

# Manly Council

---

## Minutes

## Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 7 July 2008**

*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](http://www.manly.nsw.gov.au)*



## TABLE OF CONTENTS

Item	Page No.
<b>PRESENT .....</b>	<b>2</b>
<b>APOLOGIES.....</b>	<b>2</b>
<b>DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST .....</b>	<b>2</b>
<b>CONFIRMATION OF MINUTES.....</b>	<b>3</b>
Land Use Management Committee - 2/06/2008.....	3
<b>ENVIRONMENTAL SERVICES DIVISION.....</b>	<b>3</b>
<b>Environmental Services Division Report No. 49</b> 7-9 The Corso, Manly – DA175/08 .....	3
<b>ENVIRONMENTAL SERVICES DIVISION.....</b>	<b>4</b>
<b>Environmental Services Division Report No. 41</b> 25 Fromelles Avenue, Seaforth - DA6/03 Section 96 Modification.....	4
<b>Environmental Services Division Report No. 42</b> 133A Seaforth Crescent, Seaforth - DA490/07.....	8
<b>Environmental Services Division Report No. 43</b> Unit 3 / 447-449 Sydney Road, Balgowlah - DA253/07 .....	29
<b>Environmental Services Division Report No. 44</b> 24 Collingwood Street, Manly (ada 5 Ceramic Lane) - DA445/07 .....	35
<b>Environmental Services Division Report No. 45</b> 85 Wanganella Street, Balgowlah - DA461/07 .....	75
<b>Environmental Services Division Report No. 46</b> 24-26 Malvern Avenue, Manly - DA401/07.....	94
<b>Environmental Services Division Report No. 47</b> 7 Sangrado Street, Seaforth - DA517/06 Section 96 Modification.....	95
<b>Environmental Services Division Report No. 48</b> 6 Beatrice Street, Clontarf - DA119/08 .....	97
<b>Environmental Services Division Report No. 50</b> Development Application being processed during July 2008. ....	99
<b>Environmental Services Division Report No. 51</b> Appeals List for July 2008 .....	99

**TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:**

The Land Use Management Committee, having met at 7:46pm on Monday 7 July 2008, 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 M Norek  
Councillor P Daley  
Councillor J Evans, Chairperson who presided  
Councillor J Hay, AM,  
Councillor A Heasman  
Councillor J Lambert, AM, Deputy Chairperson  
Councillor R Morrison,  
Councillor D Murphy,  
Councillor B Pedersen

**ALSO PRESENT**

Henry Wong, General Manager  
Stephen Clements, Deputy General Manager, Executive Manager Environmental Services  
David Stray, Manager Development Control  
Liz Rich, Minute Taker

**APOLOGIES**

Apologies were tendered on behalf of Councillors Aird and Cant for non-attendance..

**MOTION (Macdonald / Lambert)**

That the apologies received from Councillors Aird and Cant be accepted and leave be granted.

L59/08 **RESOLVED: (Macdonald / Lambert)**

That the apologies received from Councillors Aird and Cant be accepted and leave be granted.

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

**Against the Resolution:** Nil.

**DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST**

Nil

**CONFIRMATION OF MINUTES****MOTION (Macdonald / Pedersen)**

That copies of the Minutes of the Land Use Management Committee held on Monday, 02 June 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

L60/08 **RESOLVED: (Macdonald / Pedersen)**

That copies of the Minutes of the Land Use Management Committee held on Monday, 02 June 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**SUSPENSION OF STANDING ORDERS (Macdonald / Lambert)**

That Standing Orders be suspended to allow for consideration of Environmental Services Division Report No.49, 7-9 The Corso Manly, DA175/08.

L61/08 **RESOLVED: (Macdonald / Lambert)**

That Standing Orders be suspended to allow for consideration of Environmental Services Division Report No.49, 7-9 The Corso Manly, DA175/08.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**ENVIRONMENTAL SERVICES DIVISION**

Environmental Services Division Report No. 49

**7-9 The Corso, Manly – DA175/08 (DA175/08)**

**Application Lodged:** 27 March 2008  
**Applicant:** Bresact Pty Ltd  
**Owner:** Bresact Pty Ltd  
**Estimated Cost:** \$40,000  
**Zoning:** Manly Local Environmental Plan, 1988 – Business  
**Surrounding Development:** The surrounding developments typically contain retail / commercial land uses  
**Heritage:** 'The Corso, Manly (all numbers)' are listed in Schedule 4 of the Manly Local Environmental Plan 1988 as Items of Environmental Heritage with the site also located in the Town Centre Conservation Area.

**SUMMARY:**

1. THE DEVELOPMENT APPLICATION SEEKS APPROVAL TO UNDERTAKE ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING AT NO. 7-9 THE CORSO MANLY COMPRISING A TRAFFICABLE AWNING OVER THE FOOTPATH AREA

- FORWARD OF THE SUBJECT PROPERTY.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS IN ADDITION TO NOTICES BEING PLACED IN THE MANLY DAILY. IN RESPONSE TWO (2) SUBMISSIONS WERE RECEIVED.
  3. THE APPLICATION WAS REFERRED TO THE CORSO PRECINCT COMMUNITY FORUM. AT THE TIME OF PREPARING THIS REPORT NO COMMENT / RESPONSE HAD BEEN RECEIVED.
  4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 29 MAY 2008 WITH A RECOMMENDATION FOR REFUSAL.
  5. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD AND COUNCILLOR DALEY.
  6. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

**MOTION (Macdonald / Lambert)**

That Development Application No. 175/08, for alterations and additions to the existing building at No 7 – 9 The Corso, Manly including trafficable awning over the footpath area forward of the subject property be **DEFERRED** for consideration at the next Ordinary Meeting on 21 July, with the item being considered by the Access Committee and Heritage Sub-Committee within this time.

L62/08 **RESOLVED: (Macdonald / Lambert)**

That Development Application No. 175/08, for alterations and additions to the existing building at No 7 – 9 The Corso, Manly including trafficable awning over the footpath area forward of the subject property be **DEFERRED** for consideration at the next Ordinary Meeting on 21 July, with the item being considered by the Access Committee and Heritage Sub-Committee within this time.

**For the Resolution:** Councillors Evans, Hay, Heasman, Lambert, Pedersen and Macdonald  
**Against the Resolution:** Councillors Daley, Morrison and Murphy

Councillor Norek was not in the Chamber when the voting took place.

\*\*\*\*\*

**RESUMPTION OF STANDING ORDERS (Macdonald / Lambert)**

That Standing Orders be resumed.

L63/08 **RESOLVED: (Macdonald / Lambert)**

That Standing Orders be resumed.

**For the Resolution:** Councillors Daley, Evans, Hay, Heasman, Lambert, Morrison, Murphy, Norek, Pedersen and Macdonald  
**Against the Resolution:** Nil.

\*\*\*\*\*

**ENVIRONMENTAL SERVICES DIVISION**

Environmental Services Division Report No. 41

**25 Fromelles Avenue, Seaforth - DA6/03**  
**Section 96 Modification (DA6/03)**

**Application Lodged:** 23 January 2008 (Section 96 Modification)

<b><u>Applicant:</u></b>	Laura Rupert
<b><u>Owner:</u></b>	Laura Rupert
<b><u>Estimated Cost:</u></b>	Nil
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential 2
<b><u>Surrounding Development:</u></b>	The locality is residential in character consisting predominantly single and two storey dwelling houses
<b><u>Heritage:</u></b>	Not applicable.

**SUMMARY:**

1. ON 24 FEBRUARY 2004, THE LAND AND ENVIRONMENT COURT (L&E COURT APPEAL NO. 11059 OF 2003) PART APPROVED AN APPEAL TO CARRY OUT ALTERATIONS AND ADDITIONS TO THE BUILDING AND TO INCREASE THE NUMBER OF CHILDREN AT THIS CHILDCARE CENTRE. THE APPLICATION WAS TO INCREASE THE NUMBER OF CHILDREN AT THE CENTRE FROM NINETEEN (19) TO TWENTY THREE (23). THE COURT RESTRICTED THE NUMBER TO A MAXIMUM OF NINETEEN (19) CHILDREN. THE COURT HAD SEVERAL CONDITIONS RESTRICTING THE PROPOSED ALTERATIONS AND ADDITIONS AND THE MANAGEMENT OF THE CENTRE AND PARKING
2. THIS SECTION 96(1A) APPLICATION WAS LODGED ON 23 JANUARY 2008 TO PRIMARILY INCREASE THE NUMBER OF CHILDREN FROM NINETEEN (19) TO TWENTY EIGHT (28)
3. THE APPLICATION WAS ON NOTIFICATION BETWEEN 28/FEBRUARY 2008 AND 13 MARCH 2008. SIX (6) OBJECTIONS AND FOUR (4) LETTERS OF SUPPORT WERE RECEIVED
4. THE APPLICATION WAS REFERRED TO THE SEAFORTH PRECINCT COMMUNITY FORUM FOR COMMENT
5. THE MODIFICATION APPLICATION WAS DEFERRED FROM COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF 8 MAY 2008 FOR SITE INSPECTION. THE SITE INSPECTION WAS CARRIED OUT IN THE COMPANY OF THE APPLICANT WHO WAS REQUESTED TO PROVIDE A TRAFFIC ENGINEERS REPORT. THE TRAFFIC ENGINEERS REPORT HAS NOW BEEN SUBMITTED
6. THE SECTION 96 PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 10 JUNE 2008 WITH A RECOMMENDATION FOR APPROVAL.
7. THE SECTION 96 APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR'S MACDONALD, MORRISON AND NOREK.
8. THE SECTION 96 MODIFICATION APPLICATION IS RECOMMENDED FOR CONDITIONAL APPROVAL.

**PUBLIC ADDRESSES**

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

Against the Recommendation:	Louise Allsopp John Lynas
In Support of the Recommendation:	Laura Rupert Michelle Howard

**SITE INSPECTIONS**

A site inspection of DA6/03 – 25 Fromelles Avenue, Seaforth – S96 Modification, reduction of number of bedrooms in the residence, provision of additional drop/collection bay and increasing the number of children from nineteen (19) to twenty two (22), was conducted by Councillors J Evans, J Hay, A Heasman, J Lambert, P Macdonald, R Morrison, D Murphy and M Norek.

**Recommendation:** No Recommendation

**MOTION (Norek / Hay)**

That Development Application No. 06/03 for modification of development consent, including reduction of number of bedrooms in the residence, provision of additional drop/collection bay and increasing the number of children from nineteen (19) to twenty eight (28) at No.25 Fromelles Avenue, Seaforth be **APPROVED** with Condition 1 amended and new conditions 73, 74, 75, 76 and 77 added as follows:

**Part A**

1. This consent relates to drawings Nos. TS-MK 25C dated 10 December, 2003 prepared by Calldart Pty Ltd and received by Council on the 17 December, 2003 (exhibit A) and Landscape Plans Dwg I 1/69 dated 10 December, 2003 prepared by Environ Design (ex H), except as amended by the following conditions.

This consent does not grant approval for the proposed –

- (1) sail cloths in the rear yard.
- (2) extensions to front balcony.
- (3) alterations and additions to bedroom and front elevation

These works are to be deleted from the plans prior to the submission of any Construction certificate.

**Except as amended by** drawing Nos. 101 – R1 and R2 dated October 2007 received by Council 6 January 2008 – note the two parking spaces identified on the street are not approved herewith and are to be deleted from the plans.

73. The proposed car parking space in the front yard area is to be surfaced in purpose designed pervious pavers allowing rainwater to infiltrate into the ground while being effectively load bearing.
74. The landscape strip adjacent to the front boundary is to be enhanced by planting of additional screening shrubs with mature height of 1.5 – 2.0m to maintain the landscaped character of the locality.
75. A report from a suitably qualified acoustic consultant is to be submitted in respect of additional noise impacts arising from the increase in child numbers. Any necessary operational management procedures are to be identified in the consultant's report and implemented to ensure noise levels are within acceptable limits established under the Protection of the Environment Operations Act 1997.
76. The existing vehicle access driveway crossing over Councils road reserve is to be tapered from the existing width at the kerb to provide an effective driveway width of 4.0m at the front boundary of the property with the existing mail box sited 4.3m from the southern boundary wall, to facilitate convenient access.
77. Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.

**Part B**

That the Traffic Committee look at the issue of a drop-off zone outside the front of the Centre.

**AMENDMENT (Lambert / Macdonald)****Part A**

That Development Application No. 06/03 for modification of development consent, including reduction of number of bedrooms in the residence, provision of additional drop/collection bay and increasing the number of children from nineteen (19) to twenty eight (28) at No.25 Fromelles Avenue, Seaforth, be **REFUSED**, in the interests of the children and parents, and safety of all clients and other persons using the street, and in light of the Land and Environment Court determination.

**Part B**

That the Traffic Committee look at the issue of a drop-off zone outside the front of the Centre. Such a drop-off zone be considered for the area immediately in front of 25 Fromelles Avenue, within the hours of 7.30-9.30 am and 3.30-6.00pm.

**For the Amendment:** Councillors Evans, Lambert and Macdonald

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

The Amendment was declared **LOST** and the Motion was put.

**L64/08 RESOLVED: (Norek / Hay)**

That Development Application No. 06/03 for modification of development consent, including reduction of number of bedrooms in the residence, provision of additional drop/collection bay and increasing the number of children from nineteen (19) to twenty eight (28) at No.25 Fromelles Avenue, Seaforth be **APPROVED** with Condition 1 amended and new conditions 73, 74, 75, 76 and 77 added as follows:

**Part A**

1. This consent relates to drawings Nos. TS-MK 25C dated 10 December, 2003 prepared by Calldart Pty Ltd and received by Council on the 17 December, 2003 (exhibit A) and Landscape Plans Dwg I 1/69 dated 10 December, 2003 prepared by Environ Design (ex H), except as amended by the following conditions.

This consent does not grant approval for the proposed –

- (1) sail cloths in the rear yard.
- (2) extensions to front balcony.
- (3) alterations and additions to bedroom and front elevation

These works are to be deleted from the plans prior to the submission of any Construction certificate.

**Except as amended by** drawing Nos. 101 – R1 and R2 dated October 2007 received by Council 6 January 2008 – note the two parking spaces identified on the street are not approved herewith and are to be deleted from the plans.

73. The proposed car parking space in the front yard area is to be surfaced in purpose designed pervious pavers allowing rainwater to infiltrate into the ground while being effectively load bearing.
74. The landscape strip adjacent to the front boundary is to be enhanced by planting of additional screening shrubs with mature height of 1.5 – 2.0m to maintain the landscaped



character of the locality.

75. A report from a suitably qualified acoustic consultant is to be submitted in respect of additional noise impacts arising from the increase in child numbers. Any necessary operational management procedures are to be identified in the consultant's report and implemented to ensure noise levels are within acceptable limits established under the Protection of the Environment Operations Act 1997.
76. The existing vehicle access driveway crossing over Councils road reserve is to be tapered from the existing width at the kerb to provide an effective driveway width of 4.0m at the front boundary of the property with the existing mail box sited 4.3m from the southern boundary wall, to facilitate convenient access.
77. Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.

### Part B

That the Traffic Committee look at the issue of a drop-off zone outside the front of the Centre.

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

**Against the Resolution:** Councillors Evans, Lambert, Pedersen and Macdonald

\*\*\*\*\*

Environmental Services Division Report No. 42

### **133A Seaforth Crescent, Seaforth - DA490/07 (DA490/07)**

<b><u>Application Lodged:</u></b>	13 December 2007
<b><u>Applicant:</u></b>	Castlepeake Consulting Architects Pty Ltd
<b><u>Owner:</u></b>	M K Beaton
<b><u>Estimated Cost:</u></b>	\$700,000
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential
<b><u>Surrounding Development:</u></b>	Dwelling houses
<b><u>Heritage:</u></b>	No heritage concerns

### **SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO EXISTING DWELLING.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND FOUR (4) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE SEAFORTH NORTH PRECINCT COMMUNITY FORUM FOR COMMENTS.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 29 MAY 2008 WITH A RECOMMENDATION FOR APPROVAL.
5. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MORRISON.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

### **PUBLIC ADDRESSES**

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

Against the Recommendation: P J Nicholson

In Support of the Recommendation: Blair Beaton

### SITE INSPECTIONS

A site inspection of DA490/07 – 133A Seaforth Crescent, Seaforth, alterations and additions to existing dwelling, was conducted by Councillors J Evans, J Hay, A Heasman, J Lambert, P Macdonald, R Morrison, D Murphy and M Norek.

**Recommendation:** No Recommendation

### MOTION (Lambert / Morrison)

That Development Application No. 490/07 for alterations and additions to existing dwelling at 133A Seaforth Crescent Seaforth be **APPROVED**, but shall not operate until the applicant has submitted documentation showing:

- A1. A redesign to eliminate the incursion of the proposed deck (beyond the existing deck) off the dining room and the roof above into the Foreshore Scenic Protection Area within the 15m above the Mean High Water Mark.

This consent is a “**deferred commencement**”

Evidence of Items A1 is to be submitted within a period of three (3) months pursuant to Section 80(3) of the Environmental Planning and Assessment Act of 1979. The consent will then operate for a period of two (2) years.

Development Application conditions of consent upon compliance with the above matters:

#### DA1

This approval relates to drawings/plans Nos. DA.01 to DA.08 dated 11 December 2007 and received by Council on the 13 December 2007 and Landscaping Plan No. DA.L01 dated 11 December 2007 and received by Council on the 13 December 2007.

#### ANS01

The deck extending off the laundry on the ground floor plan is to be amended so that the deck does not extend south of the southern wall of the laundry in order to ensure the privacy of adjoining residents is maintained. Details are to be provided prior to the issue of the Construction Certificate.

#### ANS02

The proposal is to comply with the following general terms of approval provided by NSW Maritime:

The works must be carried out so that:

- (c) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of Middle Harbour; and
- (d) No materials are likely to be carried by natural forces to the bed, shore or waters of Middle Harbour.

#### ANS03

Any material that does enter Middle Harbour must be removed immediately.

#### ANS04

Best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, construction.

Methods must be in accordance with the relevant specifications and standards contained in the

manual *Managing Urban Stormwater – Soils and Construction* issued by the NSW Department of Housing/Landcom in 2004 and any other relevant Council requirements.

**ANS05**

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

**ANS06**

The erosion, sediment and pollution control system must 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.

**ANS07**

Any material that is to be stockpiled on site must be stabilised to prevent erosion or dispersal of the material.

**ANS08**

Native trees to be retained are to be fully protected for the duration of the works. In particular, works must 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.

**ANS09**

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. Planting structure is to be achieved by providing native indigenous trees, shrubs and ground-covers.

**ANS10**

The foreshore must be fully protected for the duration of the works. This includes preventing the storage of any machinery, materials, equipment, supplies, or waste receptacles within the inter-tidal area.

**ANS11**

No works are to be undertaken on land owned by NSW Maritime (i.e. below MHWM) without the relevant approvals being granted by NSW Maritime.

**ANS12**

Building materials are to be transported to the subject site via barge through Middle Harbour, in order to ensure the aural amenity of the surrounding residents is maintained. Details are to be provided prior to the issue of the Construction Certificate.

**ANS13**

The window to the Lounge on the northern elevation on the ground floor level is to be obscure glazed and bottom hung to prevent any overlooking. Details are to be provided prior to the issue of the Construction Certificate.

**ANS14**

Deleted

**ANS15**

The proposed eave/roof overhang extending to the north west is to be reduced to 1.2m from the north west face of the external wall of the building and the vertical support columns from ground level to roof level deleted and replaced with angled struts from ground floor level, to reduce visual bulk and scale of the building and reduce visual impact on the Foreshore Scenic Protection Area, plans being suitably amended prior to issue of the Construction Certificate.

## DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$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 dependent upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

## DA017

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

## DA342

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

## DA343

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

## DA018

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

## DA019

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

## DA021

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

## DA022

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

## DA023

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

## DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and

24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

**DA026**

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

**DA031**

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

**DA038**

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

**DA039**

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

**DA040**

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

**DA044**

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

**DA047**

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

**DA048**

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

**DA058**

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

**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.

## DA097

Any work shall not prohibit or divert any natural overland flow of water.

## DA085

Roof water and surface storm waters from paved areas from the development shall be collected and piped to the harbour foreshore according to Council's Specifications for Stormwater Drainage and On Site Stormwater Management 2003 and shall be submitted with the Construction Certificate application. The principal Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.

## DA102

Special footings will be required where the proposed/existing structure is adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A suitably qualified Structural Engineer shall issue a compliance certificate for the special footings referred to above to the Principal Certifying Authority. The footings shall be designed and approved Prior to the Issue of the 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.

## DA255

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimize 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.

## DA269

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

## DA270

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

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

The cost of these inspections by Council is \$1,610 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$110.

## DA271

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

## DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practicing 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 brick cutting, 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.

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

DA320

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

DA274

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

DA323

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

#### **AMENDMENT (Norek / Heasman)**

That Development Application No. 490/07 for alterations and additions to existing dwelling at 133A Seaforth Crescent Seaforth be **APPROVED** subject to the following conditions:



## DA1

This approval relates to drawings/plans Nos. DA.01 to DA.08 dated 11 December 2007 and received by Council on the 13 December 2007 and Landscaping Plan No. DA.L01 dated 11 December 2007 and received by Council on the 13 December 2007.

## ANS01

The deck extending off the laundry on the ground floor plan is to be amended so that the deck does not extend south of the southern wall of the laundry in order to ensure the privacy of adjoining residents is maintained. Details are to be provided prior to the issue of the Construction Certificate.

## ANS02

The proposal is to comply with the following general terms of approval provided by NSW Maritime:

The works must be carried out so that:

- (c) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of Middle Harbour; and
- (d) No materials are likely to be carried by natural forces to the bed, shore or waters of Middle Harbour.

## ANS03

Any material that does enter Middle Harbour must be removed immediately.

## ANS04

Best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, construction.

Methods must be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater – Soils and Construction* issued by the NSW Department of Housing/Landcom in 2004 and any other relevant Council requirements.

## ANS05

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

## ANS06

The erosion, sediment and pollution control system must 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.

## ANS07

Any material that is to be stockpiled on site must be stabilised to prevent erosion or dispersal of the material.

## ANS08

Native trees to be retained are to be fully protected for the duration of the works. In particular, works must 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.

## ANS09

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. Planting structure is to be achieved by providing native indigenous trees, shrubs and ground-covers.

## ANS10

The foreshore must be fully protected for the duration of the works. This includes preventing the storage of any machinery, materials, equipment, supplies, or waste receptacles within the inter-tidal area.

## ANS11

No works are to be undertaken on land owned by NSW Maritime (i.e. below MHWM) without the relevant approvals being granted by NSW Maritime.

## ANS12

Building materials are to be transported to the subject site via barge through Middle Harbour, in order to ensure the aural amenity of the surrounding residents is maintained. Details are to be provided prior to the issue of the Construction Certificate.

## ANS13

The window to the Lounge on the northern elevation on the ground floor level is to be obscure glazed and bottom hung to prevent any overlooking. Details are to be provided prior to the issue of the Construction Certificate.

## ANS14

The proposed deck off the dining room and the roof above are to be reduced in their north west extent by 1.0m to a maximum width of 2.5m for the deck and 1.7m for the roof above, to reduce visual bulk and scale of the building and reduce visual impact on the Foreshore Scenic Protection Area, plans being suitably amended prior to issue of the Construction Certificate.

## ANS15

The proposed eave/roof overhang extending to the north west is to be reduced to 1.2m from the north west face of the external wall of the building and the vertical support columns from ground level to roof level deleted and replaced with angled struts from ground floor level, to reduce visual bulk and scale of the building and reduce visual impact on the Foreshore Scenic Protection Area, plans being suitably amended prior to issue of the Construction Certificate.

## DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$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 dependent upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

## DA017

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

## DA342

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

## DA343

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

## DA018

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

## DA019

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

## DA021

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

## DA022

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

## DA023

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

## DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

## DA026

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

## DA031

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

## DA038

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

## DA039

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

## DA040

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

## DA044

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

## DA047

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

## DA048

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

## DA058

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

## 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.

## DA097

Any work shall not prohibit or divert any natural overland flow of water.

## DA085

Roof water and surface storm waters from paved areas from the development shall be collected and piped to the harbour foreshore according to Council's Specifications for Stormwater Drainage and On Site Stormwater Management 2003 and shall be submitted with the Construction Certificate application. The principal Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.

## DA102

Special footings will be required where the proposed/existing structure is adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A suitably qualified Structural Engineer shall issue a compliance certificate for the special footings referred to above to

the Principal Certifying Authority. The footings shall be designed and approved Prior to the Issue of the 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.

**DA255**

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimize 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.

**DA269**

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

**DA270**

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

Silt control fences

Footing inspection - trench and steel

Framework inspection

Wet area moisture barrier

Drainage inspection

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$1,610 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$110.

**DA271**

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

**DA285**

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practicing 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 brick cutting, 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.

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

DA320

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

DA274

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

DA323

This approval shall expire if the development hereby permitted is not commenced within 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 Amendment:** Councillors Daley, Heasman and Norek

**Against the Amendment:** Councillors Evans, Hay, Lambert, Morrison, Murphy, Pedersen and Macdonald

The Amendment was declared **LOST** and the Motion was put.

L65/08 **RESOLVED: (Lambert / Morrison)**

That Development Application No. 490/07 for alterations and additions to existing dwelling at 133A Seaforth Crescent Seaforth be **APPROVED**, but shall not operate until the applicant has submitted documentation showing:

- A1. A redesign to eliminate the incursion of the proposed deck (beyond the existing deck) off the dining room and the roof above into the Foreshore Scenic Protection Area within the 15m above the Mean High Water Mark.

This consent is a "**deferred commencement**"

Evidence of Items A1 is to be submitted within a period of three (3) months pursuant to Section 80(3) of the Environmental Planning and Assessment act of 1979. The consent will then operate for a period of two (2) years.

Development Application conditions of consent upon compliance with the above matters:

DA1

This approval relates to drawings/plans Nos. DA.01 to DA.08 dated 11 December 2007 and received by Council on the 13 December 2007 and Landscaping Plan No. DA.L01 dated 11 December 2007 and received by Council on the 13 December 2007.

ANS01

The deck extending off the laundry on the ground floor plan is to be amended so that the deck does not extend south of the southern wall of the laundry in order to ensure the privacy of adjoining residents is maintained. Details are to be provided prior to the issue of the Construction

Certificate.

#### ANS02

The proposal is to comply with the following general terms of approval provided by NSW Maritime:

The works must be carried out so that:

- (c) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of Middle Harbour; and
- (d) No materials are likely to be carried by natural forces to the bed, shore or waters of Middle Harbour.

#### ANS03

Any material that does enter Middle Harbour must be removed immediately.

#### ANS04

Best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, construction.

Methods must be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater – Soils and Construction* issued by the NSW Department of Housing/Landcom in 2004 and any other relevant Council requirements.

#### ANS05

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

#### ANS06

The erosion, sediment and pollution control system must 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.

#### ANS07

Any material that is to be stockpiled on site must be stabilised to prevent erosion or dispersal of the material.

#### ANS08

Native trees to be retained are to be fully protected for the duration of the works. In particular, works must 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.

#### ANS09

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. Planting structure is to be achieved by providing native indigenous trees, shrubs and ground-covers.

#### ANS10

The foreshore must be fully protected for the duration of the works. This includes preventing the storage of any machinery, materials, equipment, supplies, or waste receptacles within the inter-tidal area.

#### ANS11

No works are to be undertaken on land owned by NSW Maritime (i.e. below MHW) without the relevant approvals being granted by NSW Maritime.



## ANS12

Building materials are to be transported to the subject site via barge through Middle Harbour, in order to ensure the aural amenity of the surrounding residents is maintained. Details are to be provided prior to the issue of the Construction Certificate.

## ANS13

The window to the Lounge on the northern elevation on the ground floor level is to be obscure glazed and bottom hung to prevent any overlooking. Details are to be provided prior to the issue of the Construction Certificate.

## ANS14

Deleted

## ANS15

The proposed eave/roof overhang extending to the north west is to be reduced to 1.2m from the north west face of the external wall of the building and the vertical support columns from ground level to roof level deleted and replaced with angled struts from ground floor level, to reduce visual bulk and scale of the building and reduce visual impact on the Foreshore Scenic Protection Area, plans being suitably amended prior to issue of the Construction Certificate.

## DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$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 dependent upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

## DA017

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

## DA342

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

## DA343

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

## DA018

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

## DA019

Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number

must be submitted to Council /Accredited Certifier prior to issue of the Construction Certificate.

DA021

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

DA022

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

DA023

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

DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

DA026

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

DA031

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

DA038

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

DA039

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

DA040

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

DA044

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

DA047

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

DA048

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

DA058

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

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.

DA097

Any work shall not prohibit or divert any natural overland flow of water.

DA085

Roof water and surface storm waters from paved areas from the development shall be collected and piped to the harbour foreshore according to Council's Specifications for Stormwater Drainage and On Site Stormwater Management 2003 and shall be submitted with the Construction Certificate application. The principal Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.

DA102

Special footings will be required where the proposed/existing structure is adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A suitably qualified Structural Engineer shall issue a compliance certificate for the special footings referred to above to the Principal Certifying Authority. The footings shall be designed and approved Prior to the Issue of the 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.

## DA255

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimize 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.

## DA269

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

## DA270

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

Silt control fences

Footing inspection - trench and steel

Framework inspection

Wet area moisture barrier

Drainage inspection

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$1,610 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$110.

## DA271

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

## DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practicing 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 brick cutting, 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.

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

DA320

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

Termite Attack".

DA274

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

DA323

This approval shall expire if the development hereby permitted is not commenced within 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 Daley, Evans, Hay, Lambert, Morrison, Murphy, Pedersen and Macdonald

**Against the Resolution:** Councillors Heasman and Norek

\*\*\*\*\*

At 10.24pm Councillor Evans vacated the Chair and Councillor Lambert assumed the Chair.  
At 10.28pm Councillor Lambert vacated the Chair and Councillor Evans resumed the Chair.

Environmental Services Division Report No. 43

**Unit 3 / 447-449 Sydney Road, Balgowlah - DA263/07 (DA263/07)**

**Application Lodged:** 24 July 2007  
**Applicant:** Terrance Medford & Lenka Travnicek  
**Owner:** TJ Medford & L Travnicek  
**Estimated Cost:** \$7,425.00  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
**Surrounding Development:** Mixture of dwellings, units and commercial  
**Heritage:** Not applicable

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR THE REMOVAL OF HEBEL; BLOCK WALL AND ADJOINING PLANTER BOXES AND THE INSTALLATION OF NEW COLOURBOND FENCE.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND TWO (2) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS RECOMMENDED FOR APPROVAL. THE APPLICATION WAS DISCUSSED AT THE COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 11 MARCH 2008 WHERE IT WAS REFUSED FOR A NUMBER OF REASONS.
4. THE APPLICANT HAD A MEETING TO DISCUSS THE REASONS FOR REFUSAL AND SUBMITTED ADDITIONAL INFORMATION TO OVERCOME THESE CONCERNS.
5. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 27 MAY WITH A RECOMMENDATION FOR APPROVAL.
6. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MORRISON.
7. A SITE INSPECTION IS RECOMMENDED.
8. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

**PUBLIC ADDRESSES**

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

Against the Recommendation: Christopher Birrell

In Support of the Recommendation: Terrence Medford

### SITE INSPECTIONS

A site inspection of DA263/07 – Unit 3 / 447-449 Sydney Road, Balgowlah, installation of a new brick fence and provision of landscaping, was conducted by Councillors J Evans, J Hay, A Heasman, J Lambert, R Morrison, D Murphy and M Norek.

**Recommendation:** No Recommendation

### MOTION (Morrison / Hay)

That Development Application No. 263/07 for the installation of a new brick fence and provision of landscaping at Unit 3 / 447-449 Sydney Road Balgowlah be **APPROVED** subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. SK2.1 and SK 2.2 Issue B dated 30 March 2008 and received by Council on the 8 April 2008.

- *Letter dated 7 April 2008 and received 8 April 2008*

ANS01

The proposed wall is to be constructed of masonry or of glass blocks and be positioned 1.5m from the existing southern wall of the proposed courtyard area and returned along the western side of the courtyard to the column, and on the eastern side to correspond with the continuation of the existing eastern wall of the courtyard area

ANS02

A solid opaque gate is to be provided in the eastern side wall to allow access for maintenance to the remaining area which is to contain 3 by 1.2 m long by 600mm wide by 600mm high planter boxes containing 2m high plantings (not Leighton greens)

ANS03

The new wall shall be to a height of 1700mm above the level of the existing wall around the courtyard area in order to ensure the privacy to adjoining residents is maintained. The new wall is to be either glass blocks or to be brick rendered and painted to match the existing building and provided with an internal finish of quartzite/slate on one section and timber cladding on another in accordance with the letter to council dated 7 April 2008. The plans are to be notated accordingly 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 dependent upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

## DA018

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

## 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.

## 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.

## 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.

## 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.

## DA109

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

## DA121

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

## 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.

## DA270

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

## Final inspection

The cost of these inspections by Council is \$230 (being \$230 per inspection inclusive of GST).



Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$110.

#### DA337

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

#### DA289

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

#### DA274

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

#### DA323

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

#### **AMENDMENT (Norek / Murphy)**

That Development Application No. 263/07 for the installation of a new brick fence and provision of landscaping at Unit 3 / 447-449 Sydney Road Balgowlah be **REFUSED**.

**For the Amendment:** Councillors Murphy and Norek

**Against the Amendment:** Councillors Daley, Evans, Hay, Heasman, Lambert, Morrison, Pedersen and Macdonald

The Amendment was declared **LOST** and the Motion was put.

#### L66/08 **RESOLVED: (Morrison / Hay)**

That Development Application No. 263/07 for the installation of a new brick fence and provision of landscaping at Unit 3 / 447-449 Sydney Road Balgowlah be **APPROVED** subject to the following conditions:

#### DA1

This approval relates to drawings/plans Nos. SK2.1 and SK 2.2 Issue B dated 30 March 2008 and received by Council on the 8 April 2008.

- *Letter dated 7 April 2008 and received 8 April 2008*

## ANS01

The proposed wall is to be constructed of masonry or of glass blocks and be positioned 1.5 m from the existing southern wall of the proposed courtyard area and returned along the western side of the courtyard to the column, and on the eastern side to correspond with the continuation of the existing eastern wall of the courtyard area

## ANS02

A solid opaque gate is to be provided in the eastern side wall to allow access for maintenance to the remaining area which is to contain 3 by 1.2 m long by 600mm wide by 600mm high planter boxes containing 2m high plantings (not Leighton greens)

## ANS03

The new wall shall be to a height of 1700mm above the level of the existing wall around the courtyard area in order to ensure the privacy to adjoining residents is maintained. The new wall is to be either glass blocks or to be brick rendered and painted to match the existing building and provided with an internal finish of quartzite/slate on one section and timber cladding on another in accordance with the letter to council dated 7 April 2008. The plans are to be notated accordingly 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 dependent upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

## DA018

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

## 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.

## 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.

## 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.

## 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.

## DA109

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

## DA121

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

## 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.

## DA270

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

## Final inspection

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

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$110.

## DA337

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

## DA289

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

DA274

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

DA323

This approval shall expire if the development hereby permitted is not commenced within 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 Daley, Evans, Hay, Heasman, Lambert, Morrison, Pedersen and Macdonald

**Against the Resolution:** Councillors Murphy and Norek

\*\*\*\*\*

Environmental Services Division Report No. 44

**24 Collingwood Street, Manly (aka 5 Ceramic Lane) - DA445/07 (DA445/07)**

**Application Lodged:** 8 November 2007 (Additional information provided 14 May 2008)  
**Applicant:** Architectural Projects Pty Ltd  
**Owner:** M & L Richards  
**Estimated Cost:** \$600,000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
**Surrounding Development:** The locality is residential in character consisting predominantly of one and two storey dwelling houses and two and three storey residential flat buildings .  
**Heritage:** Not applicable.

**SUMMARY:**

1. THE DEVELOPMENT APPLICATION WAS LODGED 8 NOVEMBER 2007.
2. THE APPLICATION WAS ON NOTIFICATION BETWEEN 13 NOVEMBER 2007 AND 27 NOVEMBER 2007 AND THREE (3) LETTERS OF OBJECTION WERE RECEIVED.
3. FURTHER INFORMATION WAS RECEIVED 3 FEBRUARY 2008 AND 25 MAY 2008.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 24 JUNE 2008 WITH A RECOMMENDATION FOR APPROVAL.
5. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR DEFERRED COMMENCEMENT APPROVAL.

**PUBLIC ADDRESSES**

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

Against the Recommendation: Kathleen O'Grady

In Support of the Recommendation: J Hill

**SITE INSPECTIONS**

A site inspection of DA445/07 – 24 Collingwood Street, Manly (aka 5 Ceramic Lane) – “Deferred

Commencement", demolition of the existing dwelling house and erection of a new dwelling house, was conducted by Councillors J Evans, J Hay, A Heasman, J Lambert, P Macdonald, D Murphy and M Norek.

**Recommendation:** No Recommendation

**MOTION (1) (Macdonald / Lambert)**

That Council determine the application that pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 445/07 for a "Demolition of the existing dwelling house and erection of a new dwelling house" at 24 Collingwood Street Manly (aka 5 Ceramic Lane), be **APPROVED** but shall not operate until the applicant has submitted documentation showing:-

- A1. The proposed second floor level including roof top terrace and access thereto being deleted with the maximum height of the building not to exceed RL13.00.

This consent is a "**deferred commencement**".

Evidence of Items A1 is to be submitted within a period of three (3) months pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

**Development Application conditions of consent upon compliance with the above matters:**

DA1

This approval relates to Drawing Nos. 07.126, DA 01 – DA04 dated 6 November 2007 and Statement of Environmental Effects by Architectural Projects and received by Council on 8 November 2007 and as modified by Deferred Commencement conditions:

ANS01

Deleted

ANS02

The height of the front fence and gate to be reduced to not exceed 1500mm. Plans to be amended prior to the Construction Certificate.

ANS03

Deleted

DA009

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

DA010

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

DA011

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

## DA012

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

## DA013

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

## DA016

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

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

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

## DA017

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

## DA341

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

## DA342

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

## DA343

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

## DA018

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

## DA019

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

## DA021

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person

or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

**DA023**

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

**DA024**

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

**DA026**

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

**DA031**

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

**DA039**

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

**DA040**

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

**DA044**

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

**DA048**

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

**DA058**

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

**DA059**

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

## DA060

On completion of the building structure a report from a Registered 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.

## DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) shall be provided within the property in accordance with Council's "Specification for On-site Stormwater Management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

## DA095

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

## DA097

Any work shall not prohibit or divert any natural overland flow of water.

## DA121

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

## DA126

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

## DA230

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

## DA236

Landscaping is to be carried out in accordance with the approved Roof and Site Plan submitted in conjunction with the Development Application. Prior to issue of Construction Certificate a landscape plan is to be submitted to Council/Principle Certifying Authority detailing all proposed species, pot sizes and planting details. 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.

#### DA252

A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.

#### DA346

Trees and shrubs liable to damage are to be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed when directed by the Principal Certifying Authority. The enclosures are to be constructed out of F62 reinforcing mesh 1800mm high wired to 2400mm long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk.

#### DA348

Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

#### DA261

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

#### DA269

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

#### DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection X 3

Wet area moisture barrier

Drainage inspection

OSD Tanks inspection

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$2,530 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$110.

DA271

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

DA285

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

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.

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays

and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

**DA319**

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

**DA320**

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

**DA274**

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

**DA323**

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

**AMENDMENT (Murphy / Morrison)**

That Council determine the application that pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 445/07 for a "Demolition of the existing dwelling house and erection of a new dwelling house" at 24 Collingwood Street Manly (aka 5 Ceramic Lane), be **APPROVED** but shall not operate until the applicant has submitted documentation showing:-

- A1. The proposed second floor level including roof top terrace and access thereto being setback 7.2m from the southern boundary.

This consent is a "**deferred commencement**".

Evidence of Items A1 is to be submitted within a period of three (3) months pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

**Development Application conditions of consent upon compliance with the above matters:****DA1**

This approval relates to Drawing Nos. 07.126, DA 01 – DA04 dated 6 November 2007 and Statement of Environmental Effects by Architectural Projects and received by Council on 8 November 2007 and as modified by Deferred Commencement conditions:

## ANS01

The depth of the terrace on the second floor being reduced so as not to exceed past the eastern edge of the proposed bathroom. The remaining area being non-trafficable roof. Plans to be amended prior to the Construction Certificate.

## ANS02

The height of the front fence and gate to be reduced to not exceed 1500mm. Plans to be amended prior to the Construction Certificate.

## ANS03

The setback of the southern wall along the top floor being in accordance with the sketch marked "EAST" with the words "NOTE FURTHER VOLUME REDUCTIONS" received by Council on 14 May 2008.

## DA009

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

## DA010

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

## DA011

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

## DA012

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

## DA013

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

## DA016

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

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

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

## DA017

No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any

public roadway during construction.

**DA341**

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

**DA342**

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

**DA343**

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

**DA018**

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

**DA019**

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

**DA021**

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

**DA023**

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

**DA024**

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

**DA026**

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

**DA031**

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

## DA039

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

## DA040

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

## DA044

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

## DA048

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

## DA058

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

## DA059

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

## DA060

On completion of the building structure a report from a Registered 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.

## DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) shall be provided within the property in accordance with Council's "Specification for On-site Stormwater Management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

## DA095

A copy of the approved Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention

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

DA097

Any work shall not prohibit or divert any natural overland flow of water.

DA121

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

DA126

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

DA230

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

DA236

Landscaping is to be carried out in accordance with the approved Roof and Site Plan submitted in conjunction with the Development Application. Prior to issue of Construction Certificate a landscape plan is to be submitted to Council/Principle Certifying Authority detailing all proposed species, pot sizes and planting details. 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.

DA252

A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.

DA346

Trees and shrubs liable to damage are to be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed when directed by the Principal Certifying Authority. The enclosures are to be constructed out of F62 reinforcing mesh 1800mm high wired to 2400mm long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk.

DA348

Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection X 3

Wet area moisture barrier

Drainage inspection

OSD Tanks inspection

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$2,530 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$110.

DA271

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

DA285

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

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.

DA289

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

DA319

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

DA320

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

DA274

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

DA323

This approval shall expire if the development hereby permitted is not commenced within 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 Amendment:** Councillors Daley, Evans, Morrison and Murphy

**Against the Amendment:** Councillors Hay, Heasman, Lambert, Norek, Pedersen and Macdonald

The Amendment was declared **LOST**.

#### **FORESHADOWED AMENDMENT (Norek / Heasman)**

That Council determine the application that pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 445/07 for a "Demolition of the existing dwelling house and erection of a new dwelling house" at 24 Collingwood Street Manly (aka 5 Ceramic Lane), be **APPROVED** but shall not operate until the applicant has submitted documentation showing:-

- A1. The proposed second floor level including roof top terrace and access thereto being deleted with the maximum height of the building not to exceed RL13.00.
- A2. The whole building (2 storeys) to be moved 1m towards Ceramic Lane

This consent is a **"deferred commencement"**.

Evidence of Items A1 is to be submitted within a period of three (3) months pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

#### **Development Application conditions of consent upon compliance with the above matters:**

DA1

This approval relates to Drawing Nos. 07.126, DA 01 – DA04 dated 6 November 2007 and Statement of Environmental Effects by Architectural Projects and received by Council on 8 November 2007 and as modified by Deferred Commencement conditions:

ANS01

Deleted

ANS02

The height of the front fence and gate to be reduced to not exceed 1500mm. Plans to be amended prior to the Construction Certificate.

ANS03

Deleted

DA009

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

DA010

Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of

Vehicle Crossings. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property.

DA011

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

DA012

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

DA013

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

DA016

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

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

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

DA017

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

DA341

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

DA342

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

DA343

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

DA018

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

## DA019

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

## DA021

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

## DA023

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

## DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

## DA026

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

## DA031

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

## DA039

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

## DA040

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

## DA044

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

## DA048

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

## DA058

An adequate security fence is to be erected around the perimeter of the site prior to

commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

DA059

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

DA060

On completion of the building structure a report from a Registered 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.

DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) shall be provided within the property in accordance with Council's "Specification for On-site Stormwater Management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

DA095

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

DA097

Any work shall not prohibit or divert any natural overland flow of water.

DA121

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

DA126

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

DA230

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

## DA236

Landscaping is to be carried out in accordance with the approved Roof and Site Plan submitted in conjunction with the Development Application. Prior to issue of Construction Certificate a landscape plan is to be submitted to Council/Principle Certifying Authority detailing all proposed species, pot sizes and planting details. 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.

## DA252

A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.

## DA346

Trees and shrubs liable to damage are to be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed when directed by the Principal Certifying Authority. The enclosures are to be constructed out of F62 reinforcing mesh 1800mm high wired to 2400mm long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk.

## DA348

Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

## DA261

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

## DA269

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

## DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection X 3

Wet area moisture barrier

Drainage inspection

OSD Tanks inspection

Landscaping inspection

#### Final inspection

The cost of these inspections by Council is \$2,530 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$110.

#### DA271

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

#### DA285

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

#### 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.

#### DA289

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

#### DA319

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

#### DA320

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

#### DA274

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

#### DA323

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

**For the Foreshadowed Amendment:** Councillors Hay, Heasman and Norek  
**Against the Foreshadowed Amendment:** Councillors Daley, Evans, Lambert, Morrison, Murphy, Pedersen and Macdonald

The Foreshadowed Amendment was declared **LOST** and the Motion was put.

#### **MOTION (1) (Macdonald / Lambert)**

That Council determine the application that pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 445/07 for a "Demolition of the existing dwelling house and erection of a new dwelling house" at 24 Collingwood Street Manly (aka 5 Ceramic Lane), be **APPROVED** but shall not operate until the applicant has submitted documentation showing:-

A1. The proposed second floor level including roof top terrace and access thereto being deleted



with the maximum height of the building not to exceed RL13.00.

This consent is a "**deferred commencement**".

Evidence of Items A1 is to be submitted within a period of three (3) months pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

**Development Application conditions of consent upon compliance with the above matters:**

DA1

This approval relates to Drawing Nos. 07.126, DA 01 – DA04 dated 6 November 2007 and Statement of Environmental Effects by Architectural Projects and received by Council on 8 November 2007 and as modified by Deferred Commencement conditions:

ANS01

Deleted

ANS02

The height of the front fence and gate to be reduced to not exceed 1500mm. Plans to be amended prior to the Construction Certificate.

ANS03

Deleted

DA009

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

DA010

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

DA011

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

DA012

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

DA013

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

DA016

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

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

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

#### DA017

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

#### DA341

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

#### DA342

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

#### DA343

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

#### DA018

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

#### DA019

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

#### DA021

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

#### DA023

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

#### DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

#### DA026

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on

the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

DA031

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

DA039

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

DA040

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

DA044

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

DA048

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

DA058

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

DA059

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

DA060

On completion of the building structure a report from a Registered 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.

## DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) shall be provided within the property in accordance with Council's "Specification for On-site Stormwater Management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

## DA095

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

## DA097

Any work shall not prohibit or divert any natural overland flow of water.

## DA121

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

## DA126

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

## DA230

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

## DA236

Landscaping is to be carried out in accordance with the approved Roof and Site Plan submitted in conjunction with the Development Application. Prior to issue of Construction Certificate a landscape plan is to be submitted to Council/Principle Certifying Authority detailing all proposed species, pot sizes and planting details. 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.

## DA252

A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.

## DA346

Trees and shrubs liable to damage are to be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed when directed by the Principal Certifying Authority. The enclosures are to be constructed out of F62 reinforcing mesh 1800mm

high wired to 2400mm long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk.

**DA348**

Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

**DA261**

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

**DA269**

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

**DA270**

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection X 3

Wet area moisture barrier

Drainage inspection

OSD Tanks inspection

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$2,530 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$110.

**DA271**

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

**DA285**

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

**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.

DA289

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

DA319

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

DA320

Prior to issue of the Occupation Certificate, a durable termite protection notice shall be

permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

DA274

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

DA323

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

**For the Motion:** Councillors Heasman, Lambert, Pedersen and Macdonald  
**Against the Motion:** Councillors Daley, Evans, Hay, Morrison, Murphy and Norek

The Motion was declared **LOST**.

**MOTION (2) (Norek / Heasman)**

That Council determine the application that pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 445/07 for a "Demolition of the existing dwelling house and erection of a new dwelling house" at 24 Collingwood Street Manly (aka 5 Ceramic Lane), be **APPROVED** but shall not operate until the applicant has submitted documentation showing:-

- A1. The whole building (3 storeys) to be moved 1m towards Ceramic Lane, with the uppermost level being sited 8m from the rear boundary.

This consent is a "**deferred commencement**".

Evidence of Items A1 is to be submitted within a period of three (3) months pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

**Development Application conditions of consent upon compliance with the above matters:**

DA1

This approval relates to Drawing Nos. 07.126, DA 01 – DA04 dated 6 November 2007 and Statement of Environmental Effects by Architectural Projects and received by Council on 8 November 2007 and as modified by Deferred Commencement conditions:

ANS01

The depth of the terrace on the second floor being reduced so as not to exceed past the eastern edge of the proposed bathroom. The remaining area being non-trafficable roof. Plans to be amended prior to the Construction Certificate.

ANS02

The height of the front fence and gate to be reduced to not exceed 1500mm. Plans to be amended prior to the Construction Certificate.

ANS03

Deleted

## DA009

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

## DA010

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

## DA011

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

## DA012

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

## DA013

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

## DA016

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

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

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

## DA017

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

## DA341

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

## DA342

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



## DA343

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

## DA018

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

## DA019

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

## DA021

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

## DA023

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

## DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

## DA026

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

## DA031

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

## DA039

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

## DA040

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

## DA044

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

applicator prior to the fixing of any wall or floor tiles.

DA048

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

DA058

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

DA059

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

DA060

On completion of the building structure a report from a Registered 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.

DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) shall be provided within the property in accordance with Council's "Specification for On-site Stormwater Management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

DA095

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

DA097

Any work shall not prohibit or divert any natural overland flow of water.

DA121

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

DA126

An automatic fire detection and alarm system shall be installed in the proposed dwelling in

accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.

#### DA230

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

#### DA236

Landscaping is to be carried out in accordance with the approved Roof and Site Plan submitted in conjunction with the Development Application. Prior to issue of Construction Certificate a landscape plan is to be submitted to Council/Principle Certifying Authority detailing all proposed species, pot sizes and planting details. 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.

#### DA252

A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.

#### DA346

Trees and shrubs liable to damage are to be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed when directed by the Principal Certifying Authority. The enclosures are to be constructed out of F62 reinforcing mesh 1800mm high wired to 2400mm long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk.

#### DA348

Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

#### DA261

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

#### DA269

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

#### DA270

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

Silt control fences

Footing inspection - trench and steel  
Reinforced concrete slab  
Framework inspection X 3  
Wet area moisture barrier  
Drainage inspection  
OSD Tanks inspection  
Landscaping inspection  
Final inspection

The cost of these inspections by Council is \$2,530 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$110.

DA271

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

DA285

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

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.

DA289

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

DA319

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

DA320

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

DA274

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

DA323

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

L67/08      **RESOLVED:      (Norek / Heasman)**

That Council determine the application that pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 445/07 for a "Demolition of the existing dwelling house and erection of a new dwelling house" at 24 Collingwood Street Manly (aka 5 Ceramic Lane), be approved but shall not operate until the applicant has submitted documentation showing:-

- A1. The whole building (3 storeys) to be moved 1m towards Ceramic Lane, with the uppermost level being sited 8m from the rear boundary.

This consent is a "**deferred commencement**".

Evidence of Items A1 is to be submitted within a period of three (3) months pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

**Development Application conditions of consent upon compliance with the above matters:**

DA1

This approval relates to Drawing Nos. 07.126, DA 01 – DA04 dated 6 November 2007 and Statement of Environmental Effects by Architectural Projects and received by Council on 8 November 2007 and as modified by Deferred Commencement conditions:

ANS01

The depth of the terrace on the second floor being reduced so as not to exceed past the eastern edge of the proposed bathroom. The remaining area being non-trafficable roof. Plans to be amended prior to the Construction Certificate.

ANS02

The height of the front fence and gate to be reduced to not exceed 1500mm. Plans to be amended prior to the Construction Certificate.

ANS03

Deleted

DA009

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

DA010

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

DA011

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

DA012

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

DA013

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

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the

Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$10,000. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

#### DA017

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

#### DA341

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

#### DA342

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

#### DA343

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

#### DA018

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

#### DA019

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

#### DA021

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

#### DA023

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

#### DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the

building works.

DA026

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

DA031

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

DA039

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

DA040

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

DA044

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

DA048

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

DA058

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

DA059

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

DA060

On completion of the building structure a report from a Registered 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.

DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) shall be provided within the property in accordance with Council's "Specification for On-site Stormwater Management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

DA095

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

DA097

Any work shall not prohibit or divert any natural overland flow of water.

DA121

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

DA126

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

DA230

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

DA236

Landscaping is to be carried out in accordance with the approved Roof and Site Plan submitted in conjunction with the Development Application. Prior to issue of Construction Certificate a landscape plan is to be submitted to Council/Principle Certifying Authority detailing all proposed species, pot sizes and planting details. 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.

DA252

A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.

## DA346

Trees and shrubs liable to damage are to be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed when directed by the Principal Certifying Authority. The enclosures are to be constructed out of F62 reinforcing mesh 1800mm high wired to 2400mm long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk.

## DA348

Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

## DA261

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

## DA269

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

## DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection X 3

Wet area moisture barrier

Drainage inspection

OSD Tanks inspection

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$2,530 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$110.

## DA271

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

## DA285

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

## 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.

DA289

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

DA319

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

for the "Protection of Buildings Against Termite Attack".

DA320

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

DA274

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

DA323

This approval shall expire if the development hereby permitted is not commenced within 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 Daley, Evans, Hay, Heasman, Morrison, Murphy and Norek  
**Against the Resolution:** Councillors Lambert, Pedersen and Macdonald

\*\*\*\*\*

Councillor Pedersen retired from the Chamber at 12.25am.

Environmental Services Division Report No. 45

**85 Wanganella Street, Balgowlah - DA461/07 (DA461/07)**

<b><u>Application Lodged:</u></b>	20 November 2007
<b><u>Applicant:</u></b>	Chateau Construction (Aust) Ltd
<b><u>Owner:</u></b>	BL & JA Thompson
<b><u>Estimated Cost:</u></b>	\$658,000
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential Sub Zone
<b><u>Surrounding Development:</u></b>	Residential and adjoining Open space (Balgowlah Golf Club)
<b><u>Heritage:</u></b>	78 Wanganella Street – No effect

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR DEMOLITION OF THE EXISTING DWELLING AND GARAGE AND ERECTION OF A NEW TWO (2) STOREY DWELLING AND DOUBLE GARAGE.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS WITH ONE (1) SUBMISSION RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE IVANHOE PARK PRECINCT COMMUNITY FORUM FOR COMMENTS.
4. TWO (2) FURTHER AMENDED SUBMISSIONS WERE RECEIVED AND RE-NOTIFIED. A SUBMISSION WAS RECEIVED FOR EACH RE-NOTIFICATION.
5. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 12 JUNE 2008 WITH A RECOMMENDATION FOR APPROVAL.
6. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
7. A SITE INSPECTION IS RECOMMENDED.
8. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

## PUBLIC ADDRESSES

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

In Support of the Recommendation: Carolyn Foxton

## SITE INSPECTIONS

A site inspection of DA461/07 – 85 Wanganella Street, Balgowlah, demolition of the existing dwelling and garage and erection of a new two (2) storey dwelling and double garage, landscaping and fence to Golf Course, was conducted by Councillors J Evans, J Hay, A Heasman, J Lambert, P Macdonald, R Morrison, D Murphy and M Norek.

### Recommendation:

That Development Application No.461/07 for demolition of the existing dwelling and garage and erection of a new two storey dwelling and double garage , landscaping and fence to golf course be approved as per staff Recommendation with conditions ANS08, ANS09 and ANS12 amended as follows;

#### ANS08

The extent of cut and fill is to be controlled such that the finished ground level (in any north/south cross section) is an average of the existing ground levels at the boundaries of the adjoining sites to the north and south, with the maximum height of any fill being 600mm at any one point, to minimise amenity impacts on the adjoining sites to the north and south, plans being suitably amended prior to issue of the Construction Certificate.

#### ANS09

The fence bordering the Balgowlah Golf Course is to be a maximum height of 1.5m including any retaining wall and to conform with Council's Residential Development Control Plan clause 4.4.3 – Fences, Walls and Enclosures. The metal portion of the fence is to be of an open design, coloured to blend with the landscaping. The gate shall not swing or encroach onto the public land. The density of landscape planting within the property along the boundary with the Golf Course is to form a hedge and screen. Selected species are to be maintained at a height not less than the nominated fence height. Fence drawings detailing the above are to be submitted to Council/Principal Certifying Authority prior to issue of the Construction Certificate.

#### ANS12

The Landscape Plan is to be amended to include planting of a minimum two (2) endemic or native trees in the area between the dwelling and the garage, to maintain the landscaped quality of the area and comply with Council's Residential Development Control Plan. Amended Landscaping plans detailing the above are to be submitted to Council/Principal Certifying Authority prior to issue of the Construction Certificate.

## MOTION (Hay / Morrison)

That Development Application No. 461/07 for Demolition of the existing dwelling and garage and erection of a new two (2) storey dwelling and double garage, landscaping and fence to Golf Course at 85 Wanganella Street, Balgowlah be conditionally **APPROVED** subject to the following conditions:

#### DA1

This approval relates to drawings/plans Nos. 1-3 dated 9 April 2008 and received by Council on the 1 May 2008; and an amended Landscape Plan prepared by Horticultural Services Australia, originally dated 15 October 2007 but with no amendment date and received by Council 13 May 2008.

- *Statement of Environmental Effects, undated and received by Council 20 November 2007;*
- *Drawing No SHAD-01 dated 22 April 2008 and received by Council 01 May 2008*
- *Subject Site and neighbour's Site Plans dated 30 April 2008 and received by Council 01 May 2008*
- *Site Analysis Drawings P4369.1-7, undated and received by Council 20 November 2007;*
- *Site Survey prepared by Burton & Field Pty Ltd , dated 29 June 2007 and received by Council 20 November 2007*
- *Sediment & Erosion Control Plan C01-A and Stormwater Drainage Plan C02-A prepared by Healey Castle and Associates Pty Ltd, dated November 2007 and received by Council 20 November 2007*
- *BASIX Certificate No 196328S dated 12 May 2008 and received by Council 13 May 2008*

ANS01

Deleted.

ANS02

The depth of the Vergola structure is to be reduced by 600mm from 3.6m to 3m. The western setback to the Open Space (Balgowlah Golf Course) is to be at 6.6m at ground floor level, which is the equivalent of the adjoining property to the south. The first floor western setback to the adjacent Open Space is to be 8.52m. The overall length of the dwelling is to be 17.9m as shown in the plans. Amended drawings are to be submitted to Council/Principal Certifying Authority prior to the issue of the Construction Certificate.

ANS03

The Vergola structure, which is designed to afford architectural and visual coherence, is to be maintained, although the depth of the Vergola is to be reduced to 3m (ANS02). Amended drawings are to be submitted to Council/Principal Certifying Authority prior to the issue of the Construction Certificate.

ANS04

The gable roof over the proposed Lych-gate is to be deleted or substituted with a flat roof to maximum 2.7m (approximately RL52.0) to minimise the impact of walls on boundary to the adjoining site. Amended drawings are to be submitted to Council/Principal Certifying Authority prior to the issue of the Construction Certificate.

ANS05

The north-facing Living Room window shall be amended to either glass bricks or similar; or to a highlight window as proposed for the northern window of the nearby Sitting Room. This is because the window does not comply with the 3.0m setback to protect the amenity and privacy of adjoining residents. Amended drawings are to be submitted to Council/Principal Certifying Authority prior to the issue of the Construction Certificate.

ANS06

Deleted

ANS07

The proposed lych-gate's wall on boundary shall be finished to the adjoining property in face brickwork with finished mortar joints, in a colour and finish appropriate to the architectural character of the adjoining property and to the adjoining property owners' written satisfaction. If the finish should require maintenance, then a right of way shall be obtained to provide access for maintenance prior to the issue of the Occupation Certificate.

ANS08

The extent of cut and fill is to be controlled such that the finished ground level (in any north/south cross section) is an average of the existing ground levels at the boundaries of the adjoining sites to

the north and south, with the maximum height of any fill being 600mm at any one point, to minimise amenity impacts on the adjoining sites to the north and south, plans being suitably amended prior to issue of the Construction Certificate.

#### ANS09

The fence bordering the Balgowlah Golf Course is to be a maximum height of 1.5m including any retaining wall and to conform with Council's Residential Development Control Plan clause 4.4.3 – Fences, Walls and Enclosures. The metal portion of the fence is to be of an open design, coloured to blend with the landscaping. The gate shall not swing or encroach onto the public land. The density of landscape planting within the property along the boundary with the Golf Course is to form a hedge and screen. Selected species are to be maintained at a height not less than the nominated fence height. Fence drawings detailing the above are to be submitted to Council/Principal Certifying Authority prior to issue of the Construction Certificate.

#### ANS10

The proposed underground rainwater tank shall be amended to show 10,000 litres capacity and as being connected to all toilets and at least one outdoor tap, as required by BASIX Certificate No.196328S. Amended hydraulics drawings are to be submitted to Council's Urban Services engineers prior to the issue of the Construction Certificate.

#### ANS11

Vehicular movement along the driveway to and from Wanganella Street must always be in forward direction. The proposed vehicular turntable must be maintained in working order, for vehicular and pedestrian safety along the shared driveway. The turntable is to be installed and operational, prior to the issue of the Occupation Certificate.

#### ANS12

The Landscape Plan is to be amended to include planting of a minimum two (2) endemic or native trees in the area between the dwelling and the garage, to maintain the landscaped quality of the area and comply with Council's Residential Development Control Plan. Amended Landscaping plans detailing the above are to be submitted to Council/Principal Certifying Authority prior to issue of the Construction Certificate.

#### ANS13

The southern side Drying Court is not suitably located and shall be deleted, and boundary planting continued in this area. Amended plans shall be submitted to Council/Principal Certifying Authority prior to the issue of the Construction Certificate.

#### ANS14

An amended BASIX Certificate, including omitted windows and correcting site area, with any additional or amended commitments to be included on Construction Certificate drawings, shall be submitted to Council/Principal Certifying Authority prior to the issue of the Construction Certificate.

#### ANS15

The Right-Of-Carriageway shall be kept clear at all times. This approval does not prejudice the rights of any of the parties in respect of access or maintenance of the Right-Of-Way.

#### ANS16

A dilapidation report in regard to the adjoining property (No. 83 Wanganella Street) including improvements such as any driveways, shared driveways, paths, walls, fences and the like is to be submitted to Council with the Trust Fund Deposit prior to the issue of the Construction Certificate.

#### ANS17

No construction access is permitted via the adjoining Open Space (Balgowlah Golf Course).

#### DA012

The driveway/access ramp grades, access and car parking facilities shall comply with the

Australian Standard for Off-Street Parking AS2890.1-2004 or later editions.

#### 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.

#### 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 dependent upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

#### DA017

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

#### DA342

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

#### DA343

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

#### DA018

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

#### DA019

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

#### DA021

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

#### DA022

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.



## DA023

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

## DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

## DA026

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

## DA031

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

## DA039

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

## DA040

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

## DA044

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

## DA047

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

## DA048

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

## DA058

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

## DA059

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

## DA060

On completion of the building structure a report from a Registered 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.

## DA077

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

## DA109

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

## DA111

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

## DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) shall be provided within the property in accordance with Council's "Specification for On-site Stormwater Management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

## DA095

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

## DA097

Any work shall not prohibit or divert any natural overland flow of water.

## DA100

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

## DA121

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

## DA126

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

## DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath

without prior separate approval from Council, including payment of relevant fees.

DA236

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

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 willfully 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.

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection

Wet area moisture barrier

Drainage inspection

OSD Tank steel inspection X 2

Landscaping inspection

Final inspection

The cost of these inspections by Council is 2,300 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

incur a fee of \$110.

DA271

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

DA279

All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.

DA284

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

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.

**DA289**

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

**DA290**

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

**DA319**

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

**DA320**

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

**DA274**

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

**DA323**

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

**Note: The applicant is further advised of the following:-**

*Rainwater Tanks*

1. Pumps must be housed in a manner as not to create offensive or intrusive noise as defined in the Protection of the Environment Operations Act 1997.
2. The management and use of the rainwater tank shall be in accordance with the publication entitled "Guidance on the use of Rainwater Tanks 2004" available on the website: [http://enhealth.nphp.gov.au/council/pubs/documents/rainwater\\_tanks.pdf](http://enhealth.nphp.gov.au/council/pubs/documents/rainwater_tanks.pdf).
3. The installation of the rainwater tank shall be undertaken by a licensed plumber and installed in accordance with AS/NZS 2500:2006 National Plumbing and Drainage code.
4. Taps supplied with rainwater must have signage "water not suitable for drinking".

5. Toilets serviced by rainwater must be low aerosol type to minimise disease transmission.
6. An alternative water source must be available to toilets in the event of system failure.
7. Rainwater is not suitable for drinking and other potable uses.
8. The tank must be fitted with a first flush device, being a device that causes the initial run-off of rain to bypass the tank, to reduce pollutants entering the tank.
9. Any overflow from the rainwater tank must be diverted to existing stormwater on the premises.
10. Any inlet to the rainwater tank must be screened or filtered to prevent the entry of foreign matter or creatures.
11. The rainwater tank must be maintained at all times so as not to create harbourage for vermin (ie mosquito breeding).

L68/08     **RESOLVED:     (Hay / Morrison)**

That Development Application No. 461/07 for Demolition of the existing dwelling and garage and erection of a new two (2) storey dwelling and double garage, landscaping and fence to Golf Course at 85 Wanganella Street, Balgowlah be conditionally **APPROVED** subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. 1-3 dated 9 April 2008 and received by Council on the 1 May 2008; and an amended Landscape Plan prepared by Horticultural Services Australia, originally dated 15 October 2007 but with no amendment date and received by Council 13 May 2008.

- *Statement of Environmental Effects, undated and received by Council 20 November 2007;*
- *Drawing No SHAD-01 dated 22 April 2008 and received by Council 01 May 2008*
- *Subject Site and neighbour's Site Plans dated 30 April 2008 and received by Council 01 May 2008*
- *Site Analysis Drawings P4369.1-7, undated and received by Council 20 November 2007;*
- *Site Survey prepared by Burton & Field Pty Ltd , dated 29 June 2007 and received by Council 20 November 2007*
- *Sediment & Erosion Control Plan C01-A and Stormwater Drainage Plan C02-A prepared by Healey Castle and Associates Pty Ltd, dated November 2007 and received by Council 20 November 2007*
- *BASIX Certificate No 196328S dated 12 May 2008 and received by Council 13 May 2008*

ANS01

Deleted.

ANS02

The depth of the Vergola structure is to be reduced by 600mm from 3.6m to 3m. The western setback to the Open Space (Balgowlah Golf Course) is to be at 6.6m at ground floor level, which is the equivalent of the adjoining property to the south. The first floor western setback to the adjacent Open Space is to be 8.52m. The overall length of the dwelling is to be 17.9m as shown in the plans. Amended drawings are to be submitted to Council/Principal Certifying Authority prior to the issue of the Construction Certificate.

ANS03

The Vergola structure, which is designed to afford architectural and visual coherence, is to be maintained, although the depth of the Vergola is to be reduced to 3m (ANS02). Amended drawings are to be submitted to Council/Principal Certifying Authority prior to the issue of the Construction Certificate.

#### ANS04

The gable roof over the proposed Lych-gate is to be deleted or substituted with a flat roof to maximum 2.7m (approximately RL52.0) to minimise the impact of walls on boundary to the adjoining site. Amended drawings are to be submitted to Council/Principal Certifying Authority prior to the issue of the Construction Certificate.

#### ANS05

The north-facing Living Room window shall be amended to either glass bricks or similar; or to a highlight window as proposed for the northern window of the nearby Sitting Room. This is because the window does not comply with the 3.0m setback to protect the amenity and privacy of adjoining residents. Amended drawings are to be submitted to Council/Principal Certifying Authority prior to the issue of the Construction Certificate.

#### ANS06

Deleted

#### ANS07

The proposed lych-gate's wall on boundary shall be finished to the adjoining property in face brickwork with finished mortar joints, in a colour and finish appropriate to the architectural character of the adjoining property and to the adjoining property owners' written satisfaction. If the finish should require maintenance, then a right of way shall be obtained to provide access for maintenance prior to the issue of the Occupation Certificate.

#### ANS08

The extent of cut and fill is to be controlled such that the finished ground level (in any north/south cross section) is an average of the existing ground levels at the boundaries of the adjoining sites to the north and south, with the maximum height of any fill being 600mm at any one point, to minimise amenity impacts on the adjoining sites to the north and south, plans being suitably amended prior to issue of the Construction Certificate.

#### ANS09

The fence bordering the Balgowlah Golf Course is to be a maximum height of 1.5m including any retaining wall and to conform with Council's Residential Development Control Plan clause 4.4.3 – Fences, Walls and Enclosures. The metal portion of the fence is to be of an open design, coloured to blend with the landscaping. The gate shall not swing or encroach onto the public land. The density of landscape planting within the property along the boundary with the Golf Course is to form a hedge and screen. Selected species are to be maintained at a height not less than the nominated fence height. Fence drawings detailing the above are to be submitted to Council/Principal Certifying Authority prior to issue of the Construction Certificate.

#### ANS10

The proposed underground rainwater tank shall be amended to show 10,000 litres capacity and as being connected to all toilets and at least one outdoor tap, as required by BASIX Certificate No.196328S. Amended hydraulics drawings are to be submitted to Council's Urban Services engineers prior to the issue of the Construction Certificate.

#### ANS11

Vehicular movement along the driveway to and from Wanganella Street must always be in forward direction. The proposed vehicular turntable must be maintained in working order, for vehicular and pedestrian safety along the shared driveway. The turntable is to be installed and operational, prior to the issue of the Occupation Certificate.

## ANS12

The Landscape Plan is to be amended to include planting of a minimum two (2) endemic or native trees in the area between the dwelling and the garage, to maintain the landscaped quality of the area and comply with Council's Residential Development Control Plan. Amended Landscaping plans detailing the above are to be submitted to Council/Principal Certifying Authority prior to issue of the Construction Certificate.

## ANS13

The southern side Drying Court is not suitably located and shall be deleted, and boundary planting continued in this area. Amended plans shall be submitted to Council/Principal Certifying Authority prior to the issue of the Construction Certificate.

## ANS14

An amended BASIX Certificate, including omitted windows and correcting site area, with any additional or amended commitments to be included on Construction Certificate drawings, shall be submitted to Council/Principal Certifying Authority prior to the issue of the Construction Certificate.

## ANS15

The Right-Of-Carriageway shall be kept clear at all times. This approval does not prejudice the rights of any of the parties in respect of access or maintenance of the Right-Of-Way.

## ANS16

A dilapidation report in regard to the adjoining property (No. 83 Wanganella Street) including improvements such as any driveways, shared driveways, paths, walls, fences and the like is to be submitted to Council with the Trust Fund Deposit prior to the issue of the Construction Certificate.

## ANS17

No construction access is permitted via the adjoining Open Space (Balgowlah Golf Course).

## DA012

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

## 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.

## 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 dependent upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

## DA017

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



## DA342

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

## DA343

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

## DA018

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

## DA019

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

## DA021

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

## DA022

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

## DA023

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

## DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

## DA026

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

## DA031

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

## DA039

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

## DA040

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

## DA044

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

## DA047

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

## DA048

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

## DA058

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

## DA059

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

## DA060

On completion of the building structure a report from a Registered 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.

## DA077

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

## DA109

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

## DA111

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

## DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) shall be provided within the property in accordance with Council's "Specification for On-site Stormwater Management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

## DA095

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

## DA097

Any work shall not prohibit or divert any natural overland flow of water.

## DA100

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

## DA121

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

## DA126

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

## DA230

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

## DA236

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

## 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 willfully 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.

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection

Wet area moisture barrier

Drainage inspection

OSD Tank steel inspection X 2

Landscaping inspection

Final inspection

The cost of these inspections by Council is 2,300 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$110.

DA271

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

DA279

All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.

DA284

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

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.

DA289

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

DA290

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

DA319

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

for the "Protection of Buildings Against Termite Attack".

DA320

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

DA274

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

DA323

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

**Note: The applicant is further advised of the following:-**

*Rainwater Tanks*

1. Pumps must be housed in a manner as not to create offensive or intrusive noise as defined in the Protection of the Environment Operations Act 1997.
2. The management and use of the rainwater tank shall be in accordance with the publication entitled "Guidance on the use of Rainwater Tanks 2004" available on the website: [http://enhealth.nphp.gov.au/council/pubs/documents/rainwater\\_tanks.pdf](http://enhealth.nphp.gov.au/council/pubs/documents/rainwater_tanks.pdf).
3. The installation of the rainwater tank shall be undertaken by a licensed plumber and installed in accordance with AS/NZS 2500:2006 National Plumbing and Drainage code.
4. Taps supplied with rainwater must have signage "water not suitable for drinking".
5. Toilets serviced by rainwater must be low aerosol type to minimise disease transmission.
6. An alternative water source must be available to toilets in the event of system failure.
7. Rainwater is not suitable for drinking and other potable uses.
8. The tank must be fitted with a first flush device, being a device that causes the initial run-off of rain to bypass the tank, to reduce pollutants entering the tank.
9. Any overflow from the rainwater tank must be diverted to existing stormwater on the premises.
10. Any inlet to the rainwater tank must be screened or filtered to prevent the entry of foreign matter or creatures.
11. The rainwater tank must be maintained at all times so as not to create harbourage for vermin (ie mosquito breeding).

**For the Resolution:** Councillors Daley, Evans, Hay, Heasman, Lambert, Morrison, Murphy, Norek and Macdonald  
**Against the Resolution:** Nil.

\*\*\*\*\*

Environmental Services Division Report No. 46

**24-26 Malvern Avenue, Manly - DA401/07 (DA401/07)**

**Application Lodged:** 10 October 2007 (Amended sketches received 2 February 2008)  
**Applicant:** Urbanesque Planning Pty Ltd  
**Owner:** M Lumby & D Holland  
**Estimated Cost:** \$700,000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential and within the Foreshore Scenic Protection Area  
**Surrounding Development:** The locality is residential in character consisting of a variety of dwelling types ranging from single and two storey dwelling houses, residential flat buildings and tourist accommodation.  
**Heritage:** Not applicable.

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO A PAIR OF SEMI DETACHED DWELLING HOUSES INCLUDING FIRST FLOOR ADDITIONS.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND ELEVEN (11) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE OCEAN BEACH PRECINCT COMMUNITY FORUM FOR COMMENTS.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 22 APRIL 2008 WHERE THE MATTER WAS REFERRED FOR FURTHER CLARIFICATION FORM THE APPLICANT REGARDING CAR PARKING, OPEN SPACE AND INCONSISTENCIES IN TH ROOF FORM.
5. THE APPLICANT HAD PROVIDED THE INFORMATION REQUESTED ABOVE.
6. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 24 JUNE 2008 WITH A RECOMMENDATION FOR APPROVAL.
7. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
8. A SITE INSPECTION IS RECOMMENDED.
9. THE APPLICATION IS RECOMMENDED FOR DEFERRED COMMENCEMENT APPROVAL.

**SITE INSPECTIONS**

A site inspection of DA401/07 – 24-26 Malvern Avenue, Manly – “Deferred Commencement”, alterations and additions to a pair of semi-detached dwelling houses, including first floor additions, was conducted by Councillors J Evans, J Hay, A Heasman, J Lambert, P Macdonald, D Murphy and M Norek.

**Recommendation:**

That at the Applicants request, Development Application No.401/07 for alterations and additions to a pair of semi-detached dwelling houses including first floor additions, at Nos.24-26 Malvern Avenue Manly be deferred for a period of two weeks (to the next available meeting on 21 July 2008) to enable the applicant to submit shadow diagrams consistent with the revised proposal.

**MOTION (Hay / Macdonald)**

That at the Applicants request, Development Application No.401/07 for alterations and additions to a pair of semi-detached dwelling houses including first floor additions, at Nos.24-26 Malvern Avenue Manly be **DEFERRED** for a period of two weeks (to the next available meeting on 21 July 2008) to enable the applicant:

1. To submit new shadow diagrams consistent with the revised proposal, and for clarification of the likely impacts on No.22 Malvern Avenue, and
2. To address any implications of proposed basement excavation on acid sulphate soils

**L69/08 RESOLVED: (Hay / Macdonald)**

That at the Applicants request, Development Application No.401/07 for alterations and additions to a pair of semi-detached dwelling houses including first floor additions, at Nos.24-26 Malvern Avenue Manly be **DEFERRED** for a period of two weeks (to the next available meeting on 21 July 2008) to enable the applicant:

1. To submit new shadow diagrams consistent with the revised proposal, and for clarification of the likely impacts on No.22 Malvern Avenue, and
2. To address any implications of proposed basement excavation on acid sulphate soils

**For the Resolution:** Councillors Daley, Evans, Hay, Heasman, Lambert, Morrison, Murphy, Norek and Macdonald

**Against the Resolution:** Nil.

\*\*\*\*\*

Environmental Services Division Report No. 47

**7 Sangrado Street, Seaforth - DA517/06  
Section 96 Modification (DA517/06)**

**Application Lodged:** 2 April 2008  
**Applicant:** Mudge Property Services  
**Owner:** AP & DS Fletcher  
**Estimated Cost:** \$110,000 (Original costing)  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential Partly zoned Foreshore Scenic Protection Area. Subject site is Bush Fire Prone Land  
**Surrounding Development:** Residential development, Sangrado Park and Powder Hulk Bay  
**Heritage:** Not applicable.

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR A SECTION 96(2) APPLICATION TO NOTIFY APPROVED DEMOLITION OF BRICK STORE ROOM AND CONSTRUCTION OF A NEW GARAGE AND STORE ROOM.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS. NO SUBMISSIONS WERE RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE SEAFORTH PRECINCT COMMUNITY FORUM FOR COMMENTS. NO OBJECTIONS OR COMMENTS WERE RECEIVED WITHIN THE REFERRAL PERIOD.
4. THE SEC96(2) PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 17 JUNE 2008 WITH A RECOMMENDATION FOR REFUSAL.
5. THE SECTION 96(2) DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S



LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR HAY.

6. A SITE INSPECTION IS RECOMMENDED.
7. THE SECTION 96(2) APPLICATION IS RECOMMENDED FOR REFUSAL.

### PUBLIC ADDRESSES

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

In Support of the Recommendation: Phil Mudge

### SITE INSPECTIONS

A site inspection of DA517/06 – 7 Sangrado Street, Seaforth – Sec96 Modification, demolition of brick store room and construction of a new garage and store room, was conducted by Councillors J Evans, J Hay, A Heasman, J Lambert, P Macdonald, R Morrison, D Murphy and M Norek.

**Recommendation:** No Recommendation

### MOTION (Hay / Murphy)

That pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979, the application to modify Development Application No 571/06 for demolition of brick store room and construction of a new garage and store room at 7 Sangrado Street, Seaforth, by deleting conditions ANS01 and ANS02, be **APPROVED**.

### AMENDMENT (Lambert)

That pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979; Development Application No 571/06 for demolition of brick store room and construction of a new garage and store room at 7 Sangrado Street, Seaforth be **REFUSED** for the following reasons:

1. The proposal is considered to be unsuitable for the site in relation to its location and bulk, having regard to Section 79C (1) (c) of the Environmental Planning and Assessment Act, 1979.
2. The proposal is inconsistent with objectives (c), (d), (e) and (h) of the Residential Zone under Clause 10 of the Manly Local Environmental Plan, 1988, having regard to Section 79C (1) (a) (i) of the Environmental Planning and Assessment Act, 1979.
3. The proposal is inconsistent with objectives (b), (c), (h), (m), (n), (o) (q) and (r) under Clause 1.2 of the Manly Development Control Plan for the Residential Zone, 2007 (Amendment 1), having regard to Section 79C (1) (a) (iii) of the Environmental Planning and Assessment Act, 1979.
4. The proposal is inconsistent with objectives (f), (g), (h), (i) and (k) for car parking and access under Clause 3.9.1 of the Manly Development Control Plan for the Residential Zone, 2007 (Amendment 1), having regard to Section 79C (1) (a) (iii) of the Environmental Planning and Assessment Act, 1979.
5. The proposal is inconsistent with Control 3.9.3 under the Manly Development Control Plan for the Residential Zone, 2007 (Amendment 1) which permits two (2) parking spaces per dwelling house, except where additional places can be considered acceptable on merit, having regard to Section 79C (1) (a) (iii) of the Environmental Planning and Assessment Act, 1979.
6. The proposal is inconsistent with Clause 3.9.6 (a) (i) of the Manly Development Control Plan

for the Residential Zone, 2007 (Amendment 1) which requires garages and the like to be sited and design so as not to dominate the street frontage having regard to Section 79C (1) (a) (iii) of the Environmental Planning and Assessment Act, 1979.

7. The proposal is inconsistent with objectives (a), (b) and (c) for streetscape and fences under Clause 4.4.1 under Manly Development Control Plan for the Residential Zone, 2007 (Amendment 1), having regard to Section 79C (1) (a) (iii) of the Environmental Planning and Assessment Act, 1979.
8. The proposal is inconsistent with Controls (a) and (b) under Clause 4.4.2 for streetscape controls under Manly Development Control Plan for the Residential Zone, 2007 (Amendment 1), having regard to Section 79C (1) (a) (iii) of the Environmental Planning and Assessment Act, 1979.
9. The proposal is not in the public interest as it will set an undesirable precedent in the Manly Foreshore Scenic Protection Area (Clause 17 of the Manly Local Environmental Plan, 1988), having regard to Section 79C (1) (e) of the Environmental Planning and Assessment Act, 1979.

The Amendment **LAPSED** due to a lack of a seconder.

L70/08      **RESOLVED:      (Hay / Murphy)**

That pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979, the application to modify Development Application No 571/06 for demolition of brick store room and construction of a new garage and store room at 7 Sangrado Street, Seaforth, by deleting conditions ANS01 and ANS02, be **APPROVED**.

**For the Resolution:**      Councillors Daley, Evans, Hay, Heasman, Morrison, Murphy, Norek and Macdonald

**Against the Resolution:**      Councillor Lambert

\*\*\*\*\*

Environmental Services Division Report No. 48

**6 Beatrice Street, Clontarf - DA119/08 (DA119/08)**

**Application Lodged:**                      16 April 2008  
**Applicant:**                                      CMS Surveyors Pty Ltd  
**Owner:**    WH & KE Quinn & CL Jones  
**Estimated Cost:**                              Nil  
**Zoning:**    Manly Local Environmental Plan, 1988 – Residential. The property is also in the Foreshore Scenic Protection Area  
**Surrounding Development:**              Residential dwelling houses  
**Heritage:**    Not applicable

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR CONVERSION OF AN EXISTING STRATA SUBDIVISION TO A TWO (2) LOT TORRENS TITLE SUBDIVISION.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND NO SUBMISSIONS RECEIVED.
3. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 29 MAY 2008 WITH A RECOMMENDATION FOR REFUSAL.
4. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR NOREK.
5. A SITE INSPECTION IS RECOMMENDED.

## 6. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

**PUBLIC ADDRESSES**

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

In Support of the Recommendation: Clive Jones

**SITE INSPECTIONS**

A site inspection of DA119/08 – 6 Beatrice Street, Clontarf, conversion of an existing Strata Subdivision to a two (2) lot Torrens title Subdivision, was conducted by Councillors J Evans, J Hay, A Heasman, J Lambert, R Morrison, D Murphy and M Norek.

**Recommendation:** No Recommendation

**MOTION (Lambert / Morrison)**

That Development Application No. 119/08 for Conversion of an existing Strata Subdivision to a two (2) lot Torrens Title Subdivision at 6 Beatrice Street Clontarf be **APPROVED**, subject to the following conditions:

1. A covenant to be attached to each property restricting the size and scale of future development to existing building envelopes applied to each lot.
2. The Applicants to be responsible for costs associated with the conversion of title
3. The DCP to be modified to include appropriate site specific controls in respect of this property.

**AMENDMENT (Evans / Murphy)**

That Development Application No. 119/08 for Conversion of an existing Strata Subdivision to a two (2) lot Torrens Title Subdivision at 6 Beatrice Street Clontarf be **REFUSED** for the following reasons:

1. The proposed does not comply with the requirements of the Development Control Plan for the Residential Zone 2007 Amendment 1 including lot sizes, floor space ratio, setbacks, and open space having regard to Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
2. The proposed Torrens title subdivision would be likely to have adverse environmental social and economic impacts in the locality in the future due to the severely undersized allotments proposed having regard to Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979.
3. The site is not suitable for Torrens title subdivision having regard to Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979.
4. The proposed Torrens title subdivision is not in the public interest having regard to Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979.

**For the Amendment:** Councillors Evans and Murphy

**Against the Amendment:** Councillors Daley, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

The Amendment was declared **LOST** and the Motion was put.

**L71/08 RESOLVED: (Lambert / Morrison)**

That Development Application No. 119/08 for Conversion of an existing Strata Subdivision to a two (2) lot Torrens Title Subdivision at 6 Beatrice Street Clontarf be **APPROVED**, subject to the following conditions:

1. A covenant to be attached to each property restricting the size and scale of future development to existing building envelopes applied to each lot.
2. The Applicants to be responsible for costs associated with the conversion of title
4. The DCP to be modified to include appropriate site specific controls in respect of this property.

**For the Resolution:** Councillors Daley, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

**Against the Resolution:** Councillors Evans and Murphy

\*\*\*\*\*

Environmental Services Division Report No. 50

**Development Application being processed during July 2008.**

**SUMMARY**

Development Applications Being Processed During July 2008.

**MOTION (Macdonald / Hay)**

That development applications currently being processed during July 2008 be noted.

**L72/08 RESOLVED: (Macdonald / Hay)**

That development applications currently being processed during July 2008 be noted.

**For the Resolution:** Councillors Daley, Evans, Hay, Heasman, Lambert, Morrison, Murphy, Norek and Macdonald

**Against the Resolution:** Nil.

\*\*\*\*\*

Councillors Morrison and Norek retired from the Chamber at 1.14am.

Environmental Services Division Report No. 51

**Appeals List for July 2008**

**SUMMARY**

List of Current Appeals related to Development Applications for Councillors information.

**MOTION (Heasman / Lambert)**

That the List of Appeals received for July 2008 and their current status be noted.

**L73/08 RESOLVED: (Heasman / Lambert)**

That the List of Appeals received for July 2008 and their current status be noted.

**For the Resolution:** Councillors Daley, Evans, Hay, Heasman, Lambert, Murphy and Macdonald

**Against the Resolution:** Nil.

\*\*\*\*\*

**CLOSE**

The meeting closed at 1.16am on 8 July 2008.

The above minutes were confirmed at an **Land Use Management Committee** of Manly Council held on 4 August 2008.

---

**CHAIRPERSON**

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