

Minutes

Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Tuesday 5 October 2004

*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*



TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Land Use Management Committee, having met at 7:44 pm on Tuesday 5 October 2004, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

The decisions taken and indicated by the prefix "Resolved" as distinct from "Recommendations" made to the Council, were taken pursuant to authority delegated to this Committee vide Minutes Number 139 of 6th September, 2004.

PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald
Deputy Mayor Councillor R Morrison (arrived 7.47pm)
Councillor B Aird
Councillor S Cant, Deputy Chairperson
Councillor P Daley
Councillor J Evans
Councillor J Hay, AM
Councillor A Heasman
Councillor J Lambert, Chairperson who presided
Councillor D Murphy
Councillor M Norek
Councillor B Pedersen

ALSO PRESENT

Henry T Wong, General Manager
David Stray, Manager Development Assessment
Julia Paul, Minute Secretariat

APOLOGIES

(File A8/2)

Nil.

LEAVE OF ABSENCE

Nil.

DECLARATIONS OF PECUNIARY / CONFLICT INTERESTS (File A8/4)

Nil.

CONFIRMATION OF MINUTES (FILE C17/23)**RESOLVED (Hay/Macdonald)**

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 6 September 2004, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

Councillor Morrison was not present in the Chamber and did not take part in the voting.

PUBLIC ADDRESSES

Item	Property Details/Speaker
ES Report 72	49-51 Sydney Road, Manly
Objector	
Applicant	Ms Amanda Arena, 9 Whistler Street, Manly
ES Report 73	Shop 5/93-95 North Steyne, Manly
Objector	Ms Lina Rapone, 3/93-95 North Steyne, Manly
Applicant	Mr Peter Le Bas, The Turnbull Group Town Planners
ES Report 74	27 Quinton Road, Manly
Objector	Dr Alan Cameron, 2/23 Quinton Road, Manly
Applicant	Dr John Bradley, 12 Bondi Rd, Bondi Junction
ES Report 75	25 Quinton Road, Manly
Objector	Dr Alan Cameron, 2/23 Quinton Road, Manly
Applicant	Ms Elizabeth Pasova, Architect on behalf of Michael Withers
ES Report 76	66B Ponsonby Parade, Seaforth
Applicant	Mr Nick Salerni, Baka Organic Design
ES Report 77	22 Arthur Street, Fairlight
Objector	Mr Leigh Costin, 24 Arthur Street, Fairlight
Applicant	Mr Max Harvey, 22 Arthur Street, Fairlight

SITE INSPECTIONS

An inspection took place on Tuesday 5 October 2004, comprising of Councillors Aird, Cant, Evans, Hay, Heasman, Lambert, Murphy, Macdonald and Norek.

The following properties were viewed:

22 Arthur Street, Fairlight
27 Quinton Road, Manly
25 Quinton Road, Manly

An inspection took place on Tuesday 5 October 2004, comprising of Councillors Cant, Evans, Hay, Heasman, Lambert, Murphy, and Norek.

The following property was viewed:

49-51 Sydney Road, Manly

ENVIRONMENTAL SERVICES DIVISION REPORTS

Environmental Services Division Report No. 72

49-51 Sydney Road, Manly (DA404/04)

<u>Application Lodged:</u>	27 August, 2004
<u>Applicant:</u>	SahSin Massage Therapy
<u>Owner:</u>	Amanda Kate Arena
<u>Estimated Cost:</u>	\$200
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential Manly Development Control Plan for Advertising Signs, 1993.
<u>Surrounding Development:</u>	Predominantly Small Business
<u>Heritage:</u>	Within the Vicinity

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR THE ERECTION OF TWO SIGNS FOR SAHSIN MASSAGE THERAPY, 49-51 SYDNEY ROAD, MANLY (KNOWN AS 9 WHISTLER STREET, MANLY)
2. TWO SIGNS WERE LOCATED OUTSIDE THE WHISTLER STREET SHOP ENTRANCE, A FLUSH WALL SIGN AND OF PARTICULAR CONCERN WAS THE ADVERTISING SIGN (FLAG SIGN) THAT PROTRUDED 450MM FROM THE BOUNDARY WALL AND APPROXIMATELY 2200MM IN LENGTH.
3. A NOTICE OF INTENTION TO ISSUE AN ORDER WAS ISSUED ON THE 16 JUNE 2004 TO REMOVE THE 'FLAG SIGN'.
4. THE NOTICE WAS COMPLIED WITH.
5. THE FLUSH WALL ADVERTISING SIGN LOCATED ON THE RIGHT HAND SIDE WALL OUTSIDE THE SHOP FRONT ON WHISTLER STREET REMAINS, WHICH DOES NOT HAVE DEVELOPMENT CONSENT FROM COUNCIL.
6. COUNCILLOR HEASMAN REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE LAND USE MANAGEMENT COMMITTEE.
7. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

MOTION: (Macdonald/Pedersen)

- A. That Application No. 404/04 for two advertising signs at Number 49-51 Sydney Road, Manly (aka: 9 Whistler Street, Manly) be approved subject to standard conditions and conditions

relating to public liability cover. The sign is to be made from materials suitable for use in a public place so as not to give rise to the potential for personal injury. This is based on the fact that the signage is of good quality, unobtrusive, of safe material and consistent with the streetscape in a low traffic region. Council is supportive of appropriate signage for small business;

- B. That the General Manager be requested to prepare a **report** to Council on its policy on below awning level signs with a view to improving the quality of signage in the context of the general streetscape of the commercial precincts they are located in and with regard to public safety of the footpaths.
- C. That the General Manager be requested to consistently enforce signage in relation to the DCP.

RESOLVED: (Macdonald/Pedersen)

- A. That Application No. 404/04 for two advertising signs at Number 49-51 Sydney Road, Manly (aka: 9 Whistler Street, Manly) be approved subject to standard conditions and conditions relating to public liability cover. The sign is to be made from materials suitable for use in a public place so as not to give rise to the potential for personal injury. This is based on the fact that the signage is of good quality, unobtrusive, of safe material and consistent with the streetscape in a low traffic region. Council is supportive of appropriate signage for small business;
- B. That the General Manager be requested to prepare a **report** to Council on its policy on below awning level signs with a view to improving the quality of signage in the context of the general streetscape of the commercial precincts they are located in and with regard to public safety of the footpaths.
- C. That the General Manager be requested to consistently enforce signage in relation to the DCP.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 73

Shop 5/93-95 North Steyne, Manly Section 96 Modification of Consent Café Restaurant (DA433/99)

<u>Application Lodged:</u>	2 June 2004
<u>Applicant/Owner:</u>	G & M Buchanan
<u>Estimated Cost:</u>	N/A
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential and within Tourist Area
<u>Surrounding Development:</u>	Multi storey residential flat buildings, single and two storey dwellings
<u>Heritage:</u>	Stone kerb forward of the site is a listed item.

SUMMARY:

1. DEVELOPMENT CONSENT FOR REFURBISHMENT OF CAFÉ RESTAURANT WAS GRANTED BY COUNCIL ON 1 NOVEMBER 1999.
2. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION UNDER SECTION 96 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 TO EXTEND THE HOURS

- OF OPERATION OF THE PREMISES.
3. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH 25 SUBMISSIONS OBJECTING TO THE PROPOSAL RECEIVED.
 4. THE APPLICATION WAS REFERRED TO THE OCEAN BEACH PRECINCT COMMUNITY FORUM FOR COMMENT.
 5. THE MATTER IS CALLED UP TO LAND USE MANAGEMENT MEETING BY COUNCILLOR CANT.
 6. THE PROPOSAL IS RECOMMENDED FOR REFUSAL.

MOTION: (Pedersen/Macdonald)

1. That the application to modify Development Application No 433/99 for refurbishment of café/restaurant, by extending operating hours be **deferred** until an effective all inclusive environmental management plan between the residents and the businesses involved is put in place within the period of two months.
2. That the Owners Consent be confirmed when the application is resubmitted.

AMENDMENT: (Morrison/Daley)

- A. That the application to modify Development Application No 433/99 for refurbishment of café/restaurant, by extending operating hours be **deferred** until an effective all inclusive management plan between the residents and the businesses involved is put in place.
- B. That Jellyfish be allowed to continue the status quo of trading hours.

For the Amendment: Councillors Murphy, Daley and Morrison.

Against the Amendment: Councillors Hay, Heasman, Lambert, Cant, Pedersen, Aird, Evans, Norek and Macdonald.

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

RESOLVED: (Pedersen/Macdonald)

1. That the application to modify Development Application No 433/99 for refurbishment of café/restaurant, by extending operating hours be **deferred** until an effective all inclusive environmental management plan between the residents and the businesses involved is put in place within the period of two months.
2. That the Owners Consent be confirmed when the application is resubmitted.

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

Against the Resolution: Councillors Daley and Morrison.

Environmental Services Division Report No. 74

27 Quinton Road, Manly (DA106/04)

Application Lodged: 25.2.04
Amended Plans:6.8.04

Applicant(s)/ Owner(s): J Bradley

Estimated Cost: \$150 000

Zoning: Manly Local Environmental Plan, 1988 - Residential and within Foreshore Scenic Protection Area

Surrounding Development: Predominantly Residential Dwellings

Heritage: Heritage Item

SUMMARY:

1. AN APPLICATION IS LODGED FOR ALTERATIONS AND ADDITIONS TO AN EXISTING SEMI-DETACHED DWELLING
2. THE APPLICATION WAS NOTIFIED AND OBJECTIONS RECEIVED
3. THE APPLICATION WAS FORWARDED TO THE COMMUNITY PRECINCT FORUM AND OBJECTIONS WERE RECEIVED
4. THE APPLICATION IS ASSESSED IN ACCORDANCE WITH SECTION 79C WITH PARTICULAR REFERENCE TO COUNCILS LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN FOR THE RESIDENTIAL ZONE A1.
5. AMENDED PLANS WERE RECEIVED AND RENOTIFIED TO ALL NEIGHBOURS AND PRECINCT AND OBJECTIONS RECEIVED
6. THE COUNCIL'S DEVELOPMENT ASSESSMENT UNIT HAS CONSIDERED THE APPLICATION AND SUBSEQUENT AMENDED PLANS (THE SUBJECT OF THIS REPORT) AND HAS RECOMMENDED THE APPLICATION BE APPROVED
7. COUNCILLOR MACDONALD REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE LAND USE MANAGEMENT COMMITTEE.
8. A SITE INSPECTION IS RECOMMENDED.
9. THE APPLICATION IS RECOMMENDED FOR APPROVAL

Inspection Party Recommendation:

That Development Application No.106/04 for alterations and additions to the existing semi detached dwelling at No.27 Quinton Road Manly, be approved subject to conditions contained in the staff recommendation with condition No.2 deleted.

MOTION: (Macdonald/Evans)

That Development Application No. 106/04 for the alterations and additions to existing dwelling including rear first floor addition at 27 Quinton Road, Manly, be approved, subject to the following conditions:

1. This approval relates to drawings/plans No. P03011 dwg A01-08 issue A dated 4 August, 2004, and received by Council on 4 August, 2004, dwg P03011 DA101 dated 12 December, 2003 and received by Council 22 December, 2003.
2. The removal of the existing Mortem Bay Fig is to be subject of a valid and current Tree Preservation Order. In the absence of a TPO the landscape plan is to be modified accordingly to accommodate the tree, plans to be amended **prior to the issue of the Construction Certificate**
3. Brickwork, sandstone, timber windows and the like are to be reused on site where possible.
4. The clarity of the photographs submitted in the HIS are of poor quality and a photographic record of the interior and exterior of the heritage item is required and is to include original photographs and negatives. This record is to be submitted to Council **prior to issue of the construction certificate.**
5. Any excavation shall be undertaken with care and any evidence of archaeological relics that are uncovered shall be recorded by an archaeologist and a copy of which submitted to Council.
6. A structural engineers report on the impact of the proposed new works, including basement car park is required to ensure the structural stability and capability of the heritage item is not adversely affected. This report is to be carried out by a qualified structural engineer and

submitted to Council **prior to issue of the construction certificate.**

7. No brickwork or sandstone is to be painted.
8. Details of the proposed restorative works and proposed trim detail are to be submitted to Council **prior to the issue of the construction certificate.**
9. All window and doors are to be timber framed and to be of profiles and style to match the existing.
10. Details of the colour scheme, including colour samples of the roof and areas of painted work are to be submitted to Council for approval **prior to issue of the construction certificate.**
11. Details of the new fencing are to be submitted to Council prior to issue of the construction certificate. New fencing is not to be forward of the Quinton Rd building line on the corner of Augusta Rd and Quinton Road.
12. The proposed garage door design to 27 Quinton Road is to be a material and design sympathetic to the architectural style of the cottage. Details of which are to be submitted to Council for approval **prior to issue of the construction certificate.**
13. All the existing chimneys and tiled roof and ridge capping is to be retained in situ.
14. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.
Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, **at least 7 days prior to the commencement of any work on site.**
15. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
16. The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.
17. Any adjustment to the public utility service is to be carried out in compliance with their standards and the cost is to be borne by the applicant.
18. Details of the builder's name and licence number contracted to undertake the works shall be provided to Council **prior to issue of the Construction Certificate.**
19. Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council **prior to issue of the Construction Certificate.**
20. 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.
21. 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.

22. 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.

23. 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.
24. 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.
25. A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Principal Certifying Authority in respect of the load carrying capabilities of the existing structure to support the proposed **additions prior to the issue of the Construction Certificate**.
26. Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.
27. 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.
28. Adequate air vents are to be located above existing ground levels to provide an unobstructed flow of air to the underside of the floor timbers in accordance with the Framing Provisions of the Building Code of Australia - Housing Provisions.
29. 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.
30. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
31. The implementation of adequate care during demolition/excavation /building/construction to ensure that no damage is caused to any adjoining properties.
32. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.

33. 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.
34. Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application/**prior to the issue of the Construction Certificate.**
35. Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.
36. A system of onsite stormwater detention shall be provided within the property in accordance with Council's specification. Details shall be submitted with the Construction Certificate Application and be approved **prior to the issue of the Construction Certificate.**
37. 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.**
38. A positive covenant is an encumbrance to be registered on the title of your land. It imposes an obligation upon you and subsequent owners to comply with the obligations imposed by the covenant. Where onsite detention works and/or pump system are to be installed pursuant to a development or building condition, Council will require a specifically worded covenant to be registered on the relevant title. Advice as to the wording of the covenant may be obtained from Council.
39. All demolition is to be carried out in accordance with AS2601-1991.
40. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
41. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
42. An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.
43. 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.**
44. Details are to be provided of at least one (1) existing or proposed endemic trees for the site that are typically expected to reach a height at maturity of 10 metres. A list of appropriate endemic trees for the Manly area may be obtained at Council's Customer Service desk. Details of new planting are to include appropriate siting and pot size (minimum of 25 litres) in accordance with section 3.2 of the Residential Development Control Plan 2001. Details are to be submitted **with the Construction Certificate** to the satisfaction of the Principal Certifying Authority.
45. **Prior to the commencement of any works** on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**

46. A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site.**
47. The works require the following inspection/certification during the course of construction:-

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

The cost of these inspections by Council is \$673. (being \$70.00 per inspection and \$113.00 for Final inspection inclusive of GST). **Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit on 9976 1573 or 9976 1587.**

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$80.00.

48. All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.
49. 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.**
50. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
51. 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.
52. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
53. 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.

54. 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.

55. Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".
56. **Prior to issue of the Occupation Certificate**, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".
57. In accordance with the Roads Act 1993, written consent from Council shall be obtained and shall be in hand prior to any track-equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.
58. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.
59. A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The principal Certifying Authority shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.
60. On completion of the drainage works the applicant is required to submit work as executed drawings of the on site stormwater detention system. The work as executed drawings shall be certified by a Chartered Professional Engineer and submitted to Council prior to the Occupation Certificate being issued.
61. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

RESOLVED: (Macdonald/Evans)

That Development Application No. 106/04 for the alterations and additions to existing dwelling including rear first floor addition at 27 Quinton Road, Manly, be approved, subject to the following conditions:

1. This approval relates to drawings/plans No. P03011 dwg A01-08 issue A dated 4 August, 2004, and received by Council on 4 August, 2004, dwg P03011 DA101 dated 12 December, 2003 and received by Council 22 December, 2003.
2. The removal of the existing Mortem Bay Fig is to be subject of a valid and current Tree Preservation Order. In the absence of a TPO the landscape plan is to be modified

accordingly to accommodate the tree, plans to be amended **prior to the issue of the Construction Certificate**

3. Brickwork, sandstone, timber windows and the like are to be reused on site where possible.
4. The clarity of the photographs submitted in the HIS are of poor quality and a photographic record of the interior and exterior of the heritage item is required and is to include original photographs and negatives. This record is to be submitted to Council **prior to issue of the construction certificate.**
5. Any excavation shall be undertaken with care and any evidence of archaeological relics that are uncovered shall be recorded by an archaeologist and a copy of which submitted to Council.
6. A structural engineers report on the impact of the proposed new works, including basement car park is required to ensure the structural stability and capability of the heritage item is not adversely affected. This report is to be carried out by a qualified structural engineer and submitted to Council **prior to issue of the construction certificate.**
7. No brickwork or sandstone is to be painted.
8. Details of the proposed restorative works and proposed trim detail are to be submitted to Council **prior to the issue of the construction certificate.**
9. All window and doors are to be timber framed and to be of profiles and style to match the existing.
10. Details of the colour scheme, including colour samples of the roof and areas of painted work are to be submitted to Council for approval **prior to issue of the construction certificate.**
11. Details of the new fencing are to be submitted to Council prior to issue of the construction certificate. New fencing is not to be forward of the Quinton Rd building line on the corner of Augusta Rd and Quinton Road.
12. The proposed garage door design to 27 Quinton Road is to be a material and design sympathetic to the architectural style of the cottage. Details of which are to be submitted to Council for approval **prior to issue of the construction certificate.**
13. All the existing chimneys and tiled roof and ridge capping is to be retained in situ.
14. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.
Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, **at least 7 days prior to the commencement of any work on site.**
15. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
16. The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.

17. Any adjustment to the public utility service is to be carried out in compliance with their standards and the cost is to be borne by the applicant.
18. Details of the builder's name and licence number contracted to undertake the works shall be provided to Council **prior to issue of the Construction Certificate.**
19. Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council **prior to issue of the Construction Certificate.**
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Principal Certifying Authority in respect of the load carrying capabilities of the existing structure to support the proposed **additions prior to the issue of the Construction Certificate.**
26. Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**
27. 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.

28. Adequate air vents are to be located above existing ground levels to provide an unobstructed flow of air to the underside of the floor timbers in accordance with the Framing Provisions of the Building Code of Australia - Housing Provisions.
29. 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.
30. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
31. The implementation of adequate care during demolition/excavation /building/construction to ensure that no damage is caused to any adjoining properties.
32. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
33. 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.
34. Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application/**prior to the issue of the Construction Certificate.**
35. Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.
36. A system of onsite stormwater detention shall be provided within the property in accordance with Council's specification. Details shall be submitted with the Construction Certificate Application and be approved **prior to the issue of the Construction Certificate.**
37. 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.**
38. A positive covenant is an encumbrance to be registered on the title of your land. It imposes an obligation upon you and subsequent owners to comply with the obligations imposed by the covenant. Where onsite detention works and/or pump system are to be installed pursuant to a development or building condition, Council will require a specifically worded covenant to be registered on the relevant title. Advice as to the wording of the covenant may be obtained from Council.
39. All demolition is to be carried out in accordance with AS2601-1991.
40. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
41. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
42. An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 -

Housing Provisions.

43. 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.**
44. Details are to be provided of at least one (1) existing or proposed endemic trees for the site that are typically expected to reach a height at maturity of 10 metres. A list of appropriate endemic trees for the Manly area may be obtained at Council's Customer Service desk. Details of new planting are to include appropriate siting and pot size (minimum of 25 litres) in accordance with section 3.2 of the Residential Development Control Plan 2001. Details are to be submitted **with the Construction Certificate** to the satisfaction of the Principal Certifying Authority.
45. **Prior to the commencement of any works** on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**
46. A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site.**
47. The works require the following inspection/certification during the course of construction:-
 - Silt control fences
 - Footing inspection - trench and steel
 - Reinforced concrete slab
 - Framework inspection
 - Wet area moisture barrier
 - Drainage inspection
 - Driveway crossing/kerb layback
 - Underpinning
 - Final inspection

The cost of these inspections by Council is \$673. (being \$70.00 per inspection and \$113.00 for Final inspection inclusive of GST). **Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit on 9976 1573 or 9976 1587.**

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$80.00.

48. All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.
49. 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.**
50. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.

51. 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.
52. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
53. 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.
54. 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.

55. Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".
56. **Prior to issue of the Occupation Certificate**, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".
57. In accordance with the Roads Act 1993, written consent from Council shall be obtained and shall be in hand prior to any track-equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.
58. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.
59. A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The principal Certifying Authority shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.
60. On completion of the drainage works the applicant is required to submit work as executed

drawings of the on site stormwater detention system. The work as executed drawings shall be certified by a Chartered Professional Engineer and submitted to Council prior to the Occupation Certificate being issued.

61. 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, Lambert, Murphy, Daley, Pedersen, Evans, Norek and Macdonald.

Against the Resolution: Councillors Cant and Morrison.

Councillor Aird was not present in the Chamber and did not take part in the voting on this item.

Environmental Services Division Report No. 75

25 Quinton Road, Manly (DA107/04)

Application Lodged: 14 January, 2004
Amended Plans: 6 August, 2004

Applicant(s)/ Owner(s): M & E Withers

Estimated Cost: \$100 000

Zoning: Manly Local Environmental Plan, 1988 - Residential and within Foreshore Scenic Protection Area

Surrounding Development: Predominantly Residential Dwellings

Heritage: Heritage Item

SUMMARY

1. AN APPLICATION IS LODGED FOR ALTERATIONS AND ADDITIONS TO AN EXISTING SEMI-DETACHED DWELLING
2. THE APPLICATION WAS NOTIFIED AND OBJECTIONS RECEIVED
3. THE APPLICATION WAS FORWARDED TO THE COMMUNITY PRECINCT FORUM AND OBJECTIONS WERE RECEIVED
4. THE APPLICATION IS ASSESSED IN ACCORDANCE WITH SECTION 79C WITH PARTICULAR REFERENCE TO COUNCILS LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN FOR THE RESIDENTIAL ZONE 2001.A1.
5. AMENDED PLANS WERE RECEIVED AND RENOTIFIED TO ALL NEIGHBOURS AND PRECINCT AND OBJECTIONS RECEIVED
6. THE COUNCIL'S DEVELOPMENT ASSESSMENT UNIT HAS CONSIDERED THE APPLICATION AND SUBSEQUENT AMENDED PLANS (THE SUBJECT OF THIS REPORT) AND HAS RECOMMENDED THE APPLICATION BE APPROVED
7. COUNCILLOR MACDONALD REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE LAND USE MANAGEMENT COMMITTEE.
8. A SITE INSPECTION IS RECOMMENDED.
9. THE APPLICATION IS RECOMMENDED FOR APPROVAL

Inspection Party Recommendation:

1. That Development Application No.107/04 for alterations and additions to the existing semi detached dwelling at No.25 Quinton Road, Manly, be approved subject to conditions contained in the staff recommendation with condition 2 reworded as follows:
2. The proposed dormer window in the southern elevation of bedroom 4 is to be repositioned 1.0m to the west and the proposed dormer window to the south elevation of bedroom 3 is to be repositioned 1.0m to the east to offset the proposed windows from existing windows in the

north elevation, first floor level, of the adjoining building to the south, to maintain adequate privacy. Plans are to be suitably amended **prior to issue of the Construction Certificate.**

MOTION: (Macdonald/Hay)

That Development Application No. 107/04 for the alterations and additions to existing dwelling including rear first floor addition at 25 Quinton Road, Manly be approved, subject to the following conditions:

1. This approval relates to drawings/plans No. P03011 dwg A01-08 issue A dated 4 August, 2004 and received by Council on 4 August, 2004.
2. The proposed dormer window in the southern elevation of bedroom 4 is to be repositioned 1.0m to the west and the proposed dormer window to the south elevation of bedroom 3 is to be repositioned 1.0m to the east to offset the proposed windows from existing windows in the north elevation, first floor level, of the adjoining building to the south, to maintain adequate privacy. Plans are to be suitably amended **prior to issue of the Construction Certificate.**
3. The proposed south west wing wall adjoining the side boundary is to be no less than 1m (as existing) from the boundary so as not to unduly dominate the neighbouring property and satisfy DCP requirements. Plans to be amended **prior to the issue of the Construction Certificate.**
4. The external envelope of the two roof dormers on the side elevation to beds 3 and 4 are to be reduced by a 500mm reduction in the length of the dormer roof ridge to minimise the shadow impact on the neighbour. These two windows are also to be in opaque glazing to minimise direct overlooking to neighbours. Plans to be amended **prior to the issue of the Construction Certificate.**
5. The reuse of brickwork, sandstone, timber windows and the like are to be used on site.
6. The clarity of the photographs submitted in the HIS are of poor quality and a photographic record of the interior and exterior of the heritage item is required and is to include original photographs and negatives. This record is to be submitted to Council **prior to issue of the construction certificate.**
7. Any excavation shall be undertaken with care and any evidence of archaeological relics that are uncovered shall be recorded by an archaeologist and a copy of which submitted to Council.
8. A structural engineers report on the impact of the proposed new works, including basement car park is required to ensure the structural stability and capability of the heritage item is not adversely affected. This report is to be carried out by a qualified structural engineer and submitted to Council **prior to issue of the Construction Certificate.**
9. No brickwork or sandstone is to be painted.
10. Details of the proposed restorative works and proposed trim detail are to be submitted to Council **prior to the issue of the Construction Certificate.**
11. All window and doors are to be timber framed and to be of profiles and style to match the existing.
12. Details of the color scheme, including color samples of the roof and areas of painted work are to be submitted to Council for approval, **prior to issue of the Construction Certificate.**

13. Details of the new fencing is to be submitted to Council **prior to issue of the Construction Certificate**. New fencing is not to be forward of the Quinton Rd building line on the corner of Augusta Rd and Quinton Road.
14. The proposed garage door design to 27 Quinton Road is to be of a material and design sympathetic to the architectural style of the cottage. Details of which are to be submitted to Council for approval **prior to issue of the Construction Certificate**.
15. All the existing chimneys and tiled roof and ridge capping is to be retained in situ.
16. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

17. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
18. The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.
19. Any adjustment to the public utility service is to be carried out in compliance with their standards and the cost is to be borne by the applicant.
20. Details of the builder's name and licence number contracted to undertake the works shall be provided to Council **prior to issue of the Construction Certificate**.
21. Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council **prior to issue of the Construction Certificate**.
22. 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.
23. 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.
24. 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.

25. 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.

26. 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.
27. A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Principal Certifying Authority in respect of the load carrying capabilities of the existing structure to support the proposed **additions prior to the issue of the Construction Certificate.**
28. Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**
29. 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.
30. 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.
31. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
32. The implementation of adequate care during demolition/excavation /building/construction to ensure that no damage is caused to any adjoining properties.
33. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
34. 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.
35. Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application/**prior to the issue of the Construction Certificate.**
36. Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.
37. A system of onsite stormwater detention shall be provided within the property in accordance with Council's specification. Details shall be submitted with the Construction Certificate Application and be approved **prior to the issue of the Construction Certificate.**
38. 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.

39. A positive covenant is an encumbrance to be registered on the title of your land. It imposes an obligation upon you and subsequent owners to comply with the obligations imposed by the covenant. Where onsite detention works and/or pump system are to be installed pursuant to a development or building condition, Council will require a specifically worded covenant to be registered on the relevant title. Advice as to the wording of the covenant may be obtained from Council.
40. All demolition is to be carried out in accordance with AS2601-1991.
41. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
42. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
43. An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.
44. 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.**
45. Details are to be provided of at least one (1) existing or proposed endemic trees for the site that are typically expected to reach a height at maturity of 10 metres. A list of appropriate endemic trees for the Manly area may be obtained at Council's Customer Service desk. Details of new planting are to include appropriate siting and pot size (minimum of 25 litres) in accordance with section 3.2 of the Residential Development Control Plan 2001. Details are to be submitted **with the Construction Certificate** to the satisfaction of the Principal Certifying Authority.
46. **Prior to the commencement of any works** on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**
47. A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site.**
48. The works require the following inspection/certification during the course of construction:-
 - Silt control fences
 - Footing inspection - trench and steel
 - Reinforced concrete slab
 - Framework inspection
 - Wet area moisture barrier
 - Drainage inspection
 - Driveway crossing/kerb layback
 - Underpinning
 - Final inspection

The cost of these inspections by Council is \$673. (being \$70.00 per inspection and \$113.00 for Final inspection inclusive of GST). **Should you require Council to undertake the**

inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit on 9976 1573 or 9976 1587.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$80.00.

49. All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.
50. 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.**
51. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
52. 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.
53. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
54. 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.
55. 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.

56. Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate.** Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".
57. **Prior to issue of the Occupation Certificate**, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of

Buildings Against Termite Attack".

58. In accordance with the Roads Act 1993, written consent from Council shall be obtained and shall be in hand prior to any track-equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.
59. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.
60. A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The principal Certifying Authority shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.
61. On completion of the drainage works the applicant is required to submit work as executed drawings of the on site stormwater detention system. The work as executed drawings shall be certified by a Chartered Professional Engineer and submitted to Council prior to the Occupation Certificate being issued.
62. The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with Council's "Specification for Construction of Vehicular Crossings". The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specification. The work shall be inspected and approved by Council officers. All works shall be carried out **prior to the issue of the Occupation Certificate**.
63. The construction of a kerb layback is required. The design and construction shall be in accordance with Council's "Specification for Construction of Vehicular Crossings". The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specification. The work shall be inspected and approved by Council officers. All works shall be carried out **prior to the issue of the Occupation Certificate**.
64. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

RESOLVED: (Macdonald/Hay)

That Development Application No. 107/04 for the alterations and additions to existing dwelling including rear first floor addition at 25 Quinton Road, Manly be approved, subject to the following conditions:

1. This approval relates to drawings/plans No. P03011 dwg A01-08 issue A dated 4 August, 2004 and received by Council on 4 August, 2004.
2. The proposed dormer window in the southern elevation of bedroom 4 is to be repositioned 1.0m to the west and the proposed dormer window to the south elevation of bedroom 3 is to be repositioned 1.0m to the east to offset the proposed windows from existing windows in the north elevation first floor level of the adjoining building to the south, to maintain adequate privacy. Plans are to be suitably amended **prior to issue of the Construction Certificate**.
3. The proposed south west wing wall adjoining the side boundary is to be no less than 1m (as existing) from the boundary so as not to unduly dominate the neighbouring property and satisfy DCP requirements. Plans to be amended **prior to the issue of the Construction**

Certificate.

4. The external envelope of the two roof dormers on the side elevation to beds 3 and 4 are to be reduced by a 500mm reduction in the length of the dormer roof ridge to minimise the shadow impact on the neighbour. These two windows are also to be in opaque glazing to minimise direct overlooking to neighbours. Plans to be amended **prior to the issue of the Construction Certificate.**
5. The reuse of brickwork, sandstone, timber windows and the like are to be used on site.
6. The clarity of the photographs submitted in the HIS are of poor quality and a photographic record of the interior and exterior of the heritage item is required and is to include original photographs and negatives. This record is to be submitted to Council **prior to issue of the construction certificate.**
7. Any excavation shall be undertaken with care and any evidence of archaeological relics that are uncovered shall be recorded by an archaeologist and a copy of which submitted to Council.
8. A structural engineers report on the impact of the proposed new works, including basement car park is required to ensure the structural stability and capability of the heritage item is not adversely affected. This report is to be carried out by a qualified structural engineer and submitted to Council **prior to issue of the Construction Certificate.**
9. No brickwork or sandstone is to be painted.
10. Details of the proposed restorative works and proposed trim detail are to be submitted to Council **prior to the issue of the Construction Certificate.**
11. All window and doors are to be timber framed and to be of profiles and style to match the existing.
12. Details of the color scheme, including color samples of the roof and areas of painted work are to be submitted to Council for approval, **prior to issue of the Construction Certificate.**
13. Details of the new fencing is to be submitted to Council **prior to issue of the Construction Certificate.** New fencing is not to be forward of the Quinton Rd building line on the corner of Augusta Rd and Quinton Road.
14. The proposed garage door design to 27 Quinton Road is to be of a material and design sympathetic to the architectural style of the cottage. Details of which are to be submitted to Council for approval **prior to issue of the Construction Certificate.**
15. All the existing chimneys and tiled roof and ridge capping is to be retained in situ.
16. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, **at least 7 days prior to the commencement of any work on site.**
17. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of

any public roadway during construction.

18. The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.
19. Any adjustment to the public utility service is to be carried out in compliance with their standards and the cost is to be borne by the applicant.
20. Details of the builder's name and licence number contracted to undertake the works shall be provided to Council **prior to issue of the Construction Certificate**.
21. Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council **prior to issue of the Construction Certificate**.
22. 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.
23. 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.
24. 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.

25. 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.
26. 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.
27. A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Principal Certifying Authority in respect of the load carrying capabilities of the existing structure to support the proposed **additions prior to the issue of the Construction Certificate**.
28. Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

29. 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.
30. 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.
31. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
32. The implementation of adequate care during demolition/excavation /building/construction to ensure that no damage is caused to any adjoining properties.
33. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
34. 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.
35. Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application/**prior to the issue of the Construction Certificate.**
36. Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.
37. A system of onsite stormwater detention shall be provided within the property in accordance with Council's specification. Details shall be submitted with the Construction Certificate Application and be approved **prior to the issue of the Construction Certificate.**
38. 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.**
39. A positive covenant is an encumbrance to be registered on the title of your land. It imposes an obligation upon you and subsequent owners to comply with the obligations imposed by the covenant. Where onsite detention works and/or pump system are to be installed pursuant to a development or building condition, Council will require a specifically worded covenant to be registered on the relevant title. Advice as to the wording of the covenant may be obtained from Council.
40. All demolition is to be carried out in accordance with AS2601-1991.
41. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
42. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
43. An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 -

Housing Provisions.

44. 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.**
45. Details are to be provided of at least one (1) existing or proposed endemic trees for the site that are typically expected to reach a height at maturity of 10 metres. A list of appropriate endemic trees for the Manly area may be obtained at Council's Customer Service desk. Details of new planting are to include appropriate siting and pot size (minimum of 25 litres) in accordance with section 3.2 of the Residential Development Control Plan 2001. Details are to be submitted **with the Construction Certificate** to the satisfaction of the Principal Certifying Authority.
46. **Prior to the commencement of any works** on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**
47. A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site.**
48. The works require the following inspection/certification during the course of construction:-
 - Silt control fences
 - Footing inspection - trench and steel
 - Reinforced concrete slab
 - Framework inspection
 - Wet area moisture barrier
 - Drainage inspection
 - Driveway crossing/kerb layback
 - Underpinning
 - Final inspection

The cost of these inspections by Council is \$673. (being \$70.00 per inspection and \$113.00 for Final inspection inclusive of GST). **Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit on 9976 1573 or 9976 1587.**

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$80.00.

49. All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.
50. 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.**
51. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.

52. 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.
53. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
54. 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.
55. 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.

56. Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".
57. **Prior to issue of the Occupation Certificate**, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".
58. In accordance with the Roads Act 1993, written consent from Council shall be obtained and shall be in hand prior to any track-equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.
59. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.
60. A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The principal Certifying Authority shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.
61. On completion of the drainage works the applicant is required to submit work as executed drawings of the on site stormwater detention system. The work as executed drawings shall be certified by a Chartered Professional Engineer and submitted to Council prior to the

Occupation Certificate being issued.

62. The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with Council's "Specification for Construction of Vehicular Crossings". The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specification. The work shall be inspected and approved by Council officers. All works shall be carried out **prior to the issue of the Occupation Certificate.**
63. The construction of a kerb layback is required. The design and construction shall be in accordance with Council's "Specification for Construction of Vehicular Crossings". The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specification. The work shall be inspected and approved by Council officers. All works shall be carried out **prior to the issue of the Occupation Certificate.**
64. 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, Lambert, Murphy, Daley, Morrison, Pedersen, Evans, Norek and Macdonald.
Against the Resolution: Councillor Cant.

Councillor Aird was not present in the Chamber and did not take part in the voting on this item.

Environmental Services Division Report No. 76

66B Ponsonby Parade, Seaforth (DA187/03)

Application Lodged: 25 June 2004
Applicant: Baka Organic Design
Owner: Ahmet Bakamovic
Estimated Cost: \$500,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Residential
Heritage: N/A

SUMMARY:

1. A MODIFICATION UNDER SECTION 96(1A) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 WAS SOUGHT FOR DEVELOPMENT CONSENT 187/03, WHICH IS FOR THE DEMOLITION OF AN EXISTING DWELLING AND THE ERECTION OF TWO NEW DWELLING HOUSES AND AN ASSOCIATED LAND SUBDIVISION.
2. THE MODIFICATION SOUGHT THE REINSTATEMENT OF A ROOF-TOP TERRACE THAT WAS DELETED VIA A CONDITION OF CONSENT, AND THE ADDITION OF A SMALL BALCONY AT FIRST FLOOR LEVEL.
3. ADJOINING AND SURROUNDING OWNERS AND RESIDENTS WERE NOTIFIED, WITH THREE SUBMISSIONS OBJECTING TO THE PROPOSAL RECEIVED.
4. THE APPLICATION WAS REFERRED TO THE SEAFORTH PRECINCT COMMUNITY FORUM FOR COMMENT.
5. THE MATTER WAS REFERRED TO COUNCIL'S LAND USE MANAGEMENT MEETING OF 7 JUNE 2004 WHERE THE APPLICATION WAS REFUSED.
6. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.

7. THE APPLICATION FOR REVIEW WAS NOTIFIED TO ADJOINING AND SURROUNDING RESIDENTS WITH SUBMISSIONS RECEIVED.
8. THE APPLICATION FOR REVIEW WAS CALLED UP TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE BY COUNCILLOR DALEY.
9. REFUSAL OF THE APPLICATION IS RECOMMENDED.

MOTION: (Macdonald/Heasman)

That the application for review of determination of the Section 96 Modification of Development Application No 187/03 be refused for the following reasons

1. The proposed development does not comply with the aims and objectives of Council's Local Environmental Plan 1988 and Development Control Plan for the Residential Zone 2001, having regard to Section 79C (1)(a)(i) and (iii) of the Environmental Planning and Assessment Act 1979.
2. The proposal will present an undesirable precedent for future development in the immediate area, having regard to Section 79C (1)(c) and (e) of the Environmental Planning and Assessment Act 1979.
3. The proposal is likely to have an adverse impact on the amenities of the adjoining properties, having regard to Section 79C (1)(d) of the Environmental Planning and Assessment Act 1979.

RESOLVED: (Macdonald/Heasman)

That the application for review of determination of the Section 96 Modification of Development Application No 187/03 be refused for the following reasons

1. The proposed development does not comply with the aims and objectives of Council's Local Environmental Plan 1988 and Development Control Plan for the Residential Zone 2001, having regard to Section 79C (1)(a)(i) and (iii) of the Environmental Planning and Assessment Act 1979.
2. The proposal will present an undesirable precedent for future development in the immediate area, having regard to Section 79C (1)(c) and (e) of the Environmental Planning and Assessment Act 1979.
3. The proposal is likely to have an adverse impact on the amenities of the adjoining properties, having regard to Section 79C (1)(d) of the Environmental Planning and Assessment Act 1979.

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

Against the Resolution: Councillors Daley and Evans.

Councillor Aird was not present in the Chamber and did not take part in the voting on this item.

Environmental Services Division Report No. 77

22 Arthur Street, Fairlight (DA88/04)

<u>Application Lodged:</u>	16 August 2004
<u>Applicant:</u>	Leith Nicholson Architect
<u>Owner:</u>	M & A Harvey
<u>Estimated Cost:</u>	\$300,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	Single and two storey dwellings
<u>Heritage:</u>	Not applicable

SUMMARY:

1. DEVELOPMENT APPLICATION NO 88/04 WAS REFUSED BY COUNCIL AT ITS DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 25 MAY 2004.
2. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979.
3. THE APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR MACDONALD.
4. A SITE INSPECTION IS RECOMMENDED.
5. REFUSAL OF THE APPLICATION IS RECOMMENDED.

Inspection Party Recommendation:

That Development Application No.88/04 for alterations and additions to the existing dwelling at No.22 Arthur Street Fairlight be **deferred** for a period of 2 months to enable preparation and submission of revised plans and discussion with neighbours.

MOTION: (Murphy/Macdonald)

That Development Application No.88/04 for alterations and additions to the existing dwelling at No.22 Arthur Street Fairlight be referred to the General Manager for determination after submission of revised plans incorporating the following:

- a) Western wall setback be increased from 0.9m to 1.4m;
- b) Bedroom 2 and study be increased by 500mm on the eastern side, with the roof extending over the carparking area;
- c) Carparking to be reduced to one car with the TV room on the eastern wall lining up with the existing lounge room wall;
- d) Guest room to be reduced by 500mm in width thus improving carparking;
- e) Bedroom 1 on the northern side to be setback an additional 1m and the associated deck to be reduced in size from 12.8m² to 9.8m²;
- f) Screening to be provided on the first floor deck;
- g) Screening to be provided to the rear of the eastern boundary;
- h) All generally in accordance with sketch plan dated as presented to the Inspection Party
- i) 5/10/04.

AMENDMENT: (Evans/Daley)

1. That Development Application No.88/04 for alterations and additions to the existing dwelling at No.22 Arthur Street Fairlight be **deferred** for a period of 2 months to enable preparation and submission of revised plans and discussion with neighbours.
2. That the amended application be referred to the DAU for determination.

For the Amendment: Councillors Lambert, Cant, Daley, Aird and Evans.

Against the Amendment: Councillors Hay, Heasman, Murphy, Morrison, Pedersen, Norek and Macdonald.

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

RESOLVED: (Murphy/Macdonald)

That Development Application No.88/04 for alterations and additions to the existing dwelling at No.22 Arthur Street Fairlight be referred to the General Manager for determination after submission of revised plans incorporating the following:

- a) Western wall setback be increased from 0.9m to 1.4m;
- b) Bedroom 2 and study be increased by 500mm on the eastern side, with the roof extending over the carparking area;
- c) Carparking to be reduced to one car with the TV room on the eastern wall lining up with the existing lounge room wall;
- d) Guest room to be reduced by 500mm in width thus improving carparking;
- e) Bedroom 1 on the northern side to be setback an additional 1m and the associated deck to be reduced in size from 12.8m² to 9.8m²;
- f) Screening to be provided on the first floor deck;
- g) Screening to be provided to the rear of the eastern boundary;
- h) All generally in accordance with sketch plan dated as presented to the Inspection Party 5/10/04.
- i)

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

Against the Resolution: Councillors Lambert and Aird.

Environmental Services Division Report No. 78

**Appeals List for October 2004
SUMMARY**

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

MOTION: (Macdonald/Murphy)

That the information in the List of Appeals for October 2004 be received and their current status be noted.

RESOLVED: (Macdonald/Murphy)

That the information in the List of Appeals for October 2004 be received and their current status be noted.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 79

Development Applications Being Processed During October, 2004**SUMMARY**

Development Applications Currently Being Processed During October, 2004.

MOTION: (Macdonald/Heasman)

That the information in the Development Applications Being Processed During October 2004 Report, be noted.

RESOLVED: (Macdonald/Heasman)

That the information in the Development Applications Being Processed During October 2004 Report, be noted.

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 11.46pm

The above minutes were confirmed at a **Land Use Management Committee** of Manly Council held on 1 November 2004.

CHAIRPERSON

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