

The General Manager,
Manly Council,
Town Hall,
1 Belgrave Street,
MANLY NSW 2095



STATEMENT OF IMPACTS OF UNAUTHORISED WORKS

Re: Unauthorised Building Works; 6 Fairlight Crescent, FAIRLIGHT; Development Consent 304/2011 and Council order under Section 121B.

The attached submission has been issued in response to the unauthorized works carried out at No.6 Fairlight Crescent which may be summarized as follows :-

- Subject works "A" :- being concrete footing constructed outside the approved building line on the rear elevation of the subject property (below ground level).
- Subject works "B" :- being concrete slab and walls constructed outside the approved building line on the north west corner of the subject building (below ground level).
- Subject works "C" :- being concrete footing wall to RL 15.12 to base of bin store to the front elevation of the subject property.

It is noted that all of the above matters have now been considered by Council in the process of Section 34(3)(a) Agreements in accordance with the Land and Environment Court proceedings, and accordingly the Court has now issued approvals that cover all of the subject works under this submission, as noted below.

CURRENT DEVELOPMENT APPROVALS FOR THE SUBJECT WORKS

The on-site works that are the subject of this application have all obtained development approval in accordance with the following resolutions by the Land and Environment Court (L&EC) :-

- Subject works "A" and "C" have now been approved in accordance with Section 34(3)(a) L&EC Case 10226 of 2014 ; dated 2 July 2014.
- Subject works "B" has been approved in accordance with Section 34(3)(a) L&EC Case 10150 of 2013 ; dated 24 June 2013.

Having due consideration of the above approvals granted by Manly Council for the subject works, it is therefore noted that all matters pertaining to the Manly LEP and DCP heads of consideration have been duly determined and accordingly approved.

Therefore there can be no further issues remaining that would require additional consideration by Manly Council relevant to the subject works.



COUNCIL'S NOTIFICATION OF THE UNAUTHORISED WORKS

Manly Council's general requirement to Notify the Works to the surrounding residents, stakeholders and interested parties, in order to provide the opportunity for them to make submissions in relation to the proposed works has already been undertaken as a consequence of the Section 96 Applications for the proposed additional works and/or alterations to the existing DA approved works.

The Subject Works have been notified, submissions considered, and approval has now been granted for all of the items that form the elements of this Building Certificate Application.

Accordingly we would request Council to delete the requirement for "Notification of the Works" as such notification is now totally irrelevant in the context of the already approved works and would only serve to create unnecessary delays to the approval process.

CONCLUSION

The subject works have been approved in accordance with the Development Approval process and accordingly we recommend that the subject works be duly approved and a Building Certificate issued for the Works.

WOODHOUSE AND DANKS : ARCHITECTS