

# Manly Council

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## Minutes

## Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 20 August 2007**

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



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

That copies of the Minutes of the Ordinary Meeting held on Monday, 23 July 2007, 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.

110/07 **RESOLVED: (Pedersen / Aird)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 23 July 2007, 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 Aird, Daley, Evans, Hay, Heasman, Lambert, Murphy, Norek, Pedersen and Macdonald

**Against the Resolution:** Nil.

**PUBLIC FORUM**

<b>NAME</b>	<b>SUBJECT/PUBLIC SPEAKERS</b>
Richard Waddington	To highlight the adverse effects of the proposed changes to the DCP Floor Space Ratio.
Kim Slater	Parking issues for residents of the Manly Local Government Area.
Paul Humphreys	Expressed concerns regarding processes at Manly Council

**MAYORAL MINUTES**

Mayoral Minute Report No. 18

**Calling for a Full Report on Stage 1 of The Corso Upgrade****PUBLIC ADDRESSES**

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

In Favour: Mr Bob Smith, Chamber of Commerce

**MOTION (Macdonald)**

That, within the next 7 days, the General Manager:

1. Arrange for the tabling of the Shackel Report within it's final form or as an interim report
2. Provide a detailed financial report on the expenditure on Stage One of the Corso and whether it is within or over budget

3. Provide a detailed report on the full costs associated with the remediation works undertaken to date
4. Report on any outstanding contractual issues associated with Stage One works
5. Provide a timetable on a completion date for Stage One including any necessary remediation works.

111/07      **RESOLVED:      (Macdonald)**

That, within the next 7 days, the General Manager:

1. Arrange for the tabling of the Shackel Report within it's final form or as an interim report
2. Provide a detailed financial report on the expenditure on Stage One of the Corso and whether it is within or over budget
3. Provide a detailed report on the full costs associated with the remediation works undertaken to date
4. Report on any outstanding contractual issues associated with Stage One works
5. Provide a timetable on a completion date for Stage One including any necessary remediation works.

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

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

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#### **SUSPENSION OF STANDING ORDERS      (Macdonald / Aird)**

That Standing Orders be suspended to consider items of public interest, being Notice of Rescission Report No. 7, Environmental Services Report 53 - 96 Seaforth Crescent DA 84/2007; Environmental Services Division Report No. 60, 9 Jenner Street, Seaforth - DA162/05; Environmental Services Division Report No. 61, 25-29 Victoria Pde Manly – DA558/06; and Corporate Services Division Report No. 25, Report on Mediation Outcomes – The Corso Outdoor Dining

112/07      **RESOLVED:      (Macdonald / Aird)**

That Standing Orders be suspended to consider items of public interest, being Notice of Rescission Report No. 7, Environmental Services Report 53 - 96 Seaforth Crescent DA 84/2007; Environmental Services Division Report No. 60, 9 Jenner Street, Seaforth - DA162/05; Environmental Services Division Report No. 61, 25-29 Victoria Pde Manly – DA558/06; and Corporate Services Division Report No. 25, Report on Mediation Outcomes – The Corso Outdoor Dining

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

**Against the Resolution:**      Nil.

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**NOTICES OF RESCISSION**

Notice of Rescission Report No. 7

**Environmental Services Report 53 - 96 Seaforth Crescent DA 84/2007**

**PUBLIC ADDRESSES**

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

In Favour: Mr Phil Mudge

Against: Mr Ian Glendinning, Applicant

The Mayor Councillor Macdonald, Councillor Pedersen, and Councillor Aird moved:

“That the Council’s decision of the LUM Meeting of the 6 August 2007 being Item No 2 in respect of 96 Seaforth Crescent Seaforth – DA84/07 be and is hereby rescinded.”

**MOTION (Macdonald / Pedersen)**

That the Council’s decision of the LUM Meeting of the 6 August 2007 being Item No 2 in respect of 96 Seaforth Crescent Seaforth – DA84/07 be and is hereby rescinded.

**For the Rescission Motion:** Councillors Aird, Pedersen and Macdonald

**Against the Rescission Motion:** Councillors Daley, Evans, Hay, Heasman, Lambert, Murphy and Norek

The **Rescission Motion** was declared **LOST**.

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**ENVIRONMENTAL SERVICES DIVISION**

Environmental Services Division Report No. 60

**9 Jenner Street, Seaforth - DA162/05 (DA162/05)**

**Application Lodged:** 24/3/2005

**Applicant:** Matthew Grant Architect

**Owner:** Mr & Mrs Poole

**Estimated Cost:** \$500,000

**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
Within Foreshore Scenic Protection Area

**Surrounding Development:** Two and three storey detached dwellings

**Heritage:** Nil.

**SUMMARY:**

1. DA162/05 FOR ALTERATIONS AND 1<sup>ST</sup> STOREY ADDITIONS WITH AN ELEVATED DRIVEWAY AND PARKING WAS SUBMITTED TO COUNCIL ON 24 MARCH 2005.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING OWNERS IN ACCORDANCE WITH COUNCIL POLICY WITH 5 SUBMISSIONS RECEIVED RAISING CONCERNS OF VIEW LOSS, STREETScape AND DCP NON-COMPLIANCE, AND ONE SUBMISSION OF SUPPORT.
3. THE PROPOSAL WAS REPORTED TO COUNCIL’S DEVELOPMENT ASSESSMENT UNIT ON 31 MAY 2005 AT WHICH TIME RECOMMENDATIONS WERE MADE FOR REFUSAL

BASED UPON GROUNDS OF DCP NON-COMPLIANCE, AND IMPACT ON NEIGHBOURS VIEWS AND THE STREETScape.

4. AT THE TIME OF DEVELOPMENT ASSESSMENT UNIT REVIEW, A SUBMISSION WAS RECEIVED FROM THE ARCHITECT REQUESTING THE OPPORTUNITY TO SUBMIT REVISED PLANS, HENCE DETERMINATION WAS WITHHELD.
5. REVISED PLANS PROVIDED A REDUCTION IN ROOF HEIGHT AND NOTIFICATION OF THE REVISED PLANS RESULTED IN FURTHER SUBMISSIONS RAISING CONCERNS WITH THE PROPOSAL AND INCLUDED A DETAILED VISUAL IMPACT ASSESSMENT PREPARED BY A PLANNING CONSULTANT.
6. THE APPLICATION WAS CONSIDERED BY COUNCIL AT ITS LAND USE MANAGEMENT COMMITTEE MEETING OF 1 AUGUST 2005 WHERE COUNCIL RESOLVED TO DEFER THE APPLICATION TO CONSIDER OTHER ROOF DESIGNS SUCH AS A MONO PITCHED ROOF IN ORDER TO MINIMISE THE IMPACT OF VIEW LOSS TO JENNER STREET AND THAT COUNCIL ENSURE THAT THE THREE TREES ON THE DRIVEWAY OF THE PROPERTY ARE RELOCATED.
7. THE APPLICANT'S SOLICITORS AND ARCHITECT MADE SUBMISSIONS TO COUNCIL REQUESTING REVIEW OF THE PROPOSAL IN TERMS OF ITS VIEW IMPACT NOW THAT THE DWELLING AT 9 JENNER STREET IS COMPLETE. NO AMENDMENT WAS OFFERED AT THAT STAGE.
8. THE APPLICATION WAS CONSIDERED BY COUNCIL AT ITS LAND USE MANAGEMENT COMMITTEE MEETING OF 2 JULY 2007 WHERE THE MATTER WAS DEFERRED FOR 1 MONTH TO ALLOW THE APPLICANT TO REDESIGN THE ROOF AND CONSULTATION WITH APPLICANT, OBJECTORS AND STAFF.
9. THE APPLICANT HAS REVISED THE PROPOSAL BY REDUCING THE RIDGE HEIGHT A FURTHER 0.4M AND A MEETING WAS HELD BETWEEN APPLICANT, NEIGHBOURS AND STAFF.
10. APPROVAL OF THE APPLICATION IS RECOMMENDED.

## PUBLIC ADDRESSES

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

Against: Mr Grant Stepa

In Favour: Mr Michael Staunton, on behalf of the Applicant

## MOTION (Murphy / Heasman)

That Development Application No.162/05 for alterations and upper level additions to the existing dwelling at 9 Jenner Street, Seaforth, be **approved** subject to the following conditions:

### DA1

This approval relates to drawings/plans Nos. 0504.01, 0504.02 and 0504.3 all issue C dated July 2007 received by Council 17 July 2007.

### ANS01

The street trees to be removed for construction of the vehicle crossing are to be replaced with two (2) endemic tree plantings appropriately positioned within the subject site, plans being suitably amended prior to issue of the Construction Certificate.

### ANS02

A consent for the use of a portion of "Road Reserve Application" will be required for the access stairs and elevated driveway structure proposed on Council property. In this regard please contact Council's Administrative Officer on 9976 1517. **Please note that this approval must be obtained prior to the issue of the Construction Certificate.**



## ANS03 (Amended)

Ridge height to be a maximum RL59, plans being suitably amended prior to issue of the Construction Certificate.

## DA009

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

## 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.

## DA014

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

## DA016

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

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

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

## DA017

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

## 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.

**DA18**

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

**DA19**

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

**DA21**

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

**DA22**

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.

**DA24**

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

**DA26**

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

**DA31**

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

**DA38**

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

**DA39**

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the

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

DA40

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.

DA47

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

DA48

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.

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.

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.

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 2  
Wet area moisture barrier  
Drainage inspection  
Final inspection

The cost of these inspections by Council is 1,840 (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's satisfaction at all times.

DA337

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

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.

DA302

An approved Resuscitation Notice is to be erected in a prominent position in the immediate vicinity of the swimming pool and kept current at all times.

DA303

The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which:

- (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and
- (b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.

DA239

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

DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA245

All trees on the site clear of the building are to be retained and those trees within 7.5m of the building are to be provided with a tree guard and a notice on each guard reading: **This tree is the subject of a Tree Preservation Order by Manly Council.** This notice is to be in position prior to any work being commenced on the site.

DA249

Where the driveway construction necessitates the removal of street planting, a replacement tree of

the same species is to be planted elsewhere on the lot frontage. Details are to be provided with the application for a Construction Certificate.

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.

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 (Lambert / Evans)**

That Development Application No.162/05 for alterations and upper level additions to the existing dwelling at 9 Jenner Street, Seaforth, be **approved** subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. 0504.01, 0504.02 and 0504.3 all issue C dated July 2007 received by Council 17 July 2007.

ANS01

The street trees to be removed for construction of the vehicle crossing are to be replaced with two (2) endemic tree plantings appropriately positioned within the subject site, plans being suitably amended prior to issue of the Construction Certificate.

ANS02

A consent for the use of a portion of "Road Reserve Application" will be required for the access stairs and elevated driveway structure proposed on Council property. In this regard please contact Council's Administrative Officer on 9976 1517. **Please note that this approval must be obtained prior to the issue of the Construction Certificate.**

ANS03

Ridge height to be reduced to a maximum RL58.8, plans being suitably amended prior to issue of the Construction Certificate.

DA009

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

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.

## DA014

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

## DA016

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

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

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

## DA017

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

## 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.

## DA18

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

## DA19

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

## DA21

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

## DA22

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.

## DA24

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

## DA26

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

## DA31

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

## DA38

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

## DA39

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

## DA40

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.

## DA47

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

## DA48

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.

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.

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.

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 2  
Wet area moisture barrier  
Drainage inspection  
Final inspection

The cost of these inspections by Council is 1,840 (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's satisfaction at all times.

DA337

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

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.

DA302

An approved Resuscitation Notice is to be erected in a prominent position in the immediate vicinity of the swimming pool and kept current at all times.

DA303

The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which:

- (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and
- (b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.

DA239

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

DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA245

All trees on the site clear of the building are to be retained and those trees within 7.5m of the building are to be provided with a tree guard and a notice on each guard reading: **This tree is the subject of a Tree Preservation Order by Manly Council.** This notice is to be in position prior to any work being commenced on the site.

DA249

Where the driveway construction necessitates the removal of street planting, a replacement tree of the same species is to be planted elsewhere on the lot frontage. Details are to be provided with the application for a Construction Certificate.

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.

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 Aird, Evans, Lambert, Norek, Pedersen and Macdonald

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

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

113/07 **RESOLVED: (Lambert / Evans)**

That Development Application No.162/05 for alterations and upper level additions to the existing dwelling at 9 Jenner Street, Seaforth, be **approved** subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. 0504.01, 0504.02 and 0504.3 all issue C dated July 2007 received by Council 17 July 2007.

ANS01

The street trees to be removed for construction of the vehicle crossing are to be replaced with two (2) endemic tree plantings appropriately positioned within the subject site, plans being suitably amended prior to issue of the Construction Certificate.

ANS02

A consent for the use of a portion of "Road Reserve Application" will be required for the access stairs and elevated driveway structure proposed on Council property. In this regard please contact Council's Administrative Officer on 9976 1517. **Please note that this approval must be obtained prior to the issue of the Construction Certificate.**

ANS03

Ridge height to be reduced to a maximum RL58.8, plans being suitably amended prior to issue of the Construction Certificate.

DA009

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

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.

## DA014

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

## DA016

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

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

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

## DA017

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

## 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.

## DA18

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

## DA19

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

## DA21

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

## DA22

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.

## DA24

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

## DA26

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

## DA31

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

## DA38

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

## DA39

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

## DA40

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.

## DA47

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

## DA48

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.

## 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.

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.

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 2  
Wet area moisture barrier  
Drainage inspection  
Final inspection

The cost of these inspections by Council is 1,840 (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's satisfaction at all times.

DA337

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

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.



## DA302

An approved Resuscitation Notice is to be erected in a prominent position in the immediate vicinity of the swimming pool and kept current at all times.

## DA303

The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which:

- (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and
- (b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.

## DA239

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

## DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

## DA245

All trees on the site clear of the building are to be retained and those trees within 7.5m of the building are to be provided with a tree guard and a notice on each guard reading: **This tree is the subject of a Tree Preservation Order by Manly Council.** This notice is to be in position prior to any work being commenced on the site.

## DA249

Where the driveway construction necessitates the removal of street planting, a replacement tree of the same species is to be planted elsewhere on the lot frontage. Details are to be provided with the application for a Construction Certificate.

## 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.

## 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 Aird, Evans, Lambert, Norek, Pedersen and Macdonald  
**Against the Resolution:** Councillors Daley, Hay, Heasman and Murphy

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Environmental Services Division Report No. 61

**25-29 Victoria Parade, Manly - DA558/06 (DA558/06)**

<b><u>Application Lodged:</u></b>	21 December 2006
<b><u>Applicant:</u></b>	Elleda Management Services
<b><u>Owner:</u></b>	Meldeep Pty Ltd
<b><u>Estimated Cost:</u></b>	\$12,000,000
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential Density sub-zone 1
<b><u>Surrounding Development:</u></b>	Multi-storey Residential Flat Buildings as well as school and school parking area
<b><u>Heritage:</u></b>	within vicinity of environmental heritage

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR THE DEMOLITION AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING AT 25-27 VICTORIA PARADE AND ALTERATIONS AND ADDITIONS TO THE 'EVERSHAM' BUILDING AT 29 VICTORIA PARADE.
2. THE PROPOSAL WAS NOTIFIED TO ALL NEIGHBOURING PROPERTIES WITH NO SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS ALSO REFERRED TO THE CORSO PRECINCT COMMUNITY FORUM WITH NO OBJECTIONS RAISED WITH REGARD TO THE APPLICATION.
4. SITE INSPECTION IS RECOMMENDED.
5. THE APPLICATION IS PRESENTED TO THE ORDINARY MEETING AT THE REQUEST OF THE GENERAL MANAGER.
6. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL APPROVAL.

**PUBLIC ADDRESSES**

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

In Favour: Mr George Pearson, Applicant

**SITE INSPECTIONS**

A site inspection of 25-29 Victoria Parade, demolition and construction of a residential flat building and alterations and additions to the building was conducted by Councillors Macdonald, Hay and Murphy on Monday 20 August 2007.

**Recommendation:** No Recommendation

**MOTION (Murphy / Hay)**

That Development Application No. 558/06 the demolition and construction of a residential flat building at 25-27 Victoria Parade and alterations and additions to the "Eversham" building at 29 Victoria Parade Manly be **approved** subject to the following conditions in addition to the standard conditions of consent:

1. Submission of a preliminary report in respect of management of acid sulphate soils prior to excavation works commencing
2. Access for persons with a disability is to be provided to the entrance and ground floor units of 29 Victoria Pde in accordance with AS1428.2

## DA1

This approval relates to drawing/plan Nos DA208C dated May 2007; DA201C, DA202C, DA209C, DA301-DA305 dated June 2007; DA200D, DA203D-DA207D, DA211D, DA212D and DA233D dated August 2007.

## ANS01

The applicant will pay \$500,000 to a community housing organisation that the Office of Community Housing deems appropriate in order to offset the loss of low cost and emergency housing in the Manly region. The applicant and the nominated organisation will enter into a Deed of Agreement and payments will be provided by the applicant to the nominated organisation in three instalments:

- \$150,000 before receipt of DA approval from Council
- \$150,000 on construction being completed to 50%
- \$200,000 before receipt of an occupation certificate.

The applicant and the nominated organisation will provide proof of payment before DA approval or an occupation certificate is provided by Manly Council.

OR, as an alternative

The applicant, to offset the loss of existing boarding house accommodation, shall enter into a legally binding agreement with Council which provides:

1. the applicant to retain ownership of four units (units 3, 4, 5 and 6 as indicated on Drawing No DA301 and dated June 2007) for low cost rental accommodation.
2. The rental for those units to be no greater than an amount equivalent to 30% of the current unemployment payment for a single person.
3. The applicant in determining who is to rent any of the units is to seek approval from a community housing organisation that the Office of Community Housing deems appropriate as to the terms of the rental.
4. The nominated housing organisation shall consult with the Office of Community Housing as to the allocation of the units.
5. This arrangement shall be binding on the applicant for a period of at least 10 years.
6. This arrangement is to be entered into prior to the issue of the Occupation Certificate.

## ANS02

Each apartment is to be allocated at least 1 carparking space each and 12 visitor carparking spaces are to be provided and signposted, which is also to be included in the strata plan.

## ANS03

The southern wall to the lounge/dining and terrace/balcony areas of Units 1, 7, 13 and 19 is to be setback off the Victoria Parade boundary a further 1.2m in order to ensure a consistent front setback. Details are to be provided prior to the issue of the Construction Certificate

## ANS04

Submit to Council for approval a schedule of external colours for the new building. For 29 Victoria Parade the external colour scheme for surfaces intended for painting is to be based where possible on physical and documentary evidence in keeping with the architectural style and period of the building.

## ANS05

A material board is to be submitted to Council for approval detailing any new colour scheme prior to issue of the construction certificate.

## ANS06

Consent is to include conservation work as outlined the submitted documents including the additional information supplied by the Heritage Consultants (NBR&P) and received by Council on

the 5 July 2007

ANS07

The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project at 29 Victoria Parade. Written confirmation of the engagement of the conservation architect and the architect's name and their brief shall be submitted to Council for Council's concurrence. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

ANS08

Original fabric with integrity and in good condition, where applicable, from No 29 Victoria Parade is to be removed prior to demolition and re-used in the new development for the purposes of historic and architectural continuity, and cultural association. Unused original elements from 25,27 and 29 Victoria Parade such as fire place mantles, ceiling roses, light fittings, cornices, doors, windows, timber joinery and the like is to be salvaged during the 'strip out phase' and made available, where possible, to appropriate dealers rather than be scrapped. Storage of these materials is to be carefully carried out by the workers and a specific stockpile area is to be designated and protected. Details regarding the retention/reuse of all the existing significant interior fabric is to be submitted to Council prior to the issue of a construction certificate. The restoration is to be carried out/completed prior to occupancy of the new buildings.

ANS09

A structural engineer's report, prepared by a suitably qualified engineer experienced in dealing with heritage buildings must be submitted for the approval of Council. The report must explain how the external rear walls of 29 Victoria Parade are to be retained, supported and not undermined by the proposed development and give details of any intervention such works will have on the original fabric. Details of the temporary supports and hoardings must also be provided.

ANS10

If during the course of excavation relics are found, works are to stop and an excavation permit must be obtained from the NSW Heritage Council, in accordance with the relics provisions of the Heritage Act 1977. A copy of this permit and archaeologist's report is to be submitted to Council

ANS11

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

ANS12

All original unpainted brickwork, stone or masonry on 29 Victoria Parade is not to be painted. The original colour scheme is to be investigated and a copy of the results be given to Council's Heritage Advisor. An external colour and finishes schedule is to be submitted to Council for approval prior to issue of the construction certificate. The colour scheme is to be appropriate to the architectural style of the building.

ANS13

A photographic archival record shall be made of 25, 27 and 29 Victoria Parade (including the interiors and exteriors and its setting) in accordance with NSW Heritage Office Guidelines prior to the commencement of works or any demolition works. The record is to be in an A4 format in an appropriate archival folder. Measured drawings of the existing buildings and a copy of the Heritage Impact Statement including the submitted additional information are to be included in the record. The record is to be submitted to Council's satisfaction prior to the release of the Construction Certificate for deposit in the Manly Library.

## ANS14

Prior to the issue of a Construction Certificate an Interpretation Strategy for the whole of the site must be submitted to and approved by Manly Council. The Interpretation Strategy should include, but is not limited to, the provision of details, of interpretation through design and/or the display of selected artifacts and/or appropriate signage and/or other material, appropriate to the education of the public in the history and significance of the site. The approved Interpretation Strategy shall be implemented to the satisfaction of the Council prior to the registration of an Occupation Certificate

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The three subject sites (Lot 100 in DP 849849, Lot 8 in DP 77172, and Lot 1 in DP 65862) are to be consolidated into a single allotment with evidence of consolidation being submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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The recommendations contained in the report by DK Building Certifiers are to be adopted in the redevelopment.

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

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

## 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.

## DA014

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

## DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$40,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

**DA017**

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

**DA341**

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

**DA342**

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

**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.

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

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

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

## 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.

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

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

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

## DA059

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

## DA060

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

## DA357

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

## DA070

The dimension of carparking bays and aisle widths in the carpark are to be as set out in the vehicular parking standards for Manly Council and comply with Australian Standard for Off-Street Parking AS2890.1-2004 or later editions.

## DA109

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

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

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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.

## DA108

The basement carparking level is to be adequately protected from flooding. Details are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

## DA430

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

1. Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA certified laboratory for compliance with ANZECC Water Quality Guidelines;
2. A certificate of analysis issued by the NATA certified laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997*, prior to the commencement of de-watering activities.
3. Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
4. It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded.

Note: Manly Council may at any time take samples of the de-watering discharge and have them analysed for compliance, at the Applicants cost.



## DA119

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

## DA120

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

## DA121

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

## DA224

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

## DA225

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

## DA229

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

## DA230

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

## 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.

## DA241

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

## 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.

DA271

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

DA279

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

DA285

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

DA332

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

DA333

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

DA334

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

DA335

Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.

DA336

Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

DA337

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

DA338

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

DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council satisfaction.

DA340

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

- (i) siltation fencing;
- (ii) (ii) protection of the public stormwater system; and
- (iii) (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.

**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.

**114/07 RESOLVED: (Murphy / Hay)**

That Development Application No. 558/06 the demolition and construction of a residential flat building at 25-27 Victoria Parade and alterations and additions to the "Eversham" building at 29 Victoria Parade Manly be **approved** subject to the following conditions in addition to the standard conditions of consent:

1. Submission of a preliminary report in respect of management of acid sulphate soils prior to excavation works commencing
2. Access for persons with a disability is to be provided to the entrance and ground floor units of 29 Victoria Pde in accordance with AS1428.2

**DA1**

This approval relates to drawing/plan Nos DA208C dated May 2007; DA201C, DA202C, DA209C, DA301-DA305 dated June 2007; DA200D, DA203D-DA207D, DA211D, DA212D and DA233D dated August 2007.

**ANS01**

The applicant will pay \$500,000 to a community housing organisation that the Office of Community Housing deems appropriate in order to offset the loss of low cost and emergency housing in the Manly region. The applicant and the nominated organisation will enter into a Deed of Agreement and payments will be provided by the applicant to the nominated organisation in three instalments:

- \$150,000 before receipt of DA approval from Council
- \$150,000 on construction being completed to 50%
- \$200,000 before receipt of an occupation certificate.

The applicant and the nominated organisation will provide proof of payment before DA approval or an occupation certificate is provided by Manly Council.

OR, as an alternative

The applicant, to offset the loss of existing boarding house accommodation, shall enter into a legally binding agreement with Council which provides:

1. the applicant to retain ownership of four units (units 3, 4, 5 and 6 as indicated on Drawing No DA301 and dated June 2007) for low cost rental accommodation.
2. The rental for those units to be no greater than an amount equivalent to 30% of the current unemployment payment for a single person.
3. The applicant in determining who is to rent any of the units is to seek approval from a community housing organisation that the Office of Community Housing deems appropriate as to the terms of the rental.
4. The nominated housing organisation shall consult with the Office of Community Housing as to the allocation of the units.
5. This arrangement shall be binding on the applicant for a period of at least 10 years.
6. This arrangement is to be entered into prior to the issue of the Occupation Certificate.

#### ANS02

Each apartment is to be allocated at least 1 carparking space each and 12 visitor carparking spaces are to be provided and signposted, which is also to be included in the strata plan.

#### ANS03

The southern wall to the lounge/dining and terrace/balcony areas of Units 1, 7, 13 and 19 is to be setback off the Victoria Parade boundary a further 1.2m in order to ensure a consistent front setback. Details are to be provided prior to the issue of the Construction Certificate

#### ANS04

Submit to Council for approval a schedule of external colours for the new building. For 29 Victoria Parade the external colour scheme for surfaces intended for painting is to be based where possible on physical and documentary evidence in keeping with the architectural style and period of the building.

#### ANS05

A material board is to be submitted to Council for approval detailing any new colour scheme prior to issue of the construction certificate.

#### ANS06

Consent is to include conservation work as outlined the submitted documents including the additional information supplied by the Heritage Consultants (NBRS&P) and received by Council on the 5 July 2007

#### ANS07

The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project at 29 Victoria Parade. Written confirmation of the engagement of the conservation architect and the architect's name and their brief shall be submitted to Council for Council's concurrence. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

#### ANS08

Original fabric with integrity and in good condition, where applicable, from No 29 Victoria Parade is to be removed prior to demolition and re-used in the new development for the purposes of historic and architectural continuity, and cultural association. Unused original elements from 25,27 and 29 Victoria Parade such as fire place mantles, ceiling roses, light fittings, cornices, doors, windows, timber joinery and the like is to be salvaged during the 'strip out phase' and made available, where possible, to appropriate dealers rather than be scrapped. Storage of these materials is to be carefully carried out by the workers and a specific stockpile area is to be designated and protected.

Details regarding the retention/reuse of all the existing significant interior fabric is to be submitted to Council prior to the issue of a construction certificate. The restoration is to be carried out/completed prior to occupancy of the new buildings.

**ANS09**

A structural engineer's report, prepared by a suitably qualified engineer experienced in dealing with heritage buildings must be submitted for the approval of Council. The report must explain how the external rear walls of 29 Victoria Parade are to be retained, supported and not undermined by the proposed development and give details of any intervention such works will have on the original fabric. Details of the temporary supports and hoardings must also be provided.

**ANS10**

If during the course of excavation relics are found, works are to stop and an excavation permit must be obtained from the NSW Heritage Council, in accordance with the relics provisions of the Heritage Act 1977. A copy of this permit and archaeologist's report is to be submitted to Council

**ANS11**

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

**ANS12**

All original unpainted brickwork, stone or masonry on 29 Victoria Parade is not to be painted. The original colour scheme is to be investigated and a copy of the results be given to Council's Heritage Advisor. An external colour and finishes schedule is to be submitted to Council for approval prior to issue of the construction certificate. The colour scheme is to be appropriate to the architectural style of the building.

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A photographic archival record shall be made of 25, 27 and 29 Victoria Parade (including the interiors and exteriors and its setting) in accordance with NSW Heritage Office Guidelines prior to the commencement of works or any demolition works. The record is to be in an A4 format in an appropriate archival folder. Measured drawings of the existing buildings and a copy of the Heritage Impact Statement including the submitted additional information are to be included in the record. The record is to be submitted to Council's satisfaction prior to the release of the Construction Certificate for deposit in the Manly Library.

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

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

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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.

DA108

The basement carparking level is to be adequately protected from flooding. Details are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA430

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

1. Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA certified laboratory for compliance with ANZECC Water Quality Guidelines;
2. A certificate of analysis issued by the NATA certified laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997*, prior to the commencement of de-watering activities.
3. Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
4. It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded.

Note: Manly Council may at any time take samples of the de-watering discharge and have them analysed for compliance, at the Applicants cost.

DA119

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

DA120

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

DA121

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

DA224

The reconstruction and/or construction of footpath paving and any associated works along all areas of the site fronting Victoria Parade. These works shall be carried out prior to the issue of the occupation certificate by a licensed construction contractor, at the applicant's expense and shall be

in accordance with Council's Specification for Civil Infrastructure Works and Paving Design Guide.

**DA225**

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

**DA229**

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

**DA230**

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

**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.

**DA241**

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

**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.

**DA271**

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

**DA279**

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

**DA285**

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

**DA332**

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

DA333

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

DA334

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

DA335

Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.

DA336

Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

DA337

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

DA338

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

DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council satisfaction.

DA340

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

- (i) siltation fencing;
- (ii) (ii) protection of the public stormwater system; and
- (iii) (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.

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, Murphy, Norek, Pedersen and Macdonald

**Against the Resolution:** Nil.

*Councillor Aird was not in the Chamber when the Motion was put.*

\*\*\*\*\*

Corporate Services Division Report No. 25

### **Report of Mediation Outcomes - The Corso Outdoor Dining**

#### **SUMMARY**

Council at its meeting of 2 July 2007 resolved, amongst other things, that the Mayor arrange for mediation to be undertaken between The Corso Outdoor Eating Restaurants.

This Report summaries the outcome of the various processes undertaken by council.

#### **BACKGROUND**

On 28<sup>th</sup> September 2006 after a tender process, Council by its resolution awarded an Approval to use Footpath for Outdoor Eating Purposes (License) to "The Beach Pit" (Now Watervue) located at 94 The Corso, Manly, pursuant to section 125 of the *Roads Act 1993 (NSW)*.

On 21<sup>st</sup> December 2006, Council in pursuant of the terms of the Mediated Agreement reached between WaterVue and Cristals, issued a separate License to "Cristals Restaurant", and amended WaterVue's License accordingly.

Since the commencement of the respective Licences, Council has had to continually act to enforce the terms of the Licences, but to no avail. And a report on the matter was submitted to the meeting of council held on 2 July 2007. Council subsequently resolved:

*"That:*

- 1. Council seek to engage the owners of Watervue and Cristals in a mediation process with the objective of establishing mutually licensed areas and licensing provisions,*
- 2. Council seek the guidance of its solicitors in regard to appropriate process, including the use of an independent mediator,*
- 3. The Mayor directly represent Council in this matter ,and report back to Council on any proposed resolution or action from this process for its concurrence, before committing to any such resolution, or taking any such course of action,*
- 4. The licenses not be revoked but Watervue and Cristals be advised that any deliberate failure to comply with the lawful directions of the Council is unacceptable".*

#### **MOTION (Evans / Lambert)**

That Council proceed with Option 3 of the Agenda report, as follows:

3. i) Notify the restaurants of council's intention to Early Revocation under clause 4.7 of the Licence (Attachment 1). Council should note clause 4.7.3 in regard to no rights to compensation or damages in the event of Early Revocation.

- ii) In the event of revocation howsoever arise, that Council to implement the plan agreed to by the stakeholders who were involve in the multi-party discussions facilitated by the Mayor, noting the need to provide significant physical separation of the two businesses and to provide improved weather protection for both areas – the form of that protection being referred to the LMUD Committee.

**AMENDMENT (Aird / Murphy)**

That Council proceed with Option 3 of the Agenda Report, as follows:

- 3. i) Notify the restaurants of council's intention to Early Revocation under clause 4.7 of the Licence. Council should note clause 4.7.3 in regard to no rights to compensation or damages in the event of Early Revocation.
- ii) That the licensed area be proximate to and are in line with the existing restaurant boundaries.
- iii) That Council acknowledges that the existing licensees may have legal rights and obligations.
- iv) That Council agree, in principle, to provide some form of improved weather protection to the outdoor dining areas, and this be referred to the Land Management & Urban Design (LMUD) Committee.

\*\*\*

The meeting was adjourned at 11.50pm to allow Councillors to consider 3iii) above in Closed Committee of the Whole.

The meeting resumed at 12.01am.

\*\*\*

**For the Amendment:** Councillors Aird, Daley, Hay, Heasman, Murphy, Norek, Pedersen and Macdonald

**Against the Amendment:** Councillors Evans and Lambert

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

115/07 **RESOLVED: (Aird / Murphy)**

That Council proceed with Option 3 of the Agenda Report, as follows:

- 3. i) Notify the restaurants of council's intention to Early Revocation under clause 4.7 of the Licence. Council should note clause 4.7.3 in regard to no rights to compensation or damages in the event of Early Revocation.
- ii) That the licensed area be proximate to and are in line with the existing restaurant boundaries.
- iii) That Council acknowledges that the existing licensees may have legal rights and obligations.
- iv) That Council agree, in principle, to provide some form of improved weather protection to the outdoor dining areas, and this be referred to the Land Management & Urban Design (LMUD) Committee.

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

**Against the Resolution:** Councillor Lambert

\*\*\*\*\*

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

That Standing Orders be resumed.

116/07 **RESOLVED: (Macdonald / Aird)**

That Standing Orders be resumed.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

*Councillor Norek departed the meeting at 12.09am*

**NOTICES OF MOTION**

Notice of Motion Report No. 13

**Manly Council Annual Report to the Community**

Councillor Aird moved:

That Council, in the interest of openness and accountability to the community, includes as part of the 'elected representative' profile:

1. The name of each committee of which the Councillor is a member
2. The number of meetings of that committee
3. The number attended by that Councillor
4. The name of any political party or other group which that Councillor represents
5. Council's website and customer service screen also to show this information.

**MOTION (Aird / Lambert)**

That:

1. Council staff prepare a matrix of Councillor attendance at committee meetings for the financial year 2006-07. That this be distributed to all Councillors prior to the next Planning and Strategy meeting (10 September 2007);
2. That a further report regarding Councillor attendance at committee meetings be brought back to the next Planning and Strategy meeting for consideration.

117/07      **RESOLVED:**      (Aird / Lambert)

That:

1. Council staff prepare a matrix of Councillor attendance at committee meetings for the financial year 2006-07. That this be distributed to all Councillors prior to the next Planning and Strategy meeting (10 September 2007);
2. That a further report regarding Councillor attendance at committee meetings be brought back to the next Planning and Strategy meeting for consideration.

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

**Against the Resolution:** Nil.

*Councillor Murphy departed the meeting at 12.20am.*

\*\*\*\*\*

Notice of Motion Report No. 14

**Financial Arrangement with Grange Securities**

Councillor Pedersen moved that the General Manager:

1. Provide a full report on Manly Council's financial arrangement with Grange Securities.
2. Publicly inform the Councillors of the history of the relationship between Council and Grange securities and how it was initiated.
3. Provide full details of Council's financial exposure as a result of the Grange Securities investments.

**Background:**

Council's Financial Branch contracted Grange Securities to handle approximately \$5 million of Council's reserves. Some of this has been invested in the sub-prime market which is suffering a bearish downturn in the USA. This poses a financial risk to this Council and potential losses. A comprehensive public explanation explaining the reasons for this investment and its implications is needed.

**MOTION (Pedersen / Lambert)**

That the General Manager:

1. Provide a full report on Manly Council's financial arrangement with Grange Securities.
2. Publicly inform the Councillors of the history of the relationship between Council and Grange securities and how it was initiated.
3. Provide full details of Council's financial exposure as a result of the Grange Securities investments.
4. Provide briefing material to advise Councillors of Grange Securities and any other high risk investments in the investment reports considered at the Ordinary Meetings.





**MOTION (Aird / Lambert)**

That the following motion be included in the motions to be considered at the Local Government Association Conference 20 - 24 October 2007:

In view of the significant adverse environmental impacts of cigarette butts and in the interest of better community health and amenity, that Councils adopt Smoke-free Environmental policies to ban smoking on Council land in their local government areas as follows:

1. Within ten (10) metres of all children's playground equipment;
2. On all playing fields, sporting grounds and sporting facilities (ie swimming pools, outdoor sports centres);
3. At all events run or sponsored by Council;
4. In alfresco dining areas on Council land;
5. In Council's pedestrian malls/plazas;
6. Within ten (10) metres of Council owned or managed buildings including balconies or covered areas of those buildings;
7. On all Council controlled beaches and waterways;
8. In all bushland, parks and reserves;
9. Within all covered bus stops and taxi ranks;
10. Within Council car parks;
11. Further, that this Policy be enforced in any leases, licenses or other estates that apply to Council owned and managed lands and properties and that internationally recognised signage be erected to indicate that these areas are smoke-free.

**Briefing Note**

A Smoke-free Outdoor Areas Resource Kit for Local Government was recently produced by a number of organisations including Action on Smoking and Health, the Heart Foundation, The Australian Medical Association, LGSA and the Cancer Council.

The Kit includes a sample Council report, draft policy and resolution as above and urges the adoption of smoke-free policies within a local government setting.

**119/07 RESOLVED: (Aird / Lambert)**

That the following motion be included in the motions to be considered at the Local Government Association Conference 20 - 24 October 2007:

In view of the significant adverse environmental impacts of cigarette butts and in the interest of better community health and amenity, that Councils adopt Smoke-free Environmental policies to ban smoking on Council land in their local government areas as follows:

1. Within ten (10) metres of all children's playground equipment;
2. On all playing fields, sporting grounds and sporting facilities (ie swimming pools, outdoor sports centres);
3. At all events run or sponsored by Council;
4. In alfresco dining areas on Council land;
5. In Council's pedestrian malls/plazas;
6. Within ten (10) metres of Council owned or managed buildings including balconies or covered areas of those buildings;
7. On all Council controlled beaches and waterways;
8. In all bushland, parks and reserves;
9. Within all covered bus stops and taxi ranks;
10. Within Council car parks;
11. Further, that this Policy be enforced in any leases, licenses or other estates that apply

to Council owned and managed lands and properties and that internationally recognised signage be erected to indicate that these areas are smoke-free.

### Briefing Note

A Smoke-free Outdoor Areas Resource Kit for Local Government was recently produced by a number of organisations including Action on Smoking and Health, the Heart Foundation, The Australian Medical Association, LGSA and the Cancer Council.

The Kit includes a sample Council report, draft policy and resolution as above and urges the adoption of smoke-free policies within a local government setting.

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

**Against the Resolution:** Councillor Daley

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### ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 8

#### Item For Brief Mention

**1. Minutes of Meetings without recommendations of a substantial nature:**

- i) Manly Bicycle Committee – 12 July 2007
- ii) Manly Youth Council - 16 July 2007
- iii) Manly Access Committee - 19 July 2007
- iv) Manly Community Safety Committee - 19 July 2007
- v) Manly Visitor and Community Board Notes - 26 July 2007
- vi) Manly Arts Festival Committee - 1 August 2007
- vii) Manly Sister Cities Committee – 1 August 2007
- viii) Manly Meals on Wheels Service – 8 August 2007

**2. The following Minutes contain recommendations of a substantial nature requiring formal Council adoption as follows:**

**i) Manly Meals On Wheels Service - 11 July 2007**

**a) Item 4.1 Purchase of a service specific bus**

Recommendation

That approval be granted for the purchase of a service specific bus in order that the Meals on Wheels service be more able to meet its increasing client needs both now and into the future.

**MOTION (Heasman / Lambert)**

1. That the recommendations of **Minutes of Meetings**, as listed in **item 1**, being **i) to viii)**, be **adopted**.
- 2 i) That the minutes of the **Manly Meals On Wheels Service** –11 July 2007 be **adopted**, including the following recommendations of a substantial nature:
  - a) **Item 4.1 Purchase of a service specific bus**  
That approval be granted for the purchase of a service specific bus in order that the Meals on Wheels service be more able to meet its increasing client needs both now and into the future.

**120/07 RESOLVED: (Heasman / Lambert)**

1. That the recommendations of **Minutes of Meetings**, as listed in **item 1**, being **i) to viii)**, be **adopted**.
- 2 i) That the minutes of the **Manly Meals On Wheels Service** –11 July 2007 be **adopted**, including the following recommendations of a substantial nature:
  - a) **Item 4.1 Purchase of a service specific bus**  
That approval be granted for the purchase of a service specific bus in order that the Meals on Wheels service be more able to meet its increasing client needs both now and into the future.

**For the Resolution:** Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Pedersen and Macdonald

**Against the Resolution:** Nil.

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**CORPORATE SERVICES DIVISION**

Corporate Services Division Report No. 27

**Accounts - Report on Council Investments as at 31 July 2007**

**SUMMARY**

Latest accounting statements for the period to 31 July 2007

1. Statement showing general fund bank account balance as at 31 July 2007.
2. Cash investments as at 31 July 2007.

**MOTION (Daley / Heasman)**

1. That the statement of General Fund Bank Account balance as at 31 July, 2007 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 31 July, 2007 be received and noted.

121/07     **RESOLVED:     (Daley / Heasman)**

1.     That the statement of General Fund Bank Account balance as at 31 July, 2007 be received and noted.
2.     That the certification by the Chief Financial Officer be noted.
3.     That details of Council's cash investments as at 31 July, 2007 be received and noted.

**For the Resolution:**     Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Pedersen and Macdonald

**Against the Resolution:** Nil.

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## **PLANNING AND STRATEGY DIVISION**

Planning And Strategy Division Report No. 31

### **Draft Manly Ocean Beach Coastline Management Plan and Emergency Action Plan - Endorsement for Public Exhibition**

#### **SUMMARY**

Council has elected to develop Coastline Management Plans (CMPs) for the coastal and harbour foreshore areas in response to legislative requirements and community issues in accordance with current best practice for the management of coastal and estuary foreshores.

Council engaged consultancy Patterson Britton & Partners to undertake the development of a Coastline Management Plan and Emergency Action Plan for Manly Ocean Beach, funded mostly by grant funding.

The Manly Coastline Management Committee has overseen the process, and recommends that Council endorse the drafts for public exhibition.

#### **MOTION   (Lambert / Hay)**

That Council:

1.     Place the draft Manly Ocean Beach Coastline Management Plan and Emergency Action Plan on public exhibition for a period of 4 weeks; and
2.     Notify the community and members of the Steering Committees and relevant Precincts of the public exhibition.

122/07     **RESOLVED:     (Lambert / Hay)**

That Council:

1.     Place the draft Manly Ocean Beach Coastline Management Plan and Emergency Action Plan on public exhibition for a period of 4 weeks; and
2.     Notify the community and members of the Steering Committees and relevant Precincts of the public exhibition.

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

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## CIVIC SERVICES DIVISION

Civic Services Division Report No. 3

**Tenders - Purchase of Major Plant - Tender No 07/07 - Supply and Delivery of One (1) Garbage Contractor - Tender No. 07/09 - Sale of Plant No 632 by Tender**

### SUMMARY

1. Tenders have been received for the supply of one (1) garbage compactor together with the purchase and/or trade-in on Council's plant no 632.
2. It is recommended that the tender from Sydney Truck Sales Pty Ltd for the supply and delivery of one (1) garbage compactor be accepted.

### MOTION (Hay / Evans)

1. That Council accept the offer from Sydney Truck Sales Pty Ltd for the supply and delivery of one garbage compactor being an International cab chassis for \$177,049.40 including GST coupled with a Binksie 25 cubic metre compactor unit for \$134,951 including GST for an all up cost of \$312,000 including GST.
2. That Council dispose of Plant No. 632 through public auction.
3. That the unsuccessful tenderers be advised accordingly.

123/07 **RESOLVED: (Hay / Evans)**

1. That Council accept the offer from Sydney Truck Sales Pty Ltd for the supply and delivery of one garbage compactor being an International cab chassis for \$177,049.40 including GST coupled with a Binksie 25 cubic metre compactor unit for \$134,951 including GST for an all up cost of \$312,000 including GST.
2. That Council dispose of Plant No. 632 through public auction.
3. That the unsuccessful tenderers be advised accordingly.

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

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Civic Services Division Report No. 4

### Update on Pine St Drainage Outfall Project

#### SUMMARY

Technical reports associated with the Pine St Drainage proposal were prepared in 2004 and 2005 by the design team which had the oversight of the former Water Cycle Team Leader, Dr Smith.

#### MOTION (Lambert / Heasman)

That the Pine St Drainage outfall project be referred to the Ocean Beach Coastline Management Committee.

124/07 **RESOLVED: (Lambert / Heasman)**

That the Pine St Drainage outfall project be referred to the Ocean Beach Coastline Management Committee.

**For the Resolution:** Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Pedersen and Macdonald

**Against the Resolution:** Nil.

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#### QUESTIONS WITHOUT NOTICE

##### QWN52/07 Councillor Heasman - Request for Parking Rangers to Patrol Raglan St

Can the General Manager direct Council Rangers to patrol the commuter parkers parking in the Diggers on the Park off Raglan Street specifically at 9.30am and 2pm Monday to Friday?

*At the request of the Mayor, the General Manager advised that this matter will be referred to Regulatory Services for action.*

\*\*\*

##### QWN54/07 Councillor Lambert - Motions for the Local Government Conference to be held in October 2007

Has the motion to the LGSA conference arising out of Council's resolution regarding changes to the Environmental Planning & Assessment Act and related policies been submitted to the LGSA yet? If not, when will it go forward and by what process, given it will now be a late motion?

*At the request of the Mayor, the General Manager advised that the Notice of Motion had been submitted to the LGSA and that Council's submission would be distributed to all Councillors.*

##### QWN55/07 Councillor Lambert - Totem Development Traffic Management Issues

Given recent representations by the owners of 142 Condamine St, can the impacts of traffic movements arising from the redevelopment of Totem and the capacity of Council to assist in ameliorating those impacts be revisited?

*At the request of the Mayor, the General Manager advised that this matter would be taken on notice.*

\*\*\*

**QWN56/07 Councillor Aird - Bantry Bay Reserve**

Has the Council, in league with the community and users of the Reserve developed a Master Plan? If not, is there an intention to develop a Master Plan (and if so, when)?

*At the request of the Mayor, the General Manager advised that this matter would be taken on notice.*

**QWN57/07 Councillor Aird - Bantry Bay Reserve Expenditure**

How much money has Council spent in the past 3 years on drainage and watering; bike paths; lighting and the amenities block? Why would Council spend this money if there is no Master Plan that determines the long term usage of the reserve?

*At the request of the Mayor, the General Manager advised that this matter would be taken on notice.*

**QWN58/07 Councillor Aird - Installation of 2 New Lighting Towers at Bantry Bay Reserve**

Were the local residents given notification of Council's intention to install 2 new lighting towers? If not, why? (note: residents have advised that the lights are shining directly into the residential properties located on Judith and Reserve Streets.

*At the request of the Mayor, the General Manager advised that this matter would be taken on notice.*

\*\*\*

**QWN59/07 Councillor Evans - Lease Agreement with Seaforth Soccer Club**

Can the General Manager please report back to Council on the status of the lease agreement with Seaforth Soccer Club regarding use of the Seaforth Oval Pavilion.

Background:

- For approximately 2 years, there has been ongoing negotiations between Council and the soccer club regarding the lease for the pavilion which is now complete;
- The soccer club apparently invested \$55,000 into the building of the club on the premise that they would have a certain level of exclusive use;
- The lease was supposed to be finalised in February 2007 (but this did not happen);
- There is allegedly a perception amongst Club members that there is a mismanagement at Council's end.

*At the request of the Mayor, the General Manager advised that this matter would be taken on notice.*

\*\*\*

**QWN60/07 Councillor Macdonald - Activities at 150 Pittwater Rd Manly**

Can the General Manager provide a report back to Council regarding the activities at 150 Pittwater Road Manly.

*At the request of the Mayor, the General Manager advised that this matter is currently being investigated.*

\*\*\*\*\*

**CONFIDENTIAL COMMITTEE OF THE WHOLE**

Human Services And Facilities Division Report No. 3

**Tender to operate the Kiosk at Manly Swim Centre from 1 September 2007, for a period of two years with a one year option**

*It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

The Mayor asked if any members of the public gallery objected to the matter being heard in Closed Session.

It is noted that no representations were received from the public gallery.

**CLOSED SESSION****MOTION (Macdonald / Aird)**

That the meeting move into Closed Session to consider the above items.

125/07 **RESOLVED: (Macdonald / Aird)**

That the meeting move into Closed Session to consider the above items.

**For the Resolution:** Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Pedersen and Macdonald

**Against the Resolution:** Nil.

\*\*\*\*\*

**OPEN COUNCIL RESUMED**

Upon resuming into Open Council, the General Manager advised the meeting of the decisions made in Closed Session.

Human Services And Facilities Division Report No. 3

**Tender to operate the Kiosk at Manly Swim Centre from 1 September 2007, for a period of two years with a one year option****MOTION (Hay / Pedersen)**

1. That pursuant to Section 55 of the Local Government Act 1993, Council accepts the tender submitted by Deep End Pty Ltd to operate the Kiosk at the Manly Swim Centre for a period of two years with a one year option, commencing from 1st September 2007, based on the annual rental of \$78,000 inclusive of GST.
2. That the License document be executed by both parties
3. That the unsuccessful Tenderers be advised of Council's decision.



