

# Manly Council

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## Minutes

## Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 19 March 2007**

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



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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 19 March 2007. The meeting commenced at 7:45pm.

## 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  
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  
Nayeem Islam, Principal Planner Development Control  
Elayne Becker, Minute Taker

## OPENING PRAYER

The Opening Prayer was presented by Reverend Michael Frost.

## APOLOGIES

Nil.

## DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

<b>Name:</b>	<b>Item Number:</b>	<b>Nature of Interest:</b>
Councillor Murphy	General Managers Division Report No. 6	Lives in one of the subject streets

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

Copies of the Minutes of the Ordinary Meeting of Council held on Monday 19 February 2007, 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.

Copies of the Minutes of the Ordinary Meeting of 18 December 2006 – Environmental Services Report No.79, 133-137 North Steyne, Manly, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

22/07 **RESOLVED: (Pedersen / Evans)**

That:

Copies of the Minutes of the Ordinary Meeting of Council held on Monday 19 February 2007, 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.

Copies of the Minutes of the Ordinary Meeting of 18 December 2006 – Environmental Services Report No.79, 133-137 North Steyne, Manly, 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, Morrison, Pedersen, Aird, Evans and Norek

**Against the Resolution:** Nil.

**PUBLIC FORUM**

<b>NAME</b>	<b>SUBJECT/PUBLIC SPEAKERS</b>
Ms Cathy Griffin	Rezoning 38 & 40 Stuart St, Manly.
Mr Tom Shanahan	Conduct of Council Officers & Election Material.
Mr George William Scott	Representing Manly Senior Citizens Bowling Club, requesting financial assistance to refurbish the bowling green at the Senior Citizens Centre and need for facilities for disabled bowlers.
Mr Mal Grimmond	In support of Cycleways in Manly.
Mr Philip Goodier	Parking in Bolingbroke Parade.

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**NOTICES OF MOTION**

Notice of Motion Report No. 3

**Shared pathway - Harbour Foreshore from Manly Yacht Club to Manly Art Gallery**

Councillor Aird moved:

“In view of significant opposition (due to safety concerns) of the Little Manly Precinct, Fairlight Precinct, Community Safety Committee, Access Committee and the broader community, that Council investigate the alternative of a shared pathway along the southern side of East and West Esplanades as part of the East/West link, with a report to include estimated costs.”

**PUBLIC ADDRESSES**

The following person addressed Council in relation to this matter:

In Favour: Mr Ray Mathieson

Against: Mr Terry Metherell

**MOTION (Aird / Hay)**

That:

1. In view of significant opposition (due to safety concerns) of the Little Manly Precinct, Fairlight Precinct, Community Safety Committee, Access Committee and the broader community, Council investigate the alternative of a dedicated cycleway on the southern side of East and West Esplanades adjoining the kerb as part of the East/West link, with a report to include estimated costs.
2. In preparing a report staff include consideration of available path width and safety of cyclists.

**AMENDMENT (Murphy / Morrison)**

That:

1. in view of significant opposition (due to safety concerns) of the Little Manly Precinct, Fairlight Precinct, Community Safety Committee, Access Committee and the broader community, Council investigate the alternative to a shared pathway along the southern side of East and West Esplanades as part of the East/West link, with a report to include estimated costs and provide comment on a dedicated cycleway between the roadway and the existing walkway.
2. The implementation of a shared pathway not be postponed whilst reports are being compiled.
3. In preparing a report staff include consideration of available path width and safety of cyclists.

**For the Amendment:** Councillors Macdonald, Lambert, Cant, Murphy, Morrison, Pedersen and Evans

**Against the Amendment:** Councillors Hay, Heasman, Daley, Aird and Norek

The **AMENDMENT** became the **MOTION** and was put.

**23/07 RESOLVED: (Murphy / Morrison)**

That:

1. in view of significant opposition (due to safety concerns) of the Little Manly Precinct, Fairlight Precinct, Community Safety Committee, Access Committee and the broader community, Council investigate the alternative to a shared pathway along the southern side of East and West Esplanades as part of the East/West link, with a report to include estimated costs and provide comment on a dedicated cycleway between the roadway and the existing walkway.
2. The implementation of a shared pathway not be postponed whilst reports are being compiled.
3. In preparing a report staff include consideration of available path width and safety of cyclists.

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

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

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## SUSPENSION OF STANDING ORDERS

### MOTION (Lambert / Aird)

That Council **suspend** Standing Orders for consideration of items of public interest being Environmental Services Division Report No.14 – 91 North Steyne, Manly – DA542/05. Notice of Rescission No.2 East West Cycleway Link, Report on Community Consultation, Corporate Services Division Report No.8, Tender Outdoor Dining Area, Review of Decision to Tender.

24/07 **RESOLVED:** (Lambert / Aird)

That Council **suspend** Standing Orders for consideration of items of public interest being Environmental Services Division Report No.14 – 91 North Steyne, Manly – DA542/05. Notice of Rescission No.2 East West Cycleway Link, Report on Community Consultation, Corporate Services Division Report No.8, Tender Outdoor Dining Area, Review of Decision to Tender.

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

**Against the Resolution:** Nil.

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## ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 14

**91 North Steyne, Manly - DA542/05**

**Application Lodged:** 8 December 2005  
**Applicant:** Property Development Enterprises No.91 Pty Ltd  
**Owner:** Property Development Enterprises No.91 Pty Ltd; S. & P. Sellers and P. Bradley  
**Estimated Cost:** \$2.4 million  
**Zoning:** Residential under Manly Local Environmental Plan, 1988 and within the Tourist Area and Foreshore Scenic Protection Area.  
**Surrounding Development:** 1/2 storey semi-detached cottages and residential flat buildings ranging from 2 to 3 storeys in height, with Manly Beach on the opposite side of the road.  
**Heritage:** Yes. Manly Beach Reserve on the eastern side of North Steyne has been identified as landscape item of the environmental heritage.

### **SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR:
  - 1.1 THE DEMOLITION OF 3 BUILDINGS COMPRISING A 1 STOREY AND A 2 STOREY BUILDING USED AS RESIDENTIAL FLAT BUILDINGS CONTAINING A TOTAL OF 5 DWELLINGS AND A GARAGE ON 91 NORTH STEYNE;
  - 1.2 THE CONSTRUCTION OF A 4 STOREY RESIDENTIAL FLAT BUILDING

CONTAINING 5 UNITS WITH BASEMENT PARKING FOR 10 VEHICLES AND A ROOFTOP RECREATION TERRACE CONTAINING A LAP POOL; AND

- 1.3 THE STRATA SUBDIVISION OF THE DEVELOPMENT.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING PROPERTY OWNERS AND OCCUPIERS AND ADVERTISED IN THE MANLY DAILY WITH 5 SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE OCEAN BEACH PRECINCT COMMITTEE FORUM FOR COMMENT. THE COMMITTEE ON 14 MARCH 2006 RESOLVED TO SUPPORT THE APPLICATION IN VIEW OF THE INFORMATION PRESENTED BY THE APPLICANT.
4. THE PLANS OF THE DEVELOPMENT WERE AMENDED ON 26 APRIL 2006 TO OVERCOME MOST OF MATTERS RAISED IN THE SUBMISSIONS TOGETHER WITH LETTERS FROM THE OBJECTORS INDICATING THAT SOME OF THEIR CONCERNS HAD BEEN OVERCOME BY THE AMENDED PLANS.
5. FOLLOWING A PRELIMINARY ASSESSMENT, THE PROPOSAL WAS DISCUSSED WITH THE APPLICANT AND FURTHER AMENDED PLANS WERE SUBMITTED ON 15 NOVEMBER 2006.
6. THE AMENDED PLANS WERE NOTIFIED TO ALL ADJOINING PROPERTY OWNERS AND OCCUPIERS AND ADVERTISED IN THE MANLY DAILY WITH SUBMISSIONS CLOSING ON 26 JANUARY 2007. 1 SUBMISSION WAS RECEIVED IN RESPECT TO THE AMENDED PLANS.
7. THE APPLICATION WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 1 MARCH, 2007 WITH A RECOMMENDATION FOR APPROVAL.
8. THE APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR AIRD.
9. A SITE INSPECTION IS RECOMMENDED.
10. THE APPLICATION IS RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.

## **PUBLIC ADDRESSES**

The following person addressed Council in relation to this matter:

In Favour: Mr Phillip Mudge, on behalf of the Applicant

## **SITE INSPECTIONS**

A site inspection of 91 North Steyne, Manly was conducted by Councillors Aird, Hay, Macdonald and Murphy

Apologies: Councillor Lambert

Recommendation: No recommendation from the site inspection.

## **MOTION (Aird / Macdonald)**

That application DA542/05 - 91 North Steyne, Manly for the demolition of 3 buildings comprising a 1 storey and a 2 storey building used as residential flat buildings containing a total of 5 dwellings and a garage on 91 North Steyne; and the construction of a 4 storey residential flat building containing 5 units with basement parking for 10 vehicles and a rooftop recreation terrace containing a lap pool; and the strata subdivision of the development located at 91 North Steyne, Manly be **approved** subject to following conditions as per Report.

## **AMENDMENT (Murphy / Hay)**

That application DA542/05 - 91 North Steyne, Manly for the demolition of 3 buildings comprising a 1 storey and a 2 storey building used as residential flat buildings containing a total of 5 dwellings and a garage on 91 North Steyne; and the construction of a 4 storey residential flat building

containing 5 units with basement parking for 10 vehicles and a rooftop recreation terrace containing a lap pool; and the strata subdivision of the development located at 91 North Steyne, Manly be **approved** subject to the following conditions:

**ANS01**

The rooftop swimming pool, and pergola, is to be reduced and set back a minimum of 8.7m from the front boundary and the parapet to the front façade and returns within 8.7m of the front boundary is to be an 800 wide x 600 high planter finishing at RL 18.05 to minimise impact on the streetscape and maintain amenity of adjoining properties. Plans being suitably amended prior to the issue of the Construction Certificate as in drawing dated 19/3/07.

**DA1**

This approval relates to drawings/plans Nos. SRMA-101, Issue C; 102, Issue E; 103, Issue F; 104 to 108, Issue E, and 109, Issue F, received by Council on the 15 November 2006, as amended by sketch plan, Reference SK01, indicating a modified floor plan for Apartment 3 on the first floor level of the building which incorporates an appropriately sized balcony on its eastern elevation.

**ANS02**

A 1.8m high privacy screen is to be affixed to the southern elevation of the front balcony of Apartment 3.

**ANS03**

The small balcony, with an area of some 2.8m<sup>2</sup>, off the living room on the southern elevation of Apartment 3 is to be deleted and the south-facing window/door to that balcony is to be removed or replaced with fixed obscure glazing.

**ANS04**

The structure over the driveway adjacent to Whistler Street is to be setback a minimum of 4m from Whistler Street.

**ANS05**

Apartment 1 is to be designed for use as an adaptable housing unit.

**ANS06**

The front fencing to North Steyne is to be designed to comply with the performance criteria contained in Clause 3.9.2 of the DCP to Council's satisfaction to ensure that the amenity of the public domain is retained and enhanced.

**ANS07**

The submission of a construction management plan.

**ANS08**

If the owner wants to utilize the Road Reserve area for landscaping for the property, they are required to apply to Council for a Road Reserve Consent under Section 138 and 139 of the Road Act 1993. Prior to any landscaping or development taking on that area, a Consent must be obtained. Enquiries in this matter should be referred to Lisa Henderson – Administration Officer, Leases and Licences on 9976-151. Please note that this approval must be obtained prior to issue of the Construction Certificate.

**ANS09**

Should a Road Reserve Consent be granted, the type of landscaping to be permitted on the Road Reserve needs to be approved by Council's Parks Co-ordinator.

**ANS10**

The Road Reserve area should not be used for construction purposes. If the applicant wishes to utilize the area during construction a Hording application should be made to Council.



## ANS11

An Archival record of the three (3) buildings, internally and externally, is to be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

## ANS12

The proposed front setback is to be considered in relation to No. 93-95 North Steyne to provide consistency for future development along North Steyne.

## 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.

## DA10

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

## 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 \$20,000. 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.

## 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.

## DA018

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

## DA019

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

## DA021

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

## DA022

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

## DA023

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

## DA024

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

## DA026

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

## DA031

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

## DA039

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

## DA040

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

## DA044

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

## DA047

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

## DA048

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

## DA058

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

## DA059

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

## DA060

On completion of the building structure a report from a Registered 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.

## DA077

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

DA109

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

DA111

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

DA112

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

DA113

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

DA87

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

DA092

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

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 on-site stormwater detention.

DA100

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

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 & 10 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 Whistler Street. 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.

## DA239

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

## DA348

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

## DA261

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

## 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.

## DA270

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

- Silt control fences
- Piling inspection
- Footing inspection - trench and steel
- Reinforced concrete slab X 6
- Framework inspection
- Wet area moisture barrier X 6
- Drainage inspection
- Driveway crossing/kerb layback
- Landscaping inspection
- Final inspection

The cost of these inspections by Council is 4,600 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

## DA271

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

## DA279

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

## DA283

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

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

**DA285**

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

**DA332**

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

**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.

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

**Against the Amendment:** Councillors Macdonald, Lambert, Pedersen, and Aird

The **AMENDMENT** became the **MOTION** and was put.

Councillor Evans was not in the Chamber when the Amendment was put.

25/07 **RESOLVED: (Murphy / Hay)**

THAT application DA542/05 - 91 North Steyne, Manly for the demolition of 3 buildings comprising a 1 storey and a 2 storey building used as residential flat buildings containing a total of 5 dwellings and a garage on 91 North Steyne; and the construction of a 4 storey residential flat building



containing 5 units with basement parking for 10 vehicles and a rooftop recreation terrace containing a lap pool; and the strata subdivision of the development located at 91 North Steyne, Manly be **approved** subject to the following conditions:

**ANS01**

The rooftop swimming pool, and pergola, is to be reduced and set back a minimum of 8.7m from the front boundary and the parapet to the front façade and returns within 8.7m of the front boundary is to be an 800 wide x 600 high planter finishing at RL 18.05 to minimise impact on the streetscape and maintain amenity of adjoining properties. Plans being suitably amended prior to the issue of the Construction Certificate as in drawing dated 19/3/07.

**DA1**

This approval relates to drawings/plans Nos. SRMA-101, Issue C; 102, Issue E; 103, Issue F; 104 to 108, Issue E, and 109, Issue F, received by Council on the 15 November 2006, as amended by sketch plan, Reference SK01, indicating a modified floor plan for Apartment 3 on the first floor level of the building which incorporates an appropriately sized balcony on its eastern elevation.

**ANS02**

A 1.8m high privacy screen is to be affixed to the southern elevation of the front balcony of Apartment 3.

**ANS03**

The small balcony, with an area of some 2.8m<sup>2</sup>, off the living room on the southern elevation of Apartment 3 is to be deleted and the south-facing window/door to that balcony is to be removed or replaced with fixed obscure glazing.

**ANS04**

The structure over the driveway adjacent to Whistler Street is to be setback a minimum of 4m from Whistler Street.

**ANS05**

Apartment 1 is to be designed for use as an adaptable housing unit.

**ANS06**

The front fencing to North Steyne is to be designed to comply with the performance criteria contained in Clause 3.9.2 of the DCP to Council's satisfaction to ensure that the amenity of the public domain is retained and enhanced.

**ANS07**

The submission of a construction management plan.

**ANS08**

If the owner wants to utilize the Road Reserve area for landscaping for the property, they are required to apply to Council for a Road Reserve Consent under Section 138 and 139 of the Road Act 1993. Prior to any landscaping or development taking on that area, a Consent must be obtained. Enquiries in this matter should be referred to Lisa Henderson – Administration Officer, Leases and Licences on 9976-151. Please note that this approval must be obtained prior to issue of the Construction Certificate.

**ANS09**

Should a Road Reserve Consent be granted, the type of landscaping to be permitted on the Road Reserve needs to be approved by Council's Parks Co-ordinator.

**ANS10**

The Road Reserve area should not be used for construction purposes. If the applicant wishes to utilize the area during construction a Hording application should be made to Council.

## ANS11

An Archival record of the three (3) buildings, internally and externally, is to be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

## ANS12

The proposed front setback is to be considered in relation to No. 93-95 North Steyne to provide consistency for future development along North Steyne.

## 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.

## DA10

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

## 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 \$20,000. 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.

## 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.

## DA018

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

## DA019

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

## DA021

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

## DA022

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

## DA023

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

## DA024

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

## DA026

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

## DA031

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

## DA039

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

## DA040

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

## DA044

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

## DA047

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

## DA048

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

## DA058

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

## DA059

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

## DA060

On completion of the building structure a report from a Registered 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.

## DA077

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

DA109

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

DA111

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

DA112

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

DA113

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

DA87

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

DA092

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

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 on-site stormwater detention.

DA100

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

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 & 10 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 Whistler Street. 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.

## DA239

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

## DA348

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

## DA261

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

## 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.

## DA270

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

- Silt control fences
- Piling inspection
- Footing inspection - trench and steel
- Reinforced concrete slab X 6
- Framework inspection
- Wet area moisture barrier X 6
- Drainage inspection
- Driveway crossing/kerb layback
- Landscaping inspection
- Final inspection

The cost of these inspections by Council is 4,600 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

## DA271

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

## DA279

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

## DA283

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

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

**DA285**

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

**DA332**

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

**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.

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 Hay, Heasman, Cant, Murphy, Daley, Morrison and Norek

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

Councillor Evans was not in the chamber when the vote was put.

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Notice of Rescission Report No. 2

### **East West Cycleway Link - Report on Community Consultation**

Councillor Hay, Councillor Norek, and Councillor Morrison moved:

“That the Council’s decision of 19 February 2007 being Item 5 in respect of East West Cycleway Link - Report on Community Consultation be and is hereby rescinded.”

**PUBLIC ADDRESSES**

The following persons addressed Council in relation to this matter:

Against: Ms Sarah Weate

In Favour: Dr Marcus Killingback

**RESCISSION MOTION (Hay / Morrison)**

That the Council's decision of 19 February 2007 being Item 5 in respect of East/West Cycleway Link - Report on Community Consultation be and is hereby rescinded.

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

With voting being equal the Mayor exercised his casting vote against the Notice of Rescission Motion and declared it **LOST**.

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Corporate Services Division Report No. 8

**Tender Outdoor Dining Area - Review of Decision to Tender****SUMMARY**

Council at its meeting of 19th February 2007 resolved (7/07):-

"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.
4. Council review the processes that led to the decision to tender for the "Outdoor Seating licence for The Corso". This review should be completed by the March 2007 Ordinary Meeting of Council and presented to the council elect at that meeting."

The General Manager has a statutory function under Section 335 of the *Local Government Act 1993* for the efficient and effective operation of Council, and in particular the day-to-day management of Council. With regard to Section 8 of the *Local Government Act 1993* the General Manager has a duty to effectively account for and manage the assets of Council.

The Outdoor Dining Area of The Corso is such an asset.

**PUBLIC ADDRESSES**

The following person addressed Council in relation to this matter:

Against: Mr John Mortimer

**MOTION (Morrison / Norek)**

1. The staff report be rejected on the basis that:
  - a) Decisions relating to the use of public assets clearly involve the right of elected representatives on Council to make policy decisions that take into account the interests of the community and other stakeholders, and such decisions should be made before operational decisions are taken
  - b) Whilst councillors welcome policy initiatives from staff, staff must seek the concurrence of Councillors in the early stages of significant proposals.
  - c) Without reference to Council, the staff developed and implemented a tender that did not reflect the original policy decisions of Council that lead to the establishment of outdoor eating area licences, which have proved to be fair, workable, durable and commercially successful over some 25-30 years.
  - d) The tender invited an unfair and unworkable scenario – that new or existing rival food businesses could open and operate directly outside existing long-established food premises; and
  - e) Having developed and implanted the tender without reference to Council, the staff sought a decision from Council by way of a last-minute report on the night of a meeting, without any explanation whatsoever.
2. That Council adopt a policy that all future outdoor eating area licenses in the Corso and elsewhere in the Municipality, unless decided otherwise by resolution of Council in the individual case, will be confined to an area immediately in front of the premises concerned.
3. That Council adopt a policy that any tender or other process that is contemplated by staff that may be contrary to previously adopted policy or policy-based decisions, or introduces significant new policy initiatives, must be reported to Council for its endorsement in the first instance.
4. That Council adopt a policy that a last-minute report can only be brought forward in the event of extraordinary circumstances and with the written authority of the Mayor, including the reasons why the Mayor has permitted it. Further, that such report must be a written report.
5. That a record of policy decisions be created, kept up to date, and a copy always made available at Council meetings.

**AMENDMENT (Lambert / Macdonald)**

That Council receive and note the report.

**For the Amendment:** Councillors Macdonald, Lambert, Cant, Daley and Pedersen

**Against the Amendment:** Councillors Hay, Heasman, Murphy, Morrison, Aird, Evans and Norek

The AMENDMENT was declared **LOST**

26/07 **RESOLVED: (Morrison / Norek)**

1. The staff report be rejected on the basis that:
  - a) Decisions relating to the use of public assets clearly involve the right of elected representatives on Council to make policy decisions that take into account the interests of the community and other stakeholders, and such decisions should be made before operational decisions are taken
  - b) Whilst councillors welcome policy initiatives from staff, staff must seek the concurrence of Councillors in the early stages of significant proposals.
  - c) Without reference to Council, the staff developed and implemented a tender that did not reflect the original policy decisions of Council that lead to the establishment of outdoor eating area licences, which have proved to be fair, workable, durable and commercially successful over some 25-30 years.
  - d) The tender invited an unfair and unworkable scenario – that new or existing rival food businesses could open and operate directly outside existing long-established food premises; and
  - e) Having developed and implanted the tender without reference to Council, the staff sought a decision from Council by way of a last-minute report on the night of a meeting, without any explanation whatsoever.
2. That Council adopt a policy that all future outdoor eating area licenses in the Corso and elsewhere in the Municipality, unless decided otherwise by resolution of Council in the individual case, will be confined to an area immediately in front of the premises concerned.
3. That Council adopt a policy that any tender or other process that is contemplated by staff that may be contrary to previously adopted policy or policy-based decisions, or introduces significant new policy initiatives, must be reported to Council for its endorsement in the first instance.
4. That Council adopt a policy that a last-minute report can only be brought forward in the event of extraordinary circumstances and with the written authority of the Mayor, including the reasons why the Mayor has permitted it. Further, that such report must be a written report.
5. That a record of policy decisions be created, kept up to date, and a copy always made available at Council meetings.

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

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## RESUMPTION OF STANDING ORDERS

### MOTION (Lambert / Aird)

That Standing Orders be **resumed**.

27/07 **RESOLVED: (Lambert / Aird)**

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.

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## QUESTIONS WITHOUT NOTICE

**QWN7/07 Councillor Daley** - What is the status of the land the RTA is acquiring adjacent to Spit Bridge

At the request of the Mayor, the General Manager advised that the RTA proposed acquiring approx. 30 sq.mts of land and this is going through the normal processes.

**QWN8/07 Councillor Norek** - Has the \$84,000 allocated to Manly Lawn Bowls Club last year been included in the budget allocation

At the request of the Mayor, the General Manager advised that the budget allocation was a smaller amount and had been included but it was dependent on Department of Sport and Recreation funding also which had not been forthcoming.

**QWN9/07 Councillor Heasman** - A rate payer has advised that the Burnt Bridge Creek bypass bushland needs trimming.

At the request of the Mayor, the General Manager advised that he would pass this request on to the Bushland Crew.

**QWN10/07 Councillor Macdonald** - Regarding the bill board at Seaforth on Councillor Morrison's property. Is there any evidence that staff were approached for advice as to whether a DA would be required for the structure, in view of the fact that Mr Baird has indicated that he did seek advice and was advised that no DA would be needed.

At the request of the Mayor, the General Manager advised that none of the planning staff had spoken to Mr Baird or his representatives, relating to the structure nor the bill board per se, noting that the bill board is permissible the question relates to the structure. Mr Baird may have approached some one other than council planning staff in relation to this matter. Mr Baird would need to clarify this. The scaffolding structure in question requires certain compliance matters and Councillor Morrison is assisting staff in this matter.

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## RECOMMITTAL MOTION (Evans / Aird)

That Environmental Services Division Report No. 14, 91 North Steyne, Manly be recommitted as Councillor Evans was not in Chamber when the vote was put.

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

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

The Recommittal Motion was declared **LOST**.

**MATTERS OF URGENCY**

Nil.

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**DEFERRMENT**

The Mayor moved that:

1. Notice of Motion Report No.4 Desalination Plants
2. General Manager's Division Report No.5 – Little Manly Permit Parking Scheme

be **deferred** to the Ordinary Meeting of 23 April 2007 and the following items be **deferred** to an extraordinary meeting to be held on Monday 26 March 2007.

1. Notice of Motion Report No.5 - Internal Ombudsman for Manly Council
2. Items for Brief Mention
3. General Manager's Division Report No.6 – Ivanhoe Park Permit Parking Scheme
4. Corporate Services Division Report No.5 – Revenue Policy 2007/2008
5. Corporate Services Division Report No.6 – Council Loan Borrowing 2006/2007
6. Corporate Services Division Report No.7 – Accounts – Report on Council Investments
7. Corporate Planning and Strategy Division Report No.10 – Draft Manly Local Environmental Plan 1988

28/07 **RESOLVED (Macdonald / Pedersen)**

That:

1. Notice of Motion Report No.4 Desalination Plants
2. General Manager's Division Report No.5 – Little Manly Permit Parking Scheme

be **deferred** to the Ordinary Meeting of 23 April 2007 and the following items be **deferred** to an extraordinary meeting to be held on Monday 26 March 2007.

1. Notice of Motion Report No.5 - Internal Ombudsman for Manly Council
2. Items for Brief Mention
3. General Manager's Division Report No.6 – Ivanhoe Park Permit Parking Scheme
4. Corporate Services Division Report No.5 – Revenue Policy 2007/2008
5. Corporate Services Division Report No.6 – Council Loan Borrowing 2006/2007
6. Corporate Services Division Report No.7 – Accounts – Report on Council Investments
7. Corporate Planning and Strategy Division Report No.10 – Draft Manly Local Environmental Plan 1988

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

**Against the Resolution:** Nil.

The meeting was **adjourned** at 11.18pm.

**CONFIDENTIAL COMMITTEE OF THE WHOLE**

General Managers Division Report No. 7

**Senior Staff Matter**

*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) (f) of the Local Government Act, 1993, on the grounds that the report contains matters affecting the security of the council, councillors, council staff or council property.*

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 (Lambert / Aird)**

That the meeting move into Closed Session to consider General Manager's Division Report No.7 – Senior Staff Matter.

29/07 **RESOLVED: (Lambert / Aird)**

That the meeting move into Closed Session to consider General Manager's Division Report No.7 – Senior Staff Matter.

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

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**OPEN COUNCIL RESUMED**

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

General Managers Division Report No. 7 – Senior Staff Matter.

30/07 **RESOLVED (Lambert / Aird)**

That council proceed as discussed in Closed session of Council

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

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**ADJOURNMENT****MOTION (Macdonald / Pedersen)**

That the meeting be adjourned to be reconvened at an extraordinary meeting at 8.00pm on Monday 26 March 2007 (at the conclusion of the Strategic Workshop).

**31/07 MOTION (Macdonald / Pedersen)**

That the meeting be adjourned to be reconvened at an extraordinary meeting at 8.00pm on Monday 26 March 2007 (at the conclusion of the Strategic Workshop).

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

**Against the Resolution:** Nil.

The meeting was adjourned at 12.20am.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 23 April 2007.

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**MAYOR**

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