

Minutes

Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 7 August 2006

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www.manly.nsw.gov.au*



TABLE OF CONTENTS

Item	Page No.
APOLOGIES.....	2
DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST.....	2
ENVIRONMENTAL SERVICES DIVISION.....	3
Environmental Services Division Report No. 41 118 Wanganella Street, Balgowlah.....	3
Environmental Services Division Report No. 42 11 The Corso, Manly	5
Environmental Services Division Report No. 43 40 Birkley Road, Manly.....	6
Environmental Services Division Report No. 44 Development Applications Currently Being Processed	19
Environmental Services Division Report No. 45 Appeals List for August 2006.....	20

TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Land Use Management Committee, having met at 7:41 PM on Monday 7 August 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 (arrived at 7:44pm)
Councillor A Heasman
Councillor J Lambert, AM Chairperson who presided
Councillor R Morrison, Deputy Chairperson (arrived at 7:44pm)
Councillor D Murphy
Councillor M Norek
Councillor B Pedersen

ALSO PRESENT

Henry Wong, General Manager
David Stray, Manager Development Control
Rachael Levey, Minute Taker

APOLOGIES

Nil.

LEAVE OF ABSENCE

Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

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

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 3 July 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: (Pedersen / Cant)

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 3 July 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, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird, Evans and Norek

Against the Resolution: Nil.

Councillor Hay and Councillor Morrison entered the Chamber at 7:44pm.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 41

118 Wanganella Street, Balgowlah (DA423/94)

<u>Application Lodged:</u>	19 June 2006
<u>Owner/Applicant:</u>	Camilla Galway
<u>Estimated Cost:</u>	N/A for S.96 Modification of Consent
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	Residential dwellings and residential flat buildings.
<u>Heritage:</u>	No.
<u>Foreshore Scenic Protection</u>	No

SUMMARY:

1. THE SUBJECT CHILD CARE CENTRE COMMENCED OPERATIONS CIRCA 1975 FOR 27 CHILDREN WITH OPERATING HOURS OF 9AM – 3PM.
2. 14 SEPTEMBER 1994 – DA 423/94 SUBMITTED FOR INCREASE IN LICENSED CHILD CAPACITY OF EXISTING CHILD CARE CENTRE FROM 27 TO 30 CHILDREN, WITH HOURS OF 9AM – 3PM.
3. NO SUBMISSIONS RECEIVED IN RESPONSE TO NOTIFICATION OF DA 423/94 AND NO PLANNING ISSUES WERE IDENTIFIED, RESULTING IN APPROVAL BEING GRANTED UNDER DELEGATION.
4. 19 JUNE 2006 – S.96 APPLICATION SUBMITTED REQUESTING EXTENTION OF OPERATING HOURS FROM 9AM – 3PM (EXISTING) TO 7:30AM – 6:00PM (PROPOSED).
5. THREE SUBMISSIONS WERE RECEIVED IN RESPONSE TO NOTIFICATION OF THE PROPOSED MODIFICATION OF HOURS. ISSUES RAISED INCLUDE INSUFFICIENT PARKING, TRAFFIC AND PEDESTRIAN SAFETY, NOISE AND NON COMPLIANCE WITH DEVELOPMENT CONTROL PLAN FOR CHILD CARE CENTRES 2004.
6. THE MODIFICATION WAS REPORTED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT WITH A RECOMMENDATION FOR APPROVAL.
7. THIS APLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR MACDONALD.
8. A SITE INSPECTION BY THE INSPECTION IS RECOMMENDED.
9. APPROVAL OF THE MODIFICATION APPLICATION IS RECOMMENDED.

SITE INSPECTIONS

A Site Inspection of 118 Wanganella Street, Balgowlah was conducted by Councillors Aird, Evans, Lambert, Macdonald and Murphy on Monday 7th August 2006.

Inspection Party Recommendation

- A. That concerns raised in respect of traffic and pedestrian safety be referred to Council's Traffic Committee for consideration of the provision of a 5 min parking zone (Monday – Friday) in the location immediately forward of the subject site to enable drop off and pick up facility for children attending the Child Care Centre;
- B. The application be **approved** as per the staff recommendation with additional condition 4 as follows;
 - 4. Provision of two on site car parking spaces for staff. The parking spaces are to be hard surface permeable or semi permeable material with vehicle access driveway/footpath crossing being in accordance with Council's Specification.

PUBLIC ADDRESSES

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

Applicant: Ms Camilla Galway

MOTION (Macdonald / Aird)

- A. That concerns raised in respect of traffic and pedestrian safety be referred to Council's Traffic Committee for consideration of the provision of a 5 min parking zone (Monday – Friday) in the location immediately forward of the subject site to enable drop off and pick up facility for children attending the Child Care Centre;
- B. That Council grant consent to the S.96 application made to DA423/94 for modification of operating hours of the childcare centre at 118 Wanganella Street, Balgowlah with an amendment to condition 2 and a new condition 4 as follows:
 - 2. Child caring activities of the operation at the Child Care Centre are not to exceed:-
Monday to Friday 7:30am – 6:00pm
 - 4. Provision of two on site car parking spaces for staff. The parking spaces are to be of permeable or semi permeable material with vehicle access driveway/footpath crossing being in accordance with Council's Specification.

RESOLVED: (Macdonald / Aird)

- A. That concerns raised in respect of traffic and pedestrian safety be referred to Council's Traffic Committee for consideration of the provision of a 5 min parking zone (Monday – Friday) in the location immediately forward of the subject site to enable drop off and pick up facility for children attending the Child Care Centre;
- B. That Council grant consent to the S.96 application made to DA423/94 for modification of operating hours of the childcare centre at 118 Wanganella Street, Balgowlah with an amendment to condition 2 and a new condition 4 as follows:
 - 2. Child caring activities of the operation at the Child Care Centre are not to exceed:-
Monday to Friday 7:30am – 6:00pm
 - 4. Provision of two on site car parking spaces for staff. The parking spaces are to be of permeable or semi permeable material with vehicle access driveway/footpath crossing being in accordance with Council's Specification.

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

Environmental Services Division Report No. 42

11 The Corso, Manly (DA47/06)

Application Lodged: 24 January 2006
Applicant: Estia Pty Ltd
Owner: Estia Pty Ltd & N Coombes
Estimated Cost: \$550,000.00
Zoning: Manly Local Environmental Plan, 1988 - Business and within the Foreshore Scenic Protection Area.
Surrounding Development: Shops and commercial premises
Heritage: Within the Town Centre Conservation Area

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR THE ALTERATIONS AND ADDITIONS TO AN EXISTING BUILDING INCLUDING RENOVATION TO EXISTING SHOPFRONT, CONVERSION OF EXISTING FIRST FLOOR OFFICE TO RESIDENTIAL UNIT, CONSTRUCTION OF TWO (2) NEW UNITS AND NEW SHOP FACING MARKET LANE.
2. THE APPLICATION WAS NOTIFIED IN ACCORDANCE WITH COUNCIL'S DCP FOR NOTIFICATIONS AND ONE (1) LETTER OBJECTING TO THE DEVELOPMENT RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE CORSO PRECINCT COMMUNITY FORUM AND NO COMMENTS RECEIVED.
4. THE APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR MACDONALD.
6. THE APPLICATION WAS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT MEETING OF 3 JULY 2006 WHERE THE MATTER WAS DEFERRED.
7. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

PUBLIC ADDRESSES

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

Applicant: Mr Robert Shea, Architect on behalf of Applicant

MOTION (Murphy / Macdonald)

1. That Development Application no. 47/06 for alterations and additions to an existing building including three (3) new residential units on two (2) levels, at 11, The Corso, Manly be **deferred** to allow redesign of the building with the aim of replacing the proposed residential space with commercial space. The redesign should include consideration of the following:
 - a) The possibility of including a lift to comply with the Access Code and the Building Code of Australia;
 - b) The provision of an adequate garbage space; and
 - c) Refinement of the heritage façade regarding the shopfronts on The Corso.
2. That the Applicant prepare a report of feasibility of underground parking at 7-11 The Corso.

3. That the Heritage Sub-Committee review and make comments on the redesign prior to Council reconsidering the Development Application.

RESOLVED: (Murphy / Macdonald)

1. That Development Application no. 47/06 for alterations and additions to an existing building including three (3) new residential units on two (2) levels, at 11, The Corso, Manly be **deferred** to allow redesign of the building with the aim of replacing the proposed residential space with commercial space. The redesign should include consideration of the following:
 - a) The possibility of including a lift to comply with the Access Code and the Building Code of Australia;
 - b) The provision of an adequate garbage space; and
 - c) Refinement of the heritage façade regarding the shopfronts on The Corso.
2. That the Applicant prepare a report of feasibility of underground parking at 7-11 The Corso.
3. That the Heritage Sub-Committee review and make comments on the redesign prior to Council reconsidering the Development Application.

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

Against the Resolution: Councillors Daley and Morrison

Environmental Services Division Report No. 43

40 Birkley Road, Manly

Application for review lodged: 27 July 2005 (revised plans 22 November 2005)
Applicant: Brolga Estates Pty Limited
Owner: Brolga Estates Pty Limited
Estimated Cost: \$100,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Single and two storey semi attached and detached dwellings
Heritage: Not applicable

SUMMARY:

1. DEVELOPMENT APPLICATION NO.133/05 WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON THE 12 MAY 2005 WHERE THE APPLICATION WAS REFUSED.
2. COUNCIL IS IN RECEIPT OF AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.
3. THE APPLICATION FOR REVIEW WAS NOTIFIED TO NEARBY AND ADJOINING OWNERS WITH ONE SUBMISSION RECEIVED.
4. THE APPLICATION FOR REVIEW WAS REFERRED TO THE IVANHOE PARK PRECINCT COMMUNITY FORUM FOR COMMENT.
5. THE APPLICATION WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 25 OCTOBER 2005 WHERE IT WAS RECOMMENDED FOR REFUSAL.
6. THE APPLICANT HAS SINCE HAD DISCUSSIONS WITH COUNCIL STAFF AND HAS SUBMITTED REVISED PLANS.
7. THE REVISED PLANS WERE NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.

8. THE APPLICATION WAS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT MEETING OF 5 DECEMBER 2005 WHERE THE MATTER WAS DEFERRED PENDING REDESIGN OF THE ALTERATIONS.
9. REVISED PLANS HAVE BEEN RECEIVED AND ADJOINING AND NEARBY PROPERTY OWNERS GIVEN NOTIFICATION OF THE REVISED PLANS WITH TWO SUBMISSIONS RECEIVED.
10. THE APPLICATION WAS REPORTED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT WHERE IT WAS RECOMMENDED FOR APPROVAL.
11. APPROVAL OF THE APPLICATION IS RECOMMENDED.

PUBLIC ADDRESSES

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

Against: Ms Erica Harrington, Neighbour

Applicant: Mr Bruce Farrar

MOTION (Murphy / Daley)

That **Deferred Commencement** Consent be granted in respect of Development Application No. 133/05 for alterations and additions to the existing semi detached dwelling at No. 40 Birkley Road, Manly, with the consent not operating until the applicant has submitted suitably amended plans showing;

- A1. The proposed springing height of the roof of the first floor addition lowered 150mm to reduce amenity impacts on adjoining properties.
- A2. The eastern end of the proposed roof over the first floor addition revised to a hip design to reduce visual bulk and overshadowing impacts on adjoining properties.
- A3. The existing chimney in the family room retained, to maintain the heritage value of the building.
- A4. The south facing windows to the proposed stairwell, bathroom, ensuite (where sill is below 1.6m from finished floor level) glazed with translucent glass, to maintain acceptable privacy between residential properties. The kitchen window is to be glazed in translucent glass on the bottom half only (as it is existing).
- A5. The pitch of the proposed roof over the first floor addition revised to 29 degrees to approximately match that of the roof over the main portion of the dwelling, to maintain streetscape quality, plans being suitably amended prior to issue of the Construction Certificate.
- A6. The privacy screen to the north of the proposed ground floor level deck be constructed of timber (as opposed to brick).
- A7. The privacy screen to the south side of the proposed first floor level deck be reduced in height to 1.6m.
- A8. The lower deck be reduced to a depth of 2.2m.

Upon submission of amended plans satisfying deferred commencement conditions A1 – A8, within three (3) months of this determination, the application be approved subject to the following standard conditions:

1. This approval relates to plans/drawings No.3-06-B1 Sheets 1, 2, 3 and 4 dated March 2006 by Network Design, received by Council 15 March 2006, Heritage Impact Statement dated May 2006 by Lynch Heritage Consulting Pty Ltd, received by Council 19 May 2006, as amended by the deferred commencement conditions.
- DA09 The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with Council's policy. All works shall be carried out prior to issue of the Occupation Certificate. The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specifications. The work shall be inspected and approved by council officers. All works shall be carried out prior to the issue of the Occupation Certificate.
- DA10 The construction of a kerb layback is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out **prior to the issue of Occupation Certificate.**
- DA14 No portion of the proposed building or works, including gates and doors during opening and closing operations are, to encroach upon any road reserve or other public land.
- 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 \$2200. 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 Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per Australian Standard AS 1742.3, "Part 3 - Traffic control devices for works on roads".
- 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.
- DA18 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.**
- 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 /Accredited Certifier **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.

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.

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.

DA37 Four (4) certified copies of the Structural Engineer's details in respect to the structural details of the proposed building shall be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**

DA38 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.**

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.

DA48 The implementation of adequate care during 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.

DA69 All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

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 AS2601-2001.

- DA111 Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
- DA121 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- DA126 An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.
- 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.
- DA264 All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- 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:-
- Footing inspection - trench and steel
 - Framework inspection
 - Wet area moisture barrier
 - Drainage inspection
 - Driveway crossing/kerb layback
 - Final inspection
- The cost of these inspections by Council is \$1380. (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.
- 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.
- 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.

DA329 The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

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 **Deferred Commencement** Consent be granted in respect of Development Application No. 133/05 for alterations and additions to the existing semi detached dwelling at No. 40 Birkley Road, Manly, with the consent not operating until the applicant has submitted suitably amended plans showing;

- A1. The proposed springing height of the roof of the first floor addition lowered 300mm to reduce amenity impacts on adjoining properties.
- A2. The eastern end of the proposed roof over the first floor addition revised to a hip design to reduce visual bulk and overshadowing impacts on adjoining properties.
- A3. The existing chimney in the family room retained, to maintain the heritage value of the building.
- A4. The south facing windows to the proposed stairwell, bathroom, ensuite and kitchen (where sill is below 1.6m from finished floor level) glazed with translucent glass, to maintain acceptable privacy between residential properties.
- A5. The pitch of the proposed roof over the first floor addition revised to match that of the roof over the main portion of the dwelling, to maintain streetscape quality, plans being suitably amended prior to issue of the Construction Certificate.
- A6. The depth of the lower balcony be reduced to 1.6m and lowered by 500mm.
- A7. Privacy screens to be constructed of louvred timber.

Upon submission of amended plans satisfying deferred commencement conditions A1 – A7, within three (3) months of this determination, the application be approved subject to the following standard conditions:

1. This approval relates to plans/drawings No.3-06-B1 Sheets 1, 2, 3 and 4 dated March 2006 by Network Design, received by Council 15 March 2006, Heritage Impact Statement dated May 2006 by Lynch Heritage Consulting Pty Ltd, received by Council 19 May 2006, as amended by the deferred commencement conditions.
- DA09 The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with Council's policy. All works shall be carried out prior to issue of the Occupation Certificate. The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specifications. The work shall be inspected and approved by council officers. All works shall be carried out prior to the issue of the Occupation Certificate.
- DA10 The construction of a kerb layback is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out **prior to the issue of Occupation Certificate.**
- DA14 No portion of the proposed building or works, including gates and doors during opening and closing operations are, to encroach upon any road reserve or other public land.
- 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 \$2200. 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 Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per Australian Standard AS 1742.3, "Part 3 - Traffic control devices for works on roads".
- 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.
- DA18 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.**
- 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 /Accredited Certifier **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.

- 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.
- 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.
- DA37 Four (4) certified copies of the Structural Engineer's details in respect to the structural details of the proposed building shall be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**
- DA38 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.**
- 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.
- DA48 The implementation of adequate care during 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.
- DA69 All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.
- 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 AS2601-2001.

- DA111 Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
- DA121 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- DA126 An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.
- 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.
- DA264 All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- 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:-

Footing inspection - trench and steel
Framework inspection
Wet area moisture barrier
Drainage inspection
Driveway crossing/kerb layback
Final inspection

The cost of these inspections by Council is \$1380. (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.

- 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.
- 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.

DA329 The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

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 Macdonald, Lambert, Pedersen, Aird and Evans

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

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

RESOLVED: (Murphy / Daley)

That **Deferred Commencement** Consent be granted in respect of Development Application No. 133/05 for alterations and additions to the existing semi detached dwelling at No. 40 Birkley Road, Manly, with the consent not operating until the applicant has submitted suitably amended plans showing;

- A1. The proposed springing height of the roof of the first floor addition lowered 150mm to reduce amenity impacts on adjoining properties.
- A2. The eastern end of the proposed roof over the first floor addition revised to a hip design to reduce visual bulk and overshadowing impacts on adjoining properties.
- A3. The existing chimney in the family room retained, to maintain the heritage value of the building.
- A4. The south facing windows to the proposed stairwell, bathroom, ensuite (where sill is below 1.6m from finished floor level) glazed with translucent glass, to maintain acceptable privacy between residential properties. The kitchen window is to be glazed in translucent glass on the bottom half only (as it is existing).
- A5. The pitch of the proposed roof over the first floor addition revised to 29 degrees to approximately match that of the roof over the main portion of the dwelling, to maintain streetscape quality, plans being suitably amended prior to issue of the Construction Certificate.
- A6. The privacy screen to the north of the proposed ground floor level deck be constructed of timber (as opposed to brick).

- A7. The privacy screen to the south side of the proposed first floor level deck be reduced in height to 1.6m.
- A8. The lower deck be reduced to a depth of 2.2m.

Upon submission of amended plans satisfying deferred commencement conditions A1 – A8, within three (3) months of this determination, the application be approved subject to the following standard conditions:

1. This approval relates to plans/drawings No.3-06-B1 Sheets 1, 2, 3 and 4 dated March 2006 by Network Design, received by Council 15 March 2006, Heritage Impact Statement dated May 2006 by Lynch Heritage Consulting Pty Ltd, received by Council 19 May 2006, as amended by the deferred commencement conditions.

DA09 The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with Council's policy. All works shall be carried out prior to issue of the Occupation Certificate. The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specifications. The work shall be inspected and approved by council officers. All works shall be carried out prior to the issue of the Occupation Certificate.

DA10 The construction of a kerb layback is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out **prior to the issue of Occupation Certificate.**

DA14 No portion of the proposed building or works, including gates and doors during opening and closing operations are, to encroach upon any road reserve or other public land.

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 \$2200. 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 Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per Australian Standard AS 1742.3, "Part 3 - Traffic control devices for works on roads".

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.

DA18 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.**

- 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 /Accredited Certifier **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.
- 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.
- 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.
- DA37 Four (4) certified copies of the Structural Engineer's details in respect to the structural details of the proposed building shall be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**
- DA38 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.**
- 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.
- DA48 The implementation of adequate care during 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.

- DA69 All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.
- 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 AS2601-2001.
- DA111 Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
- DA121 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
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For the Resolution: Councillors Hay, Heasman, Cant, Murphy, Daley, Morrison and Norek
Against the Resolution: Councillors Macdonald, Lambert, Pedersen, Aird and Evans

Councillor Heasman departed the meeting at 10:23pm.

Environmental Services Division Report No. 44

Development Applications Currently Being Processed

SUMMARY

Development Applications currently being processed during August, 2006.

MOTION (Macdonald / Cant)

That the Development Applications currently being processed during August, 2006 be noted.

RESOLVED: (Macdonald / Cant)

That the Development Applications currently being processed during August, 2006 be noted.

For the Resolution: Councillors Macdonald, Hay, Lambert, Cant, Murphy, Daley, Morrison, Pedersen, Aird, Evans and Norek
Against the Resolution: Nil.

Environmental Services Division Report No. 45

Appeals List for August 2006

SUMMARY

List of appeals received and their current status for councillors information.

MOTION (Morrison / Macdonald)

That the list of appeals for August 2006 and their current status be noted.

RESOLVED: (Morrison / Macdonald)

That the list of appeals for August 2006 and their current status be noted.

For the Resolution: Councillors Macdonald, Hay, Lambert, Cant, Murphy, Daley, Morrison, Pedersen, Aird, Evans and Norek
Against the Resolution: Nil.

CLOSE

The meeting closed at 10:26pm.

The above minutes were confirmed at an **Land Use Management Committee** of Manly Council held on 4th September 2006.

CHAIRPERSON

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