



Delegated Authority Report

DA #	504/07
Site Address	68 Birkley Road, Manly
Proposal	Alterations and Additions to the existing dwelling including a new first floor level and two (2) new water tanks
Officer	

<u>Application Lodged:</u>	17 December 2007
<u>Applicant:</u>	Bowe Holder Architects
<u>Owner:</u>	V Lansdown & A Keayes
<u>Estimated Cost:</u>	\$220,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	Single and two storey dwellings
<u>Heritage:</u>	Not applicable

SUMMARY:

1. Proposal is for alterations and additions to the existing dwelling including a new first floor level and two (2) new water tanks.
2. The proposal generally meets the numeric requirements of the residential Development Control Plan however there were concerns in respect of streetscape resulting in the applicant submitting additional information in support of the proposal as originally submitted.
3. The application was notified to nearby and adjoining property owners with no objection received.
4. The application is recommended for approval subject to standard conditions.

Complies? If no – report to Development Assessment Unit

RECOMMENDATION

That Development Application No. 504/07 for alterations and additions to the existing dwelling including a new first floor level and two (2) new water tanks at 68 Birkley Road, Manly be approved subject to the following conditions.

DA1

This approval relates to drawings/plans Nos. 0706.01 A01 – A05 dated November 2007 received by Council 17 December and A07A dated December 2007 received by Council 4 February 2008 and Statement of Environmental Effects by Bowe Holder dated December 2007.

Plus standard conditions.

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, may be required for this development. If required the amount will be in accordance with Councils Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate.

DA323

This approval shall expire if the development hereby permitted is not commenced within two (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.

Introduction

The subject site is located on the east side of Birkley Road. The allotment is rectangular in configuration with a width of 7.01m and depth of 48.77m. The land is currently developed with a single storey weatherboard dwelling.

The proposed alterations and additions will result in the dwelling containing;
Ground floor level – kitchen, living dining room, lounge two bedrooms and bathroom
First floor level – two bedrooms and bathroom.

Precinct Community Forum Comments

The application was referred to the Ivanhoe Park Precinct Community Forum which commented no objection subject to compliance with current Development Control Plan and Local Environmental Plan requirements.

Engineers Comments

No objection subject to conditions.

Building Comments

No objection subject to conditions.

Landscape Architects Comments

No objection.

Heritage Comments

The proposal whilst not a listed item was referred to Council's Heritage Planner for comment on streetscape issues. The comment recommends an increased front setback in the order of 7.3m from the front of the cottage.

Note – The comments were referred to the applicant who has responded with a written submission and letter from the adjoining owner to the south requesting the location as originally submitted. This is considered acceptable in view of the precedent existing on the opposite side of Birkley Road and other nearby two storey dwellings on 6.0m approximate setbacks.

Planning Comments

Environmental Planning & Assessment Act 1979 – Section 79(C)(1)

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

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

The proposal has been assessed having regard to all relevant instruments and control plans and is considered satisfactory for approval.

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

The proposal will not result in any significant adverse impacts on the built or natural environments, nor will there be any identifiable impact on the social or economic conditions of the locality.

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

The site is within the residential zone and the proposed alterations are considered to be suitable development.

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

The adjoining property owner to the south has made two (2) submissions both in support of the application.

- (e) *the public interest.*

The proposal is not contrary to the public interest.

Manly Local Environmental Plan 1988:

The site is in zone No 2 – The Residential Zone which permits dwelling houses with the consent of Council.

The proposal is permissible with the consent of Council.

Manly Local Environmental Plan 1988 Clause 10 Objectives

The following comments are made in regard to the objectives for the Residential Zone as stated in Clause 10 of the Manly Local Environmental Plan 1988;

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

The proposal is consistent with this objective.

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

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

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

The proposal will add variety and maintain the existing character of the residential 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 not result in any significant adverse impacts on the amenity of surrounding residents or 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 landscape elements consistent with this objective.

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

Not applicable.

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

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 development.

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

Not applicable.

Manly Development Control Plan for the Residential Zone 2007 Amendment 1:

Site Area: 341.8m ²	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Density - Sub Zone 3	1/250	1/341	Yes
Floor space ratio	0.6:1	0.5:1	Yes
Floor space ratio - existing	0.37:1		Yes
Wall height N side	6.5m	6.4m	Yes
S side	6.5m	6.0m	Yes
Roof height	3.0m	2.0m	Yes
Setback Front	6.0m or consistent	7.0m	Yes
Setback Rear	8.0m	17m	Yes

Site Area: 341.8m ²	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
N setback side	2.1m	1.5m	No - Clause 2.4.18 applies
S setback side	2.0m	1.1m	No - Clause 2.4.18 applies
Open space - total	55%	39%	No
Open space - total	187sqm	135sqm	No
Open space - soft	35%	70%	Yes
Number of Endemic Trees	1	1	Yes
Private Open Space	18sqm	>18sqm	Yes
Car Parking – Residents	2	1	No
Shadow -adjacent open space - adjoining EW orientation - adjoining NS orientation - exist north facing roofs	,1/3 rd adjoining open space >2hrs living room windows >10sqm nth roof	<1/3 rd >2hrs >10sqm	Yes Yes Yes

<u>Issues</u>	<u>Applicable</u>	<u>Not Applicable</u>
Views		✓
Privacy	✓	
Heritage – Actual Property		✓
Heritage – In Vicinity		✓
Threatened Species		✓
Foreshore Scenic Protection Area		✓
Excavation		✓
Landslip and Subsidence		✓
BASIX	✓	

Comment on Development Control Plan Compliance

The proposal results in a reduction of existing open space of 25sqm however it is noted that the site has unbuilt areas which whilst technically not complying with the area requirements to meet the definition of open space do offer benefits in terms of visual aesthetic and planting area, therefore meeting the objectives of the Development Control Plan in this regard. Accordingly no objection is raised to the minor variance in open space area.

The site currently provides for one garage accessed via the rear. It is possible for a second space to be provided in the rear yard however this would be to the detriment of available open space. On balance it is considered acceptable with the one space as existing.

CONCLUSION:

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 1988 and the Development Control Plan for the Residential Zone 2007 Amendment 1.

This report is referred to the Manager of Development Assessment for determination in accordance with the delegations granted by the General Manager.

Officer: _____ Date: 19 May 2008

Manager: _____ Date: _____