

Minutes

Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 5 September 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 7:39 pm on Monday 5 September 2005, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

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

PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald
Deputy Mayor Councillor R Morrison (arrived at 7.42pm)
Councillor B Aird
Councillor P Daley
Councillor J Evans
Councillor J Hay, AM
Councillor A Heasman
Councillor J Lambert, Chairperson who presided
Councillor D Murphy
Councillor M Norek
Councillor B Pedersen

ALSO PRESENT

Henry T Wong, General Manager
David Stray, Manager Development Control
Eric Armstrong, Independent Consultant
Rachael Levey, Minute Taker

APOLOGIES

Apologies were tendered on behalf of Councillor S Cant, for non-attendance.

MOTION (Lambert / Macdonald)

That the apology received from Councillor S Cant, be accepted and leave be granted.

RESOLVED (Lambert / Macdonald)

That the apology received from Councillor S Cant, be accepted and leave be granted.

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

Against the Resolution: Nil.

LEAVE OF ABSENCE

Nil.

DECLARATIONS OF PECUNIARY / CONFLICT INTERESTS

Nil.

CONFIRMATION OF MINUTES**MOTION (Macdonald / Heasman)**

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 1 August 2005, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

RESOLVED (Macdonald / Heasman)

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 1 August 2005, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

Councillor Morrison entered the Chamber at 7.42pm

PUBLIC ADDRESSES

ITEM	SPEAKER
Environmental Services Division Report No. 46 2 Heaton Avenue, Clontarf Supporter of staff recommendation	Jennifer Foley (on behalf of Mr G Lazarus, adjoining neighbour at 3 Kanangra Crescent, Clontarf)
Environmental Services Division Report No. 47 51 Stuart Street, Manly 82A Review Objector Supporter	John Chatterton Mr Blackmore (Applicant)
Environmental Services Division Report No. 48 197-215 Condamine St, Balgowlah Totem Development Objector	Matthew Percy (of 121 Griffiths St, Balgowlah)

ENVIRONMENTAL SERVICES DIVISION REPORTS

Environmental Services Division Report No. 46

2 Heaton Avenue, Clontarf

82A Review (DA162/04)

Application Lodged:

2nd February 2005 (Section 82A Review)

Applicant:

Viridian Design

Owner:

Craig & Audra Annakian

Estimated Cost:

\$70,000.00

Zoning:

Manly Local Environmental Plan, 1988 - Residential

Surrounding Development:

Two and three storey dwelling houses

Heritage:

N/A

SUMMARY:

1. COUNCIL IS IN RECEIPT OF AN APPLICATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT FOR REVIEW OF DETERMINATION REFUSING AN APPLICATION TO MODIFY THE CONSENT BY DELETION OF A CONDITION REQUIRING A 1500MM REDUCTION IN THE HEIGHT OF THE PROPOSED POOL.
2. THE APPLICATION WAS NOTIFIED TO ADJOINING AND NEARBY PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE PRECINCT COMMITTEE FORUM FOR COMMENT.
4. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
5. A SITE INSPECTION IS RECOMMENDED.
6. THE APPLICATION IS RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.

SITE INSPECTION

A site inspection of 2 Heaton Avenue, Clontarf was conducted on Monday, 5 September, 2005 comprising of Councillors B Aird, J Evans, J Hay, A Heasman, J Lambert, P Macdonald and D Murphy.

Inspection Party Recommendation

That the application be approved generally as per staff recommendation with the conditions 1. and 3. of the staff recommendation replaced as follows;

1. The height of the pool reduced by a further 350mm with coping to be no higher than RL56.25 (750mm below the existing lower floor level terrace).
3. The height of the water feature wall above the pool level not to exceed RL57.25 (1.0m above pool coping).

MOTION (Murphy / Hay)

That the application for a Review of the Determination under Section 82A of the Environmental Planning & Assessment Act 1979 to modify the consent to DA 162/04 for erection of a swimming pool at No.2 Heaton Avenue Clontarf be approved with Condition A of the deferred commencement consent amended as follows;

A. Submitted amended plans showing works generally in accordance with Drawing No 30435 –1 (Issue D) by Viridian Design dated 13/05/05, with the following changes:

1. The height of the pool be reduced by a further 350mm to be no higher than RL56.25 (750mm below the existing lower floor level terrace).
2. The setback of the pool and water feature from the southern side boundary be 2.3m with the pool repositioned northwards to maintain its length.
3. The height of the water feature wall above the pool level not to exceed RL57.25 (1.0m above pool coping).

RESOLVED: (Murphy / Hay)

That the application for a Review of the Determination under Section 82A of the Environmental Planning & Assessment Act 1979 to modify the consent to DA 162/04 for erection of a swimming pool at No.2 Heaton Avenue Clontarf be **approved** with Condition A of the deferred commencement consent amended as follows;

A. Submitted amended plans showing works generally in accordance with Drawing No 30435 –1 (Issue D) by Viridian Design dated 13/05/05, with the following changes:

1. The height of the pool be reduced by a further 350mm to be no higher than RL56.25 (750mm below the existing lower floor level terrace).
2. The setback of the pool and water feature from the southern side boundary be 2.3m with the pool repositioned northwards to maintain its length.
3. The height of the water feature wall above the pool level not to exceed RL57.25 (1.0m above pool coping).

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

Against the Resolution: Nil.

Environmental Services Division Report No. 47

**51 Stuart Street, Manly
82A Review (DA250/04)**

Application Lodged: 3 June 2005 (Section 82A review)

Applicant: Blackmore Design Group

Owner: Mr & Mrs R L Blackmore

Estimated Cost: \$700,000

Zoning: Manly Local Environmental Plan, 1988 – Residential, within Foreshore Scenic Protection Area.

Surrounding Development: Two and three storey dwelling houses and residential flat buildings.

Heritage: Not applicable

SUMMARY:

1. DEVELOPMENT APPLICATION 250/04 FOR THE DEMOLITION OF THE EXISTING DWELLING HOUSE AND THE ERECTION OF A NEW TWO STOREY DWELLING HOUSE WITH BASEMENT PARKING WAS REFUSED BY COUNCIL ON 22 FEBRUARY 2005.

2. ON 2 JUNE 2005, THE APPLICANT LODGED AN APPLICATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT FOR REVIEW OF THE DETERMINATION.
3. THE SECTION 82A APPLICATION WAS NOTIFIED TO ALL ADJOINING PROPERTY OWNERS AND OCCUPIERS WITH THREE SUBMISSIONS RECEIVED.
4. THE APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR NOREK.
5. A SITE INSPECTION IS RECOMMENDED.
6. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

SITE INSPECTION

A site inspection of 51 Stuart Street, Manly was conducted on Monday, 5 September, 2005 comprising of Councillors B Aird, J Evans, J Hay, A Heasman, J Lambert, P Macdonald and D Murphy and M Norek.

Inspection Party Recommendation

That Development Application No. 250/04 for demolition of the existing dwelling and erection of a new two storey dwelling with rooftop terrace and basement garage be deferred pending submission of Registered Surveyors report confirming the accuracy of levels as depicted in the photograph submitted by the applicant in April 2005 showing impact on the view from the rear deck of No. 10 Marshall Street, Manly.

MOTION (Hay / Evans)

1. That Development Application No. 250/04 for demolition of the existing dwelling and erection of a new two storey dwelling with rooftop terrace and basement garage be **deferred** for a period of one week pending submission of Registered Surveyors report and building templates. The submission should confirm the accuracy of levels as depicted in the photograph submitted by the applicant in April 2005 showing impact on the view from the rear deck of No. 10 Marshall Street, Manly.
2. That the submitted plans include the amended design with respect to the removal of the pillar in the south west corner of the building and the removal of the service room from the roof of the building.
3. That with regard to construction of the templates, provision be made for Councillors to investigate the overall decrease in the height of the building by 300mm.

AMENDMENT (Norek / Aird)

That Development Application No. 250/04 for demolition of the existing dwelling and erection of a new two storey dwelling with rooftop terrace and basement garage be deferred in order to address the following matters:

1. Reduction of the Floor Space Ratio from 0.75 to 0.6.
2. Amendment of the north west boundary setback to at least 1.0 meter.
3. A redesign to incorporate the erecting of poles to address view sharing issues.
4. The relocation of the service room from the roof of the premises to the basement level and a subsequent reduction of the wall height from 7.9m to 7.4m.

5. A redesign of the pillars at the front of house.
6. That issues regarding construction equipment be addressed with residents of 49 Stuart St, Manly.
7. That with regard to construction of the templates, provision be made for Councillors to investigate the overall decrease in the height of the building by 300mm.

For the Amendment: Councillors Aird and Norek.

Against the Amendment: Councillors Hay, Heasman, Lambert, Murphy, Daley, Morrison, Pedersen, Evans and Macdonald.

RESOLVED: (Hay / Evans)

1. That Development Application No. 250/04 for demolition of the existing dwelling and erection of a new two storey dwelling with rooftop terrace and basement garage be **deferred** for a period of one week pending submission of Registered Surveyors report and building templates. The submission should confirm the accuracy of levels as depicted in the photograph submitted by the applicant in April 2005 showing impact on the view from the rear deck of No. 10 Marshall Street, Manly.
2. That the submitted plans include the amended design with respect to the removal of the pillar in the south west corner of the building and the removal of the service room from the roof of the building.
3. That with regard to construction of the templates, provision be made for Councillors to investigate the overall decrease in the height of the building by 300mm.

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

Against the Resolution: Councillors Aird and Norek.

Environmental Services Division Report No. 48

197-215 Condamine Street, Balgowlah

Totem Redevelopment (DA168/05)

Application Lodged: 26 April 2005
Applicant: Stockland Development Pty Ltd
Owner: Stockland Constructors Pty Ltd & Manly Council
Estimated Cost: \$126.4 Million
Zoning: Business Zone 3
Surrounding Development: Business & Residential
Heritage: Condamine Street Trees

SUMMARY

1. DEVELOPMENT APPLICATION 168/05 FOR DEMOLITION OF EXISITING BUILDINGS AND STAGE 1 OF PROPOSED BUSINESS/RESIDENTIAL DEVELOPMENT WAS RECEIVED BY COUNCIL 26 APRIL, 2005.
2. COUNCIL ENGAGED AN EXTERNAL PLANNING CONSULTANT TO UNDERTAKE AN ASSESSMENT AND PREPARE A REPORT FOR COUNCIL'S CONSIDERATION.
3. THE CONSULTANTS REPORT IS ATTACHED – AT1.
4. THE APPLICATION IS RECOMMENDED FOR APPROVAL

MOTION (Macdonald / Hay)

In respect of the application by Stockland Development Pty Ltd for the demolition and reconstruction of a mixed retail/ commercial and residential complex on a site generally known as the Totem Shopping Centre at Balgowlah that:

- A.** Consent be granted pursuant to Sec 80(1) of the Environmental Planning and Assessment Act, 1979 for the demolition for all structures on the site the subject of Development Application 168/05 at 197-215 Condamine Street known as the Totem Site subject to the following conditions:
1. This consent relates to the buildings shown on the survey plan provided by Stockland and referred as Drawing No. 224100 and dated 31 October, 2003.
 2. Council's land off Sydney Road, being Lot 3 DP 701218, shall be excluded from the demolition site.
 3. The applicant is to provide and maintain at no cost to Council temporary public amenities within the Council's land referred to in Condition 2 until such times as the existing facilities to be demolished off Condamine Street are replaced. The number of toilet facilities to be provided is to be approved by Council.
 4. Lane 34 shall be excluded from the demolition site in order to maintain access to properties fronting Sydney Road.
 5. Prior to the commencement of demolition work a Vermin Control Management Plan shall be prepared and submitted to Council for approval. If approved the Plan shall be implemented from the commencement of demolition and until the site is developed and open to the public.
 6. Prior to commencement of demolition works a Traffic Management Plan shall be prepared and submitted to Council for approval. Such Management Plan is to address vehicle numbers, routes, points of access and workers' parking arrangements.
 7. The applicant will be responsible for reinstating public roadways surrounding the site where damage is caused by vehicles associated with the demolition work.
 8. A single entrance is permitted to service the site for demolition. The footway and nature strip at the service entrance shall be planked out.
 9. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any demolition works, payment of a Trust Fund Deposit of \$200,000. 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 e.g., cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least seven days prior to the commencement of any work on site.
 10. Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per Australian Standard AS 1742.3, "Part 3 - Traffic control devices for works on roads".
 11. 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.

12. 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.

13. The implementation of adequate care during demolition to ensure that no damage is caused to any adjoining properties.
14. An adequate security fence, is to be erected around the perimeter of the site prior to commencement of any demolition works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.
15. 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.
16. All demolition is to be carried out in accordance with AS2601-2001.
17. No approval is expressed or implied for excavation works.
18. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
19. 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.
20. During and following completion of demolition works measures shall be put in place to ensure no dust, rubbish or other material is blown off the site.
21. In relation to the demolition of the existing buildings 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 AS2601-2001 - 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 AS2601-2001.
 - (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.
22. A barrier or temporary fence shall be erected around the existing street trees to protect them from damage during construction.
23. No existing street trees shall be removed without Council approval. Where such approval is granted, the trees shall be replaced at full cost by the applicant with super advanced trees of a species nominated by Council's relevant officer.
24. A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier prior to the commencement of demolition works. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the demolition works.
25. 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.
26. Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.
27. 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.
28. All demolition and excess construction materials are to be recycled wherever practicable.
29. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
30. Building or construction work must be confined to the hours between 7.00 a.m. to 6.00 p.m., Monday to Friday and 7.00 a.m. to 1.00 p.m., 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 1.00 p.m. to 4.00 p.m. 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.

31. 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.
32. A photographic archival quality record shall be made of all the proposed buildings and structures to be demolished. All these buildings are to be photographically recorded in accordance with the NSW Heritage Office Guidelines **prior to commencement of works or any demolition works**. The record is to be in an A4 format and shall include plans, the streetscape context, their street numbering and black and white photographs, their negatives and colour photographs, two copies of which are to be submitted to Council **prior to issue of the Construction Certificate**. Photographs are also to include the heritage listed street trees, the interior and exterior of all the buildings and their setting. The record is to be prepared by a heritage consultant and include a brief outline of the history of the locality and the buildings. When received, a copy will be sent to the Manly Local Studies Library.
33. The heritage listed Brushbox (*Iphosterum confertus*) street trees in Condamine Street are to be retained due to their identified aesthetic value and significant contribution to the streetscape of Condamine Street. An alternative design and lower building height is required to ensure retention of these trees and their dominance in the streetscape setting. **Details of which are to be submitted to Council for approval prior to issue of the Construction Certificate.**
34. Additional semi-mature Brushbox are to be planted in Condamine Street to reinforce the significance of the existing street trees. **Details of which are to be submitted with the Landscape plan with Stage 2 of the development.**
35. The development is to incorporate systems to improve the health and longevity of these trees. Protective buffers are to be placed around the heritage listed trees of Condamine Street to ensure that damage to the trunks and root systems does not occur during demolition/development of the site. Details of the method of protection of the trees shall be **submitted to Council for approval prior to the issue of the Construction Certificate.**

The street trees shall be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed with directed by the Principal Certifying Authority. The enclosure shall be constructed out of F62 reinforcing mesh 1800mm high wired to 2400 long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk. An annotated photograph(s) of the trees, with particular emphasis on the lower part of the trees, shall be **submitted to Council prior to the commencement of any building work.**

36. The reuse and recycling of all materials is required, particularly in regard to the historic bungalows and interwar buildings proposed to be demolished. The reuse of the sandstone foundations of these buildings is to be incorporated into the development, such as on the exterior foundations of the new buildings, retaining walls, and/or fences fronting Condamine Street. The recycling of the 'liver' bricks, leadlight windows and the like is to occur, preferably on site and/or to suitable professional recycling yards specializing in the recycling of historic building materials. Demolition and storage of these materials is to be carefully carried out by the workers and a specific stockpile area is to be designated and protected. Details of the above requirements are to be submitted to **Council prior to issue of the Construction Certificate.**
37. The 'totem' neon sign on Sydney Road and the 'totem' in Condamine Street are to be retained for their historic links to the locality and the site and are to be incorporated into suitable major public open spaces such as the proposed plaza off Condamine Street or within the shopping centre such that they:

- feature prominently and provide opportunities to act as a meeting place foci;
- and are given suitable all-weather protection.

38. An historical interpretation of the history of the site and the totem shopping centre including the sign and totems is to be located in the vicinity of the sign and totem, and it is preferable that both the sign and totem are displayed together as part of the interpretation. The interpretation is also to include historic photographs of the site and the significance of the street trees in Condamine Street. The use of the name "totem" should be considered to continue with site due to its local connections and identify with the locality. Details of the above are to be **submitted to Council for approval prior to issue of the Construction Certificate.**
39. Any stone kerb in the vicinity of the development site is to be protected from damage during construction. Details of the method of protection of the kerb are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. Photographs of the kerb are to be **submitted to Council prior to the commencement of any building work.**
40. Where driveway construction necessitates the removal of any part of any existing stone kerb, the redundant stone kerb blocks are to be carefully removed, without damage, in whole blocks. These kerb blocks are to be delivered to Council's depot in Balgowlah. To arrange access to the depot and a suitable time for delivery contact Council's Works Superintendent on 0418 608 494 between 8.00 a.m. and 4.00 p.m. Mon-Fri. The removal and delivery of the stone kerb blocks is to be undertaken at the expense of the owner/applicant.
41. If, during the course of construction and any associated earth disturbing activities, human remains or archaeological deposits originating from Indigenous or non-Indigenous cultures are exposed, works must cease immediately and Council informed. The Police must also be informed if human remains are uncovered. If this procedure is not followed the applicant may be guilty of an offence under the NSW National Parks and Wildlife Act 1974 and the Aboriginal and Torres Strait Islander Heritage Protection Act 1984, and will be reported to the relevant authorities.

B. Stage 1 Consent be granted pursuant to Sec 80(4) of the Environmental Planning and Assessment Act, 1979 for the following aspects of Development Application No. 168/05 at 197-215 Condamine Street known as the Totem Site:

- The site being used for retail/commercial uses and residential uses generally as shown on the approved drawings.
- The location of the retail/commercial uses at RL 34.5 and on the podium level.
- The location and dimensions of the building footprints as shown on the plans referred to in this consent.
- The use of the podium level for a mix of public and private open space, retail/commercial use.
- The two levels of car parking below the main retail level for car parking.
- The provision of 1005 car parking spaces.
- Approximately 560 car spaces for the retail/commercial component including staff parking located in the basement and Lane 34.
- A total of 445 parking spaces for the residents and visitor associated with the residential component.
- Vehicular access to and from the Griffiths Street for residential parking only.
- Vehicular access for retail and commercial purposes from both Condamine Street and Griffiths Street generally as shown on the plans referred to in this consent.
- Access to loading docks being from Condamine Street as shown on the plans referred to in this consent.

subject to the following conditions:

1. This consent relates to the set of drawings as follows:

➤ Survey Drawing	020312BDY
➤ Site Analysis	DA1-01A
➤ Residential Car Park Envelope	DA1-DA10A
➤ Retail Car Park Envelope	DA1-11A
➤ Retail Envelope Plan	DA1-12A
➤ Podium Plan (Retail & Residential)	DA1-20A
➤ Building Envelope Plan	DA1-21A
➤ Building Envelope Elevations	DA1-30A
➤ Building Envelope Elevations	DA1-31A
➤ Building Envelope Sections Sheet 1	DA1-40A
➤ Building Envelope Sections Sheet 2	DA1-41A
➤ Shadow Diagram	DA1-50A, 51A & 52A
➤ Photomontages sheets 1-4	DA1-55A, 56A, 58A & 59A
➤ Pedestrian Circulation & Landscape Zones	DA1-60

all dated 6 April, 2005 as amended by the following conditions.

2. This Stage 1 Consent does not imply that any subsequent Development Application lodged in accordance with this Stage 1 consent will necessarily be acceptable as a full and thorough assessment under the provision of the Environmental Planning and Assessment Act, 1979 will be required.
3. No excavation or construction or the carrying out of any development (including all buildings of light weight construction) shall commence in relation to this Stage 1 consent until a further development application is consented to and a Construction Certificate issued.
4. The details in any Stage 2 Development Application shall be generally in accordance with the plans the subject of this consent.
5. The following requirements are to be part of any Stage 2 Development application for this proposal:
 - A Construction Management Plan; and
 - A Local Area Traffic Management Plan.
6. Any part of the building at a level above the podium level shall not be used for other than a residential purpose without the prior consent of Council.
7. The levels of the development nominated on the plans lodged with the Application and shown as car parking shall not be used for any other purpose unless prior consent is obtained from Council.
8. This consent does not grant consent to individual spaces within the development. Separate consent will be required in respect of each tenancy or allotment before any use can commence.
9. The total gross floor space of the development is not to exceed 44,000 square metres.
10. The total gross floor area to be used for residential development shall not exceed 29,700 sq metres.
11. The ceiling heights of the top levels of the residential buildings shall not exceed those

- specified on the plans referred to in this consent.
12. The setbacks to side boundaries for the development shall not be less than that shown on the plans referred to in this consent.
13. The Plans referred to in Condition 1 are amended as follows:
- (i) The western end of Building E is to be shortened by five metres in accordance with the sketch provided by the applicant on 29 July 2005.
 - (ii) Building K is to be a part two storey a part three storey building in accordance with the sketch provided by the applicant on 29 July 2005
 - (iii) The setback to Building C is to be increased to provide a minimum of six metres from the centre line of the widened Lane 34 to the building envelope to provide 50% of the required separation distance in the Residential Design Flat Code.
 - (iv) The upper two floors on Building F are to be setback by 10 metres from the western edge of the development envelope to provide a four storey scale to the western boundary and thereby create a more appropriate transitional scale to the adjoining development on Woodland Street.
 - (v) The articulation zones on Building D and E are to be removed where they are in close proximity to the south western corner of the main plaza area. The articulation zones are to be removed for a length of five metres from the corner of Building D to the southern and eastern elevations and eight metres to the northern elevation of Building E. Fenestration or balconies to living area are prohibited on the two opposing corners for both Building D and E for the height of the building.
 - (vi) Buildings F and G are to be reduced in width to provide a minimum of 15 metres between the two core Building envelopes (i.e. dark blue on the plan).
 - (vii) The pedestrian link adjacent to Building K is to have a minimum dimension of 3.2 metres from the boundary to the edge of any built form.
 - (viii) A minimum setback of two metres is to be provided from the built form to the eastern boundary for Building K.
 - (ix) The articulation of the southern façade of building E shall not occur within the articulation zone shown on the plans but within the footprint as shown
 - (x) **Building K** shall be reduced in length by the deletion of so much of the southern part of the building so that the rear wall of the proposal is in line with the rear wall of 121 Griffiths St.
14. A character board indicating architectural character and overall quality standard is to be provided to the satisfaction of the Director of Planning prior to lodgment of the Stage 2 Development Application.
15. High quality materials are to be provided throughout the development including the podium walls at the interface with adjoining properties whether on the boundary or inset from it and to all pedestrian links into the site and to the full length of Lane 34.
16. Any proposed loading and servicing from Lane 34 is to be limited to small vans only.
17. As part of any Stage 2 Development Application Lane 34 is to be activated for a minimum of 50% of its length at the ground floor. This can be by retail or commercial frontages.
18. Any apartments with fenestration or balconies to Lane 34 are to be provided with appropriate acoustic treatment to ameliorate the noise associated with loading and unloading.
19. High quality architectural design treatments are required to all significant corners within the development that terminate a pedestrian link or public space or create a visual focus from the main connections into the site or from the public open space areas and squares.

20. The Local Area Traffic Management Plan, including pedestrian facilities and bicycle facilities, be developed to manage local issues as part of the Stage 2 Development Application.
21. The LATM Plan is to be developed in consultation with the relevant Community Precinct Forums, residents and relevant Council Committees to Council's satisfaction.
22. Any Stage 2 application shall be accompanied by an analysis of issues arising from impacts occasioned by the entry and exiting of vehicles on those premises opposite the access points in both Condamine and Griffiths Streets. This to include ease of access, safety and headlight flash issues.
23. In the event that retail parking is provided at the residential parking level it shall be permanently and physically separated from the residential parking area.
24. That any Stage 2 application is to comply with AS 1428.1 and Council's Access DCP
25. That any Stage 2 application is to comply with AS 2890.1 Parking Facilities and AS 2890.2 Commercial Vehicle Loading Facilities.
26. That the following comments and conditions arising from the SRDA committee of the RTA be noted and complied with as appropriate.
 1. The RTA supports the installation of new traffic signals at the intersection of Condamine Street/retail Access located between Sydney Road and Griffiths Street with the following configuration:
 - Site access - (2 entry lanes / 2 exit lanes)
 - Condamine Street (south approach) – (Left-Through / Through)
 - Condamine Street (north approach) – (Through / Through-Right)
 2. To minimize vehicle conflicts due to the proposed loading dock access being located near the main signalized retail access the RTA requires the installation of a 900mm wide concrete median island along Condamine Street starting at the stop line of the proposed signalized access at Condamine Street/Retail Access and extending 25 metres north.

Note: This may require some localized widening into the footway areas along Condamine Street.

Affected land owners must be consulted with regard to the proposed signalized access and median island along Condamine Street.
 3. To restrict access along Sydney Road to left-in / left-out the RTA requires the installation of a 20 metre long 900mm wide concrete median island covering the vehicle access to the Totem Retail site.

Note: This may require some localized widening into the footway areas along Sydney Road.
 4. As noted within the Traffic Report, the RTA supports the provision of a separate phase at the intersection of Sydney Road / Condamine Street. This additional phase will accommodate the following movements simultaneously:
 - Southbound through movements along Condamine Street;
 - Right turn movement from Condamine Street into Sydney Road westbound;
 - Left turn movement from Sydney Road into Condamine Street northbound.

It is understood that this would require changes to the lantern displays at this intersection.

5. Sydney Road is a significant bus route and traffic flow needs to be as efficient as possible to minimize delays to buses. In order to minimize these delays and for the RTA to support the retention of existing ingress as a result of the large increases to entry movements, time restricted (3.00 p.m. to 7.00 p.m. Mon-Fri) "No Stopping" restrictions are to be provided along Sydney Road from Woodland Street (North) to the totem access point on Sydney Road.

This shall also require consultation to occur with the affected businesses by the developer (in consultation with Council). Council's Local Traffic Committee is to consider the results of the consultation prior to implementation. Prior to the installation of "No Stopping" parking restrictions the applicant is to contact the RTA's Traffic Management Services on ph: (02) 8814.2053 for a "Works Instruction".

6. Detailed SCATES modelling for the existing and proposed scenarios of Thursday AM, Thursday PM and Saturday Midday traffic conditions are to be provided to the RTA (in electronic format for assessment) for the following intersections:
 - Sydney Road / Condamine Street
 - Sydney Road / Woodland Street
 - Condamine Street / Balgowlah Road
 - Condamine Street / Retail Access

Note: Electronic version can be emailed to [Andrew Popoff@rta.nsw.gov.au](mailto:Andrew.Popoff@rta.nsw.gov.au)

This must be submitted to the RTA for review as part of the Stage 2 Development Application. Further recommendations could be provided once the RTA has assessed the traffic modelling.

7. Council's Local Traffic Committee is to consider the implementation / application of the following:
 - "No Stopping" restrictions for a distance of six metres either side of the Totem residential access onto Griffiths Street.
 - Kerbside parking restrictions would need to be reviewed along Griffiths Street to satisfy local road conditions relating to the development proposal.
8. Parking restrictions at the new signalized access on Condamine Street must comply with the requirements of RTA Technical Directions – "Stopping and Parking Restrictions at Intersections and Crossings"- TDT 2002/12.
9. Should the development proceed, detailed design plans of the proposed median island long Sydney Road (including Keep Left signage and possible pavement widening), the proposed new traffic signal design plan for Condamine Street / Retail Access and the revised signal design plan for Sydney Road / Condamine Street will need to be forwarded to the RTA for approval prior to the commencement of any roadworks. The applicant is to be advised that a plan checking fee (amount to be advised) and lodgement of a performance bond will be required prior to the release of approved road / signal design plans by the RTA.
In addition, a ten year operational/maintenance charge would also be required for the proposed new traffic signals at Condamine Street / Retail Access – (amount to be advised).

10. All works / regulatory signposting associated with this development will be at no cost to the RTA and are to be completed prior to occupation.

In addition Council should consider the following Standard Comments:

11. The development should be designed such that road traffic noise from Sydney Road and Condamine Street is mitigated by durable materials, in accordance with the Environmental Protection Authority criteria "The Environmental Criteria for Road Traffic Noise, May 1999". The RTA's Environmental Noise Management Manual provides practical advice in selection noise mitigation treatments.

Where the EPA external noise criteria would not practically and reasonably be met, the RTA recommends that Council applies the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:

- All sleeping rooms: 35 dB(A) Leq(9hr)
 - All other habitable rooms: 45 dB(A) Leq(15hr) and 40 dB(A) Leq(9 hr).
12. Off street parking associated with the proposed development, including aisle widths, parking bay dimensions, sight distances, turn paths and internal circulating roadways are to be in accordance with AS 2890.1-2004 and AS 2890.2 – 2002 for loading areas.
13. Storm water run-off from the subject site onto Sydney Road and Condamine Street, as a result of the proposed development is not to exceed the existing level of run-off from the site.

The reasons for the Consents being issued subject to conditions includes:

- (i) achieving greater compliance with the Manly planning controls which apply to the site including the Urban Design Controls 1999;
 - (ii) minimising impacts on surrounding development;
 - (iii) ensuring the scale and height of the development are appropriate for the subject site taking into account surrounding development;
 - (iv) adverse impacts relating to traffic generation and movements are mitigated;
 - (v) ensuring that the Stage 2 - Development Application takes into account community concerns and attempts to mitigate identified impacts;
 - (vi) achieving a high level of urban design;
 - (vii) satisfying community aspirations for a retail centre which is safe and convenient; and
 - (viii) the public interest is protected.
- C. That the Roads and Traffic Authority of NSW be advised of the determination of the application as required by State Environmental Planning Policy No 11 – Traffic Generating Development.
- D. That all Precinct Forums and all persons who made submissions concerning this application be advised of its determination.

RESOLVED: (Macdonald / Hay)

In respect of the application by Stockland Development Pty Ltd for the demolition and reconstruction of a mixed retail/ commercial and residential complex on a site generally known as the Totem Shopping Centre at Balgowlah that:

- A. Consent be granted pursuant to Sec 80(1) of the Environmental Planning and Assessment Act, 1979 for the demolition for all structures on the site the subject of Development Application 168/05 at 197-215 Condamine Street known as the Totem Site subject to the following conditions:
1. This consent relates to the buildings shown on the survey plan provided by Stockland and referred as Drawing No. 224100 and dated 31 October, 2003.
 2. Council's land off Sydney Road, being Lot 3 DP 701218, shall be excluded from the demolition site.
 3. The applicant is to provide and maintain at no cost to Council temporary public amenities within the Council's land referred to in Condition 2 until such times as the existing facilities to be demolished off Condamine Street are replaced. The number of toilet facilities to be provided is to be approved by Council.
 4. Lane 34 shall be excluded from the demolition site in order to maintain access to properties fronting Sydney Road.
 5. Prior to the commencement of demolition work a Vermin Control Management Plan shall be prepared and submitted to Council for approval. If approved the Plan shall be implemented from the commencement of demolition and until the site is developed and open to the public.
 6. Prior to commencement of demolition works a Traffic Management Plan shall be prepared and submitted to Council for approval. Such Management Plan is to address vehicle numbers, routes, points of access and workers' parking arrangements.
 7. The applicant will be responsible for reinstating public roadways surrounding the site where damage is caused by vehicles associated with the demolition work.
 8. A single entrance is permitted to service the site for demolition. The footway and nature strip at the service entrance shall be planked out.
 9. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any demolition works, payment of a Trust Fund Deposit of \$200,000. 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 e.g., cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least seven days prior to the commencement of any work on site.
 10. Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per Australian Standard AS 1742.3, "Part 3 - Traffic control devices for works on roads".
 11. 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.
 12. 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.

13. The implementation of adequate care during demolition to ensure that no damage is caused to any adjoining properties.
14. An adequate security fence, is to be erected around the perimeter of the site prior to commencement of any demolition works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.
15. 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.
16. All demolition is to be carried out in accordance with AS2601-2001.
17. No approval is expressed or implied for excavation works.
18. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
19. 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.
20. During and following completion of demolition works measures shall be put in place to ensure no dust, rubbish or other material is blown off the site.
21. In relation to the demolition of the existing buildings 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 AS2601-2001 - 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 AS2601-2001.

- (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.
22. A barrier or temporary fence shall be erected around the existing street trees to protect them from damage during construction.
23. No existing street trees shall be removed without Council approval. Where such approval is granted, the trees shall be replaced at full cost by the applicant with super advanced trees of a species nominated by Council's relevant officer.
24. A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier prior to the commencement of demolition works. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the demolition works.
25. 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.
26. Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.
27. 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.
28. All demolition and excess construction materials are to be recycled wherever practicable.
29. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
30. Building or construction work must be confined to the hours between 7.00 a.m. to 6.00 p.m., Monday to Friday and 7.00 a.m. to 1.00 p.m., 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 1.00 p.m. to 4.00 p.m. 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.
31. 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.
32. A photographic archival quality record shall be made of all the proposed buildings and structures to be demolished. All these buildings are to be photographically recorded in accordance with the NSW Heritage Office Guidelines **prior to commencement of works or any demolition works**. The record is to be in an A4 format and shall include plans, the streetscape context, their street numbering and black and white photographs, their

negatives and colour photographs, two copies of which are to be submitted to Council **prior to issue of the Construction Certificate**. Photographs are also to include the heritage listed street trees, the interior and exterior of all the buildings and their setting. The record is to be prepared by a heritage consultant and include a brief outline of the history of the locality and the buildings. When received, a copy will be sent to the Manly Local Studies Library.

33. The heritage listed Brushbox (*Iophosterum confertus*) street trees in Condamine Street are to be retained due to their identified aesthetic value and significant contribution to the streetscape of Condamine Street. An alternative design and lower building height is required to ensure retention of these trees and their dominance in the streetscape setting. **Details of which are to be submitted to Council for approval prior to issue of the Construction Certificate.**
34. Additional semi-mature Brushbox are to be planted in Condamine Street to reinforce the significance of the existing street trees. **Details of which are to be submitted with the Landscape plan with Stage 2 of the development.**
35. The development is to incorporate systems to improve the health and longevity of these trees. Protective buffers are to be placed around the heritage listed trees of Condamine Street to ensure that damage to the trunks and root systems does not occur during demolition/development of the site. Details of the method of protection of the trees shall be **submitted to Council for approval prior to the issue of the Construction Certificate.**

The street trees shall be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed with directed by the Principal Certifying Authority. The enclosure shall be constructed out of F62 reinforcing mesh 1800mm high wired to 2400 long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk. An annotated photograph(s) of the trees, with particular emphasis on the lower part of the trees, shall be **submitted to Council prior to the commencement of any building work.**

36. The reuse and recycling of all materials is required, particularly in regard to the historic bungalows and interwar buildings proposed to be demolished. The reuse of the sandstone foundations of these buildings is to be incorporated into the development, such as on the exterior foundations of the new buildings, retaining walls, and/or fences fronting Condamine Street. The recycling of the 'liver' bricks, leadlight windows and the like is to occur, preferably on site and/or to suitable professional recycling yards specializing in the recycling of historic building materials. Demolition and storage of these materials is to be carefully carried out by the workers and a specific stockpile area is to be designated and protected. Details of the above requirements are to be submitted to **Council prior to issue of the Construction Certificate.**
37. The 'totem' neon sign on Sydney Road and the 'totem' in Condamine Street are to be retained for their historic links to the locality and the site and are to be incorporated into suitable major public open spaces such as the proposed plaza off Condamine Street or within the shopping centre such that they:
- feature prominently and provide opportunities to act as a meeting place foci;
 - and are given suitable all-weather protection.
38. An historical interpretation of the history of the site and the totem shopping centre including the sign and totems is to be located in the vicinity of the sign and totem, and it is preferable that both the sign and totem are displayed together as part of the interpretation. The interpretation is also to include historic photographs of the site and the significance of the street trees in Condamine Street. The use of the name "totem" should be considered to continue with site due to its local connections and identify with the locality. Details of the

above are to be **submitted to Council for approval prior to issue of the Construction Certificate.**

39. Any stone kerb in the vicinity of the development site is to be protected from damage during construction. Details of the method of protection of the kerb are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. Photographs of the kerb are to be **submitted to Council prior to the commencement of any building work.**
40. Where driveway construction necessitates the removal of any part of any existing stone kerb, the redundant stone kerb blocks are to be carefully removed, without damage, in whole blocks. These kerb blocks are to be delivered to Council's depot in Balgowlah. To arrange access to the depot and a suitable time for delivery contact Council's Works Superintendent on 0418 608 494 between 8.00 a.m. and 4.00 p.m. Mon-Fri. The removal and delivery of the stone kerb blocks is to be undertaken at the expense of the owner/applicant.
41. If, during the course of construction and any associated earth disturbing activities, human remains or archaeological deposits originating from Indigenous or non-Indigenous cultures are exposed, works must cease immediately and Council informed. The Police must also be informed if human remains are uncovered. If this procedure is not followed the applicant may be guilty of an offence under the NSW National Parks and Wildlife Act 1974 and the Aboriginal and Torres Strait Islander Heritage Protection Act 1984, and will be reported to the relevant authorities.

B Stage 1 Consent be granted pursuant to Sec 80(4) of the Environmental Planning and Assessment Act, 1979 for the following aspects of Development Application No. 168/05 at 197-215 Condamine Street known as the Totem Site:

- The site being used for retail/commercial uses and residential uses generally as shown on the approved drawings.
- The location of the retail/commercial uses at RL 34.5 and on the podium level.
- The location and dimensions of the building footprints as shown on the plans referred to in this consent.
- The use of the podium level for a mix of public and private open space, retail/commercial use.
- The two levels of car parking below the main retail level for car parking.
- The provision of 1005 car parking spaces.
- Approximately 560 car spaces for the retail/commercial component including staff parking located in the basement and Lane 34.
- A total of 445 parking spaces for the residents and visitor associated with the residential component.
- Vehicular access to and from the Griffiths Street for residential parking only.
- Vehicular access for retail and commercial purposes from both Condamine Street and Griffiths Street generally as shown on the plans referred to in this consent.
- Access to loading docks being from Condamine St as shown on the plans referred to in this consent.

subject to the following conditions:

1. This consent relates to the set of drawings as follows:

- | | |
|---------------------------------|-----------|
| ➤ Survey Drawing | 020312BDY |
| ➤ Site Analysis | DA1-01A |
| ➤ Residential Car Park Envelope | DA1-DA10A |
| ➤ Retail Car Park Envelope | DA1-11A |
| ➤ Retail Envelope Plan | DA1-12A |

- Podium Plan (Retail & Residential) DA1-20A
- Building Envelope Plan DA1-21A
- Building Envelope Elevations DA1-30A
- Building Envelope Elevations DA1-31A
- Building Envelope Sections Sheet 1 DA1-40A
- Building Envelope Sections Sheet 2 DA1-41A
- Shadow Diagram DA1-50A, 51A & 52A
- Photomontages sheets 1-4 DA1-55A, 56A, 58A & 59A
- Pedestrian Circulation & Landscape Zones DA1-60

all dated 6 April, 2005 as amended by the following conditions.

2. This Stage 1 Consent does not imply that any subsequent Development Application lodged in accordance with this Stage 1 consent will necessarily be acceptable as a full and thorough assessment under the provision of the Environmental Planning and Assessment Act, 1979 will be required.
3. No excavation or construction or the carrying out of any development (including all buildings of light weight construction) shall commence in relation to this Stage 1 consent until a further development application is consented to and a Construction Certificate issued.
4. The details in any Stage 2 Development Application shall be generally in accordance with the plans the subject of this consent.
5. The following requirements are to be part of any Stage 2 Development application for this proposal:
 - A Construction Management Plan; and
 - A Local Area Traffic Management Plan.
6. Any part of the building at a level above the podium level shall not be used for other than a residential purpose without the prior consent of Council.
7. The levels of the development nominated on the plans lodged with the Application and shown as car parking shall not be used for any other purpose unless prior consent is obtained from Council.
8. This consent does not grant consent to individual spaces within the development. Separate consent will be required in respect of each tenancy or allotment before any use can commence.
9. The total gross floor space of the development is not to exceed 44,000 square metres.
10. The total gross floor area to be used for residential development shall not exceed 29,700 sq metres.
11. The ceiling heights of the top levels of the residential buildings shall not exceed those specified on the plans referred to in this consent.
12. The setbacks to side boundaries for the development shall not be less than that shown on the plans referred to in this consent.
13. The Plans referred to in Condition 1 are amended as follows:
 - (i) The western end of Building E is to be shortened by five metres in accordance with the sketch provided by the applicant on 29 July 2005.

- (ii) Building K is to be a part two storey a part three storey building in accordance with the sketch provided by the applicant on 29 July 2005
 - (iii) The setback to Building C is to be increased to provide a minimum of six metres from the centre line of the widened Lane 34 to the building envelope to provide 50% of the required separation distance in the Residential Design Flat Code.
 - (iv) The upper two floors on Building F are to be setback by 10 metres from the western edge of the development envelope to provide a four storey scale to the western boundary and thereby create a more appropriate transitional scale to the adjoining development on Woodland Street.
 - (v) The articulation zones on Building D and E are to be removed where they are in close proximity to the south western corner of the main plaza area. The articulation zones are to be removed for a length of five metres from the corner of Building D to the southern and eastern elevations and eight metres to the northern elevation of Building E. Fenestration or balconies to living area are prohibited on the two opposing corners for both Building D and E for the height of the building.
 - (vi) Buildings F and G are to be reduced in width to provide a minimum of 15 metres between the two core Building envelopes (i.e. dark blue on the plan).
 - (vii) The pedestrian link adjacent to Building K is to have a minimum dimension of 3.2 metres from the boundary to the edge of any built form.
 - (viii) A minimum setback of two metres is to be provided from the built form to the eastern boundary for Building K.
 - (ix) The articulation of the southern façade of building E shall not occur within the articulation zone shown on the plans but within the footprint as shown
 - (x) **Building K** shall be reduced in length by the deletion of so much of the southern part of the building so that the rear wall of the proposal is in line with the rear wall of 121 Griffiths St.
14. A character board indicating architectural character and overall quality standard is to be provided to the satisfaction of the Director of Planning prior to lodgment of the Stage 2 Development Application.
15. High quality materials are to be provided throughout the development including the podium walls at the interface with adjoining properties whether on the boundary or inset from it and to all pedestrian links into the site and to the full length of Lane 34.
16. Any proposed loading and servicing from Lane 34 is to be limited to small vans only.
17. As part of any Stage 2 Development Application Lane 34 is to be activated for a minimum of 50% of its length at the ground floor. This can be by retail or commercial frontages.
18. Any apartments with fenestration or balconies to Lane 34 are to be provided with appropriate acoustic treatment to ameliorate the noise associated with loading and unloading.
19. High quality architectural design treatments are required to all significant corners within the development that terminate a pedestrian link or public space or create a visual focus from the main connections into the site or from the public open space areas and squares.
20. The Local Area Traffic Management Plan, including pedestrian facilities and bicycle facilities, be developed to manage local issues as part of the Stage 2 Development Application.
21. The LATM Plan is to be developed in consultation with the relevant Community Precinct Forums, residents and relevant Council Committees to Council's satisfaction.
22. Any Stage 2 application shall be accompanied by an analysis of issues arising from impacts

occasioned by the entry and exiting of vehicles on those premises opposite the access points in both Condamine and Griffiths Streets. This to include ease of access, safety and headlight flash issues.

23. In the event that retail parking is provided at the residential parking level it shall be permanently and physically separated from the residential parking area.

24. That any Stage 2 application is to comply with AS 1428.1 and Council's Access DCP

25. That any Stage 2 application is to comply with AS 2890.1 Parking Facilities and AS 2890.2 Commercial Vehicle Loading Facilities.

26. That the following comments and conditions arising from the SRDA committee of the RTA be noted and complied with as appropriate.

1. The RTA supports the installation of new traffic signals at the intersection of Condamine Street/retail Access located between Sydney Road and Griffiths Street with the following configuration:

- Site access - (2 entry lanes / 2 exit lanes)
- Condamine Street (south approach) – (Left-Through / Through)
- Condamine Street (north approach) – (Through / Through-Right)

2. To minimize vehicle conflicts due to the proposed loading dock access being located near the main signalized retail access the RTA requires the installation of a 900mm wide concrete median island along Condamine Street starting at the stop line of the proposed signalized access at Condamine Street/Retail Access and extending 25 metres north.

Note: This may require some localized widening into the footway areas along Condamine Street.

Affected land owners must be consulted with regard to the proposed signalized access and median island along Condamine Street.

3. To restrict access along Sydney Road to left-in / left-out the RTA requires the installation of a 20 metre long 900mm wide concrete median island covering the vehicle access to the Totem Retail site.

Note: This may require some localized widening into the footway areas along Sydney Road.

4. As noted within the Traffic Report, the RTA supports the provision of a separate phase at the intersection of Sydney Road / Condamine Street. This additional phase will accommodate the following movements simultaneously:

- Southbound through movements along Condamine Street;
- Right turn movement from Condamine Street into Sydney Road westbound;
- Left turn movement from Sydney Road into Condamine Street northbound.

It is understood that this would require changes to the lantern displays at this intersection.

5. Sydney Road is a significant bus route and traffic flow needs to be as efficient as possible to minimize delays to buses. In order to minimize these delays and for the RTA to support the retention of existing ingress as a result of the large increases to entry movements, time restricted (3.00 p.m. to 7.00 p.m. Mon-Fri) "No Stopping"

restrictions are to be provided along Sydney Road from Woodland Street (North) to the totem access point on Sydney Road.

This shall also require consultation to occur with the affected businesses by the developer (in consultation with Council). Council's Local Traffic Committee is to consider the results of the consultation prior to implementation. Prior to the installation of "No Stopping" parking restrictions the applicant is to contact the RTA's Traffic Management Services on ph: (02) 8814.2053 for a "Works Instruction".

6. Detailed SCATES modelling for the existing and proposed scenarios of Thursday AM, Thursday PM and Saturday Midday traffic conditions are to be provided to the RTA (in electronic format for assessment) for the following intersections:

- Sydney Road / Condamine Street
- Sydney Road / Woodland Street
- Condamine Street / Balgowlah Road
- Condamine Street / Retail Access

Note: Electronic version can be emailed to Andrew.Popoff@rta.nsw.gov.au

This must be submitted to the RTA for review as part of the Stage 2 Development Application. Further recommendations could be provided once the RTA has assessed the traffic modelling.

7. Council's Local Traffic Committee is to consider the implementation / application of the following:
 - "No Stopping" restrictions for a distance of six metres either side of the Totem residential access onto Griffiths Street.
 - Kerbside parking restrictions would need to be reviewed along Griffiths Street to satisfy local road conditions relating to the development proposal.
8. Parking restrictions at the new signalized access on Condamine Street must comply with the requirements of RTA Technical Directions – "Stopping and Parking Restrictions at Intersections and Crossings"- TDT 2002/12.
9. Should the development proceed, detailed design plans of the proposed median island long Sydney Road (including Keep Left signage and possible pavement widening), the proposed new traffic signal design plan for Condamine Street / Retail Access and the revised signal design plan for Sydney Road / Condamine Street will need to be forwarded to the RTA for approval prior to the commencement of any roadworks. The applicant is to be advised that a plan checking fee (amount to be advised) and lodgement of a performance bond will be required prior to the release of approved road / signal design plans by the RTA.

In addition, a ten year operational/maintenance charge would also be required for the proposed new traffic signals at Condamine Street / Retail Access – (amount to be advised).

10. All works / regulatory signposting associated with this development will be at no cost to the RTA and are to be completed prior to occupation.

In addition Council should consider the following Standard Comments:

11. The development should be designed such that road traffic noise from Sydney Road and Condamine Street is mitigated by durable materials, in accordance with the

Environmental Protection Authority criteria "The Environmental Criteria for Road Traffic Noise, May 1999". The RTA's Environmental Noise Management Manual provides practical advice in selection noise mitigation treatments.

Where the EPA external noise criteria would not practically and reasonably be met, the RTA recommends that Council applies the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:

- All sleeping rooms: 35 dB(A) Leq(9hr)
 - All other habitable rooms: 45 dB(A) Leq(15hr) and 40 dB(A) Leq(9 hr).
12. Off street parking associated with the proposed development, including aisle widths, parking bay dimensions, sight distances, turn paths and internal circulating roadways are to be in accordance with AS 2890.1-2004 and AS 2890.2 – 2002 for loading areas.
 13. Storm water run-off from the subject site onto Sydney Road and Condamine Street, as a result of the proposed development is not to exceed the existing level of run-off from the site.

The reasons for the Consents being issued subject to conditions includes:

- (i) achieving greater compliance with the Manly planning controls which apply to the site including the Urban Design Controls 1999;
 - (ii) minimising impacts on surrounding development;
 - (iii) ensuring the scale and height of the development are appropriate for the subject site taking into account surrounding development;
 - (iv) adverse impacts relating to traffic generation and movements are mitigated;
 - (v) ensuring that the Stage 2 - Development Application takes into account community concerns and attempts to mitigate identified impacts;
 - (vi) achieving a high level of urban design;
 - (vii) satisfying community aspirations for a retail centre which is safe and convenient;
and
 - (viii) the public interest is protected.
- C.** That the Roads and Traffic Authority of NSW be advised of the determination of the application as required by State Environmental Planning Policy No 11 – Traffic Generating Development.
- D.** That all Precinct Forums and all persons who made submissions concerning this application be advised of its determination.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 49

Development Application Being Processed During September 2005

SUMMARY

Development Applications Currently Being Processed September 2005.

MOTION (Macdonald / Heasman)

That the information be noted.

RESOLVED (Macdonald / Heasman)

That the information be noted.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 50

Appeals List for September 2005

SUMMARY

List of appeals received and their current status for councillors information

MOTION (Macdonald / Morrison)

That the information be noted.

RESOLVED: (Macdonald / Morrison)

That the information be noted.

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

Against the Resolution: Nil.

Councillor Heasman was not in the Chamber when the Motion was put.

CLOSE

The meeting closed at 10.00pm

The above minutes were confirmed at a **Land Use Management Committee** of Manly Council held on 4 October 2005.

CHAIRPERSON

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