



Minutes

Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 6 June 2005

*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 7:43 pm on Monday 6 June 2005, 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
Councillor B Aird
Councillor S Cant, Deputy Chairperson
Councillor P Daley
Councillor J Evans
Councillor A Heasman
Councillor J Lambert, Chairperson who presided
Councillor D Murphy
Councillor M Norek

ALSO PRESENT

Henry T Wong, General Manager
David Stray, Manager Development Control
Trish O'Grady, Minute Secretary

APOLOGIES

Apologies were tendered on behalf of Councillor Hay AM and Councillor Pedersen for non-attendance.

RESOLVED: (Heasman/Macdonald)

That the apologies received from Councillor Hay AM and Councillor Pedersen, be accepted and leave be granted.

LEAVE OF ABSENCE

Nil.

DECLARATIONS OF PECUNIARY / CONFLICT INTERESTS

Nil.

CONFIRMATION OF MINUTES**RESOLVED: (Heasman/Macdonald)**

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 2 May 2005, 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 Heasman, Lambert, Cant, Murphy, Daley, Morrison, Aird, Evans, Norek and Macdonald.

Against the Resolution: Nil.

PUBLIC ADDRESSES

ITEM	PROPERTY DETAILS/PUBLIC SPEAKERS
ES No 23 Applicant	12 Rosedale Avenue, Fairlight (DA520/04) Jim Young
ES No 24 On behalf of Applicant	32 Rignold Street, Seaforth (DA495/04) Mark Armstrong, Architect
ES No 25 Applicant Objector	85-87 Lauderdale Avenue, Fairlight (DA386/04) Susan Rothwell, Architect Chantel Grech on behalf of Mrs R. Gregg

ENVIRONMENTAL SERVICES DIVISION REPORTS

Environmental Services Division Report No. 23

12 Rosedale Avenue, Fairlight (DA520/04)

Application Lodged: 15/04/05
Applicant: Mr James Young
Owner: James & Suzanne Young
Estimated Cost: \$30,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Residential
Heritage: None

SUMMARY:

1. DEFERRED COMMENCEMENT CONSENT WAS GRANTED FOR ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING ON 31 MARCH 2005.
2. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION TO MODIFY THE CONSENT UNDER SECTION 96 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT.

3. THE MODIFICATION APPLICATION WAS NOTIFIED TO ALL SURROUNDING PROPERTIES AND PREVIOUS OBJECTORS, 4 SUBMISSIONS REGARDING THE PROPOSED SECTION 96 MODIFICATIONS HAVE BEEN RECEIVED.
4. THE APPLICATION WAS REFERRED TO THE FAIRLIGHT PRECINCT COMMUNITY FORUM AND COMMENTS RECEIVED
5. THE APPLICATION IS REFERRED TO LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR HAY.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

SITE INSPECTION

A site inspection was conducted on Monday 6 June 2005 of 12 Rosedale Avenue, Fairlight DA520/04 comprising of the following Councillors Aird, Daley, Heasman, Lambert, Macdonald, and Norek.

Inspection Party Recommendation

That the application to modify deferred commencement consent No.520/04 be approved with deletion of conditions A & D and retention of condition C as amended and new conditions 40 and 41 as follows:

- C. Provision of obscure glazing (to a minimum height of 1.6m above floor level) to north elevation windows of Bedrooms 1 & 2 and Family Room, and south elevation windows to Bedroom 3 and Laundry.
40. The proposed workshop is not approved for the garaging of motor vehicles. Note: Any future use of the workshop for garaging of motor vehicles is to be the subject of a separate development application to Council with the design of vehicle access driveway/manoeuvring area being to the satisfaction of Council's Development Engineer and Council's Landscape Architect.
41. Any future provision of additional plumbing and drainage facilities being the subject of a separate application to Council.

Motion: (Heasman/Norek)

That the application to modify deferred commencement consent No.520/04 be approved with deletion of conditions A & D, retention of condition C as amended, new condition E and new condition 40 as follows:

- C. Provision of obscure glazing (to a minimum height of 1.6m above floor level) to north elevation windows of Bedrooms 1 & 2 and Family Room, and south elevation windows to Bedroom 3 and Laundry.
- E. Submitted revised plans showing the design of the vehicle driveway/manoeuvring area to the satisfaction of Council's Development Engineer and Council's Landscape Architect.
40. Any future provision of additional plumbing and drainage facilities being the subject of a separate application to Council.

RESOLVED: (Heasman/Norek)

That the application to modify deferred commencement consent No.520/04 be approved with deletion of conditions A & D, retention of condition C as amended, new condition E and new condition 40 as follows:

- C. Provision of obscure glazing (to a minimum height of 1.6m above floor level) to north elevation windows of Bedrooms 1 & 2 and Family Room, and south elevation windows to Bedroom 3 and Laundry.
- E. Submitted revised plans showing the design of the vehicle driveway/manoeuvring area to the satisfaction of Council's Development Engineer and Council's Landscape Architect.
- 40. Any future provision of additional plumbing and drainage facilities being the subject of a separate application to Council.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 24

32 Rignold Street, Seaforth (DA495/04)

Application Lodged: 22 October 2004

Applicant: ARC Architects

Owner: Mr. P Batey

Estimated Cost: \$300,000

Zoning: The site is located in Zone No.2 – The Residential Zone (Density Sub Zone 7) which permits dwelling houses with the consent of Council. The proposed alterations and additions are ancillary to the existing dwelling and are permissible with consent. The site is within Foreshore Scenic Protection Area.

Surrounding Development: Residential Dwellings

Heritage: Not Applicable.

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO THE EXISTING SINGLE STOREY DWELLING TO THE 'REAR' INCLUDING GROUND FLOOR ALTERATIONS AND ADDITIONS, ADDITIONAL STOREY AND NEW DECKS.
2. THE PROPOSAL WAS NOTIFIED TO ALL NEIGHBOURING PROPERTIES AND NO SUBMISSION TO THE DEVELOPMENT WAS RECEIVED.
3. THE APPLICATION WAS ALSO REFERRED TO THE SEAFORTH PRECINCT COMMUNITY FORUM AND NO COMMENTS WERE RECEIVED.
4. A LETTER WAS SENT TO THE APPLICANT ADVISING CONCERNS IN RELATON TO NON COMPLIANCE TO THE REAR SETBACK, ENCROACHMENT OF EXISTING LAUNDRY ONTO THE ADJOINING PROPERTY TO THE SOUTH, AND FURTHER DETAILS ON LANDSCAPING PLAN, STORMWATER MANAMENT SYSTEM ON SITE, PROVISION OF OFF STREET CAR PARKING AND TOTAL OPEN SPACE PROVISION.
5. A STATEMENT AND ADDITIONAL INFORMATION WERE RECEIVED FROM THE APPLICANT IN RESPONSE TO THE MATTERS RAISED.
6. THE APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT MEETING BY COUNCILLOR MORRISON.
7. A SITE INSPECTION IS RECOMMENDED.
8. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

SITE INSPECTION

A site inspection was conducted on Monday 6 June 2005 of 32 Rignold Street, Seaforth DA495/04 comprising of the following Councillors Aird, Daley, Heasman, Lambert, Macdonald and Norek.

Inspection Party Recommendation

That having regard to the nature of the proposal and its compatibility with the existing semi rural character of the immediate area, Development Application No.495/04 for Alterations and Additions to the Existing Dwelling at No. 32 Rignold Street Seaforth (Lot 1 DP1016937) be approved subject to standard conditions and the following special conditions;

- 1 The existing garage/storage/studio outbuilding being altered to accommodate two cars, with provision of driveway access in accordance with Council's Development Engineers requirements, plans being suitably amended prior to issue of the Construction Certificate.
2. Demolition of existing shed positioned on the road reserve area and general treatment of the existing outbuildings being consistent with nearby residential street front character.
3. The site boundaries being adjusted to include land occupied by the existing laundry outbuilding, with the boundary adjustment being registered with Land Titles and Information Office prior to issue of the Occupation Certificate.
4. The proposed windows to the en suite at first floor level being glazed with obscure glass to a minimum height 1.5m above floor level, to maintain privacy to future residents of adjoining properties to the west, plans being suitably amended prior to issue of the Construction Certificate.

Motion: (Macdonald/Heasman)

That having regard to the nature of the proposal and its compatibility with the existing semi rural character of the immediate area, Development Application No.495/04 for Alterations and Additions to the Existing Dwelling at No. 32 Rignold Street Seaforth (Lot 1 DP1016937) be approved subject to standard conditions and the following special conditions;

- 1 The existing garage/storage/studio outbuilding being altered to accommodate two cars, with provision of driveway access in accordance with Council's Development Engineers requirements, plans being suitably amended prior to issue of the Construction Certificate.
2. Demolition of existing shed positioned on the road reserve area and general treatment of the existing outbuildings being consistent with nearby residential street front character.
3. The site boundaries being adjusted to include land occupied by the existing laundry outbuilding, with the boundary adjustment being registered with Land Titles and Information Office prior to issue of the Occupation Certificate.
4. The proposed windows to the en suite at first floor level being glazed with obscure glass to a minimum height 1.5m above floor level, to maintain privacy to future residents of adjoining properties to the west, plans being suitably amended prior to issue of the Construction Certificate.

RESOLVED: (Macdonald/Heasman)

That having regard to the nature of the proposal and its compatibility with the existing semi rural character of the immediate area, Development Application No.495/04 for Alterations and Additions to the Existing Dwelling at No. 32 Rignold Street Seaforth (Lot 1 DP1016937) be approved subject to standard conditions and the following special conditions;

- 1 The existing garage/storage/studio outbuilding being altered to accommodate two cars, with provision of driveway access in accordance with Council's Development Engineers requirements, plans being suitably amended prior to issue of the Construction Certificate.

2. Demolition of existing shed positioned on the road reserve area and general treatment of the existing outbuildings being consistent with nearby residential street front character.
3. The site boundaries being adjusted to include land occupied by the existing laundry outbuilding, with the boundary adjustment being registered with Land Titles and Information Office prior to issue of the Occupation Certificate.
4. The proposed windows to the en suite at first floor level being glazed with obscure glass to a minimum height 1.5m above floor level, to maintain privacy to future residents of adjoining properties to the west, plans being suitably amended prior to issue of the Construction Certificate.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 25

85-87 Lauderdale Avenue, Fairlight (DA386/04)

Application Lodged: 10/8/2004

Applicant: Susan Rothwell Architects

Owner: Susan Rothwell Investments P/L, RJC Developments P/L, Delbant P/L, Clodene P/L

Estimated Cost: \$4,000,000

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

Surrounding Development: 2 - 4 storey detached dwellings and residential flat buildings

Heritage: Esplanade Park adjoining the site is landscape heritage

SUMMARY:

1. DEVELOPMENT APPLICATION 386/04 FOR DEMOLITION AND CONSTRUCTION OF A STRATA 4 UNIT RESIDENTIAL FLAT BUILDING WITH BASEMENT PARKING WAS SUBMITTED TO COUNCIL ON 10 AUGUST 2004. THE PLANS WERE ACCOMPANIED BY A DETAILED VISUAL IMPACT STUDY TO ASSIST IN THE ASSESSMENT OF VIEW IMPACTS TO NEIGHBOURING PROPERTIES.
2. NOTIFICATION OF THE PROPOSAL FROM 23 AUGUST 2004 – 6 SEPTEMBER 2004 RESULTED IN RECEIPT OF FOUR SUBMISSIONS RECEIVED.
3. AMENDED PLANS WERE REQUESTED 5 NOVEMBER, 2004, IDENTIFYING ISSUES OF NARROW DRIVEWAY ACCESS ACROSS THE FRONT OF NO.89, REQUESTING INVESTIGATION OF AN ALTERNATE DRIVEWAY DESIGN.
4. AMENDED PLANS WERE RECEIVED DECEMBER, 2004, PROVIDING A WIDENED ACCESSWAY TO 4.4M WIDTH.
5. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
6. THE APPLICATION WAS CONSIDERED BY COUNCIL AT IT'S LAND USE MANAGEMENT MEETING OF 7 FEBRUARY 2005 WHERE THE MATTER WAS DEFERRED TO ALLOW MUTUAL RESOLUTION OF THE DRIVEWAY ISSUE AND TO INVESTIGATE REDUCTION IN PROPOSED BUILDING HEIGHT.
7. ADDITIONAL INFORMATION HAS BEEN RECEIVED.
8. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

Motion: (Macdonald/Aird)

That Development Application 386/04 for demolition and construction of a two (2) storey Residential Flat Building containing four (4) strata units with basement parking at 85-87 Lauderdale Avenue, Fairlight be approved subject to the following conditions:

Pursuant to the Building Code of Australia, the building is a Class 2 & 7 building.

1. This approval relates to drawings/plans Nos. srSF-01 & 02, 101-104, 106-109; version B; and landscape plan sr105A dated June / July 2004 and received by Council on 21 July, 2004, sf201-D and sp203-D dated March 2005 received by Council on 21 March 2005 and sf202-C dated November, 2004 and received by Council on 8 December, 2004.
2. A road reserve lease for the access way extension shall be obtained from Council prior to issue of a Construction Certificate. This lease shall require the concurrence of the proprietor of No 89 Lauderdale Avenue due to the share of use of the existing access way. The lease shall remain current for the life of the development.
3. A Construction Management Plan (CMP) detailing construction access and materials delivery access (excluding that associated with construction of the driveway) via the Lauderdale Avenue road reserve immediately forward of the development site is to be submitted to Council/Accredited Certifier Prior to issue of the Construction Certificate. The CMP is to include details of the hours of construction of works associated with the driveway forward of No.89 Lauderdale Ave and requirement to notify residents of No. 89 Lauderdale Avenue of access limitations.
4. Details of public risk and liability insurance against injury and damage associated with the construction access and use of the existing driveway forward of No.89 Lauderdale Avenue are to be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.
5. The height of the proposed building at No 87 Lauderdale Avenue is to be reduced by 300mm to minimise impact on the amenity of nearby and adjoining properties, plans being suitably amended prior to issue of the Construction Certificate.
6. Traffic signals to facilitate efficient operation of the driveway are to be provided within the boundaries of the subject site to prevent queuing, plans being suitably notated prior to issue of the Construction Certificate.
7. Provision on site of a suitable enclosure (minimum 5.0sqm) for household waste bins, located within the subject site and positioned to facilitate waste removal from the road reserve immediately forward of the subject site, plans being suitably amended prior to the issue of the Construction Certificate.
8. Waterways Authority (NSW Maritime) conditions:
 - a) The proposed works are carried out so that:
 - i) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of North Harbour; and
 - ii) No materials are likely to be carried by natural forces to the bed, shore or waters of North Harbour.
 - b) Any material that does enter North Harbour must be removed immediately without causing further harm to the environment.
 - c) In relation to the above, best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, demolition.

Methods shall be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater – Soils & Construction* issued by the NSW Department of Housing in 1998 and any other relevant Council requirements.

- d) Any material that is to be stockpiled on site is to be stabilised and covered to prevent erosion or dispersal of the material.
 - e) The erosion, sediment and pollution controls shall be installed and stabilised before commencement of site works (this does not include the works associated with the construction of the appropriate controls).
 - f) The erosion, sediment and pollution control system is to be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
 - g) Any landscaping is to comprise locally indigenous species, which represent the original plant communities that would have been found along the shoreline in the vicinity of the subject land.
 - h) Access for delivery and removal of materials to and from the site is not to make use of the waterway and the adjoining foreshore.
 - i) No works are to be undertaken on land owned by NSW Maritime (i.e. below MHWM) without the relevant approvals being granted by NSW Maritime.
9. A second landscape species is to be provided along the front boundary to the street (e.g. Acacia). Nature strip planting is to be provided adjacent to the access way extension to the site. The landscape plan is to be amended accordingly **prior to the issue of the Construction Certificate.**
10. The nature strip planting is to be provided adjacent to the access way extension to the site. This planting is to be provided **prior to the issue of the Occupation Certificate.**
11. The small gum tree in the lower rear yard western side is to be retained and the plans notated accordingly **prior to the issue of the Construction Certificate.**
12. The rooftop planter is to be extended along the western side edge of the rooftop balcony to minimise potential overlooking into the western neighbouring apartment building and the plans amended accordingly **prior to the issue of the Construction Certificate.**
13. A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance shall be planked out and the plans amended accordingly **prior to the issue of the Construction Certificate.**
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 \$30,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.
- Note:** Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, **at least 7 days prior to the commencement of any work on site.**
15. 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.

16. A sign must be erected in a prominent position on the site;
- showing the name, address and telephone number of the principal certifying authority for the work,
 - showing the name of the principal contractor (if any) for the building work and a telephone number on which that person can be contacted after hours, and
 - stating that unauthorised entry to the work site is prohibited

The sign is to be maintained in place while the work is being carried out and must be removed when the work has been completed.

17. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, a contract of insurance must be in force before any building work authorised to be carried out by this consent commences.
18. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given council notice in writing of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given council written notice of the updated information.

19. 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.
20. 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.
21. 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.
22. 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.

23. 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.**
24. 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.
25. 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.
26. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
27. 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.
28. Building work shall not progress beyond first floor level until such time as Registered Surveyor's details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.
29. On completion of the building structure a Registered Surveyor's report is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.
30. A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund **Deposit prior to the issue of the Construction Certificate.**
31. Four (4) sets of Architectural drawings and Services Specifications are to be submitted with the Construction Certificate application.
32. All demolition is to be carried out in accordance with AS2601-1991.
33. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
34. 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.

On the concept stormwater management plan SY040420 by ACOR Consultants, it was noted that "Discharge to existing council stormwater drainage pit confirm on site". Require the Design Engineer to confirm this on site prior to submitting the Detailed Stormwater Management Plan.

Also the method of stormwater drainage of the new driveway on Council's land shall be shown on the Detailed Stormwater Management Plan.

The design of the stormwater management plan shall be approved by the Principal Certifying Authority shall prior to the issue of the Construction Certificate.

35. 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 issue of the Occupation Certificate.
36. The detailed design of the proposed retaining walls, footpath and concrete steps on the road reserve shall be submitted to Council and approved prior to the issue of the Construction Certificate. The design and construction of the works shall comply with Manly Council's "Specification for Civil Infrastructure Works, Developments & Subdivisions 2003".
37. The pedestrian path way and the Council reserve on the south of the property shall not be used for delivery of any material or any other construction activities. (Except the stormwater connection to be approved as part of the Construction Certificate).
38. The existing sand stone steps on the road reserve shall be removed without damaging and contact is to be made to Council's Works Superintendent for the stones to be transported to Council's Depot.
39. A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000.
Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.
40. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
41. All sound producing plant and equipment being installed and operated in such a manner so as not to create a noise nuisance.
42. Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application and as amended by conditions of consent. 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.**
43. All healthy trees and shrubs identified for retention on the plan must be:
 - (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
 - (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.
44. All disturbed surfaces on the land resulting from the building works authorised by this approval shall be revegetated and stabilised so as to prevent any erosion either on or adjacent to the land.
45. No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise willfully destroyed or removed without the approval of Council.

46. No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise willfully destroyed or removed without the approval of Council.
47. The trees to be retained are to be protected from trenching or excavation works or other construction works during the building construction stage. A security bond for \$5,000 is required to ensure that the trees are protected during the construction stage. The security bond may be in the form of a bank guarantee which must be lodged with Council **prior to issue of the Construction Certificate**.
48. A Waste Management Plan is to be submitted with the application for a Construction Certificate in accordance with Council's Development Control Plan for Waste Minimisation and Management.
49. Trees and shrubs liable to damage are to be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed when directed by the Principal Certifying Authority.

The enclosures are to be constructed out of F62 reinforcing mesh 1800mm high wired to 2400mm long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk.

50. Precautions shall be taken when working near trees to be retained including the following:
 - do not store harmful or bulk materials or spoil under or near trees
 - prevent damage to bark and root system
 - do not use mechanical methods to excavate within root zones
 - do not add or remove topsoil from under the drip line
 - do not compact ground under the drip line.
51. Details are to be provided of at least two (2) 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.
52. Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.
53. **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**.
54. All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
55. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
56. 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.

57. De-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:
- a) Ground water or other water to be pumped from the site into council's stormwater system must be sampled and analysed by a NATA certified laboratory or Manly council for compliance with ANZECC Water Quality Guidelines
 - b) If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
 - c) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
 - d) It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated with erosion or scouring due to the volume of water pumped.
 - e) Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.
 - f) Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.
58. Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practicing 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.**
59. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
60. 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.
61. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
62. Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council's satisfaction.
63. 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.

64. 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.

65. 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.
66. 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.
67. Prior to the sale, transfer, assignment or other disposal of or leasing or parting with provision of any part of the land subject to this approval, a copy of the approval shall be given to the purchaser, transferee, assignee, leasee, occupier or other person of that part of the land.
68. Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.
69. Issue of a Compliance Certificate from the Principal Certifying Authority prior to occupation to the effect that:
1. Required inspections have been undertaken and the work has been completed in accordance with the approved plans and specifications, the Development Consent and the Construction Certificate.
 2. Documentary evidence relative to:
 - wet areas waterproofing certificate
 - reinforcement concrete and structural members details
 - structural engineers inspection certificate
 - survey certificate
 - floor/finished ridge level certificate
 - hydraulic consultants certificate
70. Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979 is required for the development. The amount being in accordance with Council's Section 94 Policy applicable at the time of payment and paid, **prior to issue of the Construction Certificate.**
71. The stone base of the front fence is to have a maximum height above existing ground level of 1.000m and the plans are to be notated accordingly **prior to the issue of the Construction Certificate.**
72. Approval of the application to Strata Subdivide the subject property is subject to the lodgment of a linen plan for certification by Council/Accredited Certifier and payment of the appropriate fee.
73. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.

74. 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.
75. That the pyramid portion of the roof of the proposed building at No 87 Lauderdale Ave be deleted and the roof be finished in non-reflective materials.

ADVISORY NOTES:

1. Other approvals

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

an Application for Approval under Section 68 of the *Local Government Act 1993* for an activity under that Act, including the erection of a hoarding. All such applications must comply with the Building Code of Australia.

an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.

An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

an Application for a Subdivision Certificate under Section 109(C)(1)(d) of the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;

an Application for Strata Title Subdivision under the *Strata Schemes (Freehold Development) Act 1973*, if strata title subdivision of the development is proposed.

2. Works and requirements of other authorities

Sydney Water may require the construction of additional works and/or the payment of additional fees. Other *Sydney Water* approvals may also be necessary prior to the commencement of construction work. You should therefore confer with *Sydney Water* concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.

Contact *Sydney Water*, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.

Australia Post has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.

AGL Sydney Limited has requirements for the provision of gas connections.

Sydney Electricity has a requirement for the approval of any encroachments including awnings, signs etc, over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.

Telstra has requirements concerning access to services that it provides.

3. Application for a Construction Certificate

The required Application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

4. Occupational Health and Safety

All site works must comply with the occupational health and safety requirements of the NSW WorkCover Authority.

5. Relocation of stormwater drainage

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

6. Hazardous Material Management

"Builders are advised to obtain a copy of the EPA publication *Solutions to Pollution for Builders* which provides environmental information including hazardous material management. The EPA can be contacted by phone on 131 555 or at www.epa.nsw.gov.au "

7. Hazardous waste removal (including asbestos)

Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover and the EPA, and in accordance with the provisions of:

New South Wales *Occupational Health and Safety Act, 1983*;
New South Wales *Construction Safety Act, 1912*; *Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983*;
The Occupational Health and Safety (Hazardous Substances) Regulation 1996;
The Occupational Health and Safety (Asbestos Removal Work) Regulation 1996; and
The Waste Minimisation and Management Act and Regulations.

8. Air Conditioning Systems Residential Premises

Under Clause 52 of the *Noise Control Regulation 2000* a person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) before 8am or after 10pm on any Saturday, Sunday or Public Holiday, or
- (b) before 7am or after 10pm on any other day.

9. Model

If you submitted a model with the application it must be collected from the Council offices within fourteen (14) days of the date of this determination. Models not collected will be disposed of by Council.

10. Compliance with the Disability Discrimination Act

This decision does not ensure compliance with the *Disability Discrimination Act*. You should therefore investigate your liability under that Act. *Australian Standard 1428 - Design for Access and Mobility*, Parts 2, 3 and 4 may assist in determining compliance with the Disability Discrimination Act.

11. Modifications to the consent

Changes to the external configuration of the building, changes to the site layout or any changes to the proposed operation or use *will* require the submission and approval of an application under Section 96 of the *Environmental Planning & Assessment Act 1979* before the issue of a Construction Certificate.

12. Storage bins on footpath and roadway

Approval is required from Council prior to the placement of any storage bin on Council's footpath and/or roadway.

13. Long Service Levy

The current rate of the levy required by this consent is 0.2% of the cost all building and construction work costing \$25,000 or more.

14. Compliance with erosion and sediment control plan

The erosion and sediment control plan must be implemented during site works and construction activities. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on-site at all times and made available to the accredited certifier and Council officers on request.

15. Discovery of additional information during remediation, demolition or construction

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery.

16. Protection of public places

- (a) If the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic on a public place to be obstructed or rendered inconvenient, or
 - (ii) building involves the enclosure of a public place;
A hoarding or fence must be erected between the work site and the public place.
- (b) If necessary, an awning must be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (d) Any such hoarding, fence or awning must be removed when the work has been completed.

Note: Prior to the erection of any hoarding, fence or the like on any footpath or other property owned or controlled by Council, permission must be sought and obtained from Council and the prescribed rental fee paid.

Amendment: (Murphy/Daley)

That Development Application 386/04 for demolition and construction of a two (2) storey Residential Flat Building containing four (4) strata units with basement parking at 85-87 Lauderdale Avenue, Fairlight be approved subject to the following conditions:

Pursuant to the Building Code of Australia, the building is a Class 2 & 7 building.

1. This approval relates to drawings/plans Nos. srSF-01 & 02, 101-104, 106-109; version B; and landscape plan sr105A dated June / July 2004 and received by Council on 21 July, 2004, sf201-D and sp203-D dated March 2005 received by Council on 21 March 2005 and sf202-C dated November, 2004 and received by Council on 8 December, 2004.

2. A road reserve lease for the access way extension shall be obtained from Council prior to issue of a Construction Certificate. This lease shall require the concurrence of the proprietor of No 89 Lauderdale Avenue due to the share of use of the existing access way. The lease shall remain current for the life of the development.
3. A Construction Management Plan (CMP) detailing construction access and materials delivery access (excluding that associated with construction of the driveway) via the Lauderdale Avenue road reserve immediately forward of the development site is to be submitted to Council/Accredited Certifier Prior to issue of the Construction Certificate. The CMP is to include details of the hours of construction of works associated with the driveway forward of No.89 Lauderdale Ave and requirement to notify residents of No. 89 Lauderdale Avenue of access limitations.
4. Details of public risk and liability insurance against injury and damage associated with the construction access and use of the existing driveway forward of No.89 Lauderdale Avenue are to be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.
5. The height of the proposed building at No 87 Lauderdale Avenue is to be reduced by 300mm to minimise impact on the amenity of nearby and adjoining properties, plans being suitably amended prior to issue of the Construction Certificate.
6. Traffic signals to facilitate efficient operation of the driveway are to be provided within the boundaries of the subject site to prevent queuing, plans being suitably notated prior to issue of the Construction Certificate.
7. Provision on site of a suitable enclosure (minimum 5.0sqm) for household waste bins, located within the subject site and positioned to facilitate waste removal from the road reserve immediately forward of the subject site, plans being suitably amended prior to the issue of the Construction Certificate.
8. Waterways Authority (NSW Maritime) conditions:
 - a) The proposed works are carried out so that:
 - i) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of North Harbour; and
 - ii) No materials are likely to be carried by natural forces to the bed, shore or waters of North Harbour.
 - b) Any material that does enter North Harbour must be removed immediately without causing further harm to the environment.
 - c) In relation to the above, best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, demolition.

Methods shall be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater – Soils & Construction* issued by the NSW Department of Housing in 1998 and any other relevant Council requirements.
 - d) Any material that is to be stockpiled on site is to be stabilised and covered to prevent erosion or dispersal of the material.
 - e) The erosion, sediment and pollution controls shall be installed and stabilised before commencement of site works (this does not include the works associated with the construction of the appropriate controls).
 - f) The erosion, sediment and pollution control system is to be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

- g) Any landscaping is to comprise locally indigenous species, which represent the original plant communities that would have been found along the shoreline in the vicinity of the subject land.
- h) Access for delivery and removal of materials to and from the site is not to make use of the waterway and the adjoining foreshore.
- i) No works are to be undertaken on land owned by NSW Maritime (i.e. below MHWM) without the relevant approvals being granted by NSW Maritime.
9. A second landscape species is to be provided along the front boundary to the street (e.g. Acacia). Nature strip planting is to be provided adjacent to the access way extension to the site. The landscape plan is to be amended accordingly **prior to the issue of the Construction Certificate.**
10. The nature strip planting is to be provided adjacent to the access way extension to the site. This planting is to be provided **prior to the issue of the Occupation Certificate.**
11. The small gum tree in the lower rear yard western side is to be retained and the plans notated accordingly **prior to the issue of the Construction Certificate.**
12. The rooftop planter is to be extended along the western side edge of the rooftop balcony to minimise potential overlooking into the western neighbouring apartment building and the plans amended accordingly **prior to the issue of the Construction Certificate.**
13. A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance shall be planked out and the plans amended accordingly **prior to the issue of the Construction Certificate.**
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 \$30,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

15. 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.
16. A sign must be erected in a prominent position on the site;
- showing the name, address and telephone number of the principal certifying authority for the work,
 - showing the name of the principal contractor (if any) for the building work and a telephone number on which that person can be contacted after hours, and
 - stating that unauthorised entry to the work site is prohibited

The sign is to maintained in place while the work is being carried out and must be removed when the work has been completed.

17. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, a contract of insurance must be in force before any building work authorised to be carried out by this consent commences.

18. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given council notice in writing of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given council written notice of the updated information.

19. 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.
20. 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.
21. 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.
22. 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.
23. 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**.
24. 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.
25. 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.

26. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
27. 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.
28. Building work shall not progress beyond first floor level until such time as Registered Surveyor's details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.
29. On completion of the building structure a Registered Surveyor's report is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.
30. A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund **Deposit prior to the issue of the Construction Certificate.**
31. Four (4) sets of Architectural drawings and Services Specifications are to be submitted with the Construction Certificate application.
32. All demolition is to be carried out in accordance with AS2601-1991.
33. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
34. 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.

On the concept stormwater management plan SY040420 by ACOR Consultants, it was noted that "Discharge to existing council stormwater drainage pit confirm on site". Require the Design Engineer to confirm this on site prior to submitting the Detailed Stormwater Management Plan.

Also the method of stormwater drainage of the new driveway on Council's land shall be shown on the Detailed Stormwater Management Plan.

The design of the stormwater management plan shall be approved by the Principal Certifying Authority shall prior to the issue of the Construction Certificate.

35. 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 issue of the Occupation Certificate.
36. The detailed design of the proposed retaining walls, footpath and concrete steps on the road reserve shall be submitted to Council and approved prior to the issue of the Construction Certificate. The design and construction of the works shall comply with Manly Council's "Specification for Civil Infrastructure Works, Developments & Subdivisions 2003".
37. The pedestrian path way and the Council reserve on the south of the property shall not be used for delivery of any material or any other construction activities. (Except the stormwater connection to be approved as part of the Construction Certificate).

38. The existing sand stone steps on the road reserve shall be removed without damaging and contact is to be made to Council's Works Superintendent for the stones to be transported to Council's Depot.
39. A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000.

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

40. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
41. All sound producing plant and equipment being installed and operated in such a manner so as not to create a noise nuisance.
42. Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application and as amended by conditions of consent. 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.**
43. All healthy trees and shrubs identified for retention on the plan must be:
- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
 - (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.
44. All disturbed surfaces on the land resulting from the building works authorised by this approval shall be revegetated and stabilised so as to prevent any erosion either on or adjacent to the land.
45. No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise willfully destroyed or removed without the approval of Council.
46. No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise willfully destroyed or removed without the approval of Council.
47. The trees to be retained are to be protected from trenching or excavation works or other construction works during the building construction stage. A security bond for \$5,000 is required to ensure that the trees are protected during the construction stage. The security bond may be in the form of a bank guarantee which must be lodged with Council **prior to issue of the Construction Certificate.**
48. A Waste Management Plan is to be submitted with the application for a Construction Certificate in accordance with Council's Development Control Plan for Waste Minimisation and Management.
49. Trees and shrubs liable to damage are to be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed when directed by the Principal Certifying Authority.

The enclosures are to be constructed out of F62 reinforcing mesh 1800mm high wired to 2400mm long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk.

50. Precautions shall be taken when working near trees to be retained including the following:
- do not store harmful or bulk materials or spoil under or near trees
 - prevent damage to bark and root system
 - do not use mechanical methods to excavate within root zones
 - do not add or remove topsoil from under the drip line
 - do not compact ground under the drip line.
51. Details are to be provided of at least two (2) 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.
52. Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.
53. **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**.
54. All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
55. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
56. 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.
57. De-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:
- a) Ground water or other water to be pumped from the site into council's stormwater system must be sampled and analysed by a NATA certified laboratory or Manly council for compliance with ANZECC Water Quality Guidelines
 - b) If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
 - c) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.

- d) It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated with erosion or scouring due to the volume of water pumped.
 - e) Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.
 - f) Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.
58. Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practicing 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.**
59. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
60. 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.
61. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
62. Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council's satisfaction.
63. 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.
64. 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.
65. 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.
66. 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.

67. Prior to the sale, transfer, assignment or other disposal of or leasing or parting with provision of any part of the land subject to this approval, a copy of the approval shall be given to the purchaser, transferee, assignee, leasee, occupier or other person of that part of the land.
68. Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.
69. Issue of a Compliance Certificate from the Principal Certifying Authority prior to occupation to the effect that:
 1. Required inspections have been undertaken and the work has been completed in accordance with the approved plans and specifications, the Development Consent and the Construction Certificate.
 2. Documentary evidence relative to:
 - wet areas waterproofing certificate
 - reinforcement concrete and structural members details
 - structural engineers inspection certificate
 - survey certificate
 - floor/finished ridge level certificate
 - hydraulic consultants certificate
70. Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979 is required for the development. The amount being in accordance with Council's Section 94 Policy applicable at the time of payment and paid, **prior to issue of the Construction Certificate.**
71. The stone base of the front fence is to have a maximum height above existing ground level of 1.000m and the plans are to be notated accordingly **prior to the issue of the Construction Certificate.**
72. Approval of the application to Strata Subdivide the subject property is subject to the lodgment of a linen plan for certification by Council/Accredited Certifier and payment of the appropriate fee.
73. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
74. 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.

ADVISORY NOTES:

1. Other approvals

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

an Application for Approval under Section 68 of the *Local Government Act 1993* for an activity under that Act, including the erection of a hoarding. All such applications must comply with the Building Code of Australia.

an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.

An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

an Application for a Subdivision Certificate under Section 109(C)(1)(d) of the

Environmental Planning and Assessment Act 1979 if land (including stratum) subdivision of the development site is proposed;
an Application for Strata Title Subdivision under the *Strata Schemes (Freehold Development) Act 1973*, if strata title subdivision of the development is proposed.

2. Works and requirements of other authorities

Sydney Water may require the construction of additional works and/or the payment of additional fees. Other *Sydney Water* approvals may also be necessary prior to the commencement of construction work. You should therefore confer with *Sydney Water* concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.

Contact *Sydney Water*, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.

Australia Post has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest *Australia Post* Office.

AGL Sydney Limited has requirements for the provision of gas connections.

Sydney Electricity has a requirement for the approval of any encroachments including awnings, signs etc, over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.

Telstra has requirements concerning access to services that it provides.

3. Application for a Construction Certificate

The required Application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

4. Occupational Health and Safety

All site works must comply with the occupational health and safety requirements of the NSW WorkCover Authority.

5. Relocation of stormwater drainage

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

6. Hazardous Material Management

"Builders are advised to obtain a copy of the EPA publication *Solutions to Pollution for Builders* which provides environmental information including hazardous material management. The EPA can be contacted by phone on 131 555 or at www.epa.nsw.gov.au"

7. Hazardous waste removal (including asbestos)

Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover and the EPA, and in accordance with the provisions of:

New South Wales *Occupational Health and Safety Act, 1983*;
New South Wales *Construction Safety Act, 1912*; *Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983*;
The *Occupational Health and Safety (Hazardous Substances) Regulation 1996*;
The *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996*; and
The *Waste Minimisation and Management Act and Regulations*.

8. Air Conditioning Systems Residential Premises

Under Clause 52 of the *Noise Control Regulation 2000* a person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) before 8am or after 10pm on any Saturday, Sunday or Public Holiday, or
- (b) before 7am or after 10pm on any other day.

9. Model

If you submitted a model with the application it must be collected from the Council offices within fourteen (14) days of the date of this determination. Models not collected will be disposed of by Council.

10. Compliance with the Disability Discrimination Act

This decision does not ensure compliance with the *Disability Discrimination Act*. You should therefore investigate your liability under that Act. *Australian Standard 1428 - Design for Access and Mobility*, Parts 2, 3 and 4 may assist in determining compliance with the Disability Discrimination Act.

11. Modifications to the consent

Changes to the external configuration of the building, changes to the site layout or any changes to the proposed operation or use *will* require the submission and approval of an application under Section 96 of the *Environmental Planning & Assessment Act 1979* before the issue of a Construction Certificate.

12. Storage bins on footpath and roadway

Approval is required from Council prior to the placement of any storage bin on Council's footpath and/or roadway.

13. Long Service Levy

The current rate of the levy required by this consent is 0.2% of the cost all building and construction work costing \$25,000 or more.

14. Compliance with erosion and sediment control plan

The erosion and sediment control plan must be implemented during site works and construction activities. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on-site at all times and made available to the accredited certifier and Council officers on request.

15. Discovery of additional information during remediation, demolition or construction

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery.

16. Protection of public places

- (a) If the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic on a public place to be obstructed or rendered inconvenient, or
 - (ii) building involves the enclosure of a public place;
A hoarding or fence must be erected between the work site and the public place.
- (b) If necessary, an awning must be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (d) Any such hoarding, fence or awning must be removed when the work has been completed.

Note: Prior to the erection of any hoarding, fence or the like on any footpath or other property owned or controlled by Council, permission must be sought and obtained from Council and the prescribed rental fee paid.

For the Amendment: Councillors Murphy and Daley.

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

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

RESOLVED: (Macdonald/Aird)

That Development Application 386/04 for demolition and construction of a two (2) storey Residential Flat Building containing four (4) strata units with basement parking at 85-87 Lauderdale Avenue, Fairlight be approved subject to the following conditions:

Pursuant to the Building Code of Australia, the building is a Class 2 & 7 building.

1. This approval relates to drawings/plans Nos. srSF-01 & 02, 101-104, 106-109; version B; and landscape plan sr105A dated June / July 2004 and received by Council on 21 July, 2004, sf201-D and sp203-D dated March 2005 received by Council on 21 March 2005 and sf202-C dated November, 2004 and received by Council on 8 December, 2004.
2. A road reserve lease for the access way extension shall be obtained from Council prior to issue of a Construction Certificate. This lease shall require the concurrence of the proprietor of No 89 Lauderdale Avenue due to the share of use of the existing access way. The lease shall remain current for the life of the development.
3. A Construction Management Plan (CMP) detailing construction access and materials delivery access (excluding that associated with construction of the driveway) via the Lauderdale Avenue road reserve immediately forward of the development site is to be submitted to Council/Accredited Certifier Prior to issue of the Construction Certificate. The CMP is to include details of the hours of construction of works associated with the driveway forward of No.89 Lauderdale Ave and requirement to notify residents of No. 89 Lauderdale Avenue of access limitations.
4. Details of public risk and liability insurance against injury and damage associated with the construction access and use of the existing driveway forward of No.89 Lauderdale Avenue are to be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

5. The height of the proposed building at No 87 Lauderdale Avenue is to be reduced by 300mm to minimise impact on the amenity of nearby and adjoining properties, plans being suitably amended prior to issue of the Construction Certificate.
6. Traffic signals to facilitate efficient operation of the driveway are to be provided within the boundaries of the subject site to prevent queuing, plans being suitably notated prior to issue of the Construction Certificate.
7. Provision on site of a suitable enclosure (minimum 5.0sqm) for household waste bins, located within the subject site and positioned to facilitate waste removal from the road reserve immediately forward of the subject site, plans being suitably amended prior to the issue of the Construction Certificate.
8. Waterways Authority (NSW Maritime) conditions:
 - a) The proposed works are carried out so that:
 - i) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of North Harbour; and
 - ii) No materials are likely to be carried by natural forces to the bed, shore or waters of North Harbour.
 - b) Any material that does enter North Harbour must be removed immediately without causing further harm to the environment.
 - c) In relation to the above, best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, demolition.

Methods shall be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater – Soils & Construction* issued by the NSW Department of Housing in 1998 and any other relevant Council requirements.
 - d) Any material that is to be stockpiled on site is to be stabilised and covered to prevent erosion or dispersal of the material.
 - e) The erosion, sediment and pollution controls shall be installed and stabilised before commencement of site works (this does not include the works associated with the construction of the appropriate controls).
 - f) The erosion, sediment and pollution control system is to be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
 - g) Any landscaping is to comprise locally indigenous species, which represent the original plant communities that would have been found along the shoreline in the vicinity of the subject land.
 - h) Access for delivery and removal of materials to and from the site is not to make use of the waterway and the adjoining foreshore.
 - i) No works are to be undertaken on land owned by NSW Maritime (i.e. below MHWM) without the relevant approvals being granted by NSW Maritime.
9. A second landscape species is to be provided along the front boundary to the street (e.g. Acacia). Nature strip planting is to be provided adjacent to the access way extension to the site. The landscape plan is to be amended accordingly **prior to the issue of the Construction Certificate.**
10. The nature strip planting is to be provided adjacent to the access way extension to the site. This planting is to be provided **prior to the issue of the Occupation Certificate.**

11. The small gum tree in the lower rear yard western side is to be retained and the plans notated accordingly **prior to the issue of the Construction Certificate.**
12. The rooftop planter is to be extended along the western side edge of the rooftop balcony to minimise potential overlooking into the western neighbouring apartment building and the plans amended accordingly **prior to the issue of the Construction Certificate.**
13. A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance shall be planked out and the plans amended accordingly **prior to the issue of the Construction Certificate.**
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 \$30,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

15. 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.
16. A sign must be erected in a prominent position on the site;
 - showing the name, address and telephone number of the principal certifying authority for the work,
 - showing the name of the principal contractor (if any) for the building work and a telephone number on which that person can be contacted after hours, and
 - stating that unauthorised entry to the work site is prohibited

The sign is to be maintained in place while the work is being carried out and must be removed when the work has been completed.

17. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, a contract of insurance must be in force before any building work authorised to be carried out by this consent commences.
18. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given council notice in writing of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given council written notice of the updated information.

19. 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.
20. 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.
21. 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.
22. 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.
23. 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.**
24. 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.
25. 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.
26. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
27. 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.
28. Building work shall not progress beyond first floor level until such time as Registered Surveyor's details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.
29. On completion of the building structure a Registered Surveyor's report is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.
30. A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund **Deposit prior to the issue of the Construction Certificate.**

31. Four (4) sets of Architectural drawings and Services Specifications are to be submitted with the Construction Certificate application.
32. All demolition is to be carried out in accordance with AS2601-1991.
33. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
34. 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.

On the concept stormwater management plan SY040420 by ACOR Consultants, it was noted that "Discharge to existing council stormwater drainage pit confirm on site". Require the Design Engineer to confirm this on site prior to submitting the Detailed Stormwater Management Plan.

Also the method of stormwater drainage of the new driveway on Council's land shall be shown on the Detailed Stormwater Management Plan.

The design of the stormwater management plan shall be approved by the Principal Certifying Authority shall prior to the issue of the Construction Certificate.

35. 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 issue of the Occupation Certificate.
 36. The detailed design of the proposed retaining walls, footpath and concrete steps on the road reserve shall be submitted to Council and approved prior to the issue of the Construction Certificate. The design and construction of the works shall comply with Manly Council's "Specification for Civil Infrastructure Works, Developments & Subdivisions 2003".
 37. The pedestrian path way and the Council reserve on the south of the property shall not be used for delivery of any material or any other construction activities. (Except the stormwater connection to be approved as part of the Construction Certificate).
 38. The existing sand stone steps on the road reserve shall be removed without damaging and contact is to be made to Council's Works Superintendent for the stones to be transported to Council's Depot.
 39. A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000.
- Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.**
40. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
 41. All sound producing plant and equipment being installed and operated in such a manner so as not to create a noise nuisance.

42. Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application and as amended by conditions of consent. 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.**
43. All healthy trees and shrubs identified for retention on the plan must be:
- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
 - (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.
44. All disturbed surfaces on the land resulting from the building works authorised by this approval shall be revegetated and stabilised so as to prevent any erosion either on or adjacent to the land.
45. No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise willfully destroyed or removed without the approval of Council.
46. No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise willfully destroyed or removed without the approval of Council.
47. The trees to be retained are to be protected from trenching or excavation works or other construction works during the building construction stage. A security bond for \$5,000 is required to ensure that the trees are protected during the construction stage. The security bond may be in the form of a bank guarantee which must be lodged with Council **prior to issue of the Construction Certificate.**
48. A Waste Management Plan is to be submitted with the application for a Construction Certificate in accordance with Council's Development Control Plan for Waste Minimisation and Management.
49. Trees and shrubs liable to damage are to be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed when directed by the Principal Certifying Authority.
- The enclosures are to be constructed out of F62 reinforcing mesh 1800mm high wired to 2400mm long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk.
50. Precautions shall be taken when working near trees to be retained including the following:
- do not store harmful or bulk materials or spoil under or near trees
 - prevent damage to bark and root system
 - do not use mechanical methods to excavate within root zones
 - do not add or remove topsoil from under the drip line
 - do not compact ground under the drip line.
51. Details are to be provided of at least two (2) 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.

52. Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.
53. **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**.
54. All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
55. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
56. 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.
57. De-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:
 - a) Ground water or other water to be pumped from the site into council's stormwater system must be sampled and analysed by a NATA certified laboratory or Manly council for compliance with ANZECC Water Quality Guidelines
 - b) If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
 - c) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
 - d) It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated with erosion or scouring due to the volume of water pumped.
 - e) Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.
 - f) Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.
58. Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practicing 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**.
59. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.

60. 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.
61. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
62. Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council's satisfaction.
63. 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.
64. 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.

65. 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.
66. 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.
67. Prior to the sale, transfer, assignment or other disposal of or leasing or parting with provision of any part of the land subject to this approval, a copy of the approval shall be given to the purchaser, transferee, assignee, leasee, occupier or other person of that part of the land.
68. Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.
69. Issue of a Compliance Certificate from the Principal Certifying Authority prior to occupation to the effect that:
 1. Required inspections have been undertaken and the work has been completed in accordance with the approved plans and specifications, the Development Consent and the Construction Certificate.
 2. Documentary evidence relative to:
 - wet areas waterproofing certificate
 - reinforcement concrete and structural members details
 - structural engineers inspection certificate

- survey certificate
 - floor/finished ridge level certificate
 - hydraulic consultants certificate
70. Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979 is required for the development. The amount being in accordance with Council's Section 94 Policy applicable at the time of payment and paid, **prior to issue of the Construction Certificate.**
71. The stone base of the front fence is to have a maximum height above existing ground level of 1.000m and the plans are to be notated accordingly **prior to the issue of the Construction Certificate.**
72. Approval of the application to Strata Subdivide the subject property is subject to the lodgment of a linen plan for certification by Council/Accredited Certifier and payment of the appropriate fee.
73. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
74. 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.
75. That the pyramid portion of the roof of the proposed building at No 87 Lauderdale Ave be deleted and the roof be finished in non-reflective materials.

ADVISORY NOTES:

1. Other approvals

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

an Application for Approval under Section 68 of the *Local Government Act 1993* for an activity under that Act, including the erection of a hoarding. All such applications must comply with the Building Code of Australia.

an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.

An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

an Application for a Subdivision Certificate under Section 109(C)(1)(d) of the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;

an Application for Strata Title Subdivision under the *Strata Schemes (Freehold Development) Act 1973*, if strata title subdivision of the development is proposed.

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Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover and the EPA, and in accordance with the provisions of:

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The current rate of the levy required by this consent is 0.2% of the cost all building and construction work costing \$25,000 or more.

14. Compliance with erosion and sediment control plan

The erosion and sediment control plan must be implemented during site works and construction activities. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on-site at all times and made available to the accredited certifier and Council officers on request.

15. Discovery of additional information during remediation, demolition or construction

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery.

16. Protection of public places

- (a) If the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic on a public place to be obstructed or rendered inconvenient, or
 - (ii) building involves the enclosure of a public place;A hoarding or fence must be erected between the work site and the public place.
- (b) If necessary, an awning must be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (d) Any such hoarding, fence or awning must be removed when the work has been completed.

Note: Prior to the erection of any hoarding, fence or the like on any footpath or other property owned or controlled by Council, permission must be sought and obtained from Council and the prescribed rental fee paid.

The **Motion** was put and declared **Carried**.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 26

Development Applications Being Processed During June 2005

SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING JUNE 2005.

Motion: (Macdonald/Heasman)

That the information be noted.

RESOLVED: (Macdonald/Heasman)

That the information be noted.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 27

Appeals List for June 2005

SUMMARY

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

Motion: (Aird/Evans)

That in respect of 207-217 Pittwater Road Manly, the General Manager be authorised to pursue operating hours between 7am and 8pm on any day.

Amendment: (Murphy/Daley)

That in respect of 207-217 Pittwater Road, Manly, Council pursue resolution of the operating hours through the Land & Environment Court.

Councillor Heasman departed the Chamber.

For the Amendment: Councillors Murphy, Daley and Morrison.

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

The **Amendment** was declared **lost**.

Councillor Heasman had departed the Chamber and did not take part in the voting.

RESOLVED: (Aird/Evans)

That in respect of 207-217 Pittwater Road Manly, the General Manager be authorised to pursue operating hours between 7am and 8pm on any day.

For the Resolution: Councillors Lambert, Cant, Evans, Norek, Aird and Macdonald.

Against the Resolution: Councillors Murphy, Daley and Morrison

Councillor Heasman had departed the Chamber and did not take part in the voting.

Councillor Heasman re-entered the Chamber.

Further Motion: (Macdonald/Heasman)

That the information on the List of Appeals for June 2005 be noted.

RESOLVED: (Macdonald/Heasman)

That the information on the List of Appeals for June 2005 be noted.

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 9.40 pm

The above minutes were confirmed at a **Land Use Management Committee** of Manly Council held on 4 July 2005.

CHAIRPERSON

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