



Minutes

Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 5 March 2007

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

TABLE OF CONTENTS

Item	Page No.
APOLOGIES / LEAVE OF ABSENCE	2
DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST.....	3
ENVIRONMENTAL SERVICES DIVISION.....	3
Environmental Services Division Report No. 8 472 Sydney Road, Balgowlah - DA480/06	3
Environmental Services Division Report No. 9 18 Augusta Road, Manly - DA133/03	19
Environmental Services Division Report No. 10 Unit 21, 4-8 Darley Road, Manly - DA156/06	36
Environmental Services Division Report No. 11 Development Applications Currently Being Processed	41
Environmental Services Division Report No. 12 Appeals List for March 2007	42
Environmental Services Division Report No. 13 Response from the General Manager to the Report on 'A Review of the DA Process'	42

TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Land Use Management Committee, having met at 7:44pm on Monday 5 March 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 – arrived at 8.10pm
Councillor J Evans, Deputy Chairperson
Councillor J Hay, AM
Councillor A Heasman
Councillor J Lambert, AM Chairperson who presided
Councillor R Morrison
Councillor D Murphy
Councillor M Norek – arrived at 7.50pm

ALSO PRESENT

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

APOLOGIES

Apologies were tendered on behalf of Councillor S Cant for lateness.

MOTION (Macdonald / Morrison)

That the apology for late arrival received from Councillor S Cant be accepted.

L13/07 RESOLVED: (Macdonald / Morrison)

That the apology for late arrival received from Councillor S Cant be accepted.

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

Against the Resolution: Nil.

LEAVE OF ABSENCE

It was noted that Councillor P Daley was absent on leave previously granted.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 5 February 2007, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

MOTION (Macdonald / Morrison)

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 5 February 2007, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

L14/07 RESOLVED: (Macdonald / Morrison)

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 5 February 2007, 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, Murphy, Morrison, Pedersen, Aird, and Evans

Against the Resolution: Nil

Councillor M Norek arrived at 7.50pm

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 8

472 Sydney Road, Balgowlah - DA480/06

<u>Application Lodged:</u>	23 October 2006
<u>Applicant:</u>	ECO Preschools
<u>Owner:</u>	T Perry
<u>Estimated Cost:</u>	\$63,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	Open space, dwellings commercial
<u>Heritage:</u>	The property is opposite 463 Sydney Road which is listed

SUMMARY:

1. THIS IS A PROPOSAL TO CARRY OUT ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING ON SITE AND USE IT AS A CHILD-CARE CENTRE FOR 40 CHILDREN.
2. THE ADJACENT AND NEARBY PROPERTY OWNERS WERE ADVISED OF THE APPLICATION AND NO SUBMISSIONS RECEIVED
3. THE PRECINCT WAS ADVISED OF THE APPLICATION AND POSITIVE COMMENTS RECEIVED.
4. THE APPLICATION WAS SUBMITTED TO THE DEVELOPMENT ASSESSMENT UNIT WITH A RECOMMENDATION FOR APPROVAL HOWEVER, FOLLOWING DEBATE THE APPLICATION WAS REFUSED
5. THE APPLICATION IS REPORTED TO COUNCILS LAND-USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MORRISON.
6. A SITE INSPECTION IS RECOMMENDED.

7. REFUSAL OF THE APPLICATION IS RECOMMENDED.

PUBLIC ADDRESSES

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

In Support: Ms Kiri Combi

SITE INSPECTIONS

A site inspection of 472 Sydney Road, Balgowlah, (DA480/06) Alterations & Additions to Existing Premises for Use as a Child Care Centre for 40 Children was conducted by Councillors J Hay, A Heasman, J Lambert, P Macdonald, R Morrison and D Murphy

Inspection Party Recommendation:

That Development Application No.480/06 for alterations and additions to the existing building and use as a child care centre at No.472 Sydney Road, Balgowlah be **approved** subject to standard conditions and the following additional conditions;

ANS01

Provision of a let down and pick up area within the subject premises using the existing vehicle access driveways off Sydney Road. With the let down and pick up area effectively isolated from the operational areas of the child care centre by the installation of substantial vehicle safety bollards to Structural Engineers design and child resistant transparent style safety fence, to maximise safety of children attending the centre, plans being suitably amended prior to issue of the Construction Certificate.

ANS02

Landscaping to the southern side of the proposed play area is to be of suitable design with planting species and numbers selected and spaced such that visibility/sight lines are maximised, to eliminate potential vehicle and pedestrian conflicts, plans being suitably amended prior to issue of the Construction Certificate.

ANS03

Provision of a separate pedestrian access gate at the eastern end of the site, to maximise safety of children attending the centre, plans being suitably amended prior to issue of the Construction Certificate.

ANS04

Provision of an additional vehicle safety barrier at the south west corner of the site, "Armco" railing or similar, to a Structural Engineers design, to maximise safety of children attending the centre, plans being suitably amended prior to issue of the Construction Certificate.

MOTION (Morrison / Heasman)

That Development Application No. 480/06 for alterations and additions for the use as a Childcare Centre at 472 Sydney Road Balgowlah be **approved** as a **Deferred Commencement** subject to standard conditions, with the consent not operating until the applicant has submitted suitably amended plans and information addressing the following:

ANS01

Provision of a let down and pick up area within the subject premises using the existing vehicle access driveways off Sydney Road. With the let down and pick up area effectively isolated from the operational areas of the child care centre by the installation of substantial vehicle safety bollards to Structural Engineers design and child resistant transparent style safety fence, to maximise safety of children attending the centre.

ANS02

Landscaping to the southern side of the proposed play area is to be of suitable design with planting species and numbers selected and spaced such that visibility/sight lines are maximised, to eliminate potential vehicle and pedestrian conflicts.

ANS03

Provision of a separate pedestrian access gate at the eastern end of the site, to maximise safety of children attending the centre.

ANS04

The applicant to submit a traffic risk management assessment and recommendation for risk mitigation for the site for Council's prior approval.

ANS05

All the recommendations in the report noise assessment prepared by Rodney Stevens, RSA No 2481, dated December 2006 are to be implemented. This may require the fitting of mechanical ventilation.

ANS06

The windows and doors are to be closed at all times. The doors from the indoor play activity area are to be only opened for access.

DA1

This approval relates to drawings/plans Nos. Job 748 Sheets 1 – 8 revision A dated August 2006 and received by Council on the 23 October 2006, as amended by the above deferred commencement conditions.

DA008

Where a facility is to be constructed primarily for use by children, access and facilities shall be designed in accordance with Australian Standard 1428.3.

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 \$2,200. 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.

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.

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.

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.

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.

DA069

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

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.

DA078

The use at all times shall be conducted so that no odours or other air impurities are detectable beyond the boundaries of the premises.

DA083

All work involving lead paint removal must not cause lead contamination of the air or ground.

DA109

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

DA110

No approval is expressed or implied for excavation works.

DA111

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

DA113

Care shall be taken to prevent any damage to adjoining buildings.

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

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.

DA095

A copy of the approved Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) plan showing Work as Executed (WAE) details shall be submitted to Council prior to the issue of the Occupation Certificate. The work as executed plan shall be in accordance with Council's standards and specifications for Stormwater Drainage and On-site Stormwater Management 2003.

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.

DA118

Any proposed fence between the building line and the street alignment is to incorporate relief treatment features, such as recesses for planting, feature panels, capping, stepped heights and the like, shall be designed to provide for deep rooted planting where appropriate. Details shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

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 B. construction for a Class 7a and 9b 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.

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.

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 Operations Act 1997.

DA228

No existing street trees shall be removed without Council approval. Where such approval is granted, the trees shall be replaced at full cost by the applicant with super advanced trees of a species nominated by Council's relevant officer.

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.

DA233

The collection of garbage from the premises is not to occur between the hours of 10.00pm and 5.00am Monday to Sunday, without the prior approval of Council, to minimise disruption to neighbouring properties.

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.

DA235

Contact should be made with the Trade Waste Office of Sydney Water to discuss the requirements

for Trade Waste Disposal.

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.

DA247

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

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.

DA358

Details are to be provided of at least three (3) existing or proposed endemic trees for the site that are typically expected to reach a height at maturity of 10 metres. A list of appropriate endemic trees for the Manly area may be obtained at Council's Customer Service desk. Details of new planting are to include appropriate siting and pot size (minimum of 25 litres) in accordance with section 3.2 of the Residential Development Control Plan 2001. Details are to be submitted with the Construction Certificate to the satisfaction of the Council/Accredited Certifier.

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.

DA257

All towers, ventilation/ducting, exhaust fan structures and any other structures on the roof are to be the subject of a separate Development Application.

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.

DA264

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

DA265

Once commenced the development hereby permitted shall only be continued in accordance with the conditions of approval and to the satisfaction of the Principal Certifying Authority.

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

Footing inspection - trench and steel

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.

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.**

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.

DA332

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

DA337

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

DA340

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

- (i) siltation fencing;

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

DA288

No external sound amplification equipment or loud speakers shall be used for the announcement, broadcast, playing of music or similar purposes.

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.

DA290

The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.

DA291

The hours of operation of the premises shall not exceed 7:30am to 6:00pm Monday to Friday without the prior approval of Council.

DA293

No sandwich boards or the like are to be placed on Council's footpath.

DA295

The proposed sign shall be erected in accordance with the requirements of Council Development Control Plan for Advertising Signs.

DA329

The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

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.

Part B

Council seek from the RTA a reduction to 50kph for that section of Sydney Road from Manly Road to Wanganella Street.

Sufficient space for four cars at the southern end of Pickworth Avenue to be a 15 minutes parking zone and this matter be referred to the Traffic Committee for further consideration.

L15/07 RESOLVED: (Morrison / Heasman)

That Development Application No. 480/06 for alterations and additions for the use as a Childcare Centre at 472 Sydney Road Balgowlah be **approved** as a **Deferred Commencement** subject to standard conditions, with the consent not operating until the applicant has submitted suitably amended plans and information addressing the following:

ANS01

Provision of a let down and pick up area within the subject premises using the existing vehicle access driveways off Sydney Road. With the let down and pick up area effectively isolated from the operational areas of the child care centre by the installation of substantial vehicle safety bollards to Structural Engineers design and child resistant transparent style safety fence, to maximise safety of children attending the centre.

ANS02

Landscaping to the southern side of the proposed play area is to be of suitable design with planting species and numbers selected and spaced such that visibility/sight lines are maximised, to eliminate potential vehicle and pedestrian conflicts.

ANS03

Provision of a separate pedestrian access gate at the eastern end of the site, to maximise safety of children attending the centre.

ANS04

The applicant to submit a traffic risk management assessment and recommendation for risk mitigation for the site for Council's prior approval.

ANS05

All the recommendations in the report noise assessment prepared by Rodney Stevens, RSA No 2481, dated December 2006 are to be implemented. This may require the fitting of mechanical ventilation.

ANS06

The windows and doors are to be closed at all times. The doors from the indoor play activity area are to be only opened for access.

DA1

This approval relates to drawings/plans Nos. Job 748 Sheets 1 – 8 revision A dated August 2006 and received by Council on the 23 October 2006, as amended by the above deferred commencement conditions.

DA008

Where a facility is to be constructed primarily for use by children, access and facilities shall be designed in accordance with Australian Standard 1428.3.

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 \$2,200. 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.

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.

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.

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.

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.

DA069

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

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.

DA078

The use at all times shall be conducted so that no odours or other air impurities are detectable beyond the boundaries of the premises.

DA083

All work involving lead paint removal must not cause lead contamination of the air or ground.

DA109

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

DA110

No approval is expressed or implied for excavation works.

DA111

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

DA113

Care shall be taken to prevent any damage to adjoining buildings.

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

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.

DA095

A copy of the approved Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) plan showing Work as Executed (WAE) details shall be submitted to Council prior to the issue of the Occupation Certificate. The work as executed plan shall be in accordance with Council's standards and specifications for Stormwater Drainage and On-site Stormwater Management 2003.

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.

DA118

Any proposed fence between the building line and the street alignment is to incorporate relief treatment features, such as recesses for planting, feature panels, capping, stepped heights and the like, shall be designed to provide for deep rooted planting where appropriate. Details shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

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 B. construction for a Class 7a and 9b 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.

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.

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 Operations Act 1997.

DA228

No existing street trees shall be removed without Council approval. Where such approval is granted, the trees shall be replaced at full cost by the applicant with super advanced trees of a species nominated by Council's relevant officer.

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.

DA233

The collection of garbage from the premises is not to occur between the hours of 10.00pm and 5.00am Monday to Sunday, without the prior approval of Council, to minimise disruption to neighbouring properties.

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.

DA235

Contact should be made with the Trade Waste Office of Sydney Water to discuss the requirements for Trade Waste Disposal.

DA237

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

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

DA247

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

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.

DA358

Details are to be provided of at least three (3) existing or proposed endemic trees for the site that are typically expected to reach a height at maturity of 10 metres. A list of appropriate endemic trees for the Manly area may be obtained at Council's Customer Service desk. Details of new planting are to include appropriate siting and pot size (minimum of 25 litres) in accordance with section 3.2 of the Residential Development Control Plan 2001. Details are to be submitted with the Construction Certificate to the satisfaction of the Council/Accredited Certifier.

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.

DA257

All towers, ventilation/ducting, exhaust fan structures and any other structures on the roof are to be the subject of a separate Development Application.

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.

DA264

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

DA265

Once commenced the development hereby permitted shall only be continued in accordance with the conditions of approval and to the satisfaction of the Principal Certifying Authority.

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

Footing inspection - trench and steel

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.

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.**

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.

DA332

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

DA337

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

DA340

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

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

DA288

No external sound amplification equipment or loud speakers shall be used for the announcement, broadcast, playing of music or similar purposes.

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.

DA290

The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.

DA291

The hours of operation of the premises shall not exceed 7:30am to 6:00pm Monday to Friday without the prior approval of Council.

DA293

No sandwich boards or the like are to be placed on Council's footpath.

DA295

The proposed sign shall be erected in accordance with the requirements of Council Development Control Plan for Advertising Signs.

DA329

The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

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.

Part B

Council seek from the RTA a reduction to 50kph for that section of Sydney Road from Manly Road to Wanganella Street.

Sufficient space for four cars at the southern end of Pickworth Avenue to be a 15 minutes parking zone and this matter be referred to the Traffic Committee for further consideration.

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

Against the Resolution: Nil

Councillor S Cant arrived at 8.10pm

Environmental Services Division Report No. 9

18 Augusta Road, Manly - DA133/03

<u>Application Lodged:</u>	30 March 2006
<u>Applicant:</u>	Choi Ropiha
<u>Owner:</u>	V Tzioumis
<u>Estimated Cost:</u>	\$300,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential dwellings and residential flat buildings
<u>Surrounding Development:</u>	
<u>Heritage:</u>	The property is in the vicinity of Quinton Road which is Heritage listed, as well as Ocean Road, which is listed for its sandstone kerbs.

SUMMARY:

1. THIS IS A PROPOSAL FOR ALTERATIONS AND ADDITIONS TO EXISTING SEMI-DETACHED DWELLING, INCLUDING A DOUBLE GARAGE TO THE REAR WITH ACCESS OFF SHERIDAN PLACE.
2. THE PROPOSAL WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE (3) SUBMISSIONS RECEIVED.
3. THE PROPOSAL WAS REFERRED TO COUNCILS DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 14TH SEPTEMBER 2006 WHERE IT WAS RECOMMENDED FOR REFUSAL.
4. THE PLANNING CONCERNS WERE DISCUSSED WITH THE APPLICANT AND REVISED PLANS WERE SUBMITTED.
5. THE REVISED PLANS WERE NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH TWO SUBMISSIONS RECEIVED.
6. THE APPLICATION IS REPORTED TO COUNCILS LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLORS LAMBERT AND MACDONALD.
7. A SITE INSPECTION IS RECOMMENDED.
8. APPROVAL OF THE APPLICATION SUBJECT TO CONDITIONS IS RECOMMENDED.

PUBLIC ADDRESSES

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

Against: Mr Gordon Eastwood

In Support: Ms Vicki Tzioumis, Applicant

SITE INSPECTIONS

A site inspection of 18 Augusta Road, Manly (DA133/06) Alterations & Additions to Existing Semi-detached Dwelling, including a Double Garage to the Rear with Access off Sheridan Place was conducted by Councillors B Aird, J Hay, A Heasman, J Lambert, P Macdonald and D Murphy.

Inspection Party Recommendation:

No Recommendation

MOTION (Hay / Macdonald)

That Development Application 133/06 for alterations and additions for the existing semi-detached

dwelling including a new double garage and landscaping at 18 Augusta Road, Manly be **approved** as a **Deferred Commencement** subject to the following conditions:

DA1

This approval relates to project number 0602 drawings/plans Nos. DA 03 06 13 issue A dated March 2006 and received by Council on 30 March 2006 and DA02 05 07 09 issue B and DA04 08 issue C dated March 2006 and DA09A issue A dated Oct 2006 received by Council on 18 October 2006.

ANS01

A minimum of two (2) endemic species of tree are to be included within the landscape plan and the plans are to be amended accordingly prior to issue of the Construction Certificate

ANS02

A solid privacy screen is to be provided along the eastern side of the site from the rear wall of the dwelling extending a minimum 6.5m, and along the eastern side of the garage roof terrace/lawn area in order to provide effective screening between the subject site and the rear yard of the adjoining property to the east, plans are to be amended accordingly prior to the issue of the construction certificate.

ANS04

The proposed balcony accessed off the master bedroom at first floor level is to be provided with privacy screens 1.7m high to the eastern end, to maintain the amenity of adjoining properties, plans being suitably amended prior to issue of the Construction Certificate.

ANS05

Submission of an amended landscape plan showing any privacy screening and planting between the dwelling and the proposed garage of a species having a mature height of RL 42.66 or 2.5m – whichever is the lesser.

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.

DA014

No portion of the proposed building or works, including gates and doors during opening and closing operations are to encroach upon any road reserve or other public land.

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.

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 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.

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.

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.

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.

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.

DA065

All external cladding and trim of the approved building shall be of a non reflective nature (with reflectivity index of maximum 20%). Details of such finishes shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA066

Suitable internal or external clothes drying facilities shall be provided. Where external clothes drying facilities are provided, details of the screening of these facilities are to be incorporated in the landscape design. Details of clothes drying facilities shall be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA069

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

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.

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.

DA229

Excavation adjacent to the road boundary shall be adequately shored to support the roadway and all improvements and services within the road reserve. Protective fencing shall be provided to ensure the safety of the public.

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.

DA241

Details shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate indicating the proposed method of water proofing and drainage of the concrete slabs over which landscaping is being provided.

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.

DA253

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

DA254

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

DA260

Detailed engineering drawings of all work shall be submitted for approval by the Council/Accredited Certifier prior to the release of the Subdivision Certificate/Construction 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.

DA264

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

DA265

Once commenced the development hereby permitted shall only be continued in accordance with the conditions of approval and to the satisfaction of the Principal Certifying Authority.

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
- Footing inspection - trench and steel
- Reinforced concrete slab X 6
- Framework inspection
- Wet area moisture barrier
- Drainage inspection
- Final inspection

The cost of these inspections by Council is \$2,760. (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.

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.

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.

DA287

No blasting is to be carried out at any time during construction of the building.

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.

DA290

The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.

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".

DA329

The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

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 Motion: Councillors Macdonald, Hay, Lambert, Cant, Morrison, Pedersen, Evans and Norek

Against the Motion: Councillors Heasman, Murphy and Aird

AMENDMENT (Murphy / Heasman)

That Development Application 133/06 for alterations and additions for the existing semi-detached dwelling at 18 Augusta Road, Manly be **approved** as a **Deferred Commencement** subject to the following conditions:

The proposed double garage is to be reduced to a 1.5 car width garage, reduced from the Eastern

side, extending further back to give similar floor area with the area between the garage and the eastern side boundary landscaped and planted with trees/shrubs in order to reduce the visual impact of the development on the streetscape of Sheridan Place, plans being amended accordingly prior to issue of the Construction Certificate.

Retain ANS04 - the balcony with solid privacy screens at eastern end.

Submission of an amended landscape plan showing any privacy screening and planting between the dwelling and the proposed garage of a species having a mature height of RL 42.66 or 2.5m – whichever is the lesser.

For the Amendment: Councillors Heasman and Murphy

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

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

L16/07 **RESOLVED: (Hay / Macdonald)**

That Development Application 133/06 for alterations and additions for the existing semi-detached dwelling including a new double garage and landscaping at 18 Augusta Road, Manly be **approved** as a **Deferred Commencement** subject to the following conditions:

DA1

This approval relates to project number 0602 drawings/plans Nos. DA 03 06 13 issue A dated March 2006 and received by Council on 30 March 2006 and DA02 05 07 09 issue B and DA04 08 issue C dated March 2006 and DA09A issue A dated Oct 2006 received by Council on 18 October 2006.

ANS01

A minimum of two (2) endemic species of tree are to be included within the landscape plan and the plans are to be amended accordingly prior to issue of the Construction Certificate

ANS02

A solid privacy screen is to be provided along the eastern side of the site from the rear wall of the dwelling extending a minimum 6.5m, and along the eastern side of the garage roof terrace/lawn area in order to provide effective screening between the subject site and the rear yard of the adjoining property to the east, plans are to be amended accordingly prior to the issue of the construction certificate.

ANS04

The proposed balcony accessed off the master bedroom at first floor level is to be provided with privacy screens 1.7m high to the eastern end, to maintain the amenity of adjoining properties, plans being suitably amended prior to issue of the Construction Certificate.

ANS05

Submission of an amended landscape plan showing any privacy screening and planting between the dwelling and the proposed garage of a species having a mature height of RL 42.66 or 2.5m – whichever is the lesser.

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.

DA014

No portion of the proposed building or works, including gates and doors during opening and closing operations are to encroach upon any road reserve or other public land.

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.

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 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.

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.

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.

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.

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.

DA065

All external cladding and trim of the approved building shall be of a non reflective nature (with reflectivity index of maximum 20%). Details of such finishes shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA066

Suitable internal or external clothes drying facilities shall be provided. Where external clothes drying facilities are provided, details of the screening of these facilities are to be incorporated in the landscape design. Details of clothes drying facilities shall be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA069

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

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.

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.

DA229

Excavation adjacent to the road boundary shall be adequately shored to support the roadway and all improvements and services within the road reserve. Protective fencing shall be provided to ensure the safety of the public.

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.

DA241

Details shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate indicating the proposed method of water proofing and drainage of the concrete slabs over which landscaping is being provided.

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.

DA253

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

DA254

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

DA260

Detailed engineering drawings of all work shall be submitted for approval by the Council/Accredited Certifier prior to the release of the Subdivision Certificate/Construction 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.

DA264

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

DA265

Once commenced the development hereby permitted shall only be continued in accordance with the conditions of approval and to the satisfaction of the Principal Certifying Authority.

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
- Footing inspection - trench and steel
- Reinforced concrete slab X 6
- Framework inspection
- Wet area moisture barrier
- Drainage inspection
- Final inspection

The cost of these inspections by Council is \$2,760. (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.

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.

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.

DA287

No blasting is to be carried out at any time during construction of the building.

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.

DA290

The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.

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".

DA329

The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

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, Lambert, Cant, Morrison, Pedersen, Evans and Norek

Against the Resolution: Councillors Heasman, Murphy and Aird

Environmental Services Division Report No. 10

Unit 21, 4-8 Darley Road, Manly - DA156/06

<u>Application Lodged:</u>	18 October 2006
<u>Applicant/Owner:</u>	J & Z Burt
<u>Estimated Cost:</u>	\$5,000.00
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential And within the Foreshore Scenic Protection Area
<u>Surrounding Development:</u>	Mixed Residential and Business developments
<u>Heritage:</u>	Within The Corso Conservation Area

SUMMARY:

1. COUNCIL RECEIVED DEVELOPMENT APPLICATION 156/06 ON 4 APRIL 2006. THE APPLICATION PROPOSED THE ERECTION OF AN AWNING OVER THE EXISTING BALCONY OF UNIT 21 ON THE UPPERMOST FLOOR OF A MIXED COMMERCIAL AND RESIDENTIAL BUILDING.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH NO SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFUSED UNDER DELEGATED AUTHORITY ON 6 SEPTEMBER 2006 FOR REASONS RELATING TO VISUAL BULK, INCONSISTENCY WITH EXISTING ARCHITECTURAL STYLE AND INADEQUATE DRAINAGE CONTROL.
4. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.
5. THE REVIEW APPLICATION WAS NOT NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS AS THERE IS NO CHANGE FROM THE PROPOSAL PREVIOUSLY NOTIFIED.
6. THE REVIEW APPLICATION WAS NOT REFERRED TO THE PRECINCT COMMITTEE, AS THE PRECINCT COMMITTEE DID NOT COMMENT ON THE ORIGINAL APPLICATION.
7. THE APPLICATION IS REPORTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
8. A SITE INSPECTION IS RECOMMENDED.
9. REFUSAL OF THE APPLICATION IS RECOMMENDED.

PUBLIC ADDRESSES

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

In Support: Jeff & Zabi Burt, Owner

SITE INSPECTIONS

A site inspection of Unit 21, 4-8 Darley Road, Manly - DA156/06 (DA156/06) Erection of Awning over the Existing Balcony on the Uppermost Floor of a Mixed Commercial and Residential Building was conducted by Councillors B Aird, J Hay, A Heasman, J Lambert, P Macdonald and D Murphy.

Inspection Party Recommendation

Part A.

That Development Application No.156/06 for erection of an awning over the existing balcony at Unit 21, 4-8 Darley Road, Manly be **approved** subject to standard conditions and the following additional conditions;

ANS01

The awning is to be provided with a gutter and downpipe to collect roof water drainage convey it to the existing surface water drainage system for the balcony, to prevent drainage nuisance to other apartments in the building, plans being suitably amended/notated prior to issue of the Construction Certificate.

ANS02

The awning is to be provided with fascia/end sealing treatment to provide a quality architectural finish to the addition, plans being suitably detailed/amended prior to issue of the Construction Certificate.

Part B.

The Owners Corporation be advised that, to maintain the architectural consistency/integrity of the building, any future development application to Council for awnings to other apartments within the building should propose similar design and materials to that approved at 21/ 4-8 Darley Road.

MOTION (Macdonald / Hay)

That:

Part A.

Development Application No.156/06 for erection of an awning over the existing balcony at Unit 21, 4-8 Darley Road, Manly be **approved** subject to standard conditions and the following additional conditions;

ANS01

The awning is to be provided with a gutter and downpipe consistent with the colour scheme of the existing building to collect roof water drainage convey it to the existing surface water drainage system for the balcony, to prevent drainage nuisance to other apartments in the building, plans being suitably amended/notated prior to issue of the Construction Certificate.

ANS02

The awning is to be provided with fascia/end sealing treatment to provide a quality architectural finish to the addition, plans being suitably detailed/amended prior to issue of the Construction Certificate.

DA1

This approval relates to drawings/plans Nos. "Floor Plan and Side Elevation" (1 sheet) dated 18 January 2006 and received by Council on 4 April, 2006.

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 \$200. 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.

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.

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.

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.

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.**

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 & 7 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.

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.

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:-

- Final inspection

The cost of these inspections by Council is \$220 (being \$220.00 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 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 \$100.00.

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.

Part B.

The Owners Corporation be advised that, to maintain the architectural consistency/integrity of the building, any future development application to Council for awnings to other apartments within the building should propose similar design and materials to that approved at 21/ 4-8 Darley Road.

L17/07 **RESOLVED: (Macdonald / Hay)**

That:

Part A.

Development Application No.156/06 for erection of an awning over the existing balcony at Unit 21, 4-8 Darley Road, Manly be **approved** subject to standard conditions and the following additional conditions:

ANS01

The awning is to be provided with a gutter and downpipe consistent with the colour scheme of the existing building to collect roof water drainage convey it to the existing surface water drainage system for the balcony, to prevent drainage nuisance to other apartments in the building, plans being suitably amended/notated prior to issue of the Construction Certificate.

ANS02

The awning is to be provided with fascia/end sealing treatment to provide a quality architectural finish to the addition, plans being suitably detailed/amended prior to issue of the Construction Certificate.

DA1

This approval relates to drawings/plans Nos. "Floor Plan and Side Elevation" (1 sheet) dated 18

January 2006 and received by Council on 4 April, 2006.

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 \$200. 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.

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.

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.

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.

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.**

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 & 7 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.

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.

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:-

- Final inspection

The cost of these inspections by Council is \$220 (being \$220.00 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 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 \$100.00.

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.

Part B.

The Owners Corporation be advised that, to maintain the architectural consistency/integrity of the building, any future development application to Council for awnings to other apartments within the building should propose similar design and materials to that approved at 21/ 4-8 Darley Road.

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. 11

Development Applications Currently Being Processed

SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING MARCH 2007.

MOTION (Macdonald / Morrison)

That development applications currently being processed during March 2007 be noted.

L18/07 RESOLVED: (Macdonald / Morrison)

That development applications currently being processed during March 2007 be noted.

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

Against the Resolution: Nil

Councillor Evans was not in the Chamber when the Motion was put

Environmental Services Division Report No. 12

Appeals List for March 2007**SUMMARY**

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

MOTION (Pedersen / Macdonald)

That the list of appeals received for March 2007 and their current status be noted.

L19/07 RESOLVED: (Pedersen / Macdonald)

That the list of appeals received for March 2007 and their current status be noted.

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

Against the Resolution: Nil

Councillor Evans was not in the Chamber when the Motion was put.

Environmental Services Division Report No. 13

Response from the General Manager to the Report on 'A Review of the DA Process'**MOTION (Lambert / Macdonald)**

Would like it noted that:

Leaving aside the matter of the Matrix that this report be rewritten using more professional language and more accurately reflecting current realities of Manly Council's DA process and concerns reflected by the outcomes of this review process.

AMENDMENT (Hay / Murphy)

That the response from the General Manager to the Report on 'A Review of the DA Process' be received and noted.

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

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

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

FORESHADOWED AMENDMENT (Pedersen / Cant)

That the Report on 'A Review of the DA Process' be further discussed in a workshop setting and that DA staff be included before being brought back to Council.

For the Foreshadowed Amendment: Councillors Hay, Heasman, Cant, Murphy, Pedersen, Aird and Norek

Against the Foreshadowed Amendment: Councillors Macdonald, Lambert, Morrison and Evans

The Foreshadowed Amendment was declared **CARRIED** and became the **MOTION**

L20/07 RESOLVED: (Pedersen / Cant)

That the Report on 'A Review of the DA Process' be further discussed in a workshop setting and that DA staff be included before being brought back to Council.

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

Against the Resolution: Councillor Morrison

CLOSE

The meeting closed at 11.15pm

The above minutes were confirmed at an **Land Use Management Committee** of Manly Council held on 2 April 2007.

CHAIRPERSON

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