the family room and provide a study and bedroom extending out onto what is currently a terrace, and provide a new family room partly occupying existing bedroom space and partly the existing terrace at a lower level on the site. A new timber deck is proposed to the north end and east side of the new family room.

Development Control Plan Numerical Assessment

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

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Density - Sub Zone 7	1/750	1/815	Yes
Floor space ratio	0.4	0.42	No
Floor space ratio - existing	0.33		Yes
Wall height east side	7.25	9.2, 7.4	No
west side	7.0	8.2,6.6	No
Roof height	3	1.8	Yes
Fence height	1.5	1.6	No
Setback Front	8.8 house existing 3.m garage existing	8 3 -1st storey 10.5 -2nd storey	Yes
Setback Rear	8.0m	18m	Yes
East setback side	3.1 metres	4 metres second- storey	Yes
West setback side	3 metres	3.3 metres second- storey	Yes
Setback - pools Front setback			Existing
- pools Side and Rear			Existing
- pool deck above ground			Existing
Open space - total	70%	81%	Yes
Open space - total	570 square metres	660	Yes
Open space - soft	50% or 330	68% or 450	Yes
Open space - above ground	Less than 25%	<25%	Yes
Number of Endemic Trees	4	More than 4	Yes
Private Open Space	18 square metres	21	Yes
Car Parking – Residents	2	2	Yes
- front garage			Existing
Shadow -adjacent open space adjoining EW orientation adjoining NS orientation exist north facing roofs			Yes
Views			Yes

Applicant's Supporting Statement

The applicant submitted a detailed statement of environmental effects, which appends a bushfire hazard assessment report. These are available on file.

Environmental Services Division Report No. 19 (Cont'd)**Submissions**

In response to notification of the application, Council received five (5) letters objecting to the development, concerns raised include the following:

- The proposed development contravenes the general aims of the Manly, development control plan for the residential zone.
- The proposed development does not protect the amenity of existing and future residents.
- The proposed height will block out our district views from a downstairs balcony and will impact greatly on the views from the first-floor balconies.
- The increased height contravenes Council regulations as stipulated. Any proposed development must minimise the impact on views and provide for the sharing of both existing and proposed residents.
- The plans do not specify all dimensions.
- We requested a height pole be installed so that the surrounding neighbours can accurately see the proposed loss of views.
- The proposal contravenes .2.5.3 roof types in particular should be designed to avoid view loss for neighbours.
- The existing house was built very close to the street in contrast to other houses it impacts on the streetscape and any additional building would be detrimental to the street as a whole. Clause 3.9.2 states building height at the street frontage should maintain a comparable scale with adjacent development.
- We believe in all the neighbours sharing views and object to 8 Jellicoe Street the increased height will benefit one homeowner to the detrimental of all the existing homeowner's.
- Eight was originally designed with a flat roof to ensure sharing views by all. Two houses to the north of 8 have flat rooves to ensure number 8 does not miss out.
- The development should extend to the back, which would be in keeping with the DCP and avoid loss of views for neighbours. There is adequate area to build back and not up.
- The addition of the third story will detract from the very special visual quality of the municipality. It will be much higher than surrounding homes and will block out views of a number of longstanding residents. It will be the highest building on the south side of the street.
- We are able to see over the roof line to the boats in North Harbour reserve from our front deck this will be lost.
- The proposal will severely impact on views from my single level dwelling.
- If they use number 14 Jellicoe St. as a template for the height Council should be aware that this roof is 1.5 metres over permissible height. No action has been taken by Council to remedy this situation.
- Over the last 22 years there has been considerable erosion of views from my property and change to the streetscape.
- The proposal does not comply with the floor space ratio required.
- The DCP clearly indicates intent to maintain neighbouring views, by allowing development on sloping sites to occur in a stepped manner not raising the roof height

Applicant's response to objections

In response to the objections received the applicants architect made a detailed submission, which is appended to this report.

Precinct Community Forum Comments

The application was considered by the Balgowlah Heights precinct meeting of the 8th February 2005 who made the following comment

Environmental Services Division Report No. 19 (Cont'd)

8 Jellicoe Street - First and second floor addition - three-storey house with two stories and roof visible from Street - exceeds floor space ratio - suggest opportunity of improvement to streetscape.

Engineers Comments

The width of the Northern car parking space is smaller than that is accepted by AS/NZS 2890.1-2004. However, the proposal is to improve the existing situation and is acceptable. No objections to the development subject to the following conditions contained in recommendations.

Building Comments

No objections to the proposed additions and alterations to a class 1(a) dwelling and class 10(a) outbuilding subject to the inclusion of conditions in any consent.

Landscape Architects Comments

No objections subject to conditions included in the recommendation.

Planning Comments

The proposal is for major alterations and additions to the existing dwelling including a new second floor level.

The Site

The subject site is located on land which is zoned Residential under the Manly Local Environmental Plan (LEP), 1988 and sub-zone 7 under the Manly Development Control Plan (DCP) for the Residential Zone 2001, Amendment 1. Under the subject density sub-zone 1 dwelling is permitted per 750/950/1150m² site area, depending on the slope of the land. The subject site has an area of 815.5m². The site is located on the northern side of Jellicoe Street and has a north south orientation. The topography falls from front to rear. The site is currently developed with a two storey dwelling with flat roof. The dwelling is aligned at an angle of approximately 30% to the site boundaries.

Open space and landscape design

The DCP requires a total of 70% of the site as open space and of which 50% is to be soft open space in Density Subzone 7. The proposal complies with the numeric requirements and objectives of the DCP in this regard.

Floor Space Ratio

The maximum allowable floor space ratio is 0.4:1, the proposed floor space ratio of the alterations and additions is 0.42: 1.0. The proposed floor space does not comply with the requirements of the DCP.

The main objectives of the floor space ratio provisions of the DCP are discussed as follows:

a) *to control the bulk of building*

The proposed bulk of the development is not considered to be satisfactory in that the proposal when viewed from the street and properties to the rear would appear to be a three (3) storey development. The proposed new second floor level has a total height above ground level of 10.0m. This height is considered to be excessive and will not be keeping with the existing streetscape.

Environmental Services Division Report No. 19 (Cont'd)

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

The proposed addition to the existing dwelling especially the second floor addition will obscure the district and harbour views of the properties on the opposite side of Jellico Street. Submissions received from the owners of nearby properties at the rear raises concern with the proposed second floor addition which is likely to impact on the views currently enjoyed. The applicant has erected templates to indicate the height of the proposed addition. Photographs (on file) taken from the objectors' living areas indicate that there will be loss of water view. It is considered that the proposal does not comply with the intent of this clause.

- c) *to be consistent with the existing and desired character of the residential area*

The proposal with its bulk and shape will be inconsistent with the existing and desired character of the residential area.

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

The proposed development will have an adverse impact on the views currently enjoyed by the properties on the opposite side of Jellico Street. The proposal will result in increased privacy and overshadowing impacts on adjoining properties, however the proposal meets the numeric DCP requirements in this regard.

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

Shadow diagrams submitted indicate that whilst there will be some impact on the adjoining property such is within the numeric requirements of the DCP.

Height

Due to the sloping nature of the site, the permissible wall height for the east side is 7.25m and for the west side 7.0m. The proposed wall height for the new second floor level varies from 7.4m to 9.2m on the east side and 6.6m to 8.2m on the west side. Both the wall heights fail to comply with the DCP requirement.

The main objectives of the building height provision in the DCP is to:

- a) *to control the height of buildings by specifying maximum wall and roof/ridge heights*

The proposal exceeds the maximum wall height permitted.

- b) *to provide for building heights that are consistent with the locality*

The height of the proposal is considered to be in excess of that existing in the immediate area.

- c) *to minimise disruption to views, loss of privacy and loss of sunlight to existing residential development*

See previous comments.

- d) *to provide sunlight access to private open spaces within the development site and maintain adequate sunlight access to private open spaces and windows of living spaces of adjacent dwellings.*

Environmental Services Division Report No. 19 (Cont'd)

See previous comments.

With regards to the above, it is considered that the building height proposed is not consistent with the locality, will lead to disruption to views and therefore be unacceptable.

Setbacks

The proposal generally complies with the numerical standards of the setback requirements of the DCP. The proposal fails to comply with the objectives of the setback provisions of the DCP. The main objectives of the DCP with regard to setbacks are as follows:

a) *to preserve and enhance the existing streetscape*

The proposed development is too high and will contribute positively to the streetscape.

b) *to provide privacy*

The proposed development will have some impacts on the privacy of the adjoining properties due to the height of the second floor level and ability to overlook adjoining properties.

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

See previous comments.

d) *to promote flexibility in the siting of buildings*

The proposed design do not indicate flexibility in the siting of the building to avoid adverse impact on the nearby properties.

e) *to enable view sharing*

The proposed addition to the existing building is located in an area of the site that will impact on the views of nearby properties. Council's DCP requires a development to minimise view loss from adjoining or nearby properties, whilst still recognizing development potential of a site. In this regard it is considered that the proposal does not satisfy the view sharing policy of Council.

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

The proposed development complies with this objective.

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*

This clause is not applicable to this development.

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

This clause is not applicable to this development.

Overshadowing

As discussed earlier in the report the submitted shadow diagrams are adequate to assess the amount of loss of sunlight to the adjoining properties. The main objectives of Council's

Environmental Services Division Report No. 19 (Cont'd)

overshadowing policy is to preserve the environment quality and property value for existing and new residents; minimise loss of sunlight to adjacent dwellings; maximise mid winter sunlight to windows of neighbouring living rooms and to the principal outdoor areas of adjacent properties and encourage breaking up of plan sizes and building bulk to admit more sunlight. With regards to the above it is considered that whilst the proposal meets the numeric requirements it fails to minimise the overshadowing to the adjoining properties and therefore is unsatisfactory.

View Sharing

The proposed second floor addition will adversely affect the views from the properties located on the opposite side of Jellico Street. The applicant has erected templates on the roof to indicate the bulk of the second floor addition.

Council's DCP requires that new developments should ensure continued to private and public access to the expansive views of the city, Harbour, Ocean, bush land, open space and recognised landmarks or buildings; minimise a view loss from adjoining or nearby properties and public places, whilst still recognising development potential of a site and maintain and share views of existing and for future residents. With regards to above objectives of the DCP it is considered the views from the living areas of the properties on the opposite side of Jellico Street will be adversely impacted and therefore the development cannot be supported.

Streetscape fences and walls

The plans submitted indicate a new sandstone wall 1.6m high in the front yard area. The wall is set back from the front boundary and is positioned in a manner which is consistent with the existing streetscape. The proposal is considered acceptable in this regard.

Privacy

The proposed development does not comply with Clause 3.10 - Privacy and Security provisions of the DCP. This clause requires that development should be designed to provide screen between closely spaced buildings; adopt measures to mitigate direct viewing into windows from others; provide screening to outdoor living areas and encourage increased security between neighbours. The proposed development has not any measures to increase the privacy between the subject development and adjoining properties.

Parking

The proposed development complies with the numerical standard of the DCP with respect to car parking.

Sydney Regional Environmental Plan No. 23 – Sydney and Middle Harbours

The proposed development is within the boundaries of land to which REP 23 applies. Clause 18 of the REP outlines matters for consideration in determining applications. The proposed development will not be generally visible from Middle Harbour. The development is not considered to result in any significant visual impacts as viewed from the foreshore. The proposed development is not considered to result in any environmental, social or economic impacts to the harbour of its foreshores. The development is considered satisfactory under the heads of consideration listed in clause 18.

Foreshore Scenic Protection Area

Clause 17 of the Manly Local Environmental Plan 1988 requires that before granting consent, Council must be satisfied that the development will not have a detrimental effect on the amenity of the Foreshore Scenic Protection Area. Due to the location of the site which is well removed from

Environmental Services Division Report No. 19 (Cont'd)

the foreshore itself, the proposed development is not considered to result in any significant amenity impacts to the Foreshore Scenic Protection Area.

Clause 10 Objectives of the LEP:

The proposal's compliance with the zone objectives are stated as follows:

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

The land is currently zoned residential and developed with a dwelling. In this regard the proposal satisfies the 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 Manly DCP for the Residential Zone 2001, Amendment 1, has been used to assess the proposed developments consistency with this objective.

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

The proposal is considered to be inconsistent with the existing building type and existing character of the street. The proposed building will be viewed as a three storey development from the street frontage.

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

The proposed building form is excessive in height and will present significant bulk. It is considered that the proposed alterations and additions will have an adverse impact on the amenity of surrounding properties.

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

Due to the nature of the addition with minimal ground floor level expansion, there will be no significant impacts on the existing landscaping of the site.

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

Not Applicable

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

Not Applicable

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

The proposed alterations and additions are not considered to be a suitable redevelopment for the site.

Environmental Planning & Assessment Act 1979 – Section 79(C) – Matters for Consideration

Environmental Services Division Report No. 19 (Cont'd)

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

The proposal has been considered under the provisions of the Manly Local Environmental Plan 1988 and the Development Control Plan for the Residential Zone 2001, Amendment 1.

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

The proposal is considered to have adverse environmental impacts on the amenity of adjoining properties. The proposed addition will lead to view loss from nearby properties and will also result in loss of privacy, overlooking and overshadowing.

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

The site is currently developed with a two (2) storey dwelling, with the proposal to add another level above. The addition of the second floor level will have an adverse impact on the surrounding developments. The requirements of the applicant can be easily met by locating the required rooms elsewhere on the site without any adverse impact on the neighbouring properties.

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

The application originally received five (5) submissions. The submissions have been considered and all relevant issues taken into consideration.

- (e) *the public interest.*

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

CONCLUSION:

The application has been assessed under the provisions of the Section 79C of the Environmental Planning and Assessment 1979, Manly Local Environmental Plan 1988, Council's Development Control Plan for the Residential Zone 2001, Amendment 1 and the Building Code of Australia. It is considered that the application in its current form is unsatisfactory and therefore recommended for refusal.

RECOMMENDATION

That Development Application No. 47/05 for the alterations and additions including an additional storey to the existing dwelling at No. 8 Jellico Street, Balgowlah be refused for the following reasons:

1. The proposed development does not comply with the floor space ratio requirements of the Council's Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to Section 79C (1) (a) (iii) of the Environmental Planning & Assessment Act 1979.
2. The proposal fails to comply with the view sharing requirements of Council's Development Control Plan for the Residential Zone 2001 Amendment 1, having regard to Section 79C (1) (a) (iii) of the Environmental Planning & Assessment Act 1979.

Environmental Services Division Report No. 19 (Cont'd)

3. The proposal does not comply with the objectives of the setback provisions of Council's Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to Section 79C (1) (a) (iii) of the Environmental Planning & Assessment Act 1979.
4. The proposal will have an adverse impact on the streetscape of Beatty Street, having regard to Council's Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to Section 79C (1) (b) of the Environmental Planning & Assessment Act 1979.
5. The proposal is unsuitable for the site in relation to the submissions received, having regard to the Section 79C (d) of the Environmental Planning and Assessment Act 1979.
6. The proposed development will result in loss of privacy to adjoining properties, having regard to Council's Development Control Plan for the Residential Zone 2001, Amendment 1, and Section 79C (1) (b) of the Environmental Planning & Assessment Act 1979.

ATTACHMENTS

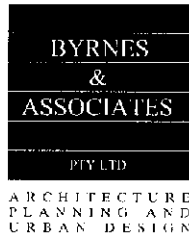
- AT-1** Response to Objections - Byrnes & Associates- 12 April 2005 3 page(s)
Photographs are available on file.
- AT-2** Response to Objections - Byrne & Associates - 18 April 2005 1 page(s)
Photographs are available on file.

LUM020505ESD_1

***** End of Environmental Services Division Report No. 19 *****

ATTACHMENT 1

Environmental Services Division Report No. 19
8 Jellicoe Street, Balgowlah
Response to Objections - Byrnes & Associates- 12 April 2005
Photographs are available on file.



12 April 2005
Ref: 40518c13

The General Manager
Manly Council
PO Box 82
MANLY NSW 1655

Dear Sir / Madam

Re: Development Application 47/2005 - 8 Jellicoe Street, Balgowlah

Council has received five objections from residents, all of whom range along the opposite side of the street but there are no objections from adjoining neighbours. In essence the objections stem from the concern for building height and consequently the associated impacts on views and streetscape.

Views

All the objections are put equally strenuously. It is obvious that since the objections are strung out along Jellicoe Street then the angles of view vary widely. Such view impacts as there are therefore become matters of degree, although. Now that the height profile of the additions has been erected on the subject premises, it puts beyond any speculation on the part of neighbours what the impacts actually are.

From No 9 and even more so from No 11 further to the north the view angles are very oblique and will be subject to obscuring by street front landscaping on other premises. Even from the second floor of No 11 where the breadth of view would be panoramic the proposal remains an insignificant part of that sweeping district outlook.

As illustrated by **photograph A** taken from premises at No 7 it is the first residence where the additions become fully visible. But even within that proximity the proposal remains on the fringe of the otherwise oblique view in a south-easterly direction, down the street towards the reserve (no loss of any water views are rendered from the single storey residences).

Because No 5 is directly opposite the proposal it is the only one of the five objections that has direct impact. The view outlook is from both floors of that building. The topmost level being a view line that is well above the proposal: but from a position on the balcony edge there is small interruption to and loss of water view. However, from that balcony level the panoramic view is directed both across the site and to a far greater extent to the south-east and away from the site, see **photograph B**.

1 LEVEL 16 44 MARKET STREET SYDNEY 2000 ABN 38 056 751 350
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Photograph C taken from the **ground floor of No 5** demonstrates the view line to be that of the slopes of Fairlight and barely involve a sliver of water views that would be lost. An original assessment made on behalf of the applicant at the time of preparing the Statement of Environmental Effects and one challenged as incorrect in the objector from No 5. The original assessment therefore still stands. Such an outlook would be already lost but for the complete lack of landscaping forward of No 8 and because the roof is not pitched. The balance of the view to the south and south-east is the majority of the outlook and unaffected.

Residents of No 3 are south of the proposal and their view is mainly to the south-east. Extending the consideration of their view-line to the north and north-east means that existing landscaping plays a greater part in obscuring further views at the more oblique north-easterly angle of view from No 3.

Building Height

Notwithstanding that the proposal is 3.74m higher than the existing roofline, what has not been acknowledged by the objectors is that the height as proposed complies with the requirements in relation to both wall height and building height. It is not to claim that such compliance is the last word, but it should be a fundamental consideration of what is a fair expectation. Not merely identifying that the proposal is actually higher than what is already existing or that because the building has a flat roof it was done so with the express intention of preserving views when there is no such evidence to that effect.

Streetscape

The remaining concern is expressed in terms of streetscape although basically related to the issue of building height and its consequences. The building is presently one floor above street level and will have a roofline above the present flat roof consistent with all of the other buildings in the street. In terms of consistency with the streetscape the new proposal does more to achieve a better street outcome than the current building that is arguably the least appropriate building in the entire street.

The street has numerous examples of buildings the size and height and even larger than the proposal with its pitched roof additions included. It is therefore no more out of character in terms of height, bulk or scale than other recent approvals. See **photos D, E, F and G**.

It can also be noted that the proposed building is conspicuously isolated from any other adjoining building context when viewed from the street and is bracketed by landscaping and the absence of any other building context, see **photos H and I**. It does however have the limitation of other adjoining buildings at its lower boundary levels which do inhibit its view outlook and therefore the proposal should not be seen as one in isolation that entirely maximises its own view opportunities. Rather it is one that accepts the limitations of other buildings in relation to view sharing and the impact is modestly restricted to the needs generated by one room covering a lesser part of the roof area only. See **photo J** and the limited width of the proposal to less than the full frontage width of the current building.



ATTACHMENT 1

Environmental Services Division Report No. 19
8 Jellicoe Street, Balgowlah
Response to Objections - Byrnes & Associates- 12 April 2005
Photographs are available on file.

The building in fact has been very carefully designed to provide a positive streetscape quality as compared with the negative value of the current building in that regard. The roof additions being no higher than would result from a normal pitched roof of only 27 degrees, see **illustration K**.

In summary:

All residents opposite in the street in each case maintain the sweep of their outlooks virtually uninterrupted but for the minor intrusion of the proposal into otherwise expansive outlooks. In response to the objections it can be said that the reality of the view loss is extremely variable. Effectively only one property opposite is directly affected then only to a small degree with all the salient features still remaining after completion of the proposal, see **photo L**: more by virtue of the change in streetscape than the loss of views.

The streetscape impact itself is confined to a position mostly opposite the existing house and therefore through a relatively narrow cone of view. The resultant change is more consistent in form than the current dwelling and the net effect of the proposal has to be seen as an improvement to the streetscape, obscure though the building may otherwise be.

In summary it is therefore requested that Council give due consideration to the design by taking a site visit in addition to considering the photographs supplied. Fundamentally the proposal assures a more sympathetic streetscape and a limited degree of view impact for a building that otherwise complies with the height standards. The wider district and various water views in the fuller context should be taken into account when considering the net impact of the development on those limited couple of residences on the other side of the road.

Yours faithfully

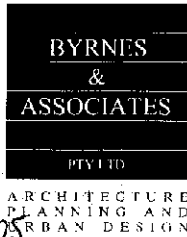

BYRNES & ASSOCIATES PTY LTD



ATTACHMENT 2

Environmental Services Division Report No. 19
8 Jellicoe Street, Balgowlah
Response to Objections - Byrne & Associates - 18 April 2005
Photographs are available on file.

05IT



DA 47/05

18 April 2005
Ref: 40518c14

The General Manager
Manly Council
PO Box 82
MANLY NSW 1655

Hugh Watson

Attn: Hugh Watson

Dear Sir

Re: Development Application 47/2005 - 8 Jellicoe Street, Balgowlah

As promised, the photographs augmenting the earlier inferior photographs due to the stormy conditions of our joint site visit were taken last Friday. The current photographs not only illustrate the breadth of the panorama available, such as where elevated views are obtainable from a second floor, but also distinguish clearly those areas where water views are obtainable within that panorama.

We believe the photographs clearly illustrate that the proposed building is a minor element low on the horizon within the first floor panorama. District and water views are barely affected at all from the ground floor by the occupants of the buildings in question. The net impact is confined to the very immediate vicinity directly opposite the site of the application and the original assessment remains unchanged.

To further make that point we have therefore included street level photographs, approaching the site from the position near to the boundary of the adjoining buildings to north and south. These illustrate the obscurity of the building proposal. For comparison the streetscape impact of those buildings opposite and from whom there is strenuous objection as to changes in streetscape character is also included.

No photographs were taken from No 11 although the lack of impact from No 9 could be a guide to the even lesser impact from No 11 at the ground floor level. The photograph included demonstrates that the ground floors are similar in height. Otherwise no photographs were obtainable from No 11 however the breadth of the panorama would be similar to that of the top floor from No 5 as illustrated although the subject application may be even less noticeable since it would be just as low relative to the viewing position from the second floor level but even further outside any direct view.

We trust this evidence suitably resolves the claims of view or streetscape impacts in favour of the applicant.

Yours faithfully

A handwritten signature in black ink, appearing to read "H. Watson".

BYRNES & ASSOCIATES PTY LTD

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TO: Land Use Management Committee - 2 May 2005
REPORT: Environmental Services Division Report No. 20
SUBJECT: 8-28 The Corso, Manly
FILE NO: DA35/04
PREVIOUS ITEMS: 12, Land Use Management Committee (4 April 2005)

Application Lodged:	Accepted by Council on 27 January 2004
Applicant:	London Fashions Pty Ltd
Owner:	London Fashions Pty Ltd
Estimated Cost:	\$15,500,00.00
Zoning:	Manly Local Environmental Plan, 1988 - Business Commercial and Residential
Surrounding Development:	Commercial and Residential
Heritage:	All buildings in The Corso are listed items and are located within The Corso conservation area.

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR DEMOLITION OF THE EXISTING COLES STORE AT 8-22 AND ADJOINING DEVELOPMENT AT 24-28 THE CORSO MANLY AND CONSTRUCTION OF A NEW SMALLER COLES, SPECIALTY SHOPS AND RESIDENTIAL APARTMENTS ABOVE.
2. THE ORIGINAL APPLICATION WAS AMENDED IN OCTOBER 2004 FOLLOWING REVIEW BY EXPERTS AND PUBLIC SUBMISSIONS.
3. ADJOINING AND SURROUNDING OWNERS AND RESIDENTS WERE NOTIFIED WITH SEVEN SUBMISSIONS OBJECTING TO THE AMENDED PROPOSAL RECEIVED.
4. THE APPLICATION WAS REFERRED TO THE LITTLE MANLY, IVANHOE PARK, CORSO, FAIRY BOWER AND BANTRY BAY PRECINCT COMMUNITY FORUMS FOR COMMENT.
5. THE APPLICATION HAS BEEN INDEPENDENTLY ASSESSED EXTERNAL TO COUNCIL.
6. THE APPLICATION WAS REFERRED TO THE LAND USE MANAGEMENT MEETING, MONDAY 7 MARCH 2005 BY THE GENERAL MANAGER.
7. THE APPLICATION WAS CONSIDERED BY COUNCIL AT IT'S LAND USE MANAGEMENT MEETING OF 4 APRIL 2005 WHERE THE MATTER WAS DEFERRED FOR AN URGENT COMPREHENSIVE BRIEFING.
8. THE PROPOSAL IS RECOMMENDED FOR DEFERRED COMMENCEMENT APPROVAL.

LOCALITY PLAN

Shaded area is subject site.



Environmental Services Division Report No. 20 (Cont'd)**REPORT****INTRODUCTION**

Chris Young Planning and Planning Strategies have been engaged by Manly Council to independently assess the development application for 8 – 28 The Corso Manly commonly referred to as “Coles”.

Independent external assessment of the application was undertaken as follows:

- Urban design: GM Urban Design and Architecture Pty Ltd
- Heritage: Graham Brooks and Associates Pty Ltd
- Traffic: Gennaoui Consulting Pty Ltd
- Access: Disability Access Consultants
- Acoustics: Atkins Acoustics Pty Ltd

Council's Environmental Services Division has commented upon matters of landscaping, building contamination, waste, stormwater and safety.

The public notification and liaison with the precinct community forum has been undertaken by Council in accordance with Council's procedures and policy.

The applicant has responded to professional criticism of the application from internal and external experts and public submissions.

Public submissions have also been considered by external consultants in their assessment.

A number of changes to the proposal have occurred over the course of the assessment period culminating in amended plans being lodged with Council and exhibited in November 2004. See Appendix G for changes as provided by the project architect.

It is these amended plans which are the subject of this report and analysis by the assessment team.

The application was considered by Council at its Land Use Management meeting of 4 April 2005 where Council resolved as follows:

- A. That the Development Application No 35/04 for the demolition of existing buildings and construction of a Coles supermarket, retail shops and residential apartments at Nos 8-28 The Corso Manly, be **deferred** for an urgent comprehensive briefing.
- B. That the General Manager endeavour to convene this briefing session, within 14 days, with invitees to include:

Councillors;
Applicants representatives;
Precinct representatives;
Independent assessors;
Heritage consultants; and
Council's Heritage Committee representative.
- C. That before this briefing the General Manager arranges a site inspection for the Councillors.

A briefing and site inspection occurred on 19 April 2005.

Environmental Services Division Report No. 20 (Cont'd)**THE SITE**

The site is described in part in the applicant's SEE as follows:

"The Site is: Nos. 8 – 28 The Corso, Manly"

"The Site is irregular in shape. From the Site survey, it can be seen that the Site has a 55.865m frontage to The Corso which is the northern frontage of the Site. The main section of the western boundary of the Site is 47.925m in length from the Corso. The Site boundary then proceeds generally in an easterly direction for 25.775m from which point it again travels south for a length of 11.26m. From that point the Site boundary again travels to the east for a length of 14.01m from which point it travels north for a distance of 15.655m. The boundary then again travels east for a distance of 15.565m from which point it traverses in a northerly direction for 43.5m to The Corso.

The Site has an area of 2,752m².

The Site is within the Business Zone pursuant to the Manly Local Environmental Plan, 1988 ("LEP, 1988").

The Site is currently occupied by:

- A part one (1) and part two (2) storey brick building which is occupied by a Coles supermarket (Nos.8-22, The Corso), and
- Two (2), two (2) storey semi-detached shops with offices above the retail component (Nos.24-28, The Corso).

The shops and the Coles supermarket have frontage to The Corso.

The two (2) shops are serviced by means of a 3.2m wide Right of Carriageway to Wentworth Street as depicted on the Site survey plan.

The Coles Supermarket is serviced by way of a 6.105m wide laneway at the rear of the Site as depicted on the Site survey plan. That laneway services a number of developments from Wentworth Street including the existing Coles supermarket which has Right of Carriageway over that laneway. At present, Coles delivery vehicles reverse up that laneway to the Coles loading dock."

ADJOINING DEVELOPMENT

The adjoining development is described in the applicant's SEE as follows:

"Adjoining the Site to the west with frontage to The Corso is a part two (2) and part three (3) storey brick building which is No.6 The Corso. Also adjoining the main western boundary of the Site is development which has its frontage to East Esplanade. Immediately to the south of the Site, between the two (2) vehicular access ways to Wentworth Street, is a seven (7) storey mixed commercial and residential building known as Nos.1-3 Wentworth Street.

A new residential development is currently being constructed at Nos.41-42 East Esplanade. It comprises sixteen (16) residential units. Access to the car park for this development will be from the southern end of the western service land (the lane which provides access to the Coles loading dock).

Along the eastern side of the 3.2m wide Right of Carriageway servicing the two (2) shops at Nos.24-28, The Corso is an eight (8) storey residential flat building known as No.5 Wentworth Street.

Environmental Services Division Report No. 20 (Cont'd)

To the east of the Site, with frontage to The Corso, is a two (2) storey semi-detached shop with residence above known as No.30, The Corso.

The Site is well serviced by public transport being in close proximity to the Manly Wharf bus and ferry interchange. Sydney Buses operates a number of bus services from the interchange to the northern beaches and lower north shore. Ferries operate to the city and other locations from the wharf."

Also adjoining the Site to the west is a residential apartment building of approximately the same height as the proposal known as "The Grant Building " being 43-45 East Esplanade. Further to the southwest is an existing terrace building at 46-51 East Esplanade which includes backpacker accommodation and a restaurant.

THE PROPOSAL

The applicant's Statement of Environmental Effects describes the proposal as:

"It is proposed to demolish the existing development on the Site and to erect a mixed use commercial/retail and residential development.

The proposed development will contain:

- Basement level car parking for 83 cars.
- Ground floor level retail development at The Corso frontage of the Site with a new Coles supermarket located behind that retail development. Pedestrian access to the Coles development will be from The Corso. The Coles development will also occupy part of the first floor level of the development, that area being used for offices, amenities and storage.
- Residential development in the form of fifty three (53)(now 49) units over six (6) levels with the first residential level being part of the first floor of the development.

The proposed development will be accommodated in three (3) buildings to be known as:

- The Corso Building
- The Wentworth Building
- The Esplanade Building.

The amended plans of October 2004 in part reduce the FSR to 3.0:1(including retail area mezzanine levels), reduce the Wentworth and Esplanade buildings, reduce the number of dwellings from 53 to 49, including five (5) adaptable units, redesign the Corso façade, added a residential entry to the Wentworth building with lift core, and increase setbacks of the Esplanade building. **The amendments are detailed in Appendix G.**

DEVELOPMENT NUMERICAL ASSESSMENT

The following is an assessment of the proposal's compliance with the standards of the LEP and DCP and SEPP 65 Residential Flat Design Code. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

	<u>Permitted/ Required</u>	<u>Proposed</u>
Density - Sub Zone		
Floor space ratio	3.0:1	3.0:1 – complies
Floor space ratio - existing	Approx. 1.5:1	-
Wall height (Northeast) side	15.0 metres	North West 14.6 metres North East 16.8 metres

Environmental Services Division Report No. 20 (Cont'd)

	<u>Permitted/ Required</u>	<u>Proposed</u>
Southwest)		South East 16.8-26.0 metres South West 23.8-26.0 metres Refer to DCP assessment
Setback Front	Nil	Nil
Setback Rear		South East Nil to 15.4 metres – no adverse impacts
Northeastern and Southwestern side setback	Nil and 4.3-7.0 metres	North East Nil South West 4.3-7.0 metres
Open space		Each dwelling is provided with private open space of between 8.24-12.0 sq. metres As well there are large common open space areas located between the Corso and Wentworth Buildings and to the rear of the Wentworth Building
Number of Endemic Trees		Not applicable
Car Parking – Residents	53 spaces	74 spaces
- Visitors	9 spaces	9 spaces
- Retail	38 spaces	See report of Mr Fred Gennaoui
Shadows		Solar access is available to adjoining properties for at least 3 hours in midwinter with the main impact on the rear of the backpackers hostel to the southwest
Views		The outlook to the north from the rear of a few dwellings in adjoining multi storey apartment buildings in Wentworth Street will be affected but any development of 15.0 metres would also create this impact
Privacy		There will be no impact in regard to privacy to any adjoining property to the north, east and south due to the distance between buildings There will be an impact to the rear of a number of commercial developments fronting The Esplanade but this is not considered unreasonable due to the existing uses.
Heritage		See Report by Mr Graham Brooks
Heritage – In Vicinity		See report of Mr Graham Brooks
Threatened Species		Not applicable
Foreshore Scenic Protection Area	Yes	The proposal will not create any adverse impacts to the foreshore of Manly Cove due to the existence of other developments in the locality of various heights
Excavation		Yes – to be conditioned
Landslip and Subsidence		Landslip – not applicable Subsidence – to be conditioned
Energy Efficient Rating ★★★★★		An Energy performance statement has been provided. The building is generally within the indicative Energy targets of the DCP.

Environmental Services Division Report No. 20 (Cont'd)

	<u>Permitted/ Required</u>	<u>Proposed</u>
Acid Sulphate Soils	Class 4	Preliminary investigations by Douglas Partners from test bores were not positive indicators of actual or potential Acid Sulphate soils. Condition 6 to establish actual results.

APPLICANT'S SUPPORTING STATEMENT

The applicant submitted a supporting statement (The Statement of Environmental Effects) for the original application and addendum to that statement for the amended plans. These are available on Council's file.

SUBMISSIONS

The application as received was exhibited in February 2004. Twenty four (24) individual submissions were received of which four (4) were not opposed or supported the concept, a further seven (7) were not opposed to Coles upgrade but sought conditions or were opposed to the residential, the remaining thirteen (13) were opposed to the development.

Opposition is generally on the grounds of additional traffic in the lane - Wentworth Street and the capability of the surrounding traffic network – height of the tower as being excessive.

A number of petitions totalling 482 signatures were received. Petitions with a prayer stated that they supported The Corso Precinct Community Forum's motion opposing the application. Approximately 68 of the 482 signatures appear on documents without a prayer.

The amended application was notified between 29 October 2004 and 12 November 2004. Seven (7) individual submissions were received.

These submissions raised the followings issues:

- Traffic in the lane including the need to maintain the existing protective poles;
- Office development should replace residential development with less vehicles;
- Cumulative traffic effect in the lane and the Manly CBD;
- Size of the loading dock and the turntable;
- Lane to the retail shops too narrow for deliveries;
- Excessive number of units;
- Excessive height of buildings;
- Excessive bulk of Esplanade tower;
- Noise of vehicles manoeuvring in the underground car park;
- Limit to five (5) storey height.

One agreement has been received but raises concern over possible damage to the adjoining heritage building. (Note this is a matter covered by condition requiring dilapidation report.)

Comments:

In consideration of the submissions it is noted that the "lane" is not a public lane and the protective poles legality has not been established. However, no proposals are put forward to remove these protective poles.

Traffic matters are addressed by the Traffic Report and this issue has not altered from the first exhibition.

Environmental Services Division Report No. 20 (Cont'd)

The size of the loading dock has been considered and conditioned.

Building height has been considered in the Urban Design Report and considered in the circumstances acceptable.

Other issues are not considered of such significance to warrant refusal of the application.

Precinct Community Forum Comments

The application was accepted as lodged with Council on 27 January 2004.

The application as lodged was considered by a number of precinct committees as follows in chronological order:

- Ivanhoe Park Precinct Committee Forum meeting of 3 February 2004

“DA 35/04 – Coles Site on The Corso

The Corso Precinct Chair, Tim Fiddes attended the meeting to present the DA.

MOTION

The Precinct has major concerns with this DA. This site is a significant site in Manly directly impacting visitors' perceptions of Manly Village.

The Precinct has serious concerns in relation to the excess height (double that allowed by the DCP/LEP and the excessive bulk of the buildings. Although a successful challenge has been made to the height restriction, this should be taken as an anomaly rather than a precedent. Additionally, 83 vehicles will have a huge impact on access to and from Manly.

The Precinct believes Manly is becoming seriously overdeveloped and the Manly Village image, which is an important part of the drawcard for visitors and residents to Manly, is being lost.

The Precinct asks that –

1. a public forum to discuss these issues be urgently convened prior to consideration of the DA
2. the Traffic and Heritage Committees look at the issues and social problems this and similar developments will cause in Manly
3. the Traffic Committee note the number of cars and delivery trucks/removalist vans that are currently utilizing this small section of narrow one lane each way street on a regular basis
4. the impact of heavy delivery vehicles entering the property down a one way lane and utilizing a turntable to exit back down the same lane, be assessed

It is inevitable that delivery trucks will continually block Wentworth Avenue awaiting their turn to use the access lane along with the residents and visitors vehicles. Chaos will be the order of the day.”

- **The Corso Precinct Community Forum meeting of 10 February 2004**

“COLES DEVELOPMENT

A presentation was given by The Architect and Project Managers for the Coles Development. After the presentation the floor was opened for questions and discussion. People were very concerned about the Laneway Access and the Height of the building (see Motion). Also a suggestion was made that if the development was approved.....that the DA be modified so that the COLES area

Environmental Services Division Report No. 20 (Cont'd)

can cater for more than one truck being parked in at Coles (off the laneway and off Wentworth street). Currently the DA only allows for one truck to be stored in at Coles whilst being offloaded.....

Motion:

The Corso Precinct Rejects the Development application on the following grounds;

Height of building

The Corso Precinct rejects to the Height of the residential tower as it exceeds the allowable height. We request the council to adhere to their guidelines. The neighbouring building height was approved on the basis of preserving a heritage building and was not and is not a precedent for any future developments.

Traffic/Lane way**Laneway two: Western**

Residents adjoining the laneway state the laneway is currently chaotic, often, residents are not able to enter or exit the laneway. An additional 83 car spaces allotted to this development, along with the development currently in progress in adjoining building and Wentworth Street will compound this disaster.

The laneway usage must be considered during the 18 month – 2 year development.

Access for Emergency Vehicle Access (Fire/Ambulance).
Service Trucks

Laneway One: Eastern

Currently services 6 spaces (retail), plus a space for the Manly deli, plus 3 external spaces for the flats (78 Wentworth and their rear access to their own car parks.

Residential/Commercial

The proposed use of the building (53 Residential units) is not in the bests interest of Manly.

Do we want:

- (i) Residents trying to sleep above the Corso and complaining about the noise to council each second day? We should pre-empt this and address this in the application.
- (ii) Addition commercial office space above the retail area and thus reducing complaints about noise? Additional commercial office will help attract business people and different clientele to Manly. This in turn will provide opportunity for more diverse business in the Manly CBD.

THE TURNING POINT

“This development is the turning point for the Manly CBD – Corso. The DA will have a direct impact on the atmosphere and vision of Manly Corso (and arguable Manly as a whole). This is the development application where Manly Council must determine the merits in respect to the vision of Manly. To do otherwise would be irresponsible.”

- **Little Manly Precinct Community Forum meeting of 11 February 2004**

Environmental Services Division Report No. 20 (Cont'd)**“(vii) Corso Coles site Development**

Tim Fiddes outlined this DA and the following main issues of concern that had been raised at the Corso meeting:

- ◆ The height of one tower is in excess of Corso guidelines
- ◆ The rear laneway access to parking is unlikely to have the capacity to service the anticipated traffic, particularly with other developments in the immediate area.
- ◆ No parking for Coles' customers
- ◆ This development, if approved, would set the wrong tone for the rest of the Corso.

Motion: Little Manly Precinct endorses the decision taken by the Corso Precinct and requests Council not to take any decision until after the Corso Vision is agreed.

- **Fairy Bower Precinct Community Forum meeting of 1 March 2004**

“A resolution was then proposed and seconded broadly as follows:

‘That the current DA for the old Coles building, and relevant surrounding buildings be opposed on the following grounds:

- The Corso frontage does not ‘fit-in’ with local surrounds, is not sensitive to the community aspirations to see the Corso restored to its traditional style and design – and the new building should be a re-instatement of the earlier façade of the Campbell’s department store building (as depicted in photographs from 1900-1920);
- The height of the ‘Tower’ building (8 storeys approx) is too high – and has the risk of establishing an unwanted precedent for future development along the Corso; and
- The roof top terraces were could result in a material increase in noise pollution in the area”

- **Bantry Bay Precinct Community Forum meeting of 3 March 2004**

“DA 3504/Coles Supermarket, The Corso Manly

The Motion: To oppose the DA on the grounds of the additional traffic that would be generated, the loss of the village atmosphere, loss of local amenities, the height and aesthetics of the proposal.

Passed unanimously.”

The amended application was forwarded for comment to the precinct committees in November 2004.

Comments have been received from The Corso Precinct Community Forum from its meeting of the 9 November 2004 as follows:

“Motion 1:

The Corso Precinct believes the Coles Development Application sets the tone for the future of the Corso. Therefore, the precinct has taken a holistic view of this application and the implications for the Manly CBD.

The Corso Precinct opposes the Development application on the following grounds:

Environmental Services Division Report No. 20 (Cont'd)Traffic

The Manly CBD does not have the road infrastructure to support a building of this magnitude. The addition of 81 car spaces along with the development at Wentworth Street, St-Patrick's Estate, Quarantine Station traffic will exacerbate the existing traffic congestion.

The road infrastructure within the Manly CBD does not have the capacity to support large/high residential developments.

Residential V's Commercial

The Corso precinct believes there should be more of commercial (smaller boutique type business) within the Manly CBD. This will generate economic benefits for Manly without placing pressure on existing infrastructure.

The benefits of a higher commercial to residential mix are:

1. Different clientele with money to spend in cafes, restaurants, shops within Manly.
2. Promote a better mix of businesses within the Manly CBD
3. Improved use of Ferry/bus Services (i.e. people will be utilizing these services when they are normally empty e.g. in morning from city to Manly and afternoon Manly to City.
4. Less complaints about noise in the Corso during the evening

Laneway Access

The Corso Precinct does not believe the laneway and/or Wentworth Street access is adequate to support 81 cars, delivery trucks, garbage services and emergency services in a practical or safe manner. The lane will practically allow for 2 way passing traffic.

Building Use

The development application does not make it clear how the residential building will be used. I.e. will the building be used for short term accommodation?

Moved: Tim Fiddes

Seconded: James Fox

For: Unanimous

Against: -"

Comment:

This report and accompanying expert reports consider the issues raised by the Precinct Community Forums but do not support the forums' comments and consider the proposal acceptable.

HERITAGE COMMITTEE COMMENTS

The application was considered by the Heritage DA Sub Committee on the 18 March 2004.

The committee comments and Recommendations are as follows:

"This site is extremely significant from a heritage view points with important heritage sites and listed items immediately adjacent. (sic) for most visitors this is their entrance to Manly, as they walk from the ferry along the Corso to the beach. Any development should be sympathetic to The Corso's historic character.

Environmental Services Division Report No. 20 (Cont'd)

This site is a focal point in The Corso heritage precinct and a focus for views from West Esplanade, Belgrave St, Whistler Street and the Corso itself. It could be likened to the focal point of a piazza in a major Italian heritage town (e.g. Via Del Corso in Rome, Sienna, Perugia. Etc).

As a result, we believe strongly that the façade of the new development should recreate and reinstate the predominant form and character of The Corso's architecture, circa 1900-20's. This is best achieved by reinstatement of the Campbell's store façade, built circa 1908 (date can be checked with Local Studies Collection, Manly Library).

Reinstatement of this major façade would re-establish the character of this vital portion of The Corso, enhancing the streetscape and restoring the heritage integrity of the precinct.

This principle has been applied successfully on East Esplanade between The Corso and Wentworth St (46-48 East Esplanade recent DA proposal) in the current restoration and reinstatement of original buildings currently in progress. It would also establish a precedent for the restoration and reinstatement of other degraded and unsympathetic sites on The Corso itself (e.g. La Galeria, the banks).

The proposed tower is too high and intrusive and extends the excessive heights of nearby developments into The Corso precinct, with adverse impacts. The proposed rooftop terraces on The Corso portion of the development are an unacceptable intrusion on the heritage character of adjoining properties. Noise from the terraces will overflow to The Corso itself and adjacent buildings. The rooftop pergolas are an alien element in the Corso and inappropriate in a heritage precinct.

This redevelopment presents of the most important recent opportunities to restore and improve the character, amenity, scale and community values of The Corso – Manly principal pedestrian artery.

Summary of Recommendations:

1. Reinstate the façade of Campbell's Store on The Corso frontage.
2. Reduce the height of the proposed tower.
3. Remove the rooftop terraces and pergolas and enclose roofs on all patios of the development."

The amended application was considered by the DA sub committee of the heritage committee on the 10 November 2004.

The response is almost identical with the following changes:

Paragraph 5 of the above comments has been deleted and replaced with:

"With respect to the Urban Design Guidelines for Manly Town Centre 2002, The Corso Area 2.1.1, the development fails to address the requirement that "new infill development should complement the existing and adjacent buildings in form and detail." For example, the skyline character of The Corso is more articulated with triangulated pediments and round-headed parapet walls and window forms that are not reflected in the proposal.

The massing, form and height of the proposal exceeds and overpowers remaining major focal points in this section of The Corso such as Campbell's and Darley Flats, as well as the original buildings on the site before Coles (see 1938 Government Printing Office photo)."

And the summary is replaced with:

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“The current proposal interferes with the “architectural integrity of The Corso” (Corso Guidelines 2002), and the tower element further erodes the remaining urban qualities of The Corso.

These issues have been addressed by Graham Brooks and Associates in the accompanying report **Appendix C** to this report and as set out in the conclusions to that report later in this report.

EXPERTS ADVICE

- **Urban Design Consultants Advice**

Urban design analysis and consideration of the application and SEPP 65 was undertaken by G M Urban Design & Architecture Pty Ltd.

A number of responses to design issues were considered during the assessment of the application.

The report of M/s Morrish attached as Appendix B to this assessment considers the application in regard to SEPP 65, SREP 23, The Manly LEP 1988, The Manly DCP for Business Zones 1989 amendment 3 and the Manly Urban Design Guidelines 2002.

The report concludes and recommends:

“Executive Summary

This report has been commissioned by Manly Council as an independent urban design review of the compliance of the Development Application with various State and Local Council controls.

The assessment has been compiled with reference to controls and documents listed in the Introduction section of this report.

In summary the following conclusions and Recommendations are made in relation to the Development Application:

- *The development is considered appropriate to its context.*
- *It responds well to The Corso and Esplanade streetscapes and also maintains good setbacks to adjoining development, using courtyard areas and landscape as a green buffer and to maintain privacy.*
- *The design and height of the development is reasonably balanced and reinforces the scale and grain of the contributory buildings in the Corso.*
- *The Esplanade element, although above the height required within the DCP, is a reasonable compromise given the issues with the adjoining existing building which significantly exceeds the control height.*
- *The development proposes mixed uses with retail tenancies and a supermarket to the ground floor and residential development in the buildings above. This is consistent with Council's LEP zoning and the DCP. It proposes some 49 apartments and an FSR of 3:1 which is compliant with the current controls.*
- *The landscaping in general terms is considered acceptable with each apartment benefiting from both private and shared open space and a well landscaped courtyard within the development and as a buffer to adjoining development.*
- *It is recommended that the Council consider requiring roof terraces to the rear block (close to Wentworth Street) as well as The Corso building to supplement the private open space for*

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the upper level apartments. This block is not visible from the public domain and is sheltered by other development therefore there should not be any adverse impact.

- *Overall the amenity offered by the development achieves a reasonable standard, given its location, the apartments themselves are well designed with excellent solar access and cross ventilation.*
- *It is recommended that a translucent glass screen be added to the balcony edge of apartment C214 to stop the potential for overlooking the adjoining courtyard/lightwell whilst still allowing good light penetration to occur.*
- *The development does not provide the suggested pedestrian links or arcades. However the applicant has demonstrated attempts to achieve such a link but the land owners will not condone or contribute access rights to enable such a link. Therefore this requirement is beyond the capacity of the applicant to deliver.*

*The Recommendation of this urban design report is that the development be considered **for approval by Council subject to the above minor amendments** which could be conditioned."*

Comment:

Conditions of approval have been supplied and are incorporated within the Recommendation.

- **Heritage Consultants Advice**

Matters of heritage and consideration of heritage assessment submissions by NBR&P for the applicant were assessed by Graham Brooks and Associates Pty Ltd. A number of revisions to design and heritage issues were addressed by the applicant during the process.

The report of Mr Brooks, attached as Appendix C to this assessment considers the application in regard to archaeological management provisions of the NSW Heritage Act, Manly LEP 1988, Manly Urban Design Guidelines 2002 for the Manly Town Centre and SREP 23

That report concludes and recommends:

Context of the Heritage Impact Assessment

'This report has been commissioned by Manly Council through Chris Young Planning. It provides Council with an independent Heritage review of the Development Application in relation to State and Local Government Heritage controls.

The assessment has been compiled with reference to controls listed in the Introduction section to this report.

In summary the following conclusions and Recommendations are made in relation to the Development Application:

Conclusions:

The site is likely to contain archaeological relics as defined by the NSW Heritage Acts, related to previous phases of European occupation.

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We concur that the proposed demolition of the Coles Store will have no adverse heritage impacts on the existing building or of the listed buildings in the vicinity. It will have no adverse impacts on the significance of The Corso.

We concur that the proposed development will have no unacceptable or adverse heritage impacts on the heritage significance of the listed buildings in the vicinity. It will have no unacceptable impacts on the significance of The Corso.

We do not agree with the Heritage Committee comments, dated 10 November 2004, that the best solution would be for the reconstruction of the façade of the Campbell's Stores building. We do not agree with the Committee's concerns about the understated treatment of the upper parapet on The Corso frontage or the proposed glazed bay windows.

We agree with their concerns about the visibility of the roof level pergolas and their adverse impact on The Corso façade.

We do agree with the Council staff comments that the lack of a sky view above the parapet line of the new Corso frontage, due to the visibility of the residential apartments behind, will have an unacceptable impact on the heritage significance of The Corso Conservation Area. Their concern for an open sky view over the facade is valid for the historic buildings along The Corso, where such an intrusion can lead to a diminution in the character and visual integrity of the building. It is not valid for the new, infill façade, especially as the higher components are set reasonably well back."

Comment:

Conditions of approval have been supplied and are incorporated within the Recommendation.

• Traffic Consultants Advice

Traffic Issues were considered and information as supplied by the applicant's traffic consultants was assessed by Gennaoui Consulting Pty Ltd.

Matters raised through the exhibition period were considered also.

The report of Mr Gennaoui, attached as Appendix D to this assessment considered the issues involved in particular traffic impact of the proposed development, parking provisions, pedestrian and vehicular access, including the laneways, loading docks, turntables etc, waste disposal and construction traffic.

The report concludes:

“Conclusions

This traffic generated by the proposed development is not likely to impact on the surrounding road network including the intersections along Wentworth Street.

The proposed development will provide 83 parking spaces. The applicant proposes to allocate all spaces to the residential component of the development. No allowance has been made for employees or customer of the Coles supermarket and other shops. The

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basement parking area complies with the Australian Standard requirements; all spaces have a width of 2.5m or larger except for Space 2.

The above assessment indicates that if the development is approved, than it should be subject to the inclusion of the following conditions of consent. “

Comment:

Conditions of approval have been supplied and are incorporated within the Recommendation.

Access Consultants Advice

Disability Access Assessment was undertaken by Disability Access Consultants. Review of the application and comments from the applicant's consultant is provided in the report attached to this assessment as Appendix E.

Each drawing and level was assessed in detail and comments listed.

Comment:

Conditions on approval have been supplied and are incorporated within the Recommendation.

Acoustic Consultants Advice

Acoustic issues were assessed by Atkins Acoustics Pty Ltd. Analysis of the application and applicant's consultants report is included in the report attached to this assessment as **Appendix F**.

Issues considered include existing ambient noise amenity, noise amenity planning, plant noise assessment, traffic noise, transient noise, construction and vibration.

The report raises three areas of potential concern as follows:

- *“Overall building height with the potential requirement to house the roof top plant and equipment in a purpose built plant room,*
- *The requirement for individual apartment building treatments to controls noise intrusion from the driveway activities including trucks, and*
- *The control of vibration/structural noise from loading dock activities.”*

Comment:

Conditions have been imposed for the second and third of these issues. In regards to the first, Mr Atkins is concerned that the air conditioning plant has yet to be finalised and that the area set aside on the roof top of the Esplanade building and screened may not be sufficient and warrant a building form to mitigate against noise .He was also concerned that individual air conditioning units for each apartment is being considered.

The applicant has responded that the latter is not the case and that a total air conditioning system is being provided and is being evaluated to ensure that these issues do not arise.

Conditions of approval have been supplied and are incorporated within the Recommendation.

Environmental Services Division Report No. 20 (Cont'd)**Engineers Comments**

Comments in regards to stormwater, water and traffic were produced on the 20 April 2004 and amended plans assessed and comments provided on the 3 December 2004.

Comment:

These comments have been incorporated as conditions or in regards to traffic consideration by the independent traffic report.

Building Comments

No objections subject to conditions included within the Recommendation.

Landscape Architects Comments

Comments in regard to landscaping were received on the 18 March 2004 and reviewed in December 2004. Issues of species selection and dewatering were raised and are dealt with by condition within the Recommendation.

Environmental Health Comments

The amended plans were reviewed and commented upon in late November 2004. Concerns were raised regarding acid sulphate soils and potential contamination. Conditions to this effect have been included to address these concerns.

Matters of waste disposal from the site have been assessed in both the original and the amended application and comments received. Conditions have been included within the Recommendation to address the matters raised by the Manager, Waste Services.

Safety by Design Comments

Comments have been received in regards to safety by design matters and the following Recommendations have been suggested.

“1. That the residential block of apartments that directly front onto the Corso be set back.

2. That a boomgate or similar be located at the rear of the development in the private laneway that leads into the loading area and the resident parking area.

3. That security gate or similar be fitted at the rear of the service passage for the minor shops.

4. There should be no access available from the residences onto the shop awnings in order to avoid unsafe use.

There should also be a barrier/obstacle placed at each end of the awnings in order that access to and from the neighbouring buildings is not possible.

5. That the streetfront arcade doors that access into Coles are fitted and locked each night when the store closes at midnight. This also applies to be the residential access from the Corso, Access into the Residential foyer should be kept closed and only made accessible to residents and authorized persons.”

Environmental Services Division Report No. 20 (Cont'd)**Comment:**

Recommendations 3 and 5 are incorporated into the conditions with the alteration to 5 for closure of the store not linked to midnight.

Recommendation 1 is not agreed to, as it is not in keeping with the design of The Corso and façade.

Recommendation 2 is not agreed to, as the private lane also accesses other buildings. The subject site will have security doors for both the car park and loading dock.

Recommendation 4 is partly agreed with and is conditioned. Concern is raised at the latter part of the Recommendation in regards to unsightly access deterrents visible from the heritage and public precinct. While the concept is supported a condition is not being imposed due to visual issues.

SECTION 79(C) MATTERS FOR CONSIDERATION IN ADDITION TO EXPERTS COMMENTS AND SUBMISSIONS**Environmental Planning Instruments**

- **SEPP 65**

The Urban design and SEPP 65 requirements have been dealt with in detail by the GM Urban Design and Architecture report Appendix B to this report.

Comment:

The conclusions as stated above are that the proposal is satisfactory subject to conditions. These conditions are included within the Recommendation below.

- **SEPP 56**

State Environmental Planning Policy No 56 – Sydney Harbour Foreshores And Tributaries

The revised application has been assessed in accordance with the guiding principles contained in the above SEPP with the following responses: -

- (a) Land is not at the foreshore and, in any event public access is available around Manly Cove
- (b) The principle is agreed with, however public access is already available and does not impact on this site
- (b1) Not applicable
- (c) Not applicable
- (d) Not applicable, and in any event is not necessary in this instance
- (e) The availability of open space in close proximity to this site and at the foreshore negates the need for open space on this site
- (f) No impact on marine ecological values due to the distance of the site from the water, and the issue re cultural heritage values has been considered by urban design, heritage and town planning consultants who have concluded that the revised development is a reasonable response to development on The Corso

Environmental Services Division Report No. 20 (Cont'd)

- (g) There will be no significant destruction of the visual qualities of the harbour and foreshore by this development
- (h) There can be a very good relationship between the proposed residential use, water and foreshore uses
- (i) The elevation to The Corso, a heritage item within the LEP has been the subject of much discussion and the revised elevation, bulk and scale to The Corso and the harbour are now reasonable and appropriate
- (j) The scale and character of the revised development is reasonable when viewed from many public vantage points, in and around Manly town centre and Manly Cove, as well as considering the existing built environment
- (k) The character of the revised development as viewed from the harbour is more than compatible when considering its surroundings and, in particular, other development at the foreshore of Manly Cove
- (l) Ecologically sustainable development principles – considered in SEPP 65 Design Matters.
- (m) Not applicable
- (n) The co-existence of mixed uses such as retail, residential, recreational and transport is reasonable and appropriate
- (o) Not applicable

The application meets all of the relevant guiding principles contained within the SEPP.

- **SEPP 11**

State Environmental Planning Policy No 11 – Traffic Generating Developments**Comment**

The proposal is a schedule 1 development being a building for the purposes of shops with a gross floor area exceeds 2000sqm.

The application was referred to the RTA for concurrence under Section 138 of the Roads Act and SEPP No.11 on the 1st March, 2005. The following comments have been received:

“The RTA has reviewed the development application and raises no objections on road safety and / or traffic efficiency grounds, as the proposed development would not have a significant impact on the neighbouring classified road system. However, the following advisory comments are provided to Council for consideration in its determination of the development application:

1. Off-street parking associated with the development (including aisle widths, parking bay dimensions, ramp grades and sight distance requirements) should be designed in accordance with AS2890.1 – 2004 and AS2890.2 – 2002 for loading areas.
2. All works associated with this development are to be at no cost to the RTA. “

- **SEPP 55**

State Environmental Planning Policy No 55 – Remediation of Land

At present due to the coverage of the site by the existing buildings, a site management report cannot be undertaken until the removal of the existing buildings.

A condition is recommended to require testing of the soils upon removal of the buildings on site.

Environmental Services Division Report No. 20 (Cont'd)

Based on the particular circumstances of this case and the excavation of material for the basement car park it is considered that the requirements of the SEPP can be complied with.

- **SREP 23**

Sydney Regional Environmental Plan No 23 – Sydney And Middle Harbours

The site falls within the parameters of the above Regional Plan and the revised proposal has been considered against the relevant matters for consideration as follows:-

- (a) The development will be viewed from the foreshore of Manly Cove and the North Harbour arm of Sydney Harbour as can be seen from the photomontages; however the scale is similar to other development in the immediate vicinity and will not adversely impact on the appearance of the Manly centre as viewed from the harbour and foreshore
- (b) The location of the development, away from the foreshore will not cause any pollution or siltation of the waterway due to the conditions of consent in relation to sediment and erosion and the requirements of the Council in relation to disposal of sewerage and stormwater effluent
- (c) There will be no adverse impact on flora and fauna habitats due to the site location in the Manly town centre and there are no wetlands close to the site
- (d) The noise generated by the development will be typical of other apartment buildings in the locality, which is not considered excessive and will in any case not have any adverse impact on existing uses on the waterway or on nearby land
- (e) The development, due to its location, will not cause shoreline erosion or effect drainage patterns, and conditions will apply to ensure the latter does not occur.
- (f) The proposed development, although increasing the density on the site will not cause excessive congestion or conflicts with people using the waterway or the waterfront; in fact the opposite could be the case
- (g) Not applicable to this application
- (h) The mixed use development with retail at the ground floor and apartments above is appropriate to this location
- (i) No vessels are proposed in the application and therefore there will be no material impact on views to and from the waterway
- (j) The location of the site as part of The Corso heritage item, has been the subject of many discussions between the applicant and the Council, the latest set of plans overcoming all of the issues in dispute and therefore there is no adverse effect of the proposal on the heritage significance of the item or the locality
- (k) –
- (l) Not applicable
- (m)–
- (n) The revised application has been assessed against the guidelines contained in the DCP to be read in consultation with the SREP as well SEPP 56 and is considered reasonable and warranting approval
- (o) No representations
- (p) Not applicable
- (q) There will be no change to pedestrian access in the vicinity of the development site or around the site

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- (r) The site is not on the foreshore, however existing foreshore access is available around Manly Cove
- (s) The application has been considered against the various requirements of the DCP – Sydney and Middle Harbours

The revised application is considered environmentally acceptable in relation to the relevant matters raised above.

Sydney Harbour And Parramatta River – Development Control Plan For Sydney Regional Environmental Plan No 23

The revised application has been considered against the provisions of the above and in particular Ecological Communities, Landscape and Map 23

- There will be no adverse impact on any ecological community
- There will be no adverse impact on the landscape quality of the area
- The site is close to a Landmark but there is no material adverse impact on its significance

It is therefore concluded that the revised proposal does not adversely affect any of the relevant provisions of the DCP.

- **MLEP 1988**

Appendix A to this report reviews the matters relative to the site for the Manly LEP 1988.

The principal issues concerned in the Manly LEP are the objectives of the zone, the visual and aesthetic protection of the foreshore scenic protection area environmental heritage issues services and acid sulphate soils. These matters have been addressed in Appendix A and it is considered the application satisfies the requirements of the Manly LEP 1988.

Any Draft Environmental Planning Instrument

- **DSEPP 66**

Draft Statement Environmental Planning Policy No 66 – Integration of Land Use and Transport

The location of the mixed use development within the Manly Town Centre with good access to public transport it is considered that the application is in accordance with the Draft SEPP and its supporting documents.

Any Development Control Plan

- **Manly DCP For Business Zones 1989, Amendment 3.**

Appendix A to this report contains an assessment of the application against this DCP.

The assessment considers the application to comply with the DCP.

While the Esplanade building fails the 15m height control, sub clause 4 of the building height control is considered to apply. The urban design review in Appendix B Page 11 specifically deals with this matter.

The FSR calculation in the DCP consideration is based on the definition of gross floor area of the model provisions adopted in the Manly LEP 1988. The calculation does include mezzanine levels in retail frontage shops and complies with the 3.0:1 maximum.

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- **Manly DCP Energy Efficient Buildings 1998**

The applicant has supplied with the development application a report by McGregor & Associates on energy efficiency of the proposed development. This report concludes that the proposed development meets the requirement of Council's energy efficient buildings.

Consideration of SEPP 65 matters also relate to energy efficiency and is considered that the application satisfies the requirements in regards to this issue.

- **Manly Development Control For Access**

The applicant has submitted a report on access, which has been reviewed by the external consultant Disability Access Consultants. This report is appended as an Appendix E to this report. It is considered that the proposal can comply with the requirements of the DCP for access.

- **Manly Urban Design Guidelines 2002**

These guidelines are addressed in both the urban design report Appendix D page 12 and the Heritage Impact Assessment report **Appendix C page 4**.

These reports consider the revised application to the acceptable responses to the guidelines.

Likely Impacts of the Development**The Suitability of the Site for the Development**

The Independent reports and analysis of the application by the experts have concluded that the site is suitable for the development subject to conditions.

The Public Interest

It is considered in the public interest that the existing site be redeveloped and the existing Coles building be replaced with a building more sympathetic to the architectural features of The Corso. The applicant's planning consultant in the Statement of Environmental Effects has put forward the view that the *proposed development*:

- *Will provide a significant improvement to the architectural treatment of The Corso persona in this location,*
- *Will provide additional retail activity in The Corso which will in turn activate this section of the town centre, and*
- *Will provide for quality addition to the residential stock in the Manly town centre.*

It is agreed that these are positive impacts and in the public interest that the application go ahead.

In addition existing traffic situation in the general area has been addressed and congestion in the lane to the site from Wentworth Ave will be improved under the proposal.

PLANNING COMMENT:

The proposal for demolition of the existing Coles supermarket and retail shops at 8 – 28 The Corso Manly and replacement with a smaller Coles supermarket and speciality shops, 49 apartments of which 5 are adaptable and underground parking has been assessed against the planning instruments applicable to the application.

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The submitted proposal has been assessed by independent experts and their comments and criticisms, particularly of the original urban design, has been addressed by the applicant resulting in amended plans and revised development exhibited again in November 2004.

The independent experts have concluded the application is satisfactory and recommend approval subject to conditions incorporated in the Recommendation.

The application has been opposed by the community forums notably The Corso Precinct Community Forum.

The submissions from the first exhibition were considered by the independent experts and applicant and where possible addressed in the amended plans.

A major objection related to traffic, both in Wentworth Avenue and the service lanes. The independent traffic expert in considering these submissions and the reduced nature of the retail proposals and the improved loading facilities for the supermarket has concluded the development will not impact upon the surrounding road network.

The Corso Precinct Community Forum considered commercial development should occur rather than residential. This is a more fundamental planning philosophy which differs from the zoning intent and planning aims of increasing residential development in town centres particularly where public transport is available. This objection is not one to reject or modify the application.

The proposal exceeds the 15m maximum height set under the Manly DCP for Business Zones 1989 Amendment 3 notably the rear Esplanade building.

The independent experts have supported this height based on sub clause 4 to the building height section as the Esplanade building is considered to provide interest and variety to the existing blank façade of the Grant building without adverse impact. The Corso building complies with the building height.

The urban design and façade treatment of The Corso building has raised comment, with the heritage committee seeking a reinstatement of the Campbell's store façade circa 1908.

This has been considered by the independent expert heritage advisor and urban design consultant and not supported. The proposal as amended is considered to respond well to the streetscape and elements subject to conditions.

The urban design consultant comments are set out previously and consideration to matters of SEPP 65, architectural design and impact, overlooking and privacy both internal and external to the site, setbacks, pedestrian access and amenity have been considered. Approval subject to minor amendments is recommended.

Traffic comments are set out previously and the report considers the existing situation, congestion and usability of the access lane and loading facilities. The proposal is considered to improve the situation by the turntable loading dock and lesser retail size. No change in conditions in the "lane" for existing users in adjoining buildings in regards to bollards is proposed. Traffic management changes are suggested and Part B of the recommendation relates to consideration by the Traffic Committee of parking changes to Wentworth Ave for a general improvement in the area. Traffic comments relative to SEPP11 have been received and raised no issues to preclude approval.

Heritage matters were considered and the comments set out above. The consultant addressed the relevant issues particularly the views of the heritage committee but did not agree and recommended a number of changes in agreement with Council staff on improvement to a sky view above the Corso.

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Access matters were considered and many conditions set. The applicant agreed with the independent consultant to increase the number of adaptable units from one to five (above minimum requirements).

Acoustic issues were of concern to both internal and external amenity particularly with regard to plant. These matters have been considered as were operating times for delivery vehicles presently unlimited. Conditions for excavation controls for adjoining buildings have been included.

Safety by design comments were received. Not all recommendations were supported as they conflicted with urban design controls and DCP concepts and were considered to be capable of resolution by other means. The details of agreement are set out previously and incorporated into conditions.

The amendments suggested by the independent experts over the course of the application are incorporated into the amended plans and have reduced the floor space ratio back to a complying figure of 3.0:1 and reduced the number of apartments from 53 to 49.

CONCLUSION:

The application has been considered pursuant to Section 79C of the Environmental Planning & Assessment Act 1979, the Manly Local Environmental Plan, 1988, State Regional Environmental Planning Policies and Council's DCP's as set out above. Following a detailed briefing by Council's consultants involved in the assessment process, the proposal is considered to be acceptable subject to revision of some aspects of the design to address urban design issues and clarification of works within the private laneway off Wentworth Street. Accordingly a deferred commencement consent is recommended.

RECOMMENDATION

A. That pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, deferred commencement consent be granted in respect of Development Application No 35/04 for the demolition of existing buildings and construction of a Coles supermarket, retail shops and residential apartments at Nos 8-28 The Corso Manly, with the consent not operating until the applicant has satisfied the following matters A1 – A5 within three months of the date of this resolution:

- A1. Submitted revised plans showing the Esplanade building set back a depth equal to one elevational bay on level 6 (i.e equal to the depth of the sitting area of unit 602) to achieve a feathering of the edge of the building and to ensure that no part of that building is visible above the Corso elevation when viewed from the Corso area. This is to include redesign of the elevation of the Esplanade building to achieve a proportioned and balanced appearance to the building form.
- A2. Submitted revised plans showing an additional setback on level 4 to the Esplanade elevation equal in width to the living space in unit 401 for a depth of 2.5m to create a recess in the building form to differentiate the Esplanade building mass visually when viewed from the East Esplanade area. This area may be utilised as an open balcony.
- A3. Submitted a detailed sample board of external materials and finishes, including treatments showing the eastern portion of the Corso façade (i.e from the Coles entry to the end of the building adjacent to DP 225317 differentiated in colour from the rest of the building to ensure that the building elevations read as two separate elements rather than as one long elevation. Colours being to the satisfaction of Council.
- A4. Submitted revised plans showing unit C101 redesigned to eliminate the need for an

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internalised courtyard/lightwell to the bedrooms. This is to be achieved by changing this unit to a 1 bedroom unit rather than a 3 bedroom unit.

- A5. Submitted details as to any works intended within the Private Laneway including evidence of owners consent.

Upon satisfactory resolution of the above matters the consent shall operate with the following conditions.

1. Approved Plans

The development is to be carried out in accordance with plans drawn by Wolski Lycenko and Brecknock Architects titled Commercial/Residential Development 8-28 The Corso Manly for London Fashions Pty Ltd dated October and November 2004 issue B 20.10.04 and numbered DA 01b, 02d, 03c, 04b, 05b 06b 07b, 08b, 09b, 10b, 11b, 12b, and 13b, except as varied by the above deferred commencement conditions and conditions hereunder.

2. A transparent glass screen to be provided to the balcony edge of Apartment C214 to stop overlooking of adjoining courtyard/light wells. Details to be provided to Council/Accredited Certifier, prior to the issue of Construction Certificate.
3. Roof top terraces similar to roof terraces on The Corso building are to be provided on the Wentworth building to supplement private open space for the development. Plans to be amended accordingly, prior to the issue of Construction Certificate.
4. An archaeological assessment of potential relics, and if required by that assessment, an application submitted for excavation permit from the NSW Heritage Council after demolition and prior to the issue of the Construction Certificate.
5. A site history assessment of the site is to be undertaken prior to any works to determine the past issues of the site and submitted to the Council/Accredited Certifier, prior to the issue of Construction Certificate.
6. After demolition and prior to the excavation or disturbance of any Soils of the Site, the applicant must engage a suitably qualified consultant to carry out a Preliminary Site Contamination Investigation in accordance with Council's Contaminated Lands Policy (2003); SEPP 55; and the relevant NSW Dept Environment and Conservation (EPA) guidelines to satisfy that the land is suitable for the proposed purpose and that Acid Sulphate Soils are not present. A report to this effect is to be submitted to Council/Accredited Certifier, prior to the issue of Construction Certificate.
7. The pergolas at roof level on The Corso building behind The Corso façade to be set back so as not to be visible from the public realm of The Corso. Details are to be submitted to the Council/Accredited Certifier, prior to the issue of Construction Certificate.
8. A security gate is to be fitted at the rear of the service passage for the minor shops. Details of the security is to be submitted to the Council/Accredited Certifier, prior to the issue of Construction Certificate.
9. The shopfront arcade doors that access into Coles are to be locked each night when the store closes. This also applies to the residential access from the Corso, access into the residential foyer is to be kept closed and only made accessible to residents and authorized persons.
10. There should be no access available from the residences onto the shop awnings in order to avoid unsafe use. Plans to be notated accordingly prior to the issue of the Construction Certificate.

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11. No signage other than as set out in the following conditions is approved under this application. Separate development applications complying with Council's DCP for advertising signs are required for signage.
12. A construction traffic management plan shall be prepared and submitted for approval by Council/Accredited certifier, prior to the commencement of demolition and construction. This would set out details of access, type and number of vehicles associated with construction and the length of construction. All construction access should be restricted to the western laneway.
13. Mirrors must be placed and maintained by the owners' corporation or Body Corporate appropriately at both ends of the eastern laneway so that drivers accessing the site from Wentworth Street or departing the site could ensure that no other vehicle is already in the laneway. Details to be submitted to Council/Accredited Certifier, prior to the issue of Construction Certificate.
14. Mirrors must be placed and maintained by the owners' corporation or Body Corporate appropriately in the western laneway at Wentworth Street so that truck drivers accessing the site from Wentworth Street could make sure that no other truck is already in the laneway. Details to be submitted to Council/Accredited Certifier, prior to the issue of Construction Certificate.
15. All trucks must enter the laneways by turning right from Wentworth Street; similarly they must exit the laneway by turning right onto Wentworth Street. Details to be included in the Traffic Management Plan.
16. Sixty six (66) parking spaces shall be allocated to the residential units in accordance with Manly Council's Development Control Plan and should form part of the strata title of the unit.
17. Nine (9) visitor car spaces are to be provided and made accessible at all times and a sign post shall be erected at the vehicular entry point of the development indicating the location of these spaces. Plans to be notated accordingly, prior to the issue of the Construction Certificate.
18. Eight (8) spaces within the basement car park shall be allocated to employees of the supermarket and the other shops, and appropriately incorporated in the strata title of the development. Plans to be notated accordingly, prior to the issue of the Construction Certificate.
19. The basement car park shall be designed in accordance with Australian Standard 2890.1-2004. All spaces should have a minimum of 2.5m width including Space No 2.
20. The storage area at the rear of spaces 30 to 39 would be difficult to access with a car parked in the space; a walkway adjacent to the storage area should be provided; this could be achieved by reducing the width of the aisle from 6.5m to 6.0m. Amended Plans indicating the changes are to be provided prior to the issue of the Construction Certificate.
21. Only large rigid trucks (max 12.5m in length) shall service the Coles Supermarket loading dock.
22. A turntable is to be provided in the Coles loading dock area to accommodate a large rigid truck of 12.5m in length.
23. A loading dock and traffic management plan shall be provided to and approved by Council prior to occupation. The plan should prohibit deliveries by articulated vehicles, and included the allocation of slot times for deliveries and waste removals to avoid on street waiting, and conflicts in the laneway.

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24. Delivery trucks servicing the eastern laneway shall be restricted to small rigid trucks (6.4 metres in length). All vehicles shall enter and exit the site in a forward direction.
25. Deliveries to the residential component from The Corso should be restricted to outside working hours, from 6pm to 9pm.
26. Garbage trucks servicing the western laneway shall not be larger than a large rigid truck not exceeding 12.5 metres in length.
27. The applicant is to enter into an agreement with Council permitting Council's garbage trucks to use the turntable in the Coles loading dock.
28. Garbage trucks servicing the eastern laneway shall be restricted to small rigid trucks (6.4 metres in length).

The applicant is to provide Council with a copy of a written agreement with a private contractor to remove garbage generated by the small specialty shops from the eastern loading bay by a small garbage truck.³⁰ The development is to have a continuous accessible path of travel, as defined by AS1428.2, from the main points of entrance at the boundaries and from any required accessible parking spaces, to and within the premises through the principal entrance and to all areas within the development to which the general public have access within the retail and commercial sectors and up to and including the common areas of the residential sector.

31. Each retail space is to have an accessible path of travel from the street boundary through their principal entries.
32. The applicant is to provide suitable signage incorporating the universal symbol of access in accordance with AS1428.1, (white on ultramarine blue) indicating the direction and location of the accessible entries.
33. Provide at least one (1) accessible car space for visitors to the shops within the site with a minimum 3200mm width x 5500mm long with a minimum of 2500mm clearance overhead in accordance with the requirements AS2890.1 and a minimum clear height on the vehicular path of travel to the accessible spaces of 2200mm.
34. Provide five (5) accessible car spaces for the adaptable dwellings within the site with a minimum 3800mm width x 6000mm long with a minimum of 2500mm clearance overhead in accordance with the requirements AS2890.1 and a minimum clear height on the vehicular path of travel to the accessible spaces of 2200mm. The 6000mm depth can include 500mm borrowed space within the driveway to supplement the 5500mm provided however this may not be enclosed. Note that as drawn accessible space No 40 has a column towards the front of the space, restricting its width to 2500mm.
35. All required accessible parking spaces will have a maximum cross fall or gradient of 1:40 in any direction.
36. Suitable signage incorporating the universal symbol of access in accordance with AS1428.1, (white on ultramarine blue) indicating the direction and location of the accessible parking spaces is to be located at the entry and at all changes of direction.
37. The accessible car space not assigned to an adaptable dwelling is to be identified by means of the white international symbol of access in accordance with AS1428.1, between 800mm and 1000mm high placed on an ultramarine blue rectangle with no side more than 1200mm, placed as a pavement marking in the centre of the space between 500mm and 600mm from its entry point. There is no requirement to provide access identification at the spaces for the adaptable dwellings.
38. The residential garbage room is to have an area 1550mm clear in front of the garbage bins suitable for use by the occupants of the adaptable dwellings.
39. The surface on all continuous accessible paths of travel are to be slip resistant and have no level difference greater than 3mm (or 5mm if rounded or splayed) between adjoining surfaces.

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40. All walkways, ramps and landings on the continuous accessible paths of travel as well as all stairs, are to comply with AS1428.1.
41. Lifts are to comply with the requirements of D3.6 of the BCA and AS1735 part 12.
42. Door thresholds on the continuous accessible path of travel are to have no level difference greater than 3mm inside to outside or are to have a threshold ramp complying with Figure 10 of AS1428.1.
43. All non fire isolated stairs in the development are to be constructed in accordance with the requirements the BCA and AS1428.1 including but not limited to;
 - i) handrails on both sides of the stair that comply with Figures 9 and 17 of AS1428.1, and
 - ii) have a 30% luminance contrast with the wall, and
 - iii) nosings that are 50mm – 75mm wide with a 30% luminance contrast to the tread, and
 - iv) risers that are vertical with no lip or projection and are fully enclosed and opaque.
44. All non fire isolated stairs in the development are to have tactile ground surface indicators installed at the top and bottom of the stairs in accordance with AS1428.4 and on mid landings where the handrails are not continuous on both sides.
45. All doorways on the continuous accessible paths of travel within the retail and commercial sectors and to the common areas of the residential sector, are to comply with Clause 7 of AS1428.2 and are to have a minimum 850mm clear opening (including 850mm clear opening to the operable leaf of double doors), with circulation spaces in accordance with the requirements of Figures 12 or 13 of AS1428.1 plus the additional dimensions required by Clause 11.5 of AS1428.2, except where the door is an automatic opening door.
46. All required circulation spaces at doors and gates within the retail and commercial sectors and to the adaptable dwellings as well as to the common areas of the residential sector, are to have a maximum 1:40 gradient or cross fall for the full area of the required circulation space.
47. Doors in airlocks or vestibules within the retail and commercial sectors and to the adaptable dwellings as well as to the common areas of the residential sector, are to comply with Figure 15 and clause 7.4 of AS1428.1.
48. Glazed doors and sidelights within the retail and commercial sectors and on the paths of travel to the adaptable dwellings as well as to the common areas of the residential sector, are to have a transom not less than 75mm wide or a solid line 75mm wide at a height between 900mm and 1000mm and having 30% luminance contrast with the background against which it is viewed.
49. The unisex accessible sanitary facilities are to be constructed in accordance with the requirements of Clause 10 and Figures 18 to 30 of AS1428.1 except that the circulation space is to comply with Figure 11 of AS1428.2 (1900mm wide x 2300mm long). All accessible sanitary facilities are to have a shelf.
50. The unisex accessible toilet located under the entry ramp to the car park is to be redesigned to provide the required minimum 2000mm headroom under the ramp that is to comply with AS2890.1 Clause 2.5.3(b) & (c) at the inside radius.
51. Where there is more than one unisex accessible sanitary facility provided in the common areas within the retail and commercial sectors and to the common areas of the residential sector, the alternate facilities must be opposite hand.
52. Identification of sanitary facilities within the retail and commercial sectors and in the common areas of the residential sector, are to be raised tactile with 30% luminance contrast and in accordance with the BCA and Clause 10.9 of AS1428.1 with the additional requirement of having Braille equivalent.

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53. Controls on the continuous accessible paths of travel within the retail and commercial sectors as well as to the common areas of the residential sector, (other than power points) are to comply with the requirements of Clause 11 of AS1428.1. In particular controls that:
- i) need to be grasped or turned with all controls (other than power points) being between the heights of 900mm – 1100mm and no closer than 500mm from an internal corner, or
 - ii) that only need to be pushed being between the heights of 900mm – 1200mm and no closer than 500mm from an internal corner, or
 - iii) that only need to be touched being between the heights of 900mm – 1250mm and no closer than 500mm from an internal corner except as allowed for lifts in AS1735.12.
54. All door handles on the continuous accessible paths of travel are to be “D” type levers or handles with the clearance between the handle and the back plate or door not less than 35mm or more than 45mm.
55. Handles on sliding doors within the retail and commercial sectors as well as to the common areas of the residential sector are to be not less than 60mm from the door jamb lining as indicated on Figure 11(b) of AS1428.1.
56. Doors on accessible paths of travel within the retail and commercial sectors and to the adaptable dwellings as well as to the common areas of the residential sector, are to have a minimum 30% luminance contrast with the surrounding wall or the frame and / or architrave are to be no less than 50mm wide and are to have a 30% luminance contrast with the wall.
57. Door handles and levers within the retail and commercial sectors as well as to the common areas of the residential sector are to have a 30% luminance contrast with the door.
58. All signage, other than trade names or the like within the retail and commercial sectors is to be upper and lower case sans serif lettering, Arial or Helvetica Medium or similar, with the lower case letters no less than one half the height of the upper case letters. Lettering sizes are to be no less than that required by AS1428.2 Clause 17.
59. Security or intercommunication systems and the like are to be mounted in the continuous accessible path of travel from the boundaries or accessible visitor car space or associated building, between the heights of 900mm – 1100mm and no closer than 500mm from an internal corner. The security or intercommunication system is to incorporate suitable hearing augmentation.
60. Lighting on the continuous accessible paths of travel externally is to comply with AS1158.3.1 : 1999 "Road lighting - Pedestrian Area (Category P) lighting", Tables 1.1 and Table 2.1 and is to be no less than 10 lux with no less than 150 lux at entries.
- Glare and intrusive light is to be controlled in accordance AS4282 : 1997 "Control of the obtrusive effects of outdoor lighting".
61. Interior lighting on the continuous accessible paths of travel is to be in accordance with AS/NZS 1680.0.

Note: The following conditions 62 – 76 are related to the adaptable dwellings only which are to be constructed to AS4299 “Class C” specifications.

62. The development is to have a continuous accessible path of travel from the main point of entrance at the boundary and from any required accessible parking spaces to and within the premises through the principal entrance;
- i) to all common areas, common facilities and unique features within the development, and
 - ii) to all entrances of the adaptable dwellings.
63. Letterboxes for the adaptable dwellings must be lockable, and must be situated on a hard

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standing area at least 1550mm x 1550mm with cross falls in both directions not exceeding 1:40 and have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.2) to the dwellings.

64. The main entry door to each adaptable dwelling must:
 - (a) have an 850mm clear opening door with circulation spaces complying with AS1428.2, and
 - (b) must have an area 1550mm diameter in front of the door, and
 - (c) must have a "D" type lever door handle and other hardware that enables the door to be unlocked and opened with one hand and that complies with the requirements of AS 1428.1.
65. Internal doors within the adaptable dwellings must have a clearance of at least 820 millimetres and have circulation spaces complying with Figures 12 or 13 at all doors to required facilities. The door into Bedroom 1 of Unit C104 does not have the circulation space required by Figure 12(a) of AS1428.1.
66. Internal corridors within adaptable dwellings must have a width of at least 1,000 millimetres clear of finishes.
67. The living room in each adaptable dwelling must comply with Clause 4.7 of AS4299.
68. The kitchen in each adaptable dwelling must comply with Clause 4.5 of AS4299 including:
 - (a) a clear space between benches of at least 1,550 millimetres, and
 - (b) benches that include at least one work surface:
 - (i) that is at least 800 millimetres in length, and
 - (ii) that can be adjusted or replaced as a unit at variable heights within the range of 750 millimetres to 850 millimetres above the finished floor surface, and;
 - (c) cook tops:
 - (i) with either front or side controls, and
 - (ii) with controls that have raised cross bars for ease of grip, and
 - (iii) that include an isolating switch, and
 - (d) a work surface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
 - (e) an elevated oven that is located adjacent to an 800mm long work surface the height of which can be adjusted.
69. At least one bedroom within each adaptable dwelling must comply with Clause 4.6 of AS4299.
70. A bathroom within each adaptable dwelling must comply with Clause 4.4 of AS4299 including the area requirements of AS1428.1. In particular the width of bathroom C104 is to be at least 2060mm width clear of finishes to allow for a visitable toilet and the bathroom in C105 is to have compliant door circulation space.
71. A toilet within each adaptable dwelling must be visitable and must comply with Clause 4.4 of AS4299.
72. The laundries within each adaptable dwelling are to comply with Clause 4.8 of AS4299 including the requirement for an area of 1550mm diameter in front of the fitments.
73. The applicant is to provide drawings as required by AS4299 demonstrating the potential configuration of the kitchens and bathrooms after adaptation prior to the construction certification phase.
74. The double doors out into the common areas of the residential sector are to have an 850mm

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clear opening to the operable leaf.

75. All of the common areas of the residential sector are to be on a continuous accessible path of travel.
76. Isolated paving stones are unsuitable for use on an accessible path of travel, provide a suitable material that complies with the requirements of AS1428.1 Clause 12 including the notes to that clause.
77. 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 Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of the Construction Certificate.
78. All stormwater collected from the proposed internal carpark area shall be collected and passed through a gross pollutant trap/silt/grease arrestor/pollution control device to remove pollutants to Council's satisfaction. Details shall be submitted with the Construction Certificate application.
79. The developer shall ensure that the stormwater pollutant concentrations for total suspended solids, total nitrogen, total phosphorous, zinc, copper and lead not to exceed ANZECC guidelines (2003) during construction phase. The developer shall install automated storm water monitoring equipment at the stormwater outlets from the proposed development. This monitoring will ascertain the level of compliance/non-compliance in accordance with the POEO Act. The frequency of the testing shall be as per the requirements of Manly Council. The developer shall pay for the cost of collecting the sample and analyse the samples by a NATA Accredited laboratory.
80. If dewatering is required the applicant shall submit a dewatering plan to control the quality and quantity of the water discharged from the proposed development. The dewatering plan shall be submitted with the Construction Certificate application.

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

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

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(g) Weekly monitoring of electrical conductivity shall be undertaken by the developer and forward to Manly Council. If electrical conductivity readings elevate above that from when dewatering first commenced council reserves the right to order a cessation of dewatering until groundwater has replenished.

81. All vehicular access during construction shall be from the Wentworth Street entrance only. No vehicular access from The Corso and Whistler Street end shall be permitted.
82. The site fronting The Corso shall be maintained for public use and made safe during the course of the works.
83. The 2 tree species *Banksia Integrifolia* and *Glochidion* are not approved for landscaping and are to be replaced with a more suitable species *Acmena smithii* or *Sysigium paniculata*. Appropriate drainage in the elevated beds supplied to ensure the continued life of plantings.

Irrigation system should be sympathetic to present and future water restrictions. A suitable Arbourist is to be appointed to assess the surrounding trees before the dewatering process and during the course of the development. Reporting to the Principal Certifying Authority on the trees progress or possible decline and recommend action.
84. The Basement Floor Level Bin Storage room must be partitioned so that garbage bins, bottle-recycling bins, and paper recycling bins are separated.
85. The businesses shall not provide prepared foods/drinks to customers in plastic or foam that will not biodegrade or will not be recycled in Manly Council's public place recycling system. Centre managers are required to ensure a prohibition upon all retail outlets within the complex from using plastic bags as part of their packaging of goods sold to consumers.
86. Separate development applications are required for the first use and retail shop fit outs.
87. Prior to the issue of a Construction Certificate the applicant shall prepare a Noise and Vibration Demolition and Construction Management Plan. As part of the NVDCMP a detailed dilapidation assessment shall be undertaken for all adjacent residential and commercial premises. The assessment shall include photographic details of existing building conditions. The report shall certify compliance with the design assessment goals. If the Construction Certificate is to be issued by a n Accredited Certifier then a copy of the report shall also be provided to Council.
88. The NVDCMP shall be prepared in accordance with the procedures set out in "The Council the of City of Sydney. Code of Practice for Construction Hours/Noise within the Central Business District".
89. Vibration from demolition/excavation/construction activities shall not exceed the base curves presented in British Standard BS6472-1992 as modified by the applicable multiplying factors in the standard for continuous vibration for the relevant building category (place).
90. Site establishment, demolition and construction hours 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.

91. The applicant shall keep a legible record of all complaints made to the applicant or any

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employee or agent of the applicant in relation to noise or vibration arising from any activity to which the approval applies.

92. The record must include details of the following:
- the date and time of the complaint
 - the method by which the complaint was made;
 - any personal details of the complaint which were provided by the complainant or, if no such details were provided., a note to that effect;
 - the nature of the complaint;
 - the action taken by the applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - if no action was taken by the applicant, the reason why no action was made.
93. The record of the complaint must be kept for not less than 4 years after the complaint was made.
94. On request the record must be produced to any authorised officer of the Council after the complaint was made.
95. The applicant or agent of the applicant shall operate during its construction hours a telephone complaints line for the full duration of the demolition and construction period for the purpose of receiving any complaints from members of the public in relation to activities conducted at the site or by the vehicle or mobile plant associated with the site.
96. The applicant shall undertake to cease all site works on the report of damage to the applicant. The applicant shall notify the public of the complaints telephone number and the fact that it is a complaint line so that the impacted community knows how to make a complaint.
97. The applicant shall undertake to cease all site works on the report of damage to neighbouring buildings and structures. Works shall not recommence on the building site until the reported matter has been resolved to the satisfaction of the PCA or Council.
98. The applicant or the applicant's agent shall implement throughout the duration of the demolition and construction period a noise and vibration impact complaints response protocol that ensures noise complaint, vibration complaints and noise and vibration complaints from noise sensitive receivers are investigated:
- within 2 hours of receiving the complaint, and
 - in accordance with any prior complaint management agreement made with the complainant.
99. The applicant or the applicant's agent shall undertake noise, regenerated noise and or vibration monitoring as directed by the PCA or an authorised officer of the Council.
100. All residential occupancies forming part of the proposal shall be designed and constructed so that the repeatable maximum internal $L_{Aeq, 1 \text{ hour}}$ level shall not exceed the following levels:
- (i). In a naturally ventilated - windows closed condition :
 - Sleeping areas (nighttime only: 10.00pm-07.00am) 35dB(A)
 - Living areas (24 hours) 45dB(A)
 - (ii). In a naturally ventilated – windows open condition (i.e., windows open 5% of the floor area, or attenuated natural ventilation open 5% of the floor area):
 - Sleeping areas (nighttime only: 10.00pm-07.00am) 45dB(A)
 - Living areas (24 hours) 55dB(A)
 - (iii). Where naturally ventilated – windows open noise condition cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
 - (iv). In a mechanically ventilated or air conditioned space with door and windows closed the combined external and ventilation system $L_{Aeq, 1 \text{ hour}}$ level shall not exceed the following:

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Sleeping areas (nighttime only: 10.00pm-07.00am)	38dB(A)
Living areas (24 hours)	46dB(A)

101. Prior to the issue of a Construction Certificate the applicant shall prepare a comprehensive Building Facade Design Assessment Report. As part of the report details of the glazing acoustic specifications and window/door types and ventilation requirements shall be nominated. The report shall certify compliance with the design goals. If the Construction Certificate is to be issued by an Accredited Certifier, then a copy of the acoustic compliance report shall also be provided to Council.
102. The cumulative noise emission from all mechanical plant operating on the commercial/retail/residential premises shall not give rise to a sound level contribution exceeding the background noise level (without the plant operating) by more than 5dB(A) when assessed as an L_{Aeq} level (over 15 minutes) at any residential boundary or residential balcony. In accordance with standard recognised assessment procedures 'correction modifying factors' shall be considered and applied where applicable.
103. The cumulative noise emission from all mechanical plant operating on the commercial/retail/residential premises shall not give rise to a sound level contribution exceeding $L_{Aeq, 15 \text{ min}}$ 59dB(A) (daytime), $L_{Aeq, 15 \text{ min}}$ 51dB(A) (evening) or $L_{Aeq, 15 \text{ min}}$ 50dB(A) (night), at any residential boundary or residential balcony. In accordance with standard recognised assessment procedures 'correction modifying factors' shall be considered and applied where applicable.
104. Prior to the issue of a Construction Certificate the applicant shall prepare a comprehensive Mechanical Plant Acoustic Design Assessment Report. As part of the report details of the plant selections and installation requirements shall be nominated. The report shall certify compliance with the design goals. If the Construction Certificate is to be issued by a an Accredited Certifier, then a copy of the acoustic compliance report shall also be provided to Council
105. Prior to the release of the Occupation Certificate an assessment shall be undertaken by a qualified Acoustic Consultant (agreed by Council) and submitted to the PCA or Council for approval. If the Occupation Certificate is to be issued by a PCA, then a copy of the acoustic compliance report shall also be provided to Council. The report shall present the results and findings to certify that noise levels satisfy the requirements of Conditions 14, 16 and 17.
106. The operators of the commercial and retail premises shall ensure that their garbage contractors do not collect waste from their premises between the hours from 10.00pm to 7.00am Monday to Sunday.
107. The operators of the commercial and retail premises shall ensure that deliveries and unloading of vans and small trucks (Class 1 to Class 3 vehicles) occur between the hours from 7.00am and 8.00pm (Monday to Friday) and 8.00am to 8.00pm (Saturday and Sunday). No deliveries or unloading of vans and small trucks (Class 1 to Class 3 vehicles) shall be undertaken outside the above hours.
108. Operators of the commercial and retail premises shall ensure that deliveries and unloading of large or articulated trucks (larger than Class 4 vehicles) occur between the hours from 8.00am to 8.00pm (Monday to Friday) and 8.00am to 8.00pm (Saturday and Sunday). No deliveries or unloading of large or articulated trucks (larger than Class 4 vehicles) shall be undertaken outside the above hours
109. Operators of the commercial and retail premises shall ensure that trucks do not stand or park on the road way between Wentworth Avenue and the designated onsite truck parking and unloading areas.

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- 110. Operators of the commercial and retail premises shall ensure that activities associated with the unloading of trucks and general activities in the vicinity of the loading docks shall not give rise to the transmission of vibration and associated structural borne noise to any other occupancy.
- 111. Operators of the commercial and retail premises shall ensure that activities in the vicinity of the loading docks between the hours of 8.00pm and 8.00am shall not give rise to audible noise in any residential occupancy.
- 112. The reflectivity measurements (determined scientifically) of the external materials of the development are not to exceed 20%. Details are to be included on the plans submitted with the construction certificate.

113. Damage security deposit

A security deposit of **\$162,000** for the cost of making good any damage to Council property caused as a consequence of the construction work, plus an administration fee of **\$154.00**, must be paid to Council prior to the issue of the Construction Certificate. The security deposit, which may be in the form of a bank guarantee, has been calculated in accordance with the following schedule.

Estimated cost of work	Deposit
Works up to \$50,000	\$2,000
Works in excess of \$50,000 & up to \$100,000	\$4,000
Works in excess of \$100,000	\$4,000+\$200/\$10,000 estimated cost>\$100,000

Council may use all or part of the Damage Security Deposit to complete damage restoration works if they do not meet Council's requirements.

- 114. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
- 115. 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.
- 116. 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.
- 117. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
- 118. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
- 119. 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.
- 120. 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.
- 121. 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.

- 122. The proposed works require inspections during various stages of construction as required by

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the Environmental Planning & Assessment Act 1979 and as considered appropriate by the Principal Certifying Authority.

123. All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.
124. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
125. The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land.
The measures must include:-
 - (i) siltation fencing;
 - (ii) protection of the public stormwater system; and
 - (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.
126. The applicant shall comply with all requirements of either the Local or Regional Traffic Advisory Committees.
127. 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.
128. 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.
129. Applications for a construction zone on a local road require 28 days notice to Council indicating location and length. All construction zones require the approval of the Manly Traffic Committee.
130. The visitor car spaces shall be accessible at all times and a sign post shall be erected at the vehicular entry point(s) of the development indicating the location of the spaces.
131. Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The area set aside for carparking as shown on the approved plan shall be used for the parking of vehicles and for no other purpose. Any loading or unloading of materials of potential environmental damage must be appropriately bundled with adequate spill response equipment in place to ensure nil runoff from the site.
132. The use at all times shall be conducted so that no odours or other air impurities are detectable beyond the boundaries of the premises.
133. All work involving lead paint removal must not cause lead contamination of the air or ground.
134. All demolition is to be carried out in accordance with AS2601-1991.
135. No approval is expressed or implied for excavation works.
136. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
137. 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.
138. Care shall be taken to prevent any damage to adjoining buildings.
139. In relation to the demolition of the existing building 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.

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- (ii) Should any hazardous materials be identified, as per item (1), a Work Plan shall be submitted to Council in accordance with AS2601-1991 - 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.
 - (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 AS2601-1991.
 - (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.
140. The collection of garbage from the premises is not to occur between the hours of 10.00pm and 7.00am Monday to Sunday, without the prior approval of Council, to minimise disruption to neighbouring properties.
141. A Waste Management Plan is to be submitted with the application for a Construction Certificate in accordance with Council's Development Control Plan for Waste Minimisation and Management.
142. Contact should be made with the Trade Waste Office of Sydney Water to discuss the requirements for Trade Waste Disposal.
143. 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.
144. Details shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is being provided.
145. A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.
146. 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.
147. Glare from internal lighting shall not be permitted to extend beyond the limits of the building authorised by this approval.
148. 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.

Environmental Services Division Report No. 20 (Cont'd)

149. Detailed engineering drawings of all work shall be submitted for approval by the Certifying Authority prior to the release of the linen plan/Construction Certificate.
150. Once commenced the development hereby permitted shall only be continued in accordance with the conditions of approval and to the satisfaction of the Principal Certifying Authority.
151. Plans shall be submitted with the Construction Certificate Application to indicate finished surface levels at 3m intervals around the building, all floor levels and roof ridge level to Australian Height Datum.
152. Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.
153. The applicant shall consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should an electrical enclosure be required, the location and dimensions of this structure are to be detailed prior to the issue of a Construction Certificate. In the event of Energy Australia requiring a sub-station, the applicant shall consult with Council or its delegate with a view to dedication of the land for the sub-station as public roadway.
154. A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.
155. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.

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
 - mechanical ventilation engineer's certificate
156. 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.
157. Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Councils Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate.
158. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
159. Details shall be submitted to the Principal Certifying Authority indicating the method of sound proofing all roof terraces, decks and balconies prior to issue of the Construction Certificate.
160. No blasting is to be carried out at any time during construction of the building.
161. No external sound amplification equipment or loud speakers shall be used for the

Environmental Services Division Report No. 20 (Cont'd)

announcement, broadcast, playing of music or similar purposes.

162. The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.
163. 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.
164. Delivery vehicles associated with the completed development are only permitted to drive, stand or park on The Corso and Sydney Road Plazas between the hours of 5am-11am Mondays to Fridays. Such access cannot be obtained on weekends or Public Holidays.
165. 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.
166. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.
167. 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.
168. 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.
169. 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.
170. 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.
171. 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.
172. 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.
173. 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.
174. 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.
175. 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.

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176. 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.
177. 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.
178. The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
179. Certificate(s) from a professional Engineer or other appropriately qualified person is to be submitted which certifies that material, design and/or form of construction complies with the requirements of Clause A2.2 of the Building Code of Australia.
180. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
181. In a Class 2 building containing more than 10 sole occupancy units, a closet pan and wash basin in a compartment or room at or near ground level for the use of employees must be provided in accordance with F2.1 of the Building Code of Australia. Details shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
182. 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.
183. On completion of the building structure a Registered Surveyor's report is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.
184. A geotechnical engineer's report regarding the stability of the site is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
185. Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.
186. 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.
187. The use at all times shall be conducted so that no odours or other air impurities are detectable beyond the boundaries of the premises.
188. Any discharge to the atmosphere from the subject development shall comply with the requirements of the Protection of the Environment Operations Act 1997.
189. All work involving lead paint removal must not cause lead contamination of the air or ground.
190. A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000.

Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.
191. The building being erected in Type A construction for a Class 2, 6 & 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.
192. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

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193. All requirements of the NSW Fire Brigades for the building shall be complied with in accordance with the requirements of the Building Code of Australia.
194. Awnings shall be a minimum of 3.5m above footpath level and offset a minimum of 600mm behind the kerb.
195. Excavation adjacent to the road boundary shall be adequately shored to support the roadway and all improvements and services within the road reserve. Protective fencing shall be provided to ensure the safety of the public.
196. No building materials may be stored on the road reserve without separate approval from Council.
197. Full details of the cooling towers, exhaust fan structures and other structures on the roof are to be provided to the Principal Certifying Authority prior to issue of the Construction Certificate.
198. 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.
199. 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.
200. All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.
201. All demolition and excess construction materials are to be recycled wherever practicable.
202. Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.
203. The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land.
- The measures must include:-
- (i) siltation fencing;
 - (ii) protection of the public stormwater system; and
 - (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.
204. Development consent of Council shall be obtained for any new advertising structure prior to erection.
205. The applicant shall comply with all requirements of either the Local or Regional Traffic Advisory Committees.
206. 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.
207. All construction vehicles associated with the development shall be required to obtain a permit on a daily basis, for access onto The Corso and Sydney Road Plazas.

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208. Applications for a construction zone on a local road require 28 days notice to Council indicating location and length. All construction zones require the approval of the Manly Traffic Committee.

209. Machine excavation

Excavation or removal of any materials involving the use of machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00 pm Mondays to Fridays, with regular breaks of 15 minutes each hour. This condition is imposed to ensure reasonable standards of amenity for occupants of neighbouring properties.

210. Levels

For the purpose of indicating relative levels in terms of Australian Height Datum and boundary clearances, and to ensure that building construction complies with the development consent, survey certificates must be provided to the PCA in respect of the building/s layout and ground floor level/s prior to pouring of concrete or laying of timber floor boards.

211. Support for neighbouring buildings

- (a) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (i) must preserve and protect the building from damage; and
 - (ii) if necessary, must underpin and support the building in an approved manner; and
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (c) In this condition, allotment of land includes a public road and any other public place.

212. Repair of Damaged Infrastructure

If Council's infrastructure is damaged during the course of works, Council's Development Engineer must be notified and necessary repairs must be undertaken within the time stipulated by Council, to Council's specifications, and at no cost to Council. Works generally must be in accordance with the relevant clauses of the current edition of AUS-SPEC.

If work is not undertaken to the satisfaction of the Development Engineer with regard to time or quality, Council may carry out remedial works and deduct the cost from the Damage Security Deposit.

213. All deliveries of goods to the retail/commercial occupancies is to be undertaken using the rear (Wentworth Street) access. All garbage removal is to be undertaken using the rear (Wentworth Street) access.

ADVISORY NOTES:**1. Other approvals**

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This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an Application for Approval under Section 68 of the *Local Government Act 1993* for an activity under that Act, including the erection of a hoarding. All such applications must comply with the Building Code of Australia.
- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.
- An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.
- an Application for a Subdivision Certificate under Section 109(C)(1)(d) of the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- an Application for Strata Title Subdivision under the *Strata Schemes (Freehold Development) Act 1973*, if strata title subdivision of the development is proposed.

2. Works and requirements of other authorities

- *Sydney Water* may require the construction of additional works and/or the payment of additional fees. Other *Sydney Water* approvals may also be necessary prior to the commencement of construction work. You should therefore confer with *Sydney Water* concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.

Contact *Sydney Water*, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.

- *Australia Post* has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.
- *AGL Sydney Limited* has requirements for the provision of gas connections.
- *Sydney Electricity* has a requirement for the approval of any encroachments including awnings, signs etc, over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- *Telstra* has requirements concerning access to services that it provides.

3. Application for a Construction Certificate

The required Application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts

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substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

4. Occupational Health and Safety

All site works must comply with the occupational health and safety requirements of the NSW WorkCover Authority.

5. Relocation of stormwater drainage

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

6. Hazardous Material Management

"Builders are advised to obtain a copy of the EPA publication *Solutions to Pollution for Builders* which provides environmental information including hazardous material management. The EPA can be contacted by phone on 131 555 or at www.epa.nsw.gov.au "

7. Hazardous waste removal (including asbestos)

Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover and the EPA, and in accordance with the provisions of:

- New South Wales *Occupational Health and Safety Act, 1983*;
- New South Wales *Construction Safety Act, 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983*;
- The *Occupational Health and Safety (Hazardous Substances) Regulation 1996*;
- The *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996*; and
- The *Waste Minimisation and Management Act and Regulations*.

8. Air Conditioning Systems Residential Premises

Under Clause 52 of the *Noise Control Regulation 2000* a person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) before 8am or after 10pm on any Saturday, Sunday or Public Holiday, or
- (b) before 7am or after 10pm on any other day.

9. Model

If you submitted a model with the application it must be collected from the Council offices within fourteen (14) days of the date of this determination. Models not collected will be disposed of by Council.

10. Compliance with the Disability Discrimination Act

This decision does not ensure compliance with the *Disability Discrimination Act*. You should therefore investigate your liability under that Act. *Australian Standard 1428 - Design for Access and Mobility*, Parts 2, 3 and 4 may assist in determining compliance with the Disability Discrimination Act.

11. Modifications to the consent

Environmental Services Division Report No. 20 (Cont'd)

Changes to the external configuration of the building, changes to the site layout or any changes to the proposed operation or use *will* require the submission and approval of an application under Section 96 of the *Environmental Planning & Assessment Act 1979* before the issue of a Construction Certificate.

12. Storage bins on footpath and roadway

Approval is required from Council prior to the placement of any storage bin on Council's footpath and/or roadway.

13. Long Service Levy

The current rate of the levy required by this consent is 0.2% of the cost all building and construction work costing \$25,000 or more.

14. Compliance with erosion and sediment control plan

The erosion and sediment control plan must be implemented during site works and construction activities. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on-site at all times and made available to the accredited certifier and Council officers on request.

15. Discovery of additional information during remediation, demolition or construction

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery.

16. Protection of public places

- (a) If the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic on a public place to be obstructed or rendered inconvenient, or
 - (ii) building involves the enclosure of a public place;
A hoarding or fence must be erected between the work site and the public place.
- (b) If necessary, an awning must be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (d) Any such hoarding, fence or awning must be removed when the work has been completed.

Note: Prior to the erection of any hoarding, fence or the like on any footpath or other property owned or controlled by Council, permission must be sought and obtained from Council and the prescribed rental fee paid.

- B. **That the traffic committee consider the Recommendation of the traffic consultant to improve sight distances for cars exiting and entering the laneways, on-street parking in Wentworth Street should be prohibited either side of the laneways for a distance of 6 metres.**

ATTACHMENTS

Environmental Services Division Report No. 20 (Cont'd)

AT-1	Appendix A - Compliance Table	13 page(s)
AT-2	Appendix B - Urban Design	12 page(s)
AT-3	Appendix C - Heritage Report	5 page(s)
AT-4	Appendix D - Traffic Report	12 page(s)
AT-5	Appendix E - Access Report	8 page(s)
AT-6	Appendix F - Acoustics Report	5 page(s)
AT-7	Appendix G - Amendments to Original DA Submission	4 page(s)

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***** End of Environmental Services Division Report No. 20 *****

ATTACHMENT 1

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Appendix A - Compliance Table

COMPLIANCE TABLE THE CORSO MANLY		
MANLY LEP 1988		
CLAUSE	COMMENT	COMPLY
<p>1. Objective of zone The objectives are –</p> <p>(a) to provide for and encourage the development and expansion of business activities which will contribute to the economic growth and employment opportunities within the Manly Council area;</p> <p>(b) to accommodate retail, commercial and professional services in established locations in the residential neighbourhoods where such development is compatible with the amenity of the surrounding areas;</p> <p>(c) to ensure there is adequate provision for car parking in future development in the business areas; and</p> <p>(d) to minimise conflicts between pedestrians and vehicular movement systems within the business areas</p>	<p>(a) The proposal satisfies the objectives by provision of rejuvenated retail area available to The Corso.</p> <p>(b) The proposal introduces additional residential uses to the commercial area where residential uses presently exist over adjoining lands.</p> <p>(c) The proposal increases carparking on site and provides for residential uses.</p> <p>(d) Conflicts are minimised.</p>	<p>(a) Complies</p> <p>(b) Complies</p> <p>(c) Complies</p> <p>(d) Complies</p>
<p>17. Visual and aesthetic protection of certain land The Council shall not grant consent to the carrying out of development unless it is satisfied that the development will not have a detrimental effect on the amenity of the Foreshore Scenic Protection Area</p>	<p>The amenity of the foreshore scenic protection area is addressed by the urban design report and by the view analysis of the applicant's expert. It is considered the revised application will not have a detrimental affect on the amenity of the foreshore protection area.</p>	<p>Complies</p>
<p>19. Development in the vicinity of an item of the environmental heritage The council shall not grant consent to a development application to carry out development in the vicinity of an item of the environmental heritage unless it has made an assessment of the effect which the carrying out of that development will have on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item of the</p>	<p>A number of reports have been undertaken by Mr Staas for the applicant and reviewed by Mr Brooks. This latest review is set out in Appendix C at page 3.</p>	<p>Complies</p>

ATTACHMENT 1

**Environmental Services Division Report No. 20
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Appendix A - Compliance Table**

COMPLIANCE TABLE THE CORSO MANLY		
MANLY LEP 1988		
CLAUSE	COMMENT	COMPLY
environmental heritage and its setting.		

<p>21. Conservation Area</p> <p>1. A person shall not in respect of a conservation area –</p> <p>a) demolish, extend or change the outside of a building or work within that area, including changes to the outside of a building or work that involve the repair of the painting of unpainted brickwork, plastering or other decoration of the outside of the building or work;</p> <p>b) damage or despoil a relic or part of a relic within that area;</p> <p>c) excavate any land for the purpose of exposing or removing a relic within that area;</p> <p>d) erect a building within that area; or</p> <p>e) subdivide land within that area. Except with the consent of the council.</p> <p>2. The council shall not grant consent to a development application made in pursuance of subclause (1) unless it has made an assessment of –</p> <p>a) The extent to which the carrying out of the development in accordance with the consent would effect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic</p>	<p>This assessment has been made by Mr Brooks in a review of the applicant's experts report.</p>	<p>Complies</p>
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Appendix A - Compliance Table

<p>significance of the conservation area; and</p> <p>b) Whether a refusal to grant consent would constitute a danger to the users of occupiers of that land or the public, and</p> <p>c) The provisions of any development control plan relating to heritage conservation areas.</p> <p>3. The council shall not grant consent to an application made in pursuance of subclause (1), being an application to erect a new building or to alter the exterior of an existing building, unless the council has made an assessment of –</p> <p>a) The pitch and form of the roof;</p> <p>b) The style, size, proportion and position of the openings for windows and doors; and</p> <p>c) Whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the conservation area.</p>		
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Appendix A - Compliance Table

<p>22. Heritage Council to be given prior notice of demolition consent</p> <p>Where a person makes a development application to demolish a building or work that is an item of the environmental heritage or within a conservation area the council shall not grant consent to that application until 28 days after the council has notified the Secretary of the Heritage council of its intention to do so.</p>	<p>The heritage office of NSW has commented on 11 February 2004. Mr Brooks has considered the matters raised.</p> <p>A condition regarding archaeological assessment prior to release of the construction certificate has been recommended.</p>	<p>Complies</p>
<p>23. Advertising of heritage applications</p> <p>The provisions of sections 79 and 79C (1) of the Act apply to and in respect of –</p> <ul style="list-style-type: none"> a) the demolition of a building or work within a conservation area; b) the demolition of a building or work that is an item of the environmental heritage; and c) the use of a building or land referred to in clause 25 (1) for a purpose which, but for that clause, would be prohibited under this plan, in the same way as those provisions apply to and in respect of designated development, except that in applying Clause 37 (c) of the Environmental Planning and Assessment Regulation 1980 a reference to 30 days shall be read as a reference to 14 days. 	<p>The proposal and revised proposal have been advertised by Council.</p>	<p>Complies</p>

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Appendix A - Compliance Table

<p>30. Services</p> <p>The council shall not grant consent to the carrying out of development on any land to which this plan applies unless and until arrangements satisfactory to the Sydney Water have been made with Sydney Water for the provision of water and sewerage services to the land.</p>	<p>A services report has been submitted with the application relative to argumentation of existing services. A condition requiring the requisite certificates and approval of Sydney Water has been recommended.</p>	<p>Complies</p>
<p>33. Development on land identified on Acid Sulphate Soils Planning Map</p> <p>4 works beyond 2m below natural ground surface</p> <p>works by which the water table is likely to be lowered beyond 2m below natural ground surface.</p>	<p>A report by Douglas Partners accompanies the application. The report and samples were not positive indicators of actual or potential acid sulphate soils.</p>	<p>Complies.</p>
<p>MODEL PROVISIONS</p>		
<p>5 Consideration of certain applications</p> <p>1. the consent authority shall, in respect of an application under the Act for its consent or approval to the development of land within view of any waterway of adjacent to any main or arterial road, railway, public reserve or land zoned as open space, take into consideration the probable aesthetic appearance of the proposed building or work or that land when used for the proposed purpose and viewed from that waterway, main or arterial road, railway, public reserve or land zoned for open space.</p>	<p>The application and revised application has been considered by the urban design report Appendix B.</p> <p>The visual analysis supplied by the applicant in the SEE is generally agreed with.</p>	<p>Complies</p>

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<p>2. The consent authority shall, in respect of an application under the Act for its consent or approval to development for the purposes of commercial premises, shop, residential flat building, hotel, motel, service station, car repair station, place of assembly, industrial premises or caravan park or to the carrying out of any other development likely to cause increased vehicular traffic or any road in the vicinity of that development, take into consideration –</p> <p>a) Whether adequate vehicular exits from and entrances to the sites have been provided so that vehicles using those exits and entrances will not endanger persons using those roads;</p> <p>b) The provision of space on the site or on land adjoining the site, other than a public road, for the parking or standing of such number of vehicles as the council may determine;</p> <p>c) Whether any representations made by the Traffic Authority of New south Wales have been met; and</p> <p>d) Whether adequate space has been provided within the site of the building or development for the loading, unloading and fuelling of vehicles and for the picking up and setting down of passengers.</p>	<p>The traffic and parking report Appendix D to this report takes these matters into account and considers the application satisfies these requirements.</p>	<p>Complies</p>
<p>7. Foreshore building line</p> <p>4. A building shall not be erected between a foreshore building line and a bay, river, creek, lake or lagoon in</p>	<p>Application complies with this requirement.</p>	<p>Complies</p>

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respect of which the line is fixed.		
<p>16. Residential flat buildings – Parking</p> <p>1. A residential flat building (other than units for aged persons shall not be erected or used unless provision is made within the site for –</p> <p>a) Parking space not less than 5.4 metres by 2.4 metres for each dwelling within the building; and</p> <p>b) Proper vehicular access to the parking space.</p>	<p>The traffic and parking report addresses this matter.</p> <p>The application complies with this requirement.</p>	Complies
<p>30. Services</p> <p>The consent authority shall not grant its consent to the carrying out of any development on any land unless –</p> <p>a) A water supply and facilities for the removal or disposal of sewage and drainage are available to that land; or</p> <p>b) Arrangements satisfactory to it have been made for the provision of that supply and those facilities.</p>	See comment above in Manly LEP Clause 30.	Complies

MANLY DCP BUSINESS ZONE 1989 AMENDMENT 3

F. Design Principles		
<p>1. The local role of the site and of the existing buildings should be determined, when viewed:</p> <p>i. From a distance and then along the routes and from the viewpoints leading towards the locality;</p> <p>ii. In relation to the adjacent spaces it borders and the need to define those spaces;</p> <p>iii. In relation to the adjacent buildings and the need to be complementary to those buildings in terms of height, scale and design detailing.</p>	<p>1. Photo montages have been provided from a number of public vantage points in order to better assess the appropriate scale eg The Corso, ferry terminal, public walkway and harbour. See also urban design report.</p> <p>Proposal meets the design principles.</p> <p>Proposal produces a bulk and scale which fits with the local context of surrounding development from The Corso, foreshore and harbour</p>	<p>1. Complies from The Corso and relies on justification for Esplanade building height.</p>

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<p>A scale and design of building appropriate to this role should then be achieved.</p> <p>2. Proposed developments shall be consistent, where applicable to the townscape principles and the opportunities illustrated in the accompanying maps.</p> <p>3. Design details of proposed developments shall be complementary to those adjacent buildings in the locality. In particular reference will be made to:</p> <ul style="list-style-type: none"> i. The scale, proportion and line of visible facades; ii. The pattern of openings and the visual pattern of solids to voids on facades. iii. Overall wall and parapet height and height of individual floors in relation to adjoining development and important corner buildings (refer also to the provision on building heights in each of the localities); iv. Materials, textures and colours; v. Architectural style, and degree of architectural detail; vi. The scale of the “footprint” of the building. <p>4. Proposed developments shall be designed;</p> <ul style="list-style-type: none"> i. To maintain the optimum amount of sunlight into adjacent open spaces areas; ii. To minimise adverse wind effects. <p>5. Continuous footpath awnings shall be provided on all street frontages;</p>	<p>2. The townscape principles have been applied</p> <p>3. Design details have been considered in revised application and in particular, scale, proportions, openings, solids to void spaces, materials and relationship to adjoining development and development in the same block</p> <p>4. Solar access to adjacent open space areas is reasonable; no consideration of wind effects provided.</p> <p>5. Awning is provided</p>	<p>2. Complies</p> <p>3. Complies, particularly in terms of scale, proportion, facades and materials</p> <p>5. Complies</p>
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<p>6. Exposed end or side walls shall be treated in a consistent manner in terms of colour and materials in particular to avoid unattractive patterns of different structural and infill elements;</p>	<p>6. End and side walls finishes are acceptable.</p>	<p>6. Complies as per amended plans as viewed at northern end.</p>
<p>7. The level of the ground floor and of arcade links shall be at footpath level. Where changes in level are unavoidable they shall be made by ramps designed to minimum requirements for disabled access.</p>	<p>7. The ground floor level for both retail and residential entries is at the footpath level</p>	<p>7. Complies</p>
<p>8. The reflectivity index of glass used on external walls shall not exceed 20%. In general the use of reflective glass and curtain walling as a façade treatment is not favoured in terms of being consistent with townscape objectives.</p>	<p>8. The proposal does not nominate the glass reflective index, which will be conditioned. Curtain walling is not proposed</p>	<p>8. Complies but will be conditional</p>
<p>9. Lettable retail space is to comprise the optimum amount of ground floor frontages. Lettable spaces having a range of floor areas and characteristics to suit differing activities are preferred.</p>	<p>9. Lettable areas comprise the principal frontages to enable different activities; apart from supermarket</p>	<p>9. Complies</p>
<p>10. Street numbers and/or names of buildings shall be clearly marked in the vicinity of the main entrance (refer to s. 124 of the Local Government Act 1993).</p>	<p>10. Street numbering and building name will be located at the entrance by condition.</p>	<p>10 Complies with condition</p>
<p>11. Roof structures are to be designed as an integral part of the overall design of a building, and the surrounding townscape.</p>	<p>11. The revised design has incorporated the roof into the overall built form</p>	<p>11. Complies</p>
<p>12. At night, all shop fronts within the Corso Conservation Area must be transparent and illuminated. Window displays</p>	<p>12. Showroom type windows are proposed to the retail spaces at The Corso</p>	<p>12. Complies</p>

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<p>are actively encouraged. Roller shutters will not be permitted but security screens are permitted behind the window display.</p>		
<p>MANLY TOWN CENTRE</p>		
<p>1.1 Floor Space Ratio 1. (ii) in the area outside the 10 metre height zone (except the area fronting Pittwater Road between Raglan and Carlton Streets) 3:1.</p>	<p>1. Total Floor space ratio: 3.0:1 Max residential floor space ratio: 2.0:1 with discretion</p>	<p>1. Complies</p>
<p>1.2 Building Heights</p> <p>1. The maximum wall height of a building, shall not exceed 15 metres except where:</p> <ul style="list-style-type: none"> ii. A lesser or greater height provides a better relationship to adjoining development in terms of fulfilling the Council’s townscape objectives; iii. The Council agrees to the addition of plant rooms, lift overruns, pitched roofs or the like. <p>2. The Council will only agree to increases in building height as detailed in 1(iii) above where it is satisfied that:</p> <ul style="list-style-type: none"> i. The structures are designed as an integral part of the building in such a way as to appear an appropriate part of the overall townscape and not conflict with overall townscape objectives; ii. Any roof space is not designed or used as habitable space. <p>3. In relation to item 1(ii) above the Council is seeking in its townscape objectives to ensure that the height of new buildings equate with both the overall height and the height of particular architectural details (e.g. floor levels, parapet details) of</p>	<p>1. Max height of building at The Corso: 15.0 m Max height of building: 26 m</p> <p>Revised proposal provides a better relation between buildings on the Esplanade and Wentworth St.</p> <p>See comments of urban design report Appendix B supporting increased building height.</p> <p>3. Mezzanines are calculated in the floor space ratio.</p>	<p>1. Complies to Corso and complies with criteria where the height is increased</p> <p>3. Complies</p>

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<p>adjoining buildings and the important end-buildings in the particular street block. This will often require greater floor to ceiling heights than the minimum permitted in current building regulations. The use of internal mezzanine levels should be considered in order to achieve the desired height levels where necessary.</p>		
<p>1.3 Setbacks All buildings shall be constructed to the public road and side boundaries of the allotment except where:</p> <ol style="list-style-type: none"> 1. An alternative setback is identified on the town scape and opportunities maps; or 2. The applicant can demonstrate to the satisfaction of the Council that an alternative setback will not conflict with overall townscape objectives, reduce the general availability of retail frontage or remove weather protection for pedestrians; 3. The stipulated setback would be undesirable in terms of the amenity of any residential uses existing on adjoining land or proposed for inclusion in the development (in which cases the principles of the Council’s Development Control Plan for the Residential Zone will apply – refer Attachment 2) 	<p>Nil setback to The Corso and The Corso side boundaries Nil and between 4.3-7.0 m setback to rear of Esplanade site and Nil and between 9.3-14.4 m setback to the Wentworth Street site</p>	<p>Complies to The Corso</p> <p>Reasonable setbacks are provided to side and rear properties based on existing situation and amenity considerations</p>

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<p>1.4 Design for Townscape</p> <p>Regardless of whether a building is listed as an item of environmental heritage in the Manly Local Environmental Plan, 1988, the Council must be satisfied that the design of any new development has given due attention to the site's position within and contribution to the overall existing and future townscape quality of the Manly Town Centre and Pittwater Road areas. A definition of townscape and a list of those matters to be dealt with when designing for townscape is given in the Preliminary to this Plan.</p>	<p>The revised design complies with the definition of townscape and in particular relates well to its neighbours in terms of bulk and scale and contributes well to the townscape; see photomontages.</p> <p>See also urban design report Appendix C and heritage impact report Appendix D.</p>	<p>Complies</p>
<p>1.4 Car Parking and Access</p> <p>1. Carparking spaces shall be provided on site in conjunction with developments in accordance with the following rate:</p> <p>Dwelling (including those in residential flat buildings (RFBs))</p> <ul style="list-style-type: none"> i. Studio or one bedroom – 2 spaces per 3 dwellings ii. 2 bedroom – 1 space per dwelling iii. 3 or more bedroom – 2 spaces per dwelling iv. visitors (RFBs only) 1 space per 6 dwellings or part thereof. <p>For all other uses One space per 70m² of gross floor area.</p> <p>2. In exceptional circumstances and having regard to the merits of the application, Council may be prepared to allow a reduction in the above requirements where the applicant has demonstrated that:</p> <ul style="list-style-type: none"> i. In the case of all uses other than dwellings, the dimensions 	<p>1. See report of Mr F Gennaoui Appendix D.</p> <p>Required: 4 spaces/1 bed, 28 spaces/2 bed 17 spaces/3 bed 9 spaces for visitors 83 spaces provided and allocated to dwellings</p> <p>38 spaces subject to Council discretion. Nil based on lack of existing car parking particularly for Coles</p>	<p>1. Acceptable</p> <p>Complies</p>

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<p>or topography of the site would physically prevent the provision of some or all of the required spaces.</p> <p>ii. The required access interferes with the continuity of retail frontage or interrupts the frontage of the property in other ways such that there would be a conflict with any other provisions of this DCP in particular the townscape objectives.</p> <p>iii. The movement of vehicles to and from the site would cause unacceptable conflict with pedestrian movements, special servicing arrangements for pedestrianised areas or contribute to congestion at key intersections.</p> <p>3. Vehicular access will not be permitted from pedestrianised areas.</p> <p>4. Subject to the uses proposed on the site and to overall townscape considerations, an off street loading dock shall be provided to service the entire development. The standard dimensions for a loading dock are 7.6m x 3.0m by 3.4m high.</p>	<p>Loading dock is provided for Coles with a turntable which satisfies these requirements.</p>	<p>Complies</p>
<p>Opportunities 4 Develop a new building façade to The Corso more appropriate to the Conservation Area. Construct pedestrian links and arcades connecting through to Wentworth Street.</p>	<p>Revised building façade has been assessed in terms of heritage and urban design and is acceptable. The concept of a pedestrian link from the Corso has been considered but is legally</p>	<p>Complies – access cannot be obtained</p>

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	impossible to provide due to the ownership situation of the rear laneway	
Attachment 6 Main Street Painting Program	The colours and textures proposed are considered reasonable.	Complies
Attachment 7 Advertising Signs Within the Business Zone	No detailed signage consideration which will be included as a condition requiring separate application.	Condition

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Introduction and Background

This report has been commissioned by Manly Council as an independent review of the compliance of the Development Application No 35/04 by Wolski Lycenko Brecknock Architects against the requirements of SEPP 65, SREP 23 and Manly Councils controls for a number of apartment buildings on the Coles site in The Corso at Manly.

The development includes the demolition of the existing Coles supermarket and the erection of a mixed commercial and residential apartment buildings containing 49 apartments with 2 retail tenancies on the ground floor plus a new Coles supermarket and underground car parking. The FSR of the development is 3.0:1.

The amended design of this DA is as a result of a protracted negotiation process between the applicant, Council and Councils appointed external consultants to improve a number of significant issues with the original DA. The amended drawings are the applicants response to those issues. This report addresses only the new design as a stand alone application rather than revisiting the previous but now superceded design.

Information Viewed.

The information which has formed part of this review is as follows:

- Numerous site visits
- The original DA drawings
- The revised DA drawings numbered DA 01 –15 issue B
- The revised Statement of Environmental Effects by Nexus Environmental Planning Pty Ltd dated 26 October 2004
- Councils heritage review

Assessment of the Development Application

This application has been assessed against the following statutory and advisory controls:

- SEPP 65
- SREP 23—Sydney and Middle Harbours

- Manly DCP for the Business Zone 1989 Amendment No 3
- Manly Urban Design Guidelines 2002 updated March 2003

SEPP 65

Principle 1—Context

Considerations—

- The site is located at the beginning of the pedestrian Mall at The Corso. It comprises a significant frontage to The Corso itself.
- The topography of the area is flat in this location as The Corso is located on an isthmus with views to the water on either ends of the street. This building together with other development in The Corso creates the frame or enclosure to that space and view.
- It is imperative that the building is appropriately scaled in term of its height and that it continues the existing building line alignment to continue to contain that view.
- Any new development also needs to provide a scale transition between the existing building parapet frontages to either side of the site in addition to reinforcing the strong street wall.
- The building plays a part in terminating the views down Whistler Street as identified in the Urban Design Guidelines and the site is also visible from the water. As such must fit within an appropriate envelope given this exposure and the surrounding existing built form.
- This is the heart of the Manly Town Centre and any development located here must enhance the ambiance of the existing centre and add to its activity and vitality, particularly as this is a pedestraised space and the focus of the town.
- The grain of The Corso is quite fine with individual building frontages well articulated both vertically and horizontally to relate to a human scale. Any new development must continue that rhythm and scale to achieve a positive outcome.
- The skyline of the buildings varies due to the different scale of development.
- The site also shares a boundary with a number of other residential buildings. Therefore the transition to these buildings will be important in terms of solar access, outlook and privacy.

Comments on the Application

- The building has been designed to reinforce the street edge of The Corso. It provides an appropriate transition between No 6 The Corso at some 3 storeys plus roof form and the smaller shop at No 30 The Corso which is only 2 storeys high.
- The new development has also been designed to continue the appropriate vertical rhythm of the existing heritage buildings in the streetscape and is therefore appropriate in its grain and character.
- The building massing to the rear of the site is not substantially visible from the public domain. Therefore its impact is negligible and not an issue under SEPP 65.
- The new wing that has been introduced to the south west of the site (23.84m) is higher than allowable under Councils controls for the block (15m max). Generally this would not be an appropriate response, however this site directly abuts an existing 8 level residential development to the south east. This development presents a poorly resolved and designed blank wall which is visible from various positions around Manly Town Centre. This view detracts from the ambiance of the centre.
- The new development proposes a wing of development that is only two apartments in length to screen this blank wall. In doing so the new development provides an active and well designed elevation for this building massing .

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- Arguably the massing could have been less than is proposed. However it is also important to achieve a balanced and well articulated massing to the new wing which is highly visible from East Esplanade and the water.
- Therefore the design of the Corso frontage and the Esplanade views need to be balanced and work together. It is felt that the design presented will offer an acceptable solution despite its non compliance with the height controls for the area.
- In terms of transition to the buildings to the rear of the site the development maintains a significant setback in excess of councils requirements to all but the landlocked site to the south east. Here the building abuts the boundary.
- Privacy and outlook issues have been dealt with by aligning the new built form with that of the adjoining building and ensuring that the rear building is separated away from this corner. Also the building only presents bedroom areas to this boundary.

Recommendation

- The development is considered appropriate under the principle of context. It responds well to The Corso and Esplanade streetscapes and also maintains good setbacks to adjoining development, using courtyard areas and landscape as a green buffer and to maintain privacy.

Principle 2—Scale

Considerations—

- As mentioned under Context the grain and scale of Manly Town Centre and the Corso is smaller building parcels. Where larger parcels exist the frontages are generally defined by strong verticality via repetitive bays which extend up to the parapets.
- As mentioned also under Context it is important that any new development reinforce the overall height of the parapet wall along this side of the Corso and that it provides transition from the 3 storey scale towards the west and the two storey scale along the east.
- Also any development to the rear of the site must not dominate the Corso frontage as this is the primary street and should be the defining element to the street.
- Given the frontage of this site it is also important that any development provide not just rhythm but also a sense of address that would normally be provided by a number of buildings along such a frontage length. This will also reinforce the existing scale of the centre and appropriate architectural proportions.

Comments on the Application

- The proposed development continues the 3/4 storey scale of the existing building to its western boundary for the majority of the site frontage. A 4 storey scale is continued for some 3 bays to relate to the parapet height of the adjoining building.
- It then steps the end bay down to a two storey scale including a significant setback to the element above this height.
- The centre portion of the building (which signifies the entry to the Coles supermarket) is also reduced in its street frontage height.
- The architectural treatment and positioning of entrances also creates the impression of two buildings of similar but individual architectural character along the frontage of the site to the Corso.
- The overall effect is considered acceptable. The height is in keeping with the existing scale of the Corso buildings and street frontage, the articulation of the vertical bays creates the finer grain and the expression of the building as two buildings separated by

the Coles entry but each with their own residential entrances is creating an appropriate scale and definition to the street.

- The setting back of the 4th level also reinforces the 3 storey scale of the parapet line
- The building form that is visible from the Esplanade has been discussed under context and it considered an appropriate scale given the existing surrounding building form and the issue of the blank wall of the adjoining development.

Recommendation

- The design and height of the development is well balanced and reinforces the scale and grain of the contributory buildings in the Corso. The Esplanade element although above the height required within the DCP is considered a reasonable compromise given the issues with the adjoining existing building which significantly exceeds the control height.

Principle 3—Built form

Considerations—

- Building alignments have been dealt with under the previous two principles, as has appropriate massing.
- Elements for consideration under built form include the overall proportions of the development, the architecture elements and materials. Note internal design and amenity are dealt with under principle 7.
- The Corso streetscape is characterized by masonry street wall buildings with vertical proportions to most of the openings. The solid to void ratio is oriented to solid so that the openings provide interest within the solidity of the built form.
- Articulation is generally via decorative courses, shaped parapets, Juliet balconies, recessed balconies with solid balustrading, cantilevered bays and expressed columns.
- Any new development on this site must respond sensitively to these elements as well as to the buildings role as a part of the termination of the Whistler Street view and the view of the building from the Esplanade.
- Within the East Esplanade the newer buildings are poorly resolved with little articulation. They tend to depend totally on balconies for any articulation and do not provide a positive role mode.
- Therefore any new development visible from the Esplanade should seek to introduce a new character that responds to its backdrop status and to the lower scale heritage buildings along the street front, rather than the taller buildings in the same alignment as this development boundary.

Comments on the development—

- The design of the development responds well to these issues. It is characterized by predominantly masonry facades with fenestration and balcony elements that have a vertical proportion. The structural bays are strongly expressed via shadow lines and columns to the ground floor.
- The 'two buildings' whilst both masonry are distinguished by a different architectural language in their detailing.
- The ratio of solid to void is appropriate and similar to the other Corso buildings with cantilevered bays and balconies used to add additional articulation and interest.
- The building to the Esplanade has quite a different architectural character. It is more contemporary and in contrast to the Corso building is lighter in its weight and treatment with more glass than solid.

- The design is quite simple, contemporary and recessive which is appropriate given its role as a backdrop to the heritage buildings in front of this site with frontage onto the Esplanade.

Recommendation

- Overall the buildings built form is considered acceptable and a reasonable interpretation of both the existing Corso character and the Esplanade.
- The difference in the solid to void ratios between the two elevations is also considered appropriate given that the Esplanade building is acting as a backdrop to existing heritage buildings.

Principle 4—Density

Considerations—

- This is the main town centre for Manly. Therefore it is appropriate that any new development should be mixed use and should seek to increase the activation and activity of this centre.
- The FSR for the site is 3.0:1

Comments on the development—

- The development proposes mixed uses with retail tenancies and a supermarket to the ground floor and residential development in the buildings above. It proposes some 49 apartments and an FSR of 3:1 which is compliant with the current controls.

Recommendations—

- The density of the development is considered acceptable.

Principle 5—Resource, energy and water efficiency

- It is assumed that Council are assessing the compliance with this principle via the NatHERS report etc.

Principle 6—Landscape

This report does not purport to provide a comprehensive assessment of the landscaping proposal but rather concentrates on general principles.

Considerations—

- This is a town centre location and therefore the scope for extensive landscaping and deep soil planting is limited.
- However the interior of the site does offer opportunity to create a green oasis for residents to contrast with the urban environment of the town centre. It also offers the opportunity for private courtyards for courtyard level units.
- Extensive exposure of landscaping on the building edges is not appropriate for two reasons. Firstly the highly saline environment and wind conditions will make survival of the plants difficult and also the character of the Corso is of landscape in the pedestrian environment rather than on building tops.
- Therefore private external open space is more appropriate in balconies or setback roof terraces for upper apartments and courtyards for the lower level apartments.

Comments on the Development Application—

- The development has provided a landscaped courtyard to the centre and edge of the development. This courtyard includes both private courtyards and communal open space for all residents. The rear building, which does not benefit from a direct street frontage, is compensated by private open space off the living areas and to the bedrooms on the lower floor.
- The two rear south facing apartments in the Corso block also have private courtyards off the living areas and to the bedrooms.
- All upper level apartments have generous balconies, most facing north.
- The top level apartments also benefit from a private roof terrace for The Corso building.
- However the rear block does not have roof terraces.
- The dimensions of the balconies are not given so they cannot be assessed in terms of area or width.

Recommendations—

- The landscaping in general terms is considered to meet the objectives of this principle with each apartment benefiting from both private and shared open space and a well landscaped courtyard within the development and as a buffer to adjoining development.
- It is recommended that the council consider requiring roof terraces to the rear block as well as The Corso building to supplement the private open space for the upper level apartments. This block is not visible from the public domain and is sheltered by other development.
- Roof terraces will also improve the views of adjoining development over this site as the roofscape will be visible from the taller towers.

Principle 7—Amenity

Considerations—

- Again the town centre location means that the level of amenity within this development will be tempered by its location.
- The main considerations relate to privacy, number of apartments per floor from one core, access to open space, orientation and aspect, cross ventilation and internal apartment design.
- The site benefits from a northerly orientation towards The Corso elevation. Therefore it should be possible for most apartments to achieve good solar gain from this aspect.
- Similarly the depth and size of the site means that most apartments should achieve cross ventilation.
- The land locked nature of the site mean that transition to side boundaries with other development needs to provide outlook and privacy within the site itself rather than depending on adjoining sites.
- The site has sufficient frontage to support a number of entry points to the building to ensure sufficient activity and activation of the frontage plus to reduce the number of apartments accessible of any one core.
- Sense of address for any development to the side and rear of the site will also be an issue in terms of legibility and way finding.

Comments on the development application—

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- The development proposed 3 blocks. The first has frontage to The Corso and the other two buildings are landlocked within the site.
- The development proposes 2 entrances to the residential component, each at opposite ends of the street frontage onto The Corso. There is also an entry to the Coles tenancies on The Corso as well.
- These three entries, combined with the two retail tenancies will provide a good level of activation and activity to the street front and within the development which will provide good levels of passive surveillance to The Corso.
- The rear block and The Corso block have a direct address from the street. The block overlooking the Esplanade also shares The Corso building entry point.
- Whilst not ideal this arrangement is considered satisfactory given the landlocked nature of the site and the need to screen the blank wall of the adjoining building.
- The number of apartments to the Corso building and the Esplanade building are acceptable per core as two cores have been provided in combination with the majority of units being two storey.
- The majority of the apartments are two storey apartments with dual aspect. This will create good solar access and excellent cross ventilation as well as provide a variety of outlooks for occupants.
- There are only 2 south facing apartments which is reasonable in a development of this size.
- There is one apartment however where the amenity is not ideal in comparison to the standard achieved in the rest of the development.
- Apartment C101 depends for ventilation and light on a light well for its Bed 2 and 3. This light well is only 1 storey high however and is open to the sky. However it is overlooked by the terrace servicing the living areas of C214. This is likely to compromise the privacy of the bedrooms and result in some sort of screening device being added later that may reduce the light to these rooms.

Recommendations—

- Overall the amenity offered by the development is of a reasonable standard given its location and the apartments themselves are well designed with excellent solar access and cross ventilation.
- It is recommended that a translucent glass screen be added to the balcony edge of apartment C214 to stop the potential for overlooking whilst still allowing good light penetration to occur.

Principle 8—Safety and security

Considerations—

- Passive surveillance to The Corso, laneways and within the development itself will be paramount.

Comments on the development application—

- The development provides good passive surveillance for The Corso with between 4 and 10 apartments per floor overlooking The Corso. Living areas are oriented to this frontage as well which further improves overlooking.
- The internal courtyard is also well overlooked by the living areas of the rear blocks and on the lower level also by the south facing apartments.
- The rear block also provides some overlooking to the rear courtyard and also to the two lanes.

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Recommendation—

- The development is acceptable against this principle.

Principle 9—Social dimensions

Considerations—

- The development needs to supplement the existing dwellings within the town centre and in doing so provide greater housing choice to the area.

Comments on the development application—

- The development provides a number of different apartment types in design terms i.e. single story, dual aspect and two storey apartments.

Recommendation—

- The development satisfies this principle.

Principle 10—Aesthetics

Considerations—

- The design of the development should be contemporary in its response to and interpretation of the existing character of the surrounding area.

Comments on the development application—

- The design of the development is fairly conservative in its character. However the solution offered is reasonable given its proximity to a number of heritage buildings and it does not seek to dominate these buildings in form or design.

Recommendations—

- The design of the development satisfies this principle.

Sydney Regional Environmental Plan No 23—Sydney and Middle Harbours

- SREP 23 requires development visible from the waterfront to be controlled to ensure an acceptable impact.
- Whilst the controls are not prescriptive it does list relevant matters for consideration which include the appearance of the development from the waterways and foreshores, noise generation and unacceptable impacts on habitats, effects on drainage patterns, pedestrian access generally, effect on any conservation areas, requirements from urban design controls etc.

Comments on the development application—

- The relevant area of the development that impacts on views from the waterways is the Esplanade elevation and massing.
- The view of The Corso portion of the building is limited by other buildings and the existing trees within The Corso itself.
- The Esplanade elevation as discussed under the SEPP 65 review is considered acceptable given the issue of the adjoining building scale and the blank walls of the adjoining development.
- It is appropriately recessive in its architecture and should not result in any adverse impacts.

Recommendations—

- The design of the development satisfies these requirements from an urban design point of view.

Manly Local Environmental Plan, 1988

- The Site is within the Business Zone pursuant to the Manly Local Environmental Plan, 1988
- Relevant objectives to the urban design assessment of this development are as follows:
"(a) to provide for and encourage the development and expansion of business activities which will contribute to the economic growth and employment opportunities within the Manly Council area;
(b) to accommodate retail, commercial and professional services in established locations in the residential neighbourhoods where such development is compatible with the amenity of the surrounding areas;
(c) to ensure there is adequate provision for car parking in future development in the business areas;
and
(d) to minimise conflicts between pedestrians and vehicular movement systems within the business areas."

Comments on the development application—

- The mixed use character of the development supports these objectives. The retention of the existing supermarket use within the development and the provision of 2 additional retail tenancies will contribute to the business activities in this location
- No conflicts are created by the development.

Recommendations—

- The design of the development satisfies these objectives.

The development is also in the vicinity of heritage items and is within a conservation area.

- It is understood that a suitably qualified heritage expert is providing comment on these two issues.
- However the conservation status does impact on the design and appropriate urban design response for the site.

Comments on the development application—

- Given its location in a conservation area and in the vicinity of heritage items, in urban design terms the proposal is considered an acceptable balance between contemporary and heritage in its architecture, proportions and alignments.

Manly DCP for the Business Zone 1989 Amendment 3

Objectives:

The primary objectives within the DCP are as follows:

- *To provide more detailed controls for the guidance of developers in order to achieve the aims and objectives and the policies and strategies in the Manly Local Environmental Plan, 1988 in relation to development in the business zones.*
- *To recognise the importance of pedestrian movements and townscape design in the strengthening and promotion of retail centres;*

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- *To recognise the diversity, interest and heritage value of the existing townscapes and ensure that new developments are compatible with these features as expressed in the Council's Townscape and Heritage studies .*
- *To introduce floor space ratio controls in order to provide firm guidelines as to the potential development of a centre and an individual site;*
- *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;*
- *To identify certain opportunities whereby particular facilities may be obtained to assist in the overall attractiveness of the centres for patrons.*
- *To encourage the use of public transport and bicycles in order to limit traffic congestion and promote cleaner air.*
- *To promote energy efficient buildings.*
- *To recognise that all members of the community have a right to full access to, and participation in, all aspects of community life."*

Comments on the development application—

- The development performs reasonably against these objectives. It is locating additional residential dwellings close to a transport node, improving the visual and economic performance of the Coles development, providing an acceptable response to the heritage buildings in the vicinity of the site and also the conservation area status (in urban design terms). Via the extent of solar access, good orientation and cross ventilation it is delivering a building which has the capacity for reasonable environmental performance (please refer to councils expert review of ESD considerations for detailed consideration of the building performance).

Design Principles

Those principles which are considered relevant to this report are:

- *The building should be appropriate in its design to its role within distance views, to the spaces it borders and adjacent buildings in terms of height, scale and design.*
- *Design details of proposed developments shall be complementary to those adjacent buildings in the locality.*
- *Proposed developments shall be designed to maintain the optimum amount of sunlight into adjacent open space areas;*
- *Continuous footpath awnings shall be provided on all street frontages;*
- *Exposed end or side walls shall be treated in a consistent manner in terms of colour and materials in particular to avoid unattractive patterns of different structural and infill elements.*

Comments on the development application—

See earlier SEPP 65 review comments.

- The exposed side end of the building towards the east is considered acceptable from a number of viewpoints. Firstly it will be exposed for some time given the lower scale of the adjacent development. The height of the façade in this location is lower to respect the change in scale with the major massing of the building setback.
- The side façade has been designed rather than left as an after thought so that it does not detract from the streetscape whilst visible.
- This is considered an appropriate response rather than a full scale blank side wall.

General Provisions

The DCP applies particular relevant numeric provisions to the development site as follows:

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FSR:

- *Other than in relation to density FSR has not been considered as part of this report as it will be dealt with by the expert planner.*

Height:

- *The maximum wall height of a building, shall not exceed 15 metres.a lesser or greater height provides a better relationship to adjoining development*
- *Council is seeking in its townscape objectives to ensure that the height of new buildings equate with both*

the overall height and the height of particular architectural details of adjoining buildings and the important end-buildings in the particular street block.

Setbacks (front?):

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

Design for Townscape:

- *Council must be satisfied that the design of any new development has given attention to the site's position within and contribution to the overall existing and future townscape quality of the Manly Town Centre.*

Comments on the development application—

- It has been noted under the earlier SEPP 65 review that the development does not comply with the required height control of 15m although it does with the FSR and setback requirements.
- The non compliance applies to both the rear building at some 17.2 m and the Esplanade wing at some 23.84m above ground level.
- As mentioned above non compliance with the height requirements must be justified by achieving a better relationship to adjoining development.
- From this point of view it is considered that the Esplanade building is justified in achieving a greater height due to the unsightly blank wall of the adjoining development and its existing height (for further detail refer SEPP 65 assessment).
- The rear building does not have a similar justification for exceedance of the height plane. However it is buried in the centre of the site and is not substantially visible from the public domain, other than down the lanes from Wentworth Street. Here its scale is substantially less than that of surrounding development.
- Therefore this exceedance does not have an impact in urban design terms.

The DCP also identifies some opportunities for the Town Centre. The relevant opportunity for this site is:

- *Develop a new building facade to the Corso more appropriate to the Conservation area and construct pedestrian links and arcades connecting through to Wentworth Street.*

Comments on the development application—

- The development does provide an improved building façade that is more appropriate to the Conservation area but it does not provide the suggested pedestrian links or arcades
- The applicant has demonstrated attempts to achieve such a link by connecting through the site to one of the laneways to the rear.

- However the lanes are in a different ownership and the land owners will not condone or contribute access rights to enable such a link.
- Therefore this requirement is beyond the capacity of the applicant to deliver.

Manly Urban Design Guidelines 2002

Harbour /ocean grid Precinct

3.1 Precinct Guidelines

The general tenor of this section is that development should reinforce the street hierarchy and importance of the Corso, maintain and enhance views along streets and preserve the architectural and landscape integrity of the Corso.

3.1.1 Existing awning lines to new buildings should continue dominant lines, heritage buildings are to be preserved and enhances and new infill items should complement existing and adjacent buildings in form and detail. Vistas to the harbour are to be kept clear, no second storey balconies allowed (assumed to mean colonnades) with emphasis on pedestrian accessibility through open spaces. Mixed use encouraged at street level with buildings built to the street alignment, shop fronts and awnings to be provided and building heights in accordance with the DCP.

Building parapets or gable ends are to be articulated with sharp relief in the modeling of facades, render and masonry the preferred materials and more solid than void. Windows are to have vertical proportions.

Whistler Street

3.3.1.1 The termination of the street vista at the Corso could be further enhanced.

East Esplanade Area

3.5.1.1 No buildings to obstruct views to the harbour for pedestrians. Maintain the historic pines as the dominant image of Manly. Parapets are to provide an articulated skyline.

Comments on the development proposal

- The development provides an acceptable response to all the requirements within the guidelines. The massing reinforces the role of The Corso, it responds reasonably well to the existing heritage and has improved the view termination to Whistler Street.
- The architecture achieves the right balance of masonry, solid to void and also uses appropriate materials.
- Parapets are articulated but are not over designed, thereby allowing the building to fit within its context as a well mannered infill building in the overall streetscape.
- The development provides an active street front to The Corso and continues the dominant awning line.
- For more detailed comments on the above please refer to the SEPP 65 assessment.

Executive Summary

This report has been commissioned by Manly Council as an independent urban design review of the compliance of the Development Application with various State and Local Council controls.

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The assessment has been compiled with reference to controls and documents listed in the Introduction section of this report.

In summary the following conclusions and recommendations are made in relation to the Development Application:

- The development is considered appropriate to its context.
- It responds well to the Corso and Esplanade streetscapes and also maintains good setbacks to adjoining development, using courtyard areas and landscape as a green buffer and to maintain privacy.
- The design and height of the development is reasonably balanced and reinforces the scale and grain of the contributory buildings in the Corso.
- The Esplanade element, although above the height required within the DCP, is a reasonable compromise given the issues with the adjoining existing building which significantly exceeds the control height.
- The development proposes mixed uses with retail tenancies and a supermarket to the ground floor and residential development in the buildings above. This is consistent with Council's LEP zoning and the DCP. It proposes some 49 apartments and an FSR of 3:1 which is compliant with the current controls.
- The landscaping in general terms is considered acceptable with each apartment benefiting from both private and shared open space and a well landscaped courtyard within the development and as a buffer to adjoining development.
- It is recommended that the council consider requiring roof terraces to the rear block (close to Wentworth Street) as well as The Corso building to supplement the private open space for the upper level apartments. This block is not visible from the public domain and is sheltered by other development therefore there should not be any adverse impact.
- Overall the amenity offered by the development achieves a reasonable standard, given its location, the apartments themselves are well designed with excellent solar access and cross ventilation.
- It is recommended that a translucent glass screen be added to the balcony edge of apartment C214 to stop the potential for overlooking the adjoining courtyard/lightwell whilst still allowing good light penetration to occur.
- The development does not provide the suggested pedestrian links or arcades. However the applicant has demonstrated attempts to achieve such a link but the land owners will not condone or contribute access rights to enable such a link. Therefore this requirement is beyond the capacity of the applicant to deliver.

The recommendation of this urban design report is that the development be considered **for approval by Council subject to the above minor amendments** which could be conditioned.

GMURBAN DESIGN & ARCHITECTURE PTY LTD

DA 35/04
8-10 The Corso, Manly
Proposed Residential and Retail Development
Assessment of Heritage Impact

Context of the Heritage Impact Assessment

This report has been commissioned by Manly Council through Chris Young Planning. It provides Council with an independent Heritage review of the Development Application in relation to State and Local Government Heritage controls.

The assessment has been compiled with reference to controls listed in the Introduction section to this report.

In summary the following conclusions and recommendations are made in relation to the Development Application:

Conclusions:

1. The site is likely to contain archaeological relics as defined by the NSW Heritage Acts, related to previous phases of European occupation.
2. We concur that the proposed demolition of the Coles Store will have no adverse heritage impacts on the existing building or of the listed buildings in the vicinity. It will have no adverse impacts on the significance of The Corso.
3. We concur that the proposed development will have no unacceptable or adverse heritage impacts on the heritage significance of the listed buildings in the vicinity. It will have no unacceptable impacts on the significance of The Corso.
4. We do not agree with the Heritage Committee comments, dated 10 November 2004, that the best solution would be for the reconstruction of the façade of the Campbell's Stores building. We do not agree with the Committee's concerns about the understated treatment of the upper parapet on The Corso frontage or the proposed glazed bay windows. We agree with their concerns about the visibility of the roof level pergolas and their adverse impact on The Corso façade.
5. We do agree with the Council staff comments that the lack of a sky view above the parapet line of the new Corso frontage, due to the visibility of the residential apartments behind, will have an unacceptable impact on the heritage significance of The Corso Conservation Area. Their concern for an open sky view over the facade is valid for the historic buildings along The Corso, where such an intrusion can lead to a diminution in the character and visual integrity of the building. It is not valid for the new, infill façade, especially as the higher components are set reasonably well back.

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Appendix C - Heritage Report

Introduction

This report has been commissioned by Manly Council, through Chris Young Planning, as an independent review of Development Application DA 35/04 by Wolski Lycenko Brecknock Architects in relation to the heritage provisions of SREP 23, Manly LEP 1988 and Manly Urban Design Guidelines 2002 for the Manly Town Centre.

The proposals is for the demolition of all buildings on the subject site at 8-10 The Corso, Manly, primarily the large Coles Supermarket, and the erection of a mixed use residential and retail complex.

The amended design of this DA is as a result of protracted negotiations between the Applicant, Council and Council's appointed external consultants to improve a number of significant issues in the original design and documentation. The amended drawings, and the amended Heritage Report are the Applicant's response to those issues.

This report covers only the heritage related issues of the amended design.

Information Reviewed

The information on which this assessment has been made comprised the following:

Material relevant to the application:

- Several site visits
- The original DA drawings
- The revised DA drawings, issue B
- The revised Heritage Report, dated June 2004, by Noel Bell Ridley Smith
- Comments from Council's Heritage Committee meeting of 10 November 2004
- Comments from the NSW Heritage Office, dated 11 February 2004
- Comments by Manly Council staff in relation to the heritage and urban design issues

Background Planning Material

- Archaeological Management Provisions of the NSW Heritage Act
- Manly LEP 1988
- Manly Urban Design Guidelines 2002 for the Manly Town Centre
- The Heritage Provisions of SREP 23

Assessment of the Development Application

Archaeological Management Provisions of the NSW Heritage Act

The Heritage Report identifies that the subject property included a variety of buildings and other elements prior to the construction of the current buildings. It also noted that the construction of the current building would most likely have destroyed or severely impacted upon any relics that may have survived from previous structures. It confirms, however, that the archaeological management provisions of the NSW Heritage Act apply and loosely recommends that appropriate care be taken during demolition and initial site clearing.

It is clear that the site is likely to contain relics as defined under the NSW Heritage Act. Accordingly, there should be an Archaeological Assessment made of these potential relics and, if recommended by that Assessment, an application secured for an Excavation Permit from the NSW Heritage Council, prior to the release of the Construction Certificate.

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Appendix C - Heritage Report

Manly LEP

The whole of The Corso is listed as a conservation area and all buildings facing The Corso are listed as Heritage Items on LEP 1988, including the subject Coles Building. The heritage provisions of the LEP require that Council give consideration to the likely impacts of any development proposal on the significance of heritage items and conservation areas.

The Applicant submitted a revised Heritage Report in June 2004, prepared by Noel Bell Ridley Smith, Heritage Consultants.

- In general the Heritage Report presents a thorough historical analysis of the subject land in relation to its general location in the Manly Business Centre.
- It does not summarise or capture the Significance of The Corso as a whole or the subject site, except to say that the existing buildings are generally considered to be intrusive in the Corso.
- The Report states that the demolition of the Coles Buildings, despite their heritage listing, will have no heritage impacts on its own significance or that the surroundings. It also notes that Council does not object to the demolition. We concur with this assessment.
- It presents an analysis of the likely impact of the proposed development on heritage items in the vicinity, using the standard Heritage Office evaluation criteria. It has taken an all-inclusive approach to the various heritage items in the vicinity and concludes that there are no unacceptable adverse heritage impacts. We generally concur with that analysis.

A response from Manly Council Officers questions the impact of the residential portion of the scheme on the traditional or village character of The Corso. They are concerned that any protrusion of new building elements into the sky views behind the main parapet lines facing The Corso will intrude on the larger visual scale of the urban space and degrade its qualities.

Their concerns would be valid for the open sky view behind the many historic façades that line The Corso, but are less valid for the new infill façade on the former Coles site. New upper portions that are visible behind the facades of historic buildings, especially when the setback is not sufficient, tend to degrade the visual and historic integrity of the contribution made by the building to the streetscape. In general terms the ocean end of The Corso has retained this character reasonably well. Tall new buildings in this locality tend to be on sites that are relatively remote from the actual Corso frontage, or address other streets. At the harbour end of The Corso there are a number of larger buildings facing directly onto The Corso and others in the locality that are apparent from within the streetscape.

The proposed upper level residential component of the proposed development is generally set sufficiently far back so as to not visually impose on the scale and integrity of the new infill Corso façade. Accordingly they will not adversely affect the traditional urban character within this section of The Corso that is defined by a group of buildings of varying façade heights and architectural presentations.

The officers also express concern about the use of glass balustrades for the balconies of the new residential units that face The Corso. In general, these balconies are confined to the residential components of the development that are set above the actual façade that fronts directly onto The Corso. They are contained within the new, contemporary architectural expression and not within that component of the façade that is responding, as infill, to the surrounding historic and richly textured context. Accordingly, we do not see any heritage issue related to the use of the glass balustrades in the upper level residential units.

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Appendix C - Heritage Report

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Appendix C - Heritage Report

Manly Urban Design Guidelines 2002 for the Manly Town Centre

The revised Heritage Report briefly discusses the proposal in relation to the Guidelines.

In particular it notes that the Guidelines encourage the management of change in a responsible manner, and that new development should not mimic older buildings or those that may have been on the site previously.

We are aware of the views of the Council Heritage Committee about the importance of the site within The Corso as a heritage precinct, and agree with them that the subject site plays a pivotal role in the locality. We do not agree with the Committee's recommendation that the best way to respect the predominant form and character of the precinct is for the reconstruction of the Campbell's Stores façade. Figure 16 in the Heritage Report uses a c1914 photo of The Corso to identify the Campbell's Stores building as that which remains to the immediate south of the subject site. It is not accepted in conservation circles that reconstruction is a preferred option except in particular circumstances, and particularly where the reconstructed façade will only be the frontage of a modern building. In our opinion, these circumstances do not exist in relation to the current proposal.

We consider that the revised design has incorporated a façade treatment to The Corso that is respectful of the context and appropriate in the circumstances. We do not agree with the Heritage Committee's views that the parapet line should be of a more lively composition.

We also do not agree with the Committee's concerns about the glazed bay windows on The Corso frontage. These reflect a device that was used from time to time in Federation architecture and add richness and complexity to the façade composition.

We have previously expressed our concerns that the roof level pergolas at The Corso frontage should not be directly visible from the public realm in The Corso. The current montages do not appear to have addressed this issue in an appropriate manner. Any pergolas at the roof level behind The Corso façade should be set well back.

We are now not concerned about the scale and massing of the higher components of the development. They are set well enough back as to limit any sense of overwhelming The Corso or imposing themselves on the streetscape.

SREP 23 – Sydney and Middle Harbours

This SREP requires consideration of the impact of the proposal on other heritage items that are visible from the waterways in Sydney Harbour.

We believe that the higher level components, which are the only sections that are readily visible from the Harbour are set within a complex group of buildings and will not overwhelm the character of Manly or the significance of any heritage items that are visible from the water.

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Appendix C - Heritage Report

Recommendations:

Based on the above analysis and the conclusion that there are no unacceptable or adverse heritage impacts on The Corso arising from the proposal development, we recommend that Council should now have no concerns, on heritage grounds, with the amended proposal.

We recommend that two Conditions be added to the Development Consent:

1. There should be a Condition of Consent requiring the preparation of an Archaeological Assessment of potential relics and, if recommended by that Assessment, an application secured for an Excavation Permit from the NSW Heritage Council, prior to the release of the Construction Certificate.
2. There should be a Condition of Consent requiring the pergolas at roof level behind The Corso façade to be set back so that they are not readily visible from the public realm in The Corso.

Signed

Graham Brooks
Graham

Brooks

and

Associates

Pty

Ltd

**Review of Proposed
Mixed Retail & Residential
Development,
The Corso, Manly**

Traffic & Parking Matters

Prepared by
Frederick Roger Gennaoui

on Behalf of Manly Council

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INTRODUCTION

1. Background

A Development Application for the redevelopment of the existing Coles supermarket site situated at N° 8 –28 The Corso, Manly has been submitted to Manly Council. Following the assessment of that application and supporting documents, revised plans were submitted in October 2004.

Gennaoui Consulting was commissioned to assess and report on the traffic impact and parking requirement of the proposed development.

2. The Proposed Development

The proposed development involves replacing the existing Coles supermarket with a new Coles supermarket and associated speciality retail shops with a residential development above. The initial application included the provision of some 53 residential units comprising 8 one bedroom units, 36 two bedrooms units and 9 three -bedroom units. The revised application includes a reduction of 4 residential units resulting in 4 one bedroom units, 28 two bedrooms units and 17 three -bedroom units. Parking for 83 cars including nine (9) spaces for visitors are proposed in conjunction with this development.

It is proposed to access the site via the two existing rear service lanes off Wentworth Street.

3. Scope of Report

This report presents a summary of the review including findings in regard to the likely traffic impact of the proposed development, its parking requirements and vehicular access based on the latest plan. A number of conditions are recommended to form part of the approval process.

EVALUATION OF PROPOSED DEVELOPMENT

4. Issues

This review and evaluation of the proposed development addresses the following issue:

- Whether the proposed development will have an unsatisfactory adverse impact on traffic in the locality;
- Compliance of the development with the relevant parking codes and standards;
- Adequacy of laneways for service vehicles and garbage trucks.

5. Basis of Evaluation

The evaluation of the proposed residential development has been based on a site inspection and a review of the following information:

- Transport Report prepared by Colston Budd Hunt & Kafes Pty Ltd (December 2003);
- Traffic volume counts and INTANAL (Intersection Analysis Software) results provided by Colston Budd Hunt & Kafes Pty Ltd;
- Supplementary information supplied by Colston Budd Hunt & Kafes Pty Ltd;
- Plans DA-01 and DA-13 prepared by Wolski Lycenko Brecknock Architects (November 2003);
- Australian Standard AS 2890.1-2004 for Parking Facilities – Part 1: Off-street car parking;
- Australian Standard AS 2890.2-2002 for Parking Facilities – Part 2: Off-street commercial vehicles facilities.

Following an assessment of the above plans, CBHK was requested to clarify a number of issues and to provide additional information. The request and response are included in **Appendix A**. A number of issues were then addressed and incorporated in the latest plans DA-01b and DA-13b prepared by Wolski Lycenko Brecknock Architects (October 2004). Supplementary traffic information prepared by CBHK in relation to the latest plans (22 October 2004) has also been reviewed.

(i) Traffic Generation of Residential Units

CBHK have adopted the following rates included in the RTA Guidelines (1995) to estimate the likely traffic generation of the proposed residential development:

- 1 & 2 bedroom units: – 0.40-0.50 trips/units in medium density development
- 3 bedroom units: – 0.50-0.65 trips/units in medium density development

Thus between 23 and 27 vehicles trips are likely to be generated by the proposed residential component of the development during the morning and afternoon peak hours as noted in **Table 1**. CBHK have adopted a generation rate of 25 trips; this estimate is concurred with.

Table 1 – Peak Hourly Traffic Generation of Proposed Residential Development

	Dwellings	Rate trips per dwelling	Trips
1 bedroom units	4	0.40-0.50	2
2 bedrooms units	28	0.40-0.50	12-14
3 bedroom units	17	0.50-0.65	9-11
Total	49		23-27

(ii) Traffic Generation of Commercial Development

The existing Coles Supermarket (3,600 m² GFA) and adjacent retail space (1,280 m² GFA) will be replaced by a smaller supermarket (1,701 m² GFA) and retail space (843m² GFA), as advised by the Architects of the project.

The following rate included in the RTA Guidelines (1995) was adopted to estimate the traffic generation of the existing and proposed retail development

Table 2: Peak Hourly Traffic Generation of Proposed Retail Development

	Existing		Proposed	
	Trips/ 100m ² NLA	GLFA	Trips	GLFA
Supermarket	12.5	2,700	338	1,276
Retail	12.5	960	120	633
Total	12.5	3,660	458	1,909

* GLFA = 75% GFA as suggested by Tim Rogers (refer **Appendix A**)

The proposed retail development will generate about 50 percent less traffic than the existing development. CBHK have assumed that, whilst the proposed development is likely to have a lower trip generation than the existing development, the traffic generation of the proposed development will not decrease. This is a conservative approach and is concurred with.

(iii) Impact on Approach Routes

The traffic counts carried by CBHK at the junction of Wentworth Street with Darley Road and with East Esplanade, and at the two rear laneways were obtained and reviewed. The peak hourly traffic volumes included in the CBHK report are considered to be a reasonable representation of weekday traffic conditions in the vicinity of the site.

Wentworth Street currently carries about 350 and 420 vehicles during the morning and afternoon peak hours respectively; East Esplanade currently carries about 950 and 1140 vehicles during the morning and afternoon peak hours respectively. These volumes are expected to increase by no more than 25 vehicles as a result of the proposed development. This marginal increase in traffic is not likely to impact on the capacity of Wentworth Street, East Esplanade and Darley Road.

Similarly the impact of this additional traffic on the operation of the intersections of Wentworth Street with East Esplanade and with Darley Road would be minimal. Both signalised intersections would continue to operate at very good levels of service "A".

6. Assessment of Parking Provisions

(iv) Parking Requirements

Some 73 and 38 parking spaces would be needed to cater for the residential and retail components of the development respectively as noted in **Table 3**.

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Appendix D - Traffic Report

These requirements, summarised below, are based on Manly Council's DCP for the Manly Town Centre Business Zone 1989 (Amendment 3):

- 1 bedroom units: 2 spaces per 3 unit
- 2 bedroom units: 1 space per unit
- 3 bedroom units: 2 spaces per unit
- Visitors spaces: 1 space per 6 units
- All other uses 1 space per 70 m² gross floor area (GFA)

Table 3: Parking Requirements and Provisions of Proposed Development

	Units	Spaces
Residential Component		
1 bedroom units	4	2
2 bedroom units	28	28
3 bedroom units	17	34
Visitor spaces		9
Total Required for Residential	49	73
Retail	2,544 m² GFA	36
TOTAL		109
Parking Supply		83

(v) Adequacy of Parking Supply

Based on the plans prepared by the architects for the project, the proposed development will provide some 83 car spaces including nine (9) spaces for visitors. The applicant proposes to allocate all spaces to the residential component of the development.

It is understood from the architects for the project that whilst some units may be provided with two car spaces, only one of these spaces may be allocated to the strata title of the unit; the remaining space would be available for sale. This situation should not be permitted, particularly if the sale is to tenants of other buildings in the Manly Town Centre.

No allowance has been made for employees or customer of the Coles supermarket and other shops. The rationale stated in the CBHK's December 2003 report is that the existing Coles supermarket does not have on-site parking, and that only six (6) spaces are provided for the existing other uses of the site.

It is concurred with the applicant that customers of Coles and other the retail components of the development should continue to park elsewhere in the centre as currently taking place. However, it is our experience that for retail establishments about 25 to 30 percent of car spaces is required by Staff.

It is therefore recommended that eight (8) spaces provided in excess of the 73 spaces required for the residential component of the development be allocated to employees of the supermarket and the speciality shops. The remaining two (2) spaces be allocated to the one bedroom unit so that each of these type of units have a space.

ATTACHMENT 4

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(vi) Assessment of Parking Layout

Some 83 parking spaces will be provided in the basement as shown in Plan DA-01b prepared by Wolski Lycenko Brecknock Architects.

The car parking layout was compared to the requirements of the Australian Standard 2890.1-2004. The requirements of the standard and the design features of the proposed development are shown in **Table 4**.

The parking area generally complies with the requirements of the Australian Standard (2004). However, after a closer examination the following matters have been identified:

- Space 2 should be widened to 2.5m;
- The storage area at the rear of spaces 30 to 39 would be difficult to access with a car parked in the space; a walkway adjacent to the storage area should be provided; this could be achieved by reducing the width of the aisle from 6.5m to 6.0m.

Table 4: Comparison of Parking Requirements with Proposal

Area	Australian Standard	Proposed Development
Access Driveway		
For 1 to 125 spaces	3.0 to 6.0m combined	Separate entry/exit 3.6m each
Circulation Roadway		
One Way	2.9m between kerbs	NA
Two way	5.5m between kerbs	5.8 m
Aisle Width		
One Way	2.9m	NA
Two way	5.5m	6.5 m
Car spaces 90° Low Turnover		
to wall or high kerb	2.5 m x 5.4 m	Min 2.4 m x 5.5m (space N°2)
Between obstructions such as column or walls	2.7 m x 5.4 m	
Disabled parking spaces		
Number	1-2% of spaces	6 spaces
Width	3.2 m x 5.4 m including overlap allowances	3.8 m x 5.5 m including overlap allowances
Ramps		
Width one way	Min 2.9m	3.6 m
Width two way	Min 5.5m	6.5 m
Main gradient	Max 1:5 (20%)	Max 1:8 (12.5%)
Adjacent to entry and exit points gradient	Max 1:8	Max 1:10

7. Pedestrian Access

Direct pedestrian access to both the residential and commercial component of the development will be provided from The Corso.

8. Vehicular Access

(vii) Access Laneways

The site is serviced by two laneways. The western laneway currently provides access to the Coles Supermarket loading facility, and to shops fronting The Corso. The eastern lane currently provides access to shops fronting The Corso including six parking spaces.

On street parking on the western of side of Wentworth Street adjacent to the laneways currently restrict sight lines for cars exiting the lanes. To improve sight distances for cars exiting and entering the laneways, on street parking should be banned either side of the laneways.

Western Laneway

The western laneway will provide access to the residential basement car park and would continue to provide access to the loading dock of the new Coles Supermarket. This laneway is about 6 metres wide and is suitable for two-way traffic movements.

CBHK has provided turning paths for cars and large rigid trucks (10.7m) accessing the basement car parks and the Coles supermarket loading dock respectively. These turning paths are included as **Appendix B**. All turning paths are based on the assumptions that all trucks would turn right from Wentworth Street into the laneway and right turn out of the laneway onto Wentworth Street. Left turning into and out of the laneways would require the truck to go on the wrong side of Wentworth Street.

The western laneway also provides access to other developments fronting East Esplanade and Wentworth Street. CBHT has supplied turning templates, included as **Appendix C** for cars entering and existing the adjacent site, the plan also shows the existing vehicle passing a rigid truck. CBHT conclusion that the western laneway is wide enough to cater for a truck and a car is concurred with. However, it should be understood that two trucks couldn't use the laneway at one time.

Eastern Laneway

The eastern laneway is 3.2 metres wide for a distance of about 42 metres; it then widened to a 12m x 10m right of way area. It is recommended that mirrors be placed appropriately at both ends of the laneway so that drivers accessing the site from Wentworth Street or departing the site could ensure that no other vehicle is already in the laneway.

The turning paths for small rigid trucks (6.4m) accessing the eastern loading dock were also provided and are included as **Appendix B**.

(viii) Loading Facilities & Delivery Vehicles

Coles Supermarket

The CBHK report did not include the truck generation of the existing supermarket. Henroth Investments Pty Ltd (letter 11 August 2004) provided vehicle movement counts for the existing Coles Store on The Corso. This information is included as **Appendix D**.

It appears that between 21 and 26 deliveries (14 to 20 rigid trucks and 5 to 8 semi trailers) take place on weekdays, thus generating about 50 two-way traffic movements per day.

When the loading dock is already in use, other delivery vehicles have to currently wait in Wentworth Street thus affecting traffic flows along this street. Furthermore, all trucks accessing the existing Coles Supermarket have to reverse into the laneway. In order to ensure that all trucks drive in and out in a forward direction, the existing loading dock will be reconstructed and provided with a turntable suitable for large rigid trucks (10.7m).

With the store reducing in size, the applicant has advised that the total number of truck deliveries would not changed; however, no articulated trucks would be used in conjunction with the new Store.

In order to resolve these issues, CBHK has indicated that a management plan would be prepared to facilitate appropriate management of the dock. This would include prohibiting deliveries by articulated vehicles, and the allocation of slot times for deliveries to avoid double parking and on street waiting in Wentworth Street.

Eastern Dock.

A loading dock will be provided to service the small shops. Access will be from the eastern laneway. The largest vehicle that can access this dock is a small rigid truck (6.4m long) due to the width of the lane. This dock would only service the minor retail as is does now. There is enough room in the right of way area for vehicles to exit the site in a forward direction.

As discussed above, mirrors should be placed at both ends of the laneway so that drivers accessing the site from Wentworth Street or departing the site could ensure that no other vehicle are already in the laneway.

Residential

The plans do not readily indicate parking provisions for delivery vehicles servicing the residential units. In effect the plans shows that to access the residential lifts all access will be from The Corso or in the basement car park. Delivery vehicles accessing the site from The Corso would need to park adjacent to the site, thus interfering with normal traffic movements. Deliveries from The Corso should be restricted to outside working hours.

9. Waste Disposal

Garbage collection for Coles and the residential units will be from the western lane. Coles waste will be removed by Council from within the loading dock thus the garbage truck would use the turntable to exit the site in a forward direction.

CBHK initially advised that the collection of residential garbage would be either via the Coles dock or from the lane. If from the lane then the garbage would have to reverse down the lane (as it currently does). The applicant has since met with Council and agreed that when residential waste is to be collected, Council garbage truck collecting the Coles waste would leave the Coles loading dock and collect the residential waste as it drove out to Wentworth Street. Thus all garbage trucks servicing the western lane would drive in and out in a forward direction. This approach is considerate adequate and is supported.

CBHK has indicated that garbage generated by the small specialty shops would be removed from the eastern loading bay by a small garbage truck most likely serviced by a private contractor. All garbage trucks servicing the eastern lane would also drive in and out in a forward direction.

3.Construction Traffic

CBHK has advised that if the development is approved, a construction traffic management plan would be prepared. This would set out details of access, type and number of vehicles associated with construction and the length of construction. All construction access would be from the western laneway.

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

This traffic generated by the proposed development is not likely to impact on the the surrounding road network including the intersections along Wentworth Street.

The proposed development will provide 83 parking spaces. The applicant proposes to allocate all spaces to the residential component of the development. No allowance has been made for employees or customer of the Coles supermarket and other shops.

The basement parking area complies with the Australian Standard (2004) requirements; all spaces have a width of 2.5m or larger except for Space 2, designated for visitors, which has a width of 2.4m; this space should be widened to at least 2.5m.

The above assessment indicates that if the development is approved, than it should be subject to the inclusion of the following conditions of consent.

10. Recommended Conditions of Consent

The following conditions of consent are recommended to form part of the approval process. They assume that the proposed development will be in accordance with all the plans and documents referred to in this report.

Construction Phase

A construction traffic management plan should be prepared and submitted for approval by Council prior to the commencement of construction. This would set out details of access, type and number of vehicles associated with construction and the length of construction. All construction access should be restricted from the western laneway.

Access Laneways

- Mirrors must be placed appropriately at both ends of the eastern laneway so that drivers accessing the site from Wentworth Street or departing the site could ensure that no other vehicle is already in the laneway.
- To improve sight distances for cars exiting and entering the laneways, on street parking in Wentworth Street should be banned either side of the laneways.
- All trucks should enter the laneways by turning right from Wentworth Street; similarly they should exit the laneway by turning right onto Wentworth Street.

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Parking

- 64 parking spaces should be allocated to the residential unit in accordance with Manly council's code requirements and should form part of the strata title of the unit; an additional two (2) spaces should be allocated to one-bedroom units for which no allocation is required by Council.
- Nine (9) visitor car spaces shall be provided and made accessible at all times and a sign post shall be erected at the vehicular entry point of the development indicating the location of the spaces.
- Eight (8) spaces within the basement car park shall be allocated to employees of the supermarket and the other shops, and appropriately incorporated in the strata title of these developments.
- The basement car park should be designed in accordance with Australian Standard 2890.1-2004. All spaces should have a minimum of 2.5m width including Space 2.
- The storage area at the rear of spaces 30 to 39 would be difficult to access with a car parked in the space; a walkway adjacent to the storage area should be provided; this could be achieved by reducing the width of the aisle from 6.5m to 6.0m.

Loading Facilities

- Only large rigid trucks (not exceeding 10.7m in length) shall service the Coles Supermarket loading dock.
- A turntable should be provided in the Coles loading dock area to accommodate a large rigid truck of 10.7m in length.

ATTACHMENT 4

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8-28 The Corso, Manly

Appendix D - Traffic Report

- A loading dock management plan shall be provided to and approved by Council prior to occupation. The plan should prohibit deliveries by articulated vehicles, and included the allocation of slot times for deliveries and waste removals to avoid on street waiting.
- Delivery trucks servicing the eastern laneway shall be restricted to small rigid trucks (6.4 metres in length). All vehicles shall enter and exit the site in a forward direction.
- Deliveries to the residential component from The Corso should be restricted to outside working hours, say from 6pm to 9pm.

Garbage Trucks

- Garbage trucks servicing the western laneway shall not be larger than a large rigid truck not exceeding 10.7 metres in length.
- The applicant enters into an agreement permitting Council's garbage trucks to use the turntable in the Coles loading dock.
- Garbage trucks servicing the eastern laneway shall be restricted to small rigid trucks (6.4 metres in length).
- The applicant provides Council with a copy of a written agreement with a private contractor to remove garbage generated by the small specialty shops from the eastern loading bay by a small garbage truck.
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Environmental Services Division Report No. 20

8-28 The Corso, Manly

Appendix E - Access Report

15th December 2004

The General Manager
Manly Council
PO Box 82,
Manly NSW 1655

Re: 8-28 The Corso Manly

Attention: Chris Young

Dear Sir

As requested we have reviewed the drawings provided as well as the report from Accessibility Solutions dated 27th October 2004 and note the following matters:

Basement – Drawing DA 01b.

1. There are 5 spaces indicated for the adaptable dwellings, of which use shared space with access ways to exits, spaces 28 & 29. AS2890.1 only allows shared space on path to exits where a minimum of 500mm of the exit path is not shared.
2. Accessible space 40 has a column towards the front of the space, restricting its width to 2500mm.
3. One of the accessible spaces provided is only 3550mm wide in lieu of the required minimum 3800mm and is therefore not compliant.
4. None of the accessible spaces is 6000mm deep as required by AS4299 being 5500mm, however spaces 29, 38 and 39 can use the area behind the car space.
5. There is considerable doubt that accessible spaces 28 and 29 can achieve the required 2500mm clear overhead when considering the levels of the retail area above. Refer to Item 10 below.
6. There is one accessible visitor's space which is compliant.
7. There is no floor level indicated on the plan however the section indicates RL 2.4. The unisex accessible toilet is located under the entry ramp to the car park and appears to have far less than the required minimum 2000mm headroom if the ramp complies with AS2890.1 Clause 2.5.3(b) & (c) at the inside radius.
8. The access report states that the toilet will be detailed later but would be 2750mm x 1900mm (a size that can be compliant, however this would further exacerbate the height problem. As drawn the toilet is approximately 2300mm x 2300mm a size that could also be compliant as long as the head room problem is resolved.
9. The residential garbage room does not have an area 1550mm clear in front of the garbage bins for the adaptable dwellings, however this could be conditioned.

Ground Floor Level – Drawing DA 02b

10. The footpath and the entry of the Coles foyer are at RL 5.16, whilst the main body of Coles is RL5.40, it is assumed that the floor will not exceed 1:20 gradient, however this means that the floor to floor clearance in the basement is reduced to 2760mm. There are no levels indicated within the 2 retail areas on either side of the Coles entry, however the footpath levels vary from RL 5.08 at the north eastern end and RL 5.40 at the south western end. As there are no ramps indicated it is assumed that the floor levels will align with the footpath levels reducing the floor to floor level at the north east end to 2680mm over the accessible car spaces 28 and 29. when structure is considered it would seem improbable that 2500mm clear overhead would be feasible.
11. The double entry doors into the residential foyers do not have an 850mm clear opening operable leaf. This can be easily achieved and should be conditioned.
12. Although not detailed the unisex accessible toilets appear large enough and can be conditioned.

Mezzanine level – DA 03b

13. There is a mezzanine level to both of the retail areas with no accessible path of travel provided to them.

First Floor Level – DA 04b

There are 5 designated adaptable dwellings on this level.

14. The Applicant's access report contains a number of possible variations for kitchens as none are indicated on the drawings. Whilst none accurately portray the kitchens as drawn we are of the opinion that there is sufficient allowance for compliant kitchens to be designed except for Unit C105 where the island bench does not have 1550mm clearance. AS4299 requires the potential configuration of the kitchens after adaptation to be demonstrated prior to certification. We believe this to mean that the kitchen layouts should be illustrated for certification prior to a DA submission in both before adaptation and after adaptation modes.
15. The bathrooms are generally illustrated on the drawings and the Applicant's access report contains a compliant bathroom layout which is consistent with Units C101, C102 and C103, however not with C104 and C105, which in our opinion is not compliant. The width of C104 does not appear to be capable of being 2060mm width clear of finishes and C105 does not appear to comply in regard to the door circulation space.
16. Unit C101 has a non compliant laundry recess in that it opens onto a 1000mm wide corridor with a minimum 1200mm required. This can be conditioned.
17. The door into Bedroom 1 of Unit C104 does not have the circulation space required by Figure 12(a) of AS1428.1 although there appears to be an attempt to comply with Figure 12(c) which is in our opinion inappropriate. This can be conditioned.
18. The double doors out into the common area do not have an 850mm clear opening to the operable leaf. This can be conditioned.
19. There are no levels at this door to enable us to determine whether it complies with AS1428.1. This can be conditioned.
20. There are no levels in the common areas to enable us to determine whether it is on a continuous accessible path of travel. This can be conditioned.
21. The drawing illustrates isolated paving stones that are unsuitable for use on an accessible path of travel. This can be conditioned.

Should you wish to discuss any of these matters please contact the undersigned.

DISABILITY ACCESS CONSULTANTS PTY LTD

Per
Trevor Beardsmore

1st February 2005

The General Manager
Manly Council
PO Box 82,
Manly NSW 1655

Re: 8-28 The Corso Manly

Attention: Chris Young

Dear Sir

Further to our comments of 24th December 2005 and in response to the comments from Garry Brown dated 24th January 2005, we suggest the following amended conditions are applicable.

General

1. The development is to have a continuous accessible path of travel, as defined by AS1428.2, from the main points of entrance at the boundaries and from any required accessible parking spaces, to and within the premises through the principal entrance and to all areas within the development to which the general public have access within the retail and commercial sectors and up to and including the common areas of the residential sector.
2. Each retail space is to have an accessible path of travel from the street boundary through their principle entries.
3. The applicant is to provide suitable signage incorporating the universal symbol of access in accordance with AS1428.1, (white on ultramarine blue) indicating the direction and location of the accessible entries.
4. Provide at least one accessible car space within the site with a minimum 3200mm width x 5500mm long with a minimum of 2500mm clearance overhead in accordance with the requirements AS2890.1 and a minimum clear height on the vehicular path of travel to the accessible spaces of 2200mm.
5. Provide 5 accessible car spaces for the adaptable dwellings within the site with a minimum 3800mm width x 6000mm long with a minimum of 2500mm clearance overhead in accordance with the requirements AS2890.1 and a minimum clear height on the vehicular path of travel to the accessible spaces of 2200mm. The 6000mm depth can include 500mm borrowed space within the driveway to supplement the 5500mm provided however this may

not be enclosed. Note that as drawn accessible space 40 has a column towards the front of the space, restricting its width to 2500mm.

6. All required accessible parking spaces will have a maximum cross fall or gradient of 1:40 in any direction.
7. Suitable signage incorporating the universal symbol of access in accordance with AS1428.1, (white on ultramarine blue) indicating the direction and location of the accessible parking spaces is to be located at the entry and at all changes of direction.
8. The accessible car space not assigned to an adaptable dwelling is to be identified by means of the white international symbol of access in accordance with AS1428.1, between 800mm and 1000mm high placed on an ultramarine blue rectangle with no side more than 1200mm, placed as a pavement marking in the centre of the space between 500mm and 600mm from its entry point. There is no requirement to provide access identification at the spaces for the adaptable dwellings.
9. The residential garbage room is to have an area 1550mm clear in front of the garbage bins suitable for use by the occupants of the adaptable dwellings.
10. The surface on all continuous accessible paths of travel are to be slip resistant and have no level difference greater than 3mm (or 5mm if rounded or splayed) between adjoining surfaces.
11. All walkways, ramps and landings on the continuous accessible paths of travel as well as all stairs, are to comply with AS1428.1.
12. Lifts are to comply with the requirements of D3.6 of the BCA and AS1735 part 12.
13. Door thresholds on the continuous accessible path of travel are to have no level difference greater than 3mm inside to outside or are to have a threshold ramp complying with Figure 10 of AS1428.1.
14. All non fire isolated stairs in the development are to be constructed in accordance with the requirements the BCA and AS1428.1 including but not limited to;
 - i) handrails on both sides of the stair that comply with Figures 9 and 17 of AS1428.1, and
 - ii) have a 30% luminance contrast with the wall, and
 - iii) nosings that are 50mm – 75mm wide with a 30% luminance contrast to the tread, and
 - iv) risers that are vertical with no lip or projection and are fully enclosed and opaque.
15. All non fire isolated stairs in the development are to have tactile ground surface indicators installed at the top and bottom of the stairs in accordance with AS1428.4 and on mid landings where the handrails are not continuous on both sides.
16. All doorways on the continuous accessible paths of travel within the retail and commercial sectors and to the common areas of the residential sector, are to comply with Clause 7 of AS1428.2 and are to have a minimum 850mm clear opening (including 850mm clear opening to the operable leaf of double doors), with circulation spaces in accordance with the requirements of Figures 12 or 13 of AS1428.1 plus the additional dimensions required by Clause 11.5 of AS1428.2, except where the door is an automatic opening door.

17. All required circulation spaces at doors and gates within the retail and commercial sectors and to the adaptable dwellings as well as to the common areas of the residential sector, are to have a maximum 1:40 gradient or cross fall for the full area of the required circulation space.
18. Doors in airlocks or vestibules within the retail and commercial sectors and to the adaptable dwellings as well as to the common areas of the residential sector, are to comply with Figure 15 and clause 7.4 of AS1428.1.
19. Glazed doors and sidelights within the retail and commercial sectors and on the paths of travel to the adaptable dwellings as well as to the common areas of the residential sector, are to have a transom not less than 75mm wide or a solid line 75mm wide at a height between 900mm and 1000mm and having 30% luminance contrast with the background against which it is viewed.
20. The unisex accessible sanitary facilities are to be constructed in accordance with the requirements of Clause 10 and Figures 18 to 30 of AS1428.1 except that the circulation space is to comply with Figure 11 of AS1428.2 (1900mm wide x 2300mm long). All accessible sanitary facilities are to have a shelf.
21. The unisex accessible toilet located under the entry ramp to the car park is to be redesigned to provide the required minimum 2000mm headroom under the ramp that is to comply with AS2890.1 Clause 2.5.3(b) & (c) at the inside radius.
22. Where there is more than one unisex accessible sanitary facility provided in the common areas within the retail and commercial sectors and to the common areas of the residential sector, the alternate facilities must be opposite hand.
23. Identification of sanitary facilities within the retail and commercial sectors and in the common areas of the residential sector, are to be raised tactile with 30% luminance contrast and in accordance with the BCA and Clause 10.9 of AS1428.1 with the additional requirement of having Braille equivalent.
24. Controls on the continuous accessible paths of travel within the retail and commercial sectors as well as to the common areas of the residential sector, (other than power points) are to comply with the requirements of Clause 11 of AS1428.1. In particular controls that:
 - i) need to be grasped or turned with all controls (other than power points) being between the heights of 900mm – 1100mm and no closer than 500mm from an internal corner, or
 - ii) that only need to be pushed being between the heights of 900mm – 1200mm and no closer than 500mm from an internal corner, or
 - iii) that only need to be touched being between the heights of 900mm – 1250mm and no closer than 500mm from an internal corner except as allowed for lifts in AS1735.12.
25. All door handles on the continuous accessible paths of travel are to be “D” type levers or handles with the clearance between the handle and the back plate or door not less than 35mm or more than 45mm.
26. Handles on sliding doors within the retail and commercial sectors as well as to the common areas of the residential sector are to be not less than 60mm from the door jamb lining as indicated on Figure 11(b) of AS1428.1.
27. Doors on accessible paths of travel within the retail and commercial sectors and to the adaptable dwellings as well as to the common areas of the residential sector, are to have a

minimum 30% luminance contrast with the surrounding wall or the frame and / or architrave are to be no less than 50mm wide and are to have a 30% luminance contrast with the wall.

28. Door handles and levers within the retail and commercial sectors as well as to the common areas of the residential sector are to have a 30% luminance contrast with the door.
29. All signage, other than trade names or the like within the retail and commercial sectors is to be upper and lower case sans serif lettering, Arial or Helvetica Medium or similar, with the lower case letters no less than one half the height of the upper case letters. Lettering sizes are to be no less than that required by AS1428.2 Clause 17.
30. Security or intercommunication systems and the like are to be mounted in the continuous accessible path of travel from the boundaries or accessible visitor car space or associated building, between the heights of 900mm – 1100mm and no closer than 500mm from an internal corner. The security or intercommunication system is to incorporate suitable hearing augmentation.
31. Lighting on the continuous accessible paths of travel externally is to comply with AS1158.3.1 : 1999 "Road lighting - Pedestrian Area (Category P) lighting", Tables 1.1 and Table 2.1 and is to be no less than 10 lux with no less than 150 lux at entries.

Glare and intrusive light is to be controlled in accordance AS4282 : 1997 "Control of the obtrusive effects of outdoor lighting".
32. Interior lighting on the continuous accessible paths of travel is to be in accordance with AS/NZS 1680.0.

Residential sector

Note: The following conditions are related to the adaptable dwellings only which are to be constructed to AS4299 "Class C" specifications.

33. The development is to have a continuous accessible path of travel from the main point of entrance at the boundary and from any required accessible parking spaces to and within the premises through the principal entrance;
 - i) to all common areas, common facilities and unique features within the development, and
 - ii) to all entrances of the adaptable dwellings.
34. Letterboxes for the adaptable dwellings must be lockable, and must be situated on a hard standing area at least 1550mm x 1550mm with cross falls in both directions not exceeding 1:40 and have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.2) to the dwellings.
35. The main entry door to each adaptable dwelling must:
 - (a) have an 850mm clear opening door with circulation spaces complying with AS1428.2, and
 - (b) must have an area 1550mm diameter in front of the door, and
 - (c) must have a "D" type lever door handle and other hardware that enables the door to be unlocked and opened with one hand and that complies with the requirements of AS 1428.1.
36. Internal doors within the adaptable dwellings must have a clearance of at least 820 millimetres and have circulation spaces complying with Figures 12 or 13 at all doors to

required facilities. The door into Bedroom 1 of Unit C104 does not have the circulation space required by Figure 12(a) of AS1428.1.

37. Internal corridors within adaptable dwellings must have a width of at least 1,000 millimetres clear of finishes.
38. The living room in each adaptable dwelling must comply with Clause 4.7 of AS4299.
39. The kitchen in each adaptable dwelling must comply with Clause 4.5 of AS4299 including:
 - (a) a clear space between benches of at least 1,550 millimetres, and
 - (b) benches that include at least one work surface:
 - (i) that is at least 800 millimetres in length, and
 - (ii) that can be adjusted or replaced as a unit at variable heights within the range of 750 millimetres to 850 millimetres above the finished floor surface, and;
 - (c) cook tops:
 - (i) with either front or side controls, and
 - (ii) with controls that have raised cross bars for ease of grip, and
 - (iii) that include an isolating switch, and
 - (d) a work surface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
 - (e) an elevated oven that is located adjacent to an 800mm long work surface the height of which can be adjusted.
40. At least one bedroom within each adaptable dwelling must comply with Clause 4.6 of AS4299.
41. A bathroom within each adaptable dwelling must comply with Clause 4.4 of AS4299 including the area requirements of AS1428.1. In particular the width of bathroom C104 is to be at least 2060mm width clear of finishes to allow for a visitable toilet and the bathroom in C105 is to have compliant door circulation space.
42. A toilet within each adaptable dwelling must be visitable and must comply with Clause 4.4 of AS4299.
43. The laundries within each adaptable dwelling are to comply with Clause 4.8 of AS4299 including the requirement for an area of 1550mm diameter in front of the fitments.
44. The applicant is to provide drawings as required by AS4299 demonstrating the potential configuration of the kitchens and bathrooms after adaptation prior to the construction certification phase.
45. The double doors out into the common areas of the residential sector are to have an 850mm clear opening to the operable leaf.
46. All of the common areas of the residential sector are to be on a continuous accessible path of travel.
47. Isolated paving stones are unsuitable for use on an accessible path of travel, provide a suitable material that complies with the requirements of AS1428.1 Clause 12 including the notes to that clause.

Should you wish to discuss any of these matters please contact the undersigned.

DISABILITY ACCESS CONSULTANTS PTY LTD

Per
Trevor Beardsmore

NOISE REVIEW AND ASSESSMENT
COLES RETAIL/RESIDENTIAL DEVELOPMENT
THE CORSO, MANLY

Henroth Developments Pty Ltd submitted a Development Application to Manly Council seeking approval to redevelop the existing Coles Manly site for the purpose of a new mixed residential and commercial development. The application was supported with an Acoustic Report prepared by Richard Heggie Associates date 23 January 2004. Further to the Heggie report and meetings with the applicant, additional information prepared by the applicant was submitted to support the application.

The main noise and vibration issues identified as being associated with the proposal relate to demolition/construction activities, operational activities and traffic noise. It is our opinion that demolition and construction noise and vibration can be controlled with the adoption of appropriate construction methods and construction management plans. Additionally operational noise issues can be addressed with appropriate conditions and the adoption of purpose designed noise controls. Three (3) issues of potential concern that should be clarified by the applicant prior to DA approval and to the satisfaction of Council relate to;

- overall building height with the potential requirement to house the roof top plant and equipment in a purpose built plant room,
- the requirement for individual apartment building treatments to control noise intrusion from the driveway activities including trucks, and
- the control of vibration/structural noise from loading dock activities.

The information reviewed and addressed in this report relates to environmental noise and vibration issues only. Building noise requirements referenced to the BCA2004 (Building Code of Australia) and internal noise and vibration control have not been considered or addressed in this report. Referenced to meeting with the applicant and the Heggie reports, it is recommended as part of any pending Development Approval the following noise and vibration conditions be considered by Council and form part of that approval.

Site Development

1. Prior to the issue of a Construction Certificate the applicant shall prepare a Noise and Vibration Demolition and Construction Management Plan. As part of the NVDCMP a detailed dilapidation assessment shall be undertaken for all adjacent residential and commercial premises. The assessment shall include photographic details of existing building conditions. The report shall certify compliance with the design assessment goals. If the Construction Certificate is to be issued by a PCA, then a copy of the report shall also be provided to Council.

2. The NVDCMP shall be prepared in accordance with the procedures set out in "The Council the of City of Sydney. Code of Practice for Construction Hours/Noise within the Central Business District".
3. Vibration from demolition/excavation/construction activities shall not exceed the base curves presented in British Standard BS6472-1992 as modified by the applicable multiplying factors in the standard for continuous vibration for the relevant building category (place).
4. Site establishment, demolition and construction hours shall be restricted to;

Monday to Friday (inclusive)	07.00 to 18.00, and
Saturday	07.00 to 17.00

5. The applicant shall keep a legible record of all complaints made to the applicant or any employee or agent of the applicant in relation to noise or vibration arising from any activity to which the approval applies.
6. The record must include details of the following:
 - the date and time of the complaint
 - the method by which the complaint was made;
 - any personal details of the complaint which were provided by the complainant or, if no such details were provided., a note to that effect;
 - the nature of the complaint;
 - the action taken by the applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - if no action was taken by the applicant, the reason why no action was made.
7. The recorded of the complaint must be kept for not less than 4 years after the complaint was made.
8. On request the record must be produced to any authorised officer of the Council after the complaint was made.
9. The applicant or agent of the applicant shall operate during its construction hours a telephone complaints line for the full duration of the demolition and construction period for the purpose of receiving any complaints from members of the public in relation to activities conducted at the site or by the vehicle or mobile plant associated with the site.
10. The applicant shall notify the public of the complaints telephone number and the fact that it is a complaint line so that the impacted community knows how to make a complaint.
11. The applicant shall undertake to cease all site works on the report of damage to neighbouring buildings and structures. Works shall no recommence on the building site until the reported matter has been resolved to the satisfaction of the PCA or Council.
12. The applicant or the applicants agent shall implement throughout the duration of the demolition and construction period a noise and vibration

impact complaints response protocol that ensures noise complaint, vibration complaints and noise and vibration complaints from noise sensitive receivers are investigated:

- within 2 hours of receiving the complaint, and
- in accordance with any prior complaint management agreement made with the complainant.

13. The applicant or the applicant's agent shall undertake noise, regenerated noise and or vibration monitoring as directed by the PCA or an authorised officer of the Council.

Operational Noise Control

14. All residential occupancies forming part of the proposal shall be designed and constructed so that the repeatable maximum internal $L_{Aeq, 1 \text{ hour}}$ level shall not exceed the following levels:

- (i). In a naturally ventilated - windows closed condition :
 - Sleeping areas (nighttime only: 10.00pm-07.00am) 35dB(A)
 - Living areas (24 hours) 45dB(A)
- (ii). In a naturally ventilated – windows open condition (ie, windows open 5% of the floor area, or attenuated natural ventilation open 5% of the floor area):
 - Sleeping areas (nighttime only: 10.00pm-07.00am) 45dB(A)
 - Living areas (24 hours) 55dB(A)
- (iii). Where naturally ventilated – windows open noise condition cannot be achieved, it is necessary to incorporate mechanical ventilation or airconditioning.
- (iv). In a mechanically ventilated or air conditioned space with door and windows closed the combined external and ventilation system $L_{Aeq, 1 \text{ hour}}$ level shall not exceed the following:
 - Sleeping areas (nighttime only: 10.00pm-07.00am) 38dB(A)
 - Living areas (24 hours) 46dB(A)

15. Prior to the issue of a Construction Certificate the applicant shall prepare a comprehensive Building Facade Design Assessment Report. As part of the report details of the glazing acoustic specifications and window/door types and ventilation requirements shall be nominated. The report shall certify compliance with the design goals. If the Construction Certificate is to be issued by a PCA, then a copy of the acoustic compliance report shall also be provided to Council.

16. The cumulative noise emission from all mechanical plant operating on the commercial/retail/residential premises shall not give rise to a sound level contribution exceeding the background noise level (without the plant operating) by more than 5dB(A) when assessed as an L_{Aeq} level (over 15 minutes) at any residential boundary or residential balcony. In accordance with standard recognised assessment procedures '*correction modifying factors*' shall be considered and applied where applicable.

17. The cumulative noise emission from all mechanical plant operating on the commercial/retail/residential premises shall not give rise to a sound level contribution exceeding $L_{Aeq, 15 \text{ min}}$ 59dB(A) (daytime), $L_{Aeq, 15 \text{ min}}$ 51dB(A) (evening) or $L_{Aeq, 15 \text{ min}}$ 50dB(A) (night), at any residential boundary or residential balcony. In accordance with standard recognised assessment procedures '*correction modifying factors*' shall be considered and applied where applicable.
18. Prior to the issue of a Construction Certificate the applicant shall prepare a comprehensive Mechanical Plant Acoustic Design Assessment Report. As part of the report details of the plant selections and installation requirements shall be nominated. The report shall certify compliance with the design goals. If the Construction Certificate is to be issued by a PCA, then a copy of the acoustic compliance report shall also be provided to Council
19. Prior to the release of the Occupation Certificate an assessment shall be undertaken by a qualified Acoustic Consultant (agreed by Council) and submitted to the PCA or Council for approval. If the Occupation Certificate is to be issued by a PCA, then a copy of the acoustic compliance report shall also be provided to Council. The report shall present the results and findings to certify that noise levels satisfy the requirements of Conditions 14, 16 and 17.
20. The operators of the commercial and retail premises shall ensure that their garbage contractors do not collect waste from their premises between the hours from 10.00pm to 7.00am (Monday to Friday) and 10.00pm to 8.00am (Saturday and Sunday).
21. The operators of the commercial and retail premises shall ensure that deliveries and unloading of vans and small trucks (Class 1 to Class 3 vehicles) occur between the hours from 7.00am and 8.00pm (Monday to Friday) and 8.00am to 8.00pm (Saturday and Sunday). No deliveries or unloading of vans and small trucks (Class 1 to Class 3 vehicles) shall be undertaken outside the above hours.
22. Operators of the commercial and retail premises shall ensure that deliveries and unloading of large or articulated trucks (larger than Class 4 vehicles) occur between the hours from 8.00am to 8.00pm (Monday to Friday) and 8.00am to 8.00pm (Saturday and Sunday). No deliveries or unloading of large or articulated trucks (larger than Class 4 vehicles) shall be undertaken outside the above hours
23. Operators of the commercial and retail premises shall ensure that trucks do not stand or park on the road way between Wentworth Avenue and the designated onsite truck parking and unloading areas
24. Operators of the commercial and retail premises shall ensure that activities associated with the unloading of trucks and general activities in the vicinity of the loading docks shall not give rise to audible noise or the transmission of vibration and associated structural borne noise to any other occupancy.

I trust the information in this letter is satisfactory. Please do not hesitate to contact me if further information or clarification is required.

Yours sincerely,

ATKINS ACOUSTICS & ASSOCIATES PTY LTD.

Graham Atkins

COLES SITE REDEVELOPMENT
THE CORSO
MANLY

AMENDMENTS TO ORIGINAL DA SUBMISSION

20TH OCTOBER 2004

GENERALLY

1. FLOOR SPACE RATIO (FSR) REDUCED

- Originally FSR was 3.28:1
- FSR now reduced to 3.0:1

2. BUILDING BULK REDUCED

- Wentworth and Esplanade Buildings reduced in size

3. APARTMENT NUMBERS REDUCED AND RE-CONFIGURED

- 53 to 49 Dwellings

4. CORSO STREET FACADE REDESIGNED

- Facade now relates better to surrounding buildings

5. RESIDENTIAL ACCESS AND CIRCULATION MODIFIED

- Residential entry to Wentworth Building added
- New core to Wentworth Building
- Bridge elements between Wentworth and Esplanade Buildings deleted

6. DISABLED ACCESS AND FACILITIES UPGRADED

- 5 Adaptable units included

7. GARBAGE COLLECTION MODIFIED

- In discussion with Council's staff

ATTACHMENT 7

Environmental Services Division Report No. 20

8-28 The Corso, Manly

Appendix G - Amendments to Original DA Submission

AMENDMENTS

REASON

DRAWING No

1. Floor Space Ratio (FSR) Reduced

<ul style="list-style-type: none"> - Floor Space Ratio reduced from 3.28:1 to 3.0:1. Figures as defined by Manly Council LEP. - Approximately 770 sq m of building gross floor area reduced. 	<p>Reduced building bulk to meet Council guidelines regarding urban design and amenity issues.</p>	<p>DA 4B,09B</p>
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2. Building bulk reduced

<ul style="list-style-type: none"> - Esplanade building reduced in bulk and repositioned <ul style="list-style-type: none"> - Increased building set back from 3.0 to 4.7 and 5.4m from southern side boundary - Increased upper levels of building set back to 25.8m from Corso boundary - Revised configuration at link from Corso building to Esplanade Building. - AC plant moved from roof to be contained within building. - South facade fenestration modified. - Wentworth building reduced in bulk <ul style="list-style-type: none"> - Increased southern end set back separation from Esplanade building and thereby reduced size of Wentworth building. - Corso Building reduced in bulk (see item 4). 	<p>Increased amenity both for apartments in our development and for the future development of the neighbouring property, being East Esplanade. Further reduce 'visibility' of western end of upper levels of Esplanade Building from Corso.</p> <p>Increased definition of buildings. Increased amenity for apartments.</p> <p>Reduced building bulk. Greater amenity for neighbours and future adjoining development.</p> <p>Reduced building bulk. Increased sun penetration to northern face of Esplanade Building.</p>	<p>DA 05 - 09B</p> <p>DA 08B,09B</p> <p>DA 05 - 07B</p> <p>DA 04B</p> <p>DA 12B</p> <p>DA 04 - 08B</p> <p>DA 11 - 12B</p>
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3. Apartment numbers reduced and re-configured

<ul style="list-style-type: none"> - Four units deleted <ul style="list-style-type: none"> - Second level Esplanade and Wentworth DA 05B. - Third level Wentworth DA 06B. 	<p>Reduced building bulk and more generous circulation.</p>	<p>DA 05 - 07B</p>
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ATTACHMENT 7

Environmental Services Division Report No. 20

8-28 The Corso, Manly

Appendix G - Amendments to Original DA Submission

- Fourth level Wentworth DA 07B.		
- Storage areas for Coles reduced		DA 04B
- More flat plate units created	Greater residential amenity.	DA 05 - 07B
- Number of two storey dwellings eliminated		DA 04 - 07B
- Larger area, units created.	Greater residential amenity.	DA 04 - 07B

AMENDMENTS

REASON

DRAWING No

4. Corso street facade redesigned

- Facade modified to read as two distinct building elements	Stronger relationship to bulk and rhythm of adjoining buildings Reduction in apparent building bulk	DA 11B
- Facade stepped and further modulated <ul style="list-style-type: none"> - Most northern bay further recessed - Most southern section stepped up to 15m height limit - Roof terrace walls and access stairs reduced - Roof pergolas deleted 	To relate better to smaller building to the north and larger building to the south Clearer definition of building forms	DA 06B, 07B, 11B
- Colour and fenestration changes		
- Coles entry downsized <ul style="list-style-type: none"> - Capping element removed - Upper levels recessed - Lower levels more solid - Reduced signage position - More subtle awning detail 	Reduce emphasis of Coles in facade treatment	DA 11B

5. Residential access and circulation modified

- Addition of separate entry to Wentworth building from Corso with lift access	More direct path of travel and reduced number of dwellings per lift and foyer	DA 02B, 11B
- New foyer configuration level 1 Corso building		DA 04B
- Light wells added to circulation corridors in Corso and Wentworth buildings	Improved residential amenity	DA 04-08B
- Glass blocks added to Southern stair of Wentworth building.	Improved residential amenity	DA 05B

ATTACHMENT 7

Environmental Services Division Report No. 20

8-28 The Corso, Manly

Appendix G - Amendments to Original DA Submission

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6. Disabled access and facilities upgraded

<ul style="list-style-type: none"> - Four additional level 1 apartments in Corso building redesigned as adaptable apartments with car spaces converted to adaptable use. - Disabled WC's for Corso shops reconfigured - Disabled WC added to basement carpark. 	<p>Greater choice for potential disabled occupants.</p> <p>Greater access.</p> <p>Greater access.</p>	<p>DA 01B,04B</p> <p>DA 02B</p> <p>DA 01B</p>
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7. Garbage Collection Modified

<ul style="list-style-type: none"> - Garbage handling system refined with Manly Council Waste Department's input. 	<p>More efficient collection and recycling systems.</p>	<p>DA 01-02B</p>
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TO: Land Use Management Committee - 2 May 2005
REPORT: Environmental Services Division Report No. 21
SUBJECT: Development Applications Being Processed During May, 2005
FILE NO:

SUMMARY

Development Applications Being Processed During May, 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	
DA480/03	3-Oct-03	101 Bower Street Manly	Demolish existing & construct new flats	Awaiting Information	
DA525/03	20-Oct-03	22 Wentworth Street	Change of Use	Awaiting Information	
DA416/04	27-Aug-04	73-81 Addison Road	9 Unit RFB & 4 Commercial Units	17-May-05	DAU
DA176/04	7-Oct-04	2 Moore Street	Section 82A Review	10-May-05	DAU
DA495/04	22-Oct-04	32 Rignold Street	Alterations & Additions to Dwelling	17-May-05	DAU
DA506/04	2-Nov-04	101 Bower Street Manly	Alts & Adds to RFB, Pool, Carparking and Landscaping	Awaiting Information	
DA508/04	2-Nov-04	118 North Steyne	Alts & Adds to Heritage Cottage & 6 Storey RFB with Basement Carparking	24-May-05	DAU
DA512/04	9-Nov-04	4 Barrabooka Street	Demolish & New Dwelling and Pool	16-Jun-05	DAU
DA524/04	10-Nov-04	7 South Steyne	Dungowen	Awaiting Information	
DA507/04	11-Nov-04	23 Francis Street	Demolish, New 2 Storey, Carport and Driveway	Awaiting Information	
DA538/04	22-Nov-04	51 Wood Street	Alterations Guest House into to Dwellings and Strata Subdivision	Awaiting Information	
DA116/03	30-Nov-04	3 James Street	Section 96 Modification	19-May-05	DAU
DA529/04	1-Dec-04	38A Rignold Street	3 Level Dwelling & Garage	Awaiting Information	
DA544/04	6-Dec-04	202 Woodland Street	Alterations & 1st Floor Additions & Deck	18-May-05	DAU
DA434/02	9-Dec-04	2 Beatty Street	Section 96 Modification	17-May-05	DAU
DA300/02	13-Dec-04	1 Gordon Street	Section 96 Modification	17-May-05	DAU
DA684/99	14-Dec-04	1/18-34 Sydney Road	Section 96 Modification	Awaiting Information	
DA551/04	15-Dec-04	17 Gilbert Street	Strata Subdivision	Awaiting Information	

Environmental Services Division Report No. 21 (Cont'd)

DA25/05	16-Dec-04	12 Cecil Street	Alts & 1st Floor Additions	Awaiting Information	
DA560/04	16-Dec-04	41 Lewis Street	Demolish & New 2 Storey Dwelling with Basement Garage	18-May-05	DAU
DA563/04	17-Dec-04	21 Allenby Street	Alts & Adds & Cement Render	18-May-05	DAU
DA18/05	20-Dec-04	6 Hope Street	Alts & 1st Floor Adds and Garage	24-May-05	DAU
DA19/05	20-Dec-04	5 Jamieson Avenue	Alts & Additional Storey	19-May-05	DAU
DA37/05	22-Dec-04	11 Benelong Street	New 2 Storey Dwelling and Garage	17-May-05	DAU
DA01/05	23-Dec-04	44 Frenchs Forest Road	New 3 Level Dwelling and Demolish	07-Jun-05	DAU
DA492/96	12-Jan-05	56 Peronne Avenue	Section 96 Modification	Awaiting Information	
DA380/03	19-Jan-05	44 Smith Street	Section 96 Modification	19-May-05	DAU
DA46/05	20-Jan-05	4 Lower Beach Street	Extension to Rear and New Deck	05-May-05	DAU
DA505/01	24-Jan-05	18 Osborne Road	Section 96 Modification	Awaiting Information	
DA55/05	24-Jan-05	76 Birkley Road	Alterations & Additions & Kitchen	03-May-05	DAU
DA58/05	25-Jan-05	77 Curban Street	Alts & Adds, Carport & Fence	24-May-05	DAU
DA77/05	25-Jan-05	58 North Steyne	External Upgrade	Awaiting Information	
DA67/05	27-Jan-05	123 Bower Street	Carport & Lift Shaft	07-Jun-05	DAU
DA76/05	31-Jan-05	243-259 Pittwater Road	Charge of Use of Fruit Market	21-Jun-05	DAU
DA698/99	7-Feb-05	36A Abernethy Avenue	Section 82A Review	28-May-05	DAU
DA101/05	8-Feb-05	1 Gordon Street	Alts & Adds, 2 Pools and Carport	14-Jun-05	DAU
DA97/05	17-Feb-05	24 The Crescent	Carport for 6 Spots	Awaiting Information	
DA106/05	18-Feb-05	387 Sydney Road	5 Storey RFB & Mixed Business	19-Jun-05	DAU
DA120/05	1-Mar-05	15 Lewis Street	Alts & 1st Floors Adds	18-May-05	DAU
DA122/05	1-Mar-05	2 Gurney Crescent	Alterations and Additions, Extension of Laundry	Awaiting Information	
DA231/03	2-Mar-05	21 Yatama Street	Section 96 Modification	Awaiting Information	
DA110/05	4-Mar-05	18 Francis Street	Alts & Adds to Dwelling, Driveway and Gate	03-May-05	DAU
DA115/05	4-Mar-05	Manly Oval	Demolish and Construct New Amenities Block	03-May-05	DAU
DA136/05	9-Mar-05	148 Pittwater Road	Change of Use	Awaiting Information	
DA535/03	9-Mar-05	89 Gurney Crescent	Section 96 Modification	Awaiting Information	
DA135/05	10-Mar-05	1/96 Lauderdale Avenue	New Double Doors	Awaiting Information	
DA137/05	10-Mar-05	54 MacMillan Street	Balcony, Pergola and Landscaping	Awaiting Information	

Environmental Services Division Report No. 21 (Cont'd)

DA139/05	10-Mar-05	40 Upper Clifford Street	Swimming Pool	Awaiting Information	
DA342/04	15-Mar-05	90 Lauderdale Avenue	Section 96 Modification	07-Jun-05	DAU
DA562/04	16-Mar-05	5/40 White Street	82A Review of Determination	24-May-05	DAU
DA150/05	21-Mar-05	2 Waratah Street	Alterations and Additions & Garage	Awaiting Information	
DA145/05	23-Mar-05	Shop 11 - 27 Wentworth Street	Remove Brick Wall and Replace with Windows	Awaiting Information	
DA557/04	23-Mar-05	202 Sydney Road	Section 96 Modification	26-May-05	DAU
DA583/03	24-Mar-05	9 Wanganella Street	Section 96 Modification	Awaiting Information	
DA140/05	30-Mar-05	6 Baltic Street	Deck to Rear of Dwelling	Awaiting Information	
DA102/05	4-Apr-05	42 Bower Street	Alterations and Additions & Pool	Awaiting Information	
DA564/04	17-Dec-04	51 Beatrice Street	Demolish & New 2 Storey Dwelling, Fence & Landscaping	18-May-05	DAU

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM020505ESD_3

***** End of Environmental Services Division Report No. 21 *****

TO: Land Use Management Committee - 2 May 2005
REPORT: Environmental Services Division Report No. 22
SUBJECT: Appeals List for May 2005
FILE NO:

SUMMARY

LIST OF APPEALS RECEIVED AND THEIR CURRENT STATUS FOR COUNCILLORS INFORMATION

REPORT

Application	Site Address	Appeal Lodged	Solicitor	Status
DA46/04	36-38 South Steyne	20.04.04	Pike Pike & Fenwick	Awaiting Decision
DA278/03	27-29 Victoria Parade	1.09.04	Abbott Tout	Awaiting New Callover Date
DA387/03	71 The Corso	28.09.04	Abbott Tout	Hearing 9-10.06.05
DA255/04	102 The Corso	28.09.04	Abbott Tout	ECourt Communication Due Status of DA 13.05.04
DA214/04	75 Macmillan Street	26.10.04	Pike Pike & Fenwick	Upheld
DA433/04	207-217 Pittwater Road	04.11.04	Abbott Tout	Hearing 12.05.04
DA486/04	3 Cove Avenue	12.01.05	Abbott Tout	Hearing 26.04.05
DA487/04	49 Golf Parade	18.03.05	Abbott Tout	Callover 03.05.05
DA187/03	66B Ponsonby Parade	09.03.05	Abbott Tout	Callover 27.04.05
DA555/00	28 Castle Circuit Refusal	14.03.05	Abbott Tout	Callover 26.04.05
DA555/00	28 Castle Circuit Deemed Refusal	14.03.05	Abbott Tout	Callover 26.04.05

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM020505ESD_4

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