

Decisions

Manly Independent Assessment Panel

Held at Council Chambers, 1 Belgrave Street Manly on:

Thursday 16 February 2012

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TO THE MAYOR AND OF THE COUNCIL:

The Manly Independent Assessment Panel, having met at 10:30am on Thursday 16 February 2012, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached which are stated hereunder.

PRESENT

The Hon Paul Stein QC AM - Chair
 Gabrielle Morrish
 Brian Macdonald
 Christina Trotter

ALSO PRESENT

Stephen Clements, Deputy General Manager, Executive Manager, Landuse & Sustainability
 David Stray, Manager, Development Assessment & Determination
 Lynne Jess, Secretariat Services

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
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OR

(Note: There were no Declarations of Interest.)

MIAP

MIAP Report No. 1

27 Richmond Road, Seaforth - DA193/11 (DA193/11)

<u>Application Lodged:</u>	29 July 2011
<u>Applicant:</u>	Add Style Home Additions
<u>Owner:</u>	Mr P & Mrs L R Langenhoven
<u>Estimated Cost:</u>	\$382,113
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential Foreshore scenic protection area
<u>Surrounding Development:</u>	Predominantly residential- detached within landscape setting

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING INCLUDING A FIRST FLOOR ADDITION WITH DECK, DOUBLE GARAGE, AND INTERNAL ALTERATIONS.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND FOUR (4) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS PRESENTED TO THE DEVELOPMENT ASSESSMENT UNIT 7 FEBRUARY 2012 WHERE IT WAS RECOMMENDED FOR APPROVAL.
4. A SITE INSPECTION IS RECOMMENDED.
5. THE APPLICATION IS RECOMMENDED FOR **APPROVAL**.

PUBLIC ADDRESSES

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

Against the Recommendation: Trevor Easterbrook
Ross Brewer

In Support of the Recommendation: Timothy Hookins

M1/12 Decision of the Panel

That Development Application No. DA 193/11 for Alterations and additions to an existing dwelling including a first floor addition with deck, double garage, and internal alterations at 27 Richmond Road, Seaforth be **Approved** subject to the following conditions:-

Documents relating to consent.

The development, except where modified by the conditions of this consent, is to be carried out in accordance with the following plans and documentation.

Plans affixed with Council's stamp relating to Development Consent No. 193/11

Plan No. / Title	Issue/ Revision & Date	Date Received by Council
534DA 1	Issue C dated 25/7/2011	29/7/11

Documentation affixed with Council's stamp relating to Development Consent No. 193/11

- *Statement of Environmental Effects dated July 2011 prepared by Planning Direction Pty Ltd and received by the Council on 29/7/2011.*
- *BASIX Certificate No A 118271 dated 25 July 2011 and received by the Council on 29/7/2011.*

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council

ANS01

Bedroom 3 of the proposed first floor addition is to be setback 2.3m from the southern side boundary and the gutter and roof of this portion is to be lowered to reduce the impact.

Full details demonstrating compliance with this condition shall be detailed upon the plans to the satisfaction of the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure amenity of adjoining property towards the southern side.

ANS02

The proposed gable roof located towards the rear first floor addition is to be changed to a hip roof maintaining a pitch of no more than 23 degrees.

Full details demonstrating compliance with this condition shall be detailed upon the plans to the satisfaction of the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To minimise overshadowing impact and ensure amenity of adjoining property towards the southern side.

ANS03

The proposed double garage is to be setback at least 600mm from the from north eastern side boundary and a 600m landscape strip is to be provided adjacent to the north boundary. The boundary should maintain a minimum width of 3mtrs where it crosses the front boundary line and the driveway crossover from the kerb line should be adjusted accordingly.

Full details demonstrating compliance with this condition shall be detailed upon the plans to the satisfaction of the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure enhanced streetscape and maintain adequate space between dwellings and safety of adjacent driveways.

ANS04

The existing garage and storage space located below the north eastern bedroom is to remain non habitable and should not be used for habitable purposes without prior consent of the Council.

Reason: To ensure compliance with the approved development.

ANS05

The first floor deck facing the northern boundary is to be reduced such that it is limited to the main bedroom and deleted in front of the sittingroom and bedroom two, to preserve the privacy of the adjoining neighbours at number 29 Richmond Road.

GENERAL CONDITIONS RELATING TO APPROVAL**1 (1AP04)**

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

Reason: To ensure compliance with the approved development.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**2 (2AP01)**

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

Reason: To comply with the Environmental Planning and Assessment Act 1979.

3 (2CD01)

Pursuant to Section 97 of the Local Government Act, 1993, Council requires prior to the issue of Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$7500. The Deposit is required as security against damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicants interest for it to be as full and detailed as possible.

Where by Council is not the Principal Certifying Authority, refund of the trust fund deposit will also

be dependent upon receipt of a final Occupation Certificate by the Principal Certifying Authority and infrastructure inspection by Council.

Reason: To ensure security against possible damage to Council property.

4 (2CD04)

Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings and specifications certifying the shoring will be adequate for their intended purpose and must be submitted to the Council/Accredited Certifier for approval with the Construction Certificate. The documentation prepared and certified by an appropriately qualified and practising structural engineer is to show all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements. A copy of this documentation must be provided to the Council for record purposes at the time of Construction Certificate application.

Reason: To ensure the protection of existing public infrastructure and adjoining properties.

5 (2CD05)

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

Reason: To ensure the provision of public infrastructure of an appropriate quality arising from the development works to service the development.

6 (2CD06)

Four (4) certified copies of the structural engineer's details for the proposed development; including but not limited to all reinforced concrete, structural steel support construction and any proposed retaining walls; must be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure construction of the new development is in accordance with the structural engineers design.

7 (2CD07)

A Certificate of Adequacy signed by a practising structural engineer stating the existing structure is capable of supporting the proposed additions, is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: The existing building must be able to support proposed additional loading.

8 (2CD13)

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

Reason: To ensure the visual quality of the development.

9 (2DS01)

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

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that infrastructure reverting to Council's care and control is of an acceptable standard.

10 (2DS05)

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

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner which protects adjoining properties.

11 (2FP03)

No portion of the proposed building or works, as approved within the subject site, are to encroach

upon any road reserve or other public land except as may be permitted by the Local Government Act 1993. This includes the opening and closing of gates and doors which must open and close within the subject site.

Reason: To ensure structures are contained within the site.

12 (2MS01)

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including drawings and specifications must be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Manly Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Sediment Control Plan must incorporate and disclose:

- 1) all details of drainage to protect and drain the site during the construction processes,
- 2) all sediment control devices, barriers and the like,
- 3) sedimentation tanks, ponds or the like,
- 4) covering materials and methods, and
- 5) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing these design requirements have been met must be submitted with the Construction Certificate and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

Internal Note: This condition is to be imposed in conjunction with 4MS04.

13 (2MS03)

An amended BASIX Certificate is required to reflect all the approved works. All commitments embodied within the BASIX Certificate must be incorporated in drawings submitted with the Construction Certificate.

Reason: To ensure the development complies with the requirements of the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

14 (2WM02)

A Waste Management Plan is to be submitted with the application prior to a Construction Certificate being issued in accordance with the Manly Development Control Plan for Waste Minimisation and Management 2000.

The plan should detail the type and estimate the amount of demolition and construction waste and nominate how these materials will be sorted and dealt with. Weight dockets and receipts must be kept as evidence of approved methods of disposal and recycling. All demolition and excess construction materials are to be recycled where ever practicable. It should include consideration of the facilities required for the ongoing operation of the premises' recycling and waste management services after occupation. A template is available from the Manly Council website.

Reason: To plan for waste minimisation, recycling of building waste and on-going waste management.

Internal Note: The requirement for a Waste Management Plan is included in the Department of Environment and Climate change (DECC) Waste Service Performance Improvement Payment Criteria (WSPIP).

CONDITIONS TO BE SATISFIED PRIOR TO ANY COMMENCEMENT

15 (3BM01)

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 Australian Standard AS 3740. Certification is to be provided to the Principal Certifying Authority from a licensed applicator prior to the fixing of any wall or floor tiles.

Reason: To prevent the penetration of dampness through walls and floors.

16 (3CD01)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued.

Reason: To ensure compliance with statutory provisions.

17 (3CD03)

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.

Reason: To protect the public interest and safety.

18 (3CD05)

Detailed drawings of roof trusses indicating type and position of trusses, design wind classification, manufacturer's 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.

Reason: To ensure structural adequacy.

19 (3CD06)

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.

Reason: To ensure structural adequacy.

20 (3LD01)

All healthy trees and shrubs identified for retention on the submitted landscape drawing are to be suitably marked for protection before any construction works start.

Reason: To ensure the trees conditioned to stay on the site are suitably protected during any construction works.

Internal Note: This condition is to be imposed with 4LD02.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21 (4AP02)

A copy of all stamped approved drawings, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Reason: To ensure the form of the development undertaken is in accordance with the determination of Council, public information and to ensure ongoing compliance.

22 (4BM01)

All materials and finishes of the proposed additions are to match, as closely as possible the material and finish of the existing building.

Reason: To enhance the visual quality of the development and the streetscape.

23 (4CD01)

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- 1) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.

- 2) Demolition must be carried out by a registered demolition contractor.
- 3) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- 4) No blasting is to be carried out at any time during construction of the building.
- 5) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- 6) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- 7) Any demolition and excess construction materials are to be recycled wherever practicable.
- 8) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 9) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. 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.
- 10) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- 11) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- 12) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.
- 13) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- 14) Public footways and roadways adjacent to the site must be maintained and cleared of obstructions during construction. 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.
- 15) 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.
- 16) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- 17) Any work must not prohibit or divert any natural overland flow of water.

Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.

24 (4CD02)

In order to maintain the amenity of adjoining properties, audible site works must be restricted to between 7.00am and 6.00pm, Monday to Friday and 7.00am to 1.00pm Saturday. No site works can be undertaken on Sundays or public holidays.

Unless otherwise approved within a Construction Traffic Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Reason: To prevent disturbance to the surrounding community.

25 (4CD03)

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.

Reason: To maintain sanitary conditions on building sites.

26 (4CD05)

Retaining walls being constructed in conjunction with excavations must be in accordance with structural engineer's details. Certification by a structural engineer that the constructed works comply with the structural detail must be submitted to the Principal Certifying Authority.

Reason: To ensure the structural adequacy of the retaining walls.

27 (4CD06)

All construction works must be strictly in accordance with the Reduced Levels (RLs) as shown on the approved drawings. Certification is to be submitted to the Principal Certifying Authority during construction by a registered surveyor certifying complying and finished ridge levels.

Reason: To ensure compliance with the consent.

28 (4CD07)

Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence.

All removal, repair or disturbance of or to asbestos material must comply with the following:

- The Occupational Health and Safety Act 2000,
- The Occupational Health and Safety Regulation 2001,
- The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)],
- The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au/>], and
- The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259. Under the Occupational Health and Safety Regulation 2001, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work. Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. Those involved with work to asbestos should be made aware of the requirements by visiting ww.workcover.nsw.gov.au or one of Workcover NSW's offices for further advice.

Reason: To ensure the health of site workers and the public.

29 (4DS01)

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

Reason: To prevent uncontrolled seepage entering excavated areas.

30 (4DS02)

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

- 1) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA accredited laboratory or Manly Council for compliance with ANZECC Water Quality Guidelines, and
- 2) if tested by NATA accredited laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities; and

- 3) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received, and
- 4) It is the responsibility of the applicant to ensure during de-watering activities, the capacity of the stormwater system is not exceeded, there are no issues associated with erosion or scouring due to the volume of water pumped; and turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.

Reason: To ensure compliance with legislation and to protect the surrounding natural environment.

31 (4LD02)

All healthy trees and shrubs identified for retention on the drawing are to be:

- (a) suitably protected from damage during the construction process, and
- (b) retained unless their removal has been approved by Council.

Reason: This is to ensure that the trees on the site which do not have approval to be removed on the site are suitably protected during any construction works.

Internal Note: This condition is to be imposed with 3LD01.

32 (4LD03)

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

Reason: To prohibit the unnecessary damage or removal of trees without permission from Council during any construction.

33 (4LD04)

The following precautions must be taken when working near trees to be retained:

- harmful or bulk materials or spoil must not be stored under or near trees,
- prevent damage to bark and root system,
- mechanical methods must not be used to excavate within root zones,
- topsoil from under the drip line must not be added and or removed,
- ground under the drip line must not be compacted, and
- trees must be watered in dry conditions.

Reason: This is to ensure no damage is caused to trees from various methods of possible damage.

34 (4LD06)

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

Reason: To prevent/contain erosion.

35 (4LD07)

Where development/construction necessitates the pruning of more than 10% of existing tree canopy, a permit application must be lodged with the Council's Civic Services Division, subject to the Tree Preservation Order 2001.

Reason: To ensure those trees are maintained appropriately and compliance with Australian Standard AS 4373:2007 – Pruning of Amenity Trees.

36 (4MS01)

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:

- Reinforced concrete slab,
- Framework inspection,
- Wet area moisture barrier,
- Drainage inspection,
- Final inspection.

The cost of these inspections by Council is \$1350.00 (being \$280 per inspection inclusive of GST).

Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$150.

Reason: To ensure that the development is completed in accordance with the terms of the development consent and with the Building Code of Australia.

37 (4MS04)

The Sediment Control Plan is to be implemented from the commencement of works and maintained until completion of the development.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

Internal Note: This condition is to be imposed with 2MS02.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

38 (5DS01)

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

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure infrastructure reverting to Council's care and control is of an acceptable standard.

39 (5FR01)

An automatic fire detection and alarm system must be installed in the proposed dwelling in accordance with the requirements of the Building Code of Australia.

Reason: To comply with the Environmental Planning and Assessment Act 1979.

40 (5TC01)

Prior to issue of the Occupation Certificate, a durable termite protection notice must be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with the Manly Code for the protection of Buildings against Termite Attack.

Reason: To inform owners and future owners of the type of termite protection installed and of the need for regular inspections.

41 (5US01)

Any adjustment to a public utility service is to be carried out in compliance with its standards; where consent is required, with its concurrence; and with the full cost being borne by the applicant.

Reason: To ensure compliance with the terms of this consent.

ONGOING CONDITIONS RELATING TO THE OPERATION OF THE PREMISES OR DEVELOPMENT

42 (6MS02)

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.

Reason: Statutory requirement, Environmental Planning and Assessment Act 1979.

43 (6NL03)

The ongoing use of the premises/property must not give rise to 'offensive noise' as defined under the provisions of the Protection of the Environment Operations Act 1997.

Reason: To ensure compliance with legislation and to protect public health and amenity.

For the Decision: Stein, Morrish, Macdonald and Trotter
Against the Decision: Nil

MIAP Report No. 2

100 Seaforth Crescent, Seaforth - DA104/08
Section 96 Modification (DA104/08)

Application Lodged: 22 July 2011
Applicant: Mansour Ardestani and Homa Rouzebehani
Owner: Mansour Ardestani and Homa Rouzebehani
Property Description Lot 31 of DP518094 known as 100 Seaforth Crescent Seaforth
Estimated Cost: \$800,000
Zoning: Manly Local Environmental Plan, 1988 - Residential Foreshore Scenic Protection Area
Surrounding Development: Residential with Open Space (Sangrado Park) opposite
Heritage: Item of Environmental Heritage is opposite (Sangrado Park)

SUMMARY:

1. THE MANLY INDEPENDENT ASSESSMENT PANEL APPROVED THE APPLICATION FOR DEMOLISH EXISTING DWELLING AND CONSTRUCT NEW TWO (2) STOREY DWELLING WITH GARAGE, SWIMMING POOL, NEW FRONT FENCE AND LANDSCAPING ON 18 JUNE 2009.
2. A S96(2) MODIFICATION WAS LODGED ON 27 OCTOBER 2009. THE PROPOSED MODIFICATIONS WERE TO CHANGES TO DECKS, RELOCATION OF ENTRY GATE AND STAIRS, ADDITION OF SPA POOL AND ADDITIONAL EXCAVATION IN REAR GARDEN. THE MODIFICATION WAS APPROVED 31 DECEMBER 2009.
3. A SECOND S96(1A) MODIFICATION WAS LODGED ON 22 JULY 2011. THE PROPOSED MODIFICATIONS WERE TO DELETE THE REQUIRED SCREENS TO WINDOWS; ADD SOLAR PANELS TO THE ROOF AND DELETE REQUIREMENT FOR OBSCURED GLAZING TO W23.
4. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND THREE (3) SUBMISSIONS RECEIVED.
5. THE APPLICATION WAS NOT REFERRED TO THE SEAFORTH PRECINCT COMMUNITY FORUM, WHICH IS CURRENTLY NOT OPERATIONAL.
6. ADDITIONAL INFORMATION/CLARIFICATIONS WAS REQUESTED ON: 31 OCTOBER 2011
7. SITE INSPECTION IS RECOMMENDED, PARTICULARLY FROM NEIGHBOURING PROPERTIES AND FROM WITHIN THE SUBJECT DWELLING.
8. THE APPLICATION WAS PRESENTED TO THE DEVELOPMENT ASSESSMENT UNIT 20 DECEMBER 2011.
9. A SITE INSPECTION IS RECOMMENDED.
10. THE MODIFICATION IS RECOMMENDED FOR **APPROVAL**.

M2/12 **Decision of the Panel)**

That pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979, the proposed modification to Development Consent No. 104/2008 for Demolish existing dwelling and construct new two (2) storey dwelling with garage, swimming pool, new front fence and

landscaping at 100 Seaforth Crescent Seaforth be **Conditionally Approved** subject to the original conditions of consent, with the modification of DA1 as follows, and with the following additional conditions ANS17, ANS18, ANS19 and ANS20:-

ANS17

1. The required screen to W17, is to be amended as follows:

- a. The screen is to be set 400 mm from the wall to allow single awning window to open.
- b. The screen is to extend the full width of the window and from the top of window to the existing mid-rail (located approximately 1050 mm above finished floor height [first floor]).
- c. The screen colour, material and construction is to match those already installed to the living room windows and front balcony.

2. The note requiring frosted glazing to W23 is to be amended to FG for fixed glazing.

Amended drawings are to be submitted to Council/Accredited Certifier prior to the issue of a new Construction Certificate.

Reason: The external screen will provide permanent screening to provide privacy between dwellings, and compliance with RFS requirements for construction materials.

ANS18

The applicant is to provide amended drawings as follows:

- a) All references to installation of roof-mounted photo-voltaic panel/s and/or solar panel/s, other than black solar reticulated water heating tubing, must be deleted from all drawings.
- b) All references to 'air conditioning concrete slab' on the roof are to be deleted from all drawings.

Any wiring or pipe-work installed in anticipation of an approval must be removed and the roof finish made good, **within twenty-eight (28) calendar days of the determination date of this consent.**

Amended drawings are to be submitted to Council/Accredited Certifier prior to the issue of a new Construction Certificate.

Reason: Rooftop structures or equipment will result in adverse impacts on the existing amenity of neighbouring properties. The solar panels and the air conditioning concrete slab were not part of the original consent and therefore cannot be considered as part of a s96 modification to consent. Note: no approval is granted or implied for any works carried out to date.

ANS19

A revision of BASIX Certificate 235061S (dated 23 February 2009 and received by Council 03 March 2009) is to be prepared to show compliance with requirements for energy, thermal comfort and water:

- i. without solar/photo-voltaic panels or any additional items on the roof;
- ii. without substantial alteration to the as-built building; and
- iii. with the retention of at least the W17 screening as required by ANS01. The removal of screens to W10, W11, W22 and W23 is not opposed providing their installation is not required by BASIX. Should the revised BASIX Certificate require the external screens, they must be installed.

The revised certificate and amended drawings are to be submitted to Council/Accredited Certifier prior to the issue of a new Construction Certificate.

Reason: The subsequent BASIX Certificate commitments were not approved as part of the Development Consent and are not compliant. The original commitments are to be complied

with. The solar panels were not part of the original consent and therefore cannot be considered as part of a s96 modification to consent.

ANS20

New works approved in this Section 96 modification must not to be commenced/carried out until a new Construction Certificate is issued. The removal of illegal works as nominated in ANS18 is to take place regardless.

Reason: The Environmental Planning and Assessment Act 1979 requires a new updated Construction Certificate to cover any or all approved Section 96 modifications in the design of the development.

GENERAL CONDITIONS RELATING TO APPROVAL

DA1 Documents relating to consent.

The development, except where modified by the conditions of this consent, is to be carried out in accordance with the following plans and documentation.

Plan No. / Title	Issue/ Revision & Date	Date Received by Council
DA02 Roof/Site Plan	B: March 2009	03 March 2009
DA03 Garage Plan	B: March 2009	03 March 2009
DA04 Ground Floor Plan	B: March 2009	03 March 2009
DA05 First Floor Plan	B: March 2009	03 March 2009
DA06 East & South Elevation	B: March 2009	03 March 2009
DA07 West & North Elevation	B: March 2009	03 March 2009
DA08 Sections	B: March 2009	03 March 2009
L-01 Landscape Plan prepared by Ray Fuggle Associates	B: 06 Feb 2009	06 May 2009

- Revised Statement of Environmental Effects dated: December 2008 and received by Council on 3 March 2009.
- Revised Geotechnical Report prepared by Jeffery & Katauskas Pty. Ltd dated 16 December 2008 and received by Council on the 3 March 2009.
- Concept Stormwater Layout prepared by R. Balas Engineering: Dwg. No. 411-C101 issue B dated February 2009 and received by Council on 3 March 2009.
- Survey prepared by Alan G Turner & Associates dated 15 June 2007 and received by Council on the 8 April 2008.
- Site Waste Management Plan dated April 2008 and received by Council on the 8 April 2008.
- BASIX Certificate No: 235061S dated 23 February 2009 and received by Council on the 3 March 2009.
- Site Analysis DA01-B dated March 2009 and received by Council on the 3 March 2009.
- Shadow Diagrams SH01-03-B dated December 2008 and received by Council on the 3 March 2009.
- Excavation Plan DA05-B dated March 2009 and received by Council on the 3 March 2009.

Except as modified by plans affixed with Council's stamp relating to Section 96(2) Modification of Development Consent No. 104/2008

Plan No. / Title	Issue/ Revision & Date	Date Received by Council
A101 Site Analysis	A: October 2009	27 October 2009
A102 Roof/Site Plan	A: October 2009	27 October 2009

A103 First Floor Plan	A: October 2009	27 October 2009
A104 Ground Floor Plan	A: October 2009	27 October 2009
A105 Garage Plan	A: October 2009	27 October 2009
A106 Elevations	A: October 2009	27 October 2009
A107 Sections	A: October 2009	27 October 2009
L-01 Landscape Plan	October 2009	27 October 2009

- Statement of environmental effects, prepared by MASQ Architecture, dated October 2009 and received by Council on the 27 October 2009

And with the addition of condition Nos. ANS15, ANS16, DA267A and DA317.

And as further modified by plans affixed with Council's stamp relating to Section 96(1A) Modification of Development Consent No. 104/2008

Plan No. / Title	Issue/ Revision & Date	Date Received by Council
Roof plan	No issue or date	22 July 2011
Part West Elevation (marked 'East')	No issue or date	22 July 2011
Part East Elevation	No issue or date	22 July 2011

Documentation affixed with Council's stamp relating to Development Consent No. 104/2008

- Statement prepared by Mansour Ardestani and Homa Rouzbehani dated: 21 July 2011 and received by Council on the 22 July 2011

With additional conditions ANS17, ANS18, ANS19 and ANS20 included.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council

The applicants are advised:

PRIVATE COVENANTS, etc. Irrespective of and notwithstanding the terms of this development consent you must make sure that covenants on the title of the property are complied with in respect of the proposed development. This consent does not derogate from any such covenants. For more details contact Land and Property Information, NSW Department of Lands - www.lands.nsw.gov.au or call 9228 6713 or contact your solicitor or licensed conveyancer.

For the Decision: Stein, Morrish, Macdonald and Trotter
Against the Decision: Nil.

MIAP Report No. 3

51 Gordon Street, Clontarf - DA204/11 (DA204/11)

<u>Application Lodged:</u>	11 August 2011
<u>Applicant:</u>	Barry Built Pty Ltd
<u>Owner:</u>	Mrs Zoe Economides
<u>Property Description:</u>	Lot 2 of DP526988 known as 51 Gordon Street Clontarf
<u>Estimated Cost:</u>	\$2.2 million
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential and within the Foreshore Scenic Protection Area
<u>Surrounding Development:</u>	Residential
<u>Heritage:</u>	No Heritage items or Conservation Areas currently identified in vicinity

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF A NEW TWO STOREY DWELLING, DOUBLE CARPORT WITH A STUDY AND STOREROOM UNDER (3 STOREYS), DRIVEWAY, POOL AND LANDSCAPING.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND TWELVE (12) SUBMISSIONS RECEIVED, INCLUDING THE CLONTARF PRECINCT COMMUNITY FORUM COMMENTS.
3. THE APPLICATION WAS PRESENTED TO THE DEVELOPMENT ASSESSMENT UNIT 7 FEBRUARY 2012 WHERE IT WAS RECOMMENDED FOR REFUSAL.
4. SITE INSPECTION IS RECOMMENDED.
5. THE APPLICATION IS RECOMMENDED FOR **REFUSAL**.

PUBLIC ADDRESSES

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

Against the Recommendation: Paul Economides (son of owner)
Jane Stevenson

In Support of the Recommendation: Craig Jeffs
David Harrold
Greg Camp

M3/12 Decision of the Panel

That Development Application No. 204/2011 for Demolition of existing structures, construction of a new two storey dwelling, double carport with a study and storeroom under (3 storeys), driveway, pool and landscaping at 51 Gordon Street Clontarf be **Refused** for the following reasons:-

1. The proposal is not considered consistent with the *Planning Principles*: 13(b), (c), and (f); *Matters for Consideration*: 25 and 26 of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*, having regard to s 79C, Clause 1(a)(i), (b), (c) and (e) of the *Environmental Planning and Assessment Act 1979*.
2. The proposal is not consistent with Objectives (d) and (h) of *Zone 2 – the Residential Zone* in Clause 10 of the *Manly Local Environment Plan 1988* having regard to s 79C (1)(a)(i), (c), (d) and (e) of the *Environmental Planning and Assessment Act 1979*.
3. The proposal has not demonstrated it will not have a detrimental effect on the amenity of the

Foreshore Scenic Protection Area with regard to *Manly LEP 1988 Clause 17 Visual and Aesthetic protection of certain land and Development in the Foreshore Scenic Protection Area* clause 5.8 of the *Manly DCP for the Residential Zone 2007, Amendment 1*, having regard to s 79C, Clause 1(a)(i) & (iii), (b), (c), (d) and (e) of the *Environmental Planning and Assessment Act 1979*.

4. The proposal is not consistent with requirements to minimise bulk when viewed from adjacent properties with regard to *Building Form* clause 2.4.16 of the *Manly DCP for the Residential Zone 2007, Amendment 1*, having regard to s 79C (1)(a)(iii), (b), (c), (d) and (e) of the *Environmental Planning and Assessment Act 1979*.
5. The proposal provides inadequate setbacks and is inconsistent with *Building Form* clause 2.4.13; *Setbacks Objectives* 3.6.1 (b), (c), (d), (f), (h) and *Controls* 3.6.4 (a) and 3.6.8 of the *Manly DCP for the Residential Zone 2007, Amendment 1*, having regard to s 79C (1)(a)(iii), (b), (c), (d) and (e) of the *Environmental Planning and Assessment Act 1979*.
6. The proposal is not consistent with *Sunlight Access and Overshadowing* Clause 4.1 with particular regard to 4.1.2(e) of the *Manly DCP for the Residential Zone 2007, Amendment 1*, having regard to s 79C, Clause 1(a)(iii), (b), (c), (d) and (e) of the *Environmental Planning and Assessment Act 1979*.
7. The proposal's wall heights exceed the maximum permitted for the site and are inconsistent with *Building Height Objectives* 3.5.1 (a), (b), (c), (d) and (e) and *Controls* 3.5.2 (a) of the *Manly DCP for the Residential Zone 2007, Amendment 1*, having regard to s 79C (1)(a)(iii), (c), (d) and (e) of the *Environmental Planning and Assessment Act 1979*.
8. The carport/study/storeroom structure exceeds the maximum number of storeys permitted for the site and are inconsistent with *Building Height Objectives* 3.5.4 of the *Manly DCP for the Residential Zone 2007, Amendment 1*, having regard to s 79C (1)(a)(iii), (b), (c), (d) and (e) of the *Environmental Planning and Assessment Act 1979*.
9. The proposal is not consistent with *Privacy & Security Objectives* 4.2.1 (a), (c), (d) and *Controls* 4.2.2 (c) of the *Manly DCP for the Residential Zone 2007, Amendment 1*, having regard to s 79C (1)(a)(iii), (b), (c), (d) and (e) of the *Environmental Planning and Assessment Act 1979*.
10. The proposal is not consistent with *Excavation and Earthworks* Clause 2.5 Objective 2.5.1 (a) & (b) and *Controls* 2.5.2 (a), (c), (d), (e), (f) and (h) of the *Manly DCP for the Residential Zone 2007, Amendment 1*, having regard to s 79C, Clause 1(a)(iii), (b), (c), (d) and (e) of the *Environmental Planning and Assessment Act 1979*.
11. The proposal is inconsistent with the *DCP Objectives* Clause 1.2 (b), (c), (f), (h), (j), (o) and (q) of the *Manly DCP for the Residential Zone 2007, Amendment 1*, having regard to s 79C (1)(a)(iii), (c) and (e) of the *Environmental Planning and Assessment Act 1979*.
12. The proposal has provided insufficient evidence of compliance with vehicle turning path diagrams, driveway transitions and grades to ensure compliance with AS2890.1 Off-Street Parking; *Vehicular Access* clauses 2.4.24 & 2.4.25 and the *Car Parking and Access Objectives* 3.9 of the *Manly DCP for the Residential Zone 2007, Amendment 1*; having regard to s 79C (1)(a)(iii), (b), (c), (d) and (e) of the *Environmental Planning and Assessment Act 1979*.
13. The proposal submitted inadequate documentation to enable proper assessment, having regard to Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* and has not provided evidence of the suitability of the proposal with regard to excavation proposed in the vicinity of Sydney Water sewer lines and the scale visual impact of the proposed driveway, hardstand and associated structures.

14. The applicant has not addressed concerns raised by the submissions, having regard to s 79C(1)(d) of the *Environmental Planning and Assessment Act 1979*.
15. The site is considered unsuitable for the proposal having regard to s 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*.
16. The proposal is not considered to be in the public interest, having regard to s 79C (1)(b), (c), (d), (e) of the *Environmental Planning and Assessment Act 1979*.

For the Decision: Stein, Morrish, Macdonald and Trotter
Against the Decision: Nil.

MIAP Report No. 4

101 Wanganella Street, Balgowlah - DA181/11 (DA181/11)

Lodged: 19 July 2011
Applicant: Camille Ellis
Owner: Camille Ellis
Estimated Cost: \$500,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: The locality is residential in character consisting of a mixture of one and two storey dwelling houses.
Heritage: No

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO DWELLING HOUSE, INCLUDING REPLACEMENT OF CARPORT WITH A DOUBLE GARAGE, CONSTRUCTION OF SWIMMING POOL, TWO STOREY REAR ADDITION AND HARDSTAND PARKING SPACE.
2. THE PROPOSAL WAS NOTIFIED TO ALL NEIGHBOURING PROPERTIES AND FIVE (5) OBJECTIONS AND A LETTER OF SUPPORT WERE RECEIVED.
3. THE APPLICATION WAS NOT REFERRED TO ANY PRECINCT COMMUNITY FORUM.
4. THE APPLICATION WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 8TH DECEMBER 2011 WHERE THE APPLICATION WAS DEFERRED PENDING CLARIFICATION OF ACCESS AND DRAINAGE ISSUES.
5. AMENDED PLANS AND ADDITIONAL INFORMATION HAS BEEN RECEIVED.
6. THE APPLICATION WAS PRESENTED TO THE DEVELOPMENT ASSESSMENT UNIT 2 FEBRUARY 2011 WHERE IT WAS RECOMMENDED FOR APPROVAL.
7. SITE INSPECTION IS RECOMMENDED.
8. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL **APPROVAL**.

M4/12 **Decision of the Panel**

That Development Application No.181/11 for alterations and additions an existing dwelling including the demolition of the existing carport , construct new carport at rear, hardstand parking space at the front, lap swimming pool, loft storage and semi-detached two (2) storey rear addition at 101 Wanganella Road, Balgowlah, be **Approved** subject to the following conditions:

Documents relating to consent.

The development, except where modified by the conditions of this consent, is to be carried out in accordance with the following plans and documentation.

Plans affixed with Council's stamp relating to Development Consent No. 181/11:

Plan No. / Title	Issue/ Revision & Date	Date Received by Council
DA-0000	Issue 3, 19/01/12	23/01/12
DA-0001	Issue 3, 19/01/12	23/01/12
DA-1000	Issue 3, 19/01/12	23/01/12
DA-1001	Issue 3, 19/01/12	23/01/12
DA-2100	Issue 3, 19/01/12	23/01/12
DA-2700	Issue 3, 19/01/12	23/01/12
DA-3100	Issue 3, 19/01/12	23/01/12
DA-3200	Issue 3, 19/01/12	23/01/12
Landscaping Plan No. DA-1002	Issue 3, 19/01/12	23/01/12

Documentation affixed with Council's stamp relating to Development Consent No.

- Statement of Environmental Effects by Walter Barda Design dated July 2011 and received by Council on 19/07/2011.
- Basix Certificate No 111196 and received by Council on 19/07/2011.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council

ANS01

All construction vehicles associated with this consent are prohibited from using the ROW at the rear of the site. All loading and unloading of material associated with this consent must be from Wanganella Street .

Reason: To ensure the amenity and safety of other residents who share this ROW are not significantly affected during demolition and construction works.

ANS02

The small balcony off the sitting room in the existing dwelling must have a 1.5m high privacy screen along the whole of its northern edge.

Reason: To maintain the privacy for No.103 Wanganella Street.

ANS03

A mechanical turntable is to be provided to the rear carport to enable vehicles to enter and leave the site in a forward direction.

Reason: To enable vehicles to safely utilize the existing right of way across adjoining residential land.

ANS04

The width of the driveway layback at the kerb is to be a maximum 3.0m, as per Australian standards.

Reason: To maintain available on street parking

ANS05

Retain and protect during construction the eucalyptus robusta located in the rear yard, north boundary and the hedge along the north boundary. No excavation is to be carried out within 3.0m of the trunk (critical root zone).

Reason: To maintain the quality of the natural environment

ANS06

All roof water and collected surface waters are to be disposed of via a Hydraulic Engineer designed pump installation to the street drainage system in Wanganella Street, details are to be submitted to Council for approval prior to issue of the Construction Certificate.

Reason: To provide for adequate drainage disposal for the site without nuisance to adjoining properties.

ANS07

The floor level of the proposed rear carport is to be lowered to RL42.2 maximum to suit existing natural ground levels and the total structure lowered accordingly Plans are to be suitably amended prior to issue of the Construction Certificate.

Reason: To reduce impacts of the structure on adjoining properties.

ANS08

The natural ground level within 900mm of the property boundaries (north and west) is to be maintained.

Reason: To comply with Councils DCP requirements and reduce impacts of the development on adjoining properties.

ANS09

The hardstand car space off Wanganella Street is to be finished with paving or a textured surface in a neutral colour. Plans are to be suitable amended prior to the issue of the Construction Certificate.

Reason: To enhance the appearance of the development from the street.

GENERAL CONDITIONS RELATING TO APPROVAL**1 (1AP04)**

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

Reason: To ensure compliance with the approved development.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**2 (2AP01)**

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

Reason: To comply with the Environmental Planning and Assessment Act 1979.

3 (2CD01)

Pursuant to Section 97 of the Local Government Act, 1993, Council requires prior to the issue of 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 against damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicants interest for it to be as full and detailed as possible.

Where by Council is not the Principal Certifying Authority, refund of the trust fund deposit will also be dependent upon receipt of a final Occupation Certificate by the Principal Certifying Authority and infrastructure inspection by Council.

Reason: To ensure security against possible damage to Council property.

4 (2CD04)

Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings and specifications certifying the shoring will be adequate for their intended purpose and must be submitted to the Council/Accredited Certifier for approval with the Construction Certificate. The documentation prepared and certified by an appropriately qualified and practising structural engineer is to show all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements. A copy of this documentation must be provided to the Council for record purposes at the time of Construction Certificate application.

Reason: To ensure the protection of existing public infrastructure and adjoining properties.

5 (2CD06)

Four (4) certified copies of the structural engineer's details for the proposed development; including but not limited to all reinforced concrete, structural steel support construction and any proposed retaining walls; must be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure construction of the new development is in accordance with the structural engineers design.

6 (2CD13)

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

Reason: To ensure the visual quality of the development.

7 (2DS01)

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

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that infrastructure reverting to Council's care and control is of an acceptable standard.

8 (2DS02)

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) is to be provided within the property in accordance with Council's Specification for On-site Stormwater Management 2003. The design and details must be submitted with the Construction Certificate Application and be approved by Council prior to the issue of the Construction Certificate. The stormwater management plan and designs must be prepared by a suitably qualified engineer.

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.

9 (2DS05)

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

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner which protects adjoining properties.

10 (2FP03)

No portion of the proposed building or works, as approved within the subject site, are to encroach upon any road reserve or other public land except as may be permitted by the Local Government

Act 1993. This includes the opening and closing of gates and doors which must open and close within the subject site.

Reason: To ensure structures are contained within the site.

11 (2MS01)

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including drawings and specifications must be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Manly Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Sediment Control Plan must incorporate and disclose:

- 1) all details of drainage to protect and drain the site during the construction processes,
- 2) all sediment control devices, barriers and the like,
- 3) sedimentation tanks, ponds or the like,
- 4) covering materials and methods, and
- 5) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing these design requirements have been met must be submitted with the Construction Certificate and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

12 (2SP01)

All of the following are to be satisfied in relation to the proposed swimming pool:

- 1) The swimming pool is to be surrounded by a child-resistant barrier in accordance with the Swimming Pools Amendment Act 2009 and Regulations 2008 which:
 - separates the swimming pool from any residential building situated on the property and from any place adjoining the property, and
 - is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standards.
- 2) All surface waters from areas surrounding the swimming pool must be collected and disposed of to the stormwater system.
- 3) Windows giving access to the pool areas must be made child safe and comply with the following:
 - Window opening is to be restricted by an approved means so that a round bar 105mm in diameter cannot be passed through the opening or the window is to be protected by a child safe grille.

However if the restricted opening of such windows means that they will no longer meet the natural ventilation requirements of the Building Code of Australia, then only a child safe grille is permissible.

- 4) The proposed pool gates are to be mounted so that:
 - they are clear of any obstruction that could hold the gate open, and
 - 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
 - they open outwards from the pool.

Reason: To comply with Australian Standard AS 1926 and provide a reasonable level of child safety

13 (2SP02)

A railing or other safety measures or devices are to be erected around the sides of the pool surround structure where height above natural ground level exceeds 900mm. All details of the necessary device are to be submitted to and approved by the Council/Accredited Certifier prior to issue of the Construction Certificate.

Reason: To ensure the safety of persons using those walkways.

14 (2SP03)

The Construction Certificate drawings and specification required to be submitted pursuant to Clause 139 of the Environmental Planning & Assessment Regulation 2000, must detail the connection of backwash to Sydney Waters sewer in compliance with Australian/New Zealand Standard AS/NZS 3500.

Note: The drawings must show the location of Sydney Water's sewer, the yard gully or any new connection to the sewer system including a detailed cross section of the connection complying with Australian/New Zealand Standard AS/NZS 3500.

The discharge of backwash water to any stormwater system is water pollution and an offence under the Protection of the Environment Operations Act 1997. The connection of any backwash pipe to any stormwater system is an offence under the Protection of the Environment Operations Act 1997.

Reason: To ensure compliance with legislation and Australian Standards and to protect public health and amenity.

15 (2SP04)

The pool filter is to be centrally located within the site, away from the boundaries and acoustically treated so the noise from the machinery is not audible for the adjoining residents. Details are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the acoustic amenity of the neighbouring residents.

16 (2TC02)

The timber posts supporting the structure must stand on a corrosion resistant metal support with a minimum clearance of 75mm above the finished ground level or be protected by metal termite shields in accordance with Australian Standard AS 3660.1 - 2000 Termite management – New building work.

Reason: To protect the building from possible termite damage.

17 (2WM02)

A Waste Management Plan is to be submitted with the application prior to a Construction Certificate being issued in accordance with the Manly Development Control Plan for Waste Minimisation and Management 2000.

The plan should detail the type and estimate the amount of demolition and construction waste and nominate how these materials will be sorted and dealt with. Weight dockets and receipts must be kept as evidence of approved methods of disposal and recycling. All demolition and excess construction materials are to be recycled where ever practicable. It should include consideration of the facilities required for the ongoing operation of the premises' recycling and waste management services after occupation. A template is available from the Manly Council website.

Reason: To plan for waste minimisation, recycling of building waste and on-going waste management.

CONDITIONS TO BE SATISFIED PRIOR TO ANY COMMENCEMENT

18 (3BM01)

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 Australian Standard AS 3740. Certification is to be provided to the Principal Certifying Authority from a licensed applicator prior to the fixing of any wall or floor tiles.

Reason: To prevent the penetration of dampness through walls and floors.

19 (3CD01)

Building work, demolition or excavation must not be carried out until a Construction Certificate has

been issued.

Reason: To ensure compliance with statutory provisions.

20 (3CD03)

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.

Reason: To protect the public interest and safety.

21 (3CD05)

Detailed drawings of roof trusses indicating type and position of trusses, design wind classification, manufacturer's 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.

Reason: To ensure structural adequacy.

22 (3CD06)

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.

Reason: To ensure structural adequacy.

23 (3PT01)

In accordance with the Roads Act 1993, written consent from Council must be obtained and must be in hand prior to any track equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.

Reason: To ensure appropriate protection of public infrastructure and facilitate access for public and vehicular traffic.

24 (3PT02)

Applications for a construction zone on a local road require 28 days notice to Council indicating location and length. All construction zones require the approval of the Manly Traffic Committee.

Reason: To ensure Council and the Traffic Committee have sufficient time and information to assess the traffic and access implications of a proposed construction zone and to develop appropriate responses to those implications.

25 (3PT03)

Applications for a construction zone on a State Road require 28 days notice to Council and RTA State Network Services indicating the location and length. All construction zones require the approval of the Manly Traffic Committee.

Reason: To ensure Council, the Traffic Committee and the RTA have sufficient time and information to assess the traffic and access implications of a proposed construction zone and to develop appropriate responses to those implications.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

26 (4AP02)

A copy of all stamped approved drawings, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Reason: To ensure the form of the development undertaken is in accordance with the determination of Council, public information and to ensure ongoing compliance.

27 (4CD01)

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- 1) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- 2) Demolition must be carried out by a registered demolition contractor.
- 3) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- 4) No blasting is to be carried out at any time during construction of the building.
- 5) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- 6) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- 7) Any demolition and excess construction materials are to be recycled wherever practicable.
- 8) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 9) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. 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.
- 10) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- 11) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- 12) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.
- 13) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- 14) Public footways and roadways adjacent to the site must be maintained and cleared of obstructions during construction. 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.
- 15) 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.
- 16) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- 17) Any work must not prohibit or divert any natural overland flow of water.

Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.

28 (4CD02)

In order to maintain the amenity of adjoining properties, audible site works must be restricted to between 7.00am and 6.00pm, Monday to Friday and 7.00am to 1.00pm Saturday. No site works can be undertaken on Sundays or public holidays.

Unless otherwise approved within a Construction Traffic Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Reason: To prevent disturbance to the surrounding community.

29 (4CD03)

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.

Reason: To maintain sanitary conditions on building sites.

30 (4CD05)

Retaining walls being constructed in conjunction with excavations must be in accordance with structural engineer's details. Certification by a structural engineer that the constructed works comply with the structural detail must be submitted to the Principal Certifying Authority.

Reason: To ensure the structural adequacy of the retaining walls.

31 (4CD06)

All construction works must be strictly in accordance with the Reduced Levels (RLs) as shown on the approved drawings. Certification is to be submitted to the Principal Certifying Authority during construction by a registered surveyor certifying complying and finished ridge levels.

Reason: To ensure compliance with the consent.

32 (4CD07)

Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence.

All removal, repair or disturbance of or to asbestos material must comply with the following:

- The Occupational Health and Safety Act 2000,
- The Occupational Health and Safety Regulation 2001,
- The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)],
- The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au/>], and
- The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259. Under the Occupational Health and Safety Regulation 2001, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work. Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. Those involved with work to asbestos should be made aware of the requirements by visiting ww.workcover.nsw.gov.au or one of Workcover NSW's offices for further advice.

Reason: To ensure the health of site workers and the public.

33 (4DS01)

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

Reason: To prevent uncontrolled seepage entering excavated areas.

34 (4DS02)

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

- 1) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA accredited laboratory or Manly Council for compliance with ANZECC Water Quality Guidelines, and
- 2) if tested by NATA accredited laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities; and

- 3) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received, and
- 4) It is the responsibility of the applicant to ensure during de-watering activities, the capacity of the stormwater system is not exceeded, there are no issues associated with erosion or scouring due to the volume of water pumped; and turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.

Reason: To ensure compliance with legislation and to protect the surrounding natural environment.

35 (4LD01)

Landscaping is to be carried out in accordance with the approved Landscape Drawing { insert plan No./name, date and prepared by}.

Reason: To ensure appropriate landscaping is carried out on the development site.

36 (4LD03)

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

Reason: To prohibit the unnecessary damage or removal of trees without permission from Council during any construction.

37 (4LD04)

The following precautions must be taken when working near trees to be retained:

- harmful or bulk materials or spoil must not be stored under or near trees,
- prevent damage to bark and root system,
- mechanical methods must not be used to excavate within root zones,
- topsoil from under the drip line must not be added and or removed,
- ground under the drip line must not be compacted, and
- trees must be watered in dry conditions.

Reason: This is to ensure no damage is caused to trees from various methods of possible damage.

38 (4LD05)

Trees and shrubs liable to damage (including, but not limited to street trees) are to be protected with suitable temporary enclosures for the duration of the works. These enclosures are to 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 and spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk.

Reason: To ensure protection of the trees on the site which could be damaged during any development works and to outline the type of protection.

39 (4LD06)

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

Reason: To prevent/contain erosion.

40 (4LD07)

Where development/construction necessitates the pruning of more than 10% of existing tree canopy, a permit application must be lodged with the Council's Civic Services Division, subject to the Tree Preservation Order 2001.

Reason: To ensure those trees are maintained appropriately and compliance with Australian Standard AS 4373:2007 – Pruning of Amenity Trees.

41 (4MS01)

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,
- Reinforced concrete slab,
- Framework inspection,
- Wet area moisture barrier,
- Drainage inspection,
- Driveway crossing/kerb layback,
- Swimming pool reinforcing steel inspection,
- Swimming pool safety fence inspection,
- Final inspection.

The cost of these inspections by Council is \$2,520 (being \$280 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$150.

Reason: To ensure that the development is completed in accordance with the terms of the development consent and with the Building Code of Australia.

42 (4MS02)

In order to ensure compliance with approved drawings, a Survey Certificate, to Australian Height Datum, must be prepared by a registered surveyor as follows:

- a) at the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries, and
- b) at the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials, and
- c) at completion, the relationship of the building, and any projections thereto, to the boundaries.

Progress certifications in response to points (a) through (c) must be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved drawings and the proposed works.

Reason: To ensure compliance with the development consent.

43 (4MS04)

The Sediment Control Plan is to be implemented from the commencement of works and maintained until completion of the development.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

44 (5DS01)

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

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure infrastructure reverting to Council's care and control is of an acceptable standard.

45 (5DS02)

A copy of the approved Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) drawing showing Works as Executed (WAE) details must be submitted to Council for

approval prior to the issue of the Occupation Certificate. The WAE drawing is to be in accordance with Council's standards and Specification for Stormwater Drainage 2003 and Specification for On-site Stormwater Management 2003.

Reason: Compliance with the consent and Council standards and specifications.

46 (5DS03)

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.

Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.

47 (5FR01)

An automatic fire detection and alarm system must be installed in the proposed dwelling in accordance with the requirements of the Building Code of Australia.

Reason: To comply with the Environmental Planning and Assessment Act 1979.

48 (5LD01)

A qualified Landscape Consultant is to submit a Certificate of Practical Completion to the Principal Certifying Authority prior to the issue of the Occupation Certificate, stating the work has been carried out in accordance with the approved Landscape Drawing and a maintenance program has been established.

Reason: This is to ensure the landscaping is planted in accordance with the drawing and maintained appropriately

49 (5SP01)

All protective fencing and gates are to be in accordance with Australian Standard AS 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 prior approval of Council. No water can be in the swimming pool until the required protective fencing has been inspected and approved by Council.

Reason: To comply with Australian Standard AS1926 and provide a reasonable level of child safety.

50 (5TC01)

Prior to issue of the Occupation Certificate, a durable termite protection notice must be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with the Manly Code for the protection of Buildings against Termite Attack.

Reason: To inform owners and future owners of the type of termite protection installed and of the need for regular inspections.

51 (5US01)

Any adjustment to a public utility service is to be carried out in compliance with its standards; where consent is required, with its concurrence; and with the full cost being borne by the applicant.

Reason: To ensure compliance with the terms of this consent.

ONGOING CONDITIONS RELATING TO THE OPERATION OF THE PREMISES OR DEVELOPMENT

52 (6MS02)

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.

Reason: Statutory requirement, Environmental Planning and Assessment Act 1979.

53 (6NL03)

The ongoing use of the premises/property must not give rise to 'offensive noise' as defined under the provisions of the Protection of the Environment Operations Act 1997.

Reason: To ensure compliance with legislation and to protect public health and amenity.

For the Decision: Stein, Morrish, Macdonald and Trotter

Against the Decision: Nil.

MIAP Report No. 5

19A West Street, Balgowlah - DA221/11 (DA221/11)

Application Lodged: 25 August 2011
Applicant: Urbanesque Planning Pty Ltd
Owner: T.Sullivan
Estimated Cost: \$820,000
Zoning: Manly Local Environmental Plan, 1988 – Residential in Foreshore Scenic Protection Area.
Surrounding Development: Single Residential dwellings in landscaped settings.
Heritage: No Heritage Items or in the vicinity.

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING INCLUDING FIRST FLOOR EXTENSION, REDUCED POOL LENGTH, DEMOLITION OF BARBEQUE AREA, CONCRETE SLAB WITH ALFRESCO DINING AREA WITH TIMBER ROOF, CONCRETE STAIRS, BLOCK RETAINING WALLS, PARTIAL REPLACEMENT OF ROOF, INTERNAL ALTERATIONS AND BALCONY.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND ELEVEN (11) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS NOT REFERRED TO THE RELEVANT PRECINCT COMMUNITY FORUM AS IT WAS NOT OPERATING.
4. THE APPLICATION WAS PRESENTED TO THE DEVELOPMENT ASSESSMENT UNIT 7 FEBRUARY 2011 WHERE IT WAS RECOMMENDED FOR APPROVAL.
5. SITE INSPECTION IS RECOMMENDED.
6. THE APPLICATION IS RECOMMENDED FOR **APPROVAL** SUBJECT TO CONDITIONS.

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

Against the Recommendation: Diane Willman

M5/12 **Decision of the Panel**

That Development Application No. DA221/2011 for alterations and additions to an existing dwelling including first floor extension, reduced pool length, demolition of barbeque area, concrete slab with alfresco dining area with timber roof, concrete stairs, block retaining walls, partial replacement of roof, internal alterations and balcony at 19A West Street, Balgowlah be **Approved** subject to the following conditions/for the following reasons:-

ANS01

The maximum ridge height is to be no more than R.L.86.78 being no higher than the existing ridge height as oriented from north to south indicated on the Plan showing detail and levels over Lot 1 in DP 654277 19A West Street, Balgowlah prepared by Bass Surveying dated 30.03.2010. Plans including these amendments are to be prepared and submitted with the

application for the construction certificate.

Reason: To achieve closer compliance with the MRDCP by minimising impacts upon views for neighbouring properties and reducing the visual bulk of the proposed addition.

ANS02

Deleted.

ANS03

The proposed full length aluminium privacy screens are to be deleted to reduce the visual bulk of the proposal and mitigate against any other negative environmental impacts. Plans including these amendments are to be prepared and submitted with the application for the construction certificate.

Reason: To achieve closer compliance with the MRDCP in terms of the impacts from visual bulk and dominance of the proposed balcony and consistency with streetscape

ANS04

The windows proposed to the western side of the first floor level are to include obscured glazing to the lower sash (section) to provide a reasonable level of privacy for neighbours at No.49 Upper Beach Street. Plans including these amendments are to be prepared and submitted with the application for the construction certificate.

Reason: To protect the privacy and amenity of neighbouring properties.

Documents relating to consent.

The development, except where modified by the conditions of this consent, is to be carried out in accordance with the following plans and documentation.

Plans affixed with Council's stamp relating to Development Consent No.

Plan No. / Title	Issue/ Revision & Date	Date Received by Council
DA-01-5 – Site Analysis Plan prepared by Lindsay Little & Associates Pty Ltd	Issue A- 10.09.2011	25.08.2011
DA-02-5- Lower Ground floor plan prepared by Lindsay Little & Associates Pty Ltd	Issue A - 10.09.2011	25.08.2011
DA-03-5-Ground floor plan prepared by Lindsay Little & Associates Pty Ltd	Issue A- 10.09.2011	25.08.2011
DA-04-5 – First floor plan prepared by Lindsay Little Pty Ltd	Issue A- 10.09.2011	25.08.2011
DA -05-5- Elevations prepared by Lindsay Little Pty Ltd	Issue A- 10.09.2011	25.08.2011

Documentation affixed with Council's stamp relating to Development Consent No.

- BASIX Certificate number A120711 dated 18 August 2011;
- Statement of Environmental Effects prepared by Urbanesque Planning Pty Ltd dated August 2011 received by Council 25 August 2011;
- Stormwater Management Plans (E1-E3- Issue A dated 10.08.2011) prepared by StormCivil Engineering Solutions;
- Waste Minimisation and Management Plan Checklist prepared by Urbanesque Planning dated 24.08.2011.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

1 (2AP01)

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

Reason: To comply with the Environmental Planning and Assessment Act 1979.

2 (2AP03)

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 1991 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 you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

Reason: To advise developers of their responsibilities and to protect the interests of adjoining owners.

3 (2CD01)

Pursuant to Section 97 of the Local Government Act, 1993, Council requires prior to the issue of 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 against damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicants interest for it to be as full and detailed as possible.

Where by Council is not the Principal Certifying Authority, refund of the trust fund deposit will also be dependent upon receipt of a final Occupation Certificate by the Principal Certifying Authority and infrastructure inspection by Council.

Reason: To ensure security against possible damage to Council property.

4 (2CD05)

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

Reason: To ensure the provision of public infrastructure of an appropriate quality arising from the development works to service the development.

5 (2CD07)

A Certificate of Adequacy signed by a practising structural engineer stating the existing structure is capable of supporting the proposed additions, is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: The existing building must be able to support proposed additional loading.

6 (2DS01)

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

Reason: To ensure appropriate provision is made for the disposal and management of stormwater

generated by the development, and to ensure that infrastructure reverting to Council's care and control is of an acceptable standard.

7 (2DS07)

The design of rainwater tanks must be in accordance with the following:

- Australian/New Zealand Standard AS/NZS 3500:2003,
- NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR).

Reason: To protect public health and amenity.

8 (2FP03)

No portion of the proposed building or works, as approved within the subject site, are to encroach upon any road reserve or other public land except as may be permitted by the Local Government Act 1993. This includes the opening and closing of gates and doors which must open and close within the subject site.

Reason: To ensure structures are contained within the site.

9 (2MS01)

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including drawings and specifications must be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Manly Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Sediment Control Plan must incorporate and disclose:

- 1) all details of drainage to protect and drain the site during the construction processes,
- 2) all sediment control devices, barriers and the like,
- 3) sedimentation tanks, ponds or the like,
- 4) covering materials and methods, and
- 5) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing these design requirements have been met must be submitted with the Construction Certificate and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

10 (2SP01)

All of the following are to be satisfied in relation to the proposed swimming pool:

- 1) The swimming pool is to be surrounded by a child-resistant barrier in accordance with the Swimming Pools Amendment Act 2009 and Regulations 2008 which:
 - separates the swimming pool from any residential building situated on the property and from any place adjoining the property, and is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standards.
- 2) All surface waters from areas surrounding the swimming pool must be collected and disposed of to the stormwater system.
- 3) Windows giving access to the pool areas must be made child safe and comply with the following:
 - Window opening is to be restricted by an approved means so that a round bar 105mm in diameter cannot be passed through the opening or the window is to be protected by a child safe grille. However if the restricted opening of such windows means that they will no longer meet the natural ventilation requirements of the Building Code of Australia, then only a child safe grille is permissible.
- 4) The proposed pool gates are to be mounted so that:
 - they are clear of any obstruction that could hold the gate open, and

- 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
- they open outwards from the pool.

Reason: To comply with Australian Standard AS 1926 and provide a reasonable level of child safety

11 (2SP02)

A railing or other safety measures or devices are to be erected around the sides of the pool surround structure where height above natural ground level exceeds 900mm. All details of the necessary device are to be submitted to and approved by the Council/Accredited Certifier prior to issue of the Construction Certificate.

Reason: To ensure the safety of persons using those walkways.

12 (2SP03)

The Construction Certificate drawings and specification required to be submitted pursuant to Clause 139 of the Environmental Planning & Assessment Regulation 2000, must detail the connection of backwash to Sydney Waters sewer in compliance with Australian/New Zealand Standard AS/NZS 3500.

Note: The drawings must show the location of Sydney Water's sewer, the yard gully or any new connection to the sewer system including a detailed cross section of the connection complying with Australian/New Zealand Standard AS/NZS 3500.

The discharge of backwash water to any stormwater system is water pollution and an offence under the Protection of the Environment Operations Act 1997. The connection of any backwash pipe to any stormwater system is an offence under the Protection of the Environment Operations Act 1997.

Reason: To ensure compliance with legislation and Australian Standards and to protect public health and amenity.

13 (2SP04)

The pool filter is to be centrally located within the site, away from the boundaries and acoustically treated so the noise from the machinery is not audible for the adjoining residents. Details are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the acoustic amenity of the neighbouring residents.

14 (2TC01)

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements must be submitted to the Council / Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard AS 3660.1 - 2000 Termite management – New building work, and to the Manly Code for the Protection of Buildings Against Termite Attack 1996.

Reason: To protect the building from possible termite damage.

15 (2WM02)

A Waste Management Plan is to be submitted with the application prior to a Construction Certificate being issued in accordance with the Manly Development Control Plan for Waste Minimisation and Management 2000.

The plan should detail the type and estimate the amount of demolition and construction waste and nominate how these materials will be sorted and dealt with. Weight dockets and receipts must be kept as evidence of approved methods of disposal and recycling. All demolition and excess construction materials are to be recycled where ever practicable. It should include consideration of the facilities required for the ongoing operation of the premises' recycling and waste management services after occupation. A template is available from the Manly Council website.

Reason: To plan for waste minimisation, recycling of building waste and on-going waste

management.

CONDITIONS TO BE SATISFIED PRIOR TO ANY COMMENCEMENT

16 (3BM01)

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 Australian Standard AS 3740. Certification is to be provided to the Principal Certifying Authority from a licensed applicator prior to the fixing of any wall or floor tiles.

Reason: To prevent the penetration of dampness through walls and floors.

17 (3CD01)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued.

Reason: To ensure compliance with statutory provisions.

18 (3CD02)

Demolition must be carried out by a registered demolition contractor. Documentary evidence of registration must be submitted to Council prior to the commencement of demolition work.

Reason: To ensure demolition is carried out in an appropriate manner that is non-disruptive to the locality and the public.

19 (3CD03)

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.

Reason: To protect the public interest and safety.

20 (3CD05)

Detailed drawings of roof trusses indicating type and position of trusses, design wind classification, manufacturer's 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.

Reason: To ensure structural adequacy.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21 (4AP02)

A copy of all stamped approved drawings, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Reason: To ensure the form of the development undertaken is in accordance with the determination of Council, public information and to ensure ongoing compliance.

22 (4CD01)

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- 1) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- 2) Demolition must be carried out by a registered demolition contractor.
- 3) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- 4) No blasting is to be carried out at any time during construction of the building.
- 5) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- 6) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

- 7) Any demolition and excess construction materials are to be recycled wherever practicable.
- 8) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 9) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. 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.
- 10) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- 11) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- 12) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.
- 13) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- 14) Public footways and roadways adjacent to the site must be maintained and cleared of obstructions during construction. 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.
- 15) 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.
- 16) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- 17) Any work must not prohibit or divert any natural overland flow of water.

Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.

23 (4CD02)

In order to maintain the amenity of adjoining properties, audible site works must be restricted to between 7.00am and 6.00pm, Monday to Friday and 7.00am to 1.00pm Saturday. No site works can be undertaken on Sundays or public holidays.

Unless otherwise approved within a Construction Traffic Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Reason: To prevent disturbance to the surrounding community.

24 (4CD03)

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.

Reason: To maintain sanitary conditions on building sites.

25 (4CD05)

Retaining walls being constructed in conjunction with excavations must be in accordance with

structural engineer's details. Certification by a structural engineer that the constructed works comply with the structural detail must be submitted to the Principal Certifying Authority.

Reason: To ensure the structural adequacy of the retaining walls.

26 (4CD06)

All construction works must be strictly in accordance with the Reduced Levels (RLs) as shown on the approved drawings. Certification is to be submitted to the Principal Certifying Authority during construction by a registered surveyor certifying complying and finished ridge levels.

Reason: To ensure compliance with the consent.

27 (4DS01)

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

Reason: To prevent uncontrolled seepage entering excavated areas.

28 (4DS02)

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

- 1) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA accredited laboratory or Manly Council for compliance with ANZECC Water Quality Guidelines, and
- 2) if tested by NATA accredited laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities; and
- 3) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received, and
- 4) It is the responsibility of the applicant to ensure during de-watering activities, the capacity of the stormwater system is not exceeded, there are no issues associated with erosion or scouring due to the volume of water pumped; and turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.

Reason: To ensure compliance with legislation and to protect the surrounding natural environment.

29 (4DS03)

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- Australian/New Zealand Standard AS/NZS 3500:2003,
- NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR).

Reason: To protect public health and amenity.

30 (4MS01)

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

- Silt control fences,
- Reinforced concrete slab,
- Framework inspection,
- Wet area moisture barrier,
- Swimming pool reinforcing steel inspection,
- Swimming pool safety fence inspection,
- Final inspection.

The cost of these inspections by Council is \$1,960 (being \$280 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$150.

Reason: To ensure that the development is completed in accordance with the terms of the development consent and with the Building Code of Australia.

31 (4MS02)

In order to ensure compliance with approved drawings, a Survey Certificate, to Australian Height Datum, must be prepared by a registered surveyor as follows:

- a) at the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries, and
- b) at the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials, and
- c) at completion, the relationship of the building, and any projections thereto, to the boundaries.

Progress certifications in response to points (a) through (c) must be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved drawings and the proposed works.

Reason: To ensure compliance with the development consent.

32 (4MS04)

The Sediment Control Plan is to be implemented from the commencement of works and maintained until completion of the development.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

33 (5DS01)

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

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure infrastructure reverting to Council's care and control is of an acceptable standard.

34 (5FR01)

An automatic fire detection and alarm system must be installed in the proposed dwelling in accordance with the requirements of the Building Code of Australia.

Reason: To comply with the Environmental Planning and Assessment Act 1979.

35 (5SP01)

All protective fencing and gates are to be in accordance with Australian Standard AS 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 prior approval of Council. No water can be in the swimming pool until the required protective fencing has been inspected and approved by Council.

Reason: To comply with Australian Standard AS1926 and provide a reasonable level of child safety.

36 (5TC01)

Prior to issue of the Occupation Certificate, a durable termite protection notice must be permanently fixed to the building in a prominent location detailing the form of termite protection

which has been used in accordance with the Manly Code for the protection of Buildings against Termite Attack.

Reason: To inform owners and future owners of the type of termite protection installed and of the need for regular inspections.

37 (5US01)

Any adjustment to a public utility service is to be carried out in compliance with its standards; where consent is required, with its concurrence; and with the full cost being borne by the applicant.

Reason: To ensure compliance with the terms of this consent.

ONGOING CONDITIONS RELATING TO THE OPERATION OF THE PREMISES OR DEVELOPMENT

38 (6DS01)

The ongoing use and operation of the rainwater tank(s) must be maintained in accordance with:

- Sydney Water Guidelines for Rainwater Tanks on Residential Properties, 2003.
- Australian Government EnHealth Council publication Guidance on the use of Rainwater Tanks, 2004.

Reason: To protect public health and amenity.

39 (6FC01)

The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Council does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences.

Note: Further information can be obtained from the NSW Department of Lands. Community Justice Centres provide a free mediation service to the community to help people resolve a wide range of disputes, including dividing fences matters. Their service is free, confidential, voluntary, timely and easy to use. Mediation sessions are conducted by two impartial, trained mediators who help people work together to reach an agreement. Over 85% of mediations result in an agreement being reached. Mediation sessions can be arranged at convenient times during the day, evening or weekends. Contact the Community Justice Centre either by phone on 1 800 990 777 or at <http://www.cjc.nsw.gov.au/>.

Reason: To ensure the applicant is aware the Dividing Fences Act 1991 may be used to resolve disputes about dividing fences.

40 (6FP01)

No sandwich boards, goods or the like are to be placed on Council's footpath.

Reason: To ensure pedestrian safety.

41 (6MS02)

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.

Reason: Statutory requirement, Environmental Planning and Assessment Act 1979.

42 (6NL01)

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

Reason: To ensure there is no glare from internal lighting to neighbouring properties and land.

For the Decision: Stein, Morrish, Macdonald and Trotter
Against the Decision: Nil.

MIAP Report No. 6

14 Lauderdale Avenue, Fairlight - DA226/11

82A Review of Determination (DA226/11)

Application Lodged: 03 November 2011 (Section 82A)

Applicant: Skye & Brad Clarke

Owner: Skye & Brad Clarke

Estimated Cost: \$120,000

Zoning: Manly Local Environmental Plan, 1988 – Residential Zone

Surrounding Development: The locality is residential in character consisting predominantly of one and two-storey dwelling houses and a mix of multiple dwellings

Heritage: No

SUMMARY:

1. ON 29 SEPTEMBER 2011, MANLY COUNCIL REFUSED CONSENT TO DEVELOPMENT APPLICATION 226/11 FOR ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING INCLUDING ATTIC WITH DORMER WINDOWS, INCREASE CEILING HEIGHTS, PARTIAL ENCLOSURE OF FRONT VERANDAH, WIDEN BALCONY AND INTERNAL ALTERATIONS TO UNIT 2.
2. ON 03 NOVEMBER 2011, THIS SECTION 82A REVIEW WAS LODGED.
3. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND ONE (1) CONFIDENTIAL SUBMISSION WAS RECEIVED.
4. THE APPLICATION WAS REFERRED TO THE FAIRLIGHT PRECINCT COMMUNITY FORUM FOR COMMENTS. NO COMMENTS WERE RECEIVED AT TIME OF WRITING THIS REPORT.
5. THE APPLICATION WAS PRESENTED TO THE DEVELOPMENT ASSESSMENT UNIT 31 JANUARY 2012 WHERE IT WAS RECOMMENDED FOR APPROVAL.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR **APPROVAL**.

M6/12 **Decision of the Panel**

That Development Application No. 226/11 for alterations and additions to a residential flat building including attic with dormer windows, increase ceiling heights, partial enclosure of front verandah, widen balcony and internal alterations to Unit 2.at No.14 Lauderdale Avenue, Manly, be **Approved** subject to the following conditions:

Documents relating to consent.

The development, except where modified by the conditions of this consent, is to be carried out in accordance with the following plans and documentation.

Plans affixed with Council's stamp relating to Development Consent No. 226/11

Plan No. / Title	Issue/ Revision & Date	Date Received by Council
2011/05/1 - Calculations and Plans	July 2011 (Issue B)	14 November 2011
2011/05/2 – Elevations and Sections	July 2011 (Issue B)	14 November 2011

Documentation affixed with Council's stamp relating to Development Consent No. 226/11

- Amended Statement of Environmental Effects, prepared by Max Lanser dated 10/11/2011 and received by Council on 14/11/11.
- Basix Certificate No.A121290 dated 24 August 2011 and received by Council on 14/11/11.

In the event of any inconsistency between the approved plans and supplementary documentation,

the plans will prevail.

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council

ANS01

The provision of a 1.5m high fixed privacy screen along both the western and eastern edge of the extended balcony on the first floor. Plans to be amended prior to the issue of the Construction Certificate.

Reason: To maintain the privacy of the adjoining properties.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

1 (2AP01)

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

Reason: To comply with the Environmental Planning and Assessment Act 1979.

2 (2CD01)

Pursuant to Section 97 of the Local Government Act, 1993, Council requires prior to the issue of 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 against damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicants interest for it to be as full and detailed as possible.

Where by Council is not the Principal Certifying Authority, refund of the trust fund deposit will also be dependent upon receipt of a final Occupation Certificate by the Principal Certifying Authority and infrastructure inspection by Council.

Reason: To ensure security against possible damage to Council property.

3 (2CD02)

A Dilapidation Report is required for this development. A photographic survey of adjoining properties No. 1/14 Lauderdale Avenue, Fairlight detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items, is to be submitted to Council and the Accredited Certifier (where Council does not issue the Construction Certificate) prior to the issue of the Construction Certificate. This survey is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property/ies.

All costs incurred in achieving compliance with this condition must be borne by the person entitled to act on this Consent.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over

damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

Reason: To maintain proper records in relation to the proposed development.

4 (2CD04)

Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings and specifications certifying the shoring will be adequate for their intended purpose and must be submitted to the Council/Accredited Certifier for approval with the Construction Certificate. The documentation prepared and certified by an appropriately qualified and practising structural engineer is to show all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements. A copy of this documentation must be provided to the Council for record purposes at the time of Construction Certificate application.

Reason: To ensure the protection of existing public infrastructure and adjoining properties.

5 (2CD05)

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

Reason: To ensure the provision of public infrastructure of an appropriate quality arising from the development works to service the development.

6 (2CD07)

A Certificate of Adequacy signed by a practising structural engineer stating the existing structure is capable of supporting the proposed additions, is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: The existing building must be able to support proposed additional loading.

7 (2DS01)

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

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that infrastructure reverting to Council's care and control is of an acceptable standard.

8 (2DS06)

All balconies (above 2 storeys) are to be graded and drained to an internally concealed drainage system.

Reason: To ensure adequate provision is made for stormwater drainage from the balconies.

9 (2FP03)

No portion of the proposed building or works, as approved within the subject site, are to encroach upon any road reserve or other public land except as may be permitted by the Local Government Act 1993. This includes the opening and closing of gates and doors which must open and close within the subject site.

Reason: To ensure structures are contained within the site.

10 (2FR01)

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) which should be implemented in the building premises must be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000.

Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

Reason: Compliance with the Environmental Planning and Assessment Act 1979.

11 (2MS01)

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including drawings and specifications must be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Manly Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Sediment Control Plan must incorporate and disclose:

- 1) all details of drainage to protect and drain the site during the construction processes,
- 2) all sediment control devices, barriers and the like,
- 3) sedimentation tanks, ponds or the like,
- 4) covering materials and methods, and
- 5) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing these design requirements have been met must be submitted with the Construction Certificate and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

Internal Note: This condition is to be imposed in conjunction with 4MS04.

12 (2TC01)

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements must be submitted to the Council / Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard AS 3660.1 - 2000 Termite management – New building work, and to the Manly Code for the Protection of Buildings Against Termite Attack 1996.

Reason: To protect the building from possible termite damage.

13 (2WM02)

A Waste Management Plan is to be submitted with the application prior to a Construction Certificate being issued in accordance with the Manly Development Control Plan for Waste Minimisation and Management 2000.

The plan should detail the type and estimate the amount of demolition and construction waste and nominate how these materials will be sorted and dealt with. Weight dockets and receipts must be kept as evidence of approved methods of disposal and recycling. All demolition and excess construction materials are to be recycled where ever practicable. It should include consideration of the facilities required for the ongoing operation of the premises' recycling and waste management services after occupation. A template is available from the Manly Council website.

Reason: To plan for waste minimisation, recycling of building waste and on-going waste management.

Internal Note: The requirement for a Waste Management Plan is included in the Department of Environment and Climate change (DECC) Waste Service Performance Improvement Payment Criteria (WSPIP).

CONDITIONS TO BE SATISFIED PRIOR TO ANY COMMENCEMENT

14 (3BM01)

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 Australian Standard AS 3740. Certification is to be provided to the Principal Certifying Authority from a licensed applicator prior to the fixing of any wall or floor tiles.

Reason: To prevent the penetration of dampness through walls and floors.

15 (3CD01)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued.

Reason: To ensure compliance with statutory provisions.

16 (3CD02)

Demolition must be carried out by a registered demolition contractor. Documentary evidence of registration must be submitted to Council prior to the commencement of demolition work.

Reason: To ensure demolition is carried out in an appropriate manner that is non-disruptive to the locality and the public.

17 (3CD03)

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.

Reason: To protect the public interest and safety.

18 (3CD05)

Detailed drawings of roof trusses indicating type and position of trusses, design wind classification, manufacturer's 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.

Reason: To ensure structural adequacy.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19 (4AP02)

A copy of all stamped approved drawings, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Reason: To ensure the form of the development undertaken is in accordance with the determination of Council, public information and to ensure ongoing compliance.

20 (4CD01)

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- 1) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- 2) Demolition must be carried out by a registered demolition contractor.
- 3) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- 4) No blasting is to be carried out at any time during construction of the building.
- 5) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- 6) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- 7) Any demolition and excess construction materials are to be recycled wherever practicable.
- 8) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 9) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. 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.
- 10) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition

materials are to be disposed of at an approved waste disposal depot in accordance with legislation.

- 11) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- 12) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.
- 13) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- 14) Public footways and roadways adjacent to the site must be maintained and cleared of obstructions during construction. 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.
- 15) 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.
- 16) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- 17) Any work must not prohibit or divert any natural overland flow of water.

Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.

21 (4CD02)

In order to maintain the amenity of adjoining properties, audible site works must be restricted to between 7.00am and 6.00pm, Monday to Friday and 7.00am to 1.00pm Saturday. No site works can be undertaken on Sundays or public holidays.

Unless otherwise approved within a Construction Traffic Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Reason: To prevent disturbance to the surrounding community.

22 (4CD03)

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.

Reason: To maintain sanitary conditions on building sites.

23 (4CD05)

Retaining walls being constructed in conjunction with excavations must be in accordance with structural engineer's details. Certification by a structural engineer that the constructed works comply with the structural detail must be submitted to the Principal Certifying Authority.

Reason: To ensure the structural adequacy of the retaining walls.

24 (4CD06)

All construction works must be strictly in accordance with the Reduced Levels (RLs) as shown on the approved drawings. Certification is to be submitted to the Principal Certifying Authority during construction by a registered surveyor certifying complying and finished ridge levels.

Reason: To ensure compliance with the consent.

25 (4CD07)

Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence.

All removal, repair or disturbance of or to asbestos material must comply with the following:

- The Occupational Health and Safety Act 2000,
- The Occupational Health and Safety Regulation 2001,
- The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)],
- The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au/>], and
- The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259. Under the Occupational Health and Safety Regulation 2001, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work. Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. Those involved with work to asbestos should be made aware of the requirements by visiting www.workcover.nsw.gov.au or one of Workcover NSW's offices for further advice.

Reason: To ensure the health of site workers and the public.

26 (4MS01)

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:

- Framework inspection,
- Wet area moisture barrier,
- Final inspection.

The cost of these inspections by Council is \$840. (being \$280 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$150.

Reason: To ensure that the development is completed in accordance with the terms of the development consent and with the Building Code of Australia.

27 (4MS04)

The Sediment Control Plan is to be implemented from the commencement of works and maintained until completion of the development.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

Internal Note: This condition is to be imposed with 2MS02.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

28 (5DS01)

Stormwater drainage from the proposed addition/extension must be disposed of to the existing drainage system. All work is to be carried out in accordance with Council standards and

specifications for stormwater drainage. Work is to be completed prior to the issue of the Occupation Certificate.

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure infrastructure reverting to Council's care and control is of an acceptable standard.

29 (5FR01)

An automatic fire detection and alarm system must be installed in the proposed dwelling in accordance with the requirements of the Building Code of Australia.

Reason: To comply with the Environmental Planning and Assessment Act 1979.

30 (5TC01)

Prior to issue of the Occupation Certificate, a durable termite protection notice must be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with the Manly Code for the protection of Buildings against Termite Attack.

Reason: To inform owners and future owners of the type of termite protection installed and of the need for regular inspections.

31 (5US01)

Any adjustment to a public utility service is to be carried out in compliance with its standards; where consent is required, with its concurrence; and with the full cost being borne by the applicant.

Reason: To ensure compliance with the terms of this consent.

ONGOING CONDITIONS RELATING TO THE OPERATION OF THE PREMISES OR DEVELOPMENT

32 (6FP01)

No sandwich boards, goods or the like are to be placed on Council's footpath.

Reason: To ensure pedestrian safety.

33 (6MS02)

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.

Reason: Statutory requirement, Environmental Planning and Assessment Act 1979.

34 (6NL01)

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

Reason: To ensure there is no glare from internal lighting to neighbouring properties and land.

For the Decision: Stein, Morrish, Macdonald and Trotter
Against the Decision: Nil.

MIAP Report No. 7

32-34 Lauderdale Avenue, Fairlight - DA319/11 (DA319/11)

Application Lodged: 12 December 2011
Applicant: Boston Blyth Fleming
Owner: Owners Corporation Strata Plan 41702
Estimated Cost: \$150,000
Zoning: Manly Local Environmental Plan, 1988 – Residential Zone
Surrounding Development: residential flat buildings and multi storey dwellings

Heritage: No Heritage

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO AN EXISTING RESIDENTIAL FLAT BUILDING INCLUDING NEW LIFT.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND THREE (3) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS PRESENTED TO THE DEVELOPMENT ASSESSMENT UNIT ON 2 FEBRUARY 2012 WHERE IT WAS RECOMMENDED FOR APPROVAL.
4. SITE INSPECTION IS RECOMMENDED.
5. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL **APPROVAL**.

M7/12 Decision of the Panel

That Development Application No. 319/2011 for Alterations and additions to an existing Residential Flat Building including new lift at 32-34 Lauderdale Avenue, Fairlight be **Approved** subject to the following conditions:-

DA1 - Documents relating to consent.

The development, except where modified by the conditions of this consent, is to be carried out in accordance with the following plans and documentation.

Plans affixed with Council's stamp relating to Development Consent No. 319/11

Plan No. / Title	Issue/ Revision & Date	Date Received by Council
A3-1 Alterations/additions New Lift Shaft	19.10.2011	12.12.2011
A3 -2 Basement Floor Level – Carpark	19.10.2011	12.12.2011
A3 -3 Ground Floor – Unit 1	19.10.2011	12.12.2011
A3 -4 First Floor – Unit 2	19.10.2011	12.12.2011
A3 -5 Second Floor - Unit 3	19.10.2011	12.12.2011
A3-6 South Elevation	19.10.2011	12.12.2011
A3 -7 L1 – Sectional Detail	19.10.2011	12.12.2011
A3 -8	19.10.2011	12.12.2011

Documentation affixed with Council's stamp relating to Development Consent No. 319/11

- *Statement of Environmental Effects prepared by Boston Blyth Fleming and received by Council on 12 December 2011.*

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council

ANS01

The consent is for a new lift only, all references shown on plans to new windows and doors are to be deleted prior to issue of the Construction Certificate.

Reason: The application does not include other alterations to the building.

ANSO2

The lift shaft shall be rendered and painted to match the building.

Reason: To minimize the visual impact of the lift shaft.

GENERAL CONDITIONS RELATING TO APPROVAL

1 (1AP04)

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

Reason: To ensure compliance with the approved development.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

2 (2AP01)

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

Reason: To comply with the Environmental Planning and Assessment Act 1979.

3 (2CD01)

Pursuant to Section 97 of the Local Government Act, 1993, Council requires prior to the issue of Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$5000.00. The Deposit is required as security against damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicants interest for it to be as full and detailed as possible.

Where by Council is not the Principal Certifying Authority, refund of the trust fund deposit will also be dependent upon receipt of a final Occupation Certificate by the Principal Certifying Authority and infrastructure inspection by Council.

Reason: To ensure security against possible damage to Council property.

4 (2CD03)

The applicant is to lodge a Hoarding Application with Council for any protective hoardings, fences and lighting which are to be provided during demolition, excavation and building works. The Hoarding Application is to be submitted to Council with the appropriate fee, prior to any works on site or prior to the issue of the Construction Certificate.

All hoardings must be in accordance with Council's Hoarding Application Form and must comply with the requirements of the Department of Industrial Relations, Construction Safety Act, the WorkCover Authority and relevant Australian Standards.

Note: On corner properties, particular attention is to be given to the provision of adequate sight distances.

Reason: To ensure public safety and amenity on public land.

5 (2CD04)

Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings and specifications certifying the shoring will be adequate for their intended purpose and must be submitted to the Council/Accredited Certifier for approval with the Construction Certificate. The documentation prepared and certified by an appropriately qualified and practising structural engineer is to show all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements. A copy of this documentation must be provided to the Council for record purposes at the time of Construction

Certificate application.

Reason: To ensure the protection of existing public infrastructure and adjoining properties.

6 (2CD05)

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

Reason: To ensure the provision of public infrastructure of an appropriate quality arising from the development works to service the development.

7 (2CD06)

Four (4) certified copies of the structural engineer's details for the proposed development; including but not limited to all reinforced concrete, structural steel support construction and any proposed retaining walls; must be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure construction of the new development is in accordance with the structural engineers design.

8 (2CD07)

A Certificate of Adequacy signed by a practising structural engineer stating the existing structure is capable of supporting the proposed additions, is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: The existing building must be able to support proposed additional loading.

9 (2CD08)

A Geotechnical Report, on the stability of the subject site, is to be prepared by a suitably qualified geotechnical engineer in accordance with the guidelines contained in the current Manly Development Control Plan for Landslip and Subsidence. All recommendations of the report are to be complied with during the construction process. The report is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To structural integrity is to be maintained.

10 (2CD12)

The excavation drawing must show all proposed excavation with RLs existing and proposed. The excavation drawing must include rainwater tanks and pool plant locations and proposed depths, and comply with the other conditions of this consent. This information must also be included on architectural drawings. The excavation drawing and other details required by this condition is to accompany the drawings lodged with the Construction Certificate.

Reason: To ensure all excavation complies with this consent.

11 (2CD13)

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

Reason: To ensure the visual quality of the development.

12 (2FP03)

No portion of the proposed building or works, as approved within the subject site, are to encroach upon any road reserve or other public land except as may be permitted by the Local Government Act 1993. This includes the opening and closing of gates and doors which must open and close within the subject site.

Reason: To ensure structures are contained within the site.

13 (2FR01)

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) which should be implemented in the building premises must be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000.

Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

Reason: Compliance with the Environmental Planning and Assessment Act 1979.

14 (2MS01)

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including drawings and specifications must be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Manly Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Sediment Control Plan must incorporate and disclose:

- 1) all details of drainage to protect and drain the site during the construction processes,
- 2) all sediment control devices, barriers and the like,
- 3) sedimentation tanks, ponds or the like,
- 4) covering materials and methods, and
- 5) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing these design requirements have been met must be submitted with the Construction Certificate and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

15 (2WM02)

A Waste Management Plan is to be submitted with the application prior to a Construction Certificate being issued in accordance with the Manly Development Control Plan for Waste Minimisation and Management 2000.

The plan should detail the type and estimate the amount of demolition and construction waste and nominate how these materials will be sorted and dealt with. Weight dockets and receipts must be kept as evidence of approved methods of disposal and recycling. All demolition and excess construction materials are to be recycled where ever practicable. It should include consideration of the facilities required for the ongoing operation of the premises' recycling and waste management services after occupation. A template is available from the Manly Council website.

Reason: To plan for waste minimisation, recycling of building waste and on-going waste management.

CONDITIONS TO BE SATISFIED PRIOR TO ANY COMMENCEMENT

16 (3CD01)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued.

Reason: To ensure compliance with statutory provisions.

17 (3CD03)

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.

Reason: To protect the public interest and safety.

18 (3CD04)

The hoarding be in place prior to the commencement of works on the site. Trees which are affected by the hoarding and located outside the boundaries of the allotment are not to be cut, trimmed or removed without the prior approval of Council. The hoarding be removed immediately at the applicant's expense, if any of these conditions relating to hoardings are not fully complied

with.

Reason: To ensure public safety and amenity on public land.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19 (4AP02)

A copy of all stamped approved drawings, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Reason: To ensure the form of the development undertaken is in accordance with the determination of Council, public information and to ensure ongoing compliance.

20 (4BM01)

All materials and finishes of the proposed additions are to match, as closely as possible the material and finish of the existing building.

Reason: To enhance the visual quality of the development and the streetscape.

21 (4CD01)

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- 1) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- 2) Demolition must be carried out by a registered demolition contractor.
- 3) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- 4) No blasting is to be carried out at any time during construction of the building.
- 5) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- 6) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- 7) Any demolition and excess construction materials are to be recycled wherever practicable.
- 8) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 9) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. 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.
- 10) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- 11) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- 12) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.
- 13) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- 14) Public footways and roadways adjacent to the site must be maintained and cleared of obstructions during construction. 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.
- 15) 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.

16) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

17) Any work must not prohibit or divert any natural overland flow of water.

Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.

22 (4CD02)

In order to maintain the amenity of adjoining properties, audible site works must be restricted to between 7.00am and 6.00pm, Monday to Friday and 7.00am to 1.00pm Saturday. No site works can be undertaken on Sundays or public holidays.

Unless otherwise approved within a Construction Traffic Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Reason: To prevent disturbance to the surrounding community.

23 (4CD03)

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.

Reason: To maintain sanitary conditions on building sites.

24 (4CD04)

All hoardings must be lit between the hours of sunset and sunrise. Lights are to be erected at intervals of not greater than 5.0 metres for the length of the hoarding. The applicant must keep the hoarding presentable to the public for the whole of the time it is erected. There must be no catch points or protrusions likely to cause injury or damage to the public from the hoarding. The hoarding must be constructed of demountable timber frame sections lined with a smooth face material, and painted with an approved white paint which will not wash or rub off.

Reason: To ensure public safety and amenity on public land.

25 (4CD05)

Retaining walls being constructed in conjunction with excavations must be in accordance with structural engineer's details. Certification by a structural engineer that the constructed works comply with the structural detail must be submitted to the Principal Certifying Authority.

Reason: To ensure the structural adequacy of the retaining walls.

26 (4MS01)

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,
- Reinforced concrete slab,
- Framework inspection,
- Final inspection.

The cost of these inspections by Council is \$1120.00 (being \$280 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$150.

Reason: To ensure that the development is completed in accordance with the terms of the

development consent and with the Building Code of Australia.

27 (4MS04)

The Sediment Control Plan is to be implemented from the commencement of works and maintained until completion of the development.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

28 (5US01)

Any adjustment to a public utility service is to be carried out in compliance with its standards; where consent is required, with its concurrence; and with the full cost being borne by the applicant.

Reason: To ensure compliance with the terms of this consent.

ONGOING CONDITIONS RELATING TO THE OPERATION OF THE PREMISES OR DEVELOPMENT

29 (6LP04)

Leighton Green Cypress Cupressocyparis leylandii or any of its cultivars, must not be planted on the site for the life of the development. In the event of any inconsistency between this condition and the development application documents, this condition will prevail to the extent of the inconsistency.

Reason: To reduce the potential for adverse amenity effects such as overshadowing, loss of views, and loss of plant diversity.

30 (6MS02)

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.

Reason: Statutory requirement, Environmental Planning and Assessment Act 1979.

31 (6NL03)

The ongoing use of the premises/property must not give rise to 'offensive noise' as defined under the provisions of the Protection of the Environment Operations Act 1997.

Reason: To ensure compliance with legislation and to protect public health and amenity.

For the Decision: Stein, Morrish, Macdonald and Trotter

Against the Decision: Nil.

MIAP Report No. 8

6 Fairlight Crescent, Fairlight - DA304/11 (Da304/11)

Application Lodged:

16 November 2011

Applicant:

Woodhouse and Danks Pty Ltd

Owner:

John Duncan Pritchard

Estimated Cost:

\$1,050,000.00

Zoning:

Manly Local Environmental Plan, 1988 - Residential

Surrounding Development:

Residential Development including single detached dwellings and residential flat buildings

Heritage:

Not applicable

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR CONSTRUCTION OF ALTERATIONS AND

ADDITIONS TO AN EXISTING RESIDENTIAL FLAT BUILDING INCLUDING REAR ADDITION TO ALL LEVELS, ATTIC LEVEL WITHIN THE EXISTING ROOF, INTERNAL ALTERATIONS, LIFT, NEW ENTRY WITH A FOYER, CAR STACKERS AND LANDSCAPING.

2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND SIX (6) SUBMISSIONS WERE RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE FAIRLIGHT PRECINCT COMMUNITY FORUM WITH COMMENTS NOT RECEIVED BEFORE THIS REPORT WAS PREPARED.
4. THE APPLICATION WAS PRESENTED TO THE DEVELOPMENT ASSESSMENT UNIT 7 FEBRUARY 2012 WHERE IT WAS RECOMMENDED FOR APPROVAL.
5. SITE INSPECTION IS RECOMMENDED.
6. THE APPLICATION IS RECOMMENDED FOR **APPROVAL**.

PUBLIC ADDRESSES

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

Against the Recommendation: Adam Hreszczuk
Damien Smith
Polly Allan
Tim Bannigan

In Support of the Recommendation: John Pritchard (Owner)
Stephen Fayle

M8/12 Decision of the Panel

That Development Application No. 304/2011 for alterations and additions to an existing residential flat building including rear addition to all levels, attic level within the existing roof, internal alterations, lift, new entry with a foyer, car stackers and landscaping at 6 Fairlight Crescent, Fairlight be **Approved** subject to Council's standard conditions and the following specific conditions:-

DA01

The development, except where modified by the conditions of this consent, is to be carried out in accordance with the following plans and documentation.

Plans affixed with Council's stamp relating to Development Consent No. 304/2011

Plan No. / Title	Issue/ Revision & Date	Date Received by Council
Site Plan – D01	11 November 2011	16 November 2011
Ground Floor Plan – D02	11 November 2011	16 November 2011
First Floor Plan – D03	11 November 2011	16 November 2011
Second Floor Plan – D04	11 November 2011	16 November 2011
Rooms in Roof Plan – D05	11 November 2011	16 November 2011
Roof Plan – D06	11 November 2011	16 November 2011
Landscape Plan – D07	11 November 2011	16 November 2011
Fairlight Crescent Elevation	11 November 2011	16 November 2011
Rear & Arlington Drive Elevations	11 November 2011	16 November 2011
South West Elevation	11 November 2011	16 November 2011
North East Elevation	11 November 2011	16 November 2011

ANS01

The front boundary fence shall incorporate the existing stonewall and should have an overall maximum height of no more than 1.2m. Details of the front boundary fence are to be provided prior to the issue of a Construction Certificate.

Reason: To maintain streetscape character.

ANS02

Details are to be provided to demonstrate how the car stacker is to be used. The car parking spaces affected by the car stacker are to be allocated to two (2) units each so that each unit of the development is allocated a car parking space. Details on how the spaces affected by the car stackers are to operate without inconveniencing other residents of the development are to be provided prior to the issue of a Construction Certificate.

Reason: To provide effective on site car parking.

ANS03

Delete

ANS04

The applicant is to contribute an amount of \$113,800, payable to Council on behalf of the Chief Executive Housing NSW, Department of Human Services, as required by Clause 51(2) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 for the reduction in the low rental accommodation. The contribution is to be paid to Council, prior to the issue of Subdivision/Construction Certificate.

Reason: To comply with the requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009.

ANS05

One unit in the building is to be retained as affordable rental accommodation for a minimum period of three years with the applicant to place a positive covenant on the title of the land to this effect, evidence of registration of the covenant is to be submitted to the PCA prior to issue of the Occupation Certificate.

Reason: To comply with the requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009.

ANS06

A Landscape plan as submitted (D07) is unacceptable and the plant list is inappropriate given potential view impacts. A new landscape plan is to be submitted that makes provision for appropriate landscaping in the designated open space areas of units 3 and 4 to the satisfaction of Council prior to the issue of the Construction Certificate.

Reason: to ensure adequate privacy for the neighbours.

ANS07

The design of the front elevation is to be amended to maintain the existing masonry character of the façade. Brickwork is to be retained to form the balcony balustrades and to retain the existing width of brickwork between the south east and north east corners and the windows. The masonry wall shall not abut the inside face of the leadlight windows so that it is not visible from the outside of the building. Details are to be submitted prior to issue of the Construction Certificate.

Reason: To maintain the character of the building in the streetscape.

GENERAL CONDITIONS RELATING TO APPROVAL**1 (1AP04)**

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

Reason: To ensure compliance with the approved development.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

2 (2AP01)

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

Reason: To comply with the Environmental Planning and Assessment Act 1979.

3 (2CD01)

Pursuant to Section 97 of the Local Government Act, 1993, Council requires prior to the issue of 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 against damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicants interest for it to be as full and detailed as possible.

Where by Council is not the Principal Certifying Authority, refund of the trust fund deposit will also be dependent upon receipt of a final Occupation Certificate by the Principal Certifying Authority and infrastructure inspection by Council.

Reason: To ensure security against possible damage to Council property.

4 (2CD04)

Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings and specifications certifying the shoring will be adequate for their intended purpose and must be submitted to the Council/Accredited Certifier for approval with the Construction Certificate. The documentation prepared and certified by an appropriately qualified and practising structural engineer is to show all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements. A copy of this documentation must be provided to the Council for record purposes at the time of Construction Certificate application.

Reason: To ensure the protection of existing public infrastructure and adjoining properties.

5 (2CD05)

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

Reason: To ensure the provision of public infrastructure of an appropriate quality arising from the development works to service the development.

6 (2CD07)

A Certificate of Adequacy signed by a practising structural engineer stating the existing structure is capable of supporting the proposed additions, is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: The existing building must be able to support proposed additional loading.

7 (2CD13)

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes are to be concealed within the building. Plumbing other than stormwater downpipes

must not be attached to the external surfaces of the building.

Reason: To ensure the visual quality of the development.

8 (2DS01)

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

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that infrastructure reverting to Council's care and control is of an acceptable standard.

9 (2DS02)

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) is to be provided within the property in accordance with Council's Specification for On-site Stormwater Management 2003. The design and details must be submitted with the Construction Certificate Application and be approved by Council prior to the issue of the Construction Certificate. The stormwater management plan and designs must be prepared by a suitably qualified engineer.

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.

10 (2FP03)

No portion of the proposed building or works, as approved within the subject site, are to encroach upon any road reserve or other public land except as may be permitted by the Local Government Act 1993. This includes the opening and closing of gates and doors which must open and close within the subject site.

Reason: To ensure structures are contained within the site.

11 (2FR01)

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) which should be implemented in the building premises must be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000.

Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

Reason: Compliance with the Environmental Planning and Assessment Act 1979.

12 (2MS01)

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including drawings and specifications must be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Manly Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Sediment Control Plan must incorporate and disclose:

- 1) all details of drainage to protect and drain the site during the construction processes,
- 2) all sediment control devices, barriers and the like,
- 3) sedimentation tanks, ponds or the like,
- 4) covering materials and methods, and
- 5) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing these design requirements have been met must be submitted with the Construction Certificate and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

Internal Note: This condition is to be imposed in conjunction with 4MS04.

13 (2MS03)

An amended BASIX Certificate is required to reflect all the approved works. All commitments embodied within the BASIX Certificate must be incorporated in drawings submitted with the Construction Certificate.

Reason: To ensure the development complies with the requirements of the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

14 (2WM01)

Details of waste management facilities are to be submitted with the application for a Construction Certificate in accordance with the Manly Development Control Plan for Waste Minimisation and Management 2000.

Reason: To ensure appropriate management of waste.

15 (2WM02)

A Waste Management Plan is to be submitted with the application prior to a Construction Certificate being issued in accordance with the Manly Development Control Plan for Waste Minimisation and Management 2000.

The plan should detail the type and estimate the amount of demolition and construction waste and nominate how these materials will be sorted and dealt with. Weight dockets and receipts must be kept as evidence of approved methods of disposal and recycling. All demolition and excess construction materials are to be recycled where ever practicable. It should include consideration of the facilities required for the ongoing operation of the premises' recycling and waste management services after occupation. A template is available from the Manly Council website.

Reason: To plan for waste minimisation, recycling of building waste and on-going waste management.

Internal Note: The requirement for a Waste Management Plan is included in the Department of Environment and Climate change (DECC) Waste Service Performance Improvement Payment Criteria (WSPIP).

CONDITIONS TO BE SATISFIED PRIOR TO ANY COMMENCEMENT

16 (3BM01)

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 Australian Standard AS 3740. Certification is to be provided to the Principal Certifying Authority from a licensed applicator prior to the fixing of any wall or floor tiles.

Reason: To prevent the penetration of dampness through walls and floors.

17 (3CD01)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued.

Reason: To ensure compliance with statutory provisions.

18 (3CD03)

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.

Reason: To protect the public interest and safety.

19 (3CD05)

Detailed drawings of roof trusses indicating type and position of trusses, design wind classification, manufacturer's 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.

Reason: To ensure structural adequacy.

20 (3CD06)

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.

Reason: To ensure structural adequacy.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21 (4AP02)

A copy of all stamped approved drawings, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Reason: To ensure the form of the development undertaken is in accordance with the determination of Council, public information and to ensure ongoing compliance.

22 (4BM01)

All materials and finishes of the proposed additions are to match, as closely as possible the material and finish of the existing building.

Reason: To enhance the visual quality of the development and the streetscape.

23 (4CD01)

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- 1) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- 2) Demolition must be carried out by a registered demolition contractor.
- 3) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- 4) No blasting is to be carried out at any time during construction of the building.
- 5) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- 6) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- 7) Any demolition and excess construction materials are to be recycled wherever practicable.
- 8) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 9) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. 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.
- 10) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- 11) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- 12) Details as to the method and location of disposal of demolition materials (weight docket, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.
- 13) Any materials stored on site must be stored out of view or in such a manner so as not to

cause unsightliness when viewed from nearby lands or roadways.

- 14) Public footways and roadways adjacent to the site must be maintained and cleared of obstructions during construction. 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.
- 15) 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.
- 16) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- 17) Any work must not prohibit or divert any natural overland flow of water.

Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.

24 (4CD02)

In order to maintain the amenity of adjoining properties, audible site works must be restricted to between 7.00am and 6.00pm, Monday to Friday and 7.00am to 1.00pm Saturday. No site works can be undertaken on Sundays or public holidays.

Unless otherwise approved within a Construction Traffic Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Reason: To prevent disturbance to the surrounding community.

25 (4CD03)

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.

Reason: To maintain sanitary conditions on building sites.

26 (4CD05)

Retaining walls being constructed in conjunction with excavations must be in accordance with structural engineer's details. Certification by a structural engineer that the constructed works comply with the structural detail must be submitted to the Principal Certifying Authority.

Reason: To ensure the structural adequacy of the retaining walls.

27 (4CD06)

All construction works must be strictly in accordance with the Reduced Levels (RLs) as shown on the approved drawings. Certification is to be submitted to the Principal Certifying Authority during construction by a registered surveyor certifying complying and finished ridge levels.

Reason: To ensure compliance with the consent.

28 (4DS01)

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

Reason: To prevent uncontrolled seepage entering excavated areas.

29 (4DS02)

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

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

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

- 3) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received, and
- 4) It is the responsibility of the applicant to ensure during de-watering activities, the capacity of the stormwater system is not exceeded, there are no issues associated with erosion or scouring due to the volume of water pumped; and turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.

Reason: To ensure compliance with legislation and to protect the surrounding natural environment.

30 (4LD03)

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

Reason: To prohibit the unnecessary damage or removal of trees without permission from Council during any construction.

31 (4LD04)

The following precautions must be taken when working near trees to be retained:

- harmful or bulk materials or spoil must not be stored under or near trees,
- prevent damage to bark and root system,
- mechanical methods must not be used to excavate within root zones,
- topsoil from under the drip line must not be added and or removed,
- ground under the drip line must not be compacted, and
- trees must be watered in dry conditions.

Reason: This is to ensure no damage is caused to trees from various methods of possible damage.

32 (4LD06)

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

Reason: To prevent/contain erosion.

33 (4LD07)

Where development/construction necessitates the pruning of more than 10% of existing tree canopy, a permit application must be lodged with the Council's Civic Services Division, subject to the Tree Preservation Order 2001.

Reason: To ensure those trees are maintained appropriately and compliance with Australian Standard AS 4373:2007 – Pruning of Amenity Trees.

34 (4MS01)

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 \$1680. (being \$280 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

incur a fee of \$150.

Reason: To ensure that the development is completed in accordance with the terms of the development consent and with the Building Code of Australia.

35 (4MS04)

The Sediment Control Plan is to be implemented from the commencement of works and maintained until completion of the development.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

Internal Note: This condition is to be imposed with 2MS02.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

36 (5DS01)

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

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure infrastructure reverting to Council's care and control is of an acceptable standard.

37 (5DS02)

A copy of the approved Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) drawing showing Works as Executed (WAE) details must be submitted to Council for approval prior to the issue of the Occupation Certificate. The WAE drawing is to be in accordance with Council's standards and Specification for Stormwater Drainage 2003 and Specification for On-site Stormwater Management 2003.

Reason: Compliance with the consent and Council standards and specifications.

38 (5DS03)

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.

Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.

39 (5FR01)

An automatic fire detection and alarm system must be installed in the proposed dwelling in accordance with the requirements of the Building Code of Australia.

Reason: To comply with the Environmental Planning and Assessment Act 1979.

40 (5US01)

Any adjustment to a public utility service is to be carried out in compliance with its standards; where consent is required, with its concurrence; and with the full cost being borne by the applicant.

Reason: To ensure compliance with the terms of this consent.

ONGOING CONDITIONS RELATING TO THE OPERATION OF THE PREMISES OR DEVELOPMENT

41 (6MS02)

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.

Reason: Statutory requirement, Environmental Planning and Assessment Act 1979.

For the Decision: Stein, Morrish, Macdonald and Trotter
Against the Decision: Nil.

MIAP Report No. 9

67 Collingwood Street, Manly - DA311/11 (DA311/11)

Application Lodged: 28 November 2011
Applicant: Craig Whitting
Owner: Craig Whitting
Estimated Cost: \$1000
Zoning: Manly Local Environmental Plan, 1988 – Residential in Foreshore Scenic Protection Area
Surrounding Development: Single Residential dwellings in landscaped settings and Residential Flat Buildings and Open Space.
Heritage: In the vicinity of Items of both Architectural and Environmental Heritage.

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR USE OF BUILDING AS CHILDREN'S GENERAL STORE INCLUDING ANCILLARY RETAIL AND BEVERAGES.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND FIVE (5) SUBMISSIONS AND A PETITION INCLUDING ONE HUNDRED AND FIFTEEN NAMES (115) RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE OCEAN BEACH PRECINCT WITH NO COMMENTS RECEIVED.
4. THE APPLICATION IS BEING PRESENTED TO THE MANLY INDEPENDENT ASSESSMENT PANEL DUE TO THE APPLICANT BEING A MANLY COUNCILLOR.
5. SITE INSPECTION IS RECOMMENDED.
6. THE APPLICATION IS RECOMMENDED FOR **REFUSAL**.

PUBLIC ADDRESSES

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

Against the Recommendation: Nicole Whitting

In Support of the Recommendation: Laura Jianlan Lou
Patrick Tansey

M9/12 **Decision of the Panel**

That Development Application No. DA311/2011 for use of existing building as Children's General Store including ancillary retail and beverages at 67 Collingwood Street, Manly be **Refused** for the following reasons:

1. Pursuant to Part 1, Section 5 of the *Environmental Planning and Assessment Act 1979*, the proposed development is not considered to be consistent with the proper management or development of land for the purpose of promoting the social and economic welfare of the community and a better environment;
2. Pursuant to Section 79c (a,i) of the *Environmental Planning and Assessment Act 1979* the

proposal is not considered to be consistent with Part 2, Clause 10 (1)(f)(h) of the *Manly Local Environmental Plan 1988* because the proposal is not compatible with the character or amenity of the locality and not considered to comprise suitable redevelopment;

3. Pursuant to Section 79c (a,iii) of the *Environmental Planning and Assessment Act 1979* the proposal is not considered to be consistent with the *Manly Development Control Plan for the Residential Zone 2007 –Amendment 1* Part 1, objectives (e), (o), (q) because the proposed uses would not satisfy local controls as found in the relevant development control plan and are not consistent surrounding uses or with the qualities of the surrounding area and do not represent a consistent pattern of development thereby degrading the amenity of the surrounding area. As such the works are not considered to be consistent with the nature and intended future of the residential area;
4. Pursuant to Section 79c (a,iii) of the *Environmental Planning and Assessment Act 1979* the works are not considered to be consistent with the *Manly Development Control Plan for the Residential Zone 2007 –Amendment 1*, because the works proposed do not comply Part 2, Clause 2.3 because the applicant has not provided detailed site or locality analyses with the application;
5. The proposal will result in the loss of on site car parking contrary to Part 3, Clause 3.9.1 (a)(d)(f) of the *Manly Development Control Plan for the Residential Zone 2007 –Amendment 1*.

For the Decision: Stein, Morrish, Macdonald and Trotter
Against the Decision: Nil.

MIAP Report No. 10

**17-31 Roseberry Street, Balgowlah - DA107/10
 Sec 96AB Review (DA107/10)**

Application Lodged: 14 September 2011
Applicant: Urbis
Owner: Fabcot P/L
Estimated Cost: N/A
Zoning: Manly Local Environmental Plan, 1988 - Business

Surrounding Development: Commercial, retail and residential developments
Heritage: Not applicable

SUMMARY:

1. DEVELOPMENT CONSENT WAS ISSUED ON 28 OCTOBER 2010 FOR THE CONSTRUCTION OF SUPERMARKET AND CAFÉ WITH 318 CAR PARKING SPACES ON THE FORMER BLACKMORES INDUSTRIAL SITE.
2. ON 3 MAY 2011 A SEC 96(1A) APPLICATION WAS MADE TO MODIFY THE CONDITION 33 RELATING TO THE MAKING OF THE SEC 94 CONTRIBUTION
3. THE DAU CONSIDERED A REPORT ON THE SEC 96 APPLICATION AT ITS MEETING ON 28 JUNE 2011 AND AGREED TO MODIFY THE CONDITION BUT BY A LESSER AMOUNT THAN THAT SOUGHT.
4. THIS SEC 96AB APPLICATION WAS NOT NOTIFIED TO THE SURROUNDING PROPERTIES OR THE PRECINCT COMMUNITY FORUM.
5. THE APPLICATION FOR A REVIEW PURSUANT TO SEC 96 AB RECOMMENDS THAT THE DECISION OF THE DEVELOPMENT ASSESSMENT UNIT OF 28 JUNE 2011 BE ALTERED BY SUBSTITUTING A NEW CONDITION 33 WHICH REQUIRES THE PAYMENT

OF A LESSER FIGURE THAN THAT SPECIFIED AT THAT DATE.

M10/12 Decision of the Panel

That the decision of Council's Development Application Unit of the 28th June 2011 be varied by deleting the proposed modified Condition 33 of the consent for DA 107/1877 granted on 28 October 2010 and substituting the following;

Condition 33

A contribution is to be paid for the provision, extension or augmentation of traffic and parking, environmental programs, streetscape and landscaping, community facilities and administration that will, or are likely to be, required as a consequence of development in the area.

Total contribution for this development for demolition of the existing buildings and construction of a supermarket (Woolworths) with first floor ancillary office, signage, café on ground level with basement (154 spaces), ground level (56 spaces) and rooftop parking (108 spaces) is currently \$402,480.75 the amount of the payment shall be in accordance with the Section 94 charges as at the date of the payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions plan to effect changes in land values, construction costs and the Consumer Price Index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with Council's adopted Section 94 Contributions Plan effective July 2010 as follows;

Component Contribution

Community Facilities	\$ 274.11
Streetscape and Landscaping	\$5,482.14
Traffic & Parking	\$ 45.69
Environmental Programs	\$7,614.08

Sub total: \$13,416.02 divided by 3.1 worker/100m2 floor areas.

= \$4,327.75 contribution per additional worker

= \$4,327.75 x 93 additional workers

Total Contribution = \$402,480.75

For the Decision: Stein, Morrish, Macdonald and Trotter

Against the Decision: Nil.

CLOSE

The meeting closed at 2.15pm

The above decisions were confirmed at an **Manly Independent Assessment Panel** of Manly Council held on 16 February 2012.

CHAIRPERSON

***** END OF DECISIONS *****