



Minutes

Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Tuesday 2 October 2007

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

TABLE OF CONTENTS

Item	Page No.
PRESENT	2
APOLOGIES.....	2
DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST.....	2
CONFIRMATION OF MINUTES.....	3
Land Use Management Committee - 3/09/2007	3
ENVIRONMENTAL SERVICES DIVISION.....	3
Environmental Services Division Report No. 68 16 Upper Gilbert Street, Manly - DA521/06	3
Environmental Services Division Report No. 69 50 Lewis Street, Balgowlah - DA265/07	15
Environmental Services Division Report No. 70 12 Boronia Lane, Seaforth - DA258/07.....	27
Environmental Services Division Report No. 71 Development Applications Currently Being Processed During October 2007	44
Environmental Services Division Report No. 72 Appeals List for October 2007	45
CORPORATE SERVICES DIVISION	45
Corporate Services Division Report No. 34 The Corso Outdoor Dining Areas	45

TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Land Use Management Committee, having met at 7:55pm on Tuesday 2 October 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 M Norek
Councillor B Aird
Councillor J Evans, Chairperson who presided
Councillor A Heasman
Councillor J Lambert, AM Deputy Chairperson
Councillor R Morrison, arrived at 8pm
Councillor D Murphy, arrived at 8.03pm
Councillor B Pedersen

ALSO PRESENT

Henry T Wong, General Manager
Stephen Clements, Executive Manager Environmental Services
Ross Fleming, Divisional Manager Corporate Services/Chief Financial Officer
David Stray, Manager Development Control
Liz Rich, Minute Taker

APOLOGIES

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

MOTION (Lambert / Heasman)

That the apologies received from Councillor Hay, Daley and Cant, be accepted and leave be granted.

L72/07 RESOLVED: (Lambert / Heasman)

That the apologies received from Councillor Hay, Daley and Cant, be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil

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

That copies of the Minutes of the Land Use Management Committee held on Monday, 03 September 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

L73/07 RESOLVED: (Pedersen / Lambert)

That copies of the Minutes of the Land Use Management Committee held on Monday, 03 September 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

*Councillor Morrison entered the Chamber at 8.00pm.
Councillor Murphy entered the chamber at 8.03pm.*

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 68

16 Upper Gilbert Street, Manly - DA521/06 (DA521/06)

<u>Application Lodged:</u>	28 November 2006
<u>Applicant:</u>	Wolski Lycenko & Brecknock Architects
<u>Owner:</u>	Mrs H J Coates-Milton & Gisona Pty Ltd
<u>Estimated Cost:</u>	\$1.3m
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential Within Foreshore Scenic Protection Area
<u>Surrounding Development:</u>	Detached dwellings and multi storey residential flat buildings
<u>Heritage:</u>	In vicinity of Heritage item

SUMMARY:

1. DEVELOPMENT APPLICATION NO.521/06 PROPOSING DEMOLITION OF THE EXISTING DWELLING HOUSE AND ERECTION OF TWO (2) THREE (3) STOREY DWELLING HOUSES, SWIMMING POOL AND LAND SUBDIVISION WAS RECEIVED BY COUNCIL 28 NOVEMBER 2006
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH SIX (6) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE FAIRLIGHT PRECINCT COMMUNITY FORUM WITH COMMENTS RECEIVED.
4. THE APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT ON 6 SEPTEMBER 2007 WHEN IT WAS RECOMMENDED FOR DEFERRED

COMMENCEMENT CONSENT.

5. THE APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR MACDONALD
6. A SITE INSPECTION IS RECOMMENDED.
7. DEFERRED COMMENCEMENT CONSENT IS RECOMMENDED.

PUBLIC ADDRESSES

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

- Against the Recommendation: Mrs Oehlbeck
- In Support of the Recommendation: Mr David Milton, Applicant

SITE INSPECTIONS

A site inspection of 16 Upper Gilbert Street, Manly, Demolition of the Existing Dwelling and Erection of Two (2) Three (3) Storey Dwelling Houses, Swimming pool and Land Subdivision, was conducted by Councillors B Aird, J Evans, A Heasman, J Lambert, P Macdonald and D Murphy.

Recommendation: Request staff clarify:-

1. Basement area in respect of draft condition A2;
- 2 Requirement for replacement trees;
- 3 Revised plans

1. Comment

Draft Condition A2 requires a reduction in the area of the basement garage to 60 m².

The Development Control Plan requires provision of on-site parking for two (2) vehicles (32.5m²/dwelling. Add to this space for internal access stairs and nominal plant/storage space a figure of 60m²/dwelling is considered ample for a development of this nature.

It is noted that the proposed basement area for Dwelling 1, is 93m² and for Dwelling 2, is 74m². The proposal includes approximately 28m² per dwelling of unnecessary circulation space which is defined as floor area under the Development Control Plan 2007. If this space was excluded the Floor Space Ratio would be 0.78:1 in lieu of the 0.88:1 proposed.

The condition allowing 60m² basement area/dwelling will result in a floor Space Ratio of 0.79:1.

2. Comment

The applicants Arborist's Report recommends that the Norfolk Island Pine in the south east corner of the site be replaced with planting of two (2) species (Banksia integrifolia, Glochidion ferdinandii, Stenocarpus sinuatus or Acmena smithii). Draft Condition A5 requires submission of an amended landscaping plan identifying the location of the two (2) replacement trees to be "transplanted".

For clarity it is recommended that Condition A5 be reworded as follows:-

- A5. An amended landscaping plan identifying the location and species of the two (2) trees to be planted.

3. Comment

During the site inspection the applicant referred to revised plans showing alternate floor plans with void area in Dwelling 1 partially deleted. These plans have not been submitted to Council for

assessment.

MOTION (Murphy / Heasman)

That pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 Deferred Commencement Consent be granted in respect of Development Application No. 521/06 for demolition of the existing dwelling house and erection of two (2) three (3) storey dwellings, swimming pool and land subdivision at No.16 Upper Gilbert Street, Manly with the Consent not operating until the applicant has submitted the following information;

A.

Revised plans showing:

- A1. Dwelling 1 being redesigned with the reduction of the void area above the lounge on the ground floor. One of the bedrooms on the top level to be transferred to Level 1 to the void area to reduce the bulk and scale of the building.
- A2. The area of the basement garage inclusive of all plant rooms and stairs not exceeding 60m²/dwelling in order to reduce the amount of excavation, and keep the driveways to 3m each at the kerb.
- A3. The height of the basement garage reduced by at least 300mm. In this regard, the ground floor level of the proposal must not exceed RL 18.80 with a similar reduction in the wall height and building height, to reduce the visual bulk and scale of the development.
- A4. Provision of a 900mm wide and a 100mm high planter box along the eastern edge of the balcony on the second floor level of Dwelling 2 to reduce potential privacy impacts on the adjoining property to the east No.14 Gilbert Street.
- A5. An amended landscaping plan identifying the location and species of the two (2) trees to be planted to replace the existing Norfolk Pine, and to clarify the existing trees to be relocated.

B

- B1 Payment of Development Application fees in respect of the proposed Land Subdivision

Upon receipt of the above information within a period of 3 months from this date the consent will operate subject to the following conditions:

Pursuant to the Building Code of Australia, the building is two Class 1a buildings and one Class 10b building.

DA1

This approval relates to drawings/plans Nos. SD 01 dated 7 November 2006 received by Council 28 November 2006, da 01a, 02a, 03a dated 16 July 2007 received by Council 16 July 2007, da 04 and 05 dated 7 November 2006 received by Council 28 November 2006, da 06a dated 16 July received by Council 16 July 2007 and landscape plan issue 1 dated 7 April 2006 received by Council 28 November 2006. as modified by Deferred Commencement Conditions and the following conditions.

ANS01

The stone kerb is to be protected from damage during construction. Details of the method of protection of the kerb are to be submitted to the Principal certifying Authority prior to the issue of the Construction Certificate. Photographs of the kerb are to be submitted to Council prior to the commencement of any building work.

ANS02

Where driveway construction necessitates the removal of any part of the existing Stone kerb, the redundant stone kerb blocks are to be carefully removed, without damage, in whole blocks. These kerb blocks are to be delivered to Council's depot in Balgowlah. To arrange access to the depot

and a suitable time for delivery contact Council's Works Superintendent on 0418 608 494 between 8:00am and 4:00pm Monday - Friday. The removal and delivery of the stone kerb blocks is to be undertaken at the expense of the owner/applicant.

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 centerline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

DA014

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

DA016

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

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

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

DA017

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

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 builders name and licence number must be submitted to Council /Accredited Certifier prior to issue of the Construction Certificate.

DA021

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

DA022

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

DA023

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

DA024

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

DA026

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

DA031

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

DA039

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

DA040

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

DA044

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

DA047

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

DA048

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

DA058

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

DA059

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

DA060

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

DA357

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

DA109

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

DA111

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

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.

DA224

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

DA225

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

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.

DA240

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

DA247

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

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.

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab X 2

Framework inspection

Wet area moisture barrier X 2

Drainage inspection

OSD Tank 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 \$2,290. (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.

DA309

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.

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 / Lambert)

That pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 521/06 for demolition of the existing dwelling house and erection of two (2) three (3) storey dwellings, swimming pool and land subdivision at No.16 Upper Gilbert Street, Manly be **deferred** for redesign, making it totally compliant with FSR to 0.75:1, and incorporating the following:

A.

Revised plans showing:

- A1. Dwelling 1 being redesigned with the reduction of the void area above the lounge on the ground floor. One of the bedrooms on the top level to be transferred to Level 1 to the void area to reduce the bulk and scale of the building.
- A2. The area of the basement garage inclusive of all plant rooms and stairs not exceeding 60m²/dwelling in order to reduce the amount of excavation, and keep the driveways to 3m each at the kerb.
- A3. The height of the basement garage reduced by at least 300mm. In this regard, the ground floor level of the proposal must not exceed RL 18.80 with a similar reduction in the wall height and building height, to reduce the visual bulk and scale of the development.
- A4. Provision of a 900mm wide and a 100mm high planter box along the eastern edge of the balcony on the second floor level of Dwelling 2 to reduce potential privacy impacts on the adjoining property to the east No.14 Gilbert Street.
- A5. An amended landscaping plan identifying the location and species of the two (2) trees to be planted to replace the existing Norfolk Pine, and to clarify the existing trees to be relocated.

B

- B1 Payment of Development Application fees in respect of the proposed Land Subdivision.

For the Amendment: Councillors Aird, Evans, Lambert, Norek, Pedersen and Macdonald

Against the Amendment: Councillors Heasman, Morrison and Murphy

The Amendment was declared **CARRIED** and became the **MOTION**.

L74/07 **RESOLVED: (Macdonald / Lambert)**

That pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 521/06 for demolition of the existing dwelling house and erection of two (2) three (3) storey dwellings, swimming pool and land subdivision at No.16 Upper Gilbert Street, Manly be **deferred** for redesign, making it totally compliant with FSR to 0.75:1, and incorporating the following:

A.

Revised plans showing:

- A1. Dwelling 1 being redesigned with the reduction of the void area above the lounge on the ground floor. One of the bedrooms on the top level to be transferred to Level 1 to the void

area to reduce the bulk and scale of the building.

- A2. The area of the basement garage inclusive of all plant rooms and stairs not exceeding 60m²/dwelling in order to reduce the amount of excavation, and keep the driveways to 3m each at the kerb.
- A3. The height of the basement garage reduced by at least 300mm. In this regard, the ground floor level of the proposal must not exceed RL 18.80 with a similar reduction in the wall height and building height, to reduce the visual bulk and scale of the development.
- A4. Provision of a 900mm wide and a 100mm high planter box along the eastern edge of the balcony on the second floor level of Dwelling 2 to reduce potential privacy impacts on the adjoining property to the east No.14 Gilbert Street.
- A5. An amended landscaping plan identifying the location and species of the two (2) trees to be planted to replace the existing Norfolk Pine, and to clarify the existing trees to be relocated.

B

- B1 Payment of Development Application fees in respect of the proposed Land Subdivision.

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

Environmental Services Division Report No. 69

50 Lewis Street, Balgowlah - DA265/07 (DA265/07)

Application Lodged: 27 July, 2007
Applicant: Vaughan Milligan Development Consulting
Owner: Mr and Mrs A W Pearce
Estimated Cost: \$45 000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Developments along the eastern side of Lewis Street typically comprise two and three storey dwellings
Heritage: No

SUMMARY:

1. THE APPLICANT SEEKS APPROVAL TO UNDERTAKE MINOR ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING AT NO 50 LEWIS STREET, BALGOWLAH HEIGHTS AND THE CONSTRUCTION OF A SINGLE CARPORT (WITH A HARDSTAND AREA ADJOINING), REAR TIMBER DECK AND RETAINING WALL.
2. THE DEVELOPMENT IS PERMISSIBLE WITH THE CONSENT OF COUNCIL IN THE RESIDENTIAL ZONE.
3. HAVING REGARD TO THE PROVISIONS CONTAINED WITHIN THE RESIDENTIAL DCP, A DEPARTURE WAS IDENTIFIED WITH RESPECT TO THE MINIMUM FRONT SETBACK REQUIREMENT (FOR THE CARPORT).
4. ONE (1) SUBMISSION WAS RECEIVED FOLLOWING THE APPLICATION BEING NEIGHBOUR NOTIFIED. THE OWNERS OF THE ADJOINING PROPERTY (TO THE SOUTH) INDICATED THAT THEY WERE CONCERNED AS TO THE IMPACT THE PROPOSED CARPORT WOULD HAVE ON THEIR RESIDENTIAL AMENITY.
5. THE APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT ON 25 SEPTEMBER 2007 WHEN IT WAS RECOMMENDED FOR APPROVAL.
6. THE APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR

MACDONALD

7. A SITE INSPECTION IS RECOMMENDED.
8. THE APPLICATION IS RECOMMENDED FOR APPROVAL (SUBJECT TO THE DELETION OF THE CARPORT AND THE ASSOCIATED ADJOINING HARDSTAND AREA).

PUBLIC ADDRESSES

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

Against the Recommendation: Mr Richard Bush

In Support of the Recommendation: Mr Tony Pearce, Applicant

SITE INSPECTIONS

A site inspection of 50 Lewis Street, Balgowlah, Minor Alterations and Additions to Existing Dwelling including Single Carport (with hardstand area), Timber Deck and Retaining Wall, was conducted by Councillors B Aird, J Evans, A Heasman, J Lambert, P Macdonald and D Murphy.

Recommendation: No Recommendation

MOTION (Macdonald /)

That Development Application No. 265/07 for alterations and additions to existing dwelling including new single carport (with hardstand area adjoining), rear timber deck and retaining wall at 50 Lewis Street, Balgowlah be **deferred** with the applicant invited to redesign, with a view to locating the carport with associated hardstand to the northern frontage rather than the southern frontage.

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

MOTION (Aird / Lambert)

That Development Application No. 265/07 for alterations and additions to existing dwelling including new single carport (with hardstand area adjoining), rear timber deck and retaining wall at 50 Lewis Street, Balgowlah be approved subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. DA 02, DA 03, DA 04, DA 05 and DA 06 (all Job No 0702) dated June 2007 as prepared by Sue Connor Architects as received by Council on 27 July, 2007.

ANS01

The carport, together with the hardstand area adjacent and the driveway leading to the carport, and hardstand area is to be deleted. This is to retain the existing streetscape pattern. Details shall be contained in the plans prepared for the Construction Certificate of the deletion of the carport.

Note: By placing fill in the front yard to make it level it is to be recognised that this may reduce your opportunity to accommodate on-site parking either along the northern side of the dwelling or within the sites rear yard]

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

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

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

DA017

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

DA342

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

DA343

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

DA018

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

DA019

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

DA021

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

DA022

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

DA023

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

DA024

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

DA026

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

DA031

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

DA039

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

DA040

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

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.

DA087

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

DA097

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

DA121

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

DA126

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

DA230

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

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.

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
- Drainage inspection
- Retaining wall steel inspection
- Final inspection

The cost of these inspections by Council is \$1,610. (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 satisfaction within 14 days of

completion, and prior to removal of sediment controls.

DA339

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

DA340

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

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

DA289

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

DA319

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

DA320

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

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 (Murphy / Macdonald)

That Development Application No. 265/07 for alterations and additions to existing dwelling including new single carport (with hardstand area adjoining), rear timber deck and retaining wall at 50 Lewis Street, Balgowlah be **deferred** to allow the applicant to resubmit to show plans for the carport on the northern boundary, showing similar setbacks to those on the southern boundary,

with the revised plans being notified to the adjoining property owners.

For the Amendment: Councillors Murphy and Macdonald

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

The Amendment was declared **LOST**.

L75/07 **RESOLVED: (Aird / Lambert)**

That Development Application No. 265/07 for alterations and additions to existing dwelling including new single carport (with hardstand area adjoining), rear timber deck and retaining wall at 50 Lewis Street, Balgowlah be approved subject to the following conditions.

DA1

This approval relates to drawings/plans Nos. DA 02, DA 03, DA 04, DA 05 and DA 06 (all Job No 0702) dated June 2007 as prepared by Sue Connor Architects as received by Council on 27 July, 2007.

ANS01

The carport, together with the hardstand area adjacent and the driveway leading to the carport, and hardstand area is to be deleted. This is to retain the existing streetscape pattern. Details shall be contained in the plans prepared for the Construction Certificate of the deletion of the carport.

Note: By placing fill in the front yard to make it level it is to be recognised that this may reduce your opportunity to accommodate on-site parking either along the northern side of the dwelling or within the sites rear yard]

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

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

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

DA017

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

DA342

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

DA343

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

DA018

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

DA019

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

DA021

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

DA022

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

DA023

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

DA024

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

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

DA026

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

DA031

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

DA039

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

DA040

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

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.

DA087

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

complies with the above said specification prior to the issue of a Construction Certificate

DA097

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

DA121

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

DA126

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

DA230

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

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.

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

Drainage inspection

Retaining wall steel inspection

Final inspection

The cost of these inspections by Council is \$1,610. (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 satisfaction within 14 days of completion, and prior to removal of sediment controls.

DA339

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

DA340

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

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

DA289

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

Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

DA319

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

DA320

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

DA274

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

DA323

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

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

Against the Resolution: Councillors Murphy and Macdonald

Environmental Services Division Report No. 70

12 Boronia Lane, Seaforth - DA258/07 (DA258/07)

<u>Application Lodged:</u>	19 July 2007
<u>Applicant:</u>	Ms Xiao-Jie Zou c/- Perry Fung Architects Pty Ltd
<u>Owner:</u>	Ko Yung & Xiao-Jie Zou
<u>Estimated Cost:</u>	\$500,160
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential Within Foreshore Scenic Protection Area
<u>Surrounding Development:</u>	One and two storey dwellings
<u>Heritage:</u>	Not applicable

SUMMARY:

1. DEVELOPMENT APPLICATION NO.258/07 PROPOSING NEW TWO (2) STOREY DWELLING HOUSE, SWIMMING POOL AND ASSOCIATED LANDSCAPING ON VACANT LAND WAS RECEIVED BY COUNCIL 19 JULY 2007.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE (3) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE SEAFORTH PRECINCT COMMUNITY

4. FORUM WITH COMMENTS RECEIVED.
THE APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT MEETING ON 20 SEPTEMBER 2007 WHEN IT WAS RECOMMENDED FOR APPROVAL.
5. THE APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR MACDONALD
6. A SITE INSPECTION IS RECOMMENDED.
7. APPROVAL OF THE APPLICATION IS RECOMMENDED.

SITE INSPECTIONS

A site inspection of 12 Boronia Lane, Seaforth, New Two (2) Storey Dwelling, Swimming Pool and Landscaping, was conducted by Councillors B Aird, J Evans, J Lambert, P Macdonald and D Murphy.

Recommendation: No Recommendation

MOTION (Macdonald / Murphy)

That Development Application No. 258/07 for erection of a two storey dwelling house, swimming pool and associated landscaping at 12 Boronia Lane Seaforth be approved subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. 20615/DA01 to 20615/DA03 dated March 2007 and Landscape Plan LC072 dated 2 July 2007 all received by Council on the 19 July 2007.

ANS01

The pool filter equipment is to be centrally located and suitably house in order to ensure the aural privacy of any surrounding residents. Details are to be provided prior to the issue of the Construction Certificate.

ANS02

The pool filter equipment is to be centrally located and suitably house in order to ensure the aural privacy of any surrounding residents. Details are to be provided prior to the issue of the Construction Certificate.

ANS03

Retain and protect during construction the two (2) medium sized trees located on the western boundary of the site.

ANS04

The landscape plan should reflect 100% native plantings.

ANS05

At the commencement of building works and in perpetuity the entire property shall be managed as an 'Inner Protection Area' as outlined within Planning for Bushfire Protection 2006 and the Service's document 'Standards for asset protection zones'.

ANS06

Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.

ANS07

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) Construction of the western elevation of the proposed dwelling shall comply with the Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 3.
- b) Construction of the northern, southern and eastern elevations of the proposed dwelling shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 2.
- c) Roofing shall be gutterless or have leafless guttering and valleys to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5.
- d) All western glazing shall be capable of withstanding up to 29kW/m² of radiant heat flux loading.
- e) Roller doors, tilt-a-door and the like shall be sealed to prevent the entry of embers into the structure.

ANS08

All Class 10 structures as defined per the Building Code of Australia 2006 attached to or within 10 meters of the habitable building shall comply with Australian Standards AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 3.

ANS09

All timber used in the development shall be of a Level 3 fire resistant species timber as identified in RFS Development Control Note 001. These species include:- Blackbutt, Kwila (Merbau), Red Iron Bark, Red River Gum, Silver Top Ash, Spotted Gum and Turpentine.

ANS10

All new fencing shall be constructed of non-combustible materials.

ANS11

Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush fire Protection 2006. In this regard the following landscaping principles are to be incorporated into the development:-

- a) Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways.
- b) Grassed areas/mowed lawns/or ground cover plantings being provided in close proximity to the building.
- c) Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building.

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 centerline, 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 \$10,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

DA342

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

DA343

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

DA018

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

DA019

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

DA021

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

DA022

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

DA023

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

DA024

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

DA026

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

DA031

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

DA039

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

DA040

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

DA044

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

DA047

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

DA048

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

DA058

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

DA059

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

DA060

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

DA357

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

DA087

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

DA097

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

DA101

The proposed structure/s to be located clear of the existing Council easement. A certificate from a Registered Surveyor is to be submitted to Council verifying the location of the structure/s after footings have been poured and before the construction of any walls.

DA102

Special footings will be required where the proposed/existing structure is adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A suitably qualified Structural Engineer shall issue a compliance certificate for the special footings referred to above to the Principal Certifying Authority. The footings shall be designed and approved Prior to the Issue of the Construction Certificate.

DA121

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

DA126

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

DA230

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

DA238

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

DA239

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

DA240

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

building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA348

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

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.

DA265

Once commenced the development hereby permitted shall only be continued in accordance with the conditions of approval and to the satisfaction of the Principal Certifying Authority.

DA267

Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.

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
- Wet area moisture barrier
- Drainage inspection
- Landscaping inspection
- Swimming pool reinforcing steel inspection
- Swimming pool safety fence inspection
- Final inspection

The cost of these inspections by Council is \$2,070 (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.

DA284

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

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday

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

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.

L76/07 **RESOLVED: (Macdonald / Murphy)**

That Development Application No. 258/07 for erection of a two storey dwelling house, swimming pool and associated landscaping at 12 Boronia Lane Seaforth be approved subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. 20615/DA01 to 20615/DA03 dated March 2007 and Landscape Plan LC072 dated 2 July 2007 all received by Council on the 19 July 2007.

ANS01

The pool filter equipment is to be centrally located and suitably house in order to ensure the aural privacy of any surrounding residents. Details are to be provided prior to the issue of the Construction Certificate.

ANS02

The pool filter equipment is to be centrally located and suitably house in order to ensure the aural privacy of any surrounding residents. Details are to be provided prior to the issue of the Construction Certificate.

ANS03

Retain and protect during construction the two (2) medium sized trees located on the western boundary of the site.

ANS04

The landscape plan should reflect 100% native plantings.

ANS05

At the commencement of building works and in perpetuity the entire property shall be managed as an 'Inner Protection Area' as outlined within Planning for Bushfire Protection 2006 and the Service's document 'Standards for asset protection zones'.

ANS06

Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.

ANS07

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) Construction of the western elevation of the proposed dwelling shall comply with the Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 3.
- b) Construction of the northern, southern and eastern elevations of the proposed dwelling shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 2.
- c) Roofing shall be gutterless or have leafless guttering and valleys to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5.
- d) All western glazing shall be capable of withstanding up to 29kW/m² of radiant heat flux loading.
- e) Roller doors, tilt-a-door and the like shall be sealed to prevent the entry of embers into the structure.

ANS08

All Class 10 structures as defined per the Building Code of Australia 2006 attached to or within 10 meters of the habitable building shall comply with Australian Standards AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 3.

ANS09

All timber used in the development shall be of a Level 3 fire resistant species timber as identified in RFS Development Control Note 001. These species include:- Blackbutt, Kwila (Merbua), Red Iron Bark, Red River Gum, Silver Top Ash, Spotted Gum and Turpentine.

ANS10

All new fencing shall be constructed of non-combustible materials.

ANS11

Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush fire Protection 2006. In this regard the following landscaping principles are to be incorporated into the development:-

- a) Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways.
- b) Grassed areas/mowed lawns/or ground cover plantings being provided in close proximity to the building.
- c) Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building.

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 centerline, 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 \$10,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

DA342

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

DA343

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

DA018

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

DA019

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

DA021

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

DA022

Retaining walls being constructed in conjunction with excavations with such work being in

accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

DA023

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

DA024

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

DA026

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

DA031

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

DA039

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

DA040

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

DA044

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

DA047

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

DA048

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

DA058

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

DA059

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

DA060

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

DA357

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

DA087

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

DA097

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

DA101

The proposed structure/s to be located clear of the existing Council easement. A certificate from a Registered Surveyor is to be submitted to Council verifying the location of the structure/s after footings have been poured and before the construction of any walls.

DA102

Special footings will be required where the proposed/existing structure is adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A suitably qualified Structural Engineer shall issue a compliance certificate for the special footings referred to above to the Principal Certifying Authority. The footings shall be designed and approved Prior to the Issue of the Construction Certificate.

DA121

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

DA126

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

DA230

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

DA238

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

DA239

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

DA240

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

DA348

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

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.

DA265

Once commenced the development hereby permitted shall only be continued in accordance with the conditions of approval and to the satisfaction of the Principal Certifying Authority.

DA267

Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.

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

Wet area moisture barrier

Drainage inspection

Landscaping inspection

Swimming pool reinforcing steel inspection

Swimming pool safety fence inspection

Final inspection

The cost of these inspections by Council is \$2,070 (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.

DA284

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

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

DA289

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

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 Aird, Evans, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

Councillors Heasman and Morrison were out of the Chamber when the voting took place.

Environmental Services Division Report No. 71

Development Applications Currently Being Processed During October 2007

SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING OCTOBER 2007.

MOTION (Murphy / Macdonald)

That development applications currently being processed during October 2007 be noted.

L77/07 **RESOLVED: (Murphy / Macdonald)**

That development applications currently being processed during October 2007 be noted.

For the Resolution: Councillors Evans, Heasman, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

Councillors Aird and Morrison were out of the Chamber when the voting took place.

Environmental Services Division Report No. 72
Appeals List for October 2007

SUMMARY

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

MOTION (Murphy / Pedersen)

That the List of Appeals received for October 2007 and their current status be noted.

L78/07 RESOLVED: (Murphy / Pedersen)

That the List of Appeals received for October 2007 and their current status be noted.

For the Resolution: Councillors Evans, Heasman, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

Councillors Aird and Morrison were out of the Chamber when the voting took place.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 34
The Corso Outdoor Dining Areas

SUMMARY

Council at the Ordinary Meeting held on 20 August 2007 resolved, amongst other things, to "*Notify the restaurants of council's intention to Early Revocation under clause 4.7 of the Licence. Council should note clause 4.7.3 in regard to no rights to compensation or damages in the event of Early Revocation.*"

Clause 4.7.1(b) (2) permits the Proprietor to submit any written materials to the Council for its consideration prior to determining a motion to revoke the Approval. Correspondence in the form of submissions has now been received on behalf of both Cristals Restaurant and Watervue.

This report includes these submissions for Council's consideration and seeks resolution of Council.

PUBLIC ADDRESSES

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

Against the Recommendation: Mr Bruno Cara

In Support of the Recommendation: Mr John Mortimer

MOTION (Morrison / Aird)

That the meeting move into Closed Session to consider Corporate Services Division Report No.34.

For the Motion: Councillors Aird and Morrison

Against the Motion: Councillors Evans, Heasman, Lambert, Murphy, Norek, Pedersen and Macdonald

The Motion when put was declared **LOST**.

MOTION (Macdonald / Lambert)

That:

1. Council, pursuant to Clause 4.7.1 of the Approval to Use Footway for Outdoor Eating Purposes issued to The Beach Pit (now *Watervue*) Restaurant (*Quantim Pty Ltd*) on 28 September, 2006 and having taken into consideration all matters submitted by the Proprietor in accordance with this Clause, hereby now resolves to revoke the Approval.
2. Council, pursuant to Clause 4.7.1 of the Approval to Use Footway for Outdoor Eating Purposes issued to Cristals Restaurant (*Karras Enterprises*) on 21 December 2006 and having taken into consideration all matters submitted by the Proprietor in accordance with this Clause, hereby now resolves to revoke the Approval.
3. Pursuant to Clause 3.11 of the Approval the Proprietor(s) is/are to demolish and remove from the Approved Area all Structures erected in the Approved Area, within twenty-eight (28) days after the date of revocation, and must leave the Approved Area clear to the satisfaction of the Council.

L79/07 RESOLVED: (Macdonald / Lambert)

That:

1. Council, pursuant to Clause 4.7.1 of the Approval to Use Footway for Outdoor Eating Purposes issued to The Beach Pit (now *Watervue*) Restaurant (*Quantim Pty Ltd*) on 28 September, 2006 and having taken into consideration all matters submitted by the Proprietor in accordance with this Clause, hereby now resolves to revoke the Approval.
2. Council, pursuant to Clause 4.7.1 of the Approval to Use Footway for Outdoor Eating Purposes issued to Cristals Restaurant (*Karras Enterprises*) on 21 December 2006 and having taken into consideration all matters submitted by the Proprietor in accordance with this Clause, hereby now resolves to revoke the Approval.
3. Pursuant to Clause 3.11 of the Approval the Proprietor(s) is/are to demolish and remove from the Approved Area all Structures erected in the Approved Area, within twenty-eight (28) days after the date of revocation, and must leave the Approved Area clear to the satisfaction of the Council.

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

Against the Resolution: Nil.

PECUNIARY INTERESTS RETURNS

In accordance with Section 450(A)(2) of the Local Government Act, the Register of Disclosures by Councillors and Designated Persons Returns was tabled at the meeting by the General Manager.

CLOSE

The meeting closed at 10.30pm.

The above minutes were confirmed at a **Land Use Management Committee** of Manly Council held on 5th November 2007.

CHAIRPERSON

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