

Minutes

Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 4 July 2005

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www.manly.nsw.gov.au*



TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Land Use Management Committee, having met at 7.48pm on Monday 4 July 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 J Hay, AM
Councillor A Heasman
Councillor J Lambert, Chairperson who presided
Councillor D Murphy
Councillor M Norek
Councillor B Pedersen

ALSO PRESENT

Henry T Wong, General Manager
Jim Hunter, Director Corporate Planning & Strategy
David Stray, Manager Development Control
Ian Ellis-Jones, Council's Independent Counsel
Eric Armstrong, Council's Independent Litigation Planner
Melinda Aitkenhead, Minute Taker
Rachael Levey, Minute Taker

APOLOGIES

Apologies were tendered on behalf of Councillor Daley and Councillor Evans, for non-attendance.

RESOLVED: (Hay/Heasman)

That the apologies received from Councillor Daley and Councillor Evans, be accepted and leave be granted.

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

Against the Resolution: Nil.

LEAVE OF ABSENCE

Nil.

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

Name:	Item Number:	Nature of Interest:
His Worship, The Mayor, Councillor Dr Peter Macdonald	ESD Report 31, 87-95 Balgowlah Rd (Manly Golf Club)	Member of the Manly Golf Club

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

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 6 June 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, Lambert, Cant, Murphy, Morrison, Pedersen, Aird, Norek and Macdonald.

Against the Resolution: Nil.

PUBLIC ADDRESSES

ITEM	PROPERTY DETAILS/PUBLIC SPEAKERS
ESD No. 31	87 – 95 Balgowlah Road, Balgowlah (Manly Golf Club)
Objector	Mr Tony Sattler – Sattler & Associates
On behalf of Applicant	Mr Robert Smith – Manly Golf Club Director

SITE INSPECTIONS

Nil.

ENVIRONMENTAL SERVICES DIVISION REPORTS

The Mayor vacated the chamber having previously declared a conflict of interest in this item.

Environmental Services Division Report No. 31

**87-95 Balgowlah Road, Manly
Manly Golf Club (DA401/04)**

<u>Application Lodged:</u>	18 August 2004
<u>Applicant/ Owner:</u>	Manly Golf Club Ltd
<u>Estimated Cost:</u>	\$8,250,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential.
<u>Surrounding Development:</u>	Residential flat buildings and dwellings. The site is also opposite the Manly Golf Club
<u>Heritage:</u>	The site is opposite the Manly Golf Club which is listed, and is in vicinity of street tree planting in Balgowlah Road the site is also opposite the Manly Cemetery

SUMMARY:

1. THIS IS AN APPLICATION TO CONSTRUCT A TWO STOREY RESIDENTIAL FLAT BUILDING CONTAINING 14 THREE-BEDROOM UNITS AND 2 TWO-BEDROOM UNITS WITH BASEMENT AND ON SITE CAR PARKING FOR 32 CARS INCLUDING 4 VISITOR SPACES, AS WELL AS A BASEMENT CAR PARK ASSOCIATED WITH THE MANLY GOLF CLUB, WITH PROVISION FOR 129 CAR SPACES
2. THE APPLICATION WAS ADVERTISED AND SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS ADVERTISED AND 16 LETTERS OF OBJECTIONS RECEIVED.
4. THE APPLICATION WAS CONSIDERED BY THE IVANHOE PARK PRECINCT AND OBJECTIONS MADE.
5. THE APPLICATION WAS CONSIDERED BY THE DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 1ST MARCH AND RECOMMENDED FOR APPROVAL.
6. THE MATTER IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR MACDONALD.
7. THE APPLICATION WAS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT MEETING OF 7 MARCH 2005 WHERE THE MATTER WAS DEFERRED PENDING FURTHER INFORMATION.
6. APPROVAL OF THE APPLICATION IS RECOMMENDED.

MOTION: (Hay/Heasman)

That development application 401/04 for construction of a two storey residential flat development containing 16 units with basement and on-site car parking for 32 vehicles as well as a basement car park associated with the Manly golf club, with provision for 129 spaces at 87 to 95 Balgowlah Road. Manly be approved subject to the following conditions.

1. This approval relates to Plans/Drawings DA01-08 dated July 2004 and Landscape Plan CD035702 Revision A dated 9 February, 2004 and received by Council 18 August, 2004.
2. Access in accordance with AS1428.2 shall be provided to and within the main entrance and exit points of the development in accordance with the Manly Development Control Plan for Access.
3. A minimum of one car space for the vehicles of people with disabilities in all new or refurbished buildings which provide between 10 and 50 car parking spaces, 2 for those which provide between 50 and 100 car spaces.

The car spaces shall be identified and reserved at all times and be in the vicinity of lift or as close as possible to public areas and facilities. The car spaces shall have minimum dimensions and headroom to conform to Australian Standard AS/NZS 2890.1:2004. A notice shall be displayed at the entrance to the parking station and at each change in direction indicating the location of car spaces and the maximum headroom for vehicles. Details shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

4. The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out **prior to the issue of the Construction Certificate.**
5. The construction of a kerb layback is required. The design and construction shall be in accordance with Council's "Specification for Construction of Vehicular Crossings". The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specification. The work shall be inspected and approved by Council officers. All works shall be carried out prior to the issue of the Occupation Certificate.
6. 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.**
7. A long section of the driveways shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.
8. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$50,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.
Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, **at least 7 days prior to the commencement of any work on site.**
9. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
10. The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.
11. 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.
12. 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.**
13. 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.**
14. 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.

15. 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.
16. No person shall use or occupy the building or alteration which is the subject of this approval without the **prior issue of an Occupation Certificate**.
17. 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.

18. 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.
19. No portion of the proposed building is to encroach onto a Public Road or Reserve, except as may be permitted by the Local Government Act 1993.
20. 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.
21. 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**.
22. 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**.
23. 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.
24. 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.
25. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
26. The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

27. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
28. In a Class 2 building containing more than 10 sole occupancy units, a closet pan and wash basin in a compartment or room at or near ground level for the use of employees must be provided in accordance with F2.1 of the Building Code of Australia. Details shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate.**
29. 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.
30. A Registered Surveyor's certificate identifying the location of the building on the site is to be submitted to the Principal Certifying Authority immediately upon completion of the foundations and prior to work proceeding above dampcourse level.
31. 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.**
32. Four (4) sets of Architectural and Services Specifications are to be submitted with the Construction Certificate application.
33. 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.**
34. Suitable internal or external clothes drying facilities shall be provided. Where external clothes drying facilities are provided, details of the screening of these facilities are to be incorporated in the landscape design. Details of clothes drying facilities shall be **submitted with the Construction Certificate Application.**
35. 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.
36. The visitor car spaces shall be accessible at all times and a sign post shall be erected at the vehicular entry point(s) of the development indicating the location of the spaces.
37. An approved water interceptor shall be provided across the driveway at the street boundary and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.
38. The use at all times shall be conducted so that no odours or other air impurities are detectable beyond the boundaries of the premises.
39. Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.
40. Care shall be taken to prevent any damage to adjoining buildings.
41. 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.

42. The building being erected in Type B construction for a Class 2 & 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.
43. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
44. Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority **prior to issue of the Final Occupation Certificate.**
45. Excavation adjacent to the road boundary shall be adequately shored to support the roadway and all improvements and services within the road reserve. Protective fencing shall be provided to ensure the safety of the public.
46. 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.
47. 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.
48. The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.
49. No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.
50. Details shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate** indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is being provided.
51. 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 \$10,000 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.**
52. Landscaping being provided in accordance with the approved Landscaping Plan and maintained in accordance with that plan at all times.
53. 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.
54. 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.

55. 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.
56. Glare from internal lighting shall not be permitted to extend beyond the limits of the building authorised by this approval.
57. The carpark levels are to be provided with a system of mechanical ventilation in accordance with AS 1668.2 with details being submitted to the Principal Certifying Authority for approval **prior to issue of the Construction Certificate.**
58. **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.**
59. **Prior to the issue of the Construction Certificate**, the applicant shall submit details of protective hoardings, fences, and lighting which are to be provided during demolition, excavation and building works in accordance with the requirements of the Department of Industrial Relations, Construction Safety Act and the WorkCover Authority.
- Note: On corner properties, particular attention is to be given to the provision of adequate sight distances.
60. 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.
61. 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.
62. Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.
63. The applicant shall consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should an electrical enclosure be required, the location and dimensions of this structure are to be detailed prior to the issue of a Construction Certificate. In the event of Energy Australia requiring a sub-station, the applicant shall consult with Council or its delegate with a view to dedication of the land for the sub-station as public roadway.
64. A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier **prior to any building works being carried out on site.**
65. An Occupation Certificate is to be issued by the Principal Certifying Authority **prior to occupation of the development.**

66. 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:
 - roof trusses details
 - tie down and bracing details
 - termite protection notice
 - wet areas waterproofing certificate
 - reinforcement concrete and structural members details
 - structural engineers inspection certificate
 - survey certificate
 - floor/finished ridge level certificate
 - hydraulic consultants certificate
 - mechanical ventilation engineer's certificate
67. Payment of contributions in accordance with Section 94 of the Environmental Planning & 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 prior to issue of the Construction Certificate.
68. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.**
- Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator** since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development.
69. 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.
70. 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.
71. Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority **prior to the commencement of framework.**
72. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
73. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

74. 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.
75. 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.
76. 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.
77. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
78. 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.
79. 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.
80. All electrical and telecommunication services to the site are to be provided by underground cabling, with the plans notated **prior to the issue of the Construction Certificate**.
 81. Details shall be submitted to the Principal Certifying Authority indicating the method of sound proofing all roof terraces, decks and balconies **prior to issue of the Construction Certificate**.
 82. No blasting is to be carried out at any time during construction of the building.
 83. 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.
 84. The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.
 85. 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.
 86. 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.

87. 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.
88. Tree planting and landscaping is to be complimentary the new buildings is to be sympathetic to the heritage listed Golf Club House.
89. If during the course of excavation relics are found, works are to stop and an excavation permit must be obtained from the NSW Heritage Council, in accordance with the relics provisions of the Heritage Act, 1977. A copy of this permit and archaeologists report is to be submitted to Council.
90. That a report be submitted to demonstrate that Manly Golf Course has adequate disabled parking spaces and facilities.
91. That a long section of the proposed ramp from the 'Lower 82 Club Carparking level to the 'Upper B2 Club Carparking level be submitted at a scale of 1:100 to demonstrate adequate ground clearance for vehicles.
92. That the applicant demonstrate that a minimum clearance of 2.2m, clear of any services is provided in the carparks and that this clearance is maintained along the ramps. In addition, that Council be provided with information on measures to manage clearance at the entrances to the carparks.
93. That the levels for the Harland Street vehicular access and driveway to the residential carpark be provided in long section at a scale of 1:20 from the centre of the road pavement to the level section of the carpark.
94. That lighting be provided for the carparks in accordance with Australian Standard AS 1680.2.1- 1993: Interior lighting - Circulation spaces and other general areas.
95. Removal of the two redundant laybacks and driveways in Balgowlah Road.
96. Construction of one new concrete driveway, in Balgowlah Road, of minimum 6.0m width at a distance no further than 3.2m from the western side boundary of the site.
97. 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 form Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council.
98. On completion of the drainage works the applicant is required to submit work as executed drawings of the on site stormwater detention system. The work as executed drawings shall be certified by a Chartered Professional Engineer and submitted to Council prior to the Occupation Certificate is issued.
99. A positive covenant and the restriction on the use of land shall be imposed over the area of land affected by on site stormwater absorption! detention system. The standard wording of the positive covenant shall be obtained from Council's "Specification for on-site Stormwater Management 2003" (Appendix A).The positive covenant shall be imposed prior to the release of the Trust Fund Deposit.
100. The construction of a vehicular footpath crossings and kerb layback is required. The design

and construction shall be in accordance with Council's "Specification for Construction of Vehicular Crossings". The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specification. The work shall be inspected and approved by Council officers. All works shall be carried out prior to issue of the Occupation Certificate.

101. A 1.2 metre wide concrete footpath shall be constructed along the entire frontage of the property at Harland Street. The full cost to be borne by the applicant.
102. The existing levels of the road *reserve* shall be maintained.
103. If dewatering is required the *applicant* shall submit a dewatering plan to control the quality and quantity of the water discharged from the proposed development. The dewatering plan shall be approved by council prior the issue of the Construction Certificate.

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 a 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 Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.
 - g) Weekly monitoring of electrical conductivity shall be undertaken by the developer and forward to Manly Council. If electrical conductivity readings elevate above that from when dewatering first commenced council reserves the right to order a cessation of dewatering until groundwater has replenished.
104. The temporary carpark referred to in correspondence is being on the practice area accessed off Balgowlah Road is to be constructed and operational prior to any works taking place on site. The practice area is to be reinstated prior to the issue of an Occupation Certificate.
 105. The removal of the existing rollover kerb and gutter and its reinstatement with integral kerb and gutter, and any associated works along the full length of the Harland Street frontage. These works shall be carried out prior to the issue of the Occupation Certificate by a licensed construction contractor at the applicants expense and shall be in accordance with Council's Specification for Civil and Infrastructure Works.
 106. The reconstruction of the existing kerb and gutter and any associated works along the full

length of the Balgowlah Road frontage. These works shall be carried out prior to the issue of the Occupation Certificate by a licensed construction contractor at the applicants expense and shall be in accordance with Council's Specification for Civil and Infrastructure Works.

107. The applicant is to undertake an analysis of groundwater seepage prior to construction for the below parameters. In addition periodic samples are to be undertaken during dewatering to ascertain any variation of water quality. In total there should be 1 sample prior to and 3 samples during pumping at 15 minute intervals.

- pH
- Electrical conductivity
- Dissolved oxygen
- Turbidity
- E. Coli
- Iron
- Total Nitrogen

All analysis is to be sampled and analysed by certified professionals. Results of all samples are to be forwarded to Council's Water Cycle Management Officer.

108. The applicant is to submit a report from a suitably qualified engineer, detailing the estimated flow to be extracted:

- L /sec and
- Total volume during the construction period

The report is to be submitted to Council's Water Cycle Management Officer for review prior to the issues of a Construction Certificate.

109. The applicant is to submit a report detailing:

- The end use discharge point with a focus on groundwater as a resource
- The discharge pathway with a focus on groundwater as a resource

The report is to be submitted to Council's Water Cycle Management Officer for review prior to issue of the Construction Certificate.

110. Provision of a sign that indicates when the carpark is full and the sign is to be visible from the roadway, details being submitted to council prior to issue of the Construction Certificate.

111. That the car park be secured not later than 1am, visitors and patrons being able to leave their vehicles in the secure car park overnight if they are unable to drive.

112. That subject to appropriate water quality that any excess ground water be diverted to the main part of the golf course to be used to water the greens on the course.

113. That excavation be carried out using minimal vibration techniques such as saw cutting to minimise potential impact on adjoining properties, details being submitted to Council for review prior to issuing of Construction Certificate.

114. Prior to the issuing of a Construction Certificate the applicant shall lodge a separate \$200,000 bond in cash or by way of non-terminating Bank Guarantee issued by an Australian Bank. This Bond shall be administered by Council for the purpose of remediating any damages caused to adjoining property(ies) by the proposed works, only if the applicant and owners of affected property(ies) could not agree on the extent or quantum of such damage.

115. That prior to the granting of a Construction Certificate that the applicant shall submit for Council's approval the proposed route for construction traffic and that this plan not allow construction vehicles on adjoining roads prior to 7am.

Amendment: (Cant)

That development application 401/04 for construction of a two storey residential flat development containing 16 units with basement and on-site car parking for 32 vehicles as well as a basement car park associated with the Manly golf club, with provision for 129 spaces at 87 to 95 Balgowlah Road. Manly be approved subject to the following conditions.

1. This approval relates to Plans/Drawings DA01-08 dated July 2004 and Landscape Plan CD035702 Revision A dated 9 February, 2004 and received by Council 18 August, 2004.
2. Access in accordance with AS1428.2 shall be provided to and within the main entrance and exit points of the development in accordance with the Manly Development Control Plan for Access.
3. A minimum of one car space for the vehicles of people with disabilities in all new or refurbished buildings which provide between 10 and 50 car parking spaces, 2 for those which provide between 50 and 100 car spaces.

The car spaces shall be identified and reserved at all times and be in the vicinity of lift or as close as possible to public areas and facilities. The car spaces shall have minimum dimensions and headroom to conform to Australian Standard AS/NZS 2890.1:2004. A notice shall be displayed at the entrance to the parking station and at each change in direction indicating the location of car spaces and the maximum headroom for vehicles. Details shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

4. The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out **prior to the issue of the Construction Certificate.**
5. The construction of a kerb layback is required. The design and construction shall be in accordance with Council's "Specification for Construction of Vehicular Crossings". The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specification. The work shall be inspected and approved by Council officers. All works shall be carried out prior to the issue of the Occupation Certificate.
6. 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.**
7. A long section of the driveways shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.
8. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$50,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

9. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
10. The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.
11. 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.
12. 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**.
13. 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**.
14. 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.
15. 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.
16. No person shall use or occupy the building or alteration which is the subject of this approval without the **prior issue of an Occupation Certificate**.
17. 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.
18. 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.
19. No portion of the proposed building is to encroach onto a Public Road or Reserve, except as may be permitted by the Local Government Act 1993.
20. 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.
21. 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**.

22. 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.**
23. 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.
24. 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.
25. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
26. The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
27. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
28. In a Class 2 building containing more than 10 sole occupancy units, a closet pan and wash basin in a compartment or room at or near ground level for the use of employees must be provided in accordance with F2.1 of the Building Code of Australia. Details shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate.**
29. 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.
30. A Registered Surveyor's certificate identifying the location of the building on the site is to be submitted to the Principal Certifying Authority immediately upon completion of the foundations and prior to work proceeding above dampcourse level.
31. 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.**
32. Four (4) sets of Architectural and Services Specifications are to be submitted with the Construction Certificate application.
33. 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.**
34. Suitable internal or external clothes drying facilities shall be provided. Where external clothes drying facilities are provided, details of the screening of these facilities are to be incorporated in the landscape design. Details of clothes drying facilities shall be **submitted with the Construction Certificate Application.**
35. 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.

36. The visitor car spaces shall be accessible at all times and a sign post shall be erected at the vehicular entry point(s) of the development indicating the location of the spaces.
37. An approved water interceptor shall be provided across the driveway at the street boundary and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.
38. The use at all times shall be conducted so that no odours or other air impurities are detectable beyond the boundaries of the premises.
39. Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.
40. Care shall be taken to prevent any damage to adjoining buildings.
41. 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.

42. The building being erected in Type B construction for a Class 2 & 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.
43. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
44. Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority **prior to issue of the Final Occupation Certificate.**
45. Excavation adjacent to the road boundary shall be adequately shored to support the roadway and all improvements and services within the road reserve. Protective fencing shall be provided to ensure the safety of the public.
46. 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.
47. 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.
48. The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.
49. No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

50. Details shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate** indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is being provided.
51. 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 \$10,000 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**.
52. Landscaping being provided in accordance with the approved Landscaping Plan and maintained in accordance with that plan at all times.
53. 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.

54. 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.
55. 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.
56. Glare from internal lighting shall not be permitted to extend beyond the limits of the building authorised by this approval.
57. The carpark levels are to be provided with a system of mechanical ventilation in accordance with AS 1668.2 with details being submitted to the Principal Certifying Authority for approval **prior to issue of the Construction Certificate**.
58. **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**.
59. **Prior to the issue of the Construction Certificate**, the applicant shall submit details of protective hoardings, fences, and lighting which are to be provided during demolition, excavation and building works in accordance with the requirements of the Department of Industrial Relations, Construction Safety Act and the WorkCover Authority.

Note: On corner properties, particular attention is to be given to the provision of adequate sight distances.

60. 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.

61. 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.
62. Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.
63. The applicant shall consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should an electrical enclosure be required, the location and dimensions of this structure are to be detailed prior to the issue of a Construction Certificate. In the event of Energy Australia requiring a sub-station, the applicant shall consult with Council or its delegate with a view to dedication of the land for the sub-station as public roadway.
64. A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier **prior to any building works being carried out on site.**
65. An Occupation Certificate is to be issued by the Principal Certifying Authority **prior to occupation of the development.**
66. 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:
 - roof trusses details
 - tie down and bracing details
 - termite protection notice
 - wet areas waterproofing certificate
 - reinforcement concrete and structural members details
 - structural engineers inspection certificate
 - survey certificate
 - floor/finished ridge level certificate
 - hydraulic consultants certificate
 - mechanical ventilation engineer's certificate
67. Payment of contributions in accordance with Section 94 of the Environmental Planning & 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 prior to issue of the Construction Certificate.
68. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.**

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator** since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development.

69. 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.
70. 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.
71. Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority **prior to the commencement of framework.**
72. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
73. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.
74. 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.
75. 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.
76. 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.
77. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
78. 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.
79. 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.

80. All electrical and telecommunication services to the site are to be provided by underground cabling, with the plans notated **prior to the issue of the Construction Certificate.**
81. Details shall be submitted to the Principal Certifying Authority indicating the method of sound proofing all roof terraces, decks and balconies **prior to issue of the Construction Certificate.**

82. No blasting is to be carried out at any time during construction of the building.
83. 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.
84. The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.
85. 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.
86. 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.
87. 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.
88. Tree planting and landscaping is to be complimentary the new buildings is to be sympathetic to the heritage listed Golf Club House.
89. If during the course of excavation relics are found, works are to stop and an excavation permit must be obtained from the NSW Heritage Council, in accordance with the relics provisions of the Heritage Act, 1977. A copy of this permit and archaeologists report is to be submitted to Council.
90. That a report be submitted to demonstrate that Manly Golf Course has adequate disabled parking spaces and facilities.
91. That a long section of the proposed ramp from the 'Lower 82 Club Carparking level to the 'Upper B2 Club Carparking level be submitted at a scale of 1:100 to demonstrate adequate ground clearance for vehicles.
92. That the applicant demonstrate that a minimum clearance of 2.2m, clear of any services is provided in the carparks and that this clearance is maintained along the ramps. In addition, that Council be provided with information on measures to manage clearance at the entrances to the carparks.
93. That the levels for the Harland Street vehicular access and driveway to the residential carpark be provided in long section at a scale of 1:20 from the centre of the road pavement to the level section of the carpark.
94. That lighting be provided for the carparks in accordance with Australian Standard AS 1680.2.1- 1993: Interior lighting - Circulation spaces and other general areas.
95. Removal of the two redundant laybacks and driveways in Balgowlah Road.

96. Construction of one new concrete driveway, in Balgowlah Road, of minimum 6.0m width at a distance no further than 3.2m from the western side boundary of the site.
97. 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 free of charge or a hardcopy can be purchased from Council.
98. On completion of the drainage works the applicant is required to submit work as executed drawings of the on site stormwater detention system. The work as executed drawings shall be certified by a Chartered Professional Engineer and submitted to Council prior to the Occupation Certificate is issued.
99. A positive covenant and the restriction on the use of land shall be imposed over the area of land affected by on site stormwater absorption! detention system. The standard wording of the positive covenant shall be obtained from Council's "Specification for on-site Stormwater Management 2003" (Appendix A). The positive covenant shall be imposed prior to the release of the Trust Fund Deposit.
100. The construction of a vehicular footpath crossings and kerb layback is required. The design and construction shall be in accordance with Council's "Specification for Construction of Vehicular Crossings". The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specification. The work shall be inspected and approved by Council officers. All works shall be carried out prior to issue of the Occupation Certificate.
101. A 1.2 metre wide concrete footpath shall be constructed along the entire frontage of the property at Harland Street. The full cost to be borne by the applicant.
102. The existing levels of the road *reserve* shall be maintained.
103. If dewatering is required the *applicant* shall submit a dewatering plan to control the quality and quantity of the water discharged from the proposed development. The dewatering plan shall be approved by council prior the issue of the Construction Certificate.

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 a 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 Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.
- g) Weekly monitoring of electrical conductivity shall be undertaken by the developer and forward to Manly Council. If electrical conductivity readings elevate above that from when dewatering first commenced council reserves the right to order a cessation of dewatering until groundwater has replenished.
104. The temporary carpark referred to in correspondence is being on the practice area accessed off Balgowlah Road is to be constructed and operational prior to any works taking place on site. The practice area is to be reinstated prior to the issue of an Occupation Certificate.
105. The removal of the existing rollover kerb and gutter and its reinstatement with integral kerb and gutter, and any associated works along the full length of the Harland Street frontage. These works shall be carried out prior to the issue of the Occupation Certificate by a licensed construction contractor at the applicants expense and shall be in accordance with Council's Specification for Civil and Infrastructure Works.
106. The reconstruction of the existing kerb and gutter and any associated works along the full length of the Balgowlah Road frontage. These works shall be carried out prior to the issue of the Occupation Certificate by a licensed construction contractor at the applicants expense and shall be in accordance with Council's Specification for Civil and Infrastructure Works.
107. The applicant is to undertake an analysis of groundwater seepage prior to construction for the below parameters. In addition periodic samples are to be undertaken during dewatering to ascertain any variation of water quality. In total there should be 1 sample prior to and 3 samples during pumping at 15 minute intervals.
- pH
 - Electrical conductivity
 - Dissolved oxygen
 - Turbidity
 - E. Coli
 - Iron
 - Total Nitrogen
- All analysis is to be sampled and analysed by certified professionals. Results of all samples are to be forwarded to Council's Water Cycle Management Officer.
108. The applicant is to submit a report from a suitably qualified engineer, detailing the estimated flow to be extracted:
- L /sec and
 - Total volume during the construction period
- The report is to be submitted to Council's Water Cycle Management Officer for review prior to the issues of a Construction Certificate.
109. The applicant is to submit a report detailing:
- The end use discharge point with a focus on groundwater as a resource
 - The discharge pathway with a focus on groundwater as a resource

The report is to be submitted to Council's Water Cycle Management Officer for review prior to issue of the Construction Certificate.

110. Provision of a sign that indicates when the carpark is full and the sign is to be visible from the roadway, details being submitted to council prior to issue of the Construction Certificate.
111. That the car park be secured not later than 1am, visitors and patrons being able to leave their vehicles in the secure car park overnight if they are unable to drive.
112. That subject to appropriate water quality that any excess ground water be diverted to the main part of the golf course to be used to water the greens on the course.
113. That excavation be carried out using minimal vibration techniques such as saw cutting to minimise potential impact on adjoining properties, details being submitted to Council for review prior to issuing of Construction Certificate.
114. Prior to the issuing of a Construction Certificate the applicant shall lodge a separate \$200,000 bond in cash or by way of non-terminating Bank Guarantee issued by an Australian Bank. This Bond shall be administered by Council for the purpose of remediating any damages caused to adjoining property(ies) by the proposed works, only if the applicant and owners of affected property(ies) could not agree on the extent or quantum of such damage.
115. That the ramps on both streets and the holding bay for the garbage bins be moved to the centre location of the property.

Due to lack of a Seconder the Amendment lapsed.

RESOLVED: (Hay/Heasman)

That development application 401/04 for construction of a two storey residential flat development containing 16 units with basement and on-site car parking for 32 vehicles as well as a basement car park associated with the Manly golf club, with provision for 129 spaces at 87 to 95 Balgowlah Road. Manly be approved subject to the following conditions.

1. This approval relates to Plans/Drawings DA01-08 dated July 2004 and Landscape Plan CD035702 Revision A dated 9 February, 2004 and received by Council 18 August, 2004.
2. Access in accordance with AS1428.2 shall be provided to and within the main entrance and exit points of the development in accordance with the Manly Development Control Plan for Access.
3. A minimum of one car space for the vehicles of people with disabilities in all new or refurbished buildings which provide between 10 and 50 car parking spaces, 2 for those which provide between 50 and 100 car spaces.

The car spaces shall be identified and reserved at all times and be in the vicinity of lift or as close as possible to public areas and facilities. The car spaces shall have minimum dimensions and headroom to conform to Australian Standard AS/NZS 2890.1:2004. A notice shall be displayed at the entrance to the parking station and at each change in direction indicating the location of car spaces and the maximum headroom for vehicles. Details shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

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

5. The construction of a kerb layback is required. The design and construction shall be in accordance with Council's "Specification for Construction of Vehicular Crossings". The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specification. The work shall be inspected and approved by Council officers. All works shall be carried out prior to the issue of the Occupation Certificate.
6. 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**.
7. A long section of the driveways shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.
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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**.
9. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
10. The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.
11. 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.
12. 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**.
13. 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**.
14. 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.
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17. 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.

18. 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.
19. No portion of the proposed building is to encroach onto a Public Road or Reserve, except as may be permitted by the Local Government Act 1993.
20. 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.
21. 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**.
22. 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**.
23. 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.
24. 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.
25. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
26. The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
27. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
28. In a Class 2 building containing more than 10 sole occupancy units, a closet pan and wash basin in a compartment or room at or near ground level for the use of employees must be provided in accordance with F2.1 of the Building Code of Australia. Details shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**.
29. 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.

30. A Registered Surveyor's certificate identifying the location of the building on the site is to be submitted to the Principal Certifying Authority immediately upon completion of the foundations and prior to work proceeding above dampcourse level.
31. 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.**
32. Four (4) sets of Architectural and Services Specifications are to be submitted with the Construction Certificate application.
33. 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.**
34. Suitable internal or external clothes drying facilities shall be provided. Where external clothes drying facilities are provided, details of the screening of these facilities are to be incorporated in the landscape design. Details of clothes drying facilities shall be **submitted with the Construction Certificate Application.**
35. 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.
36. The visitor car spaces shall be accessible at all times and a sign post shall be erected at the vehicular entry point(s) of the development indicating the location of the spaces.
37. An approved water interceptor shall be provided across the driveway at the street boundary and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.
38. The use at all times shall be conducted so that no odours or other air impurities are detectable beyond the boundaries of the premises.
39. Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.
40. Care shall be taken to prevent any damage to adjoining buildings.
41. 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.

42. The building being erected in Type B construction for a Class 2 & 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.
43. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
44. Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority **prior to issue of the Final Occupation Certificate.**

45. Excavation adjacent to the road boundary shall be adequately shored to support the roadway and all improvements and services within the road reserve. Protective fencing shall be provided to ensure the safety of the public.
46. 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.
47. 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.
48. The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.
49. No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.
50. Details shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate** indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is being provided.
51. 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 \$10,000 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**.
52. Landscaping being provided in accordance with the approved Landscaping Plan and maintained in accordance with that plan at all times.
53. 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.
54. 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.
55. 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.
56. Glare from internal lighting shall not be permitted to extend beyond the limits of the building authorised by this approval.

57. The carpark levels are to be provided with a system of mechanical ventilation in accordance with AS 1668.2 with details being submitted to the Principal Certifying Authority for approval **prior to issue of the Construction Certificate.**
58. **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.**
59. **Prior to the issue of the Construction Certificate**, the applicant shall submit details of protective hoardings, fences, and lighting which are to be provided during demolition, excavation and building works in accordance with the requirements of the Department of Industrial Relations, Construction Safety Act and the WorkCover Authority.

Note: On corner properties, particular attention is to be given to the provision of adequate sight distances.

60. 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.
61. 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.
62. Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.
63. The applicant shall consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should an electrical enclosure be required, the location and dimensions of this structure are to be detailed prior to the issue of a Construction Certificate. In the event of Energy Australia requiring a sub-station, the applicant shall consult with Council or its delegate with a view to dedication of the land for the sub-station as public roadway.
64. A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier **prior to any building works being carried out on site.**
65. An Occupation Certificate is to be issued by the Principal Certifying Authority **prior to occupation of the development.**
66. 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:
 - roof trusses details
 - tie down and bracing details
 - termite protection notice

- wet areas waterproofing certificate
- reinforcement concrete and structural members details
- structural engineers inspection certificate
- survey certificate
- floor/finished ridge level certificate
- hydraulic consultants certificate
- mechanical ventilation engineer's certificate

67. Payment of contributions in accordance with Section 94 of the Environmental Planning & 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 prior to issue of the Construction Certificate.
68. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.**

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator** since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development.

69. 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.
70. 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.
71. Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority **prior to the commencement of framework.**
72. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
73. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.
74. 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.
75. 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.
76. 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.

77. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
78. 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.
79. 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.
80. All electrical and telecommunication services to the site are to be provided by underground cabling, with the plans notated **prior to the issue of the Construction Certificate**.
 81. Details shall be submitted to the Principal Certifying Authority indicating the method of sound proofing all roof terraces, decks and balconies **prior to issue of the Construction Certificate**.
 82. No blasting is to be carried out at any time during construction of the building.
 83. 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.
 84. The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.
 85. 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.
 86. 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.
 87. 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.
 88. Tree planting and landscaping is to be complimentary the new buildings is to be sympathetic to the heritage listed Golf Club House.
 89. If during the course of excavation relics are found, works are to stop and an excavation permit must be obtained from the NSW Heritage Council, in accordance with the relics

provisions of the Heritage Act, 1977. A copy of this permit and archaeologists report is to be submitted to Council.

90. That a report be submitted to demonstrate that Manly Golf Course has adequate disabled parking spaces and facilities.
91. That a long section of the proposed ramp from the 'Lower 82 Club Carparking level to the 'Upper B2 Club Carparking level be submitted at a scale of 1:100 to demonstrate adequate ground clearance for vehicles.
92. That the applicant demonstrate that a minimum clearance of 2.2m, clear of any services is provided in the carparks and that this clearance is maintained along the ramps. In addition, that Council be provided with information on measures to manage clearance at the entrances to the carparks.
93. That the levels for the Harland Street vehicular access and driveway to the residential carpark be provided in long section at a scale of 1:20 from the centre of the road pavement to the level section of the carpark.
94. That lighting be provided for the carparks in accordance with Australian Standard AS 1680.2.1- 1993: Interior lighting - Circulation spaces and other general areas.
95. Removal of the two redundant laybacks and driveways in Balgowlah Road.
96. Construction of one new concrete driveway, in Balgowlah Road, of minimum 6.0m width at a distance no further than 3.2m from the western side boundary of the site.
97. 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 free of charge or a hardcopy can be purchased from Council.
98. On completion of the drainage works the applicant is required to submit work as executed drawings of the on site stormwater detention system. The work as executed drawings shall be certified by a Chartered Professional Engineer and submitted to Council prior to the Occupation Certificate is issued.
99. A positive covenant and the restriction on the use of land shall be imposed over the area of land affected by on site stormwater absorption! detention system. The standard wording of the positive covenant shall be obtained from Council's "Specification for on-site Stormwater Management 2003" (Appendix A). The positive covenant shall be imposed prior to the release of the Trust Fund Deposit.
100. The construction of a vehicular footpath crossings and kerb layback is required. The design and construction shall be in accordance with Council's "Specification for Construction of Vehicular Crossings". The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specification. The work shall be inspected and approved by Council officers. All works shall be carried out prior to issue of the Occupation Certificate.
101. A 1.2 metre wide concrete footpath shall be constructed along the entire frontage of the property at Harland Street. The full cost to be borne by the applicant.
102. The existing levels of the road *reserve* shall be maintained.

103. If dewatering is required the *applicant* shall submit a dewatering plan to control the quality and quantity of the water discharged from the proposed development. The dewatering plan shall be approved by council prior the issue of the Construction Certificate.

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 a 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 Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.
 - g) Weekly monitoring of electrical conductivity shall be undertaken by the developer and forward to Manly Council. If electrical conductivity readings elevate above that from when dewatering first commenced council reserves the right to order a cessation of dewatering until groundwater has replenished.
104. The temporary carpark referred to in correspondence is being on the practice area accessed off Balgowlah Road is to be constructed and operational prior to any works taking place on site. The practice area is to be reinstated prior to the issue of an Occupation Certificate.
105. The removal of the existing rollover kerb and gutter and its reinstatement with integral kerb and gutter, and any associated works along the full length of the Harland Street frontage. These works shall be carried out prior to the issue of the Occupation Certificate by a licensed construction contractor at the applicants expense and shall be in accordance with Council's Specification for Civil and Infrastructure Works.
106. The reconstruction of the existing kerb and gutter and any associated works along the full length of the Balgowlah Road frontage. These works shall be carried out prior to the issue of the Occupation Certificate by a licensed construction contractor at the applicants expense and shall be in accordance with Council's Specification for Civil and Infrastructure Works.
107. The applicant is to undertake an analysis of groundwater seepage prior to construction for the below parameters. In addition periodic samples are to be undertaken during dewatering to ascertain any variation of water quality. In total there should be 1 sample prior to and 3 samples during pumping at 15 minute intervals.
- pH
 - Electrical conductivity

- Dissolved oxygen
- Turbidity
- E. Coli
- Iron
- Total Nitrogen

All analysis is to be sampled and analysed by certified professionals. Results of all samples are to be forwarded to Council's Water Cycle Management Officer.

108. The applicant is to submit a report from a suitably qualified engineer, detailing the estimated flow to be extracted:

- L /sec and
- Total volume during the construction period

The report is to be submitted to Council's Water Cycle Management Officer for review prior to the issues of a Construction Certificate.

109. The applicant is to submit a report detailing:

- The end use discharge point with a focus on groundwater as a resource
- The discharge pathway with a focus on groundwater as a resource

The report is to be submitted to Council's Water Cycle Management Officer for review prior to issue of the Construction Certificate.

110. Provision of a sign that indicates when the carpark is full and the sign is to be visible from the roadway, details being submitted to council prior to issue of the Construction Certificate.

111. That the car park be secured not later than 1am, visitors and patrons being able to leave their vehicles in the secure car park overnight if they are unable to drive.

112. That subject to appropriate water quality that any excess ground water be diverted to the main part of the golf course to be used to water the greens on the course.

113. That excavation be carried out using minimal vibration techniques such as saw cutting to minimise potential impact on adjoining properties, details being submitted to Council for review prior to issuing of Construction Certificate.

114. Prior to the issuing of a Construction Certificate the applicant shall lodge a separate \$200,000 bond in cash or by way of non-terminating Bank Guarantee issued by an Australian Bank. This Bond shall be administered by Council for the purpose of remediating any damages caused to adjoining property(ies) by the proposed works, only if the applicant and owners of affected property(ies) could not agree on the extent or quantum of such damage.

115. That prior to the granting of a Construction Certificate that the applicant shall submit for Council's approval the proposed route for construction traffic and that this plan not allow construction vehicles on adjoining roads prior to 7am.

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

Against the Resolution: Councillors Cant and Norek.

The Mayor re-entered the Chamber.

Environmental Services Division Report No. 32

Development Applications Currently Being Processed During July 2005

SUMMARY

Development Applications Currently Being Processed During July 2005.

Motion: (Macdonald/Hay)

That the information be noted.

RESOLVED: (Macdonald/Hay)

That the information be noted.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 33

Appeals List for July 2005

SUMMARY

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

Motion: (Pedersen/Macdonald)

That the information be noted.

RESOLVED: (Pedersen/Macdonald)

U/A

That the information be noted.

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 10.00pm

The above minutes were confirmed at a **Land Use Management Committee** of Manly Council held on 1 August 2005.

CHAIRPERSON

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