



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 1 August 2005

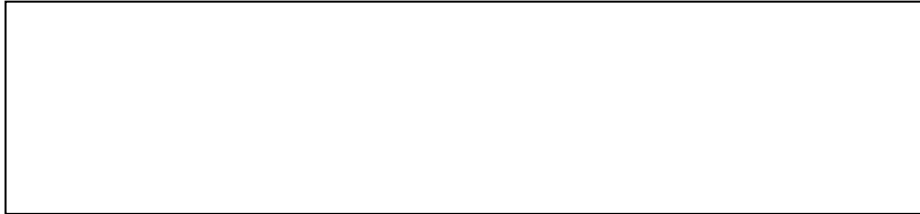
Commencing at 7:30 pm for the purpose of considering items included on the Agenda.

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

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www.manly.nsw.gov.au*

Seating Arrangements for Meetings

Staff Staff General
 Manager Chairperson Staff Minute
 Taker



Mayor Dr Peter
Macdonald

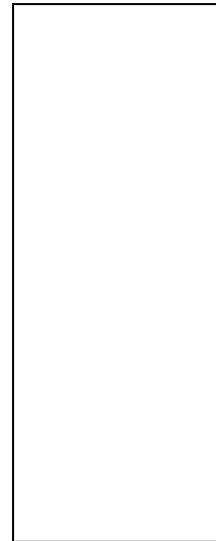
Clr Mark Norek

Clr Joanna Evans

Clr Barbara Aird

Clr Brad
Pedersen

Deputy Mayor
Clr Richard
Morrison



Clr Jean Hay AM

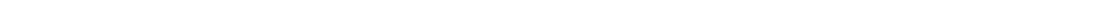
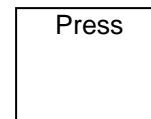
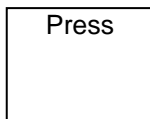
Clr Adele Heasman

Clr Dr Judy Lambert

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



Public
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 4 JULY 2005

PUBLIC ADDRESSES**SITE INSPECTIONS**

The following site inspections will take place on Monday, 1 August, 2005.

68 Bower Street, Manly	8:00am
10 Salisbury Street, Seaforth	8:30am
9 Jenner Street, Seaforth	9:00am
38A Rignold Street, Seaforth	9:30am

ENVIRONMENTAL SERVICES DIVISION REPORTS

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CLOSED COMMITTEE ITEMS

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

TO: Land Use Management Committee - 1 August 2005
REPORT: Environmental Services Division Report No. 35
SUBJECT: 38A Rignold Street, Seaforth
FILE NO: DA529/04

Application Lodged: 1 December, 2004 amended plans 11.5.05
Applicant: Home Team Constructions
Owner: Mr P & Mrs S Whitfield
Estimated Cost: \$447 858
Zoning: Manly Local Environmental Plan, 1988 - Residential
Part within Foreshore Scenic Protection Area
Surrounding Development: Bushland, vacant land as well as single and two storey dwellings
Heritage: n/a

SUMMARY:

1. AN APPLICATION IS MADE FOR EXCAVATION AND ERECTION OF A NEW DWELLING WITH CARERS UNIT (FAMILY FLAT) AS WELL AS A DETACHED DOUBLE GARAGE.
2. THE APPLICATION WAS NOTIFIED IN ACCORDANCE WITH COUNCILS NOTIFICATION POLICY WITH SIX (6) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE LOCAL COMMUNITY PRECINCT FORUM AND COMMENT WAS RECEIVED.
4. THE APPLICATION IS ASSESSED PURSUANT TO SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 INCLUDING COUNCIL'S RELEVANT PLANS AND POLICIES.
5. THE APPLICATION WAS REPORTED TO THE DEVELOPMENT ASSESSMENT UNIT ON 31.3.05 AS WHICH TIME THE APPLICATION WAS RECOMMENDED FOR REFUSAL.
6. REVISED PLANS WERE RECEIVED TO ADDRESS ISSUES RAISED BY THE DEVELOPMENT ASSESSMENT UNIT.
7. THE REVISED PLANS WERE FURTHER NOTIFIED WITH EIGHT (8) SUBMISSIONS RECEIVED.
8. THE REVISED PLANS WERE FURTHER REPORTED TO THE DEVELOPMENT ASSESSMENT UNIT ON 23.6.05 AS WHICH TIME THE APPLICATION WAS RECOMMENDED FOR REFUSAL.
9. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLORS MURPHY AND NOREK.
10. A SITE INSPECTION IS RECOMMENDED.
11. REFUSAL OF THE APPLICATION IS RECOMMENDED.

LOCALITY PLAN

Shaded area is subject land.



Environmental Services Division Report No. 35 (Cont'd)

REPORT

Introduction

The subject site is located on the eastern (high) side of Rignold Street, has an irregular configuration with a general east/west orientation and is currently vacant. The eastern boundary adjoins Boronia Lane and the site adjoins residential land to each side, with the adjoining land to the south developed with a dwelling and detached garage and the land to the north being currently vacant.

The proposal involves the following:

- Excavation and tree removal
- Erection of a three storey dwelling comprising at Level 1 carers unit (35sqm including kitchenette, shower/WC) as well as a laundry, rumpus, bar, bedroom 6 and ensuite, Level 2 comprising kitchen, family/meals room, living room, study, bedroom 5, shower/WC and shower/Wc for persons with disability, and Level 3 comprising bedrooms 1,2,3 & 4 including 2 ensuites and bathroom. Internal lift access is provided to all levels.
- Erection of a double garage with access driveway off Boronia Lane.
- Landscaping

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	0.4:1	0.38:1	Yes
Wall height north side	7.3m	8.2m	No
south side	7.2m	5.8m	Yes
Roof height	3m	2.7	Yes
Setback Front (Rignold St)	6m DCP 25m Restriction as to user)	34m	Yes
Setback Rear (Boronia L)	8m	3m (garage) 13.2 (dwelling)	No Yes
North setback side	2.0m (two storey) 2.7m (three storey)	2.6m 3.79m	Yes Yes
South setback side	1.9m	1.9m	Yes
Open space - total	55%	77.8%	Yes
Open space - total	714.7sqm	1010.8sqm	Yes
Open space - soft	35%	84%	Yes
Number of Endemic Trees	4 tree	>4 tree	Yes
Private Open Space	18sqm /lot	>18sqm	Yes
Car Parking – Residents	2 spaces	2 spaces	Yes
Energy Efficient Rating	40% water 25% energy thermal	40% water 26% energy pass	Yes

Environmental Services Division Report No. 35 (Cont'd)**Submissions**

The development was notified with (6) submissions raising the following issues:

- The plans indicate a second dwelling/family flat without application
- Proposed living room windows overlook side boundary and result in potential overlooking/loss of privacy
- Non-compliance with side setback and wall heights without adequate grounds
- Extensive overshadowing due to the height and setback
- Lack of provision for retaining walls/ drainage between the garage and site boundary
- Insufficient details of external finishes and materials and maintenance of garage wall to boundary
- Street setback of garage inadequate (3m)- 6m requested
- Inadequate landscaping and Arborist report regarding tree removal
- Impact of proposed excavation on neighbours trees (40 Rignold)
- Lack of OSD details
- Not considered consistent with the locality in terms of height (3 storey), extent of windows, use of brick veneer and aluminum windows
- Complete loss of bush (important native tree canopy) and water views
- Not considered to have proper regard to the natural surroundings of the streetscape.

Amended plans were further notified with (8) submissions received including five (5) new objectors with the following issues:

- Alleged lack of attempt by the applicant to address any of the objections previously raised in the amended plans submitted to Council
- Amended plans considered to increase an already unacceptably large and dominant dwelling in the addition of balconies (25sqm in area) on the northern and western sides.
- The issues and concerns raised by neighbours are not considered to be integrated into the applicants plans
- Previously raised objections remain - see above
- The development is considered unusually large and excessive comprising 7 bedrooms of a minimum dimension of 4.5 by 4.5m
- The scale of existing dwellings in the area is typically a quarter to half the size at 1 and 2 storeys. There are no 3 storey development as proposed
- Underlying the existing modest scale of development is the narrow (4.8m) carriageways of surrounding roads
- Regarding the fsr compliance asserted by the applicant it is noted that the garage is excluded from the applicants calculation; the exclusion of that part of the site under a user restriction covenant would result in a non-complying fsr of 0.56:1; fsr is a maximum control; fsr is one of several DCP measures for controlling size and bulk including height and setback (noting breaches in both height and setback)
- Design considered a poor project type which emphasizes its large and vertical mass and its dominant masonry finishes. It is not considered to accommodate the sloping sandstone topography and surrounding bushland. Its visibility considered to dominate and overwhelm the otherwise natural setting
- The proposed cladding (identified as bagged brick veneer, concrete roof tiles and aluminum windows) is considered 'hard edged' and unsympathetic with the bushland setting. No colours are disclosed
- In respect of the bulk and scale of development it is considered that DCP objectives (A5(a), (c) and (j)) are not satisfied and that the DCP is breached in respect of paragraphs 2.1; 2.5.1,4 & 5

Environmental Services Division Report No. 35 (Cont'd)

- Appearance of three storeys from Rignold Street and the western elevation as viewed from 38 Rignold Street
- Precedence of proposed variations to the DCP a concern regards other new development and land release in the area.
- Height cannot be properly assessed without a details contour plan and applicant's calculations. The variation to the DCP has not been addressed in the amended plans (1.3m on northern wall) and is considered unacceptable
- Non-complying southern side setback considered to be worsened in the applicants' amended plans by the deletion of a 1m setback at the south western corner.
- The proposed proximity to the boundaries not considered to allow for significant replanting or regrowth
- Proposed tree removal and particularly the mature 'bloodwood' trees around the southwest corner of the property to retain amenity, local character and screening to neighbours.
- Loss of privacy to adjoining and adjacent properties including 38 Rignold Street (northern deck, front entry, bedrooms and pool areas) considered to be worsened in the revised plan be the recent addition of decks
- Potential future overshadowing impact on land to the south subject to further proposals for the erection of a dwelling
- In relation to the proposed accommodation of 'carer', neighbour objectors note dual occupancy is not permitted and that inadequate parking provision
- Future use of the proposed building for a commercial use such as a small hotel or residential care units (8 bedroom) is raised as a concern
- The development not considered to be consistent with the objectives of the Foreshore Scenic Protection Area.
- The extent of excavation and hard surfaces considered to alter existing water flows and potentially degrade the quarantined bushland on the west of the property
- The development is considered out of sympathy with the original planning approach for the surplus freeway land (member of the Surplus Lands Steering Committee) (similar approach to 'area E' Clavering Rd recommended whereby the house footprint on relation to surrounding bushland is specified)
- Front location of the garage will unduly limit onsite parking and result impacts on the narrow lane

Precinct Community Forum Comments

The Precinct motion is as follows

“The Precinct condemns the application as it proposed a dual occupancy dwelling in a class 1 area

The Precinct strongly condemns the amended application as it does not address any items of non-compliance in the original application and exacerbates the bulk and size of the proposal by the addition of 2 balconies

The Precinct condemns the precedent that this application would set for the Greenfield sites in this bushland precinct, which should be no more than 2 storey as expressed in the DCP “

Engineers Comments

No objections subject to conditions

Building Comments

No objections subject to conditions

Environmental Services Division Report No. 35 (Cont'd)**Planning Comments**

Amended Plans have been received on 19 May 2005 in response to issues raised by Council's Development Assessment Unit. The revised plans were notified to neighbours and the Seaforth Precinct Community Forum on the 23 May 2005 and the 24 May 2005 respectively. It is these plans that are the subject of this report.

The issues raised in regard to the original proposal were:

- Garage location necessitates removal of significant trees and does not comply with setback requirements
- Wall height at the northern and rear elevations is excessive
- Details of retaining walls and reduction in excavation particularly along the southern boundary not provided
- Lack of articulation of the external walls and vertical stepping in the southern, western and northern facades.

The amended plans incorporate the following amendments

- At ground floor level extend Bedroom 6 southward by 1.0m (3.5sqm additional floorspace)
- At second floor level the addition of new deck with pergolas on both the northern and rear elevations
- At second floor level reduce western by 1.0m (5.0sqm reduction in floor space)

Variations to the development control plan identified in the development control table are discussed in terms of relevant objectives as follows

Open space and landscape design

Council's performance criteria in respect of open space and landscape design are numerically satisfactory in terms of area largely due to the existing restriction as to use over some 25% of the site which is to remain as undeveloped bushland. The development is not however supported in terms of Council's open space and landscape objectives as follows

a) to preserve important landscape features.

The Council's landscape officer identifies several important native canopy trees on the site that are not proposed to be preserved. The extent and prominence of these trees is such that important landscape features of the site in terms of its bushland setting and tree canopy is not considered to be preserved in accordance with this objective.

An opportunity has been given the applicant to submit amended plans to minimise tree loss. In particular Council officers have suggested relocation of the proposed garage in this regard as a number of the significant trees are within the proposed garage and driveway footprint. There is no reduction in tree loss proposed in the amended plan. The applicant's Planner submits by letter dated 6 May 2005 that the dwelling is 'located and designed to minimise the removal of significant vegetation' and that 'any development would require the removal of such trees'. In this regard Council's Officers do not share the view that tree loss is minimised by the development and that the proposed extent of tree removal is inevitable in any development of the site.

b) to enhance the amenity of the site, streetscape and surrounding area.

Environmental Services Division Report No. 35 (Cont'd)

The proposed landscaping design is considered unsatisfactory in this regard. In relation to the front setback area, the proposed garage construction seeks the removal of significant trees in the context of the streetscape and surrounding areas. The amenity of the site streetscape and surrounding area is not enhanced.

c) to retain and increase remnant populations of endemic native flora and fauna.

The proposed tree removal and extent of proposed limited planting is considered to impact remnant populations of endemic native flora and fauna and as such is not considered to satisfy this objective

d) to minimise the spread of weeds and degradation of natural ecosystems.

e) to maximise wildlife habitat.

f) to encourage the production of food.

As previously noted the extent of tree removal and the inadequacy of new planting is not considered commensurate with the existing landscape character of the site and locality and on this basis these objectives are not considered to be satisfied

g) to maximise water infiltration on-site and reduced stormwater runoff.

Soft open space components comply in this regard

h) to provide open space for the recreational needs of the occupier.

i) to assist in the provision of privacy and shade.

j). to maximise usable outdoor space to allow for soft landscaping including tree planting and maintenance of existing vegetation.

The adequacy of the landscape design and its detail does not demonstrate that these objectives are satisfied.

Floorspace ratio

Council's performance criteria in respect of floorspace ratio states "A calculation of the FSR will generally reveal that the maximum floorspace area fit into the potential development envelope that the other controls (ie open space, height and setback) set."(para. 3.3.2.c)

In relation to Council's DCP controls generally, the extent of floorspace outside minimum setback and height controls is not considered satisfactory. The proposed floorspace is excessive in these terms as dealt with elsewhere in the report. Council's objectives are addressed as follows

a) to control the bulk of building

Further reduction to the bulk is sought due to exceedence of the maximum building envelope and it's associated impacts.

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

Important landscape features are considered to be obscured by the scale of the development and the proposal will result in a loss of existing landscape features (immediate tree canopy).

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

The provision of a three storey building which exceeds the wall height requirements of Council's DCP is not considered consistent with the existing and desired character of the residential area.

Environmental Services Division Report No. 35 (Cont'd)

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

View lines, privacy and shadow effects are considered to be detrimental environmental effects in the circumstances of the case.

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

Due to the topography of the area falling from south to north the proposal will not result in significant overshadowing impacts on adjoining properties. Adequate sunlight is available to the development itself.

Height

Council's performance criteria in respect of the height control are not complied with on the northern side and Council's objectives are not considered to be satisfied as follows

a) to control the height of buildings by specifying maximum wall and roof heights

The length of the northern side wall is 10.85m from RL16.4- 15 resulting in a gradient of 1.77:1 and a height requirement of 7.3m. The maximum wall height proposed is 8.2m (from RL15.6- 23.8). This height exceeds the control by 0.9m.

Consideration of the nature of surrounding development in accordance with DCP locality analysis parameters does not conclude that three storey dwellings over the permitted wall height are a characteristic element of the locality as discussed in more detail under objective b below.

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

The properties generally in the locality, to the north are vacant as the site is part of a recently created subdivision. Properties on the other side of the street from the subject site are no more than two storeys compared to the three storeys proposed

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

as above (see fsr objectives)

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

Satisfied

Setbacks

In regard to the proposed garage the variation to Council's performance criteria in respect of the setback control are considered in terms of Council's objectives as follows

a) to preserve and enhance the existing streetscape

The proposed garage is a minimum 3m from the rear boundary which fronts Boronia Lane and whilst the postal address is Rignold Street, Boronia Lane is interpreted as the property frontage. The proposed garage location results in the loss of significant trees. As such the objective is not considered to be satisfied.

Environmental Services Division Report No. 35 (Cont'd)

- b) to provide privacy*
- c) to provide equitable access to light and sunshine*
- d) to promote flexibility in the siting of buildings*
- e) to enable a view sharing*

The proposed setback variations are not considered to have a significant adverse impact on the adjoining property in terms of privacy, light and views.

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

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

n/a

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

Satisfied.

Excavation/ cut and fill

The compliance with excavation performance criteria is not clearly demonstrated in the documentation before Council, particularly in relation to the southern side boundary detail. It appears that excavation to a maximum depth of 2.5m (including slab) is setback 1.9m from the boundary incorporating stairs. While the details of the retaining walls are required by condition it is considered that the proposed stairs and location of an ensuite window to the ensuite in the basement level unduly extend the need for excavation.

Variation to Council's performance criteria in respect of the setback control (distance from boundaries) are supported in terms of Council's objectives as follows

- a) To limit excavation, cut and fill activities, particularly on sites that have a slope of 1:5 or greater.*

The site has a cross fall of approximately 1:6 the proximity and extent of excavation near the south side boundary is unclear on the plans submitted. Excavation is not considered to be adequately controlled in this regard.

- b) To ensure that development respects topography and the natural fall or slope of the land*

The extent of excavation for the basement level is not considered to respect the topography.

- c) To discourage the alteration or redirection of natural flows of groundwater to existing vegetation*

The proposal is not considered to result in redirection of groundwater to such an extent that would effect existing vegetation on the site or immediately adjoining land.

- d) To ensure that development does not result in sedimentation or blockage of stormwater pipes; waterways and drainage lines*

Proposed drainage plans and appropriate work practice will ensure the development does not result in sedimentation or blockage of stormwater pipes, waterways and drainage lines.

Environmental Services Division Report No. 35 (Cont'd)

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

Excavation within the canopy of trees is a significant issue (see open space)

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

The height of retaining walls, is not considered to dominate the open space and soft planted areas and this objective is considered to be achieved.

Streetscape fences and walls

Council's performance criteria in respect of the streetscape, fences and walls are not considered in terms of Council's objectives as follows

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

The proposed dwelling is not considered to contribute positively to the street and locality in this regard given the limited prominence of parking structures at the front, stepped planter beds and setbacks.

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

c) *to ensure all fences and walls contribute positively to the identified streetscape see objective d) below*

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

No detail of boundary fencing is submitted.

Privacy

Privacy criteria in terms of Council's objectives as follows

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

The proposed balcony to the north elevation at first floor level will result in overlooking of the adjoining property. The extent of overlooking could be minimised by the planting of suitable screening trees however no screening is proposed on the landscape plans submitted.

Other considerations

Under Clause 17 of the LEP, the development due to its height and the loss of significant trees is considered to have a detrimental effect on the amenity of the Foreshore Scenic Protection Area.

Under Clause 33 of the LEP, the site is not with 500m of class 4 land and therefore do not require an Acid Sulphate assessment report.

Under Clause 10 of the LEP the Residential zone the following objectives are considered

Environmental Services Division Report No. 35 (Cont'd)

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

The proposal is for residential use of the site and therefore complies with this objective.

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

The proposal has been assessed having regard to the relevant control plans and is considered unsatisfactory.

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

The proposal would allow variety in housing types however the development is not consistent with the desired character of the area.

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

The proposal will result in adverse amenity impacts in terms of height, visual bulk and scale as well as loss of significant trees.

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

The proposal provides for landscaping works however additional plantings of native species and screening trees is required.

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

n/a

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

The occupants of the building would utilise social and physical infrastructure currently provided to the site and community.

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

Having regard to the nature of development existing in the area and the proposed variations from Councils DCP provisions the proposal is not considered to be suitable development for the area.

Conclusion

The proposed development has been considered under section 79C of the Environmental Planning and Assessment Act, Manly Local Environmental Plan, 1988, the Development Control Plan for the Residential Zone 2001 and is not considered to generally satisfy Council's relevant plans and policies with a number of resident submissions raising concerns with the application.

Environmental Services Division Report No. 35 (Cont'd)**RECOMMENDATION**

'That Development Application No.529/04 for erection of a new dwelling and detached double garage at No.38A Rignold Street Seaforth be refused for the following reasons;

1. The proposal fails to comply with Council's Development Control Plan for the Residential Zone in respect of wall height and setbacks, having regard to Section 79C(1) (a) (iii), (b), (c), (d) and (e) of the Environmental Planning & Assessment Act 1979.
2. The proposal by virtue of it's height, bulk and scale will have an adverse impact on the amenity of adjoining properties and the immediate area, having regard to Section 79C(1) (a) (iii), (b), (c), (d) and (e) of the Environmental Planning & Assessment Act 1979.
3. The extent of excavation is not effectively controlled and will result in adverse impacts on the amenity of adjoining the adjoining property to the south through limitations on the use of land between the proposed dwelling and the boundary, having regard to Section 79C(1) (a) (iii), (b) and (d) of the Environmental Planning & Assessment Act 1979.
4. The proposal will result in the removal of several significant trees on the site with resultant adverse effects of the amenity and character of the area, having regard to Section 79C(1) (a) (iii), (b), (c), (d) and (e) of the Environmental Planning & Assessment Act 1979.

ATTACHMENTS

AT-1 Statement of Environmental Effects - Glendinning Minto & Associates 17 page(s)

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***** End of Environmental Services Division Report No. 35 *****

ATTACHMENT 1

Environmental Services Division Report No. 35
38A Rignold Street, Seaforth
Statement of Environmental Effects - Glendinning Minto & Associates

**STATEMENT OF
ENVIRONMENTAL EFFECTS
CONSTRUCTION OF A NEW DWELLING
38A RIGNOLD STREET, SEAFORTH**
**On behalf of
Mr & Mrs Whitfield
July 2005**

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ATTACHMENT 1

**Environmental Services Division Report No. 35
38A Rignold Street, Seaforth
Statement of Environmental Effects - Glendinning Minto & Associates**

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Construction of a New Dwelling

38A Rignold Street, Seaforth

Prepared under instructions from

Mr & Mrs Whitfield

Glendinning Minto & Associates Pty Ltd ABN 68 091 465 271
Planning & Development Control Consultants
6/265-271 Pennant Hills Road
Thornleigh NSW 2120
Tel: (02) 9875 4788
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ATTACHMENT 1

Environmental Services Division Report No. 35
38A Rignold Street, Seaforth
Statement of Environmental Effects - Glendinning Minto & Associates

Glendinning Minto & Associates P/L

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Glendinning Minto & Associates Pty Ltd

1.0 INTRODUCTION

This Statement of Environmental Effects accompanies a Development Application lodged on behalf of Mr & Mrs Whitfield. The proposal seeks approval for construction of a new dwelling upon land at 38A Rignold Street, Seaforth.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 79C(1) of the Environmental Planning and Assessment Act 1979. As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- The Environmental Planning and Assessment Act, 1979 as amended.
- The Environmental Planning and Assessment Regulation 2000.
- Manly Local Environmental Plan 1988 (as amended).
- Manly Development Control Plan for the Residential Zone 2001

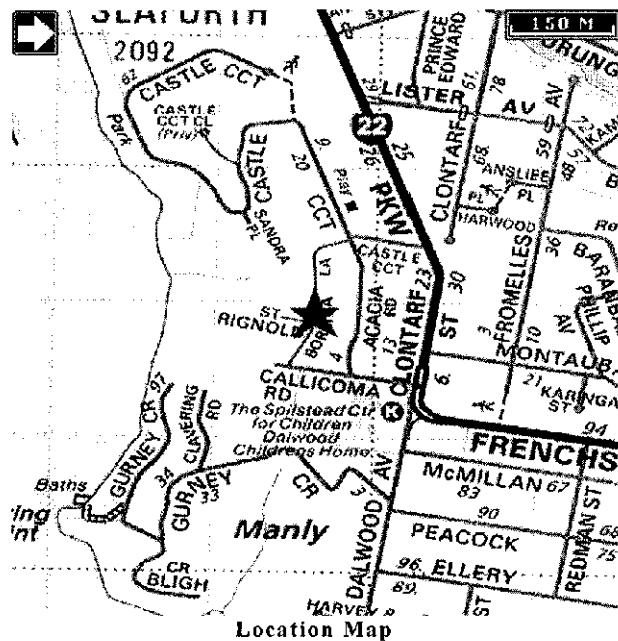
The plans forming part of this submission are those prepared by Home Team Constructions Pty Ltd, dated 8/04, Sheet 1 to 8. A contour survey plan has been prepared by Donovan Associates.

ATTACHMENT 1

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2.0 THE SITE

The subject site comprises Lot 1 in DP 1051612, No. 38A Rignold Street, Seaforth. The site is an irregular shaped allotment with a total area of 1299.5m². The site has a frontage of 20.435m to Boronia Avenue (main frontage), a secondary frontage of 12.19m to Rignold Street. The site has significant fall towards the rear (Rignold Street frontage). The rear portion of the site, extending from Rignold Street approximately 22.66m to the east, is burdened by a 'restriction as to user' which prevents any development on that portion of the site.



The existing site is currently vacant. There are a number of trees located on the site and a retaining wall exists as indicated on the site plan prepared by Home Team Constructions P/L and the survey plan prepared by Donovan Associates.

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Environmental Services Division Report No. 35
38A Rignold Street, Seaforth
Statement of Environmental Effects - Glendinning Minto & Associates

Glendinning Minto & Associates P/L



View of Subject Site from Street

Glendinning Minto & Associates Pty

3.0 THE SURROUNDING ENVIRONMENT

The surrounding environment consists of a variety of single and larger two storey dwellings with a diverse range of architectural designs on a variety of allotment sizes. The sites relationship to the surrounding locality is depicted in the aerial photo below.



Aerial Photo

The existing surrounding development comprises predominately single and two storey dwellings detached dwellings on a variety of allotment size.

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4.0 THE PROPOSAL

This application seeks approval for the construction a new dwelling and detached garage. The dwelling has been designed to accommodate a large family with one child being severely disabled and confined to a wheelchair. The applicants aim is to provide living quarters for the disabled person and a carer. Given that an occupant of the dwelling will be confined to a wheelchair is a constraint of the site as an internal lift is required that can access all floors. This lift requirement makes the concept of a split level dwelling that steps down the site redundant as a lift would then be unable to service all floors.

The proposed bagged and painted brick dwelling with concrete roof tiles will be provided with a setback of 13.168m to the Boronia Lane, with the detached garage setback 3.0m from the street frontage. The garage is provided with a setback of 200mm to the southern side boundary. The dwelling provides for side boundary setbacks of 1.91m and 2.604m to the southern and northern boundaries. Having the garage attached to the dwelling by a covered awning enables sufficient area for manoeuvring of a wheelchair. Locating the garage immediately adjacent to the dwelling would result in extreme difficulty, if at all possible, at gaining wheelchair access from the garage to the dwelling.

The dwelling has been designed and orientated to maximise views over Middle Harbour whilst retaining the significant vegetation on site.

The proposed will result in the following:

Level 1 Floor Plan:	Bedroom, rumpus/bar, carers unit, laundry, powder room, kitchenette.
Level 2 Floor Plan:	Double garage, porch, entry, study, powder room, bedroom, WC, living room, kitchen, family/meals.
Level 3 Floor Plan:	Four bedrooms (bed 1 with ensuite and bed 2/3 with shared ensuite), bathroom and WC.

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The development indicies of the proposal are:

Site Area:	1299.5m ²
Floor Space Ratio:	487.96m ² or 0.375:1
Total Open Space:	1075.03m ² or 82.3%
Soft Open Space:	94% of Total Open Space

5.0 ZONING AND DEVELOPMENT CONTROLS

5.1 Manly Local Environmental Plan 1988

The subject site is zoned Residential Zone 2.

The objectives of the Residential Zone 2 are as follows:

- ❑ *To set aside land to be used for the purposes of housing and associated facilities.*
- ❑ *To delineate, by means of development control in supporting material, the natural and intended future of the residential area within the Municipality.*
- ❑ *To allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council Area.*
- ❑ *To ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residences or existing quality of environment.*
- ❑ *To improved quality of residential area by landscaping and permitting greater flexibility of design in both new development and renovations.*
- ❑ *To allow development for purposes other than housing within the zone only if it is compatible with the character and amenity of the locality.*
- ❑ *To ensure full and efficient use of existing social and physical infrastructure and future provisions of services and facilities to meet increased demand.*
- ❑ *To encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.*

It is considered that the proposed development achieves these objectives by:

- ❑ Ensuring the proposal compliments the existing locality in terms of bulk, scale and height. The existing locality comprises a mix of single residential dwellings comprising predominately 2 storeys. The proposed residence presents as a two storey dwelling as viewed from Boronia Lane. The site slopes to the rear and as such the majority of the dwelling will not be visible from Boronia Lane.

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- Retaining the existing amenity to the surrounding residences. The proposal does not result in unreasonable overshadowing to any private open space or habitable rooms of the adjoining/surrounding properties and does not result in a loss of privacy to adjoining residences.

5.2 Manly Development Control Plan for the Residential Zone 2001.

The DCP for the Residential Zone 2001 is applicable to the proposal.

Clause 2.1 requires that applications for new buildings must be accompanied by a Locality Analysis. A locality analysis in accordance with the DCP is attached as **Appendix A**.

Clause 2.2 requires a site analysis to be submitted with the application. A site analysis has been prepared by Home Team Constructions Pty Ltd and should be read in conjunction with this statement and the Survey Plan prepared by Donovan Associates. It is considered that this information identifies the key features of the site and adjoining properties.

The following Clauses are considered relevant:

Clause/ Design Element	DCP Requirement	Compliance/Comments
3.1 Residential Density & Subdivision	Density Sub-zone 7 - 1 dwelling per 750m ²	Yes. The site has a density of 1 dwelling/1299.5m ² .
3.2 Open Space	70% of site area. 50% of open space to be soft.	Yes The proposal provides for a total open space of 82.3% of the site. Yes 94% of total open space is defined as soft open space.
3.3 Floor Space Ratio	Density Sub-Zone 3 Maximum FSR - 0.4:1	Yes Proposal provides for a floor space ratio of 487.96m ² or 0.375:1
3.4 Building Height	Height Sub-zone 1 wall Height: North - 7.3m South - 7.2m	South - Complies Whilst it is noted that there is a non-compliance with the maximum wall height on the northern elevation, it is considered that the proposal achieves the objectives of this clause and should be supported for the following reasons:

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		<ul style="list-style-type: none"> • Whilst it is noted that the predominant built form within the immediate locality comprises single and 2 storey development, it is considered that the proposal which presents as two storeys to Boronia Lane will be consistent with the existing built form. • The area of non-compliance is a portion of the upper level. It is noted that this upper level is provided with a setback that ranges from 3.794m to the northern boundary. This elevation will not be visible from the public domain upon development of the adjoining northern property. The setback is sufficient to allow landscaping of the northern elevation with species which can achieve up to 6 metres. • There will be no significant view loss, loss of views or privacy as indicated in the Council Officers report. • Given the articulation and varied setbacks the proposal will not present as a three storey bland elevation. <p>Discussions with Council and review of Council's report have indicated that the main concern in relation to the non-compliance with the height limit is that the proposal is not consistent with the existing development within the locality. However, it is noted that the portion of the wall not complying with Council's height limit is the northern elevation and will not ultimately be visible from the public domain. The dwelling will be screened by landscaping and further development on the adjoining northern property. The development when viewed from the public domain will be a two storey dwelling that is compatible with the existing surrounding development.</p>
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3.5 Building Setbacks	Front Setback – Min. 6.0 metres or consistent with neighbouring.	6.0m to dwelling. 3.0m to garage. With respect to the garage I offer the following: <ul style="list-style-type: none">• The proposed garage will have minimal impact on the existing streetscape. The proposed garage is single storey with the dwelling setback in excess of 13m to the street frontage.• The proposed garage will not have a detrimental impact on the privacy of the adjoining premises. The proposal does not provide for any windows on the southern elevation. Further, the garage is not located adjacent to any private open space or habitable rooms, but is rather located adjacent to another driveway.• The proposed garage being single storey and located immediately adjacent to another driveway will not result in overshadowing to any habitable room or private open space of the adjoining property.• The proposed garage does not obstruct any existing views.• The significant slope of the site is a constraint that results in providing vehicular access difficult. Providing a greater front setback will have an impact on providing safe vehicular access to and from the site. It has been acknowledged in the Council Officers report to Council that the proposed garage setback is appropriate.
	Rear Setback Minimum 8.0 metres	Yes 9.0m to Restriction 34m to Rignold Street

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	<p>Side Setback – 1/3 of wall height</p>	<p>The required setback to the northern boundary varies from 2.0m (bay window projection) to 2.7m (northeast corner of building). The proposal complies with these setbacks. The required setback to the southern boundary is 2.2m. Whilst the proposal provides for a setback of 1.91m, it is considered that the proposal complies with the stated objectives of this clause and should be supported for the following reasons:</p> <ul style="list-style-type: none"> • The proposal will not have a detrimental impact on the character of the existing streetscape. The site falls to the rear and as such the proposed dwelling is located predominately below street level. • The majority of the dwelling is setback in excess of 13m from the street frontage which allow for substantial landscaping forward of the dwelling. • The proposal has been designed to ensure privacy is maintained to the adjoining southern property. This has been achieved by orientating the dwelling towards the north. The windows on the southern elevation serve either bedrooms or bathrooms, which are not high use living areas and as such will not result in a loss of privacy. • The setback of 1.9 is sufficient to provide landscaping that can achieve 3-4 metres in height to assist in providing screening. • The proposal does not result in the loss of any significant views. • The proposal does not result in any excessive overshadowing to private open space or habitable rooms of adjoining properties. • Appropriate separation is provided between adjoining built forms.
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**Environmental Services Division Report No. 35
38A Rignold Street, Seaforth
Statement of Environmental Effects - Glendinning Minto & Associates**

Glendinning Minto & Associates Pty Ltd

3.6 Excavation	Limit excavation.	Yes The proposal results in minimal excavation as the additions are predominately to the first floor.
3.7 Overshadowing	Where existing adjacent building has an east-west orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 2 hours.	Yes Proposal does not result in unreasonable loss of solar access to private open space or living areas. This is reflected in the report to Council.
3.8 View Sharing	Minimise view loss from neighbouring dwellings and public spaces. Views between and over buildings are to be maximised.	Yes Given the slope of the site and the separation to the surrounding premises, the proposal does not result in a loss of any significant views. This is reflected in the report to Council
3.10 Privacy and Security	Buildings should be orientated to address the street to maximise street surveillance. Consider narrow/translucent, or obscured glass where necessary to maximise privacy.	Yes. The dwelling is designed to address Boronia Lane, with living areas providing general surveillance of the street and who is approaching the dwelling without the need to open the door. Yes It is considered that the proposed dwelling has been designed to minimise loss of privacy to adjoining properties. This has been achieved by the appropriate location of rooms and windows. All high use living areas are located on levels 1 and 2 and are orientated towards the north and northwest. The proposal maximises the setback to the northern boundary to allow for appropriate landscaping that can achieve 3-5 metres in height and sufficient separation to the adjoining property.

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		<p>In relation to the adjoining southern property the proposal has been designed to ensure privacy is maintained. This has been achieved by orientating the dwelling towards the north. The windows on the southern elevation serve either bedrooms or bathrooms, which are not high use living areas and as such will not result in a loss of privacy.</p> <p>It is noted that the rear boundary adjoins Rignold Street and as such will not result in loss of privacy to any western properties. It is therefore considered that the proposal has been designed to minimise loss of privacy to surrounding properties.</p>
3.12 Parking and Access	Minimum 2 Spaces per Dwelling.	<p>Yes</p> <p>The proposal provides for two parking spaces which are integrated into the dwelling design.</p>

6.0 SECTION 79C(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Environmental Planning Instruments – Section 79C(1)(a)

The subject site is zoned Residential 2 under the provisions of the Manly LEP 1988. Dwellings within the Residential 2 Zone are permissible with the consent of Council. The proposal has been assessed against the objectives and provisions of both the Manly LEP and Council's policies as detailed within this report. The proposal is considered to satisfy the specific aims and objectives of these documents. With respect to the non-compliances with Councils DCP for the Residential Zone, it has been demonstrated that the proposed development is compatible with the existing surrounding development in terms of height, bulk and scale.

Impacts of the Development – Section 79C(1)(b)

It is not considered that the proposal will result in any detrimental impacts upon the adjoining properties or the character of the surrounding area. The proposal has been assessed in respect of the impact on the amenity of the area and it is my opinion that the proposal has been designed to complement the existing and desired character of the locality.

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Suitability of the Site – Section 79C(1)(c)

Dwellings on land zoned Residential 2 under the Manly LEP 1988 are permissible with the consent of Council. In this respect it is considered that the subject land is suitable for the proposed development in that it is currently vacant and has a site area of 1299.5m².

It is not considered that there will be any adverse impacts as a result of the proposal and as such the subject site is considered suitable for the proposed development.

7.0 CONCLUSION

The proposed development is Local Development under the terms of the Environmental Planning and Assessment Act 1979 and has been assessed against the requirements of Section 79C(1) of the Act, the Manly LEP 1988 and Council's Policies. In this regard it is considered that this Statement of Environmental Effects has demonstrated that the proposal satisfies the aims and objectives of the above controls.

The proposal is considered to be of a height, scale and bulk that is compatible with surrounding properties. Therefore it is considered that the proposed development is compatible with the existing and desired character of the locality.

It is considered that the proposal will not impact upon the amenity of adjoining properties or upon the character of the surrounding area.

It is therefore considered that the proposed dwelling upon land at 38A Rignold Street, Seaforth is worthy of the support of Council.

Natalie Nolan
Grad Dip (Urban & Regional Planning) B App Sc (Env. Health) MPIA
GLENDINNING MINTO & ASSOCIATES PTY LTD
July 2005

Glendinning Minto & Associates P/L

APPENDIX A – LOCALITY ANALYSIS

The Boronia Lane/Rignold Street locality is characterised by a range of single detached dwellings generally comprising 1 and 2 storeys.

There are a variety of roof pitch's and roof forms, including flat metal roofs and tiled pitched roofs. External finishes range, from masonry, cladding and rendered finishes. There is minimal existing landscaping

The sites are generally well landscaped with informal bushland and locally occurring species. Dwellings are orientated towards the north west to maximise views of Middle Harbour and surrounds. Allotment sizes are varied with a number of subdivisions.

The proposed development has been designed to compliment the existing locality by providing a new dwelling that have minimal impact on the streetscape. The design of the proposal in response to the locality and the site's constraints and opportunities and this is demonstrated in the Statement of Environmental Effects.

TO: Land Use Management Committee - 1 August 2005
REPORT: Environmental Services Division Report No. 36
SUBJECT: 9 Jenner Street, Seaforth
FILE NO: DA162/05

Application Lodged: 24/3/2005
Applicant: Matthew Grant Architect
Owner: Mr & Mrs Poole
Estimated Cost: \$500,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
 Within Foreshore Scenic Protection Area
Surrounding Development: Two and three storey detached dwellings
Heritage: Nil.

SUMMARY:

1. DA 162/05 FOR ALTERATIONS AND 1ST STOREY ADDITIONS WITH AN ELEVATED DRIVEWAY AND PARKING WAS SUBMITTED TO COUNCIL ON 24 MARCH 2005.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING OWNERS IN ACCORDANCE WITH COUNCIL POLICY WITH 5 SUBMISSIONS RECEIVED RAISING CONCERNS OF VIEW LOSS, STREETScape AND DCP NON-COMPLIANCE, AND ONE SUBMISSION OF SUPPORT.
3. THE PROPOSAL WAS REPORTED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 31 MAY 2005 AT WHICH TIME RECOMMENDATIONS WERE MADE FOR REFUSAL BASED UPON GROUNDS OF DCP NON-COMPLIANCE, AND IMPACT ON NEIGHBOURS VIEWS AND THE STREETScape.
4. AT THE TIME OF DAU REVIEW, A SUBMISSION WAS RECEIVED FROM THE ARCHITECT REQUESTING THE OPPORTUNITY TO SUBMIT REVISED PLANS, HENCE DETERMINATION WAS WITHHELD.
5. REVISED PLANS PROVIDED A REDUCTION IN ROOF HEIGHT AND NOTIFICATION OF THE REVISED PLANS RESULTED IN FURTHER SUBMISSIONS RAISING CONCERNS WITH THE PROPOSAL AND INCLUDED A DETAILED VISUAL IMPACT ASSESSMENT PREPARED BY A PLANNING CONSULTANT.
6. A SITE INSPECTION WITH HEIGHT POLES IN PLACE DEPICTING THE LOWERED ROOF PROFILE CONFIRMS THAT THE VIEW IMPACT REMAINS SIGNIFICANT.
7. A SITE INSPECTION IS RECOMMENDED.
8. REFUSAL OF THE DEVELOPMENT APPLICATION IS RECOMMENDED.

LOCALITY PLAN

Shaded area is subject land.



Environmental Services Division Report No. 36 (Cont'd)

REPORT

Introduction***The site and surrounds***

The site is located on the lower southern side of Jenner Street with a north-south orientation. It has a regular form with front and rear boundaries of 20.115m width and side boundaries of 56.41m for a total site area of 1,134.6m². The site also has a fall to the south of approximately 12.2m.

Existing development on the site comprises a 3 storey dwelling with attached double garage and inground concrete swimming pool. Landscaping comprises a mixture of lawns with shrubs and small to medium sized trees including 3 mature gum trees of up to 15m height. Neighbouring development comprises a mix of detached 2 and 3 storey dwellings.

Views to the south-west of Middle Harbour (Powder Hulk Bay) and its natural foreshores are obtained from the subject dwelling and many neighbouring dwellings in the locality.

Proposed development

The proposal as revised seeks development consent for alterations and additions to the dwelling as follows:

- Lower ground level alterations / additions including new bathroom and internal stairs;
- Ground level alterations and additions including new laundry, extensions to the southern side balcony and a new covered entry;
- Upper level addition including new master bedroom with ensuite, sitting area and front / rear balconies, new entertaining area and attached terrace which will be ½ covered;
- New upper level double parking space and suspended concrete slab driveway with entry elevated above the existing lower level driveway and the sloping council nature strip;

Development Control Plan Numerical Assessment

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

Control	Provision			
Open Space	794m ² / 70% min			
Landscaping	50% min of O/S			
FSR	0.4:1 / 454m ²	Proposal	Compliance	Breach
Height	7.7m (1:5 slope)	894m ² / 79%	Yes	
Setback – Front	6.0m or defacto	500m ² / 56%	Yes	
Setback – Rear	8.0m	492m ² / 0.43:1	No	+ 38m ²
Setback – side	1/3 wall height 2.2m – 2.8m to dwelling	8.0m	No	+ 0.3m
Overshadowing	Min 4hrs sunlight to neighbours living areas	6.0m	Yes	
		25m	Yes	
		2.2m east side	Yes	
		2.3m west side	No	

Environmental Services Division Report No. 36 (Cont'd)

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Floor space ratio	0.4:1	0.43:1	No
Floor space ratio - existing	0.3:1		
Wall height East side	7.7m	6.5m	Yes
West side	7.7m	6.5m	Yes
Roof height	3.0m	2.5m	Yes
Setback Front	6.0m	1.78m Garage 8.0m Dwelling	No Yes
Setback Rear	8.0m	27.0m	Yes
East setback side	2.2m	2.2m	Yes
West setback side	2.2m	2.01	No
Open space - total	70% (794sqm)	79% (894sqm)	Yes
Open space - soft	50%	86%	Yes
Open space - above ground	<25%	<25%	Yes
Number of Endemic Trees	4	4	Yes
Private Open Space	>18sqm	>18sqm	Yes
Car Parking – Residents	2	3	Yes
Shadow -adjacent open space adjoining NS orientation	>4 hrs sunlight to living areas >1/3 sunlight open space	>4hrs >1/3	Yes Yes
exist north facing roofs	>10sqm	>10sqm	Yes

Applicant's Supporting Statement

The applicant submitted a Statement of Environmental Effects and further response to the neighbours submissions which are available for viewing on Council's file.

Submissions

Five submissions of objection were received in response to the original plans raising concerns of view loss, streetscape and DCP non-compliance, and one submission of support was received. Submissions in objection included a detailed visual impact assessment prepared by a planning consultant. The issues raised are identified and discussed as follows:

View loss – As discussed later in this report the proposal is considered to result in excessive loss of views and does not satisfy the objectives for view sharing. Consequently this issue is supported as primary grounds for refusal.

Streetscape – As discussed later in this report the proposal is considered to result in detrimental impacts to the streetscape and is acknowledged as a reason for refusal.

Non-compliance – As noted in the DCP compliance table and comments, the proposal does not comply with the provisions for FSR and setback. In combination these result in unreasonable view loss to neighbouring properties such that the non-compliances contribute to grounds for refusal.

Alternate design options – It is noted that there are alternate design options that could have been provided to minimise view impacts including repositioning the 1st storey addition and incorporating a lowered mono-pitched roof. Given the extent of view impacts and non-compliances that exist, and that to overcome these would likely require substantial design amendments, such options are considered more appropriately investigated under a new Development Application rather than negotiating amendments.

Environmental Services Division Report No. 36 (Cont'd)**Precinct Community Forum Comments**

Precinct Comments as submitted are stated as follows:

The meeting was addressed by Matthew Grant, Architect, on behalf of the applicants, and by Judith Taylor, on behalf of Numbers 8 and 10 Jenner St (opposite the subject property). There was a robust exchange of opinions about the effect of the proposed additions in respect of losses of water views and deterioration of streetscape.

MOTION: 1. The Precinct is EXTREMELY concerned about the issues of view sharing involved in the application, and calls on Council to give maximum consideration to the issues. The Precinct recommends that Council request the applicant to erect extensive templates, before any approval is granted, as the potential view loss and impact on the streetscape is of great concern to the Precinct.

Proposed by: Vivien Coulson

Seconded by: Anne O'Connell

Passed (unanimous) with 3 abstentions

Engineers Comments

Additional details are required for the elevated driveway in terms of its dimensions.

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 alterations and additions are ancillary to the existing dwelling and permissible with consent.

The proposal is considered unsatisfactory in response to the objectives of the residential zone, particularly with respect to objectives (d) and (e) whereby it results in significant impacts to the amenity of neighbouring properties due to loss of water and foreshore views caused by the upper level addition.

With respect to streetscape and quality of environment, the elevated driveway will be double width and require the removal of a mature gum tree to 10m height. This is considered to cause detrimental visual impacts to the landscaped character of the streetscape. Consequently the proposal is considered an unacceptable form of development when considered under the relevant objectives of the Residential Zone.

Foreshore Scenic Protection Area - The site is also located in the Foreshore Scenic Protection Area. Pursuant to Clause 17 of the LEP, the additions will result in some increase in visual scale however the site benefits from being located amongst numerous mature trees which soften the visual impact of development to the water. Whilst its visual impact may be considered acceptable from the waterways and foreshores, this is not considered a reason to warrant its approval given the prevailing issues of view loss and streetscape as discussed.

Environmental Services Division Report No. 36 (Cont'd)***Mainly DCP for the Residential Zone 2001***

The proposal has been assessed against the provisions and objectives of the DCP. Non-compliances to the numeric provisions and the design objectives of the DCP are addressed as follows:

Floor Space Ratio

For Subzone 7, the DCP permits an FSR of 0.40:1 for the site. The FSR for the proposal at 0.43:1 exceeds this by 38m². It is noted that this includes the lower level basement which has been enclosed with doors and windows as a habitable room and is therefore included as floor area. This basement area is not shown on the architectural plans but is noted on the survey which describes the existing dwelling as 2 and 3 storeys. For a breach to the FSR to be supported the applicant would need to demonstrate that on merit the proposal satisfies the objectives for Floor Space Ratio.

From inspection of the site and surrounds it is evident that the additional bulk and scale resulting from the 1st storey addition will result in substantial view loss from the living areas of neighbouring dwellings diagonally opposite to the northeast. Given the view impacts resulting the proposal is not considered to satisfy key objectives for the FSR provision, being to control bulk and scale and minimise view loss, the breach to the FSR provision is considered unacceptable. The issue of view loss is further discussed in this report.

Height

The maximum permissible height based upon the slope of the site adjacent to the additions is calculated at 7.7m. The proposed additions as amended have a maximum height of 6.5m and is therefore compliant. However, concern is raised with the height of the roofed balcony as measured from the southern edge of the balcony roof being 8.0m. A key objective of the height provision is to minimise view loss. Given the magnitude of view loss resulting from the first storey addition, the height of the balcony roof is considered unacceptable.

Setback

The existing dwelling has setbacks to the eastern and western side boundaries of 2.2m and 2.01m respectively, with the proposed 1st storey addition seeking to align with the walls below. A key objective of the setback provision is to minimise view loss. It is acknowledged that the key cause of view loss in this case is the increase in height, however given the magnitude of view loss resulting from the first storey addition, the departure to the setback provision is not considered to be justified. As such a departure to the setback provision may only be considered acceptable in this case if the additions were redesigned to minimise any increase in roof height and resulting view loss.

Privacy

The alterations and additions to each level will not result in a substantial increase in overlooking to neighbouring properties, with existing trees assisting to screen potential overlooking.

View sharing

Several properties in Jenner Street and its surrounds enjoy water views to the southwest to Middle Harbour. An assessment of these views has been made following principles of view sharing. The views take in Powder Bulk Bay, the natural foreshores of Castlecrag and Northbridge, passing boats, and multi-storey buildings along distant ridges. These views are identified as the primary elements of interest that are enjoyed by these properties, with passive and active elements (static and moving elements) contributing to their significance. Secondary district views across to the south and southeast of Seaforth are also considered to contribute to the quality of the view,

Environmental Services Division Report No. 36 (Cont'd)

however being views of suburban landform and housing, they are of lesser significance than the water and foreshore views.

In relation to the site, a number of properties on the opposite side of Jenner Street look diagonally over the existing dwelling to the south west from their front living rooms and balconies which are elevated above the street to access these views. One of these properties has a dwelling currently under construction which will have its living room and front balcony positioned to maximise these views. It is noted that for these properties the water views are offset from the primary outlook to the south, however given that these dwellings have been designed to maximise access to these views with their living areas and balconies oriented to these views, the resulting view loss is considered a significant loss to the amenity of these properties.

The proposed upper level addition as amended will increase the height of the roof ridge by 2.0m for the width of the dwelling across the site, resulting in a significant loss in depth of views looking down to the water. The only view towards the water remaining would be distant narrow glimpses of water and foreshore areas. Given the magnitude of view loss and that the existing dwelling already benefits from these views without the need for a 1st storey addition, the proposal cannot be considered to achieve reasonable view sharing.

It is noted that the design as amended reduces the extent of view impact from near complete loss of views to significant loss of views, however under the circumstances the extent of view loss is considered to remain unacceptable. Repositioning the additions and reconfiguring the roof form to a mono-pitch or flat roof form could be achieved to reduce these view impacts, however substantial modifications would be required to achieve this and would warrant a new Development Application.

Consequently the proposal as amended is considered to remain unacceptable in terms of view loss with this being a primary reason for refusal.

Streetscape

The proposed new double width driveway and double parking space attached to the first storey will be elevated above the existing ground level, driveway and front nature strip. Within the nature strip a mature gum tree of approximately 10m height and spread will require removal, which is clearly indicated on the survey information submitted with the original application.

This tree is considered to provide a positive contribution to the quality of the streetscape. Consequently its removal to facilitate the new driveway would be detrimental to the streetscape, making the existing dwelling and upper level additions visually prominent, with the additions also resulting in loss of public views from the street. Given these circumstances and that the existing dwelling has driveway access to a double garage at its lower level which satisfies the access and parking requirements for single dwellings, the proposed double width driveway and parking space is considered unacceptable.

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 as amended is considered to remain an unsatisfactory form of development due to departures to the FSR, height and setback provisions causing adverse amenity impacts in terms of view loss, and due to its adverse impact on the streetscape. Furthermore it is considered unsatisfactory in response to issues raised in neighbours submissions. Consequently the proposal is considered unsatisfactory pursuant to S.79C of the Act.

Environmental Services Division Report No. 36 (Cont'd)**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. The design as amended is considered unsatisfactory under the provisions of the DCP and the LEP objectives for the residential zone, and fails to adequately resolve issues raised in neighbours submissions. Consequently it is considered in the public interest that the Development Application be refused.

RECOMMENDATION

That Development Application No.162/05 for alterations and upper level additions to the existing dwelling at 9 Jenner Street, Seaforth, be refused for the following reasons:

1. The proposal is considered inconsistent with the relevant objectives of the Residential Zone under Manly LEP 1988, particularly with respect to objectives (c), (d) and (e) due to excess visual bulk and scale impacts to the surrounds with respect to impacts on views and streetscape, having regard to section 79C(1)(a)(iii), (b), (c), (d) and (e) of the Environmental Planning and Assessment Act 1979.
2. The proposal is considered an overdevelopment of the site given that it does not comply with the Manly Development Control Plan (DCP) for the Residential Zone with respect to the provisions for Floor Space Ratio, height and setback as stated in Sections 3.3, 3.4 and 3.5 of the DCP, having regard to section 79C(1)(a)(iii), (b), (c), (d) and (e) of the Environmental Planning and Assessment Act 1979.
3. The proposal does not satisfy the objectives for the provisions of Floor Space Ratio, height, setback, view sharing and streetscape as stated in Sections 3.3, 3.4, 3.5, 3.6, 3.8 and 3.9 of the DCP, having regard to section 79C(1)(a)(iii), (b), (c), (d) and (e) of the Environmental Planning and Assessment Act 1979.
4. The proposal is considered to result in unreasonable built impacts to its locality in terms of excess bulk and scale, loss of views from neighbouring properties and the street, and impacts on streetscape landscaping, having regard to section 79C(1)(a)(iii), (b), (d) and (e) of the Environmental Planning and Assessment Act 1979.
5. The proposal is not considered in the public interest, primarily due to its amenity impacts to neighbouring properties in terms of view loss and impacts to the streetscape, having regard to section 79C(1), (e) of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

There are no attachments for this report.

LUM010805ESD_5

***** End of Environmental Services Division Report No. 36 *****

TO: Land Use Management Committee - 1 August 2005
REPORT: Environmental Services Division Report No. 37
SUBJECT: 10 Salisbury Street, Seaforth
FILE NO: DA196/05

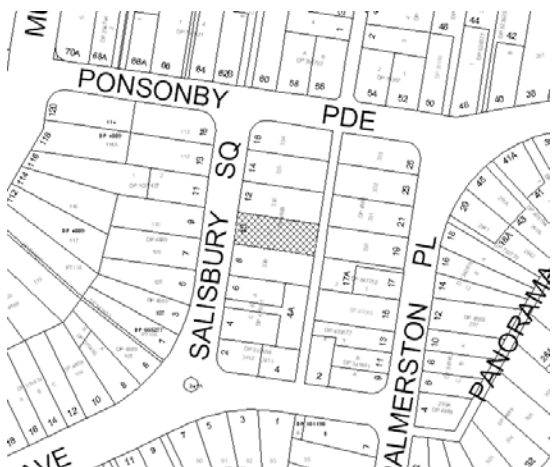
Application Lodged: 18.4.2005
Applicant: Sandberg Schoffel Architects
Owner: Mr S & Mrs K Weller
Estimated Cost: \$750 000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Single and two storey detached dwellings
Heritage: n/a

SUMMARY:

1. AN APPLICATION IS MADE FOR DEMOLITION OF AN EXISTING DWELLING AND GARAGE AND ERECTION OF A NEW DWELLING, SWIMMING POOL AND POOL HOUSE.
2. THE APPLICATION WAS NOTIFIED IN ACCORDANCE WITH COUNCILS NOTIFICATION DCP AND TWO (2) SUBMISSIONS WERE RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE LOCAL COMMUNITY PRECINCT FORUM WITH COMMENT RECEIVED.
4. THE APPLICATION IS ASSESSED PURSUANT TO SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 INCLUDING COUNCIL'S RELEVANT PLANS AND POLICIES.
5. THE APPLICATION WAS REPORTED TO THE DEVELOPMENT ASSESSMENT UNIT ON 14.7.05 AT WHICH TIME THE APPLICATION WAS RECOMMENDED FOR APPROVAL WITH CONDITIONS.
6. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND-USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR MORRISON.
7. A SITE INSPECTION IS RECOMMENDED.
8. APPROVAL OF THE APPLICATION IS RECOMMENDED.

LOCALITY PLAN

Shaded area is subject land.



Environmental Services Division Report No. 37 (Cont'd)

REPORT

Introduction

The subject site is located on the eastern (high) side of Salisbury Street and adjoins a laneway at the rear. The allotment is rectangular in configuration having a frontage of 20.115m and depth of 51.82m. The site has an east/west orientation and is currently developed with a part one and part two storey dwelling with garaging under as well as a detached single garage in the rear yard.

The proposal provides for the following:

- Demolition of the exiting dwelling house and detached garage.
- Erection of a new dwelling containing basement level comprising 2 x double garages and storage areas, ground floor level comprising 3 bedrooms, bathroom, 2 x ensuite, games room and study and first floor level comprising living, dining, family rooms and kitchen with associated terrace areas.
- Provision of a rear yard in-ground swimming pool with detached pool house containing pool equipment room, shower room/WC, sink and benches.
- Landscaping works

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	0.447:1	Yes
Wall height north side	6.9m	6.4m	Yes
south side	6.8m	6.4m	Yes
Roof height	3m	2.1m	Yes
Setback Front	6m	11.0m	Yes
Setback Rear	8m	17.0m (Dwelling) 0.0m (Pool House)	Yes No
north setback side	2.1m	2.1m	Yes
south setback side	2.1m	2.7m	Yes
Open space - total	55%	71%	Yes
Open space - total	573.3sqm	738.7sqm	Yes
Open space - soft	35%	68%	Yes
Number of Endemic Trees	2 trees	2 trees	Yes
Private Open Space	18sqm /lot	>18sqm	Yes
Car Parking – Residents	2 spaces	4 spaces	Yes
Energy Efficient Rating	40% water 25% energy thermal	certified	Yes

Submissions

The development was notified and two (2) submissions were received raising the following issues:

- Inconsistent with present streetscape of trees and brick and tile dwellings.
- Excessive bulk and height and inadequate south side setback and front setback considering the setback of the existing dwelling adjoining to the south.

Environmental Services Division Report No. 37 (Cont'd)

- Loss of sunlight to the property to the south.
- Lack of 'certified' shadow diagrams.
- Compliance with noise and dust regulations sought.
- Loss of district views and aspect.

Comment : Streetscape, views, height, bulk and setback issues are considered in the planning assessment. The submitted shadow diagrams are considered to be appropriately 'certified' as the applicant is a registered Architect. Proper and complying work practices are proposed and noise and dust regulations will apply to the development.

Precinct Community Forum Comments

The Precinct motion is as follows

The meeting was addressed by Mr and Mrs Hartley, southern neighbours of the subject property. They expressed their concerns regarding loss of privacy and amenity, due to the development.

MOTION: 1. The Precinct requests Council to closely examine the application, as there appear to be issues with solar access and privacy.

Proposed by: Alan Johnson
Seconded by: Judith Harris
Passed (unanimous) with 2 abstentions"

Engineers Comments

No objections subject to conditions

Building Comments

No objections subject to conditions

Landscape Officer Comments

A TPO permit was issued 6/4/05 for the removal of the Eucalyptus nichiolii located north of T2 in the front of the property (borers)

Retain the Corymbia citriodora T2 located in the south side of the front yard and protect during construction.

Retain the Glochidion ferdinandii located in the front yard on the northern side of the drive way and protect during construction.

Retain the Ficus rubiginosa tree located at the rear northern boundary protect tree during construction. Alternatively the tree could be transplanted under the supervision of a qualified arborist, with the appropriate preparation work to ensure the trees survival a \$10,000 bond would be required until such times as re establishment of the tree is confirmed by a qualified arborist.

Retain the Brush box tree located at the rear boundary and protect during construction. Fungal fruiting bodies located on the main trunk will need to have there pathology identified as a negative parasitic species before removal would be approved, prior to the issuing of a construction certificate.

Retain the Jacaranda mimosifolia T5 located near the centre of the site and protect during construction (this tree could possibly go to keep others on the site).

Environmental Services Division Report No. 37 (Cont'd)**Planning Comments**

The only variation to the development control plan numeric requirements is in respect of the proposed pool house being within the required 8.0m rear setback. It is to be noted that the site adjoins a laneway to the rear and that numerous garages and outbuildings have been erected on nil or minimal rear setbacks on adjoining and nearby properties. As such the proposed location of the pool house on a nil setback to the laneway will not alter the existing character of the immediate area, nor will there be any identifiable adverse effect on the amenity of the area or adjoining properties.

Other key issues are discussed in terms of relevant objectives as follows:

Open space and landscape design

Council's performance criteria are considered to be satisfied in respect of open space.

The landscape officer has reviewed the documentation submitted in particular the applicants' Arborist report. Conditions are recommended for the retention and protection of the following trees

- *Corymbia citriodora* T2 located in the south side of the front yard.
- *Glochidion ferdinandii* located in the front yard on the northern side of the drive way.
- *Ficus rubiginosa* tree located at the rear northern boundary. The applicants proposal to transplant this tree to a central location on the site is supported by Council's tree officer but requiring the supervision of a qualified arborist, with the appropriate preparation work to ensure the trees survival a \$10,000 bond would be required until such times as re establishment of the tree is confirmed by a qualified arborist.
- The Brush box tree located at the rear boundary. Fungal fruiting bodies located on the main trunk will need to have there pathology identified as a negative parasitic species before removal would be approved, prior to the issuing of a construction certificate.

The Brush box tree referred to above is in the vicinity of the proposed pool house and conditions of consent propose the redesign and re siting of this structure to accommodate this tree. This requirement has been discussed with the applicant and is feasible. The proposed removal of the *Jacaranda mimosifolia* T5 located near the centre of the site is agreed to on the basis of the retention and protection of all other trees stated above.

Council's objectives in respect of open space are considered to be satisfied as follows

a) to preserve important landscape features.

Existing vegetation is to be retained by condition and substantial new plantings are proposed. On the basis of trees being preserved during construction and the proposed landscaping plan this objective is considered to be satisfied.

b) to enhance the amenity of the site, streetscape and surrounding area.

Additional planting (minimum internal planter beds of 1m along boundary) and tree protections as above are supported and the development complies with special requirements for the area of total and soft open space and the Development Control Plan (DCP) requirements for private open space. On this basis the objective is considered to be satisfied.

c) to retain an increase remnant populations of endemic native flora and fauna.

See a) and b) above

d) to minimise the spread of weeds and degradation of natural ecosystems.

Satisfied

e) to maximise wildlife habitat.

Satisfied

Environmental Services Division Report No. 37 (Cont'd)

f) to encourage the production of food.

The landscape plan includes areas set aside for planting of kitchen vegetables and herbs.

g) to maximise water infiltration on-site and reduced stormwater runoff.

The proportions of soft open space are adequate.

h) to provide open space for the recreational needs of the occupier.

Satisfied.

i) to assist in the provision of privacy and shade.

Satisfied.

j) to maximise usable outdoor space to allow for soft landscaping including tree-planting and maintenance of existing vegetation.

Satisfied.

Floorspace ratio

The proposal complies with this aspect of the DCP and it is noted that the basement area providing storage and parking in excess of the parking required under the DCP has been included for the purposes of calculating the fsr.

The proposal is considered acceptable in terms of overall visual bulk and scale and in accordance with the DCP objectives as follows

a) to control the bulk of building.

Whilst the proposal complies with the DCP numeric requirement it still represents a significantly sized dwelling in the locality. The proposed design minimises this bulk in accordance with this objective with particular regard to siting in relation to adjoining properties, 'staggering' of levels across the site and tree planting/protections.

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

The proposed dwelling will not obscure important landscape features as viewed from private or public lands.

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

The proposed bulk complies with the permitted fsr and 2 storey development is characteristic of the area and the DCP for this residential area.

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

There is no significant view loss based on site inspections of the site, streetscape, adjoining and nearby properties (including objector) and the rear lane.

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

There are not considered to be significant adverse impacts in relation to the amenity of neighbouring properties. This aspect was further reviewed by the applicant in response to resident submissions made by the applicant dated 1 July 2005 which confirmed compliance in this regard.

Height and Setbacks

There are no variations to Council's performance criteria in respect of the wall and roof height and front rear and side setback controls

Environmental Services Division Report No. 37 (Cont'd)

In relation to properties adjacent, the development is considered to minimise disruption to views. There is no unreasonable loss of privacy or loss of sunlight to existing residential development.

The proposed setbacks are considered to preserve streetscape, provide privacy, provide equitable access to light and sunshine, promote flexibility in the siting of buildings, enable a view sharing, accommodate planting of native vegetation including endemic trees and maintain adequate space between buildings to protect the views and vistas from public places.

Overshadowing

The shadow diagrams submitted with the application demonstrate that the development will not eliminate more than one third of the existing light to open space of adjacent properties at midwinter. In this regard the development complies with Section 3.7 of the DCP.

The level of solar access into living room windows of adjoining properties is shown to comply based on the applicants submissions. The submission was disputed by the neighbour who has also provided shadow diagrams. A further response is submitted by the applicant including 3d modeling, photograph evidence and also highlighting features of the development which minimise shadow. On review of all documentation the development is considered to comply with section 3.7. of the DCP.

Swimming pools

No variations to Council's performance criteria in respect of swimming pools are proposed and the development satisfies the following DCP objectives;

- swimming pools should be located to minimise the impact of adjoining properties, buildings and people, so as to filter noise, maximise privacy and to ensure no spillage or overflow to adjoining properties
- Swimming pools should be appropriate be located for visual and aural privacy and not to adversely impact on the streetscape

Streetscape fences and walls

Council's performance criteria in respect of the streetscape, fences and walls are considered in terms of Council's objectives as follows

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

The proposed dwelling is not considered to detract from the street and locality particularly given the existing street and site dimensions.

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

The proposed front of the site is predominantly planted and the proposed walls and fences are not considered to dominate of landscaped open space.

c) to ensure all fences and walls contribute positively to the identified streetscape
see objective d) below

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

The proposed 20m frontage retains significant and healthy trees which contribute to the streetscape subject to conditions. This objective is considered to be adequately addressed. In particular masonry walls no higher than 1m is recommended for any approval. In this regard the plans indicate low height rendered brick walls with metal infills and sandstone capping.

Environmental Services Division Report No. 37 (Cont'd)**Privacy**

The proposal includes large terrace areas at first floor level. These terraces are provided with privacy treatments in the form of planter boxes and screen walls. The proposed external stair from first floor level to the rear yard is not positioned or configured in a way which would minimize privacy impacts. In this regard a condition is included in the Recommendation which requires the stair to be positioned such that it does not project eastward of the proposed rear first floor level terrace. Subject to the inclusion of the condition the proposal is acceptable in terms of privacy impacts.

Other considerations

Under Clause 10 of the Manly Local Environmental Plan the Residential zone objectives are considered as follows;

(a) to set aside land to be used for purposes of housing and associated facilities;
The proposal is for residential purposes and therefore satisfies this objective.

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

(c) to allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council area;
The proposal will maintain the overall residential character of the area and provide variety to the nature of housing type in the area.

(d) to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment;
The proposal, subject to conditions contained in the Recommendation will not unduly detract from the amenity of adjoining properties or adversely effect the quality of the environment.

(e) to improve the quality of the residential areas by encouraging landscaping and permitting greater flexibility of design in both new development and renovations;
The proposal includes detailed landscaping plans which meet Council's DCP requirements.

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

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

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

Under Clause 33 of the LEP, the site is not with 500m of class 4 land

Environmental Services Division Report No. 37 (Cont'd)**Conclusions**

The application as submitted is supported on the basis of conditions

The proposed development has been considered under section 79C of the Environmental Planning and Assessment Act, Manly Local Environmental Plan, 1988, the Development Control Plan for the Residential Zone 2001 and is considered to be satisfactory subject to conditions contained in the Recommendation.

RECOMMENDATION

That Development Application No.196/05 at 10 Salisbury Square, Seaforth, for demolition of the existing dwelling and detached garage and erection of a new two storey dwelling with basement garage and rear yard swimming pool and pool house be approved subject to the following conditions;

1. This approval relates to drawings/plans Nos. 0408 DA01-09 dated 12 April 2005 and LP01 and LP02 issue A dated 4 February 2005, received 18 April 2005 and as modified by DA02B-04B dated 10, 19 and 19 July 2005 respectively received 19 July 2005.
2. Submission of amended Landscape Plans showing;

retention and protection of the following trees onsite
 - *Corymbia citriodora* T2 located in the south side of the front yard.
 - *Glochidion ferdinandii* located in the front yard on the northern side of the drive way.
 - *Ficus rubiginosa* tree located at the rear northern boundary. Alternatively the tree could be transplanted under the supervision of a qualified arborist, with the appropriate preparation work to ensure the trees survival a \$10,000 bond would be required until such times as re establishment of the tree is confirmed by a qualified arborist.
 - Brush box tree located at the rear boundary. The retention of the tree is to be accompanied by amended plans repositioning the proposed pool house accordingly. Fungal fruiting bodies located on the main trunk will need to have there pathology identified as a negative parasitic species before any proposal for removal would be alternatively approved, prior to the issuing of a construction certificate, and planter beds along side boundaries having a minimum internal width of 1m.

Plans are to be submitted to Council/Accredited Certifier prior to issue of the Construction Certificate. Note: Permit issued 6/4/05 for the removal of the *Eucalyptus nichiolii* located north of T2 in the front of the property

3. The proposed external stair from the first floor level terrace to the rear yard is to be repositioned such that it does not extend beyond the eastern edge of the terrace, to reduce privacy impacts and minimize visual bulk of the development, plans being suitably amended **prior to issue of the Construction Certificate.**

DA269

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.**

DA18

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.**

Environmental Services Division Report No. 37 (Cont'd)

DA19

Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council **prior to issue of the Construction Certificate.**

DA009

The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with the current Policy of Council. All works shall be carried out prior to the issue of Occupation Certificate.

DA010

Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property.

DA011

The existing surplus vehicular crossing and/or kerb layback shall be removed and the kerb and nature strip reinstated prior to issue of the Occupation Certificate.

DA012

The driveway/access ramp grades, access and car parking facilities shall comply with the Australian Standard for Off-Street Parking AS2890.1-2004 or later editions.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$7,500. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site. Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.

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.

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

DA017

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

DA342

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

DA343

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

Environmental Services Division Report No. 37 (Cont'd)

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA87

A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The principal Certifying Authority shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.

DA88

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

DA100

A positive covenant in respect of the installation and maintenance of onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and **prior to the release of the trust fund deposit**.

DA104

A positive covenant is an encumbrance to be registered on the title of your land. It imposes an obligation upon you and subsequent owners to comply with the obligations imposed by the covenant. Where onsite detention works and/or pump system are to be installed pursuant to a development or building condition, Council will require a specifically worded covenant to be registered on the relevant title. The standard wording of the positive covenant can be obtained in sections A8 and A9 of the "Specification for on-site stormwater management 2003".

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

DA108

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**.

DA319

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".

DA261

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

Environmental Services Division Report No. 37 (Cont'd)

DA21

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

DA22

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.

DA24

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm.

Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

DA26

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

DA31

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

DA37

Four (4) certified copies of the Structural Engineer's details in respect to the structural details of the proposed building shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

DA40

Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.

DA44

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.

DA47

A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.

DA48

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

Environmental Services Division Report No. 37 (Cont'd)

DA58

An adequate security fence, is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

DA357

Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate.**

DA65

All external cladding and trim of the approved building shall be of a non reflective nature. Details of such finishes shall be **submitted with the Construction Certificate Application.**

DA69

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

DA109

All demolition is to be carried out in accordance with AS2601-1991.

DA111

Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

DA121

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

DA126

An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.

DA253

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.

DA255

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.

DA264

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

DA271

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

Environmental Services Division Report No. 37 (Cont'd)

DA272

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:
 - tie down and bracing details
 - wet areas waterproofing certificate
 - structural engineers inspection certificate
 - survey certificate
 - floor/finished ridge level certificate
 - hydraulic consultants certificate

DA279

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.

DA335

Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.

DA336

Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

DA340

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

The measures must include:-

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

DA289

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

Environmental Services Division Report No. 37 (Cont'd)

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

DA300

All waste waters and overflow waters from any swimming pool shall be disposed of to the sewer in accordance with the requirements of Sydney Water.

DA301

The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.

DA302

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.

DA303

The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which:

- (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and
- (b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.

DA318

There is to be no noise emitted from any process carried on within the premises that will register more than 5 decibels above the background noise at any point more than 3m outside the premises. In this regard the applicant's attention is drawn to the mechanical ventilation system.

DA236

Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application as varied by conditions of this 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.

DA237

All healthy trees and shrubs identified for retention on the plan must be:

- Suitably marked before any development starts and be suitably protected from damage during the construction process; and
- Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.

DA239

The felling, lopping, topping, ring barking, willful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise willfully destroyed or removed without the approval of Council.

DA243

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 \$ is required to

Environmental Services Division Report No. 37 (Cont'd)

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.

DA245

All trees on the site clear of the building are to be retained and those trees within 7.5m of the building are to be provided with a tree guard and a notice on each guard reading: **This tree is the subject of a Tree Preservation Order by Manly Council.** This notice is to be in position prior to any work being commenced on the site.

DA247

Landscaping being provided in accordance with the approved Landscaping Plan and maintained in accordance with that plan at all times.

DA346

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.

DA348

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.

DA270The works require the following inspection/certification during the course of construction:

- Silt control fences
- Footing inspection - trench and steel
- Reinforced concrete slab
- Framework inspection
- Wet area moisture barrier
- Drainage inspection
- Driveway crossing/kerb layback
- Landscaping inspection
- Swimming pool reinforcing steel inspection
- Swimming pool safety fence inspection
- Final inspection

The cost of these inspections by Council is \$ 2,240 (being \$220 per inspection inclusive of GST). Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587. At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$100.

DA339

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 satisfaction.

Environmental Services Division Report No. 37 (Cont'd)

DA306

All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.

DA320

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".

DA323

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

ATTACHMENTS

There are no attachments for this report.

LUM010805ESD_1

***** End of Environmental Services Division Report No. 37 *****

TO: Land Use Management Committee - 1 August 2005
REPORT: Environmental Services Division Report No. 38
SUBJECT: 68 Bower Street, Manly
FILE NO: DA556/03

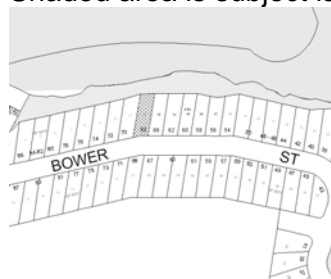
<u>Application Lodged:</u>	9 May 2005
<u>Applicant:</u>	Wayne Gardner
<u>Owner:</u>	Wayne Gardner
<u>Estimated Cost:</u>	N/A for S.96 modification of consent
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	2 and 3 storey detached dwelling houses and multi-unit buildings.
<u>Heritage:</u>	No.
<u>Foreshore Scenic Protection</u>	Yes

SUMMARY:

1. 17 MARCH 2003 – DEVELOPMENT APPLICATION FOR ALTERATIONS AND UPPER LEVEL ADDITIONS SUBMITTED TO COUNCIL.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE SUBMISSIONS OF OBJECTION AND ONE SUBMISSION OF SUPPORT RECEIVED. CONCERNS RAISED WERE DCP NON-COMPLIANCE AND AMENITY IMPACTS INCLUDING VIEWS, PRIVACY, STREETScape AND FORESHORE VISUAL IMPACT.
3. 4 MARCH 2004 - THE PROPOSAL WAS RECOMMENDED FOR APPROVAL TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT SUBJECT TO A DEFERRED COMMENCEMENT CONSENT CONDITION, REQUIRING AMENDED PLANS SHOWING THE WESTERN SIDE SETBACK OF THE ADDITIONS INCREASED TO 3.2M (AN INCREASE OF 2M FROM 1.2M AS PROPOSED).
4. 11 MARCH 2004 – DEFERRED COMMENCEMENT CONSENT ISSUED AS PER RECOMMENDATIONS MADE TO THE DAU.
5. 16 JULY 2004 – CONSENT ISSUED FOLLOWING RECEIPT OF AMENDED PLANS SATISFYING CONDITION OF DEFERRED COMMENCEMENT CONSENT.
6. 9 MAY 2005 – S.96 APPLICATION FOR MODIFICATION OF CONSENT SUBMITTED TO COUNCIL TO EXTEND THE FIRST FLOOR IN BOTH NORTHERLY AND WESTERLY DIRECTIONS.
7. THE S.96 APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION WAS RECEIVED RAISING PREVIOUSLY STATED CONCERNS OF DCP NON-COMPLIANCE, VISUAL BULK, INCREASED HEIGHT, VIEW IMPACT AND OVERLOOKING.
8. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR...
9. A SITE INSPECTION IS RECOMMENDED.
10. REFUSAL OF THE APPLICATION IS RECOMMENDED.

LOCALITY PLAN

Shaded area is subject land.



Environmental Services Division Report No. 38 (Cont'd)**REPORT****Introduction**

This application is made pursuant to Section 96 Modification of Consent, requesting design amendments to the approved plans for alterations and upper level additions to a 2 storey dwelling.

The amendments are summarised as follows:

- Extension of the western side wall of the upper level addition towards western side boundary by 1.2 metres (reduce side setback from 3.2m as approved to 2.0m)
- Extension of northern elevation of the additions towards the northern side boundary by 1.0 metres.

Following receipt of a consent that required a 3.2m setback for the upper level additions to the western boundary, the applicant has since consulted with neighbours in an attempt to resolve issues raised in submission of objection to the original plans. Further design amendments as summarised above were then prepared with amended plans submitted to Council requesting the subject S.96 modification of consent.

The site and surrounds

Existing development on the site comprises a two storey dwelling with the ground level (street level) comprising kitchen, living room, main balcony, master bedroom and ensuite, second bedroom double garage. A light well void is provided in the ceiling above the living room on the ground level to maximise natural light. The lower level comprises a rumpus / family room, bedrooms 3 and 4, bathroom, lawn terrace and swimming pool. Landscaping at the rear includes a mix of shrubs and trees.

The general landform of the area slopes down to the north below Bower Street, with the front northern garden having a terraced form. The slope of the site results in the ground level being at street level such that the dwelling is viewed as a single storey dwelling from the street and as a two storey dwelling from the foreshore. Neighbouring development comprises a mix of two and three storey dwellings and flat buildings. To the east is a 3 storey residential flat building (No.66 Bower St) comprising 3 units. To the west is a two storey dwelling (No.70 Bower St). To the south on the opposite side of the street are two and three storey dwellings (No's 67, 69 and 71 Bower Street) which look over the subject site.

Panoramic views from the site and neighbouring foreshore properties are available of Cabbage Tree Bay and its foreshores, including local views of Fairy Bower, Shelly Beach headland and Manly Beach; and distant views to Queenscliff, Harbord and their headlands. From the properties located opposite on the upper side of the road, the local views take in the western edge of Cabbage Tree Bay, Manly Beach, and distant views to Queenscliff, Harbord and their headlands.

Applicant's Supporting Statement

The applicant engaged a planning consultant to assess the proposed modifications, with their submission summarised as follows:

1. The request to reinstate the central void results in the western elevation shifting towards the side boundary, but will not result in any increase in "floor space" or FSR;
2. The western setback of the modifications at 2.0m is 830mm less than required for compliant setback, however it is 800mm greater than as originally proposed (which had a 1.2m setback) and steps in from the lower levels which have a 0m side setback.
3. The modifications do not result in a perceptible change when considered in context of the surrounding development and broad visual catchment.

Environmental Services Division Report No. 38 (Cont'd)

4. The modifications will not result in any reduction in landscaped area and have been positively restyled to better integrate with the existing built form.

The applicant also submitted a statement explaining the reason for the modifications and details of discussions with neighbours, and also submitted a further response to the neighbour's submission. The applicant's submissions are summarised as follows:

1. The condition of approval requiring a 3.2m setback would necessitate removal of the existing light well / void to the ground floor living area, as well as reducing the size of the 2 upper level bedrooms, resulting in a significant loss of internal amenity;
2. The revised external design is considered to be more in keeping with the design and finish of the existing dwelling, and enables the existing central light well to be retained.
3. Neighbours consulted at No's 66, 70, 71 and 73 Bower Street did not object to the revised design and photomontages as provided;
4. An offer was made to No.69 Bower Street to remove some of the palm trees which currently affect their view over No.68, however they did not agree to this.

Submissions

One submission of objection was received in response to the S.96 application for modification of consent, the issues raised are identified as follows:

DCP non-compliance and resulting view impact – the amended design does not comply with the Floor Space Ratio, height and setback provisions of the Residential DCP. Shifting the western wall towards the boundary will increase the bulk of the upper level addition, thereby increasing impacts on views enjoyed from the lower level pool and living area of No.69.

Privacy – The original plans did not feature any street facing windows that would permit looking up to the front of No.69. The amended plans introduce a street facing window for the upper level study which will enable looking to the front garden swimming pool area of No.69.

Response to submissions

In response to these issues the following comments are provided:

DCP non-compliance & view impact

It is noted that the plans submitted with the original application proposed a floor space ratio (FSR) of 0.64:1 in a subzone where 0.45:1 is permitted. The deferred commencement conditions achieved a floor space reduction of 17sqm to result in a FSR of 0.616:1. This was considered acceptable having regard to the nature of development in the immediate vicinity of the subject site and the limited impacts on amenity of adjoining and nearby land.

The current Section 96 application proposes a modified roof form altering the height profile slightly however this does not result in any increase in non-compliance to the height provision or any perceptible loss of views. The increase in floor space now applied for is 18.6sqm (approximately 10sqm being added to the western side and 8.6sqm being added to the northern side of the proposed first floor level addition). This increase will basically return the FSR to that originally applied for.

The increase in FSR is noted to cause an increase in building bulk as viewed from properties on the opposite side of Bower Street with further erosion of existing views. Whilst it is noted that the views available from properties on the opposite side of Bower Street are extensive and the portion of view effected by the proposed addition is relatively minor, the proposal is unacceptable in that it fails to meet DCP requirements in respect of FSR and results in impacts on views from nearby properties. The proposal also exceeds the wall height permitted under the DCP and will breach the

Environmental Services Division Report No. 38 (Cont'd)

side boundary setback requirements. The combination of these non-compliances results in a proposal which is unacceptable and such that would set an undesirable precedent for future development in the area.

It is noted that the proposal includes provision of a substantial void space which adds to the external envelope of the building. It is considered that the void could be substantially reduced or completely deleted and the space utilized to provide the additional floor space sought by the applicant and be within the approved building envelope.

Privacy

The proposed additions as modified have a street facing window which will allow for some looking back towards the street and up to the frontages of properties opposite, however this would be mostly obscured with the fitting of external louvers as shown on the plans. Given the use of louvers and the separation from properties opposite (30m), the potential for privacy loss is considered minimal.

Precinct Community Forum Comments

No comments received at time of report completion.

Engineers Comments

N/A for this Section 96 application.

Building Comments

No objection to the proposed modifications subject to compliance with the original conditions of consent.

Landscape Architects Comments

N/A for this Section 96 application.

Planning Comments

The main issue arising from this Section 96 modification of consent is that of additional view impact resulting from reducing the side setback from 3.2m to 2.0m. It is important to note that the original plans submitted with the Development Application sought a western side setback of 1.2m, with the plans amended under the deferred commencement consent to have a compliant side setback of 3.2m.

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

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

The intention of requiring a 3.2m setback to the western boundary for the upper level addition was stated in the deferred commencement consent as being to address non-compliances to the DCP provisions for Floor Space Ratio, height, setback and landscaping, and to respond to issues of neighbour amenity. In particular, requiring this setback has had the effect of providing greater separation to the western neighbouring building, thereby assisting to maximise the view corridor past the western elevation of the additions.

In determining ***whether the proposed modification is of minimal environmental impact*** the proposed modification to reduce the western setback from 3.2m to 2.0m has the potential to further impact on neighbours views. Consequently the view impact is the key assessment criteria that requires consideration in terms of whether the modifications result in any change in impacts.

Environmental Services Division Report No. 38 (Cont'd)***View impacts*****Existing approval**

From an inspection of the site and from neighbouring properties, it is noted that the upper level additions will result in the loss of some local ocean views which form part of the primary outlook from properties on the opposite side of Bower Street.

As specified in the DCP, the view impact is to be primarily considered from the main living rooms of affected neighbours. In this case the main living room of the objectors property is at second / middle level which also features a large north facing balcony. From this location, local ocean views closest to the Fairy Bower foreshore are fragmented by the varying height of dwellings and trees along the foreshore properties. The portion of views obtained looking over the existing dwelling on the subject site is partly obscured by several cocas palm trees located on the subject site. Distant ocean views to the north east (to the east of No.68) are also obscured by other trees and the height of dwellings which increase with the slope of the land up to the east.

The upper level additions as approved will result in a minor loss of closer ocean views to the north, estimated at less than 10% of the broad ocean views. Key landmark elements of the view including the foreshores, headlands and Manly Beach will remain unaffected.

Amended approval

The request to reduce the western side setback from 3.2m to 2.0m will result in an increase in building bulk and width, which will cause a slight increase in loss of local ocean views to the north when compared with the approved plans. The increase in building bulk may be measured by its FSR. The amended design seeks an increase in floor area of the upper level by 18.6m², from 104.9m² as approved to 123.5m² which was the approximate floor area for the upper level in the original proposal.

Given that the FSR limit for the locality is 0.45:1, any departure or increase in departure to the FSR would need to demonstrate that it satisfies the objectives for the FSR provision. These are addressed as follows:

- a) *To control the bulk of buildings* - The approved additions are considered to achieve a compatible bulk when considered in context of other large dwellings in the locality, including the larger neighbouring 3 storey dwelling at No.70 Bower St to the east, which has an FSR of 0.9:1. In terms of the visual bulk of the additions, they are not considered to have an unacceptably dominant effect on the streetscape when compared with neighbouring development. As viewed from the surrounding foreshores, shifting the northern elevation of the addition 1 metre further to the north will result in some increase in building bulk.
- b) *To ensure the scale of development does not obscure important landscape features* – As discussed the approved plans allow views to distant beaches, foreshores, and headlands to be retained. The proposed modifications will have some effect on the extensive views available from properties on the opposite side of Bower Street.
- c) *To be consistent with the existing and desired character of the residential areas* – The proposed modifications result in changes to the approved form of upper level additions, which are not inconsistent with the varied character of existing development in terms of the form and size of older and recent housing development in the locality.
- d) *To minimise loss of disruption to views, loss of privacy and loss of sunlight to existing residential development as well as the proposed development* – The additions as approved are considered to achieve reasonable view sharing. The proposed modifications result in an increase in building bulk and as a consequence, an increase in view impacts.

Environmental Services Division Report No. 38 (Cont'd)

- e) *To provide sunlight to private open spaces within the development and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings* – The proposed modification will not result in any significant impacts in this regard.

Another key criteria under the DCP's provisions for view sharing is addressed as follows:

- a) *Variations to the DCP will only be considered where they do not result in further view loss from neighbouring properties* – The additions as modified result in an increase in floor area which results in an increase in building bulk and width. Although the applicant states the increase is minor it will result in view loss and cannot therefore comply with this aspect of the DCP.

In summary then the modifications are considered to result in additional impacts in terms of view loss from nearby properties and adverse visual impact in terms of excessive bulk and scale. Consequently the proposal is considered unsatisfactory.

CONCLUSION:

The proposed modifications are considered to be unsatisfactory pursuant to the provisions of Section 96 of the EP&A Act, resulting in an increase in impacts on nearby properties. Consequently the proposed modifications are recommended for refusal.

RECOMMENDATION

That the application to modify Development Consent No. 556/03 for alterations and Additions at No.68 Bower Street Manly be refused for the following reasons;

1. The proposed additional built form will result in adverse impacts on the amenity of adjoining properties in terms of view loss and excessive visual bulk and scale of the building, having regard to Section 79C(1) (a) (iii), (b), (d) and (e) of the Environmental Planning and Assessment Act 1979.
2. The proposal fails to comply with the floor space, height and side setback requirements of Council's Development Control Plan for the Residential Zone, having regard to Section 79C(1) (a) (iii), (b), (c), (d) and (e) of the Environmental Planning & Assessment Act 1979.
3. The proposal has not had appropriate regard to the submissions received, Section 79C(1) (d) of the Environmental Planning & Assessment Act 1979 refers.
4. The proposal is contrary to the public interest, having regard to Section 79C(1) (e) of the Environmental Planning & Assessment Act 1979.

ATTACHMENTS

AT-1 Section 96 Application - Provincial Planning 2 page(s)

LUM010805ESD_2

***** End of Environmental Services Division Report No. 38 *****

09 MAR 2005

provincial planning

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planning
building
environmental
urban design
heritage
consultants

18 March, 2005

The General Manager
Manly Council
Belgrave Street
MANLY NSW 2095

**RE: Section 96 Application – DA556/03
68 Bower Street, Manly**

Section 96 Application is submitted to Manly Council to modify the consent to DA 556/03 for alterations and additions to an existing two storey circa 1980's brick dwelling house. The proposed modifications primarily comprise:

- 1.0m northward extension of the first floor;
- 1.2m westward extension of the first floor;
- creation of a void to the upper floor over the living room;
- minor façade changes including fenestration proportions

Although the building is extended minimally towards the north and west at the upper floor, the increased floor space has been compensated by the provision of a large void. The net effect is that the status quo is retained in terms of the approved floor space ratio.

Notwithstanding the approved variation and proposed changes, the addition is not readily perceivable within the visual context and catchment and the scale and bulk of existing buildings within the locality which define the existing and likely future character of the area.

The western setback of the addition, will encroach within the normal DCP requirement by approximately 830mm, however this is considered reasonable in the circumstances when appreciating the juxtaposition with the adjoining building to the west, and the fact that the upper floor has been setback 2.0m, as compared to the lower levels which currently sit on the boundary.

Whilst the modification results in a reduction in the setback originally approved by way of condition, it is still 800mm more than originally proposed. This represents a reasonable compromise achieved by conciliation between the client and adjoining property owners.

The proposal will not reduce the landscape open space provided, as only a proportion of the above ground terraces were originally included in accordance with the DCP restrictions.

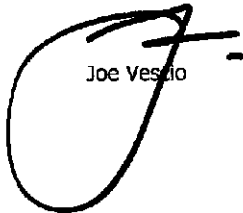
ATTACHMENT 1

Environmental Services Division Report No. 38
68 Bower Street, Manly
Section 96 Application - Provincial Planning

Notwithstanding positive re-styling and integration with the existing form, the proposed building still retains a contemporary stylistic expression influenced by the new Australian idiom of architecture, governed by its environment (foreshore location, orientation and surrounding built form) and landscape setting (topography and natural features etc), and the owners desire to create an energy efficient house which concurrently provides a positive architectural and aesthetic contribution to the character of the area.

The proposal as modified is still substantially the same as that originally approved, and there are no grounds under s79C to warrant refusal or modification of the application.

Yours faithfully,



Joe Vesio

TO: Land Use Management Committee - 1 August 2005
REPORT: Environmental Services Division Report No. 39
SUBJECT: Development Applications Being Processed During August, 2005
FILE NO:

SUMMARY

Development Applications Currently Being Processed During August, 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	27-Sep-05	DEL
DA525/03	20-Oct-03	22 Wentworth Street	Change of Use	Awaiting Information	
DA508/04	2-Nov-04	118 North Steyne	Alts & Adds to Heritage Cottage & 6 Storey RFB with Basement Carparking	August	DAU
DA506/04	2-Nov-04	101 Bower Street Manly	Alts & Adds to RFB, Pool, Carparking and Landscaping	09-Aug-05	DAU
DA538/04	22-Nov-04	51 Wood Street	Alterations Guest House into to Dwellings and Strata Subdivision	Awaiting Information	
DA529/04	1-Dec-04	38A Rignold Street	3 Level Dwelling & Garage	09-Aug-04	DAU
DA560/04	16-Dec-04	41 Lewis Street	Demolish & New 2 Storey Dwelling with Basement Garage	11-Oct-05	DAU
DA35/05	20-Dec-04	81 Curban Street, Balgowlah	Alterations and Additions to Dwelling & Pool	Awaiting Information	
DA01/05	23-Dec-04	55 Frenchs Forest Road	New 3 Level Dwelling and Demolish	27-Sep-05	DAU
DA127/05	1-Mar-05	219 Woodland Street	Alts & Adds to Dwelling	11-Oct-05	DAU
DA105/05	2-Mar-05	57 Gurney Crescent	Demolish, New 2 Storey Dwelling and Pool	27-Sep-05	DAU
DA138/05	10-Mar-05	5 Clarence Street	Subdivision into Two (2) Lots each with Dwelling Entitlements	27-Sep-05	DAU
DA144/05	15-Mar-05	21 Francis Street	Alterations & Additions & Family Flat	18-Aug-04	DAU
DA433/99	15-Mar-05	5/93-95 North Steyne	Section 96 Modification	22-Aug-05	DAU
DA187/05	11-Apr-05	3A Magarra Place	Demolish & Construct Dwelling, Carpark and Landscaping	04-Aug-05	DAU
DA177/05	11-Apr-05	223 Sydney Road	Carport, Fence, Entry Stairs, Pathway and Landscaping	18-Aug-04	DAU
DA189/05	11-Apr-05	31 Amiens Road	Alterations & Additions to Dwelling including Demolition/Rebuild of Upper 2 Levels	09-Aug-04	DAU
DA182/05	12-Apr-05	16 Brisbane Street	Swimming Pool	25-Aug-05	DAU
DA197/05	15-Apr-05	Boronia Lane	Construction of a Fire Trail	Awaiting Information	

Environmental Services Division Report No. 39 (Cont'd)

DA196/05	18-Apr-05	10 Salisbury Square	Demolish & Construct 2 Storey Dwelling, Pool and Garage	25-Aug-05	DAU
DA194/05	19-Apr-05	31 Seaforth Crescent	Demolish & Construct 3 Storey Dwelling	22-Aug-05	DAU
DA444/03	21-Apr-05	7 Brighton Street	Section 96 Modification	23-Aug-05	DAU
DA228/05	21-Apr-05	1 Parkview Road	Alts & Adds, Balconies & Carparking	Awaiting Information	
DA168/05	26-Apr-05	Condamine Street	Totem Redevelopment	Awaiting Information	
DA183/05	27-Apr-05	187 Pittwater Road	Alterations & Additions to Retail	25-Aug-05	DAU
DA193/05	28-Apr-05	16 Fisher Street	Rear Deck, Pool & Landscaping	04-Aug-05	DAU
DA198/05	28-Apr-05	10 Radio Avenue	Front Fence and Deck	04-Aug-05	DAU
DA587/02	3-May-05	14 Reddall Street	Section 96 Modification	27-Sep-05	DAU
DA31/03	4-May-05	9 King Avenue	Section 96 Modification	27-Sep-05	DAU
DA213/05	5-May-05	13 Augusta Road	Alterations & 1st Floor Additions	22-Aug-05	DAU
DA214/05	6-May-05	107 West Street	Alterations & Additions & Decks	04-Aug-05	DAU
DA216/05	6-May-05	241-243 Sydney Road	Boundary Realignment	Awaiting Information	
DA556/03	9-May-05	68 Bower Street	Section 96 Modification	August	LUM
DA87/96	11-May-05	Shop 4 - 93-95 North Steyne	Section 96 Modification	04-Aug-05	DAU
DA301/05	12-May-05	5 Lombard Street	Demolish - New Two Storey Dwelling	Awaiting Information	
DA305/05	12-May-05	Shop 9 - 11 Wentworth Street	Change of Use	Awaiting Information	
DA394/04	13-May-05	9A Amiens Road	Section 96 Modification	27-Sep-05	DAU
DA239/05	17-May-05	26 Alma Street	Alts & Additional Storey & Double Garage	Awaiting Information	DAU
DA246/05	20-May-05	17 Fisher Street	Alts & Adds & Garage Entry	04-Aug-05	DAU
DA162/04	20-May-05	2 Heaton Avenue	Section 82A Review	08-Aug-05	DAU
DA423/02	20-May-05	12 Additions Road	Section 96 Modification	Awaiting Information	
da220/05	20-May-05	Shop 3, 93-95 North Steyne	Restaurant and Fitout	Awaiting Information	
DA249/05	23-May-05	5 Farrar Street	Pool	04-Aug-05	DAU
DA247/05	23-May-05	8 Camera Street	Pool - Spa and Landscaping	04-Aug-05	DAU
DA250/05	23-May-05	9 Ashburner Street	Replace Balustrades 7 Screens	04-Aug-05	DAU
DA248/05	24-May-05	10 Fairlight Street	Adds - Demolish Front Fence and Double Garage	04-Aug-05	DAU
DA262/05	24-May-05	18/299-301 Sydney Road	Alts including Closure of Deck	04-Aug-05	DAU
DA266/05	24-May-05	25 Griffiths Street	Alts & Adds, double carport, driveway & Fence	11-Aug-05	DAU
DA257/05	26-May-05	54 Beatrice Street	Alts & Adds to Rear	Awaiting Information	
DA242/05	26-May-05	14 Barrabooka Street	Alts & Adds & Balcony	Awaiting Information	
DA258/05	27-May-05	129 Griffiths Street	Alts & Adds & Landscaping	17-Aug-05	DEL

Environmental Services Division Report No. 39 (Cont'd)

DA256/05	27-May-05	130 Pittwater Road	Alts & Adds & Rear Extension	Awaiting Information	
DA230/05	27-May-05	30 Castle Circuit	2 Dwellings & 2 Lot Subdivision	30-Aug-05	DAU
DA283/05	29-May-05	5 Alan Avenue	Alts & Adds including Roofline	Awaiting Information	
DA255/05	31-May-05	13 Peronne Avenue	Alts & Adds & Glass Room Beneath Lounge	11-Aug-05	DAU
DA271/05	2-Jun-05	20A Quinton Road	Demolish & Replace Garage & Rooftop Deck	Awaiting Information	
DA250/04	3-Jun-05	51 Stuart Street	Section 96 Modification	11-Aug-05	DAU
DA268/05	6-Jun-05	28 Alto Avenue	Alts & Adds, Entry & Kitchen	11-Aug-05	DAU
DA217/05	6-Jun-05	3 Craig Avenue	Two Residential Units with Basement Parking	18-Aug-05	DAU
DA269/05	6-Jun-05	10A Bungalow Avenue	Swimming Pool	Awaiting Information	
DA69/03	7-Jun-05	37 Jamieson Avenue	Section 96 Modification	11-Aug-05	DAU
DA271/04	7-Jun-05	25 Violet Street	Section 96 Modification	Awaiting Information	
DA285/05	8-Jun-05	42 Daintree Street	Alts & Rear Extension	11-Aug-05	DAU
DA265/05	9-Jun-05	55 Woodland Street	Alts & 1st Floor Adds & Carport	11-Oct-05	DAU
DA263/05	9-Jun-05	8 West Street	Pool	04-Aug-05	DAU
DA261/05	9-Jun-05	1/16-17 East Esplanade	Alts & Adds - No roof level change	09-Aug-05	DAU
DA286/05	10-Jun-05	18 Waterview Street	Demolition - Split 2 Storey Dwelling & Garage	11-Oct-05	DAU
DA287/05	10-Jun-05	18 Baranbali Avenue	Alts & Adds & Rear Deck Extension	11-Aug-05	DAU
DA290/05	14-Jun-05	38-40 Balgowlah Road	Extend Golf Cart Shed	11-Aug-05	DAU
DA291/05	14-Jun-05	47 Macmillan Street	Deck, Spa & Pool	Awaiting Information	
DA295/05	15-Jun-05	5 Glade Street	Pool & Deck	Awaiting Information	
DA296/05	15-Jun-05	85 Gurney Crescent	Alts & Adds, Extension to Decks, New Stairs, and Landscaping	Awaiting Information	
DA294/05	15-Jun-05	101 Wanganella Street	Alts & Adds & Carport Relocation	Awaiting Information	
DA53/03	17-Jun-05	Shop 2 - 5 Manly Wharf	Section 96 Modification	Awaiting Information	
DA272/05	17-Jun-05	5 Coral Street	Alts & Ground Floor Adds & Façade	25-Aug-05	DAU
DA298/05	17-Jun-05	180 Pittwater Road	Alts & 1st Storey Additions	25-Sep-05	DEL
DA279/05	20-Jun-05	44 Curban Street	Alts & 1st Floor Adds & new Garage Roof	Awaiting Information	
DA36/05	21-Jun-05	57 Bower Street	Section 96 Modification	Awaiting Information	
DA281/05	21-Jun-05	10 Farrar Street	Pool	Awaiting Information	
DA300/05	21-Jun-05	1/7 Bolingbroke	Replace Exterior Doors	Awaiting Information	

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DA280/05	22-Jun-05	10 Mill Street	Additional Storey	Awaiting Information	
DA259/05	27-Jun-05	8 Adrian Place	Pool & Deck	11-Aug-05	DAU
DA264/05	27-Jun-05	8 Pacific parade	Internal Alts - removal of internal wall	11-Aug-05	DAU
DA275/05	28-Jun-05	2 Peacock Street	Alts & 1st Floor Extension	04-Aug-05	DAU
DA284/05	29-Jun-05	55 Alexander Street	Alts & 1st Floor Adds	Awaiting Information	
DA302/05	4-Jul-05	92 Griffiths Street	Alts & 1st Storey Additions	25-Sep-05	DEL
DA269/02	5-Jul-05	13 West Street	Section 96 Modification	11-Aug-05	DAU

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM010805ESD_4

***** End of Environmental Services Division Report No. 39 *****

TO: Land Use Management Committee - 1 August 2005

REPORT: Environmental Services Division Report No. 40

SUBJECT: Appeals List for August 2005

FILE NO:

SUMMARY

LIST OF APPEALS RECEIVED AND THEIR CURRENT STATUS FOR COUNCILLORS INFORMATION

REPORT

Application	Site Address	Appeal Lodged	Solicitor	Status
DA278/03	27-29 Victoria Parade	1.09.04	Abbott Tout	Awaiting New Callover Date
DA255/04	102 The Corso	28.09.04	Abbott Tout	Callover 18.08.05
DA487/04	49 Golf Parade	18.03.05	Abbott Tout	Awaiting Decision
DA187/03	66B Ponsonby Parade	09.03.05	Abbott Tout	Upheld (conditions)
DA555/00	28 Castle Circuit Refusal	14.03.05	Abbott Tout	Callover 02.08.05
DA555/00	28 Castle Circuit Deemed Refusal	14.03.05	Abbott Tout	Callover 02.08.05
DA96/04	111A Seaforth Crescent	27.04.05	Abbott Tout	Hearing 11.08.05
DA69/05	26 Edgecliffe Esplanade	26.05.05	Abbott Tout	Dismissed
DA172/05	66 Balgowlah Road		Abbott Tout	Awaiting Decision
DA97/04	2 Clontarf Street		Abbott Tout	Callover 27.07.05
DA433/99	Shop 5, 93-95 North Steyne	7.06.05	Abbott Tout	Callover 03.08.05
DA45/05	67 Ernest Street	21.06.05	Abbott Tout	Callover 02.08.05

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM010805ESD_6

***** End of Environmental Services Division Report No. 40 *****

TO: Land Use Management Committee - 1 August 2005
REPORT: Environmental Services Division Report No. 41
SUBJECT: Local Government Association of New South Wales - Annual Conference 2005
FILE NO:

SUMMARY

1. Advice from the Local Government Association of New South Wales has been received regarding the arrangements for the Association's Annual Conference to be held from 22 to 26 October 2005, in Mudgee.
2. The purpose of this report is to seek nominations for delegates and observers to attend the Conference, and to call for Motions to be submitted on behalf of Council to the Conference.

REPORT

Background:

The 2005 Annual Conference of the Local Government Association of New South Wales will be held in Mudgee, from 22 to 26 October 2005. The theme of the Conference is "Meeting Expectations ... Can We?"

Attendance:

Based on population, Manly Council is entitled to three (3) delegates at the Conference. In the past Council has also sent three (3) observers. Accommodation has been tentatively booked for six (6) people in Mudgee.

Council is requested to determine the names and numbers of delegates and observers who are planning to attend the Conference and the preferred mode of transport to and from the Conference.

Submissions of Motions:

Council is invited to submit Motions on matters of interest to the Conference. Motions to be submitted to the Conference must be received by the Local Government Association of New South Wales by **5pm on Friday, 19 August 2005**.

Councillors wishing to submit Motions to the 2005 Annual Conference must submit details of Motions, in writing, to the General Manager by **5pm on Wednesday 3 August 2005** to enable the preparation of a report to be presented to the Ordinary Meeting of Council to be held on 15 August 2005 for adoption by Council and communication of agreed Motions to the Local Government Association of New South Wales by Friday 19 August 2005.

As advised by the Local Government Association of New South Wales, Motions should seek to alter existing policy, through the addition of new elements to the policy or deletion of elements of the policy or introduce new policy.

Motions seeking to vary existing policies or to address new or emerging policy areas will be classified Category One (1) and scheduled for debate at the Conference. Motions re-affirming existing policy, or calling for actions to be taken within existing policy will be classified as Category Two (2) and may be individually brought forward to be debated with the agreement of the Conference. Otherwise, they will be referred to the Executive of the Association for consideration.

Some may be actioned prior to the Conference where they raise issues which can be implemented within existing policy.

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

1. That Council be represented at the Local Government Association of New South Wales 2005 Annual Conference in Mudgee from 22 to 26 October 2005 and that Council meet the registration, accommodation and associated costs for each attendee.
2. That Council determine Councillor delegates and observers to attend the Conference.
3. That Council note that Motions to be submitted to the Conference must be received by the Local Government Association of New South Wales by **5pm Friday 19 August 2005**.
4. That Councillors wishing to submit Motions to the Conference submit the details in writing to the General Manager by **5pm Wednesday 3 August 2005**.
5. That a further report be presented to the Ordinary Meeting of Council to be held on 15 August 2005, outlining the proposed Motions to be submitted to the Local Government Association of New South Wales.

ATTACHMENTS

There are no attachments for this report.

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