



Agenda

Land Use Management Committee

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

Monday 7 February 2005

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

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

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

Seating Arrangements for Meetings

Staff

Staff

General
Manager

Chairperson

Staff

Minute
Taker



Mayor Dr Peter
Macdonald

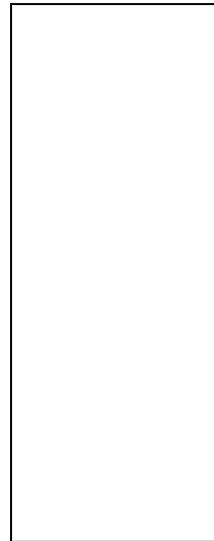
Clr Mark Norek

Clr Joanna Evans

Clr Barbara Aird

Clr Brad
Pedersen

Deputy Mayor
Clr Richard
Morrison



Clr Jean Hay AM

Clr Adele Heasman

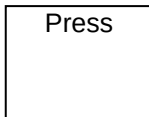
Clr Dr Judy Lambert

Clr Simon Cant

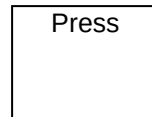
Clr David Murphy

Clr Pat Daley

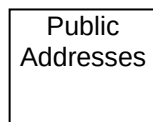
Press



Press



Public
Addresses



Public Gallery

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

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

The Land Use Management Committee of 6 DECEMBER 2004

PUBLIC ADDRESSES**SITE INSPECTIONS**

121 Seaforth Crescent, Seaforth	8:10am	(walking shoes recommended, steep site)
3 Beaconview Street, Balgowlah	8:30am	
85-87 Lauderdale Avenue, Fairlight	8:50am	
3 Cove Avenue, Manly	9:10am	
51 Stuart Street, Manly	9:30am	
29/43-45 East Esplanade, Manly	9:50am	

ENVIRONMENTAL SERVICES DIVISION REPORTS**Environmental Services Division Report No. 1**

29/43-45 East Esplanade, Manly 2

Environmental Services Division Report No. 2

3 Cove Avenue, Manly 23

Environmental Services Division Report No. 3

121 Seaforth Crescent, Seaforth..... 35

Environmental Services Division Report No. 4

51 Stuart Street, Manly 43

Environmental Services Division Report No. 5

3 Beaconview Street, Balgowlah..... 51

Environmental Services Division Report No. 6

85 - 87 Lauderdale Avenue, Fairlight 59

Environmental Services Division Report No. 7

Development Applications Being Processed During February, 2005 76

Environmental Services Division Report No. 8

Appeals List for February 2005 81

CLOSED COMMITTEE ITEMS

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

TO: Land Use Management Committee - 7 February 2005
REPORT: Environmental Services Division Report No. 1
SUBJECT: 29/43-45 East Esplanade, Manly
FILE NO: DA565/04

<u>Application Lodged:</u>	8 December 2004
<u>Applicant:</u>	MsW Projects
<u>Owner:</u>	Peter M Nolan
<u>Estimated Cost:</u>	\$35,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Business
<u>Surrounding Development:</u>	Multi Storey Mixed Commercial and Residential Buildings
<u>Heritage:</u>	Not Applicable to Subject Site, Items in Vicinity

SUMMARY:

1. COUNCIL IS IN RECEIPT OF AN APPLICATION FOR A FIT OUT AND USE OF THE EXISTING COMMERCIAL ALLOTMENT AT LEVEL 1 OF NO.43-45 EAST ESPLANADE AS A 100 SEAT RESTAURANT.
2. THE SUBJECT ALLOTMENT WAS PREVIOUSLY USED AS A RESTAURANT/ BAR AND MORE RECENTLY AS AN OFFICE AND SOLE OCCUPANCY UNIT.
3. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH SEVEN SUBMISSIONS RECEIVED.
4. THE APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR MACDONALD.
5. A SITE INSPECTION IS RECOMMENDED.
6. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

LOCALITY PLAN

Shaded area is subject land.



REPORT

Introduction

The subject lot is located on level 1 of the commercial and residential building known as No43-45 East Esplanade. The lot was originally used as a licensed restaurant/bar (Tamnan Thai Restaurant) and has more recently (since 1995) been used as professional rooms for an architectural practice. The commercial kitchen and bar facilities were left in situ.

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

The site is within the Business Zone and as such the development is permissible with the Consent of Council.

The proposal is to provide a new fit out for use of the lot as a restaurant for up to 100 patrons. The plans submitted with the application show existing male and female toilets, existing kitchen, proposed banquet, bench and conventional seating (tables and chairs), storage room, garbage storage room, existing cold storage, waiter station, and proposed signage. The proposal includes a note that liquor licensing will be restricted to BYO only. The proposal includes provision of toilet facilities and chairlift access for disabled persons.

Applicant's Supporting Statement

The applicant submitted a detailed Statement of Environmental Effects with the application, a copy of which is attached.

Submissions

Following notification of the application to nearby and adjoining property owners Council received seven submissions. Six of the submissions were from owners of residential units within the subject building raising the following concerns;

- Noise from construction/fit out works walls and floors vibrate.
- Noise from people dining in the restaurant not to mention music and people leaving in high spirits will be awful.
- Noise and disorderly conduct from revellers at the Wharf Bar already make this neighbourhood a very noisy one.
- Commercial businesses restaurant "Out of Africa" and "Manly Twin Cinemas" are both located in the basement.
- The present plan is to have a restaurant right beneath eight residential units.
- The area is considered commercial, a restaurant is the worst choice to ensure good harmony for the residents.
- A shop that operates through the day would be far more beneficial for all parts.
- Proposal to operate restaurant up to midnight every day including weekends – this cannot accommodate a residential area.
- We have been told that this proposal is the "My Restaurant Rules" TV program, we hope that the Council will not ignore the residents to bend over backwards for a TV program.

The other submission received was from the operator of the Cinema business within the basement area of the subject building making the following comment

"I suppose I am not objecting but with one restaurant Out of Africa at the front of our cinema we do not look forward to another noisy restaurant above us.

After putting up with disruptive building noise and jackhammers all round us for 17 years , I would like to request that if this project goes ahead, consideration is given to our Cinema operation times so that jackhammers, drills and banging does not put us out of business"

Precinct Community Forum Comments

No comment had been received at the time of writing this report.

Building Comments

No objections subject to standard conditions of Consent.

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

The site is within the Business Zone and as such the development is permissible with the Consent of Council.

The proposal is considered to be compatible with the objectives for the Business Zone as set out in Clause 10 of the Manly Local Environmental Plan 1988 which are;

- (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) n/a
- (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.

The proposal is also consistent with the provisions of the Manly Development Control Plan for the Business Zone (Amendment 3). It being noted that the proposal is for fit out and use of an existing building which has in the past been used for similar purposes. The proposal does not alter existing parking arrangements and there is ample public parking space available in the immediate vicinity for patrons.

Following notification of the proposal Council received a number of submissions from owners of residential units within the subject building and from the operator of a business which is at basement level. The objections from residents raise concerns with impacts on residential amenity from noise of fit out works, restaurant patrons and conduct of patrons leaving the premises. The residents point out that there is already one restaurant operating at basement level as well as a Cinema business and the addition of another restaurant beneath eight residential units would present amenity impacts.

The concerns are noted and it is acknowledged that there would be some initial noise disturbance from the fit out works. The potential for noise nuisance arising from general operation of the restaurant exists however the comparison with the noise complaints associated with the patrons leaving Manly Wharf Hotel are not valid as the proposed facility is for a restaurant only. Plans submitted with the application show internal seating with no seating on the balcony area. If the operation is confined within the building the potential for noise disturbance will be minimised.

The proposed hours of operation are 12.00 noon to 12.00 midnight every day which are consistent with closing hours of nearby commercial premises in this location within the Manly Business district. It is expected that the patrons would have left the premises and that full scale operation of the kitchen would also have ceased by 12 midnight.

It is acknowledged that there is considerable potential for noise arising from handling recycling materials (bottles), noise associated with the closing (in particular movement of furnishings from external areas to internal areas), amplified music and noisy patrons. It is considered that these matters can be adequately controlled if the restaurant is effectively managed and staff are sufficiently aware of the necessity to consider other occupants of the building. Conditions of consent in regard to limiting potential noise impacts and a trial period of operation are recommended.

The discussions with applicant and objectors disclose an intention to record a television show "My Restaurant Rules" at the premises. Residents have raised concern as to possible implications with increased patrons and people generally gathering around or near the premises. The recording of the television program is not included as part of this application however, residents concerns have been referred to the applicant. The applicant has advised of the nature of the recording which is

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

relatively low scale with no external recording with no necessity or intention to utilise large service vehicles at the site. It is not anticipated that recording of the restaurant activity will present any significant impact on the amenity of residents within the building or the immediate area, nor would the recording present any significant impact on use of the public space.

The recording or filming is not a “use” which would require development consent under the Environmental Planning & Assessment Act 1979. Rather, separate approval is appropriate under the specific provisions of the Local Government Act 1993.

CONCLUSION:

The proposal has been assessed under the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 1988 and the Manly Development Control Plan for the Business Zone and is considered satisfactory for approval.

RECOMMENDATION

- A.** That Development Application No. 565/04 for fit out and use of Lot29 No.43-45 East Esplanade Manly be approved subject to the following conditions.
1. This approval relates to plans/drawings Nos.FP.01 issue C dated 21 December 2004 and received by Council on 24 December 2004.
 2. This approval is operative for a twelve month trial period to enable full assessment of the impacts of the development. Continued use beyond that period is to be subject to a new development application.
 3. Noise from the restaurant operation is not to exceed 5 dBa above background measured at the boundary of the nearest residential premises, to minimise noise impacts on adjoining and nearby properties. Continuous monitoring under the supervision of an Acoustic Engineer is to be undertaken with the Engineers reports on noise levels submitted to Council at three monthly intervals.
 4. There is to be no dining on the external terrace areas, to minimise noise impacts on nearby and adjoining properties.
 5. A plan of management is to be submitted to Council regarding noise minimisation, waste movement and collection and site/patron security, prior to commencement of restaurant operations.
 6. There is to be no amplified music played on the premises, to minimise noise impacts on nearby and adjoining residents.
 7. The premises being limited to a “Bring Your Own” liquor license only unless otherwise approved by Council.
 8. The provision of a direct phone contact “hotline” with the restaurant management available during the hours of operation available to the residents of the subject building should valid complaints arise to enable any amenity/disturbance issues to be addressed immediately.
 9. All serving staff are to be trained in “Responsible Service of Alcohol”.

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

10. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$400.00. 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.**

11. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
12. 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.**
13. 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.
14. 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.

15. 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.**
16. The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.
17. The implementation of adequate care during demolition/ building/ construction to ensure that no damage is caused to any adjoining properties.
18. The construction, fitout and finishing of the premises shall comply with the Food Act 1989 and the Food Safety Standards. Certification as to compliance shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate.**
19. The walls of the food preparation shall be constructed of approved solid material finished with glazed tiles or other rigid, smooth-faced, impervious material to the satisfaction of the Group Manager, Land Use Management, evenly laid to a height of at least 2 metres above floor level and to the underside of the hoods and coved to a minimum radius of 25mm at the intersections with the floor.
20. The walls, where not tiled, shall be cement rendered, finished to a smooth, even surface, painted with a washable gloss paint of a light colour or sealed with other approved materials.

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

21. The floor of the food preparation area shall be constructed with an impervious, durable, non-slip and non-abrasive material (such as ceramic tiling), coved to a minimum radius of 25mm at the intersection with the walls.
22. The ceiling light fittings shall be installed flush with the ceiling surface or provided with an approved diffuser cover to prevent the accumulation of dust or the harbourage of vermin.
23. All service pipes including beer pipes, electrical conduits, and refrigeration condensate pipes shall be chased into walls, floor or plinths.
24. Where it is not possible or permitted to conceal service pipes, they are to be fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe and adjacent DA196 The concrete floor(s) of the cool/freezer room(s) shall be at least 75mm thick, graded to the doorway, coved at the intersections with the walls finished so as to be impervious to liquids.
25. The concrete floor(s) of the cool/freezer room(s) shall be at least 75mm thick, graded to the doorway, coved at the intersections with the walls finished so as to be impervious to liquids.
26. The door(s) of the coolroom(s) shall be openable at all times from the inside without the use of a key.
27. All proposed shelving in the coolroom shall be free-standing, constructed of approved material and treated to prevent corrosion with the lowest 150mm clear of the floor.
28. The coolroom(s) shall operate so that all food capable of supporting rapid bacterial growth is kept cold at a temperature of not more than 5 degrees Celsius with the coolroom being provided with a numerically scaled thermometer or recording thermometer accurate to the nearest degree Celsius and able to be easily read from the room outside.
29. All fittings, where abutting walls or other fittings, shall be sealed in such a manner as to prevent the accumulation of food and access for vermin.
30. A hand basin with a common spout is to be provided within the premises in an approved and conveniently located position with a supply of hot and cold water under pressure.
31. Adequate efficient glass washing and/or dish washing machines or double bowl sinks or two-compartment tubs shall be provided for the washing and rinsing of drinking and eating utensils.
32. A cleaner's sink shall be provided in a room or space away from any food preparation area.
33. Adequate facilities shall be made available for the storage of cleaning equipment and material.
34. A garbage room or garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council.
35. The grease arrester shall be relocated outside the kitchen/food preparation area.
36. A system of filtered mechanical exhaust ventilation shall be provided to the kitchen with hoods over all cooking and heating appliances, designed in accordance with AS1668, parts 1 and 2, with the exhaust air discharged above roof level where no nuisance will be created.

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

37. Documentation supplied by a practising mechanical engineer certifying that the mechanical exhaust ventilation system, as installed, complies with AS1668 must be provided to Council **prior to the issue of the Occupation Certificate.**
38. No storage of food in the storage loft unless otherwise approved by Council.
39. The operation of any plant or equipment shall not give rise to an offensive noise to be created. Offensive noise is defined in the Protection of the Environment Operations Act 1997.
40. The use at all times shall be conducted so that no odours or other air impurities are detectable beyond the boundaries of the premises.
41. The quality of any stack system discharge to the atmosphere shall comply with the requirements of the Protection of the Environment Operations Act 1997.
42. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
43. All demolition is to be carried out in accordance with AS2601-1991.
44. 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.

45. The collection of garbage and recycling materials from the premises is not to occur between the hours of 9.00pm and 7.00am Monday to Sunday, without the prior approval of Council, to minimise disruption to neighbouring properties.
46. 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.
47. 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.
48. The works require the following inspection/certification during the course of construction:-

Health inspection
Final inspection

The cost of these inspections by Council is \$183 (being \$70.00 per inspection and \$113.00 for Final inspection inclusive of GST). **Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit on 9976 1573 or 9976 1587.**

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

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

49. 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:
 - structural engineers inspection certificate
 - mechanical ventilation engineer's certificate
50. 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.
51. 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.
52. The hours of operation of the premises shall not exceed 12.00 noon to 12.00 midnight Monday to Sunday **without the prior approval of Council**.
53. No sandwich boards or the like are to be placed on Council's footpath.
54. The proposed sign shall be erected in accordance with the requirements of Council's Advertising Development Control Plan.
55. 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.
- B.** That the General Manager be authorised to issue separate approval for recording of a television program.

ATTACHMENTS

AT-1 Applicants Supporting Statement - MsW Projects Pty Ltd 13 page(s)

LUM070205ESD_8

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

Environmental Services Division Report No. 1
29/43-45 East Esplanade, Manly
Applicants Supporting Statement - MsW Projects Pty Ltd

MsW Projects Pty Ltd

RECEIVED

08 DEC 2004

Development Application
for
the Fitout and use of Level 1 commercial tenancy as
a Restaurant at 43 East Esplanade, Manly

Prepared By:
MsW Projects Pty Ltd

05 December 2004



STATEMENT OF ENVIRONMENTAL EFFECTS

Development Application – Fitout and use of Level 1 commercial tenancy as a Restaurant at 43 East Esplanade, Manly

1. Summary

Please find attached a Development Application with supporting plans for the fitout and operation of a 100 seat licensed restaurant at Level 1, 43 East Esplanade Manly.

This report is supported by architectural drawings prepared by Ibiz Design.

- Drawing No. FP.01 - Proposed floor Plan, 3.12.04

2. Site Description

The subject site is located on the East Esplanade Manly, opposite the Manly Ferry terminal and Wharf. The site is located in the heart of Manly's CBD commercial centre. Adjoining tenancies are restaurants; a mixture of retail shops and residential apartments. The subject premises formerly operated as a restaurant/bar nightclub. The current owner has converted the internal fitout to operate for commercial office use and accommodation. A copy of the current Planning consent is attached in Appendix A.

3. Proposal

In summary the works involve the fitout for a 100 seat licensed restaurant (note liquor licensing will be restricted to a BYO License). As the former use of this space performed, a similar function there is minimal change to the existing base fitout to meet the requirements for a restaurant operation. For example, kitchen fitout including cool room; mechanical exhaust and equipment remain insitu. The premises are connected to a grease arrestor located at the basement level. A goods lift hoist exists which is dedicated for the removal of garbage and goods from the restaurant to the basement garbage zone. Male and female toilets are built within the premises and comply with BCA requirements. The proposed plans however will now include a disable toilet (please refer to the plans attached). New works will also include the installation of a disable chair lift to the external staircase providing disable access from ground level to the restaurant.

A copy of the former floor plan for the premises as approved for a restaurant nightclub is attached in Appendix B. By comparing this floor plan to the new proposed floor plan for this DA shows that there

Environmental Services Division Report No. 1
29/43-45 East Esplanade, Manly
Applicants Supporting Statement - MsW Projects Pty Ltd

is minimal internal change proposed and no external changes except for the installation of the new wheel chair lift for disable access.

4. Planning Controls

The subject site is controlled by Manly City Council's LEP 1998. Relevant planning controls are as follows:

- Zone – Business, LEP 1998
- Heritage Item – No
- Heritage Conservation Area – No
- Heritage Streetscape – No
- **Manly LEP 1998 – Business Zone Objectives**
It is considered that the proposed development works are consistent and compliant with the planning objectives for the Business Zone. In particular, it complies with the following objectives of this zone:
 - To accommodate retail, commercial and professional services in established locations in the residential neighborhoods where such development is compatible with the amenity of the surrounding areas

The use of the premises as a restaurant is a permissible use under Manly's LEP subject to development consent

- **Signage**

Standardised signage is proposed at the entrance of the building for building identification purposes. Details of the signage are shown on the attached plan titled "Proposed Restaurant Signage" contained. Signage is fully compliant with Council's policies.

- **Use**

It is proposed that the premises operate as a 100 seat licensed restaurant. The liquor License proposed will be limited to BYO at this stage. There will be no outdoor seating on the terrace, no entertainment and no music.

Environmental Services Division Report No. 1
29/43-45 East Esplanade, Manly
Applicants Supporting Statement - MsW Projects Pty Ltd

MsW

- **Operating Hours**

- Operating hours for the restaurant are:

Opened for lunch from 12 noon through to dinner closing 12 midnight seven days per week (ie. Monday to Sunday 12.00 to 12.00 midnight)

Note that the operation will be restricted and limited to a BYO license and there will be no music or live entertainment provided.

- **Disable Access and BCA compliance**

The building is designed to be fully disabled friendly and will comply with the BCA code and all other nominated regulations. As the restaurant is located on level 1 of the building, a wheel chair lift is to be installed within the existing staircase to provide disable access.

- **Privacy , Amenity & Noise**

The use and operation of the restaurant will be controlled within the internalized space of the premises. No out-door dining is proposed. All noise will therefore be contained within the internal premises. There are no operable windows as all glazing is fixed which will further ensure the containment of noise. It is also proposed to have no amplified music or entertainment.

- **Parking, Access & Servicing**

Reference is made to Manly DCP for the Business Zone 1989 (amendment 3); Part 1 Clause 1.5 requirements for parking in relation to a commercial use. For new developments, Council normally requires one car park space to provided per 70m2 of gross floor area. Clause 1.5 of this DCP however provides Council with the discretionary to assess this requirement and allows the flexibility of this standard to be varied and reduced.

Loading dock facilities, access, and provision of three car parking spaces are located within the basement of the building provided for the use of the operator. The Loading Dock facility satisfies the requirements of Clause 1.5.4

There is a public car park located opposite the site accessed from the East Esplanade

The site is close to public transport, with the Manly Wharf Ferry service connecting with the Sydney CBD and active pedestrian corridors. The ongoing shortfall of parking is acceptable in this instance given its site context.

- **Waste Management Plan**

Reference is made to Manly Development Control Plan for Waste Minimisation and Management 2000 (updated March 2003). A Waste Management Plan is to be submitted with the construction

Environmental Services Division Report No. 1
29/43-45 East Esplanade, Manly
Applicants Supporting Statement - MsW Projects Pty Ltd

MsW

certificate for complying development. It is noted that the premises in which a new development application is sort is fitted out for the use as a restaurant. Although the premises has not operated for restaurant use for a number of years all base kitchen equipment facilities including connection to kitchen exhaust; grease trap; all essential utilities; toilets and base furnishings remain insitu. Only very minor works involving the plumbing and tiling for an a disable toilet and the removal of the bar furniture are proposed under this development consent. All materials removed will be contained onsite within the premises and then removed via the goods hoist and via the lower basement.

In reference to the operation of the restaurant a garbage storeroom is to be provided within the existing premises located next to the goods hoist (refer to Plan Drawing No.FP.01). All garbage is to be collected and stored in the allocated 240 litre Otto Bins located in the dedicated garbage storeroom and will be serviced by the restaurant's cleaning staff. Rubbish will be separated for recycling purposes for glass; paper and wet/food waste in compliance with Council's DCP guidelines. The restaurant cleaning staff will then transport all waste via the existing goods hoist lift to the dedicated garbage room located at Basement level. Management and removal of waste will continue in line with the building's existing system.

5. Conclusion

The proposal is compatible and consistent with the zone's objectives; and in regard to Section 79(c) of the Environmental Planning and Assessment Act, 1979 and Council's plans and policies for this precinct.

In summary will be no detrimental impact on the amenity of the area and is recommended for approval.

ATTACHMENT 1

Environmental Services Division Report No. 1

29/43-45 East Esplanade, Manly

Applicants Supporting Statement - MsW Projects Pty Ltd

MsW Projects

APPENDIX A

29a Wunulla Road Point Piper NSW PO Box 428 Double Bay NSW 1360 T +61 2 9362 6175 F +61 2 9362 8176

Environmental Services Division Report No. 1
29/43-45 East Esplanade, Manly
Applicants Supporting Statement - MsW Projects Pty Ltd

Manly Council



Council Chambers
1 Belgrave Street
Manly NSW 2095

Correspondence to
General Manager
PO Box 82
Manly NSW 2095

Telephone 976 1500
DX 9206 Manly
Facsimile 977 7380

19th September, 1995
Reference: DA106/94 & BA126/94 RB:RS
Enquiries: Environmental Services Division

Peter M. Nolan & Associates
Suite 29/43-45 East Esplanade
MANLY NSW 2095

Dear Sir,

Environmental Planning and Assessment Act, 1979 and
Notice of Determination under Section 92 of
Development Application No. 106/94
Local Government Act 1993 and Regulations thereunder
Notice of Determination under section 94
Building Application No. 126/94
Proposed Development: Office & Sole Occupancy Unit
Land to be developed: 43-45 East Esplanade, Manly

Development Application:

Council determined this application on 19th September, 1995, and has granted consent, subject to the conditions described below.

This consent will operate from 19th September, 1995, and lapse on 19th September, 1997.

1. This approval relates to drawings/plans Nos. 9332-01 dated December, 1993, and received by Council on 1st June, 1995.
2. Building or construction work must be confined to the hours between 7.00 a.m. to 6.00 p.m., Monday to Friday and 7.00 a.m. to 1.00 p.m. Saturday, with a total exclusion of such work on Public Holidays and Sunday. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, magnesite flooring, painting, building or site cleaning by hand shovel and site landscaping, or such work as approved by Council's Director of Environmental Services Division shall be permitted between the hours of 1.00 p.m. to 4.00 p.m. Saturdays.

NOTE: That the Noise Control Act may preclude the operation of some equipment on site during these permitted working hours.

3. No obstruction being caused to pedestrian use of Council's footpath area or vehicular use of Council's roadway area during building operations.

ATTACHMENT 1

Environmental Services Division Report No. 1
29/43-45 East Esplanade, Manly
Applicants Supporting Statement - MsW Projects Pty Ltd

- 2 -

Peter M Nolan & Associates

19th September, 1995

4. The flat is to be used in conjunction with the commercial premises. Under no circumstances is the flat to be let out or leased separately.
5. The existing carparking spaces are to be retained.
6. Any future structures to be erected on the site are to be the subject of a Development Application.

The reasons for the imposition of the conditions are to ensure that the development generally conforms with the objectives of the Environmental Planning and Assessment Act, 1979.

Notes:

1. If you are dissatisfied with this decision, section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Building Application:

1. This approval relates to drawings/plans Nos. 9332-01 dated December, 1993, and received by Council on 1st June, 1995.
2. Standard conditions of Approval Nos. 1, 2, 3, 4, 47, 68, 70, 71, 73 and 104 as appended.
3. Natural lighting to be provided in accordance with Part F4 of the Building Code of Australia.
4. The internal separation wall to have a Sound Transmission Class of not less than 45.
5. The internal wall separating the unit to have a Fire Resistance Level of -/60/60. The wall to be carried up to the underside of the concrete ceiling all penetration to be fire stopped.
6. The works require the following inspections during the course of construction:

Hebel brick wall or Fire Rated stud wall
Final inspection

The cost of these inspections is \$60.00 (being \$30.00 per inspection). Payment is required prior to the release of building plans.

Council requires at least 24 hours notice of the request for an inspection. Any additional inspection required as a result of incomplete works will incur a fee of \$50.00.

Environmental Services Division Report No. 1
29/43-45 East Esplanade, Manly
Applicants Supporting Statement - MsW Projects Pty Ltd

- 3 -

Peter M Nolan & Associates

19th September, 1995

7. In accordance with Roads Act 1993, written consent from Council must be had and 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.
8. All materials on site or being delivered to the site to be contained wholly within the site. The requirements of the Clean Waters Act should be considered when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
9. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to release of the building plans, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$300.00. This amount may vary after 31st December, 1995. 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.

Should the Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this should be reported in writing to the Department of Engineering and Technical Services, at least 7 days prior to the commencement of any work on site.

The reason for the imposition of conditions are to ensure that the building generally conforms with the Local Government Act 1993 and its Regulations.

1. If you are dissatisfied with this decision, section 100 of the Local Government Act 1993 gives you a right of review by Council within 28 days of the date of determination.
2. If you are dissatisfied with this decision, section 176 of the Local Government Act 1993 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

It is most important that the Standard Conditions of Approval on the attached sheet be read carefully.

Council requires details of the builders name and licence number contracted to undertake the work, prior to the release of building plans. It is also necessary for payment of insurance pursuant to the Builders Licensing Act before plans can be issued.

To collect your approved plans it will be necessary to contact Mr Ross Black on 9976.1500 to make appropriate arrangements and to finalise details as required.

ATTACHMENT 1

Environmental Services Division Report No. 1
29/43-45 East Esplanade, Manly
Applicants Supporting Statement - MsW Projects Pty Ltd

- 4 -

Peter M Nolan & Associates

19th September, 1995

It is advised that your plans must be submitted to Sydney Water for approval at least fourteen days before commencement of work, with the nearest office at 10 Howard Avenue, Dee Why. Further, you are advised to consult with Sydney Electricity with respect to electrical installations, telephone installers with respect to any telecommunication lines and Australia Post should the proposal involve the provision of a letterbox.

Signed below on behalf of the consent authority.

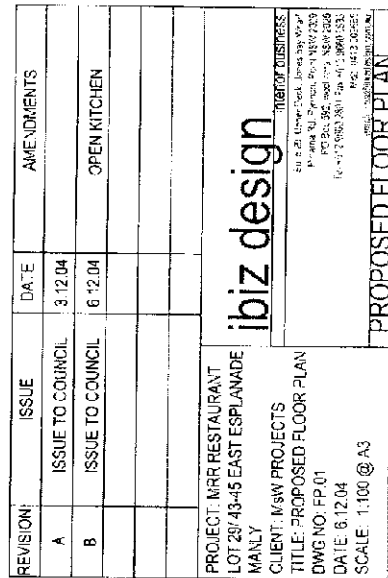
Yours faithfully,

W. A. Collins *per*

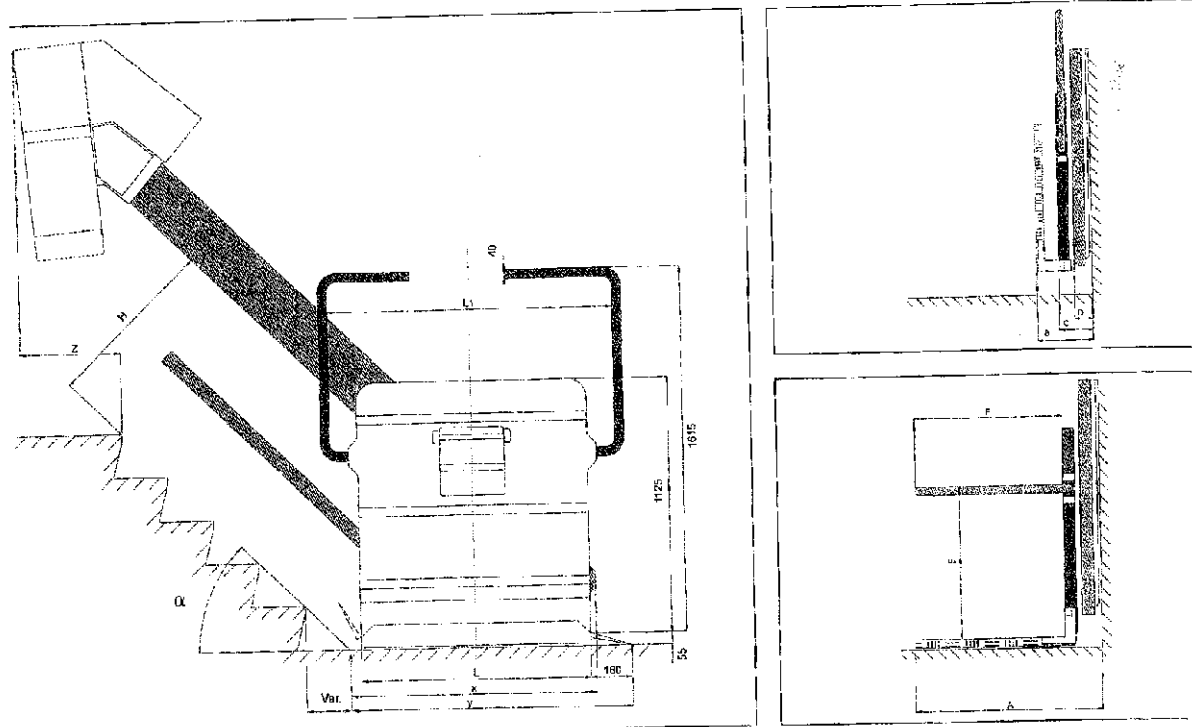
W. A. Collins
General Manager

per: R Holten

5610h/34-37



Thyssen Tangent Dimensions



platform size	L1	$\alpha = 15^\circ$				$\alpha = 45^\circ$			
		x	y	H	Z	x	y	H	Z
= 900	1140	1195	1205	767	400	1025	1129	785	460
= 1000	1240	1250	1305	777	400	1075	1229	820	460
= 1200	1440	1345	1505	805	400	1170	1429	892	460

All measurements in the above table are in mm.

Floor width	A	B	C	D	E	I
690	885	325	195	105	820	6
800	995	325	195	105	820	7
900	1095	325	195	105	820	8

All measurements in the above table are in mm.

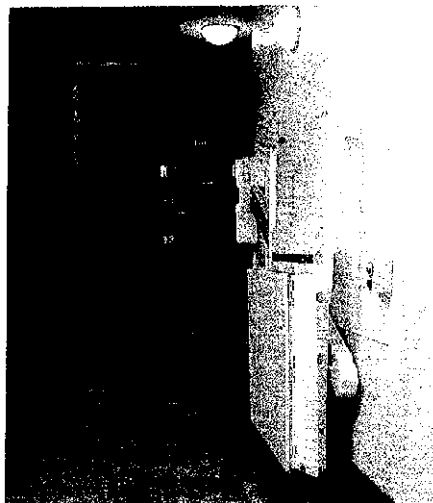
Please note: all information in this leaflet is correct at the time of printing, but our policy is one of continuous product development. We reserve the right to change specification without notice.

If you would be interested in learning more about how our technology could help you, please contact:

Business Development Division
ThyssenKrupp Access
 Van Utrechtweg 99
 2921 LN Krimpen aan den Yssel
 The Netherlands
 Phone: +31 180 530 211
 Fax: +31 180 530 279
 E-mail: bdd@tkaccess.nl
 URL: www.thyssenkruppaccess.com

11-MS-TCH-TANGENT-06-2010

Thyssen Tangent Technical specifications



Product description

The Thyssen Tangent is a fully automatic elevator for modern buildings and office environments.

Manufacturer	Thyssen
Building capacity	2000 kg (maximum 16 persons)
Operation controller	Thyssen Tangent automatic control system with a video display on the car and a control panel on the wall.
Drive system	Motor drive with frequency converter and variable drive.
Shaft and machine size	1000 mm shaft diameter.
Maximum speed	1.75 m/s (maximum 1.75 m/s).
Control system	Thyssen Tangent.
Material	Stainless steel.
Technical standard	EN 81-20:2003 (SAFETY) and EN 81-21:2003 (Performance).
Operating range	12 degrees (vertical travel).
Standard colour	White.

Standard installation	Fixed on the wall.
Full automatic	Yes.
1.75 m/s drive	Yes.
1.75 m/s drive	Yes.
1.75 m/s drive	Yes.

Main options	1.75 m/s drive - Change platform height - Mounting on wall - Key switch - External application - Access key on the wall - Vertical travel (up/down) 1.75 m/s drive 1.75 m/s drive 1.75 m/s drive
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Warranty	12 months, when serviced by an authorized agent.
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A division of
 ThyssenKrupp
 Elevators

ThyssenKrupp Access



TO: Land Use Management Committee - 7 February 2005
 REPORT: Environmental Services Division Report No. 2
 SUBJECT: 3 Cove Avenue, Manly
 FILE NO: DA486/04

<u>Application Lodged:</u>	8/10/2004
<u>Applicant:</u>	Mojocham
<u>Owner:</u>	Shamia family
<u>Estimated Cost:</u>	\$750,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential Foreshore Scenic Protection Area
<u>Surrounding Development:</u>	2 - 4 storey detached dwellings and residential flat buildings
<u>Heritage:</u>	Nil.

SUMMARY:

1. DEVELOPMENT APPLICATION 486/04 FOR DEMOLITION AND CONSTRUCTION OF A 2 UNIT RESIDENTIAL FLAT BUILDING WITH BASEMENT PARKING WAS SUBMITTED TO COUNCIL ON 8 OCTOBER 2004. THE PLANS WERE ACCOMPANIED BY A DETAILED STATEMENT OF ENVIRONMENTAL EFFECTS TO ASSIST IN THE ASSESSMENT OF COMPLIANCE WITH COUNCIL'S PLANNING CONTROLS AND IDENTIFY IMPACTS TO NEIGHBOURING PROPERTIES.
2. NOTIFICATION OF THE PROPOSAL FROM 8 NOVEMBER 2004 – 22 NOVEMBER 2004 RESULTED IN RECEIPT OF EIGHT SUBMISSIONS, BEING FROM THE NEIGHBOURING UNIT OWNERS AT NO'S 1 AND 5 COVE AVE., RAISING CONCERNS OF NON-COMPLIANCE WITH THE DCP PROVISIONS (FRONT AND SIDE SETBACK, FSR), EXCAVATION IMPACTS, OVERLOOKING, VIEW LOSS, VISUAL BULK, OVERSHADOWING, CONSTRUCTION VEHICLE ACCESS AND PARKING.
3. APPLICANT LODGED AN APPEAL FOR DEEMED REFUSAL WITH THE LAND AND ENVIRONMENT COURT ON 25 NOVEMBER 2004.
4. THE APPLICATION WAS CALLED TO COUNCIL'S LAND USE MANAGEMENT MEETING BY COUNCILLOR MACDONALD.
5. AT THE 1ST COURT CALLOVER, DIRECTIONS WERE MADE TO THE EFFECT THAT IF COUNCIL REFUSES THE DEVELOPMENT APPLICATION, IT IS TO PRODUCE ITS REASONS FOR REFUSAL AND A STATEMENT OF ISSUES TO THE COURT BY 14 FEBRUARY 2004. CONSEQUENTLY COUNCIL IS REQUIRED TO DETERMINE THE PROPOSAL PRIOR TO THIS DATE.
6. A SITE INSPECTION IS RECOMMENDED.
7. APPROVAL OF THIS DEVELOPMENT APPLICATION IS RECOMMENDED SUBJECT TO THE APPLICANT SUBMITTING A CONSTRUCTION MANAGEMENT PLAN PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE.

LOCALITY PLAN

Shaded area is subject land.



Environmental Services Division Report No. 2 (Cont'd)**REPORT****Introduction*****The site and surrounds***

The site is located on the upper south-eastern side of Cove Avenue, Manly. It has diagonally offset front and rear boundaries with a northern frontage to Cove Ave of 15.24m and side boundaries of 44.25m for a total area of 643m². The site also has a fall towards the front boundary of approximately 5 metres.

Existing development on the site comprises a single storey dwelling of brick construction with pitched tile roof. Parking is not provided on the site. Landscaping comprises a mixture of lawns, terraced gardens with shrubs and small trees. Oblique filtered views to Manly Cove and its foreshore are available from the dwelling and front of the site looking to the north-west.

Neighbouring development comprises a mix of dwellings and residential flat buildings, with a 3 storey residential flat building (No.1 Cove Ave) to the north, a 2 storey residential flat building neighbouring to the south (No.5 Cove Ave) and a 3 storey residential flat building on the opposite side of the street. From inspection it is noted that No's 1 and 5 have balconies and windows oriented towards the north to capture the water and foreshore views.

Proposed development

Development consent is sought for demolition of the existing dwelling and construction of a 2 storey residential flat building comprising 2 units and basement parking with 4 car spaces. A new driveway crossing will also be constructed to facilitate access. Each unit will be 3 bedrooms with front, rear and side terraces. Landscaping comprises a mix of shrubs and trees as detailed in the landscape plan, with one evergreen tree in the front garden to be removed.

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.

	Provision	Proposal	Compliance
Density	250m ² / dwelling	322m ² / dwelling	Yes
FSR	0.6:1 / 386m ²	380m ² / 0.59:1	Yes
Wall Height	7.25m (1:8.4 slope)	4.5m – 7.1m	Yes
Roof Height	3.0m	1.8m	Yes
Fence height	1.5m (1m solid)	1.2m	Yes
Setback - Front	6.0m	4.0m	No
Setback – Rear	8.0m	8.6m	Yes
Setback – side	1.6m - 2.3m north-east 1.2m for middle terrace 1.6m to front terrace 1.5m – 2.4m south-west 2.0m to lobby wall	2.0m – 3.0m excl. 1.0m to terrace 2.0m to terrace 2.0m – 3.8m 1.4m to lobby	Yes No Yes Yes No
Open Space	354m ² / 55% min	420m ² / 65.3%	Yes

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

Open Space Soft	35% min of O/S	230m ² / 55%	Yes
No of Endemic Trees	2	2	Yes
Car Parking Residents	3	4	Yes
Excavation	Max 3.0m	3.0m – basement	Yes
Overshadowing	Min 4hrs sunlight to neighbours living areas	>4 hrs maintained to neighbours	Yes
	Open space max 1/3	1/3	Yes

Applicant's Supporting Statement

The applicants, Statement of Environmental Effects and Visual Impact Assessment, is on file.

Submissions

Eight submissions were received, being from the neighbouring unit owners at No's 1 and 5 Cove Avenue. Issues raised are loss of views, privacy, overshadowing, visual bulk, front setback, floor space ratio, side setback, excavation and parking.

Precinct Community Forum Comments**Minutes of the Little Manly Precinct Community Forum Meeting held on 10h November 2004**

DA 486/04 - 3 Cove Ave., demolish and construct 2 storey residential flats.
Architect R. Blackmore and residents of adjoining properties, numbers 1 and 5 all of whom were represented, attended.

Objections covered:

- Excessive excavation
- Unacceptable front setback
- Unacceptable side setback
- Height excessive causing view loss and privacy and overshadowing
- Misleading description of existing roof line
- Plans and sketches confusing including garage measurements.

The meeting noted the absence of the owners and recommend to Council that both parties meet in arbitration with the above

Minutes of the Little Manly Precinct Community Forum Meeting held on 12th January, 2005.

DA 486/04 - 3 Cove Avenue (*Correction*) discussed at November meeting. The minuted response from Precinct did not include the strong recommendation for an immediate template. Residents are angry that Council is not supporting their concerns that the development is clearly outside the DCP and in not supporting their request for a template and further consideration of the serious concerns already expressed by immediate neighbours and the comments from this Precinct. *The precinct committee apologise for omitting reference in the November minutes to the request for a template which was in fact agreed.*

Engineers Comments

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

An on-site detention system is required with plans to be submitted and certified prior to issue of a Construction Certificate. Construction of a vehicle footpath crossing and kerb layback is also required and is to be completed prior to issue of an Occupation Certificate.

Building Comments

Standard conditions of consent advised.

Landscape Architects Comments

Standard conditions of consent advised.

Planning Comments***Manly Local Environmental Plan 1988***

The site is located in Zone No.2 – The Residential Zone which permits dwelling houses with the consent of Council. The proposed development is defined as “residential flat building” and is permissible with consent in the zone.

The proposal is considered to satisfy the objectives of the residential zone, maintaining the character and amenity of its residential locality, improving landscape quality on the site, thereby representing a suitable redevelopment of the site.

Foreshore Scenic Protection Area

The site is also located within the Foreshore Scenic Protection Area. Pursuant to Clause 17 of the LEP the proposal is considered in keeping with the size and form of development in the surrounds, with a well articulated form assisting to reduce its visible bulk, and additional planting in the front garden area adjacent to the street. It is also considered favourable in context with the bulk and scale of neighbouring flat buildings in the street and is primarily out of view from the waterways. Accordingly its appearance is considered acceptable in terms of its foreshore setting.

Sydney Regional Environmental Plan No.23

The site is covered by this plan, however, as noted above the building is largely out of view from the waterways and is not contrary to any of the objectives of this Plan.

Manly DCP for the Residential Zone 2001

As identified in the DCP compliance table, the proposal complies with most of the DCP's provisions apart from minor departures to the front and side setback provisions.

Front setback

The front balconies extend forward of the 6.0m front building line. The DCP permits this where the proposal demonstrates that this will not impact on the streetscape or neighbour's amenity. As the front of the balconies aligns with the de-facto setback with No's 1 and 5, and that the DCP permits this, the proposal is considered to satisfy the front setback provisions.

Side setback

The departure to the side setback is limited to minor portions along both side elevations, being for the middle north side terraces and lobby entry on the southern side. The position of these is considered acceptable on the basis that they do not result in excess overshadowing, privacy loss, visual bulk, view loss or overshadowing.

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

The site has a north-south alignment whereby the DCP requires a minimum of 4 hours direct sunlight to be retained to windows of this neighbouring dwelling. Analysis of the shadow diagrams reveals that both the eastern and western residential flat buildings will continue to receive at least 4 hours direct sunlight as required to their internal living areas and rear garden areas. It is noted that overshadowing at the summer solstice may increase towards the rear yard of No.1 however this will not occur until sometime after 3pm with this rear yard being unaffected by shadows from the proposal before then.

Privacy

The proposal has side facing windows towards No.1 however by virtue of the offset stepped wall alignment of No.1 its side facing windows and balconies are diagonally offset, thereby reducing the degree of overlooking. It is also noted that the front side facing windows from the proposal have external wrap around balconies with louvered privacy screen attached to minimise potential overlooking. This is also the case for the side facing terraces where there are louvered privacy screen attached, which is considered to satisfactorily reduce potential overlooking.

View sharing

As noted oblique filtered views to Manly Cove and its foreshore reserve are available looking north-west across the front of the site. The forward position of the front upper balcony may reduce the width of such views from the upper front deck of No.5, however as the Pine tree in the front garden (which obscures this view) will be removed, the view on balance may be partially improved. Notwithstanding, as the views are further filtered by trees along the foreshore reserve, are narrow in width and are at an oblique angle to their primary outlook, the view as such is not considered a significant element of amenity to No.5.

Comments on Submissions*Loss of views*

From inspection, the only views that may be affected are from the front of No.5. As a tree which obscures the water view is being removed, the forward positioning of the front balconies is not considered on balance to result in an unreasonable loss of an oblique view.

Privacy

The provision of louvers attached to the side facing balconies are considered to satisfactorily reduce potential overlooking into the neighbouring units.

Overshadowing

From assessment the proposal satisfies the provisions for solar access. Whilst there will be some increase in overshadowing to the neighbouring units it is also noted that the proposal complies with the height and FSR provisions and generally complies with the setback provisions, therefore it is not considered to result in unreasonable overshadowing impacts.

Visual bulk

In context of the surrounds the proposal is considered favourable in bulk and scale, with a well articulated façade and additional landscaping.

Front setback

The front balconies extend forward of the 6.0m front building line. The DCP permits this where the proposal demonstrates that this will not impact on the streetscape or neighbour's amenity. As the

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

front of the balconies aligns with the de-facto setback with No's 1 and 5, and that the DCP permits this, the proposal is considered to satisfy the front setback provisions.

Compliance with FSR

The proposal complies with the maximum FSR for the site and is not considered an overdevelopment.

Side setback

The departure to the side setback is limited to minor portions along both side elevations, being for the middle north side terraces and lobby entry on the southern side. The position of these is considered acceptable on the basis that they do not result in excess overshadowing, privacy loss, visual bulk, view loss or overshadowing.

Excavation impacts

The proposal complies with the maximum permissible excavation depth of 3.0m. Notwithstanding given the extent of excavation a geotechnical assessment and dilapidation report are both acknowledged to be a requirement and are recommended as part of conditions of consent.

Parking provision

The proposal provides 4 parking spaces which is surplus to the minimum requirement of 3 spaces. In terms of construction management, the limited street parking situation is acknowledged therefore a construction management plan is advised as a condition of consent to be submitted to Council prior to issue of a Construction Certificate.

Environmental Planning and Assessment Act 1979, S.79C

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

From this assessment the proposal is considered a satisfactory form of development, with departures to the front and side setback provisions considered acceptable on merit. Further it is considered to satisfactorily address issues raised in submissions subject to complying with conditions of consent with respect to submission of a construction management plan to address parking and access for construction vehicles. Consequently the proposal is considered satisfactory.

CONCLUSION:

The application has been assessed pursuant to Section 79C of the EP&A Act, including the Manly Local Environmental Plan 1988 and the Manly Development Control Plan for the Residential Zone, and is considered consistent with the intent of relevant planning controls, maintaining a form of development consistent with the surrounds with no unacceptable amenity impacts identified. The design is also considered satisfactory on merit in response to issues raised in submissions such that it may be considered within the public interest and recommended for approval.

RECOMMENDATION

THAT Development Application 386/04 for demolition and construction of a 2 storey Residential Flat Building with basement parking at 3 Cove Avenue, Manly be approved subject to the following conditions:

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

1. This approval relates to drawings/plans Nos. A01-A07, Issue B and Landscape Plan dated September, 2004 and received by Council on the 8th October, 2004.
2. The existing row of conifer trees at the rear are to be protected during construction work and retained.
3. A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The Principal Certifying Authority shall ensure that the design complies with the above said specification **prior to the issue of the Construction Certificate.**
4. On completion of the drainage works the applicant is required to submit work as executed drawings of the on site stormwater detention system. The work as executed drawings shall be certified by a Chartered Professional Engineer and submitted to Council **prior to the Occupation Certificate is issued.**
5. A positive covenant and the restriction on the use of land shall be imposed over the area of land affected by on site stormwater absorption/ detention system. The standard wording of the positive covenant shall be obtained from Council's "Specification for on-site Stormwater Management 2003" (Appendix A). The positive covenant shall be imposed **prior to the release of the Trust Fund Deposit.**
6. The construction of a vehicular footpath crossing and kerb layback is required. The design and construction shall be in accordance with Council's "Specification for Construction of Vehicular Crossings". The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specification. The work shall be inspected and approved by Council officers. All works shall be carried out **prior to issue of the Occupation Certificate.**
7. A Construction Management Plan is to be submitted to Council **prior to issue of a Construction Certificate.** This shall detail location of construction materials and possible construction vehicle parking so as to minimise conflict with resident street parking and through access for Cove Avenue.
8. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works,** payment of a Trust Fund Deposit of \$10,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, **at least 7 days prior to the commencement of any work on site.**
9. 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.
10. 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.**
11. Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council **prior to issue of the Construction Certificate.**

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

12. 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.
13. 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.
14. 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.

15. 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.
16. 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.
17. Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.
18. Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.
19. 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.
20. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
21. The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
22. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
23. 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.

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

24. Four (4) sets of Architectural drawings and Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate.**
25. Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.
26. A system of onsite stormwater detention shall be provided within the property in accordance with Council's "Specification for on-site stormwater management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

The specification can be downloaded from Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council.

27. The basement carparking level is to be adequately protected from flooding. Details are to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**
28. All demolition is to be carried out in accordance with AS2601-1991.
29. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
30. 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.

31. The building being erected in Type B construction for a Class 2 & 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.
32. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
33. All sound producing plant and equipment being installed and operated in such a manner so as not to create a noise nuisance.
34. 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.
35. **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.**
36. 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.

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

37. 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 3
- Wet area moisture barrier x 2
- Drainage inspection x 1
- Driveway crossing/kerb layback x 1
- Landscaping inspection x 1
- Retaining wall x 1
- Final inspection

The cost of these inspections by Council is \$883. (being \$70.00 per inspection and \$113.00 for Final inspection inclusive of GST). Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit on 9976 1573 or 9976 1587.

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

38. An Occupation Certificate is to be issued by the Principal Certifying Authority **prior to occupation of the development**.
39. 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.
40. 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.
41. 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**.
42. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.

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

43. 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.
44. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
45. 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.
 46. 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.
47. Approval of the application to Strata Subdivide the subject property is subject to the lodgement of a linen plan for certification and payment of the appropriate fee.
 48. Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".
 49. **Prior to issue of the Occupation Certificate**, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".
 50. 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.
 51. 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.
 52. 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.

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

53. Payment of \$5456.10 for the 1 additional dwelling in respect of the contribution for the provision of the public amenities and public services shall be in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979. Arrangements for such payment is to be made in accordance with Council's policy, **prior to issue of the Construction Certificate.**

Note: The attached yellow form is to be returned to Council with your payment of the Contribution.

54. 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.**
55. 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.**
56. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

ATTACHMENTS

There are no attachments for this report.

LUM070205ESD_2

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

TO: Land Use Management Committee - 7 February 2005
 REPORT: Environmental Services Division Report No. 3
 SUBJECT: 121 Seaforth Crescent, Seaforth
 FILE NO: DA499/04

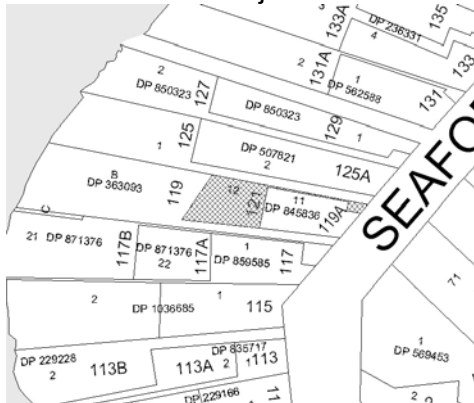
Application Lodged: 29/10/2004
Applicant: Mrs Sara L Walgett
Owner: As above
Estimated Cost: \$60,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
 Foreshore Scenic Protection Area
Surrounding Development: 2 – 3 storey detached dwellings
Heritage: Nil.

SUMMARY:

1. THIS IS A PROPOSAL FOR A REPLACEMENT DECK, NEW SPA, RETRACTABLE AWNING AND BUSHBOX FENCE.
2. NOTIFICATION OF THE PROPOSAL RESULTED IN RECEIPT OF ONE SUBMISSION.
3. APPLICANT WAS CONTACTED TO DISCUSS THE OBJECTORS ISSUES AND DESIGN JUSTIFICATION. APPLICANT ADVISED SPA COULD NOT BE PLACED ON OPPOSITE NORTHERN SIDE OF DECK DUE TO OVERLOOKING FROM THE NORTHERN NEIGHBOURING DWELLING, AND THAT THE PROPOSED LOCATION WAS PREFERRED TO OBTAIN WATER VIEWS.
4. THE APPLICATION WAS CALLED TO COUNCIL'S LAND USE MANAGEMENT MEETING BY COUNCILLOR MORRISON.
5. A SITE INSPECTION IS RECOMMENDED.
6. APPROVAL OF THIS DEVELOPMENT APPLICATION IS RECOMMENDED SUBJECT TO CONDITIONS.

LOCALITY PLAN

Shaded area is subject land.



REPORT

Introduction

The site and surrounds

The site is located on the lower side of Seaforth Crescent, falling steeply towards its western boundary. It has front and rear boundaries of 14.15m and 18.44m respectively and a total area of 455m². The fall to the west is approximately 13m, with a gradient of 1:2.

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

Existing development on the site comprises a two storey dwelling of rendered brick construction with pitched tile roof. At the western rear of the site a large deck is attached to the ground floor. Parking is provided above the site with a double parking space fronting Seaforth Crescent, and access down to the site is provided by a staircase and inclinator. Landscaping comprises mostly shrubs and trees. Filtered views to Middle Harbour and its western foreshores are available looking west from the existing deck.

Neighbouring development comprises a mix of detached 2 and 3 storey dwellings, with parking provided on elevated parking stands and garages fronting the street.

Proposed development

Development consent is sought to demolish the existing deck and construct a new deck in its place, install a spa at the south-western corner of the deck with retractable awning over and erect 2.2m high brush fencing to the southern edge of the staircase from the deck level of the staircase to the first stair landing adjacent to the southern boundary.

Development Control Plan Numerical Assessment

The following is an assessment of the proposal's compliance with the relevant numerical controls of the Development Control Plan, being open space, landscaping, swimming pool setback and overshadowing. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

	Provision	Proposal	Compliance
Open Space	319m ² / 70% min	355m ² / 78%	Yes
Soft Open Space	160m ² / 50% min of O/S	220m ² / 62%	Yes
Setback – pool (spa)	1m to coping, 1.5m to water edge	2.6m to west 3.6m to east	Yes
Overshadowing	Min 4hrs sunlight to neighbours living areas	>4 hrs maintained to neighbours	Yes
	Open Space max 1/3	<1/3	Yes

Applicant's Supporting Statement

The applicant submitted a Statement of Environmental Effects which is attached to Council's file.

Submissions

One submission was received from No. 117A Seaforth Crescent, adjoining to the site to the south. Issues raised are as follows, privacy, noise, overshadowing, visual impact of fence.

Precinct Community Forum Comments

No precinct community comments received at time of preparing this report.

Engineers Comments

Standard conditions of consent advised.

Building Comments

Standard conditions of consent advised.

Landscape Architects Comments

Standard conditions of consent advised.

Environmental Services Division Report No. 3 (Cont'd)**Planning Comments*****Manly Local Environmental Plan 1988***

The site is located in Zone No.2 – The Residential Zone which permits dwelling houses with the consent of Council. The proposed development is ancillary to the existing dwelling and is considered to satisfy the objectives of the residential zone, maintaining the character of its residential locality, improving landscape quality on the site with no unreasonable amenity impacts identified.

Foreshore Scenic Protection Area

The site is also located within the Foreshore Scenic Protection Area. Pursuant to Clause 17 of the LEP the proposal is considered in keeping with the size and form of development in the surrounds, with the replacement deck and spa not resulting in any noticeable increase in visual impact when viewed in context of the existing 2 storey dwelling to which it is attached at the ground floor, and in context of surrounding 2-3 storey dwellings. Accordingly its appearance is considered acceptable in terms of its foreshore setting.

Sydney Regional Environmental Plan No23 – Sydney and Middle Harbours

The site is covered by this Plan however it is considered that as the proposal is replacement of the existing deck and conditions are suggested relocating the spa that the development preserve the status quo and is not out of keeping with any of the objectives of this plan.

Manly DEVELOPMENT CONTROL PLAN for the Residential Zone 2001

As identified in the DEVELOPMENT CONTROL PLAN compliance table, the proposal complies with the relevant provisions of the DEVELOPMENT CONTROL PLAN, with comments as follows:

Open space and landscaping – Subzone 7 - 70% of the site is required as open space with 50% of this being soft landscaping. The proposal results in minimal change to the existing situation with the spa being constructed on the edge of the replacement deck. Compliance is achieved with 78% open space and 62% soft landscaping being achieved. By condition of consent requiring its outer edge to be re-aligned with the western edge of the deck, no decrease in soft landscaping will occur.

Setback – The DEVELOPMENT CONTROL PLAN requires a setback to the coping edge of 1m and 1.5m to the waters edge. The coping edge which is at the same level as the deck has a minimum setback of 3.5m – 4.0m to the southern boundary which complies, and 2.6m – 3.6m to the western boundary which also complies. The replacement deck maintains the setback of the existing deck.

Privacy – The DEVELOPMENT CONTROL PLAN generally permits pools to be a maximum height of 1.0m above the existing ground level. As noted the pool is to be constructed within the existing deck rather than above, resulting in no increase in potential overlooking to neighbouring properties. The pool has a separation of 9m to the neighbouring dwelling (No.117B) with existing vegetation to be retained between the spa and side boundary along with additional planting, thereby assisting to maintain satisfactory privacy.

Overshadowing – The spa and awning addition will result in a slight increase in overshadowing to the northern elevation of No.117A at 9am, however it will have no effect at midday and 3pm and therefore satisfies the provisions for solar access.

Comments on Submissions

Privacy – As noted the existing and additional screen planting will minimise potential overlooking such that view opportunities into the neighbours side facing windows will be minimal.

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

Noise – A condition of consent is to be included requiring spa to be located further from the western boundary and the location of the filter to be within a sound proof enclosure / 'filter box', with details of this to be submitted prior to issue of the Construction Certificate. Given the presence of 2 inclinators along the boundary which are the source of existing noise, the addition of the spa at 9m separation to the neighbouring dwelling is considered reasonable separation in terms of noise. Further it is noted that additional landscaping is to be carried out adjacent to the side boundaries which will assist to reduce noise transmission at the boundary. Notwithstanding a condition of consent is recommended that a glass balustrade is to be provided surrounding the spa to minimise noise spread whilst also minimizing visual impacts.

Overshadowing – As noted the spa addition will result in a slight increase in shadowing to the south by virtue of the awning. The resulting overshadowing will be limited to 9am when the shadow will cast over the lower portion of the upper level windows, however as sunlight is retained into these windows at this time, with no effect at midday and 3pm the proposal is satisfactory from a solar access perspective as per the provisions of the Development Control Plan.

Visual impact of fence – The brush fence proposed along the lower flight of the staircase along the southern boundary is not considered visually intrusive to the natural outlook as it is primarily viewed in context of the deck below or the 2 storey elevation of the subject dwelling behind.

Comments on Submission

Council staff have discussed the proposal, neighbour concerns and possible revisions with the applicant who has advised of reasons for locating the structure as submitted. In the circumstances it is considered minor relocation of the spa to achieve increased rear setback would be appropriate, a condition of consent in this regard is included in the recommendation.

Environmental Planning and Assessment Act 1979, S.79C

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

From this assessment the proposal is considered a satisfactory form of development on merit, with issues raised by a neighbour considered to be satisfactorily overcome by way of minor design amendments as conditions of consent. Consequently the proposal is considered satisfactory pursuant to S.79C of the Act.

CONCLUSION:

The application has been assessed pursuant to Section 79C of the EP&A Act, including the Manly Local Environmental Plan 1988 and the Manly Development Control Plan for the Residential Zone, and is considered consistent with the intent of relevant planning controls, maintaining a form of development consistent with the surrounds with no unacceptable amenity impacts identified. The design is also considered satisfactory on merit in response to issues raised in submissions such that subject to compliance with the recommended conditions of consent, it may be considered within the public interest and recommended for approval.

RECOMMENDATION

THAT Development Application 499/04 for demolition of an existing deck and construction of a new deck, installation of a spa, erection of a retractable awning and brush fencing at 121 Seaforth Crescent, Seaforth be approved subject to the following conditions:

1. This approval relates to drawings/plans Nos. 2a, 2b, 2c dated December 2004 dated December 2004 and received by Council on the 29th October, 2004.

Environmental Services Division Report No. 3 (Cont'd)**2. Amended plans**

- (a) The western and southern edge of the spa and awning are to be re-positioned to align with the edge of the new deck.
- (b) A balustrade along the southern and western edges of the spa is to be provided and constructed of glass to minimise noise transmission and visual impacts.
- (c) The spa filter pump and motor unit is to be housed in a sound proof filter box to minimise audible noise transmission of its operation to neighbouring properties.

Amended plans are to be submitted that satisfy these conditions prior to issue of the Construction Certificate.

- 3. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$2200. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

- 4. Details of the builder's name and licence number contracted to undertake the works shall be provided to Council **prior to issue of the Construction Certificate.**
- 5. Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council **prior to issue of the Construction Certificate.**
- 6. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.
- 7. 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.
- 8. Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**
- 9. The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
- 10. Four (4) sets of Architectural drawings and Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate.**
- 11. Roofwater and surface stormwaters from paved areas from the development shall be collected and piped to the harbour foreshore in a manner approved by the Principal Certifying Authority. If the piped system runs across park reserves, approval by Council's relevant officer shall be obtained. The stormwater disposal system must have a stilling

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

sump and flow dissipater provided at the property line.

12. All demolition is to be carried out in accordance with AS2601-1991.
13. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
14. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
15. 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.
16. **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**.
17. A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site**.
18. The works require the following inspection/certification during the course of construction:-
 - Silt control fences
 - Footing inspection - trench and steel
 - Reinforced concrete slab
 - Framework inspection
 - Final inspection

The cost of these inspections by Council is \$393. (being \$70.00 per inspection and \$113.00 for Final inspection inclusive of GST). **Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit on 9976 1573 or 9976 1587.**

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

19. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
20. Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
21. The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land.

The measures must include:-

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

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

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

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

23. The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.
24. 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.
25. A railing or other safety measures or devices that are approved by the Principal Certifying Authority is to be erected around the sides of the pool surround structure where height above natural ground level exceeds 900mm. All details of the necessary device are to be submitted to and approved by the Principal Certifying Authority **prior to issue of the Construction Certificate.**

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

26. 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.
27. There is to be no noise emitted from any process carried on within the premises that will register more than 5 decibels above the background noise at any point more than 3m outside the premises. In this regard the applicant's attention is drawn to the spa filter motor pump ventilation system.
28. Amended plans are to be submitted that specify the location of the spa filter motor and pump **prior to the issue of the Construction Certificate.**
29. The spa filter motor and pump is to be housed in a sound proof filter box to minimise audible noise of its operations to neighbouring properties.
30. 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.**
31. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

ATTACHMENTS

There are no attachments for this report.

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

LUM070205ESD_3

***** End of Environmental Services Division Report No. 3 *****

<u>Application Lodged:</u>	27.5.2004 with amended plans 22.10.04
<u>Applicant:</u>	BDG Architects
<u>Owner:</u>	Mrs Hall
<u>Estimated Cost:</u>	\$700 000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	Residential Flat Buildings and Dwelling Houses
<u>Heritage:</u>	n/a

1. COUNCIL IS IN RECEIPT OF AN APPLICATION FOR DEMOLITION OF AN EXISTING DWELLING AND ERECTION OF A NEW DWELLING.
2. SEVEN (7) SUBMISSIONS WERE RECEIVED IN RESPONSE TO NOTIFICATION.
3. THE APPLICATION WAS REFERRED TO THE LITTLE MANLY COMMUNITY PRECINCT FORUM.
4. THE APPLICATION WAS REPORTED TO THE DEVELOPMENT ASSESSMENT UNIT ON 9 SEPTEMBER, 2004 AND DEFERRED FOR DISCUSSION WITH THE APPLICANT TO SEEK REDUCTIONS TOWARDS IMPROVING COMPLIANCE UNDER THE RESIDENTIAL DCP AND REDUCE AMENITY IMPACTS.
5. AMENDED PLANS WERE RECEIVED ATTEMPTING TO ADDRESS ISSUES RAISED BY THE DEVELOPMENT ASSESSMENT UNIT AND ISSUES RAISED IN PUBLIC SUBMISSIONS, WITH THESE PLANS REPORTED TO THE DEVELOPMENT ASSESSMENT UNIT ON 4 NOVEMBER, 2004. THE APPLICATION WAS AGAIN DEFERRED FOR FURTHER DISCUSSIONS WITH THE APPLICANT.
6. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR MACDONALD.
7. A SITE INSPECTION IS RECOMMENDED.
8. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

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

The subject site is located on the north eastern (high) side of Stuart Street on Lot to the northwest of the intersection with Marshall Street. The land is rectangular in configuration and has a moderate fall from the rear toward the front boundary. The land is currently developed with a single storey dwelling with flat roof and a garage under.

The proposal is to demolish the existing dwelling and erect a new two storey dwelling with basement level carparking and storage space.

The proposed application involves the following:

- Demolition of an existing dwelling;
- Site excavation including basement parking and store;
- Erection of a two storey dwelling;
- Landscaping.

The development reported to Council involves amended plans sought by the staff which in summary made the following amendments:

- Reduced the excavation in the car park;
- Provided further setback to the street to reduce streetscape impact and increase open space;
- Provided more landscape open space including a new side courtyard on the northern centre face of the building;
- Increased setback to minimise shadow effects and loss of view;
- Reduced FSR in areas of the design which impact on adjoining properties including high roof areas which add building bulk;
- Removed entry covered way where it extends to street level to reduce impact on the street.

Development Control Plan Numerical Assessment

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

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Floor space ratio	0.6:1 (184 m ²)	0.98:1 / 301m ² 0.83:1 / 253m ² (less surplus basement area)	No No
Wall height north/east side	7.4m	6m	Yes
South/east side	7.4m	6.3m	Yes
Roof height	3m	2.5m	Yes
Setback Front	6m	6.5m	Yes
Setback Rear	8m	7.4m	No
Setback - North/west side	900mm basement 1.5m - 2.1m	0m 0m- 1m ground floor 1m – 1 st floor	No No No

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

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Setback - south/east side	900mm basement 1.3m - 2m	1.8m 0m – 1m ground floor 1.0m – 1.8m 1 st floor	Yes No No
Open space - total	55% / 168m ²	24% / 135m ²	No
Open space - soft	35% (59 m ²)	32% (53 m ²)	No
Excavation	3m depth	4.3m	No
Number of Endemic Trees	1 tree	1 tree	Yes condition
Car Parking – Residents	2 spaces	2 spaces	Yes
Energy Efficient Rating ★★★★★	3.5 stars	3.5 stars	Yes

Submissions

The latest submission plans were notified and 7 submissions were received raising the following issues:

- Excessive scale in relation to the site (floorspace ratio). The applicant's justification for a 89m² variation to the FSR based on the limited lot size is not supported.
- wall height is in excess of the maximum height and minimum side setback controls
- Use of the area notated as 'services' within the roof and antidotal evidence that it is to be a music room
- excessive height
- Loss of view due to the steeply sloping roofs from 10 Marshall Street
- Loss of view from toilet bathroom and kitchen of 3/53 Stuart St
- Loss of view from kitchen of 2/53 Stuart St
- Loss of view from lounge room of 3/14 Marshall St
- Loss of view from 4/49 Stuart St. A building line consistent with the neighbour (13m) is considered reasonable.
- impacts from 3/14 Marshall St- proposed metal roof and potential view loss due to heights of trees at maturity
- Loss of view from 3/50 Wood St
- Loss of outlook from bedroom, unattractive outlook to proposal
- perceived loss of property value
- Loss of light to toilet bathroom and kitchen of 3/53 Stuart St
- Demolition of a fine example of 1960's architecture. Further heritage investigations (by RAIA) sought and photographic survey if not to be retained
- potential for glare
- Excessive excavation
- Potential impact of a spring existing under the back lawn. In particular the construction of retaining walls are a concern in respect of natural drainage for the site.
- Potential impact on water table without adequate investigation regarding drying soils and a water barrier with a dam effect and raising salts, minerals and sulphur to the surface

Precinct Community Forum Comments

9 May, 2004

"Demolition of existing building and construction of a new residence.

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

No owners were present. Neighbours expressed concerns over the height of the unusual sawtooth roof onto what is now a 4 level building rather than 2 which will cause them loss of view to LM Cove (some loss could be accepted but not 100% of it). There was a query as to whether or not the FSR is met.

It was reported that the excavation for 4 cars and a turning area could have an impact on neighbouring properties and that a spring had been found at 12 feet which was of concern to some neighbours as to its origins. It was reported that owner had had some discussions with neighbours and had agreed that his "sawtooth" roof line removed all views from the rear neighbours. Is this design necessary? Neighbours also asked that all roofing materials be "non-reflective".

The meeting endorsed the suggestion that the complainant neighbours contact complainant neighbours contact Council to seek cooperation in protecting their current views and to ensure that any roof development is non-reflective in nature."

Engineers Comments

No objections subject to conditions.

Building Comments

No objections subject to conditions.

Landscape Officers' Comments

Landscaping Plan is satisfactory.

Planning Comments***Manly Local Environmental Plan 1988***

The site is located in the Residential Zone which permits dwelling houses with consent. The proposed new dwelling is therefore permissible with consent.

The proposal as amended is considered to achieve a form of development that is compatible with the character and size of development in the locality, however it is not considered to satisfy a key objective of the residential zone.

In particular objective (d) of the residential zone requires that "...building form, including alterations and additions does not degrade the amenity of surrounding residents or the existing quality of the environment". In this regard the proposal results in a loss of amenity to neighbouring properties, particularly with respect to view loss which is a key element of residential amenity.

The site is also located within the Foreshore Scenic Protection Area. Pursuant to Clause 17 of the LEP the proposal is not considered to have any adverse visual impacts to the nearby foreshore and waterways, being comparable with the size and form of surrounding development.

Sydney Regional Environmental Plan No23 – Sydney and Middle Harbours

The site is covered by this Plan, it is considered that the proposal is not out of keeping with any of the objectives of this plan.

Manly Development Control Plan for the Residential Zone

As noted in the summary, amended Plans have been received following consideration by staff and subsequent discussions with the applicant. The amended plans have been re-notified with submissions received.

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

Variations to the Development Control Plan as identified in the compliance table are discussed in terms of the relevant objectives to each of the controls, as follows:

Open space and landscape design

The variations to open space areas and concerns in respect of landscape design are discussed in relation to the landscape objectives.

In summary the objectives are to enhance the landscape amenity of the site and surrounds, provide sufficient functional private open space for the occupants, and provide sufficient planting space for soft landscaping in a manner that provides screening, beautification and shading.

As noted in the compliance table the total required open space is 55% / 168m², with the proposal providing 44% / 135m². This shortfall of 33m² is reflected in the excess FSR, where the floor area exceeds the maximum provision by 69m².

When the proposal's open space and landscaping is considered in context of surrounding development and existing landscaping on the site, the proposal is considered to enhance the landscape quality of the site and streetscape.

With respect to the provision of open space, the rear garden and front terrace are considered to be of sufficient dimensions to provide functional open space with perimeter landscaping providing suitable privacy screening. It is also noted that the DCP compliance assessment does not include the 1st storey balconies and several balconies which contribute to private open space. Given the relatively small size of the site and the site context, the incorporation of these other open space areas may be considered for their contribution to the amenity of the site.

With respect to soft landscaping, if the smaller narrow areas are included this would result in a fully compliant development in terms of soft open space. The total open space would be similarly increased by some 40m². Consequently although the open space as defined by the DCP definition is not satisfied numerically the objectives are considered to be satisfied with sufficient functional open space provided. It is also noted that the proposed planting is generally designed with emphasis on perimeter planting. This design aspect is considered to offset potential overlooking issues with the development, as well as providing additional shade to the rear garden. Council's landscaping officer advises the landscaping plan is satisfactory.

Floor Space Ratio

As noted in the compliance table the proposal has an FSR and floor area of 0.98:1 and 301m² which substantially exceeds the limit of 0.6:1/184 m². This breach is considered with respect to the objectives of the FSR control.

In summary the objectives of the FSR control are to control the bulk of building in a manner that does not obscure views to landscape features and waterways, minimise loss of privacy and overshadowing to neighbouring properties, and maintain consistency with the existing and desired character of the area. In particular the objective of minimising disruption of views is identified as a key objective to the locality with views to Little Manly Cove and its landscaped foreshores being significant to the amenity of the site and neighbouring properties. Consequently, the DCP's objectives for view sharing require strong consideration in the assessment of this proposal.

In accordance with the DCP's definition for floor space, the proposal has a floor area of 301m², resulting in an FSR of 0.98:1, resulting in a breach of 113m². This includes the storage area at the rear of the basement which is surplus to the Development Control Plan's parking requirement of 2 spaces. If the basement level is entirely excluded the resulting floor area is 253m², with an FSR of 0.83:1. The basement may be considered for exclusion on the basis that it is mostly below the

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

existing ground level and does not significantly contribute to the visual bulk of the building. Notwithstanding the basement, the FSR of the proposal is considered an excessive breach of the FSR provision which cannot be supported where amenity impacts to neighbouring properties are evident.

In this case the bulk and scale of the proposal as reflected in its high FSR results in a complete loss of water and foreshore views from the rear living room deck of No. 10 Marshall Street, neighbouring the rear of the site to the northeast. Views from this deck are obtained looking over the existing dwelling, with the greater bulk of the proposal resulting in these views being blocked, although it is noted that oblique views to the water from its upper level bedroom balcony over Marshall Street will remain unaffected by the proposal. A similar view loss will also be experienced to unit 3/14 Marshall Street, which looks diagonally over the subject site (and No. 10 Marshall Street) to the south-west to obtain these views.

The proposal also results in significant view loss from the first floor unit (# 4) of the northern neighbouring units at No. 49 Stuart Street. This unit looks diagonally over the existing roof and front garden of the existing dwelling to the waters of Little Manly Cove, and Cannae Point on the western edge of North Head in the distance. Approximately half this water view will be blocked including the eastern foreshore landscape and approximately half of Cannae Point. This view loss could have been avoided if the bulk of the upper level towards the front was reduced (thereby reducing the FSR) however this would not likely reduce view impacts to No.10 Marshall Street. It is noted that with a gross floor area of 255m² this is comparable with the size of single dwellings in the locality and is less than the neighbouring unit buildings.

In context of the streetscape which includes 2 and 3 storey unit buildings, the bulk of the building is not considered excessive. Due to the extent of view impacts resulting however, particularly to No.10 Marshall Street, the proposal is considered excessive in bulk, being an overdevelopment of the site and contrary to the Development Control Plan's objectives for Floor Space Ratio. Accordingly the departure to the Floor Space Ratio standard is not supported.

The applicants' consultant Planner submits that compliance with the DCP controls will, in this case 'have a negative impact on the streetscape because of the resulting smaller size and scale of the building'. This view is not supported as a reduced FSR could still be achieved whilst maintaining a similar scale and front setback as proposed, but this may still result in amenity impacts of view loss. Given the small size of allotment, its development capacity should be compared with other single detached dwellings in the locality including those dwellings along Marshall Street and Stuart Street.

Height

As noted in the compliance table the proposal complies with the numeric requirement for maximum height. Notwithstanding, the proposal clearly fails to achieve a key objective of height, being to minimise disruption to views. In order to achieve the maximum permissible height, the proposal would need to demonstrate that reasonable view sharing is retained to affected neighbours through appropriate siting, size and roof treatment of the new dwelling, particularly its upper level which results in view obstruction. As such a reduced sized one and two storey dwelling built into the slope with reduced basement area, reduced ceiling levels and a flat roof could be achieved that would allow some distant views to be maintained from the rear neighbour No.10 Marshall Street. Given the extent of the view impact as previously discussed under the heading of Floor Space Ratio, the height of the proposal is considered unacceptable.

Setbacks

As noted in the compliance table the proposal does not comply with the setback provisions for side, rear and excavation setbacks. A key objective of setback is to enable view sharing, along with privacy and solar access.

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

With respect to the side and rear setbacks, these are considered to contribute to the excessive floor space of the building and shortfall in open space as reflected in the significant breaches to the FSR and open space provisions. Whilst the rear garden area is considered of sufficient dimensions to provide a functional area of landscaped private open space, given the previously stated concerns of excess bulk and scale, particularly as it impacts on neighbours views, the setback breaches are considered to contribute towards an overdevelopment of the site and are not supported.

The proposed excavation to the south-eastern side boundary also raises concerns of potential excavation impacts to the neighbouring property. In the absence of a minimum setback of 900mm as required to provide a buffer during the excavation process and maintain planting opportunities, this may increase the risk of damage to the neighbouring property to the south including land subsidence and building dilapidation. Given the broad width of the basement at 7.6m which is surplus to the necessary width of 2 parking spaces (5.0m), and that it contributes to additional floor space as defined by the DCP (thereby further increasing the FSR breach) the size of the basement area is considered to further contribute to concerns that the proposal is an overdevelopment of the site.

Excavation/ cut and fill

The proposal seeks excavation to facilitate a basement parking and storage area having a depth from 2.0m to 3.7m below the existing ground level. The rear half of the basement area exceeds the maximum permitted excavation provision of 3.0m.

Whilst some excavation may be considered acceptable to facilitate a basement parking area, the size of the basement, extending the length and width of the dwelling is considered excessive and contributes to additional floorspace as defined by the DCP. It is noted that even with the surplus basement area being excluded in floor space calculations, the proposal results in a significant breach to the FSR provision, as well as the setback and open space provisions. Consequently the extent of excavation for the basement is considered excessive and further contributes to concerns that the proposal is an overdevelopment of the site.

Privacy

The position and height of balconies and windows have been assessed in relation to neighbouring development whereby the proposal is generally considered satisfactory from a privacy perspective. The windows of neighbouring dwellings that align with the proposal are higher than the 1st floor (where overlooking opportunities are potentially greater) such that they look onto the proposal rather than the reverse.

Some overlooking into a southern neighbouring unit at No.53 from the 1st floor side facing balcony will result, however this balcony given its small size is not considered to provide functional open space such that the frequency of overlooking from this balcony is considered small. Notwithstanding, if the proposal were to be approved a condition of consent is recommended that this balcony have a 1.5m obscure balustrade to minimise any potential overlooking.

Other considerations

An assessment of the potential of impact on Bandicoot's has been received. Council's Environmental Planner advises there are no objections in this regard subject to conditions.

Conclusion

The proposed development has been considered under section 79C of the Environmental Planning and Assessment Act, Manly Local Environmental Plan, 1988, and the Development Control Plan

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

for the Residential Zone 2001. Having considered the relevant provisions and objectives the proposal is not considered to represent a satisfactory form of development on the site. In particular it is considered to be of excessive bulk and scale as evidenced in non-compliance with Council's DCP provisions for FSR, open space and setback, and the resulting impacts of view loss to neighbouring properties. This issue cannot be resolved by design modifications as conditions of consent.

Consequently the proposal is considered an overdevelopment of the site, an unsuitable form of development for the site when considered in context of its surrounds, and not within the public interest. In conclusion then it is considered unsatisfactory under the provisions of S.79C of the EP&A Act and is recommended for refusal.

RECOMMENDATION

'That Development Application 250/04 for demolition and construction of a 2 storey dwelling with basement parking at 51 Stuart Street, Manly, be refused for the following reasons:

1. The proposal is not considered to satisfy the objectives of the Residential Zone pursuant to Clause 10 – Development Control Table of Manly Local Environmental Plan 1988, in particular with respect to the amenity of neighbouring residents.
2. The proposal is considered an overdevelopment of the site having regard to its non-compliance with the provisions for open space, Floor Space Ratio, setback and excavation as specified in Part 3 of the Manly Development Control Plan for the Residential Zone ("The Residential DCP").
3. The proposal is considered to result in unreasonable amenity impacts to neighbouring properties, particularly with respect to loss of water and foreshore views obtained looking over the subject site, and is not considered to satisfy the objectives of view sharing contained in Part 3 of the Residential DCP.
4. Pursuant to S.79C(1)(c) of the EP&A Act 1979, the site is considered unsuitable to support the proposed development given its small area, narrow form and position within a view corridor from neighbouring properties.
5. Pursuant to S.79C(1)(d) the proposal is considered unsatisfactory in response to issues raised in neighbours submissions, particularly with respect to view loss.
6. Pursuant to S.79C(1)(e) the proposal is not considered within the Public Interest.

ATTACHMENTS

There are no attachments for this report.

LUM070205ESD_4

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

TO: Land Use Management Committee - 7 February 2005
 REPORT: Environmental Services Division Report No. 5
 SUBJECT: 3 Beaconview Street, Balgowlah
 FILE NO: DA467/04

<u>Application Lodged:</u>	22.9.2004
<u>Applicant:</u>	Mr Darren Crawford
<u>Owner:</u>	D Crawford & A Salini
<u>Estimated Cost:</u>	\$235.000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	One and Two Storey Dwelling Houses
<u>Heritage:</u>	N/A

SUMMARY:

1. COUNCIL IS IN RECEIPT OF AN APPLICATION FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE INCLUDING A NEW FIRST FLOOR LEVEL.
2. THE APPLICATION WAS NOTIFIED IN ACCORDANCE WITH COUNCIL'S NOTIFICATION DCP AND SEVEN (7) SUBMISSIONS WERE RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE LOCAL COMMUNITY PRECINCT FORUM.
4. AMENDED PLANS WERE RE-NOTIFIED WITH OBJECTIONS RECEIVED.
5. THE APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR MACDONALD.
6. A SITE INSPECTION IS RECOMMENDED.
8. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

LOCALITY PLAN

Shaded area is subject land.



REPORT

Introduction

The subject site is located on the western side of Beaconview Street one allotment to the north of the intersection of Beaconview Street and Dobroyd Road. The site has an east/west orientation and has a slight crossfall from south to north. The land is currently developed with a part one and part two storey dwelling.

The application proposes alterations and additions including a new upper floor level to provide for:

- Basement Level – garage space

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

- Ground Floor Level – Entry, kitchen, dining, lounge, three bedrooms, laundry and bathroom with external decks at the front and rear elevations
- First Floor Level – two bedrooms, family room and bathroom with deck to the front elevation.

The application was notified to nearby and adjoining owners with submissions received. Following discussions with council staff the applicant submitted amended plans.

Amended Plans were renotified on 30.11.2004. Following some concern from Council officers and residents that the amendments did not adequately address the Council's desired planning outcomes, further discussion and amendments were made on 10 December 2004. These amendments were notified on 15.12.2004 and are the subject of this report.

Development Control Plan Numerical Assessment

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

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Floor space ratio	0.45:1	0.46:1	No
Floor space ratio - existing	0.3		Yes
Wall height North side	6.6m	8.1m	No
South side	6.6m	6m	Yes
Roof height	3m	2.0m	Yes
Setback Front	6m	8.5m	Yes
Setback Rear	8m	6.6m – 12.2m	Yes (average)
N setback side	2.66m	3m	Yes
S setback side	2m	4.6m	Yes
Open space - total	55%	67%	Yes
Open space - total	315.6sqm	385.7sqm	Yes
Open space - soft	35%	80%	Yes
Number of Endemic Trees	3 trees	3 trees	Yes (condition)
Private Open Space	18 sqm	>18sqm	Yes
Car Parking – Residents	2 spaces	2 spaces	Yes

Submissions

In response to Council's most recent notification (15.12.2004 to 22.12.2004) three submissions were received raising the following issues (note one objection has since been withdrawn).

- The proposed modifications to height (from RL77 to RL76.56 ie 44cm) are not sufficiently reduced. Further reductions to both the second storey and the height and pitch of the roof are encouraged (eg. reduce height of the second storey from 2.7m to 2.4m)
- The proposed maximum ridge line should better reflect the topography and streetscape with the ridge stepping down from 1 Beaconview Street (RL76.5). The proposed maximum ridge line should better reflect the average ridge line of adjacent properties which is at least 700mm lower.(ie RL75.86)
- The proposed stepping in of the first floor level on the northern side is not considered to eliminate the third storey appearance and is non-compliant by up to 0.8m. Further stepping in of this elevation is sought particularly the SW corner of the new floor to comply with rear setback and reduce bulk and scale form the neighbour

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

- The proposed family room is not considered to provide essential living space
- The western elevation is considered non-compliant with rear setback requirement and additional setback of the first floor is suggested
- Excessive bulk due to a non-compliant height, three storey and rear setback
- The reduced height of entry foyer to single storey is considered to reduce the bulk and scale of the building from Beaconview Street
- The proposed inclusion of obscure glass at the lower half of the bedroom window is an improvement but modification to translucent glass is recommended. In relation to the other fixed bedroom window, the use of obscure glass at the lower half (laminated) is not considered appropriate as partial laminating of the glass is considered unsuitable. It is also noted that laminated can be removed. In relation to the fixed window it is recommended that the window be deleted or glass bricks be used to increase privacy.
- Overlooking and loss of privacy from the new rear (western) balcony. Reductions and screening of balcony are requested.
- Adequacy of the landscape detail in relation to plant type, soil depth and ability to screen.
- Site inspection requested

Previously submitted concerns and issues raised in response to earlier notifications include:

- Excessive height (2m higher than 5 Beaconview)
- Partly 3 stories in a concern
- Height considered inconsistent with locality
- Height reductions sought regarding either lower roof pitch or design and/or lower ceilings
- Loss of (and further erosion of) district view from 5 Dobroyd Road
- Dominant visual impact
- The development not considered to contribute positively to the streetscape currently comprising 6 single storey dwellings, 6 single storey dwellings with basement under, 2 two storey dwellings ALL having less height impact than that proposed
- Loss of privacy
- Non-compliance with DCP in terms of fsr, height, setback (west), overshadowing and privacy
- Shadow diagrams considered ambiguous
- Detailed floor calculations do not assure compliance
- Insufficient survey detail

Precinct Community Forum Comments

Bulk, scale and height issues are raised from one neighbour, Mr Bannerman. Inconsistent scale with adjoining properties and streetscape were concerns. The DCP states that Council is not favourable of more than two storeys in this locality. The Owner was present. It was noted that the land slopes significantly. It is the section where the garage is that makes it a third storey. According to the owner the roof height and pitch is below allowable limits.

Engineers Comments

No objections subject to conditions

Building Comments

No objections subject to conditions

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

Amended Plans have been received in response to height, setback and bulk issues raised by Council officers and in resident submissions.

In relation to the proposed wall heights the amended plan indicates a wall on the northern elevation 5.3m high (existing) and the first floor wall 8.1m high but setback 1.2m behind the existing wall and separated by a section of pitched and tiled roof between the ground and first floor level. The length of the first floor wall is less than existing and located 3m (2.7m required) from the neighbours property. In this regard the proposed northern side wall is considered to satisfy DCP wall height objectives a) to d) in relation to height as follows:

Height objective: a) The proposed additional floor is sited closer to the existing northern elevation than to the southern side. This northern end of the building is where the basement level is situated and is where the height of development is greatest thereby accentuating the height of building. The height at this northern end has been effectively reduced by a 2m setback at the first floor level so that the wall height towards the boundary is more sympathetic to the existing scale from the streetscape.

Height objective: b) The consistency of heights with adjoining and nearby development. It is noted that there is a 1.5m fall to the north. When the eaves level of the proposal is compared with the northern neighbour (No. 5 Beaconview) it is noted that the proposed eave level is approximately 2m over that at No 5 Beaconview. The height of the proposals eaves is also consistent with its southern neighbouring dwelling (No.1 Beaconview). Consequently the scale of the proposal is considered to be consistent with the surrounds.

Height objective: c) The design results in disruption to some district views enjoyed to the north from neighbours to the south (Dobroyd Road). The view impact has been assessed onsite and having regard to height issues the height has been reduced as far as reasonable. The proposed provision of a 2.4m internal ceiling height is considered reasonable in the circumstances incorporating a drop in the overall roof height. A drop in roof pitch is not considered to have a significant effect in this instance given the minimum extent of roof ridge lines. As view sharing is considered to be maintained the proposal is considered acceptable in terms of its height, bulk, and siting.

In relation to privacy the proposed height is considered satisfactory noting a small first floor level balcony at the north east corner of the building.

Height objective: d) sunlight access to open space areas is satisfactory in terms of DCP criteria. Additional shadow sketches have been submitted to clarify the shadow effects to the south and the development is supported in this regard.

The proposed setbacks comply with the exception of the rear setback (8m required) which is 6.6-12.2m measured perpendicular to the splayed rear boundary alignment. (Measured otherwise parallel to the side boundaries, the proposed setback ranges from 7.7m to 14.6m). Given the splayed boundary, an average rear setback of 9.5m as provided is considered acceptable.

In relation to privacy effects of the proposed setback, the location and orientation of windows in the new first floor are generally considered to minimise potential for direct overlooking to neighbours subject to conditions. In this regard the setback of the proposed rear window was raised as a concern in objections (8 Dobroyd Road). The setback of the window is considered to comply with the DCP setback being 8.1m distance (measured from the middle of the window). Amended plans and conditions with regards to obscure treatment remain a concern of the neighbour where a single pane of glass is proposed to be only partially covered in laminate film (lower half). Objectors also note such film may be subsequently removed. In this regard conditions are imposed requiring the opaque treatment of windows which are enforceable. Further, the use of opaque treatment of the lower half of the opening is considered to effectively deal with the privacy issue. The deletion of

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

the window or use of glass bricks as suggested by the neighbour are not recommended in this regard. There is also existing established vegetation screening in this rear area to be supplemented with planting to have a screening function by condition.

Amended plans reduce the extent of floorspace but, is still not strictly in conformity to Council's FSR control. It is also noted that existing floorspace at the rear of the garage is not included as the applicant submits that windows and doors to these spaces will be bricked up and become 'void'. In relation to FSR, the proposed FSR is 0.46:1 (0.45:1 required) which represents an additional 6m² of gross floor area. The extent of the numeric departure is not considered to have a significant impact in terms of the overall bulk of building. It is however noted that an additional 0.6m setback at the rear boundary would satisfy the FSR requirement and also bring the rear boundary closer to full compliance but this is not recommended as it would have minimal perceived change in terms of privacy, setback and bulk.

The amended plans have also looked at other opportunities for reductions to building bulk as particularly perceived from the street. The projecting entrance element at two stories was identified as a prominent feature in the streetscape due to its siting and height and the appropriateness of its bulk in this regard was questioned by Council's officers. In this regard the reduction in this bulk is limited by the stair location and the need for height clearance on the stairs. The bulk of this entrance/stair element has however been lowered in an attempt to better relate to the predominant single storey scale of the street.

In relation to proposed landscaping, conditions are recommended to require details of appropriate soil depth/ profiles, drainage and any new garden retaining walls due to the extent of rocky outcrops in the locality.

CONCLUSION:

The proposed development includes a new first floor level, entranceway and rear deck. The applicant has submitted amended plans which have been renotified and resident objection remain. Variations are proposed to floorspace ratio and rear setback are supported. The applicants' amended plans setback the first floor level 2m from the existing north wall and on this basis the proposed height is considered acceptable on merit under the objectives and provisions of the Local Environment Plan and Residential Development Control Plan. The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, The Manly Local Environment Plan, 1988 and the Manly Development Control Plan for the Residential Zone and is considered satisfactory. Consequently the application is supported and recommended for approval.

RECOMMENDATION

That Development Application No 467/04 for proposed alterations and additions to the existing dwelling house at 3 Beaconview Street, Balgowlah Heights, be approved subject to the following conditions:

1. This approval relates to drawings/plan Nos. 04007-1 Revision A dated June 2004 and received by Council 15 December, 2004 and drawings/plan Nos. 04007-2 dated July 2004 and received by Council 8 October, 2004.
2. The provision of openings (apart from ventilation grilles) into basement areas nominated as void spaces are not permitted under this development application. In this regard the Construction Certificate must indicate existing opening to these areas be bricked up and notated accordingly on both plans and elevations.

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

3. The proposed opaque glass treatment of the bedroom window in the rear elevation is to be undertaken prior to occupation and is to be maintained.
4. Landscaping Plans are to be submitted with the Construction Certificate detailing the use of planting species (including a minimum 3 endemic trees) and sufficient soil depth to enable visual screening between neighbours at the boundary at the scale of a medium to large shrub. Details are to be submitted by an appropriately qualified landscape body to the satisfaction of the Council/ Certified Authority prior to the issue of a Construction Certificate.
5. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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.**

6. 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.**
7. Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council **prior to issue of the Construction Certificate.**
8. 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.
9. 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.
10. Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.
11. A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Principal Certifying Authority in respect of the load carrying capabilities of the existing structure to support the proposed **additions prior to the issue of the Construction Certificate.**
12. Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

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

13. 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.
14. The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
15. An adequate security fence, is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.
16. Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate.**
17. Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.
18. All demolition is to be carried out in accordance with AS2601-1991.
19. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
20. 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.
21. **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.**
22. A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site.**
23. The works require the following inspection/certification during the course of construction:-
 - Silt control fences
 - Footing inspection - trench and steel
 - Framework inspection x2
 - Wet area moisture barrier
 - Final inspection

The cost of these inspections by Council is \$463. (being \$70.00 per inspection and \$113.00 for Final inspection inclusive of GST). **Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit on 9976 1573 or 9976 1587.**

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

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

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

25. 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**.
26. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
27. 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.
28. 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.
29. 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.
30. Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".
 31. **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".
 32. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

ATTACHMENTS

There are no attachments for this report.

LUM070205ESD_5

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

TO: Land Use Management Committee - 7 February 2005
REPORT: Environmental Services Division Report No. 6
SUBJECT: 85 - 87 Lauderdale Avenue, Fairlight
FILE NO: DA386/04

Application Lodged: 10/8/2004
Applicant: Susan Rothwell Architects
Owner: Susan Rothwell Investments P/L, RJC Developments P/L, Delbant P/L, Clodene P/L
Estimated Cost: \$4,000,000
Zoning: Manly Local Environmental Plan, 1988 - Residential Foreshore Scenic Protection Area
Surrounding Development: 2 - 4 storey detached dwellings and residential flat buildings
Heritage: Esplanade Park adjoining the site is landscape heritage

SUMMARY:

1. DEVELOPMENT APPLICATION 386/04 FOR DEMOLITION AND CONSTRUCTION OF A STRATA 4 UNIT RESIDENTIAL FLAT BUILDING WITH BASEMENT PARKING WAS SUBMITTED TO COUNCIL ON 10 AUGUST 2004. THE PLANS WERE ACCOMPANIED BY A DETAILED VISUAL IMPACT STUDY TO ASSIST IN THE ASSESSMENT OF VIEW IMPACTS TO NEIGHBOURING PROPERTIES.
2. NOTIFICATION OF THE PROPOSAL FROM 23 AUGUST 2004 – 6 SEPTEMBER 2004 RESULTED IN RECEIPT OF FOUR SUBMISSIONS RECEIVED.
3. AMENDED PLANS WERE REQUESTED 5 NOVEMBER, 2004, IDENTIFYING ISSUES OF NARROW DRIVEWAY ACCESS ACROSS THE FRONT OF NO.89, REQUESTING INVESTIGATION OF AN ALTERNATE DRIVEWAY DESIGN.
4. AMENDED PLANS WERE RECEIVED DECEMBER, 2004, PROVIDING A WIDENED ACCESSWAY TO 4.4M WIDTH.
5. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

LOCALITY PLAN

Shaded area is subject land.



Environmental Services Division Report No. 6 (Cont'd)**REPORT****Introduction*****The site and surrounds***

The site comprises two adjoining allotments, No's 85 and 87 Lauderdale Avenue, Fairlight. It is located on the lower side of the street with frontage to Esplanade Park and the foreshore of Manly Cove. It has an irregular form aligned north-south, with a combined frontage of 30.49m and length of 48.745m, resulting in a total site area of 1,513m². The site also has a fall to the south of approximately 10.9m as measured down the existing dividing boundary, and a cross fall to the west of approximately 3.8m as measured along the front boundary.

Existing development on the site comprises two detached dwellings of brick construction with pitched tile roofs. No.85 is 1 and 2 storey with a detached double garage fronting the street, and No.87 is single storey and does not have off street parking. Landscaping on both sites comprises a mixture of lawns, terraced gardens with shrubs and small trees. The site enjoys panoramic water views of Manly Cove and North Harbour from the west to the south-east, taking in the foreshores of Sydney Harbour National Park on North Head and Dobroyd Head.

Neighbouring development comprises a mix of dwellings and residential flat buildings, with a 2 storey dwelling to the east (No.83), a 4 storey unit building to the west (No.91), and a series of unit buildings of varying heights on the opposite side of the street. From inspection it is noted that the buildings on the upper side of the street are oriented south to maximise water and foreshore views, looking over the subject site and its neighbouring properties.

Proposed development

Development consent is sought for demolition of the two existing dwellings and construction of a residential flat building divided into two attached buildings, each 2 storeys with basement parking. The development will contain a total of 4 residential units, each with 3 bedrooms and open plan living area opening to a large covered balcony. Apartments 1 and 3 on the western side will be split level. Unit 3 will also have a rooftop balcony, accessed via internal stairs.

Parking space for 10 vehicles will be provided in the basement including 2 guest spaces, with elevator access to the units. Landscaping comprises a mix of shrubs and trees as detailed in the landscape plan, with planter box landscaping on the ground and first storey balconies.

Vehicle access to the site is proposed via an extension from the existing driveway over the road reserve to the western neighbouring unit building No.89 Lauderdale Ave. This will require re-location of the existing footpath staircase. A 1.8m fence with masonry base metal pickets is proposed along the front boundary with entry gates.

The building will be finished with rendered walls, pitched tile roof, landscape planters on balconies and additional shrub and tree landscaping as specified in the plans.

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.

	Provision	Proposal	Compliance
Density	300m ² / dwelling	378m ² / dwelling	Yes
FSR	0.5:1 / 763m ²	734.5m ² / 0.49:1	Yes

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

Height	7.85m (1:4.5 slope)	5.8m-7.5m east 7.0m-9.2m west	Yes No
Setback – Front	6.0m or defacto	9.0m	Yes
Setback – Rear	8.0m	9.3m	Yes
Setback – side	1/3 wall height 1.9m - 2.5m east 2.3m – 3.1m west	2.1m where max height = 6.0m 3.0m where max height = 7.5m 3.5m	Yes Yes Yes
Open Space	832m ² / 55% min	910m ² / 60.1%	Yes
Soft Open Space	35% min of O/S	780m ² / 86%	Yes
Excavation	Max 3.0m	3.0m – basement	Yes
Overshadowing	Min 4hrs sunlight to neighbours living areas max 1/3 open space	>4 hrs maintained to neighbours < 1/3	Yes Yes
Fence height	1.5m (1m solid)	1.8m	No

Applicant's Supporting Statement

Refer to Statement of Environmental Effects and Visual Impact Assessment available on file.

Submissions

Notification of the proposal from 23 August 2004 – 6 September 2004 resulted in receipt of five submissions from (or on behalf of) No's 76, 78, 80, 83 and 89 Lauderdale Avenue, raising concerns of impact on views, privacy and Council's road reserve due to the access driveway extension from that servicing No.89.

A later submission was received on 29/11/04 from an architect on behalf of No.89, requesting an amended driveway design on grounds of conflicting movements between vehicles and pedestrians accessing No.89 and the proposed development.

Precinct Community Forum Comments

The Precinct meeting of 13 September 2004 moved:

- "That Council ensures that the impact on local amenities (bulk/streetscape) is minimised.
- That certified templates be erected.
- That the dead tree be replaced with an advanced tree."

In response to these it is noted that prior to lodgement of the Development Application the applicant erected certified height poles to enable a visual impact assessment to be carried out. Photographs from neighbouring properties were taken to identify the portion of views affected and prepare photomontages, with these provided in the visual impacts assessment as submitted to Council.

Engineers Comments

The width of the driveway is to be widened to comply with AS2890.1-2004. Construction drawings are to be submitted to Council prior to issue of the Construction Certificate. A detailed stormwater management plan is to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

Building Comments

Standard conditions of consent advised.

Environmental Services Division Report No. 6 (Cont'd)**Landscape Architects Comments**

Standard conditions of consent advised.

Planning Comments***Manly Local Environmental Plan 1988***

The site is located in Zone No.2 – The Residential Zone which permits dwelling houses with the consent of Council. The proposed development is defined as “multi-dwelling development” and is permissible with consent in the zone.

The proposal is considered to satisfy the objectives of the residential zone, maintaining the character and amenity of its residential locality, improving landscape quality on the site, thereby representing a suitable redevelopment of the site.

Foreshore Scenic Protection Area

The site is also located within the Foreshore Scenic Protection Area. Pursuant to Clause 17 of the LEP the proposal is considered in keeping with the size and form of development in the surrounds, with a stepped and articulated form assisting to reduce its visible bulk, and additional planting in the front garden area adjacent to the foreshore reserve and walkway. It is also considered comparable with the bulk, scale and form of neighbouring houses and unit buildings fronting the reserve. Accordingly its appearance is considered acceptable in terms of its foreshore setting.

Heritage

The adjoining foreshore reserve Esplanade Park is identified as having landscape heritage significance. Pursuant to Cl.19 of the LEP consideration is required as to the impact of new development in the vicinity of a heritage item.

The articulated and stepped form of the proposal and its division into two attached 2-storey buildings is considered to result in a bulk and scale of development that is consistent with its surrounds and sympathetic to the reserve. The provision of additional shrub and tree landscaping in the garden area at the rear of the site, adjacent to the reserve is also considered to assist in softening its appearance in view from the reserve.

State Environmental Planning Policy No 56--Sydney Harbour Foreshores and Tributaries

The site is located within the foreshore areas that are affected by this policy. The proposal is considered to satisfy the relevant objectives of SEPP 56, in particular those requiring consideration of the size, scale and character of proposed development in context of existing development in the locality and its foreshore setting. The proposal is considered to complement the size, scale and form of neighbouring dwellings and residential unit buildings, maintaining a consistent height and design character with additional landscaping to reduce visual impacts.

SREP No.23 Sydney and Middle Harbour

The site is located within the foreshore area affected by this policy. The proposal is considered to satisfy the relevant objectives of SREP 23, such that it is considered acceptable from the perspective of visual impact and neighbours amenity. In this regard, its bulk, height and form including rendered walls and pitched roof is comparable with that of neighbouring dwellings and unit buildings. Additional tree and shrub planting is also to be provided in its front setback to the foreshore reserve such that it may be considered to complement its setting. It is also noted that

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

the Waterways Authority have expressed no objection to the proposal, with conditions of approval advised.

Draft SREP – Sydney Harbour Catchment

On gazettal this Draft SREP will repeal SREP 23 as considered above. In terms of environmental impacts to the foreshore and waterways, the proposal will not result in the removal of any significant vegetation and has been reviewed by Council's Engineers with respect to drainage, with conditions of consent advised. As discussed the design is considered satisfactory in context of the scenic value of its foreshore setting and to satisfactorily maintain views to and from the waterways. Consequently the proposal is considered to satisfy the relevant matters for consideration under the draft SREP.

Manly DCP for the Residential Zone 2001

As identified in the DCP compliance table, the proposal complies with most of the DCP's provisions apart from those for building height and fence height.

Height

The site is located within height sub zone 1 and has a fall of approximately 1:4.5, thereby permitting a maximum wall height of 7.85m. The proposal has a height varying from 7.0m – 9.2m along its eastern elevation. The portion of non-compliance has a length of 7m, representing approximately 30% of the western wall length of 23m. It is noted that a parapet forms the top part of this wall and acts as the perimeter balustrade with planter behind for the rooftop balcony, resulting in the 'wall height' below this being 6.85m – 8.2m.

The resulting portion in breach of the 7.85m height limit would have a wall length of 2m, which is considered a minor portion at less than 10% of the total wall length. Consequently, if the parapet is considered as an addition above the wall, the portion of wall in breach of the maximum wall height is considered minor in context of the overall development.

In terms of any height impacts, the height of the proposal is considered satisfactory from a landscape, streetscape and amenity perspective, maintain satisfactory levels of solar access and view sharing, and a form and scale that is compatible with neighbouring development. The issue of view sharing will be further discussed below.

Fence height

The front fence as proposed has a height of 1.8m with stone base, masonry posts and metal pickets. Whilst this exceeds the maximum height of 1.5m as permitted by the DCP, the low siting of the front boundary below street level means that it will have minimal impacts on the streetscape, and is noted as being consistent with the height and form of other fences along the lower side of the street. Subject to the stone base having a maximum height of 1.0m with the transparent pickets extending above this, the proposed fence height at 1.8m is considered acceptable.

Solar access

The site has a north-south alignment whereby the DCP requires a minimum of 4 hours direct sunlight to be retained to windows of this neighbouring dwelling. Analysis of the shadow diagrams reveals that both the eastern neighbouring dwelling and the western neighbouring unit building will continue to receive at least 4 hours direct sunlight as required to their north rear and side facing windows.

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

The proposal will result in some overshadowing to these buildings, being in the mornings to the units at No.91, and in the afternoons to the dwelling at No.83 however this is not considered excessive with complying duration of sunlight retained. In comparison with the existing dwellings it is noted that the proposal will result in some reduction in overshadowing, particularly in the morning to the western neighbouring units which is a favorable outcome.

Privacy

The proposal generally provides side facing windows offset from neighbouring windows to maintain privacy. The neighbouring units to the west have floor levels 1.6m higher than the front balconies of the proposal, with the roof top balcony of the proposal being 1.6m higher than the corresponding upper level of No.89. The main balcony areas have planter landscaping along their western edges to minimise potential overlooking, while it is recommended that the rooftop terrace be non-trafficable along its western edge, replaced by a 1m wide planter to extend from the planter along the northern edge.

The neighbouring dwelling to the east has balconies at 1.6m and 1.4m respectively higher than the ground and 1st storey balconies of the proposal such that there will be no direct overlooking. Side facing windows of the proposal on this side will be limited to bathrooms and dressing rooms, and will not result in any direct overlooking.

View sharing

The site's position on the low side of the road and adjacent to the foreshores results in it being within the view of those buildings located opposite on the upper side of the road. The affected buildings are identified as No.76 (4 storey apartments), No.78 (5 storey apartments), No.80 (2 storey house), and No.84 (2 storey apartments), and look over the subject site as part of their view to North Harbour and its foreshores.

From the survey it is noted that the 2 existing dwellings on the site have respective roof ridge heights of RL28.12 and RL26.39. The proposal is divided into 2 attached buildings with 2 hipped pitched roofs to reflect the existing form, with respective roof ridge levels of RL28.205 and RL27.83. This results in height increases of 0.12m on the eastern side and 1.45m on the western side.

Considering the height increase and increase in building bulk, the view from each neighbouring building opposite is assessed as follows:

No. 76 Lauderdale Avenue is located opposite No's 81 and 83 to the east of the site, and enjoys views over these (and other neighbouring dwellings further east) of the water and foreshores to the south and south-east. It also looks diagonally over the subject site to the south west of local waters including to several boats moored towards the opposite foreshores. Its lowest balcony at RL37.76 is approximately 9.5m above the proposal's roof ridge, therefore minimal view loss is likely. The increase in height will result in a minor reduction in the depth of views however the removal of a large dead tree towards the front boundary (which fragments the view) will on balance result in less view obstruction than as currently experienced.

No.78 Lauderdale Avenue is located directly opposite the subject site and enjoys views to the south over the site from the first and second storey units. It is noted that the ground floor unit No.1 has minimal water views, being blocked by the existing dwellings on the site and the dead tree. For the 1st storey unit No.2, limited water views to the south-east (over No's 81 and 83) will be unaffected. The depth of local water views to the south will be reduced, however the removal of the tree will assist to improve water and foreshore views to the south looking over the eastern side of the site.

The second storey unit of No.78 enjoys a greater depth and width of local views to the south by virtue of its higher elevation. The proposal will result in some loss to the depth of these views,

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

however the removal of the tree will open up views across to the opposite foreshore, which on balance is considered to result in less view obstruction and an improved panorama than as currently experienced.

No.80 Lauderdale Avenue is located diagonally opposite the site and enjoys views to the south and south-east looking over the site. The increase in height on the western side of the site will result in a minor reduction in view depth, however the removal of the dead tree will assist to open up the view to the south-east which on balance is considered to result in less view obstruction than as currently experienced.

No.84 Lauderdale Avenue is located diagonally opposite the site and is oriented to enjoy wide and distant views to the south and south-east looking over the site, and local water and foreshore views to the south-west looking past the western side of the existing 4 storey apartment building at No.89 Lauderdale Ave.

The proposal will result in a minor reduction in the depth of local water views to the southeast, however when considered in context of No.89 it is considered more sympathetic from a view sharing perspective and a reasonable outcome in this regard.

Having considered the views that may be affected from all neighbouring properties that look over the subject site the proposal is considered acceptable from a view sharing perspective.

Comments on Submissions

Loss of views – This is discussed in detail under the planning comments section. The claim of view impact to each submission is addressed as follows.

- *No.76* - This unit building is substantially elevated above the proposal, with its lowest floor being some 9.5m above the roof ridge of the proposal. With this elevation above the proposal, the resulting impact on depth of views is minimal.
- *No 2/78* – The proposal will result in the depth of local water views to the south being reduced when looking over the site, however the removal of the tree will assist to improve water and foreshore views to the south looking over the eastern side of the site.
- *No.80* - Their objection to view loss has been withdrawn.
- *No.83* - Some of its offset view to the west may be affected however this loss is considered minor and of little consequence given the extent of their panoramic views of North Harbour and its foreshores, extending from the south-west to south east.
- *No.89* - The proposal will result in some loss in the width of the southern view from the side facing balconies when looking diagonally across the site, however the majority of these views will be retained. Further it is noted that their primary living areas, located at the rear will be unaffected by the proposal and will maintain all of their existing views.

Privacy – This is further addressed in the planning comments section of this report. The proposal has balconies and some side facing windows that will enable looking towards the western neighbouring unit building (No.89), however the floor level and position of these results in the possibility of direct overlooking being minimal. A condition of consent is recommended requiring additional planter landscaping to provide additional screening.

Access – The issue of pedestrian / vehicle safety has been raised as a result of the shared use of the driveway (over the road reserve) with pedestrians and vehicles entering / exiting No.89. This issue has been addressed by Council's Development Engineer who has commented that the proposal is satisfactory from this perspective subject to amended plans that widen the access way. Amended plans have been submitted by a Traffic Engineer to address this access issue.

Specifically, the portion of driveway within the road reserve has been widened to 4.4m by eliminating the northern side kerb, and a traffic light and mirror are to be provided where it joins the

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

existing driveway to No.89 to improve safety and sight lines. The driveway widening will enable vehicles to pass in opposite directions such that it complies with the Australian Standard for Off-Street Car Parking Facilities. Consequently the proposal as amended is considered satisfactory from an access safety perspective.

With respect to the existing lease arrangement between the owner of No.89 and Council for use of the road reserve, it is acknowledged that due to the substantial access way works required within the road reserve, Council may be entitled to extend this lease to bind the proposal over the subject site at No's 85 – 87. Consequently a condition of consent is recommended requiring the applicant to execute a lease with Council for shared use and extension of the access way within the road reserve for access to the site. This is to be prepared and signed by all affected parties (including the applicant, the owner of No.89 and Council) prior to issue of a Construction Certificate.

Planting – The landscape plan submitted with the proposal is considered satisfactory with Council's landscape officer recommending conditions of consent requiring minor planting changes.

Environmental Planning and Assessment Act 1979, S.79C

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

From this assessment the proposal is considered a satisfactory form of development, with departures to the height provisions considered acceptable on merit. Further it is considered to satisfactorily address issues raised in submissions, subject to complying with conditions of consent for minor design amendments in the form of permitter planter landscaping for the rooftop balcony and execution of a lease for extension of the access way over the road reserve. Consequently the proposal is considered satisfactory pursuant to S.79C of the Act.

CONCLUSION:

The application has been assessed pursuant to Section 79C of the EP&A Act, including the Manly Local Environmental Plan 1988 and the Manly Development Control Plan for the Residential Zone, and is considered consistent with the intent of relevant planning controls. The design as amended with widened driveway access is considered to satisfy the issue of access, and is considered overall to be satisfactory on merit in response to issues raised in submissions such that it may be considered within the public interest and recommended for approval.

RECOMMENDATION

THAT Development Application 386/04 for demolition and construction of a two (2) storey Residential Flat Building containing four (4) strata units with basement parking at 85-87 Lauderdale Avenue, Fairlight be approved subject to the following conditions:

Pursuant to the Building Code of Australia, the building is a Class 2 & 7 building.

1. This approval relates to drawings/plans Nos. srSF-01 & 02, 101-104, 106-109; version B; and landscape plan sr105A dated June / July 2004 and received by Council on 21 July, 2004 and sf201-C, sf202-C and sp203-C dated November, 2004 and received by Council on 8 December, 2004.
2. A road reserve lease for the access way extension shall be obtained from Council prior to issue of a Construction Certificate. This lease shall require the concurrence of the proprietor of No 89 Lauderdale Avenue due to the share of use of the existing access way. The lease shall remain current for the life of the development.

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

3. Waterways Authority (NSW Maritime) conditions:
 - a) The proposed works are carried out so that:
 - i) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of North Harbour; and
 - ii) No materials are likely to be carried by natural forces to the bed, shore or waters of North Harbour.
 - b) Any material that does enter North Harbour must be removed immediately without causing further harm to the environment.
 - c) In relation to the above, best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, demolition.

Methods shall be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater – Soils & Construction* issued by the NSW Department of Housing in 1998 and any other relevant Council requirements.
 - d) Any material that is to be stockpiled on site is to be stabilised and covered to prevent erosion or dispersal of the material.
 - e) The erosion, sediment and pollution controls shall be installed and stabilised before commencement of site works (this does not include the works associated with the construction of the appropriate controls).
 - f) The erosion, sediment and pollution control system is to be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
 - g) Any landscaping is to comprise locally indigenous species, which represent the original plant communities that would have been found along the shoreline in the vicinity of the subject land.
 - h) Access for delivery and removal of materials to and from the site is not to make use of the waterway and the adjoining foreshore.
 - i) No works are to be undertaken on land owned by NSW Maritime (i.e. below MHW) without the relevant approvals being granted by NSW Maritime.
4. A second landscape species is to be provided along the front boundary to the street (e.g. Acacia). Nature strip planting is to be provided adjacent to the access way extension to the site. The landscape plan is to be amended accordingly **prior to the issue of the Construction Certificate.**
5. The Nature strip planting is to be provided adjacent to the access way extension to the site. This planting is to be provided **prior to the issue of the Occupation Certificate.**
6. The small gum tree in the lower rear yard western side is to be retained and the plans notated accordingly **prior to the issue of the Construction Certificate.**
7. The rooftop planter is to be extended along the western side edge of the rooftop balcony to minimise potential overlooking into the western neighbouring apartment building and the plans amended accordingly **prior to the issue of the Construction Certificate.**
8. A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance shall be planked out and the plans amended accordingly **prior to the issue of the Construction Certificate.**
9. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue**

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

of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$30,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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 **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 **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. 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.
17. 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.
18. Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**
19. Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.
20. The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be

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

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.

21. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
22. The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
23. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
24. 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.
25. Building work shall not progress beyond first floor level until such time as Registered Surveyor's details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.
26. 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.
27. 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.**
28. Four (4) sets of Architectural drawings and Services Specifications are to be submitted with the Construction Certificate application.
29. All demolition is to be carried out in accordance with AS2601-1991.
30. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
31. The width of the driveway shall be widened to comply with Clause 2.5.2 of Australian/ New Zealand Standard for Off-street car parking AS/NZS AS 2890.1-2004. The amended drawing shall be submitted with the Construction certificate application.
32. 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.

On the concept stormwater management plan SY040420 by ACOR Consultants, it was noted that "Discharge to existing council stormwater drainage pit confirm on site". Require the Design Engineer to confirm this on site prior to submitting the Detailed Stormwater Management Plan.

Also the method of stormwater drainage of the new driveway on Council's land shall be shown on the Detailed Stormwater Management Plan.

The design of the stormwater management plan shall be approved by the Principal

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

Certifying Authority shall prior to the issue of the Construction Certificate.

33. The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with Council's "Specification for Construction of Vehicular Crossings". The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specification. The work shall be inspected and approved by Council officers. All works shall be carried out prior to issue of the Occupation Certificate.
34. The detailed design of the proposed retaining walls, footpath and concrete steps on the road reserve shall be submitted to Council and approved prior to the issue of the Construction Certificate. The design and construction of the works shall comply with Manly Council's "Specification for Civil Infrastructure Works, Developments & Subdivisions 2003".
35. The pedestrian path way and the Council reserve on the south of the property shall not be used for delivery of any material or any other construction activities. (Except the stormwater connection to be approved as part of the Construction Certificate).
36. The existing sand stone steps on the road reserve shall be removed without damaging and contact is to be made to Council's Works Superintendent for the stones to be transported to Council's Depot.
37. 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.

38. The building being erected in Type A construction for a Class 2 & 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.
39. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
40. All sound producing plant and equipment being installed and operated in such a manner so as not to create a noise nuisance.
41. Portable fire extinguishers of a suitable type shall be provided for the protection of electrical switchboards, food preparation areas, etc in accordance with Clause E1.6 of the Building Code of Australia.
42. The following notice must be displayed in a conspicuous position at the landing on each storey of a fire isolated stairway.

NOTICE: "OFFENCES RELATING TO FIRE EXITS"

By virtue of Clause 183 of the Environmental Planning and Assessment Regulation 2000, it is an offence to:-

- a) Place anything in this exit which may impede the free passage of persons.
- b) Interfere with or cause obstruction or impediment to the normal operation of the doors providing access to this exit; or
- c) Remove, damage or otherwise interfere with this Notice.

NOTE: the words "OFFENCES RELATING TO FIRE EXITS" should be in letters and

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

figures of a height of 8mm or more. The remaining words in the notice should be in letters and figures of a height of 2.5mm or more.

43. A sign with the words -

“FIRE DOOR - DO NOT OBSTRUCT”

in letters not less than 25mm high and in a colour contrasting with that of the door, must be fixed to -

- a. a required fire door providing direct access to a fire isolated exit, except a door providing direct access from a sole-occupancy unit in a Class 2 or 3 building or Class 4 part or a required smoke door, on the side of the door that faces a person seeking egress; and
 - b. a fire door forming part of a horizontal exit and a smoke door that swings in both directions, on both sides of the door; and
 - c. a door leading from a fire isolated exit to an open space, on both sides of the door.
44. Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application and as amended by conditions of consent. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority **prior to issue of the Final Occupation Certificate**.
45. All 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.
46. All disturbed surfaces on the land resulting from the building works authorised by this approval shall be revegetated and stabilised so as to prevent any erosion either on or adjacent to the land.
47. No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.
48. No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.
49. The trees to be retained are to be protected from trenching or excavation works or other construction works during the building construction stage. A security bond for \$5,000 is required to ensure that the trees are protected during the construction stage. The security bond may be in the form of a bank guarantee which must be lodged with Council **prior to issue of the Construction Certificate**.
50. 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.
51. Landscaping being provided in accordance with the approved Landscaping Plan and maintained in accordance with that plan at all times.

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

52. Trees and shrubs liable to damage are to be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed when directed by the Principal Certifying Authority.

The enclosures are to be constructed out of F62 reinforcing mesh 1800mm high wired to 2400mm long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk.

53. Precautions shall be taken when working near trees to be retained including the following:
- do not store harmful or bulk materials or spoil under or near trees
 - prevent damage to bark and root system
 - do not use mechanical methods to excavate within root zones
 - do not add or remove topsoil from under the drip line
 - do not compact ground under the drip line.
54. Details are to be provided of at least two (2) existing or proposed endemic trees for the site that are typically expected to reach a height at maturity of 10 metres. A list of appropriate endemic trees for the Manly area may be obtained at Council's Customer Service desk. Details of new planting are to include appropriate siting and pot size (minimum of 25 litres) in accordance with section 3.2 of the Residential Development Control Plan 2001. Details are to be submitted **with the Construction Certificate** to the satisfaction of the Principal Certifying Authority.
55. 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.
56. **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**.
57. All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
58. A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site**.
59. The works require the following inspection/certification during the course of construction:-

Silt control fences X 1
Footings inspection - trench and steel X 1
Reinforced concrete slab X 3
Wet area moisture barrier x 4
Drainage inspection X 1
Driveway crossing/kerb layback X 1
Landscaping inspection x 1
Retaining Wall x 1
Final inspection

The cost of these inspections by Council is \$1023. (being \$70.00 per inspection and \$113.00 for Final inspection inclusive of GST). **Should you require Council to undertake**

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

the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit on 9976 1573 or 9976 1587.

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

60. An Occupation Certificate is to be issued by the Principal Certifying Authority **prior to occupation of the development.**
61. 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.
62. 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.
63. 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.
64. Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practicing Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority **prior to the commencement of framework.**
65. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
66. Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

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

67. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
68. Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council's satisfaction.
69. 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.
70. 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.

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 Principal Certifying Authority **prior to issue of the Construction Certificate**. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".
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.
76. All engineering works are to be completed **prior to the issue of the Subdivision Certificate** to the satisfaction of the Principal Certifying Authority.
77. 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.

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

78. Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.
79. 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:
 - roof trusses details
 - tie down and bracing details
 - termite protection notice
 - 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
80. Payment of \$8877.88 for the two (2) additional dwelling(s) in respect of the contribution for the provision of the public amenities and public services shall be in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979. Arrangements for such payment is to be made in accordance with Council's policy, **prior to issue of the Construction Certificate.**
- Note: The attached yellow form is to be returned to Council with your payment of the Contribution.**
81. All engineering works are to be completed **prior to the issue of the Subdivision Certificate** to the satisfaction of the Principal Certifying Authority.
82. This consent does not imply approval, now or later, to create a separate title, by subdivision or otherwise, for the subject dwellings.
83. The stone base of the front fence is to have a maximum height above existing ground level of 1.000m and the plans are to be notated accordingly **prior to the issue of the Construction Certificate.**
84. Approval of the application to Strata Subdivide the subject property is subject to the lodgment of a linen plan for certification and payment of the appropriate fee.
85. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

ATTACHMENTS

There are no attachments for this report.

LUM070205ESD_1

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

TO: Land Use Management Committee - 7 February 2005
REPORT: Environmental Services Division Report No. 7
SUBJECT: Development Applications Being Processed During February, 2005
FILE NO:

SUMMARY

Development Applications Currently Being Processed During February, 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	Demolish existing & construct new flats	10-Feb-04	DAU
DA525/03	20-Oct-03	22 Wentworth Street	Change of Use	17-Feb-04	DAU
DA62/04	5-Feb-04	151 Darley Road Manly - St Pat's	Precinct 3 & 12 RFB	Awaiting Information	
DA146/04	18-Feb-04	9-13 South Steyne	Strata Subdivision	L&E Court	
DA35/04	29-Mar-04	8 The Corso	RFB & Mixed Commercial	Awaiting Information	
DA540/03	20-Apr-04	9 Barrabooka Street	Section 82A Review	11-Feb-05	GM
DA209/04	29-Apr-04	36-38 South Steyne	Alts & Adds to Dwelling	15-Feb-05	DAU
DA250/04	27-May-04	51 Stuart Street, Manly	Demolish & Erect New Dwelling	February	LUM
DA277/04	9-Jun-04	St Pats Estate 151 Darley Road Lot 1	New Dwelling & Subdivision	Awaiting Information	
DA278/04	9-Jun-04	St Pats Estate 151 Darley Road Lot 2	New Dwelling & Subdivision	Awaiting Information	
DA279/04	9-Jun-04	St Pats Estate 151 Darley Road Lot 3	New Dwelling & Subdivision	Awaiting Information	
DA280/04	9-Jun-04	St Pats Estate 151 Darley Road Lot 4	New Dwelling & Subdivision	Awaiting Information	
DA281/04	9-Jun-04	St Pats Estate 151 Darley Road Lot 5	New Dwelling & Subdivision	Awaiting Information	
DA282/04	9-Jun-04	St Pats Estate 151 Darley Road Lot 6	New Dwelling & Subdivision	Awaiting Information	
DA283/04	9-Jun-04	St Pats Estate 151 Darley Road Lot 7	New Dwelling & Subdivision	Awaiting Information	
DA284/04	9-Jun-04	St Pats Estate 151 Darley Road Lot 8	New Dwelling & Subdivision	Awaiting Information	
DA339/04	6-Jul-04	2 Addison Road	Convert Hospital to 5 Unit RFB	Awaiting Information	
DA347/04	13-Jul-04	149 Pittwater Road	Gallery / Studio	15-Feb-05	DAU
DA341/02	26-Jul-04	20 Ogilvy Road	Section 82A Review	11-Feb-05	GM
DA378/04	5-Aug-04	26A Darley Road	Shop Fitout	Awaiting Information	
DA382/04	5-Aug-04	33 Beatty Street	Alts & 1st Floor Adds and Pool	24-Feb-04	DAU
DA386/04	10-Aug-04	85 Lauderdale Avenue	Demolish & New 4 Unit RFB & Carparking	February	LUM

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

DA555/00	12-Aug-04	28 Castle Circuit	Section 96 Modification	17-Feb-05	DAU
DA401/04	18-Aug-04	95 Balgowlah road	16 Unit RFB & Carparking	10-Feb-04	DAU
DA244/04	25-Aug-04	22 Seaforth Crescent	Section 82A Review	11-Feb-05	GM
DA416/04	27-Aug-04	73-81 Addison Road	9 Unit RFB & 4 Commercial Units	17-Feb-05	DAU
DA406/04	30-Aug-04	15 Jenner Street	New Dwelling and Pool	17-Feb-04	DAU
DA426/04	30-Aug-04	3&65 Rignold Place	Boatshed & Inclinator	03-Feb-05	DAU
DA172/02	1-Sep-04	47 Pacific Parade	Subdivision	11-Feb-05	DEL
DA96/04	1-Sep-04	111A Seaforth Crescent	Section 82A Review	11-Feb-05	GM
DA430/03	3-Sep-04	9 Kangaroo Street	Alterations and Additions	Awaiting Information	
DA443/04	6-Sep-04	Clavering Road	Subdivision	22-Feb-05	DAU
DA130/04	21-Sep-04	241-243 Sydney Road	Section 82A Review	11-Feb-05	GM
DA448/04	21-Sep-04	76 Curban Street	Demolish & Subdivide	24-Feb-04	DAU
DA193/04	22-Sep-04	68 Edgecliffe Esplanade	Section 82A Review	11-Feb-05	GM
DA467/04	22-Sep-04	3 Beaconview Street	Alts & 1st Floor Addition	February	LUM
DA449/04	24-Sep-04	10 Lombard Street	Alterations & Additions & Carport	Awaiting Information	
DA450/04	27-Sep-04	69 Woodland Street	Alts & Adds, Deck & Pergola	Awaiting Information	
DA451/04	27-Sep-04	17 Rosedale Avenue	Alts & Adds including Room in Roof	Awaiting Information	
DA460/04	1-Oct-04	17 Alan Avenue	Alts & 1st Floor Adds	15-Feb-04	DAU
DA464/04	6-Oct-04	9 Mullgowire Crescent	New Dwelling and Pool	22-Feb-04	DAU
DA176/04	7-Oct-04	2 Moore Street	Section 82A Review	11-Feb-05	GM
DA486/04	8-Oct-04	3 Cove Avenue	Demolish, New 2 Storey RFB, Carpark & Strata Subdivision	February	LUM
DA466/04	8-Oct-04	2 Ainslee Place	New 2 Storey Dwelling	Awaiting Information	
3852/90	11-Oct-04	3 King Avenue	Section 96 Modification	Awaiting Information	
DA3852/90	11-Oct-04	3 King Avenue	Section 96 Modification	Awaiting Information	
DA492/04	13-Oct-04	4 Augusta Road	Alterations & Additions to Dwelling	08-Feb-05	DAU
DA485/04	14-Oct-04	76-78 North Steyne	RFB & Strata Subdivision	L&E Court	
DA239/02	15-Oct-04	42 Grandview Grove	Section 96 Modification	22-Feb-05	DAU
DA487/04	21-Oct-04	49 Golf Parade	Demolish, New 2 Storey Semi detached and Subdivision	18-Feb-05	DAU
DA495/04	22-Oct-04	22 Rignold Street	Alterations & Additions to Dwelling	Awaiting Information	
DA380/04	25-Oct-04	10 Smith Street	Section 82A Review	11-Feb-05	GM
DA537/03	25-Oct-04	80 Beatrice Street	Section 96 Modification	Awaiting Information	
DA497/04	27-Oct-04	41 Gordon Street	Alts & Adds to Dwelling	08-Feb-05	DAU
DA499/04	29-Oct-04	121 Seaforth Crescent	Replace Deck, New Spa, Awning & Fence	February	LUM

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

DA506/04	2-Nov-04	101 Bower Street Manly	Alts & Adds to RFB, Pool, Carparking and Landscaping	Awaiting Information	
DA513/04	3-Nov-04	26 Ricard Street	Single Garage & Workshop	17-Feb-05	DAU
DA502/04	5-Nov-04	23 Bligh Crescent	Alterations and Additions, Pool, Dec and Landscaping	24-Feb-05	DAU
DA515/04	9-Nov-04	122 Bower Street	Render & Paint Exterior	Awaiting Information	
DA326/04	10-Nov-04	4/114 Bower Street	Section 82A Review	11-Feb-05	GM
DA520/04	10-Nov-04	12 Rosedale Avenue	Alterations & Additions to Dwelling	08-Feb-05	DAU
DA517/04	10-Nov-04	13 Crescent Street	Alterations & Additions to Dwelling	Awaiting Information	
DA507/04	11-Nov-04	23 Francis Street	Demolish, New 2 Storey, Carport and Driveway	Awaiting Information	
DA509/04	11-Nov-04	43 New Street	Demolish, New 2 Storey Dwelling	22-Feb-05	DAU
DA287/99	15-Nov-04	81 Wood Street	Section 96 Modification	17-Feb-05	DAU
DA532/04	17-Nov-04	571-575 Sydney Road	Carparking, Lift & Stairs	24-Feb-05	DAU
DA53/03	18-Nov-04	2/5 Manly Wharf	Section 96 Modification	08-Feb-04	DAU
DA350/04	18-Nov-04	18 Carey Street	Section 82A Review	11-Feb-05	GM
DA534/04	19-Nov-04	6 Cormack Street	Alterations & Addition to Dwelling & Pool	15-Feb-04	DAU
DA205/04	19-Nov-04	26 The Crescent	Section 82A Review	11-Feb-05	GM
DA537/04	22-Nov-04	22 Lauderdale Avenue	Alterations & Additions to Dwelling	15-Feb-04	DAU
DA539/04	23-Nov-04	7 Rolfe Street	Alterations & 1st Floor Additions & Pool	10-Feb-05	DAU
DA516/04	23-Nov-04	36 Collingwood Street	Alterations & Additions & Pool	22-Feb-04	DAU
DA540/04	23-Nov-04	59 Gordon Street	Alterations & 1st Floor Additions	08-Feb-05	DAU
DA639/02	26-Nov-04	18 Kitchener Street	Section 96 Modification	17-Feb-05	DAU
DA525/04	29-Nov-04	23A Cliff Street	Add Balconies to 5 Units	Awaiting Information	
DA531/04	29-Nov-04	75 Upper Beach	Demolish, New Garage with Room Above	24-Feb-05	DAU
DA116/03	30-Nov-04	3 James Street	Section 96 Modification	24-Feb-05	DAU
DA528/04	30-Nov-04	2 New Street	Demolish, New 2 Storey Dwelling, Garage and Carport	Awaiting Information	
DA529/04	1-Dec-04	38A Rignold Street	3 Level Dwelling & Garage	Awaiting Information	
DA554/04	3-Dec-04	2 Bentley Street	Alterations & Additions, 2 Decks and Alterations to Roofline	17-Feb-05	DAU
DA542/04	6-Dec-04	99 Darley Road	New 2 Storey Dwelling with Basement Carparking	08-Feb-05	DAU
DA544/04	6-Dec-04	202 Woodland Street	Alterations & 1st Floor Additions & Deck	10-Feb-05	DAU
DA22/04	6-Dec-04	65 Gordon Street	Section 82A Review	08-Feb-04	DAU

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

DA555/04	6-Dec-04	50 Kirkwood Street	Carport & Driveway	15-Feb-04	DAU
DA561/04	6-Dec-04	33 Amiens Road	Alts to Carport & Driveway and New Roof	Awaiting Information	
DA549/04	7-Dec-04	9 Smith Street	Alterations & 1st Floor Additions	08-Feb-05	DAU
DA455/02	7-Dec-04	111 Bower Street	Section 96 Modification	Awaiting Information	
DA541/04	7-Dec-04	20 Amiens Road	Alterations & Additions, Lift & Terraces	01-Mar-05	DAU
DA562/04	8-Dec-04	5/40 White Street	Adds including Open Pergola and Fixed Roof Patio Cover	Awaiting Information	
DA565/04	8-Dec-04	29/43-45 East Esplanade	Fitout of 100 Seat Restaurant	February	LUM
DA568/04	9-Dec-04	38-40 Balgowlah Road	Alts to Female Change Room and New Door	Awaiting Information	
DA567/04	9-Dec-04	29 Beatrice Street	Alts & Adds, Rear Extension & Internal Alts	Awaiting Information	
DA566/04	9-Dec-04	36 Kempbridge Avenue	Alts & Adds, New Deck, Doors & Windows	Awaiting Information	
DA569/04	10-Dec-04	76 Griffiths Street	Internal Alterations, Replace deck, Add New Glazed Roof	Awaiting Information	
DA03/05	10-Dec-04	54 Gordon Street	Alts & Adds, Rear Extension & Single Garage	Awaiting Information	
DA04/05	10-Dec-04	38 Bower Street	Replace Front Fence	Awaiting Information	
DA08/05	13-Dec-04	16 Tabalum Road	Alts to Pool, Spa, Retaining Wall and Landscaping	Awaiting Information	
DA07/05	13-Dec-04	7 Dobroyd Road	Swimming Pool	Awaiting Information	
DA06/05	13-Dec-04	18 Austin Street	Alts & 1st Floor Adds & Rendering	Awaiting Information	
DA49/04	14-Dec-04	Manly Wharf Ferry Service	Section 96 Modification	08-Feb-05	DAU
DA550/04	14-Dec-04	7 MacMillan Street	Demolish, New 2 Storey - 3 Level Dwelling & Double Garage	17-Feb-05	DAU
DA684/99	14-Dec-04	1/18-34 Sydney Road	Section 96 Modification	Deferred	
DA09/05	15-Dec-04	35 Lauderdale Avenue	Strata Subdivision	08-Feb-04	DAU
DA367/02	15-Dec-04	49 Whistler Street	Section 96 Modification	15-Feb-04	DAU
DA551/04	15-Dec-04	17 Gilbert Street	Strata Subdivision	08-Feb-05	DAU
DA14/05	16-Dec-04	54 Beatrice Street	Tennis Court	Awaiting Information	
DA226/01	16-Dec-04	53 Cutler Road	Section 96 Modification	Awaiting Information	
DA560/04	16-Dec-04	41 Lewis Street	Demolish & New 2 Storey Dwelling with Basement Garage	10-Feb-05	DAU
DA22/05	16-Dec-04	20 Clontarf Street	Demolish All Buildings	Awaiting Information	

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

DA559/04	16-Dec-04	21 Waterview Street	Alterations & Additions, Front & Rear Decks, Extension to Family Room	24-Feb-05	DAU
DA25/05	16-Dec-04	12 Cecil Street	Alts & 1st Floor Additions	Awaiting Information	
DA571/04	17-Dec-04	31 Peronne Avenue	Alts to Roofline and Balcony	Awaiting Information	
DA563/04	17-Dec-04	21 Allenby Street	Alts & Adds & Cement Render	Awaiting Information	
20-Dec-04	20-Dec-04	17 New Street	Alts & Adds Enclosing Terrace	Awaiting Information	
DA538/01	20-Dec-04	4 Beatty Street	Section 96 Modification	08-Feb-05	DAU
DA570/04	20-Dec-04	27 Alexander Street	Alts & 1st Floor Addition and Deck	Awaiting Information	
DA572/04	20-Dec-04	8 Yatama Street	New 2 Storey Dwelling, Double Garage & Deck	Awaiting Information	
DA132/01	20-Dec-04	11 Cohen Street	Strata Subdivision	24-Feb-05	DAU
DA05/05	20-Dec-04	5 Edgecliffe Esplanade	Multi Level Dwelling with Driveway & Pool	Awaiting Information	
DA246/03	20-Dec-04	4 Krui Street	Section 96 Modification	Awaiting Information	
DA492/96	11-Jan-05	56 Peronne Avenue	Section 96 Modification	Awaiting Information	
DA564/04	17-Dec-04	51 Beatrice Street	Demolish & New 2 Storey Dwelling, Fence & Landscaping	Awaiting Information	

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM070205ESD_6

***** End of Environmental Services Division Report No. 7 *****

TO: Land Use Management Committee - 7 February 2005
REPORT: Environmental Services Division Report No. 8
SUBJECT: Appeals List for February 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	Hearing 8&9 March 2005
DA08/04	18 Reddall Street	09.08.04	Abbott Tout	Callover 15.02.05
DA314/03	30 Boyle Street	12.08.04	Pike Pike & Fenwick	Hearing 02.02.05
221.53-59	53-39 Osborne Road	27.08.04	Pike Pike & Fenwick	Callover 28.01.05
DA620/02	10-10A Addison Road	24.08.04	Abbott Tout	Hearing 03-04.02.05
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 14-16.02.05
DA255/04	102 The Corso	28.09.04	Abbott Tout	Callover 25.02.05
DA267/04	61 Golf Parade	20.10.04	Pike Pike & Fenwick	Upheld
DA214/04	75 Macmillan Street	26.10.04	Pike Pike & Fenwick	Callover 18.02.05
DA140/04	92 Bower Street	26.10.04	Abbott Tout	Hearing 24-25.02.05
DA433/04	207-217 Pittwater Road	04.11.04	Abbott Tout	Awaiting New Callover Date
DA486/04	3 Cove Avenue	12.01.05	Abbott Tout	Callover 16.02.05
DA288/02	2 Wentworth Street	24.12.04	Pike Pike & Fenwick	Hearing 3/2/05

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM070205ESD_7

***** End of Environmental Services Division Report No. 8 *****