

# Manly Council

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## Minutes

## Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 3 September 2007**

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:*

*[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*



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

The Land Use Management Committee, having met at 7:46pm on Monday 3 September 2007, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

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

**PRESENT**

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

**ALSO PRESENT**

Henry Wong, General Manager  
Stephen Clements, Divisional Manager Environmental Services  
David Stray, Manager Development Control  
Liz Rich, Minute Taker

The Mayor, Councillor Macdonald was in the Chair and declared the meeting open.

**APOLOGIES**

Nil

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

Nil

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

That copies of the Minutes of the Land Use Management Committee held on Monday, 06 August 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.

L61/07     **RESOLVED:**     **(Aird / Lambert)**

That copies of the Minutes of the Land Use Management Committee held on Monday, 06 August 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, Cant, Daley, Evans, Hay, Heasman, Lambert, Morrison, Murphy, Norek, Pedersen and Macdonald

**Against the Resolution:** Nil.

### **CONFIRMATION OF MINUTES (Extraordinary Meeting)**

**MOTION**     **(Heasman / Cant)**

That copies of the Minutes of the Extraordinary Meeting of Land Use Management Committee held on Tuesday, 07 August 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.

L62/07     **RESOLVED:**     **(Heasman / Cant)**

That copies of the Minutes of the Extraordinary Meeting of Land Use Management Committee held on Tuesday, 07 August 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, Cant, Daley, Evans, Hay, Heasman, Lambert, Morrison, Murphy, Norek, Pedersen and Macdonald

**Against the Resolution:** Nil.

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### **MAYORAL MINUTES**

Mayoral Minute Report No. 19

#### **Review of Delegations to the General Manager**

The Mayor will move that:

The Council review the delegations to the General Manager under its powers of delegation conferred to Council under Section 377 and 381 of the Local Government Act, 1993.

#### **Background**

The former General Manager received delegated powers under the Act in a form known as "permissive" delegation. The current General Manager has what is described as "exclusive" delegations by resolution of the last Council on 16<sup>th</sup> December 2002 which included a schedule of 7 exclusions. This resolution was reaffirmed on 21<sup>st</sup> March 2005 but with an additional exclusion.

It is my view that the extent of the delegated powers is too great and needs to be reduced. The result would be a return of additional powers to the elected councillors. The intent is to avoid some of the unfortunate decisions of the recent past.

It is my intention to prepare the amended schedule in consultation with the General Manager and circulate it to councillors prior to the meeting.

Attachment four to Mayoral Minute No.19, was distributed to Councillors on Monday 3<sup>rd</sup> September.

#### **Attachment four**

Proposed Schedule of Delegations ~ to be discussed by Council on Monday September 3<sup>rd</sup>, 2007:

That in pursuant to the powers of delegation conferred to Council by Section 377 and Section 381 of the *Local Government Act*, 1993, and pursuant to every other power it hereunto enabling, the Council of the Municipality of Manly hereby delegate to **Mr Henry T Wong**, the General Manager of the Council (*or to the nominated executive staff member acting in that capacity*), the power to exercise all the functions, powers, duties and authorities conferred upon the Council pursuant to:

1. The NSW Local Government Act, 1993 and
2. The Environmental Planning & Assessment Act, 1979; and
3. All other Acts, whatsoever under which Council has functions, powers, duties and authorities; and
4. All regulations, by-laws, rules and the like made by, or under any other Act referred to in 1, 2 or 3 above, and

**Always subject to the limitations specified in the following schedule, providing they prove to not be unlawful:**

#### **SCHEDULE A**

1. Any of the matters expressly reserved to the Council in Section 377 of the *Local Government Act*, 1993;
2. The role of the Mayor as provided for in and determined under Section 226 of the *Local Government Act*, 1993;
3. Major unique items where no policy, practice or code of the Council exists;
4. Adoption of local environmental plans, development control plans and Section 94 contribution plans pursuant to the Environmental Planning Assessment Act 1979;
5. Adoption of Council policies and codes or any variation to the policies and codes;
6. Items other than development applications, in respect of which the Mayor has, or the majority of Councillors have specifically requested the General Manager, in writing, to place before Council for determination;
7. Items in respect of development applications which the Mayor has, or Councillors have specifically requested the General Manager, in writing, to place before a LUM Committee for determination;
8. Items in respect of which the Council has specifically resolved to request the General Manager to place before it for determination.
9. Items in relation to the appointment or dismissal of senior staff (executive managers). As stipulated in the Local Government Act 1993, the GM is to consult with the Council prior to a final decision being made.
10. Authorisation of expenditure for goods and services beyond \$300 000

11. Authorisation of general expenditure, including contract payments beyond the value of \$200 000
12. Authorisation of investments on behalf of Council beyond \$1 000 000 (one million dollars)
13. Authorisation of loan repayments beyond \$500 000
14. Authorisation of loans beyond \$500 000

**MOTION (Macdonald)**

That Council review the delegations to the General Manager under its powers of delegation conferred to Council under Section 377 and 381 of the Local Government Act, 1993, and:

1. That delegated powers be revised according to Schedule A of Attachment 4, as listed below.
2. Council seek legal advice to ensure such delegation of powers and the limitations be lawful.

**SCHEDULE A**

1. Any of the matters expressly reserved to the Council in Section 377 of the *Local Government Act, 1993*;
2. The role of the Mayor as provided for in and determined under Section 226 of the *Local Government Act, 1993*;
3. Major unique items where no policy, practice or code of the Council exists;
4. Adoption of local environmental plans, development control plans and Section 94 contribution plans pursuant to the Environmental Planning Assessment Act 1979;
5. Adoption of Council policies and codes or any variation to the policies and codes;
6. Items other than development applications, in respect of which the Mayor has, or the majority of Councillors have specifically requested the General Manager, in writing, to place before Council for determination;
7. Items in respect of development applications which the Mayor has, or Councillors have specifically requested the General Manager, in writing, to place before a LUM Committee for determination;
8. Items in respect of which the Council has specifically resolved to request the General Manager to place before it for determination.
9. Deleted.
10. Authorisation of expenditure for goods and services beyond \$300 000
11. Authorisation of general expenditure, including contract payments beyond the value of \$200 000
12. Authorisation of investments on behalf of Council beyond \$1 000 000 (one million dollars)
13. Authorisation of loan repayments beyond \$500 000
14. Authorisation of loans beyond \$500 000

L63/07     **RESOLVED:**     **(Macdonald)**

That Council review the delegations to the General Manager under its powers of delegation conferred to Council under Section 377 and 381 of the Local Government Act, 1993, and:

1. That delegated powers be revised according to Schedule A of Attachment 4, as listed below.
2. Council seek legal advice to ensure such delegation of powers and the limitations be lawful.

**SCHEDULE A**

1. Any of the matters expressly reserved to the Council in Section 377 of the *Local Government Act*, 1993;
2. The role of the Mayor as provided for in and determined under Section 226 of the *Local Government Act*, 1993;
3. Major unique items where no policy, practice or code of the Council exists;
4. Adoption of local environmental plans, development control plans and Section 94 contribution plans pursuant to the Environmental Planning Assessment Act 1979;
5. Adoption of Council policies and codes or any variation to the policies and codes;
6. Items other than development applications, in respect of which the Mayor has, or the majority of Councillors have specifically requested the General Manager, in writing, to place before Council for determination;
7. Items in respect of development applications which the Mayor has, or Councillors have specifically requested the General Manager, in writing, to place before a LUM Committee for determination;
8. Items in respect of which the Council has specifically resolved to request the General Manager to place before it for determination.
9. Deleted.
10. Authorisation of expenditure for goods and services beyond \$300 000
11. Authorisation of general expenditure, including contract payments beyond the value of \$200 000
12. Authorisation of investments on behalf of Council beyond \$1 000 000 (one million dollars)
13. Authorisation of loan repayments beyond \$500 000
14. Authorisation of loans beyond \$500 000

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

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

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

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## ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 62

**24-26 Malvern Avenue, Manly - DA144/07 (DA144/07)**

**Application Lodged:** 2 May 2007  
**Applicant:** Mellanie Anne Lumby  
**Owner:** Mellanie Anne Lumby and David Richard Holland  
**Estimated Cost:** \$5950  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
Foreshore Scenic Protection Area  
**Surrounding Development:** Residential flat buildings, dwelling houses & semi-detached dwellings  
**Heritage:** Street tree planting, stone kerbs on western side of Malvern Avenue

### **SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR THE CONSTRUCTION OF VEHICLE HARDSTANDS WITHIN THE FRONT SETBACK FOR A PAIR OF SEMI-DETACHED DWELLINGS.
2. THE APPLICATION WAS NOTIFIED TO ADJOINING AND NEARBY PROPERTIES AND NO SUBMISSIONS WERE RECEIVED.
3. THE SITE HAS EXISTING GARAGING ACCESSIBLE TO THE REAR VIA PINE LANE.
4. THE ESTABLISHMENT OF VEHICLE HARDSTANDS WITHIN THE FRONT SETBACK IS LIKELY TO ESTABLISH AN UNDESIRABLE PRECEDENT WITHIN MALVERN AVENUE.
5. THE APPLICATION WAS PRESENTED TO THE DEVELOPMENT ASSESSMENT UNIT MEETING OF 9 AUGUST 2007 WITH AN OFFICER RECOMMENDATION FOR REFUSAL. THE DEVELOPMENT ASSESSMENT UNIT RESOLVED TO REFUSE THE APPLICATION.
6. THE APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR MACDONALD.
7. A SITE INSPECTION IS RECOMMENDED.
8. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

### **PUBLIC ADDRESSES**

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

In Support of the Recommendation: Mr Chris Lumby, Applicant

**SITE INSPECTIONS**

A site inspection of 24-26 Malvern Avenue, Manly, construction of vehicle hardstands within the front setback for a pair of semi-detached dwellings, was conducted by Councillors B Aird, J Evans, J Lambert, P Macdonald and D Murphy.

**Recommendation:** No Recommendation

**MOTION (Aird / Evans)**

That Development Application No. 144/07 for Vehicle hardstands and associated works at 24 and 26 Malvern Avenue, Manly be Refused for the following reasons:

1. The proposal is deemed to be inconsistent with the relevant objectives of the Residential Zone under the Manly Local Environmental Plan 1998, specifically objectives (c), (d), (e) and (h) in that the vehicle hardstands within the front setback are unsympathetic to the prevailing streetscape, reduce the capacity for soft landscaping within the frontage and do not utilise the existing rear lane access having regard to Section 79C(1)(a)(i), (b), (c) and (e) of the Environmental Planning and Assessment Act 1979.
2. The provision of vehicle hardstands within the front setback would be an undesirable intrusion into the established streetscape of Malvern Avenue contrary to the Objectives of the Car parking and access controls of the Manly Development Control Plan for the Residential Zone 2007 having regard to Section 79C(1)(a)(iii), (b), (c) and (e) of the Environmental Planning and Assessment Act 1979.
3. The dimensions of the vehicle hardstands do not comply with AS/NZS 2890.1:2004– *Parking facilities Part 1: Off-street car parking* having regard to Section 79C(1)(a)(iii), (b), (c) and (e) of the Environmental Planning and Assessment Act 1979.
4. The proposal will result in a loss of kerb-side car parking, increase the probability of vehicle and pedestrian conflicts and set an undesirable precedent for on site car parking along the frontages of dwellings in Malvern Avenue contrary to the requirements of the Car parking and access objectives and controls of the Manly Development Control Plan for the Residential Zone 2007 having regard to Section 79C(1)(a)(iii), (b), (c) and (e) of the Environmental Planning and Assessment Act 1979.
5. The vehicle crossovers do not satisfy the Council's Specification for the Construction of Concrete vehicular crossings by private contractors having regard to Section 79C(1)(a)(iii), (b), (c) and (e) of the Environmental Planning and Assessment Act 1979.
6. The proposal does not constitute suitable development and is not in the public interest considering the availability of rear lane access to the site having regard to Section 79C(1) (c) and (e) of the Environmental Planning and Assessment Act 1979.

**AMENDMENT (Macdonald / Hay)**

That Development Application No. 144/07 for Vehicle hardstands and associated works at 24 and 26 Malvern Avenue, Manly be Approved, subject to standard conditions:-

**DA1**

This approval relates to drawings/plans Nos. 1 of 1 dated April 2007 and received by Council on the 2 May 2007.

**DA9**

The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out **prior to the issue of**

**Occupation Certificate.**

DA10

The construction of a kerb layback is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out **prior to the issue of Occupation Certificate.**

DA11

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

DA12

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

DA14

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

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$300. 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

The Heritage listed stone kerb is to be removed without damaging it and contact is to be made with Council's Manager, Civic Services, for the stone to be transported to Council's Depot.

DA342

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

DA343

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

DA018

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

## 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.

## 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.

## 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.

## DA109

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

## DA121

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

## DA255

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

## 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

Reinforced concrete slab

Drainage inspection

Final inspection

The cost of these inspections by Council is \$920 (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.

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.

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 Amendment:** Councillors Cant, Hay, Heasman, Morrison, Norek, Pedersen and Macdonald

**Against the Amendment:** Councillors Aird, Daley, Evans, Lambert and Murphy

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

L66/07 **RESOLVED: (Macdonald / Hay)**

That Development Application No. 144/07 for Vehicle hardstands and associated works at 24 and 26 Malvern Avenue, Manly be Approved, subject to standard conditions:-

DA1

This approval relates to drawings/plans Nos. 1 of 1 dated April 2007 and received by Council on the 2 May 2007.

DA9

The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out **prior to the issue of Occupation Certificate**.

## DA10

The construction of a kerb layback is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out **prior to the issue of Occupation Certificate.**

## DA11

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

## DA12

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

## DA14

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

## DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$300. 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

The Heritage listed stone kerb is to be removed without damaging it and contact is to be made with Council's Manager, Civic Services, for the stone to be transported to Council's Depot.

## DA342

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

## DA343

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

## DA018

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

## 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.

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.

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.

DA109

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

DA121

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

DA255

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

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

Reinforced concrete slab

Drainage inspection

Final inspection

The cost of these inspections by Council is \$920 (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.

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:-

- (iv) siltation fencing;
- (v) protection of the public stormwater system; and
- (vi) 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.

## 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 Cant, Hay, Heasman, Morrison, Norek, Pedersen and Macdonald

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

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Environmental Services Division Report No. 63

**12 Rosedale Avenue, Fairlight - DA103/07 (DA103/07)**

**Application Lodged:** 30.3.07  
**Applicant:** J. H. Young  
**Owner:** Mr. J.H. and Mrs. S.L Young  
**Estimated Cost:** \$5000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
the property is also Foreshore Scenic Protection Area  
**Surrounding Development:** Residential dwellings  
**Heritage:** Not applicable

**SUMMARY:**

1. DEVELOPMENT APPROVAL IS SOUGHT FOR A FAMILY FLAT WITHIN THE EXISTING ENVELOPE OF THE EXISTING HOUSE.
2. THE APPLICATION WAS NOTIFIED TO ADJOINING AND NEARBY PROPERTY OWNERS WITH NO SUBMISSIONS RECEIVED.

3. THE PROPOSAL DOES NOT COMPLY WITH THE REQUIREMENTS FOR A FAMILY FLAT AND DISCUSSIONS WERE HELD WITH THE APPLICANT, REVISED PLANS WERE SUBMITTED HOWEVER THEY STILL DO NOT COMPLY WITH THE DEFINITION OF A FAMILY FLAT.
4. THE APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR HEASMAN.
5. A SITE INSPECTION IS RECOMMENDED.
6. REFUSAL OF THE APPLICATION IS RECOMMENDED.

### **PUBLIC ADDRESSES**

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

In Support of the Recommendation: Mr Jim Young, owner

### **SITE INSPECTIONS**

A site inspection of 12 Rosedale Avenue, Fairlight, family flat within the envelope of the existing house, was conducted by Councillors B Aird, J Evans, A Heasman, J Hay, J Lambert, P Macdonald and D Murphy.

**Recommendation:** No Recommendation

### **MOTION (Murphy / Hay)**

That Development Application No. 103/07 for the provision of a family flat in the house at 12 Rosedale Avenue Fairlight be approved as a family flat consistent with Option A, as shown in plans received by Council on 3<sup>rd</sup> September 2007. The allowance of increased floor area is allowed on this occasion because:

1. The family flat is contained within the existing envelope and retains the existing floor area without adding to the bulk of the building.
2. The dwelling will be converted back to its original layout once it finishes its use as a family flat.
3. The family flat cannot be strata titled or rented to third parties.
4. Limiting the size of the family flat to 75 square metres would involve major works.

### **L67/07 RESOLVED: (Murphy / Hay)**

That Development Application No. 103/07 for the provision of a family flat in the house at 12 Rosedale Avenue Fairlight be approved as a family flat consistent with Option A, as shown in plans received by Council on 3<sup>rd</sup> September 2007. The allowance of increased floor area is allowed on this occasion because:

1. The family flat is contained within the existing envelope and retains the existing floor area without adding to the bulk of the building.
2. The dwelling will be converted back to its original layout once it finishes its use as a family flat.
3. The family flat cannot be strata titled or rented to third parties.
4. Limiting the size of the family flat to 75 square metres would involve major works.

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

**Against the Resolution:** Nil.

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Environmental Services Division Report No. 64

**29 Gordon Street, Clontarf - DA185/07 (DA185/07)**

<b><u>Application Lodged:</u></b>	25 May 2007
<b><u>Applicant:</u></b>	A Chang c/- Hansen Partnership Pty Ltd
<b><u>Owner:</u></b>	Mrs A Chang
<b><u>Estimated Cost:</u></b>	\$606,000
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential Within the Foreshore Scenic Protection Area
<b><u>Surrounding Development:</u></b>	Two storey dwellings
<b><u>Heritage:</u></b>	Not applicable

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING HOUSE INCLUDING NEW FENCING, DRIVEWAY, DOUBLE GARAGE AND SWIMMING POOL
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING PROPERTIES WITH TWO (2) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE CLONTARF PRECINCT COMMITTEE WITH COMMENTS RECEIVED.
4. THE APPLICATION WAS REPORTED TO COUNCILS DEVELOPMENT ASSESSMENT UNIT MEETING OF 24 JULY 2007 WHERE IT WAS RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.
5. THE APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MORRISON.
6. A SITE INSPECTION IS RECOMMENDED.
7. APPROVAL OF THE APPLICATION IS RECOMMENDED.

**PUBLIC ADDRESSES**

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

Against the Recommendation: Mr Neil Ingham

In Support of the Recommendation: Mr Gordon Edgar, on behalf of the owner

**SITE INSPECTIONS**

A site inspection of 29 Gordon Street, Clontarf, alterations & additions including new fencing, driveway, double garage and swimming pool, was conducted by Councillors B Aird, J Evans, A Heasman, J Hay, J Lambert, P Macdonald and D Murphy.

**Recommendation:** Approval as per Staff Recommendation with additional condition below:

ANS03

The privacy screen to the northern end of the proposed covered deck is to be reduced in height to be a maximum 1.5m above the deck level, to reduce impacts on the amenity of the adjoining property to the north, plans being suitably amended prior to the issue of the Construction Certificate.

**MOTION (Hay / Macdonald)**

That Development Application No. 185/07 for alterations and additions to the existing dwelling house including new fencing, driveway, double garage and swimming pool at 29 Gordon Street,

Clontarf, be approved subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. Job 25014 / 1 – 4 dated March 2006 and 07 / 1159 / DA1 issue A Sheets 1 – 4 dated 24 February 2007 and received by Council on the 25 May 2007.

ANS01

The proposed *Banksia serrata* be either replaced or supplemented with an advanced *Angophora costata* (minimum 25 litre pot size) in the rear garden.

ANS02

The front fence is to be a maximum height of 1.8m at any one point (including columns) to maintain streetscape landscape character and the amenity of the area, plans being suitably amended prior to the issue of the Construction Certificate.

ANS03

The privacy screen to the northern end of the proposed covered deck is to be a maximum of 2.4m above the deck level, with the lower 1.8m in opaque glass and the remainder clear glass, without further balustrade interruption to the field of view, to reduce impacts on the amenity of the adjoining property to the north, plans being suitably amended prior to the issue of the Construction Certificate.

DA009

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

DA010

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

DA011

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

DA012

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

DA013

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

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.

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.

## 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](http://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.

#### 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.

#### 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.

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab X 4

Framework inspection

Wet area moisture barrier

Drainage inspection

OSD tank steel inspection

Swimming pool reinforcing steel inspection

Swimming pool safety fence inspection prior to filling

Final inspection

The cost of these inspections by Council is \$2,990 (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.

#### 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.

#### DA285

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

#### DA332

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

#### DA333

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

#### DA334

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

#### DA335

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

#### DA336

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

#### DA337

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

#### DA338

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

#### DA339

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

## DA340

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

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

## DA289

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

## DA300

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

## DA301

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

## DA302

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

## DA303

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

## DA306

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

## DA314

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

## DA315

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

## DA316

Where the latching device release, or the latch itself, on a pool gate is located at a height less than

1500mm above the finished ground level, the latch and its release shall be shielded in accordance with Australian Standard 1926.

**DA318**

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

**DA319**

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

**DA320**

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

**DA274**

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

**DA323**

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

**AMENDMENT (Evans / Morrison)**

That Development Application No. 185/07 for alterations and additions to the existing dwelling house including new fencing, driveway, double garage and swimming pool at 29 Gordon Street, Clontarf, be approved subject to the following additional conditions:

1. That the roof of the deck does not exceed 50% ie 1.75m of the depth of the balcony.
2. That the balustrade is to be a maximum height of 1.5m.

**DA1**

This approval relates to drawings/plans Nos. Job 25014 / 1 – 4 dated March 2006 and 07 / 1159 / DA1 issue A Sheets 1 – 4 dated 24 February 2007 and received by Council on the 25 May 2007.

**ANS01**

The proposed *Banksia serrata* be either replaced or supplemented with an advanced *Angophora costata* (minimum 25 litre pot size) in the rear garden.

**ANS02**

The front fence is to be a maximum height of 1.5m at any one point (including columns) to maintain streetscape landscape character and the amenity of the area, plans being suitably amended prior to the issue of the Construction Certificate.

**DA009**

The construction of a vehicular footpath crossing is required. The design and construction

including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. All works shall be carried out prior to the issue of Occupation Certificate.

**DA010**

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

**DA011**

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

**DA012**

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

**DA013**

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

**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.

**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.

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](http://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.

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.

## 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.

## DA261

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

## DA269

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

## DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab X 4

Framework inspection

Wet area moisture barrier

Drainage inspection

OSD tank steel inspection

Swimming pool reinforcing steel inspection

Swimming pool safety fence inspection prior to filling  
Final inspection

The cost of these inspections by Council is \$2,990 (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.

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.

DA285

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

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to

Council satisfaction at all times.

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

DA289

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

DA300

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

DA301

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

## DA302

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

## DA303

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

## DA306

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

## DA314

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

## DA315

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

## DA316

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

## DA318

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

## DA319

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

## DA320

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

## DA274

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

DA323

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

**For the Amendment:** Councillors Evans and Morrison

**Against the Amendment:** Councillors Aird, Cant, Daley, Hay, Heasman, Lambert, Murphy, Norek, Pedersen and Macdonald

The Amendment was declared **LOST**.

L68/07 **RESOLVED: (Hay / Macdonald)**

That Development Application No. 185/07 for alterations and additions to the existing dwelling house including new fencing, driveway, double garage and swimming pool at 29 Gordon Street, Clontarf, be approved subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. Job 25014 / 1 – 4 dated March 2006 and 07 / 1159 / DA1 issue A Sheets 1 – 4 dated 24 February 2007 and received by Council on the 25 May 2007.

ANS01

The proposed *Banksia serrata* be either replaced or supplemented with an advanced *Angophora costata* (minimum 25 litre pot size) in the rear garden.

ANS02

The front fence is to be a maximum height of 1.8m at any one point (including columns) to maintain streetscape landscape character and the amenity of the area, plans being suitably amended prior to the issue of the Construction Certificate.

ANS03

The privacy screen to the northern end of the proposed covered deck is to be a maximum of 2.4m above the deck level, with the lower 1.8m in opaque glass and the remainder clear glass, without further balustrade interruption to the field of view, to reduce impacts on the amenity of the adjoining property to the north, plans being suitably amended prior to the issue of the Construction Certificate.

DA009

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

DA010

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

DA011

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

DA012

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

## DA013

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

## 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.

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

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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.

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

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

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

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

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

**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.

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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.

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

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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.

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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.

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

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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.

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

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

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

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

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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.

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

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

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

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

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

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Drainage inspection

OSD tank steel inspection

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Final inspection

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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.
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- 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.

## 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.

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

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

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

## DA334

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

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

## 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.

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

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

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

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

**DA289**

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

**DA300**

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

**DA301**

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

**DA302**

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

**DA303**

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

**DA306**

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

the stormwater system.

DA314

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

DA315

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

DA316

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

DA318

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

DA319

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

DA320

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

DA274

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

DA323

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

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

**Against the Resolution:** Nil.

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Environmental Services Division Report No. 65

**16 Amiens Road, Clontarf - DA40/07 (DA40/07)**

<b><u>Application Lodged:</u></b>	12 February 2007
<b><u>Applicant:</u></b>	Daniel & Amber Potter
<b><u>Owner:</u></b>	Daniel & Amber Potter
<b><u>Estimated Cost:</u></b>	\$280,000
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential FSPA
<b><u>Surrounding Development:</u></b>	The locality is residential in character consisting predominantly of two and three storey dwelling houses.
<b><u>Heritage:</u></b>	Not applicable

**SUMMARY:**

1. DEVELOPMENT APPLICATION 40/07 PROPOSING ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING WAS RECEIVED BY COUNCIL 12 FEBRUARY 2007.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE CLONTARF PRECINCT COMMUNITY FORUM WITH COMMENTS RECEIVED.
4. THE APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT ON 23 AUGUST 2007 WHEN IT WAS RECOMMENDED FOR APPROVAL.
5. THE APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLORS LAMBERT AND MACDONALD
6. A SITE INSPECTION IS RECOMMENDED.
7. CONDITIONAL APPROVAL OF THE APPLICATION IS RECOMMENDED.

**PUBLIC ADDRESSES**

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

Against the Recommendation: Mr Wayne Collins

In Support of the Recommendation: Mr Eugene Sarich, on behalf of the owner

**SITE INSPECTIONS**

A site inspection of 16 Amiens Road, Clontarf, alterations & additions, was conducted by Councillors B Aird, J Evans, A Heasman, J Hay, J Lambert, P Macdonald and D Murphy.

**Recommendation:** No Recommendation

**MOTION (Morrison / Evans)**

That Development Application No. 40/07 for Alterations and Additions to dwelling including construction of new garage, lift, deck and swimming pool at 16 Amiens Road be **Refused** because:

1. There are numerical non-compliances in relation to FSR, wall height on northern and southern sides of the deck, wall height and length on the boundary.
2. There are detrimental impacts on the streetscape and amenity of neighbours.
3. The proposal is inconsistent and unsatisfactory in regard to the considerations under Section 79 (C) of The EP&A Act.

L69/07 **RESOLVED: (Morrison / Evans)**

That Development Application No. 40/07 for Alterations and Additions to dwelling including

construction of new garage, lift, deck and swimming pool at 16 Amiens Road be **Refused** because:

1. There are numerical non-compliances in relation to FSR, wall height on northern and southern sides of the deck, wall height and length on the boundary.
2. There are detrimental impacts on the streetscape and amenity of neighbours.
3. The proposal is inconsistent and unsatisfactory in regard to the considerations under Section 79 (C) of The EP&A Act.

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

**Against the Resolution:** Councillors Heasman and Norek

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Environmental Services Division Report No. 66

**Development Applications Currently Being Processed During September 2007.**

**SUMMARY**

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING SEPTEMBER 2007.

**MOTION (Macdonald / Heasman)**

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

L70/07 **RESOLVED: (Macdonald / Heasman)**

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

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

**Against the Resolution:** Nil.

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Environmental Services Division Report No. 67

**Appeals List for September 2007**

**SUMMARY**

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

**MOTION (Heasman / Macdonald)**

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

L71/07 **RESOLVED: (Heasman / Macdonald)**

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

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

**Against the Resolution:** Nil.

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**CLOSE**

The meeting closed at 11.01pm.

The above minutes were confirmed at a **Land Use Management Committee** of Manly Council held on 2<sup>nd</sup> October 2007.

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

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**CHAIRPERSON**