

# Manly Council

---

## Minutes

## Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 18 December 2006**

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:  
[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*



---

**TABLE OF CONTENTS**

Item	Page No.
<b>PRESENT</b> .....	<b>3</b>
<b>APOLOGIES</b> .....	<b>3</b>
<b>DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST</b> .....	<b>3</b>
<b>CONFIRMATION OF MINUTES</b> .....	<b>3</b>
<b>PUBLIC FORUM</b> .....	<b>4</b>
<b>NOTICES OF MOTION</b> .....	<b>4</b>
<b>Notice of Motion Report No. 25</b>	
Review of process regarding the Outdoor Seating licence for the Corso .....	4
<b>General Managers Division Report No. 42</b>	
Seaforth (Former) TAFE Site - Progress Update.....	5
<b>ENVIRONMENTAL SERVICES DIVISION</b> .....	<b>7</b>
<b>Environmental Services Division Report No. 78</b>	
11 The Corso, Manly .....	7
<b>Environmental Services Division Report No. 79</b>	
133-137 North Steyne, Manly .....	8
<b>Environmental Services Division Report No. 81</b>	
46-48 East Esplanade, Manly .....	27
<b>NOTICE OF MOTION REPORT NO. 26</b>	
Triple Bottom Line Reporting .....	43
<b>ITEMS FOR BRIEF MENTION</b> .....	<b>44</b>
<b>Item For Brief Mention Report No. 13</b>	
Items for Brief Mention.....	44
<b>GENERAL MANAGERS DIVISION</b> .....	<b>48</b>
<b>General Managers Division Report No. 40</b>	
The Corso Upgrade Project - Stage 2 Works .....	48
<b>General Managers Division Report No. 41</b>	
Acquisition of Toilets for the Manly CBD .....	49
<b>CORPORATE SERVICES DIVISION</b> .....	<b>50</b>
<b>Corporate Services Division Report No. 33</b>	
Accounts - Report on Council Investments as at 30 November 2006 .....	50
<b>QUESTIONS WITHOUT NOTICE</b> .....	<b>51</b>
<b>MATTERS OF URGENCY</b> .....	<b>52</b>

---

**CONFIDENTIAL COMMITTEE OF THE WHOLE ..... 52**

**Corporate Planning And Strategy Division Report No. 63**  
Manly and Mosman Councils Joint Tender for Roadway and Footpath Construction  
Services. Contract 1/2006 ..... 52

The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 18 December 2006. The meeting commenced at 7:45 PM.

## **PRESENT**

His Worship, The Mayor, Councillor Dr Peter Macdonald, who presided  
Deputy Mayor, Councillor B Pedersen  
Councillor B Aird  
Councillor S Cant  
Councillor P Daley  
Councillor J Evans  
Councillor J Hay, AM  
Councillor A Heasman  
Councillor J Lambert, AM  
Councillor R Morrison – arrived at 7.55pm  
Councillor D Murphy  
Councillor M Norek

## **ALSO PRESENT**

Henry T Wong, General Manager  
Jim Hunter, Executive Director, Major Projects  
Ross Fleming, Chief Financial Officer  
Stephen Clements , Divisional Manager Environmental Services  
Jennie Minifie, Branch Manager, Planning & Strategy  
Dave Stray, Manager Development Control  
Elayne Becker, Minute Taker

## **OPENING PRAYER**

The Opening Prayer was presented by the Rev. Graham Perry.

## **APOLOGIES**

Nil.

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

Nil.

## **CONFIRMATION OF MINUTES**

### **MOTION (Pedersen / Lambert)**

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 20 November 2006, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

### **140/06 RESOLVED (Pedersen / Lambert)**

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 20 November 2006, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

## PUBLIC FORUM

Nil.

*Councillor Morrison entered the Chamber at 7.55pm*

## NOTICES OF MOTION

Notice of Motion Report No. 25

### **Review of process regarding the Outdoor Seating licence for the Corso**

Councillor Norek moved:

That council review the processes that led to the decision of the "Outdoor Seating licence for the Corso" and if it is found as a result of the review that there has been one or more improper processes then the council should move to re-consider the decision. This review should be completed by the February, 2007 Ordinary Meeting of Council and presented to the council elect at that meeting.

## PUBLIC ADDRESSES

The following person addressed Council in relation to this matter:

In Favour: Mr Tom Shanahan

### **MOTION (Norek / Morrison)**

That:

Council review the processes that led to the decision of the "Outdoor Seating licence for the Corso" and if it is found as a result of the review that there has been one or more improper processes then the council should move to re-consider the decision. This review should be completed by the February, 2007 Ordinary Meeting of Council and presented to the council elect at that meeting.

### **AMENDMENT (Pedersen / Evans)**

That:

1. Council acknowledges the General Manager's review of the tender process for the letting of part of The Corso for Outdoor Eating.
2. Council notes that the tender process for letting the area of The Corso for Outdoor Eating was referred to the Department of Local Government.
3. Council notes that the Department of Local Government was satisfied that due process had been followed.

**For the AMENDMENT:** Councillors Macdonald, Lambert, Cant, Daley, Pedersen, Aird and Evans

**Against the AMENDMENT:** Councillors Hay, Heasman, Murphy, Morrison and Norek

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

141/06 **RESOLVED (Pedersen / Evans)**

That:

1. Council acknowledges the General Manager's review of the tender process for the letting of part of The Corso for Outdoor Eating.
2. Council notes that the tender process for letting the area of The Corso for Outdoor Eating was referred to the Department of Local Government.
3. Council notes that the Department of Local Government was satisfied that due process had been followed.

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

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

\*\*\*\*\*

#### **SUSPENSION OF STANDING ORDERS (Macdonald / Pedersen)**

That Standing Orders be suspended to allow consideration of items of public interest, being, General Manager's Division Report No.42, Seaforth (Former) TAFE Site, Environmental Services Division Report No.78, 11 the Corso, Manly, Environmental Services Division Report No.79, 133-137 North Steyne, Manly, Environmental Services Division Report No.81, 46-48 East Esplanade.

142/06 **RESOLVED (Macdonald / Pedersen)**

That Standing Orders be suspended to allow consideration of items of public interest, being, General Manager's Division Report No.42, Seaforth (Former) TAFE Site, Environmental Services Division Report No.78, 11 the Corso, Manly, Environmental Services Division Report No.79, 133-137 North Steyne, Manly, Environmental Services Division Report No.81, 46-48 East Esplanade.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

General Managers Division Report No. 42

#### **Seaforth (Former) TAFE Site - Progress Update**

##### **SUMMARY**

- Council commissioned Gabrielle Morrish to prepare Draft Urban Design Guidelines for the former Seaforth TAFE site and surrounding areas.
- Council at its meeting on 11th September, 2006 resolved to exhibit the Draft Urban Design Guidelines to the broader community.

- As part of that exhibition process, Council directed that the a leaflet and survey be distributed to residents in the western part of the Local Government Area relating to the objectives developed by the Community Reference Group (CRG) which reflects their aspirations for Seaforth and the redevelopment of the TAFE site in particular.

### **PUBLIC ADDRESSES**

The following person addressed Council in relation to this matter:

Against: Mr Peter Fysh

### **MOTION (Pedersen / Hay)**

That:

1. Council refer the results of the exhibition of the Draft Urban Design Guidelines for Seaforth to Landcom and seek their response to the community feedback. Further, that Council engage with Landcom to ascertain their position in relation to continuing to pursue the "Seaforth Plaza" option and to addressing the issues raised in the community consultation.
2. Depending on the feedback received, it will be necessary to report back to Council on future options and respective scenarios from a financial, social and environmental perspective.
3. Council convey to Landcom that the overwhelming community opinion is strongly opposed to the Draft Urban Design Guidelines.
4. That the Council therefore will not support these Draft Urban Design Guidelines.
5. Council convey to Landcom that the community in particular rejects the 7 storey building heights as proposed in the Draft Urban Design Guidelines of option 3.
6. Council take the initiative, working with the CRG, to progress more appropriate urban design outcome proposals for the site.
7. Invite two additional members of the Seaforth TAFE Community Action Group to join the CRG.

### **143/06 RESOLVED (Pedersen / Hay)**

That:

1. Council refer the results of the exhibition of the Draft Urban Design Guidelines for Seaforth to Landcom and seek their response to the community feedback. Further, that Council engage with Landcom to ascertain their position in relation to continuing to pursue the "Seaforth Plaza" option and to addressing the issues raised in the community consultation.
2. Depending on the feedback received, it will be necessary to report back to Council on future options and respective scenarios from a financial, social and environmental perspective.
3. Council convey to Landcom that the overwhelming community opinion is strongly opposed to the Draft Urban Design Guidelines.
4. That the Council therefore will not support these Draft Urban Design Guidelines.
5. Council convey to Landcom that the community in particular rejects the 7 storey building

heights as proposed in the Draft Urban Design Guidelines of option 3.

6. Council take the initiative, working with the CRG, to progress more appropriate urban design outcome proposals for the site.
7. Invite two additional members of the Seaforth TAFE Community Action Group to join the CRG.

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

\*\*\*\*\*

**ENVIRONMENTAL SERVICES DIVISION**  
**Environmental Services Division Report No. 78**

**11 The Corso, Manly (DA47/06)**

**Application Lodged:** 24 January 2006 (Original) 6 October 2006 (Amended)  
**Applicant:** Estia Pty Ltd  
**Owner:** Estia Pty Ltd & N Coombes  
**Estimated Cost:** \$550,00.00  
**Zoning:** Manly Local Environmental Plan, 1988 - Business & Within the Foreshore Scenic Protection Area  
**Surrounding Development:** Shops and commercial premises  
**Heritage:** Within the Town Centre Conservation Area

**SUMMARY:**

1. ORIGINAL DEVELOPMENT CONSENT WAS SOUGHT FOR ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING INCLUDING RENOVATION TO EXISTING SHOPFRONT, CONVERSION OF EXISTING FIRST FLOOR OFFICE TO RESIDENTIAL UNIT, CONSTRUCTION OF TWO (2) NEW UNITS AND NEW SHOP FACING MARKET LANE.
2. THIS APPLICATION WAS REPORTED TO COUNCIL ON 3 JULY 2006, WHERE IT WAS RESOLVED TO DEFER THE CONSIDERATION OF THE APPLICATION.
3. THE APPLICATION WAS AGAIN REPORTED AND DISCUSSED AT THE LAND USE MANAGEMENT COMMITTEE MEETING OF 7 AUGUST 2006. COUNCIL RESOLVED TO DEFER THE APPLICATION FOR THE APPLICANT TO REDESIGN THE BUILDING WITH THE AIM OF REPLACING THE PROPOSED RESIDENTIAL SPACE WITH COMMERCIAL SPACE AND OTHER DESIGN ISSUES.
4. THE APPLICANT SUBMITTED AMENDED PLANS ON 6 OCTOBER 2006 WHICH SEEKS APPROVAL FOR ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING INCLUDING RENOVATION TO EXISTING SHOPFRONTS, RENOVATION TO THE EXISTING FIRST FLOOR OFFICE, CONSTRUCTION OF A NEW OFFICE ABOVE THE EXISTING SHOP FACING MARKET LANE AND TWO (2) NEW UNITS ABOVE THE NEW OFFICE SPACE.
5. THE APPLICANT WAS REMINDED OF COUNCIL'S RESOLUTION OF 7 AUGUST 2006 REGARDING REPLACEMENT OF RESIDENTIAL SPACE WITH COMMERCIAL SPACE ON 6 DECEMBER 2006 AND A WRITTEN RESPONSE WAS RECEIVED ON 7 DECEMBER 2006.
6. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

**PUBLIC ADDRESSES**

The following person addressed Council in relation to this matter:



In Favour: Mr Robert Shea

**MOTION (Hay / Morrison)**

That Development Application (**DA47/06**), **11 The Corso, Manly** be **approved** as submitted with standard conditions, including lift access.

Councillor Hay with permission of the seconder withdrew the MOTION.

**AMENDMENT (Murphy / Hay)**

That Development Application (**DA47/06**), **11 The Corso, Manly**, for alterations and additions to an existing building including three (3) new residential units on two (2) levels, be **deferred** for the applicant to submit a SEPP 1 objection under the EP&A Act, for Council's consideration and address access issues under relevant codes and the Disability and Discrimination Act 1992.

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

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

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

**144/06 RESOLVED (Murphy / Hay)**

That Development Application (**DA47/06**), **11 The Corso, Manly**, for alterations and additions to an existing building including three (3) new residential units on two (2) levels, be **deferred** for the applicant to submit a SEPP 1 objection under the EP&A Act, for Council's consideration and address access issues under relevant codes and the Disability and Discrimination Act 1992.

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

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

\*\*\*\*\*

Environmental Services Division Report No. 79

**133-137 North Steyne, Manly (DA56/06)**

**Application Lodged:** 25 January 2006

**Applicant:** Susan Rothwell Architects Pty Ltd

**Owner:** Nescham Home Units Pty Ltd & North Steyne Investments Pty Ltd

**Estimated Cost:** \$7.1 million

**Zoning:** Residential under Manly Local Environmental Plan, 1988 and within the Tourist Area and Foreshore Scenic Protection Area.

**Surrounding Development:** Single storey semi-detached cottage and residential flat buildings ranging from 2 to 16 storeys in height, with Queenscliff Beach on the opposite side of the road.

**Heritage:** Yes. The land is in the vicinity of Manly Beach Reserve, located on the eastern side of North Steyne, which has been identified as landscape item of the environmental heritage.

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR:

- 1.1 THE DEMOLITION OF THE TWO AND THREE STOREY RESIDENTIAL FLAT BUILDINGS ON 133, 134-135, 136-137 NORTH STEYNE;
- 1.2 THE RETENTION OF THE SEMI-DETACHED COTTAGE ON 22 BONNER AVENUE;
- 1.3 THE CONSTRUCTION OF A FIVE STOREY RESIDENTIAL FLAT BUILDING CONTAINING 15 UNITS WITH BASEMENT PARKING FOR 29 VEHICLES; AND
- 1.4 THE STRATA SUBDIVISION OF THE DEVELOPMENT.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING PROPERTY OWNERS AND OCCUPIERS AND ADVERTISED IN THE MANLY DAILY. 15 SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE OCEAN BEACH PRECINCT COMMITTEE FORUM FOR COMMENT. THE COMMITTEE INDICATED THAT THE DEVELOPMENT WOULD ENHANCE THE LANDSCAPE OF MANLY, REDUCE DENSITY ON THE SITE AND TAKE VEHICLES OFF THE STREET AND WAS SUITABLE SUBJECT TO THE PROVISION OF A DILAPIDATION REPORT IN RESPECT TO ADJOINING PROPERTY.
4. FOLLOWING A PRELIMINARY ASSESSMENT, THE PROPOSAL WAS DISCUSSED WITH THE APPLICANT.
5. AMENDED PLANS WERE SUBMITTED ON 6 OCTOBER 2006.
6. THE AMENDED PLANS WERE NOTIFIED TO ALL ADJOINING PROPERTY OWNERS AND OCCUPIERS AND ADVERTISED IN THE MANLY DAILY. 4 SUBMISSIONS RECEIVED IN RESPECT TO THE AMENDED PLANS.
7. FOLLOWING A PRELIMINARY ASSESSMENT OF THE AMENDED PLANS, DISCUSSIONS WERE HELD WITH THE APPLICANT IN RELATION TO FURTHER MINOR MODIFICATIONS TO THE UPPER 2 LEVELS OF THE BUILDING TO RESPOND TO ISSUES RAISED IN THE SUBMISSIONS THAT WERE MADE TO THE ORIGINAL APPLICATION.
8. THE APPLICANT HAS PROVIDED SKETCHES OF FURTHER MODIFICATIONS TO RESPOND TO THE ISSUES RAISED THAT CAN BE USED AS THE BASIS FOR CONDITIONS OF APPROVAL.
9. THE APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT MEETING AT THE REQUEST OF THE GENERAL MANAGER.
10. A SITE INSPECTION IS RECOMMENDED.
11. THE APPLICATION IS RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.

### **SITE INSPECTIONS**

A Site Inspection of 133-137 North Steyne, (DA56/06) Manly was conducted on Monday 18 December 2006 by the following Councillors B Aird, J Lambert, P Macdonald and D Murphy

### **Inspection Party Report**

Recommendation: No Recommendation

*(Note: Issues of concern being north side and east (front) setback)*

### **PUBLIC ADDRESSES**

The following persons addressed Council in relation to this matter:

Against: Mr Michael Baker

In Favour: Mr Phil Mudge

### **MOTION (Murphy / Heasman)**

That Development Application No 56/06 for the demolition of the existing buildings on 133, 134,135 and 136 North Steyne; and 26 Bonner Avenue, and the retention of the existing semi-detached cottage on 22 Bonner Avenue; and construction of a five (5) storey residential flat building containing fifteen (15) units with basement parking for twenty nine (29) cars and strata subdivision

be **approved** subject to the following conditions:

1. Additional setback for the northside levels three and four to achieve a minimum 4 metre setback.
2. Any fencing forward of the screen to be to a height of not more than 1metre.
3. Council's standard condition in relation to floodproofing of the basement car parking area as follows:  
DA108 The basement carparking level is to be adequately protected from flooding. Details are to be submitted to the Council/Accredited Certified prior to the issue of the Construction Certificate.

DA1

This approval relates to drawings/plans Nos. SRML-101 to 113, Issue F, dated September 2006, as amended by sketch plans, dated 8 December 2006, relating to the reduction in the building envelope of Levels 3 and 4, Reference SRML-107 and 108, and the reduction of terraces and planters, Reference SRML-110. and received by Council on the 6 October, 2006.

ANS01

Details of water collection and re-use is to be submitted prior to the issue of the Construction Certificate.

ANS02

Any ventilation, air-conditioning equipment and other structures on the roof-top are to be the subject of a separate Development Application

ANS03

Lift over-run and any other structures, except for any parapet, is not to exceed Reduced Level (RL)20.250.

ANS04

Removal of all structures (other than basement carparking area) on the land to be dedicated to Council for road widening and restoration of the area to the satisfaction of Council.

ANS05

The landscape plans being amended to provide for the planting of two (2) additional endemic trees.

ANS06

One (1) apartment being designed for use as an adaptable housing unit.

ANS07

The depth of the pond is not to exceed 300mm unless made child safe to the satisfaction of the Principal certifying Authority.

DA009

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

DA011

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

## DA012

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

## DA013

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

## DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$50,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

## DA017

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

## DA272

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

## DA341

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

## DA342

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

## DA343

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

## DA018

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

## DA021

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person

or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

**DA022**

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

**DA023**

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

**DA024**

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

**DA026**

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

**DA031**

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

**DA039**

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

**DA040**

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

**DA044**

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

**DA047**

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

**DA048**

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

**DA058**

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

**DA059**

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

**DA060**

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

**DA357**

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

**DA109**

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

**DA111**

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

**DA084**

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

**DA088**

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

**DA092**

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

**DA95**

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

**DA100**

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

**DA108**

The basement carparking level is to be adequately protected from flooding. Details are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA119

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

DA120

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

DA121 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

DA224

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

DA225

The pedestrian footpaths and pavements in the streets surrounding the proposed development shall be constructed as per Manly Council's Paving Design guidelines dated February 2002. A detailed design showing the above details shall be submitted with the application for Construction Certificate and shall be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA229

Excavation adjacent to the road boundary shall be adequately shored to support the roadway and all improvements and services within the road reserve. Protective fencing shall be provided to ensure the safety of the public.

DA230

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

DA236

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

DA237

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

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

DA238

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

DA239

The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree or trees unless in

conformity with this approval or subsequent approval is prohibited.

## DA240

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

## DA247

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

## DA252

A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.

## DA346

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

## DA348

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

## DA261

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

## DA262

1. The applicant shall lodge a Hoarding Application with Council for any protective hoardings, fences and lighting which are to be provided during demolition, excavation and building works. The Hoarding Application is to be submitted to Council with the appropriate fee, prior to any works on site or **prior to the issue of the Construction Certificate**.
2. All hoardings must be in accordance with Council's Hoarding Application Form and must comply with the requirements of the Department of Industrial Relations, Construction Safety Act, the WorkCover Authority and relevant Australian Standard. **Note:** On corner properties, particular attention is to be given to the provision of adequate sight distances.
3. The hoarding shall be in place prior to the commencement of works on the site.
4. 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**.
5. The hoarding shall be removed immediately at the applicant's expense, if any of these conditions are not fully complied with.
6. All hoardings must be lit between the hours of sunset and sunrise. Lights are to be erected at intervals of not greater than 5.0 metres for the length of the hoarding. The applicant shall keep the hoarding presentable to the public for the whole of the time it is



erected. There shall be no catch points or protrusions likely to cause injury or damage to the public from the hoarding. The hoarding shall be constructed of demountable timber frame sections lined with a smooth face material, and painted with an approved white paint which shall not wash or rub off.

## DA269

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

## DA271

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

## DA279

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

## DA283

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

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

## DA285

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

## DA332

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

## DA333

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

## DA334

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

## DA335

Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage

line or easement, natural watercourse, kerb or road surface.

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

DA344

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

DA289

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

DA300

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

DA301

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

DA302

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

DA303

The swimming pool is to be surrounded by a child-resistant barrier in accordance with the

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

DA306

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

DA314

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

DA315

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

DA316

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

DA318

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

DA274

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

DA323

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

#### 145/06 **RESOLVED (Murphy / Heasman)**

That Development Application No 56/06 for the demolition of the existing buildings on 133, 134, 135 and 136 North Steyne; and 26 Bonner Avenue, and the retention of the existing semi-detached cottage on 22 Bonner Avenue; and construction of a five (5) storey residential flat building containing fifteen (15) units with basement parking for twenty nine (29) cars and strata subdivision be **approved** subject to the following conditions:

1. Additional setback for the northside levels three and four to achieve a minimum 4 metre setback.
2. Any fencing forward of the screen to be to a height of not more than 1 metre.
3. Council's standard condition in relation to floodproofing of the basement car parking area as follows:

DA108 The basement carparking level is to be adequately protected from flooding. Details are to be submitted to the Council/Accredited Certified prior to the issue of the Construction Certificate.

DA1

This approval relates to drawings/plans Nos. SRML-101 to 113, Issue F, dated September 2006, as amended by sketch plans, dated 8 December 2006, relating to the reduction in the building envelope of Levels 3 and 4, Reference SRML-107 and 108, and the reduction of terraces and planters, Reference SRML-110. and received by Council on the 6 October, 2006.

ANS01

Details of water collection and re-use is to be submitted prior to the issue of the Construction Certificate.

ANS02

Any ventilation, air-conditioning equipment and other structures on the roof-top are to be the subject of a separate Development Application

ANS03

Lift over-run and any other structures, except for any parapet, is not to exceed Reduced Level (RL)20.250.

ANS04

Removal of all structures (other than basement carparking area) on the land to be dedicated to Council for road widening and restoration of the area to the satisfaction of Council.

ANS05

The landscape plans being amended to provide for the planting of two (2) additional endemic trees.

ANS06

One (1) apartment being designed for use as an adaptable housing unit.

ANS07

The depth of the pond is not to exceed 300mm unless made child safe to the satisfaction of the Principal certifying Authority.

DA009

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

DA011

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

DA012

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

DA013

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

the existing levels and the designed levels.

**DA016**

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$50,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

**DA017**

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

**DA272**

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

**DA341**

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

**DA342**

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

**DA343**

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

**DA018**

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

**DA021**

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

**DA022**

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

DA023

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

DA024

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

DA026

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

DA031

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

DA039

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

DA040

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

DA044

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

DA047

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

DA048

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

DA058

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

DA059

Building work shall not progress beyond first floor level until such time as Registered Surveyors details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that

the works are in accordance with the levels shown and approved in the development approval.

DA060

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

DA357

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

DA109

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

DA111

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

DA084

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

DA088

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

DA092

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

DA95

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

DA100

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

DA108

The basement carparking level is to be adequately protected from flooding. Details are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA119

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

## DA120

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

DA121 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

## DA224

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

## DA225

The pedestrian footpaths and pavements in the streets surrounding the proposed development shall be constructed as per Manly Council's Paving Design guidelines dated February 2002. A detailed design showing the above details shall be submitted with the application for Construction Certificate and shall be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate.

## DA229

Excavation adjacent to the road boundary shall be adequately shored to support the roadway and all improvements and services within the road reserve. Protective fencing shall be provided to ensure the safety of the public.

## DA230

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

## DA236

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

## DA237

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

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

## DA238

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

## DA239

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

## DA240

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



DA247

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

DA252

A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.

DA346

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

DA348

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

DA261

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

DA262

1. The applicant shall lodge a Hoarding Application with Council for any protective hoardings, fences and lighting which are to be provided during demolition, excavation and building works. The Hoarding Application is to be submitted to Council with the appropriate fee, prior to any works on site or **prior to the issue of the Construction Certificate**.
2. All hoardings must be in accordance with Council's Hoarding Application Form and must comply with the requirements of the Department of Industrial Relations, Construction Safety Act, the WorkCover Authority and relevant Australian Standard. **Note:** On corner properties, particular attention is to be given to the provision of adequate sight distances.
3. The hoarding shall be in place prior to the commencement of works on the site.
4. 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**.
5. The hoarding shall be removed immediately at the applicant's expense, if any of these conditions are not fully complied with.
6. All hoardings must be lit between the hours of sunset and sunrise. Lights are to be erected at intervals of not greater than 5.0 metres for the length of the hoarding. The applicant shall keep the hoarding presentable to the public for the whole of the time it is erected. There shall be no catch points or protrusions likely to cause injury or damage to the public from the hoarding. The hoarding shall be constructed of demountable timber frame sections lined with a smooth face material, and painted with an approved white paint which shall not wash or rub off.

DA269

A Construction Certificate Application is required to be submitted to and issued by the

Council/Accredited Certifier prior to any building works being carried out on site.

DA271

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

DA279

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

DA283

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

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

DA285

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

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

DA344

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

DA289

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

DA300

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

DA301

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

DA302

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

DA303

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

DA306

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

DA314

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

DA315

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

DA316

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

DA318

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

DA274

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

DA323

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

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

**Against the Resolution:** Nil

*Councillors Cant, Evans and Aird were not in the Chamber when the vote was put.*

(This item was recommitted later in the proceedings for the addition of an Item 4. See Minute 147/06)

\*\*\*\*\*

Environmental Services Division Report No. 81

**46-48 East Esplanade, Manly (DA485/05)**

**Application Lodged:**

8 November, 2005

**Applicant:**

Hosking Munro Pty Ltd

**Owner:**

Trimglint Pty Ltd & Robert Pacific Pty Ltd

**Estimated Cost:**

\$5,000,000.

**Zoning:**

Manly Local Environmental Plan, 1988 – Business - Within Foreshore Scenic Protection Area.

**Surrounding Development:**

Multi Storey Mixed Commercial and Residential Buildings.

**Heritage:**

Yes

**SUMMARY:**

1. DEVELOPMENT APPLICATION DA 412/01 WAS LODGED ON 3 SEPTEMBER 2001 FOR PROPOSED ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDINGS TO CONVERT THEM TO A 60 ROOM HOTEL.
2. AMENDMENT NO 56 TO THE LEP WAS GAZETTED IN 21 SEPTEMBER 2002, CLASSIFYING THE SITE AS A HERITAGE ITEM.
3. AN APPEAL WAS LODGED WITH THE L&E COURT AGAINST DEEMED REFUSAL.
4. COUNCIL SUBSEQUENTLY REFUSED THE APPLICATION ON 8 NOVEMBER 2002. THE APPEAL WAS DISCONTINUED.
5. A NEW DA WAS LODGED ON 15 MAY 2003 FOR ALTERATIONS AND ADDITIONS AND USE AS A 72 BEDROOM HOTEL AND A ONE BEDROOM APARTMENT. THIS APPLICATION WAS REFUSED BY COUNCIL ON 19 FEBRUARY 2004.
6. AN APPEAL WAS LODGED WITH THE L&E COURT AGAINST COUNCIL'S REFUSAL OF THE APPLICATION. THE APPEAL WAS DISCONTINUED.
7. DEVELOPMENT APPLICATION DA 485/05 WAS LODGED ON 8 NOVEMBER 2005 FOR PROPOSED ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDINGS FOR COMMERCIAL OFFICE SPACE AND RESIDENTIAL UNIT.
8. THE APPLICATION WAS ADVERTISED AND NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH SIX SUBMISSIONS ON BEHALF OF THREE PROPERTY OWNERS RAISING OBJECTION TO THE PROPOSAL RECEIVED.
9. THE APPLICATION WAS REFERRED TO THE CORSO PRECINCT COMMUNITY FORUM WITH COMMENTS RECEIVED.
10. THE APPLICATION WAS REFUSED BY COUNCIL AT ITS LAND USE MANAGEMENT COMMITTEE MEETING OF 3 JULY 2006.
11. COUNCIL RECEIVED AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ON 18 JULY 2006. THE REVIEW APPLICATION INCLUDED REVISED PLANS.
12. THE APPLICATION FOR REVIEW WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH SIX SUBMISSIONS RECEIVED.
13. THE REVIEW APPLICATION WAS REFERRED TO THE CORSO PRECINCT COMMUNITY FORUM FOR COMMENT.
14. DEFERRED COMMENCEMENT CONSENT IS RECOMMENDED.

**PUBLIC ADDRESSES**

The following persons addressed Council in relation to this matter:

Against: Mr Garry Brown

In Favour: Mr Michael Staunton

**MOTION (Macdonald / Lambert)**

That **Deferred** Commencement Consent be granted for **Development Application No. 485/05 for alterations and additions to existing building for new retail/commercial and residential unit at 46-48 East Esplanade, Manly** with the consent not operating until the applicant has submitted;

A1.

Revised plans showing the front setback of proposed Level 5 being increased by 1.0m with the north/west wall of the living room aligning with the lobby wall, to minimise impacts on the heritage terraces.

A2.

Revised plans showing the front setback of proposed Level 3 aligned with the front setback of Level 4, to minimise impacts on the heritage terraces.

A3.

Revised plans showing the curved front façade of proposed levels 3 and 4 eliminated and designed to match the rectangular treatment on the south east side of the building, to minimise impacts on the heritage terraces.

A4.

Revised plans showing provision of planter box with screen plantings to the south east side of terraces/balconies on the south east side of the upper floor level.

A5.

Revised plans showing the overall height of the building reduced 0.5m to achieve closer compliance with Council's DCP requirements and minimise visual bulk and scale of the building.

A6.

A report showing compliance with Council's Policy for Energy Efficiency in Buildings.

A7.

A Construction Management Plan detailing:

- a) management of vehicle and pedestrian traffic in the vicinity of the site, parking of trade vehicles, truck and equipment movements, materials removal, materials delivery, hours of work, noise and general environmental protection measures.
- b) measures to ensure that the heritage fabric and integrity of the original building is retained.

**Upon submission of the satisfactory information addressing the above within a period of 6 months from this date, the Consent will operate subject to the following conditions;**

DA1

This approval relates to drawings/plans Nos. HM883 D-00, D-01 and D-02 issue B dated 21 September 2005, D-03 Issue J, D-04 issue G, D-08 issue G, dated 12 July 2006, D-09 issue C received by Council 18 July 2006 as amended by deferred commencement conditions.

DA001

The development shall be provided with access and facilities for people with disabilities in accordance with Australian Standard 1428.2-1992 Design for Access and Mobility Part 2: Enhanced and additional Requirements (AS1428.2).

DA007

Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory or wherever directional signage or information is provided to those buildings where access and facilities have been provided. Such signage shall have to regard to the provisions AS1428.2.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$30,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

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

## DA017

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

## DA342

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

## DA343

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

## DA018

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

## DA021

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

## DA022

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

## DA023

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

## DA024

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

## DA026

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

## DA031

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

DA038

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

DA039

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

DA040

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

DA044

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

DA047

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

DA048

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

DA058

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

DA059

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

DA060

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

DA357

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

DA109

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

DA111

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



## DA088

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

## DA95

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

## DA100

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

## DA119

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

## DA120

The building being erected in Type A, construction for a Class 4, 5 and 6 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

## DA121

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

## DA224

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

## DA225

The pedestrian footpaths and pavements in the streets surrounding the proposed development shall be constructed as per Manly Council's Paving Design guidelines dated February 2002. A detailed design showing the above details shall be submitted with the application for Construction Certificate and shall be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate.

## DA230

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

## DA240

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

DA247

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

DA261

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

DA262

1. The applicant shall lodge a Hoarding Application with Council for any protective hoardings, fences and lighting which are to be provided during demolition, excavation and building works. The Hoarding Application is to be submitted to Council with the appropriate fee, prior to any works on site or **prior to the issue of the Construction Certificate**.
2. All hoardings must be in accordance with Council's Hoarding Application Form and must comply with the requirements of the Department of Industrial Relations, Construction Safety Act, the WorkCover Authority and relevant Australian Standard.  
**Note:** On corner properties, particular attention is to be given to the provision of adequate sight distances.
3. The hoarding shall be in place prior to the commencement of works on the site.
4. 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**.
5. The hoarding shall be removed immediately at the applicant's expense, if any of these conditions are not fully complied with.
6. All hoardings must be lit between the hours of sunset and sunrise. Lights are to be erected at intervals of not greater than 5.0 metres for the length of the hoarding. The applicant shall keep the hoarding presentable to the public for the whole of the time it is erected. There shall be no catch points or protrusions likely to cause injury or damage to the public from the hoarding. The hoarding shall be constructed of demountable timber frame sections lined with a smooth face material, and painted with an approved white paint which shall not wash or rub off.

DA269

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

DA271

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

DA279

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

DA283

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

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

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

## DA285

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

## DA332

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

## DA333

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

## DA334

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

## DA335

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

## DA336

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

## DA337

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

## DA338

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

## DA339

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

## DA340

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

The measures must include:-

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

## DA289

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

## DA274

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

## DA323

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

ANS01 A standard clause regarding dilapidation reports with reference to heritage properties be inserted as a condition as follows:  
A dilapidation report in regard to adjoining properties, Heritage buildings on the subject site and any adjoining sites and Council land, is to be submitted to Council with the Trust Fund **Deposit prior to the issue of the Construction Certificate.**

ANS02 Deep Foundations – subject to geotechnical considerations, deep foundation used on the site shall be of displacement piles and their installation shall not cause appreciable vibrations upon adjoining property or cause foreseeable damage to the heritage fabric of the buildings on this and surrounding sites.

146/06 **RESOLVED (Macdonald / Lambert)**

That **Deferred** Commencement Consent be granted for **Development Application No. 485/05 for alterations and additions to existing building for new retail/commercial and residential unit at 46-48 East Esplanade, Manly** with the consent not operating until the applicant has submitted;

## A1.

Revised plans showing the front setback of proposed Level 5 being increased by 1.0m with the north/west wall of the living room aligning with the lobby wall, to minimise impacts on the heritage terraces.

## A2.

Revised plans showing the front setback of proposed Level 3 aligned with the front setback of Level 4, to minimise impacts on the heritage terraces.

## A3.

Revised plans showing the curved front façade of proposed levels 3 and 4 eliminated and designed to match the rectangular treatment on the south east side of the building, to minimise

impacts on the heritage terraces.

A4.

Revised plans showing provision of planter box with screen plantings to the south east side of terraces/balconies on the south east side of the upper floor level.

A5.

Revised plans showing the overall height of the building reduced 0.5m to achieve closer compliance with Council's DCP requirements and minimise visual bulk and scale of the building.

A6.

A report showing compliance with Council's Policy for Energy Efficiency in Buildings.

A7.

A Construction Management Plan detailing:

- a) management of vehicle and pedestrian traffic in the vicinity of the site, parking of trade vehicles, truck and equipment movements, materials removal, materials delivery, hours of work, noise and general environmental protection measures.
- b) measures to ensure that the heritage fabric and integrity of the original building is retained.

**Upon submission of the satisfactory information addressing the above within a period of 6 months from this date, the Consent will operate subject to the following conditions;**

DA1

This approval relates to drawings/plans Nos. HM883 D-00, D-01 and D-02 issue B dated 21 September 2005, D-03 Issue J, D-04 issue G, D-08 issue G, dated 12 July 2006, D-09 issue C received by Council 18 July 2006 as amended by deferred commencement conditions.

DA001

The development shall be provided with access and facilities for people with disabilities in accordance with Australian Standard 1428.2-1992 Design for Access and Mobility Part 2: Enhanced and additional Requirements (AS1428.2).

DA007

Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory or wherever directional signage or information is provided to those buildings where access and facilities have been provided. Such signage shall have to regard to the provisions AS1428.2.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$30,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

## DA342

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

## DA343

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

## DA018

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

## DA021

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

## DA022

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

## DA023

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

## DA024

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

## DA026

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

## DA031

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

## DA038

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to

support the proposed additions prior to the issue of the Construction Certificate.

DA039

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

DA040

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

DA044

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

DA047

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

DA048

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

DA058

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

DA059

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

DA060

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

DA357

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

DA109

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

DA111

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

DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) shall be provided within the property in accordance with Council's "Specification for On-site Stormwater Management 2003". The design and details shall be submitted with the Construction Certificate

Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

#### DA95

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

#### DA100

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

#### DA119

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

#### DA120

The building being erected in Type A, construction for a Class 4, 5 and 6 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

#### DA121

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

#### DA224

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

#### DA225

The pedestrian footpaths and pavements in the streets surrounding the proposed development shall be constructed as per Manly Council's Paving Design guidelines dated February 2002. A detailed design showing the above details shall be submitted with the application for Construction Certificate and shall be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate.

#### DA230

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

#### DA240

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

#### DA247

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



## DA261

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

## DA262

1. The applicant shall lodge a Hoarding Application with Council for any protective hoardings, fences and lighting which are to be provided during demolition, excavation and building works. The Hoarding Application is to be submitted to Council with the appropriate fee, prior to any works on site or **prior to the issue of the Construction Certificate**.
2. All hoardings must be in accordance with Council's Hoarding Application Form and must comply with the requirements of the Department of Industrial Relations, Construction Safety Act, the WorkCover Authority and relevant Australian Standard.  
**Note:** On corner properties, particular attention is to be given to the provision of adequate sight distances.
3. The hoarding shall be in place prior to the commencement of works on the site.
4. 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**.
5. The hoarding shall be removed immediately at the applicant's expense, if any of these conditions are not fully complied with.
6. All hoardings must be lit between the hours of sunset and sunrise. Lights are to be erected at intervals of not greater than 5.0 metres for the length of the hoarding. The applicant shall keep the hoarding presentable to the public for the whole of the time it is erected. There shall be no catch points or protrusions likely to cause injury or damage to the public from the hoarding. The hoarding shall be constructed of demountable timber frame sections lined with a smooth face material, and painted with an approved white paint which shall not wash or rub off.

## DA269

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

## DA271

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

## DA279

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

## DA283

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

- a) Ground water or other water to be pumped from the site into council's stormwater system must be sampled and analysed by a NATA certified laboratory or Manly council for compliance with ANZECC Water Quality Guidelines
- b) If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
- c) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
- d) It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated

- with erosion or scouring due to the volume of water pumped.
- e) Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.
  - f) Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.

## DA285

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

## DA332

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

## DA333

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

## DA334

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

## DA335

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

## DA336

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

## DA337

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

## DA338

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

## DA339

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

## DA340

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

The measures must include:-

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

DA289

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

DA274

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

DA323

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

ANS01 A standard clause regarding dilapidation reports with reference to heritage properties be inserted as a condition as follows:  
A dilapidation report in regard to adjoining properties, Heritage buildings on the subject site and any adjoining sites and Council land, is to be submitted to Council with the Trust Fund **Deposit prior to the issue of the Construction Certificate.**

ANS02 Deep Foundations – subject to geotechnical considerations, deep foundation used on the site shall be of displacement piles and their installation shall not cause appreciable vibrations upon adjoining property or cause foreseeable damage to the heritage fabric of the buildings on this and surrounding sites.

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

**Against the Resolution:** Councillors Hay, and Norek

*Councillor Aird and Councillor Cant were not in the Chamber when the motion was put.*

\*\*\*\*\*

### **RECOMMITTAL MOTION (Cant / Murphy)**

That Environmental Services Division Report No. 79, 133-137 North Steyne, Manly (DA56/06) be recommitted for further discussion regarding access to the property.

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

**Against the Motion:** Nil.

### **MOTION (Cant / Murphy)**

That the approval previously adopted under Minute No. 145/06 Environmental Services Division Report No. 79, 133-137 North Steyne, Manly (DA56/06) include an additional point 4. regarding access to the property as follows:

4. That the above ground wall on the northern boundary be moved 200 millimetres in from that boundary from Bonner Street 16 metres along the boundary.

147/06 **RESOLVED (Cant / Murphy)**

That the approval previously adopted under Minute No. 145/06 Environmental Services Division Report No. 79, 133-137 North Steyne, Manly (DA56/06) include an additional point 4. regarding access to the property as follows:

4. That the above ground wall on the northern boundary be moved 200 millimetres in from that boundary from Bonner Street 16 metres along the boundary.

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

**Against the Resolution:** Councillor Aird

\*\*\*\*\*

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

That Standing Orders be resumed.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Notice of Motion Report No. 26

**Triple Bottom Line Reporting**

Councillor Lambert moved:

That reports to both Corporate Planning & Strategy and Ordinary Meetings of Council include a short report, preferably in a standard format, on staff's assessment of the Triple Bottom Line implications of proposals contained in the report.

**MOTION (Lambert / Pedersen)**

That reports to both Planning & Strategy and Ordinary Meetings of Council include a short report, preferably in a standard format, on staff's assessment of the Triple Bottom Line implications of proposals contained in the report.

148/06 **RESOLVED (Lambert / Pedersen)**

That reports to both Planning & Strategy and Ordinary Meetings of Council include a short report, preferably in a standard format, on staff's assessment of the Triple Bottom Line implications of proposals contained in the report.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**ITEMS FOR BRIEF MENTION**

Item For Brief Mention Report No. 13

**Items for Brief Mention****1 Reports:****a. Sister Cities Award**

A submission written by Council's Sister Cities Co-ordinator on behalf of the Sister Cities Committee was entered into the 2006 Australian Sister Cities Association's National Awards Programme (ASCA), for which a National Award was won and presented at the November ASCA conference in Tasmania. The submission was entered in Category 12 'Overall Program' and the criteria was 'for demonstrating continuing activity, citizen involvement at all levels and imagination in a wide range of projects and activities over the period 1 July 2005 to 30 June 2006.'

**b. DA Review Report**

General Manager's Note:

A copy of the report is on the web at:

<http://www.manly.nsw.gov.au/content.aspx?PageID=40&ItemID=55>

A formal response to the recommendations of the report will be presented to a Council meeting following consultation with staff and the Executive.

**2. Minutes Of Meetings:**

- i ACCESS COMMITTEE MINUTES OF MEETING HELD ON 16 NOVEMBER 2006
- ii COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 16 NOVEMBER 2006
- iii MANLY ART GALLERY AND MUSEUM LIAISON COMMITTEE MEETING HELD ON 15 NOVEMBER 2006.
- iv MANLY PUBLIC ART COMMITTEE MEETING HELD ON 22 NOVEMBER 2006.
- v MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 14 NOVEMBER 2006
- vi MANLY NEIGHBOURHOOD RENEWAL PROGRAM COMMITTEE HELD ON 22 NOVEMBER 2006
- vii THE MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 6 DECEMBER 2006
- viii LANDSCAPE MANAGEMENT AND URBAN DESIGN COMMITTEE MINUTES OF MEETING HELD ON 6 DECEMBER 2006
- ix SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 6 DECEMBER 2006

**THE FOLLOWING MINUTES CONTAIN RECOMMENDATIONS OF A SUBSTANTIAL NATURE REQUIRING FORMAL COUNCIL ADOPTION AS FOLLOWS:**

**3 a. Access Committee Minutes of Meeting Held on 16 November 2006**

**Item Number: 7.2 Pathway behind Art Gallery and Aquarium**

The Recommendation of the Committee was to:

The Committee recommends that this hazard be addressed without waiting for funding as is still a serious hazard and that this item to be brought to the attention of Councillors through an Item of Brief Mention.

Divisional Manager Human Services and Facilities note:

The section of the pathway near the entrance to Manly Pier Restaurant at beginning of Commonwealth Parade is part of the East West Link which is planned for commencement in March 2007. Council's Traffic section has applied for a grant to partly fund the construction, indications are that Council is likely to receive a grant of \$80,000 towards the project (however, this is yet to be confirmed in writing). The upgrade of the section near the entrance of the Pier Restaurant and Commonwealth Parade is planned as the first stage of the project.

**b. Manly Community Safety Committee Minutes of Meeting Held on 16 November 06****Item Number: 7.1 Late Night Transport**

The Recommendation of the Committee was to:

1. That the committee welcomes the Late Night Transport proposal as a positive initiative and a comprehensive and systematic approach to safely moving patrons away from Manly at night.
2. That the finalised fee structure need to be reconsidered to ensure more equity by taking into account the issues of venue size; trading hours and patronage into the final calculation.

Divisional Manager Human Services and Facilities note:

Meetings have been held with Late Night Operators and Council on 30 November and 8 December 2006. At the meetings, the subscription to the Late Night Transport Strategy has been raised by Late Night Operators. The Late Night Transport Strategy Accreditation for subscribers and a varied scale for restaurant subscriptions to fund the strategy was conveyed to attendees at the meeting of 8 December 2006. The presentation of Accreditation and subscription to the Strategy is also being conveyed by letter to late night operators in Manly, who were unable to attend.

**c. Landscape Management and Urban Design Committee Minutes of Meeting held on 6 December 2006****Item Number: 4.2 THE CORSO STAGE 2 – DISCUSSION AND RECOMMENDATIONS TO COUNCIL TO FIRM UP ON THE BRIEF FOR TAYLOR CULLITY LETHLEAN****Recommendation**

1. That in respect of the footpath widths on the southern side between Coles and Darley Road, the Committee recommends that there be no parking on this side of the road and that the parking time limits on the north side of the road should be adjusted to 15 minute parking to compensate for this removal of parking on the south side.

**Note:** Mr. Bob Smith, representing the Manly Chamber of Commerce, indicated strong opposition to the removal of this parking, as it was felt it would negatively impact on this commercial zone.

2. That there should be a grade separation between the footpath and the road surface, but that the road pavement should be considered for resurfacing in a mono tone or 2 dark tones referencing the pattern and/or materials used elsewhere in the overall scheme.
3. That the centre island width be retained at its present width (perhaps with refinishing both in terms of the kerb and the pavement on the crossing points) - whilst the split in the centre island is proposed for removal, it appears to be generally felt that there needs to be numerous crossing points to allow for easy pedestrian movement across The Corso in this zone, generally in keeping with the theme for the area that it is principally a pedestrianised area, even though traffic is still allowed to move through the area.
4. The Committee recommends that consideration be given to the Bacino corner with a view to extending the corner blister perhaps to the south and east to allow Bacino to continue an equivalent area for outside dining, but at the same time to allow the north side footpath of The Corso to function easily for people moving to and from the Wharf. This would be dependent on achieving required truck turning on this corner.

**Note:** Council had some 5 years ago cut-back the corner to remedy a problem with trucks negotiating this corner.

5. There was general support for the possible future widening of the footpath in Darley Road, (but not to preclude parking) to allow for improved outside dining in the section between Scusi Me and Four Olives Delicatessen. This may need re-thinking on the crossing design at the Church corner and possibly re-thinking of the crossing design in front of the Town Hall which is considered at the moment to be "unresolved" (is a "scramble crossing" possible?).
  6. The Committee requested that Taylor Cullity Lethlean be asked to provide further plans of the trees location for Stage 2 with specific reference to location of existing and future trees and with particular reference to their present canopy cover and future canopy cover.
- d. **Landscape Management and Urban Design Committee Minutes of Meeting held on 6 December 2006**

**Item Number: 6.5 Line Marking on Shared Pathways – East and West Esplanade**

**Recommendation**

That Council be advised that the Landscape Management and Urban Design Committee opposes the proposed use of line marking directly onto the pavement and East and West Esplanade and that it prefers that discrete signage be used, possibly incorporated into the light poles standard bases which have a recess capable of taking a small sign panel. This would reduce the need for additional structures in the area to carry the signage.

**MATTER ARISING (Aird / Hay)**

**Landscape Management and Urban Design Committee Minutes**

Minutes of meeting of Landscape Management and Urban Design Committee held on 6 December 2006 Item Number:6.5 Line Marking on Shared Pathways – East and West Esplanade.

**MOTION (Aird / Hay)**

That:

1. the Minutes of meeting of the LMUDC held on 6 December 2006 be noted.
2. Further consultation take place with LMUDC in relation to Item No. 6.5 line markings on shared pathways.
3. Item No. 6.5 Line Marking on Shared Pathways be deferred for further consultation between The Corso Precinct, Little Manly Precinct and Fairlight Precinct.

**149/06 RESOLVED (Aird / Hay)**

That:

1. the Minutes of meeting of the LMUDC held on 6 December 2006 be noted.
2. Further consultation take place with LMUDC in relation to Item No. 6.5 line markings on shared pathways.
3. Item No. 6.5 Line Marking on Shared Pathways be deferred for further consultation between The Corso Precinct, Little Manly Precinct and Fairlight Precinct.

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

**Against the Motion:** Nil.

**MOTION (Pedersen / Cant)**

1.
  - a. That Council **note** the Sister Cities Award received at the Australian Sister Cities Association conference.
  - b. That Council **receive and note** the update regarding the DA Review Report.
2. That the recommendations of **Minutes of Meetings, as listed in item 2, being 2 i) to 2 ix)**, as listed above, be **adopted** with the exception of **2 viii)** Landscape Management and Urban Design Committee Minutes of Meeting held on 6 December 2006.
3. That in relation to **all matters of a substantial nature** listed in Item 3 above, being **3a)** and **3b)** be **adopted** as per the recommendation of the committees with items **3c)** and **3d)** being noted.

**150/06 RESOLVED (Pedersen / Cant)**

1.
  - a. That Council **note** the Sister Cities Award received at the Australian Sister Cities Association conference.
  - b. That Council **receive and note** the update regarding the DA Review Report.
2. That the recommendations of **Minutes of Meetings, as listed in item 2, being 2 i) to 2 ix)**, as listed above, be **adopted** with the exception of **2 viii)** Landscape Management and Urban Design Committee Minutes of Meeting held on 6 December 2006.
3. That in relation to **all matters of a substantial nature** listed in Item 3 above, being **3a)** and **3b)** be **adopted** as per the recommendation of the committees with items **3c)** and **3d)** being noted.



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

**Against the Resolution:** Nil.

\*\*\*\*\*

## GENERAL MANAGERS DIVISION

General Managers Division Report No. 40

### The Corso Upgrade Project - Stage 2 Works

#### SUMMARY

- A concept design for the whole of The Corso has previously been exhibited, adopted and approved by Council.
- Stage 1 is now nearing completion and the preparation for Stage 2 documentation needs to proceed expeditiously if Stage 2 is to be undertaken in the winter period of 2007.
- The purpose of this report is to confirm the Terms of Reference for Taylor Cullity Lethlean (TCL) to proceed with design development.

#### MOTION (Evans / Aird)

That Council adopt all of the Recommendations of the Landscape Management and Urban Design Committee, except for Recommendation 1. Further, that before finally determining its position on this matter, Council engage in further consultation with the Manly Chamber of Commerce, eastern hill Precincts, property owners and business owners in the vicinity, with a view to making a final determination in respect of this matter at the earliest opportunity in the new year.

#### AMENDMENT (Heasman / Hay)

1. That Council adopt all of the Recommendations of the Landscape Management and Urban Design Committee, except for Recommendation 1.
2. That Council indicate its preference for an increased footpath width on the southern side between Coles and Darley Road of approximately 1.7 to 1.8 metres and that Taylor Cullity Lethlean be instructed accordingly.
3. That Council indicate a preference and affirm that car parking is to be retained on the southern side of the road between Coles and Darley Road and that Taylor Cullity Lethlean be instructed accordingly.
4. That the Manly Chamber of Commerce, interested parties, property owners, business operators and Precincts be advised as above.

**For the Amendment:** Councillors Macdonald, Hay, Heasman, Cant, Daley, Morrison, Pedersen and Norek

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

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

*Councillor Murphy was not in the Chamber when the motion was put.*

**151/06 RESOLVED (Heasman / Hay)**

1. That Council adopt all of the Recommendations of the Landscape Management and Urban Design Committee, except for Recommendation 1.
2. That Council indicate its preference for an increased footpath width on the southern side between Coles and Darley Road of approximately 1.7 to 1.8 metres and that Taylor Cullity Lethlean be instructed accordingly.
3. That Council indicate a preference and affirm that car parking is to be retained on the southern side of the road between Coles and Darley Road and that Taylor Cullity Lethlean be instructed accordingly.
4. That the Manly Chamber of Commerce, interested parties, property owners, business operators and Precincts be advised as above.

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

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

*Councillor Murphy was not in the Chamber when the motion was put.*

\*\*\*\*\*

*Councillor Morrison retired from the Chamber.*

General Managers Division Report No. 41

**Acquisition of Toilets for the Manly CBD****SUMMARY**

Council at its meeting of 13 November, when considering the acquisition of toilets for the CBD by contra commercial arrangements, resolved that a further report be prepared on the proposed locations for these toilets and associated structures.

**MOTION (Aird / Heasman)**

That:

1. Council does not support commercialisation of public space via blatant advertising on toilets, telephone units or stand alone panels and rejects the installation of such.
2. Council reiterates its resolution for an audit of all toilets available to the public within the Manly CBD, including details of location, numbers, opening hours of each and any directional signage. This audit report to be examined by Council staff and directional signage be installed where appropriate.
3. Council resolve to remove the two telephone panels in The Corso.

**AMENDMENT (Pedersen / Daley)**

That:

1. Council **defer** the matter of the acquisition of toilets for the CBD for a further report. The proposed toilet at Darley Road in particular is unacceptable.
2. The two telephone panels in the Corso be replaced.

3. An audit be conducted of all toilets available to the public within the Manly CBD, including details of location, numbers, opening hours of each and any directional signage. This audit report to be examined by staff and directional signage be installed where appropriate.

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

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

#### **FORESHADOWED AMENDMENT (Norek / )**

That:

1. Council maximise the commercial return from the toilets through advertising.
2. The sign outside St. Matthews Church be relocated.

*Due to lack of seconder the Foreshadowed Amendment lapsed.*

#### **152/06 RESOLVED (Pedersen / Daley)**

That:

1. Council **defer** the matter of the acquisition of toilets for the CBD for a further report. The proposed toilet at Darley Road in particular is unacceptable.
2. The two telephone panels in the Corso be replaced.
3. An audit be conducted of all toilets available to the public within the Manly CBD, including details of location, numbers, opening hours of each and any directional signage. This audit report to be examined by staff and directional signage be installed where appropriate.

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

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

\*\*\*\*\*

*Councillor Cant and Councillor Pedersen retired from the Chamber*

### **CORPORATE SERVICES DIVISION**

Corporate Services Division Report No. 33

#### **Accounts - Report on Council Investments as at 30 November 2006**

#### **SUMMARY**

Latest accounting statements for the period to 30 November, 2006

1. Statement showing general fund bank account balance as at 30 November, 2006.
2. Cash investments as at 30 November, 2006.

**MOTION (Heasman / Hay)**

1. That the statement of General Fund Bank Account balance as at 30 November, 2006 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 30 November, 2006 be received and noted.

**153/06 RESOLVED (Heasman / Hay)**

1. That the statement of General Fund Bank Account balance as at 30 November, 2006 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 30 November, 2006 be received and noted.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**QUESTIONS WITHOUT NOTICE**

**QWN Councillor Heasman** - Re: Heritage Minutes of 6/12/06 - Item.10 re the Cemetary Working Party

Could staff explore options including Budgetary to improve security in the Cemetary such as sensor solar lighting and also make contact with Council's Risk Assessor in line with 10.1 of the Heritage Minutes.

**QWN Councillor Heasman** - Cemetary Working Group Minutes

Could the Cemetary Working Group Minutes be forwarded to relevant staff for attachment to the next month's Heritage Committee minutes.

**QWN Councillor Murphy** - Rescind a Development Application

Does the Gentleman's agreement to only rescind a Development Application on the night still stand, now that the Totem was rescinded well after the LUM meeting. (Extraordinary meeting on the P&S night).

**QWN Councillor Norek** - Manly SES Budget

Why has the budget of the Manly SES been reduced by Council from approx \$17,000 previously to its current level of approx \$10,000.

What is the analysis of the current Manly SES budget.

**QWN Councillor Norek** - Reporting dog attacks to Local Government

Mention was made on Ray Hadley's morning show of 1700 dog attacks each year, but Manly was one Council named during the radio show who had not submitted a report to Local Government, has Manly submitted its report yet.

\*\*\*\*\*

**MATTERS OF URGENCY**

Nil.

**CONFIDENTIAL COMMITTEE OF THE WHOLE**

Corporate Planning And Strategy Division Report No. 63

**Manly and Mosman Councils Joint Tender for Roadway and Footpath Construction Services. Contract 1/2006**

*It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

The Chairperson asked if any members of the public gallery objected to the matter being heard in "Closed Session".

It is noted that no representations were received from the Public Gallery.

**MOTION (Hay / Evans)**

That the meeting move into Closed Session to consider Corporate Planning and Strategy Division Report No.63. Manly and Mosman Councils Joint Tender for Roadway and Footpath Construction Services. Contract 1/2006

**For the Motion:** Councillors Macdonald, Hay, Heasman, Lambert, Daley, Aird, Evans and Norek

**Against the Motion:** Nil.

154/06 **RESOLVED (Hay / Evans)**

That the meeting move into Closed Session to consider Corporate Planning and Strategy Division Report No.63. Manly and Mosman Councils Joint Tender for Roadway and Footpath Construction Services. Contract 1/2006

**OPEN COUNCIL RESUMED**

Upon resuming into Open Council, the General Manager advised the meeting of the decisions made in Closed Session.

**Corporate Planning and Strategy Division Report No.63 Manly and Mosman Councils Joint Tender for Roadway and Footpath Construction Services. Contract 1/2006**

155/06 **RESOLVED (Hay / Evans)**

That Council proceed as resolved in Closed Session of Council.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**CLOSE**

The meeting closed at 12.58pm

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 19 February 2007.

---

**MAYOR**

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