

# Manly Council



Reference: 101109 DA427/08 MJG:Admin: HS:107200  
Enquiries: Environmental Services

**Council Offices**  
1 Belgrave Street  
Manly NSW 2095

Excel Austra Pty Ltd  
Manly Ocean Beach House  
North Steyne  
MANLY NSW 2095

**Correspondence to**  
General Manager  
PO Box 82  
Manly NSW 1655

DX 9205 Manly

**Telephone 02 9976 1500**  
Facsimile 02 9976 1400

**www.manly.nsw.gov.au**  
records@manly.nsw.gov.au

ABN 43 662 868 065

Dear Sir/Madam

**Construction Certificate No.DA427/08/2009CC**  
**Pursuant to Section 109C(1) of the**  
**Environmental Planning and Assessment Act 1979**  
**Premises: Manly Ocean Beach House North Steyne Manly**  
**Part of Lot 7183 DP 1074329**

Council determined this Construction Certificate application on 10<sup>th</sup> November 2009 and has granted consent, subject to the conditions described below.

This Construction Certificate relates to the following:

- Plans by Lesiuk Architects Pty Ltd, being a cover sheet and drawings numbered 10.08.B01 to 10.08.B06 all Issue C dated 10/11/08 and received by Council 09/11/09.

**Right of Appeal:**

Under s 109K where the Certifying Authority is a Council, an applicant may appeal to the Land and Environment Court against the refusal to issue a Construction Certificate within 12 months from the date of the decision.

**Note:** Details in regard to Notice of Commencement of Building/Subdivision Work and appointment of the Principal Certifying Authority (Form 7 - enclosed) are to be submitted to Council two (2) working days **prior** to commencement of building works.

Signed below on behalf of the consent authority.

Yours faithfully,

Michael Giddey  
**Building Surveyor**  
**Environmental Services Division**

Date: 10/11/09.

CLEANER HEALTHIER HAPPIER

Manly Council Supports Smoke Free Zones

[www.smokefreecouncils.com.au](http://www.smokefreecouncils.com.au)



### Construction Certificate

I certify that the work if completed in accordance with these plans and specifications will comply with the requirements of s 81A(5) of the Environmental Planning and Assessment Act 1979.

Signature: \_\_\_\_\_

Date of Endorsement: **10<sup>th</sup> November 2009**

Certificate No.: **DA427/08/2009CC**

#### **Certifying Authority**

Name of Certifying Authority: **Manly Council**

Accreditation No. (if Accredited Certifier): **Not Applicable**

Address: **1 Belgrave Street, Manly**

Telephone No. **(02) 9976 1500**

#### **Development Consent**

Development Consent No. **427/08**

Date of Determination: **28/09/09**

Proposal: **Additions to an existing Class 6 Restaurant including internal modifications and new toilets.**

#### **Notes**

1. Prior to commencement of work ss 81A(2)(b) and (c), and/or 81A(4)(b) and (c) of the Environmental Planning and Assessment Act 1979 must be satisfied (see Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority Form).

## SCHEDULE

### **PARTICULARS OF THE PROPOSAL**

Area of the land: **32000<sup>2</sup>m**

Gross floor area of existing building: **unchanged**

Current uses of all or parts of the building(s)/land:

#### Location

**Restaurant and public toilets in North Steyne Reserve**

#### Use

**Commercial and public use**

Does the site contain a dual occupancy? **No**

Gross floor space area of the proposed addition or new building: **N/A**

Proposed uses of all parts of the building(s)/land:

#### Location

**Restaurant with alterations and existing public toilets in North Steyne Reserve**

#### Use

**Commercial and public use**

No. of pre-existing dwellings: **Nil**

No. of dwellings to be demolished: **Nil**

No. of dwellings proposed: **Nil**

How many storeys will the building consist of: **2**

### **MATERIALS TO BE USED**

Place a tick in the box which best describes the materials the new work will be constructed of:

<b>Walls</b>	<b>Code</b>	<b>Roof</b>	<b>Code</b>	<b>Floor</b>	<b>Code</b>
<input type="checkbox"/> brick veneer	BV	<input type="checkbox"/> aluminium	AL	<input type="checkbox"/> concrete	CO
<input checked="" type="checkbox"/> full brick	FB	<input type="checkbox"/> concrete	CO	<input type="checkbox"/> timber	TM
<input type="checkbox"/> single brick	SB	<input type="checkbox"/> concrete tile	CT	<input type="checkbox"/> other	OT
<input type="checkbox"/> concrete block	CB	<input type="checkbox"/> fibrous cement	FC	<input checked="" type="checkbox"/> unknown	UN
<input type="checkbox"/> concrete	CO	<input type="checkbox"/> fibreglass	FG		
<input type="checkbox"/> steel	ST	<input type="checkbox"/> slate	SL		
<input checked="" type="checkbox"/> fibrous cement	FC	<input checked="" type="checkbox"/> steel	ST		
<input type="checkbox"/> hardiplank	HP	<input type="checkbox"/> terracotta tile	TT	<input checked="" type="checkbox"/> timber	TM
<input checked="" type="checkbox"/> timber/weatherboard	TM	<input type="checkbox"/> other	OT	<input checked="" type="checkbox"/> steel	ST
<input type="checkbox"/> cladding-aluminium	AL	<input type="checkbox"/> unknown	UN	<input type="checkbox"/> other	OT
<input type="checkbox"/> curtain glass	GL			<input type="checkbox"/> unknown	UN
<input type="checkbox"/> other	OT				
<input type="checkbox"/> unknown	UN				

## **NOTICE TO APPLICANT OF CRITICAL STAGE INSPECTIONS**

*Made under part 4 of the environmental planning and assessment act 1979 sections 81a(2)(b1)(ii)*

**INSPECTION TELEPHONE NUMBER**

**9976 1414**

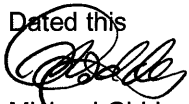
That I **Michael Giddey** of Manly Council, 1 Belgrave Street, Manly acting as the principal certifying authority hereby give notice in accordance with Section 81A(12)(b1)(ii) of the Environmental Planning and Assessment Act 1979 to the person having the benefit of the development consent that the mandatory critical stage inspections identified in Schedule 1 & Schedule 2 are to be carried out in respect of the building work.

The applicant, being the person having benefit of the development consent is required under Section 81A(2)(b2)(iii) of the Environmental Planning and Assessment Act 1979 to notify the principal contractor (if not an owner-builder) of the applicable mandatory critical stage inspections specified under this notice.

To allow a principal certifying authority or another certifying authority time to carry out mandatory critical stage inspections, the principal contractor for the building site, or the owner builder, must notify the principal certifying authority at least 48 hours before building work is commenced at the site if a mandatory critical stage inspection is required before the commencement of the work in accordance with Clause 163 of the Environmental Planning & Assessment Regulation 2000.

Failure to request a mandatory critical stage inspections will prohibit the principal certifying authority under with Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979 to issue an Occupation Certificate.

Dated this 10<sup>th</sup> November 2009



Michael Giddey  
Building Surveyor

### **SCHEDULE 1 MANDATORY CRITICAL STAGE INSPECTIONS**

NO	CRITICAL STAGE INSPECTION	INSPECTOR
1.	At commencement of building work	Council's Building Surveyor
2.	After Excavation for, and prior to the placement of any footings	As above
3.	Prior to pouring any in-situ reinforced concrete building element	As above
4.	Prior to covering of the framework for any floor, wall, roof or other building element	As above
5	Prior to covering waterproofing in any wet areas	As above
6	Prior to covering any stormwater drainage connections	As above
7	After the building work has been completed & prior to any occupation certificate being issued in relation to the building	As above

### **SCHEDULE 2 OTHER MANDATORY INSPECTION SPECIFIED BY THE PRINCIPAL CERTIFYING AUTHORITY**

NO	CRITICAL STAGE INSPECTION	INSPECTOR
	Health	Council's Environmental Health Officer

1FD

Bond

## APPLICANT DETAILS:

Upon payment of the security deposit, permission is granted to the applicant to cross Council's property to undertake approved works, in strict accordance with the Local Government Act and conditions listed over page.

I hereby apply for permission to cross Council property at the below location and agree to comply with the conditions listed (see conditions listed over page).

Location/Site address: Manly Ocean Beach House

DA No (if applicable): 427/08

Surname: FELIX Given Name: RAINER

Address: MANLY OCEAN BEACH HOUSE, Ocean promenade, South Steyne, Manly

Phone No: (Daytime) 9977-0566 Mobile: 0433 900 909 <sup>NSW</sup> <sub>2095</sub>

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## OFFICE USE ONLY:

Drawer/Payer: Same as above ☐

Surname: EXCEL AUSTRALIA Pty Ltd Given Name: \_\_\_\_\_

Address: MANLY OCEAN BEACH HOUSE

Phone No: (Daytime) 9977 0566 Mobile: 0433 900 909 <sup>NSW</sup> <sub>2095</sub>

## CONDITIONS

For the protection of your deposited amount Council requests you consider the following points before any work commences at the above location.

- Council's restoration Officer is available for inspection of Council Road Reserves before commencement of work to record extent of any existing damage.
- Road Opening Permits to be obtained and fees paid before any road/path/kerb etc is excavated.
- Crane/Lifting device Permit is obtained before any lifting operation takes place over Council Road Reserve.
- Driveway/crossover Application to be completed before any construction takes place under Council Road Reserve.
- At no time shall material/spoil be allowed to enter waterways or stormwater system.
- The above information and attached inspection report is to be completed and receipt issued before any work or demolition commences.
- The Applicant shall be responsible for compliance with all conditions over page.

## NOTE:

1. Penalties will apply for work commencing not in accordance with conditions or for permits not obtained.
2. Where the applicant and drawer/payer is different the refund of security deposit will only be paid to the original drawer, unless Council receives appropriate authorisation in writing.

## OFFICE USE

Fee Paid: \$ 400

Date Received: 27/10/09

Receipt No: 646228 Type Code 50

Customer Service Officer: [Signature]

## **LIABILITY**

1. The applicant shall be responsible for the Public Safety and also for any damage as a result of his/her operation. They shall be responsible for the observance of these conditions by carters, suppliers of materials and sub-contractors.
2. All restoration of a permanent nature shall be carried out by the Council or under Council supervision: Road Act 1993 No. 33 Part 1 101 (1-6) 102 (1, 2, 3).

## **EXISTING DAMAGE**

3. Any defective condition of the kerb, gutter, foot pavement or other permanent work existing prior to the issue of this permit shall be reported to the Council in writing before operations are commenced. Otherwise such damage will be assumed to be the result of the applicant's operations and restored at his or her expense. Road Act 1993 No. 33 Part 13 218 (1) (2) 219, (1) (2) (3)
4. An Inspection Fee together with any cost incurred by the Council in repairing damage due either directly or indirectly to the applicants operation shall be deducted from the deposit (plus GST where applicable). Should the deposit be less than such amounts, the applicant shall upon demand, pay the difference.
5. The roadway and gutter shall be kept absolutely clear of building materials, plant, spoil or other obstruction. Roads Act 1993 part 7, Division 3 107 (1-4)
6. The applicant shall clean up and leave safe and tidy the site of the works upon completion of the applicant's operations.

## **PERMITS**

7. Additional permits/approvals are required prior to commencing – road opening works, crane/overhead lifting, track equipped machines, driveway construction and ALL construction on Council areas.
8. The applicant shall not break or open any kerbing for the discharge of pipes, unless permission is obtained from Council.

## **KERB AND GUTTER**

9. No vehicle shall be taken over a street gutter except by means of an approved portable bridge so constructed as to permit the free flow of water thereunder. The bridge shall be removed each day not later than sunset.

## **VEHICLE CROSSING**

10. Vehicle crossing constructed for residential traffic shall not be used by commercial vehicles unless Planked/Protected to the satisfaction of Council.

## **STORAGE ON FOOTWAYS**

11. On payment of a weekly rental calculated on the area in use on the date of initial inspection by Council's officers, and subsequently by weekly inspection, building material, hoarding etc, may occupy up to one half of the width of the footpath, provided barricades are used and lights at night. The remaining half is to be kept clear and safe for pedestrian use at all times. Weekly rental rates shall be subject to an annual review by Council under the provisions of the Local Government Act 1993.
12. An industrial Waste Container or similar type of container may only be positioned on a public street after consent has been obtained, by the person or company providing the bin. An application form is available from Council's Customer Service Counter or Council's website.

## **HOARDINGS**

13. Hoardings shall be in accordance with WorkCover authority standards whitewashed and properly maintained. Road Act 1993 No. 33 Part 9 Division 3 142 (1a).

## **NOTIFICATION OF COMPLETION**

14. The applicants responsibilities under the conditions of this permit shall continue until such time as she/he has advised Council in writing (and received acknowledgement) that her/his operation has been completed.
15. The permit may be cancelled at any time on seven (7) days notice from the Council.
16. Application for refund should be lodged with the General Manager within one month after the completion of the development.
17. Payment of the requisite fee shall bind the applicant to the above conditions even if this application is unsigned.
18. This application must be lodged prior to release of the construction certificate or release of plans.



27 OCT 2009

RESPONSIBLE OFFICER

PLEASE ANSWER ALL QUESTIONS. Failure to do so may result in the return of the application.

### APPLICANT DETAILS

It is important that we are able to contact you if we need more information. Please give us as much detail as possible.

Mr / Mrs / Ms / Other

Full family name (no initials):

Full given names (no initials):

OR Company name: EXCEL AUSTRA PTY LTD ACN:

Postal address (we will post all correspondence to this address):

MANLY OCEAN BEACH HOUSE

SOUTH STEYNE MANLY 2095.

Phone no: (daytime) 9977 0566

(business) 0433 900 909

(mobile) 0433 900 909.

Fax no:

Email:

Contact person:

### OWNERS DETAILS & CONSENT

This section must be completed by all property owners. If the owner of the property is a company, then the director/s or the secretary of the company must sign the application and affix the company seal, if required by the constitution. If the property is within a strata, then the Owners Corporation must first grant consent and affix the body corporate stamp, if required, to this form or as an attachment with the appropriate details confirming consent.

- I hereby consent to the submission of this application and to a representative of Council entering my site for the purpose of a site inspection, and
- for council to make copies of all documents for the purpose of determining the application or to provide copies to persons who may be affected by the proposal.

Name OR company name/s: MANLY COUNCIL

Address:

Postcode:

Phone no:

Email:

Signature/s of all owners to consent to the lodgement of this application

### PROPERTY DESCRIPTION

We need this information to correctly identify the land. This information is shown on your rate notices, property deeds etc.

Address: MANLY OCEAN BEACH HOUSE

SOUTH STEYNE MANLY NSW

Suburb

Postcode:

Lot + DP/SP No:

Site area (m<sup>2</sup>):

### DEVELOPMENT CONSENT

Development consent no.:

427/08

Date of consent:

### COST OF THE PROPOSAL (INCLUDING GST)

Contracted price or estimate using 'Housing Building Cost Guide by Cordell Information Services' (or similar): \$

NOTE: The estimated cost of the development or contract price is subject to a check by Council.

### OFFICE USE

Parcel no.:

Application no.:

Date lodged:

Fees paid: \$ 1591.00

Receipt no.: 646228

Date paid: 27/10/09



### BUILDERS DETAILS

Name/s: Elvis Marchini  
Address: NO 12 Delwood Ave Earlwood  
Postcode: 2206  
Phone no: (daytime) 0419 714 719 Fax no: 9559 6229  
Email: \_\_\_\_\_ License no: 168678C

### DECLARATION

- I apply for approval to construct the development as consented to by Council. I declare that all the information in the application and checklist is to the best of my knowledge, true and correct.
- I also understand that if the information is incomplete the application may be delayed or rejected or more information may be requested. I acknowledge that if the information provided is misleading any approval granted 'may be void'.
- I accept delays in processing will arise out of any inadequacies in the material submitted in support of the application.

Signed by the applicant

Date: 26/10/07

or person signing on behalf of the applicant, please state in what capacity:

### CONSTRUCTION CERTIFICATE APPLICATIONS CHECKLIST

- Have you included 4 sets of plans, as those approved by the development consent and incorporating the conditions of consent? ..... ☒ YES ☐ NO
- Have you included Construction Specification (4 sets), which includes the construction of the building to specific BCA standards and materials to be used, colour and type of materials? ..... ☐ YES ☒ NO
- Have you included structural details (4 sets), as required by conditions of consent? ..... ☐ YES ☒ NO
- Have you included certified stormwater drainage plans (4 sets), as required by conditions of consent? Sewer no existing line below ..... ☐ YES ☒ NO
- Have you included a Fire Safety Measures Schedule (4 copies)? Not applicable ..... ☐ YES ☒ NO
- a) proposed alterations to existing building (BCA classes 2 to 9) are to be accompanied by a Fire Safety Measures Schedule listing all existing and those proposed to be installed in the building including the standard of performance
- b) for a new development (BCA classes 2 to 9) a Fire Safety Measures Schedule listing all those proposed to be installed including the standard of performance.
- Have you provided a copy of your application (completed forms & all items specified above) in PDF on CD-Rom ..... ☐ YES ☒ NO

### HOME BUILDING ACT REQUIREMENTS

In the case of an application for a Construction Certificate for residential work (within the meaning of the Home Building Act 1989) attach the following:

- a) In the case of work by a licensee under the Act:
- a statement detailing the licensee's name and contractor licence number, and
  - documentary evidence that the licensee has complied with the applicable requirements of the Act, or
- b) In the case of work done by any other person:
- a statement detailing the person's name and owner-builder permit number or
  - declaration signed by the owner of the land, to the effect that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act.

**NOTE:** A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 to the effect that a person is the holder of an insurance contract issued for the purposes of that Part, is sufficient evidence that the person has complied with the requirements of that Part.

**NOTE:** If you require an Owner Builder Permit please contact the NSW Department of Fair Trading.



Ensure that the Value of the Development entered into any of the boxes below is the same for each fee type

Place X  
in  
box if  
fee to  
be paid

Fee  
Code

Is the Development Application for a dwelling-house with an estimated construction cost of \$100,000 or less? (Mark X)

Yes  
☐  
False

Fee

41

**Development Application Fee**

[Enter Total Value of Development] -

\$ 16,000.00

\$ 0.00

☐

117

**PlanFirst Fee [for Planning NSW]**

Applies to DA's with Value > \$50,000.

\$ 16,000.00

\$ FALSE

☐

**Total Development Application Fee**

\$ 0.00

43

**Notification Fee**

\$ -

\$ 0.00

☐

43

**Fee for Development that Requires Advertising**

\$

41

**Fee for Other Types of Development**

\$

44

**Construction Certificate**

[Enter Total Value of Development] -

\$ 16,000.00

\$ 711.00

☒

48

**Inspection Fees**

[Enter No & Type of Inspections] -

First Inspection -

Subsequent Inspections -

? As per consent \$ 480.00 +

42

**Long Service Levy [Long Service Payments Corporation]**

Levy applies to Building Construction work costing \$25,000 or more (0.35% from 1/01/2006).

\$ 16,000.00

\$ 0.00

☒

50

**Builders Damage deposit**

[Enter Total Value of Development] [Additional Fee may apply for Development > \$1,000,000]-

\$ NIL.

\$ NIL 0.00

☐

49

**S96 Modification of Consent**

Fee for application under S96(1), (1A) (2)(i) or (ii) -

\$

Fee for application under S96(2)(iii) as per Scale:

[Enter Total Value of Development] -

\$ -

\$ 0.00

☐

47

**Complying Development Application**

[Enter Total Value of Development Above] -

\$ -

\$ 0.00

☐

118

**S82 Review**

Fee for application under S82(1) or (2) -

\$

Fee for application under S82(3) as per Scale:

[Enter Total Value of Development Above] -

\$ -

\$ 0.00

☐

41

**Additional Administration Fee for Integrated Development**

\$

**Other Fees**

[Description:]

Fee Code

50

TFD

\$ 400.00

\$

**TOTAL FEES**

\$ 1,111.00

480.

1591.-



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Address: MANLY OCEAN BEACH HOUSE, Ocean promenade, South Steyne, Manly

Phone No: (Daytime) 9977-0566 Mobile: 0433 900 909 <sup>NSW</sup> 2095

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## OFFICE USE ONLY:

Drawer/Payer: Same as above ☐

Surname: EXCEL AUSTRA PTY LTD Given Name: \_\_\_\_\_

Address: MANLY OCEAN BEACH HOUSE

Phone No: (Daytime) 9977 0566 Mobile: 0433 900 909 <sup>NSW</sup> 2095

## CONDITIONS

For the protection of your deposited amount Council requests you consider the following points before any work commences at the above location.

Paul 27/10/09.



Australia and New Zealand  
Banking Group Limited

MANLY  
59 THE CORSO NSW

Date 26/10/09

Pay Manly Council or bearer

The sum of One thousand five hundred and ninety one dollars \$ - 1591.-

EXCEL AUSTRA PTY LTD  
ACN 067 869 210

[Signature]

⑈001150 ⑈012⑈330⑈ 4936 89976⑈

## OFFICE USE

Fee Paid: \$ 400

Date Received: 27/10/09

Receipt No: 646228

Customer Service Officer: [Signature]



## TAX INVOICE/RECEIPT

ABN #:43662868045

Manly Council

PO Box 82

MANLY NSW 1655

Ph 9976 1500 Fax 9976 1400

Email: records@manly.nsw.gov.au

Website: www.manly.nsw.gov.au

Date 27/10/2009 12:53

Receipt 00646229:0001 Terminal 3:350

Excel Austra Pty Ltd

Manly Beach House South Steyne Manly NSW

Details	Amount
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Builders Deposits -	400.00
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010.2005.00000427.001	
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Manly Beach House	
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Construction Cert	711.00
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062002.6510.6430	(GST 64.63)
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Manly Beach House	
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Inspection Fees-DA	480.00
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062002.6510.6438	(GST 43.63)
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Manly Beach House	
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Invoice/Receipt Total:	1591.00
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Total Non-Taxable:	400.00
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Total Taxable:	1022.74
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Total GST Payable:	108.26
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Total Value	1591.00
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Tendered	
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Cheque	1591.00
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Change	0.00
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Thank you for Prompt Payment

