

Minutes

Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 4 June 2007

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www.manly.nsw.gov.au*



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TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Land Use Management Committee, having met at 7:37pm on Monday 4 June 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
Councillor B Aird
Councillor P Daley
Councillor J Evans, Deputy Chairperson
Councillor A Heasman
Councillor J Lambert, AM Chairperson who presided
Councillor R Morrison – *arrived at 7.48pm*
Councillor D Murphy
Councillor M Norek – *arrived at 7.46pm*

ALSO PRESENT

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

APOLOGIES

Apologies were tendered on behalf of Councillor S Cant, Councillor B Pedersen and Councillor J Hay for non-attendance.

MOTION (Heasman / Evans)

That the apologies received from Councillor S Cant, Councillor B Pedersen and Councillor J Hay be accepted and leave be granted.

L31/07 RESOLVED: (Heasman / Evans)

That the apologies received from Councillor S Cant, Councillor B Pedersen and Councillor J Hay be accepted and leave be granted.

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

Against the Resolution: Nil.

LEAVE OF ABSENCE

Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

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

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 7 May 2007, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

L32/07 RESOLVED: (Evans / Heasman)

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 7 May 2007, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

Councillor M Norek arrived at 7.46pm

Councillor R Morrison arrived at 7.48pm

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 30

31 Boyle Street, Manly - DA507/05

82A Review

<u>Application Lodged:</u>	10 November 2006 (Review)
<u>Applicant:</u>	Planning Overload Pty Ltd
<u>Owner:</u>	R G Young
<u>Estimated Cost:</u>	\$620,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	Single and two storey detached dwellings and two storey duplex buildings
<u>Heritage:</u>	Adjacent to listed group of single storey federation cottages.

SUMMARY:

1. THE ORIGINAL DEVELOPMENT APPLICATION NO.507/05 FOR DEMOLITION OF AN EXISTING DWELLING AND ERECTION OF TWO ATTACHED DWELLINGS AND STRATA SUBDIVISION WAS LODGED ON 14 NOVEMBER 2005.
2. THE ORIGINAL APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTIES WITH FIVE (5) SUBMISSIONS RECEIVED.
3. THE ORIGINAL APPLICATION WAS REFERRED TO THE BALGOWLAH PRECINCT COMMUNITY FORUM FOR COMMENT.
4. THE ORIGINAL APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT ON 28 FEBRUARY 2006 WHERE IT WAS REFUSED.
5. COUNCIL RECEIVED AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ON 10 NOVEMBER 2006.

6. THE REVIEW APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH FIVE (5) SUBMISSIONS RECEIVED.
7. THE REVIEW APPLICATION WAS REFERRED TO THE BALGOWLAH AND IVANHOE PARK PRECINCT COMMUNITY FORUMS FOR COMMENT.
8. THE REVIEW APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT AT ITS MEETING OF 1 MAY 2007 WHERE IT WAS RECOMMENDED FOR APPROVAL.
9. THE REVIEW APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
10. A SITE INSPECTION IS RECOMMENDED.
11. THE REVIEW APPLICATION IS RECOMMENDED FOR APPROVAL.

PUBLIC ADDRESSES

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

Against: Mr Neil Davis

In Support of the DA (against the recommendation for refusal): Mr Paul Drake, on behalf of the Applicant

SITE INSPECTIONS

A site inspection of 31 Boyle Street, Manly, demolition of an existing dwelling and erection of two two storey dwellings and strata subdivision – 82A Review was conducted by Councillors B Aird, A Heasman, J Lambert and P Macdonald

Recommendation: No Recommendation

Staff to check open space calculations and advise status of driveway

MOTION (Macdonald / Aird)

That:

Development Application No.507/05 for demolition of the existing dwelling and erection of two dwellings with strata subdivision at No. 31 Boyle Street Balgowlah, the application be **REFUSED** due to the unique topography of the land (sloping from north to south and east to west) and its proximity to five immediately surrounding properties and proximity to seven heritage cottages.

1. Breaches the rear building line established by heritage cottages 33-45 Boyle Street
2. Impacts upon the amenity of the area
3. Overdevelopment of the site
4. Loss of privacy
5. Loss of views for Sydney Road properties
6. Unsympathetic to the heritage streetscape.

AMENDMENT (Murphy / Daley)

That **Deferred Commencement Consent** be granted in respect of Development Application No.507/05 for demolition of the existing dwelling and erection of two dwellings with strata subdivision at No. 31 Boyle Street Balgowlah, subject to the following conditions with the consent not operating until the applicant has submitted amended plans showing;

1. The external wall level 0 of the westernmost dwelling to be positioned a minimum 0.9m from the south side boundary to comply with the setback requirements of Council's Residential Development Control Plan.
2. That portion of the upper floor level (level 2) of the easternmost dwelling within 9.0m of the front boundary is to be deleted and a hipped roof provided over that portion of level 1 within 9.0m of the front boundary, to maintain streetscape character and minimise impacts on the adjoining group of heritage listed dwellings.
3. The north side setback of the upper floor plan (level 2) of the easternmost dwelling is to be increased to 4.0m to align with the wall below, to maintain streetscape character and minimise impact on the adjoining group of heritage listed dwellings.
4. The existing Jacaranda and eucalypt trees in the rear yard area retained with minor lopping to the trees which have branch spread over the building footprint only..

Evidence of Items 1 to 4 are to be submitted within a period of three (3) months pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

DA1

This approval relates to drawings/plans No. 714 Revision B sheets 1, 2-1, 2-2 and 3 to 9 dated October 2006 and received by Council on the 10 November 2006 and Landscape Plans LS1 and LS2 Revision B dated October 2006 and received by Council on the 10 November 2006, as amended by deferred commencement conditions above.

ANS01

Compartmentation and separation to be provided in accordance with Part C of the Building Code of Australia between the car parking and residential elements.

ANS02

The three Phoenix Roebelenii located along the right hand side of the driveway are to be retained and to also be suitably protected during the construction phase.

ANS03

Provision of a landscape plan in accordance with Council's development control plan 2001 clauses 3.2.1 and 3.2.2 prior to the issuing of a construction certificate

ANS04

The large mature and established trees located at the rear of the property are to be retained as stated by the applicant within the statement of environmental effects.

ANS05

Openings within three (3) meters of property boundaries are to be protected in accordance with part C3 of the Building Code of Australia.

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.

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.**

DA011

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

DA012

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

DA013

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

DA16

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

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

DA017

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

DA272

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

DA341

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

DA342

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

DA343

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

DA344

A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund Deposit prior to the issue of the Construction Certificate.

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.

DA47

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

DA048

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

DA058

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

DA059

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

DA060

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

DA357

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

DA109

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

DA111

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

DA088

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

DA092

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

DA95

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

DA100

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

DA119

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000. Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

DA120

The building being erected in Type A, construction for a Class 2 & 7a building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

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.

DA239

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

DA240

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

DA247

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

DA346

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

DA348

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

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Retaining Wall steel

Framework inspection x 2

Wet area moisture barrier

Drainage inspection

Driveway crossing/kerb layback

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$2530.00 (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.

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

DA289

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

DA319

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

DA320

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

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being 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 Daley, Heasman, Morrison, Murphy and Norek
Against the Amendment: Councillors Aird, Evans, Lambert, and Macdonald

The **AMENDMENT** was declared **CARRIED** and became the Motion.

L33/07 **RESOLVED: (Murphy / Daley)**

That **Deferred Commencement Consent** be granted in respect of Development Application No.507/05 for demolition of the existing dwelling and erection of two dwellings with strata subdivision at No. 31 Boyle Street Balgowlah, subject to the following conditions with the consent not operating until the applicant has submitted amended plans showing;

1. The external wall level 0 of the westernmost dwelling to be positioned a minimum 0.9m from the south side boundary to comply with the setback requirements of Council's Residential

Development Control Plan.

2. That portion of the upper floor level (level 2) of the easternmost dwelling within 9.0m of the front boundary is to be deleted and a hipped roof provided over that portion of level 1 within 9.0m of the front boundary, to maintain streetscape character and minimise impacts on the adjoining group of heritage listed dwellings.
3. The north side setback of the upper floor plan (level 2) of the easternmost dwelling is to be increased to 4.0m to align with the wall below, to maintain streetscape character and minimise impact on the adjoining group of heritage listed dwellings.
4. The existing Jacaranda and eucalypt trees in the rear yard area retained with minor lopping to the trees which have branch spread over the building footprint only..

Evidence of Items 1 to 4 are to be submitted within a period of three (3) months pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

DA1

This approval relates to drawings/plans No. 714 Revision B sheets 1, 2-1, 2-2 and 3 to 9 dated October 2006 and received by Council on the 10 November 2006 and Landscape Plans LS1 and LS2 Revision B dated October 2006 and received by Council on the 10 November 2006, as amended by deferred commencement conditions above.

ANS01

Compartmentation and separation to be provided in accordance with Part C of the Building Code of Australia between the car parking and residential elements.

ANS02

The three Phoenix Roebelenii located along the right hand side of the driveway are to be retained and to also be suitably protected during the construction phase.

ANS03

Provision of a landscape plan in accordance with Council's development control plan 2001 clauses 3.2.1 and 3.2.2 prior to the issuing of a construction certificate

ANS04

The large mature and established trees located at the rear of the property are to be retained as stated by the applicant within the statement of environmental effects.

ANS05

Openings within three (3) meters of property boundaries are to be protected in accordance with part C3 of the Building Code of Australia.

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.

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.**

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.

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

DA013

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

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

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

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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.

DA272

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

DA341

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

DA342

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

DA343

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

DA344

A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund Deposit prior to the issue of the Construction Certificate.

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.

DA47

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

DA048

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

DA058

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

DA059

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

DA060

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

DA357

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

DA109

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

DA111

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

DA088

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

DA092

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

DA95

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

DA100

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

DA119

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000. Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

DA120

The building being erected in Type A, construction for a Class 2 & 7a building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

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.

DA239

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

DA240

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

DA247

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

DA346

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

DA348

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

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Retaining Wall steel

Framework inspection x 2

Wet area moisture barrier

Drainage inspection

Driveway crossing/kerb layback

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$2530.00 (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.

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

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

DA289

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

DA319

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

DA320

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

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being 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 Daley, Heasman, Morrison, Murphy and Norek
Against the Resolution: Councillors Aird, Evans, Lambert and Macdonald

(Please note a Rescission Motion has been lodged on this item)

Environmental Services Division Report No. 31

**29 Ponsonby Parade, Seaforth - DA124/00
 Section 96 Modification**

<u>Application Lodged:</u>	20 December 2006
<u>Applicant:</u>	R Thornton
<u>Owner:</u>	K Vale
<u>Estimated Cost:</u>	\$200,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 – Residential.
<u>Surrounding Development:</u>	Single and two storey dwellings.
<u>Heritage:</u>	Not applicable

SUMMARY:

1. THE ORIGINAL DEVELOPMENT APPLICATION FOR ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING WAS RECEIVED BY COUNCIL 21 MARCH 2000.
2. THE ORIGINAL APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH NO SUBMISSIONS RECEIVED.
3. THE ORIGINAL APPLICATION WAS CONSIDERED BY COUNCIL DEVELOPMENT CONTROL UNIT AT ITS MEETING OF 23 MAY 2000 WHERE IT WAS APPROVED SUBJECT TO STANDARD CONDITIONS.
4. COUNCIL RECEIVED AN APPLICATION TO MODIFY THE CONSENT UNDER SECTION 96(1A) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ON 20 DECEMBER 2006.
5. THE MODIFICATION APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED FROM THE ADJOINING PROPERTY OWNER TO THE WEST.
6. THE MODIFICATION APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT AT ITS MEETING OF 1 FEBRUARY 2007 WHERE IT WAS APPROVED SUBJECT TO A CONDITION REQUIRING PROVISION OF A PRIVACY SCREEN TO WEST SIDE OF LEVEL 3 TERRACE.
7. SUBSEQUENTLY IT BECAME APPARENT THAT THE DAU CONSIDERATION WAS MADE ON THE DATE OF CLOSURE OF NOTIFICATION PERIOD AND THAT A FURTHER SUBMISSION HAD BEEN RECEIVED ON THIS DATE WHICH WAS NOT CONSIDERED.
8. AT THE REQUEST OF COUNCIL THE APPLICANT AGREED TO CANCELLATION OF THE MODIFICATION APPLICATION AND THE APPLICANT HAS NOW RESUBMITTED THE APPLICATION, WHICH IS THE SUBJECT OF THIS REPORT.
9. THE CURRENT APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED FROM OWNERS OF A PROPERTY ADJACENT TO THE REAR BOUNDARY.
10. THE APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT AT ITS MEETING OF 15 MAY 2007 WHERE IT WAS RECOMMENDED FOR APPROVAL SUBJECT TO A CONDITION REQUIRING PROVISION OF A PRIVACY SCREEN TO THE WEST SIDE OF LEVEL 3 TERRACE.
11. THE APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
12. A SITE INSPECTION IS RECOMMENDED.
13. APPROVAL OF THE MODIFICATION APPLICATION IS RECOMMENDED.

PUBLIC ADDRESSES

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

Against: Mr Lindsay Clinton

In Support: Mr Justin Viles, on behalf of the owner

SITE INSPECTIONS

A site inspection of 29 Ponsonby Parade, Seaforth Alterations and Additions – Section 96 Modification was conducted by Councillors B Aird, J Evans, J Lambert, P Macdonald, R Morrison and M Norek

Recommendation:

No Recommendation

MOTION (Macdonald / Heasman)

That Development Consent No. 124/00, 29 Ponsonby Parade, Seaforth be **modified**, subject to the original conditions of consent with Condition 1 modified and the addition of Conditions Nos. 48, 49 and DA267A as follows:

DA1

This approval relates to drawings/plans Nos. DA00, DA01 and DA02 dated February, 2000 and received by Council on the 21 March 2000.

Except as amended by Drawing A01, dated December 2006 and received by Council 20 December 2006.

DA48

A 1650mm high privacy screen is to be provided to the western side of the terrace at Level 3 to maintain privacy to the adjoining property, plans being suitably amended prior to the issue of Construction Certificate

DA49

Bathroom windows to be opaque up to 1.3m and the balustrade to be of opaque material.

DA267A

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

L34/07 RESOLVED: (Macdonald / Heasman)

That Development Consent No. 124/00, 29 Ponsonby Parade, Seaforth be **modified**, subject to the original conditions of consent with Condition 1 modified and the addition of Conditions Nos. 48, 49 and DA267A as follows:

DA1

This approval relates to drawings/plans Nos. DA00, DA01 and DA02 dated February, 2000 and received by Council on the 21 March 2000.

Except as amended by Drawing A01, dated December 2006 and received by Council 20 December 2006.

DA48

A 1650mm high privacy screen is to be provided to the western side of the terrace at Level 3 to maintain privacy to the adjoining property, plans being suitably amended prior to the issue of Construction Certificate

DA49

Bathroom windows to be opaque up to 1.3m and the balustrade to be of opaque material.

DA267A

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

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

Against the Resolution: Nil.

Environmental Services Division Report No. 32

**44 Ellery Parade, Seaforth - DA1230/98
82A Review of a Section 96 Modification**

<u>Application Lodged:</u>	23 November 2006
<u>Applicant:</u>	G Amate
<u>Owner:</u>	P and G Amate
<u>Estimated Cost:</u>	\$200,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	Single and two storey detached dwellings
<u>Heritage:</u>	Not applicable

SUMMARY:

1. THE ORIGINAL APPLICATION FOR DEMOLITION OF THE EXISTING DWELLING AND ERECTION OF A NEW TWO STOREY DWELLING WAS RECEIVED BY COUNCIL 3 NOVEMBER 1998.
2. THE ORIGINAL APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
3. THE ORIGINAL APPLICATION WAS REFERRED TO THE SEAFORTH PRECINCT COMMUNITY FORUM WITH COMMENTS RECEIVED.
4. THE ORIGINAL APPLICATION WAS CONSIDERED BY COUNCIL'S DEVELOPMENT CONTROL UNIT AT ITS MEETING OF 2 FEBRUARY 1999 WHERE IT WAS APPROVED SUBJECT TO CONDITIONS INCLUDING A CONDITION REQUIRING A REAR PATIO TO BE SET BACK IN LINE WITH THE WEST ELEVATION OF THE DWELLING.
5. THE DWELLING WAS CONSTRUCTED AND AN OCCUPATION CERTIFICATE ISSUED 13 MARCH 2001.
6. ON 8 MAY 2006 COUNCIL RECEIVED REPRESENTATIONS ON BEHALF OF THE ADJOINING PROPERTY OWNER DRAWING ATTENTION TO THE FACT THAT A "ROOFED AWNING STRUCTURE" HAD BEEN ERECTED AND APPEARS TO NULLIFY THE CONDITION OF CONSENT RELATING TO SIDE SETBACK.
7. ON 28 MAY 2006 COUNCIL ISSUED A NOTICE OF INTENTION TO ISSUE AN ORDER TO REMOVE THE PERGOLA ERECTED IN THE REAR YARD OF THE SUBJECT PROPERTY.
8. ON 31 JULY 2006 COUNCIL RECEIVED AN APPLICATION UNDER SECTION 96 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 TO MODIFY THE ORIGINAL CONSENT BY INCLUSION OF A "VERGOLA" AND CONSTRUCTION OF A TIMBER SLATTED PRIVACY SCREEN.
9. THE SECTION 96 APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
10. THE SECTION 96 APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT ON 7 NOVEMBER 2006 WHERE THE APPLICATION WAS APPROVED SUBJECT TO NEW CONDITION NO. 42 REQUIRING THE "VERGOLA" TO BE SET BACK IN LINE WITH THE WESTERN FACE OF THE EXISTING PATIO AND DWELLING TO IMPROVE PRIVACY AND ENSURE CONSISTENCY WITH THE ORIGINAL CONSENT (EFFECTIVELY REQUIRING THE "VERGOLA" TO BE SET BACK 2.4M FROM THE WESTERN SIDE BOUNDARY).
11. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 SEEKING DELETION OF CONDITION NO. 42.
12. THE REVIEW APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
13. THE APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
14. A SITE INSPECTION IS RECOMMENDED.
15. THE SECTION 82A REVIEW OF DETERMINATION APPLICATION IS RECOMMENDED FOR REFUSAL.

PUBLIC ADDRESSES

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

Against: Mr Riley

In Support of the DA (against the recommendation for refusal): Mrs Gemma Amate, Applicant

SITE INSPECTIONS

A site inspection of 44 Ellery Parade, Seaforth, demolition of the existing dwelling and erection of a new two (2) storey dwelling – Section 96 Modification was conducted by Councillors B Aird, J Evans, J Lambert, P Macdonald, R Morrison and M Norek

Recommendation:
No Recommendation

MOTION (Murphy / Evans)

- A. That the Section 82A Review of Determination application in respect of the proposed modification of Development Consent No. 1230/98 for demolition of existing dwelling and construction of new residence at 44 Ellery Parade, Seaforth be **refused** for the following reasons.
1. The proposal will result in adverse impacts on the amenity of the adjoining property to the west in terms of privacy and visual bulk and scale, having regard to Section 79C(1) (a) (iii), (b) and (d) of the Environmental Planning and Assessment Act 1979.
 2. The proposal does not comply with objectives 3.5.1 b) and c), 3.7.1 a) and b) and 3.10.1 a) and b) of the Manly Residential Development Control Plan, Amendment 1, having regard to Section 79C(1) (a) (iii), (b) and (d) of the Environmental Planning and Assessment Act 1979.
 3. The proposal by virtue of its non compliance with the objectives of Council's Residential Development Control Plan is not considered to be in the public interest, having regard to Section 79C(1) (e) of the Environmental Planning and Assessment Act 1979.
 4. The proposal has not satisfactorily responded to the issues raised in the neighbour submission received, having regard to Section 79C(1) (d) of the Environmental Planning and Assessment Act 1979.
- B. With regards to the roofed pergola (vergola) this is to be located a minimum 2.4m from the side boundary and that the conditions detailed in the Sec 96 determination dated 10 November 2006 should remain, including additional landscaping between the vergola and the western boundary.

AMENDMENT (Macdonald)

That the Section 82A Review of Determination application in respect of the proposed modification of Development Consent No. 1230/98 for demolition of existing dwelling and construction of new residence at 44 Ellery Parade, Seaforth be **Approved** as per staff recommendation.

Amendment **lapsed** due to lack of seconder.

L35/07 **RESOLVED: (Murphy / Evans)**

- A. That the Section 82A Review of Determination application in respect of the proposed modification of Development Consent No. 1230/98 for demolition of existing dwelling and construction of new residence at 44 Ellery Parade, Seaforth be **refused** for the following reasons.
1. The proposal will result in adverse impacts on the amenity of the adjoining property to the west in terms of privacy and visual bulk and scale, having regard to Section 79C(1) (a) (iii), (b) and (d) of the Environmental Planning and Assessment Act 1979.
 2. The proposal does not comply with objectives 3.5.1 b) and c), 3.7.1 a) and b) and 3.10.1 a) and b) of the Manly Residential Development Control Plan, Amendment 1, having regard to Section 79C(1) (a) (iii), (b) and (d) of the Environmental Planning and Assessment Act 1979.
 3. The proposal by virtue of its non compliance with the objectives of Council's Residential Development Control Plan is not considered to be in the public interest, having regard to Section 79C(1) (e) of the Environmental Planning and Assessment Act 1979.
 4. The proposal has not satisfactorily responded to the issues raised in the neighbour submission received, having regard to Section 79C(1) (d) of the Environmental Planning and Assessment Act 1979.
- B. With regards to the roofed pergola (vergola) this is to be located a minimum 2.4m from the side boundary and that the conditions detailed in the Sec 96 determination dated 10 November 2006 should remain, including additional landscaping between the vergola and the western boundary.

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

Environmental Services Division Report No. 33

18 Acacia Road, Seaforth - DA536/06

Application Lodged: 8 December, 2006
Applicant: Peter Princi Architects
Owner: Rachel and John Joseph
Estimated Cost: \$400,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: One and two storey dwelling houses
Heritage: No Heritage

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR A NEW DWELLING HOUSE AND SWIMMING POOL ON VACANT LAND
2. THE PROPOSAL WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH FOUR SUBMISSIONS RECEIVED.
3. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
4. A SITE INSPECTION IS RECOMMENDED.

5. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL APPROVAL.

PUBLIC ADDRESSES

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

Against: Mr Andrew Smith, Neighbour

In Support: Mr Christian Pollock, Applicant

SITE INSPECTIONS

A site inspection of 18 Acacia Road, Seaforth, new dwelling and swimming pool on vacant land was conducted by Councillors B Aird, J Evans, J Lambert, P Macdonald, and M Norek

Recommendation:

Staff Recommendation with Condition No. ANS01 reworded as follows:-

ANS01

The dwelling house and attached garage is to be relocated in its entirety 400mm to north and the building reduced in overall height (through reduction in floor to ceiling height and roof pitch) 350mm to reduce overshadowing of the adjoining property. Plans being suitably amended prior to the issue of the Construction Certificate.

MOTION (Evans / Norek)

That Development Application 536/06 for construction of a two (2) storey dwelling and swimming pool at 18 Acacia Road, Seaforth be **approved** subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. DA01 – DA03, DA05, DA06, DA10 – DA11 dated November 2006 received by Council on the 8 December 2006; DA12 dated November 2006 received by Council on the 19 December 2006; DA04, DA09, dated September 2006; received by Council on the 8 December 2006; DA07 dated February 2007, DA08 Issue B dated March 2007 received by Council on the and Landscape Plan 07-11 received by Council on the 8 December 2006.

ANS01

The dwelling house and attached garage is to be relocated in its entirety 400mm to north and the building reduced in overall height (through reduction in floor to ceiling height and roof pitch) 379mm to reduce overshadowing of the adjoining property. Plans being suitably amended prior to the issue of the Construction Certificate.

ANS02

The windows on the southern elevation at the first floor level are to be obscure/translucent up to a height of 1.6m above floor level in order to ensure privacy, plans being suitably amended prior to the issue of the Construction Certificate.

ANS03

The laundry door is to be provided with a 1m x 1m landing and the stairs redirected to the west (rear) to maintain privacy to the adjoining property, plans being suitably amended prior to the issue of the Construction Certificate.

ANS04

A privacy screen to a height of 1.7m is to be erected along the southern edge of the deck to Bedroom 1 on the first floor, plans being suitably amended prior to the issue of the Construction Certificate.

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The swimming is to be moved 500mm to the north in order to ensure compliance with the Development Control Plan (DCP), plans being suitably amended prior to the issue of the Construction Certificate.

ANS06

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

ANS07

The selected certifying authority is to be provided with full documentation proving compliance with BASIX prior to the issue of the Occupation Certificate.

ANS08

The works are to comply with the recommendations of the Bush Fire Report by Fire Base Consulting dated 4 November 2006.

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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.

DA016

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

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

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

DA017

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

DA341

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

DA342

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

DA343

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

DA018

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

DA019

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

DA021

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

DA022

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

DA023

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

DA024

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

DA026

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

DA031

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use

of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

DA039

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

DA040

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

DA044

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

DA048

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

DA058

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

DA059

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

DA060

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

DA357

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

DA077

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

DA087

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

DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) shall be

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

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

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

DA121

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

DA126

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

DA230

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

DA237

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

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

DA238

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

DA239

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

DA240

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

DA247

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

DA346

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

DA348

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

DA261

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

DA264

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

DA265

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

DA267

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

DA269

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

DA270

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

- Silt control fences
- Pier holes inspection
- Reinforced concrete slab
- Framework inspection
- Wet area moisture barrier
- Drainage inspection
- Landscaping inspection
- Swimming pool reinforcing steel inspection
- Swimming pool safety fence inspection prior to filling
- Final inspection

The cost of these inspections by Council is \$2,300 (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.

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Councils Section 94 Policy applicable at the time of payment **prior to the issue of the Construction Certificate / the release of subdivision plans for registration / or at the time prior to release of Development Consent where no works are involved.**

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.

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.

DA310

No water shall be placed in the swimming pool until the required protective fencing has been inspected and approved by Council.

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".

DA323

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

AMENDMENT (Macdonald /Aird)

That Development Application 536/06 for construction of a two (2) storey dwelling and swimming pool at 18 Acacia Road, Seaforth be **deferred** and brought back to the next Ordinary Meeting with a request for the applicant to provide a "pegging report" to confirm the building can be moved one metre to the north.

For the Amendment: Councillors Aird and Macdonald

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

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

L36/07 RESOLVED: (Evans / Norek)

That Development Application 536/06 for construction of a two (2) storey dwelling and swimming pool at 18 Acacia Road, Seaforth be **approved** subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. DA01 – DA03, DA05, DA06, DA10 – DA11 dated November 2006 received by Council on the 8 December 2006; DA12 dated November 2006 received by Council on the 19 December 2006; DA04, DA09, dated September 2006; received by Council on the 8 December 2006; DA07 dated February 2007, DA08 Issue B dated March 2007 received by Council on the and Landscape Plan 07-11 received by Council on the 8 December 2006.

ANS01

The dwelling house and attached garage is to be relocated in its entirety 400mm to north and the building reduced in overall height (through reduction in floor to ceiling height and roof pitch) 379mm to reduce overshadowing of the adjoining property. Plans being suitably amended prior to the issue of the Construction Certificate.

ANS02

The windows on the southern elevation at the first floor level are to be obscure/translucent up to a height of 1.6m above floor level in order to ensure privacy, plans being suitably amended prior to the issue of the Construction Certificate.

ANS03

The laundry door is to be provided with a 1m x 1m landing and the stairs redirected to the west (rear) to maintain privacy to the adjoining property, plans being suitably amended prior to the issue of the Construction Certificate.

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A privacy screen to a height of 1.7m is to be erected along the southern edge of the deck to Bedroom 1 on the first floor, plans being suitably amended prior to the issue of the Construction Certificate.

ANS05

The swimming is to be moved 500mm to the north in order to ensure compliance with the Development Control Plan (DCP), plans being suitably amended prior to the issue of the Construction Certificate.

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

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The selected certifying authority is to be provided with full documentation proving compliance with BASIX prior to the issue of the Occupation Certificate.

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The works are to comply with the recommendations of the Bush Fire Report by Fire Base Consulting dated 4 November 2006.

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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.

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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.

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

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

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

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

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

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

DA261

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

DA264

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

DA265

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

DA267

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

DA269

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

DA270

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

- Silt control fences
- Pier holes inspection
- Reinforced concrete slab
- Framework inspection
- Wet area moisture barrier
- Drainage inspection
- Landscaping inspection
- Swimming pool reinforcing steel inspection
- Swimming pool safety fence inspection prior to filling
- Final inspection

The cost of these inspections by Council is \$2,300 (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.

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Councils Section 94 Policy applicable at the time of payment **prior to the issue of the Construction Certificate / the release of subdivision plans for registration / or at the time prior to release of Development Consent where no works are involved.**

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.

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.

DA310

No water shall be placed in the swimming pool until the required protective fencing has been inspected and approved by Council.

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".

DA323

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

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

Against the Resolution: Councillor Aird

Environmental Services Division Report No. 34

5 Sandra Place / 26 Boronia Lane, Seaforth - DA259/06

Application Lodged: 30 May 2006
Applicant: Stan Symonds
Owner: Alexander Campbell
Estimated Cost: \$300,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Manly Residential Development Control Plan 2001,
Amendment 1 Sub Zone: 7
Within the Foreshore protection Area: Yes
Surrounding Development: Residential
Heritage: Currently a Potential Heritage Item and undergoing
assessment.

SUMMARY:

1. DEVELOPMENT APPLICATION 259/06 FOR DEMOLITION OF GARAGE AND ERECTION OF NEW STRUCTURE CONTAINING PARKING, FAMILY/ENTERTAINING AREA, BEDROOMS, BATHROOM BAR/KITCHENETTE AND DECKS WAS LODGED 30 MAY 2006.
2. SOME MATERIAL WAS MISSING FROM THE APPLICATION AND SHADOW DIAGRAMS SHOWING SHADOWS ON 31 RIGNOLD STREET WERE RECEIVED ON 23 JUNE 2006; FURTHER MATERIAL WAS RECEIVED ON 11 SEPTEMBER 2006 REGARDING THE RIGHT-OF-WAY; A RESPONSE TO OBJECTIONS RECEIVED ON 15 AUGUST 2006; ADDITIONAL DOCUMENTATION ON 10 NOVEMBER 2006 REGARDING RIGHT-OF-WAY, THE SUB-DIVISION AND THE AREA CALCULATIONS AND FURTHER MATERIAL ON AREA CALCULATIONS OF THE EXISTING DWELLING ON 22 NOVEMBER 2006.
3. THE PROPOSAL AS ORIGINALLY RECEIVED PLUS ADDITIONAL SHADOW MATERIAL WAS NOTIFIED TO ALL NEIGHBOURING PROPERTIES AND TWO LETTERS OF OBJECTION TO THE DEVELOPMENT WERE RECEIVED.
4. THE APPLICATION WAS ALSO REFERRED TO SEAFORTH PRECINCT COMMUNITY FORUM WITH NO COMMENTS RECEIVED.
5. THE APPLICATION WAS RECOMMENDED FOR REFUSAL.
6. THE APPLICANT REQUESTED AN OPPORTUNITY TO ADDRESS CONCERNS AND SUBMITTED A REVISED SUBMISSION ON 15 MARCH 2007.
7. THE APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR NOREK.
8. A SITE INSPECTION IS RECOMMENDED.
9. FOLLOWING ASSESSMENT OF THE REVISED SUBMISSION, THE APPLICATION IS STILL RECOMMENDED FOR REFUSAL.

PUBLIC ADDRESSES

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

Against: Mr Peter Batey

In Support of the DA (against the recommendation for refusal): Mr Stan Symonds, Applicant

SITE INSPECTIONS

A site inspection of 5 Sandra Place (aka) 26 Boronia Lane, Seaforth, demolition of garage and erection of new structure containing parking, family/entering area, bedrooms, bathroom, bar/kitchenette and decks was conducted by Councillors B Aird, J Evans, J Lambert, P Macdonald and M Norek.

Recommendation:

Approval subject to standard conditions and special conditions ANS01 and ANS02 as follows:-

ANS01

The rooftop observation deck is to be deleted and access to the rooftop garden is to be restricted to that required for maintenance purposes only plans being suitably amended prior to the issue of the Construction Certificate.

ANS02

The premises are to be used solely as a single dwelling house and not at any time being used for separate occupation.

MOTION (Evans / Norek)

That pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 259/06 for a "Demolition of garage and erection of new structure containing parking, family/entertaining area, bedrooms, bathroom, bar/kitchenette and decks." at 5 Sandra Place Seaforth (aka 26 Boronia Lane), be approved but shall not operate until the applicant has:-

- A1. Submitted evidence from Land Property Information Office confirming right of way access (or access handle if subdivision of Lot 7 is to be pursued) from Boronia Lane to the subject site is registered on the property title.

This consent is a "**deferred commencement**".

Evidence of Item A1. is to be submitted within a period of 3 months pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

Development Application conditions of consent upon compliance with the above matters:

ANS01

The rooftop observation deck is to be deleted and access to the rooftop garden is to be restricted to that required for maintenance purposes only, plans being suitably amended prior to the issue of the Construction Certificate.

ANS02

The premises are to be used solely as a single dwelling house and not at any time being used for separate occupation.

The retaining wall to be located 900m from the boundary.

Plans incorporate a stormwater retention system to minimise run off to adjacent site.

DA1

This approval relates to drawings/plans Nos. DA232-22 dated February 2007 and DA232-23 to 28 dated December – January 2007 and received by Council on the 15 March 2007 and as modified by Deferred Commencement Approval.

ANS01

The rooftop observation deck is to be deleted and access to the rooftop garden is to be restricted to that required for maintenance purposes only, plans being suitably amended prior to issue of the Construction Certificate.

ANS02

The premises are to be used solely as a single dwelling house and not any time being used for separate occupation.

ANS03

Construction shall comply with AS3959 – 1999 level 3 'Construction of Buildings in bushfire prone areas'.

ANS04

The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.

ANS05

Timber decking proposed for the rear of the property shall be constructed from a level 3 fire resistant species timber identified within NSW Rural Fire Services Development Control Note 001, available from the Rural Fire Service website.

ANS06

Prior to the issue of any Occupation Certificate the selected Certifying Authority is to be provided with full documentation certifying compliance with the requirements of BASIX.

ANS07

That appropriate landscape screening consisting of endemic species of plant material be installed along the north eastern boundary adjacent to the proposed development.

ANS08

The concrete block retaining wall and fill are to maintain a minimum 900mm setback from the southern boundary, to comply with Councils Residential Development Control Plan requirements and reduce impacts on the amenity of the adjoining property and minimize impact on natural drainage patterns at the property boundary, plans being suitably amended prior to issue of the Construction Certificate.

ANS09

The proposal is to include provision of a stormwater retention system in accordance with Council Policies (see also conditions DA88, DA95 and DA100).

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 \$7,500. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

DA342

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

DA343

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

DA018

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

DA019

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

DA021

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

DA022

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

DA023

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

DA024

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

DA026

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

DA031

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

DA039

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

DA040

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

DA044

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

DA047

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

DA048

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

DA058

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

DA059

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

DA060

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

DA357

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

DA109

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

DA111

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

DA088

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

DA095

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

DA097

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

DA100

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

DA121

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

DA126

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

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.

DA237

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

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

DA238

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

DA239

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

DA240

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

DA247

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

DA346

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

DA348

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

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab X 3
Wet area moisture barrier
Drainage inspection
OSD Tank Steel inspection
Landscaping inspection
Final inspection

The cost of these inspections by Council is \$2,300 (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

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

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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.

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

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

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.

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

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

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

DA340

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

must include:-

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

DA289

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

DA319

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

DA320

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

DA323

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

Reasons for departure from staff recommendation are:

1. Taken care of by condition ANS02
2. Will not adversely impact on existing dwelling
3. Covered by ANS01
4. No impact on foreshore scenic protection area
5. Non compliance with boundary setbacks regarded as acceptable in view of unique design
6. Amenity of adjoining residents protected by ANS01
7. Disagree
8. The proposal is in the public interest because of the unique architecture and the fact that the same architect has designed all three buildings.

L37/07 **RESOLVED: (Evans / Norek)**

That pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 259/06 for a "Demolition of garage and erection of new structure containing parking, family/entertaining area, bedrooms, bathroom, bar/kitchenette and decks." at 5 Sandra Place Seaforth (aka 26 Boronia Lane), be approved but shall not operate until the applicant has:-

- A1. Submitted evidence from Land Property Information Office confirming right of way access (or access handle if subdivision of Lot 7 is to be pursued) from Boronia Lane to the subject site

is registered on the property title.

This consent is a "**deferred commencement**".

Evidence of Item A1. is to be submitted within a period of 3 months pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

Development Application conditions of consent upon compliance with the above matters:

ANS01

The rooftop observation deck is to be deleted and access to the rooftop garden is to be restricted to that required for maintenance purposes only, plans being suitably amended prior to the issue of the Construction Certificate.

ANS02

The premises are to be used solely as a single dwelling house and not at any time being used for separate occupation.

The retaining wall to be located 900m from the boundary.

Plans incorporate a stormwater retention system to minimise run off to adjacent site.

DA1

This approval relates to drawings/plans Nos. DA232-22 dated February 2007 and DA232-23 to 28 dated December – January 2007 and received by Council on the 15 March 2007 and as modified by Deferred Commencement Approval.

ANS01

The rooftop observation deck is to be deleted and access to the rooftop garden is to be restricted to that required for maintenance purposes only, plans being suitably amended prior to issue of the Construction Certificate.

ANS02

The premises are to be used solely as a single dwelling house and not any time being used for separate occupation.

ANS03

Construction shall comply with AS3959 – 1999 level 3 'Construction of Buildings in bushfire prone areas'.

ANS04

The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.

ANS05

Timber decking proposed for the rear of the property shall be constructed from a level 3 fire resistant species timber identified within NSW Rural Fire Services Development Control Note 001, available from the Rural Fire Service website.

ANS06

Prior to the issue of any Occupation Certificate the selected Certifying Authority is to be provided with full documentation certifying compliance with the requirements of BASIX.

ANS07

That appropriate landscape screening consisting of endemic species of plant material be installed along the north eastern boundary adjacent to the proposed development.

ANS08

The concrete block retaining wall and fill are to maintain a minimum 900mm setback from the southern boundary, to comply with Councils Residential Development Control Plan requirements and reduce impacts on the amenity of the adjoining property and minimize impact on natural drainage patterns at the property boundary, plans being suitably amended prior to issue of the Construction Certificate.

ANS09

The proposal is to include provision of a stormwater retention system in accordance with Council Policies (see also conditions DA88, DA95 and DA100).

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 \$7,500. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

DA342

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

DA343

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

DA018

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

DA019

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

DA021

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

DA022

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

DA023

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

DA024

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

DA026

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

DA031

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common

boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

DA039

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

DA040

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

DA044

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

DA047

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

DA048

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

DA058

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

DA059

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

DA060

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

DA357

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

DA109

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

DA111

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

DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) shall be provided within the property in accordance with Council's "Specification for On-site Stormwater

Management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council.

DA095

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

DA097

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

DA100

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

DA121

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

DA126

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

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.

DA237

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

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

DA238

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

DA239

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

DA240

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

DA247

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

DA346

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

DA348

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

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab X 3

Wet area moisture barrier

Drainage inspection

OSD Tank Steel inspection

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$2,300 (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.

DA319

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

DA320

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

Termite Attack".

DA323

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

Reasons for departure from staff recommendation are:

1. Taken care of by condition ANS02
2. Will not adversely impact on existing dwelling
3. Covered by ANS01
4. No impact on foreshore scenic protection area
5. Non compliance with boundary setbacks regarded as acceptable in view of unique design
6. Amenity of adjoining residents protected by ANS01
7. Disagree
8. The proposal is in the public interest because of the unique architecture and the fact that the same architect has designed all three buildings.

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

Against the Resolution: Councillor Morrison

Environmental Services Division Report No. 35

14 Boronia Lane, Seaforth - DA341/06

<u>Application Lodged:</u>	8 August 2006
<u>Applicant:</u>	Grande Homes
<u>Owner:</u>	Quanhui Xue and Yeting Wang
<u>Estimated Cost:</u>	\$350,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	Vacant land and one and two storey dwelling houses
<u>Heritage:</u>	no heritage

SUMMARY:

1. DEVELOPMENT APPLICATION 341/06 FOR A TWO-STOREY DWELLING HOUSE ON VACANT LAND WAS RECEIVED BY COUNCIL 8 AUGUST 2006.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH 21 SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE SEAFORTH PRECINCT COMMUNITY FORUM FOR COMMENT.
4. THE APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT MEETING OF 14 NOVEMBER 2006 WHERE IT WAS RECOMMENDED FOR REFUSAL.
5. THE APPLICANT REQUESTED AN OPPORTUNITY TO AMEND THE PROPOSAL AND SUBMITTED REVISED PLANS ON 8 FEBRUARY 2007.
6. THE REVISED PLANS WERE NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH 15 SUBMISSIONS RECEIVED.
7. THE APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPEMNT ASSESSMENT UNIT AT ITS MEETING OF 3 MAY 2007 WHERE IT WAS RECOMMENDED FOR APPROVAL.
8. THIS APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR MACDONALD.

9. A SITE INSPECTION IS RECOMMENDED.
 10. APPROVAL OF THE APPLICATION IS RECOMMENDED.

PUBLIC ADDRESSES

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

Against: Mr John Mitchell

In Support: Ms Natalie Nolan, on behalf of the Applicant

SITE INSPECTIONS

A site inspection of 14 Boronia Lane, Seaforth, two (2) storey dwelling on vacant land was conducted by Councillors B Aird, J Evans, J Lambert, P Macdonald and M Norek

Recommendation:
No Recommendation

MOTION (Evans /Aird)

That Development Application No. 341/06 for a two (2) storey dwelling house on vacant land at 14 Boronia Lane be **deferred** for one month to enable a redesign to comply with the FSR requirements.

AMENDMENT (Norek / Morrison)

That Development Application No. 341/06 for a two (2) storey dwelling house on vacant land at 14 Boronia Lane be **approved** as staff recommendation.

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

The **AMENDMENT** became the Motion and was declared **CARRIED**

L38/07 RESOLVED: (Evans / Aird)

That Development Application No. 341/06 for a two (2) storey dwelling house on vacant land at 14 Boronia Lane be **approved** as staff recommendation.

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

Environmental Services Division Report No. 36

11 The Corso, Manly - DA47/06

Application Lodged:

24 January 2006 (Original) 6 October 2006 (Amended) & 26 March 2007 (Amended)

Applicant:

Estia Pty Ltd

Owner:

Estia Pty Ltd & N Coombes

Estimated Cost:

\$550,00.00

Zoning:

Manly Local Environmental Plan, 1988 - Business & Within the Foreshore Scenic Protection Area

Surrounding Development:

Shops and commercial premises

Heritage:

Within the Town Centre Conservation Area

SUMMARY:

1. ORIGINAL DEVELOPMENT CONSENT WAS SOUGHT FOR ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING INCLUDING RENOVATION TO EXISTING SHOPFRONT, CONVERSION OF EXISTING FIRST FLOOR OFFICE TO RESIDENTIAL UNIT, CONSTRUCTION OF TWO (2) NEW UNITS AND NEW SHOP FACING MARKET LANE.
2. THIS APPLICATION WAS REPORTED TO COUNCIL ON 3 JULY 2006, WHERE IT WAS RESOLVED TO DEFER THE CONSIDERATION OF THE APPLICATION.
3. THE APPLICATION WAS AGAIN REPORTED AND DISCUSSED AT THE LAND USE MANAGEMENT COMMITTEE MEETING OF 7 AUGUST 2006. COUNCIL RESOLVED TO DEFER THE APPLICATION FOR THE APPLICANT TO REDESIGN THE BUILDING WITH THE AIM OF REPLACING THE PROPOSED RESIDENTIAL SPACE WITH COMMERCIAL SPACE AND OTHER DESIGN ISSUES.
4. THE APPLICANT SUBMITTED AMENDED PLANS ON 6 OCTOBER 2006 WHICH SOUGHT APPROVAL FOR ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING INCLUDING RENOVATION TO EXISTING SHOPFRONTS, RENOVATION TO THE EXISTING FIRST FLOOR OFFICE, CONSTRUCTION OF A NEW OFFICE ABOVE THE EXISTING SHOP FACING MARKET LANE AND TWO (2) NEW UNITS ABOVE THE NEW OFFICE SPACE.
5. THE APPLICANT WAS REMINDED OF COUNCIL'S RESOLUTION OF 7 AUGUST 2006 REGARDING REPLACEMENT OF RESIDENTIAL SPACE WITH COMMERCIAL SPACE ON 6 DECEMBER 2006 AND A WRITTEN RESPONSE WAS RECEIVED ON 7 DECEMBER 2006.
6. COUNCIL AT ITS ORDINARY MEETING OF 18 DECEMBER 2006 RESOLVED TO DEFER THE APPLICATION FOR THE APPLICANT TO SUBMIT A SEPP 1 OBJECTION UNDER THE E P & A ACT, FOR COUNCIL'S CONSIDERATION AND ADDRESS ISSUES UNDER RELEVANT CODES AND THE DISABILITY AND DISCRIMINATION ACT 1992.
7. THE APPLICANT HAS NOW SUBMITTED AMENDED PLANS ON 26 MARCH 2007 IN RESPONSE TO COUNCIL'S RESOLUTION.
8. THE APPLICATION IS STILL RECOMMENDED FOR REFUSAL

PUBLIC ADDRESSES

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

In Support: Mr Nicholas Coombes, Owner

MOTION (Evans / Aird)

That Development Application no. 47/06 for alterations and additions to an existing building including three (3) new residential units on two (2) levels, at 11, The Corso, Manly be **deferred** for one month to enable feedback from an independent consultant and to address heritage issues.

AMENDMENT (Daley / Macdonald)

That Development Application no. 47/06 for alterations and additions to an existing building including three (3) new residential units on two (2) levels, at 11, The Corso, Manly be **approved** subject to standard conditions and subject to Section 94 contributions and noise abatement considerations.

DA1

This approval relates to drawings/plans Nos DA01/A, DA02/A and DA03/A dated 30 august 2006 and received by Council on the 26 March 2007.

ANS01

A separate Development Application is to be submitted in respect of the first use of Shop 2 fronting Market lane.

ANS02

Plastic bags shall not be issued to customers for the purpose of carrying items purchased from the premises;

ANS03

The business shall not provide prepared foods/drinks to its customers in any non-recyclable or non-biodegradable plastic or foam.

ANS04

A separate waste and recycling collection must be engaged by businesses operating from the premises.

ANS05

An archival quality photographic record is to be made of the affected buildings (exterior and interior) in accordance with the relevant guidelines of the NSW Heritage Office and submitted to Council prior to the issue of the Construction Certificate. The archive materials is to include a copy of the Development Application plans which includes the existing floor plan and elevations (A4 size) and a copy of the Heritage Impact Statement. The photographs are to be in black and white and colour and referenced to the plans of the existing. The photographic record and the black and white negatives are to be submitted in an A4 format in an appropriate folder and when received will be lodged with the Manly Local Studies Library.

ANS06

During the demolition process an experienced conservator/heritage advisor is to have a 'watching brief' and be provided with full access to the site. The conservator/heritage advisor is to be authorized by the applicant to respond directly to Council if during demolition works additional original fabric is found. This evidence is to be professionally recorded and assessed and submitted to Council.

ANS07

The applicant is to commission experienced tradesperson (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.

ANS08

The proposed works are to be carried out in a manner that minimizes demolition, alterations, new penetrations/fixing or irreversible damage to the significant fabric of the existing building which is listed as a Heritage Item. Particular care shall be taken to minimize damage to the significant fabric of the building during the carrying out of the internal Fitout and any electrical or plumbing works.

ANS9

All proposed new material should be selected to ensure the heritage significance of the item is maintained. The design details and finishes of the proposed new works are to be respectful and sympathetic to the heritage significance of the item and the Conservation Area, **whilst being identified as new.**

ANS10

An external colour and finishes schedule shall be submitted to Council and approved prior to the issue of the Construction Certificate and is to be appropriate to the age and architectural style of the item.

ANS11

A separate development application must be submitted for any proposed signs which are either

externally fitted or applied for the approval of Council prior to the erection or display of any such signs.

ANS12

All residential occupancies forming part of the proposal shall be designed and constructed so that the break-in repeatable maximum internal $L_{Aeq, 1 \text{ hour}}$ level shall not exceed the lesser of either in room (windows closed) background noise level + 5dB(A) or the following levels:

- (i). In a naturally ventilated - windows closed condition :
 - Sleeping areas (nighttime only: 10.00pm-07.00am) 35dB(A)
 - Living areas (24 hours) 45dB(A)
- (ii). In a naturally ventilated – windows open condition (i.e., windows open 5% of the floor area, or attenuated natural ventilation open 5% of the floor area):
 - Sleeping areas (nighttime only: 10.00pm-07.00am) 45dB(A)
 - Living areas (24 hours) 55dB(A)
- (iii). Where naturally ventilated – windows open noise condition cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
- (iv). In a mechanically ventilated or air conditioned space with door and windows closed the combined external and ventilation system $L_{Aeq, 1 \text{ hour}}$ level shall not exceed the following:
 - Sleeping areas (nighttime only: 10.00pm-07.00am) 38dB(A)
 - Living areas (24 hours) 46dB(A)

ANS13

Prior to the issue of a Construction Certificate the applicant shall prepare a comprehensive Building Facade Design Assessment Report. As part of the report details of the glazing acoustic specifications and window/door types and ventilation requirements shall be nominated. The report shall certify compliance with the design goals. If the Construction Certificate is to be issued by an Accredited Certifier, then a copy of the acoustic compliance report shall also be provided to Council.

ANS14

The balconies at first floor level and second floor level facing market lane are not to be used for clothes drying purposes to maintain the visual amenity of the area.

ANS15

Access for people with disabilities in accordance with Australian standard 1428.1 being maintained to shops 1 and 2.

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.

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.

DA023

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

DA024

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

DA026

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

DA031

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

DA038

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

DA039

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

DA040

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

DA044

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

DA048

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

DA058

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

DA059

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

DA060

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

DA357

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

DA109

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

DA111

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

DA084

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

DA119

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000. Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

DA120

The building being erected in Type A, construction for a Class 2, 5 & 6 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

DA121

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

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.

DA233

The collection of garbage from the premises is not to occur between the hours of 10.00pm and 5.00am Monday to Sunday, without the prior approval of Council, to minimise disruption to neighbouring properties.

DA234

A Waste Management Plan is to be submitted with the application for a Construction Certificate in accordance with Council's Development Control Plan for Waste Minimisation and Management.

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.

DA262

1. The applicant shall lodge a Hoarding Application with Council for any protective hoardings, fences and lighting which are to be provided during demolition, excavation and building works. The Hoarding Application is to be submitted to Council with the appropriate fee, prior to any works on site or **prior to the issue of the Construction Certificate**.
2. All hoardings must be in accordance with Council's Hoarding Application Form and must comply with the requirements of the Department of Industrial Relations, Construction Safety Act, the WorkCover Authority and relevant Australian Standard.
3. **Note:** On corner properties, particular attention is to be given to the provision of adequate sight distances.
4. The hoarding shall be in place prior to the commencement of works on the site.
5. Trees which are affected by the hoarding and located outside the boundaries of the allotment are not to be cut, trimmed or removed **without the prior approval of Council**.
6. The hoarding shall be removed immediately at the applicant's expense, if any of these conditions are not fully complied with.
7. All hoardings must be lit between the hours of sunset and sunrise. Lights are to be erected at intervals of not greater than 5.0 metres for the length of the hoarding. The applicant shall keep the hoarding presentable to the public for the whole of the time it is erected. There shall be no catch points or protrusions likely to cause injury or damage to the public from the hoarding. The hoarding shall be constructed of demountable timber frame sections lined with a smooth face material, and painted with an approved white paint which shall not wash or rub off.

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab X 3

Framework inspection
Wet area moisture barrier
Drainage inspection
Final inspection

The cost of these inspections by Council is \$2,070 (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

DA271

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

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.

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being applicable in respect of two dwellings and two car parking spaces 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.

With regards to addressing the reasons for refusal given by staff:

1. It is not an overdevelopment of the site but maintains the existing envelope
2. Car parking is not practical and would detract from the Market Lane aspect
3. Provision of disability access would compromise the design
4. The proposal is consistent with the Manly Town Centre Urban Design Guidelines 2002
5. The proposal is in the public interest.

For the Amendment: Councillors Daley, Heasman, Morrison, Murphy and Macdonald

Against the Amendment: Councillors Aird, Evans, Lambert and Norek

The **AMENDMENT** was declared **CARRIED** and became the Motion

FORESHADOWED AMENDMENT (Norek)

That Development Application no. 47/06 for alterations and additions to an existing building including three (3) new residential units on two (2) levels, at 11, The Corso, Manly be **refused** as staff recommendation.

The Chairperson did not allow the Foreshadowed Amendment to proceed as the Amendment had already been adopted.

L39/07 RESOLVED: (Daley / Macdonald)

That Development Application no. 47/06 for alterations and additions to an existing building including three (3) new residential units on two (2) levels, at 11, The Corso, Manly be **approved** subject to standard conditions and subject to Section 94 contributions and noise abatement considerations.

DA1

This approval relates to drawings/plans Nos DA01/A, DA02/A and DA03/A dated 30 August 2006 and received by Council on the 26 March 2007.

ANS01

A separate Development Application is to be submitted in respect of the first use of Shop 2 fronting Market lane.

ANS02

Plastic bags shall not be issued to customers for the purpose of carrying items purchased from the premises;

ANS03

The business shall not provide prepared foods/drinks to its customers in any non-recyclable or non-biodegradable plastic or foam.

ANS04

A separate waste and recycling collection must be engaged by businesses operating from the premises.

ANS05

An archival quality photographic record is to be made of the affected buildings (exterior and interior) in accordance with the relevant guidelines of the NSW Heritage Office and submitted to Council prior to the issue of the Construction Certificate. The archive materials is to include a copy of the Development Application plans which includes the existing floor plan and elevations (A4 size) and a copy of the Heritage Impact Statement. The photographs are to be in black and white and colour and referenced to the plans of the existing. The photographic record and the black and white negatives are to be submitted in an A4 format in an appropriate folder and when received will be lodged with the Manly Local Studies Library.

ANS06

During the demolition process an experienced conservator/heritage advisor is to have a 'watching brief' and be provided with full access to the site. The conservator/heritage advisor is to be authorized by the applicant to respond directly to Council if during demolition works additional original fabric is found. This evidence is to be professionally recorded and assessed and submitted to Council.

ANS07

The applicant is to commission experienced tradesperson (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.

ANS08

The proposed works are to be carried out in a manner that minimizes demolition, alterations, new penetrations/fixing or irreversible damage to the significant fabric of the existing building which is listed as a Heritage Item. Particular care shall be taken to minimize damage to the significant fabric of the building during the carrying out of the internal Fitout and any electrical or plumbing works.

ANS9

All proposed new material should be selected to ensure the heritage significance of the item is maintained. The design details and finishes of the proposed new works are to be respectful and sympathetic to the heritage significance of the item and the Conservation Area, **whilst being identified as new.**

ANS10

An external colour and finishes schedule shall be submitted to Council and approved prior to the

issue of the Construction Certificate and is to be appropriate to the age and architectural style of the item.

ANS11

A separate development application must be submitted for any proposed signs which are either externally fitted or applied for the approval of Council prior to the erection or display of any such signs.

ANS12

All residential occupancies forming part of the proposal shall be designed and constructed so that the break-in repeatable maximum internal $L_{Aeq, 1 \text{ hour}}$ level shall not exceed the lesser of either in room (windows closed) background noise level + 5dB(A) or the following levels:

- (i). In a naturally ventilated - windows closed condition :
 - Sleeping areas (nighttime only: 10.00pm-07.00am) 35dB(A)
 - Living areas (24 hours) 45dB(A)
- (ii). In a naturally ventilated – windows open condition (i.e., windows open 5% of the floor area, or attenuated natural ventilation open 5% of the floor area):
 - Sleeping areas (nighttime only: 10.00pm-07.00am) 45dB(A)
 - Living areas (24 hours) 55dB(A)
- (iii). Where naturally ventilated – windows open noise condition cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
- (iv). In a mechanically ventilated or air conditioned space with door and windows closed the combined external and ventilation system $L_{Aeq, 1 \text{ hour}}$ level shall not exceed the following:
 - Sleeping areas (nighttime only: 10.00pm-07.00am) 38dB(A)
 - Living areas (24 hours) 46dB(A)

ANS13

Prior to the issue of a Construction Certificate the applicant shall prepare a comprehensive Building Facade Design Assessment Report. As part of the report details of the glazing acoustic specifications and window/door types and ventilation requirements shall be nominated. The report shall certify compliance with the design goals. If the Construction Certificate is to be issued by an Accredited Certifier, then a copy of the acoustic compliance report shall also be provided to Council.

ANS14

The balconies at first floor level and second floor level facing market lane are not to be used for clothes drying purposes to maintain the visual amenity of the area.

ANS15

Access for people with disabilities in accordance with Australian standard 1428.1 being maintained to shops 1 and 2.

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.

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.

DA023

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

DA024

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

DA026

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

DA031

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

DA038

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

DA039

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

DA040

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

DA044

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

DA048

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

DA058

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

DA059

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

DA060

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

DA357

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

DA109

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

DA111

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

DA084

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

DA119

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000. Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

DA120

The building being erected in Type A, construction for a Class 2, 5 & 6 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

DA121

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

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.

DA233

The collection of garbage from the premises is not to occur between the hours of 10.00pm and 5.00am Monday to Sunday, without the prior approval of Council, to minimise disruption to neighbouring properties.

DA234

A Waste Management Plan is to be submitted with the application for a Construction Certificate in accordance with Council's Development Control Plan for Waste Minimisation and Management.

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.

DA262

8. The applicant shall lodge a Hoarding Application with Council for any protective hoardings, fences and lighting which are to be provided during demolition, excavation and building works. The Hoarding Application is to be submitted to Council with the appropriate fee, prior to any works on site or **prior to the issue of the Construction Certificate**.
9. All hoardings must be in accordance with Council's Hoarding Application Form and must comply with the requirements of the Department of Industrial Relations, Construction Safety Act, the WorkCover Authority and relevant Australian Standard.
10. **Note:** On corner properties, particular attention is to be given to the provision of adequate sight distances.
11. The hoarding shall be in place prior to the commencement of works on the site.
12. Trees which are affected by the hoarding and located outside the boundaries of the allotment are not to be cut, trimmed or removed **without the prior approval of Council**.
13. The hoarding shall be removed immediately at the applicant's expense, if any of these conditions are not fully complied with.
14. All hoardings must be lit between the hours of sunset and sunrise. Lights are to be erected at intervals of not greater than 5.0 metres for the length of the hoarding. The applicant shall keep the hoarding presentable to the public for the whole of the time it is erected. There shall be no catch points or protrusions likely to cause injury or damage to the public from the hoarding. The hoarding shall be constructed of demountable timber frame sections lined with a smooth face material, and painted with an approved white paint which shall not wash or rub off.

DA269

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

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections

during the course of construction then the following inspection/certification are required:

Silt control fences
Footing inspection - trench and steel
Reinforced concrete slab X 3
Framework inspection
Wet area moisture barrier
Drainage inspection
Final inspection

The cost of these inspections by Council is \$2,070 (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

DA271

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

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:-

- (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, is required for the development. The amount being applicable in respect of two dwellings and two car parking spaces 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.

With regards to addressing the reasons for refusal given by staff:

1. It is not an overdevelopment of the site but maintains the existing envelope
2. Car parking is not practical and would detract from the Market Lane aspect
3. Provision of disability access would compromise the design
4. The proposal is consistent with the Manly Town Centre Urban Design Guidelines 2002
5. The proposal is in the public interest.

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

Environmental Services Division Report No. 37

Development Applications Currently Being Processed During June 2007

SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING MAY 2007.

MOTION (Heasman / Morrison)

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

L40/07 RESOLVED: (Heasman / Morrison)

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

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

Against the Resolution: Nil.

Environmental Services Division Report No. 38

Appeals List for June 2007**SUMMARY**

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

MOTION (Heasman / Morrison)

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

L41/07 RESOLVED: (Heasman / Morrison)

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

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 12.30am

The above minutes were confirmed at an **Land Use Management Committee** of Manly Council held on 2 July 2007.

CHAIRPERSON

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