

Minutes

Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 6 February 2006

*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*



TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Land Use Management Committee, having met at 7:43 PM on Monday 6 February 2006, 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 Aird
Councillor S Cant
Councillor P Daley
Councillor J Evans
Councillor J Hay, AM
Councillor A Heasman
Councillor J Lambert, Chairperson who presided
Councillor R Morrison, Deputy Chairperson
Councillor D Murphy
Councillor M Norek
Councillor B Pedersen

ALSO PRESENT

Henry T Wong, General Manager
David Stray, Manager Development Control
Mark Pearson, Manager, Regulatory Services
Rachael Levey, Minute Taker

APOLOGIES

Nil.

LEAVE OF ABSENCE

Nil.

DECLARATIONS OF PECUNIARY / CONFLICT INTERESTS

Name:	Item Number:	Nature of Interest:
Mayor Macdonald	ESD No. 3	Owens a property near 118 North Steyne, Manly
Councillor Norek	ESD No. 3	Previously owned a property in North Steyne, Manly

CONFIRMATION OF MINUTES

MOTION (Lambert / Aird)

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 5 December 2005, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

RESOLVED: (Lambert / Aird)

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 5 December 2005, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

At 7:45pm, Councillor Lambert vacated the Chair and The Mayor assumed the Chair for consideration of the Late Item, Mayoral Minute Report No. 1 Future Provision of Health Care to the People of the Northern Beaches, Hospital Issue - Proposed Level 5 Hospital.

MAYORAL MINUTES

Mayoral Minute Report No. 1

Future Provision of Health Care to the People of the Northern Beaches, Hospital Issue - Proposed Level 5 Hospital

Background

Last Friday, February 3rd 2006, I attended a meeting with the State Health Minister Mr John Hatzistergos, along with the State Member for Manly, Mr David Barr. We met to discuss the future provision of healthcare to the people of the Northern Beaches and in particular we discussed the potential locations of an acceptable site for a proposed level 5 new Manly hospital.

We conveyed to the Minister the community's strong feelings of frustration at the delay in making an announcement regarding a new location and we made it clear to him that the selection of a site outside the demographic centre of the area would be completely unacceptable.

As Councillors are aware from media reports, Pittwater Council has recently made a submission to the Minister proposing a new level 5 hospital at Warriewood with the closure of the Mona Vale Hospital. David Barr and I outrightly rejected this proposal.

The other key issue we raised was the State Government's move to downgrade services at Manly Hospital's Maternity Unit. The move by the State Government to limit the number of staff and deliveries at Manly Hospital has been met by passionate opposition from the local community. Over the last 5 days alone, the State Member for Manly has received more than 2600 representations from residents all opposed to the downgrading of services and calling on the State Government to ensure that current services at the maternity unit are maintained.

Under the proposed re-configuration, the State Government would reduce the number of births per month at Manly Hospital from 65 to 30 and would encourage mothers to travel to Mona Vale or

Royal North Shore for deliveries. My understanding is that in the upcoming month of March, there are 95 deliveries already booked for Manly Hospital which is a clear vote of confidence in the maternity unit and its staff and serves as a strong indication of the changing demographics in the area, reflective of the growing number of young families living here.

To his credit, the Minister has invited myself and the State Member to make a submission before the end of February 2006 arguing for the retention of services and presenting a plan for the provision of the necessary obstetric support.

But on the whole, the State Government should be ashamed that the people of Manly and the Northern Beaches have had to fight so hard for the provision of basic healthcare services. Infrastructure has been poorly maintained, staffing levels have been reduced and no clear direction forward has been outlined. Our doctors and nurses are doing an outstanding job under challenging conditions but they and the community all deserve better. We must not be neglected nor will we let our public hospital services be run down.

MOTION (Macdonald)

1. In regard to the selection of a suitable site for a Level 5 Hospital on the Northern Beaches, Manly Council calls on the State Government to acknowledge the work already done via an extensive process of consultation and research over the last 5 years.
2. That Manly Council demands that the State Government select and announce a site and demonstrate the funding available to construct without delay a Level 5 Hospital based on the location of the demographic centre of the study area and how to best serve the health needs of the entire population of the Northern Beaches;
3. That Manly Council calls on the State Government to abandon its plans to downgrade the services at the Manly Hospital Maternity Unit and instead assure the community that the current service levels will all be maintained until such time as a new Manly Hospital is built.
4. That Manly Council expresses its support for the Manly Hospital site be used for aged care facilities and other allied community health services.
5. That Manly Council convey these resolutions to the Premier and the Health Minister as a matter of priority.

RESOLVED: (Macdonald)

1. In regard to the selection of a suitable site for a Level 5 Hospital on the Northern Beaches, Manly Council calls on the State Government to acknowledge the work already done via an extensive process of consultation and research over the last 5 years.
2. That Manly Council demands that the State Government select and announce a site and demonstrate the funding available to construct without delay a Level 5 Hospital based on the location of the demographic centre of the study area and how to best serve the health needs of the entire population of the Northern Beaches;
3. That Manly Council calls on the State Government to abandon its plans to downgrade the services at the Manly Hospital Maternity Unit and instead assure the community that the current service levels will all be maintained until such time as a new Manly Hospital is built.
4. That Manly Council expresses its support for the Manly Hospital site be used for aged care facilities and other allied community health services.

5. That Manly Council convey these resolutions to the Premier and the Health Minister as a matter of priority.

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

Against the Resolution: Nil.

At 8:09pm, The Mayor vacated the Chair and Councillor Lambert resumed the Chair and presided over the remaining items of the Land Use Management Committee Meeting.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 1

Shop 1, 2 Sydney Road, Manly (DA135/95)

Application Lodged: 18th October 2005

Applicant: Zubeyde Demirbag

Owner: Thousand Miles Pty Ltd

Estimated Cost: \$0.00

Zoning: Manly Local Environmental Plan, 1988 - Business the property is also in the foreshore scenic protection area. hotels retail and commercial premises and residential development

Surrounding Development: The property is in The Corso Conservation Area and is in the vicinity of a number of listed items.

Heritage:

SUMMARY:

1. The original Development Application was approved by Council on the 10th July 1995 subject to a specific consent condition, reducing the hours of operation from those applied for to 8.00 am till 12.00 midnight.
2. On the 13th December 2002 Council received a request for modification of details of development consent, asking that the hours of operation be extended to Monday to Thursday 9.00 a.m. to 4.30 a.m., Friday to Saturday 9.00 a.m. to 5.00 a.m., and Sunday 9.00 a.m. to 1.00 a.m.
3. The application was refused by Council and this decision was conveyed to the applicant on 29th October 2003.
4. On the 15th January 2004 Council received a request for review of the determination of the Section 96 modification under Section 82(a).
5. On 12 February 2004 Council received documentation concerning an appeal to the Land and Environment Court of New South Wales.
6. Council considered the review of determination and resolved to reiterate the previous reasons for refusal. The applicant was advised of the outcome in a letter dated 3rd March 2004.
7. On 17th of May 2004 a Mayoral Minute was adopted agreeing to Consent Orders to be made by the Land and Environment Court allowing Friday and Saturday nights to 4.30am, Monday to Thursday to 3.30am and Sunday night 1 a.m. close.
8. On 2nd June 2004 the applicant lodged a notice of discontinuance of the appeal.
9. The applicant lodged the current modification on 28th October 2005.
10. The application was notified and objections received.
11. The request was presented to Council's developed assessment unit meeting of the 14th December 2005 with a recommendation for a limited extension of trading hours for a three-month trial period after which time the closing time, returned to 12 midnight, seven days a week, unless an application is approved for this condition to remain permanent. The developed assessment unit recommended the hours of operation be until 1.30 a.m. and the

- imposition of the conditions of consent consistent with 102 The Corso as issued by the Court.
12. The matter is presented to Council's Land Use Management meeting at the request of Councillor Norek.
 13. Following adoption of the Development Control Plan for late-night venues 2005 on 19th December 2005, the application was re-debated by the Development Assessment Unit and it was resolved that the hours of operation are not to exceed 9.00 a.m. to 1.00 a.m. Monday to Sunday in accordance with this Development Control Plan.

PUBLIC ADDRESSES:

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

Objector: Sidar Demirbag - Shop Owner

MOTION (Daley / Hay)

That Development Application 135/95 for Turkish Pizzas and Kebab Shop at Shop 1, 2 Sydney Road, Manly, be modified subject to the original conditions of consent with Condition No. 1 modified and Condition Nos. 1a, 20 and 21 added as follows:-

1. The hours of operation are to be 9:00am to 1:00am each day in accordance with the Development Control Plan for Late-Night Venues.
- 1a. Notwithstanding Condition 1 above, the General Manager enter into a Deed of Agreement with the effect of permitting the applicant to trade 9am to 4am Friday and Saturday and 9am to 1am Sunday, and 9am to 3am Monday to Thursday only until the trading hours of Hotels are rolled back.

That the General Manager immediately facilitate the late night take away food agreement and that the owners of Shop 1, 2 Sydney Road be invited to participate in it.

20. No sound amplification equipment, loud speakers or the like shall be used for the broadcasting/playing of music or similar purposes that are audible from Sydney Road.
21. There are to be no flashing or flickering lights or the like operated in or on the premises that are visible from any public place or adjoining property.

AMENDMENT (Aird / Macdonald)

That Development Application 135/95 for Turkish Pizzas and Kebab Shop at Shop 1, 2 Sydney Road, Manly, be modified subject to the original conditions of consent with Condition No. 1 modified and Condition Nos. 14 to 22 added as follows:-

1. The hours of operation are to be 9:00am to 1:00am each day in accordance with the Development Control Plan for Late-Night Venues.
14. The doors to the shop shall be closed and locked by 1:00am every day.
15. A licensed security guard is to be employed at the shop from 11:00pm until 1:15 am on Friday night/ Saturday morning and Saturday night/ Sunday morning to provide a safe environment for patrons of the shop and members of the public. If the shop is closed earlier than 1:00am, the licensed security guard is required to be present at the shop from 11:00pm until 15 minutes after the doors are closed. Details of contracts with security guards required to be employed pursuant to this condition are to be submitted to the Council on request.

16. The security guard is required to provide a safe environment in relation to the following areas:
 - o That the area of Sydney Road bounded to the east by the western boundary of Henrietta Lane and bounded to the west by the eastern side of the Arcade in No 4 Sydney Road.
 - o The area within the shop that is accessible to members of the public.
17. The security guard is required to wear a fluorescent jacket with the word "SECURITY" or like term clearly marked on the jacket. The security guard is also required to display his or her security license.
18. Employees of the shop must make patrols of the patrolling areas hourly after 12 midnight to remove litter in the patrolling areas. All litter removed by employees of the shop shall be disposed of lawfully.
19. Employees of the shop shall remove all litter situated within the patrolling areas at closing time. All litter removed by employees of the shop shall be disposed of lawfully.
20. No sound amplification equipment, loud speakers or the like shall be used for the broadcasting/playing of music or similar purposes that are audible from Sydney Road.
21. There are to be no flashing or flickering lights or the like operated in or on the premises that are visible from any public place or adjoining property.
22. The proprietors are to prepare a Plan of Management which is consistent with the Land and Environment Court Judgment No. 10746 dated 26 October 2005 in respect of purpose, amenity of neighbourhood, behaviour of patrons, waste removal, security and safety and security cameras; incorporating closing hours of 1:00am. This Plan of Management is to be submitted to Council prior to commencement of the extended hours. The operation of the premises is to comply with the Plan of Management.

For the Amendment: Councillors Macdonald, Lambert, Cant, Aird and Evans.

Against the Amendment: Councillors Hay, Heasman, Murphy, Daley, Morrison, Pedersen and Norek.

The **Amendment** was declared **LOST**.

FORESHADOWED AMENDMENT (Norek / Evans)

That this matter be deferred to enable Manly Council to conduct a review of the operating hours of ALL late night food venues and that they be set at negotiated time through the formation of a late night traders accord. Once hotel hours are rolled back these hours can then be renegotiated and brought back to Council.

For the Foreshadowed Amendment: Councillors Evans and Norek.

Against the Foreshadowed Amendment: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Morrison, Pedersen and Aird.

The **Foreshadowed Amendment** was declared **LOST**.

RESOLVED: (Daley / Hay)

That Development Application 135/95 for Turkish Pizzas and Kebab Shop at Shop 1, 2 Sydney Road, Manly, be modified subject to the original conditions of consent with Condition No. 1 modified and Condition Nos. 1a, 20 and 21 added as follows:-

1. The hours of operation are to be 9:00am to 1:00am each day in accordance with the Development Control Plan for Late-Night Venues.
- 1a. Notwithstanding Condition 1 above, the General Manager enter into a Deed of Agreement with the effect of permitting the applicant to trade 9am to 4am Friday and Saturday and 9am to 1am Sunday, and 9am to 3am Monday to Thursday only until the trading hours of Hotels are rolled back.

That the General Manager immediately facilitate the late night take away food agreement and that the owners of Shop 1, 2 Sydney Road be invited to participate in it.
20. No sound amplification equipment, loud speakers or the like shall be used for the broadcasting/playing of music or similar purposes that are audible from Sydney Road.
21. There are to be no flashing or flickering lights or the like operated in or on the premises that are visible from any public place or adjoining property.

For the Resolution: Councillors Hay, Heasman, Murphy, Daley, Morrison, Pedersen and Norek.

Against the Resolution: Councillors Macdonald, Lambert, Cant, Aird and Evans.

A Rescission Motion was lodged by Councillors Aird, Lambert and Evans on this decision prior to the conclusion of the meeting.

Environmental Services Division Report No. 2

2A Beatty Street, Balgowlah (DA318/05)

<u>Application Lodged:</u>	6 July 2005
<u>Applicant:</u>	P Nemes
<u>Owner:</u>	J S Wheelhouse
<u>Estimated Cost:</u>	\$600,00.00
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential and within the Foreshore Scenic Protection Area
<u>Surrounding Development:</u>	Single residential dwellings
<u>Heritage:</u>	Not listed as an Item in the Manly LEP but has the potential to be listed as an Item of Environmental Heritage.

SUMMARY:

1. Development consent is sought for alterations and additions to the existing dwelling on the subject property.
2. The application was notified to the adjoining properties and one (1) submission objecting to the development has been received.
3. The application was referred to the Balgowlah Heights Precinct Community Forum for comments.
4. The application was referred to the Waterways Authority for comments.
5. The application was referred to the Rural Fire Services for comments.
6. This application is presented to Councils Land Use Management Committee at the request of Councillor Morrison.

7. Site inspection is recommended.
8. The application is recommended for conditional approval.

SITE INSPECTION:

A site inspection of 2A Beatty Street, Balgowlah was conducted by Councillors Evans, Hay, Heasman, Lambert, Macdonald, Morrison and Murphy on Monday, 6 February 2006.

Inspection Party Recommendation:

No recommendation.

PUBLIC ADDRESSES:

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

Applicant: Scott Wheelhouse

Supporter: Terry Metherell

MOTION (Morrison / Hay)

A. It is recommended that:-

1. A report be prepared to Council recommending that the property be listed as an item of local significance.
2. Consideration be given to preparing a report to Council recommending that the property be nominated as an item of state significance
3. That a copy of the unpublished manuscript *History – Beatty Street, Balgowlah* by Wheelhouse, S., n.d. be made available to Council

B. That Development Application No. 318/05 for alterations and additions to an existing sandstone dwelling at 2A, Beatty Street, Balgowlah be approved, subject to the following conditions:-

ANS25

All stormwater from the dwelling and surrounding deck area being collected and directed to the existing energy dissipator with certification regarding its suitability from a Hydraulics Engineer being submitted to Council prior to issue of the Construction Certificate.

DA1

This approval relates to drawings/plans Nos. Nos. 03, 08-(4) DA 1.401 Rec C, DA 1.501 Rev C, DA1.502 Rev C, DA1.503 Rev C, and DA1.601 to 604 Rev B all dated 14 November 2005 and received by Council on the 18 November 2005 and Landscape Plan No. L01A dated July 2005 and received by Council on the 6 July 2005 (as amended by revised building footprint 14 November 2005).

ANS01

All new masonry walls should not be attached to any sandstone walls directly. A 75mm separation is to be kept and filled with removable fabric selected to cause no injury to the sandstone structure.

ANS02

The proposed works are to be carried out in a manner that minimizes demolition, alterations, new penetrations/fixing or irreversible damage to the significant fabric of the existing building which is a potential Heritage Item. Particular care shall be taken to minimize damage to the significant fabric

of the building during the carrying out of the internal fit-out and any electrical or plumbing works.

ANS03

The applicant is to commission experienced tradesperson (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.

ANS04

Should any historic relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 147 of the Heritage Act 1977.

ANS05

Should any Aboriginal relics be unexpectedly discovered than all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

ANS06

An archival photographic record of all contents, including fixtures and fittings as per guidelines provided by the Heritage Office is to be undertaken and submitted to Council.

ANS07

Photographic archival recording is to be made of the existing cottage/dwelling prior to issue of the Construction Certificate and commencement of works.

ANS08

The proposed works are carried out so that:-

- (a) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, within the adjoining public reserve, on the bed or shore or into the waters of Manly Cove; and
- (b) No materials are likely to be carried by natural forces to the adjoining public reserve, the bed, shore or waters of Manly Cove.

ANS09

Any material that does enter the adjoining public reserve or waters of Manly Cove must be removed immediately.

ANS10

In relation to the above, best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, construction. Methods shall be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater - Soils & Construction* issued by the NSW Department of Housing in 1998 and any other relevant Council requirements.

ANS11

The erosion, sediment and pollution controls shall be installed and stabilised before commencement of site works. This does not include the works associated with the construction of the appropriate controls.

ANS12

The proposed system for erosion, sediment and pollution control is to be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

ANS13

Any material that is to be stockpiled on site is to be covered and stabilised to prevent erosion or dispersal of the material into the adjacent waterway.

ANS14

Native trees that are present on the site and adjoining land are to be retained and fully protected for the duration of the works. In particular, works are to be undertaken with regard to protection of the root zone of trees, including preventing stockpiling of materials, parking of equipment and machinery and alteration of soil levels within the root zone.

ANS15

Foreshore landscaping is to be comprised of locally indigenous species, which represent the original plant communities that would have been found along the shoreline in the vicinity of the subject land.

ANS16

Access for delivery and removal of material to and from the site is not to make use of the public reserve area or the waterway and adjoining foreshore.

ANS17

Construction shall comply with AS3959 - 1999 level 3 'Construction of Buildings in bushfire prone areas'.

ANS18

There is to be no exposed timber on the proposed structure.

ANS19

The entire property shall be managed as an 'inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001. as the land has a slope of greater than 18 degrees, the property will be required to be landscaped (eg terracing) to allow the property to be maintained.

ANS20

All fencing shall be constructed from non-combustible materials.

ANS21

In addition to the reticulated water supply, a 10,000 litre tank for the exclusive use for fire fighting purposes shall be provided and a minimum of 3kW (5hp) petrol or diesel powered pump. A 65mm storz fitting and ball or gate valve shall be installed in the tank.

ANS22

All glazing on the south eastern elevation of the proposal shall be installed and certified to withstand a radiant heat flux of 40kW/smq.

ANS23

Roofing shall be gutterless or have leafless guttering and valleys are to be screened with a fire rated material that has a flammability index not greater than 5 when tested in accordance with AS1530.2, to prevent the build up of flammable material.

ANS24

A construction management plan detailing the manner of builders/materials, access to and egress from the site is to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA016

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

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

work on site.

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

DA017

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

DA018

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

DA019

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

DA021

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

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.

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.

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.

DA060

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

DA357

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

DA109

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

DA111

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

DA087

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

DA121

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

DA126

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

DA230

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

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.

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.

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.

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.

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) then the following inspection/certification during the course of construction are required:-

- Silt control fences
- Footing inspection - trench and steel
- Reinforced concrete slab
- Framework inspection
- Wet area moisture barrier
- Landscaping inspection
- Final inspection

These inspections must be carried out by Council or an Accredited Certifier. The cost of these inspections by Council is \$1540 (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 1573 or 9976 1587.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$100.00.

DA271

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

DA273

All materials stored on site shall be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.

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.

DA356

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

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

DA319

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

DA320

Prior to issue of the Occupation Certificate, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

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.

RESOLVED: (Morrison / Hay)

A. It was resolved that:-

1. A report be prepared to Council recommending that the property be listed as an item of local significance.
2. Consideration be given to preparing a report to Council recommending that the property be nominated as an item of state significance
3. That a copy of the unpublished manuscript *History – Beatty Street, Balgowlah* by Wheelhouse, S., n.d. be made available to Council

B. That Development Application No. 318/05 for alterations and additions to an existing sandstone dwelling at 2A, Beatty Street, Balgowlah be approved, subject to the following conditions:-

ANS25

All stormwater from the dwelling and surrounding deck area being collected and directed to the existing energy dissipator with certification regarding its suitability from a Hydraulics Engineer, being submitted to Council prior to issue of the Construction Certificate.

DA1

This approval relates to drawings/plans Nos. Nos. 03, 08-(4) DA 1.401 Rec C, DA 1.501 Rev C, DA1.502 Rev C, DA1.503 Rev C, and DA1.601 to 604 Rev B all dated 14 November 2005 and received by Council on the 18 November 2005 and Landscape Plan No. L01A dated July 2005 and

received by Council on the 6 July 2005 (as amended by revised building footprint 14 November 2005).

ANS01

All new masonry walls should not be attached to any sandstone walls directly. A 75mm separation is to be kept and filled with removable fabric selected to cause no injury to the sandstone structure.

ANS02

The proposed works are to be carried out in a manner that minimizes demolition, alterations, new penetrations/fixing or irreversible damage to the significant fabric of the existing building which is a potential Heritage Item. Particular care shall be taken to minimize damage to the significant fabric of the building during the carrying out of the internal fit-out and any electrical or plumbing works.

ANS03

The applicant is to commission experienced tradesperson (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.

ANS04

Should any historic relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 147 of the Heritage Act 1977.

ANS05

Should any Aboriginal relics be unexpectedly discovered than all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

ANS06

An archival photographic record of all contents, including fixtures and fittings as per guidelines provided by the Heritage Office is to be undertaken and submitted to Council.

ANS07

Photographic archival recording is to be made of the existing cottage/dwelling prior to issue of the Construction Certificate and commencement of works.

ANS08

The proposed works are carried out so that:-

- (a) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, within the adjoining public reserve, on the bed or shore or into the waters of Manly Cove; and
- (b) No materials are likely to be carried by natural forces to the adjoining public reserve, the bed, shore or waters of Manly Cove.

ANS09

Any material that does enter the adjoining public reserve or waters of Manly Cove must be removed immediately.

ANS10

In relation to the above, best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, construction. Methods shall be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater - Soils & Construction* issued by the NSW Department of Housing in 1998 and any other relevant Council requirements.

ANS11

The erosion, sediment and pollution controls shall be installed and stabilised before commencement of site works. This does not include the works associated with the construction of the appropriate controls.

ANS12

The proposed system for erosion, sediment and pollution control is to be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

ANS13

Any material that is to be stockpiled on site is to be covered and stabilised to prevent erosion or dispersal of the material into the adjacent waterway.

ANS14

Native trees that are present on the site and adjoining land are to be retained and fully protected for the duration of the works. In particular, works are to be undertaken with regard to protection of the root zone of trees, including preventing stockpiling of materials, parking of equipment and machinery and alteration of soil levels within the root zone.

ANS15

Foreshore landscaping is to be comprised of locally indigenous species, which represent the original plant communities that would have been found along the shoreline in the vicinity of the subject land.

ANS16

Access for delivery and removal of material to and from the site is not to make use of the public reserve area or the waterway and adjoining foreshore.

ANS17

Construction shall comply with AS3959 - 1999 level 3 'Construction of Buildings in bushfire prone areas'.

ANS18

There is to be no exposed timber on the proposed structure.

ANS19

The entire property shall be managed as an 'inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001. as the land has a slope of greater than 18 degrees, the property will be required to be landscaped (eg terracing) to allow the property to be maintained.

ANS20

All fencing shall be constructed from non-combustible materials.

ANS21

In addition to the reticulated water supply, a 10,000 litre tank for the exclusive use for fire fighting purposes shall be provided and a minimum of 3kW (5hp) petrol or diesel powered pump. A 65mm storz fitting and ball or gate valve shall be installed in the tank.

ANS22

All glazing on the south eastern elevation of the proposal shall be installed and certified to withstand a radiant heat flux of 40kW/smq.

ANS23

Roofing shall be gutterless or have leafless guttering and valleys are to be screened with a fire rated material that has a flammability index not greater than 5 when tested in accordance with AS1530.2, to prevent the build up of flammable material.

ANS24

A construction management plan detailing the manner of builders/materials, access to and egress

from the site is to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA016

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

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

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

DA017

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

DA018

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

DA019

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

DA021

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

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.

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.

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.

DA060

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

DA357

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

DA109

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

DA111

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

DA087

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

DA121

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

DA126

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

DA230

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

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.

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.

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.

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.

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) then the following inspection/certification during the course of construction are required:-

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection

Wet area moisture barrier

Landscaping inspection

Final inspection

These inspections must be carried out by Council or an Accredited Certifier. The cost of these inspections by Council is \$1540 (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 1573 or 9976 1587.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$100.00.

DA271

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

DA273

All materials stored on site shall be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.

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.

DA356

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

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

DA319

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

DA320

Prior to issue of the Occupation Certificate, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

DA323

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

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

Against the Resolution: Nil.

Having previously declared an interest in Item 3, The Mayor and Councillor Norek left the Chamber and departed the meeting at 10:40pm.

Environmental Services Division Report No. 3

118 North Steyne, Manly (DA508/04)

SUMMARY:

118 North Steyne is the subject of a DA for a 6 level tower proposed to be positioned in the rear of a heritage listed cottage. The proposal also involves the conservation of the cottage and its subsequent use as a residence.

This application was presented to the DAU in July/August 2005 for a determination. The DAU refused the application on a number of numeric and merits grounds. When the matter was referred to the General Manager, he requested the applicant for an open book assessment of the project so as to enable Council to assess the viability of the proposal that called for the restoration of the heritage item. Unfortunately, this information was not provided in due course. In the meantime, the matter was referred to the L&E Court.

When the matter was listed in the Court, the earlier DAU report recommending refusal was presented to Council at its meeting of 19 September 2005. At that meeting, Council resolved to participate in a Court facilitated Neutral Evaluation process sought by the applicant.

The 19 September 2005 resolution was not actioned due to a motion for its rescission. This was considered and rescinded by Council at its meeting held on the 17 October 2005. The subsequent alternative motion called for a report on the option to relocate the heritage cottage. This report was presented to Council on 5 December 2005. At that meeting, Council resolved to receive and note the report which did not support the relocation of the cottage on a number of heritage grounds and principals. It also resolved to participate in the Neutral Evaluation process. However, this resolution was made the subject of a rescission at the meeting. This rescission was considered by Council on 19 December 2005 when it was finally resolved to *inter alia* "... acknowledge the significance of the proposed removal of the cottage from its historic location will have a high impact on its associational significance. As a consequence the cultural significance of the cottage will be severely reduced".

An onsite Neutral Evaluation was facilitated by a Commissioner of the Court on 9 December 2005. In summary, the Commissioner "could not see any problems with the proposal that would warrant a refusal should the matter proceed to a full hearing". Further, on the question of relocation, the Commissioner expressed a view that that was a "desirable alternative as it would remove a large site constraint while enables a complete restoration". It should be noted that the opinion expressed by the Commissioner at a Neutral Evaluation is not binding on the Court when the matter proceeds to a full hearing.

Following the OM of 19 December 2005, a meeting was held with the applicant on 22 December. At the meeting, the applicant was again requested to provide Council with a copy of the economic and financial sensitivity analysis they have prepared for the project so that Council may on an open book basis assess the question of reasonable takeout focusing on the primary object of restoring the heritage cottage.

PUBLIC ADDRESSES:

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

Objector: Anthony Betros

Supporter: Terry Metherell

MOTION (Pedersen / Cant)

Councillor Heasman withdrew her seconding of the Motion which was subsequently seconded by Councillor Cant.

That Council put forward the following conditions of consent to the Land and Environment Court, so that consent orders can be entered into.

That Development Application No 508/04 for alterations and additions to the existing timber cottage, and erection of a six (6) storey residential flat building containing five (5) units with basement parking at 118 North Steyne, Manly be approved subject to the following conditions:-

DA1

This approval relates to drawings/plans Job No. 03098 Nos. A2107, A3100-A3105 and A3200-A3201 Issue J and 3202-3203 dated 22 October 2004 and received by Council on the 22 October 2004.

ANS01

The rear section of the cottage indicated as to be rebuilt is to be retained during construction and the plans to be notated accordingly prior to the submission of the Construction Certificate.

ANS02

The rear chimney and fireplace should be retained or rebuilt in order to retain the character and aesthetic appearance of the cottage and the plans are to be notated accordingly prior to the submission of the Construction Certificate.

ANS03

The proposed new balcony with louvred shutter off the proposed bedroom in the roof-space is to be deleted in order to maintain the existing roof which is an important element of the cottage and the plans are to be notated accordingly prior to the submission of the Construction Certificate.

ANS04

The new skylights in the side and rear elevation are to be of a flush with the slate design and of matching colour to blend with the slate roof and the plans are to be notated accordingly prior to the submission of the Construction Certificate.

ANS05

A detailed photographic archival recording in accordance with the relevant guidelines of the NSW Heritage Office is to be prepared prior to the commencement of works on site showing the exteriors and interiors of the existing cottage and out buildings on site. The record is to be submitted to Council and will be lodged with the Local Studies section of Manly Library.

ANS06

All existing Kentia palms (4x4m trunk, 2x2m trunk, 1x3m trunk, 1x1m trunk plus solo specimens approx 6m + trunk noted on site) are to be transplanted to the northern boundary and *Metrosiderus Excelsa* is to be deleted. Additional Kentia specimens and understorey planting to be include so that the proposed bed is adequately planted. *Cordyline Stricta* is suggested as possible plant, and *Dianella* spp. for supplementary understorey planting.

ANS06

The driveway ramp shall have a mirror installed at the curved section of the driveway to improve safe sight distances for the traffic. The design and details shall be submitted with the application for the Construction Certificate and shall be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

ANS07

A give way sign shall be installed at the entrance of the ramp from the carpark such that the vehicles leaving the carpark give way to the entering traffic as recommended by the traffic report by John Hewitt Traffic Planning Associates Pty Ltd. Amended drawings shall be submitted with the application for the Construction Certificate and shall be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

ANS08

the existing pedestrian pavement in front of the property at North Steyne shall be removed and reconstructed as per Council's "Paving Design Guidelines".

ANS09

If it is proposed to dewater from the excavation a detailed plan of the dewatering shall be submitted to Council for approval. A Construction Certificate shall not be issued until the dewatering plan is approved by Council.

DA001

The development shall be provided with access and facilities for people with disabilities in accordance with Australian Standard 1428.2-1992 Design for Access and Mobility Part 2: Enhanced and additional Requirements (AS1428.2).

DA002

Access in accordance with AS1428.2 shall be provided to and within the main entrance and exit points of the development in accordance with the Manly Development Control Plan for Access.

DA003

Access in accordance with AS4299 - Adaptable Housing shall be provided to at least one unit in the development. Details shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

DA005

A minimum of one car space for the vehicle of people with disabilities in all new or refurbished buildings which provide between 10 to 50 car parking spaces, 2 for those which provide between 50 and 100 car spaces. The car spaces shall be identified and reserved at all times and be in the vicinity of lift or as close as possible to public areas and facilities. The car spaces shall have minimum dimensions and headroom to conform to Australian Standard AS/NZS 2890.1: 2004. This space should be adjacent to the lift and away from the ramp where traffic movement is highest. A notice shall be displayed at the entrance to the parking station and at each change in direction indicating the location of car spaces and the maximum headroom for vehicles. Details shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA007

Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory or wherever directional signage or information is provided to those buildings where access and facilities have been provided. Such signage shall have to regard to the provisions AS1428.2.

DA9

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

DA10

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

DA011

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

DA13

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 \$20,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

DA341

Any Heritage listed stone kerb, removed for construction of a driveway or other approved works, is to be removed without damaging it and contact is to be made with Council's Manager, Construction and Maintenance, for the stone to be transported to Council's 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 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.

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.

DA030

No portion of the proposed building is to encroach onto a Public Road or Reserve, except as may be permitted by the Local Government Act 1993.

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.

DA037

Four (4) certified copies of the Structural Engineer's details in respect to the structural details of the proposed building shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

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 dwelling structure to support the 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.

DA045

All materials and finishes of the proposed additions to the cottage are to match, as closely as possible the material and finish of the existing building with reuse of existing material where possible.

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.

DA050

Certificate(s) from a professional Engineer or other appropriately qualified person is to be submitted which certifies that material, design and/or form of construction complies with the requirements of Clause A2.2 of the Building Code of Australia.

DA054

Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.

DA058

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

DA059

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

DA060

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

DA061

A certificate from a Registered Certifier identifying the location of the building on the site is to be submitted to the Principal Certifying Authority immediately upon completion of the foundations and prior to work proceeding above dampcourse level.

DA064

Each level of the building, at completion of construction of the external walls, is to be certified by a Registered Surveyor as complying with floor area calculations with certificate from the Registered Surveyor being submitted to the Principal Certifying Authority.

DA344

A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund Deposit prior to the issue of the Construction Certificate.

DA345

A report from a qualified Geotechnical Engineer regarding the stability of the site is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

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.

DA070

The dimension of carparking and aisle widths in the carpark are to be as set out in the Australian/New Zealand Standard for off street parking AS/NS25 2890.1 2004. Plans are to be adjusted accordingly prior to the submission of the Construction Certificate.

DA072

The visitor car spaces shall be accessible at all times and a sign post shall be erected at the vehicular entry point(s) of the development indicating the location of the spaces.

DA074

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The area set aside for carparking as shown on the approved plan shall be used for the parking of vehicles and for no other purpose. Any loading or unloading of materials of potential environmental damage must be appropriately bunded with adequate spill response equipment in place to ensure nil runoff from the site.

DA077

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

DA083

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

DA111

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

DA084

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

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.

DA133

All sound producing plant and equipment being installed and operated in such a manner so as not to create a noise nuisance.

DA145

Bollards shall be installed outside exit doors so that such exit doors are not capable of being obstructed by vehicles, goods or other items.

DA146

A clear and unobstructed path of travel is to be provided to all required exit doors in the building, each being at least 1000mm wide (subject to an increase required by any other condition herein in relation to aggregate exit width) and 2000mm in height. NOTE: The owner of a building who AT ANY TIME fails to keep a path of travel leading to a required exit, or a stairway, passageway or ramp serving as or forming part of a required exit clear of anything which may impede the free passage of persons is guilty of an offence and liable to a penalty of \$1,000.00.

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 7

Framework inspection X 2

Wet area moisture barrier X 6

Drainage inspection

Driveway crossing/kerb layback

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$4620 (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 1573 or 9976 1587.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$100.00.

DA276

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the

Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/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.

DA283

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

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

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.

DA325

The applicant shall comply with all requirements of either the Local or Regional Traffic Advisory Committees.

DA326

In accordance with the Roads Act 1993, written consent from Council shall be obtained and shall be in hand prior to any track-equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.

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.

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.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's 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.

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.

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.

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.

DA225

The pedestrian footpaths and pavements in the streets surrounding the proposed development shall be constructed as per Manly Council's Paving Design guidelines dated February 2002. a detailed design showing the above details shall be submitted with the application for Construction Certificate and shall be approved by the Principal Certifying authority prior to the issue of the Construction Certificate.

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.

DA231

The applicant/owner shall dedicate at no cost to Council that portion of the site affected by the road widening of/corner splay. The plan of resubdivision and dedication is to occur prior to occupation of the property, with the applicant/owner to enter into an undertaking with Council prior to issue of the Construction Certificate/Subdivision Certificate.

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.

DA256

The carpark levels are to be provided with a system of mechanical ventilation in accordance with AS 1668.2 with details being submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

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.

DA259

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

DA261

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

DA262

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

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

DA267

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

DA268

The applicant shall consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should an electrical enclosure be required, the location and dimensions of this structure are to be detailed prior to the issue of a Construction Certificate. In the event of Energy Australia requiring a sub-station, the applicant shall consult with Council or its delegate with a view to dedication of the land for the sub-station as public roadway.

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.

DA271

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

DA272

Issue of a Compliance Certificate from the Principal Certifying Authority prior to occupation to the effect that:

1. Required inspections have been undertaken and the work has been completed in accordance with the approved plans and specifications, the Development Consent and the Construction Certificate.
2. Documentary evidence relative to:
 - roof trusses details
 - tie down and bracing details
 - termite protection notice
 - wet areas waterproofing certificate
 - reinforcement concrete and structural members details
 - structural engineers inspection certificate
 - survey certificate
 - floor/finished ridge level certificate
 - hydraulic consultants certificate
 - mechanical ventilation engineer's certificate

has been received by the Principal Certifying Authority, this information in accordance with the

terms and conditions of the Consent and Construction Certificate and to the satisfaction of the Principal Certifying Authority.

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Council's Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate.

DA353

The applicant/owner shall enter into a legal agreement to transfer to Council at no cost that portion of the site affected by the road widening of North Steyne. This legal agreement, to be prepared at the applicants/owners expense by Council's Solicitors, is required to be executed prior to the issue of a Construction Certificate and the transfer is to occur prior to the occupation of the building.

DA356

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

DA359

The selection, installation and operation of the domestic solid fuel heater must comply with the NSW Environmental Protection Authority's Environmental Guidelines for Selecting, Installing and Operating Solid Fuel Heaters.

DA360

The operation of the solid fuel heater must not cause a nuisance to neighbouring residents through the emission of air impurities or offensive odours. Air impurity and offensive odour are defined in the Protection of the Environment Operations Act 1997.

DA286

Details shall be submitted to the Council/Accredited Certifier indicating the method of sound proofing all roof terraces, decks and balconies prior to issue of the Construction Certificate.

DA289

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

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

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.

AMENDMENT (Aird)

That Development Application No 508/04 for alterations and additions to the existing timber cottage, and erection of a six (6) storey residential flat building containing five (5) units with basement parking be refused due to:

- the proposal being an overdevelopment of the site;
- adverse impacts on views, privacy and overshadowing of adjoining properties; and
- the heritage values of the existing property.

Due to the lack of a Second Amendment lapsed.

AMENDMENT (Murphy / Hay)

That Council put forward the following conditions of consent to the Land and Environment Court, so that consent orders can be entered into.

That Development Application No 508/04 for alterations and additions to the existing timber cottage, and erection of a six (6) storey residential flat building containing five (5) units with basement parking at 118 North Steyne, Manly be approved subject to the following conditions:-

1. That the Applicant, on receipt of a letter of approval from Council, discontinue the action with the Land and Environment Court.
2. That condition ANS01 be modified to read:

“ANS01

The rear section of the cottage indicated to be rebuilt is to be photographed and documented, then carefully dismantled and its various parts numbered and stored. The original fabric is to be reused in the restoration and adaptation of the rear section.”

DA1

This approval relates to drawings/plans Job No. 03098 Nos. A2107, A3100-A3105 and A3200-A3201 Issue J and 3202-3203 dated 22 October 2004 and received by Council on the 22 October 2004.

ANS02

The rear chimney and fireplace should be retained or rebuilt in order to retain the character and aesthetic appearance of the cottage and the plans are to be notated accordingly prior to the submission of the Construction Certificate.

ANS03

The proposed new balcony with louvred shutter off the proposed bedroom in the roof-space is to be deleted in order to maintain the existing roof which is an important element of the cottage and the plans are to be notated accordingly prior to the submission of the Construction Certificate.

ANS04

The new skylights in the side and rear elevation are to be of a flush with the slate design and of matching colour to blend with the slate roof and the plans are to be notated accordingly prior to the submission of the Construction Certificate.

ANS05

A detailed photographic archival recording in accordance with the relevant guidelines of the NSW Heritage Office is to be prepared prior to the commencement of works on site showing the exteriors and interiors of the existing cottage and out buildings on site. The record is to be submitted to Council and will be lodged with the Local Studies section of Manly Library.

ANS06

All existing Kentia palms (4x4m trunk, 2x2m trunk, 1x3m trunk, 1x1m trunk plus solo specimens approx 6m + trunk noted on site) are to be transplanted to the northern boundary and *Metrosiderus Excelsa* is to be deleted. Additional Kentia specimens and understorey planting to be include so that the proposed bed is adequately planted. *Cordyline Stricta* is suggested as possible plant, and *Dianella* spp. for supplementary understorey planting.

ANS06

The driveway ramp shall have a mirror installed at the curved section of the driveway to improve

safe sight distances for the traffic. The design and details shall be submitted with the application for the Construction Certificate and shall be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

ANS07

A give way sign shall be installed at the entrance of the ramp from the carpark such that the vehicles leaving the carpark give way to the entering traffic as recommended by the traffic report by John Hewitt Traffic Planning Associates Pty Ltd. Amended drawings shall be submitted with the application for the Construction Certificate and shall be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

ANS08

the existing pedestrian pavement in front of the property at North Steyne shall be removed and reconstructed as per Council's "Paving Design Guidelines".

ANS09

If it is proposed to dewater from the excavation a detailed plan of the dewatering shall be submitted to Council for approval. A Construction Certificate shall not be issued until the dewatering plan is approved by Council.

DA001

The development shall be provided with access and facilities for people with disabilities in accordance with Australian Standard 1428.2-1992 Design for Access and Mobility Part 2: Enhanced and additional Requirements (AS1428.2).

DA002

Access in accordance with AS1428.2 shall be provided to and within the main entrance and exit points of the development in accordance with the Manly Development Control Plan for Access.

DA003

Access in accordance with AS4299 - Adaptable Housing shall be provided to at least one unit in the development. Details shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

DA005

A minimum of one car space for the vehicle of people with disabilities in all new or refurbished buildings which provide between 10 to 50 car parking spaces, 2 for those which provide between 50 and 100 car spaces. The car spaces shall be identified and reserved at all times and be in the vicinity of lift or as close as possible to public areas and facilities. The car spaces shall have minimum dimensions and headroom to conform to Australian Standard AS/NZS 2890.1: 2004. This space should be adjacent to the lift and away from the ramp where traffic movement is highest. A notice shall be displayed at the entrance to the parking station and at each change in direction indicating the location of car spaces and the maximum headroom for vehicles. Details shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA007

Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory or wherever directional signage or information is provided to those buildings where access and facilities have been provided. Such signage shall have to regard to the provisions AS1428.2.

DA9

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

DA10

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

DA011

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

DA13

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 \$20,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

DA341

Any Heritage listed stone kerb, removed for construction of a driveway or other approved works, is to be removed without damaging it and contact is to be made with Council's Manager, Construction and Maintenance, for the stone to be transported to Council's 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 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.

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.

DA030

No portion of the proposed building is to encroach onto a Public Road or Reserve, except as may be permitted by the Local Government Act 1993.

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.

DA037

Four (4) certified copies of the Structural Engineer's details in respect to the structural details of the proposed building shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

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 dwelling structure to support the 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.

DA045

All materials and finishes of the proposed additions to the cottage are to match, as closely as possible the material and finish of the existing building with reuse of existing material where possible.

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.

DA050

Certificate(s) from a professional Engineer or other appropriately qualified person is to be submitted which certifies that material, design and/or form of construction complies with the requirements of Clause A2.2 of the Building Code of Australia.

DA054

Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.

DA058

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

DA059

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

DA060

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

DA061

A certificate from a Registered Certifier identifying the location of the building on the site is to be submitted to the Principal Certifying Authority immediately upon completion of the foundations and prior to work proceeding above dampcourse level.

DA064

Each level of the building, at completion of construction of the external walls, is to be certified by a Registered Surveyor as complying with floor area calculations with certificate from the Registered Surveyor being submitted to the Principal Certifying Authority.

DA344

A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund Deposit prior to the issue of the Construction Certificate.

DA345

A report from a qualified Geotechnical Engineer regarding the stability of the site is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

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.

DA070

The dimension of carparking and aisle widths in the carpark are to be as set out in the Australian/New Zealand Standard for off street parking AS/NS25 2890.1 2004. Plans are to be adjusted accordingly prior to the submission of the Construction Certificate.

DA072

The visitor car spaces shall be accessible at all times and a sign post shall be erected at the vehicular entry point(s) of the development indicating the location of the spaces.

DA074

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The area set aside for carparking as shown on the approved plan shall be used for the parking of vehicles and for no other purpose. Any loading or unloading of materials of potential environmental damage must be appropriately bunded with adequate spill response equipment in place to ensure nil runoff from the site.

DA077

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

DA083

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

DA111

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

DA084

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

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.

DA133

All sound producing plant and equipment being installed and operated in such a manner so as not to create a noise nuisance.

DA145

Bollards shall be installed outside exit doors so that such exit doors are not capable of being obstructed by vehicles, goods or other items.

DA146

A clear and unobstructed path of travel is to be provided to all required exit doors in the building, each being at least 1000mm wide (subject to an increase required by any other condition herein in relation to aggregate exit width) and 2000mm in height. NOTE: The owner of a building who AT ANY TIME fails to keep a path of travel leading to a required exit, or a stairway, passageway or ramp serving as or forming part of a required exit clear of anything which may impede the free passage of persons is guilty of an offence and liable to a penalty of \$1,000.00.

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 7

Framework inspection X 2

Wet area moisture barrier X 6

Drainage inspection

Driveway crossing/kerb layback

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$4620 (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 1573 or 9976 1587.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$100.00.

DA276

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/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.

DA283

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

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

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.

DA325

The applicant shall comply with all requirements of either the Local or Regional Traffic Advisory Committees.

DA326

In accordance with the Roads Act 1993, written consent from Council shall be obtained and shall be in hand prior to any track-equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.

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.

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.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's 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.

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.

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.

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.

DA225

The pedestrian footpaths and pavements in the streets surrounding the proposed development shall be constructed as per Manly Council's Paving Design guidelines dated February 2002. a detailed design showing the above details shall be submitted with the application for Construction Certificate and shall be approved by the Principal Certifying authority prior to the issue of the Construction Certificate.

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.

DA231

The applicant/owner shall dedicate at no cost to Council that portion of the site affected by the road widening of/corner splay. The plan of resubdivision and dedication is to occur prior to occupation of the property, with the applicant/owner to enter into an undertaking with Council prior to issue of the Construction Certificate/Subdivision Certificate.

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.

DA256

The carpark levels are to be provided with a system of mechanical ventilation in accordance with AS 1668.2 with details being submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

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.

DA259

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

DA261

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

DA262

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

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

DA267

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

DA268

The applicant shall consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should an electrical enclosure be required, the location and dimensions of this structure are to be detailed prior to the issue of a Construction Certificate. In the event of Energy Australia requiring a sub-station, the applicant shall consult with Council or its delegate with a view to dedication of the land for the sub-station as public roadway.

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.

DA271

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

DA272

Issue of a Compliance Certificate from the Principal Certifying Authority prior to occupation to the effect that:

1. Required inspections have been undertaken and the work has been completed in accordance with the approved plans and specifications, the Development Consent and the Construction Certificate.
2. Documentary evidence relative to:
 - roof trusses details
 - tie down and bracing details
 - termite protection notice
 - wet areas waterproofing certificate
 - reinforcement concrete and structural members details
 - structural engineers inspection certificate
 - survey certificate
 - floor/finished ridge level certificate

- hydraulic consultants certificate
- mechanical ventilation engineer's certificate

has been received by the Principal Certifying Authority, this information in accordance with the terms and conditions of the Consent and Construction Certificate and to the satisfaction of the Principal Certifying Authority.

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Council's Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate.

DA353

The applicant/owner shall enter into a legal agreement to transfer to Council at no cost that portion of the site affected by the road widening of North Steyne. This legal agreement, to be prepared at the applicants/owners expense by Council's Solicitors, is required to be executed prior to the issue of a Construction Certificate and the transfer is to occur prior to the occupation of the building.

DA356

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

DA359

The selection, installation and operation of the domestic solid fuel heater must comply with the NSW Environmental Protection Authority's Environmental Guidelines for Selecting, Installing and Operating Solid Fuel Heaters.

DA360

The operation of the solid fuel heater must not cause a nuisance to neighbouring residents through the emission of air impurities or offensive odours. Air impurity and offensive odour are defined in the Protection of the Environment Operations Act 1997.

DA286

Details shall be submitted to the Council/Accredited Certifier indicating the method of sound proofing all roof terraces, decks and balconies prior to issue of the Construction Certificate.

DA289

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

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

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.

For the Amendment: Councillors Hay, Heasman, Cant, Murphy, Daley and Morrison.

Against the Amendment: Councillors Lambert, Pedersen, Aird and Evans.

The **Amendment** became the **Motion** and was put and declared **Carried**.

RESOLVED: (Murphy / Hay)

That Council put forward the following conditions of consent to the Land and Environment Court, so that consent orders can be entered into.

That Development Application No 508/04 for alterations and additions to the existing timber cottage, and erection of a six (6) storey residential flat building containing five (5) units with basement parking at 118 North Steyne, Manly be approved subject to the following conditions:-

1. That the Applicant, on receipt of a letter of approval from Council, discontinue the action with the Land and Environment Court.
2. That condition ANS01 be modified to read:

“ANS01

The rear section of the cottage indicated to be rebuilt is to be photographed and documented, then carefully dismantled and its various parts numbered and stored. The original fabric is to be reused in the restoration and adaptation of the rear section.”

DA1

This approval relates to drawings/plans Job No. 03098 Nos. A2107, A3100-A3105 and A3200-A3201 Issue J and 3202-3203 dated 22 October 2004 and received by Council on the 22 October 2004.

ANS02

The rear chimney and fireplace should be retained or rebuilt in order to retain the character and aesthetic appearance of the cottage and the plans are to be notated accordingly prior to the submission of the Construction Certificate.

ANS03

The proposed new balcony with louvred shutter off the proposed bedroom in the roof-space is to be deleted in order to maintain the existing roof which is an important element of the cottage and the plans are to be notated accordingly prior to the submission of the Construction Certificate.

ANS04

The new skylights in the side and rear elevation are to be of a flush with the slate design and of matching colour to blend with the slate roof and the plans are to be notated accordingly prior to the submission of the Construction Certificate.

ANS05

A detailed photographic archival recording in accordance with the relevant guidelines of the NSW Heritage Office is to be prepared prior to the commencement of works on site showing the exteriors and interiors of the existing cottage and out buildings on site. The record is to be submitted to Council and will be lodged with the Local Studies section of Manly Library.

ANS06

All existing Kentia palms (4x4m trunk, 2x2m trunk, 1x3m trunk, 1x1m trunk plus solo specimens approx 6m + trunk noted on site) are to be transplanted to the northern boundary and *Metrosiderus Excelsa* is to be deleted. Additional Kentia specimens and understorey planting to be include so that the proposed bed is adequately planted. *Cordyline Stricta* is suggested as possible plant, and *Dianella* spp. for supplementary understorey planting.

ANS06

The driveway ramp shall have a mirror installed at the curved section of the driveway to improve safe sight distances for the traffic. The design and details shall be submitted with the application for the Construction Certificate and shall be approved by the Principal Certifying Authority prior to

the issue of the Construction Certificate.

ANS07

A give way sign shall be installed at the entrance of the ramp from the carpark such that the vehicles leaving the carpark give way to the entering traffic as recommended by the traffic report by John Hewitt Traffic Planning Associates Pty Ltd. Amended drawings shall be submitted with the application for the Construction Certificate and shall be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

ANS08

the existing pedestrian pavement in front of the property at North Steyne shall be removed and reconstructed as per Council's "Paving Design Guidelines".

ANS09

If it is proposed to dewater from the excavation a detailed plan of the dewatering shall be submitted to Council for approval. A Construction Certificate shall not be issued until the dewatering plan is approved by Council.

DA001

The development shall be provided with access and facilities for people with disabilities in accordance with Australian Standard 1428.2-1992 Design for Access and Mobility Part 2: Enhanced and additional Requirements (AS1428.2).

DA002

Access in accordance with AS1428.2 shall be provided to and within the main entrance and exit points of the development in accordance with the Manly Development Control Plan for Access.

DA003

Access in accordance with AS4299 - Adaptable Housing shall be provided to at least one unit in the development. Details shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

DA005

A minimum of one car space for the vehicle of people with disabilities in all new or refurbished buildings which provide between 10 to 50 car parking spaces, 2 for those which provide between 50 and 100 car spaces. The car spaces shall be identified and reserved at all times and be in the vicinity of lift or as close as possible to public areas and facilities. The car spaces shall have minimum dimensions and headroom to conform to Australian Standard AS/NZS 2890.1: 2004. This space should be adjacent to the lift and away from the ramp where traffic movement is highest. A notice shall be displayed at the entrance to the parking station and at each change in direction indicating the location of car spaces and the maximum headroom for vehicles. Details shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA007

Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory or wherever directional signage or information is provided to those buildings where access and facilities have been provided. Such signage shall have to regard to the provisions AS1428.2.

DA9

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

DA10

The construction of a kerb layback is required. The design and construction shall be in accordance

with Council's Policy. All works shall be carried out prior to the issue of Occupation Certificate.

DA011

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

DA13

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 \$20,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

DA341

Any Heritage listed stone kerb, removed for construction of a driveway or other approved works, is to be removed without damaging it and contact is to be made with Council's Manager, Construction and Maintenance, for the stone to be transported to Council's 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 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.

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.

DA030

No portion of the proposed building is to encroach onto a Public Road or Reserve, except as may be permitted by the Local Government Act 1993.

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.

DA037

Four (4) certified copies of the Structural Engineer's details in respect to the structural details of the proposed building shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

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 dwelling structure to support the 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.

DA045

All materials and finishes of the proposed additions to the cottage are to match, as closely as possible the material and finish of the existing building with reuse of existing material where possible.

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.

DA050

Certificate(s) from a professional Engineer or other appropriately qualified person is to be submitted which certifies that material, design and/or form of construction complies with the requirements of Clause A2.2 of the Building Code of Australia.

DA054

Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.

DA058

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

DA059

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

DA060

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

DA061

A certificate from a Registered Certifier identifying the location of the building on the site is to be submitted to the Principal Certifying Authority immediately upon completion of the foundations and prior to work proceeding above dampcourse level.

DA064

Each level of the building, at completion of construction of the external walls, is to be certified by a Registered Surveyor as complying with floor area calculations with certificate from the Registered Surveyor being submitted to the Principal Certifying Authority.

DA344

A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council

with the Trust Fund Deposit prior to the issue of the Construction Certificate.

DA345

A report from a qualified Geotechnical Engineer regarding the stability of the site is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

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.

DA070

The dimension of carparking and aisle widths in the carpark are to be as set out in the Australian/New Zealand Standard for off street parking AS/NS25 2890.1 2004. Plans are to be adjusted accordingly prior to the submission of the Construction Certificate.

DA072

The visitor car spaces shall be accessible at all times and a sign post shall be erected at the vehicular entry point(s) of the development indicating the location of the spaces.

DA074

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The area set aside for carparking as shown on the approved plan shall be used for the parking of vehicles and for no other purpose. Any loading or unloading of materials of potential environmental damage must be appropriately bunded with adequate spill response equipment in place to ensure nil runoff from the site.

DA077

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

DA083

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

DA111

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

DA084

Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Councils

street gutter in accordance with Council's standards and specification for Stormwater Drainage.

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.

DA133

All sound producing plant and equipment being installed and operated in such a manner so as not to create a noise nuisance.

DA145

Bollards shall be installed outside exit doors so that such exit doors are not capable of being obstructed by vehicles, goods or other items.

DA146

A clear and unobstructed path of travel is to be provided to all required exit doors in the building, each being at least 1000mm wide (subject to an increase required by any other condition herein in relation to aggregate exit width) and 2000mm in height. NOTE: The owner of a building who AT ANY TIME fails to keep a path of travel leading to a required exit, or a stairway, passageway or ramp serving as or forming part of a required exit clear of anything which may impede the free passage of persons is guilty of an offence and liable to a penalty of \$1,000.00.

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 7

Framework inspection X 2

Wet area moisture barrier X 6

Drainage inspection

Driveway crossing/kerb layback

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$4620 (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 1573 or 9976 1587.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$100.00.

DA276

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/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.

DA283

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

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

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.

DA325

The applicant shall comply with all requirements of either the Local or Regional Traffic Advisory Committees.

DA326

In accordance with the Roads Act 1993, written consent from Council shall be obtained and shall be in hand prior to any track-equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.

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.

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.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's 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.

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.

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.

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.

DA225

The pedestrian footpaths and pavements in the streets surrounding the proposed development shall be constructed as per Manly Council's Paving Design guidelines dated February 2002. a detailed design showing the above details shall be submitted with the application for Construction Certificate and shall be approved by the Principal Certifying authority prior to the issue of the Construction Certificate.

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.

DA231

The applicant/owner shall dedicate at no cost to Council that portion of the site affected by the road widening of/corner splay. The plan of resubdivision and dedication is to occur prior to occupation of the property, with the applicant/owner to enter into an undertaking with Council prior to issue of the Construction Certificate/Subdivision Certificate.

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.

DA256

The carpark levels are to be provided with a system of mechanical ventilation in accordance with AS 1668.2 with details being submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

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.

DA259

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

DA261

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

DA262

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

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

DA267

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

DA268

The applicant shall consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should an electrical enclosure be required, the location and dimensions of this structure are to be detailed prior to the issue of a Construction Certificate. In the event of Energy Australia requiring a sub-station, the applicant shall consult with Council or its delegate with a view to dedication of the land for the sub-station as public roadway.

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.

DA271

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

DA272

Issue of a Compliance Certificate from the Principal Certifying Authority prior to occupation to the effect that:

1. Required inspections have been undertaken and the work has been completed in accordance with the approved plans and specifications, the Development Consent and the Construction Certificate.
2. Documentary evidence relative to:
 - roof trusses details
 - tie down and bracing details
 - termite protection notice
 - wet areas waterproofing certificate
 - reinforcement concrete and structural members details
 - structural engineers inspection certificate
 - survey certificate
 - floor/finished ridge level certificate
 - hydraulic consultants certificate

- mechanical ventilation engineer's certificate

has been received by the Principal Certifying Authority, this information in accordance with the terms and conditions of the Consent and Construction Certificate and to the satisfaction of the Principal Certifying Authority.

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Council's Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate.

DA353

The applicant/owner shall enter into a legal agreement to transfer to Council at no cost that portion of the site affected by the road widening of North Steyne. This legal agreement, to be prepared at the applicants/owners expense by Council's Solicitors, is required to be executed prior to the issue of a Construction Certificate and the transfer is to occur prior to the occupation of the building.

DA356

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

DA359

The selection, installation and operation of the domestic solid fuel heater must comply with the NSW Environmental Protection Authority's Environmental Guidelines for Selecting, Installing and Operating Solid Fuel Heaters.

DA360

The operation of the solid fuel heater must not cause a nuisance to neighbouring residents through the emission of air impurities or offensive odours. Air impurity and offensive odour are defined in the Protection of the Environment Operations Act 1997.

DA286

Details shall be submitted to the Council/Accredited Certifier indicating the method of sound proofing all roof terraces, decks and balconies prior to issue of the Construction Certificate.

DA289

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

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

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.

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

Environmental Services Division Report No. 4

Development Applications Currently Being Processed

SUMMARY

Development Applications Currently Being Processed During February 2006.

MOTION (Heasman / Hay)

That the information be noted.

RESOLVED: (Heasman / Hay)

That the information be noted.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 5

Appeals List for February 2006

SUMMARY

List of appeals received and their current status for councillors information.

MOTION (Daley / Cant)

That the information be noted.

RESOLVED: (Daley / Cant)

That the information be noted.

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 11:30pm.

The above minutes were confirmed at a **Land Use Management Committee** of Manly Council held on 6 March 2006.

CHAIRPERSON

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