

Minutes

Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 2 April 2007

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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 7:44pm on Monday 2 April 2007, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

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

PRESENT

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

ALSO PRESENT

Henry Wong, General Manager
David Stray, Manager Development Control
Elayne Becker, Minute Taker

APOLOGIES

Apologies were tendered on behalf of Councillor A Heasman and Councillor S Cant for non-attendance.

MOTION (Macdonald / Hay)

That the apologies received from Councillor A Heasman and Councillor S Cant, for non-attendance be accepted and leave be granted.

L13/07 RESOLVED: (Macdonald / Hay)

That the apologies received from Councillor A Heasman and Councillor S Cant, for non-attendance be accepted and leave be granted.

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

Against the Resolution: Nil

LEAVE OF ABSENCE

Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

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

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 5 March 2007, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

L14/07 RESOLVED: (Macdonald / Aird)

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 5 March 2007, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 15

76 Birkley Road, Manly - DA55/05

<u>Application Lodged:</u>	1 July 2006
<u>Applicant:</u>	G Hannel
<u>Owner:</u>	G Hannel
<u>Estimated Cost:</u>	\$130,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	Single and two storey detached dwellings
<u>Heritage:</u>	not applicable

SUMMARY:

1. COUNCIL RECEIVED THE ORIGINAL DEVELOPMENT APPLICATION PROPOSING ALTERATIONS AND ADDITIONS INCLUDING A NEW FIRST FLOOR LEVEL ON 15 NOVEMBER 2004.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE IVANHOE PARK PRECINCT COMMUNITY FORUM FOR COMMENT.
4. THE APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT ON 17 MAY 2005 WHEN DEFERRED COMMENCEMENT CONSENT WAS GRANTED.
5. COUNCIL RECEIVED AN APPLICATION UNDER SECTION 96 (1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 TO AMEND THE DESIGN AND TO DELETE ONE OF THE DEFERRED COMMENCEMENT CONDITIONS REQUIRING DELETION OF A PROPOSED BALCONY AT FIRST FLOOR LEVEL.
6. THE MODIFICATION APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
7. THE MODIFICATION WAS CONSIDERED BY COUNCIL'S DEVELOPMENT

- ASSESSMENT UNIT ON 22 SEPTEMBER 2005 WHERE IT WAS REFUSED.
8. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.
 9. THE REVIEW APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
 10. THIS DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR PETER MACDONALD.
 11. A SITE INSPECTION IS RECOMMENDED.
 12. THE APPLICATION IS RECOMMENDED FOR DEFERRED COMMENCEMENT CONSENT.

PUBLIC ADDRESSES

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

Against: Ms Vicki Golin

In Support: Mr Graham Hannell, Applicant

SITE INSPECTIONS

A site inspection of 76 Birkley Road, Manly, Alterations & Additions including First Floor Level was conducted by Councillors: Aird, Hay, Lambert, Macdonald, Murphy and Norek.

Inspection Party Recommendation:

No Recommendation

MOTION (Macdonald / Murphy)

That, pursuant to Section 82A of the Environmental Planning and Assessment Act 1979, the modification be **approved** with Council granting **Deferred Commencement Consent** in respect of Development Application No. 55/05 for Alterations & Additions to Dwelling at 76 Birkley Road, Manly, subject to the original standard conditions with the consent not operating until the applicant has submitted amended plans showing;

- a) Balustrade to be of solid non-transparent construction
- b) Balcony to be reduced to 1.2 x 3.5 metres with bedroom extended 600 millimetres
- c) Only two full length glass doors with sidelights to be opaque or solid
- d) Ensuite window to be translucent glass

1. This approval relates to plans/drawings Nos. 11-05-BIR Sheets 1 to 5 amendment A dated 1 December 2005, as amended by the above deferred commencement conditions.

(Reasons for variation:

Reduction of transparent window and solid balustrade will mitigate any breach of privacy.

Smaller balcony will discourage assembly and thereby protect privacy.)

L15/07 RESOLVED: (Macdonald / Murphy)

That, pursuant to Section 82A of the Environmental Planning and Assessment Act 1979, the modification be **approved** with Council granting **Deferred Commencement Consent** in respect of Development Application No. 55/05 for Alterations & Additions to Dwelling at 76 Birkley Road, Manly, subject to the original standard conditions with the consent not operating until the applicant has submitted amended plans showing;

- a) Balustrade to be of solid non-transparent construction
- b) Balcony to be reduced to 1.2 x 3.5 metres with bedroom extended 600 millimetres
- c) Only two full length glass doors with sidelights to be opaque or solid
- d) Ensuite window to be translucent glass

1. This approval relates to plans/drawings Nos. 11-05-BIR Sheets 1 to 5 amendment A dated 1 December 2005, as amended by the above deferred commencement conditions.

(Reasons for variation:

*Reduction of transparent window and solid balustrade will mitigate any breach of privacy.
Smaller balcony will discourage assembly and thereby protect privacy.)*

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

Against the Resolution: Nil.

Environmental Services Division Report No. 16

36 The Crescent, Manly - DA553/06

Application Lodged: 18 December 2006
Applicant: Mr. T G Batt
Owner: Mr. T G Batt
Estimated Cost: \$45,000
Zoning: Manly Local Environmental Plan, 1988 - Residential, Foreshore Scenic Protection Area
Surrounding Development: Mix of Detached 2 - 3 Storey Dwellings and Multi Storey Residential Flat Buildings
Heritage: Nil

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT TO CONSTRUCT A PRIVACY SCREEN RANGING IN HEIGHT FROM 9M - 12M ADJACENT TO THE DIVIDING PROPERTY BOUNDARY WITH THE EASTERN NEIGHBOURING PROPERTY.
2. NOTIFICATION OF THE PROPOSAL RESULTED IN ONE SUBMISSION BEING RECEIVED FROM THE EASTERN NEIGHBOURING PROPERTY OWNERS (NO. 34 THE CRESCENT).
3. ISSUES OF OBJECTION ARE SUMMARISED AS VISUAL IMPACT ON OUTLOOK AND VIEWS, LOSS OF OUTLOOK, LOSS OF AFTERNOON SUNLIGHT, LOSS OF SURVEILLANCE TO AND FROM THE STREET, VISUAL IMPACT TO STREETScape, CLOSE PROXIMITY TO DIVIDING BOUNDARY, AND POSSIBLE ALTERNATIVE OF TREE PLANTING.
4. THE PROPOSAL WAS RECOMMENDED FOR REFUSAL BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT CITING GROUNDS OF VISUAL IMPACT TO THE NEIGHBOURS PROPERTY AND STREETScape, LOSS OF OUTLOOK FROM THE NEIGHBOURS PROPERTY, AND LACK OF OVERLOOKING / PRIVACY LOSS EVIDENT.
5. THIS DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR MACDONALD.
6. A SITE INSPECTION IS RECOMMENDED.
7. REFUSAL OF THIS DEVELOPMENT APPLICATION IS RECOMMENDED.

PUBLIC ADDRESSES

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

Against: Ms Vivien McEwan

In Support: Mr Timothy Batt, Applicant

SITE INSPECTIONS

A site inspection of 36 The Crescent, Manly, Privacy Screen 9-12m in Height was conducted by Councillors: Aird, Hay, Lambert, Macdonald, Murphy and Norek.

Inspection Party Recommendation:

No Recommendation

MOTION (Macdonald / Hay)

That:

1. Council having heard the submissions of the Applicant and Objector that Development Application No. 553/06 for construction of a privacy screen at No.36 The Crescent, Manly be **deferred** to allow negotiation of a Deed of Agreement to be developed by the Applicant and Objector and a modification be brought to the next Land Use Management Committee Meeting of Council.
2. Council facilitate a mediation and preparation of a Deed of Agreement.
3. Council meet reasonable costs of a fixed privacy louvre screen structure.
4. Council assess the Development Application as a priority.

L16/07 RESOLVED: (Macdonald / Hay)

That:

1. Council having heard the submissions of the Applicant and Objector that Development Application No. 553/06 for construction of a privacy screen at No.36 The Crescent, Manly be **deferred** to allow negotiation of a Deed of Agreement to be developed by the Applicant and Objector and a modification be brought to the next Land Use Management Committee Meeting of Council.
2. Council facilitate a mediation and preparation of a Deed of Agreement.
3. Council meet reasonable costs of a fixed privacy louvre screen structure.
4. Council assess the Development Application as a priority.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 17

Unit 1 - 73 Fairlight Street, Fairlight - DA209/06

82A Review

Application Lodged: 12 February 2007 S82A Review
15 May 2006 for the Original Application

Applicant: Greenfield DA Services

Owner: John & Kate Finlay

Estimated Cost:	\$16,800
Zoning:	Manly Local Environmental Plan, 1988 - Residential Manly Residential Development Control Plan 2001, Amendment 1 Sub Zone: 3 Within the Foreshore protection Area
Surrounding Development:	Residential mix of townhouses and individual dwellings
Heritage:	N/A

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR CONSTRUCTION OF AN OPERABLE PERGOLA [TRADE-NAME: VERGOLA] ON DECK OF ONE OF THE TWO APARTMENTS IN THE RESIDENTIAL FLAT BUILDING. THIS IS THE SECOND DA, THE FIRST WAS DA361/05, WHICH WAS REFUSED AND AN APPEAL TO THE LEC BY THE OWNER WAS UNSUCCESSFUL.
2. THE CURRENT PROPOSAL WAS NOTIFIED TO ALL NEIGHBOURING PROPERTIES AND ONE LETTER OF OBJECTION TO THE DEVELOPMENT WAS RECEIVED.
3. THE APPLICATION WAS ALSO REFERRED TO FAIRLIGHT PRECINCT COMMUNITY FORUM AND COMMENTS WERE RECEIVED.
4. DA209/06 WAS REFUSED [11 AUGUST 2006].
5. AMENDED PLANS FOR SECTION 82A REVIEW WERE RECEIVED ON 12 FEBRUARY 2007 AND WERE NOTIFIED TO ALL NEIGHBOURS AND OBJECTORS. ONE LETTER OBJECTING TO THE PLANS WAS RECEIVED.
6. THE DEVELOPMENT APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
7. A SITE INSPECTION IS RECOMMENDED.
8. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL APPROVAL.

PUBLIC ADDRESSES

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

Against: Mr Patrick Lillas

In Support: Mr John Finlay

SITE INSPECTIONS

A site inspection of Unit 1, 73 Fairlight Street, Fairlight, Construction of an Operable Pergola on Deck was conducted by Councillors: Aird, Hay, Lambert, Macdonald, Murphy and Norek.

Inspection Party Recommendation:

No Recommendation

MOTION (Murphy / Macdonald)

That upon receipt of owners consent to lodgment of the section 82A application from the Owners Corporation of Strata Plan 45303, Development Application 209/06 for an operable pergola at Unit 1, 73 Fairlight Street, Fairlight be **approved** as per staff recommendation with the deletion of Condition ANS05 as follows:

Reasons:

Application takes into account LEC comments

Loss of views is limited to side views for bedrooms and is loss of sky only

Additional shade protection has environmental benefits of cooling interior of the unit.

DA1

This approval relates to drawings/plans Nos. 11128-1 Issue A dated 3 July 2005 and received by Council on the 12 February 2007.

ANS01

Planting on Level 3 Terrace shall be limited to a height of 1200mm above the floor level of Level 3 within the area of, and adjacent to the Vergola. This is to minimise impact on the views of the adjoining property. Selected species with a mature height of 600mm to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

ANS02

Planting to the south west of the Vergola shall be limited to a height of 900mm above the floor level of Level 3 Terrace between the Vergola and the south-western edge of the Level 3 deck. This is to minimise impact on the views of the adjoining property. Selected species with a mature height of 300mm to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

ANS03

No structures, temporary or permanent, shall be erected such that will block views from adjoining properties.

ANS04

No temporary or permanent enclosure of the Vergola structure is permitted, other than the light boxes included in this application.

ANS07

Strata Plan is to be amended by to allow the use of additional stratum space of 530mm above the existing floor level of the Level 3 Terrace. Amended Strata Plan to be submitted to Council/Accredited Certifier prior to the Final Inspection.

ANS08

Certification from a practicing Structural Engineer is required of the structural adequacy or the proposal, particularly in regard to fixings and wind loadings. Should any additional structure or changes be required; this is to be the subject of a separate Application.

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 \$600. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

DA342

Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular

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

DA018

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

DA019

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

DA021

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

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.

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.

DA094

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

DA121

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

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.

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.

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:

Final inspection

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

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

DA271

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

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.

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.

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 (Evans / Lambert)

That Development Application 209/06 for an operable pergola at Unit 1, 73 Fairlight Street, Fairlight be **approved** as per staff recommendation.

For the Amendment: Councillors Evans and Lambert

Against the Amendment: Councillors Macdonald, Hay, Murphy, Daley, Morrison, Pedersen, Aird and Norek

The **AMENDMENT** was declared **LOST**

FORESHADOWED AMENDMENT (Aird)

That Development Application 209/06 for an operable pergola at Unit 1, 73 Fairlight Street, Fairlight be **refused**.

The Foreshadowed Amendment **LAPSED** due to lack of seconder.

L17/07 RESOLVED: (Murphy / Macdonald)

That upon receipt of owners consent to lodgment of the section 82A application from the Owners Corporation of Strata Plan 45303, Development Application 209/06 for an operable pergola at Unit 1, 73 Fairlight Street, Fairlight be **approved** as per staff recommendation with the deletion of Condition ANS05 as follows:

Reasons:

Application takes into account LEC comments

Loss of views is limited to side views for bedrooms and is loss of sky only

Additional shade protection has environmental benefits of cooling interior of the unit.

DA1

This approval relates to drawings/plans Nos. 11128-1 Issue A dated 3 July 2005 and received by Council on the 12 February 2007.

ANS01

Planting on Level 3 Terrace shall be limited to a height of 1200mm above the floor level of Level 3 within the area of, and adjacent to the Vergola. This is to minimise impact on the views of the adjoining property. Selected species with a mature height of 600mm to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

ANS02

Planting to the south west of the Vergola shall be limited to a height of 900mm above the floor level of Level 3 Terrace between the Vergola and the south-western edge of the Level 3 deck. This is to minimise impact on the views of the adjoining property. Selected species with a mature height of 300mm to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

ANS03

No structures, temporary or permanent, shall be erected such that will block views from adjoining properties.

ANS04

No temporary or permanent enclosure of the Vergola structure is permitted, other than the light boxes included in this application.

ANS07

Strata Plan is to be amended by to allow the use of additional stratum space of 530mm above the existing floor level of the Level 3 Terrace. Amended Strata Plan to be submitted to Council/Accredited Certifier prior to the Final Inspection.

ANS08

Certification from a practicing Structural Engineer is required of the structural adequacy or the

proposal, particularly in regard to fixings and wind loadings. Should any additional structure or changes be required; this is to be the subject of a separate Application.

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 \$600. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

DA342

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

DA018

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

DA019

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

DA021

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

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.

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.

DA094

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

DA121

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

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.

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.

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:

Final inspection

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

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

DA271

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

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.

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.

DA323

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

For the Resolution: Councillors Macdonald, Hay, Murphy, Daley, Morrison, Pedersen and Norek

Against the Resolution: Councillors Lambert, Aird and Evans

Environmental Services Division Report No. 18

3 Seaview Street, Balgowlah - DA41/06

82A Review

<u>Application Lodged:</u>	S82A – 15 November 2006
<u>Applicant:</u>	Urbanesque Planning Pty Ltd
<u>Owner:</u>	R & L Greves
<u>Estimated Cost:</u>	\$250,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	Two storey dwellings
<u>Heritage:</u>	n/a

SUMMARY:

1. THE ORIGINAL DEVELOPMENT APPLICATION FOR FIRST FLOOR EXTENSION AND DOUBLE GARAGE WAS LODGED 13 JANUARY 2006.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE (3) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE BALGOWLAH HEIGHTS PRECINCT COMMUNITY FORUM WITH COMMENTS RECEIVED.
4. THE APPLICATION WAS REPORTED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF 11 MAY 2006 WHERE IT WAS REFUSED FOR REASONS OF OVERDEVELOPMENT, NON COMPLIANCE WITH FSR, HEIGHT AND SETBACK PROVISIONS OF THE DCP, VIEW AND OVERSHADOWING IMPACTS.
5. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION UNDER SECTION 82A OF THE EP&A ACT 1979 FOR REVIEW OF DETERMINATION.
6. THE APPLICATION FOR REVIEW WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH TWO SUBMISSIONS RECEIVED.
7. THE REVIEW APPLICATION WAS REFERRED TO THE BALGOWLAH HEIGHTS PRECINCT COMMUNITY FORUM WITH NO COMMENTS RECEIVED AT THE TIME OF WRITING THIS REPORT.
8. A SITE INSPECTION IS RECOMMENDED.

9. THIS DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR PETER MACDONALD.
10. THIS APPLICATION IS RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.

PUBLIC ADDRESSES

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

In support: Mr Robert Greves, Applicant

In Support: Mr Eugene Sarich

SITE INSPECTIONS

A site inspection of 3 Seaview Street, Balgowlah, Alterations and First Floor Addition was conducted by Councillors: Aird, Hay, Lambert, Macdonald, Murphy and Norek.

Inspection Party Recommendation:

Approval as per Staff Recommendation

MOTION (Hay / Norek)

That Development Application No. 41/06 for alterations and additions to the existing dwelling including a new upper floor level at No.3 Seaview Street, Balgowlah Heights be **approved** subject to standard conditions:

DA1

This approval relates to drawings/plans Nos. CALL-086 Sheets 1-11 Issue 1 dated 20 October, 2006 and received by Council on the 15 November, 2006.

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.

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.

DA14

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 \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

work on site.

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

DA017

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

DA272

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

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 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.

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.

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.

DA87

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

DA230

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

DA239

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

DA348

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

DA261

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

DA269

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

DA270

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

- Silt control fences
- Footing inspection - trench and steel
- Framework inspection X 2

Wet area moisture barrier
Drainage inspection
Swimming pool safety fence inspection
Final inspection

The cost of these inspections by Council is \$1,840 (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

DA271

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

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's 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's 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.

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.

DA319

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

DA320

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

DA323

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

L18/07 **RESOLVED: (Hay / Norek)**

That Development Application No. 41/06 for alterations and additions to the existing dwelling including a new upper floor level at No.3 Seaview Street, Balgowlah Heights be **approved** subject to standard conditions:

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This approval relates to drawings/plans Nos. CALL-086 Sheets 1-11 Issue 1 dated 20 October,

2006 and received by Council on the 15 November, 2006.

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

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the Regulations and appropriate Australian Standard.

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

DA323

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

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

Against the Resolution: Nil.

Environmental Services Division Report No. 19

Development Applications Currently Being Processed.

SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING MARCH 2007.

MOTION (Macdonald / Murphy)

That Development Applications currently being processed during March 2007 be noted.

L19/07 **RESOLVED: (Macdonald / Murphy)**

That Development Applications currently being processed during March 2007 be noted.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 20

Appeals List for March 2007

SUMMARY

LIST OF APPEALS RECEIVED AND THEIR CURRENT STATUS FOR COUNCILLORS INFORMATION.

MOTION (Macdonald / Murphy)

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

L20/07 **RESOLVED: (Macdonald / Murphy)**

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

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 10.02pm

The above minutes were confirmed at an **Land Use Management Committee** of Manly Council held on 7 May 2007.

CHAIRPERSON

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