

## Minutes

### Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 1 August 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](http://www.manly.nsw.gov.au)*



**TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:**

The Land Use Management Committee, having met at 7:40 pm on Monday 1 August 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 (arrived at 7.45pm)  
Councillor B Aird  
Councillor S Cant, Deputy Chairperson  
Councillor J Evans  
Councillor J Hay, AM  
Councillor A Heasman  
Councillor J Lambert, Chairperson who presided  
Councillor D Murphy  
Councillor B Pedersen

**ALSO PRESENT**

Henry T Wong, General Manager  
David Stray, Manager Development Control  
Rachael Levey, Minute Taker  
Melinda Aitkenhead, Minute Taker

**APOLOGIES** [Agenda Item](#) [Agenda Item](#) [Agenda Item](#) [Agenda Item](#) [Agenda Item](#)  
[Agenda Item](#)

Apologies were tendered on behalf of Councillor P Daley and Councillor M Norek for non-attendance.

**MOTION (Hay / Macdonald)**

That the apologies received from Councillor P Daley and Councillor M Norek, be accepted and leave be granted.

**RESOLVED: (Hay / Macdonald)**

That the apologies received from Councillor P Daley and Councillor M Norek, be accepted and leave be granted.

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

**Against the Resolution:** Nil.

**DECLARATIONS OF PECUNIARY / CONFLICT INTERESTS**

There were no Declarations of Interest.

**CONFIRMATION OF MINUTES** [Agenda Item](#) [Agenda Item](#) [Agenda Item](#) [Agenda Item](#)  
[Agenda Item](#) [Agenda Item](#)

**MOTION (Macdonald / Heasman)**

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 4 July 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.

**RESOLVED: (Macdonald / Heasman)**

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 4 July 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 Hay, Heasman, Cant, Murphy, Pedersen, Aird, Evans, Macdonald and Lambert.

**Against the Resolution:** Nil.

Councillor Morrison entered the Chamber at 7.45pm.

**PUBLIC ADDRESSES**

ITEM	SPEAKER
<p><b>Environmental Services Division Report No. 35</b> 38A Rignold Street, Seaforth</p> <p>Objector</p> <p>Applicant</p>	<p>Dennis Pitman</p> <p>Peter Whitfield</p>
<p><b>Environmental Services Division Report No. 36</b> 9 Jenner Street, Seaforth</p> <p>Objector</p> <p>On behalf of Applicant</p>	<p>Judith Taylor</p> <p>Matthew Grant Matthew Grant Architect</p>
<p><b>Environmental Services Division Report No. 37</b> 10 Salisbury Street, Seaforth</p> <p>Objector</p> <p>On behalf of Applicant</p>	<p>Marc Biancardi</p> <p>Paul Dickman Sandberg Schoffel Architects</p>

<b>Environmental Services Division</b>	
<b>Report No. 38</b>	
68 Bower Street, Manly	
Objector	Katrina Worner
Applicant	Wayne Gardner

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**ENVIRONMENTAL SERVICES DIVISION REPORTS**

Environmental Services Division Report No. 35 [Agenda Item](#) [Agenda Item](#) [Agenda Item](#)  
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**38A Rignold Street, Seaforth (DA529/04)****Application Lodged:** 1 December, 2004 amended plans 11.5.05**Applicant:** Home Team Constructions**Owner:** Mr P & Mrs S Whitfield**Estimated Cost:** \$447 858**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
Part within Foreshore Scenic Protection Area**Surrounding Development:** Bushland, vacant land as well as single and two storey dwellings**Heritage:** n/a**SUMMARY:**

1. AN APPLICATION IS MADE FOR EXCAVATION AND ERECTION OF A NEW DWELLING WITH CARERS UNIT (FAMILY FLAT) AS WELL AS A DETACHED DOUBLE GARAGE.
2. THE APPLICATION WAS NOTIFIED IN ACCORDANCE WITH COUNCILS NOTIFICATION POLICY WITH SIX (6) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE LOCAL COMMUNITY PRECINCT FORUM AND COMMENT WAS RECEIVED.
4. THE APPLICATION IS ASSESSED PURSUANT TO SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 INCLUDING COUNCIL'S RELEVANT PLANS AND POLICIES.
5. THE APPLICATION WAS REPORTED TO THE DEVELOPMENT ASSESSMENT UNIT ON 31.3.05 AS WHICH TIME THE APPLICATION WAS RECOMMENDED FOR REFUSAL.
6. REVISED PLANS WERE RECEIVED TO ADDRESS ISSUES RAISED BY THE DEVELOPMENT ASSESSMENT UNIT.
7. THE REVISED PLANS WERE FURTHER NOTIFIED WITH EIGHT (8) SUBMISSIONS RECEIVED.
8. THE REVISED PLANS WERE FURTHER REPORTED TO THE DEVELOPMENT ASSESSMENT UNIT ON 23.6.05 AS WHICH TIME THE APPLICATION WAS RECOMMENDED FOR REFUSAL.
9. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLORS MURPHY AND NOREK.
10. A SITE INSPECTION IS RECOMMENDED.
11. REFUSAL OF THE APPLICATION IS RECOMMENDED.

## SITE INSPECTION

A site inspection of 38A Rignold Street, Seaforth DA529/04 was conducted on Monday, 1 August, 2005 comprising of Councillors Aird, Cant, Evans, Hay, Heasman, Lambert, Macdonald and Murphy.

### Inspection Party Recommendation

No Recommendation.

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

That Development Application No.529/04 for erection of a new dwelling and detached double garage at No.38A Rignold Street Seaforth be approved with the standard conditions and the following additional conditions:

1. The garage roof be changed from gable to hip;
2. That an additional six appropriate trees be planted on the property; and
3. That the building be lowered by 500mm (which may result in relocating the driveway and access ramp to reduce the gradient).

### **AMENDMENT (Morrison)**

1. That Development Application No.529/04 for erection of a new dwelling and detached double garage at No.38A Rignold Street Seaforth be deferred to allow the applicant to investigate and submit further plans regarding the relocation of the garage to the north of the property.
2. That Council then consider the Development Application with the above information, in addition to standard conditions and the following additional conditions:
  1. The garage roof be changed from gable to hip;
  2. That an additional six appropriate trees be planted on the property; and
  3. That the building be lowered by 500mm (which may result in relocating the driveway and access ramp to reduce the gradient).

Due to lack of a Secunder the Amendment **lapsed**.

### **FURTHER AMENDMENT (Evans / Macdonald)**

That Development Application No.529/04 for erection of a new dwelling and detached double garage at No.38A Rignold Street Seaforth be **refused** for the following reasons;

1. The proposal fails to comply with Council's Development Control Plan for the Residential Zone in respect of wall height and setbacks, having regard to Section 79C(1) (a) (iii), (b), (c), (d) and (e) of the Environmental Planning & Assessment Act 1979.
2. The proposal by virtue of it's height, bulk and scale will have an adverse impact on the amenity of adjoining properties and the immediate area, having regard to Section 79C(1) (a) (iii), (b), (c), (d) and (e) of the Environmental Planning & Assessment Act 1979.
3. The extent of excavation is not effectively controlled and will result in adverse impacts on the amenity of adjoining the adjoining property to the south through limitations on the use of land between the proposed dwelling and the boundary, having regard to Section 79C(1) (a) (iii), (b) and (d) of the Environmental Planning & Assessment Act 1979.

4. The proposal will result in the removal of several significant trees on the site with resultant adverse effects of the amenity and character of the area, having regard to Section 79C(1) (a) (iii), (b), (c), (d) and (e) of the Environmental Planning & Assessment Act 1979.
5. The proposal will result in an adverse impact on views from nearby properties to the east.

**For the Amendment:** Councillors Cant, Pedersen, Aird, Evans, Macdonald and Lambert.

**Against the Amendment:** Councillors Hay, Heasman, Murphy and Morrison.

The **Amendment** became the **Motion** and was put and declared **Carried**.

#### **FORESHADOWED AMENDMENT (Morrison / Hay)**

That consideration of Development Application No.529/04 for erection of a new dwelling and detached double garage at No.38A Rignold Street Seaforth be deferred pending redesign of the building to ensure that the building fully complies with Council's Development Control Plan.

**For the Foreshadowed Amendment:** Councillors Hay, Heasman, Murphy and Morrison.

**Against the Foreshadowed Amendment:** Councillors Cant, Pedersen, Aird, Evans, Macdonald and Lambert.

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

#### **RESOLVED: (Evans / Macdonald)**

That Development Application No.529/04 for erection of a new dwelling and detached double garage at No.38A Rignold Street Seaforth be **refused** for the following reasons;

1. The proposal fails to comply with Council's Development Control Plan for the Residential Zone in respect of wall height and setbacks, having regard to Section 79C(1) (a) (iii), (b), (c), (d) and (e) of the Environmental Planning & Assessment Act 1979.
2. The proposal by virtue of its height, bulk and scale will have an adverse impact on the amenity of adjoining properties and the immediate area, having regard to Section 79C(1) (a) (iii), (b), (c), (d) and (e) of the Environmental Planning & Assessment Act 1979.
3. The extent of excavation is not effectively controlled and will result in adverse impacts on the amenity of adjoining the adjoining property to the south through limitations on the use of land between the proposed dwelling and the boundary, having regard to Section 79C(1) (a) (iii), (b) and (d) of the Environmental Planning & Assessment Act 1979.
4. The proposal will result in the removal of several significant trees on the site with resultant adverse effects of the amenity and character of the area, having regard to Section 79C(1) (a) (iii), (b), (c), (d) and (e) of the Environmental Planning & Assessment Act 1979.
5. The proposal will result in an adverse impact on views from nearby properties to the east.

That the **Motion** be **Carried**.

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

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

**Note:** A **Rescission Motion** regarding Development Application No.529/04 No.38A Rignold Street Seaforth, was received prior to closure of the meeting.

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Environmental Services Division Report No. 36 [Agenda Item](#) [Agenda Item](#) [Agenda Item](#)  
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**9 Jenner Street, Seaforth (DA162/05)**

**Application Lodged:** 24/3/2005  
**Applicant:** Matthew Grant Architect  
**Owner:** Mr & Mrs Poole  
**Estimated Cost:** \$500,000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
Within Foreshore Scenic Protection Area  
**Surrounding Development:** Two and three storey detached dwellings  
**Heritage:** Nil.

**SUMMARY:**

1. DA 162/05 FOR ALTERATIONS AND 1<sup>ST</sup> STOREY ADDITIONS WITH AN ELEVATED DRIVEWAY AND PARKING WAS SUBMITTED TO COUNCIL ON 24 MARCH 2005.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING OWNERS IN ACCORDANCE WITH COUNCIL POLICY WITH 5 SUBMISSIONS RECEIVED RAISING CONCERNS OF VIEW LOSS, STREETScape AND DCP NON-COMPLIANCE, AND ONE SUBMISSION OF SUPPORT.
3. THE PROPOSAL WAS REPORTED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 31 MAY 2005 AT WHICH TIME RECOMMENDATIONS WERE MADE FOR REFUSAL BASED UPON GROUNDS OF DCP NON-COMPLIANCE, AND IMPACT ON NEIGHBOURS VIEWS AND THE STREETScape.
4. AT THE TIME OF DAU REVIEW, A SUBMISSION WAS RECEIVED FROM THE ARCHITECT REQUESTING THE OPPORTUNITY TO SUBMIT REVISED PLANS, HENCE DETERMINATION WAS WITHHELD.
5. REVISED PLANS PROVIDED A REDUCTION IN ROOF HEIGHT AND NOTIFICATION OF THE REVISED PLANS RESULTED IN FURTHER SUBMISSIONS RAISING CONCERNS WITH THE PROPOSAL AND INCLUDED A DETAILED VISUAL IMPACT ASSESSMENT PREPARED BY A PLANNING CONSULTANT.
6. A SITE INSPECTION WITH HEIGHT POLES IN PLACE DEPICTING THE LOWERED ROOF PROFILE CONFIRMS THAT THE VIEW IMPACT REMAINS SIGNIFICANT.
7. A SITE INSPECTION IS RECOMMENDED.
8. REFUSAL OF THE DEVELOPMENT APPLICATION IS RECOMMENDED.

**SITE INSPECTION**

A site inspection of 9 Jenner Street, Seaforth (DA162/05) was conducted on Monday, 1 August, 2005 comprising of Councillors Aird, Cant, Evans, Hay, Heasman, Lambert, Macdonald and Murphy.

**Inspection Party Recommendation**

Conditional approval to improve solar access to the adjoining property to the south as follows:

1. The proposed dwelling is to be repositioned 0.76m to the north, to minimise overshadowing impacts on the adjoining property to the south, plans being suitable amended prior to issue of the Construction Certificate.
2. The proposed eave overhang on the southern side of the dwelling is to be deleted with provision for a 150mm maximum width gutter only beyond the face of the southern wall, to minimize overshadowing impacts on the adjoining property to the south, plans being suitable

amended prior to issue of the Construction Certificate.

**MOTION (Macdonald / Heasman)**

1. That consideration of Development Application No.162/05 for alterations and upper level additions to the existing dwelling at 9 Jenner Street, Seaforth, be deferred to consider other roof designs, such as a mono-pitched roof in order to minimise the impact of view loss to Jenner Street;
2. That Council ensure that the three trees on the driveway of the property are relocated; and
3. That Council reconsider the Development Application with revised plans at an appropriate time.

**AMENDMENT (Morrison / Murphy)**

That Development Application No.162/05 for alterations and upper level additions to the existing dwelling at 9 Jenner Street, Seaforth, be approved with standard conditions.

**For the Amendment:** Councillors Hay, Murphy and Morrison.

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

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

**RESOLVED: (Macdonald / Heasman)**

1. That consideration of Development Application No.162/05 for alterations and upper level additions to the existing dwelling at 9 Jenner Street, Seaforth, be **deferred** to consider other roof designs, such as a mono-pitched roof in order to minimise the impact of view loss to Jenner Street;
2. That Council ensure that the three trees on the driveway of the property are relocated; and
3. That Council reconsider the Development Application with revised plans at an appropriate time.

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

**For the Resolution:** Councillors Heasman, Cant, Pedersen, Evans, Macdonald and Lambert.

**Against the Resolution:** Councillors Hay, Murphy, Morrison and Aird.

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Environmental Services Division Report No. 37 [Agenda Item](#) [Agenda Item](#) [Agenda Item](#)  
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**10 Salisbury Street, Seaforth (DA196/05)**

**Application Lodged:** 18.4.2005

**Applicant:** Sandberg Schoffel Architects

**Owner:** Mr S & Mrs K Weller

**Estimated Cost:** \$750 000

**Zoning:** Manly Local Environmental Plan, 1988 - Residential

**Surrounding Development:** Single and two storey detached dwellings



**Heritage:** n/a

**SUMMARY:**

1. AN APPLICATION IS MADE FOR DEMOLITION OF AN EXISTING DWELLING AND GARAGE AND ERECTION OF A NEW DWELLING, SWIMMING POOL AND POOL HOUSE.
2. THE APPLICATION WAS NOTIFIED IN ACCORDANCE WITH COUNCILS NOTIFICATION DCP AND TWO (2) SUBMISSIONS WERE RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE LOCAL COMMUNITY PRECINCT FORUM WITH COMMENT RECEIVED.
4. THE APPLICATION IS ASSESSED PURSUANT TO SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 INCLUDING COUNCIL'S RELEVANT PLANS AND POLICIES.
5. THE APPLICATION WAS REPORTED TO THE DEVELOPMENT ASSESSMENT UNIT ON 14.7.05 AT WHICH TIME THE APPLICATION WAS RECOMMENDED FOR APPROVAL WITH CONDITIONS.
6. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND-USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR MORRISON.
7. A SITE INSPECTION IS RECOMMENDED.
8. APPROVAL OF THE APPLICATION IS RECOMMENDED.

**SITE INSPECTION**

A site inspection of 10 Salisbury Street, Seaforth (DA196/05) was conducted on Monday, 1 August, 2005 comprising of Councillors Aird, Cant, Evans, Hay, Heasman, Lambert, Macdonald and Murphy.

**Inspection Party Recommendation**

No Recommendation.

**MOTION (Morrison / Heasman)**

That Development Application No.196/05 at 10 Salisbury Square, Seaforth, for demolition of the existing dwelling and detached garage and erection of a new two storey dwelling with basement garage and rear yard swimming pool and pool house be approved subject to the following conditions;

1. The proposed dwelling is to be repositioned to achieve a 0.9m setback from the northern boundary, to minimise overshadowing impacts on the adjoining property to the south, plans being suitable amended prior to issue of the Construction Certificate.
2. The proposed eave overhang on the southern side of the dwelling is to be deleted with provision for a 150mm maximum width gutter only beyond the face of the southern wall, to minimize overshadowing impacts on the adjoining property to the south, plans being suitable amended prior to issue of the Construction Certificate.
3. This approval relates to drawings/plans Nos. 0408 DA01-09 dated 12 April 2005 and LP01 and LP02 issue A dated 4 February 2005, received 18 April 2005 and as modified by DA02B-04B dated 10, 19 and 19 July 2005 respectively received 19 July 2005.
4. Submission of amended Landscape Plans showing;  
  
retention and protection of the following trees onsite:

- *Corymbia citriodora* T2 located in the south side of the front yard.
- *Glochidion ferdinandii* located in the front yard on the northern side of the drive way.
- *Ficus rubiginosa* tree located at the rear northern boundary. Alternatively the tree could be transplanted under the supervision of a qualified arborist, with the appropriate preparation work to ensure the trees survival a \$10,000 bond would be required until such times as re establishment of the tree is confirmed by a qualified arborist.
- Brush box tree located at the rear boundary. The retention of the tree is to be accompanied by amended plans repositioning the proposed pool house accordingly. Fungal fruiting bodies located on the main trunk will need to have there pathology identified as a negative parasitic species before any proposal for removal would be alternatively approved, prior to the issuing of a construction certificate, and planter beds along side boundaries having a minimum internal width of 1m.

Plans are to be submitted to Council/Accredited Certifier prior to issue of the Construction Certificate. Note: Permit issued 6/4/05 for the removal of the *Eucalyptus nichiolii* located north of T2 in the front of the property

5. The proposed external stair from the first floor level terrace to the rear yard is to be repositioned such that it does not extend beyond the eastern edge of the terrace, to reduce privacy impacts and minimize visual bulk of the development, plans being suitably amended prior to issue of the **Construction Certificate**.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site**.

DA18

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

DA19

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

DA009

The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with the current Policy of Council. All works shall be carried out prior to the issue of Occupation Certificate.

DA010

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

DA011

The existing surplus vehicular crossing and/or kerb layback shall be removed and the kerb and nature strip reinstated prior to issue of the Occupation Certificate.

DA012

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

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of

the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$7,500. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site. Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.

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

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

#### DA017

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

#### DA342

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

#### DA343

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

#### DA230

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

#### DA87

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

#### DA88

A system of onsite stormwater detention shall be provided within the property in accordance with Council's "Specification for on-site stormwater management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

#### DA100

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

## DA104

A positive covenant is an encumbrance to be registered on the title of your land. It imposes an obligation upon you and subsequent owners to comply with the obligations imposed by the covenant. Where onsite detention works and/or pump system are to be installed pursuant to a development or building condition, Council will require a specifically worded covenant to be registered on the relevant title. The standard wording of the positive covenant can be obtained in sections A8 and A9 of the "Specification for on-site stormwater management 2003".

The document can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

## DA108

The basement carparking level is to be adequately protected from flooding. Details are to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

## DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

## DA261

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

## DA21

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.

## DA22

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.

## DA24

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm.

**Note:** The sign is not required if the building on the site is to remain occupied during the course of the building works.

## DA26

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.

## DA31

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.

## DA37

Four (4) certified copies of the Structural Engineer's details in respect to the structural details of the proposed building shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

## DA40

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.

## DA44

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.

## DA47

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

## DA48

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

## DA58

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.

## DA357

Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate.**

## DA65

All external cladding and trim of the approved building shall be of a non reflective nature. Details of such finishes shall be **submitted with the Construction Certificate Application.**

## DA69

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

## DA109

All demolition is to be carried out in accordance with AS2601-1991.

## DA111

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

## DA121

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

## DA126

An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.

## DA253

All lights used to illuminate the exterior of the buildings or site shall be positioned and/or fitted with cut off luminaries (baffles) so as to prevent the emission of direct light onto adjoining roadways and land.

## DA255

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.

## DA264

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.

## DA271

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

## DA272

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:
  - tie down and bracing details
  - wet areas waterproofing certificate
  - structural engineers inspection certificate
  - survey certificate
  - floor/finished ridge level certificate
  - hydraulic consultants certificate

## DA279

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

## DA335

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

## DA336

Drains, gutters, roadways and access ways shall be maintained free of sediment and to the

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

**DA337**

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

**DA340**

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

The measures must include:-

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

**DA289**

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

**Note:** That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

**DA300**

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

**DA301**

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

**DA302**

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

**DA303**

The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which:

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

**DA318**

There is to be no noise emitted from any process carried on within the premises that will register more than 5 decibels above the background noise at any point more than 3m outside the premises. In this regard the applicant's attention is drawn to the mechanical ventilation system.

## DA236

Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application as varied by conditions of this 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.

## DA237

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

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

## DA239

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

## DA240

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

## DA243

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 \$ 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.

## DA245

All trees on the site clear of the building are to be retained and those trees within 7.5m of the building are to be provided with a tree guard and a notice on each guard reading: **This tree is the subject of a Tree Preservation Order by Manly Council.** This notice is to be in position prior to any work being commenced on the site.

## DA247

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

## DA346

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

## DA348

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

## DA270

The works require the following inspection/certification during the course of construction:



Silt control fences  
Footing inspection - trench and steel  
Reinforced concrete slab  
Framework inspection  
Wet area moisture barrier  
Drainage inspection  
Driveway crossing/kerb layback  
Landscaping inspection  
Swimming pool reinforcing steel inspection  
Swimming pool safety fence inspection  
Final inspection

The cost of these inspections by Council is \$ 2,240 (being \$220 per inspection inclusive of GST). Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587. At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$100.

DA339

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

DA306

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

DA320

**Prior to issue of the Occupation Certificate**, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

DA323

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

#### **AMENDMENT (Macdonald / Evans)**

That consideration of the Development Application No.196/05 at 10 Salisbury Square, Seaforth, for demolition of the existing dwelling and detached garage and erection of a new two storey dwelling with basement garage and rear yard swimming pool and pool house be deferred to address issues of overshadowing. Specifically, that conditions for approval regarding moving the building to the north to a maximum of 0.9m to maximum relief for overshadowing be addressed.

The **Amendment** was **withdrawn**.

#### **RESOLVED: (Morrison / Heasman)**

That Development Application No.196/05 at 10 Salisbury Square, Seaforth, for demolition of the existing dwelling and detached garage and erection of a new two storey dwelling with basement garage and rear yard swimming pool and pool house be **approved** subject to the following conditions;

1. The proposed dwelling is to be repositioned to achieve a 0.9m setback from the northern boundary, to minimise overshadowing impacts on the adjoining property to the south, plans being suitable amended prior to issue of the Construction Certificate.
2. The proposed eave overhang on the southern side of the dwelling is to be deleted with provision for a 150mm maximum width gutter only beyond the face of the southern wall, to minimize overshadowing impacts on the adjoining property to the south, plans being suitable amended prior to issue of the Construction Certificate.
3. This approval relates to drawings/plans Nos. 0408 DA01-09 dated 12 April 2005 and LP01 and LP02 issue A dated 4 February 2005, received 18 April 2005 and as modified by DA02B-04B dated 10, 19 and 19 July 2005 respectively received 19 July 2005.
4. Submission of amended Landscape Plans showing;

retention and protection of the following trees onsite:

- *Corymbia citriodora* T2 located in the south side of the front yard.
- *Glochidion ferdinandii* located in the front yard on the northern side of the drive way.
- *Ficus rubiginosa* tree located at the rear northern boundary. Alternatively the tree could be transplanted under the supervision of a qualified arborist, with the appropriate preparation work to ensure the trees survival a \$10,000 bond would be required until such times as re establishment of the tree is confirmed by a qualified arborist.
- Brush box tree located at the rear boundary. The retention of the tree is to be accompanied by amended plans repositioning the proposed pool house accordingly. Fungal fruiting bodies located on the main trunk will need to have there pathology identified as a negative parasitic species before any proposal for removal would be alternatively approved, prior to the issuing of a construction certificate, and planter beds along side boundaries having a minimum internal width of 1m.

Plans are to be submitted to Council/Accredited Certifier prior to issue of the Construction Certificate. Note: Permit issued 6/4/05 for the removal of the *Eucalyptus nicholii* located north of T2 in the front of the property

5. The proposed external stair from the first floor level terrace to the rear yard is to be repositioned such that it does not extend beyond the eastern edge of the terrace, to reduce privacy impacts and minimize visual bulk of the development, plans being suitably amended prior to issue of the **Construction Certificate**.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site**.

DA18

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

DA19

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

DA009

The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with the current Policy of Council. All works shall be carried out prior to the issue of Occupation Certificate.

## DA010

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

## DA011

The existing surplus vehicular crossing and/or kerb layback shall be removed and the kerb and nature strip reinstated prior to issue of the Occupation Certificate.

## DA012

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

## DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$7,500. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site. Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.

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

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

## DA017

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

## DA342

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

## DA343

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

## DA230

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

## DA87

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

Certificate.

#### DA88

A system of onsite stormwater detention shall be provided within the property in accordance with Council's "Specification for on-site stormwater management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

#### DA100

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

#### DA104

A positive covenant is an encumbrance to be registered on the title of your land. It imposes an obligation upon you and subsequent owners to comply with the obligations imposed by the covenant. Where onsite detention works and/or pump system are to be installed pursuant to a development or building condition, Council will require a specifically worded covenant to be registered on the relevant title. The standard wording of the positive covenant can be obtained in sections A8 and A9 of the "Specification for on-site stormwater management 2003".

The document can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

#### DA108

The basement carparking level is to be adequately protected from flooding. Details are to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

#### DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

#### DA261

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

#### DA21

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.

#### DA22

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.

#### DA24

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm.

**Note:** The sign is not required if the building on the site is to remain occupied during the course of the building works.

#### DA26

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.

#### DA31

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.

#### DA37

Four (4) certified copies of the Structural Engineer's details in respect to the structural details of the proposed building shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

#### DA40

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.

#### DA44

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.

#### DA47

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

#### DA48

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

#### DA58

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.

#### DA357

Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate.**

## DA65

All external cladding and trim of the approved building shall be of a non reflective nature. Details of such finishes shall be **submitted with the Construction Certificate Application**.

## DA69

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

## DA109

All demolition is to be carried out in accordance with AS2601-1991.

## DA111

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

## DA121

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

## DA126

An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.

## DA253

All lights used to illuminate the exterior of the buildings or site shall be positioned and/or fitted with cut off luminaries (baffles) so as to prevent the emission of direct light onto adjoining roadways and land.

## DA255

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.

## DA264

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.

## DA271

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

## DA272

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:
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**Note:** That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

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Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application as varied by conditions of this 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.

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

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

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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.

## DA243

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 \$ 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.

## DA245

All trees on the site clear of the building are to be retained and those trees within 7.5m of the building are to be provided with a tree guard and a notice on each guard reading: **This tree is the subject of a Tree Preservation Order by Manly Council.** This notice is to be in position prior to any work being commenced on the site.

## DA247

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

## DA346



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

**DA348**

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

**DA270**

The works require the following inspection/certification during the course of construction:

- Silt control fences
- Footing inspection - trench and steel
- Reinforced concrete slab
- Framework inspection
- Wet area moisture barrier
- Drainage inspection
- Driveway crossing/kerb layback
- Landscaping inspection
- Swimming pool reinforcing steel inspection
- Swimming pool safety fence inspection
- Final inspection

The cost of these inspections by Council is \$ 2,240 (being \$220 per inspection inclusive of GST). Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587. At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$100.

**DA339**

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

**DA306**

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

**DA320**

**Prior to issue of the Occupation Certificate**, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

**DA323**

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

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

*Councillor Aird was not in the Chamber when the Motion was put.*

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**68 Bower Street, Manly (DA556/03)**

**Application Lodged:** 9 May 2005  
**Applicant:** Wayne Gardner  
**Owner:** Wayne Gardner  
**Estimated Cost:** N/A for S.96 modification of consent  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
**Surrounding Development:** 2 and 3 storey detached dwelling houses and multi-unit buildings.  
**Heritage:** No.  
**Foreshore Scenic Protection** Yes

**SUMMARY:**

1. 17 MARCH 2003 – DEVELOPMENT APPLICATION FOR ALTERATIONS AND UPPER LEVEL ADDITIONS SUBMITTED TO COUNCIL.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE SUBMISSIONS OF OBJECTION AND ONE SUBMISSION OF SUPPORT RECEIVED. CONCERNS RAISED WERE DCP NON-COMPLIANCE AND AMENITY IMPACTS INCLUDING VIEWS, PRIVACY, STREETScape AND FORESHORE VISUAL IMPACT.
3. 4 MARCH 2004 - THE PROPOSAL WAS RECOMMENDED FOR APPROVAL TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT SUBJECT TO A DEFERRED COMMENCEMENT CONSENT CONDITION, REQUIRING AMENDED PLANS SHOWING THE WESTERN SIDE SETBACK OF THE ADDITIONS INCREASED TO 3.2M (AN INCREASE OF 2M FROM 1.2M AS PROPOSED).
4. 11 MARCH 2004 – DEFERRED COMMENCEMENT CONSENT ISSUED AS PER RECOMMENDATIONS MADE TO THE DAU.
5. 16 JULY 2004 – CONSENT ISSUED FOLLOWING RECEIPT OF AMENDED PLANS SATISFYING CONDITION OF DEFERRED COMMENCEMENT CONSENT.
6. 9 MAY 2005 – S.96 APPLICATION FOR MODIFICATION OF CONSENT SUBMITTED TO COUNCIL TO EXTEND THE FIRST FLOOR IN BOTH NORTHERLY AND WESTERLY DIRECTIONS.
7. THE S.96 APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION WAS RECEIVED RAISING PREVIOUSLY STATED CONCERNS OF DCP NON-COMPLIANCE, VISUAL BULK, INCREASED HEIGHT, VIEW IMPACT AND OVERLOOKING.
8. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR...
9. A SITE INSPECTION IS RECOMMENDED.
10. REFUSAL OF THE APPLICATION IS RECOMMENDED.

**SITE INSPECTION**

A site inspection of 68 Bower Street, Manly (DA556/03) was conducted on Monday, 1 August, 2005 comprising of Councillors Aird, Cant, Evans, Hay, Heasman, Lambert, Macdonald and Murphy.

**Inspection Party Recommendation**

No Recommendation.

**MOTION (Hay / Murphy)**

That the Section 96 application to modify Development Consent No. 556/03 for alterations and Additions at No.68 Bower Street Manly be approved due to the flat roof design; palm trees to screen the property from the southern neighbours; and proposed minimal disruption to ocean views of neighbours.

**AMENDMENT (Evans / Aird)**

That the application to modify Development Consent No. 556/03 for alterations and Additions at No.68 Bower Street Manly be refused for the following reasons;

1. The proposed additional built form will result in adverse impacts on the amenity of adjoining properties in terms of view loss and excessive visual bulk and scale of the building, having regard to Section 79C(1) (a) (iii), (b), (d) and (e) of the Environmental Planning and Assessment Act 1979.
2. The proposal fails to comply with the floor space, height and side setback requirements of Council's Development Control Plan for the Residential Zone, having regard to Section 79C(1) (a) (iii), (b), (c), (d) and (e) of the Environmental Planning & Assessment Act 1979.
3. The proposal has not had appropriate regard to the submissions received, Section 79C(1) (d) of the Environmental Planning & Assessment Act 1979 refers.
4. The proposal is contrary to the public interest, having regard to Section 79C(1) (e) of the Environmental Planning & Assessment Act 1979.

**For the Amendment:** Councillors Aird and Evans.

**Against the Amendment:** Councillors Hay, Heasman, Cant, Murphy, Morrison, Pedersen, Macdonald and Lambert.

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

**RESOLVED: (Hay / Murphy)**

That the Section 96 application to modify Development Consent No. 556/03 for alterations and Additions at No.68 Bower Street Manly be **approved** due to the flat roof design; palm trees to screen the property from the southern neighbours; and proposed minimal disruption to ocean views of neighbours.

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

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

**Against the Resolution:** Councillors Aird and Evans.

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Environmental Services Division Report No. 39

**Development Applications Being Processed During August, 2005**

**SUMMARY**

Development Applications Currently Being Processed During August, 2005.

**MOTION (Macdonald / Pedersen)**

That the information be noted.

**RESOLVED: (Macdonald / Pedersen)**

That the information be noted.

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

**Against the Resolution:** Nil.

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Environmental Services Division Report No. 40

**Appeals List for August 2005**

**SUMMARY**

List of appeals received and their current status for councillors information.

**MOTION (Macdonald / Heasman)**

That the information be noted.

**RESOLVED: (Macdonald / Heasman)**

That the information be noted.

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

**Against the Resolution:** Nil.

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Environmental Services Division Report No. 41

**Local Government Association of New South Wales - Annual Conference 2005**

**SUMMARY**

1. Advice from the Local Government Association of New South Wales has been received regarding the arrangements for the Association's Annual Conference to be held from 22 to 26 October 2005, in Mudgee.
2. The purpose of this report is to seek nominations for delegates and observers to attend the Conference, and to call for Motions to be submitted on behalf of Council to the Conference.

**MOTION (Macdonald / Heasman)**

1. That Council be represented at the Local Government Association of New South Wales 2005 Annual Conference in Mudgee from 22 to 26 October 2005 and that Council meet the registration, accommodation and associated costs for each attendee.
2. That Council nominate Councillors Evans, Aird and Cant to attend the Conference.
3. That Council note that Motions to be submitted to the Conference must be received by the Local Government Association of New South Wales by **5pm Friday 19 August 2005**.
4. That Councillors wishing to submit Motions to the Conference submit the details in writing to the General Manager by **5pm Wednesday 3 August 2005**.
5. That a further report be presented to the Ordinary Meeting of Council to be held on 15 August 2005, outlining the proposed Motions to be submitted to the Local Government Association of New South Wales.

**RESOLVED: (Macdonald / Heasman)**

1. That Council be represented at the Local Government Association of New South Wales 2005 Annual Conference in Mudgee from 22 to 26 October 2005 and that Council meet the registration, accommodation and associated costs for each attendee.
2. That Council nominate Councillors Evans, Aird and Cant to attend the Conference.
3. That Council note that Motions to be submitted to the Conference must be received by the Local Government Association of New South Wales by **5pm Friday 19 August 2005**.
4. That Councillors wishing to submit Motions to the Conference submit the details in writing to the General Manager by **5pm Wednesday 3 August 2005**.
5. That a further report be presented to the Ordinary Meeting of Council to be held on 15 August 2005, outlining the proposed Motions to be submitted to the Local Government Association of New South Wales.

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

**Against the Resolution:** Nil.

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**CLOSE**

The meeting closed at [11.33pm](#).

The above minutes were confirmed at a **Land Use Management Committee** of Manly Council held on [5 September 2005](#).

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**CHAIRPERSON**

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