

## Minutes

### Planning and Strategy Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 12 November 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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**TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:**

The Planning and Strategy Committee, having met at 7:46pm on Monday 12 November 2007, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

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

**PRESENT**

Councillor B Aird, Chairperson who presided  
Councillor P Daley  
Councillor J Evans  
Councillor J Hay, AM  
Councillor A Heasman, Deputy Chairperson  
Councillor J Lambert, AM  
Councillor D Murphy  
Councillor B Pedersen

**ALSO PRESENT**

Henry T Wong, General Manager  
Stephen Clements, Executive Manager Environmental Services  
Anthony Hewton, Divisional Manager, Corporate Planning & Strategy  
David Stray, Manager Development Control  
Jennie Minifie, Branch Manager, Planning & Strategy  
Liz Rich, Minute Taker

**APOLOGIES**

Apologies were tendered on behalf of Councillors Cant, Macdonald, Morrison and Norek for non-attendance.

**MOTION (Pedersen / Lambert)**

That the apologies received from Councillors Cant, Macdonald, Morrison and Norek for non-attendance be accepted and leave be granted.

**PS90/07 RESOLVED: (Pedersen / Lambert)**

That the apologies received from Councillors Cant, Macdonald, Morrison and Norek for non-attendance be accepted and leave be granted.

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

**Against the Resolution:** Nil.

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

<b>Name:</b>	<b>Item Number:</b>	<b>Nature of Interest:</b>
Councillor Hay	Environmental Services Division Report No.77	Relative lives opposite subject property

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

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 08 October 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.

PS91/07 **RESOLVED: (Heasman / Lambert)**

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 08 October 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 and Pedersen

**Against the Resolution:** Nil.

\*\*\*\*\*

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

That Standing Orders be suspended to consider items of public interest, being Environmental Services Division Report No. 76, 11 Fairlight Crescent, Environmental Services Division Report No. 81, Manly Pavilion West Esplanade and Environmental Services Division Report No.77, 2 Bower Street.

PS92/07 **RESOLVED: (Lambert / Pedersen)**

That Standing Orders be suspended to consider items of public interest, being Environmental Services Division Report No. 76, 11 Fairlight Crescent, Environmental Services Division Report No. 81, Manly Pavilion West Esplanade and Environmental Services Division Report No.77, 2 Bower Street.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**ENVIRONMENTAL SERVICES DIVISION**

Environmental Services Division Report No. 76

**11 Fairlight Crescent, Fairlight - DA344/06  
82A Review (DA344/06)**

<b><u>Application Lodged:</u></b>	9 August 2006 – 82A Review 3 August 2007
<b><u>Applicant:</u></b>	John Oppedisano
<b><u>Owner:</u></b>	John Oppedisano
<b><u>Estimated Cost:</u></b>	Not applicable for 82A Review of Determination
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential
<b><u>Surrounding Development:</u></b>	2 – 3 storey detached dwelling houses and 3 – 4 storey residential flat buildings
<b><u>Heritage:</u></b>	Not applicable and within the Foreshore Scenic Protection Area

**SUMMARY:**

1. THIS APPLICATION IS MADE PURSUANT TO SECTION 82A OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT SEEKING COUNCIL'S REVIEW OF ITS PREVIOUS DETERMINATION (REFUSAL) TO A DEVELOPMENT APPLICATION FOR EXCAVATION AND CONSTRUCTION OF SWIMMING POOL/STORAGE ROOM, ADDITIONS TO STUDIO AND LANDSCAPING TO THE APPROVED RESIDENTIAL DEVELOPMENT ON THE SITE.
2. COUNCIL'S REASONS FOR REFUSAL ARE SUMMARISED AS EXCESS EXCAVATION AND NON-COMPLIANCE WITH REGARD TO ITS CONTROLS FOR POOL SETBACK AND FLOOR SPACE RATIO.
3. THE AMENDED PLANS REDUCE EXCAVATION DEPTH BY 760MM IN RESPONSE TO COUNCIL'S REASONS FOR REFUSAL.
4. ONE (1) SUBMISSION WAS RECEIVED IN RESPONSE TO NOTIFICATION OF THE AMENDED PLANS, STATING SUPPORT FOR THE PROPOSAL AS AMENDED.
5. THE APPLICATION WAS REFERRED TO THE FAIRLIGHT PRECINCT COMMUNITY FORUM WITH NO COMMENTS RECEIVED.
6. RECOMMENDATIONS FOR APPROVAL WERE MADE TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF 4 OCTOBER 2007, WITH THE DEVELOPMENT ASSESSMENT UNIT SUPPORTING THE APPLICATION AS AMENDED FOR APPROVAL.
7. THIS APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR LAMBERT.
8. A SITE INSPECTION IS RECOMMENDED.
9. THE AMENDED PLANS AS SUBMITTED FOR THIS SECTION 82A REVIEW OF DETERMINATION ARE RECOMMENDED FOR APPROVAL.

**PUBLIC ADDRESSES**

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

In Support of the Recommendation:                      Mr M Morgan

**SITE INSPECTIONS**

A site inspection of 11 Fairlight Crescent, Fairlight – S82A Review, Excavation and construction of swimming pool/storage room, additions to studio and landscaping, was conducted by Councillors B Aird, A Heasman, J Lambert, and D Murphy

**Recommendation:** No Recommendation

**MOTION (Hay / Heasman)**

That in its Review of Determination pursuant to Section 82A of the Environmental Planning & Assessment Act, Council resolve that Development Application No. 344/06 for excavation and construction of swimming pool/storage room, additions to studio and landscaping at 11 Fairlight Crescent, Fairlight, be approved subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. DA01 - DA04, Issue C, dated 14 June 2006 and received by Council 3 August 2007.

ANS01

A geotechnical assessment prepared by a suitably qualified engineer is to be provided prior to issue of the Construction Certificate.

ANS02

Compliance with all recommendations of the Geotechnical Engineers report.

ANS03

During construction retain and protect the tree located in the front yard on the eastern boundary.

ANSO4

Existing ground levels to be maintained within 1 metre of the public footpath boundary, where the swimming pool is to be excavated.

ANSO5

The species of plantings to the proposed hedge to be added to the eastern side of the ground floor terrace and eastern side of the dwelling are to be approved by Council's landscape architect and maintained at a height that will not affect the view corridor from the properties opposite.

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 \$1,100. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

DA342

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

DA343

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

DA344

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

DA018

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

DA019

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

## DA021

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

## DA022

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

## DA031

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

## DA039

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

## DA040

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

## DA047

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

## DA048

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

## DA058

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

## DA357

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

## DA109

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

## DA111

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

## DA119

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate

application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000. Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

**DA120**

The building being erected in Type A, construction for a Class 2 and 10b 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.

**DA230**

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

**DA236**

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

**DA238**

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

**DA239**

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

**DA240**

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

**DA247**

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

**DA348**

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

**DA261**

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

**DA269**

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

**DA270**

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections



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

Silt control fences  
Footing inspection - trench and steel  
Reinforced concrete slab X 2  
Retaining walls inspection  
Drainage inspection  
Swimming pool reinforcing steel inspection  
Swimming pool safety fence 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.

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.

DA283

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

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

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

DA289

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

DA300

All waste waters and overflow waters from any swimming pool shall be disposed of to the sewer in accordance with the requirements of Sydney Water.

DA301

The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.

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.

DA306

All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.

DA314

All protective fencing and gates are to be in accordance with Australian Standard 1926 prior to the pool being filled with water. The fence is to be a minimum of 1200mm in height and posts and/or supports are to be firmly fixed or encased in such a way that the posts/support are unable to be removed easily. The fence is not to be removed or altered at any time without the express approval of Council having been obtained beforehand.

DA315

The proposed pool gates are to be mounted so that:- (i) They are clear of any obstruction that could hold the gate open; (ii) When lifted upward or pulled downward, movement of the gate does not release the latching device, unhinge the gate or provide a ground clearance greater than 100mm; and (iii) They open outwards from the pool.

DA316

Where the latching device release, or the latch itself, on a pool gate is located at a height less than 1500mm above the finished ground level, the latch and its release shall be shielded in accordance with Australian Standard 1926.

DA318

There is to be no noise emitted from any process carried on within the premises that will register more than 5 decibels above the background noise at any point more than 3m outside the premises.

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.

PS93/07 **RESOLVED: (Hay / Heasman)**

That in its Review of Determination pursuant to Section 82A of the Environmental Planning & Assessment Act, Council resolve that Development Application No. 344/06 for excavation and construction of swimming pool/storage room, additions to studio and landscaping at 11 Fairlight Crescent, Fairlight, be approved subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. DA01 - DA04, Issue C, dated 14 June 2006 and

received by Council 3 August 2007.

ANS01

A geotechnical assessment prepared by a suitably qualified engineer is to be provided prior to issue of the Construction Certificate.

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Compliance with all recommendations of the Geotechnical Engineers report.

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During construction retain and protect the tree located in the front yard on the eastern boundary.

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Existing ground levels to be maintained within 1 metre of the public footpath boundary, where the swimming pool is to be excavated.

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The species of plantings to the proposed hedge to be added to the eastern side of the ground floor terrace and eastern side of the dwelling are to be approved by Council's landscape architect and maintained at a height that will not affect the view corridor from the properties opposite.

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Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$1,100. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

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

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.

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

DA344

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

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

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

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

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

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.

DA031

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

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DA047

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

DA048

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

DA058

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

DA357

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

DA109

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

DA111

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

DA119

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

DA120

The building being erected in Type A, construction for a Class 2 and 10b 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.

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.

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

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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.

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

DA247

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

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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.

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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.

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

Silt control fences  
Footing inspection - trench and steel  
Reinforced concrete slab X 2  
Retaining walls inspection  
Drainage inspection  
Swimming pool reinforcing steel inspection  
Swimming pool safety fence 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.

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.

DA283

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

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

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

DA289

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

DA300

All waste waters and overflow waters from any swimming pool shall be disposed of to the sewer in accordance with the requirements of Sydney Water.



DA301

The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.

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.

DA306

All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.

DA314

All protective fencing and gates are to be in accordance with Australian Standard 1926 prior to the pool being filled with water. The fence is to be a minimum of 1200mm in height and posts and/or supports are to be firmly fixed or encased in such a way that the posts/support are unable to be removed easily. The fence is not to be removed or altered at any time without the express approval of Council having been obtained beforehand.

DA315

The proposed pool gates are to be mounted so that:- (i) They are clear of any obstruction that could hold the gate open; (ii) When lifted upward or pulled downward, movement of the gate does not release the latching device, unhinge the gate or provide a ground clearance greater than 100mm; and (iii) They open outwards from the pool.

DA316

Where the latching device release, or the latch itself, on a pool gate is located at a height less than 1500mm above the finished ground level, the latch and its release shall be shielded in accordance with Australian Standard 1926.

DA318

There is to be no noise emitted from any process carried on within the premises that will register more than 5 decibels above the background noise at any point more than 3m outside the premises.

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, Daley, Evans, Hay, Heasman, Lambert, Murphy and Pedersen

**Against the Resolution:** Nil.

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Environmental Services Division Report No. 81

**Manly Pavilion, West Esplanade, Manly – DA381/06 (DA381/06)**

<b><u>Application Lodged:</u></b>	12 September 2006. Further Information: 21 June 2007
<b><u>Applicant:</u></b>	J W Codling
<b><u>Owner:</u></b>	Department of Lands
<b><u>Estimated Cost:</u></b>	\$4,000.00
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 – Open Space and within the Foreshore Scenic Protection Area.
<b><u>Surrounding Development:</u></b>	Waterworks and Oceanworld
<b><u>Heritage:</u></b>	Item of Environmental Heritage – Dressing Pavilion and amenities block.

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR THE CHANGE OF USE AND EXTENSION OF EXISTING KIOSK TO CONVERT TO A RESTAURANT.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING PROPERTY OWNERS AND FOUR (4) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO ALL THE PRECINCT COMMITTEES AND COMMENTS RECEIVED.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING ON 25 OCTOBER 2007 WITH A RECOMMENDATION FOR REFUSAL.
5. THIS DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR HAY.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

**MOTION (Hay / Heasman)**

That Development Application No. 381/06 for change of use and extension of existing kiosk to convert to a restaurant, including extension of the outdoor eating area, at Manly Bather's Pavilion, West Esplanade, Manly, be **DEFERRED** for consideration at the Land Use Management Committee on 3<sup>rd</sup> December 2007.

**PS94/07 RESOLVED: (Hay / Heasman)**

That Development Application No. 381/06 for change of use and extension of existing kiosk to convert to a restaurant, including extension of the outdoor eating area, at Manly Bather's Pavilion, West Esplanade, Manly, be **DEFERRED** for consideration at the Land Use Management Committee on 3<sup>rd</sup> December 2007.

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

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At 8.05pm Councillor Hay having previously declared an interest in this item left the Chamber.

Environmental Services Division Report No. 77

**2 Bower Street, Manly - DA78/07 (DA78/07)**

<b><u>Application Lodged:</u></b>	14 March 2007
<b><u>Applicant:</u></b>	Mrs S C Wescott
<b><u>Owner:</u></b>	Ward and Socorro Wescott

<b><u>Estimated Cost:</u></b>	\$80,000
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential
<b><u>Surrounding Development:</u></b>	The surrounding developments mainly comprise two and three storey single dwellings. Immediately adjoining the site to the north is the Shelly Beach Reserve
<b><u>Heritage:</u></b>	Not applicable

**SUMMARY:**

1. THE APPLICANT SEEKS APPROVAL TO CARRY OUT INTERNAL AND EXTERNAL ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING AT 2 BOWER STREET, MANLY INCLUDING THE INSTALLATION OF A PARTIALLY IN-GROUND LAP POOL, SPA AND ASSOCIATED DECKING.
2. THE DEVELOPMENT IS PERMISSIBLE WITH THE CONSENT OF COUNCIL IN THE RESIDENTIAL ZONE.
3. HAVING REGARD TO THE PROVISIONS CONTAINED WITHIN THE RESIDENTIAL DCP, DEPARTURES WERE IDENTIFIED WITH RESPECT TO THE MINIMUM NORTHERN AND SOUTHERN SIDE SETBACKS, THE WALL HEIGHTS ALONG THE NORTHERN AND SOUTHERN SIDE BOUNDARIES, THE NUMBER OF STOREYS, THE OVERALL HEIGHT OF THE DWELLING AS COMPARED TO THE ADJACENT ROAD PAVEMENT AND NUMEROUS DEPARTURES WITH RESPECT TO THE PROVISIONS RELATING TO THE HEIGHT AND SETBACK OF THE PROPOSED LAP POOL.
4. THE APPLICATION WAS REFERRED TO THE FAIRY BOWER PRECINCT COMMUNITY FORUM WITH COMMENTS RECEIVED.
5. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE (1) SUBMISSION IN SUPPORT OF THE APPLICATION RECEIVED.
6. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING'S OF THE 14 AUGUST AND THE 16 OCTOBER 2007 WITH A RECOMMENDATION FOR APPROVAL.
7. THIS DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR LAMBERT.
8. THE APPLICATION IS RECOMMENDED FOR APPROVAL.
9. A SITE INSPECTION IS RECOMMENDED.

**SITE INSPECTIONS**

A site inspection of 2 Bower Street Manly, Internal and external alterations and additions to the existing dwelling including the installation of a new lift, lap pool, spa and associated decking, was conducted by Councillors B Aird, A Heasman, J Lambert and D Murphy.

**Recommendation:** No Recommendation

**MOTION (Lambert / Evans)**

That Development Application No. 78/2007 for internal and external alterations and additions to the existing dwelling including the installation of a new lift, lap pool, spa and associated decking at 2 Bower Street, Manly be approved subject to the following conditions.

DA1

This approval relates to Drawing / Sheet No 1 of 10 to 8 of 10 (inclusive), all being Job No D25003 and dated January, 2007 (with the exception of Sheet No 7 of 10 which is Job No D25003A and dated 3 May 2007 and Sheet 2 of 10 which is dated January, 2006) as prepared by Hodgkins & Laverick Pty Ltd and received by Council on 10 May 2007 and Drawing Nos LPDA 07-142 / 2C, LPDA 07 – 142 / 1B and LPDA07 – 142 / 3C dated January 2007 as prepared by Conzept Landscape Architects and received by Council on 14 March, 2007 except where amended by Drawing / Sheet No 1 of 10 Job No D25003A, No 4 of 10 Job No D25003A, No 5 of 10 Job No D25003A, No 6 of 10 Job No D25003A all dated January 2007 and received by Council on 25 September 2007, No 7 of 10 Job No D25003A dated 3 May 2007 and received by Council on 25

September 2007 and No 8 of 10 Job No D25003A dated January 2007 and received by Council on 25 September 2007 all as prepared by Hodgkins & Laverick Pty Ltd and Drawing Nos LPDA 07-142 / 2D and LPDA 07 – 142 / 3D dated September 2007 as prepared by Conzept Landscape Architects and received by Council on 25 September 2007.

**ANS01**

The overall height of the dwelling (including the parapet level, the roof level, the lift shaft/overrun, etc) must not exceed an RL of 25.12 to minimise the impact on views from public land and comply with the Crown of the Road provisions of the Residential Development Control Plan. Details shall be contained on the plans submitted with the Construction Certificate.

**ANS02**

The conclusions and recommendations of the Bushfire Risk Assessment undertaken by Fire Base Consulting Pty Ltd (dated September 2005) are to be implemented / satisfied with details being provided on the plans submitted with the Construction Certificate.

**ANS03**

At the commencement of building works and in perpetuity the entire property shall be managed as an 'Inner Protection Area' as outlined within Planning for Bushfire Protection 2006.

**ANS04**

Construction shall comply with AS3959 – 1999 Level 1 'Construction of Buildings in Bushfire Prone Areas'.

**ANS05**

Roofing shall be gutterless or have leafless guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall have a flammability index of less than or equal to 5.

**ANS06**

The building is to be used solely as a single family dwelling and not adapted or used as multiple occupancies.

**ANS07**

That the upper level 3 deck be protected by a canti-levered lightweight L-shaped canopy structure to a depth of not greater than 2.5m protecting both north and west facing windows.

**ANS08**

That the proposed lap pool be deleted because of its significant non-compliance with the DCP and its heavy bulky presentation to the adjoining public domain.

**ANS09**

Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

**ANS010**

Threatened Species of Critical Habitat Management Measures:-

- Works be undertaken in accordance with Conzept's Landscape Plan for Proposed Pool and Landscaping dated January 2007.
- Building and construction of the spa and pool is to be undertaken during daylight hours between 7:30am and 4:30pm.
- Fence the spa/pool construction areas to prevent Bandicoots from entering.
- Bandicoot access through the remainder of the site is to be provided.
- Install devices to prevent run-off and sedimentation.
- Any path being constructed or altered should be a continuous slope for the full length (no steps) and must not impede Bandicoot movement.

- The palm at the beginning of the terraced section of the rear garden is to remain.
- Avoid works that will cause any permanent change to the current structure of nesting areas.
- Avoid removal/thinning of vegetation as much as possible.
- Removal of weed species from the rear garden must be staged and coincide with the replacement of native species.
- Incorporate a significant amount of low, dense native vegetation to improve Long-nosed Bandicoot habitat.
- The existing gap under the northern boundary fence is to remain to allow Bandicoot access.
- All fences must have a gap at the base every 3 metres. These “access spaces” should be 300mm long and 120mm high and are not to be obstructed. Alternatively, the entire length of the fence should be raised 120mm off the ground.
- Any water body (e.g. pond or pool) must have a ramp or an edge that is level with the water to allow escape should a Bandicoot enter the water.
- Any gates installed along the side passage of the house must have a gap of dimensions 300mm long and 120mm high so as not to obstruct Bandicoot access. Alternatively, the length of the fence should be raised 120mm off the ground.
- No retaining walls higher than 20cm tall should be built to impede movement. Slopes or ramps are preferable.
- No lighting or motion detectors are to be installed to illuminate the lower terraced area of the rear garden as this will discourage Bandicoot occupation. A modest amount of low lighting, acceptable for safety purposes only, can be installed in the upper terraced section (in the vicinity of the pool) of the rear yard
- Dog/s that currently live on the property must be kept indoors at night and be de-sexed, if they are not already. Any cats kept on this property are to be kept indoors, at all times or in a sealed cat run and de-sexed. When the current cat/s and/or dog/s that live on the property no longer reside on the property they must not be replaced by new dogs or cats.

**DA010**

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 \$2,200. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

**DA017**

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

**DA342**

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

DA343

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

DA018

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

DA019

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

DA021

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

DA022

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

DA023

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

DA024

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

DA026

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

DA031

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

DA038

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

DA039

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

DA040

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

DA044

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

DA047

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

DA048

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

DA058

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

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.

DA109

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

DA111

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

DA087

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

DA097

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

DA121

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

DA126

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

DA230

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

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 X 4

Framework inspection

Wet area moisture barrier

Drainage inspection

Retaining walls inspection

OSD Tank inspection

Landscaping inspection

Swimming pool reinforcing steel inspection

Swimming pool safety fence inspection prior to filling

Final inspection

The cost of these inspections by Council is \$3,450 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

DA271

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

DA279

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



DA283

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

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

DA285

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

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

## DA338

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

## DA339

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

## DA340

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

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

## DA289

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

## DA300

All waste waters and overflow waters from any swimming pool shall be disposed of to the sewer in accordance with the requirements of Sydney Water.

## DA301

The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.

## 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.

## DA306

All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.

## DA313

A railing or other safety measures or devices are to be erected around the sides of the pool surround structure where height above natural ground level exceeds 900mm. All details of the necessary device are to be submitted to and approved by the Council/Accredited Certifier prior to issue of the Construction Certificate. Note: If it is proposed that the railing or other safety measures will form part of the childproof fence or enclosure, the railing or other safety measures shall comply

with Council's requirements for childproof fencing or enclosure which must have a minimum height of 1200mm.

**DA314**

All protective fencing and gates are to be in accordance with Australian Standard 1926 prior to the pool being filled with water. The fence is to be a minimum of 1200mm in height and posts and/or supports are to be firmly fixed or encased in such a way that the posts/support are unable to be removed easily. The fence is not to be removed or altered at any time without the express approval of Council having been obtained beforehand.

**DA315**

The proposed pool gates are to be mounted so that:- (i) They are clear of any obstruction that could hold the gate open; (ii) When lifted upward or pulled downward, movement of the gate does not release the latching device, unhinge the gate or provide a ground clearance greater than 100mm; and (iii) They open outwards from the pool.

**DA316**

Where the latching device release, or the latch itself, on a pool gate is located at a height less than 1500mm above the finished ground level, the latch and its release shall be shielded in accordance with Australian Standard 1926.

**DA317**

Spa pools or the like are to be provided with approved-type safety outlet covers in accordance with Australian Standard 2610 (Spa Pools), and details of the outlet areas are to be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

**DA318**

There is to be no noise emitted from any process carried on within the premises that will register more than 5 decibels above the background noise at any point more than 3m outside the premises.

**DA319**

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

**DA320**

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

**DA274**

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

**DA323**

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

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

Threatened Species Critical Habitat Management Measures:-

- Bandicoots and other native animals should never be fed.
- Feral cats or foxes should never be fed or have access to food – e.g. rubbish bins without lids or pet food bowls.
- The use of insecticides, fertilisers, or snail baits should be avoided on the property. Garden insects will be kept in low number if Bandicoots are present.
- When the North Head Long-nosed Bandicoot Recovery Plan is released it should be implemented where relevant.
- Deceased Long-nosed Bandicoots should be reported by phoning Manly Council on 9976 1744 or Department of Environment and Conservation Office on 9977 6732.
- Care should be used when driving in the North Head Long-nosed Bandicoot habitat area.

#### **AMENDMENT (Heasman / Daley)**

That Development Application No. 78/2007 for internal and external alterations and additions to the existing dwelling including the installation of a new lift, lap pool, spa and associated decking at 2 Bower Street, Manly be approved subject to the following conditions.

##### **DA1**

This approval relates to Drawing / Sheet No 1 of 10 to 8 of 10 (inclusive), all being Job No D25003 and dated January, 2007 (with the exception of Sheet No 7 of 10 which is Job No D25003A and dated 3 May 2007 and Sheet 2 of 10 which is dated January, 2006) as prepared by Hodgkins & Laverick Pty Ltd and received by Council on 10 May 2007 and Drawing Nos LPDA 07-142 / 2C, LPDA 07 – 142 / 1B and LPDA07 – 142 / 3C dated January 2007 as prepared by Conzept Landscape Architects and received by Council on 14 March, 2007 except where amended by Drawing / Sheet No 1 of 10 Job No D25003A, No 4 of 10 Job No D25003A, No 5 of 10 Job No D25003A, No 6 of 10 Job No D25003A all dated January 2007 and received by Council on 25 September 2007, No 7 of 10 Job No D25003A dated 3 May 2007 and received by Council on 25 September 2007 and No 8 of 10 Job No D25003A dated January 2007 and received by Council on 25 September 2007 all as prepared by Hodgkins & Laverick Pty Ltd and Drawing Nos LPDA 07-142 / 2D and LPDA 07 – 142 / 3D dated September 2007 as prepared by Conzept Landscape Architects and received by Council on 25 September 2007.

##### **ANS01**

The overall height of the dwelling (including the parapet level, the roof level, the lift shaft/overrun, etc) must not exceed an RL of 25.12 to minimise the impact on views from public land and comply with the Crown of the Road provisions of the Residential Development Control Plan. Details shall be contained on the plans submitted with the Construction Certificate.

##### **ANS02**

The conclusions and recommendations of the Bushfire Risk Assessment undertaken by Fire Base Consulting Pty Ltd (dated September 2005) are to be implemented / satisfied with details being provided on the plans submitted with the Construction Certificate.

##### **ANS03**

At the commencement of building works and in perpetuity the entire property shall be managed as an 'Inner Protection Area' as outlined within Planning for Bushfire Protection 2006.

##### **ANS04**

Construction shall comply with AS3959 – 1999 Level 1 'Construction of Buildings in Bushfire Prone Areas'.

##### **ANS05**

Roofing shall be gutterless or have leafless guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall have a flammability index of less than or equal to 5.

## ANSO6

The building is to be used solely as a single family dwelling and not adapted or used as multiple occupancies.

## ANSO7

That the upper level 3 deck be protected by a canti-levered lightweight L-shaped canopy structure to a depth of not greater than 2.5m protecting both north and west facing windows.

## ANSO8

Deleted.

## ANSO9

Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

## ANSO10

Threatened Species of Critical Habitat Management Measures:-

- Works be undertaken in accordance with Conzept's Landscape Plan for Proposed Pool and Landscaping dated January 2007.
- Building and construction of the spa and pool is to be undertaken during daylight hours between 7:30am and 4:30pm.
- Fence the spa/pool construction areas to prevent Bandicoots from entering.
- Bandicoot access through the remainder of the site is to be provided.
- Install devices to prevent run-off and sedimentation.
- Any path being constructed or altered should be a continuous slope for the full length (no steps) and must not impede Bandicoot movement.
- The palm at the beginning of the terraced section of the rear garden is to remain.
- Avoid works that will cause any permanent change to the current structure of nesting areas.
- Avoid removal/thinning of vegetation as much as possible.
- Removal of weed species from the rear garden must be staged and coincide with the replacement of native species.
- Incorporate a significant amount of low, dense native vegetation to improve Long-nosed Bandicoot habitat.
- The existing gap under the northern boundary fence is to remain to allow Bandicoot access.
- All fences must have a gap at the base every 3 metres. These "access spaces" should be 300mm long and 120mm high and are not to be obstructed. Alternatively, the entire length of the fence should be raised 120mm off the ground.
- Any water body (e.g. pond or pool) must have a ramp or an edge that is level with the water to allow escape should a Bandicoot enter the water.
- Any gates installed along the side passage of the house must have a gap of dimensions 300mm long and 120mm high so as not to obstruct Bandicoot access. Alternatively, the length of the fence should be raised 120mm off the ground.
- No retaining walls higher than 20cm tall should be built to impede movement. Slopes or ramps are preferable.
- No lighting or motion detectors are to be installed to illuminate the lower terraced area of the rear garden as this will discourage Bandicoot occupation. A modest amount of low lighting, acceptable for safety purposes only, can be installed in the upper terraced section (in the vicinity of the pool) of the rear yard
- Dog/s that currently live on the property must be kept indoors at night and be de-sexed, if they are not already. Any cats kept on this property are to be kept indoors, at all times or in a sealed cat run and de-sexed. When the current cat/s and/or dog/s that live on the property no longer reside on the property they must not be replaced by new dogs or cats.

## DA010

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 \$2,200. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

## DA017

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

## DA342

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

## DA343

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

## DA018

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

## DA019

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

## DA021

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

## DA022

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

## DA023

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

## DA024

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

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

**DA026**

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

**DA031**

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

**DA038**

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

**DA039**

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

**DA040**

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

**DA044**

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

**DA047**

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

**DA048**

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

**DA058**

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

**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.

DA109

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

DA111

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

DA087

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

DA097

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

DA121

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

DA126

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

DA230

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

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 X 4



Framework inspection  
Wet area moisture barrier  
Drainage inspection  
Retaining walls inspection  
OSD Tank inspection  
Landscaping inspection  
Swimming pool reinforcing steel inspection  
Swimming pool safety fence inspection prior to filling  
Final inspection

The cost of these inspections by Council is \$3,450 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

#### DA271

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

#### DA279

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

#### DA283

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

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

#### DA285

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

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

DA289

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

DA300

All waste waters and overflow waters from any swimming pool shall be disposed of to the sewer in accordance with the requirements of Sydney Water.

DA301

The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.

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.

DA306

All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.

DA313

A railing or other safety measures or devices are to be erected around the sides of the pool surround structure where height above natural ground level exceeds 900mm. All details of the necessary device are to be submitted to and approved by the Council/Accredited Certifier prior to issue of the Construction Certificate. Note: If it is proposed that the railing or other safety measures will form part of the childproof fence or enclosure, the railing or other safety measures shall comply with Council's requirements for childproof fencing or enclosure which must have a minimum height of 1200mm.

DA314

All protective fencing and gates are to be in accordance with Australian Standard 1926 prior to the pool being filled with water. The fence is to be a minimum of 1200mm in height and posts and/or supports are to be firmly fixed or encased in such a way that the posts/support are unable to be removed easily. The fence is not to be removed or altered at any time without the express approval of Council having been obtained beforehand.

DA315

The proposed pool gates are to be mounted so that:- (i) They are clear of any obstruction that could hold the gate open; (ii) When lifted upward or pulled downward, movement of the gate does not release the latching device, unhinge the gate or provide a ground clearance greater than 100mm; and (iii) They open outwards from the pool.

DA316

Where the latching device release, or the latch itself, on a pool gate is located at a height less than 1500mm above the finished ground level, the latch and its release shall be shielded in accordance with Australian Standard 1926.

DA317

Spa pools or the like are to be provided with approved-type safety outlet covers in accordance with Australian Standard 2610 (Spa Pools), and details of the outlet areas are to be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

DA318

There is to be no noise emitted from any process carried on within the premises that will register more than 5 decibels above the background noise at any point more than 3m outside the premises.

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive

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

**DA320**

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

**DA274**

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

**DA323**

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

**Note: The applicant is further advised of the following:-****Threatened Species Critical Habitat Management Measures:-**

- Bandicoots and other native animals should never be fed.
- Feral cats or foxes should never be fed or have access to food – e.g. rubbish bins without lids or pet food bowls.
- The use of insecticides, fertilisers, or snail baits should be avoided on the property. Garden insects will be kept in low number if Bandicoots are present.
- When the North Head Long-nosed Bandicoot Recovery Plan is released it should be implemented where relevant.
- Deceased Long-nosed Bandicoots should be reported by phoning Manly Council on 9976 1744 or Department of Environment and Conservation Office on 9977 6732.
- Care should be used when driving in the North Head Long-nosed Bandicoot habitat area.

**For the Amendment:** Councillors Daley, Heasman and Murphy

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

The Amendment was declared **LOST**.

**PS95/07 RESOLVED: (Lambert / Evans)**

That Development Application No. 78/2007 for internal and external alterations and additions to the existing dwelling including the installation of a new lift, lap pool, spa and associated decking at 2 Bower Street, Manly be approved subject to the following conditions.

**DA1**

This approval relates to Drawing / Sheet No 1 of 10 to 8 of 10 (inclusive), all being Job No D25003 and dated January, 2007 (with the exception of Sheet No 7 of 10 which is Job No D25003A and dated 3 May 2007 and Sheet 2 of 10 which is dated January, 2006) as prepared by Hodgkins & Laverick Pty Ltd and received by Council on 10 May 2007 and Drawing Nos LPDA 07-142 / 2C, LPDA 07 – 142 / 1B and LPDA07 – 142 / 3C dated January 2007 as prepared by Conzept Landscape Architects and received by Council on 14 March, 2007 except where amended by Drawing / Sheet No 1 of 10 Job No D25003A, No 4 of 10 Job No D25003A, No 5 of 10 Job No D25003A, No 6 of 10 Job No D25003A all dated January 2007 and received by Council on 25

September 2007, No 7 of 10 Job No D25003A dated 3 May 2007 and received by Council on 25 September 2007 and No 8 of 10 Job No D25003A dated January 2007 and received by Council on 25 September 2007 all as prepared by Hodgkins & Laverick Pty Ltd and Drawing Nos LPDA 07-142 / 2D and LPDA 07 – 142 / 3D dated September 2007 as prepared by Conzept Landscape Architects and received by Council on 25 September 2007.

#### ANS01

The overall height of the dwelling (including the parapet level, the roof level, the lift shaft/overrun, etc) must not exceed an RL of 25.12 to minimise the impact on views from public land and comply with the Crown of the Road provisions of the Residential Development Control Plan. Details shall be contained on the plans submitted with the Construction Certificate.

#### ANS02

The conclusions and recommendations of the Bushfire Risk Assessment undertaken by Fire Base Consulting Pty Ltd (dated September 2005) are to be implemented / satisfied with details being provided on the plans submitted with the Construction Certificate.

#### ANS03

At the commencement of building works and in perpetuity the entire property shall be managed as an 'Inner Protection Area' as outlined within Planning for Bushfire Protection 2006.

#### ANS04

Construction shall comply with AS3959 – 1999 Level 1 'Construction of Buildings in Bushfire Prone Areas'.

#### ANS05

Roofing shall be gutterless or have leafless guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall have a flammability index of less than or equal to 5.

#### ANS06

The building is to be used solely as a single family dwelling and not adapted or used as multiple occupancies.

#### ANS07

That the upper level 3 deck be protected by a canti-levered lightweight L-shaped canopy structure to a depth of not greater than 2.5m protecting both north and west facing windows.

#### ANS08

That the proposed lap pool be deleted because of its significant non-compliance with the DCP and its heavy bulky presentation to the adjoining public domain.

#### ANS09

Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

#### ANS010

Threatened Species of Critical Habitat Management Measures:-

- Works be undertaken in accordance with Conzept's Landscape Plan for Proposed Pool and Landscaping dated January 2007.
- Building and construction of the spa and pool is to be undertaken during daylight hours between 7:30am and 4:30pm.
- Fence the spa/pool construction areas to prevent Bandicoots from entering.
- Bandicoot access through the remainder of the site is to be provided.
- Install devices to prevent run-off and sedimentation.
- Any path being constructed or altered should be a continuous slope for the full length (no

- steps) and must not impede Bandicoot movement.
- The palm at the beginning of the terraced section of the rear garden is to remain.
  - Avoid works that will cause any permanent change to the current structure of nesting areas.
  - Avoid removal/thinning of vegetation as much as possible.
  - Removal of weed species from the rear garden must be staged and coincide with the replacement of native species.
  - Incorporate a significant amount of low, dense native vegetation to improve Long-nosed Bandicoot habitat.
  - The existing gap under the northern boundary fence is to remain to allow Bandicoot access.
  - All fences must have a gap at the base every 3 metres. These “access spaces” should be 300mm long and 120mm high and are not to be obstructed. Alternatively, the entire length of the fence should be raised 120mm off the ground.
  - Any water body (e.g. pond or pool) must have a ramp or an edge that is level with the water to allow escape should a Bandicoot enter the water.
  - Any gates installed along the side passage of the house must have a gap of dimensions 300mm long and 120mm high so as not to obstruct Bandicoot access. Alternatively, the length of the fence should be raised 120mm off the ground.
  - No retaining walls higher than 20cm tall should be built to impede movement. Slopes or ramps are preferable.
  - No lighting or motion detectors are to be installed to illuminate the lower terraced area of the rear garden as this will discourage Bandicoot occupation. A modest amount of low lighting, acceptable for safety purposes only, can be installed in the upper terraced section (in the vicinity of the pool) of the rear yard
  - Dog/s that currently live on the property must be kept indoors at night and be de-sexed, if they are not already. Any cats kept on this property are to be kept indoors, at all times or in a sealed cat run and de-sexed. When the current cat/s and/or dog/s that live on the property no longer reside on the property they must not be replaced by new dogs or cats.

**DA010**

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 \$2,200. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

**DA017**

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

**DA342**

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

hrs before commencement of works to allow Council to supervise/inspect works.

DA343

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

DA018

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

DA019

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

DA021

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

DA022

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

DA023

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

DA024

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

DA026

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

DA031

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

DA038

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

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete,

structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

**DA040**

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

**DA044**

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

**DA047**

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

**DA048**

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

**DA058**

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

**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.

**DA109**

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

**DA111**

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

**DA087**

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



DA097

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

DA121

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

DA126

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

DA230

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

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 X 4

Framework inspection

Wet area moisture barrier

Drainage inspection

Retaining walls inspection

OSD Tank inspection

Landscaping inspection

Swimming pool reinforcing steel inspection

Swimming pool safety fence inspection prior to filling

Final inspection

The cost of these inspections by Council is \$3,450 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

DA271

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

DA279

All excavated material should be removed from the site in an approved manner and be disposed of

lawfully to a tip or other authorised disposal area.

#### DA283

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

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

#### DA285

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

#### DA332

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

#### DA333

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

#### DA334

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

#### DA335

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

#### DA336

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

#### DA337

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

DA338

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

DA339

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

DA340

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

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

DA289

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

DA300

All waste waters and overflow waters from any swimming pool shall be disposed of to the sewer in accordance with the requirements of Sydney Water.

DA301

The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.

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.

DA306

All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.

DA313

A railing or other safety measures or devices are to be erected around the sides of the pool surround structure where height above natural ground level exceeds 900mm. All details of the necessary device are to be submitted to and approved by the Council/Accredited Certifier prior to issue of the Construction Certificate. Note: If it is proposed that the railing or other safety measures will form part of the childproof fence or enclosure, the railing or other safety measures shall comply

with Council's requirements for childproof fencing or enclosure which must have a minimum height of 1200mm.

**DA314**

All protective fencing and gates are to be in accordance with Australian Standard 1926 prior to the pool being filled with water. The fence is to be a minimum of 1200mm in height and posts and/or supports are to be firmly fixed or encased in such a way that the posts/support are unable to be removed easily. The fence is not to be removed or altered at any time without the express approval of Council having been obtained beforehand.

**DA315**

The proposed pool gates are to be mounted so that:- (i) They are clear of any obstruction that could hold the gate open; (ii) When lifted upward or pulled downward, movement of the gate does not release the latching device, unhinge the gate or provide a ground clearance greater than 100mm; and (iii) They open outwards from the pool.

**DA316**

Where the latching device release, or the latch itself, on a pool gate is located at a height less than 1500mm above the finished ground level, the latch and its release shall be shielded in accordance with Australian Standard 1926.

**DA317**

Spa pools or the like are to be provided with approved-type safety outlet covers in accordance with Australian Standard 2610 (Spa Pools), and details of the outlet areas are to be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

**DA318**

There is to be no noise emitted from any process carried on within the premises that will register more than 5 decibels above the background noise at any point more than 3m outside the premises.

**DA319**

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

**DA320**

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

**DA274**

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

**DA323**

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

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

Threatened Species Critical Habitat Management Measures:-

- Bandicoots and other native animals should never be fed.
- Feral cats or foxes should never be fed or have access to food – e.g. rubbish bins without lids or pet food bowls.
- The use of insecticides, fertilisers, or snail baits should be avoided on the property. Garden insects will be kept in low number if Bandicoots are present.
- When the North Head Long-nosed Bandicoot Recovery Plan is released it should be implemented where relevant.
- Deceased Long-nosed Bandicoots should be reported by phoning Manly Council on 9976 1744 or Department of Environment and Conservation Office on 9977 6732.
- Care should be used when driving in the North Head Long-nosed Bandicoot habitat area.

That the **Motion** be **carried**.

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

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

*NOTE: A motion to rescind this resolution was submitted, therefore the determination is held over until the rescission is dealt with at the December Land Use Management meeting.*

\*\*\*\*\*

#### **RESUMPTION OF STANDING ORDERS (Aird / Pedersen)**

That Standing Orders be resumed.

PS96/07 **RESOLVED:** (Aird / Pedersen)

That Standing Orders be resumed.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Councillor Hay reentered the Chamber at 8.39pm.

#### **ITEMS FOR BRIEF MENTION**

Item For Brief Mention Report No. 14

##### **Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees**

###### **1. Reports:**

- i) Response from Sydney Buses re bus and ferry services at Manly

Council at its 16<sup>th</sup> July 2007 meeting resolved to strongly encourage the relevant state agencies to develop and promote effective transport linkages with the Ferry and Jetcat services in the form of an integrated timetable between ferry and bus services.

Letters were sent to the state Minister for Transport, Sydney Ferries, Sydney Transit Authority of NSW and Mr Bret Walker SC. Council is now in receipt of a response from Sydney Buses (State Transit Authority of NSW). This response is attached for the information of the Council.

- ii) Response from The Hon. Gary Nairn MR re political donations

The Council submitted a motion to the 2006 LGSA Annual Conference calling for a national strategy to reform all financial donations legislation. A letter in response to the motion was received from the LGSA enclosing a response from the Hon. Gary Nairn MP, Special Minister of State. These responses were brought to the attention of the Council at its meeting of 17<sup>th</sup> September 2007 where it was resolved (150/07) that Council:

*“Write to Gary Nairn MP Special Minister of State expressing:*

- a. Disappointment with the superficiality of his response regarding this important issue*
- b. Council repeats its strong concern that the interest in the disclosure threshold for political donations to \$10,500 puts at serious risk the integrity of the financial donations system at federal, state and local levels of government*
- c. Council is particularly concerned that individual donors can make multiple donations each year through various entities and also through the state and federal political party branches.”*

A further and final response from the Hon. Gary Nairn MP, Special Minister of State has been received, and is attached for the information of the Council.

- iii) Kimbriki Recycling and Waste Disposal Centre, extension of deed and Memorandum of Understanding

As per advice received from Warringah Council dated 2<sup>nd</sup> November 2007 the General Managers of SHOROC are to sign an extension of the deed which will allow the Kimbriki Recycling and Waste Disposal Centre to continue operating whilst the Minister for Local Government considers the submission received from Warringah Council to form a company to operate this facility into the future. At this juncture the Minister is yet to conclude his consideration of the matter. The extension will apply from 1<sup>st</sup> January 2008 to 30<sup>th</sup> June 2008, by which time advice from the minister should be in hand. This advice is provided for the information of the Council.

## **2. Minutes of Meetings without recommendations of a substantial nature:**

- i) Warringah, Manly, Mosman & Pittwater Council Joint Services Committee - 17 May 2007
- ii) Warringah, Manly, Mosman & Pittwater Council Joint Services Committee - 16 August 2007
- iii) Clontarf / Bantry Bay Estuary Management Working Group- 17 September 2007
- iv) Manly Council and Sydney Water Partnership – 27 September 2007
- v) Manly Traffic Committee – 29 October 2007

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

### **i) Manly Community Environment Committee – 20 September 2007**

#### **a) Item 3.1 Nuclear Proliferation**

##### Recommendation

Council should immediately express its concern to our Federal Member regarding

the export of uranium to India or other non-signatories to the Nuclear Non-proliferation Pact.

**b) Item 3.2 Anti-Whaling Action**

Recommendation

To further Council's support for the National Day of Action for Whales, Manly Council should join other Northern Beaches councils in expressing their concerns to their Japanese Sister Cities.

**ii) Landscape Management and Urban Design Committee – 26 September 2007**

**a) Item 4.2.7 Balgowlah Shopping Centre, Sydney Road (south side)**

Recommendation

That all design proposals including the Balgowlah Shopping Centre Urban Design Controls 1999 for Balgowlah Shops, Sydney Road, be brought to the next LMUD Committee meeting for review.

**b) Item 4.2.8 "Telstra Park", cnr Sydney Road and Belgrave/Whistler Street**

Recommendation

That Council write to Telstra seeking Telstra's agreement to dedicate "Telstra Park" on the corner of Sydney Road and Belgrave Street to Council.

**c) Item 4.2.9 Short Street Plaza**

Recommendation

That Council's Landscape Architect and Architect consider options for improving the pedestrian environment of short Street Plaza, and that these proposals be brought back to the LMUD committee for consideration.

**d) Item 5.1 Forty Baskets Reserve – amenities building replacement**

Recommendation

The LMUD Committee supported plans to demolish the existing brick building and replace with a timber clad, lightweight structure that incorporated an Excelloo, changerooms and outside shower.

**iii) Manly Heritage Committee – 3 October 2007**

**a) Item 4 Committee vacancies to be filled**

Recommendation

That the Heritage Committee appoints Mr Alan Yuille, and Mr Jim Boyce, to fill the vacancies in the Heritage Committee.

**b) Item 8 Heritage Review and Education Strategy**

Recommendation

The Heritage Committee recommends that Council adopt a new strategy to educate the ratepayers with regard to heritage in the Manly area.

iv) **Manly Scenic Walkway – 9 October 2007**

- a) **Item 6            Walking Volunteers Presentation on the Draft Brochure on Manly Coastal Walking Project**

Recommendation

- i) That the Committee support the proposed route and the production of brochures.

- b) **Item 11            Manly Scenic Walkway 20 Year Anniversary**

Recommendation

That a plan to celebrate the Manly Scenic Walkway 20 year anniversary be developed by the Committee and reported to Council.

v) **Climate Change Working Group – 10 October 2007**

- a) **Item 6            Presentation Council's Water Cycle Management Projects in Response to Climate Change**

Recommendation

That Council staff investigate the cost and scope for conducting a groundwater mapping study in Manly in light of potential water shortage and water quality issues.

- b) **Item 7            NSW Local Government Emissions Trade Scheme**

Recommendation

The Climate Change Working Group support the recommendations in the report "NSW Local Government Emissions Trading Scheme" that Council take a monitoring role of the LGETS scheme with a view to joining at a later date.

vi) **Manly Coastline Management Committee – 16 October 2007**

- a) **4.3(i)            Manly Ocean Beach Coastline Management Plan and Emergency Action**

Recommendation

Technical advice be sought on a range of concrete block design specifications prior to a comprehensive trial process to ensure feasibility in transport, storage, placement/removal and to determine costing.

vii) **Social Plan Implementation Committee (SPIC) – 16 October 2007**

- a) **7.1                Manly Aboriginal and Torres Straight Islanders Committee (MATSI) status under SPIC**

Recommendation

In light of revitalisation of Manly Aboriginal and Torres Straight Islanders Committee (MATSI) activities and to commence implementation of the Northern Sydney



Aboriginal Social Plan, this Committee continues to represent MATSIC issues and requests a budget allocation to support MATSIC activities.

**viii) Playground Management Committee – 18 October 2007**

**a) Item 5.3 Nanbaree Reserve**

Recommendation

1. That community consultation including discussion with the local Precinct take place to ascertain the needs of the local residents for Nanbaree Reserve Playground, and consider a range of options for improving the existing playground.

**ix) Manly Harbour Foreshore Management Committee – 23 October 2007**

**a) Item 4.1.1 Little Manly coastline Management Plan – Landscape Masterplan Implementation**

Recommendation

- (ii) Council review pricing structure of dinghy storage at Little Manly (195 inc. GST) Vs. Forty Baskets (\$50 inc. GST) to seek a balance between locations.

**x) Clontarf Bantry Bay Estuary Management Working Group – 29 October 2007**

**a) Item 4.1 Final draft of the Clontarf/Bantry Bay Estuary Management Study**

Recommendation

- (i) The Working Group endorsed the Final Draft of the Clontarf / Bantry Bay Estuary Management Study (pending incorporation of comments received and final editing) and commended staff for their efforts.

**Divisional Manager's note:** the draft report will be presented to the December Planning and Strategy Meeting.

**MOTION (Heasman / Lambert)**

1. That Council:
  - i) Receive and note the response letter from Sydney Buses, regarding bus and ferry services at Manly.
  - ii) Receive and note the response letter from the Hon. Gary Nairn MP, regarding political donations.
  - iii) Receive and note the advice provided regarding the Kimbriki Recycling and Waste Disposal Centre extension of deed and Memorandum of Understanding.
2. That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **2(i) to 2(v)**, be **adopted**.

**PS97/07 RESOLVED: (Heasman / Lambert)**

1. That Council:

- i) Receive and note the response letter from Sydney Buses, regarding bus and ferry services at Manly.
  - ii) Receive and note the response letter from the Hon. Gary Nairn MP, regarding political donations.
  - iii) Receive and note the advice provided regarding the Kimbriki Recycling and Waste Disposal Centre extension of deed and Memorandum of Understanding.
2. That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **2(i) to 2(v)**, be **adopted**.

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

**Against the Resolution:** Nil.

**MOTION (Pedersen / Lambert)**

- 3 i) That the minutes of the **Manly Community Environment Committee – 20 September 2007** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 3.1 Nuclear Proliferation**

Council should immediately express its concern to our Federal Member regarding the export of uranium to India or other non-signatories to the Nuclear Non-proliferation Pact.

PS98/07 **RESOLVED: (Pedersen / Lambert)**

- 3 i) That the minutes of the **Manly Community Environment Committee – 20 September 2007** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 3.1 Nuclear Proliferation**

Council should immediately express its concern to our Federal Member regarding the export of uranium to India or other non-signatories to the Nuclear Non-proliferation Pact.

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

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

*Councillor Heasman was not in the Chamber when voting took place.*

**MOTION (Pedersen / Lambert)**

- 3 i) That the minutes of the **Manly Community Environment Committee – 20 September 2007** be **adopted**, including the following recommendations of a substantial nature:

b) **Item 3.2 Anti-Whaling Action**

To further Council's support for the National Day of Action for Whales, Manly Council should join other Northern Beaches councils in expressing their concerns to their Japanese Sister Cities and the Japanese Government.

PS99/07 **RESOLVED: (Pedersen / Lambert)**

- 3 i) That the minutes of the **Manly Community Environment Committee – 20 September 2007** be **adopted**, including the following recommendations of a substantial nature:

b) **Item 3.2 Anti-Whaling Action**

To further Council's support for the National Day of Action for Whales, Manly Council should join other Northern Beaches councils in expressing their concerns to their Japanese Sister Cities and the Japanese Government.

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

**Against the Resolution:** Councillor Hay

*Councillor Heasman was not in the Chamber when voting took place.*

**MOTION (Pedersen / Lambert)**

3 ii) That the minutes of the **Landscape Management and Urban Design Committee – 26 September 2007** be **adopted**, including the following recommendations of a substantial nature, with the exception of 3 ii) d Item 5.1, Forty Baskets Reserve – amenities building replacement, which should only **be noted**:

a) **Item 4.2.7 Balgowlah Shopping Centre, Sydney Road (south side)**

That all design proposals including the Balgowlah Shopping Centre Urban Design Controls 1999 for Balgowlah Shops, Sydney Road, be brought to the next LMUD Committee meeting for review.

b) **Item 4.2.8 "Telstra Park", cnr Sydney road and Belgrave/Whistler Street**

That Council write to Telstra seeking Telstra's agreement to dedicate "Telstra Park" on the corner of Sydney Road and Belgrave Street to Council.

c) **Item 4.2.9 Short Street Plaza**

That Council's Landscape Architect and Architect consider options for improving the pedestrian environment of Short Street Plaza, and that these proposals be brought back to the LMUD committee for consideration

d) **Item 5.1 Forty Baskets Reserve – amenities building replacement**

The LMUD Committee supported plans to demolish the existing brick building and replace with a timber clad, lightweight structure that incorporated an Excelloo, changerooms and outside shower.

PS100/07 **RESOLVED: (Pedersen / Lambert)**

3 ii) That the minutes of the **Landscape Management and Urban Design Committee – 26 September 2007** be **adopted**, including the following recommendations of a substantial nature, with the exception of 3 ii) d Item 5.1, Forty Baskets Reserve – amenities building replacement, which should only **be noted**:

a) **Item 4.2.7 Balgowlah Shopping Centre, Sydney Road (south side)**

That all design proposals including the Balgowlah Shopping Centre Urban Design Controls 1999 for Balgowlah Shops, Sydney Road, be brought to the next LMUD Committee meeting for review.

b) **Item 4.2.8 "Telstra Park", cnr Sydney road and Belgrave/Whistler Street**

That Council write to Telstra seeking Telstra's agreement to dedicate "Telstra Park"

on the corner of Sydney Road and Belgrave Street to Council.

c) **Item 4.2.9 Short Street Plaza**

That Council's Landscape Architect and Architect consider options for improving the pedestrian environment of Short Street Plaza, and that these proposals be brought back to the LMUD committee for consideration

d) **Item 5.1 Forty Baskets Reserve – amenities building replacement**

The LMUD Committee supported plans to demolish the existing brick building and replace with a timber clad, lightweight structure that incorporated an Excelloo, changerooms and outside shower.

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

**Against the Resolution:** Nil.

**MOTION (Evans / Lambert)**

3 iii) That the minutes of the **Manly Heritage Committee – 3 October 2007** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 4 Committee vacancies to be filled**

That the Heritage Committee appoints Mr Alan Yuille, and Mr Jim Boyce, to fill the vacancies in the Heritage Committee.

b) **Item 8 Heritage Review and Education Strategy**

The Heritage Committee recommends that Council adopt a new strategy to educate the ratepayers with regard to heritage in the Manly area.

PS101/07 **RESOLVED: (Evans / Lambert)**

3 iii) That the minutes of the **Manly Heritage Committee – 3 October 2007** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 4 Committee vacancies to be filled**

That the Heritage Committee appoints Mr Alan Yuille, and Mr Jim Boyce, to fill the vacancies in the Heritage Committee.

b) **Item 8 Heritage Review and Education Strategy**

The Heritage Committee recommends that Council adopt a new strategy to educate the ratepayers with regard to heritage in the Manly area.

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

**Against the Resolution:** Nil.

*Councillor Daley was not in the chamber when the voting took place.*

PS102/07 **MOTION (Hay / Evans)**

3 iv) That the minutes of the **Manly Scenic Walkway – 9 October 2007** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 6 Walking Volunteers Presentation on the Draft Brochure on Manly Coastal Walking Project**

- i That the Committee support the proposed route and the production of brochures.

b) **Item 11 Manly Scenic Walkway 20 Year Anniversary**

That a plan to celebrate the Manly Scenic Walkway 20 year anniversary be developed by the Committee and reported to Council.

PS103/07 **RESOLVED: (Hay / Evans)**

3 iv) That the minutes of the **Manly Scenic Walkway – 9 October 2007** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 6 Walking Volunteers Presentation on the Draft Brochure on Manly Coastal Walking Project**

- i That the Committee support the proposed route and the production of brochures.

b) **Item 11 Manly Scenic Walkway 20 Year Anniversary**

That a plan to celebrate the Manly Scenic Walkway 20 year anniversary be developed by the Committee and reported to Council.

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

**Against the Resolution:** Nil.

*Councillor Daley was not in the chamber when the voting took place.*

**MOTION (Lambert / Evans)**

3 v) That the minutes of the **Climate Change Working Group – 10 October 2007** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 6 Presentation Council's Water Cycle Management Projects in Response to Climate Change**

That Council staff investigate the cost and scope for conducting a groundwater mapping study in Manly in light of potential water shortage and water quality issues.

b) **Item 7 NSW Local Government Emissions Trade Scheme**

The Climate Change Working Group support the recommendations in the report "NSW Local Government Emissions Trading Scheme" that Council take a monitoring role of the LGETS scheme with a view to joining at a later date.

PS104/07 **RESOLVED: (Lambert / Evans)**

3 v) That the minutes of the **Climate Change Working Group – 10 October 2007** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 6 Presentation Council's Water Cycle Management Projects in Response to Climate Change**

That Council staff investigate the cost and scope for conducting a groundwater mapping study in Manly in light of potential water shortage and water quality issues.

b) **Item 7 NSW Local Government Emissions Trade Scheme**

The Climate Change Working Group support the recommendations in the report "NSW Local Government Emissions Trading Scheme" that Council take a monitoring role of the LGETS scheme with a view to joining at a later date.

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

**Against the Resolution:** Nil.

**MOTION (Heasman / Lambert)**

3 vi) That the minutes of the **Manly Coastline Management Committee – 16 October 2007** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 4.3(i) Manly Ocean Beach Coastline Management Plan and Emergency Action**

Technical advice be sought on a range of concrete block design specifications prior to a comprehensive trial process to ensure feasibility in transport, storage, placement/removal and to determine costing.

PS105/07 **RESOLVED: (Heasman / Lambert)**

3 vi) That the minutes of the **Manly Coastline Management Committee – 16 October 2007** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 4.3(i) Manly Ocean Beach Coastline Management Plan and Emergency Action**

Technical advice be sought on a range of concrete block design specifications prior to a comprehensive trial process to ensure feasibility in transport, storage, placement/removal and to determine costing.

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

**Against the Resolution:** Nil.

**MOTION (Lambert / Evans)**

3 vii) That the minutes of the **Social Plan Implementation Committee (SPIC) -16 October 2007** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 7.1 Manly Aboriginal and Torres Straight Islanders Committee (MATSIC) status under SPIC**

In light of revitalisation of Manly Aboriginal and Torres Straight Islanders Committee (MATSIC) activities and to commence implementation of the Northern Sydney Aboriginal Social Plan, this Committee continues to represent MATSIC issues and requests a budget allocation to support MATSIC activities.

PS106/07 **RESOLVED:** (Lambert / Evans)

3 vii) That the minutes of the **Social Plan Implementation Committee (SPIC) -16 October 2007** be **adopted**, including the following recommendations of a substantial nature:

- a) **Item 7.1 Manly Aboriginal and Torres Straight Islanders Committee (MATSIC) status under SPIC**

In light of revitalisation of Manly Aboriginal and Torres Straight Islanders Committee (MATSIC) activities and to commence implementation of the Northern Sydney Aboriginal Social Plan, this Committee continues to represent MATSIC issues and requests a budget allocation to support MATSIC activities.

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

**Against the Resolution:** Nil.

**MOTION (Heasman / Murphy)**

3 viii) That the minutes of the **Playground Management Committee – 18 October 2007** - be **adopted**, including the following recommendations of a substantial nature:

- a) **Item 5.3 Nanbaree Reserve**

1. That community consultation including discussion with the local Precinct take place to ascertain the needs of the local residents for Nanbaree Reserve Playground, and consider a range of options for improving the existing playground.

PS107/07 **RESOLVED:** (Heasman / Murphy)

3 viii) That the minutes of the **Playground Management Committee – 18 October 2007** - be **adopted**, including the following recommendations of a substantial nature:

- a) **Item 5.3 Nanbaree Reserve**

1. That community consultation including discussion with the local Precinct take place to ascertain the needs of the local residents for Nanbaree Reserve Playground, and consider a range of options for improving the existing playground.

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

**Against the Resolution:** Nil.

**MOTION (Lambert / Heasman)**

3 ix) That the minutes of the **Manly Harbour Foreshore Management Committee – 23 October 2007** - be **adopted**, including the following recommendations of a substantial nature:

- a) **Item 4.1.1 Little Manly Coastline Management Plan – Landscape Masterplan Implementation**

- (ii) Council review pricing structure of dinghy storage at Little Manly (\$195 inc. GST) Vs. Forty Baskets (\$50 inc. GST) to seek a balance between locations.

PS108/07 **RESOLVED:** (Lambert / Heasman)

3 ix) That the minutes of the **Manly Harbour Foreshore Management Committee – 23 October 2007** - be **adopted**, including the following recommendations of a substantial nature:

a) **Item 4.1.1 Little Manly Coastline Management Plan – Landscape Masterplan Implementation**

(ii) Council review pricing structure of dinghy storage at Little Manly (\$195 inc. GST) Vs. Forty Baskets (\$50 inc. GST) to seek a balance between locations.

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

**Against the Resolution:** Nil.

**MOTION (Lambert / Heasman)**

3 x) That the minutes of the **Clontarf Bantry Bay Estuary Management Working Group – 29 October 2007** - be **adopted**, including the following recommendations of a substantial nature:

a) **Item 4.1 Final Draft of the Clontarf/Bantry Bay Estuary Management Study**

(i) The Working Group endorsed the Final Draft of the Clontarf / Bantry Bay Estuary Management Study (pending incorporation of comments received and final editing) and commended staff for their efforts.

PS109/07 **RESOLVED:** (Lambert / Heasman)

3 x) That the minutes of the **Clontarf Bantry Bay Estuary Management Working Group – 29 October 2007** - be **adopted**, including the following recommendations of a substantial nature:

a) **Item 4.1 Final Draft of the Clontarf/Bantry Bay Estuary Management Study**

(i) The Working Group endorsed the Final Draft of the Clontarf / Bantry Bay Estuary Management Study (pending incorporation of comments received and final editing) and commended staff for their efforts.

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

**Against the Resolution:** Nil.

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**PLANNING AND STRATEGY DIVISION**

Planning And Strategy Division Report No. 45

**Draft Manly Development Control Plan for the Residential Zone - Amendment 1**

**SUMMARY**

This report summarises the proposed changes to the draft Manly Development Control Plan for the Residential Zone 2007 – Amendment 1 (the draft amendment), following the public exhibition of the document. It recommends action to amend the Manly Development Control Plan for the



Residential Zone 2007.

*The report was withdrawn by the General Manager.*

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Planning And Strategy Division Report No. 46

**NSW Guidelines for Greywater reuse in sewerred, single household Residential Premises prepared under the Local Government (General) Amendment (Domestic Greywater Diversion) Regulation 2006**

**SUMMARY**

The NSW Government has released new Guidelines on greywater reuse for single households. These guidelines affect the application of Council's own greywater reuse Policy. Council's policy requires approval for all greywater systems to control any adverse or cumulative impact on the Manly environment and its sustainability. However, the new NSW Guidelines provide for exemptions from prior approval for greywater diversion devices subject to detailed conditions and requirements.

While Council's local controls recognise environmentally sensitive land and currently prohibit greywater reuse in certain areas, the NSW Guidelines do not recognise such areas unless they are registered with the Department of Water and Energy. Accordingly this report recommends that Council seek registration of its environmentally sensitive land where it is considered inappropriate to exempt greywater diversion systems from the local approval process and there is local concern regarding the environmental and public health issues associated with the reuse of greywater.

**MOTION (Heasman / Lambert)**

That Council:

1. Apply to have areas which are environmentally sensitive to impacts arising from greywater systems in Manly registered with the Department of Water and Energy, and consequently excluded from the exemptions under the NSW Guidelines for Greywater Reuse; and
2. Make the submission to the Department of Water and Energy for registration of the environmentally sensitive areas of Manly LGA with respect to the application of the Guidelines for Greywater Reuse.
3. That the following amendments to Planning and Strategy Division Report No.46 – NSW Guidelines for Greywater reuse in sewerred, single household Residential Premises, be made:  
In the 'Environmentally Sensitive' areas listed on p.29 of the Agenda for the Planning and Strategy Committee, 12 November 2007:
  - a) In dash point 2, the words 'North Head' should be deleted, i.e. it should read: "inclusion of declared Critical Habitat and land bounding this habitat." (Note: some of the already declared Critical Habitat for Bandicoots will be beyond North Head).
  - b) In dash point 3, the words "... east by Pittwater Road" be deleted and replaced with "...west by Pittwater Road".

**PS110/07 RESOLVED: (Heasman / Lambert)**

That Council:

1. Apply to have areas which are environmentally sensitive to impacts arising from greywater systems in Manly registered with the Department of Water and Energy, and consequently excluded from the exemptions under the NSW Guidelines for Greywater Reuse; and

2. Make the submission to the Department of Water and Energy for registration of the environmentally sensitive areas of Manly LGA with respect to the application of the Guidelines for Greywater Reuse.
3. That the following amendments to Planning and Strategy Division Report No.46 – NSW Guidelines for Greywater reuse in sewerred, single household Residential Premises, be made:

In the 'Environmentally Sensitive" areas listed on p.29 of the Agenda for the Planning and Strategy Committee, 12 November 2007:

- a) In dash point 2, the words 'North Head' should be deleted, i.e. it should read: "inclusion of declared Critical Habitat and land bounding this habitat." (Note: some of the already declared Critical Habitat for Bandicoots will be beyond North Head).
- b) In dash point 3, the words "... east by Pittwater Road" be deleted and replaced with "...west by Pittwater Road".

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

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Planning And Strategy Division Report No. 47

**State Environmental Planning Policy 64 - Advertising and Signage - Amendment No. 2**

**SUMMARY**

The purpose of this report is to inform Council of the recently gazetted changes to State Environmental Planning Policy 64 (Advertising and Signage) SEPP 64 and associated Transport Corridor Outdoor Advertising and Signage Guidelines Assessing Development Applications under SEPP64 (the guidelines).

**MOTION (Heasman / Evans)**

That Council:

1. Maintain a database of approvals and conditions for all advertisement and signage applications;
2. Further investigate the provisions of the Policy as they apply within Manly, and to bring back a report to Council;
3. Make representations to the Minister for Planning seeking exemptions from the Policy to be carried out by the Department of Planning;
4. Noting that the extension to the period for consultation is only from 21 to 28 days, bring to the attention of the Minister the inadequacies in this given that local precincts only meet monthly.

PS111/07 **RESOLVED: (Heasman / Evans)**

That Council:

1. Maintain a database of approvals and conditions for all advertisement and signage applications;

2. Further investigate the provisions of the Policy as they apply within Manly, and to bring back a report to Council;
3. Make representations to the Minister for Planning seeking exemptions from the Policy to be carried out by the Department of Planning;
4. Noting that the extension to the period for consultation is only from 21 to 28 days, bring to the attention of the Minister the inadequacies in this given that local precincts only meet monthly.

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

**Against the Resolution:** Nil.

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Planning And Strategy Division Report No. 48

### **State Environmental Planning Policy (Seniors Living) 2004 - Amendment 2**

#### **SUMMARY**

The purpose of this report is to advise Council of the recently gazetted changes and the implications of State Environmental Planning Policy (Seniors Living) 2004. The name of the principal policy is now SEPP (Housing for Seniors or People with a Disability) 2004.

#### **MOTION (Pedersen / Heasman)**

That Council receive and note the report on State Environmental Planning Policy (Seniors Living) 2004 – Amendment 1.

PS112/07 **RESOLVED:** (Pedersen / Heasman)

That Council receive and note the report on State Environmental Planning Policy (Seniors Living) 2004 – Amendment 1.

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

**Against the Resolution:** Nil.

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### **CONFIDENTIAL COMMITTEE OF THE WHOLE**

Planning And Strategy Division Report No. 44

#### **Tree Tender Cyclic Maintenance T17/13**

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

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

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

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

**PS113/07 RESOLVED: (Aird / Lambert)**

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

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

**Against the Resolution:** Nil.

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**OPEN COUNCIL RESUMED**

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

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Planning And Strategy Division Report No. 44

**Tree Tender Cyclic Maintenance T17/13****PS114/07 RESOLVED: (Hay / Heasman)**

1. That Council accept the tender price of \$126,769.00 inclusive of GST for the twelve Precincts per year from Plateau Tree Services, and enter into a contract with the company on the basis of a two year contract with a two year rollover based on performance.
2. That the confidentiality clause be invoked by Council for the attached tender financial costings.
3. That the unsuccessful tenders be informed accordingly.

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**CLOSE**

The meeting closed at 9.09pm.

The above minutes were confirmed at a **Planning and Strategy Committee** of Manly Council held on 10<sup>th</sup> December 2007.

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**CHAIRPERSON**

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