

## Minutes

### Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 1 May 2006**

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



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

The Land Use Management Committee, having met at 7:42 PM on Monday 1 May 2006, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

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

*The Mayor assumed the Chair and opened the meeting at 7:42pm.*

**PRESENT**

His Worship, The Mayor, Councillor Dr Peter Macdonald  
Deputy Mayor, Councillor B Aird  
Councillor S Cant  
Councillor P Daley  
Councillor J Evans  
Councillor A Heasman  
Councillor J Lambert, AM Chairperson  
Councillor R Morrison, Deputy Chairperson  
Councillor D Murphy  
Councillor M Norek  
Councillor B Pedersen

**ALSO PRESENT**

Henry T Wong, General Manager  
David Stray, Manager Development Control  
Rachael Levey, Minute Taker

**APOLOGIES**

Apologies were tendered on behalf of Councillors Hay and Murphy, for non-attendance.

**MOTION (Pedersen / Lambert)**

That the apologies received from Councillors Hay and Murphy be accepted and leave be granted.

**RESOLVED: (Pedersen / Lambert)**

That the apologies received from Councillors Hay and Murphy be accepted and leave be granted.

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

**Against the Resolution:** Nil.

**LEAVE OF ABSENCE**

Nil.

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

Nil.

**MAYORAL MINUTES**

Mayoral Minute Report No. 8

**Local Area Traffic Management Scheme for Darley Road**

**PUBLIC ADDRESSES**

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

**Supporter:** Eugene Molnar

**MOTION (Macdonald)**

That Council establish a Local Area Traffic Management (LATM) Planning Committee to consider an overall Traffic Management Scheme for Darley Road and the immediate surrounding area and make recommendations for appropriate traffic calming and safety measures.

**RESOLVED: (Macdonald)**

That Council establish a Local Area Traffic Management (LATM) Planning Committee to consider an overall Traffic Management Scheme for Darley Road and the immediate surrounding area and make recommendations for appropriate traffic calming and safety measures.

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

**Against the Resolution:** Nil.

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*The Mayor vacated the Chair and Councillor Lambert assumed the Chair at 7:57pm to preside over the remainder of the Land Use Management Committee Meeting.*

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

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 6 March 2006 and the Land Use Management Committee held on Monday 3 April 2006, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

**RESOLVED: (Pedersen / Macdonald)**

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 6 March 2006 and the Land Use Management Committee held on Monday 3 April 2006, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

**ENVIRONMENTAL SERVICES DIVISION**

Environmental Services Division Report No. 17

**64 Edgecliffe Esplanade, Seaforth (DA25/06)**

<b><u>Application Lodged:</u></b>	5 January 2006
<b><u>Applicant:</u></b>	Forte Designer Homes
<b><u>Owner:</u></b>	Anthony David & Marguerite Anne Hudson
<b><u>Estimated Cost:</u></b>	\$515,000
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential
<b><u>Surrounding Development:</u></b>	1, 2 and 3 storey dwellings
<b><u>Heritage:</u></b>	Nil.

**SUMMARY:**

1. DA25/06 FOR DEMOLITION AND CONSTRUCTION OF A TWO STOREY DWELLING WAS SUBMITTED TO COUNCIL ON 5 JANUARY 2006.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPRTY OWNERS WITH ONE SUBMISSION RECEIVED.
3. THE APPLICATION WAS REPORTED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF 4 APRIL 2006 WHERE IT WAS RECOMMENDED FOR APPROVAL SUBJECT TO THE ADDITIONAL CONDITION THAT THE STORE ROOM AT THE REAR NOT BE USED FOR HABITABLE PURPOSES WITHOUT THE PRIOR CONSENT OF COUNCIL.
4. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR HEASMAN.
5. A SITE INSPECTION IS RECOMMENDED.
6. APPROVAL OF THE APPLICATION IS RECOMMENDED.

**SITE INSPECTIONS**

A site inspection of 64 Edgecliffe Esplanade, Seaforth was conducted by Councillors Aird, Heasman, Macdonald, Morrison, Norek on Monday, 1 May 2006.

**Inspection Party Recommendation:**

No Recommendation

**PUBLIC ADDRESSES**

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

**Objector:** Paula Beaumont

**Supporter:** Belinda Borg, speaking on behalf of the Applicant John Boulding.

**MOTION (Macdonald / Aird)**

That Development Application 25/06 for demolition of the existing dwelling and construction of a two storey dwelling including conversion of the rear garage to a store room at 64 Edgecliffe Esplanade, Balgowlah, be **approved** subject to the following conditions:

1. That the two storey section of the building on the south-western side be moved 700mm off the boundary of the property, at the same time protecting the view corridors of 64A;
2. That the garage floor be raised by 250mm;

3. That the sewer line be relocated to the opposite side of the site;
4. That an arborist be engaged to ensure the three trees on the eastern boundary at 66 Edgecliffe Esplanade be protected.

## DA1

This approval relates to drawings/plans No. Job 111 sheets 1 to 8 dated 21 December 2005 and LPDA 06 – 123/B dated December 2005 all received by Council 5 January 2006.

## ANS01

Trees 13,15 and 26 as identified on the plans are to be retained, and shall be appropriately protected during construction plans being suitably notated **prior to issue of the Construction Certificate.**

## ANS02

The rear detached garage / storeroom is not permitted to be occupied as a separate dwelling or used for habitable purposes.

## ANS03

Finished ground level within 900mm of the west side boundary is to match existing ground level along the west side boundary line, plans being suitably notated **prior to issue of the Construction Certificate.**

## ANS04

Any new boundary fencing being undertaken in accordance with the provisions of the Dividing Fences Act, note fencing not within the general criteria for exempt development under Council Local Environmental Plan 1988 is to be subject of a separate development application to Council.

## ANS05

Entry structure and roof over rear terrace are not approved and are to be deleted from the plans. Plans being suitably amended **prior to issue of the Construction Certificate.**

## DA009

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

## DA010

Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property.

## DA011

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

## DA012

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

## DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$7,500. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

DA341

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

DA342

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

DA343

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

DA018

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

DA019

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

DA021

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

DA022

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

DA023

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

DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note:

The sign is not required if the building on the site is to remain occupied during the course of the building works.

## DA026

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

## DA031

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

## DA039

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

## DA040

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

## DA044

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

## DA048

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

## DA058

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

## DA060

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

## DA65

All external cladding and trim of the approved building shall be of a non reflective nature. Details of such finishes shall be **submitted with the Construction Certificate Application.**

## 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

Any asbestos cement sheeting existing on the site must be removed in accordance with the requirements of the WorkCover Authority.

DA084

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

DA088

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

DA095

A copy of the approved OSD plan showing work as executed details shall be submitted to Council prior to the issue of the Occupation Certificate. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

DA100

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

DA121

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

DA126

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

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.

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.

DA348

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

DA255

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the

Council/Accredited Certifier prior to the issue of the Construction Certificate. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

DA269

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

DA270

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

- Silt control fences
- Footing inspection - trench and steel
- Reinforced concrete slab
- Framework inspection
- Wet area moisture barrier
- Drainage inspection
- Driveway crossing/kerb layback
- Landscaping inspection
- Final inspection

The cost of these inspections by Council is \$1,980. (being \$220.00 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.

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

DA271

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

DA284

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

DA332

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

DA333

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

DA334

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

DA335

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

## DA336

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

## DA337

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

## DA338

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

## DA339

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

## DA340

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

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

## DA289

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

## DA319

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

## DA320

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

## DA323

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

**AMENDMENT (Heasman / Daley)**

That Development Application 25/06 for demolition of the existing dwelling and construction of a two storey dwelling including conversion of the rear garage to a store room at 64 Edgecliffe Esplanade, Balgowlah, be approved subject to the following conditions:

1. That the first floor of the building on the south-western side be moved 700mm off the boundary of the property, at the same time protecting the view corridors of 64A.
2. That the garage floor be raised by 250mm;
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Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.

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

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

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**DA343**

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

**DA018**

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

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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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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.

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**DA026**

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

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**DA048**

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

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## DA65

All external cladding and trim of the approved building shall be of a non reflective nature. Details of such finishes shall be **submitted with the Construction Certificate Application.**

## 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

Any asbestos cement sheeting existing on the site must be removed in accordance with the requirements of the WorkCover Authority.

## DA084

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

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A copy of the approved OSD plan showing work as executed details shall be submitted to Council prior to the issue of the Occupation Certificate. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

## DA100

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

## DA121

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

## DA126

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

## 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.

## 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.

DA348

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

DA255

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.

DA261

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

DA269

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

DA270

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

- Silt control fences
- Footing inspection - trench and steel
- Reinforced concrete slab
- Framework inspection
- Wet area moisture barrier
- Drainage inspection
- Driveway crossing/kerb layback
- Landscaping inspection
- Final inspection

The cost of these inspections by Council is \$1,980. (being \$220.00 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.

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

DA271

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

DA284

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

DA332

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



DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

DA289

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

DA319

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

DA320

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

DA323

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

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

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

The **Amendment** was declared **Lost**.

**RESOLVED: (Macdonald / Aird)**

That Development Application 25/06 for demolition of the existing dwelling and construction of a two storey dwelling including conversion of the rear garage to a store room at 64 Edgecliffe Esplanade, Balgowlah, be **approved** subject to the following conditions:

1. That the two storey section of the building on the south-western side be moved 700mm off the boundary of the property, at the same time protecting the view corridors of 64A;
2. That the garage floor be raised by 250mm;
3. That the sewer line be relocated to the opposite side of the site;
4. That an arborist be engaged to ensure the three trees on the eastern boundary at 66 Edgecliffe Esplanade be protected.

DA1

This approval relates to drawings/plans No. Job 111 sheets 1 to 8 dated 21 December 2005 and LPDA 06 – 123/B dated December 2005 all received by Council 5 January 2006.

ANS01

Trees 13,15 and 26 as identified on the plans are to be retained, and shall be appropriately protected during construction plans being suitably notated **prior to issue of the Construction Certificate**.

ANS02

The rear detached garage / storeroom is not permitted to be occupied as a separate dwelling or used for habitable purposes.

ANS03

Finished ground level within 900mm of the west side boundary is to match existing ground level along the west side boundary line, plans being suitably notated **prior to issue of the Construction Certificate**.

ANS04

Any new boundary fencing being undertaken in accordance with the provisions of the Dividing Fences Act, note fencing not within the general criteria for exempt development under Council Local Environmental Plan 1988 is to be subject of a separate development application to Council.

## ANS05

Entry structure and roof over rear terrace are not approved and are to be deleted from the plans. Plans being suitably amended **prior to issue of the Construction Certificate.**

## DA009

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

## DA010

Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property.

## DA011

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

## DA012

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

## DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$7,500. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

## DA017

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

## DA341

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

## DA342

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

## DA343

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

DA018

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

DA019

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

DA021

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

DA022

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

DA023

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

DA024

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

DA026

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

DA031

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

DA039

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

DA040

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

DA044

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an

approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.

DA048

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

DA058

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

DA060

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

DA65

All external cladding and trim of the approved building shall be of a non reflective nature. Details of such finishes shall be **submitted with the Construction Certificate Application**.

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

Any asbestos cement sheeting existing on the site must be removed in accordance with the requirements of the WorkCover Authority.

DA084

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

DA088

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

DA095

A copy of the approved OSD plan showing work as executed details shall be submitted to Council prior to the issue of the Occupation Certificate. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

DA100

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

## DA121

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

## DA126

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

## 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.

## 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.

## DA348

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

## DA255

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.

## DA261

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

## DA269

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

## DA270

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

- Silt control fences
- Footing inspection - trench and steel
- Reinforced concrete slab
- Framework inspection
- Wet area moisture barrier
- Drainage inspection
- Driveway crossing/kerb layback
- Landscaping inspection
- Final inspection

The cost of these inspections by Council is \$1,980. (being \$220.00 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.

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

DA271

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

DA284

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

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

DA289

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

DA319

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

DA320

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

DA323

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

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Environmental Services Division Report No. 18

**29 Edgecliffe Esplanade, Seaforth (DA28/06)**

**Application Lodged:** 30 December 2006

**Applicant:** Michael Blakeney Architects

**Owner:** Mrs Gail Castellan and Mr Frank Castellan

**Estimated Cost:** \$275,000

**Zoning:** Zone No.2 (Residential) of the Manly Local Environmental Plan 1988.

**Surrounding Development:** Single and two storey dwellings.

**Heritage:** Not applicable

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND A PREDOMINANTLY TWO (2) STOREY ADDITION TO AN EXISTING DWELLING HOUSE WITH ATTACHED GROUND FLOOR FAMILY FLAT, A SWIMMING POOL, CABANA, FENCING AND LANDSCAPING WORKS.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH TWO SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE SEAFORTH PRECINCT COMMUNITY FORUM WITH COMMENTS RECEIVED.
4. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLORS AIRD AND MACDONALD.



5. AN APPEAL HAS BEEN LODGED WITH THE LAND AND ENVIRONMENT COURT OF NSW AGAINST DEEMED REFUSAL OF THE APPLICATION.
6. A SITE INSPECTION IS RECOMMENDED.
7. APPROVAL OF THE APPLICATION SUBJECT TO CONDITIONS IS RECOMMENDED.

### SITE INSPECTIONS

A site inspection of 29 Edgecliffe Esplanade, Seaforth was conducted by Councillors Aird, Heasman, Macdonald, Morrison, Norek on Monday, 1 May 2006.

#### Inspection Party Recommendation:

No Recommendation

### PUBLIC ADDRESSES

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

**Objector:** Diana Brown

**Supporter:** Lance Doyle, Town Planner, speaking on behalf of the Applicants Mr & Mrs Castellan

### MOTION (Macdonald / Aird)

That Development Application No.28/06 for alterations and additions to the existing dwelling at No.29 Edgecliffe Esplanade, Seaforth, be granted **deferred commencement consent** subject to the following conditions:-

#### PART A

That:

1. The roof be changed from a pitched roof to a flat roof with a 0.5 parapet.
2. The entry porch on the eastern aspect be a flat roof.
3. The third storey component (1.3m x 8.3m) be removed.
4. Landscaping on the eastern boundary be limited to 2m in height.
5. The kitchen window nearest the western neighbour be of obscure glass (resulting in the deletion of Condition ANS05).
6. All of the balustrades be of open rail or clear glass.
7. The amended plans be renotified to affected neighbours.
8. The Applicant, upon receipt of the deferred commencement, agrees to discontinue proceedings in the Land and Environment Court.

#### PART B

DA1

This approval relates to drawings/plans Nos 1 to 5 submitted to council on 30 December, 2005 and Landscape ground floor plan and first floor plan submitted to Council on 30 December 2005 subject to recommendation, as amended by the deferred commencement conditions.

## ANS01

To reduce privacy impacts for the western adjoining property, the ground floor western facing timber deck proposed adjacent to the laundry shall be replaced by a maximum 1.5m wide side access path to be located in close proximity to the dwelling. A minimum 2m width of landscaping works (measured from the western side boundary toward the dwelling) shall run along the western side boundary adjacent to this path. An amended plan shall be submitted accordingly to Council/Accredited Certifier, **prior to the issue of the Construction Certificate.**

## ANS02

The planter box proposed for the southern facing first floor terrace shall be deleted from plan and the balustrade shall be constructed of transparent glass and/or open-railed material to reduce the visual bulk and scale of the building and to maintain views from the adjoining property. Plans being suitably amended **prior to issue of the Construction Certificate.**

## ANS03

Plant species selected to be planted within the southern rear setback area shall be of a species with maximum mature height of 5.7m, to maintain a reasonable share of available views. Plans being suitably amended **prior to issue of the Construction Certificate.**

## ANS06

The eastern side planter box located off the northern facing terrace shall be deleted and replaced with a roof covering the ground floor area. This roof shall be designed so as not to exceed the roof ridge height of the eastern side entry porch roof, to reduce impacts on views from public and private land. Plans being suitably amended **prior to issue of the Construction Certificate.**

## ANS07

The external materials, finishes and colours of the development are to be non-glare and of an unobtrusive nature, compatible with the surrounding environment. Details of such finishes shall be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**

## ANS09

The fence height and level of transparency of openings in the existing front fence facing Ashton Avenue are to be generally maintained, plans being suitably notated **prior to issue of the Construction Certificate.**

## ANS10

No approval is granted for habitable use at the basement level. The family flat notation on Basement Plan No.1/5 dated 30 December 2005 shall be removed. Plans being suitably amended **prior to issue of the Construction Certificate.**

## ANS11

A minimum of three (3) endemic tree species shall be selected in accordance with these conditions of approval and planted on site in accordance with the landscaping requirement of the Manly Development Control Plan for the Residential Zone 2001, Amendment 1.

## DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$7,500 . The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

Certifying Authority and infrastructure inspection by Council.

DA017

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

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.

DA018

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

DA019

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

DA021

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

DA022

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

DA023

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

DA024

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

DA026

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

DA031

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

DA038

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

DA039

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

DA040

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

DA044

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

DA047

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

DA048

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

DA058

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

DA357

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

DA109

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

DA111

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

DA084

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

DA094

Stormwater drainage from the proposed addition/extension shall be disposed of to the existing drainage system. All work shall be carried out in accordance with Council standards and specifications for stormwater drainage. Work shall be completed prior to the issue of the Occupation Certificate.

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.

DA238

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

DA239

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

DA240

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

DA348

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

DA255

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.

DA261

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

DA269

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

DA270

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

- Silt control fences
- Footing inspection - trench and steel
- Reinforced concrete slab
- Framework inspection
- Wet area moisture barrier
- Fire separation works for flat drains
- Drainage inspection

Landscaping inspection  
Swimming pool reinforcing steel inspection  
Swimming pool safety fence inspection  
Final inspection

The cost of these inspections by Council is \$2420. (being \$220.00 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.

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

DA271

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

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.

#### DA308

Any exposed external face of the swimming pool walls shall be concealed by suitable backfilling and landscaping so as to conceal the pool structure and to create a "buffer zone" between the proposed pool and neighbouring properties.

#### 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.

#### DA319

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

#### DA320

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

#### DA323

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



**RESOLVED: (Macdonald / Aird)**

That Development Application No.28/06 for alterations and additions to the existing dwelling at No.29 Edgecliffe Esplanade, Seaforth, be granted **deferred commencement consent** subject to the following conditions:-

**PART A**

That:

1. The roof be changed from a pitched roof to a flat roof with a 0.5 parapet.
2. The entry porch on the eastern aspect be a flat roof.
3. The third storey component (1.3m x 8.3m) be removed.
4. Landscaping on the eastern boundary be limited to 2m in height.
5. The kitchen window nearest the western neighbour be of obscure glass (resulting in the deletion of Condition ANS05).
6. All of the balustrades be of open rail or clear glass.
7. The amended plans be renotified to affected neighbours.
8. The Applicant, upon receipt of the deferred commencement, agrees to discontinue proceedings in the Land and Environment Court.

**PART B**

DA1

This approval relates to drawings/plans Nos 1 to 5 submitted to council on 30 December, 2005 and Landscape ground floor plan and first floor plan submitted to Council on 30 December 2005 subject to recommendation, as amended by the deferred commencement conditions.

ANS01

To reduce privacy impacts for the western adjoining property, the ground floor western facing timber deck proposed adjacent to the laundry shall be replaced by a maximum 1.5m wide side access path to be located in close proximity to the dwelling. A minimum 2m width of landscaping works (measured from the western side boundary toward the dwelling) shall run along the western side boundary adjacent to this path. An amended plan shall be submitted accordingly to Council/Accredited Certifier, **prior to the issue of the Construction Certificate.**

ANS02

The planter box proposed for the southern facing first floor terrace shall be deleted from plan and the balustrade shall be constructed of transparent glass and/or open-railed material to reduce the visual bulk and scale of the building and to maintain views from the adjoining property. Plans being suitably amended **prior to issue of the Construction Certificate.**

ANS03

Plant species selected to be planted within the southern rear setback area shall be of a species with maximum mature height of 5.7m, to maintain a reasonable share of available views. Plans being suitably amended **prior to issue of the Construction Certificate.**

ANS06

The eastern side planter box located off the northern facing terrace shall be deleted and replaced with a roof covering the ground floor area. This roof shall be designed so as not to exceed the roof

ridge height of the eastern side entry porch roof, to reduce impacts on views from public and private land. Plans being suitably amended **prior to issue of the Construction Certificate.**

#### ANS07

The external materials, finishes and colours of the development are to be non-glare and of an unobtrusive nature, compatible with the surrounding environment. Details of such finishes shall be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**

#### ANS09

The fence height and level of transparency of openings in the existing front fence facing Ashton Avenue are to be generally maintained, plans being suitably notated **prior to issue of the Construction Certificate.**

#### ANS10

No approval is granted for use of the basement level as a separate occupation. The family flat notation on Basement Plan No.1/5 dated 30 December 2005 shall be removed. Plans being suitably amended **prior to issue of the Construction Certificate.**

#### ANS11

A minimum of three (3) endemic tree species shall be selected in accordance with these conditions of approval and planted on site in accordance with the landscaping requirement of the Manly Development Control Plan for the Residential Zone 2001, Amendment 1.

#### DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$7,500 . The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

#### DA017

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

#### 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.

#### DA018

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

#### DA019

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

## DA021

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

## DA022

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

## DA023

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

## DA024

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

## DA026

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

## DA031

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

## DA038

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

## DA039

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

## DA040

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

## DA044

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

DA047

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

DA048

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

DA058

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

DA357

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

DA109

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

DA111

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

DA084

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

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Stormwater drainage from the proposed addition/extension shall be disposed of to the existing drainage system. All work shall be carried out in accordance with Council standards and specifications for stormwater drainage. Work shall be completed prior to the issue of the Occupation Certificate.

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

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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.

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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.

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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.

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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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Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.

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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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- Swimming pool safety fence inspection
- Final inspection

The cost of these inspections by Council is \$2420. (being \$220.00 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.

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

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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.

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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.

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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.

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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.

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

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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.

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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.

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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.

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All disturbed areas shall be stabilised against erosion to Council satisfaction within 14 days of

completion, and prior to removal of sediment controls.

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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.

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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.

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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.

#### DA308

Any exposed external face of the swimming pool walls shall be concealed by suitable backfilling and landscaping so as to conceal the pool structure and to create a "buffer zone" between the proposed pool and neighbouring properties.

#### 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.

**DA319**

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

**DA320**

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

**DA323**

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

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

**Against the Resolution:** Councillor Morrison

\*\*\*\*\*

Environmental Services Division Report No. 19

**10 & 10A Addison Road, Manly (DA342/05)****SUMMARY:**

1. COUNCIL RECEIVED DEVELOPMENT APPLICATION NO.342/05 ON 27 JULY 2005.
2. THE SITE IS WITHIN THE CRITICAL HABITAT OF THE LITTLE FAIRY PENGUIN AND IS ALSO SUBJECT TO THREATENED SPECIES CONSIDERATIONS IN RESPECT OF THE LONG NOSE BANDICOOT.
3. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH FOUR SUBMISSIONS RECEIVED.
4. THE APPLICATION WAS REFERRED TO THE LITTLE MANLY PRECINCT COMMUNITY FORUM FOR COMMENT.
5. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.



6. A SITE INSPECTION IS RECOMMENDED.
7. APPROVAL OF THE APPLICATION IS RECOMMENDED IT BEING NOTED THAT BEFORE ANY APPROVAL CAN ISSUE IT WILL BE NECESSARY FOR COUNCIL OBTAIN CONCURRENCE FROM THE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (DEC) IN RESPECT OF PROPOSED CONDITIONS.

### SITE INSPECTIONS

A site inspection of 10 & 10A Addison Road, Manly was conducted by Councillors Aird, Heasman, Macdonald, Morrison, Norek on Monday, 1 May 2006.

#### Inspection Party Recommendation:

Approval as per Staff Recommendation with D103 amended and the following additional conditions:

#### D103 add

A copy of the dilapidation report/s are to be made available to the respective owners of each adjoining property

**DA130** The proposed eave overhang is to be a maximum 0.5m in the area of the building positioned 2.2m from the side boundaries to reduce impacts on the amenity of adjoining properties in terms of overshadowing, plans being suitably amended prior to the issue of the Construction Certificate.

**DA131** Provision of a solid privacy screen 1.8m high to the northern end of the patio of Unit 2 and northern end of the balcony of Unit 5, to reduce impacts on the amenity of the adjoining property, plans being suitably notated prior to the issue of the Construction Certificate.

**DA132** A written statement from the reporting Geotechnical Engineer, regarding the effects of the proposed works on the stability of the cliff face on both immediately adjoining properties, is to be submitted to Council prior to the issue of the Construction Certificate.

### PUBLIC ADDRESSES

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

**Objector:** Margaret Lavers

**Supporter:** Lawrie Winnacott, speaking of behalf of the Applicant Joe Grech

### MOTION (Pedersen)

That Development application No.342/05 for demolition of two existing dwellings and erection of a three storey residential flat building containing six apartments with strata subdivision at No.10 and 10A Addison road Manly be **deferred** pending the formation of a Community Reference Group (CRG) to advise the General Manager on matters relating to the Development Application as they may impact on *critical habitat*. After the application has been considered by the CRG, it would then be brought back to Council for consideration.

Due to the lack of a Secunder, the Motion **Lapsed** and the **Amendment** became the **Motion**.

**MOTION (Daley / Heasman)**

That upon receipt of concurrence regarding draft conditions of Consent from the Department of Environment and Conservation the application be **approved** as follows:

That Development application No.342/05 for demolition of two existing dwellings and erection of a three storey residential flat building containing six apartments with strata subdivision at No.10 and 10A Addison road Manly be granted **deferred commencement consent** subject to the following conditions:

1. That a bank guarantee be provided by the applicant rather than a bond.
2. That all air conditioning plant be installed in the proposed basement carpark and that such plant shall not cause appreciable vibrations in the adjoining property and the breakout noise level shall not be greater than L90 + 0 dB(A).
3. That both palm trees be moved off-site or relocated subject to Council staff negotiation.
4. That a Community Reference Group (CRG) be formed to advise the General Manager on matters relating to the Development Application as they may impact on *critical habitat* of the fairy penguins and to subsequently assist Council in matters of compliance of these conditions.

**DA130** The proposed eave overhang is to be a maximum 0.5m in the area of the building positioned 2.2m from the side boundaries to reduce impacts on the amenity of adjoining properties in terms of overshadowing, plans being suitably amended prior to the issue of the Construction Certificate.

**DA131** Provision of a solid privacy screen 1.8m high to the northern end of the patio of Unit 2 and northern end of the balcony of Unit 5, to reduce impacts on the amenity of the adjoining property, plans being suitably notated prior to the issue of the Construction Certificate.

**DA132** A written statement from the reporting Geotechnical Engineer, regarding the effects of the proposed works on the stability of the cliff face on both immediately adjoining properties, is to be submitted to Council prior to the issue of the Construction Certificate.

D1 This approval relates to plans/drawings Nos. DA01, DA02, DA03, DA06 and DA07 issue D dated 20 January 2006 and received by Council 23 January 2006, DA04, DA05, DA09 and DA10 issue C dated 20 July 2005 and received by Council 27 July 2005, and Statement of Environmental Effects by Lawrence Winnacott and Associates Pty Ltd dated July 2005 received by Council 27 July 2005, schedule of Exterior Finishes by Manor House Design undated and received by Council 27 July 2005 and Landscape plan L01 issue C dated 9 January 2006 and received by Council 23 January 2006, as amended by deferred commencement conditions.

ANS01 The works to which these general terms of approval apply are not to commence until such time as the NSW Maritime has issued a Part 3A Permit under the *Rivers and Foreshore Improvements Act 1948*.

ANS02 The proposed construction works are to be carried out so that:-

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

- ANS03 Any material that does enter Little Manly Cove must be removed immediately.
- ANS04 In relation to the above, a plan to manage erosion, sediment and other pollutants at the site is to be prepared by a suitably qualified person(s). A suitable plan is to be submitted to NSW Maritime prior to a Part 3A Permit being issued.
- Best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, construction. Methods shall be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater – Soils and Construction* issued by the NSW Department of Housing in 1998 and any other relevant Council requirements.
- ANS05 The erosion, sediment and pollution controls shall be installed and stabilized before commencement of site works (this does not include the works associated with the construction of the appropriate controls).
- ANS06 The proposed system for erosion, sediment and pollution control is to be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilized and rehabilitated so that it no longer acts as a source of sediment.
- ANS07 Any material that is to be stockpiled on site is to be covered and stabilised to prevent erosion or dispersal of the material.
- ANS08 The rocky cliff on the South Eastern side of the site and the inter-tidal area is to be fully protected for the duration of the works. This includes preventing the use of any machinery, or storage of construction materials, supplies, or waste receptacles, in the area.
- ANS09 Native trees that are present on the site and adjoining land are to be retained and fully protected for the duration of the works (unless authorized for removal by Council). In particular, works are to be undertaken with regard to protection of the root zone of trees, including preventing stockpiling of materials, parking of equipment and machinery and alteration of soil levels within the root zone.
- ANS10 Any foreshore landscaping is to be comprised of locally indigenous species which represent the original plant communities that would have been found along the shoreline in the vicinity of the subject land. Though should be given to presenting species which provide a buffer between the development and the established critical habitat. Suitably prepared plans are to be provided to NSW Maritime prior to the issuing of a Part 3A Permit.
- ANS11 Detailed information on the location and design of the stormwater collection and treatment system is to be provided to NSW Maritime prior to a Part 3A Permit.
- ANS12 No works are to be undertaken on land owned by NSW Maritime (i.e. below MHWM) without the relevant approvals being granted by NSW Maritime.
- D2 Excavation and works beyond the cliff top may only be conducted between 1 March and 1 **June**, outside the penguin breeding season.
- D3 Wooden stairs on the cliff are to be replaced with similar wooden stairs, as per the Sketch in Appendix E of the SIS by Skelton, 2006, in the same location and footprint as the existing stairs. There is no approval for lighting of these stairs.
- D4 No bright lighting or motion detectors are to be installed to illuminate the lawn or garden

areas as this will discourage penguin occupation. A modest amount of low lighting is acceptable for safety purposes only.

- D5 Lighting of the foreshore stairs is prohibited.
- D6 The hand railing on the cliff face is to be replaced in the same location as the existing rail.
- D7 All material that is dislodged during the works is to be carefully removed from the site
- D8 The footprint of the cliff line underpinning piers are to be 350mm x 350mm
- D9 NO vegetation clearing, pruning or removal is to be undertaken within the critical habitat area without firstly obtaining approval from Council and the Department of Environment & Conservation (DEC). Trimming of vegetation to maintain passage down the foreshore stairs is exempt.
- D10 The replacement of the glass fence and gate at the top of the cliff face is to occur between March 1 and **June 1**.
- D11 A sign is to be permanently fixed to the inside of the gate at the top of the stairs on the cliff top, specifying: 'Critical Habitat for Manly's Little Penguins. Please minimize access to this area from July 1 to Feb 28. No dogs allowed. No fishing between sunset and sunrise, July 1 to Feb 28. No disturbing or approaching within 5 m of a Little Penguin or nest.' Lettering is to be at least 25mm high.
- D12 The structure of the gate at the top of the cliff face will be modified so that it forms a closed boundary along the cliff top fence-line, restricting access to the property from the foreshore and cliffs by penguins.
- D13 Stormwater collected on site is to be pumped to the street gutter to the west of the site.
- D14 Prior to any construction work a qualified ecologist must inspect the site to ensure no penguins are within the disturbance area
- D15 The site ecologist is to meet with the construction foreman to explain the restriction on works practices.
- D16 During the penguin breeding season (**June 1** to Feb 28), and one month either side, the construction site and adjacent area are to be inspected on a weekly basis by a qualified ecologist for any signs of penguins. Penguins in this colony are often found on land outside the official breeding/moulting season. If penguins are found on the site, DEC and Council must be notified immediately and appropriate actions decided by the site ecologist and Council adhered to.
- D17 During construction the site foreman must inspect the site each day for penguins before works begin. If penguins are found, works are to cease immediately and the ecologist is to be contacted.
- D18 The 1-page Ecological Works Protection Plan describing prohibited work practices (Appendix G of SIS, Skelton 2006) must be read by all site workers and strictly adhered to. This page is to be photocopied and handed out to all workers.
- D19 All slurry associated with works (including all drilling) is to be contained at source and within the construction area. All slurry is to be removed off site.
- D20 Any spilt concrete must be cleared up before it dries and removed offsite.

- D21 All fine material that is to be dug out when digging the footings, or that may be dislodged during the works, is to be carefully removed from the site. No boulders or sandstone features are to be removed from the site.
- D22 The design of the cliff stabilisation works must not prevent penguin access to potential habitat. Columns must be made from salt resistant bricks and mortar but may have a render finish.
- D23 All construction access to the property will be via Addison Road. No access for materials during construction will be via Little Manly Cove. Once stabilisation works to the cliff have been completed, access to the cliff and foreshore must be restricted.
- D24 Cat/s and or dog/s that currently live on the property should be kept indoors at night and de-sexed, if they are not already. When the current cat/s and or dog/s that live on the property no longer reside on the property they should not be replaced by new dogs or cats. Any cats kept on this property are to be kept indoors at all times or in a sealed cat run.
- D25 Penguins and other native animals must not be fed artificial foods as it may cause them nutritional problems, hardship if supplementary feeding is stopped, and it may increase predation. Feral animals such as cats not owned by the residents or foxes should never be fed or food left out where they can access it such as rubbish bins without lids or dog food bowls.
- D26 No temporary seating or recreational equipment such as dinghies are to be stored below the cliff top.
- D27 Compliance with Geotechnical Consent Conditions as detailed in Geotechniques Report of Jan 06 and validated by KD Hansford Pty Ltd consulting Engineers in correspondence dated Jan 06.
- D28 The backfill material between the retaining wall along the southern boundary of No 10 and the in-ground swimming pool must be excavated to a minimum depth of 500mm and replaced with lightly compacted granular material or sand/cement mix (5% by weight) then turfed to reduce any lateral loadings on the existing wall and maintain the levelled area in the vicinity of the in-ground pool (area depicted on photo 1 of Geotechnique's Report Jan 06)
- D29 A certificate certifying the long-term structural integrity of the retaining wall located at the cliff top behind the swimming pool must be provided from a registered structural/civil engineer prior to any construction works commencing
- D30 New salt resistant brick piers, rendered to blend into the surrounding sandstone, are to be constructed adjacent to the existing dilapidated sandstone and brick pillar (depicted in Photos 2, 3 and 4 of Geotechnique's Report Jan 06), observed on the
- D31 New salt resistant brick piers, rendered to blend into the surrounding sandstone, are to be constructed adjacent to the existing dilapidated sandstone pillar observed on the lower shelf down the cliff face (depicted in Photos 4 and 5). The locations of piers 9 and 10 are indicated on Figure 1.
- D32 The timber steps (depicted in Photo 6) are to be replaced as they are dilapidated and in poor condition. The new stairs are to be in the same location and footprint as the existing stairs.
- D33 Structural specification of the stairs are to be in accordance with submitted plan sketch Appendix E of SIS.

- D34 The sandstone overhang adjacent to the timber steps (depicted in photos 6 and 7) is to be supported by salt resistant brick pillars, rendered to blend into the surrounding sandstone, as adverse fractures were noted. The suggested locations are Piers 1 and 2 and are indicated on Figure 1.
- D35 Piers of salt resistant brick construction rendered to blend into the surrounding sandstone, are to be erected to support the overhang (upper shelf), above the timber seating bench (depicted in photos 8, 9 and 10), as the overhang could be a partially detached block. Pillars are to be erected to support the partially detached overhang (depicted in photos 16) at the common site boundary with No 14. The locations of piers 3 to 6 are indicated on Figure 1.
- D36 Excavation/rock works are to occur between March 1 and June 30 outside of the penguins breeding season.
- D37 Excavation will be to a maximum depth of approximately 2.5 meters below the current ground level (refer SIS, Appendix D).
- D38 Jack hammers are not to be used on the site and rock excavation is to be carried out using rock saws to minimize disturbance from noise and vibration to Little Penguins. Saw cuts should be made along the sandstone bedrock along the side(s) of the excavation prior to ripping or grinding. Saw cuts in the excavated material, to reduce the size of excavation material, may also aid in excavation of the sandstone bedrock.
- D39 Equipment is to be operated in short bursts only, to avoid amplification of vibration.
- D40 The smallest appropriate equipment size should be used to limit the maximum peak particle velocity due to vibration, to 10mm/sec (AS187.2 – 1993)
- D41 All excavations must be either retained by an engineered retaining structure, or battered. For short term unsupported cuts in fill and residual soil, to a height of about 2m, the recommended batter sloped are 1 vertical : 2 horizontal. Permanent unprotected cuts in fill material are not recommended. Sub-vertical cuts may be used in the sandstone bedrock provided they are inspected by an experienced Engineering Geologist or geotechnical engineer during construction.
- D42 A conventional sump and pump system should be used to address groundwater.
- D43 All footings must be founded on uniform materials (sandstone bedrock) to minimize the potential for differential settlement.
- D44 A Civil/Structural Engineer must conduct follow-up inspections of the piers, after construction, to confirm adequate design, stabilisation and construction.
- D45 Strain gauges are to be attached to the major joints on the foreshore cliff face and are to be monitored annually for movement.
- D46 The landscape plan is to be amended to show retention of the Cheese tree in the front yard and relocation of one of the Phoenix canariensis to the front yard area within the site. Transplanting being undertaken under the supervision of a qualified arborist. Landscape plans being amended accordingly prior to issue of the Construction certificate. Transplanted palm on the site must be provided with demonstrated post maintenance and certified reports by an Arborist for twelve (12) months to the satisfaction of the Principal Certifying Authority.
- D47 The wall height of the proposed building (existing ground level to underside of eaves) is to

be reduced by 0.2m such that the eave level in the south-eastern and north-eastern portions of the building is RL 20.3, plans being suitably amended prior to issue of the Construction Certificate.

- D48 The applicant is to provide a photographic record in accordance with the NSW Heritage Office Guidelines for Photographic Recording of Heritage Sites, Buildings and Structures of the existing buildings and landscaping on the two sites. The provision of a complete Statement of Heritage Impact and Assessment is to be provided with the Photographic Record and submitted to Council. This record is to be submitted to Council prior to issue of the Construction Certificate.
- D49 An interpretation of the history of the site and association with Sir Roden Cutler and his family, plus the dwelling is to be provided by a qualified Heritage Consultant and displayed in the front entry or foyer area of the new building. A copy of the display material is to be provided to Council in both A4 or A3 format. Details of this display are to be submitted to Council prior to issue of the Construction Certificate.
- D50 Submission of a Construction Management Plan incorporating the requirements of this consent prior to issue of the Construction Certificate.
- D51 The existing surplus vehicular crossing and/or kerb layback shall be removed and the kerb and nature strip reinstated prior to issue of the Occupation Certificate.
- D52 The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.
- D53 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 \$30,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

- D54 No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
- D55 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.
- D56 Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
- D57 Details of the builder's name and licence number contracted to undertake the works shall be provided to Council prior to issue of the Construction Certificate.
- D58 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.

- D59 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.
- D60 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.
- D61 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.
- D62 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 Principal Certifying Authority prior to the issue of the Construction Certificate.
- D63 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.
- D64 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.
- D65 A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
- D66 Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
- D67 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.
- D68 Building work shall not progress beyond first floor level until such time as Registered Surveyor's 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.
- D69 On completion of the building structure a Registered Surveyor's report 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.
- D70 Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application/prior to the issue of the Construction Certificate.
- D71 The basement car parking level is to be adequately protected from flooding. Details are to



- be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- D72 All demolition is to be carried out in accordance with AS2601-1991.
- D73 The building being erected in Type A construction for a Class 2 and 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.
- D74 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- D75 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.
- D76 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.
- D77 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.
- D78 Details shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is being provided.
- D79 A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.
- D80 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.
- D81 Prior to the commencement of any works on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.
- D82 Prior to the issue of the Construction Certificate, the applicant shall submit details of protective hoardings, fences, and lighting which are to be provided during demolition, excavation and building works in accordance with the requirements of the Department of Industrial Relations, Construction Safety Act and the WorkCover Authority.
- D83 Once commenced the development hereby permitted shall only be continued in accordance with the conditions of approval and to the satisfaction of the Principal Certifying Authority.
- D84 A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority prior to any building works being carried out on site.

- D85 An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.
- D86 Payment of Section 94 contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, the amount being calculated as per Council's Section 94 Plan at the time of payment, prior to issue of the Construction Certificate.
- D87 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-Ordinator, for details see the Sydney Water Web Site [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index) or telephone 13 20 92.
- D88 Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-Ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building driveway or landscape design. The Notice of Requirement is to be provided to the Private Certifying Authority prior to the issue of the Construction Certificate.
- D89 The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development.
- D90 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.
- D91 All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.
- D92 All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
- D93 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.
- D94 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.
- D95 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.
- D96 The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.
- D97 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.
- D98 The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which:  
(iv) separates the swimming pool from any residential building situated on the

- (v) property and from any place adjoining the property; and is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.

- D99 All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.
- D100 No water shall be placed in the swimming pool until the required protective fencing has been inspected and approved by Council.
- D101 The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.
- D102 Applications for a construction zone on a local road require 28 days notice to Council indicating location and length. All construction zones require the approval of the Manly Traffic Committee.
- D103 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. **A copy of the dilapidation report/s are to be made available to the respective owners of each adjoining property.**
- D104 The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out prior to the issue of Occupation Certificate.
- D105 The construction of a kerb layback is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out prior to the issue of Occupation Certificate.
- D106 The driveway/access ramp grades, access and car parking facilities shall comply with the Australian Standard for Off-Street Parking AS2890.1-2004 or later editions.
- D107 A long section of the driveway shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.
- D108 The Heritage listed stone kerb is to be removed without damaging it and contact is to be made with Council's Manager, Civic Services, for the stone to be transported to Council's Depot.
- D109 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.
- D110 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.
- D111 The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
- D112 Prior to excavation applicants should contact the various utility providers to determine the

position of any underground services.

D113 A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The principal Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.

D114 A system of onsite stormwater detention shall be provided within the property in accordance with Council's "Specification for on-site stormwater management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate.

The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

D115 Pump systems will only be permitted for the drainage of seepage waters from basement areas.

D116 A positive covenant in respect of the installation and maintenance of onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and prior to the release of the trust fund deposit.

D117 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.

D118 The reconstruction and/or construction of footpath paving and any associated works along all areas of the site fronting {insert street name/s}. These works shall be carried out prior to the issue of the occupation certificate by a licensed construction contractor, at the applicant's expense and shall be in accordance with Council's Specification for Civil Infrastructure Works and Paving Design Guide.

D119 The pedestrian footpaths and pavements in the streets surrounding the proposed development shall be constructed as per Manly Council's Paving Design guidelines dated February 2002. a detailed design showing the above details shall be submitted with the application for Construction Certificate and shall be approved by the Principal Certifying authority prior to the issue of the Construction Certificate.

D120 Excavation adjacent to the road boundary shall be adequately shored to support the roadway and all improvements and services within the road reserve. Protective fencing shall be provided to ensure the safety of the public.

D121 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.

D122 Landscaping being provided in accordance with the approved Landscaping Plan and maintained in accordance with that plan at all times.

D123 A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior

to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.

D124

1. The applicant shall lodge a Hoarding Application with Council for any protective hoardings, fences and lighting which are to be provided during demolition, excavation and building works. The Hoarding Application is to be submitted to Council with the appropriate fee, prior to any works on site or prior to the issue of the Construction Certificate.
2. All hoardings must be in accordance with Council's Hoarding Application Form and must comply with the requirements of the Department of Industrial Relations, Construction Safety Act, the WorkCover Authority and relevant Australian Standard.

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

3. The hoarding shall be in place prior to the commencement of works on the site.
4. Trees which are affected by the hoarding and located outside the boundaries of the allotment are not to be cut, trimmed or removed without the prior approval of Council.
5. The hoarding shall be removed immediately at the applicant's expense, if any of these conditions are not fully complied with.
6. All hoardings must be lit between the hours of sunset and sunrise. Lights are to be erected at intervals of not greater than 5.0 metres for the length of the hoarding. The applicant shall keep the hoarding presentable to the public for the whole of the time it is erected. There shall be no catch points or protrusions likely to cause injury or damage to the public from the hoarding. The hoarding shall be constructed of demountable timber frame sections lined with a smooth face material, and painted with an approved white paint which shall not wash or rub off.

D125 Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

D126 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.

D127 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.

D128 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.

**RECOMMITAL MOTION (Pedersen / Aird)**

That the Lapsed Motion moved by Councillor Pedersen be recommitted to enable further consideration.

**For the Recommital Motion:** Councillors Macdonald, Cant, Pedersen, Aird and Evans

**Against the Recommital Motion:** Councillors Heasman, Lambert, Daley, Morrison and Norek

With the voting being equal, the Chairperson, Councillor Lambert exercised her casting vote against the Recommital Motion and declared it **Lost**.

**RESOLVED: (Daley / Heasman)**

That upon receipt of concurrence regarding draft conditions of Consent from the Department of Environment and Conservation the application be **approved** as follows:

That Development application No.342/05 for demolition of two existing dwellings and erection of a three storey residential flat building containing six apartments with strata subdivision at No.10 and 10A Addison road Manly be granted **deferred commencement consent** subject to the following conditions:

1. That a bank guarantee be provided by the applicant rather than a bond.
2. That all air conditioning plant be installed in the proposed basement carpark and that such plant shall not cause appreciable vibrations in the adjoining property and the breakout noise level shall not be greater than L90 + 0 dB(A).
3. That both palm trees be moved off-site or relocated subject to Council staff negotiation.
4. That a Community Reference Group (CRG) be formed to advise the General Manager on matters relating to the Development Application as they may impact on *critical habitat* of the fairy penguins and to subsequently assist Council in matters of compliance of these conditions.

**DA130** The proposed eave overhang is to be a maximum 0.5m in the area of the building positioned 2.2m from the side boundaries to reduce impacts on the amenity of adjoining properties in terms of overshadowing, plans being suitably amended prior to the issue of the Construction Certificate.

**DA131** Provision of a solid privacy screen 1.8m high to the northern end of the patio of Unit 2 and northern end of the balcony of Unit 5, to reduce impacts on the amenity of the adjoining property, plans being suitably notated prior to the issue of the Construction Certificate.

**DA132** A written statement from the reporting Geotechnical Engineer, regarding the effects of the proposed works on the stability of the cliff face on both immediately adjoining properties, is to be submitted to Council prior to the issue of the Construction Certificate.

**D1** This approval relates to plans/drawings Nos. DA01, DA02, DA03, DA06 and DA07 issue D dated 20 January 2006 and received by Council 23 January 2006, DA04, DA05, DA09 and DA10 issue C dated 20 July 2005 and received by Council 27 July 2005, and Statement of Environmental Effects by Lawrence Winnacott and Associates Pty Ltd dated July 2005 received by Council 27 July 2005, schedule of Exterior Finishes by Manor House Design undated and received by Council 27 July 2005 and Landscape plan L01 issue C dated 9 January 2006 and received by Council 23 January 2006, as amended by deferred commencement conditions.

- ANS01 The works to which these general terms of approval apply are not to commence until such time as the NSW Maritime has issued a Part 3A Permit under the *Rivers and Foreshore Improvements Act 1948*.
- ANS02 The proposed construction works are to be carried out so that:-
- (a) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of Little Manly Cove; and
  - (b) No materials are likely to be carried by natural forces to the bed, shore or waters of Little Manly Cove.
- ANS03 Any material that does enter Little Manly Cove must be removed immediately.
- ANS04 In relation to the above, a plan to manage erosion, sediment and other pollutants at the site is to be prepared by a suitably qualified person(s). A suitable plan is to be submitted to NSW Maritime prior to a Part 3A Permit being issued.
- Best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, construction. Methods shall be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater – Soils and Construction* issued by the NSW Department of Housing in 1998 and any other relevant Council requirements.
- ANS05 The erosion, sediment and pollution controls shall be installed and stabilized before commencement of site works (this does not include the works associated with the construction of the appropriate controls).
- ANS06 The proposed system for erosion, sediment and pollution control is to be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilized and rehabilitated so that it no longer acts as a source of sediment.
- ANS07 Any material that is to be stockpiled on site is to be covered and stabilised to prevent erosion or dispersal of the material.
- ANS08 The rocky cliff on the South Eastern side of the site and the inter-tidal area is to be fully protected for the duration of the works. This includes preventing the use of any machinery, or storage of construction materials, supplies, or waste receptacles, in the area.
- ANS09 Native trees that are present on the site and adjoining land are to be retained and fully protected for the duration of the works (unless authorized for removal by Council). In particular, works are to be undertaken with regard to protection of the root zone of trees, including preventing stockpiling of materials, parking of equipment and machinery and alteration of soil levels within the root zone.
- ANS10 Any foreshore landscaping is to be comprised of locally indigenous species which represent the original plant communities that would have been found along the shoreline in the vicinity of the subject land. Though should be given to presenting species which provide a buffer between the development and the established critical habitat. Suitably prepared plans are to be provided to NSW Maritime prior to the issuing of a Part 3A Permit.
- ANS11 Detailed information on the location and design of the stormwater collection and treatment system is to be provided to NSW Maritime prior to a Part 3A Permit.

- ANS12 No works are to be undertaken on land owned by NSW Maritime (i.e. below MHWM) without the relevant approvals being granted by NSW Maritime.
- D2 Excavation and works beyond the cliff top may only be conducted between 1 March and 1 **June**, outside the penguin breeding season.
- D3 Wooden stairs on the cliff are to be replaced with similar wooden stairs, as per the Sketch in Appendix E of the SIS by Skelton, 2006, in the same location and footprint as the existing stairs. There is no approval for lighting of these stairs.
- D4 No bright lighting or motion detectors are to be installed to illuminate the lawn or garden areas as this will discourage penguin occupation. A modest amount of low lighting is acceptable for safety purposed only.
- D5 Lighting of the foreshore stairs is prohibited.
- D6 The hand railing on the cliff face is to be replaced in the same location as the existing rail.
- D7 All material that is dislodged during the works is to be carefully removed from the site
- D8 The footprint of the cliff line underpinning piers are to be 350mm x 350mm
- D9 NO vegetation clearing, pruning or removal is to be undertaken within the critical habitat area without firstly obtaining approval from Council and the Department of Environment & Conservation (DEC). Trimming of vegetation to maintain passage down the foreshore stairs is exempt.
- D10 The replacement of the glass fence and gate at the top of the cliff face is to occur between March 1 and **June 1**.
- D11 A sign is to be permanently fixed to the inside of the gate at the top of the stairs on the cliff top, specifying: 'Critical Habitat for Manly's Little Penguins. Please minimize access to this area from July 1 to Feb 28. No dogs allowed. No fishing between sunset and sunrise, July 1 to Feb 28. No disturbing or approaching within 5 m of a Little Penguin or nest.' Lettering is to be at least 25mm high.
- D12 The structure of the gate at the top of the cliff face will modified so that it forms a closed boundary along the cliff top fence-line, restricting access to the property from the foreshore and cliffs by penguins.
- D13 Stormwater collected on site is to be pumped to the street gutter to the west of the site.
- D14 Prior to any construction work a qualified ecologist must inspect the site to ensure no penguins are within the disturbance area
- D15 The site ecologist is to meet with the construction foreman to explain the restriction on works practices.
- D16 During the penguin breeding season (**June1** to Feb 28), and one month either side, the construction site and adjacent area are to be inspected on a weekly basis by a qualified ecologist for any signs of penguins. Penguins in this colony are often found on land outside the official breeding/moulting season. If penguins are found on the site, DEC and Council must be notified immediately and appropriate actions decided by the site ecologist and Council adhered to.
- D17 During construction the site foreman must inspect the site each day for penguins before



- works begin. If penguins are found, works are to cease immediately and the ecologist is to be contacted.
- D18 The 1-page Ecological Works Protection Plan describing prohibited work practices (Appendix G of SIS, Skelton 2006) must be read by all site workers and strictly adhered to. This page is to be photocopied and handed out to all workers.
- D19 All slurry associated with works (including all drilling) is to be contained at source and within the construction area. All slurry is to be removed off site.
- D20 Any spilt concrete must be cleared up before it dries and removed offsite.
- D21 All fine material that is to be dug out when digging the footings, or that may be dislodged during the works, is to be carefully removed from the site. No boulders or sandstone features are to be removed from the site.
- D22 The design of the cliff stabilisation works must not prevent penguin access to potential habitat. Columns must be made from salt resistant bricks and mortar but may have a render finish.
- D23 All construction access to the property will be via Addison Road. No access for materials during construction will be via Little Manly Cove. Once stabilisation works to the cliff have been completed, access to the cliff and foreshore must be restricted.
- D24 Cat/s and or dog/s that currently live on the property should be kept indoors at night and de-sexed, if they are not already. When the current cat/s and or dog/s that live on the property no longer reside on the property they should not be replaced by new dogs or cats. Any cats kept on this property are to be kept indoors at all times or in a sealed cat run.
- D25 Penguins and other native animals must not be fed artificial foods as it may cause them nutritional problems, hardship if supplementary feeding is stopped, and it may increase predation. Feral animals such as cats not owned by the residents or foxes should never be fed or food left out where they can access it such as rubbish bins without lids or dog food bowls.
- D26 No temporary seating or recreational equipment such as dinghies are to be stored below the cliff top.
- D27 Compliance with Geotechnical Consent Conditions as detailed in Geotechniques Report of Jan 06 and validated by KD Hansford Pty Ltd consulting Engineers in correspondence dated Jan 06.
- D28 The backfill material between the retaining wall along the southern boundary of No 10 and the in-ground swimming pool must be excavated to a minimum depth of 500mm and replaced with lightly compacted granular material or sand/cement mix (5% by weight) then turfed to reduce any lateral loadings on the existing wall and maintain the levelled area in the vicinity of the in-ground pool (area depicted on photo 1 of Geotechnique's Report Jan 06)
- D29 A certificate certifying the long-term structural integrity of the retaining wall located at the cliff top behind the swimming pool must be provided from a registered structural/civil engineer prior to any construction works commencing
- D30 New salt resistant brick piers, rendered to blend into the surrounding sandstone, are to be constructed adjacent to the existing dilapidated sandstone and brick pillar (depicted in Photos 2, 3 and 4 of Geotechnique's Report Jan 06), observed on the

- D31 New salt resistant brick piers, rendered to blend into the surrounding sandstone, are to be constructed adjacent to the existing dilapidated sandstone pillar observed on the lower shelf down the cliff face (depicted in Photos 4 and 5). The locations of piers 9 and 10 are indicated on Figure 1.
- D32 The timber steps (depicted in Photo 6) are to be replaced as they are dilapidated and in poor condition. The new stairs are to be in the same location and footprint as the existing stairs.
- D33 Structural specification of the stairs are to be in accordance with submitted plan sketch Appendix E of SIS.
- D34 The sandstone overhang adjacent to the timber steps (depicted in photos 6 and 7) is to be supported by salt resistant brick pillars, rendered to blend into the surrounding sandstone, as adverse fractures were noted. The suggested locations are Piers 1 and 2 and are indicated on Figure 1.
- D35 Piers of salt resistant brick construction rendered to blend into the surrounding sandstone, are to be erected to support the overhang (upper shelf), above the timber seating bench (depicted in photos 8, 9 and 10), as the overhang could be a partially detached block. Pillars are to be erected to support the partially detached overhang (depicted in photos 16) at the common site boundary with No 14. The locations of piers 3 to 6 are indicated on Figure 1.
- D36 Excavation/rock works are to occur between March 1 and June 30 outside of the penguins breeding season.
- D37 Excavation will be to a maximum depth of approximately 2.5 meters below the current ground level (refer SIS, Appendix D).
- D38 Jack hammers are not to be used on the site and rock excavation is to be carried out using rock saws to minimize disturbance from noise and vibration to Little Penguins. Saw cuts should be made along the sandstone bedrock along the side(s) of the excavation prior to ripping or grinding. Saw cuts in the excavated material, to reduce the size of excavation material, may also aid in excavation of the sandstone bedrock.
- D39 Equipment is to be operated in short bursts only, to avoid amplification of vibration.
- D40 The smallest appropriate equipment size should be used to limit the maximum peak particle velocity due to vibration, to 10mm/sec (AS187.2 – 1993)
- D41 All excavations must be either retained by an engineered retaining structure, or battered. For short term unsupported cuts in fill and residual soil, to a height of about 2m, the recommended batter sloped are 1 vertical : 2 horizontal. Permanent unprotected cuts in fill material are not recommended. Sub-vertical cuts may be used in the sandstone bedrock provided they are inspected by an experienced Engineering Geologist or geotechnical engineer during construction.
- D42 A conventional sump and pump system should be used to address groundwater.
- D43 All footings must be founded on uniform materials (sandstone bedrock) to minimize the potential for differential settlement.
- D44 A Civil/Structural Engineer must conduct follow-up inspections of the piers, after construction, to confirm adequate design, stabilisation and construction.

- D45 Strain gauges are to be attached to the major joints on the foreshore cliff face and are to be monitored annually for movement.
- D46 The landscape plan is to be amended to show retention of the Cheese tree in the front yard and relocation of one of the Phoenix canariensis to the front yard area within the site. Transplanting being undertaken under the supervision of a qualified arborist. Landscape plans being amended accordingly prior to issue of the Construction certificate. Transplanted palm on the site must be provided with demonstrated post maintenance and certified reports by an Arborist for twelve (12) months to the satisfaction of the Principal Certifying Authority.
- D47 The wall height of the proposed building (existing ground level to underside of eaves) is to be reduced by 0.2m such that the eave level in the south-eastern and north-eastern portions of the building is RL 20.3, plans being suitably amended prior to issue of the Construction Certificate.
- D48 The applicant is to provide a photographic record in accordance with the NSW Heritage Office Guidelines for Photographic Recording or Heritage Sites, Buildings and Structures of the existing buildings and landscaping on the two sites. The provision of a complete Statement of Heritage Impact and Assessment is to be provided with the Photographic Record and submitted to Council. This record is to be submitted to Council prior to issue of the Construction Certificate.
- D49 An interpretation of the history of the site and association with Sir Roden Cutler and his family, plus the dwelling is to be provided by a qualified Heritage Consultant and displayed in the front entry or foyer area of the new building. A copy of the display material is to be provided to Council in both A4 or A3 format. Details of this display are to be submitted to Council prior to issue of the Construction Certificate.
- D50 Submission of a Construction Management Plan incorporating the requirements of this consent prior to issue of the Construction Certificate.
- D51 The existing surplus vehicular crossing and/or kerb layback shall be removed and the kerb and nature strip reinstated prior to issue of the Occupation Certificate.
- D52 The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.
- D53 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 \$30,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.
- Note: Should Council property adjoining the site be defective e.g., cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.
- Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.
- D54 No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
- D55 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.

- D56 Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
- D57 Details of the builder's name and licence number contracted to undertake the works shall be provided to Council prior to issue of the Construction Certificate.
- D58 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.
- D59 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.
- D60 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.
- D61 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.
- D62 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 Principal Certifying Authority prior to the issue of the Construction Certificate.
- D63 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.
- D64 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.
- D65 A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
- D66 Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
- D67 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.
- D68 Building work shall not progress beyond first floor level until such time as Registered

Surveyor's 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.

- D69 On completion of the building structure a Registered Surveyor's report 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.
- D70 Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application/prior to the issue of the Construction Certificate.
- D71 The basement car parking level is to be adequately protected from flooding. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- D72 All demolition is to be carried out in accordance with AS2601-1991.
- D73 The building being erected in Type A construction for a Class 2 and 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.
- D74 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- D75 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.
- D76 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.
- D77 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.
- D78 Details shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is being provided.
- D79 A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.
- D80 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.
- D81 Prior to the commencement of any works on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

- D82 Prior to the issue of the Construction Certificate, the applicant shall submit details of protective hoardings, fences, and lighting which are to be provided during demolition, excavation and building works in accordance with the requirements of the Department of Industrial Relations, Construction Safety Act and the WorkCover Authority.
- D83 Once commenced the development hereby permitted shall only be continued in accordance with the conditions of approval and to the satisfaction of the Principal Certifying Authority.
- D84 A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority prior to any building works being carried out on site.
- D85 An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.
- D86 Payment of Section 94 contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, the amount being calculated as per Council's Section 94 Plan at the time of payment, prior to issue of the Construction Certificate.
- D87 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-Ordinator, for details see the Sydney Water Web Site [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index) or telephone 13 20 92.
- D88 Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-Ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building driveway or landscape design. The Notice of Requirement is to be provided to the Private Certifying Authority prior to the issue of the Construction Certificate.
- D89 The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development.
- D90 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.
- D91 All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.
- D92 All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
- D93 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.
- D94 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.
- D95 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.

- D96 The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.
- D97 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.
- D98 The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which:
- (iv) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and
  - (v) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.
- D99 All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.
- D100 No water shall be placed in the swimming pool until the required protective fencing has been inspected and approved by Council.
- D101 The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.
- D102 Applications for a construction zone on a local road require 28 days notice to Council indicating location and length. All construction zones require the approval of the Manly Traffic Committee.
- D103 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. **A copy of the dilapidation report/s are to be made available to the respective owners of each adjoining property.**
- D104 The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out prior to the issue of Occupation Certificate.
- D105 The construction of a kerb layback is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out prior to the issue of Occupation Certificate.
- D106 The driveway/access ramp grades, access and car parking facilities shall comply with the Australian Standard for Off-Street Parking AS2890.1-2004 or later editions.
- D107 A long section of the driveway shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.
- D108 The Heritage listed stone kerb is to be removed without damaging it and contact is to be made with Council's Manager, Civic Services, for the stone to be transported to Council's Depot.
- D109 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.

- D110 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.
- D111 The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
- D112 Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
- D113 A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The principal Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.
- D114 A system of onsite stormwater detention shall be provided within the property in accordance with Council's "Specification for on-site stormwater management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate.

The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

- D115 Pump systems will only be permitted for the drainage of seepage waters from basement areas.
- D116 A positive covenant in respect of the installation and maintenance of onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and prior to the release of the trust fund deposit.
- D117 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.

- D118 The reconstruction and/or construction of footpath paving and any associated works along all areas of the site fronting {insert street name/s}. These works shall be carried out prior to the issue of the occupation certificate by a licensed construction contractor, at the applicant's expense and shall be in accordance with Council's Specification for Civil Infrastructure Works and Paving Design Guide.
- D119 The pedestrian footpaths and pavements in the streets surrounding the proposed development shall be constructed as per Manly Council's Paving Design guidelines dated February 2002. a detailed design showing the above details shall be submitted with the application for Construction Certificate and shall be approved by the Principal Certifying authority prior to the issue of the Construction Certificate.



- D120 Excavation adjacent to the road boundary shall be adequately shored to support the roadway and all improvements and services within the road reserve. Protective fencing shall be provided to ensure the safety of the public.
- D121 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.
- D122 Landscaping being provided in accordance with the approved Landscaping Plan and maintained in accordance with that plan at all times.
- D123 A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.
- D124
1. The applicant shall lodge a Hoarding Application with Council for any protective hoardings, fences and lighting which are to be provided during demolition, excavation and building works. The Hoarding Application is to be submitted to Council with the appropriate fee, prior to any works on site or prior to the issue of the Construction Certificate.
  2. All hoardings must be in accordance with Council's Hoarding Application Form and must comply with the requirements of the Department of Industrial Relations, Construction Safety Act, the WorkCover Authority and relevant Australian Standard.
- Note: On corner properties, particular attention is to be given to the provision of adequate sight distances.
3. The hoarding shall be in place prior to the commencement of works on the site.
  4. Trees which are affected by the hoarding and located outside the boundaries of the allotment are not to be cut, trimmed or removed without the prior approval of Council.
  5. The hoarding shall be removed immediately at the applicant's expense, if any of these conditions are not fully complied with.
  6. All hoardings must be lit between the hours of sunset and sunrise. Lights are to be erected at intervals of not greater than 5.0 metres for the length of the hoarding. The applicant shall keep the hoarding presentable to the public for the whole of the time it is erected. There shall be no catch points or protrusions likely to cause injury or damage to the public from the hoarding. The hoarding shall be constructed of demountable timber frame sections lined with a smooth face material, and painted with an approved white paint which shall not wash or rub off.
- D125 Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.
- D126 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.
- D127 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.

D128 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.

**For the Resolution:** Councillors Macdonald, Heasman, Lambert, Cant, Daley, Morrison, Evans and Norek

**Against the Resolution:** Councillors Pedersen and Aird

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Environmental Services Division Report No. 20

**51 Whistler Street, Manly**

**Section 96 Modification (DA252/05)**

**Application Lodged:** 14 November 2005

**Applicant:** Ryoho Yoga

**Owner:** The Knights of the Round Table Pty Ltd

**Estimated Cost:** \$0

**Zoning:** Manly Local Environmental Plan, 1988 - Residential the property is also the foreshore scenic protection area and in the tourist zone

**Surrounding Development:** residential units and dwellings

**Heritage:** The property is Heritage listed under Amendment 50 to the Manly LEP 1988 gazetted on the 26.10.01

**SUMMARY:**

1. DEVELOPED CONSENT WAS GRANTED FOR USE OF THE PREMISES AS A YOGA CENTRE THE DATE OF ENDORSEMENT OF THE CONSENT BEING 2 SEPTEMBER 2005. THIS CONSENT CONTAINED A REQUIREMENT THAT THERE BE NO CLASSES ON SUNDAY
2. THE APPLICANT SUBMITTED A REQUEST FOR MODIFICATION OF DETAILS OF DEVELOPMENT CONSENT UNDER SECTION 96(2), ASKING THAT COUNCIL MODIFY THE CONDITIONS TO ENABLE OPERATIONS ON SUNDAY.
3. THE APPLICATION WAS NOTIFIED AND OBJECTIONS RECEIVED
4. THE REPORT WAS PRESENTED TO THE DEVELOPMENT ASSESSMENT UNIT ON THE 30TH OF JUNE 2006 WITH A RECOMMENDATION FOR APPROVAL
5. THE DEVELOPMENT ASSESSMENT UNIT RECOMMENDED THAT THE HOURS OF OPERATION ON SUNDAY THE 8 A.M. TO 1 P.M.
6. THE APPLICATION IS PRESENTED TO COUNCILS' LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR MACDONALD
7. A SITE INSPECTION IS RECOMMENDED.
8. APPROVAL OF THE APPLICATION IS RECOMMENDED.

**SITE INSPECTIONS**

A site inspection of 51 Whistler Street, Manly was conducted by Councillors Macdonald, Morrison, Norek on Monday, 1 May 2006.

**Inspection Party Recommendation:**

No Recommendation.

**PUBLIC ADDRESSES**

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

**Supporter:** Lisa Foster - Owner Ryoho Yoga

**MOTION (Aird / Morrison)**

That Development Application 252/05 for the operation of Yoga classes on Sundays (8:00 a.m. to 1:00 p.m.) on the first floor of 51 Whistler St. Manly be **refused** due to the fact that the business is in a residential area and impacts on residential amenity.

**AMENDMENT (Daley / Norek)**

That Development Application 252/05 for use of the first floor of 51 Whistler St. Manly for a Yoga teaching centre be modified by deletion of condition number ANS02 and replacement with the following new condition;

ANS02.

The hours of operation shall not exceed 7:00 a.m. to 9:00 p.m. Monday to Friday, 8:00 a.m. to 6:00 p.m. Saturday and 9:00 a.m. to 2:00 p.m. Sunday.

**For the Amendment:** Councillors Cant, Daley and Norek

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

The **Amendment** was declared **Lost**.

**RESOLVED: (Aird / Morrison)**

That Development Application 252/05 for the operation of Yoga classes on Sundays (8:00 a.m. to 1:00 p.m.) on the first floor of 51 Whistler St. Manly be **refused** due to the fact that the business is in a residential area and impacts on residential amenity.

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

**Against the Resolution:** Councillors Cant, Daley and Norek

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Environmental Services Division Report No. 21

**56 Alexander Street, Manly (DA43/06)**

**Application Lodged:** 12 January 2006

**Applicant:** P Gilet c/o Mudge property Services

**Owner:** Mrs M W Gilet

**Estimated Cost:** \$0

**Zoning:** Manly Local Environmental Plan, 1988 - Residential

**Surrounding Development:** Residential

**Heritage:** Alexander Street as listed for its street tree planting

**SUMMARY:**

1. THIS IS A PROPOSAL FOR A TWO LOT SUBDIVISION OF THE EXISTING LOT CONTAINING TWO RESIDENCES.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH SUBMISSIONS RECEIVED.
3. THE PROPOSAL DOES NOT COMPLY WITH COUNCIL'S DEVELOPMENT CONTROL PLAN AND CHANGES ARE SUGGESTED IN ORDER TO OVERCOME THESE CRITICISMS.
4. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR LAMBERT.
5. A SITE INSPECTION IS RECOMMENDED.
6. APPROVAL OF THE APPLICATION IS RECOMMENDED SUBJECT TO DETAILED CONDITIONS.

**SITE INSPECTIONS**

A site inspection of 56 Alexander Street, Manly was conducted by Councillors Aird, Macdonald, Morrison, Norek on Monday, 1 May 2006.

**Inspection Party Recommendation:**

No Recommendation

**PUBLIC ADDRESSES**

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

**Applicant:** Andy Stubbs

**MOTION (Morrison / Heasman)**

That Development Application No. 43/06 for Land Subdivision into two (2) Lots at 56 Alexander Street, Manly be refused for the following reasons:

- No parking accessible from Alexander Street;
- Any vehicle access from Alexander St would result in a dramatic change to streetscape since vehicle access to properties in the street are via the rear lane way with the exception of properties at the extreme ends only, well away from this property;
- The creation of non-compliances in relation to setbacks, FSR and open spaces for both proposed properties; and
- Council having assessed the original application and made a balance of judgement determination based on all the relevant factors that led to the subsequent granting of consent for a "granny flat" development for the rear of the site, the present application for a subdivision into two Torrens Title lots of this site, having regard for the planning controls that apply, would be contrary to public interest.

**RESOLVED: (Morrison / Heasman)**

That Development Application No. 43/06 for Land Subdivision into two (2) Lots at 56 Alexander Street, Manly be refused for the following reasons:

- No parking accessible from Alexander Street;
- Any vehicle access from Alexander St would result in a dramatic change to streetscape since vehicle access to properties in the street are via the rear lane way with the exception of properties at the extreme ends only, well away from this property;
- The creation of non-compliances in relation to setbacks, FSR and open spaces for both proposed properties; and
- Council having assessed the original application and made a balance of judgement determination based on all the relevant factors that led to the subsequent granting of consent for a “granny flat” development for the rear of the site, the present application for a subdivision into two Torrens Title lots of this site, having regard for the planning controls that apply, would be contrary to public interest.

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

**Against the Resolution:** Nil.

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Environmental Services Division Report No. 22

### **Development Applications Currently Being Processed**

#### **SUMMARY**

Development Applications Currently Being Processed During May 2006.

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

That a three minute address be granted to Penelope Wynne in relation to an item contained within Environmental Services Division Report No. 22, Development Applications Currently Being Processed, with no further debate.

**For the Procedural Motion:** Councillors Morrison, Pedersen and Norek

**Against the Procedural Motion:** Councillors Macdonald, Heasman, Lambert, Cant, Daley, Aird and Evans

The **Procedural Motion** was declared **Lost**.

#### **MOTION (Heasman / Macdonald)**

That the information be noted.

#### **RESOLVED: (Heasman / Macdonald)**

That the information be noted.

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

**Against the Resolution:** Nil.

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

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Environmental Services Division Report No. 23

### Appeals List for May 2006

#### SUMMARY

LIST OF APPEALS RECEIVED AND THEIR CURRENT STATUS FOR COUNCILLORS INFORMATION

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

That the information be noted.

#### **RESOLVED: (Heasman / Pedersen)**

That the information be noted.

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

**Against the Resolution:** Nil.

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

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## HUMAN SERVICES AND FACILITIES DIVISION

Human Services And Facilities Division Report No. 1

### Manly Food and Wine Festival

#### SUMMARY:

1. THE MANLY FOOD & WINE WORKING PARTY HAS MADE A NUMBER OF CHANGES TO THE FORMAT AND CONDITIONS FOR THE 2006 FESTIVAL ON 3<sup>RD</sup> AND 4<sup>TH</sup> JUNE 2006.
2. THE MAIN OBJECTIVES WERE TO SHOWCASE LOCAL RESTAURANTS BY PROVIDING A 'TASTE' OF QUALITY CUISINE, ENCOURAGE REPEAT VISITS AND LIMIT THE NUMBER OF TAKEAWAY FOODSTALLS TO REDUCE WASTE.
3. THE FESTIVAL WILL BE EXPANDED TO INCLUDE THE WHOLE OF THE MANLY CBD, WITH FOUR PRECINCTS – MANLY WHARF, THE CORSO PEDESTRIAN MALL, OCEAN BEACHFRONT, COUNCIL CHAMBER FORECOURT AND BELGRAVE STREET
4. WINERIES WILL SERVE 60ML TASTES OF WINE IN A GLASS WINE GLASS HELD IN A STRAP HOLDER
5. THE CURRENT STATUS OF THE FESTIVAL IS DETAILED IN THE REPORT.

#### **MOTION (Macdonald / Heasman)**

1. That this report be received and noted.
2. That a further report be submitted to the next Corporate Planning and Strategy Committee Meeting.

#### **AMENDMENT (Norek)**

1. That Council maintain the same format for the 2006 Food and Wine Festival as per last year's Festival.
2. That the community be consulted in relation to any proposed changes to the format of the Food and Wine Festival.

*Due to the lack of a Seconder the **Amendment Lapsed**.*

**RESOLVED:**

1. That this report be received and noted.
2. That a further report be submitted to the next Corporate Planning and Strategy Committee Meeting.

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

**Against the Resolution:** Councillor Norek

*Councillors Morrison and Cant departed the meeting at 12:00am and were not in the Chamber when the Motion was put.*

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**CLOSE**

The meeting closed at 12.07am

The above minutes were confirmed at an **Land Use Management Committee** of Manly Council held on 5 June 2006.

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**CHAIRPERSON**

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