

Minutes

Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 4 April 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 7:45 pm on Monday 4 April 2005, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

The decisions taken and indicated by the prefix "Resolved" as distinct from "Recommendations" made to the Council, were taken pursuant to authority delegated to this Committee vide Minutes Number 139 of 6th September, 2004.

PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald
Deputy Mayor Councillor R Morrison
Councillor B Aird
Councillor S Cant, Deputy Chairperson
Councillor P Daley
Councillor J Evans
Councillor J Hay, AM
Councillor J Lambert, Chairperson who presided
Councillor D Murphy
Councillor B Pedersen

ALSO PRESENT

Henry T Wong, General Manager
David Stray, Manager Development Control
Julia Paul, Minute Secretariat

**APOLOGIES
(File A8/2)**

Apologies were tendered on behalf of Councillor A Heasman, for non-attendance.

RESOLVED: (Hay/Macdonald)

That the apology received from Councillor A Heasman, be accepted and leave be granted.

LEAVE OF ABSENCE

Nil.

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

Nil.

CONFIRMATION OF MINUTES (FILE C17/23)**MOTION (Macdonald/Pedersen)**

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 7 March 2005, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

RESOLVED: (Macdonald/Pedersen)

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 7 March 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, Lambert, Cant, Murphy, Daley, Pedersen, Aird, Evans and Macdonald.

Against the Resolution: Nil.

Councillor Morrison was not present in the Chamber when the vote was taken

PUBLIC ADDRESSES

ITEM	PROPERTY DETAILS/PUBLIC SPEAKERS
ES No 12	8-28 The Corso, Manly
Objector	Ms Gail Lynch, Heritage Committee
On behalf of Applicant	Ms Susan Hill, on behalf of London Fashion Pty Ltd
ES No 13	207-217 Pittwater Road, Manly Council
Applicant	Ms Kerry Gordon
ES No 14	51 Whister Street, Manly
On behalf of Proprietor	Ms Louisa Kolega
ES No 15	3 Cove Ave, Manly
Objector	Mr Ben Chiplin, 2/5 Cove Ave, Manly

SITE INSPECTIONS

Nil.

ENVIRONMENTAL SERVICES DIVISION REPORTS

Environmental Services Division Report No. 12

8-28 The Corso, Manly**Coles Redevelopment (DA35/04 Updated Report 4 April, 2005)**

<u>Application Lodged:</u>	Accepted by Council on 27 January 2004
<u>Applicant:</u>	London Fashions Pty Ltd
<u>Owner:</u>	London Fashions Pty Ltd
<u>Estimated Cost:</u>	\$15,500,00.00
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Business
<u>Surrounding Development:</u>	Commercial and Residential
<u>Heritage:</u>	All buildings in The Corso are listed items and are located within The Corso conservation area.

SUMMARY:

1. DEVELOPMENT IS SOUGHT FOR DEMOLITION OF THE EXISTING COLES STORE AT 8-22 AND ADJOINING DEVELOPMENT AT 24-28 THE CORSO MANLY AND CONSTRUCTION OF A NEW SMALLER COLES, SPECIALTY SHOPS AND RESIDENTIAL APARTMENTS ABOVE.
2. THE ORIGINAL APPLICATION WAS AMENDED IN OCTOBER 2004 FOLLOWING REVIEW BY EXPERTS AND PUBLIC SUBMISSIONS.
3. ADJOINING AND SURROUNDING OWNERS AND RESIDENTS WERE NOTIFIED WITH SEVEN SUBMISSIONS OBJECTING TO THE AMENDED PROPOSAL RECEIVED.
4. THE APPLICATION WAS REFERRED TO THE LITTLE MANLY, IVANHOE PARK, CORSO, FAIRY BOWER AND BANTRY BAY PRECINCT COMMUNITY FORUMS FOR COMMENT.
5. THE APPLICATION HAS BEEN INDEPENDENTLY ASSESSED EXTERNAL TO COUNCIL.
6. THE APPLICATION IS REFERRED TO THE LAND USE MANAGEMENT MEETING, MONDAY 7 MARCH 2005 BY THE GENERAL MANAGER.
7. THE PROPOSAL IS RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.

MOTION (Pedersen/Aird)

- A. That the Development Application No 35/04 for the demolition of existing buildings and construction of a Coles supermarket, retail shops and residential apartments at Nos 8-28 The Corso Manly, be deferred for an urgent comprehensive briefing.
- B. That the General Manager endeavour to convene this briefing session, within 14 days, with invitees to include:

Councillors;
Applicants representatives;
Precinct representatives;
Independent assessors;
Heritage consultants; and
Council's Heritage Committee representative.
- C. That before this briefing the General Manager arranges a site inspection for the Councillors.

AMENDMENT: Daley/Morrison

- A. That Development Application No 35/04 for the demolition of existing buildings and construction of a Coles supermarket, retail shops and residential apartments at Nos 8-28 The Corso Manly, be approved, subject to the imposition of the following conditions:

1. Approved Plans

The development is to be carried out in accordance with plans drawn by Wolski Lycenko and Brecknock Architects titled Commercial/Residential Development 8-28 The Corso Manly for London Fashions Pty Ltd dated October and November 2004 issue B 20.10.04 and numbered DA 01b, 02d, 03c, 04b, 05b 06b 07b, 08b, 09b, 10b, 11b, 12b, and 13b, except as varied hereunder.

2. A transparent glass screen to be provided to the balcony edge of Apartment C214 to stop overlooking of adjoining courtyard/light wells. Details to be provided to Council/Accredited Certifier, prior to the issue of Construction Certificate.
3. Roof top terraces similar to roof terraces on The Corso building are to be provided on the Wentworth building to supplement private open space for the development. Plans to be amended accordingly, prior to the issue of Construction Certificate.
4. An archaeological assessment of potential relics, and if required by that assessment, an application submitted for excavation permit from the NSW Heritage Council after demolition and prior to the issue of the Construction Certificate.
5. A site history assessment of the site is to be undertaken prior to any works to determine the past issues of the site and submitted to the Council/Accredited Certifier, prior to the issue of Construction Certificate.
6. After demolition and prior to the excavation or disturbance of any Soils of the Site, the applicant must engage a suitably qualified consultant to carry out a Preliminary Site Contamination Investigation in accordance with Council's Contaminated Lands Policy (2003); SEPP 55; and the relevant NSW Dept Environment and Conservation (EPA) guidelines to satisfy that the land is suitable for the proposed purpose and that Acid Sulphate Soils are not present. A report to this effect is to be submitted to Council/Accredited Certifier, prior to the issue of Construction Certificate.
7. The pergolas at roof level on The Corso building behind The Corso façade to be set back so as not to be visible from the public realm of The Corso. Details are to be submitted to the Council/Accredited Certifier, prior to the issue of Construction Certificate.
8. A security gate is to be fitted at the rear of the service passage for the minor shops. Details of the security is to be submitted to the Council/Accredited Certifier, prior to the issue of Construction Certificate.
9. The shopfront arcade doors that access into Coles are to be locked each night when the store closes. This also applies to the residential access from the Corso, access into the residential foyer is to be kept closed and only made accessible to residents and authorized persons.
10. There should be no access available from the residences onto the shop awnings in order to avoid unsafe use. Plans to be notated accordingly prior to the issue of the Construction Certificate.
11. No signage other than as set out in the following conditions is approved under this application. Separate development applications complying with Council's DCP for advertising signs are required for signage.
12. A construction traffic management plan shall be prepared and submitted for approval by Council/Accredited certifier, prior to the commencement of demolition and construction. This would set out details of access, type and number of vehicles associated with construction and the length of construction. All construction access should be restricted to the western laneway.

13. Mirrors must be placed and maintained by the owners' corporation or Body Corporate appropriately at both ends of the eastern laneway so that drivers accessing the site from Wentworth Street or departing the site could ensure that no other vehicle is already in the laneway. Details to be submitted to Council/Accredited Certifier, prior to the issue of Construction Certificate.
14. Mirrors must be placed and maintained by the owners' corporation or Body Corporate appropriately in the western laneway at Wentworth Street so that truck drivers accessing the site from Wentworth Street could make sure that no other truck is already in the laneway. Details to be submitted to Council/Accredited Certifier, prior to the issue of Construction Certificate.
15. All trucks should enter the laneways by turning right from Wentworth Street; similarly they should exit the laneway by turning right onto Wentworth Street. Details to be included in the Traffic Management Plan.
16. Sixty six (66) parking spaces shall be allocated to the residential units in accordance with Manly Council's Development Control Plan and should form part of the strata title of the unit.
17. Nine (9) visitor car spaces are to be provided and made accessible at all times and a sign post shall be erected at the vehicular entry point of the development indicating the location of these spaces. Plans to be notated accordingly, prior to the issue of the Construction Certificate.
18. Eight (8) spaces within the basement car park shall be allocated to employees of the supermarket and the other shops, and appropriately incorporated in the strata title of the development. Plans to be notated accordingly, prior to the issue of the Construction Certificate.
19. The basement car park shall be designed in accordance with Australian Standard 2890.1-2004. All spaces should have a minimum of 2.5m width including Space No 2.
20. The storage area at the rear of spaces 30 to 39 would be difficult to access with a car parked in the space; a walkway adjacent to the storage area should be provided; this could be achieved by reducing the width of the aisle from 6.5m to 6.0m. Amended Plans indicating the changes are to be provided prior to the issue of the Construction Certificate.
21. Only large rigid trucks (max 12.5m in length) shall service the Coles Supermarket loading dock.
22. A turntable should be provided in the Coles loading dock area to accommodate a large rigid truck of 12.5m in length.
23. A loading dock and traffic management plan shall be provided to and approved by Council prior to occupation. The plan should prohibit deliveries by articulated vehicles, and included the allocation of slot times for deliveries and waste removals to avoid on street waiting, and conflicts in the laneway.
24. Delivery trucks servicing the eastern laneway shall be restricted to small rigid trucks (6.4 metres in length). All vehicles shall enter and exit the site in a forward direction.
25. Deliveries to the residential component from The Corso should be restricted to outside working hours, from 6pm to 9pm.
26. Garbage trucks servicing the western laneway shall not be larger than a large rigid truck not exceeding 12.5 metres in length.
27. The applicant is to enter into an agreement with Council permitting Council's garbage trucks to use the turntable in the Coles loading dock.
28. Garbage trucks servicing the eastern laneway shall be restricted to small rigid trucks (6.4

metres in length).

The applicant is to provide Council with a copy of a written agreement with a private contractor to remove garbage generated by the small specialty shops from the eastern loading bay by a small garbage truck.³⁰ The development is to have a continuous accessible path of travel, as defined by AS1428.2, from the main points of entrance at the boundaries and from any required accessible parking spaces, to and within the premises through the principal entrance and to all areas within the development to which the general public have access within the retail and commercial sectors and up to and including the common areas of the residential sector.

31. Each retail space is to have an accessible path of travel from the street boundary through their principal entries.
32. The applicant is to provide suitable signage incorporating the universal symbol of access in accordance with AS1428.1, (white on ultramarine blue) indicating the direction and location of the accessible entries.
33. Provide at least one (1) accessible car space for visitors to the shops within the site with a minimum 3200mm width x 5500mm long with a minimum of 2500mm clearance overhead in accordance with the requirements AS2890.1 and a minimum clear height on the vehicular path of travel to the accessible spaces of 2200mm.
34. Provide five (5) accessible car spaces for the adaptable dwellings within the site with a minimum 3800mm width x 6000mm long with a minimum of 2500mm clearance overhead in accordance with the requirements AS2890.1 and a minimum clear height on the vehicular path of travel to the accessible spaces of 2200mm. The 6000mm depth can include 500mm borrowed space within the driveway to supplement the 5500mm provided however this may not be enclosed. Note that as drawn accessible space No 40 has a column towards the front of the space, restricting its width to 2500mm.
35. All required accessible parking spaces will have a maximum cross fall or gradient of 1:40 in any direction.
36. Suitable signage incorporating the universal symbol of access in accordance with AS1428.1, (white on ultramarine blue) indicating the direction and location of the accessible parking spaces is to be located at the entry and at all changes of direction.
37. The accessible car space not assigned to an adaptable dwelling is to be identified by means of the white international symbol of access in accordance with AS1428.1, between 800mm and 1000mm high placed on an ultramarine blue rectangle with no side more than 1200mm, placed as a pavement marking in the centre of the space between 500mm and 600mm from its entry point. There is no requirement to provide access identification at the spaces for the adaptable dwellings.
38. The residential garbage room is to have an area 1550mm clear in front of the garbage bins suitable for use by the occupants of the adaptable dwellings.
39. The surface on all continuous accessible paths of travel are to be slip resistant and have no level difference greater than 3mm (or 5mm if rounded or splayed) between adjoining surfaces.
40. All walkways, ramps and landings on the continuous accessible paths of travel as well as all stairs, are to comply with AS1428.1.
41. Lifts are to comply with the requirements of D3.6 of the BCA and AS1735 part 12.
42. Door thresholds on the continuous accessible path of travel are to have no level difference greater than 3mm inside to outside or are to have a threshold ramp complying with Figure 10 of AS1428.1.
43. All non fire isolated stairs in the development are to be constructed in accordance with the requirements the BCA and AS1428.1 including but not limited to;

- i) handrails on both sides of the stair that comply with Figures 9 and 17 of AS1428.1, and
 - ii) have a 30% luminance contrast with the wall, and
 - iii) nosings that are 50mm – 75mm wide with a 30% luminance contrast to the tread, and
 - iv) risers that are vertical with no lip or projection and are fully enclosed and opaque.
44. All non fire isolated stairs in the development are to have tactile ground surface indicators installed at the top and bottom of the stairs in accordance with AS1428.4 and on mid landings where the handrails are not continuous on both sides.
45. All doorways on the continuous accessible paths of travel within the retail and commercial sectors and to the common areas of the residential sector, are to comply with Clause 7 of AS1428.2 and are to have a minimum 850mm clear opening (including 850mm clear opening to the operable leaf of double doors), with circulation spaces in accordance with the requirements of Figures 12 or 13 of AS1428.1 plus the additional dimensions required by Clause 11.5 of AS1428.2, except where the door is an automatic opening door.
46. All required circulation spaces at doors and gates within the retail and commercial sectors and to the adaptable dwellings as well as to the common areas of the residential sector, are to have a maximum 1:40 gradient or cross fall for the full area of the required circulation space.
47. Doors in airlocks or vestibules within the retail and commercial sectors and to the adaptable dwellings as well as to the common areas of the residential sector, are to comply with Figure 15 and clause 7.4 of AS1428.1.
48. Glazed doors and sidelights within the retail and commercial sectors and on the paths of travel to the adaptable dwellings as well as to the common areas of the residential sector, are to have a transom not less than 75mm wide or a solid line 75mm wide at a height between 900mm and 1000mm and having 30% luminance contrast with the background against which it is viewed.
49. The unisex accessible sanitary facilities are to be constructed in accordance with the requirements of Clause 10 and Figures 18 to 30 of AS1428.1 except that the circulation space is to comply with Figure 11 of AS1428.2 (1900mm wide x 2300mm long). All accessible sanitary facilities are to have a shelf.
50. The unisex accessible toilet located under the entry ramp to the car park is to be redesigned to provide the required minimum 2000mm headroom under the ramp that is to comply with AS2890.1 Clause 2.5.3(b) & (c) at the inside radius.
51. Where there is more than one unisex accessible sanitary facility provided in the common areas within the retail and commercial sectors and to the common areas of the residential sector, the alternate facilities must be opposite hand.
52. Identification of sanitary facilities within the retail and commercial sectors and in the common areas of the residential sector, are to be raised tactile with 30% luminance contrast and in accordance with the BCA and Clause 10.9 of AS1428.1 with the additional requirement of having Braille equivalent.
53. Controls on the continuous accessible paths of travel within the retail and commercial sectors as well as to the common areas of the residential sector, (other than power points) are to comply with the requirements of Clause 11 of AS1428.1. In particular controls that:
- i) need to be grasped or turned with all controls (other than power points) being between the heights of 900mm – 1100mm and no closer than 500mm from an internal corner, or
 - ii) that only need to be pushed being between the heights of 900mm – 1200mm and no closer than 500mm from an internal corner, or

- iii) that only need to be touched being between the heights of 900mm – 1250mm and no closer than 500mm from an internal corner except as allowed for lifts in AS1735.12.

54. All door handles on the continuous accessible paths of travel are to be “D” type levers or handles with the clearance between the handle and the back plate or door not less than 35mm or more than 45mm.
55. Handles on sliding doors within the retail and commercial sectors as well as to the common areas of the residential sector are to be not less than 60mm from the door jamb lining as indicated on Figure 11(b) of AS1428.1.
56. Doors on accessible paths of travel within the retail and commercial sectors and to the adaptable dwellings as well as to the common areas of the residential sector, are to have a minimum 30% luminance contrast with the surrounding wall or the frame and / or architrave are to be no less than 50mm wide and are to have a 30% luminance contrast with the wall.
57. Door handles and levers within the retail and commercial sectors as well as to the common areas of the residential sector are to have a 30% luminance contrast with the door.
58. All signage, other than trade names or the like within the retail and commercial sectors is to be upper and lower case sans serif lettering, Arial or Helvetica Medium or similar, with the lower case letters no less than one half the height of the upper case letters. Lettering sizes are to be no less than that required by AS1428.2 Clause 17.
59. Security or intercommunication systems and the like are to be mounted in the continuous accessible path of travel from the boundaries or accessible visitor car space or associated building, between the heights of 900mm – 1100mm and no closer than 500mm from an internal corner. The security or intercommunication system is to incorporate suitable hearing augmentation.
60. Lighting on the continuous accessible paths of travel externally is to comply with AS1158.3.1 : 1999 "Road lighting - Pedestrian Area (Category P) lighting", Tables 1.1 and Table 2.1 and is to be no less than 10 lux with no less than 150 lux at entries.
- Glare and intrusive light is to be controlled in accordance AS4282 : 1997 "Control of the obtrusive effects of outdoor lighting".
61. Interior lighting on the continuous accessible paths of travel is to be in accordance with AS/NZS 1680.0.

Note: The following conditions 62 – 76 are related to the adaptable dwellings only which are to be constructed to AS4299 “Class C” specifications.

62. The development is to have a continuous accessible path of travel from the main point of entrance at the boundary and from any required accessible parking spaces to and within the premises through the principal entrance;
- i) to all common areas, common facilities and unique features within the development, and
 - ii) to all entrances of the adaptable dwellings.
63. Letterboxes for the adaptable dwellings must be lockable, and must be situated on a hard standing area at least 1550mm x 1550mm with cross falls in both directions not exceeding 1:40 and have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.2) to the dwellings.
64. The main entry door to each adaptable dwelling must:
- (a) have an 850mm clear opening door with circulation spaces complying with AS1428.2, and

- (b) must have an area 1550mm diameter in front of the door, and
 - (c) must have a "D" type lever door handle and other hardware that enables the door to be unlocked and opened with one hand and that complies with the requirements of AS 1428.1.
65. Internal doors within the adaptable dwellings must have a clearance of at least 820 millimetres and have circulation spaces complying with Figures 12 or 13 at all doors to required facilities. The door into Bedroom 1 of Unit C104 does not have the circulation space required by Figure 12(a) of AS1428.1.
66. Internal corridors within adaptable dwellings must have a width of at least 1,000 millimetres clear of finishes.
67. The living room in each adaptable dwelling must comply with Clause 4.7 of AS4299.
68. The kitchen in each adaptable dwelling must comply with Clause 4.5 of AS4299 including:
- (a) a clear space between benches of at least 1,550 millimetres, and
 - (b) benches that include at least one work surface:
 - (i) that is at least 800 millimetres in length, and
 - (ii) that can be adjusted or replaced as a unit at variable heights within the range of 750 millimetres to 850 millimetres above the finished floor surface, and;
 - (c) cook tops:
 - (i) with either front or side controls, and
 - (ii) with controls that have raised cross bars for ease of grip, and
 - (iii) that include an isolating switch, and
 - (d) a work surface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
 - (e) an elevated oven that is located adjacent to an 800mm long work surface the height of which can be adjusted.
69. At least one bedroom within each adaptable dwelling must comply with Clause 4.6 of AS4299.
70. A bathroom within each adaptable dwelling must comply with Clause 4.4 of AS4299 including the area requirements of AS1428.1. In particular the width of bathroom C104 is to be at least 2060mm width clear of finishes to allow for a visitable toilet and the bathroom in C105 is to have compliant door circulation space.
71. A toilet within each adaptable dwelling must be visitable and must comply with Clause 4.4 of AS4299.
72. The laundries within each adaptable dwelling are to comply with Clause 4.8 of AS4299 including the requirement for an area of 1550mm diameter in front of the fitments.
73. The applicant is to provide drawings as required by AS4299 demonstrating the potential configuration of the kitchens and bathrooms after adaptation prior to the construction certification phase.
74. The double doors out into the common areas of the residential sector are to have an 850mm clear opening to the operable leaf.
75. All of the common areas of the residential sector are to be on a continuous accessible path of travel.
76. Isolated paving stones are unsuitable for use on an accessible path of travel, provide a suitable material that complies with the requirements of AS1428.1 Clause 12 including the

notes to that clause.

77. A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of the Construction Certificate.
78. All stormwater collected from the proposed internal carpark area shall be collected and passed through a gross pollutant trap/silt/grease arrestor/pollution control device to remove pollutants to Council's satisfaction. Details shall be submitted with the Construction Certificate application.
79. The developer shall ensure that the stormwater pollutant concentrations for total suspended solids, total nitrogen, total phosphorous, zinc, copper and lead not to exceed ANZECC guidelines (2003) during construction phase. The developer shall install automated storm water monitoring equipment at the stormwater outlets from the proposed development. This monitoring will ascertain the level of compliance/non-compliance in accordance with the POEO Act. The frequency of the testing shall be as per the requirements of Manly Council. The developer shall pay for the cost of collecting the sample and analyse the samples by a NATA Accredited laboratory.
80. 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 submitted with the Construction Certificate application.

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 Councils 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.

81. All vehicular access during construction shall be from the Wentworth Street entrance only. No vehicular access from The Corso and Whistler Street end shall be permitted.
82. The site fronting The Corso shall be maintained for public use and made safe during the course of the works.
83. The 2 tree species *Banksia Integrifolia* and *Glochidion* are not approved for landscaping and are to be replaced with a more suitable species *Acmena smithii* or *Sysigium paniculata*. Appropriate drainage in the elevated beds supplied to ensure the continued life of plantings. Irrigation system should be sympathetic to present and future water restrictions. A suitable arborist is to be appointed to assess the surrounding trees before the dewatering process and during the course of the development. Reporting to the Principal Certifying Authority on the trees progress or possible decline and recommend action.
84. The Basement Floor Level Bin Storage room must be partitioned so that garbage bins, bottle-recycling bins, and paper recycling bins are separated.
85. Centre managers are required to impose a prohibition upon all retail outlets within the complex from using plastic bags as part of their packaging of goods sold to consumers.
86. Separate development applications are required for the first use and retail shop fit outs.
87. Prior to the issue of a Construction Certificate the applicant shall prepare a Noise and Vibration Demolition and Construction Management Plan. As part of the NVDCMP a detailed dilapidation assessment shall be undertaken for all adjacent residential and commercial premises. The assessment shall include photographic details of existing building conditions. The report shall certify compliance with the design assessment goals. If the Construction Certificate is to be issued by a n Accredited Certifier then a copy of the report shall also be provided to Council.
88. The NVDCMP shall be prepared in accordance with the procedures set out in "The Council the of City of Sydney. Code of Practice for Construction Hours/Noise within the Central Business District".
89. Vibration from demolition/excavation/construction activities shall not exceed the base curves presented in British Standard BS6472-1992 as modified by the applicable multiplying factors in the standard for continuous vibration for the relevant building category (place).
90. Site establishment, demolition and construction hours 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.
91. The applicant shall keep a legible record of all complaints made to the applicant or any employee or agent of the applicant in relation to noise or vibration arising from any activity to which the approval applies.
92. The record must include details of the following:
 - the date and time of the complaint
 - the method by which the complaint was made;
 - any personal details of the complaint which were provided by the complainant or, if no such details were provided., a note to that effect;
 - the nature of the complaint;
 - the action taken by the applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - if no action was taken by the applicant, the reason why no action was made.

93. The recorded of the complaint must be kept for not less than 4 years after the complaint was made.
94. On request the record must be produced to any authorised officer of the Council after the complaint was made.
95. The applicant or agent of the applicant shall operate during its construction hours a telephone complaints line for the full duration of the demolition and construction period for the purpose of receiving any complaints from members of the public in relation to activities conducted at the site or by the vehicle or mobile plant associated with the site.
96. The applicant shall undertake to cease all site works on the report of damage to the applicant. The applicant shall notify the public of the complaints telephone number and the fact that it is a complaint line so that the impacted community knows how to make a complaint.
97. The applicant shall undertake to cease all site works on the report of damage to neighbouring buildings and structures. Works shall no recommence on the building site until the reported matter has been resolved to the satisfaction of the PCA or Council.
98. The applicant or the applicants agent shall implement throughout the duration of the demolition and construction period a noise and vibration impact complaints response protocol that ensures noise complaint, vibration complaints and noise and vibration complaints from noise sensitive receivers are investigated:
- within 2 hours of receiving the complaint, and
 - in accordance with any prior complaint management agreement made with the complainant.
99. The applicant or the applicant's agent shall undertake noise, regenerated noise and or vibration monitoring as directed by the PCA or an authorised officer of the Council.
100. All residential occupancies forming part of the proposal shall be designed and constructed so that the repeatable maximum internal $L_{Aeq, 1 \text{ hour}}$ level shall not exceed the following levels:
- (i). In a naturally ventilated - windows closed condition :
 - Sleeping areas (nighttime only: 10.00pm-07.00am) 35dB(A)
 - Living areas (24 hours) 45dB(A)
 - (ii). In a naturally ventilated – windows open condition (i.e., windows open 5% of the floor area, or attenuated natural ventilation open 5% of the floor area):
 - Sleeping areas (nighttime only: 10.00pm-07.00am) 45dB(A)
 - Living areas (24 hours) 55dB(A)
 - (iii). Where naturally ventilated – windows open noise condition cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
 - (iv). In a mechanically ventilated or air conditioned space with door and windows closed the combined external and ventilation system $L_{Aeq, 1 \text{ hour}}$ level shall not exceed the following:
 - Sleeping areas (nighttime only: 10.00pm-07.00am) 38dB(A)
 - Living areas (24 hours) 46dB(A)
101. Prior to the issue of a Construction Certificate the applicant shall prepare a comprehensive Building Facade Design Assessment Report. As part of the report details of the glazing acoustic specifications and window/door types and ventilation requirements shall be nominated. The report shall certify compliance with the design goals. If the Construction Certificate is to be issued by an Accredited Certifier, then a copy of the acoustic compliance report shall also be provided to Council.
102. The cumulative noise emission from all mechanical plant operating on the commercial/retail/residential premises shall not give rise to a sound level contribution

exceeding the background noise level (without the plant operating) by more than 5dB(A) when assessed as an L_{Aeq} level (over 15 minutes) at any residential boundary or residential balcony. In accordance with standard recognised assessment procedures 'correction modifying factors' shall be considered and applied where applicable.

103. The cumulative noise emission from all mechanical plant operating on the commercial/retail/residential premises shall not give rise to a sound level contribution exceeding $L_{Aeq, 15 \text{ min}}$ 59dB(A) (daytime), $L_{Aeq, 15 \text{ min}}$ 51dB(A) (evening) or $L_{Aeq, 15 \text{ min}}$ 50dB(A) (night), at any residential boundary or residential balcony. In accordance with standard recognised assessment procedures 'correction modifying factors' shall be considered and applied where applicable.
104. Prior to the issue of a Construction Certificate the applicant shall prepare a comprehensive Mechanical Plant Acoustic Design Assessment Report. As part of the report details of the plant selections and installation requirements shall be nominated. The report shall certify compliance with the design goals. If the Construction Certificate is to be issued by a an Accredited Certifier, then a copy of the acoustic compliance report shall also be provided to Council
105. Prior to the release of the Occupation Certificate an assessment shall be undertaken by a qualified Acoustic Consultant (agreed by Council) and submitted to the PCA or Council for approval. If the Occupation Certificate is to be issued by a PCA, then a copy of the acoustic compliance report shall also be provided to Council. The report shall present the results and findings to certify that noise levels satisfy the requirements of Conditions 14, 16 and 17.
106. The operators of the commercial and retail premises shall ensure that their garbage contractors do not collect waste from their premises between the hours from 10.00pm to 7.00am (Monday to Friday) and 10.00pm to 8.00am (Saturday and Sunday).
107. The operators of the commercial and retail premises shall ensure that deliveries and unloading of vans and small trucks (Class 1 to Class 3 vehicles) occur between the hours from 7.00am and 8.00pm (Monday to Friday) and 8.00am to 8.00pm (Saturday and Sunday). No deliveries or unloading of vans and small trucks (Class 1 to Class 3 vehicles) shall be undertaken outside the above hours.
108. Operators of the commercial and retail premises shall ensure that deliveries and unloading of large or articulated trucks (larger than Class 4 vehicles) occur between the hours from 8.00am to 8.00pm (Monday to Friday) and 8.00am to 8.00pm (Saturday and Sunday). No deliveries or unloading of large or articulated trucks (larger than Class 4 vehicles) shall be undertaken outside the above hours
109. Operators of the commercial and retail premises shall ensure that trucks do not stand or park on the road way between Wentworth Avenue and the designated onsite truck parking and unloading areas
110. Operators of the commercial and retail premises shall ensure that activities associated with the unloading of trucks and general activities in the vicinity of the loading docks shall not give rise to the transmission of vibration and associated structural borne nose to any other occupancy.
111. Operators of the commercial and retail premises shall ensure that activities in the vicinity of the loading docks between the hours of 8.00pm and 8.00am shall not give rise to audible noise in any residential occupancy.
112. The reflectivity measurements (determined scientifically) of the external materials of the development are not to exceed 20%. Details are to be included on the plans submitted with the construction certificate.
113. Damage security deposit
A security deposit of **\$162,000** for the cost of making good any damage to Council property caused as a consequence of the construction work, plus an administration fee of **\$154.00**, must be paid to Council prior to the issue of the Construction Certificate. The security

deposit, which may be in the form of a bank guarantee, has been calculated in accordance with the following schedule.

Estimated cost of work	Deposit
Works up to \$50,000	\$2,000
Works in excess of \$50,000 & up to \$100,000	\$4,000
Works in excess of \$100,000	\$4,000+\$200/\$10,000 estimated cost>\$100,000

Council may use all or part of the Damage Security Deposit to complete damage restoration works if they do not meet Council's requirements.

114. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
115. 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.
116. 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.
117. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
118. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
119. 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.
120. 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.
121. 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.
122. The proposed works require inspections during various stages of construction as required by the Environmental Planning & Assessment Act 1979 and as considered appropriate by the Principal Certifying Authority.
123. 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.
124. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
125. 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.
126. The applicant shall comply with all requirements of either the Local or Regional Traffic

Advisory Committees.

127. 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.
128. 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.
129. Applications for a construction zone on a local road require 28 days notice to Council indicating location and length. All construction zones require the approval of the Manly Traffic Committee.
130. 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.
131. Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The area set aside for carparking as shown on the approved plan shall be used for the parking of vehicles and for no other purpose. Any loading or unloading of materials of potential environmental damage must be appropriately bundled with adequate spill response equipment in place to ensure nil runoff from the site.
132. The use at all times shall be conducted so that no odours or other air impurities are detectable beyond the boundaries of the premises.
133. All work involving lead paint removal must not cause lead contamination of the air or ground.
134. All demolition is to be carried out in accordance with AS2601-1991.
135. No approval is expressed or implied for excavation works.
136. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
137. Demolition must be carried out by a registered demolition contractor. Documentary evidence of registration must be submitted to Council prior to the commencement of demolition work.
138. Care shall be taken to prevent any damage to adjoining buildings.
139. In relation to the demolition of the existing building on the site:
 - (i) A report is to be submitted to the Principal Certifying Authority detailing whether any hazardous materials exist on the site. (eg. lead in paints and ceiling dust or asbestos). NOTE: If no hazardous materials are identified, the demolition may proceed in accordance with the following conditions including dust control and WorkCover requirements.
 - (ii) Should any hazardous materials be identified, as per item (1), a Work Plan shall be submitted to Council in accordance with AS2601-1991 - Demolition of Buildings. The report shall contain specific details regarding:
 - (a) The type of hazardous material;
 - (b) The level or measurement of the hazardous material in comparison to National Guidelines;
 - (c) Proposed methods of containment; and
 - (d) Proposed methods of disposal.
 - (iii) Where high levels of lead, cadmium, zinc, copper, asbestos, mercury and acid sulphate soils are found in a premises to be demolished, Item (ii) should be followed, and the soil sample from site should be tested by a NATA Registered Laboratory before and after demolition. This will determine whether remediation of the site is necessary.

- (iv) The demolition must be in accordance with AS2601-1991.
 - (v) Any asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
 - (vi) All work involving lead paint removal must not cause lead contamination of air or ground. Particular attention must be given to the control of dust levels on the site.
140. The collection of garbage from the premises is not to occur between the hours of 10.00pm and 5.00am Monday to Sunday, without the prior approval of Council, to minimise disruption to neighbouring properties.
 141. A Waste Management Plan is to be submitted with the application for a Construction Certificate in accordance with Council's Development Control Plan for Waste Minimisation and Management.
 142. Contact should be made with the Trade Waste Office of Sydney Water to discuss the requirements for Trade Waste Disposal.
 143. 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.
 144. 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.
 145. A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.
 146. 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.
 147. Glare from internal lighting shall not be permitted to extend beyond the limits of the building authorised by this approval.
 148. Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.
 149. Detailed engineering drawings of all work shall be submitted for approval by the Certifying Authority prior to the release of the linen plan/Construction Certificate.
 150. Once commenced the development hereby permitted shall only be continued in accordance with the conditions of approval and to the satisfaction of the Principal Certifying Authority.
 151. Plans shall be submitted with the Construction Certificate Application to indicate finished surface levels at 3m intervals around the building, all floor levels and roof ridge level to Australian Height Datum.
 152. Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.
 153. 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.

154. 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.
155. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.
- Issue of a Compliance Certificate from the Principal Certifying Authority prior to occupation to the effect that:
1. Required inspections have been undertaken and the work has been completed in accordance with the approved plans and specifications, the Development Consent and the Construction Certificate.
 2. Documentary evidence relative to:
 - wet areas waterproofing certificate
 - reinforcement concrete and structural members details
 - structural engineers inspection certificate
 - survey certificate
 - floor/finished ridge level certificate
 - hydraulic consultants certificate
 - mechanical ventilation engineer's certificate
156. All materials stored on site shall be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
157. Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Councils Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate.
158. 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.
159. 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.
160. No blasting is to be carried out at any time during construction of the building.
161. No external sound amplification equipment or loud speakers shall be used for the announcement, broadcast, playing of music or similar purposes.
162. 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.
163. 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.
164. Delivery vehicles associated with the completed development are only permitted to drive, stand or park on The Corso and Sydney Road Plazas between the hours of 5am-11am Mondays to Fridays. Such access cannot be obtained on weekends or Public Holidays.
165. 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.
166. A copy of the Soil and Water Management Plan must be kept on-site at all times and made

available to Council officers on request.

167. 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.
168. 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.
169. No portion of the proposed building or works, including gates and doors during opening and closing operations, are to encroach upon any road reserve or other public land.
170. 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.
171. 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.
172. 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.
173. 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.
174. 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.
175. 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.
176. 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.
177. 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.
178. The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
179. Certificate(s) from a professional Engineer or other appropriately qualified person is to be submitted which certifies that material, design and/or form of construction complies with the requirements of Clause A2.2 of the Building Code of Australia.
180. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
181. 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.

182. 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.
183. On completion of the building structure a Registered Surveyor's report is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.
184. A geotechnical engineer's report regarding the stability of the site is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
185. Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.
186. 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.
187. The use at all times shall be conducted so that no odours or other air impurities are detectable beyond the boundaries of the premises.
188. Any discharge to the atmosphere from the subject development shall comply with the requirements of the Protection of the Environment Operations Act 1997.
189. All work involving lead paint removal must not cause lead contamination of the air or ground.
190. 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.
191. The building being erected in Type A construction for a Class 2, 6 & 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.
192. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
193. All requirements of the NSW Fire Brigades for the building shall be complied with in accordance with the requirements of the Building Code of Australia.
194. Awnings shall be a minimum of 3.5m above footpath level and offset a minimum of 600mm behind the kerb.
195. 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.
196. No building materials may be stored on the road reserve without separate approval from Council.
197. Full details of the cooling towers, exhaust fan structures and other structures on the roof are to be provided to the Principal Certifying Authority prior to issue of the Construction Certificate.
198. 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.
199. 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.

200. 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.
201. All demolition and excess construction materials are to be recycled wherever practicable.
202. 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.
203. 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.
204. Development consent of Council shall be obtained for any new advertising structure prior to erection.
205. The applicant shall comply with all requirements of either the Local or Regional Traffic Advisory Committees.
206. 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.
207. All construction vehicles associated with the development shall be required to obtain a permit on a daily basis, for access onto The Corso and Sydney Road Plazas.
208. Applications for a construction zone on a local road require 28 days notice to Council indicating location and length. All construction zones require the approval of the Manly Traffic Committee.
209. Machine excavation

Excavation or removal of any materials involving the use of machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00 pm Mondays to Fridays, with regular breaks of 15 minutes each hour. This condition is imposed to ensure reasonable standards of amenity for occupants of neighbouring properties.

210. Levels

For the purpose of indicating relative levels in terms of Australian Height Datum and boundary clearances, and to ensure that building construction complies with the development consent, survey certificates must be provided to the PCA in respect of the building/s layout and ground floor level/s prior to pouring of concrete or laying of timber floor boards.

211. Support for neighbouring buildings

- (a) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (i) must preserve and protect the building from damage; and
 - (ii) if necessary, must underpin and support the building in an approved manner; and
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (c) In this condition, allotment of land includes a public road and any other public place.

212. Repair of Damaged Infrastructure

If Council's infrastructure is damaged during the course of works, Council's Development Engineer must be notified and necessary repairs must be undertaken within the time stipulated by Council, to Council's specifications, and at no cost to Council. Works generally must be in accordance with the relevant clauses of the current edition of AUS-SPEC.

If work is not undertaken to the satisfaction of the Development Engineer with regard to time or quality, Council may carry out remedial works and deduct the cost from the Damage Security Deposit.

213. Upon the completion of the building on the Corso frontage of the site, the applicant shall at its own costs, reconstruct the pedestrian pavement on the Corso and over the entire frontage of the site to a minimum distant of 11 metres from the boundary and materials and finish to be specified by Council, but that shall be consistent with the Corso Master Plan.

ADVISORY NOTES:

1. Other approvals

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

- an Application for Approval under Section 68 of the *Local Government Act 1993* for an activity under that Act, including the erection of a hoarding. All such applications must comply with the Building Code of Australia.
- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.
- An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.
- an Application for a Subdivision Certificate under Section 109(C)(1)(d) of the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- an Application for Strata Title Subdivision under the *Strata Schemes (Freehold Development) Act 1973*, if strata title subdivision of the development is proposed.

2. Works and requirements of other authorities

- *Sydney Water* may require the construction of additional works and/or the payment of

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

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

- *Australia Post* has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.
- *AGL Sydney Limited* has requirements for the provision of gas connections.
- *Sydney Electricity* has a requirement for the approval of any encroachments including awnings, signs etc, over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- *Telstra* has requirements concerning access to services that it provides.

3. Application for a Construction Certificate

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

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

4. Occupational Health and Safety

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

5. Relocation of stormwater drainage

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

6. Hazardous Material Management

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

7. Hazardous waste removal (including asbestos)

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

- New South Wales *Occupational Health and Safety Act, 1983*;
- New South Wales *Construction Safety Act, 1912; Regulation 84A-J Construction Work*

Involving Asbestos or Asbestos Cement 1983;

- *The Occupational Health and Safety (Hazardous Substances) Regulation 1996;*
- *The Occupational Health and Safety (Asbestos Removal Work) Regulation 1996;* and
- *The Waste Minimisation and Management Act and Regulations.*

8. Air Conditioning Systems Residential Premises

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

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

9. Model

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

10. Compliance with the Disability Discrimination Act

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

11. Modifications to the consent

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

12. Storage bins on footpath and roadway

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

13. Long Service Levy

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

14. Compliance with erosion and sediment control plan

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

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

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation

must be notified to Council and the accredited certifier immediately after discovery.

16. Protection of public places

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

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

- B. That the traffic committee consider the Recommendation of the traffic consultant to improve sight distances for cars exiting and entering the laneways, on-street parking in Wentworth Street should be prohibited either side of the laneways for a distance of 6 metres.

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

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

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

RESOLVED: (Pedersen/Aird)

- A. That the Development Application No 35/04 for the demolition of existing buildings and construction of a Coles supermarket, retail shops and residential apartments at Nos 8-28 The Corso Manly, be **deferred** for an urgent comprehensive briefing.
- B. That the General Manager endeavour to convene this briefing session, within 14 days, with invitees to include:
- Councillors;
 - Applicants representatives;
 - Precinct representatives;
 - Independent assessors;
 - Heritage consultants; and
 - Council's Heritage Committee representative.
- C. That before this briefing the General Manager arranges a site inspection for the Councillors.

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

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

Against the Resolution: Councillors Hay, Daley and Morrison.

Environmental Services Division Report No. 13

207-217 Pittwater Road, Manly (DA433/04)

Application Lodged: DA – 15/9/04, S.82A application – 4/3/2005
Applicant: Sparke Helmore Lawyers (Solicitors for applicant)
Owner: T J Maklouf
Estimated Cost: N/A for Review of Determination
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: 1 & 2 storey semi-detached and detached dwelling houses.
Heritage: Yes – located adjacent to a heritage item and a conservation area
Foreshore Scenic Protection No

SUMMARY:

1. THE SERVICE STATION INCLUDING MECHANICAL WORKSHOP WAS APPROVED IN 1985 UNDER DEVELOPMENT APPLICATION 1521/1985 AND IS A LAWFUL USE, BENEFITING FROM “EXISTING USE RIGHTS” IN THE RESIDENTIAL ZONE.
2. THE EXISTING CARWASH, VACUUM AND AIR COMPRESSOR WAS INSTALLED AND COMMENCED CIRCA DECEMBER, 2003, WITHOUT PRIOR APPROVAL. CONSEQUENTLY IT IS THE SUBJECT OF EXISTING CLASS 4 INJUNCTION PROCEEDINGS IN THE LAND AND ENVIRONMENT COURT AND FORMS PART OF THE SUBJECT DEVELOPMENT APPLICATION.
3. THE SUBJECT DEVELOPMENT APPLICATION WAS LODGED ON 15 SEPTEMBER, 2004.
4. FOUR SUBMISSIONS WERE RECEIVED RAISING SEVERAL GROUNDS OF OBJECTION BEING LATE NIGHT NOISE, LIGHT SPILL, INTENSIFICATION OF EXISTING USE RIGHTS IN RESIDENTIAL ZONE, INCREASED AMENITY IMPACTS TO SURROUNDING RESIDENTIAL AREA, 24 HOUR TRADING AND CARWASHING WHICH HAS COMMENCED WITHOUT APPROVAL AND INSENSITIVITY TO CONSERVATION AREA.
5. DURING THE ASSESSMENT PERIOD THE APPLICANT LODGED A CLASS 1 APPEAL IN THE LAND AND ENVIRONMENT COURT ON THE BASIS OF COUNCIL’S DEEMED REFUSAL OF THE DEVELOPMENT APPLICATION.
6. THE DEVELOPMENT APPLICATION WAS RECOMMENDED AND DETERMINED FOR REFUSAL ON 18 OCTOBER, 2004 UNDER THE DELEGATION OF THE GENERAL MANAGER, PRIMARILY ON GROUNDS OF AMENITY IMPACTS.
7. THE GENERAL MANAGER NOW REFERS THIS FURTHER REVIEW TO COUNCIL FOR IT’S DETERMINATION.
8. THE SUBJECT SECTION 82A APPLICATION FOR REVIEW OF DETERMINATION WAS RECEIVED ON 4 MARCH, 2005, AND REQUESTS A COMPROMISE BY WAY OF REDUCING THE PROPOSED OPERATING HOURS.
9. ISSUES OF AMENITY IMPACTS TO NEIGHBOURING PROPERTIES ARE CONSIDERED TO REMAIN UNSATISFACTORY THEREFORE THE REASONS FOR REFUSAL TO THE ORIGINAL DEVELOPMENT APPLICATION ARE CONSIDERED TO REMAIN JUSTIFIED.
10. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

MOTION (Hay/Pedersen)

That Development Application 433/04 for 207-217 Pittwater Road, Manly, as amended be

approved with standard conditions and with inclusion of the amendment hours of operation being

General operation: 6.00am-11.00pm Monday-Friday
7.00am-11.00pm Saturday, Sunday and Public Holidays

Carwash & Vacuum 7.00am-8.00pm Monday-Friday
8.00am-8.00pm Saturday
8.30am-8.00pm Sunday & Public Holidays.

- a) That the carwash be subject to investigation to ensure that it meets environmental standards as prescribed by Sydney Water and EPA.

AMENDMENT: (Macdonald/Aird)

That in respect of Development Application 433/04 for 207-217 Pittwater Road, Manly, Council authorise the General Manager to seek Consent Orders in the Land and Environment Court to resolve the matter generally in accordance with the following

General operation: 6.00am-11.00pm Monday-Friday
7.00am-11.00pm Saturday, Sunday and Public Holidays

Carwash & Vacuum 7.00am-8.00pm Monday-Friday
8.00am-8.00pm Saturday
8.30am-8.00pm Sunday & Public Holidays.

- a) That the carwash be subject to investigation to ensure that it meets environmental standards as prescribed by Sydney Water and EPA.

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

Against the Amendment: Councillors Hay, Daley, Morrison and Pedersen.

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

RESOLVED: (Macdonald/Aird)

That in respect of Development Application 433/04 for 207-217 Pittwater Road, Manly, Council authorise the General Manager to seek Consent Orders in the Land and Environment Court to resolve the matter generally in accordance with the following

General operation: 6.00am-11.00pm Monday-Friday
7.00am-11.00pm Saturday, Sunday and Public Holidays

Carwash & Vacuum 7.00am-8.00pm Monday-Friday
8.00am-8.00pm Saturday
8.30am-8.00pm Sunday & Public Holidays.

- a) That the carwash be subject to investigation to ensure that it meets environmental standards as prescribed by Sydney Water and EPA.

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

Against the Resolution: Councillors Hay, Daley, Morrison and Pedersen.

Environmental Services Division Report No. 14

51 Whistler Street, Manly

SUMMARY

1. ON 6 DECEMBER 2004 COUNCIL RESOLVED TO GRANT CONSENT FOR FIT OUT AND USE OF THE BUILDING FOR OFFICE PURPOSES ON THE GROUND FLOOR AND MID LEVEL MEETING ROOM.
2. A SECOND COMPONENT OF COUNCIL'S RESOLUTION WAS THAT A FURTHER REPORT BE PROVIDED TO COUNCIL ON THE USE OF THE CENTRE FOR YOGA.
3. A SEARCH OF COUNCIL RECORDS HAS FAILED TO IDENTIFY ANY APPROVAL/CONSENT WAS SOUGHT OR OBTAINED FOR THE YOGA CLASSES.
4. IT IS RECOMMENDED THAT COUNCIL SERVE A NOTICE OF INTENTION TO ISSUE AN ORDER UNDER SECTION 121 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 TO CEASE THE UNAUTHORISED USE.

MOTION (Macdonald/Evans)

That the report be noted and that the applicant be advised to submit a development application in the immediate future in relation to this use of the site.

RESOLVED: (Macdonald/Evans)

That the report be noted and that the applicant be advised to submit a development application in the immediate future in relation to this use of the site.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 15

3 Cove Avenue, Manly (DA486/04)

<u>Application Lodged:</u>	8/10/2004
<u>Applicant:</u>	Mojocham
<u>Owner:</u>	Shamia family
<u>Estimated Cost:</u>	\$750,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential Foreshore Scenic Protection Area
<u>Surrounding Development:</u>	2 - 4 storey detached dwellings and residential flat buildings
<u>Heritage:</u>	Nil.

SUMMARY:

1. DEVELOPMENT APPLICATION 486/04 FOR DEMOLITION AND CONSTRUCTION OF A 2 UNIT RESIDENTIAL FLAT BUILDING WITH BASEMENT PARKING WAS SUBMITTED TO COUNCIL ON 8 OCTOBER 2004. THE PLANS WERE ACCOMPANIED BY A DETAILED STATEMENT OF ENVIRONMENTAL EFFECTS TO ASSIST IN THE ASSESSMENT OF COMPLIANCE WITH COUNCIL'S PLANNING CONTROLS AND IDENTIFY IMPACTS TO NEIGHBOURING PROPERTIES.
2. NOTIFICATION OF THE PROPOSAL FROM 8 NOVEMBER 2004 – 22 NOVEMBER 2004 RESULTED IN RECEIPT OF EIGHT SUBMISSIONS, BEING FROM THE NEIGHBOURING UNIT OWNERS AT NO'S 1 AND 5 COVE AVE., RAISING CONCERNS OF NON-COMPLIANCE WITH THE DCP PROVISIONS (FRONT AND SIDE SETBACK, FSR), EXCAVATION IMPACTS, OVERLOOKING, VIEW LOSS, VISUAL BULK, OVERSHADOWING, CONSTRUCTION VEHICLE ACCESS AND PARKING.
3. APPLICANT LODGED AN APPEAL FOR DEEMED REFUSAL WITH THE LAND AND ENVIRONMENT COURT ON 25 NOVEMBER 2004.
4. THE APPLICATION WAS CALLED TO COUNCIL'S LAND USE MANAGEMENT MEETING BY COUNCILLOR MACDONALD.
5. AT THE 1ST COURT CALLOVER, DIRECTIONS WERE MADE TO THE EFFECT THAT IF COUNCIL REFUSES THE DEVELOPMENT APPLICATION, IT IS TO PRODUCE ITS REASONS FOR REFUSAL AND A STATEMENT OF ISSUES TO THE COURT BY 14 FEBRUARY 2004. CONSEQUENTLY COUNCIL WAS REQUIRED TO DETERMINE THE PROPOSAL PRIOR TO THIS DATE.
6. THE APPLICATION WAS PRESENTED COUNCIL'S LAND USE MANAGEMENT MEETING OF 7 FEBRUARY, 2005.
7. COUNCIL RESOLVED TO DEFER THE APPLICATION PENDING AN INDEPENDENT ASSESSMENT INCLUDING THE FLOOR SPACE RATIO.
8. COUNCIL IS NOW IN RECEIPT OF THE INDEPENDENT ASSESSMENT INCLUDING THE FLOOR SPACE RATIO.
9. APPROVAL OF THIS DEVELOPMENT APPLICATION IS RECOMMENDED SUBJECT TO THE APPLICANT WITHDRAWING THE LAND AND ENVIRONMENT COURT APPEAL.

MOTION (Macdonald/Pedersen)

That Development Application 486/04 for demolition and construction of a 2 storey Residential Flat Building with basement parking at 3 Cove Avenue, Manly be refused for the following reasons:

1. Gross overdevelopment of the site;
2. Loss of privacy to 1 Cove Avenue
3. Encroachments on established Right of Way and impact on access to adjoining properties

4. The overshadowing issues relating to 5 Cove Ave.
5. Non-compliant with the front and side setbacks and impact on adjacent building.

AMENDMENT (Murphy/Hay)

That subject to the applicant withdrawing the Land and Environment Court Appeal, Development Application 486/04 for demolition and construction of a 2 storey Residential Flat Building with basement parking at 3 Cove Avenue, Manly be approved subject to the following conditions:

1. This approval relates to drawings/plans Nos. A01-A07, Issue B and Landscape Plan dated September, 2004 and received by Council on the 8th October, 2004.
2. The existing row of conifer trees at the rear are to be protected during construction work and retained.
3. A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The Principal Certifying Authority shall ensure that the design complies with the above said specification **prior to the issue of the Construction Certificate.**
4. 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.**
5. 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.**
6. The construction of a vehicular footpath crossing 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.**
7. A Construction Management Plan is to be submitted to Council **prior to issue of a Construction Certificate.** This shall detail location of construction materials and possible construction vehicle parking so as to minimise conflict with resident street parking and through access for Cove Avenue.
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 \$10,000. 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. 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.

10. 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.**
11. 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.**
12. 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.
13. 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.
14. 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.

15. 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.
16. 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.
17. 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.**
18. 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.
19. 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.
20. A suitable sub-surface drainage system being provided adjacent to all excavated areas and

such drains being connected to an approved disposal system.

21. The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
22. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
23. 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.
24. Four (4) sets of Architectural drawings and Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate.**
25. Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.
26. 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.

27. The basement carparking level is to be adequately protected from flooding. Details are to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**
28. All demolition is to be carried out in accordance with AS2601-1991.
29. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
30. 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.

31. 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.
32. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
33. All sound producing plant and equipment being installed and operated in such a manner so as not to create a noise nuisance.
34. Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.
35. **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**.

36. 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.
37. The works require the following inspection/certification during the course of construction:-
- Silt control fences x 1
 - Footing inspection - trench and steel x 1
 - Reinforced concrete slab x 3
 - Wet area moisture barrier x 2
 - Drainage inspection x 1
 - Driveway crossing/kerb layback x 1
 - Landscaping inspection x 1
 - Retaining wall x 1
 - Final inspection

The cost of these inspections by Council is \$883. (being \$70.00 per inspection and \$113.00 for Final inspection inclusive of GST). Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit on 9976 1573 or 9976 1587.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$80.00.

38. An Occupation Certificate is to be issued by the Principal Certifying Authority **prior to occupation of the development**.
39. 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.
40. De-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:
- a) Ground water or other water to be pumped from the site into council's stormwater system must be sampled and analysed by a NATA certified laboratory or Manly council for compliance with ANZECC Water Quality Guidelines.
 - b) If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
 - c) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
 - d) It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated with erosion or scouring due to the volume of water pumped.
 - e) Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.
 - f) Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.

41. 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**.
42. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
43. 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.
44. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
45. 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.

46. 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.

47. Approval of the application to Strata Subdivide the subject property is subject to the lodgement of a linen plan for certification and payment of the appropriate fee.
48. Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".
49. **Prior to issue of the Occupation Certificate**, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".
50. 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.
51. 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.

52. Applications for a construction zone on a local road require 28 days notice to Council indicating location and length. All construction zones require the approval of the Manly Traffic Committee.
53. Payment of \$5456.10 for the 1 additional dwelling in respect of the contribution for the provision of the public amenities and public services shall be in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979. Arrangements for such payment is to be made in accordance with Council's policy, **prior to issue of the Construction Certificate.**

Note: The attached yellow form is to be returned to Council with your payment of the Contribution.

54. 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.**
55. A geotechnical engineer's report regarding the stability of the site is to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**
56. 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.
57. The building footprint be pushed back 600mm.
58. Reduce front balconies to 3m in depth.
59. The portico structure be removed.
60. Side boundary decks and lobby be brought in line with rest of building.
61. Observe right of way as per DP15065 i.e 1.5m wide driveway.
62. Existing row of conifer trees at rear of boundary be protected by way of a tree bond.

For the Amendment: Councillors Hay, Murphy, Daley, Morrison and Evans.

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

*With the voting being equal the Chairperson exercised her casting vote against the amendment and declared it **Lost.***

RESOLVED: (Macdonald/Pedersen)

That Development Application 486/04 for demolition and construction of a 2 storey Residential Flat Building with basement parking at 3 Cove Avenue, Manly be refused for the following reasons:

1. Gross overdevelopment of the site;
2. Loss of privacy to 1 Cove Avenue
3. Encroachments on established Right of Way and impact on access to adjoining properties
4. The overshadowing issues relating to 5 Cove Ave.
5. Non-compliant with the front and side setbacks and impact on adjacent building.

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

Against the Resolution: Councillors Hay, Murphy, Daley, Morrison and Evans.

*With the voting being equal the Chairperson exercised her casting vote for the motion and declared it **Carried**.*

Environmental Services Division Report No. 16

Development Applications Currently Being Processed During April, 2005

SUMMARY

Development Applications Currently Being Processed During April, 2005.

MOTION (Macdonald/Evans)

That the information in the Development Applications Being Processed During April, 2005 be noted.

RESOLVED: (Macdonald/Evans)

That the information in the Development Applications Being Processed During April, 2005 be noted.

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

Against the Resolution: Nil.

Councillor Cant was not present in the Chamber when the vote was taken

Environmental Services Division Report No. 17

Appeals List for April 2005

SUMMARY

LIST OF APPEALS RECEIVED AND THEIR CURRENT STATUS FOR COUNCILLORS INFORMATION

MOTION (Macdonald/Evans)

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

RESOLVED: (Macdonald/Evans)

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

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

Against the Resolution: Nil.

Councillor Cant was not present in the Chamber when the vote was taken

MATTER ARISING**DEVELOPMENT APPLICATION - TOTEM SHOPPING CENTRE**

The General Manager informed the meeting that in consultation with the Mayor he was intending to grant owner's consent next week (as owners of the toilet block located on the site) to the lodgement of the Development Application for the Totem Shopping Centre development. The Deed of Agreement will be executed under Council Seal with the authority of Council.

CLOSE

The meeting closed at 11.32pm

The above minutes were confirmed at a **Land Use Management Committee** of Manly Council held on 2 May 2005.

CHAIRPERSON

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