

# Manly Council

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## Minutes

## Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 5 May 2008**

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

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



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

The Land Use Management Committee, having met at 7:44pm on Monday 5 May 2008, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

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

**PRESENT**

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

**ALSO PRESENT**

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

**APOLOGIES**

Apologies were tendered on behalf of Councillor Cant for non-attendance.

**MOTION (Macdonald / Aird)**

That the apology received from Councillor Cant be accepted and leave be granted.

**L38/08 RESOLVED: (Macdonald / Aird)**

That the apology received from Councillor Cant be accepted and leave be granted.

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

**Against the Resolution:** Nil.

**DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST**

Nil

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

That copies of the Minutes of the Land Use Management Committee held on Monday, 07 April 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

**L39/08 RESOLVED: (Lambert / Aird)**

That copies of the Minutes of the Land Use Management Committee held on Monday, 07 April 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

**ENVIRONMENTAL SERVICES DIVISION**

Environmental Services Division Report No. 24

**35 Bungalow Avenue, Balgowlah - DA141/07 (DA141/07)**

<b><u>Application Lodged:</u></b>	Original Plan 1 May 2007: Amended Plans 7 December 2007
<b><u>Applicant:</u></b>	Vanessa Johnston
<b><u>Owner:</u></b>	V P Johnston
<b><u>Estimated Cost:</u></b>	\$460,000
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential
<b><u>Surrounding Development:</u></b>	Residential Dwelling houses
<b><u>Heritage:</u></b>	Not applicable

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR DEMOLITION OF THE EXISTING BUILDING AND CONSTRUCTION OF A NEW DWELLING.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND ONE (1) SUBMISSION RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE OCEAN BEACH PRECINCT COMMUNITY FORUM FOR COMMENTS.
4. FOLLOWING A DISCUSSION WITH THE APPLICANT CONCERNING THE OBJECTION AND NON-COMPLIANCES WITH THE DEVELOPMENT CONTROL PLAN THE PLANS WERE AMENDED.
5. THE AMENDED PLANS WERE NOTIFIED AND ONE (1) OBJECTION RECEIVED.
6. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 1 APRIL 2008 WITH A RECOMMENDATION FOR DEFERRED COMMENCEMENT APPROVAL. THE DEVELOPMENT ASSESSMENT UNIT TEAM OVERTURNED THE RECOMMENDATION AND RECOMMENDED APPROVAL SUBJECT TO STANDARD CONDITIONS.
7. FOLLOWING CONSIDERATION OF THE APPLICATION BY THE DEVELOPMENT ASSESSMENT UNIT COUNCIL RECEIVED A FURTHER SUBMISSION FROM THE OBJECTOR ASKING COUNCIL TO IMPOSE ADDITIONAL CONDITIONS THIS LETTER IS APPENDED TO THIS REPORT.
8. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE

MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.

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

### **PUBLIC ADDRESSES**

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

- Against the Recommendation: Ms Catherine McNeil
- In Support of the Recommendation: Mrs Vanessa Johnston, Applicant

### **SITE INSPECTIONS**

A site inspection of DA141/07 – 35 Bungalow Avenue Balgowlah, demolition and construction of a dwelling house, was conducted by Councillors: J Evans, J Hay, A Heasman, J Lambert P Macdonald, R Morrison, D Murphy and M Norek.

**Recommendation:** That Development Application No. 141/07 for demolition and construction of a dwelling house at 35 Bungalow Avenue Balgowlah be approved as per Staff Recommendations.

### **MOTION (Macdonald / Hay)**

That Development Application No. 141/07 for demolition and construction of a dwelling house at 35 Bungalow Avenue Balgowlah be approved subject to the following conditions.

#### **DA1**

This approval relates to drawings/plans Nos. REF 06R 708 plans 01 WH and RP 06 DATED Dec 2006 a and LFP 03, GP 04, FP 05, NE 07, SE 08, WF 09, EE 10 and SE 11/01 dated 1.11.07 and received by Council on the 7 Dec 2007 and landscape plans LP12-01 and LP 12-02 dated December 2006 received by Council on the 1 May 2007 and *Statement of Environmental Effects by Glendinning Minto and Associates Pty Ltd dated April 2007 and Geotechnical Report by Crozier Geotechnical Consultants dated November 2007*

#### **ANS01**

The recommendations contained within the geotechnical report by Crozier geotechnical consultants are to be embodied in the construction of the dwelling.

#### **ANS02**

The small windows in the lounge room facing the south are not to be increased in size in order to preserve the privacy of the adjacent property in the future.

#### **ANS03**

The bedroom three is to be provided with a highlight window in accordance with the plans in order to preserve the privacy between this bedroom and the bedroom on the adjacent site.

#### **ANS04**

The basement floor plan is to be amended to provide only the garage and access stair with all other floor space eliminated in order to reduce the degree of excavation required and comply with this aspect of Council's Development Control Plan. In this regard the plans are to be amended accordingly.

#### **ANS05**

The first floor level is to be amended to reduce the floor-to-ceiling height to 2.4m giving a ceiling height of Reduced Level RL44.7 and the clerestory lowered by 300mm in order to gain closer compliance with wall heights and setbacks required by the Development Control Plan and the

plans are to be amended accordingly.

#### ANS06

The landscape plan is to be amended by the introduction of additional planting in the front setback area in place of the proposed paving. In addition the landscape plan is to be amended to provide a landscape screen between the sit-out area and the fence with number 37 Bungalow Avenue.

#### 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 dependent upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

#### DA017

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

## DA342

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

## DA343

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

## DA018

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

## DA019

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

## DA021

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

## DA022

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

## DA023

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

## DA024

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

## DA026

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

## DA030

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

## DA031

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

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

DA039

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

DA040

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

DA044

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

DA047

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

DA048

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

DA054

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

DA058

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

DA059

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

DA060

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

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.

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.

DA066

Suitable internal or external clothes drying facilities shall be provided. Where external clothes



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

DA069

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

DA073

Adequate provision shall at all times be made on the land for the parking of motor vehicles associated with the use of the land.

DA077

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

DA083

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

DA109

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

DA111

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

DA113

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

DA088

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

DA095

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

DA097

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

DA100

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

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.

DA228

No existing street trees shall be removed without Council approval. Where such approval is granted, the trees shall be replaced at full cost by the applicant with super advanced trees of a species nominated by Council's relevant officer.

DA230

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

DA236

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

DA238

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

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 willfully destroyed or removed without the approval of Council.

DA248

A landscaped buffer being provided along the northern side of the proposed sitout area from the laundry to the end of the paved terrace growing to a height of 2.0m side/frontage of the development/site so as to screen/reduce the visual impact of the development. Details are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA250

The Landscaping Plan submitted with the Development Application being amended by Paul Meyer Design Pty Ltd. An amended plan incorporating the amendments is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA253

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

DA254

Glare from internal lighting shall not be permitted to extend beyond the limits of the building authorised by this approval.

DA255

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

DA260

Detailed engineering drawings of all work shall be submitted for approval by the Council/Accredited

Certifier prior to the release of the Subdivision Certificate/Construction Certificate.

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.

DA267

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection

Wet area moisture barrier

Drainage inspection

Final inspection

The cost of these inspections by Council is 1,380 (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.

DA280

All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.

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.

DA356

All electrical and telecommunication services to the site are to be provided by underground cabling, with the plans notated prior to the issue of the Construction Certificate.

DA289

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

landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

DA290

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

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".

DA329

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

DA274

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

DA323

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

L40/08     **RESOLVED:     (Macdonald / Hay)**

That Development Application No. 141/07 for demolition and construction of a dwelling house at 35 Bungalow Avenue Balgowlah be approved subject to the following conditions.

DA1

This approval relates to drawings/plans Nos. REF 06R 708 plans 01 WH and RP 06 DATED Dec 2006 a and LFP 03, GP 04, FP 05, NE 07, SE 08, WF 09, EE 10 and SE 11/01 dated 1.11.07 and received by Council on the 7 Dec 2007 and landscape plans LP12-01 and LP 12-02 dated December 2006 received by Council on the 1 May 2007 and *Statement of Environmental Effects by Glendinning Minto and Associates Pty Ltd dated April 2007 and Geotechnical Report by Crozier Geotechnical Consultants dated November 2007*

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The recommendations contained within the geotechnical report by Crozier geotechnical consultants are to be embodied in the construction of the dwelling.

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The small windows in the lounge room facing the south are not to be increased in size in order to preserve the privacy of the adjacent property in the future.

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The bedroom three is to be provided with a highlight window in accordance with the plans in order to preserve the privacy between this bedroom and the bedroom on the adjacent site.

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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.

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

#### DA017

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

#### DA342

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

#### DA343

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

#### DA018

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

#### DA019

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

#### DA021

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

#### DA022

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

#### DA023

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

#### DA024

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

## DA026

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

## DA030

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

## DA031

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

## DA039

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

## DA040

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

## DA044

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

## DA047

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

## DA048

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

## DA054

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

## DA058

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

## DA059

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

## DA060

On completion of the building structure a report from a Registered Surveyor is to be submitted to



the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.

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.

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.

DA066

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

DA069

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

DA073

Adequate provision shall at all times be made on the land for the parking of motor vehicles associated with the use of the land.

DA077

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

DA083

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

DA109

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

DA111

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

DA113

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

DA088

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

DA095

A copy of the approved Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) plan showing Work as Executed (WAE) details shall be submitted to Council prior to the issue of the Occupation Certificate. The work as executed plan shall be in accordance

with Council's standards and specifications for Stormwater Drainage and On-site Stormwater Management 2003.

DA097

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

DA100

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

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.

DA228

No existing street trees shall be removed without Council approval. Where such approval is granted, the trees shall be replaced at full cost by the applicant with super advanced trees of a species nominated by Council's relevant officer.

DA230

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

DA236

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

DA238

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

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 willfully destroyed or removed without the approval of Council.

DA248

A landscaped buffer being provided along the northern side of the proposed sitout area from the laundry to the end of the paved terrace growing to a height of 2.0m side/frontage of the development/site so as to screen/reduce the visual impact of the development. Details are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA250

The Landscaping Plan submitted with the Development Application being amended by Paul Meyer Design Pty Ltd. An amended plan incorporating the amendments is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

## DA253

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

## DA254

Glare from internal lighting shall not be permitted to extend beyond the limits of the building authorised by this approval.

## DA255

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

## DA260

Detailed engineering drawings of all work shall be submitted for approval by the Council/Accredited Certifier prior to the release of the Subdivision Certificate/Construction Certificate.

## 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.

## DA267

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

## DA269

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

## DA270

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

## Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection

Wet area moisture barrier

Drainage inspection

Final inspection

The cost of these inspections by Council is 1,380 (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.

DA280

All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.

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.

## DA356

All electrical and telecommunication services to the site are to be provided by underground cabling, with the plans notated prior to the issue of the Construction Certificate.

## DA289

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

## DA290

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

## 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".

## DA329

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

## DA274

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

## DA323

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

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

**Against the Resolution:** Nil.

*Councillor Morrison was not in the Chamber when the voting took place.*

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Environmental Services Division Report No. 25

**20 Edgecliffe Esplanade, Seaforth - DA46/08 (DA46/08)**

<b><u>Application Lodged:</u></b>	27 February 2008
<b><u>Applicant:</u></b>	Steven Tsou
<b><u>Owner:</u></b>	George Tsou
<b><u>Estimated Cost:</u></b>	\$45,000
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential and within the Foreshore Scenic Protection Area
<b><u>Surrounding Development:</u></b>	Dwelling houses and detached garages (to Panorama Lane)
<b><u>Heritage:</u></b>	In vicinity of Items of Environmental Heritage – Nos. 16 & 18 Edgecliffe esplanade are individually listed as Items in Schedule 4 of the Manly Local Environmental Plan 1988

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT TO EXTEND AN EXISTING FREE STANDING GARAGE AT THE REAR TOWARDS THE EXISTING DWELLING TO ACCOMMODATE AN ENTERTAINMENT ROOM, BATHROOM, WET BAR AND A SOUTH-EAST FACING BALCONY. AN AIR-LOCK IS PROPOSED BETWEEN THE GARAGE AND THE ENTERTAINMENT AREA.
2. THE GARAGE LOCATED IN THE NORTH EAST CORNER OF THE SITE AND HAS DIRECT ACCESS FROM PANORAMA LANE AT THE REAR OF THE SUBJECT PROPERTY.
3. IN RESPONSE TO THE NOTIFICATION ONE (1) SUBMISSION OBJECTING TO THE DEVELOPMENT HAS BEEN RECEIVED.
4. THE APPLICATION WAS REFERRED TO THE SEAFORTH PRECINCT COMMUNITY FORUM AND COMMENTS RECEIVED.
5. THE APPLICATION WAS PRESENTED TO THE DEVELOPMENT ASSESSMENT UNIT (DAU) ON THE 10 APRIL 2008 WITH A RECOMMENDATION FOR CONDITIONAL APPROVAL.
6. THE DEVELOPMENT ASSESSMENT UNIT RESOLVED TO REFUSE THE APPLICATION.
7. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLORS MORRISON, LAMBERT AND MURPHY.
8. A SITE INSPECTION IS RECOMMENDED.
9. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

**PUBLIC ADDRESSES**

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

Against the Recommendation: Ms Cammi Tam

**SITE INSPECTIONS**

A site inspection of DA46/08 – 20 Edgecliffe Esplanade Seaforth, alterations and additions to existing garage including entertainment room, balcony and bathroom to rear garage off Panorama Lane, was conducted by Councillors: J Evans, J Hay, A Heasman, J Lambert, P Macdonald, R Morrison, D Murphy and M Norek.

**Recommendation:** That Development Application No. 46/08 for alterations and additions to the existing garage including entertainment room, balcony and bathroom to rear of garage off Panorama Lane at 20 Edgecliffe Esplanade Seaforth be approved subject to standard Conditions

and non-standard Conditions ANS01 as follows:-

**ANS01**

The east side external wall of the proposed addition is to maintain a minimum 900mm from the side boundary, to reduce amenity impacts on the adjoining property and achieve closer compliance with the Residential Development Control Plan, plans being suitably amended prior to the issue of the Construction Certificate.

**MOTION (Macdonald / Heasman)**

That Development Application No. 46/08 for alterations and additions to the existing garage including entertainment room, balcony and bathroom to rear of garage off Panorama Lane at 20 Edgecliffe Esplanade Seaforth be approved subject to the following conditions:

**DA1**

This approval relates to drawings/plans Nos. DA 1.00 to DA 3.00 Revision A dated 27 February 2008 and received by Council on the 28 February 2008.

**ANS01**

The east side external wall of the proposed addition is to maintain a minimum 900mm from the side boundary, to reduce amenity impacts on the adjoining property and achieve closer compliance with the Residential Development Control Plan, plans being suitably amended prior to the issue of the Construction Certificate.

**ANS02**

The proposed entertainment room is not to be used or adapted for use as a separate dwelling.

**DA016**

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$1,100. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

**DA017**

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

**DA342**

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

**DA343**

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

## DA018

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

## DA019

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

## DA021

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

## 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.

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.

DA094

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

DA121

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

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.

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Framework inspection X 2

Wet area moisture barrier

Drainage inspection

## Final inspection

The cost of these inspections by Council is \$1,610 (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

## DA271

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

## 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.

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.

DA318

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

DA319

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

DA320

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

DA274

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

DA323

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

**L41/08 RESOLVED: (Macdonald / Heasman)**

That Development Application No. 46/08 for alterations and additions to the existing garage including entertainment room, balcony and bathroom to rear of garage off Panorama Lane at 20 Edgecliffe Esplanade Seaforth be approved subject to the following conditions:

**DA1**

This approval relates to drawings/plans Nos. DA 1.00 to DA 3.00 Revision A dated 27 February 2008 and received by Council on the 28 February 2008.

**ANS01**

The east side external wall of the proposed addition is to maintain a minimum 900mm from the side boundary, to reduce amenity impacts on the adjoining property and achieve closer compliance with the Residential Development Control Plan, plans being suitably amended prior to the issue of the Construction Certificate.

**ANS02**

The proposed entertainment room is not to be used or adapted for use as a separate dwelling.

**DA016**

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$1,100. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

**DA017**

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

**DA342**

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

**DA343**

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

**DA018**

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

**DA019**

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

## DA021

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

## 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.

## 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.

DA094

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

DA121

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

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.

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Framework inspection X 2

Wet area moisture barrier

Drainage inspection

Final inspection

The cost of these inspections by Council is \$1,610 (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

DA271

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

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:-

- (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.

**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.

**DA318**

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

**DA319**

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

**DA320**

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

**DA274**

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

**DA323**

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

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

**Against the Resolution:** Nil.

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Environmental Services Division Report No. 26

**129 Seaforth Crescent, Seaforth - DA434/07 (DA434/07)**

**Application Lodged:** 31 October 2007  
**Applicant:** Andrew Wilson  
**Owner:** Rhonda Hartley and Andrew Wilson



<b><u>Estimated Cost:</u></b>	\$250,000
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential
<b><u>Surrounding Development:</u></b>	the adjoining sites are predominately occupied by single dwelling of varying height, bulk and scale
<b><u>Heritage:</u></b>	The Foreshore is listed

**SUMMARY:**

1. THE APPLICANT IS SEEKING APPROVAL TO UNDERTAKE ALTERATIONS AND ADDITIONS TO THE EXISTING MULTI-LEVEL DWELLING AT NO. 129 SEAFORTH CRESCENT SEAFORTH INCLUDING ADDITIONAL DECKS TO LEVELS 3 AND 4.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS WITH FIVE (5) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE SEAFORTH NORTH PRECINCT COMMUNITY FORUM FOR COMMENTS. NO OBJECTIONS WERE RAISED TO THE DEVELOPMENT PROCEEDING.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 15 APRIL 2008 WITH A RECOMMENDATION FOR APPROVAL.
5. AN ADDITIONAL SUBMISSION WAS RECEIVED IN RESPONSE TO THE RECOMMENDATION MADE BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT.
6. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR NOREK.
7. A SITE INSPECTION IS RECOMMENDED.
8. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

**PUBLIC ADDRESSES**

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

Against the Recommendation: Mr Peter LeBas

In Support of the Recommendation: Mr Andrew Wilson, Applicant

**SITE INSPECTIONS**

A site inspection of DA434/07 – 129 Seaforth Crescent Seaforth, alterations and additions to the existing multi-level dwelling including additional decks to levels 3 and 4, was conducted by Councillors: J Evans, J Hay, A Heasman, J Lambert, P Macdonald, R Morrison, D Murphy and M Norek.

**Recommendation:** No Recommendation

**MOTION (Murphy / Daley)**

That Development Application No. 434/07 for alterations and additions to the existing multi-level dwelling including additional decks to levels 3 and 4 at 129 Seaforth Crescent Seaforth be approved subject to the following conditions:

**DA1**

This approval relates to Drawing Nos DA01, DA02, DA03 and DA04 (all Issue B, all Job No WIL0607 and all dated 10 October, 2007) as prepared by Squillace Architects as received by Council on 31 October, 2007.

**ANS01**

The 'lower deck plan' is to be deleted. The reason for this condition is that the deck has in fact already been constructed. Details are to be contained on the plans accompanying the Construction Certificate of the deck being deleted.

## ANS02

The 'new deck', proposed off the 'fourth floor plan', is to be reduced to a maximum depth of 2 metres. The reason for this condition is to preserve the privacy of the adjoining residents, to minimise the impact of the works on the visual amenity of the locality and to respond to the scale, bulk and form of the existing dwelling. Details are to be contained on the plans accompanying the Construction Certificate.

## ANS03

The 'new deck', proposed off the 'third floor plan', is to be reduced to a maximum depth of 2 metres. The reason for this condition is to preserve the privacy of the adjoining residents, to minimise the impact of the works on the visual amenity of the locality and to respond to the scale, bulk and form of the existing dwelling. Details are to be contained on the plans accompanying the Construction Certificate.

## ANS04

The living room, as identified on the 'third floor plan', and void above, is not to be increased. That is, the consent does not allow for the proposed infill of the existing 1.2 metre deep west facing deck. Subject to compliance with Condition ANS03 the overall combined depth of this deck will therefore be 3.2 metres. The reason for this condition is to preserve the privacy of the adjoining residents, to minimise the impact of the works on the visual amenity of the locality and to respond to the scale, bulk and form of the existing dwelling. Details are to be contained on the plans accompanying the Construction Certificate.

## ANS05

The raised timber deck and planter boxes proposed on the first floor plan are to be deleted. The reason for this condition is to preserve the residential amenity of the adjoining property owners. Details are to be contained on the plans accompanying the Construction Certificate.

## ANS06

1.8 metre high privacy screens are to be erected along the southern elevations of each of the proposed west facing decks for the full depth of the deck. The privacy screens are to be of sufficient density so as to eliminate any reasonable opportunity to overlook the adjoining sites to the south. The reason for this condition is to preserve the privacy of the adjoining residents. Details are to be contained on the plans accompanying the Construction Certificate.

## ANS07

Temporary or permanent shade structures are not permitted to be erected or attached to the deck or dwelling over the proposed upper floor deck. The reason for this condition is to minimise the visual impact of the works on the amenity of the locality and to avoid additional bulk to the dwelling.

## ANS08

Balustrading to decks that are 4 metres above ground level are to comply with Part 3.9.52.3(e) of the Building Code of Australia Housing Provisions restricting horizontal elements between 150mm to 760mm above floor level so as not to facilitate climbing. Plans to be noted/amended accordingly prior to the issue of the Construction Certificate.

## DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$5,000. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will

also be dependent upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

**DA017**

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

**DA342**

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

**DA343**

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

**DA018**

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

**DA019**

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

**DA021**

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

**DA022**

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

**DA023**

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

**DA024**

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

**DA026**

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

**DA031**

Consent given to build in close proximity to the allotment boundary is in no way to be construed as

permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

**DA038**

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

**DA039**

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

**DA040**

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

**DA044**

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

**DA047**

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

**DA048**

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

**DA058**

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

**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.

**DA085**

Roofwater and surface stormwaters from paved areas from the development shall be collected and piped to the harbour foreshore according to Council's Specifications for Stormwater Drainage and On Site Stormwater Management 2003 and shall be submitted with the Construction Certificate application. The principal Council/Accredited Certifier shall ensure that the design complies with

the above said specification prior to the issue of a Construction Certificate.

DA087

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

DA097

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

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.

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection X 3

Wet area moisture barrier

Final inspection

The cost of these inspections by Council is \$1,380 (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.

DA337

Building operations such as brick cutting, 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.

DA340

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

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

DA289

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

DA319

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

DA320

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

DA274

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

DA323

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

**AMENDMENT (Norek / Hay)**

That Development Application No. 434/07 for alterations and additions to the existing multi-level dwelling including additional decks to levels 3 and 4 at 129 Seaforth Crescent Seaforth be **REFUSED** for the following reasons.

1. The proposal exacerbates existing non-compliances with respect to the wall height and side setbacks provisions of Council's Residential Development Control Plan, having regard to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
2. The proposal would result in adverse privacy impacts on the adjoining neighbors, having regard to Section 79C(1)(a)(iii),(b) & (d) of the Environmental Planning and Assessment Act 1979.
3. The proposal would result in diminished quality of views from adjoining properties, having regard to Section 79C(1)(a)(iii),(b) & (d) of the Environmental Planning and Assessment Act 1979.
4. The proposal is to add to an existing five (5) storey building where only two (2) storey's are permitted under Council's Residential Development Control Plan, having regard to Section 79C(1)(a)(iii),(b) & (d) of the Environmental Planning and Assessment Act 1979.

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

**Against the Amendment:** Councillors Daley, Morrison and Murphy

The Amendment was declared **CARRIED** and became the Motion and was put.

**L42/08 RESOLVED: (Norek / Hay)**

That Development Application No. 434/07 for alterations and additions to the existing multi-level dwelling including additional decks to levels 3 and 4 at 129 Seaforth Crescent Seaforth be **REFUSED** for the following reasons.

1. The proposal exacerbates existing non-compliances with respect to the wall height and side setbacks provisions of Council's Residential Development Control Plan, having regard to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
2. The proposal would result in adverse privacy impacts on the adjoining neighbors, having regard to Section 79C(1)(a)(iii),(b) & (d) of the Environmental Planning and Assessment Act 1979.
3. The proposal would result in diminished quality of views from adjoining properties, having regard to Section 79C(1)(a)(iii),(b) & (d) of the Environmental Planning and Assessment Act 1979.
4. The proposal is to add to an existing five (5) storey building where only two (2) storey's are permitted under Council's Residential Development Control Plan, having regard to Section 79C(1)(a)(iii),(b) & (d) of the Environmental Planning and Assessment Act 1979.

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

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

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**SUSPENSION OF STANDING ORDERS (Norek / Lambert)**

That Standing Orders be suspended to consider items of public interest, being Environmental Services Division Reports No. 28 and 29, 20 Ernest Street, Balgowlah, Environmental Services Division Report No.30, 14 Beatty Street, Balgowlah Heights, Environmental Services Division Report No.31, Kiosk Little Manly Reserve and Environmental Services Division Report No.32, Lots 13-19 and 27 Montpelier Place, St.Patrick's Estate, Manly.

L43/08 **RESOLVED: (Norek / Lambert)**

That Standing Orders be suspended to consider items of public interest, being Environmental Services Division Reports No. 28 and 29, 20 Ernest Street, Balgowlah, Environmental Services Division Report No.30, 14 Beatty Street, Balgowlah Heights, Environmental Services Division Report No.31, Kiosk Little Manly Reserve and Environmental Services Division Report No.32, Lots 13-19 and 27 Montpelier Place, St.Patrick's Estate, Manly.

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

**Against the Resolution:** Nil.

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Environmental Services Division Report No. 28  
**20 Ernest Street, Balgowlah - DA444/07 (DA444/07)**

<b><u>Application Lodged:</u></b>	6 November 2008
<b><u>Applicant:</u></b>	William Burton Architects
<b><u>Owner:</u></b>	EA & J Bowditch
<b><u>Estimated Cost:</u></b>	\$60,000
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential
<b><u>Surrounding Development:</u></b>	Single and two storey dwellings
<b><u>Heritage:</u></b>	Not applicable

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR CONSTRUCTION OF A SWIMMING POOL, TIMBER DECK, PERGOLA AND BOUNDARY FENCING INCLUDING REMOVAL OF TREE AT THE REAR.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND THIRTEEN (13) SUBMISSIONS RECEIVED. TEN (10) RAISING NO OBJECTION AND THREE (3) RAISING CONCERNS WITH THE APPLICATION.
3. THE APPLICATION WAS NOT REFERRED TO THE BALGOWLAH HEIGHTS PRECINCT COMMUNITY FORUM AS THE WORKS ARE AT THE REAR OF THE SITE AND WILL HAVE NO IDENTIFIABLE EFFECT ON THE STREETSCAPE.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 1 APRIL 2008 WITH A RECOMMENDATION FOR APPROVAL.
5. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

**PUBLIC ADDRESSES**

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



In Support of the Recommendation: Mr Jarrod Bowditch, Applicant

### **SITE INSPECTIONS**

A site inspection of DA444/07 – 20 Ernest Street Balgowlah, construction of a swimming pool, timber deck, pergola and boundary fencing including removal of trees at the rear, was conducted by Councillors J Evans, J Hay, A Heasman, J Lambert, P Macdonald, R Morrison, D Murphy and M Norek.

**Recommendation:** No Recommendation

### **MOTION (Daley / Norek)**

That Development Application No. 444/07 for construction of a swimming pool, timber deck, pergola and boundary fencing including removal of trees at the rear at 20 Ernest Street Balgowlah be approved subject to the following conditions.

#### **DA1**

This approval relates to drawings/plans Nos. 1597-W01 issue D dated 19 December 2007, received by Council 21 December 2007 and W02 – W07 issue C dated 25 September 2007 and received by Council on the 6 November 2007.

#### **ANS01**

The proposed swimming pool and associated decking are to be positioned a minimum 1.0m from the rear and east side boundaries and the pool water to be a minimum 1.5m from the east side boundary with the area between the decking/pool and the boundaries being suitably landscaped and planted with screening trees with a mature height of 3.0m - 4.0m, to comply with Councils residential Development Control Plan requirements and reduce amenity impacts on adjoining properties, plans being suitably amended prior to issue of the Construction certificate.

#### **ANS02**

The proposed block garden wall housing letterbox and meter box in the proximity of Tree 1 is not approved and is to be deleted from the plans prior to issue of the Construction certificate, to eliminate potential damage to the tree and maintain the visual aesthetic quality of the locality.

#### **ANS03**

Deleted.

#### **ANS04**

The proposed front fence is to be a maximum height of 1.5m with 39% transparency where above 1.0m to reduce streetscape impacts and comply with Councils Residential Development Control Plan, plans being suitably amended prior to issue of the Construction certificate.

#### **ANS05**

The applicant is to construct a fence along the west side of the property, to maintain privacy of adjoining properties. The fence is to compensate from a privacy point of view from the proposed reduction in screen planting. The fence is to be constructed in materials consistent with established boundary fencing in the area and in a manner which ensures there is no damage to existing trees located near and along the boundary line. Plans being suitably amended prior to issue of the Construction Certificate.

#### **ANS06**

The proposed access handle to Lot B being 4.02m in width for the first 30m of its length with the remainder being 6.0m in width to allow the driveway to be positioned clear of existing trees and to provide a continuous landscape screen 0.75m wide with planting 3.0m – 4.0m mature height adjacent to the western boundary, plans being amended accordingly prior to issue of the

Construction Certificate.

ANS07

Landscape works are to be carried out in accordance with the approved Landscape Plan prepared by Julie Crowe Landscape Design – Consent No. 367/05 and in accordance with the Site Plan and Demolition Plan drawing No. 1597 Revision B submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all new plantings and transplanted palms for a period of twelve (12) months from the date of practical completion of the building is to be provided to the Council/Principal Certifying Authority prior to the issue of the Construction Certificate.

ANS08

The proposed masonry wall along the western boundary (between the house and pool) is to be deleted, and a timber or similar fence is to be constructed instead.

ANS09

No tree or palm other than that specified on the Site Plan and Demolition Plans drawing No. 1597-W01 B shall be felled, lopped, topped, ring-barked or otherwise willfully destroyed, removed or disturbed without the approval of Council.

ANS10

The Angophora costata (Tree T08) is to be protected with a temporary enclosure for the duration of the works. The enclosure shall only be removed when directed by the Council/Principal Certifying Authority. The enclosure is 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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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.

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 \$2,200. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

**DA017**

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

**DA342**

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

**DA343**

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

**DA018**

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

**DA019**

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

**DA021**

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

**DA022**

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

**DA023**

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

**DA024**

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

**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.

DA048

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

DA058

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

DA357

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

DA077

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

DA109

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

DA111

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

DA088

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

DA095

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

DA097

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

## DA100

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

## DA101

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

## DA102

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

## DA121

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

## DA126

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

## DA230

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

## DA348

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

## DA261

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

## DA269

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

## DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection

Wet area moisture barrier  
Drainage inspection  
OSD tanks inspection  
Landscaping inspection  
Swimming pool reinforcing steel inspection  
Swimming pool safety fence inspection prior to filling  
Final inspection

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

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

#### DA271

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

#### DA279

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

#### DA283

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

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

#### DA285

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

#### DA332

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

## 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.

## DA340

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

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

## DA289

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

## DA300

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

## DA301

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

## DA302

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

## DA303

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

## DA306

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

## DA314

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

## DA315

The proposed pool gates are to be mounted so that:- (i) They are clear of any obstruction that could hold the gate open; (ii) When lifted upward or pulled downward, movement of the gate does

not release the latching device, unhinge the gate or provide a ground clearance greater than 100mm; and (iii) They open outwards from the pool.

**DA316**

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

**DA318**

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

**DA319**

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

**DA320**

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

**DA274**

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

**DA323**

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

**L44/08      RESOLVED:      (Daley / Norek)**

That Development Application No. 444/07 for construction of a swimming pool, timber deck, pergola and boundary fencing including removal of trees at the rear at 20 Ernest Street Balgowlah be approved subject to the following conditions.

**DA1**

This approval relates to drawings/plans Nos. 1597-W01 issue D dated 19 December 2007, received by Council 21 December 2007 and W02 – W07 issue C dated 25 September 2007 and received by Council on the 6 November 2007.

**ANS01**

The proposed swimming pool and associated decking are to be positioned a minimum 1.0m from the rear and east side boundaries and the pool water to be a minimum 1.5m from the east side boundary with the area between the decking/pool and the boundaries being suitably landscaped and planted with screening trees with a mature height of 3.0m - 4.0m, to comply with Councils residential Development Control Plan requirements and reduce amenity impacts on adjoining properties, plans being suitably amended prior to issue of the Construction certificate.

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approved and is to be deleted from the plans prior to issue of the Construction certificate, to eliminate potential damage to the tree and maintain the visual aesthetic quality of the locality.

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

DA102

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

DA121

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

DA126

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

DA230

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

DA348

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

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection

Wet area moisture barrier

Drainage inspection

OSD tanks inspection

Landscaping inspection

Swimming pool reinforcing steel inspection

Swimming pool safety fence inspection prior to filling

Final inspection

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

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

DA271

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

DA279

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

DA283

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

- a) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA certified laboratory or Manly council for compliance with ANZECC Water Quality Guidelines
- b) If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must

be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.

- c) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
- d) It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated with erosion or scouring due to the volume of water pumped.
- e) Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.
- f) Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.

#### DA285

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

#### DA332

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

#### 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.

#### DA340

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

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

#### DA289

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

#### DA300

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

#### DA301

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

## DA302

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

## DA303

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

## DA306

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

## DA314

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

## DA315

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

## DA316

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

## DA318

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

## DA319

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

## DA320

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

## DA274

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

DA323

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

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

**Against the Resolution:** Nil.

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Environmental Services Division Report No. 29

**20 Ernest Street, Balgowlah - DA367/05**

**Section 96 Modification (DA367/05)**

<b><u>Application Lodged:</u></b>	6 November 2007
<b><u>Applicant:</u></b>	William Burton Architects
<b><u>Owner:</u></b>	E & J Bowditch
<b><u>Estimated Cost:</u></b>	\$3,000
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential
<b><u>Surrounding Development:</u></b>	Single and two storey dwellings
<b><u>Heritage:</u></b>	Not applicable

**SUMMARY:**

1. DEVELOPMENT CONSENT WAS GRANTED FOR ALTERATIONS AND ADDITIONS TO THE DWELLING AND TORRENS TITLE SUBDIVISION (ONE LOT INTO TWO LOTS) IN DECEMBER 2006.
2. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION TO MODIFY THE CONSENT BY AMENDING CONDITIONS REQUIRING TREES TO BE RETAINED AND REDUCING THE WIDTH OF THE PROPOSED ACCESS TO THE PROPOSED REAR LOT.
3. THE MODIFICATION APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND TWELVE (12) SUBMISSIONS RECEIVED. (TEN (10) RAISING NO OBJECTION AND TWO (2) RAISING CONCERNS WITH THE APPLICATION).
4. THE APPLICATION WAS NOT REFERRED TO THE BALGOWLAH HEIGHTS PRECINCT COMMUNITY FORUM AS THE WORKS ARE AT THE REAR OF THE SITE AND WILL HAVE NO IDENTIFIABLE EFFECT ON THE STREETScape.
5. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 3 APRIL 2008 WITH A RECOMMENDATION FOR APPROVAL.
6. THE SECTION 96 DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
7. A SITE INSPECTION IS RECOMMENDED.
8. THE SECTION 96(1a) APPLICATION IS RECOMMENDED FOR CONDITIONAL APPROVAL.

**PUBLIC ADDRESSES**

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

In Support of the Recommendation: Mr Jarrod Bowditch, Applicant

**SITE INSPECTIONS**

A site inspection of DA367/05 – 20 Ernest Street Balgowlah – Section 96 Modification, alterations



and additions to the existing dwelling and Torrens Title Subdivision, was conducted by Councillors J Evans, J Hay, A Heasman, J Lambert, P Macdonald, R Morrison, D Murphy and M Norek.

**Recommendation:** No Recommendation

**MOTION (Murphy / Heasman)**

That the application to modify Development Consent No. 367/05 for alterations and additions to the existing dwelling and Torrens Title Subdivision be modified, subject to the original conditions of consent with Condition Nos. DA1, 1 and 2 modified and new Conditions Nos. 7, 8, 9, 10 and DA267A added as follows:

DA1.

This approval relates to drawings/plans Nos.1306-S01A dated 14 September, 2005 and received by Council 21 September 2005, Nos. S02, S03, dated April 2005 and received by Council 15 August 2005 and Nos. 2005-01-C dated June 2005 received by Council 21 September 2005.

**Except as amended by** drawings/plans Nos. 1597-W01 issue D dated 19 December 2007, received by Council 21 December 2007 and W02 – W07 issue C dated 25 September 2007 and received by Council on the 6 November 2007, excluding works in respect of proposed swimming pool detailed in Development Application No444/07.

1. All existing trees **with exception of Tree 6** are to be retained and all trees **with exception of Tree 6** are to be protected during construction works, plans being suitably amended prior to issue of the Construction Certificate.
2. The proposed access handle to Lot B being 4.02m in width for the first 30m of its length with the remainder being 6.0m in width to allow the driveway to be positioned clear of existing trees and to provide a continuous landscape screen 0.74m wide with planting 3.0 – 4.0m mature height adjacent to the western boundary, plans being amended accordingly prior to issue of the Construction Certificate.
7. The applicant is to construct a fence along the west side of the property, to maintain privacy of adjoining properties. The fence is to be constructed in materials and height consistent with established boundary fencing in the area and in a manner which ensures there is no damage to existing trees located near and along the boundary line. Plans being suitably amended prior to issue of the Construction Certificate.
8. The proposed block garden wall housing letterbox and meter box in the proximity of Tree 1 is not approved and is to be deleted from the plans prior to issue of the Construction certificate, to eliminate potential damage to the tree and maintain the visual aesthetic quality of the locality.
9. The Tree 6 which is to be removed is to be replaced with the planting of an advance tree of the same species in a suitable location, on the proposed rear allotment. The location of the tree is to be resolved in consultation with Councils Landscape Architect. Plans being suitably amended prior to issue of the Construction Certificate.
10. The proposed front fence is to be a maximum height of 1.5m with 39% transparency where above 1.0m to reduce streetscape impacts and comply with Councils Residential Development Control Plan, plans being suitably amended prior to issue of the Construction certificate.

DA267A

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

This item was adjourned for discussion later in the meeting.

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Environmental Services Division Report No. 30

**14 Beatty Street, Balgowlah Heights - DA474/07 (DA474/07)**

**Application Lodged:** 30 November 2007  
**Applicant:** Andrew Lynn Carson c/- Nettleton Tribe Partnership Pty Ltd  
**Owner:** Portovere Pty Ltd  
**Estimated Cost:** \$277,000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
**Surrounding Development:** Dwelling houses  
**Heritage:** No heritage concerns

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR THE CONSTRUCTION OF A BASEMENT BELOW AN APPROVED TWO (2) STOREY DWELLING HOUSE.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND NO SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE BALGOWLAH HEIGHTS PRECINCT COMMUNITY FORUM FOR COMMENTS.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 3 APRIL 2008 WITH A RECOMMENDATION FOR REFUSAL.
5. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MORRISON.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

**PUBLIC ADDRESSES**

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

In Support of the Recommendation: Mr Terry Riley, on behalf of the Applicant

**SITE INSPECTIONS**

A site inspection of DA474/07 – 14 Beatty Street Balgowlah Heights, construction of a basement below approved two (2) storey dwelling, was conducted by Councillors J Evans, J Hay, A Heasman, J Lambert, P Macdonald, R Morrison, D Murphy and M Norek.

**Recommendation:** No Recommendation

**MOTION (Morrison / Murphy)**

That Development Application No. 474/07 for construction of a basement below approved two (2) storey dwelling at 14 Beatty Street Balgowlah Heights be **APPROVED**, subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. 3098 DA01, 03, 04, 06, 09, 10 and 11 dated 10 May 2007 and 3098 DA02A, 05A, 07A, 08A and 12A dated 11 October 2007 and S01 dated 28 August 2006 and SOIL 1 dated 28 August 2006 and LP01 and LP02 Revision B dated 1 May 2007 all received by Council on the 30 November 2007.

## ANS01

Construction shall comply with AS3959 – 1999 level 1 ‘Construction of Buildings in bushfire prone areas’.

## ANS02

Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the structure.

## ANS03

Roofing shall be gutterless or have leafless guttering and valleys are to be screened to prevent the build up of flammable material.

## DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$5,000. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

## DA017

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

## DA342

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

## DA343

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

## DA018

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

## DA019

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

## DA021

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

## DA022

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

## DA023

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

## DA024

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

## 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.

## 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.

## DA345

A report from a qualified Geotechnical Engineer regarding the stability of the site is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

## 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.

## DA097

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

## DA121

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

Australia.

DA126

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

DA230

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

DA255

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

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Wet area moisture barrier

Drainage inspection

Final inspection

The cost of these inspections by Council is \$1,380 (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.

#### 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.

#### DA340

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

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

material onto the adjoining public place.

DA289

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

DA274

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

DA323

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

L45/08      **RESOLVED:      (Morrison / Murphy)**

That Development Application No. 474/07 for construction of a basement below approved two (2) storey dwelling at 14 Beatty Street Balgowlah Heights be **APPROVED**, subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. 3098 DA01, 03, 04, 06, 09, 10 and 11 dated 10 May 2007 and 3098 DA02A, 05A, 07A, 08A and 12A dated 11 October 2007 and S01 dated 28 August 2006 and SOIL 1 dated 28 August 2006 and LP01 and LP02 Revision B dated 1 May 2007 all received by Council on the 30 November 2007.

ANS01

Construction shall comply with AS3959 – 1999 level 1 ‘Construction of Buildings in bushfire prone areas’.

ANS02

Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the structure.

ANS03

Roofing shall be gutterless or have leafless guttering and valleys are to be screened to prevent the build up of flammable material.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$5,000. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

**DA017**

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

**DA342**

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

**DA343**

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

**DA018**

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

**DA019**

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

**DA021**

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

**DA022**

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

**DA023**

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

**DA024**

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

**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.

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.

DA345

A report from a qualified Geotechnical Engineer regarding the stability of the site is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

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.

DA097

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

DA121

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

DA126

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

DA230

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

DA255

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

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Wet area moisture barrier

Drainage inspection

Final inspection

The cost of these inspections by Council is \$1,380 (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:

- b) 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.

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.

DA340

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

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

DA289

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

DA274

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

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of

the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

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

**Against the Resolution:** Councillor Aird

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Environmental Services Division Report No. 29

**20 Ernest Street, Balgowlah - DA367/05  
Section 96 Modification (DA367/05)**

**Application Lodged:** 6 November 2007  
**Applicant:** William Burton Architects  
**Owner:** E & J Bowditch  
**Estimated Cost:** \$3,000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
**Surrounding Development:** Single and two storey dwellings  
**Heritage:** Not applicable

**SUMMARY:**

1. DEVELOPMENT CONSENT WAS GRANTED FOR ALTERATIONS AND ADDITIONS TO THE DWELLING AND TORRENS TITLE SUBDIVISION (ONE LOT INTO TWO LOTS) IN DECEMBER 2006.
2. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION TO MODIFY THE CONSENT BY AMENDING CONDITIONS REQUIRING TREES TO BE RETAINED AND REDUCING THE WIDTH OF THE PROPOSED ACCESS TO THE PROPOSED REAR LOT.
3. THE MODIFICATION APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND TWELVE (12) SUBMISSIONS RECEIVED. (TEN (10) RAISING NO OBJECTION AND TWO (2) RAISING CONCERNS WITH THE APPLICATION).
4. THE APPLICATION WAS NOT REFERRED TO THE BALGOWLAH HEIGHTS PRECINCT COMMUNITY FORUM AS THE WORKS ARE AT THE REAR OF THE SITE AND WILL HAVE NO IDENTIFIABLE EFFECT ON THE STREETScape.
5. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 3 APRIL 2008 WITH A RECOMMENDATION FOR APPROVAL.
6. THE SECTION 96 DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
7. A SITE INSPECTION IS RECOMMENDED.
8. THE SECTION 96(1a) APPLICATION IS RECOMMENDED FOR CONDITIONAL APPROVAL.

**PUBLIC ADDRESSES**

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

In Support of the Recommendation: Mr Jarrod Bowditch, Applicant

**SITE INSPECTIONS**

A site inspection of DA367/05 – 20 Ernest Street Balgowlah – Section 96 Modification, alterations and additions to the existing dwelling and Torrens Title Subdivision, was conducted by Councillors J Evans, J Hay, A Heasman, J Lambert, P Macdonald, R Morrison, D Murphy and M Norek.

**Recommendation:** No Recommendation

**MOTION (Murphy / Heasman)**

That the application to modify Development Consent No. 367/05 for alterations and additions to the existing dwelling and Torrens Title Subdivision be modified, subject to the original conditions of consent with Condition Nos. DA1, 1 and 2 modified and new Conditions Nos. 7, 8, 9, 10 and DA267A added as follows:

DA1.

This approval relates to drawings/plans Nos.1306-S01A dated 14 September, 2005 and received by Council 21 September 2005, Nos. S02, S03, dated April 2005 and received by Council 15 August 2005 and Nos. 2005-01-C dated June 2005 received by Council 21 September 2005.

**Except as amended by** drawings/plans Nos. 1597-W01 issue D dated 19 December 2007, received by Council 21 December 2007 and W02 – W07 issue C dated 25 September 2007 and received by Council on the 6 November 2007, excluding works in respect of proposed swimming pool detailed in Development Application No444/07.

1. All existing trees **with exception of Tree 6** are to be retained and all trees **with exception of Tree 6** are to be protected during construction works, plans being suitably amended prior to issue of the Construction Certificate.
2. The proposed access handle to Lot B being 4.02m in width for the first 30m of its length with the remainder being 6.0m in width to allow the driveway to be positioned clear of existing trees and to provide a continuous landscape screen 0.74m wide with planting 3.0 – 4.0m mature height adjacent to the western boundary, plans being amended accordingly prior to issue of the Construction Certificate.
7. The applicant is to construct a fence along the west side of the property, to maintain privacy of adjoining properties. The fence is to compensate from a privacy point of view from the proposed reduction in screen planting. The fence is to be constructed in materials consistent with established boundary fencing in the area and in a manner which ensures there is no damage to existing trees located near and along the boundary line. Plans being suitably amended prior to issue of the Construction Certificate.
8. The proposed block garden wall housing letterbox and meter box in the proximity of Tree 1 is not approved and is to be deleted from the plans prior to issue of the Construction certificate, to eliminate potential damage to the tree and maintain the visual aesthetic quality of the locality.
9. The Tree 6 which is to be removed is to be replaced with the planting of an advance tree of the same species in a suitable location, on the proposed rear allotment. The location of the tree is to be resolved in consultation with Councils Landscape Architect. Plans being suitably amended prior to issue of the Construction Certificate.
10. The proposed front fence is to be a maximum height of 1.5m with 39% transparency where above 1.0m to reduce streetscape impacts and comply with Councils Residential Development Control Plan, plans being suitably amended prior to issue of the Construction certificate.

DA267A

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

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and

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

L46/08     **RESOLVED:     (Murphy / Heasman)**

That the application to modify Development Consent No. 367/05 for alterations and additions to the existing dwelling and Torrens Title Subdivision be modified, subject to the original conditions of consent with Condition Nos. DA1, 1 and 2 modified and new Conditions Nos. 7, 8, 9, 10 and DA267A added as follows:

DA1.

This approval relates to drawings/plans Nos.1306-S01A dated 14 September, 2005 and received by Council 21 September 2005, Nos. S02, S03, dated April 2005 and received by Council 15 August 2005 and Nos. 2005-01-C dated June 2005 received by Council 21 September 2005.

**Except as amended by** drawings/plans Nos. 1597-W01 issue D dated 19 December 2007, received by Council 21 December 2007 and W02 – W07 issue C dated 25 September 2007 and received by Council on the 6 November 2007, excluding works in respect of proposed swimming pool detailed in Development Application No444/07.

1. All existing trees **with exception of Tree 6** are to be retained and all trees **with exception of Tree 6** are to be protected during construction works, plans being suitably amended prior to issue of the Construction Certificate.
2. The proposed access handle to Lot B being 4.02m in width for the first 30m of its length with the remainder being 6.0m in width to allow the driveway to be positioned clear of existing trees and to provide a continuous landscape screen 0.74m wide with planting 3.0 – 4.0m mature height adjacent to the western boundary, plans being amended accordingly prior to issue of the Construction Certificate.
7. The applicant is to construct a fence along the west side of the property, to maintain privacy of adjoining properties. The fence is to compensate from a privacy point of view from the proposed reduction in screen planting. The fence is to be constructed in materials consistent with established boundary fencing in the area and in a manner which ensures there is no damage to existing trees located near and along the boundary line. Plans being suitably amended prior to issue of the Construction Certificate.
8. The proposed block garden wall housing letterbox and meter box in the proximity of Tree 1 is not approved and is to be deleted from the plans prior to issue of the Construction certificate, to eliminate potential damage to the tree and maintain the visual aesthetic quality of the locality.
9. The Tree 6 which is to be removed is to be replaced with the planting of an advance tree of the same species in a suitable location on the proposed rear allotment. The location of the tree is to be resolved in consultation with Councils Landscape Architect. Plans being suitably amended prior to issue of the Construction Certificate.
10. The proposed front fence is to be a maximum height of 1.5m with 39% transparency where above 1.0m to reduce streetscape impacts and comply with Councils Residential Development Control Plan, plans being suitably amended prior to issue of the Construction certificate.

DA267A

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

DA274

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

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

**Against the Resolution:** Councillors Aird, Evans, Lambert, Pedersen and Macdonald

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Environmental Services Division Report No. 31

**Kiosk Little Manly Reserve - Stuart Street, Manly - DA493/07 (DA493/07)**

**Application Lodged:** 13 December 2007  
**Applicant:** Michael Biddulph (on behalf of Manly Council)  
**Owner:** Manly Council  
**Estimated Cost:** \$60,000  
**Zoning:** Manly Local Environmental Plan, 1988 – Zone No. 6 – Open Space and within the Foreshore Scenic Protection Area  
**Surrounding Development:** the locality is in an opens recreation space area in Little Manly Reserve characterised by landscaped areas, grass, pathways, and an amenity and kiosk building. Adjoining properties consisting a variety of dwelling types ranging from single and two storey dwelling houses and residential flat buildings.  
**Heritage:** Not applicable

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO AN EXISTING KIOSK INCLUDING EXTENSION OF EXISTING PERGOLA, NEW ZINC ROOF OVER NEW AND EXISTING PERGOLA, NEW STORAGE ROOMS AND NEW PLASTIC ROLL DOWN BLINDS.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND THREE (3) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE LITTLE MANLY PRECINCT COMMUNITY FORUM FOR COMMENTS.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 10 APRIL 2008 WITH A RECOMMENDATION FOR APPROVAL.
5. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR EVANS.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR APPROVAL, SUBJECT TO THE DELETION OF THE PROPOSED PLASTIC ROLL-DOWN BLINDS.

**PUBLIC ADDRESSES**

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

In Support of the Recommendation: Mr Peter Godbolt

**SITE INSPECTIONS**

A site inspection of DA493/07 – Kiosk Little Manly Reserve – Stuart Street Manly, alterations and additions to an existing kiosk, was conducted by Councillors J Evans, J Hay, A Heasman, P Macdonald, D Murphy and M Norek.

**Recommendation:** That Development Application No. 493/07 for alterations and additions to the existing kiosk at Little Manly Reserve Stuart Street Manly be approved as per Staff Recommendation with non-standard Condition ANS01 replaced and New Condition Nos. ANS12 and ANS13 added as follows:-

**ANS01**

This consent is only for the bottle storage room and storeroom to the existing Kiosk and for the extension of the pergola area and new roof.

**ANS12**

The proposed roof over the seating area to be extended to adjoin or overlap (maximum 300mm) the existing concrete roof, to provide weather protection to that part of the walkway, plans being suitably amended prior to the issue of the Construction Certificate.

**ANS13**

The proposed storeroom extension is to generally align with the south eastern end of the existing fin wall screening the female change room, whilst allowing a minimum 1.2m clear pathway width between the existing stairs and the new structure, plans being suitably amended prior to the issue of the Construction Certificate.

**MOTION (Murphy / Heasman)**

That Development Application No. 493/07 for alterations and additions to an existing kiosk at the Little Manly Reserve in Stuart Street, Manly, be approved subject to the following conditions:

**DA1**

This approval relates to drawings/plans Nos. DA 01 to DA04 dated July 07 and Statement of Environmental Effects dated October 2007 and received by Council on the 13 December 2007.

**ANS01**

This consent is only for the bottle storage room and storeroom to the existing Kiosk and for the extension of the pergola area and new roof.

**ANS02**

The moveable tables and chairs are to be stacked and stored clear of any pedestrian accessway/pathway, at the end of each day's trading.

**ANS03**

Prior to the commencement of works all workers on, and visitors to, the work site are to be made aware of the potential presence of Long-Nosed Bandicoots and Little penguins through the site induction. The site induction is to include information about; the conservation significance of the Long-Nosed Bandicoot and the Little Penguin, their potential activities onsite, and the measures in place onsite to be implemented for their protection.

**ANS04**

Noisy construction works, such as jack hammering, must only be carried out between the months of March through to June (ie; outside the Penguin breeding season).

**ANS05**

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

**ANS06**

Temporary chain wire fencing is to be installed around the work area(s) (including; demolition, storage and construction areas) prior to the commencement of works/construction. Fencing is to be maintained throughout the duration of the works. The fencing is to be designed to minimise the possibility for Long-Nosed Bandicoot and Little Penguins access to the works areas and sheltering



or nesting in cavities or voids eg; contain a surrounding barrier of minimum 300mm in height to exclude Bandicoots and Little Penguins from this area.

**ANS07**

All machinery and construction material stockpiles are to be inspected daily prior to commencing operation to ensure that no Bandicoots are shelter in, nor Little Penguins nesting or moulting in these areas. Evidence of inspection is to be provided through worksite daily checklists. In the case that a Long-Nosed Bandicoot is encountered within one of these work areas, no work shall proceed until the Bandicoots has safely vacated the works area. In the case that a Little Penguin is found nesting or moulting within one of these work areas no work shall commencer and Council's Natural Resources Branch on 9976 1500 or the Department of Environmental and Climate Change (DECC) threatened species unit on 9977 6732 be contacted for further instruction.

**ANS08**

Prior to the removal of any vegetation/debris/waste piles onsite, a pre-clearance survey for Little Penguin and Long-Nosed Bandicoot sheltering, nesting and moulting activity is required.

**ANS09**

Any injured or dead Long-Nosed Bandicoots or Little Penguins should be reported by phoning Manly Council's Natural Resources Branch on 9976 1500 or Department of Environment and Climate Change (DECC) on 9977 6732.

**ANS10**

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

**ANS11**

A detailed stormwater management plan is to be prepared by a suitably qualified Consultant to fully comply with Council's "Specification for On-site Stormwater Management 2003" and submitted to Council prior to the issue of Construction Certificate.

**ANS12**

The proposed roof over the seating area to be extended to adjoin or overlap (maximum 300mm) the existing concrete roof, to provide weather protection to that part of the walkway, plans being suitably amended prior to the issue of the issue of the Construction Certificate.

**ANS13**

The proposed storeroom extension is to generally align with the south eastern end of the existing fin wall screening the female change room, whilst allowing a minimum 1.2m clear pathway width between the existing stairs and the new structure, plans being suitably amended prior to the issue of the Construction Certificate.

**ANS14**

The clear plastic roll-down blinds are to be of high quality material/design selected by Council's architect.

**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 \$2,200. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

**DA017**

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

**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.

**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.

**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.

**DA047**

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

**DA048**

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

**DA058**

An adequate security fence, is to be erected around the perimeter of the site prior to

commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

DA357

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

DA109

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

DA111

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

DA121

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

DA126

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

DA168

Fire blankets are to be provided for all food preparation areas.

DA255

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

DA261

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

DA269

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

DA270

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

Silt control fences

Reinforced concrete slab

Framework inspection

Final inspection

The cost of these inspections by Council is \$920 (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

DA271

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

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

DA289

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

DA274

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

DA323

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

L47/08     **RESOLVED:     (Murphy / Heasman)**

That Development Application No. 493/07 for alterations and additions to an existing kiosk at the Little Manly Reserve in Stuart Street, Manly, be approved subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. DA 01 to DA04 dated July 07 and Statement of Environmental Effects dated October 2007 and received by Council on the 13 December 2007.

ANS01

This consent is only for the bottle storage room and storeroom to the existing Kiosk and for the extension of the pergola area and new roof.

ANS02

The moveable tables and chairs are to be stacked and stored clear of any pedestrian accessway/pathway, at the end of each day's trading.

ANS03

Prior to the commencement of works all workers on, and visitors to, the work site are to be made aware of the potential presence of Long-Nosed Bandicoots and Little penguins through the site induction. The site induction is to include information about; the conservation significance of the Long-Nosed Bandicoot and the Little Penguin, their potential activities onsite, and the measures in place onsite to be implemented for their protection.

ANS04

Noisy construction works, such as jack hammering, must only be carried out between the months of March through to June (ie; outside the Penguin breeding season).

ANS05

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

ANS06

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

ANS07

All machinery and construction material stockpiles are to be inspected daily prior to commencing operation to ensure that no Bandicoots are shelter in, nor Little Penguins nesting or moulting in these areas. Evidence of inspection is to be provided through worksite daily checklists. In the case that a Long-Nosed Bandicoot is encountered within one of these work areas, no work shall proceed until the Bandicoots has safely vacated the works area. In the case that a Little Penguin

is found nesting or moulting within one of these work areas no work shall commence and Council's Natural Resources Branch on 9976 1500 or the Department of Environmental and Climate Change (DECC) threatened species unit on 9977 6732 be contacted for further instruction.

**ANS08**

Prior to the removal of any vegetation/debris/waste piles onsite, a pre-clearance survey for Little Penguin and Long-Nosed Bandicoot sheltering, nesting and moulting activity is required.

**ANS09**

Any injured or dead Long-Nosed Bandicoots or Little Penguins should be reported by phoning Manly Council's Natural Resources Branch on 9976 1500 or Department of Environment and Climate Change (DECC) on 9977 6732.

**ANS10**

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

**ANS11**

A detailed stormwater management plan is to be prepared by a suitably qualified Consultant to fully comply with Council's "Specification for On-site Stormwater Management 2003" and submitted to Council prior to the issue of Construction Certificate.

**ANS12**

The proposed roof over the seating area to be extended to adjoin or overlap (maximum 300mm) the existing concrete roof, to provide weather protection to that part of the walkway, plans being suitably amended prior to the issue of the issue of the Construction Certificate.

**ANS13**

The proposed storeroom extension is to generally align with the south eastern end of the existing fin wall screening the female change room, whilst allowing a minimum 1.2m clear pathway width between the existing stairs and the new structure, plans being suitably amended prior to the issue of the Construction Certificate.

**ANS14**

The clear plastic roll-down blinds are to be of high quality material/design selected by Council's architect.

**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 \$2,200. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

**DA017**

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

## 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.

## 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.

## 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.

## DA047

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

## DA048

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

## DA058

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

## DA357

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

DA109

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

DA111

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

DA121

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

DA126

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

DA168

Fire blankets are to be provided for all food preparation areas.

DA255

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

DA261

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

DA269

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

DA270

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

Silt control fences

Reinforced concrete slab

Framework inspection

Final inspection

The cost of these inspections by Council is \$920 (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

DA271

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

DA332

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



DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

DA289

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

DA274

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

DA323

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

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

**Against the Resolution:** Nil.

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

\*\*\*\*\*

At 11.40pm, Councillor Evans vacated the Chair and Councillor Lambert assumed the Chair. At 11.45pm, Councillor Evans resumed the Chair.

Environmental Services Division Report No. 32

**Lots 13-19 and 27 Montpelier Place, St. Patricks Estate, Manly - DA342/07 (DA342/07)**

**Application Lodged:** 5 September 2007  
**Applicant:** Lend Lease Development Pty Ltd  
**Owner:** Trustees of the Roman Catholic Church for the Archdiocese of Sydney  
**Estimated Cost:** \$9.1 million  
**Zoning:** Manly Local Environmental Plan, 1988 – Residential and within the Foreshore Scenic Protection Area  
**Surrounding Development:** Single Residential Dwellings  
**Heritage:** St Patrick's College Seminary and associated buildings and St Patrick's College Complex

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR BOUNDARY ADJUSTMENT AND CONSTRUCTION OF SEVEN (7) TOWNHOUSES WITH INDIVIDUAL BASEMENT CARPARKING FOR EACH TOWNHOUSE.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND NO SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE FAIRY BOWER PRECINCT COMMUNITY FORUM AND COMMENTS RECEIVED.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 10 APRIL 2008 WITH A RECOMMENDATION FOR APPROVAL.
5. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR LAMBERT.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

**PUBLIC ADDRESSES**

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

In Support of the Recommendation: Mr Brett Brown

**SITE INSPECTIONS**

A site inspection of DA342/07 – Lots 13-19 & 27 Montpelier Place St Patrick's Estate Manly, seven (7) attached dwellings with basement parking and swimming pool and boundary adjustment at Lots

13-19 & 27 Montpelier Place (Precinct 1 & 13) at St Patrick's Estate, was conducted by Councillors J Evans, J Hay, A Heasman, P Macdonald, D Murphy and M Norek.

**Recommendation:** The five (5) Councillors remaining onsite (Councillor Evans left the meeting at 11:30am) at completion of the site inspection had no objection to the proposal.

**MOTION (Hay / Heasman)**

That Development Application No. 342/07 for Seven (7) attached dwellings with basement parking and swimming pools and boundary adjustment at Lots 13 – 19 & 27, Montpelier Place (Precinct 1 & 13) at St. Patrick's Estate, Manly be Approved, subject to the following conditions:-

DA1

This approval relates to the following drawings/plans:-

DA-13/19 - 001, Issue 09 dated 17 August 2007 and received by Council on 5 September 2007.  
DA-13/19 - 100, Issue 09 dated 17 August 2007 and received by Council on 5 September 2007.  
DA-13/19 - 101, Issue 09 dated 17 August 2007 and received by Council on 5 September 2007.  
DA-13/19 - 102, Issue 09 dated 17 August 2007 and received by Council on 5 September 2007.  
DA-13/19 - 103, Issue 09 dated 17 August 2007 and received by Council on 5 September 2007.  
DA-13/19 - 200, Issue 09 dated 17 August 2007 and received by Council on 5 September 2007.  
DA-13/19 - 201, Issue 08 dated 17 August 2007 and received by Council on 5 September 2007.  
DA-13/19 - 202, Issue 04 dated 17 August 2007 and received by Council on 5 September 2007.  
DA-13/19 - 300, Issue 08 dated 17 August 2007 and received by Council on 5 September 2007.  
DA-13/19 - 301, Issue 08 dated 17 August 2007 and received by Council on 5 September 2007.  
DA-13/19 - 801, Issue 03 dated 1 August 2007 and received by Council on 5 September 2007.  
DA-13/19 - 900, Issue 01 dated 30 August 2007 and received by Council on 5 September 2007.

And the following documents:

- *Statement of Environmental Effects prepared by Ingham Planning dated August 2007.*
- *Architectural Design Principles Statement prepared by Tony Caro Architecture dated 26 August 2007.*
- *Landscape Design Principles Statement prepared by Oculus Landscape Architects dated 24 August 2007.*
- *Heritage Impact Statement, Issue C, prepared by Tanner Architects dated August 2002.*
- *Infrastructure Report, prepared by R P Higgins of Hughes Trueman dated July 2007*
- *Stormwater Report prepared by R P Higgins of Hughes Trueman dated July 2007.*
- *Site Audit Statement (Precinct 13) prepared by HLA-Envirosciences dated illegible.*
- *Site Audit Statement (Precinct 1) prepared by HLA-Envirosciences dated 18 June 2004.*
- *Basix report and Certificates, prepared by Bovis Lend Lease dated 9 August and 31 August 2007 respectively.*
- *Waste Management Plan prepared by Waste Audit and Consultancy Services dated July 2007.*
- *Ecological Assessment report, prepared by LesryK Environmental Consultants & Ecosense Consulting Pty Ltd dated August 2007.*
- *Bushfire Hazard Assessment Report, prepared by Building Code & Bushfire Hazard Solutions Pty Ltd dated July 2007.*
- *Construction Environmental Management Plan Report, prepared by HLA-Envirosciences Pty Ltd dated 28 August 2007.*
- *Building Code of Australia 2007 Assessment Report prepared by Dix Gardner dated 8 August 2007.*

ANS01

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

## ANS02

The Mitigation Measures as contained in Section 6.4, Additional Mitigation Measures as contained in Section 7.2 and the Recommendations as contained in Section 11 of the Ecological Assessment (Appendix J) of the Statement of Environmental Effects (SEE), prepared by LesryK Environmental Consultants and Ecosense Consulting Pty Ltd are to be fully implemented. A Compliance Report in this regard is to be submitted to Council/Accredited Certifier, prior to the issue of Occupation Certificate.

## ANS03

The proposal is to comply with the submitted Construction Environmental Management Plan (CEMP), prepared by HLA-Envirosciences Pty Ltd dated 28 August 2007 and received by Council on 5 September 2007.

## ANS04

Submission of a Section 96 Modification application to Development Consent No. 144/03 for 26 Lot Subdivision, Associated Road Works and Services and Landscaping to reflect the changes of the subject Development. A new Subdivision Certificate will also be required.

## ANS05

Access in accordance with AS4299 – Adaptable Housing shall be provided to at least one (1) townhouse within the development. Details shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

## ANS06

The two (2) visitor car spaces, indicated to the north-eastern corner of the site, shall be accessible at all times and a sign post shall be erected at the vehicular entry point(s) of the development indicating the location of the spaces. Plans are to be notated accordingly prior to issue of the Construction Certificate.

## ANS07

A detailed Landscape Plan, prepared by a suitably qualified Landscape Consultant, is to be submitted to Council/Accredited Certifier, prior to the issue of Construction Certificate. The plan is to provide details of species within each lot and is also to include provision for at least three (3) endemic trees within each lot selected from Council's Endemic Plants List for each townhouse.

## ANS08

The proposed endemic trees on each lot should not be concentrated on the southern side of the lots. Of the three (3) endemic trees required for each lot, at least one (1) tree should be located to the front (north) of the site. The reason for this is to provide a better environment and maintain the existing landscape feature of the locality. The detailed Landscape Plan, as required under Condition No. ANS07, is to incorporate the above.

## DA009

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

## DA010

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

## DA011

All surplus vehicular crossings and/or kerb laybacks shall be removed and the kerb and nature

strip reinstated prior to issue of the Occupation Certificate.

DA012

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

DA013

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

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$40,000.00. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

DA342

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

DA343

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

DA018

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

DA019

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

DA021

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

## DA022

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

## DA023

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

## DA024

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

## DA026

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

## DA031

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

## 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 Surveyor is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.

DA357

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

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

DA089

An easement is to be created through the adjoining property/properties for the disposal of stormwater runoff and services, to the requirements of Council or its delegate. The easement shall be registered prior to the issue of the Construction Certificate. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.

DA097

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

DA121

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

DA126

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

DA224

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

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.

DA259

All engineering works are to be completed prior to the issue of the Subdivision Certificate.

DA261

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

DA264

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

DA269

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

DA270

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

Silt control fences X 7

Footing inspection - trench and steel X 7

Reinforced concrete slab X 12

Framework inspection X 7

Wet area moisture barrier X 7

Drainage inspection X 7

Driveway crossing/kerb layback X 7

Landscaping inspection X 7

Retaining wall steel X 7

Swimming pool reinforcing steel inspection X 7

Swimming pool safety fence inspection prior to filling X 7

Final inspection X 7

The cost of these inspections by Council is \$20,470 (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.



DA281

All demolition and excess construction materials are to be recycled wherever practicable.

DA283

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

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

DA285

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

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be

performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

DA338

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

DA339

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

DA340

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

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

DA289

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

DA300

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

DA301

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

DA302

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

DA303

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

DA306

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

DA314

All protective fencing and gates are to be in accordance with Australian Standard 1926 prior to the pool being filled with water. The fence is to be a minimum of 1200mm in height and posts and/or

supports are to be firmly fixed or encased in such a way that the posts/support are unable to be removed easily. The fence is not to be removed or altered at any time without the express approval of Council having been obtained beforehand.

## DA315

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

## DA316

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

## DA318

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

## DA319

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

## DA320

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

## DA274

A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

Total contribution for this development of 7 attached dwellings is currently **\$212,458.17**, the amount of the payment shall be in accordance with the Section 94 charges as at the date of the payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions plan to effect changes in land values, construction costs and the Consumer Price Index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with Council's adopted Section 94 Contributions plan for residential development effective from **July 2007** calculated for additional persons as follows:

Traffic & Parking	\$544.97
Streetscape & Landscaping	\$2,437.30
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Community Facilities	\$963.16
Open Space Embellishment	\$4,199.71
Open Space Acquisition	\$1,411.40
Total:	\$13,196.16 per person

The calculations for DA 342/07 are as follows:

3 Bedroom x 7 Attached Dwellings - 2.3 persons per dwelling

Current rate (2007-2008) \$13,196.16 per person

2.3 x 7 x \$13,196.16 = \$212,458.17

**Note: The Section 94 Contribution fees are adjusted on the 1<sup>st</sup> July each year and are based on the March CPI figures.**

DA323

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

**NOTE: All contracted services are to be made aware of the significance of the area with regard to threatened species – long nosed bandicoots.**

L48/08 **RESOLVED: (Hay / Heasman)**

That Development Application No. 342/07 for Seven (7) attached dwellings with basement parking and swimming pools and boundary adjustment at Lots 13 – 19 & 27, Montpelier Place (Precinct 1 & 13) at St. Patrick's Estate, Manly be Approved, subject to the following conditions:-

DA1

This approval relates to the following drawings/plans:-

DA-13/19 - 001, Issue 09 dated 17 August 2007 and received by Council on 5 September 2007.  
 DA-13/19 - 100, Issue 09 dated 17 August 2007 and received by Council on 5 September 2007.  
 DA-13/19 - 101, Issue 09 dated 17 August 2007 and received by Council on 5 September 2007.  
 DA-13/19 - 102, Issue 09 dated 17 August 2007 and received by Council on 5 September 2007.  
 DA-13/19 - 103, Issue 09 dated 17 August 2007 and received by Council on 5 September 2007.  
 DA-13/19 - 200, Issue 09 dated 17 August 2007 and received by Council on 5 September 2007.  
 DA-13/19 - 201, Issue 08 dated 17 August 2007 and received by Council on 5 September 2007.  
 DA-13/19 - 202, Issue 04 dated 17 August 2007 and received by Council on 5 September 2007.  
 DA-13/19 - 300, Issue 08 dated 17 August 2007 and received by Council on 5 September 2007.  
 DA-13/19 - 301, Issue 08 dated 17 August 2007 and received by Council on 5 September 2007.  
 DA-13/19 - 801, Issue 03 dated 1 August 2007 and received by Council on 5 September 2007.  
 DA-13/19 - 900, Issue 01 dated 30 August 2007 and received by Council on 5 September 2007.

And the following documents:

- *Statement of Environmental Effects prepared by Ingham Planning dated August 2007.*
- *Architectural Design Principles Statement prepared by Tony Caro Architecture dated 26 August 2007.*
- *Landscape Design Principles Statement prepared by Oculus Landscape Architects dated 24 August 2007.*
- *Heritage Impact Statement, Issue C, prepared by Tanner Architects dated August 2002.*
- *Infrastructure Report, prepared by R P Higgins of Hughes Trueman dated July 2007*
- *Stormwater Report prepared by R P Higgins of Hughes Trueman dated July 2007.*
- *Site Audit Statement (Precinct 13) prepared by HLA-Envirosciences dated illegible.*
- *Site Audit Statement (Precinct 1) prepared by HLA-Envirosciences dated 18 June 2004.*
- *Basix report and Certificates, prepared by Bovis Lend Lease dated 9 August and 31 August 2007 respectively.*
- *Waste Management Plan prepared by Waste Audit and Consultancy Services dated July 2007.*
- *Ecological Assessment report, prepared by LesryK Environmental Consultants & Ecosense Consulting Pty Ltd dated August 2007.*

- *Bushfire Hazard Assessment Report, prepared by Building Code & Bushfire Hazard Solutions Pty Ltd dated July 2007.*
- *Construction Environmental Management Plan Report, prepared by HLA-Envirosciences Pty Ltd dated 28 August 2007.*
- *Building Code of Australia 2007 Assessment Report prepared by Dix Gardner dated 8 August 2007.*

**ANS01**

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

**ANS02**

The Mitigation Measures as contained in Section 6.4, Additional Mitigation Measures as contained in Section 7.2 and the Recommendations as contained in Section 11 of the Ecological Assessment (Appendix J) of the Statement of Environmental Effects (SEE), prepared by LesryK Environmental Consultants and Ecosense Consulting Pty Ltd are to be fully implemented. A Compliance Report in this regard is to be submitted to Council/Accredited Certifier, prior to the issue of Occupation Certificate.

**ANS03**

The proposal is to comply with the submitted Construction Environmental Management Plan (CEMP), prepared by HLA-Envirosciences Pty Ltd dated 28 August 2007 and received by Council on 5 September 2007.

**ANS04**

Submission of a Section 96 Modification application to Development Consent No. 144/03 for 26 Lot Subdivision, Associated Road Works and Services and Landscaping to reflect the changes of the subject Development. A new Subdivision Certificate will also be required.

**ANS05**

Access in accordance with AS4299 – Adaptable Housing shall be provided to at least one (1) townhouse within the development. Details shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

**ANS06**

The two (2) visitor car spaces, indicated to the north-eastern corner of the site, shall be accessible at all times and a sign post shall be erected at the vehicular entry point(s) of the development indicating the location of the spaces. Plans are to be notated accordingly prior to issue of the Construction Certificate.

**ANS07**

A detailed Landscape Plan, prepared by a suitably qualified Landscape Consultant, is to be submitted to Council/Accredited Certifier, prior to the issue of Construction Certificate. The plan is to provide details of species within each lot and is also to include provision for at least three (3) endemic trees within each lot selected from Council's Endemic Plants List for each townhouse.

**ANS08**

The proposed endemic trees on each lot should not be concentrated on the southern side of the lots. Of the three (3) endemic trees required for each lot, at least one (1) tree should be located to the front (north) of the site. The reason for this is to provide a better environment and maintain the existing landscape feature of the locality. The detailed Landscape Plan, as required under Condition No. ANS07, is to incorporate the above.

**DA009**

The construction of a vehicular footpath crossing is required. The design and construction including allowable width shall be in accordance with the current Policy of Council and

Specification for the Construction of Vehicle Crossings. All works shall be carried out prior to the issue of Occupation Certificate.

**DA010**

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

**DA011**

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

**DA012**

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

**DA013**

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

**DA016**

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$40,000.00. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

**DA017**

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

**DA342**

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

**DA343**

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

**DA018**

Details of the builder's name and licence number contracted to undertake the works shall be

provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

#### DA019

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

#### DA021

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

#### DA022

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

#### DA023

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

#### DA024

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

#### DA026

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

#### DA031

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

#### 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 Surveyor is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.

DA357

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

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

DA089

An easement is to be created through the adjoining property/properties for the disposal of stormwater runoff and services, to the requirements of Council or its delegate. The easement shall be registered prior to the issue of the Construction Certificate. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.

DA097

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

DA121

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

DA126

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

DA224

The reconstruction and/or construction of footpath paving and any associated works along all areas of the site fronting Montpelier Place. These works shall be carried out prior to the issue of the Occupation Certificate by a licensed construction contractor, at the applicant's expense and



shall be in accordance with Council's Specification for Civil Infrastructure Works and Paving Design Guide.

**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. Contracted services to be made aware of the significance of the area with regard to bandicoots.

**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.

**DA259**

All engineering works are to be completed prior to the issue of the Subdivision Certificate.

**DA261**

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

**DA264**

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

**DA269**

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

**DA270**

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

Silt control fences X 7

Footing inspection - trench and steel X 7

Reinforced concrete slab X 12

Framework inspection X 7

Wet area moisture barrier X 7

Drainage inspection X 7

Driveway crossing/kerb layback X 7

Landscaping inspection X 7

Retaining wall steel X 7

Swimming pool reinforcing steel inspection X 7

Swimming pool safety fence inspection prior to filling X 7

Final inspection X 7

The cost of these inspections by Council is \$20,470 (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.

**DA281**

All demolition and excess construction materials are to be recycled wherever practicable.

**DA283**

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

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

**DA285**

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

**DA332**

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

**DA333**

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

**DA334**

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

DA289

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

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

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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.

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**DA315**

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

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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".

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Current rate (2007-2008) \$13,196.16 per person

2.3 x 7 x \$13,196.16 = **\$212,458.17**

**Note: The Section 94 Contribution fees are adjusted on the 1<sup>st</sup> July each year and are based on the March CPI figures.**

DA323

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

**NOTE: All contracted services are to be made aware of the significance of the area with regard to threatened species – long nosed bandicoots.**

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

**Against the Resolution:** Nil.

*The Mayor, Councillor Macdonald and Councillor Aird were not in the Chamber when the voting took place.*

\*\*\*\*\*

**RESUMPTION OF STANDING ORDERS (Lambert / Daley)**

That Standing Orders be resumed.

L49/08 **RESOLVED: (Lambert / Daley)**

That Standing Orders be resumed.

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

**Against the Resolution:** Nil.

*The Mayor, Councillor Macdonald, was not in the Chamber when the voting took place.*

\*\*\*\*\*

Councillors Morrison and Pedersen retired from the Chamber at 11.56pm.

Environmental Services Division Report No. 27

**17 Castle Circuit, Seaforth - DA367/07 (DA367/07)**

<b><u>Application Lodged:</u></b>	20 September 2007
<b><u>Applicant:</u></b>	Olivera Trkulja
<b><u>Owner:</u></b>	SR & O Trkulja
<b><u>Estimated Cost:</u></b>	\$518,000
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential – Sub-Zone 5
<b><u>Surrounding Development:</u></b>	Residential
<b><u>Heritage:</u></b>	Not applicable

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR CONSTRUCTION OF A NEW TWO (2) STOREY DWELLING WITH BASEMENT PARKING AND DRIVEWAY.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND TWO (2) SUBMISSIONS RECEIVED, ONE (1) OF THEM A CONFIDENTIAL SUBMISSION.
3. THE APPLICATION WAS REFERRED TO THE SEAFORTH PRECINCT COMMUNITY FOR COMMENTS. THE PRECINCT FORUM RECOMMENDED REFUSAL IN THE CURRENT FORM.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 22 APRIL WITH A RECOMMENDATION FOR DEFERRED COMMENCEMENT APPROVAL.
5. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR LAMBERT.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR A DEFERRED COMMENCEMENT APPROVAL.

**SITE INSPECTIONS**

A site inspection of DA367/07 – 17 Castle Circuit Seaforth, construction of a new two (2) storey dwelling with basement parking and driveway – Deferred Commencement, was conducted by Councillors J Evans, J Hay, A Heasman, J Lambert, P Macdonald, R Morrison, D Murphy and M Norek.

**Recommendation:** Deferred for redesign, with vehicle access utilising the existing driveway. It is noted the property has a driveway and duplication of the driveway is unnecessary and will result in adverse amenity impacts.

**MOTION (Lambert / Heasman)**

That Council determined the application that pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 367/07 for a "Construction of a new two (2) storey dwelling with basement parking and driveway." at 17 Castle Circuit Seaforth, be **DEFERRED** for redesign.

Reasons for the redesign:

1. To minimise hard surfaces and resultant runoff
2. To reduce the need for excavation and potential impacts on natural rock features on site
3. To enable redesign of parking areas to improve manouverability of vehicles on site
4. To maximise retention of on-street parking in the vicinity of the development.

L50/08     **RESOLVED:**     **(Lambert / Heasman)**

That Council determined the application that pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 367/07 for a "Construction of a new two (2) storey dwelling with basement parking and driveway." at 17 Castle Circuit Seaforth, be **DEFERRED** for redesign.

Reasons for the redesign:

1. To minimise hard surfaces and resultant runoff
2. To reduce the need for excavation and potential impacts on natural rock features on site
3. To enable redesign of parking areas to improve manouverability of vehicles on site
4. To maximise retention of on-street parking in the vicinity of the development.

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

**Against the Resolution:** Nil.

*The Mayor, Councillor Macdonald, was not in the Chamber when the voting took place.*

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Environmental Services Division Report No. 33

**Development Applications Being Processed During May 2008.**

**SUMMARY**

Development Applications currently being processed during the month of May 2008.

**MOTION (Heasman / Norek)**

That development applications currently being processed during May 2008 be noted.

L51/08     **RESOLVED:**     **(Heasman / Norek)**

That development applications currently being processed during May 2008 be noted.

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

**Against the Resolution:** Nil.

*The Mayor, Councillor Macdonald, was not in the Chamber when the voting took place.*

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Environmental Services Division Report No. 34

**Appeal List for May 2008**

**SUMMARY**

List of Appeals received and their current status for Councillor's information.

**MOTION (Heasman / Lambert)**

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

