



Minutes

Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 1 September 2008

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

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TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Land Use Management Committee, having met at 7:46pm on Monday 1 September 2008, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

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

PRESENT

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

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Deputy General Manager, Executive Manager Environmental Services
Ross Fleming, Chief Financial Officer
David Stray, Manager Development Control
Liz Rich, Minute Taker
Sally Whearty, Minute Taker

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil

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

That copies of the Minutes of the Land Use Management Committee held on Monday, 04 August 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

L89/08 **RESOLVED: (Pedersen / Heasman)**

That copies of the Minutes of the Land Use Management Committee held on Monday, 04 August 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

MOTION (Pedersen / Macdonald)

That copies of the Minutes of the Ordinary Meeting held on Monday, 18 August 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

L90/08 **RESOLVED: (Pedersen / Macdonald)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 18 August 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

MOTION (Pedersen / Heasman)

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 18 August 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

L91/08 **RESOLVED: (Pedersen / Heasman)**

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 18 August 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

SUSPENSION OF STANDING ORDERS (Heasman / Norek)

That standing orders be suspended to consider items of public interest being Environmental Services Diviison Report No. 61, 32 Reddall Street Manly DA518/07; Environmental Services Diviison Report No. 62, 38 Smith Street Manly DA18/08; Environmental Services Diviison Report No. 63, 12 Cecil Street Fairlight Manly DA327/07; Environmental Services Diviison Report No. 64, 42 Cutler Road Clontarf DA426/07; Environmental Services Diviison Report No. 65, 63 Peronne Avenue Clontarf DA500/07 and Environmental Services Diviison Report No. 69, 9 Seaview Street Balgowlah DA81/08.

L92/08 **RESOLVED: (Heasman / Norek)**

That standing orders be suspended to consider items of public interest being Environmental Services Diviison Report No. 61, 32 Reddall Street Manly DA518/07; Environmental Services Diviison Report No. 62, 38 Smith Street Manly DA18/08; Environmental Services Diviison Report No. 63, 12 Cecil Street Fairlight Manly DA327/07; Environmental Services Diviison Report No. 64, 42 Cutler Road Clontarf DA426/07; Environmental Services Diviison Report No. 65, 63 Peronne Avenue Clontarf DA500/07 and Environmental Services Diviison Report No. 69, 9 Seaview Street Balgowlah DA81/08.

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

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 61

32 Reddall Street, Manly - DA518/07 (DA518/07)

Application Lodged: 20 December 2007
Applicant: the Architecture Company Pty Ltd
Owner: Hedgerow Property Pty Ltd
Estimated Cost: \$425,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Surrounding developments typically comprise single and two storey residential dwelling houses
Heritage: Yes

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT TO UNDERTAKE INTERNAL AND EXTERNAL ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING AT NO. 32 REDDALL STREET MANLY INCLUDING A REAR GROUND AND FIRST FLOOR ADDITION AND THE INSTALLATION OF A NEW IN-GROUND SWIMMING POOL.
2. THE APPLICATION WAS NOTIFIED TO ALL OF THE ADJOINING AND NEARBY PROPERTY OWNERS ON TWO (2) SEPARATE OCCASIONS. ON THE FIRST OCCASION ONE (1) SUBMISSION WAS RECEIVED. ON THE SECOND OCCASION FOLLOWING THE NOTIFICATION OF AMENDED PLANS ONE (1) FURTHER SUBMISSION WAS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE FAIRY BOWER PRECINCT COMMUNITY FORUM FOR COMMENT SIMILARLY ON TWO (2) SEPARATE OCCASIONS. ON BOTH OCCASIONS THE FAIRY BOWER PRECINCT COMMUNITY FORUM INDICATED THAT THEY HAD NO OBJECTION TO THE DEVELOPMENT PROCEEDING.
4. THE APPLICATION WAS PRESENTED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 22 JULY 2008 WITH A RECOMMENDATION FOR DEFERRED COMMENCEMENT APPROVAL.
5. THE APPLICANT HAS SINCE DISCUSSED THE DEFERRED COMMENCEMENT CONDITION WITH COUNCIL PLANNING STAFF AND HAS SUBMITTED ADDITIONAL PHOTOGRAPHIC MONTAGE MATERIAL AND WRITTEN STATEMENT REQUESTING APPROVAL OF THE PROPOSAL AS SUBMITTED.
6. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 21 AUGUST 2008 WITH A RECOMMENDATION FOR CONDITIONAL APPROVAL.
7. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
8. A SITE INSPECTION IS RECOMMENDED.
9. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL APPROVAL.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Lori Gelhard

SITE INSPECTIONS

A site inspection of DA518/07 – 32 Reddall Street Manly Alterations and additions to the existing dwelling was conducted by by Councillors: B Aird, J Hay, A Heasman, J Lambert, P Macdonald, D Murphy and M Norek

Recommendation: That Development Application No. 518/07 for alterations and additions to the existing dwelling at 32 Reddall Street Manly be approved as per staff recommendation with the deletion of draft condition ANS28.

MOTION (Macdonald / Hay)

That Development Application No. 518/07 for internal and external alterations and additions to the existing dwelling at No 32 Reddall Street, Manly including a rear ground and first floor addition and the installation of a new in-ground swimming pool be approved subject to the following conditions:

DA1

This approval relates to Drawing Nos DA01, DA02, DA03, DA04, DA05, DA06 and DA07 all Issue C, all dated May 2008 and all referenced as Project No 0707 as prepared by The Architecture Company as received by Council on the 4 June 2008 and the Landscape Plan referenced as Drawing No 08-2089 (Sheet 1/1) dated June 2008 as prepared by Zenith Landscape Designs and as modified by Deferred Commencement conditions.

ANS01

The pool filter is to be located in an acoustically treated enclosure such that it is not audible for the adjoining residents. The purpose of the condition is to ensure that the acoustic amenity of the adjoining property owners is retained. Details are to be contained on the plans accompanying the Construction Certificate.

ANS02

The internal width and depth of the car parking spaces provided within the garage are to satisfy Australian Standards 2890.1 – 2004 Parking Facilities Part 1: "Off Street Car Parking Facilities". The reason for this condition is to ensure that on-site car parking satisfies the relevant Australian Standard. Details are to be contained on the plans accompanying the Construction Certificate.

ANS03

The proposed in-ground swimming pool is not extend more than 1 metre out of the ground. The reason for this condition is to ensure the development is consistent with the provisions contained within Clause 3.8.2(e) of the Manly Development Control Plan for the Residential Zone 2007 – Amendment 1 and to protect the amenity and privacy of the adjoining residents. Details are to be contained on the plans accompanying the Construction Certificate.

ANS04

The 'water line' of the proposed in-ground swimming pool is to be setback a minimum of 1500mm off the sites south western boundary. The reason for this condition is to satisfy the provisions contained in Clause 3.8.2(d) of the Manly Development Control Plan for the Residential Zone 2007 – Amendment 1 and to ensure the preservation of the amenity of the immediate adjoining property owners. Details are to be contained on the plans accompanying the Construction Certificate.

ANS05

On-site landscaping is to occur consistent with the details provided on the approved landscape plan (except where modified by conditions of consent). Where there is any inconsistency between the landscape details provided on the approved architectural plans and approved landscaping plans the details provided on the approved landscaping plans are to prevail. The reason for this condition is to ensure that landscaping of the site occurs consistent with the details on the approved landscape plans.

ANS06

The applicant is to retain and protect all street trees located within the nature strip areas. The reason for this condition is to ensure the preservation of the public domain and the landscape environment. Details are to be contained on the plans accompanying the Construction Certificate.

ANS07

The frangipani tree adjacent to the northwest corner of the existing dwelling is not to be transplanted and is to be protected during construction works. The reason for this condition is to ensure the long term survival of the frangipani tree. The landscape plan is to be amended accordingly prior to issue of the Construction Certificate.

ANS08

New construction is to comply with Appendix 3 – Site Bush Fire Attack Assessment of Planning for Bush Fire Protection 2006. In this regard the following design standards for construction are to be incorporated into the development:

- (a) New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 1.

Details are to be contained on the plans accompanying the Construction Certificate.

ANS09

The elevation plans are to show the retention of the existing chimney. The reason for this condition is to ensure the retention of the character and integrity of the existing dwelling. Details are to be contained on the plans accompanying the Construction Certificate.

ANS10

The applicant is to retain in situ, for interpretation purposes, a minimum of three bays / pairs of diamond-patterned leadlight casement and highlight windows. The applicant is to retain those bays / pairs of diamond-patterned leadlight casement and highlight windows as provided immediately adjacent the 'existing laundry' (ie along the College Street frontage). Details are to be contained on the plans accompanying the Construction Certificate.

ANS11

The applicant is to incorporate the existing sandstone garden walls into the proposed landscaping so as to retain the character of the rear yard. Details are to be contained on the plans accompanying the Construction Certificate.

ANS12

A photographic archival record shall be made of all the proposed buildings and structures (including the interiors and exteriors and their setting) in accordance with NSW Heritage Office Guidelines prior to commencement of works or any demolition works. The record is to be in an A4 format in an appropriate archival folder. Measured drawings of the existing buildings, the streetscape context and a copy of the Heritage Impact Statement are to be included in the record. Two copies are to be submitted to Council's satisfaction prior to the release of the Construction Certificate. The record is to be prepared by a heritage consultant and when received, one copy will be stored in the Council archives and the other in the manly Local Studies Library.

ANS13

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

ANS14

To maintain cultural traditions and practices the reuse of recycling of significant elements such as the diamond-patterned leadlight casement windows etc is required. The recycling is to occur, preferably on site and/or to suitable professional recycling yards specialising in the recycling of historic building materials. Demolition and storage of these materials is to be carefully carried out by the workers and a specific stockpile area is to be designated and protected. An experienced

heritage practitioner is to be engaged to oversee all aspects of the 'strip out phase'.

ANS15

Prior to the commencement of works all workers on the work site are to be made aware of the potential presence of Long-nosed Bandicoots through the site induction. The site induction is to include information about; the conservation significance of the Long-nosed Bandicoot, their potential activities on-site, and the measures in place on-site to be implemented for their protection. Visitors to the works site are to be similarly inducted upon arrival at the site.

ANS16

The site Construction Management Plan is to outline measures for the protection of Long-nosed Bandicoots during the construction phase (including, but not necessarily limited to, those requirements of the conditions of consent).

ANS17

Temporary chain wire fencing is to be installed around all work areas (including; demolition, storage and construction areas) prior to the commencement of works/construction. Fencing is to be maintained throughout the duration of the works. The fencing is to be designed to minimise the possibility for Long Nosed Bandicoot; access to the works areas and sheltering in cavities or voids e.g.: contain a surrounding barrier of minimum 300mm in height to exclude Bandicoots from this area.

ANS18

All machinery and construction material stockpiles are to be inspected daily prior to commencing operation to ensure that no Bandicoots are sheltering in these areas. In the case that a Long-nosed Bandicoot is encountered within one of these work areas, no work shall proceed until the Bandicoot has safely vacated the works area.

ANS19

Prior to the removal of any vegetation/debris (including grass) piles on-site, a pre-clearance survey for nesting activity is required. Clearing of existing vegetation / debris is only to occur once construction is complete. All clearing is to be undertaken at dusk.

ANS20

Landscaping is to include native plant species to provide a low dense clumping habitat. Species in the planting should comprise *Lomandra* sp., *Dianella* sp. and tussocky grasses (e.g. Kangaroo Grass).

ANS21

Normal construction hours are to be adhered to, with no machinery to be used outside the hours of 7:30am to 4:30pm.

ANS22

Any injured or dead Long-nosed Bandicoots is to be reported by phoning Manly Council on 9976 1500 or Department of Environment and Climate Change (DECC) on 9977 6732.

ANS23

No bright lighting or motion detectors are to be installed to illuminate the lawn or garden areas as this will discourage bandicoot occupation. A modest amount of low lighting is acceptable for safety purposes only.

ANS24

Dog/s must be kept indoors at night. Any cats kept on this property are to be kept indoors at all times or in a sealed cat run with a collar fitted with an effective bell.

ANS25

The new pool fencing is to be constructed with a surrounding barrier 300mm in height or greater so

as to exclude Bandicoots from entering the pool area. Gardens surrounding the pool area are to have either perimeter fencing 300mm in height or greater so as to exclude the Bandicoots from entering the pool area but allowing the Bandicoots access to the garden areas from access points along the back fence.

ANS26

All internal and boundary fencing and gates (with the exception of pool fencing and gates) should be spaced so as to provide "access spaces" suitable for Long-nosed Bandicoots trying to access the property. These "access spaces" are to be provided at intervals of no greater than 3m apart and are to be located at the bottom of the fencing, being a minimum 150mm long and 150mm high and are not to be obstructed. Alternatively the length of the fence should be raised 150mm off the ground.

ANS27

Where concealing material is required for any undercroft areas i.e. under stairs, gaps are to be established to allow good Bandicoot access (i.e.: gaps 150mm high by 300mm long at the base of the concealing material every 2-3 metres).

DA009

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

DA010

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

DA011

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

DA012

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

DA013

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

DA016

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

Authority and infrastructure inspection by Council.

DA017

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

DA341

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

DA342

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

DA343

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

DA018

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

DA019

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

DA021

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

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.

DA077

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

DA109

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

DA111

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

DA088

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

DA095

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

DA097

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

DA100

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

DA121

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

DA126

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

DA230

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

DA236

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

DA238

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

DA239

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

DA240

No tree other than on land identified for the construction of buildings and works as shown on the

building plan shall be felled, lopped, topped, ringbarked or otherwise 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.

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection X 2

Wet area moisture barrier

Drainage inspection

Landscaping inspection

Swimming pool reinforcing steel inspection

Swimming pool safety fence inspection prior to filling

Final inspection

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

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

DA271

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

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.

DA290

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

DA300

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

DA301

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

DA302

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

DA303

The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which: (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and (b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.

DA306

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

DA314

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

of Council having been obtained beforehand.

DA315

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

DA316

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

DA318

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

DA319

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

DA320

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

DA274

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

DA323

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

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

Long-Nosed Bandicoots – Best Practices for Residents

- Residents are encouraged to follow a number of "Best Practices" to assist with the protection and management of the endangered population of Long-Nosed Bandicoots:
- Bandicoots and other native animals should never be fed.
- Feral cats or foxes should never be fed or have access to food – e.g. rubbish bins without lids or pet food bowls.
- The use of insecticides, fertilisers, or snail baits should be avoided on the property. Rat baiting should only occur inside the buildings. Garden insects will be kept in low numbers if Bandicoots are present.
- When the North Head Long-nosed Bandicoot Recovery Plan is released it should be implemented where relevant.
- Cat/s and or dog/s that currently live on the property should be kept indoors at night to avoid disturbance/death of native animals. When the current cat/s and/or dog/s that live on

the property no longer reside on the property it is recommended that they not be replaced by new dogs or cats as companion animals present a threat to Long-nosed Bandicoots.

- Dead Long-nosed Bandicoots should be reported by phoning Manly Council on 9976 1744 or Department of Environment and Conservation on 9977 6732.
- Please drive carefully as vehicle related injuries and deaths of Long-nosed Bandicoots have occurred in the area.

L93/08 **RESOLVED: (Macdonald / Hay)**

That Development Application No. 518/07 for internal and external alterations and additions to the existing dwelling at No 32 Reddall Street, Manly including a rear ground and first floor addition and the installation of a new in-ground swimming pool be approved subject to the following conditions;

DA1

This approval relates to Drawing Nos DA01, DA02, DA03, DA04, DA05, DA06 and DA07 all Issue C, all dated May 2008 and all referenced as Project No 0707 as prepared by The Architecture Company as received by Council on the 4 June 2008 and the Landscape Plan referenced as Drawing No 08-2089 (Sheet 1/1) dated June 2008 as prepared by Zenith Landscape Designs and as modified by Deferred Commencement conditions.

ANS01

The pool filter is to be located in an acoustically treated enclosure such that it is not audible for the adjoining residents. The purpose of the condition is to ensure that the acoustic amenity of the adjoining property owners is retained. Details are to be contained on the plans accompanying the Construction Certificate.

ANS02

The internal width and depth of the car parking spaces provided within the garage are to satisfy Australian Standards 2890.1 – 2004 Parking Facilities Part 1: “Off Street Car Parking Facilities”. The reason for this condition is to ensure that on-site car parking satisfies the relevant Australian Standard. Details are to be contained on the plans accompanying the Construction Certificate.

ANS03

The proposed in-ground swimming pool is not extend more than 1 metre out of the ground. The reason for this condition is to ensure the development is consistent with the provisions contained within Clause 3.8.2(e) of the Manly Development Control Plan for the Residential Zone 2007 – Amendment 1 and to protect the amenity and privacy of the adjoining residents. Details are to be contained on the plans accompanying the Construction Certificate.

ANS04

The ‘water line’ of the proposed in-ground swimming pool is to be setback a minimum of 1500mm off the sites south western boundary. The reason for this condition is to satisfy the provisions contained in Clause 3.8.2(d) of the Manly Development Control Plan for the Residential Zone 2007 – Amendment 1 and to ensure the preservation of the amenity of the immediate adjoining property owners. Details are to be contained on the plans accompanying the Construction Certificate.

ANS05

On-site landscaping is to occur consistent with the details provided on the approved landscape plan (except where modified by conditions of consent). Where there is any inconsistency between the landscape details provided on the approved architectural plans and approved landscaping plans the details provided on the approved landscaping plans are to prevail. The reason for this condition is to ensure that landscaping of the site occurs consistent with the details on the approved landscape plans.

ANS06

The applicant is to retain and protect all street trees located within the nature strip areas. The

reason for this condition is to ensure the preservation of the public domain and the landscape environment. Details are to be contained on the plans accompanying the Construction Certificate.

ANS07

The frangipani tree adjacent to the northwest corner of the existing dwelling is not to be transplanted and is to be protected during construction works. The reason for this condition is to ensure the long term survival of the frangipani tree. The landscape plan is to be amended accordingly prior to issue of the Construction Certificate.

ANS08

New construction is to comply with Appendix 3 – Site Bush Fire Attack Assessment of Planning for Bush Fire Protection 2006. In this regard the following design standards for construction are to be incorporated into the development:

- (a) New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 1.

Details are to be contained on the plans accompanying the Construction Certificate.

ANS09

The elevation plans are to show the retention of the existing chimney. The reason for this condition is to ensure the retention of the character and integrity of the existing dwelling. Details are to be contained on the plans accompanying the Construction Certificate.

ANS10

The applicant is to retain in situ, for interpretation purposes, a minimum of three bays / pairs of diamond-patterned leadlight casement and highlight windows. The applicant is to retain those bays / pairs of diamond-patterned leadlight casement and highlight windows as provided immediately adjacent the 'existing laundry' (ie along the College Street frontage). Details are to be contained on the plans accompanying the Construction Certificate.

ANS11

The applicant is to incorporate the existing sandstone garden walls into the proposed landscaping so as to retain the character of the rear yard. Details are to be contained on the plans accompanying the Construction Certificate.

ANS12

A photographic archival record shall be made of all the proposed buildings and structures (including the interiors and exteriors and their setting) in accordance with NSW Heritage Office Guidelines prior to commencement of works or any demolition works. The record is to be in an A4 format in an appropriate archival folder. Measured drawings of the existing buildings, the streetscape context and a copy of the Heritage Impact Statement are to be included in the record. Two copies are to be submitted to Council's satisfaction prior to the release of the Construction Certificate. The record is to be prepared by a heritage consultant and when received, one copy will be stored in the Council archives and the other in the manly Local Studies Library.

ANS13

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

ANS14

To maintain cultural traditions and practices the reuse of recycling of significant elements such as the diamond-patterned leadlight casement windows etc is required. The recycling is to occur, preferably on site and/or to suitable professional recycling yards specialising in the recycling of historic building materials. Demolition and storage of these materials is to be carefully carried out by the workers and a specific stockpile area is to be designated and protected. An experienced heritage practitioner is to be engaged to oversee all aspects of the 'strip out phase'.

ANS15

Prior to the commencement of works all workers on the work site are to be made aware of the potential presence of Long-nosed Bandicoots through the site induction. The site induction is to include information about; the conservation significance of the Long-nosed Bandicoot, their potential activities on-site, and the measures in place on-site to be implemented for their protection. Visitors to the works site are to be similarly inducted upon arrival at the site.

ANS16

The site Construction Management Plan is to outline measures for the protection of Long-nosed Bandicoots during the construction phase (including, but not necessarily limited to, those requirements of the conditions of consent).

ANS17

Temporary chain wire fencing is to be installed around all work areas (including; demolition, storage and construction areas) prior to the commencement of works/construction. Fencing is to be maintained throughout the duration of the works. The fencing is to be designed to minimise the possibility for Long Nosed Bandicoot; access to the works areas and sheltering in cavities or voids e.g.: contain a surrounding barrier of minimum 300mm in height to exclude Bandicoots from this area.

ANS18

All machinery and construction material stockpiles are to be inspected daily prior to commencing operation to ensure that no Bandicoots are sheltering in these areas. In the case that a Long-nosed Bandicoot is encountered within one of these work areas, no work shall proceed until the Bandicoot has safely vacated the works area.

ANS19

Prior to the removal of any vegetation/debris (including grass) piles on-site, a pre-clearance survey for nesting activity is required. Clearing of existing vegetation / debris is only to occur once construction is complete. All clearing is to be undertaken at dusk.

ANS20

Landscaping is to include native plant species to provide a low dense clumping habitat. Species in the planting should comprise Lomandra sp., Dianella sp. and tussocky grasses (e.g. Kangaroo Grass).

ANS21

Normal construction hours are to be adhered to, with no machinery to be used outside the hours of 7:30am to 4:30pm.

ANS22

Any injured or dead Long-nosed Bandicoots is to be reported by phoning Manly Council on 9976 1500 or Department of Environment and Climate Change (DECC) on 9977 6732.

ANS23

No bright lighting or motion detectors are to be installed to illuminate the lawn or garden areas as this will discourage bandicoot occupation. A modest amount of low lighting is acceptable for safety purposes only.

ANS24

Dog/s must be kept indoors at night. Any cats kept on this property are to be kept indoors at all times or in a sealed cat run with a collar fitted with an effective bell.

ANS25

The new pool fencing is to be constructed with a surrounding barrier 300mm in height or greater so as to exclude Bandicoots from entering the pool area. Gardens surrounding the pool area are to have either perimeter fencing 300mm in height or greater so as to exclude the Bandicoots from

entering the pool area but allowing the Bandicoots access to the garden areas from access points along the back fence.

ANS26

All internal and boundary fencing and gates (with the exception of pool fencing and gates) should be spaced so as to provide "access spaces" suitable for Long-nosed Bandicoots trying to access the property. These "access spaces" are to be provided at intervals of no greater than 3m apart and are to be located at the bottom of the fencing, being a minimum 150mm long and 150mm high and are not to be obstructed. Alternatively the length of the fence should be raised 150mm off the ground.

ANS27

Where concealing material is required for any undercroft areas i.e. under stairs, gaps are to be established to allow good Bandicoot access (i.e.: gaps 150mm high by 300mm long at the base of the concealing material every 2-3 metres).

DA009

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

DA010

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

DA011

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

DA012

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

DA013

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

DA016

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

DA017

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

DA341

Any heritage listed stone kerb removed for construction of a driveway or other approved works, is to be removed without damaging it and contact is to be made with Council's Works Manager on Telephone 9976 1455 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 full cost is to be borne by the applicant.

DA018

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

DA019

Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builder's 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 persons 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.

DA077

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

DA109

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

DA111

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

WorkCover Authority.

DA088

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

DA095

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

DA097

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

DA100

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

DA121

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

DA126

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

DA230

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

DA236

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

DA238

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

DA239

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

DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise 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.

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection X 2

Wet area moisture barrier

Drainage inspection

Landscaping inspection

Swimming pool reinforcing steel inspection

Swimming pool safety fence inspection prior to filling

Final inspection

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

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

DA271

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

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.

DA290

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

DA300

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

DA301

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

DA302

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

DA303

The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which: (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and (b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.

DA306

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

DA314

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

DA315

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

100mm; and (iii) They open outwards from the pool.

DA316

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

DA318

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

DA319

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

DA320

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

DA274

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

DA323

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

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

Long-Nosed Bandicoots – Best Practices for Residents

- Residents are encouraged to follow a number of "Best Practices" to assist with the protection and management of the endangered population of Long-Nosed Bandicoots:
- Bandicoots and other native animals should never be fed.
- Feral cats or foxes should never be fed or have access to food – e.g. rubbish bins without lids or pet food bowls.
- The use of insecticides, fertilisers, or snail baits should be avoided on the property. Rat baiting should only occur inside the buildings. Garden insects will be kept in low numbers if Bandicoots are present.
- When the North Head Long-nosed Bandicoot Recovery Plan is released it should be implemented where relevant.
- Cat/s and or dog/s that currently live on the property should be kept indoors at night to avoid disturbance/death of native animals. When the current cat/s and/or dog/s that live on the property no longer reside on the property it is recommended that they not be replaced by new dogs or cats as companion animals present a threat to Long-nosed Bandicoots.
- Dead Long-nosed Bandicoots should be reported by phoning Manly Council on 9976 1744 or Department of Environment and Conservation on 9977 6732.
- Please drive carefully as vehicle related injuries and deaths of Long-nosed Bandicoots have occurred in the area.

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

Environmental Services Division Report No. 62

38 Smith Street, Manly - DA18/08 (DA18/08)

Application Lodged: 25 January 2008
Applicant: Richard and Louise Grace
Owner: R & L Grace
Estimated Cost: \$600,000
Zoning: Manly Local Environmental Plan, 1988 – Residential.
Surrounding Development: Smith Street has a consistent streetscape pattern that is established by the predominance of relatively modest sized, mostly single storey cottages that have similar massing, height and building setbacks, with many cottages having elements of a Federation style.
Heritage: Items of environmental heritage are located in the immediate vicinity of the site in addition to the site being located in the Pittwater Road Conservation Area.

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT TO UNDERTAKE ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING AT NO. 38 SMITH STREET MANLY INCLUDING A NEW UPPER FLOOR ADDITION A NEW FRONT FENCE AND ASSOCIATED LANDSCAPING.
2. THE APPLICATION WAS NOTIFIED TO ALL THE ADJOINING AND NEARBY PROPERTY OWNERS ON TWO (2) SEPARATE OCCASIONS. ON THE FIRST OCCASION THREE (3) SUBMISSIONS WERE RECEIVED. ON THE SECOND OCCASION FOLLOWING THE NOTIFICATION OF AMENDED PLANS TWO (2) SUBMISSIONS WERE RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE OCEAN BEACH PRECINCT COMMUNITY FORUM FOR COMMENT.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 29 JULY WITH A RECOMMENDATION FOR REFUSAL.
5. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR NOREK.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

PUBLIC ADDRESSES

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

Against the Recommendation: David Hume

In Support of the Recommendation: Richard Grace

SITE INSPECTIONS

A site inspection of DA18/08 - 38 Smith Street Manly, for Alterations and additions to the existing dwelling was conducted by Councillors: B Aird, J Hay, A Heasman, J Lambert, P Macdonald, D Murphy and M Norek

Recommendation: That Development Application No. 18/08 for alterations and additions to the existing dwelling at 38 Smith Street Manly be deferred for notification of revised plans.

MOTION (Macdonald)

That Development Application No. 18/08 for alterations and additions to the existing dwelling at 38 Smith Street Manly be **REFUSED**.

The Motion **LAPSED** due to a lack of a seconder.

MOTION (Hay / Heasman)

That Development Application No. 18/08 for alterations and additions to the existing dwelling at 38 Smith Street Manly be **DEFERRED** for notification of revised plans.

AMENDMENT (Murphy / Morrison)

That Development Application No. 18/08 for alterations and additions to the existing dwelling at 38 Smith Street Manly be **APPROVED** as per the amended plans submitted for comment to Council on Friday 29th August 2008.

For the Amendment: Councillors Daley, Morrison and Murphy

Against the Amendment: Councillors Aird, Cant, Evans, Hay, Heasman, Lambert, Norek, Pedersen and Macdonald

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

L94/08 **RESOLVED: (Hay / Heasman)**

That Development Application No. 18/08 for alterations and additions to the existing dwelling at 38 Smith Street Manly be **DEFERRED** for notification of revised plans.

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

Against the Resolution: Councillors Morrison and Macdonald

Environmental Services Division Report No. 63

12 Cecil Street, Fairlight - DA327/07 (DA327/07)

<u>Application Lodged:</u>	2 May 2008
<u>Applicant:</u>	Addbuild Master Builders
<u>Owner:</u>	N & M Mendez
<u>Estimated Cost:</u>	\$123,604
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	Single storey semi-detached detached dwellings
<u>Heritage:</u>	Not applicable

SUMMARY:

1. COUNCIL IS IN RECEIPT OF AN APPLICATION UNDER SECTION 96 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 TO MODIFY THE CONSENT TO INCLUDE A WINDOW IN THE REAR ELEVATION OF THE FIRST FLOOR ADDITION WHICH IS CURRENTLY UNDER CONSTRUCTION.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS WITH FOUR (4) SUBMISSIONS RECEIVED.

3. DUE TO THE MINOR NATURE OF THE MODIFICATION THE APPLICATION WAS NOT REFERRED TO THE PRECINCT COMMUNITY FORUM FOR COMMENTS.
4. THE MAIN CONCERNS RAISED IN THE SUBMISSIONS RECEIVED RELATE TO VISUAL PRIVACY. FOLLOWING DISCUSSIONS THE APPLICANT HAS AGREED TO PROVIDE TRANSLUCENT GLASS ON THE NEW WINDOW TO A HEIGHT OF 1650MM ABOVE FINISHED FLOOR LEVEL.
5. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 12 AUGUST 2008 WITH A RECOMMENDATION FOR APPROVAL.
6. THE SECTION 96 MODIFICATION APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
7. A SITE INSPECTION IS RECOMMENDED.
8. THE SECTION 96 MODIFICATION APPLICATION IS RECOMMENDED FOR APPROVAL.

PUBLIC ADDRESSES

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

Against the Recommendation: Gordon Eastwood

SITE INSPECTIONS

A site inspection of DA327/07 – 12 Cecil Street Fairlight – Section 96 Modification of alterations and additions to the existing dwelling was conducted by Councillors: J Hay, A Heasman, J Lambert, P Macdonald, D Murphy and M Norek

Recommendation: That the application to modify Development Application No. 327/07 for alterations and additions to the existing dwelling at No. 12 Cecil Street Fairlight be approved as per staff recommendation with draft condition ANS02 reworded as follows:-

ANS02

The proposed window to the rear (north) elevation of the family room is to be fixed to a height of 1650mm above finished floor level and glazed with opaque glass to a minimum 1650mm above finished floor level, with the remaining upper portion of the window being openable and glazed with clear glass, to reduce visual privacy impacts on adjoining properties and maintain cross flow ventilation to the family room, plans being suitably amended prior to the issue of the Construction Certificate.

MOTION (Lambert / Heasman)

That Development Application No. 327/07 for Alterations and additions including new first floor level at 12 Cecil Street, Fairlight be modified with Condition No DA1 amended and new Condition Nos. ANS02 and DA267A added as follows:-

DA1

This approval relates to drawings/plans Nos. 895/6 Sheets 1 of 4 to 4 of 4 dated 17 August 2007 and received by Council on the 28 August 2007.

Except as modified by drawings/plans Nos. 895/6 Sheets 1 of 4 to 4 of 4 dated 17 August 2007 received by Council 5 May 2008.

ANS02

The proposed window to the rear (north) elevation of the family room is to be fixed to a height of 1650mm above finished floor level and glazed with opaque glass to a minimum 1650mm above finished floor level, with the remaining upper portion of the window being top hung openable and glazed with clear glass, to reduce visual privacy impacts on adjoining properties and maintain

cross flow ventilation to the family room, plans being suitably amended prior to the issue of the Construction Certificate.

DA267A

Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.

AMENDMENT (Macdonald / Cant)

That Development Application No. 327/07 for Alterations and additions including new first floor level at 12 Cecil Street, Fairlight be modified with Condition No DA1 amended and new Condition Nos. ANS02 and DA267A added as follows:-

DA1

This approval relates to drawings/plans Nos. 895/6 Sheets 1 of 4 to 4 of 4 dated 17 August 2007 and received by Council on the 28 August 2007.

Except as modified by drawings/plans Nos. 895/6 Sheets 1 of 4 to 4 of 4 dated 17 August 2007 received by Council 5 May 2008.

ANS02

The proposed window be replaced with an openable skylight on the north or western aspects of the roof to provide ventilation, plans being suitably amended prior to the issue of the Construction Certificate.

DA267A

Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.

FORESHADOWED AMENDMENT (Norek)

That Development Application No. 327/07 for Alterations and additions including new first floor level at 12 Cecil Street, Fairlight be modified with Condition No DA1 amended and new Condition Nos. ANS02 and DA267A added as follows:-

DA1

This approval relates to drawings/plans Nos. 895/6 Sheets 1 of 4 to 4 of 4 dated 17 August 2007 and received by Council on the 28 August 2007.

Except as modified by drawings/plans Nos. 895/6 Sheets 1 of 4 to 4 of 4 dated 17 August 2007 received by Council 5 May 2008.

ANS02

The proposed window to the rear (north) elevation of the family room is to be fixed to a height of 1750mm above finished floor level and glazed with opaque glass to a minimum 1750mm above finished floor level, with the remaining upper portion of the window being top hung openable and glazed with clear glass, to reduce visual privacy impacts on adjoining properties and maintain cross flow ventilation to the family room, plans being suitably amended prior to the issue of the Construction Certificate.

DA267A

Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.

The Foreshadowed Amendment **LAPSED** due to a lack of a seconder, and the Amendment was

put.

For the Amendment: Councillors Cant, Hay and Macdonald

Against the Amendment: Councillors Aird, Daley, Evans, Heasman, Lambert, Morrison, Murphy, Norek and Pedersen

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

L95/08 **RESOLVED: (Lambert / Heasman)**

That Development Application No. 327/07 for Alterations and additions including new first floor level at 12 Cecil Street, Fairlight be modified with Condition No DA1 amended and new Condition Nos. ANS02 and DA267A added as follows:-

DA1

This approval relates to drawings/plans Nos. 895/6 Sheets 1 of 4 to 4 of 4 dated 17 August 2007 and received by Council on the 28 August 2007.

Except as modified by drawings/plans Nos. 895/6 Sheets 1 of 4 to 4 of 4 dated 17 August 2007 received by Council 5 May 2008.

ANS02

The proposed window to the rear (north) elevation of the family room is to be fixed to a height of 1650mm above finished floor level and glazed with opaque glass to a minimum 1650mm above finished floor level, with the remaining upper portion of the window being top hung openable and glazed with clear glass, to reduce visual privacy impacts on adjoining properties and maintain cross flow ventilation to the family room, plans being suitably amended prior to the issue of the Construction Certificate.

DA267A

Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.

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

Against the Resolution: Councillors Cant, Hay, Norek and Macdonald

Environmental Services Division Report No. 64

42 Cutler Road, Clontarf - DA462/07 (DA462/07)

<u>Application Lodged:</u>	21 November 2007
<u>Applicant:</u>	Grant Mason
<u>Owner:</u>	Gayle Mason
<u>Estimated Cost:</u>	\$1,000,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential and within the Foreshore Scenic Protection Area
<u>Surrounding Development:</u>	Residential dwelling houses
<u>Heritage:</u>	Not applicable

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR DEMOLITION OF THE EXISTING BUILDING AND CONSTRUCTION OF A TWO (2) STOREY DWELLING WITH BASEMENT GARAGE, SWIMMING POOL, CABANA, LANDSCAPING AND FRONT

FENCE

2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS WITH THREE (3) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE CLONTARF PRECINCT COMMUNITY FORUM FOR COMMENTS.
4. FOLLOWING THE ANALYSIS OF THE APPLICATION A DETAILED DISCUSSION WAS HELD WITH THE APPLICANTS TO DISCUSS NON-COMPLIANCES AND OBJECTIONS. AS A RESULT OF THIS THE APPLICANT'S ARCHITECT SUBMITTED A DETAILED SUBMISSION TOGETHER WITH AMENDED PLANS TO MEET THE OBJECTIONS.
5. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 5 AUGUST 2008 WITH A RECOMMENDATION FOR APPROVAL.
6. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
7. A SITE INSPECTION IS RECOMMENDED.
8. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

PUBLIC ADDRESSES

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

Against the Recommendation: David Beale & Barry Miller

In Support of the Recommendation: Grant Mason

SITE INSPECTIONS

A site inspection of DA462/07 – 42 Cutler Road Clontarf for demolition of the existing building and construction of a two (2) storey dwelling with basement garage swimming pool cabana landscaping and front fence was conducted by Councillors: B Aird, J Hay, A Heasman, J Lambert, P Macdonald, D Murphy, R Morrison and M Norek

Recommendation: No Recommendation

MOTION (Hay / Norek)

That Development Application No. 462/07 for demolition of the existing building and construction of a two (2) storey dwelling with basement garage swimming pool, cabana, landscaping and front fence at 42 Cutler Road Clontarf be approved subject to the following conditions

DA1

This approval relates to drawings/plans Nos. 0661.DA01 to DA08 Issue A dated 16 November 2007 and landscape plan 0733/SK01 issue E dated 13 November 2007 received by Council on the 21st November 2007 and as amended by the sketch drawings received by Council on the 28th July 2008

- Statement of Environmental Effects by Liquid Architecture dated :
- Geotechnical investigation by Jeffrey and Katauskas Pty Ltd. dated 14 August 2007
- Arborist report by National tree management was submitted dated 28th October 2007

ANS01

The recommendations and requirements contained within the Geotechnical Investigation by Jeffrey and Katauskas Pty Ltd. dated 14 August 2007 are to be undertaken in the construction of the proposed dwelling

ANS02

The recommendations and requirements contained within the Arborist report by National Tree Management dated 28th October 2007 are to be undertaken in the construction of the proposed

dwelling

DA009

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

DA010

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

DA011

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

DA012

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

DA014

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

DA016

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

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

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

DA017

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

DA342

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

DA343

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

DA018

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

DA019

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

DA021

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

DA022

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

DA023

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

DA024

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

DA026

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

DA030

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

DA031

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

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.

DA054

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

DA058

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

DA059

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

DA060

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

DA061

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

DA357

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

DA065

All external cladding and trim of the approved building shall be of a non reflective nature (with reflectivity index of maximum 20%). Details of such finishes shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA066

Suitable internal or external clothes drying facilities shall be provided. Where external clothes drying facilities are provided, details of the screening of these facilities are to be incorporated in the landscape design. Details of clothes drying facilities shall be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA069

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes

shall not be attached to the external surfaces of the building.

DA077

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

DA083

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

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.

DA113

Care shall be taken to prevent any damage to adjoining buildings.

DA088

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

DA095

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

DA097

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

DA100

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

DA121

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

DA126

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

DA230

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

DA236

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

DA237

All healthy trees and shrubs identified for retention on the plan must be:

- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
- (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.

DA238

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

DA239

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

DA245

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

DA247

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

DA252

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

DA346

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

DA348

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

DA358

Details are to be provided of at least 3 existing or proposed endemic trees for the site that are typically expected to reach a height at maturity of 10 metres. A list of appropriate endemic trees for the Manly area may be obtained at Council's Customer Service desk. Details of new planting are to include appropriate siting and pot size (minimum of 25 litres) in accordance with section 3.2 of the Residential Development Control Plan 2001. Details are to be submitted with the Construction

Certificate to the satisfaction of the Council/Accredited Certifier.

DA253

All lights used to illuminate the exterior of the buildings or site shall be positioned and/or fitted with cut off luminaries (baffles) so as to prevent the emission of direct light onto adjoining roadways and land.

DA255

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

DA261

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

DA264

All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab X 3

Framework inspection X 2

Wet area moisture barrier

Drainage inspection

Rainwater tanks steel inspection X 2

Landscaping inspection

Swimming pool reinforcing steel inspection

Swimming pool safety fence inspection prior to filling

Final inspection

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

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

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

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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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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.

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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.

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.

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

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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.

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

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

DA303

The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which: (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and (b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.

DA306

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

DA314

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

DA315

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

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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.

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

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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.

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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".

DA329

The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

DA274

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

DA323

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

application made before such an expiry.

AMENDMENT (Macdonald / Cant)

That Development Application No. 462/07 for demolition of the existing building and construction of a two (2) storey dwelling with basement garage swimming pool, cabana, landscaping and front fence at 42 Cutler Road Clontarf be:

- a) **DEFERRED** for redesign and
- b) That Council considers it worthy of examination to move the building to the north, and incur additional excavation thereby protecting the waterview for the living areas of 1C Vista Avenue

For the Amendment: Councillors Cant, Lambert, Pedersen and Macdonald

Against the Amendment: Councillors Aird, Daley, Evans, Hay, Heasman, Morrison, Murphy and Norek

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

L96/08 **RESOLVED: (Hay / Norek)**

That Development Application No. 462/07 for demolition of the existing building and construction of a two (2) storey dwelling with basement garage swimming pool, cabana, landscaping and front fence at 42 Cutler Road Clontarf be approved subject to the following conditions

DA1

This approval relates to drawings/plans Nos. 0661.DA01 to DA08 Issue A dated 16 November 2007 and landscape plan 0733/SK01 issue E dated 13 November 2007 received by Council on the 21st November 2007 and as amended by the sketch drawings received by Council on the 28th July 2008

- Statement of Environmental Effects by Liquid Architecture dated :
- Geotechnical investigation by Jeffrey and Katauskas Pty Ltd. dated 14 August 2007
- Arborist report by National tree management was submitted dated 28th October 2007

ANS01

The recommendations and requirements contained within the Geotechnical Investigation by Jeffrey and Katauskas Pty Ltd. dated 14 August 2007 are to be undertaken in the construction of the proposed dwelling

ANS02

The recommendations and requirements contained within the Arborist report by National Tree Management dated 28th October 2007 are to be undertaken in the construction of the proposed dwelling

DA009

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

DA010

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

DA011

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

DA012

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

DA014

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

DA016

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

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

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

DA017

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

DA342

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

DA343

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

DA018

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

DA019

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

DA021

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

DA022

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

DA023

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

DA024

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

DA026

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

DA030

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

DA031

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

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.

DA054

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

DA058

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

DA059

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

DA060

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

DA061

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

DA357

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

DA065

All external cladding and trim of the approved building shall be of a non reflective nature (with reflectivity index of maximum 20%). Details of such finishes shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA066

Suitable internal or external clothes drying facilities shall be provided. Where external clothes drying facilities are provided, details of the screening of these facilities are to be incorporated in the landscape design. Details of clothes drying facilities shall be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA069

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

DA077

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

DA083

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

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.

DA113

Care shall be taken to prevent any damage to adjoining buildings.

DA088

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

DA095

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

DA097

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

DA100

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

DA121

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

DA126

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

DA230

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

DA236

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

DA237

All healthy trees and shrubs identified for retention on the plan must be:

- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
- (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.

DA238

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

DA239

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

DA245

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

DA247

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

DA252

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

DA346

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

DA348

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

DA358

Details are to be provided of at least 3 existing or proposed endemic trees for the site that are typically expected to reach a height at maturity of 10 metres. A list of appropriate endemic trees for the Manly area may be obtained at Council's Customer Service desk. Details of new planting are to include appropriate siting and pot size (minimum of 25 litres) in accordance with section 3.2 of the Residential Development Control Plan 2001. Details are to be submitted with the Construction Certificate to the satisfaction of the Council/Accredited Certifier.

DA253

All lights used to illuminate the exterior of the buildings or site shall be positioned and/or fitted with cut off luminaires (baffles) so as to prevent the emission of direct light onto adjoining roadways and land.

DA255

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

DA261

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

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

DA264

All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab X 3

Framework inspection X 2

Wet area moisture barrier

Drainage inspection

Rainwater tanks steel inspection X 2

Landscaping inspection

Swimming pool reinforcing steel inspection

Swimming pool safety fence inspection prior to filling

Final inspection

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

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

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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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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.

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

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

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

Against the Resolution: Councillors Cant, Lambert, Pedersen and Macdonald

At 10.57pm Councillor Evans vacated the Chair and Councillor Lambert assumed the Chair.

At 10.59pm Councillor Evans resumed the Chair.

Environmental Services Division Report No. 65

63 Peronne Avenue, Clontarf - DA500/07 (DA500/07)

Application Lodged: 3 January 2008

<u>Applicant:</u>	Colco Consulting Pty Ltd
<u>Owner:</u>	R & L Klaric
<u>Estimated Cost:</u>	\$750,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential and within the Foreshore Scenic Protection Area
<u>Surrounding Development:</u>	Two storey detached dwellings
<u>Heritage:</u>	Not applicable

SUMMARY:

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

PUBLIC ADDRESSES

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

Against the Recommendation: Peter Fryar

In Support of the Recommendation: Wayne Collins

SITE INSPECTIONS

A site inspection of DA500/07 – 63 Peronne Avenue Clontarf for alterations and additions to the existing dwelling including new garage and swimming pool was conducted by Councillors: B Aird, J Hay, A Heasman, J Lambert, P Macdonald, D Murphy, R Morrison and M Norek

Recommendation: No Recommendation

MOTION (Hay / Morrison)

That Development Application No. 500/07 for alterations and additions to the existing dwelling including new garage and swimming pool at 63 Peronne Avenue Clontarf be approved subject to the following conditions:-

DA1

This approval relates to drawings/plans Nos. DA01 – DA06 all issue 1B dated 10 March 2008 and received by Council on the 10 June 2008.

- Statement of Environmental Effects by Colco Consulting Pty Ltd dated 10 December 2007 received by Council 14 December 2007.
- That a landscape plan be included as part of Condition DA1 of the approval, showing those trees to be retained and those trees that are to be removed.

ANS01

The height of the eastern wing addition is to be lowered by 300mm to achieve closer compliance with the numeric requirements of Council's Development Control Plan, reduce impacts on views from No.61 Peronne Avenue, provide for view sharing, and reduce overshadowing impacts on No. 65 Peronne Avenue, plans being suitably amended prior to issue of the Construction Certificate.

ANS02.

The proposed eave overhang to the east and west sides of dining room, kitchen, family room and to the east side of the proposed living room is to be reduced to 300mm to reduce view impacts on No.61, provide for view sharing and reduce overshadowing impacts on No.65 and No.67 Peronne Avenue, plans being suitably amended prior to issue of the Construction Certificate.

ANS03.

The roof of the proposed garage is to be reduced by 0.5m and the "open" north facing vertical roof portion is to be positioned 1.0m from the north wall of the garage, to achieve closer compliance with the numeric requirements of Council's Development Control Plan and to reduce the visual bulk and scale of the building, plans being suitably amended prior to issue of the Construction Certificate.

ANS04.

The proposed terrace 2 off proposed Bedroom 4 is to be deleted and that area replaced with non trafficable roof, to reduce visual privacy impacts on No.67 Peronne Avenue, plans being suitably amended prior to issue of the Construction Certificate.

ANS05.

Terrace 2 off the proposed living room and kitchen is to be provided with a stone faced masonry planter box in accordance with sketch plan SK:T01 dated 31 July 2008 received by Council 31 July 2008, to reduce impacts on visual privacy of No.65 and No.67 Peronne Avenue, plans being suitably amended prior to issue of the Construction Certificate.

ANS06.

Vehicle and pedestrian access to adjoining properties and properties entitled to use the Right of Way is to be maintained during demolition, excavation and construction phases of the development with a **Construction Management Plan** detailing builders / trade persons access and parking, building materials delivery and storage, and demolition material removal being submitted to Council/Accredited Certifier prior to issue of the Construction 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 \$10,000. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

public roadway during construction.

DA342

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

DA343

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

DA018

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

DA019

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

DA021

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

DA022

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

DA023

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

DA024

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

DA026

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

DA031

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

DA038

A Certificate of Adequacy signed by a 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.

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

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

DA357

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

DA109

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

DA111

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

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

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

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

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

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

DA126

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

DA230

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

DA236

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

DA237

All healthy trees and shrubs identified for retention on the plan must be:

- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
- (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.

DA238

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

DA239

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

DA252

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

DA348

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

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab X 3

Wet area moisture barrier

Drainage inspection

OSD Tank steel inspection X 2

Retaining wall steel inspection

Landscaping inspection

Swimming pool reinforcing steel inspection

Swimming pool safety fence inspection prior to filling

Final inspection

The cost of these inspections by Council is \$3,220 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

DA271

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

DA279

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

DA283

De-watering from the excavation or construction site must comply with the Protection of the

Environment Operations Act 1997 and the following:

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

DA285

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

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

DA289

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

DA300

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

DA301

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

DA302

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

DA303

The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which: (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and (b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.

DA306

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

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

DA320

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

DA274

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

DA323

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

AMENDMENT (Macdonald / Aird)

That Development Application No. 500/07 for alterations and additions to the existing dwelling including new garage and swimming pool at 63 Peronne Avenue Clontarf be **DEFERRED** for redesign and for it to be compliant with the eastern wall height and that there be at least a 6m setback from the eastern boundary to provide relief from the sheer bulk of the wall as viewed from No. 65 Peronne Avenue.

For the Amendment: Councillors Aird, Cant, Lambert, Pedersen and Macdonald

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

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

L97/08 **RESOLVED: (Hay / Morrison)**

That Development Application No. 500/07 for alterations and additions to the existing dwelling including new garage and swimming pool at 63 Peronne Avenue Clontarf be approved subject to the following conditions:-

DA1

This approval relates to drawings/plans Nos. DA01 – DA06 all issue 1B dated 10 March 2008 and

received by Council on the 10 June 2008.

- Statement of Environmental Effects by Colco Consulting Pty Ltd dated 10 December 2007 received by Council 14 December 2007.
- That a landscape plan be included as part of Condition DA1 of the approval, showing those trees to be retained and those trees that are to be removed.

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The height of the eastern wing addition is to be lowered by 300mm to achieve closer compliance with the numeric requirements of Council's Development Control Plan, reduce impacts on views from No.61 Peronne Avenue, provide for view sharing, and reduce overshadowing impacts on No. 65 Peronne Avenue, plans being suitably amended prior to issue of the Construction Certificate.

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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.

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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.

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DA237

All healthy trees and shrubs identified for retention on the plan must be:

- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
- (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.

DA238

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

DA239

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

DA252

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

DA348

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

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab X 3

Wet area moisture barrier

Drainage inspection

OSD Tank steel inspection X 2

Retaining wall steel inspection

Landscaping inspection

Swimming pool reinforcing steel inspection

Swimming pool safety fence inspection prior to filling

Final inspection

The cost of these inspections by Council is \$3,220 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

DA271

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

DA279

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

DA283

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

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

DA285

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

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

DA289

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

DA300

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

DA301

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

DA302

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

DA303

The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which: (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and (b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.

DA306

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

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

DA320

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

DA274

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

DA323

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

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

9 Seaview Street Balgowlah - DA81/08 (DA81/08)

<u>Application Lodged:</u>	20 March 2008
<u>Applicant:</u>	Greenfield DA Services
<u>Owner:</u>	Catherine Mary Cachia
<u>Estimated Cost:</u>	\$975,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	The locality is residential in character consisting predominantly of two and three storey dwelling houses
<u>Heritage:</u>	Not applicable

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR THE DEMOLITION OF THE EXISTING DWELLING HOUSE AND ERECTION OF A TWO (2) STOREY DWELLING HOUSE.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND SEVEN (7) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE NORTH HARBOUR PRECINCT COMMUNITY FORUM FOR COMMENTS.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 5 AUGUST 2008 WITH A RECOMMENDATION FOR APPROVAL.
5. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

PUBLIC ADDRESSES

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

Against the Recommendation: Kathryn Duchatel

In Support of the Recommendation: Yvette Cachia

SITE INSPECTIONS

A site inspection of DA81/08 – 9 Seaview Street Balgowlah for Demolition of existing dwelling house and erection of two (2) storey dwelling house was conducted by Councillors: B Aird, J Hay, A Heasman, J Lambert, P Macdonald, D Murphy, R Morrison and M Norek

Recommendation: No Recommendation

MOTION (Lambert / Macdonald)

That Development Application No. 81/08 for the demolition of existing dwelling house and erection of two storey dwelling house at No.9 Seaview Street, Balgowlah, be **REFUSED** for the following reasons:

1. Impact on streetscape and existing amenity of immediate vicinity of Seaview Street specifically the architectural style does not compliment predominant pitch roof form in the immediate locality
2. Lack of consistency with the front setback predominant building line in the immediate vicinity
3. Impacts on views and outlook from properties to the rear
4. Impacts on privacy of properties to the rear
5. Overshadowing of the premises at No. 7 Seaview Street

L98/08 RESOLVED: (Lambert / Macdonald)

That Development Application No. 81/08 for the demolition of existing dwelling house and erection of two storey dwelling house at No.9 Seaview Street, Balgowlah, be **REFUSED** for the following reasons:

1. Impact on streetscape and existing amenity of immediate vicinity of Seaview Street specifically the architectural style does not compliment predominant pitch roof form in the immediate locality
2. Lack of consistency with the front setback predominant building line in the immediate vicinity
3. Impacts on views and outlook from properties to the rear
4. Impacts on privacy of properties to the rear
5. Overshadowing of the premises at No. 7 Seaview Street

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

Against the Resolution: Councillor Daley

RESUMPTION OF STANDING ORDERS (Daley / Morrison)

That standing orders be resumed.

L99/08 RESOLVED: (Daley / Morrison)

That standing orders be resumed.

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

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 13

Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees**1. Reports:**

Council has received a letter from the Electoral Commission of NSW dated 25 August 2008 (copy attached) calling for nominations to the positions of President, Treasurer, 2 Vice Presidents and 20 Committee Members on the Executive Committee of the Local Government Association.

Nomination forms must be received by the Electoral Commission by noon on 17 October, 2008. Copies of Election Notices, Nomination Forms and Statutory Declaration in Support of Candidature forms are tabled for Councillors information.

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

- i) Sister Cities Committee Meeting - 13 August 2008

- ii) Sydney Water And Manly Council Partnership – 10 July 2008

MOTION (Macdonald / Hay)

1. That Council note a letter from the Electoral Commission of NSW dated 25 August 2008 calling for nominations to the positions of President, Treasurer, 2 Vice Presidents and 20 Committee Members on the Executive Committee of the Local Government Association.
2. That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **from i to ii**, be **adopted**.

L100/08 **RESOLVED: (Macdonald / Hay)**

1. That Council note a letter from the Electoral Commission of NSW dated 25 August 2008 calling for nominations to the positions of President, Treasurer, 2 Vice Presidents and 20 Committee Members on the Executive Committee of the Local Government Association.
2. That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **from i to ii**, be **adopted**.

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

Against the Resolution: Nil.

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

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 66

Legal Appeals during September 2008

SUMMARY

List of current appeals related to Development Applications for Councillors information.

MOTION (Pedersen / Lambert)

That the List of Appeals received for September 2008 and their current status be noted.

L101/08 **RESOLVED: (Pedersen / Lambert)**

That the List of Appeals received for September 2008 and their current status be noted.

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

Against the Resolution: Nil.

Councillors Macdonald and Aird were not in the Chamber when the voting took place.

Environmental Services Division Report No. 68

GENERAL MANAGERS REPORT -- IHAP - Referral Criteria

SUMMARY

This report makes recommendations to the Council on a set of criteria as conditional precedents for the automatic referral of development applications to the Independent Hearing and Assessment Panel that was established by Council in July.

MOTION (Evans / Norek)

That Council adopt as criteria the following conditional precedents which when any is satisfied, would automatically trigger the referral of a development application, in its respective class or type, to the independent assessment panel:

- a) All new residential flat buildings, retail and commercial, industrial, motels, hospitals and clubs with a construction cost of \$3 million or more, or where there are three (3) or more objectors with unresolved objections, but with the exception of:
 - i) Land or strata subdivision of an existing or an already approved development; or
 - ii) change of use or fit-out of a property/tenancy; or extension of hours of operation; or
 - iii) Signage; or
 - iv) Modification of consent involving alterations and additions.
- b) Subdivision of land that creates five (5) or more allotments.
- c) Section 82A Review of Determinations where the panel was not involved.
- d) All other residential buildings where there are three (3) or more objectors with unresolved objections.

L102/08 RESOLVED: (Evans / Norek)

That Council adopt as criteria the following conditional precedents which when any is satisfied, would automatically trigger the referral of a development application, in its respective class or type, to the independent assessment panel:

- a) All new residential flat buildings, retail and commercial, industrial, motels, hospitals and clubs with a construction cost of \$3 million or more, or where there are three (3) or more objectors with unresolved objections, but with the exception of:
 - i) Land or strata subdivision of an existing or an already approved development; or
 - ii) change of use or fit-out of a property/tenancy; or extension of hours of operation; or
 - iii) Signage; or
 - iv) Modification of consent involving alterations and additions.
- b) Subdivision of land that creates five (5) or more allotments.

- c) Section 82A Review of Determinations where the panel was not involved.
- d) All other residential buildings where there are three (3) or more objectors with unresolved objections.

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

Against the Resolution: Councillors Morrison and Murphy

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

MATTER OF URGENCY (Murphy / Evans)

Councillor Murphy requested that he be allowed to introduce a Matter of Urgency regarding the revocation of a DA approval, in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice.

MOTION (Murphy / Evans)

That in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice the matter relating to the revocation of a DA approval, be considered as a matter of urgency.

L103/08 RESOLVED: (Murphy / Evans)

That in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice the matter relating to the revocation of a DA approval, be considered as a matter of urgency.

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

Against the Resolution: Nil.

The Chair ruled that the item was a Matter of Urgency, and the matter proceeded to debate.

CONFIDENTIAL COMMITTEE OF THE WHOLE

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of the following item, as provided for under Section 10A(2) (a) of the Local Government Act, 1993, on the grounds that the report contains personnel matters concerning particular individuals (other than councillors).

CLOSED SESSION

MOTION (Evans / Murphy)

That the meeting move into Closed Session to consider a Matter of Urgency,

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

It is noted that a representation was received from the public gallery, questioning the need to move into Closed Session, which was satisfactorily responded to by the Chairperson.

L104/08 **RESOLVED: (Evans / Murphy)**

That the meeting move into Closed Session to consider a Matter of Urgency.

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

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

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

L105/08 **RESOLVED: (Murphy / Evans)**

That Council proceed as discussed in the Closed Session of Council.

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 12.47am on 2nd September 2008.

The above minutes were confirmed at the first scheduled meeting of Manly Council following the Council Elections held on 13th September 2008.

CHAIRPERSON

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