

# Manly Council

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## Minutes

### Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 5 June 2006**

*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 7:42 PM on Monday 5 June 2006, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

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

**PRESENT**

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

**ALSO PRESENT**

Henry T Wong, General Manager  
Ross Fleming, Chief Financial Officer  
David Stray, Manager Development Control  
Rachael Levey, Minute Taker

**APOLOGIES**

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

**MOTION (Lambert / Macdonald)**

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

**RESOLVED: (Lambert / Macdonald)**

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

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

**Against the Resolution:** Nil.

**LEAVE OF ABSENCE**

Nil

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

<b>Name:</b>	<b>Item Number:</b>	<b>Nature of Interest:</b>
Councillor Morrison	ESD No. 34	Owns a property in Battle Boulevarde, Seaforth

\*\*\*\*\*

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

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 1 May 2006, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

**RESOLVED: (Macdonald / Evans)**

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 1 May 2006, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**GENERAL MANAGERS DIVISION**

General Managers Division Report No. 11

**Management Plan Quarterly Review - March 2006****SUMMARY**

The purpose of this report is to provide a review of the achievements towards meeting the outcomes set by Council in the key objectives in the Corporate Plan 2005 - 2008 for the period 1<sup>st</sup> January 2006 to 31<sup>st</sup> March 2006, in accordance with the requirements of the *Local Government Act 1993*.

**MOTION (Macdonald / Evans)**

1. That the report on the review of the Corporate Plan for the period 1<sup>st</sup> January 2006 to 31<sup>st</sup> March 2006 of the Management Plan 2005 - 2008 be **adopted**.
2. That the following information be provided to Council in a separate **report**:
  - (a) the customer satisfaction survey questions; and
  - (b) an analysis of the results of the survey.
3. That a working group of Councillors be established to discuss format of future Management Plans. (The working group will consist of Councillors Cant, Aird and Macdonald.)

**RESOLVED: (Macdonald / Evans)**

1. That the report on the review of the Corporate Plan for the period 1<sup>st</sup> January 2006 to 31<sup>st</sup> March 2006 of the Management Plan 2005 - 2008 be **adopted**.
2. That the following information be provided to Council in a separate **report**:
  - (a) the customer satisfaction survey questions; and
  - (b) an analysis of the results of the survey.
3. That a working group of Councillors be established to discuss format of future Management Plans. (The working group will consist of Councillors Cant, Aird and Macdonald.)

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**CORPORATE SERVICES DIVISION**

Corporate Services Division Report No. 14

**Financial Review for the Period Ending 31 March, 2006**

**SUMMARY**

Council's Income and Expenditure for the quarter 1 January 2006 to 31 March 2006 has been reviewed, together with a projection of Council's Budget as at 30 June 2006, and a Statement of Variations which have occurred is submitted.

After adoption of the recommended adjustments the result for the quarter is a deficit of \$94,725 and a forecast deficit at 30 June 2005 of \$259,395.

**MOTION (Macdonald / Evans)**

That the 2005/2006 Adopted Budget be varied in terms of this Report.

**RESOLVED: (Macdonald / Evans)**

That the 2005/2006 Adopted Budget be varied in terms of this Report.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

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

That Standing Orders be suspended to allow for consideration of Environmental Services Division Report No. 34, 2A Battle Boulevard, Seaforth.

**RESOLVED: (Lambert / Macdonald)**

That Standing Orders be suspended to allow for consideration of Environmental Services Division Report No. 34, 2A Battle Boulevard, Seaforth.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

## ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 34

### **2A Battle Boulevarde, Seaforth (DA106/06)**

**Application Lodged:** 17 March 2006

**Applicant:** R Clark

**Owner:** R & S Clark

**Estimated Cost:** \$165,000

**Zoning:** Manly Local Environmental Plan, 1988 - Residential

**Surrounding Development:** 1, 2 and 3 storey dwellings

**Heritage:** Nil.

### **SUMMARY:**

1. DA 106/06 FOR ALTERATIONS AND ADDITIONS TO A TWO STOREY DWELLING AT 21 BATTLE BOULEVARDE, SEAFORTH WAS SUBMITTED TO COUNCIL ON 17 MARCH 2006.
2. NOTIFICATION OF THE PROPOSAL FROM 22 MARCH 2006 TO 5 APRIL 2006 RESULTED IN RECEIPT OF NIL SUBMISSIONS.
3. THE APPLICATION WAS REPORTED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF 18 MAY 2006 WHERE IT WAS RECOMMENDED FOR APPROVAL.
4. THE APPLICATION IS REPORTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR LAMBERT.
5. A SITE INSPECTON IS RECOMMENDED.
6. APPROVAL OF THIS DEVELOPMENT APPLICATION IS RECOMMENDED.

### **SITE INSPECTION**

A site inspection of 2A Battle Boulevarde, Seaforth was conducted by Councillors Daley, Hay, Heasman, Lambert and Macdonald on Monday, 5 June 2006.

### **Inspection Party Recommendation**

Approval as per staff recommendation.

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

That Development Application 106/06 for alterations and additions to the existing 2 storey dwelling including addition of upper level, 2<sup>nd</sup> carport and balconies at 2A Battle Boulevarde, Seaforth be **approved** subject to the following conditions of consent:

DA1

This approval relates to drawings/plans Nos.T1-T6 dated 8 February, 2006 and received by Council on the 23 February, 2006.

ANS01

The two areas identified on the plans for re-landscaping are to incorporate a minimum of two species of endemic plant 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 dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

## DA017

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

## DA342

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

## DA018

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

## DA019

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

## DA021

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

## 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.

## 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.

DA084



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

**DA088**

A system of onsite stormwater detention 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 OSD plan showing work as executed 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 detention.

**DA100**

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

**DA121**

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

**DA126**

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

**DA230**

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

**DA237**

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

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

**DA238**

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

**DA239**

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

**DA240**

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

**DA247**

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

## 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.

## 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

Framework inspection x2

Wet area moisture barrier

Drainage inspection

Final inspection

The cost of these inspections by Council is \$1,760. (being \$220.00 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 1573 or 9976 1587.**

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 \$100.00.

## 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 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.

DA319

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

DA320

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

DA323

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

**RESOLVED: (Macdonald / Hay)**

That Development Application 106/06 for alterations and additions to the existing 2 storey dwelling including addition of upper level, 2<sup>nd</sup> carport and balconies at 2A Battle Boulevard, Seaforth be **approved** subject to the following conditions of consent:

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

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

DA048

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

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

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

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.

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

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- (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council

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

**DA239**

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

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**DA247**

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

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

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Final inspection

The cost of these inspections by Council is \$1,760. (being \$220.00 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 1573 or 9976 1587.**

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 \$100.00.

**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 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.

DA319

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

DA320

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

DA323

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

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

**Against the Resolution:** Nil.

\*\*\*\*\*



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

That Standing Orders be resumed.

**RESOLVED: (Lambert / Macdonald)**

That Standing Orders be resumed.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Environmental Services Division Report No. 24

**16 Castle Circuit, Seaforth (DA69/06)**

**Application Lodged:** 21/12/2006  
**Applicant:** Masterton Homes P/L  
**Owner:** L. Aitken  
**Estimated Cost:** \$345,000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
**Surrounding Development:** Vacant land, nearby 1 – 2 storey dwellings  
**Heritage:** n/a.

**SUMMARY:**

1. DA 69/06 FOR CONSTRUCTION OF A 2 STOREY DWELLING WAS SUBMITTED TO COUNCIL ON 21 DECEMBER 2005.
2. NOTIFICATION OF THE PROPOSAL FROM 20 FEBRAURY 2006 – 6 MARCH 2006 RESULTED IN RECEIPT OF 3 SUBMISSIONS.
3. THE APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT WHERE IT WAS RESOLVED TO RECOMMEND APPROVAL SUBJECT TO CONDITIONS AND REQUIRING THE 1<sup>ST</sup> FLOOR LEVEL TO BE REDUCED IN FLOOR AREA TO MORE CLOSELY COMPLY WITH THE FSR CONTROL OF COUNCIL'S RESIDENTIAL DEVELOPMENT CONTROL PLAN.
4. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR NOREK.
5. A SITE INSPECTION IS RECOMMENDED.
6. APPROVAL OF THE APPLICATION IS RECOMMENDED.

**SITE INSPECTION**

A site inspection of 16 Castle Circuit, Seaforth was conducted by Councillors Hay, Heasman, Lambert and Macdonald on Monday, 5 June 2006.

**Inspection Party Recommendation**

That Development Application No. 69/06 for erection of a new two storey dwelling at No.16 Castle Circuit, Seaforth be approved as per staff recommendation with condition ANS01 amended to read:

"The dimensions of the proposed first floor level are to be reduced to achieve a reduction in floor space to result in a FSR of maximum 0.42:1, to bring the proposal closer to compliance with Councils Residential Development Control Plan. Plans being suitably amended prior to issue of the Construction Certificate."

**PUBLIC ADDRESSES**

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

**Objector:** Dr Peter Smyth

**MOTION (Hay / Evans)**

That Development Application No. 69/06 for erection of a new two storey dwelling at No.16 Castle Circuit, Seaforth be **approved** subject to the following conditions:

**DA1**

This approval relates to drawings/plans Nos.1-8 dated 23 September, 2005 and landscape plan LPDA 06-35267/1 dated December 2005, all received by Council on 21 December, 2005.

**ANS01 (amended)**

The dimensions of the proposed first floor level are to be reduced to achieve a reduction in floor space to result in a FSR of maximum 0.42:1, to bring the proposal closer to compliance with Councils Residential Development Control Plan. Plans being suitably amended prior to issue of the Construction Certificate.

**ANS02**

The landscaping plans are to be amended to show existing ground levels being maintained within 0.9m of the south side boundary and new planting comprising 80% endemic species. Plans being suitably amended accordingly prior to issue of the Construction Certificate.

**DA009**

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

**DA010**

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

**DA011**

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

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

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

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

#### DA017

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

#### DA342

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

#### DA343

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

DA039

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

DA040

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

DA044

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

DA048

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

DA058

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

DA059

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

DA060

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

DA357

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

DA088

A system of onsite stormwater detention 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 OSD plan showing work as executed 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 detention.

## DA100

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

## 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.

## DA230

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

## DA237

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

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

## DA238

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

## DA239

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

## DA240

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

## DA247

Landscaping being provided in accordance with the approved Landscaping Plan and conditions of this consent, landscaping being maintained in accordance with that plan at all times.

## DA346

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

## DA348

Precautions shall be taken when working near trees to be retained including the following: - do not

store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

## 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

Framework inspection

Wet area moisture barrier

Drainage inspection

Driveway crossing/kerb layback

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$1,760. (being \$220.00 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 1573 or 9976 1587.**

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 \$100.00.

## 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.

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 non-structural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

DA320

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

DA274

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

Assessment Act, 1979, is required for the development. The amount being in accordance with Council's Section 94 Policy applicable at the time of payment **prior to the issue of the Construction Certificate.**

DA323

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

**AMENDMENT (Morrison / Aird)**

That Development Application No. 69/06 for erection of a new two storey dwelling at No.16 Castle Circuit, Seaforth be **approved** subject to the following conditions:

DA1

This approval relates to drawings/plans Nos.1-8 dated 23 September, 2005 and landscape plan LPDA 06-35267/1 dated December 2005, all received by Council on 21 December, 2005.

**ANS01 (amended)**

The dimensions of the proposed first floor level are to be reduced to achieve a reduction in floor space to result in a FSR of maximum 0.40:1, to bring the proposal into compliance with Councils Residential Development Control Plan. Plans being suitably amended prior to issue of the Construction Certificate.

ANS02

The landscaping plans are to be amended to show existing ground levels being maintained within 0.9m of the south side boundary and new planting comprising 80% endemic species. Plans being suitably amended accordingly prior to issue of the Construction Certificate.

DA009

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

DA010

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

DA011

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

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

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

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

## DA017

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

## DA342

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

## DA343

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

DA039

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

DA040

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

DA044

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

DA048

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

DA058

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

DA059

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

DA060

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

DA357

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

DA088

A system of onsite stormwater detention 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 OSD plan showing work as executed 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 detention.

#### DA100

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

#### 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.

#### DA230

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

#### DA237

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

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

#### DA238

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

#### DA239

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

#### DA240

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

#### DA247

Landscaping being provided in accordance with the approved Landscaping Plan and conditions of this consent, landscaping being maintained in accordance with that plan at all times.

#### DA346

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

DA348

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

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

Framework inspection

Wet area moisture barrier

Drainage inspection

Driveway crossing/kerb layback

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$1,760. (being \$220.00 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 1573 or 9976 1587.**

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 \$100.00.

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.

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 non-structural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

DA320

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

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Council's Section 94 Policy applicable at the time of payment **prior to the issue of the Construction Certificate.**

DA323

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

**For the Amendment:** Councillors Morrison, Aird and Norek

**Against the Amendment:** Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley and Evans

The **Amendment** was declared **Lost**.

**RESOLVED: (Hay / Evans)**

That Development Application No. 69/06 for erection of a new two storey dwelling at No.16 Castle Circuit, Seaforth be approved subject to the following conditions:

DA1

This approval relates to drawings/plans Nos.1-8 dated 23 September, 2005 and landscape plan LPDA 06-35267/1 dated December 2005, all received by Council on 21 December, 2005.

**ANS01 (amended)**

The dimensions of the proposed first floor level are to be reduced to achieve a reduction in floor space to result in a FSR of maximum 0.42:1, to bring the proposal closer to compliance with Councils Residential Development Control Plan. Plans being suitably amended prior to issue of the Construction Certificate.

ANS02

The landscaping plans are to be amended to show existing ground levels being maintained within 0.9m of the south side boundary and new planting comprising 80% endemic species. Plans being suitably amended accordingly prior to issue of the Construction Certificate.

DA009

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

DA010

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

DA011

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

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

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

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

## DA017

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

## DA342

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

## DA343

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

#### DA039

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

#### DA040

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

#### DA044

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

#### DA048

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

#### DA058

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

#### DA059

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

#### DA060

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

#### DA357

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

#### DA088

A system of onsite stormwater detention 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 OSD plan showing work as executed 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 detention.

#### DA100

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

#### 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.

#### DA230

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

#### DA237

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

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

#### DA238

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

#### DA239

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

#### DA240

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

#### DA247

Landscaping being provided in accordance with the approved Landscaping Plan and conditions of

this consent, landscaping being maintained in accordance with that plan at all times.

DA346

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

DA348

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

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

Framework inspection

Wet area moisture barrier

Drainage inspection

Driveway crossing/kerb layback

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$1,760. (being \$220.00 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 1573 or 9976 1587.**

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 \$100.00.

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.

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 non-structural elements, shall be submitted to the Council/Accredited Certifier

prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

DA320

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

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Council's Section 94 Policy applicable at the time of payment **prior to the issue of the Construction Certificate.**

DA323

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

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

**Against the Resolution:** Councillors Morrison and Aird

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Environmental Services Division Report No. 25

**3A Magarra Place, Seaforth (DA187/05)**

**Application Lodged:** 11 April 2005  
**Applicant/Owner** James and Patricia Spiropoulos  
**Estimated Cost:** \$380,000  
**Zoning:** Zone No.2 (Residential) of the Manly Local Environmental Plan 1988.  
**Surrounding Development:** Single and two storey dwellings.  
**Heritage:** Not applicable

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A NEW MULTI-LEVEL DWELLING, ELEVATED DRIVEWAY, DOUBLE CARPARKING AREA AND LANDSCAPING AT 3A MAGARRA PLACE, SEAFORTH.
2. THE APPLICATION WAS NOTIFIED FROM 10 MAY 2005 UNTIL THE 24 MAY 2005 AND THREE (3) SUBMISSIONS WERE RECEIVED OBJECTING TO THE PROPOSAL.
3. AMENDED PLANS WERE SUBMITTED TO COUNCIL ON 13 MARCH 2006 IN ACCORDANCE WITH RECOMMENDATIONS FROM COUNCILS DEVELOPMENT ASSESSMENTS UNIT, TO REDUCE THE PROPOSED DEVELOPMENTS IMPACTS ON ADJOINING PROPERTIES. THESE PLANS WERE RE-NOTIFIED FROM 3 APRIL 2006 UNTIL 10 APRIL 2006 AND THREE (3) SUBMISSIONS WERE RECEIVED OBJECTING TO THE AMENDED PROPOSAL.
4. THE APPLICATION WAS REFERRED TO THE SEAFORTH PRECINCT COMMUNITY FORUM COMMITTEE WITH COMMENTS RECEIVED.
5. THIS APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR LAMBERT.
5. A SITE INSPECTION IS RECOMMENDED.
6. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

**SITE INSPECTION**

A site inspection of 3A Magarra Place, Seaforth was conducted by Councillors Hay, Heasman, Lambert and Macdonald on Monday, 5 June 2006

**Inspection Party Recommendation**

No Recommendation

**PUBLIC ADDRESSES**

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

**Applicant:** Patricia Spiropoulos

**MOTION (Heasman / Daley)**

That Development Application No.187/05 for demolition of an existing dwelling and construction of a new multi-level dwelling, elevated driveway, double carparking area and landscaping at property No.3A Magarra Place, Seaforth, be **approved** subject to the following conditions:-

**DA1**

This approval relates to Landscape Concept Plan drawings Nos. 05/10028/01 dated 4 March 2005 and received by Council on the 11 April, 2005. Plan drawings Nos. 1 to 4 Issue G Job No. 823/03 dated October 2004 and received by Council 13 March 2006.

**ANS01**

Further planting is to be provided around the elevated driveway on Council land to help screen the elevated drive. Glochidion Ferdinadii x2 and Corymbium Maculata to be retained on Council land and protected. The Landscape Plan shall be amended accordingly and submitted to Council/Accredited Certifier prior to the issue of the construction certificate.

**ANS02**

Construction shall comply with AS3959 - 1999 level 1 'Construction of Buildings in bushfire prone areas'.

**ANS03**

The structure shall incorporate gutter less roofing or leafless guttering to prevent the build up of flammable material.

**ANS04**

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

**ANS05**

The shared pedestrian access path linking Magarra Place to property No.3A Magarra Place and property No.21 Manly Road, Seaforth, shall remain unobstructed during the construction period.

**ANS06**

The external materials, finishes and colours of the development are to be non-glare and of an unobtrusive nature, compatible with the surrounding environment. Colour samples and details of such finishes shall be submitted to the Council/Accredited Certifier for approval prior to the issue of the Construction Certificate.

## ANS07

A separate application is required to be submitted to Council for the elevated driveway structure to be erected on Council property (road reserve). In this regard please contact Council's administration officer on 9976 1517. Please note that this approval must be obtained prior to the issue of the construction certificate.

## ANS08

The western facing privacy screen off the ground floor rear veranda shall have fixed louvers angled in a westerly direction to allow for afternoon sunlight access and to prevent direct overlooking into the rear private opens space area of adjoining property No.21 Manly Road, Manly. Details to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

## ANS09

The approved amended plans are required to obtain a Basix Certificate to meet the NSW Government's sustainability requirements. Proof of Basix Certification shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

## DA009

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

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

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

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

## DA017

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

## DA272

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

DA342

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

DA343

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

DA018

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

DA019

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

DA021

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

DA022

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

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.

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.

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.

DA065

All external cladding and trim of the approved building shall be of a non reflective nature (with reflectivity index of maximum 20%). Details of such finishes shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA109

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

DA111

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

DA084

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

DA088

A system of onsite stormwater detention 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 OSD plan showing work as executed 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 detention.

DA100

A positive covenant in respect of the installation and maintenance of onsite detention works is



required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and prior to the release of the trust fund deposit.

#### DA115

A plan detailing treatment in respect of all boundary fences, finished surface levels and the location and height of all retaining walls and material used in their construction, as well as other structures such as garbage receptacles etc. shall be incorporated in the landscape details submitted to the Council/Accredited Certifier, prior to the issue of the Construction Certificate.

#### DA121

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

#### DA126

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

#### DA230

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

#### DA236

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

#### DA239

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

#### DA240

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

#### DA243

The trees to be retained are to be protected from trenching or excavation works or other construction works during the building construction stage. A security bond for \$ is required to ensure that the trees are protected during the construction stage. The security bond may be in the form of a bank guarantee which must be lodged with Council prior to issue of the Construction Certificate.

#### DA245

All trees on the site clear of the building are to be retained and those trees within 7.5m of the building are to be provided with a tree guard and a notice on each guard reading: **This tree is the subject of a Tree Preservation Order by Manly Council.** This notice is to be in position prior to any work being commenced on the site.

#### DA346

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

DA358

Details are to be provided of at least 1 existing or proposed endemic trees for the site that are typically expected to reach a height at maturity of 10 metres. A list of appropriate endemic trees for the Manly area may be obtained at Council's Customer Service desk. Details of new planting are to include appropriate siting and pot size (minimum of 25 litres) in accordance with section 3.2 of the Residential Development Control Plan 2001. Details are to be submitted with the Construction Certificate to the satisfaction of the Council/Accredited Certifier.

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

Framework inspection

Wet area moisture barrier

Drainage inspection

Driveway crossing/kerb layback

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$.1980. (being \$220.00 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 1573 or 9976 1587.**

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 \$100.00.

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.

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.

**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.

**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 non-structural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack"

**DA320**

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

**DA323**

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

**AMENDMENT (Aird / Lambert)**

That Development Application No.187/05 for demolition of an existing dwelling and construction of a new multi-level dwelling, elevated driveway, double carparking area and landscaping at property No.3A Magarra Place, Seaforth, be **refused** for the following reasons. That the proposal:

- Is an overdevelopment of the site;
- Does not comply with the requirements of the Development Control Plan;
- Results in a loss of solar access to the property to the east; and
- Impacts on the privacy of neighbours.

**For the Amendment:** Councillors Lambert, Aird and Evans

**Against the Amendment:** Councillors Macdonald, Heasman, Cant, Murphy, Daley, Morrison and Norek

*Councillor Hay was not in the Chamber when the Motion was put.*

The **Amendment** was declared **Lost**.

**RESOLVED: (Heasman / Daley)**

That Development Application No.187/05 for demolition of an existing dwelling and construction of a new multi-level dwelling, elevated driveway, double carparking area and landscaping at property No.3A Magarra Place, Seaforth, be **approved** subject to the following conditions:-

**DA1**

This approval relates to Landscape Concept Plan drawings Nos. 05/10028/01 dated 4 March 2005 and received by Council on the 11 April, 2005. Plan drawings Nos. 1 to 4 Issue G Job No. 823/03 dated October 2004 and received by Council 13 March 2006.

**ANS01**

Further planting is to be provided around the elevated driveway on Council land to help screen the elevated drive. Glochidion Ferdinadii x2 and Corymbium Maculata to be retained on Council land and protected. The Landscape Plan shall be amended accordingly and submitted to Council/Accredited Certifier prior to the issue of the construction certificate.

**ANS02**

Construction shall comply with AS3959 - 1999 level 1 'Construction of Buildings in bushfire prone areas'.

**ANS03**

The structure shall incorporate gutter less roofing or leafless guttering to prevent the build up of flammable material.

**ANS04**

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

**ANS05**

The shared pedestrian access path linking Magarra Place to property No.3A Magarra Place and property No.21 Manly Road, Seaforth, shall remain unobstructed during the construction period.

**ANS06**

The external materials, finishes and colours of the development are to be non-glare and of an unobtrusive nature, compatible with the surrounding environment. Colour samples and details of such finishes shall be submitted to the Council/Accredited Certifier for approval prior to the issue of the Construction Certificate.

**ANS07**

A separate application is required to be submitted to Council for the elevated driveway structure to be erected on Council property (road reserve). In this regard please contact Council's administration officer on 9976 1517. Please note that this approval must be obtained prior to the issue of the construction certificate.

**ANS08**

The western facing privacy screen off the ground floor rear veranda shall have fixed louvers angled in a westerly direction to allow for afternoon sunlight access and to prevent direct overlooking into the rear private opens space area of adjoining property No.21 Manly Road, Manly. Details to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

**ANS09**

The approved amended plans are required to obtain a Basix Certificate to meet the NSW Government's sustainability requirements. Proof of Basix Certification shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

## DA009

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

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

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

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

## DA017

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

## DA272

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

## DA342

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

## DA343

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

## DA018

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

## DA019

Insurance must be undertaken with the contracted builder in accordance with the Home Building

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

**DA021**

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

**DA022**

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

**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.

**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.

**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.

DA065

All external cladding and trim of the approved building shall be of a non reflective nature (with reflectivity index of maximum 20%). Details of such finishes shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA109

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

DA111

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

DA084

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

DA088

A system of onsite stormwater detention 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 OSD plan showing work as executed 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 detention.

DA100

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

DA115

A plan detailing treatment in respect of all boundary fences, finished surface levels and the location and height of all retaining walls and material used in their construction, as well as other structures such as garbage receptacles etc. shall be incorporated in the landscape details submitted to the Council/Accredited Certifier, prior to the issue of the Construction Certificate.

DA121

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

DA126

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

DA230

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

DA236

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

DA239

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

DA240

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

DA243

The trees to be retained are to be protected from trenching or excavation works or other construction works during the building construction stage. A security bond for \$ is required to ensure that the trees are protected during the construction stage. The security bond may be in the form of a bank guarantee which must be lodged with Council prior to issue of the Construction Certificate.

DA245

All trees on the site clear of the building are to be retained and those trees within 7.5m of the building are to be provided with a tree guard and a notice on each guard reading: **This tree is the subject of a Tree Preservation Order by Manly Council.** This notice is to be in position prior to any work being commenced on the site.

DA346

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

DA358

Details are to be provided of at least 1 existing or proposed endemic trees for the site that are typically expected to reach a height at maturity of 10 metres. A list of appropriate endemic trees for the Manly area may be obtained at Council's Customer Service desk. Details of new planting are to include appropriate siting and pot size (minimum of 25 litres) in accordance with section 3.2 of the Residential Development Control Plan 2001. Details are to be submitted with the Construction Certificate to the satisfaction of the Council/Accredited Certifier.

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

Framework inspection

Wet area moisture barrier

Drainage inspection

Driveway crossing/kerb layback

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$.1980. (being \$220.00 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 1573 or 9976 1587.**

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 \$100.00.

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.

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.

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.

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 non-structural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack"

DA320

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

DA323

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

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

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

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Environmental Services Division Report No. 26

**4 Alma Street, Clontarf (DA399/05)**

**Application Lodged:** 16/9/2005  
**Applicant:** Mr. Marc Biancardi (Architect)  
**Owner:** P & D Phipps  
**Estimated Cost:** \$700,000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential and within Foreshore Scenic Protection Area  
**Surrounding Development:** 1 & 2 storey dwellings, and some 3 storey dwellings  
**Heritage:** Nil

**SUMMARY:**

1. 16 SEPTEMBER 2005 - ORIGINAL APPLICATION LODGED.
2. NOTIFICATION RESULTED IN RECEIPT OF ONE SUBMISSION FROM REAR NEIGHBOUR TO NORTH RAISING ISSUES OF VIEW IMPACT.
3. 29 NOVEMBER 2005 - DA RECOMMENDED AND DETERMINED FOR REFUSAL BY DAU ON GROUNDS OF OVERDEVELOPMENT OF SITE (NON COMPLIANCE WITH DCP PROVISIONS FOR SOFT LANDSCAPING, FSR, HEIGHT, AND SETBACK; AND ISSUES OF VIEW LOSS, STREETScape, PRIVACY AND NOISE)
4. DECEMBER 2005 - APPLICANTS PROPOSE NEGOTIATING WITH NEIGHBOURS AND MAKING AMENDMENTS TO THEIR ORIGINAL PROPOSAL "TO ACHIEVE A MORE POSITIVE RESULT."
5. JANUARY 2006 - APPLICANTS ERECT HEIGHT POLE PROFILES (VERIFIED BY AC GILBERT CONSULTING SURVEYORS) AND AGREE TO DELETE STAIR ACCESS STRUCTURE.
6. FEBRUARY 2006 - OBJECTING NEIGHBOURS WITHDRAW THEIR OBJECTION IN WRITING.
7. 16 MARCH 2006 – S.82A REVIEW OF DETERMINATION REQUEST SUBMITTED WITH AMENDED DRAWINGS. AMENDMENTS INCLUDE DELETION OF STAIR ACCESS, LOWER PARAPET 300MM AND SLIGHT INCREASE IN SOFT-LANDSCAPING (19M<sup>2</sup>)
8. THE PROPOSAL AS AMENDED HAS BEEN ASSESSED AND REMAINS TO BE CONSIDERED AN OVERDEVELOPMENT OF THE SITE WITH NON-COMPLIANT OPEN

- SPACE, SOFT LANDSCAPING, FLOOR SPACE RATIO, BUILDING HEIGHT AND SETBACK; CONSEQUENTLY IT IS RECOMMENDED FOR REFUSAL.
9. THIS DEVELOPMENT APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
  10. A SITE INSPECTION IS RECOMMENDED.
  11. REFUSAL OF THE APPLICATION IS RECOMMENDED.

### SITE INSPECTION

A site inspection of 4 Alma Street, Clontarf was conducted by Councillors Daley, Hay, Heasman, Lambert and Macdonald on Monday, 5 June 2006.

### Inspection Party Recommendation

No Recommendation

### PUBLIC ADDRESSES

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

**Applicant:** Paul Phipps

### MOTION (Hay / Daley)

That Development Application No.399/05 for alterations and additions to the existing dwelling at No.4 Alma Street Clontarf be **approved** as submitted by the Applicant, subject to the following conditions:

1. This approval relates to drawings/plans No. DA.01 to Da.08 issue J dated 07/04 received by Council 17 March 2006, as amended by the above deferred commencement conditions.

#### DA16

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

**Note:** Should Council property adjoining the site be defective 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.**

#### DA17

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

#### DA342

The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.

#### DA343

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

#### DA87

A detailed stormwater management plan shall be prepared to fully comply with Council's

"Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The principal Certifying Authority shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.

DA230

No building materials may be stored on the road reserve without separate approval from Council.

DA261

**Prior to the commencement of any works** on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate**.

DA239

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

DA240

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

DA348

Precautions shall be taken when working near trees to be retained including the following:

- do not store harmful or bulk materials or spoil under or near trees
- prevent damage to bark and root system
- do not use mechanical methods to excavate within root zones
- do not add or remove topsoil from under the drip line
- do not compact ground under the drip line.

DA18

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

DA19

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 **prior to issue of the Construction Certificate**.

DA21

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.

DA22

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.

DA24

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.

**DA31**

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.

**DA38**

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Principal Certifying Authority in respect of the load carrying capabilities of the existing structure to support the proposed **additions prior to the issue of the Construction Certificate.**

**DA39**

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 Principal Certifying Authority **prior to the issue of the Construction Certificate.**

**DA40**

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.

**DA44**

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

**DA47**

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

**DA48**

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

**DA58**

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) Architectural/Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate.**

**DA84**

Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.

**DA109**

All demolition is to be carried out in accordance with AS2601-1991.

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.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site.**

DA270

The works require the following inspection/certification during the course of construction:-

- Silt control fences
- Footing inspection - trench and steel
- Framework inspection
- Wet area moisture barrier
- Swimming pool reinforcing steel inspection
- Swimming pool safety fence inspection
- Final inspection

The cost of these inspections by Council is \$1540 (being \$220.00 per inspection inclusive of GST). **Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit on 9976 1573 or 9976 1587.**

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 \$80.00.

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's satisfaction at all times.

DA333

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

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior

approval has been granted.

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

The measures must include:-

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

DA289

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

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

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.

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. In this regard the applicant's attention is drawn to the mechanical ventilation system.

DA319

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

DA320

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

DA323

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



**AMENDMENT (Evans / Aird)**

That Development Application No.399/05 for alterations and additions to the existing dwelling at No.4 Alma Street Clontarf be **refused** for the following reasons:

1. The proposal is considered inconsistent with the relevant objectives of Zone 2 - Residential under Manly Local Environmental Plan 1988, particularly with respect to objectives (c), (d) and (e) due to excess visual bulk and scale impacts to the surrounds with respect to impacts on views and streetscape, pursuant to Section 79 C (1) (a) (i) of the Environmental Planning and Assessment Act 1979.
2. The proposal is considered an overdevelopment of the site given that it does not comply with the Manly Development Control Plan (DCP) for the Residential Zone 2001, Amendment 1 with respect to the provisions for open space, soft landscaping, Floor Space Ratio, building height and setback as stated in Sections 3.3, 3.4 and 3.5 of the Development Control Plan, pursuant to Section 79C (1) (a) (iii) of the Environmental Planning & Assessment Act 1979.
3. Pursuant to Section 79C (1) (b) of the Environmental Planning & Assessment Act 1979, the proposal is considered to result in unreasonable built impacts to its locality in terms of excess bulk and scale, impact on harbour and foreshore views from neighbouring properties, and impacts on streetscape.
4. Pursuant to Section 79C (1) (e) of the Environmental Planning & Assessment Act 1979, the proposal is not considered in the public interest, primarily due to its amenity impacts to neighbouring properties in terms of view loss and substantial non-compliance with the Manly Development Control Plan for the Residential Zone 2001, Amendment 1.
5. The proposal is considered inconsistent with the relevant objectives of Clause 25 of the Sydney Regional Environment Plan (Sydney Harbour Catchment) 2005, pursuant to Section 79C (1) (a) (i) of the Environmental Planning & Assessment Act 1979.

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

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

The **Amendment** was declared **Lost**.

**FORESHADOWED AMENDMENT (Macdonald / Murphy)**

That Development Application No.399/05 for alterations and additions to the existing dwelling at No.4 Alma Street Clontarf be **approved** subject to **deferred commencement** (and standard conditions as detailed below) for redesign to achieve the following:

**A. Deferred Commencement Conditions:**

1. Removal of the roof top terrace;
2. Closer compliance with the open space ratios, both total and soft space ratios;
3. An amendment of the western setback of the pool;
4. A reduction in the Floor Space Ratio to bring it closer to compliance as if the block was a 750m<sup>2</sup> block. That this reduction encompass a view to remove bulk from the south east aspect of the building; and
5. A reduction in the impact of the property from the foreshore scenic protection area.

**B. When the applicant satisfies Part A of the Deferred Commencement Conditions, the following conditions also apply:**

1. This approval relates to drawings/plans No. DA.01 to Da.08 issue J dated 07/04 received by Council 17 March 2006, as amended by the above deferred commencement conditions.

DA16

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

**Note:** Should Council property adjoining the site be defective 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.**

DA17

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

DA342

The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.

DA343

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

DA87

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

DA230

No building materials may be stored on the road reserve without separate approval from Council.

DA261

**Prior to the commencement of any works** on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**

DA239

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

DA240

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

DA348

Precautions shall be taken when working near trees to be retained including the following:

- do not store harmful or bulk materials or spoil under or near trees
- prevent damage to bark and root system
- do not use mechanical methods to excavate within root zones
- do not add or remove topsoil from under the drip line
- do not compact ground under the drip line.

## DA18

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

## DA19

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 **prior to issue of the Construction Certificate.**

## DA21

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.

## DA22

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.

## DA24

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.

## DA31

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.

## DA38

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Principal Certifying Authority in respect of the load carrying capabilities of the existing structure to support the proposed **additions prior to the issue of the Construction Certificate.**

## DA39

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 Principal Certifying Authority **prior to the issue of the Construction Certificate.**

## DA40

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.

DA44

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

DA47

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

DA48

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

DA58

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) Architectural/Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate.**

DA84

Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.

DA109

All demolition is to be carried out in accordance with AS2601-1991.

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.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site.**

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The works require the following inspection/certification during the course of construction:-

- Silt control fences
- Footing inspection - trench and steel
- Framework inspection
- Wet area moisture barrier
- Swimming pool reinforcing steel inspection
- Swimming pool safety fence inspection

## Final inspection

The cost of these inspections by Council is \$1540 (being \$220.00 per inspection inclusive of GST). **Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit on 9976 1573 or 9976 1587.**

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 \$80.00.

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

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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's satisfaction at all times.

## DA333

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

## DA334

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

## DA335

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

## DA336

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

## DA337

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

## DA338

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

## DA339

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

## DA340

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

The measures must include:-

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

## DA289

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

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

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

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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.

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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.

## 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. In this regard the applicant's attention is drawn to the mechanical ventilation system.

## DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Principal Certifying Authority **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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**Prior to issue of the Occupation Certificate**, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

## DA323

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

**For the Foreshadowed Amendment:** Councillors Macdonald, Heasman, Lambert, Cant, Murphy, Morrison and Norek

**Against the Foreshadowed Amendment:** Councillors Hay, Daley, Aird and Evans

The **Foreshadowed Amendment** became the **Motion** and was put and declared **carried**.

**RESOLVED: (Macdonald / Murphy)**

That Development Application No.399/05 for alterations and additions to the existing dwelling at No.4 Alma Street Clontarf be granted **approval** subject to **deferred commencement** (and standard conditions as detailed below) for redesign to achieve the following.

**A. Deferred Commencement Conditions:**

1. Removal of the roof top terrace;
2. Closer compliance with the open space ratios, both total and soft space ratios;
3. An amendment of the western setback of the pool;
4. A reduction in the Floor Space Ratio to bring it closer to compliance as if the block was a 750m<sup>2</sup> block. That this reduction encompass a view to remove bulk from the south east aspect of the building; and
5. A reduction in the impact of the property from the foreshore scenic protection area.

**B. When the applicant satisfies Part A of the Deferred Commencement Conditions, the following conditions also apply:**

1. This approval relates to drawings/plans No. DA.01 to Da.08 issue J dated 07/04 received by Council 17 March 2006, as amended by the above deferred commencement conditions.

DA16

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

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

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

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The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.

DA343

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

DA87

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

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No building materials may be stored on the road reserve without separate approval from Council.

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**Prior to the commencement of any works** on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**

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

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Precautions shall be taken when working near trees to be retained including the following:



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

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

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

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

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A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm.

Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

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

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

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

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Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate.**

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Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.

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

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

## DA339

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

## DA340

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

The measures must include:-

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

## DA289

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

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

## 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.

## 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. In this regard the applicant's attention is drawn to the mechanical ventilation system.

## DA319

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

## DA320

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

## DA323

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

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

**Against the Resolution:** Councillors Aird and Evans

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Environmental Services Division Report No. 28

**54 Lauderdale Avenue, Fairlight - Section 96 Modification (DA595/00)**

**Application Lodged:** 14 February 2006

**Applicant:** T Barnabas

**Owner:** T and G Barnabas

**Estimated Cost:** \$700,000

**Zoning:** Manly Local Environmental Plan, 1988 - Residential the property is also in the Foreshore Scenic Protection Area

**Surrounding Development:** Residential Flat Buildings and Dwellings

**Heritage:** Not applicable

**SUMMARY:**

1. MODIFICATION OF DEVELOPMENT CONSENT IS SOUGHT FOR THE APPROVED DEMOLITION OF THE EXISTING BUILDING AND CONSTRUCTION OF TWO NEW DWELLINGS INCLUDING STRATA SUBDIVISION.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH FOUR (4) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE FAIRLIGHT PRECINCT COMMUNITY FORUM AND COMMENTS RECEIVED.
4. THE APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD .

5. SITE INSPECTION IS RECOMMENDED.
6. THE PROPOSED MODIFICATIONS ARE RECOMMENDED FOR APPROVAL.

### SITE INSPECTION

A site inspection of 54 Lauderdale Avenue, Fairlight was conducted by Councillors Daley, Hay, Heasman, Lambert and Macdonald on Monday, 5 June 2006.

### Inspection Party Recommendation

No Recommendation

### PUBLIC ADDRESSES

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

**Objector:** Kerstin Gale

**Applicant:** Trevor Barnabas

### MOTION (Hay / Daley)

That pursuant to Section 96 (1A) of the environmental Planning Assessment Act 1979, the application to modify Development Consent 595/00 for the demolition of the existing building and construction of two new dwellings including strata subdivision at No. 54 Lauderdale Avenue, Fairlight be approved subject to the original conditions of consent, with Condition No. 1 modified and new condition 102 added as follows:

1. This approval relates to drawings/plan's numbers 2021 WD01 issue C and WD 02 to 04 Issue E dated 5.05.2005 and received by Council on the 14th of February 2006 and Landscaped Plan 0027DALA01 dated Feb 06 issue B.
102. Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.

### AMENDMENT (Macdonald / Aird)

That pursuant to Section 96 (1A) of the environmental Planning Assessment Act 1979, the application to modify Development Consent 595/00 for the demolition of the existing building and construction of two new dwellings including strata subdivision at No. 54 Lauderdale Avenue, Fairlight be approved subject to the original conditions of consent, with Condition No. 1 modified and new conditions 102 and 103 be added as follows:

1. This approval relates to drawings/plan's numbers 2021 WD01 issue C and WD 02 to 04 Issue E dated 5.05.2005 and received by Council on the 14th of February 2006 and Landscaped Plan 0027DALA01 dated Feb 06 issue B.
102. Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.
103. That the two front western facing windows on levels 1 and 2 be of highlight nature (minimum 1.6m from floor level).

**For the Amendment:** Councillors Macdonald, Lambert, Aird and Evans

**Against the Amendment:** Councillors Hay, Heasman, Cant, Murphy, Daley, Morrison and Norek

The **Amendment** was declared **Lost**.

**FORESHADOWED AMENDMENT (Murphy / Cant)**

That pursuant to Section 96 (1A) of the environmental Planning Assessment Act 1979, the application to modify Development Consent 595/00 for the demolition of the existing building and construction of two new dwellings including strata subdivision at No. 54 Lauderdale Avenue, Fairlight be approved subject to the original conditions of consent, with Condition No. 1 modified and new conditions 102 and 103 be added as follows:

1. This approval relates to drawings/plan's numbers 2021 WD01 issue C and WD 02 to 04 Issue E dated 5.05.2005 and received by Council on the 14th of February 2006 and Landscaped Plan 0027DALA01 dated Feb 06 issue B.
102. Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.
103. That a fixed vertical louvre be installed for a length of 2.2m from the northern edge of the window on the deck on level 2 (1.6m in height).

**For the Foreshadowed Amendment:** Councillors Macdonald, Heasman, Cant, Murphy, Norek and Evans

**Against the Foreshadowed Amendment:** Councillors Hay, Lambert, Daley, Morrison and Aird

The **Foreshadowed Amendment** became the Motion and was declared **Carried**.

**RESOLVED: (Murphy / Cant)**

That pursuant to Section 96 (1A) of the environmental Planning Assessment Act 1979, the application to modify Development Consent 595/00 for the demolition of the existing building and construction of two new dwellings including strata subdivision at No. 54 Lauderdale Avenue, Fairlight be approved subject to the original conditions of consent, with Condition No. 1 modified and new conditions 102 and 103 be added as follows:

1. This approval relates to drawings/plan's numbers 2021 WD01 issue C and WD 02 to 04 Issue E dated 5.05.2005 and received by Council on the 14th of February 2006 and Landscaped Plan 0027DALA01 dated Feb 06 issue B.
102. Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.
103. That a fixed vertical louvre be installed for a length of 2.2m from the northern edge of the window on the deck on level 2 (1.6m in height).

**For the Resolution:** Councillors Macdonald, Heasman, Cant, Murphy, and Norek

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

The **Resolution** was declared **Lost**.

This matter was **UNRESOLVED**.

**RECOMMITAL MOTION (Lambert / Macdonald)**

That Environmental Services Division Report No. 28, 54 Lauderdale Avenue, Fairlight, be recommitted to seek clarification of the voting.

**RESOLVED: (Lambert / Macdonald)**

That Environmental Services Division Report No. 28, 54 Lauderdale Avenue, Fairlight, be recommitted to to seek clarification of the voting.

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

**Against the Resolution:** Councillors Heasman, Murphy, Norek

Environmental Services Division Report No. 28

**54 Lauderdale Avenue, Fairlight - Section 96 Modification (DA595/00)****MOTION (Hay / Daley)**

That pursuant to Section 96 (1A) of the environmental Planning Assessment Act 1979, the application to modify Development Consent 595/00 for the demolition of the existing building and construction of two new dwellings including strata subdivision at No. 54 Lauderdale Avenue, Fairlight be approved subject to the original conditions of consent, with Condition No. 1 modified and new condition 102 added as follows:

1. This approval relates to drawings/plan's numbers 2021 WD01 issue C and WD 02 to 04 Issue E dated 5.05.2005 and received by Council on the 14th of February 2006 and Landscaped Plan 0027DALA01 dated Feb 06 issue B.
102. Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.

**AMENDMENT (Macdonald / Aird)**

That pursuant to Section 96 (1A) of the environmental Planning Assessment Act 1979, the application to modify Development Consent 595/00 for the demolition of the existing building and construction of two new dwellings including strata subdivision at No. 54 Lauderdale Avenue, Fairlight be approved subject to the original conditions of consent, with Condition No. 1 modified and new conditions 102 and 103 be added as follows:

1. This approval relates to drawings/plan's numbers 2021 WD01 issue C and WD 02 to 04 Issue E dated 5.05.2005 and received by Council on the 14th of February 2006 and Landscaped Plan 0027DALA01 dated Feb 06 issue B.
104. Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.
105. That the two front western facing windows on levels 1 and 2 be of highlight nature (minimum 1.6m from floor level).

**For the Amendment:** Councillors Macdonald, Lambert, Aird and Evans

**Against the Amendment:** Councillors Hay, Heasman, Cant, Murphy, Daley, Morrison and Norek

The **Amendment** was declared **Lost**.

**FORESHADOWED AMENDMENT (Murphy / Cant)**

That pursuant to Section 96 (1A) of the environmental Planning Assessment Act 1979, the application to modify Development Consent 595/00 for the demolition of the existing building and construction of two new dwellings including strata subdivision at No. 54 Lauderdale Avenue,



Fairlight be approved subject to the original conditions of consent, with Condition No. 1 modified and new conditions 102 and 103 be added as follows:

1. This approval relates to drawings/plan's numbers 2021 WD01 issue C and WD 02 to 04 Issue E dated 5.05.2005 and received by Council on the 14th of February 2006 and Landscaped Plan 0027DALA01 dated Feb 06 issue B.
104. Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.
105. That a fixed vertical louvre be installed for a length of 2.2m from the northern edge of the window on the deck on level 2 (1.6m in height).

**For the Foreshadowed Amendment:** Councillors Macdonald, Heasman, Cant, Murphy, Norek, Aird and Evans

**Against the Foreshadowed Amendment:** Councillors Hay, Lambert, Daley, Morrison

The **Foreshadowed Amendment** became the **Motion** and was declared **carried**.

**RESOLVED: (Murphy / Cant)**

That pursuant to Section 96 (1A) of the environmental Planning Assessment Act 1979, the application to modify Development Consent 595/00 for the demolition of the existing building and construction of two new dwellings including strata subdivision at No. 54 Lauderdale Avenue, Fairlight be approved subject to the original conditions of consent, with Condition No. 1 modified and new conditions 102 and 103 be added as follows:

1. This approval relates to drawings/plan's numbers 2021 WD01 issue C and WD 02 to 04 Issue E dated 5.05.2005 and received by Council on the 14th of February 2006 and Landscaped Plan 0027DALA01 dated Feb 06 issue B.
104. Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.
105. That a fixed vertical louvre be installed for a length of 2.2m from the northern edge of the window on the deck on level 2 (1.6m in height).

**For the Resolution:** Councillors Macdonald, Heasman, Cant, Daley, Murphy, Evans and Norek

**Against the Resolution:** Councillors Hay, Lambert, Morrison and Aird

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*Councillor Morrison departed the meeting at 12:15pm.*

Environmental Services Division Report No. 29

**2 Smith Street, Manly - Section 82A Review (DA504/04)**

**Application Lodged:** 20 December 2005  
**Applicant:** Costello & Graham Design  
**Owner:** C Santos 7 M Tamhane  
**Estimated Cost:** \$300,000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
**Surrounding Development:** Single and two storey free standing and semi detached dwellings  
**Heritage:** Within Pittwater Road Conservation Area

**SUMMARY:**

1. DEVELOPMENT APPLICATION 504/04 FOR ALTERATIONS AND ADDITIONS INCLUDING A NEW FIRST FLOOR LEVEL TO THE EXISTING SEMI DETACHED DWELLING WAS RECEIVED BY COUNCIL 10 NOVEMBER 2004.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH TWO (2) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 12 DECEMBER 2004 AND REFUSED BY LETTER DATED 29 DECEMBER 2004.
4. COUNCIL RECEIVED AN APPLICATION FOR REVIEW OF DETERMINATION ON 20 DECEMBER 2005.
5. THE APPLICATION FOR REVIEW WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH FOUR (4) SUBMISSIONS RECEIVED.
6. THE APPLICATION FOR REVIEW WAS REPORTED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 11 APRIL 2005 WITH A RECOMMENDATION FOR APPROVAL.
7. THE APPLICATION FOR REVIEW IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR LAMBERT.
8. A SITE INSPECTION IS RECOMMENDED.
9. THE APPLICATION IS RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.

**SITE INSPECTION**

A site inspection of 2 Smith Street, Manly was conducted by Councillors Daley, Hay, Heasman, Lambert and Macdonald on Monday, 5 June 2006.

**Inspection Party Recommendation**

Approval as per staff recommendation with condition ANS04 amended to read as follows:

"The two existing chimneys on the southern side of the building are to remain in-situ as they are part of the character of the streetscape of the Conservation Area. These two chimneys are to be protected during construction works."

**PUBLIC ADDRESSES**

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

**Applicant:** Mark Temhane

**MOTION (Macdonald / Evans)**

That development application No.504/04 for Alterations and Additions to the Existing Semi Detached Dwelling at No. 2 Smith Street Manly be **approved** subject to the following conditions:

1. This approval relates to drawings/plans No. DA01, DA04 to DA08 issue D and DA09 issue B 16 December 2005 received by Council 20 December 2005.

**ANS01**

Any new colour scheme and material proposed are to be sympathetic to the style of the dwelling. A detail of any new colour scheme is to be submitted to Council/Accredited Certifier prior to issue of the Construction Certificate.

**ANS02 (amended)**

The new metal roof sheeting is to have a traditional corrugated iron profile. Details are to be submitted to Council/Accredited Certifier prior to issue of the Construction Certificate.

## ANS03

A simple archival quality photographic record is to be made of the affected parts of the dwelling (exterior and interior) and submitted to Council prior to issue of the Construction Certificate. The record is to include a copy of the development application plans which includes existing floor plan and elevations (A4 size) and a copy of the Statement of Environmental Effects. The photographs are to be in black and white and colour and referenced to plans of the existing dwelling. Two copies of the photographic record and one copy of the black and white negatives are to be submitted in A4 format and when received will be lodged with the Manly Local studies Library. The NSW Heritage Office Guidelines are a useful guide in the preparation of photographic records.

**ANS04 (amended)**

The two existing chimneys on the southern side of the building are to remain in-situ as they are part of the character of the streetscape of the Conservation Area. These two chimneys are to be protected during construction works.

## ANS05

Any original stone or brickwork not painted or rendered is to remain unpainted and not rendered.

## ANS06

The first floor bathroom window is to be fitted with translucent glass to reduce privacy impacts on the adjoining properties to the south, plans being suitably notated prior to issue of the Construction certificate.

## ANS07

The landscape plan is to be amended to show the planting of one (1) endemic tree species that will attain a height of 6 meters.

## ANS08

The Camphor Laurel tree located forward of the site is to be protected during construction works.

## DA16

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

## DA17

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

## DA342

The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.

## DA343

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

DA87

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

DA230

No building materials may be stored on the road reserve without separate approval from Council.

DA261

**Prior to the commencement of any works** on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate**.

DA18

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

DA19

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 **prior to issue of the Construction Certificate**.

DA21

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.

DA26

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.

DA31

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.

DA38

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Principal Certifying Authority in respect of the load carrying capabilities of the existing structure to support the proposed **additions prior to the issue of the Construction Certificate**.

DA39

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 Principal Certifying Authority **prior to the issue of the Construction Certificate**.

DA44

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.

DA48

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

DA58

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) Architectural/Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate.**

DA109

All demolition is to be carried out in accordance with AS2601-1991.

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.

DA230

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

DA239

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

DA348

Precautions shall be taken when working near trees to be retained including the following:

- do not store harmful or bulk materials or spoil under or near trees
- prevent damage to bark and root system
- do not use mechanical methods to excavate within root zones
- do not add or remove topsoil from under the drip line
- do not compact ground under the drip line.

DA261

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

DA269

A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site.**

DA270

The works require the following inspection/certification during the course of construction:-

Silt control fences  
Footing inspection - trench and steel  
Framework inspection  
Wet area moisture barrier  
Fire separation  
Final inspection

The cost of these inspections by Council is \$1,320. (being \$220.00 per inspection inclusive of GST). **Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit on 9976 1573 or 9976 1587.**

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 \$80.00.

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's 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.

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive

of structural and non-structural elements shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

DA320

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

DA323

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

**RESOLVED: (Macdonald / Evans)**

That development application No.504/04 for Alterations and Additions to the Existing Semi Detached Dwelling at No. 2 Smith Street Manly be **approved** subject to the following conditions:

1. This approval relates to drawings/plans No. DA01, DA04 to DA08 issue D and DA09 issue B 16 December 2005 received by Council 20 December 2005.

ANS01

Any new colour scheme and material proposed are to be sympathetic to the style of the dwelling. A detail of any new colour scheme is to be submitted to Council/Accredited Certifier prior to issue of the Construction Certificate.

**ANS02 (amended)**

The new metal roof sheeting is to have a traditional corrugated iron profile. Details are to be submitted to Council/Accredited Certifier prior to issue of the Construction Certificate.

ANS03

A simple archival quality photographic record is to be made of the affected parts of the dwelling (exterior and interior) and submitted to Council prior to issue of the Construction Certificate. The record is to include a copy of the development application plans which includes existing floor plan and elevations (A4 size) and a copy of the Statement of Environmental Effects. The photographs are to be in black and white and colour and referenced to plans of the existing dwelling. Two copies of the photographic record and one copy of the black and white negatives are to be submitted in A4 format and when received will be lodged with the Manly Local studies Library. The NSW Heritage Office Guidelines are a useful guide in the preparation of photographic records.

**ANS04 (amended)**

The two existing chimneys on the southern side of the building are to remain in-situ as they are part of the character of the streetscape of the Conservation Area. These two chimneys are to be protected during construction works.

ANS05

Any original stone or brickwork not painted or rendered is to remain unpainted and not rendered.

ANS06

The first floor bathroom window is to be fitted with translucent glass to reduce privacy impacts on the adjoining properties to the south, plans being suitably notated prior to issue of the Construction certificate.

ANS07

The landscape plan is to be amended to show the planting of one (1) endemic tree species that will attain a height of 6 meters.

ANS08

The Camphor Laurel tree located forward of the site is to be protected during construction works.

DA16

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

DA17

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

DA342

The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.

DA343

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

DA87

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

DA230

No building materials may be stored on the road reserve without separate approval from Council.

DA261

**Prior to the commencement of any works** on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**

DA18

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

DA19

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 **prior to issue of the Construction Certificate.**

DA21

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.

#### DA26

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.

#### DA31

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.

#### DA38

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Principal Certifying Authority in respect of the load carrying capabilities of the existing structure to support the proposed **additions prior to the issue of the Construction Certificate.**

#### DA39

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 Principal Certifying Authority **prior to the issue of the Construction Certificate.**

#### DA44

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.

#### DA48

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

#### DA58

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) Architectural/Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate.**

#### DA109

All demolition is to be carried out in accordance with AS2601-1991.

#### 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.

DA230

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

DA239

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

DA348

Precautions shall be taken when working near trees to be retained including the following:

- do not store harmful or bulk materials or spoil under or near trees
- prevent damage to bark and root system
- do not use mechanical methods to excavate within root zones
- do not add or remove topsoil from under the drip line
- do not compact ground under the drip line.

DA261

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

DA269

A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site**.

DA270

The works require the following inspection/certification during the course of construction:-

Silt control fences

Footing inspection - trench and steel

Framework inspection

Wet area moisture barrier

Fire separation

Final inspection

The cost of these inspections by Council is \$1,320. (being \$220.00 per inspection inclusive of GST). **Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit on 9976 1573 or 9976 1587.**

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 \$80.00.

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's 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.

DA319

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

DA320

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

DA323

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

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

**Against the Resolution:** Nil.

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Environmental Services Division Report No. 30

**67 Collingwood Street, Manly (DA87/06)**

<b><u>Application Lodged:</u></b>	24 February 2006
<b><u>Applicant:</u></b>	Craig Whitting
<b><u>Owner:</u></b>	Craig Whitting
<b><u>Estimated Cost:</u></b>	\$500
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential
<b><u>Surrounding Development:</u></b>	1 & 2 storey residential dwellings, local shops
<b><u>Heritage:</u></b>	Nil.

**SUMMARY:**

1. IN 2003, DA 513/03 FOR USE OF THE GARAGE AS A GENERAL STORE WAS REFUSED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT. A REQUEST FOLLOWED FOR A S.82A REVIEW OF DETERMINATION, WITH THE PROPOSED USE CHANGED TO A 'TOY LIBRARY', WHICH WAS REFUSED ON 24/10/2003.
2. FOLLOWING UNAUTHORISED COMMENCEMENT OF A TAKEAWAY COFFEE SHOP / TOY LIBRARY BUSINESS AT THE PREMISES, AN ORDER WAS SERVED ON 31/1/2006 REQUIRING THE COMMERCIAL USE OF THE GARAGE TO CEASE.
3. IN RESPONSE TO THE ORDER THE APPLICANT ADVISED ON 9/2/2006 THAT HIRING CHILDRENS TOYS IS PERMISSIBLE AS A "HOME ACTIVITY", WITH NO FURTHER RETAIL TO BE CARRIED OUT.
4. DA 87/06 FOR OCCUPATION OF AN EXISTING GARAGE USED AS A 'TOY LIBRARY WITH ANCILARY FOOD RETAIL' [OPERATION OF A TAKEAWAY COFFEE SHOP] WAS SUBMITTED TO COUNCIL ON 24 FEBRARY 2006.
5. NOTIFICATION OF THE PROPOSAL FROM 6 MARCH – 20 MARCH 2006 RESULTED IN RECEIPT OF FOUR SUBMISSIONS, RAISING ISSUES OF UNAUTHORISED COMMENCEMENT, IMPACT ON TRADE OF NEIGHBOURING CORNER SHOPS, INAPPROPRIATE DEVELOPMENT IN A RESIDENTIAL AREA, AND PRECEDENT FOR OTHER SMALL SHOPS TO OPEN.
6. THE APPLICATION WAS REPORTED TO COUNCILS DEVELOPMENT ASSESSMENT UNIT MEEETING OF 27 APRIL 2006 WHERE IT WAS RECOMMENDED FOR REFUSAL.
7. THE APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR NOREK.
8. THE PROPOSAL AND UNAUTHORISED COMMENCEMENT OF A TAKEAWAY COFFEE SHOP AND TOY HIRE IS PROHIBITED IN THE ZONE, THEREFORE THE DEVELOPMENT APPLICATION CAN ONLY BE DETERMINED BY WAY OF REFUSAL.

**PUBLIC ADDRESSES**

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

**Objector:** Margaret Morrell, resident of Carlton Street.

**Applicant:** Craig Whitting

**MOTION (Evans / Cant)**

1. That development application No.87/06 for operation of a toy library and a takeaway coffee shop at 67 Collingwood Street, Manly be **deferred**.
2. That Council enter into negotiations with the applicant and seek legal advice with a view to identifying a means by which this service could be legally operated.

**RESOLVED: (Evans / Cant)**

1. That development application No.87/06 for operation of a toy library and a takeaway coffee shop at 67 Collingwood Street, Manly be **deferred**.
2. That Council enter into negotiations with the applicant and seek legal advice with a view to identifying a means by which this service could be legally operated.

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

**Against the Resolution:** Nil

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Environmental Services Division Report No. 32

**Development Applications Currently Being Processed.****SUMMARY**

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING JUNE 2006.

**MOTION (Macdonald / Daley)**

That Council note the Development Applications currently being processed during June 2006.

**RESOLVED: (Macdonald / Daley)**

That Council note the Development Applications currently being processed during June 2006.

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

**Against the Resolution:** Nil

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Environmental Services Division Report No. 33

**Appeals List for June 2006****SUMMARY**

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

**MOTION (Cant / Macdonald)**

That the current list of appeals and their status be noted.

**RESOLVED: (Cant / Macdonald)**

That the current list of appeals and their status be noted.

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

**Against the Resolution:** Nil

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**CLOSE**

The meeting closed at [12.56am](#).

The above minutes were confirmed at an **Land Use Management Committee** of Manly Council held on [3 July 2006](#).

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**CHAIRPERSON**

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