

Manly Council

Minutes

Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 5 February 2007

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www.manly.nsw.gov.au*



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TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Land Use Management Committee, having met at 7:38pm on Monday 5 February 2007, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

The decisions taken and indicated by the prefix "Resolved" as distinct from "Recommendations" made to the Council, were taken pursuant to authority delegated to this Committee vide Minutes Number 535 of 19th September, 2005.

PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald
Deputy Mayor, Councillor B Pedersen
Councillor B Aird
Councillor S Cant
Councillor J Evans, Deputy Chairperson who presided
Councillor J Hay, AM
Councillor A Heasman
Councillor J Lambert, AM, Chairperson
Councillor R Morrison
Councillor D Murphy
Councillor M Norek

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Divisional Manager Environmental Services
David Stray, Manager Development Control
Elayne Becker, Minute Taker

The Mayor, Councillor Dr Peter Macdonald assumed the Chair and opened the meeting.

APOLOGIES

Apologies were tendered on behalf of Councillor P Daley for non-attendance.

MOTION (Heasman / Lambert)

That the apology received from Councillor P Daley be accepted and leave be granted.

L1/07 RESOLVED: (Heasman / Lambert)

That the apology received from Councillor P Daley be accepted and leave be granted.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen, Aird, Evans and Norek

Against the Resolution: Nil.

LEAVE OF ABSENCE

That the application received from Councillor P Daley requesting Leave of Absence from the meetings held between 6 February 2007 and 11 March 2007 be approved and leave be granted.

L2/07 RESOLVED: (Heasman / Lambert)

That the application received from Councillor P Daley requesting Leave of Absence from the meetings held between 6 February 2007 and 11 March 2007 be approved and leave be granted.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen, Aird, Evans and Norek

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES**MOTION (Heasman / Lambert)**

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 4 December 2006, and the Extraordinary Meeting of the Land Use Management Committee held on 11 December 2006 having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

L3/07 RESOLVED: (Heasman / Lambert)

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 4 December 2006, and the Extraordinary Meeting of the Land Use Management Committee held on 11 December 2006 having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen, Aird, Evans and Norek

Against the Resolution: Nil.

MAYORAL MINUTES

Mayoral Minute Report No. 1

Condolences for John Speight**MOTION (Macdonald / Hay)**

That:

1. Council convey its deepest condolences to Niddrie, Andrew, Caroline, Emma and their extended family.
2. Council take the necessary steps to officially name the Corso stage the "John Speight Memorial Stage".

L4/07 RESOLVED: (Macdonald / Hay)

That:

1. Council convey its deepest condolences to Niddrie, Andrew, Caroline, Emma and their extended family.

2. Council take the necessary steps to officially name the Corso stage the "John Speight Memorial Stage".

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen, Aird, Evans and Norek

Against the Resolution: Nil.

Mayoral Minute Report No. 2

Condolences for Vaila Mead

MOTION (Macdonald / Hay)

That Council convey its deepest condolences to her daughter Vaila, and sons Richard, Warwick and David and the extended Mead family.

L5/07 **RESOLVED:** (Macdonald / Hay)

That Council convey its deepest condolences to her daughter Vaila, and sons Richard, Warwick and David and the extended Mead family.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen, Aird, Evans and Norek

Against the Resolution: Nil.

At 8.00pm, The Mayor, Councillor Dr Peter Macdonald vacated the Chair and Councillor J Evans assumed the Chair.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 1

159 Woodland Street, Balgowlah (DA236/06)

Application Lodged: 13 June 2006
Applicant: Matthew Grant
Owner: S Pestic
Estimated Cost: \$900,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: One and two storey dwellings and town houses
Heritage: n/a

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR DEMOLITION OF THE EXISTING DWELLING AND ERECTION OF THREE TWO STOREY TOWN HOUSES.
2. THE PROPOSAL WAS NOTIFIED TO ALL NEIGHBOURING PROPERTIES AND EIGHT LETTERS OF OBJECTION TO THE DEVELOPMENT WERE RECEIVED.
3. THE APPLICATION WAS ALSO REFERRED TO NORTH HARBOUR PRECINCT COMMUNITY FORUM AND COMMENTS RECEIVED.
4. AMENDED SKETCH PLANS WERE RECEIVED ON 5 SEPTEMBER 2006 SHOWING RETENTION OF A SIGNIFICANT TREE WHICH WAS ORIGINALLY PROPOSED TO BE REMOVED.
5. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT

MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.

6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL APPROVAL.

PUBLIC ADDRESSES

The following persons addressed the meeting in relation to this item:

Against: Mr David Minter

In Support: Mr Matthew Grant, Applicant

SITE INSPECTIONS

A site inspection of 159 Woodland Street, Balgowlah, (DA236/06) demolition of the existing dwelling and erection of three two storey town houses, was conducted by Councillors B Aird, J Evans, J Hay, A Heasman, J Lambert, P Macdonald, D Murphy.

Inspection Party Recommendation:

No Recommendation

MOTION (Macdonald / Murphy)

That Development Application No.236/06 for demolition of the existing dwelling and erection of three (3) two (2) storey dwellings and land subdivision at No.159 Woodland Street, Balgowlah be **approved** as a **deferred commencement** consent subject to standard conditions and the following special conditions, with plans being suitably amended:

1. That the necessary consent be granted for removal of the tree, and replaced with an advanced tree specified by the Manly Council Landscape Architect in the same location on completion of construction.
2. Rear building be dropped one metre.
3. Proposed RLs of dwellings A & B if need be, are to be adjusted (lowered to suit), plans to be suitably amended.

ANS03

First floor level balcony off bedroom 1 of proposed dwelling B is to be deleted to maintain privacy to adjoining properties, plans being amended prior to issue of Construction Certificate.

ANS04

Provision of 1.65m high translucent glass privacy screens to the southern sides of south east facing balconies of proposed dwelling C, plans being suitably amended prior to issue of the Construction Certificate.

DA1

This approval relates to drawings/plans Nos. 0604.1 L1/A, 0604.01/B, 0604.02/B, 0604.03/B as amended by Sk01 and SK02 and levels detailed in letter by Matthew Grant dated 5 September 2006.

ANS01

The height of the proposed dwelling on proposed Lot 2 is to be reduced by 300mm to maintain a reasonable share of the available views from adjoining properties and comply with the view sharing principles of Council's Residential Development Control Plan, plans being amended accordingly prior to issue of the Construction Certificate.

DA009

The construction of a vehicular footpath crossing is required. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. 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. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property.

DA011

All surplus vehicular crossings and/or kerb laybacks 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.

DA013

A long section of the driveway shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

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 \$10,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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.

DA341

Any heritage listed stone kerb removed for construction of a driveway or other approved works, is to be removed without damaging it and contact is to be made with Councils Works Manager on Telephone 9976 1455 for the stone to be transported to Councils Depot.

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 hours 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 full cost is to be borne by the applicant.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA019

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

DA021

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.

DA022

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.

DA023

No person shall use or occupy the building or alteration which is the subject of this approval without the prior issue of an Occupation Certificate.

DA024

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.

DA026

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.

DA031

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.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA040

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.

DA044

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.

DA047

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

DA048

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

DA058

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.

DA059

Building work shall not progress beyond first floor level until such time as Registered Surveyors details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.

DA060

On completion of the building structure a report from a Registered Certifier is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA077

An approved water interceptor shall be provided within the property, across the driveway at the property boundary, and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

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

DA084

Roofwaters and surface stormwaters from paved areas are to be conveyed by pipeline to Council's street gutter in accordance with Council's standards and specification for Stormwater Drainage.

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 Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.

DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) 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 Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council.

DA95

A copy of the approved OSD plan showing work as executed details shall be submitted to Council prior to the issue of the Occupation Certificate. The work as executed plans shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

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.

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.

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.

DA236

Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority prior to issue of the Final Occupation Certificate.

DA237

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

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

DA238

All disturbed surfaces on the land resulting from the building works authorised by this approval shall be revegetated and stabilised so as to prevent any erosion either on or adjacent to the land.

DA239

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

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 wilfully destroyed or removed without the approval of Council.

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.

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.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:

- Silt control fences
- Footing inspection - trench and steel X 3
- Reinforced concrete slab X 6
- Framework inspection X 3
- Wet area moisture barrier X 3
- Drainage inspection X 3
- OSD Tank steel X 3
- Landscaping inspection
- Final inspection

The cost of these inspections by Council is \$5,520. (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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 \$110.

DA271

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

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.

DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA333

A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

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.

DA338

All disturbed areas shall be stabilised against erosion to Council satisfaction within 14 days of completion, and prior to removal of sediment controls.

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.

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.

DA283

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

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

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

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and nonstructural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

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".

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Council's Section 94 Policy applicable at the time of payment **prior to the issue of the Construction Certificate / the release of subdivision plans for registration/ or at the time prior to release of Development Consent where no works are involved.**

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.

L6/07 RESOLVED: (Macdonald / Murphy)

That Development Application No.236/06 for demolition of the existing dwelling and erection of three (3) two (2) storey dwellings and land subdivision at No.159 Woodland Street, Balgowlah be **approved** as a **deferred commencement** consent subject to standard conditions and the following special conditions, with plans being suitably amended:

1. That the necessary consent be granted for removal of the tree, and replaced with an advanced tree specified by the Manly Council Landscape Architect in the same location on completion of construction.
2. Rear building be dropped one metre.
3. Proposed RLs of dwellings A & B if need be, are to be adjusted (lowered to suit), plans to be suitably amended.

ANS03

First floor level balcony off bedroom 1 of proposed dwelling B is to be deleted to maintain privacy to adjoining properties, plans being amended prior to issue of Construction Certificate.

ANS04

Provision of 1.65m high translucent glass privacy screens to the southern sides of south east facing balconies of proposed dwelling C, plans being suitably amended prior to issue of the Construction Certificate.

DA1

This approval relates to drawings/plans Nos. 0604.1 L1/A, 0604.01/B, 0604.02/B, 0604.03/B as amended by Sk01 and SK02 and levels detailed in letter by Matthew Grant dated 5 September 2006.

ANS01

The height of the proposed dwelling on proposed Lot 2 is to be reduced by 300mm to maintain a reasonable share of the available views from adjoining properties and comply with the view sharing principles of Council's Residential Development Control Plan, plans being amended accordingly prior to issue of the Construction Certificate.

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The construction of a vehicular footpath crossing is required. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. All works shall be carried out prior to the issue of Occupation Certificate.

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Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property.

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All surplus vehicular crossings and/or kerb laybacks shall be removed and the kerb and nature strip reinstated prior to issue of the Occupation Certificate.

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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.

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A long section of the driveway shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

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Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$10,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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.

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

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Any heritage listed stone kerb removed for construction of a driveway or other approved works, is to be removed without damaging it and contact is to be made with Councils Works Manager on Telephone 9976 1455 for the stone to be transported to Councils Depot.

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

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Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA019

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

DA021

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.

DA022

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.

DA023

No person shall use or occupy the building or alteration which is the subject of this approval without the prior issue of an Occupation Certificate.

DA024

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.

DA026

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.

DA031

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.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA040

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.

DA044

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.

DA047

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

DA048

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

DA058

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.

DA059

Building work shall not progress beyond first floor level until such time as Registered Surveyors details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.

DA060

On completion of the building structure a report from a Registered Certifier is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA077

An approved water interceptor shall be provided within the property, across the driveway at the property boundary, and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

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

DA084

Roofwaters and surface stormwaters from paved areas are to be conveyed by pipeline to Council's street gutter in accordance with Council's standards and specification for Stormwater Drainage.

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 Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.

DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) 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 Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council.

DA95

A copy of the approved OSD plan showing work as executed details shall be submitted to Council prior to the issue of the Occupation Certificate. The work as executed plans shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

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.

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.

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.

DA236

Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority prior to issue of the Final Occupation Certificate.

DA237

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

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

DA238

All disturbed surfaces on the land resulting from the building works authorised by this approval shall be revegetated and stabilised so as to prevent any erosion either on or adjacent to the land.

DA239

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

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 wilfully destroyed or removed without the approval of Council.

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.

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.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:

- Silt control fences
- Footing inspection - trench and steel X 3
- Reinforced concrete slab X 6
- Framework inspection X 3
- Wet area moisture barrier X 3
- Drainage inspection X 3
- OSD Tank steel X 3
- Landscaping inspection
- Final inspection

The cost of these inspections by Council is \$5,520. (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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 \$110.

DA271

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

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.

DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA333

A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

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.

DA338

All disturbed areas shall be stabilised against erosion to Council satisfaction within 14 days of completion, and prior to removal of sediment controls.

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.

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.

DA283

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

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

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

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and nonstructural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

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".

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Councils Section 94 Policy applicable at the time of payment **prior to the issue of the Construction Certificate / the release of subdivision plans for registration/ or at the time prior to release of Development Consent where no works are involved.**

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.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy,
Morrison, Pedersen, Evans and Norek

Against the Resolution: Councillor Aird

Environmental Services Division Report No. 2

147 Balgowlah Road, Balgowlah - DA527/05 (DA527/05)

Application Lodged: 11 November 2005
Applicant: S Keating / Masterton.
Owner: S D Keating
Estimated Cost: \$399,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Residential dwellings, duplex style dwellings and Industrial Development opposite.
Heritage: Balgowlah Road is listed for its street tree planting

SUMMARY:

1. THIS IS A PROPOSAL FOR DEMOLITION OF THE EXISTING DWELLING, ERECTION OF A TWO-STOREY DUPLEX AND TORRENS TITLE SUBDIVISION INTO TWO LOTS.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REPORTED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING ON THE 23RD MARCH 2006 WITH A RECOMMENDATION FOR REFUSAL. HOWEVER, THE MEETING DEFERRED THE APPLICATION TO ALLOW THE APPLICANT TO ADDRESS THE NON-COMPLIANCES AND BRING THE DEVELOPMENT MORE INTO COMPLIANCE WITH THE DCP. AS WELL AS ADDRESSING THE ISSUES OF THE STREET TREE AND STREETScape.
4. THE APPLICANTS REVISED THEIR PLANS AND SUBMITTED AMENDED PLANS.
5. THE AMENDED PLANS WERE NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE SUBMISSIONS RECEIVED.
6. THE ITEM IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
7. A SITE INSPECTION IS RECOMMENDED.
8. APPROVAL OF THE APPLICATION IS RECOMMENDED.

SITE INSPECTIONS

A site inspection of 147 Balgowlah Road, Balgowlah, (DA527/05) Demolition of existing dwelling and erection of two attached two storey dwellings, was conducted by Councillors B Aird, J Hay, A Heasman, J Lambert, M Norek, P Macdonald, D Murphy.

Inspection Party Recommendation:

Generally as per staff recommendation with revision of ANS01 and new conditions ANS03 and ANS04 added as follows;

ANS01

The driveway is to be redesigned as a single driveway located at the centre of the frontage, with a maximum width of 4.0m at the kerb and 5.5m at the front boundary of the site, to minimise potential pedestrian and vehicle conflicts, construction being in accordance with Council's Standard Specification for Vehicle Crossings, plans being suitably amended prior to issue of the Construction Certificate.

ANS03

The Eucalypt tree on the road reserve forward of the site which is to be removed to allow for driveway construction is to be replaced with two advanced Bauhinia Blakeana trees positioned 2.0m each side of the proposed driveway, to match street tree planting to the east, plans being suitably amended prior to issue of the Construction Certificate.

ANS04

The proposed window to kitchen in the west elevation is to be of highlight style with minimum sill height of 1.65m or alternatively is to be glazed with fixed translucent glass to a minimum height of 1.65m, to minimise impacts on privacy of the adjoining property to the west, plans being suitably amended prior to issue of the Construction Certificate.

MOTION (Hay / Murphy)

That Development Application No 527/05 for demolition and erection of two (2) x two (2) storey attached dwellings at 147 Balgowlah Road, Balgowlah be **approved** subject to standard conditions and the following special conditions:

DA1

This approval relates to drawings/plans Nos. Job No. dkv 180 two (2) sheets Scheme A dated 28 August 2006 and Landscape Plan LPDA 06-63786/1 Issue B dated October 2006 and received by

Council on the 28 September 2006.

ANS01

The driveway is to be redesigned as a single driveway located at the centre of the frontage, with a maximum width of 4.0m at the kerb and 5.5m at the front boundary of the site, to minimise potential pedestrian and vehicle conflicts, construction being in accordance with Council's Standard Specification for Vehicle Crossings, plans being suitably amended prior to issue of the Construction Certificate.

ANS02

That a minimum of two (2) x endemic species of tree are to be included within the landscape plan.

ANS03

The Eucalypt tree on the road reserve forward of the site which is to be removed to allow for driveway construction is to be replaced with two advanced Bauhinia Blakeana trees positioned 2.0m each side of the proposed driveway, to match street tree planting to the east, plans being suitably amended prior to issue of the Construction Certificate.

ANS04

The proposed window to kitchen in the west elevation is to be of highlight style with minimum sill height of 1.65m or alternatively is to be glazed with fixed translucent glass to a minimum height of 1.65m, to minimise impacts on privacy of the adjoining property to the west, plans being suitably amended prior to issue of the Construction Certificate.

DA009

The construction of a vehicular footpath crossing is required. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. All works shall be carried out prior to the issue of Occupation Certificate.

DA10

The construction of a kerb layback is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out prior to the issue of Occupation Certificate.

DA011

All surplus vehicular crossings and/or kerb laybacks 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: 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.

DA272

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.

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 full cost is to be borne by the applicant.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA019

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

DA021

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.

DA023

No person shall use or occupy the building or alteration which is the subject of this approval without the prior issue of an Occupation Certificate.

DA024

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.

DA026

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.

DA031

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.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA040

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.

DA044

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.

DA048

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

DA058

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.

DA059

Building work shall not progress beyond first floor level until such time as Registered Surveyors details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.

DA060

On completion of the building structure a report from a Registered Certifier is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA077

An approved water interceptor shall be provided within the property, across the driveway at the property boundary, and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

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

DA84

Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.

DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) 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 Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council.

DA95

A copy of the approved OSD plan showing work as executed details shall be submitted to Council prior to the issue of the Occupation Certificate. The work as executed plans shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

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.

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.

DA224

The reconstruction and/or construction of footpath paving and any associated works along all areas of the site fronting. These works shall be carried out prior to the issue of the occupation certificate by a licensed construction contractor, at the applicant's expense and shall be in accordance with Council's Specification for Civil Infrastructure Works and Paving Design Guide.

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.

DA237

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

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

DA239

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

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 wilfully destroyed or removed without the approval of Council.

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.

DA259

All engineering works are to be completed prior to the issue of the Subdivision Certificate.

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.

DA262

Prior to the issue of the Construction Certificate, the applicant shall submit details of protective hoardings, fences, and lighting which are to be provided during demolition, excavation and building works in accordance with the requirements of the Department of Industrial Relations, Construction Safety Act and the WorkCover Authority.

Note: On corner properties, particular attention is to be given to the provision of adequate sight distances.

DA267

Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:

- Silt control fences
- Reinforced concrete slab
- Framework inspection X 2
- Wet area moisture barrier
- Drainage inspection
- Driveway crossing/kerb layback

Landscaping inspection
Final inspection

The cost of these inspections by Council is \$2,070. (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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 \$110.

DA271

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

DA284

Detailed plans of roof trusses indicating type and position of trusses, design wind classification, manufacturer name, stress grade of timber used, and method of bracing and fixing trusses are to be submitted to the Principal Certifying Authority prior to the commencement of roof framework.

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.

DA280

All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.

DA281

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

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA333

A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

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.

DA338

All disturbed areas shall be stabilised against erosion to Council satisfaction within 14 days of completion, and prior to removal of sediment controls.

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.

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.

DA356

All electrical and telecommunication services to the site are to be provided by underground cabling, with the plans notated prior to the issue of the Construction Certificate.

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

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and nonstructural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

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".

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Council's Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate / the release of subdivision plans for registration / or at the time prior to release of Development Consent where no works are involved.

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.

L7/07 RESOLVED: (Hay / Murphy)

That Development Application No 527/05 for demolition and erection of two (2) x two (2) storey attached dwellings at 147 Balgowlah Road, Balgowlah be **approved** subject to standard conditions and the following special conditions:

DA1

This approval relates to drawings/plans Nos. Job No. dkv 180 two (2) sheets Scheme A dated 28 August 2006 and Landscape Plan LPDA 06-63786/1 Issue B dated October 2006 and received by Council on the 28 September 2006.

ANS01

The driveway is to be redesigned as a single driveway located at the centre of the frontage, with a maximum width of 4.0m at the kerb and 5.5m at the front boundary of the site, to minimise potential pedestrian and vehicle conflicts, construction being in accordance with Council's Standard Specification for Vehicle Crossings, plans being suitably amended prior to issue of the Construction Certificate.

ANS02

That a minimum of two (2) x endemic species of tree are to be included within the landscape plan.

ANS03

The Eucalypt tree on the road reserve forward of the site which is to be removed to allow for driveway construction is to be replaced with two advanced Bauhinia Blakeana trees positioned 2.0m each side of the proposed driveway, to match street tree planting to the east, plans being suitably amended prior to issue of the Construction Certificate.

ANS04

The proposed window to kitchen in the west elevation is to be of highlight style with minimum sill height of 1.65m or alternatively is to be glazed with fixed translucent glass to a minimum height of 1.65m, to minimise impacts on privacy of the adjoining property to the west, plans being suitably amended prior to issue of the Construction Certificate.

DA009

The construction of a vehicular footpath crossing is required. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. All works shall be carried out prior to the issue of Occupation Certificate.

DA10

The construction of a kerb layback is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out prior to the issue of Occupation Certificate.

DA011

All surplus vehicular crossings and/or kerb laybacks 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: 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.

DA272

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.

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 full cost is to be borne by the applicant.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA019

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

DA021

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.

DA023

No person shall use or occupy the building or alteration which is the subject of this approval without the prior issue of an Occupation Certificate.

DA024

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.

DA026

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.

DA031

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.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA040

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.

DA044

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.

DA048

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

DA058

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.

DA059

Building work shall not progress beyond first floor level until such time as Registered Surveyors details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.

DA060

On completion of the building structure a report from a Registered Certifier is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA077

An approved water interceptor shall be provided within the property, across the driveway at the property boundary, and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

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

DA84

Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.

DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) 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 Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council.

DA95

A copy of the approved OSD plan showing work as executed details shall be submitted to Council prior to the issue of the Occupation Certificate. The work as executed plans shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

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.

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.

DA224

The reconstruction and/or construction of footpath paving and any associated works along all areas of the site fronting. These works shall be carried out prior to the issue of the occupation certificate by a licensed construction contractor, at the applicant's expense and shall be in accordance with Council's Specification for Civil Infrastructure Works and Paving Design Guide.

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.

DA237

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

- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and

- (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.

DA239

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

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 wilfully destroyed or removed without the approval of Council.

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.

DA259

All engineering works are to be completed prior to the issue of the Subdivision Certificate.

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.

DA262

Prior to the issue of the Construction Certificate, the applicant shall submit details of protective hoardings, fences, and lighting which are to be provided during demolition, excavation and building works in accordance with the requirements of the Department of Industrial Relations, Construction Safety Act and the WorkCover Authority.

Note: On corner properties, particular attention is to be given to the provision of adequate sight distances.

DA267

Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:

- Silt control fences
- Reinforced concrete slab
- Framework inspection X 2
- Wet area moisture barrier
- Drainage inspection
- Driveway crossing/kerb layback
- Landscaping inspection
- Final inspection

The cost of these inspections by Council is \$2,070. (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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 \$110.

DA271

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

DA284

Detailed plans of roof trusses indicating type and position of trusses, design wind classification, manufacturer name, stress grade of timber used, and method of bracing and fixing trusses are to be submitted to the Principal Certifying Authority prior to the commencement of roof framework.

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.

DA280

All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.

DA281

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

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA333

A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

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.

DA338

All disturbed areas shall be stabilised against erosion to Council satisfaction within 14 days of completion, and prior to removal of sediment controls.

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.

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.

DA356

All electrical and telecommunication services to the site are to be provided by underground cabling, with the plans notated prior to the issue of the Construction Certificate.

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

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and nonstructural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

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".

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Councils Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate / the release of subdivision plans for registration / or at the time prior to release of Development Consent where no works are involved.

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.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen, Aird, Evans and Norek

Against the Resolution: Nil.

Environmental Services Division Report No. 3

36 Arthur Street, Fairlight - DA439/06 (DA439/06)

Application Lodged: 28 September 2006
Applicant: Andrew & Amanda Black
Owner: Andrew Black & Amanda Delaforce
Estimated Cost: \$214,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
 Manly Residential Development Control Plan 2001,
 Amendment 1 Sub Zone: Residential

Within the Foreshore protection Area:No

Surrounding Development: One and two-storey Residential

Heritage: N/A

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO EXISTING DWELLING INCLUDING NEW FIRST FLOOR.
2. THE PROPOSAL WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH TWO SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS ALSO REFERRED TO IVANHOE PARK PRECINCT COMMUNITY FORUM AND COMMENTS WERE RECEIVED WITH THE PRECINCT HAVING NO OBJECTION.
4. INITIAL ASSESSMENT OF THE APPLICATION DISCLOSED A NUMBER OF CONCERNS WHICH WERE DISCUSSED WITH THE APPLICANT.
5. SKETCH PLANS SHOWING REDUCTIONS IN PROPOSED FIRST FLOOR LEVEL DECK AREA AND BUILT FORM WERE SUBMITTED 22 JANUARY 2005 IN RESPONSE TO NEIGHBOUR AND COUNCIL PLANNING STAFF CONCERNS.
6. THE APPLICATION WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 25 JANUARY 2007 WHERE IT WAS RECOMMENDED FOR APPROVAL.
7. THIS APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR MACDONALD.
8. A SITE INSPECTION IS RECOMMENDED.
9. APPROVAL OF THE APPLICATION IS RECOMMENDED.

PUBLIC ADDRESSES

The following persons addressed the meeting in relation to this item:

Against: Mr Mark Ranucci
In Support: Ms Amanda Black, Applicant

SITE INSPECTIONS

A site inspection of 36 Arthur Street, Fairlight, (DA439/06) alterations and additions to existing dwelling including new first floor, was conducted by Councillors B Aird, J Hay, A Heasman, J Lambert, M Norek, P Macdonald and D Murphy

Inspection Party Recommendation:

No Recommendation

MOTION (Murphy / Macdonald)

That Development Application 439/06 for alterations and additions to the existing dwelling at 36 Arthur Street, Fairlight be **approved** subject to standard conditions and the following special conditions:

DA1

This approval relates to drawings/plans Nos. DA01 Issue C dated 30 August 2006; DA02 Issue B dated 15 September 2006; DA03 Issue C dated 27 September 2006; DA04 and DA05 Issue C dated 26 September 2006; DA06 Issue B dated 15 September 2006; DA07 Issue C dated 26 September 2006 all received by Council on the 28 September 2006, as amended by Drawing N° SK01A received by Council 22 January 2007.

ANS01

The nib of the northern end of the proposed bedroom is to be extended 1.0m to the north as shown in sketch plan – Revision No.2 dated 5 February 2007, plans being suitably amended prior to issue of the Construction Certificate.

ANS02

The proposed privacy screen to the west side of the proposed First Floor Balcony is to be 1.65m high to minimise privacy impacts on the adjoining properties, plans being suitably amended prior to issue of the Construction Certificate.

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 \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be

provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA019

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

DA021

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.

DA023

No person shall use or occupy the building or alteration which is the subject of this approval without the prior issue of an Occupation Certificate.

DA024

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.

DA026

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.

DA031

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.

DA038

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of the Construction Certificate.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA044

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.

DA048

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

DA058

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) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

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

DA087

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 a suitably qualified Engineer. The principal Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate

DA094

Stormwater drainage from the proposed addition/extension shall be disposed of to the existing drainage system. All work shall be carried out in accordance with Council standards and specifications for stormwater drainage. Work shall be completed **prior to the issue of the Occupation Certificate.**

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.

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.

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.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:

Framework inspection X 2
Wet area moisture barrier
Final inspection

The cost of these inspections by Council is \$920 (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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 \$110.

DA271

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

DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.

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.

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

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and nonstructural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

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.

L8/07 RESOLVED: (Murphy / Macdonald)

That Development Application 439/06 for alterations and additions to the existing dwelling at 36 Arthur Street, Fairlight be **approved** subject to standard conditions and the following special conditions:

DA1

This approval relates to drawings/plans Nos. DA01 Issue C dated 30 August 2006; DA02 Issue B dated 15 September 2006; DA03 Issue C dated 27 September 2006; DA04 and DA05 Issue C dated 26 September 2006; DA06 Issue B dated 15 September 2006; DA07 Issue C dated 26 September 2006 all received by Council on the 28 September 2006, as amended by Drawing N° SK01A received by Council 22 January 2007.

ANS01

The nib of the northern end of the proposed bedroom is to be extended 1.0m to the north as shown in sketch plan – Revision No.2 dated 5 February 2007, plans being suitably amended prior to issue of the Construction Certificate.

ANS02

The proposed privacy screen to the west side of the proposed First Floor Balcony is to be 1.65m high to minimise privacy impacts on the adjoining properties, plans being suitably amended prior to issue of the Construction Certificate.

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 \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA019

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

DA021

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.

DA023

No person shall use or occupy the building or alteration which is the subject of this approval without the prior issue of an Occupation Certificate.

DA024

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.

DA026

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.

DA031

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.

DA038

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of the Construction Certificate.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA044

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.

DA048

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

DA058

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) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

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

DA087

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 a suitably qualified Engineer. The principal Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate

DA094

Stormwater drainage from the proposed addition/extension shall be disposed of to the existing drainage system. All work shall be carried out in accordance with Council standards and specifications for stormwater drainage. Work shall be completed **prior to the issue of the Occupation Certificate.**

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.

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.

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.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:

- Framework inspection X 2
- Wet area moisture barrier
- Final inspection

The cost of these inspections by Council is \$920 (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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 \$110.

DA271

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

DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.

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.

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

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and nonstructural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

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.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen, Evans and Norek

Against the Resolution: Councillor Aird

Environmental Services Division Report No. 4

12 Cecil Street, Fairlight - DA25/05 (DA25/05)

Application Lodged: 13 June 2006
Applicant: Addbuild Master Builders Pty Ltd
Owner: N Hill & N Mendez
Estimated Cost: \$130,000

Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Single storey detached and semi detached dwellings
Heritage: Not Applicable

SUMMARY:

1. DEVELOPMENT APPLICATION 25/05 FOR ALTERATIONS AND FIRST FLOOR ADDITIONS TO THE EXISTING SEMI DETACHED DWELLING WAS LODGED WITH COUNCIL 16 DECEMBER 2004.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH TWO JOINT SUBMISSIONS RECEIVED.
3. THE APPLICANT SUBMITTED REVISED PLANS ON 17 NOVEMBER 2005.
4. THE REVISED PLANS WERE NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE JOINT SUBMISSION WITH FOUR SIGNATORIES RECEIVED.
5. THE APPLICATION WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 12 JANUARY 2006 WHERE IT WAS DEFERRED FOR FURTHER INFORMATION.
6. THE APPLICATION WAS AGAIN CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 17 JANUARY 2006 WHERE THE APPLICATION WAS REFUSED.
7. COUNCIL RECEIVED AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ON 13 JUNE 2006.
8. THE APPLICATION FOR REVIEW WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH TWO JOINT SUBMISSIONS, EACH WITH TWO SIGNATORIES RECEIVED.
9. COUNCIL RECEIVED REVISED PLANS ON 19 OCTOBER 2006.
10. THE REVISED PLANS REPRESENT CHANGES IN RESPONSE TO THE MOST RECENT OBJECTIONS AND REDUCE AMENITY IMPACTS ON ADJOINING PROPERTIES.
11. THE APPLICATION WAS REPORTED TO COUNCIL'S LAND USE MANAGEMENT MEETING OF 11 DECEMBER 2006 WHERE THE MATTER WAS DEFERRED TO ALLOW RE-NOTIFICATION.
12. PLANS WERE RE-NOTIFIED WITH FOUR SUBMISSIONS RECEIVED.
13. APPROVAL OF THE APPLICATION IS RECOMMENDED.

PUBLIC ADDRESSES

The following persons addressed the meeting in relation to this item:

Against: Mr Mark O'Sullivan

In Support: Mr Nestor Mendez, Owner

MOTION (Pedersen / Lambert)

That the Development Application 25/05 for alterations and additions including a new first floor level to the existing semi detached dwelling at No.12 Cecil Street, Fairlight be **refused** due to the following:

1. Privacy impacts to neighbours
2. Non-compliance with FSR
3. Streetscape issues
4. Westside setback non-compliance
5. Wall height non-compliances.

AMENDMENT (Murphy / Morrison)

That the Development Application 25/05 for alterations and additions including a new first floor

level to the existing semi detached dwelling at No.12 Cecil Street, Fairlight be **approved** subject to:

1. A dilapidation report being provided
2. Reduce the length of family room from 4.575m to 3.7m
3. Reduction in depth of balcony to a Juliette balcony with privacy screens and a solid balustrade
4. Planting of an advanced tree species as approved by Council's Landscape Architect
5. Privacy screens to the east and western sides of the balcony as well as a solid balustrade to the north.

For the Amendment: Councillors Heasman, Murphy, Morrison and Norek

Against the Amendment: Councillors Macdonald, Hay, Lambert, Cant, Pedersen, Aird and Evans

The **AMENDMENT** was declared **LOST**.

FORESHADOWED AMENDMENT (Hay / Macdonald)

That the Development Application 25/05 for alterations and additions including a new first floor level to the existing semi detached dwelling at No.12 Cecil Street, Fairlight be **approved** as a **deferred commencement** consent subject to standard conditions and the following special conditions with plans being suitably amended:

1. The family room be deleted such that the addition does not extend beyond the northern wall of the proposed bathroom
2. The balcony be deleted
3. Planting of an advanced tree species as approved by Council's Landscape Architect
4. A Dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund Deposit prior to any demolition/excavation works and/or the issue of the Construction Certificate.

DA01

This approval relates to plans/drawings Nos. 895/5 dated 9 October 2006 received by Council on 19 October 2006, as amended by deferred commencement conditions.

ANS02

Prior to the issue of any Construction Certificate the Principal Certifying Authority is to be provided with Fire Rating details for the top of the party wall shown as Detail 1 on the submitted DA plans to comply with the Building Code of Australia.

DA16

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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.

DA17

Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per Australian Standard AS 1742.3, "Part 3 - Traffic control devices for works on roads".

DA18

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

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 /Accredited Certifier prior to issue of the Construction Certificate.

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.

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.

DA38

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of the Construction Certificate.

DA39

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

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.

DA48

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

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) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA84

Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

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.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:-

Framework inspection X 2

Wet area moisture barrier

Final inspection

The cost of these inspections by Council is \$920 (being \$230.00 per inspection inclusive of GST). Payment of the above amount 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 \$100.00.

DA271

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

DA284

Detailed plans of roof trusses indicating type and position of trusses, design wind classification,

manufacturer's name, stress grade of timber used, and method of bracing and fixing trusses are to be submitted to the Principal Certifying Authority prior to the commencement of roof framework.

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.

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

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

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.

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.

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.

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 Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

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.

For the Foreshadowed Amendment: Councillors Hay, Heasman, Cant, Aird, Norek,
Macdonald and Evans

Against the Foreshadowed Amendment: Councillors Lambert, Murphy, Morrison and
Pedersen

The **FORESHADOWED AMENDMENT** became the **MOTION** and was declared carried.

L9/07 RESOLVED: (Hay / Macdonald)

That the Development Application 25/05 for alterations and additions including a new first floor level to the existing semi detached dwelling at No.12 Cecil Street, Fairlight be **approved** as a **deferred commencement** consent subject to standard conditions and the following special conditions with plans being suitably amended:

1. The family room be deleted such that the addition does not extend beyond the northern wall of the proposed bathroom
2. The balcony be deleted
3. Planting of an advanced tree species as approved by Council's Landscape Architect
4. A Dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund Deposit prior to any demolition/excavation works and/or the issue of the Construction Certificate.

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This approval relates to plans/drawings Nos. 895/5 dated 9 October 2006 received by Council on 19 October 2006, as amended by deferred commencement conditions.

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Prior to the issue of any Construction Certificate the Principal Certifying Authority is to be provided with Fire Rating details for the top of the party wall shown as Detail 1 on the submitted DA plans to comply with the Building Code of Australia.

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Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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.

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Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per Australian Standard AS 1742.3, "Part 3 - Traffic control devices for works on roads".

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Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

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 /Accredited Certifier prior to issue of the Construction Certificate.

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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.

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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.

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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.

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

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A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of the Construction Certificate.

DA39

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

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.

DA48

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

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) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

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Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.

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All demolition is to be carried out in accordance with AS2601-2001.

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.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:-

Framework inspection X 2

Wet area moisture barrier

Final inspection

The cost of these inspections by Council is \$920 (being \$230.00 per inspection inclusive of GST). Payment of the above amount 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 \$100.00.

DA271

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

DA284

Detailed plans of roof trusses indicating type and position of trusses, design wind classification, manufacturer's name, stress grade of timber used, and method of bracing and fixing trusses are to be submitted to the Principal Certifying Authority prior to the commencement of roof framework.

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.

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

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

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.

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.

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.

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 Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

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.

For the Resolution: Councillors Macdonald, Hay, Heasman, Cant, Aird, Evans and Norek
Against the Resolution: Councillors Lambert, Murphy, Morrison and Pedersen

Councillor Morrison retired from the Chamber at 10.29pm

Environmental Services Division Report No. 5

Level 2, 49 North Steyne Manly - DA388/06 (DA388/06)

<u>Application Lodged:</u>	8 September 2006
<u>Applicant:</u>	Yardhouse Restaurant Pty Ltd.
<u>Owner:</u>	Jatims International Connections Pty Ltd
<u>Estimated Cost:</u>	\$25,000.00
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Business And Within the Foreshore Scenic Protection Area.
<u>Surrounding Development:</u>	Retail, restaurants and residential units
<u>Heritage:</u>	Opposite the listed Beach Reserve.

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR INTERNAL REFURBISHMENT FOR RESTAURANT AND SUSHI BAR.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING PROPERTY OWNERS AND UNIT OWNERS OF THE SUBJECT STRATA BODY. SIX (6) LETTERS OBJECTING TO THE DEVELOPMENT HAVE BEEN RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE CORSO COMMUNITY FORUM AND COMMENTS RECEIVED.
4. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR NOREK.
5. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL APPROVAL.

MOTION (Macdonald / Hay)

That Development Application No. 388/06 for refurbishment of the existing restaurant and extension to the hours of operation and signage at Level 2, 49 North Steyne, Manly be **approved** as per staff recommendation of standard conditions, with condition DA233 revised as follows:

DA233

The collection of garbage from the premises is not to occur between the hours of 10.00pm and 7.00am Monday to Sunday, without the prior approval of Council, to minimise disruption to neighbouring properties.

DA1

This approval relates to Drawing/Plan Nos. 205/101/A, 102/A and 103A dated 17 August 2006 and one (1) set of photomontage showing new signage received by Council on 8 September 2006.

ANS01

The hours of operation not to exceed 7:00am to 12:00 midnight Mondays to Thursdays, 7:00am to 1:00am (the following day) Fridays and Saturdays and 7:00am to 10:00pm Sunday, without the prior consent of Council.

ANS02

The proposed development is to comply with the following noise and vibration standards:-

- The LA10* noise level emitted from the licensed premises shall not exceed the background of noise level in any Octaves Band Centre Frequency (31.5Hz - 8k Hz inclusive) by more than 5dB between 7 a.m. and 12 midnight at the boundary of any affected residence.
- The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8k Hz inclusive) between 12 midnight and 7 a.m. at the boundary of any affected residence.
- Notwithstanding compliance with the above, the noise level from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7 a.m.
- No appreciable vibration.

ANS03

The outside eating area on the balcony is to be closed to patrons from 10:00pm until 8:00am the next day. These hours are to be strictly complied with. This is to preserve the amenity of the adjoining as well as the units within the development.

ANS04

Development consent of Council shall be obtained for any new advertising structure prior to erection.

ANS05

Walls in food preparation, service and scullery areas must be finished with glazed ceramic tiles, stainless steel or laminated plastics adhered directly to the wall, to a height of at least 2 metres above floor level and to the underside of canopy hoods. Walls that are not tiled or otherwise finished, must be cement rendered to a smooth even surface and painted with a light coloured washable paint or sealed with other approved materials.

ANS06

Floors in the food preparation areas, sculleries and food storage areas shall be constructed of approved materials that are non-slip, impervious and meet the requirements of Council's Food Premises Code.

ANS07

Ceilings are to be constructed of a rigid smooth faced, non-absorbent material and could include fibrous plaster, plasterboard, fibrous cement, cement render or other approved material painted with a washable gloss paint of light colour.

ANS08

All equipment (including pie warmers, hot food display units, etc) used for the display or storage of hot food shall maintain the food at a temperature of not less than 60°C.

ANS09

All equipment used for the display or storage of cold food shall maintain the food temperature of not more than 5°C.

ANS10

Any appliance used for the storage of hot and cold food must be provided with a numerically scaled and accurate thermometer.

ANS11

Where Manly council is not the Principal Certifying Authority (PCA) an inspection of the premises must be undertaken by Manly Council's Environmental Health Officer **prior to the Issuing of an Occupation Certificate.**

ANS12

The floor of the food preparation area is to be graded to a sanitary floor waste.

ANS13

Brackets used to support benches, counters and equipment shall be non-corrosive, tubular or solid metal. Brackets are to be secured to walls to prevent the formation of cracks and crevices. Timber brackets are not allowed.

ANS14

Persons engaging in any food handling operations must be appropriately attired in clothing and footwear that is clean and relevant to their task.

ANS15

The premises must be provided with a wash basin in, or convenient to:

- (a) each toilet;
- (b) each kitchen area.

The wash basin must be:-

- (a) provided with water at least 40°C from a mixed hot and cold water supply;

- (b) supplied with liquid soap and an adequate supply of single use towels or other suitable hand drying facilities located adjacent to the hand basins;
- (c) kept in clean and sanitary conditions and in good repair at all times;
- (d) not used for any other purpose other than the washing of hands.

ANS16

The premises are approved for restaurant use only and are not to be used for take-away food/drink shop.

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 \$600. 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: 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.

DA176

The Construction, fit-out and finishing of the premises shall comply with: *Australian Standard AS 4674-2004 (Design, construction and fit-out of Food Premises), the Food Act 2003, Food Regulation 2004 and the Food Standards Code*

DA179

The walls above bench tops, hand basin and similar fittings shall be finished with glazed tiles or similar approved materials to a height of 450mm above the fittings.

DA178

The walls, where not tiled, shall be cement rendered, finished to a smooth, even surface, painted with a washable gloss paint of a light colour or sealed with other approved materials.

DA181

All vertical corners, door openings, columns, corridor walls and the like, which are likely to be damaged by trolleys, kegs or similar traffic shall be protected by stainless steel angles, rubbing strips or other approved material.

DA186

The ceiling light fittings shall be installed flush with the ceiling surface or provided with an approved diffuser cover to prevent the accumulation of dust or the harbourage of vermin.

DA187

The supporting wall of any proposed counter or bar shall be of solid construction, finished with an approved impervious material.

DA188

The counter and bar tops shall be constructed of solid material, jointed in an approved manner with all exposed surfaces finished with a smooth, impervious material.

DA190

The floor(s) of the storeroom(s) shall be impervious and coved at the intersection with walls and plinths.

DA193

All service pipes including beer pipes, electrical conduits, and refrigeration condensate pipes shall be chased into walls, floor or plinths.

DA194

Where it is not possible or permitted to conceal service pipes, they are to be fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe and adjacent horizontal surfaces.

DA196

Concrete floor(s) of the cool/freezer room(s) shall be at least 75mm thick, graded to the doorway, coved at the intersections with the walls finished so as to be impervious to liquids.

DA197

The floor of the coolroom shall be graded to the door with floor gully located outside the coolroom as near to the door opening as practicable.

DA198

The door(s) of the coolroom(s) shall be openable at all times from the inside without the use of a key.

DA199

An approved audible alarm device(s) shall be located outside the coolroom(s) but controllable only from within the coolroom(s).

DA201

The coolroom(s) shall operate so that all food capable of supporting rapid bacterial growth is kept cold at a temperature of not more than 5 degrees Celsius with the coolroom being provided with a numerically scaled thermometer or recording thermometer accurate to the nearest degree Celsius and able to be easily read from the room outside.

DA202

Provision shall be made for the conveying of all refrigeration condensates to approved drainage fittings.

DA203

All fittings, where abutting walls or other fittings, shall be sealed in such a manner as to prevent the accumulation of food and access for vermin.

DA206

The oven, bain-marie, deep fryer, refrigerator and similar fittings shall be built into the walls and any crevices formed by the butting together of fittings shall be sealed in such a manner so as to eliminate any open joint, crevice or cavity.

DA207

The cupboards and similar fittings shall be placed on solid plinths 75mm in height, finished to a smooth even surface, recessed under fittings to provide a toe space of not more than 50mm and coved to a radius of 25mm at the intersection with the walls and floor.

DA210

All glass and/or washing machines, double bowl sinks and two-compartment tubs shall be supplied with hot water at a temperature of not less than 75 degrees Celsius (sinks/tubs) and 82 degrees Celsius (dish washing machines) unless the machine(s) clean by chemical sanitizing.

DA211

The dishwashing and glass washing machine(s) shall be fitted with (a) thermometer(s) which is/are

visible to the operator indicating the temperature of the water in the wash tank and the rinse tank.

DA212

A cleaner's sink shall be provided in a room or space away from any food preparation area.

DA213

Adequate dressing room accommodations shall be provided for male and female staff with sufficient lockers for all clothing and personal items.

DA214

Adequate facilities shall be made available for the storage of cleaning equipment and material.

DA215

A garbage room or garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council.

DA217

The door to the garbage room shall be designed and constructed to ensure the room is vermin proof.

DA218

The floor of the garbage room/grease arrester room shall be of impervious material, coved at the intersection with the walls and graded and drained to an approved floor waste within the room.

DA219

The garbage room shall be ventilated to the external air by natural ventilation or an approved air handling exhaust system.

DA220

The grease arrester shall be relocated outside the kitchen/food preparation area.

DA211

The dishwashing and glass washing machine(s) shall be fitted with (a) thermometer(s) which is/are visible to the operator indicating the temperature of the water in the wash tank and the rinse tank.

DA222

Documentation supplied by a practising mechanical engineer certifying that the mechanical exhaust ventilation system, as installed, complies with AS1668 must be provided to Council Principal Certifying Authority **prior to the issue of the Occupation Certificate.**

DA223

The operation of any plant or equipment shall not cause offensive noise and/or air pollution to be created or emitted. Offensive noise and air pollution is defined in the *Protection of the Environment Operation Act 1997*

DA234

A Waste Management Plan is to be submitted with the application for a Construction Certificate in accordance with Council's Development Control Plan for Waste Minimisation and Management.

DA253

All lights used to illuminate the exterior of the buildings or site shall be positioned and/or fitted with cut off luminaires (baffles) so as to prevent the emission of direct light onto adjoining roadways and land.

DA254

Glare from internal lighting shall not be permitted to extend beyond the limits of the building authorised by this approval.

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.

DA021

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.

DA023

No person shall use or occupy the building or alteration which is the subject of this approval without the prior issue of an Occupation Certificate.

DA024

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.

DA038

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of the Construction Certificate.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA044

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.

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

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

DA119

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000. Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

DA120

The building being erected in Type A, construction for a Class 2, 6 and 7a building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

DA121

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

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:

- Beams/Framework inspection
- Health inspection
- Final inspection

The cost of these inspections by Council is \$690. (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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 \$110.

DA271

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

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.

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

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.

L10/07 RESOLVED: (Macdonald / Hay)

That Development Application No. 388/06 for refurbishment of the existing restaurant and extension to the hours of operation and signage at Level 2, 49 North Steyne, Manly be **approved**

as per staff recommendation of standard conditions, with condition DA233 revised as follows:

DA233

The collection of garbage from the premises is not to occur between the hours of 10.00pm and 7.00am Monday to Sunday, without the prior approval of Council, to minimise disruption to neighbouring properties.

DA1

This approval relates to Drawing/Plan Nos. 205/101/A, 102/A and 103A dated 17 August 2006 and one (1) set of photomontage showing new signage received by Council on 8 September 2006.

ANS01

The hours of operation not to exceed 7:00am to 12:00 midnight Mondays to Thursdays, 7:00am to 1:00am (the following day) Fridays and Saturdays and 7:00am to 10:00pm Sunday, without the prior consent of Council.

ANS02

The proposed development is to comply with the following noise and vibration standards:-

- The LA10* noise level emitted from the licensed premises shall not exceed the background of noise level in any Octaves Band Centre Frequency (31.5Hz - 8k Hz inclusive) by more than 5dB between 7 a.m. and 12 midnight at the boundary of any affected residence.
- The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8k Hz inclusive) between 12 midnight and 7 a.m. at the boundary of any affected residence.
- Notwithstanding compliance with the above, the noise level from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7 a.m.
- No appreciable vibration.

ANS03

The outside eating area on the balcony is to be closed to patrons from 10:00pm until 8:00am the next day. These hours are to be strictly complied with. This is to preserve the amenity of the adjoining as well as the units within the development.

ANS04

Development consent of Council shall be obtained for any new advertising structure prior to erection.

ANS05

Walls in food preparation, service and scullery areas must be finished with glazed ceramic tiles, stainless steel or laminated plastics adhered directly to the wall, to a height of at least 2 metres above floor level and to the underside of canopy hoods. Walls that are not tiled or otherwise finished, must be cement rendered to a smooth even surface and painted with a light coloured washable paint or sealed with other approved materials.

ANS06

Floors in the food preparation areas, sculleries and food storage areas shall be constructed of approved materials that are non-slip, impervious and meet the requirements of Council's Food Premises Code.

ANS07

Ceilings are to be constructed of a rigid smooth faced, non-absorbent material and could include fibrous plaster, plasterboard, fibrous cement, cement render or other approved material painted with a washable gloss paint of light colour.

ANS08

All equipment (including pie warmers, hot food display units, etc) used for the display or storage of

hot food shall maintain the food at a temperature of not less than 60°C.

ANS09

All equipment used for the display or storage of cold food shall maintain the food temperature of not more than 5°C.

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Any appliance used for the storage of hot and cold food must be provided with a numerically scaled and accurate thermometer.

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Where Manly council is not the Principal Certifying Authority (PCA) an inspection of the premises must be undertaken by Manly Council's Environmental Health Officer **prior to the Issuing of an Occupation Certificate.**

ANS12

The floor of the food preparation area is to be graded to a sanitary floor waste.

ANS13

Brackets used to support benches, counters and equipment shall be non-corrosive, tubular or solid metal. Brackets are to be secured to walls to prevent the formation of cracks and crevices. Timber brackets are not allowed.

ANS14

Persons engaging in any food handling operations must be appropriately attired in clothing and footwear that is clean and relevant to their task.

ANS15

The premises must be provided with a wash basin in, or convenient to:

- (a) each toilet;
- (b) each kitchen area.

The wash basin must be:-

- (a) provided with water at least 40°C from a mixed hot and cold water supply;
- (b) supplied with liquid soap and an adequate supply of single use towels or other suitable hand drying facilities located adjacent to the hand basins;
- (c) kept in clean and sanitary conditions and in good repair at all times;
- (d) not used for any other purpose other than the washing of hands.

ANS16

The premises are approved for restaurant use only and are not to be used for take-away food/drink shop.

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 \$600. 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: 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.

DA176

The Construction, fit-out and finishing of the premises shall comply with: *Australian Standard AS 4674-2004 (Design, construction and fit-out of Food Premises), the Food Act 2003, Food Regulation 2004 and the Food Standards Code*

DA179

The walls above bench tops, hand basin and similar fittings shall be finished with glazed tiles or similar approved materials to a height of 450mm above the fittings.

DA178

The walls, where not tiled, shall be cement rendered, finished to a smooth, even surface, painted with a washable gloss paint of a light colour or sealed with other approved materials.

DA181

All vertical corners, door openings, columns, corridor walls and the like, which are likely to be damaged by trolleys, kegs or similar traffic shall be protected by stainless steel angles, rubbing strips or other approved material.

DA186

The ceiling light fittings shall be installed flush with the ceiling surface or provided with an approved diffuser cover to prevent the accumulation of dust or the harbourage of vermin.

DA187

The supporting wall of any proposed counter or bar shall be of solid construction, finished with an approved impervious material.

DA188

The counter and bar tops shall be constructed of solid material, jointed in an approved manner with all exposed surfaces finished with a smooth, impervious material.

DA190

The floor(s) of the storeroom(s) shall be impervious and coved at the intersection with walls and plinths.

DA193

All service pipes including beer pipes, electrical conduits, and refrigeration condensate pipes shall be chased into walls, floor or plinths.

DA194

Where it is not possible or permitted to conceal service pipes, they are to be fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe and adjacent horizontal surfaces.

DA196

Concrete floor(s) of the cool/freezer room(s) shall be at least 75mm thick, graded to the doorway, coved at the intersections with the walls finished so as to be impervious to liquids.

DA197

The floor of the coolroom shall be graded to the door with floor gully located outside the coolroom as near to the door opening as practicable.

DA198

The door(s) of the coolroom(s) shall be openable at all times from the inside without the use of a key.

DA199

An approved audible alarm device(s) shall be located outside the coolroom(s) but controllable only from within the coolroom(s).

DA201

The coolroom(s) shall operate so that all food capable of supporting rapid bacterial growth is kept cold at a temperature of not more than 5 degrees Celsius with the coolroom being provided with a numerically scaled thermometer or recording thermometer accurate to the nearest degree Celsius and able to be easily read from the room outside.

DA202

Provision shall be made for the conveying of all refrigeration condensates to approved drainage fittings.

DA203

All fittings, where abutting walls or other fittings, shall be sealed in such a manner as to prevent the accumulation of food and access for vermin.

DA206

The oven, bain-marie, deep fryer, refrigerator and similar fittings shall be built into the walls and any crevices formed by the butting together of fittings shall be sealed in such a manner so as to eliminate any open joint, crevice or cavity.

DA207

The cupboards and similar fittings shall be placed on solid plinths 75mm in height, finished to a smooth even surface, recessed under fittings to provide a toe space of not more than 50mm and coved to a radius of 25mm at the intersection with the walls and floor.

DA210

All glass and/or washing machines, double bowl sinks and two-compartment tubs shall be supplied with hot water at a temperature of not less than 75 degrees Celsius (sinks/tubs) and 82 degrees Celsius (dish washing machines) unless the machine(s) clean by chemical sanitizing.

DA211

The dishwashing and glass washing machine(s) shall be fitted with (a) thermometer(s) which is/are visible to the operator indicating the temperature of the water in the wash tank and the rinse tank.

DA212

A cleaner's sink shall be provided in a room or space away from any food preparation area.

DA213

Adequate dressing room accommodations shall be provided for male and female staff with sufficient lockers for all clothing and personal items.

DA214

Adequate facilities shall be made available for the storage of cleaning equipment and material.

DA215

A garbage room or garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council.

DA217

The door to the garbage room shall be designed and constructed to ensure the room is vermin proof.

DA218

The floor of the garbage room/grease arrester room shall be of impervious material, coved at the intersection with the walls and graded and drained to an approved floor waste within the room.

DA219

The garbage room shall be ventilated to the external air by natural ventilation or an approved air handling exhaust system.

DA220

The grease arrester shall be relocated outside the kitchen/food preparation area.

DA211

The dishwashing and glass washing machine(s) shall be fitted with (a) thermometer(s) which is/are visible to the operator indicating the temperature of the water in the wash tank and the rinse tank.

DA222

Documentation supplied by a practising mechanical engineer certifying that the mechanical exhaust ventilation system, as installed, complies with AS1668 must be provided to Council Principal Certifying Authority **prior to the issue of the Occupation Certificate.**

DA223

The operation of any plant or equipment shall not cause offensive noise and/or air pollution to be created or emitted. Offensive noise and air pollution is defined in the *Protection of the Environment Operation Act 1997*

DA234

A Waste Management Plan is to be submitted with the application for a Construction Certificate in accordance with Council's Development Control Plan for Waste Minimisation and Management.

DA253

All lights used to illuminate the exterior of the buildings or site shall be positioned and/or fitted with cut off luminaires (baffles) so as to prevent the emission of direct light onto adjoining roadways and land.

DA254

Glare from internal lighting shall not be permitted to extend beyond the limits of the building authorised by this approval.

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.

DA021

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.

DA023

No person shall use or occupy the building or alteration which is the subject of this approval without the prior issue of an Occupation Certificate.

DA024

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.

DA038

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of the Construction Certificate.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA044

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.

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

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

DA119

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000. Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

DA120

The building being erected in Type A, construction for a Class 2, 6 and 7a building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

DA121

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

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:

- Beams/Framework inspection
- Health inspection
- Final inspection

The cost of these inspections by Council is \$690. (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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 \$110.

DA271

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

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.

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

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.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Pedersen, Aird, Evans and Norek

Against the Resolution: Nil.

Environmental Services Division Report No. 6

Development Applications Currently Being Processed.

SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING FEBRUARY, 2007.

MOTION (Macdonald / Heasman)

That the information be noted.

L11/07 **RESOLVED: (Macdonald / Heasman)**

That the information be noted.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy,
Pedersen, Aird, Evans and Norek
Against the Resolution: Nil.

Environmental Services Division Report No. 7

Appeals List for February 2007

SUMMARY

LIST OF APPEALS RECEIVED AND THEIR CURRENT STATUS FOR COUNCILLORS INFORMATION.

MOTION (Macdonald / Lambert)

That the information be noted.

L12/07 **RESOLVED: (Macdonald / Lambert)**

That the information be noted.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy,
Pedersen, Aird, Evans and Norek
Against the Resolution: Nil.

CLOSE

The meeting closed at 10.45pm

The above minutes were confirmed at an **Land Use Management Committee** of Manly Council held on 5th March 2007.

CHAIRPERSON

***** **END OF MINUTES** *****