



Minutes

Extraordinary Meeting of Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 11 December 2006

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TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Extraordinary Meeting of Land Use Management Committee, having met at 7:50 PM on Monday 11 December 2006, 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 535 of 19th September, 2005.

PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald
Deputy Mayor, Councillor B Pedersen
Councillor B Aird
Councillor S Cant – arrived at 9.02pm
Councillor P Daley
Councillor J Evans, Deputy Chairperson
Councillor J Hay, AM
Councillor A Heasman
Councillor J Lambert, AM Chairperson who presided
Councillor R Morrison – arrived at 7.53pm
Councillor D Murphy
Councillor M Norek

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Divisional Manager Environmental Services
Jim Hunter, Executive Director Major Projects
Eric Armstrong, Consultant Planner
David Stray, Manager Development Control
Elayne Becker, Minute Taker

APOLOGIES

Apologies were tendered on behalf of Councillor S Cant for lateness.

MOTION

That the apology tendered on behalf of Councillor S Cant for lateness be accepted.

RESOLVED

That the apology tendered on behalf of Councillor S Cant for lateness be accepted.

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

Against the Resolution: Nil.

LEAVE OF ABSENCE

Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor B Aird	ES Report No.76 – 45 Beatty Street	Lives in one of the subject streets

Councillor Morrison entered the Chamber.

CONFIRMATION OF MINUTES

MOTION (Macdonald / Lambert)

That confirmation of the Minutes of the Meeting of the Land Use Management Committee held on Monday 4 December 2006 having been furnished to each member of the Committee, be held over to the next meeting.

RESOLVED (Macdonald / Lambert)

That confirmation of the Minutes of the Meeting of the Land Use Management Committee held on Monday 4 December 2006 having been furnished to each member of the Committee, be held over to the next meeting.

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

Against the Resolution: Nil.

NOTICES OF RESCISSION

Notice of Rescission Report No. 4

**197 - 215 Condamine Street, Balgowlah
Totem Redevelopment (DA101/06)**

Mayor Councillor Peter Macdonald, Councillor Jo Evans, and Councillor Pat Daley moved:

“That the Council’s decision of 4 December, 2006 being Item 69 in respect of 197-215 Condamine Street, Balgowlah be and is hereby rescinded.”

PUBLIC ADDRESSES

The following persons address the meeting in relation to this item:

Against: Mr Malcolm Engledew

In Favour: Mr David Bedingfield

MOTION (Macdonald / Daley)

That the Council’s decision of 4 December, 2006 being Item 69 in respect of 197-215 Condamine Street, Balgowlah be and is hereby rescinded.

RESOLVED (Macdonald / Daley)

That the Council's decision of 4 December, 2006 being Item 69 in respect of 197-215 Condamine Street, Balgowlah be and is hereby rescinded.

For the Rescission Motion: Councillors Macdonald, Lambert, Daley, Pedersen, Aird and Evans

Against the Rescission Motion: Councillors Hay, Heasman, Murphy, Morrison and Norek

The Rescission Motion was declared **CARRIED**

Councillor Cant entered the Chamber.

MOTION (Macdonald / Daley)

That:

Part A

Council determined the application, that pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 101/06 for a "Excavation and erection of Buildings comprising of a Supermarket, Specialist shops, dwelling, parking and landscaping." at 197-215 Condamine Street and 360-364 and 380 Sydney Road, Balgowlah, be approved but shall not operate until the applicant has submitted revised plans showing:-

- A1 Building F setback on the 5th and 6th floors by 10m to the previously approved alignment (10m and the same extent of massing parallel to the western boundary).
- A2 Building H being reduced in height from the lift core to the north to fit within the original Development Application approved Stage 1 Envelope.
- A3 The massing removed from Building F and H is to be relocated back to Building L.
- A4 The number of dual aspect or two (2) storey apartments is to be increased to achieve a higher percentage of these unit types over single aspect units.
- A5 The Development Application is to be amended to provide additional trees to Lane 34 between the carparking spaces located on the northern side of Lane 34 and west of the Condamine Street entry. The three (3) carparking spaces shown at the exit to Sydney Road are to be deleted and additional trees planted in this area.
- A6 The laneway (Lane 34) is to be redesigned with the road carriageway narrowed (as it is one-way only) to enable a footpath to be provided along its length with a minimum clear width of 1.2m with Council and Stockland's jointly to develop a landscape strategy for the southern side of the laneway that will allow for future street trees.
- A7 The allocation of parking within levels 1 & 2 of the Totem Centre as follows:-
 - Residential Parking : total spaces = 301 maximum including 12 visitor spaces
 - Retail/Commercial : total spaces = 651 minimum
- A8 The lifts shall be increased in size and number to the satisfaction of Council's Access Committee.

This consent is a **"deferred commencement"**.

Evidence of Items A1 to A7 are to be submitted to Council within a period of six (6) months

pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

Development Application conditions of consent upon compliance with the above matters:

Pursuant to the Building Code of Australia, the building is a Class 2, 6, 7 and 10b building.

Council determined this application and has granted consent subject to the conditions described below:-

Approved Drawings

DA1

This approval relates to drawings/plans Nos. as listed below:-

Architectural

COVER SHEET	DA2-0001 B
SITE ANALYSIS	DA2-0110 A
SITE PLAN	DA2-1001 B
CARPARK LEVEL 2 PLAN	DA2-2001 B
CARPARK LEVEL 1 PLAN	DA2-2005 B
MISCELLANEOUS PLANS	DA2-2007 B
RETAIL PLAN	DA2-2101 B
RETAIL PLANT PLAN	DA2-2105 B
LEVEL 1 PLAN	DA2-2110 B
LEVEL 2 PLAN	DA2-2120 B
LEVEL 3 PLAN	DA2-2130 B
LEVEL 4 PLAN	DA2-2140 B
LEVEL 5 PLAN	DA2-2150 B
LEVEL 6 PLAN	DA2-2160 B
LEVEL 7 PLAN	DA2-2170 B
LEVEL 8 PLAN	DA2-2180 B
ROOF PLAN	DA2-2190 B
GFA PLAN - RETAIL LEVEL	DA2-2890 B
GFA PLAN - LEVEL 1	DA2-2891 B
GFA PLAN - LEVEL 2	DA2-2892 B
NORTH ELEVATION / EAST ELEVATION	DA2-3101 B
SOUTH ELEVATION / WEST ELEVATION	DA2-3102 B
SYDNEY ROAD ELEVATION / GRIFFITH STREET ELEVATION	DA2-3103 B
CONDAMINE STREET ELEVATION – COLOURED	DA2-3110 B
SECTION 0V SECTION 0Q	DA2-3200 B
SECTION 0M SECTION 0L	DA2-3205 B
SECTION 0F SECTION 0D	DA2-3210 B
SECTION 01 SECTION 04	DA2-3250 B
SECTION 08 SECTION 11	DA2-3255 B
SECTION 12	DA2-3260 B
SECTION 16	DA2-3265 B

SITE SECTION EAST WEST – COLOURED	DA2-3310 B
SITE SECTION NORTH SOUTH – COLOURED	DA2-3312 B
ENVELOPE ASSESSMENT LEVEL 1 PLAN	DA2-3801 B
ENVELOPE ASSESSMENT AERIAL VIEW 1	DA2-3803 B

Landscape

LANDSCAPE PLAN AND INDICATIVE PLATING SCHEDULE	DA-L-01C
PLAZA PLAN, SECTION AND PRECEDENT IMAGES	DA-L-02B
COURTYARD GARDEN PLAN, SECTION AND PRECEDENT IMAGES	DA-L-03
POOL GARDEN PLAN, SECTION AND PRECEDENT IMAGES	DA-L-04

Roadworks

COVER SHEET	DA-2-C-RW-00
SITE PLAN	DA-2-C-RW-01
LANE 34 PLAN PROFILE AND SECTIONS	DA-2-C-RW-02
PLAN – SYDNEY ROAD CONDAMINE STREET	DA-2-C-RW-03

Surveyor

PLAN SHOWING DETAIL AND LEVELS	020313 DETAIL Sheets 1 to 4
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Stormwater Works

STORMWATER CONCEPT PLAN – SITEWORKS	DA-2-C-SW-11
DETENTION TANK DETAILS	DA-2-C-SW-12
SEDIMENT & EROSION CONTROL PLAN	DA-2-C-SW-13

The above drawings are to be amended as per the Deferred Commencement conditions.

ANS01

That development is to be carried out substantially in accordance with Development Application 101/06 and accompanying plans, reports and explanatory documentation, supplementary and additional information for both originally submitted application and amended application received by Council except where amended by the following conditions contained herein.

Plaza Design

ANS02

The public Plaza is to be redesigned such that it is de-cluttered and priority given to people comfort in terms of room to congregate and provision of seating in association with planters of an appropriate scale incorporating trees that will provide summer shade.

ANS03

Strategically located planters are utilised as informal seating, with generous planter edges that enable people to either sit and/or lean up against them – planter edge heights of around 400-450mm are suggested.

ANS04

No turf is used in the public plaza.

ANS05

In redesigning the Plaza consideration is to be given to:-

- A staging or amphitheatre area to conduct community events.
- Provision of a community meeting room or a sheltered space provided for public meetings eg. Precinct meeting, mothers groups, youth groups etc.
- Community Notice boards
- Consideration for a children's playground – this will encourage family groups to use the space.
- That the public plaza be an Alcohol Free Zone.

ANS06

The Plaza to be designed to discourage skateboarding. Details of the Plaza area is to be submitted to Council/Accredited Certifier, prior to the issue of the Construction Certificate.

ANS07

A Security management Plan (SMP) shall be prepared for public areas especially the Plaza area for approval by council prior to the issue of a Construction Certificate.

ANS08

The Security Management Plan (SMP) shall include the following:

- CCTV placement and monitoring
- Security guards
- Protocol for calling NSW Police
- Safe parking for late night shoppers
- A youth space program e.g. Erina Fair
- The placement of ATM's in consultation with NSW Police

Traffic/Parking

ANS09

The geometric layout of all the basement carparking areas, all access driveways, queuing areas, ramp gradients, aisle widths, manoeuvring areas, individual parking spaces and the like, must conform with the provision of AS & NZS 2890.1 (2004).

ANS10

A footpath level application must be made to Council to obtain footpath crossing levels before designing internal driveways and carparking areas.

ANS11

All entry/exit points and one and two way circulation movements must be clearly signposted to Council's satisfaction.

ANS12

The minimum height clearance between the floor surface and the lowest overhead obstruction must be 2.1m for all areas traversed by motor vehicles. A minimum of 3.6m headroom must be provided over all areas traversed by service vehicles.

ANS13

Parking bay dimensions must have parking bays not less than 2.5m by 5.5m individually accessible, with an access aisle not less than 5.8m wide for right-angle parking.

ANS14

Further that the Traffic Management Measures A & B suggested for Griffiths Street should be noted at this stage and submitted to the Manly Traffic committee and the relevant Precinct Committees and Griffiths Street residents for consideration following the approval of the Totem Stage 2 DA (Amended August 2006).

ANS15

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 “conceptual” configuration as depicted in the attached draft signal plan: Regn: 0000.000.W.0000.

This intersection must comply with the requirements of RTA Technical Direction – TDT 2001/03 “Signalised Entries to Private Developments”.

If required in the future, provision should also be made for a pedestrian crossing on the northern approach of Condamine Street (ie: cabling. ducting).

ANS16

To minimise vehicular conflicts due to the proposed loading dock access being located near the main signalised retail access, a 600mm wide concrete median island must be installed along Condamine Street generally in accordance with Drawing No. DA2-C-RW-03, Revision B, dated December 2005.

ANS17

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

ANS18

To restrict access along Sydney Road to left-in / left-out, the RTA requires the installation of a 20m long 900mm wide concrete median island covering the vehicular access to the Totem Retail site as depicted on Drawing No. DA2-C-RW-03 Revision B dated December 2005. **Note:** this may require some localised widening into the footway areas along Sydney Road.

ANS19

The RTA supports the provision of a separate phase at the intersection Sydney Road / Condamine Street as depicted in the attached draft signal plan: Regn: 0159.279.W.0095.

ANS20

The parking within Condamine Street may need to be reviewed in view of the additional demand and phase.

The changes to the phasing arrangement would require changes to the lantern displays at this intersection at full cost to the developer.

ANS21

The upgrade to existing bus stops along Sydney Road and Condamine Street adjacent to the centre will require the approval of the State Transit Authority – (Ph: 9245-5614).

ANS22

Sydney Road is a significant bus route and traffic flow needs to be as efficient as possible to minimise delays to buses. In order to minimise 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 (3:00pm-7:00pm Monday to Friday) “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) 8814-2331 for a “Works Instruction”.

ANS23

Council's Local Traffic Committee is to consider the implementation / application of the following:-

- "No Stopping" restrictions for a distance of 6m 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.

ANS24

Parking restrictions at the new signalised access on Condamine Street must comply with the requirements of RTA Technical Direction - "Stopping and Parking Restrictions at Intersections and Crossings" – TDT 2002/12.

ANS25

The developer must submit a Construction Traffic Management Plan to all affected authorities for approval prior to the issue of a Construction Certificate.

ANS26

Should the development proceed, detailed design plans of the proposed median island along 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 road-works. 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.

ANS27

In addition a ten (10) year operational/maintenance charge would also be required for the proposed new traffic signals at Condamine Street / retail Access – (amount to be advised).

ANS28

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

ANS29

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

ANS30

The development should be designed such that road traffic 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 selecting noise mitigation treatments.

ANS31

Where the EPA external noise criteria would not practically or 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 40dBA(A) Leq (9hr)

ANS32

Off street parking associated with the proposed development, including aisle width, parking bay dimension, sight distances, turn paths and internal circulation roadways are to be in accordance with AS 2890.1-2004 and AS 2890.2 -2002 for loading areas.

Stormwater

ANS33

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.

Approved Uses

ANS34

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.

ANS35

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 without prior consent being obtained from Council.

ANS36

This consent does not grant consent to individual spaces within the development. Separate development consent will be required in respect of each tenancy or allotment before any use commercial/retail can commence.

Building Envelopes/Design

ANS37

The ceiling heights of the top levels of the residential buildings shall not exceed those specified on the plans referred to in this consent.

ANS38

The setbacks to side boundaries for the development shall not be less than that shown on the plans referred to in this consent.

ANS39

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.

ANS40

Any proposed loading and servicing from Lane 34 is to be limited to small vans only.

ANS41

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.

ANS42

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.

Waste Management

ANS43

A separate waste and recycling service shall be engaged/contacted by Businesses operating from the premises.

ANS44

Plastic bags shall not be issued to customers for the purposes of carrying items purchased from

the premises.

ANS45

The business shall not provide prepared foods/drinks to its customers in any non-recyclable or non-biodegradable plastic or foam.

ANS46

The shopping centre/mall area must provide garbage and recycling facilities for shoppers within the complex. The garbage and recycling facilities must be clearly marked with approved signage.

Noise Management

ANS47

There is to be no transfer of noise or vibration from the commercial section of the development to the residential section of the development.

ANS48

All proposed food outlets are to submit a separate Development Application to Council for approval.

ANS49

The use of the premises must not give rise to air-pollution, including odours, as defined by the *Protection of the Environment Operations Act 1997*. waste gases released from the premises must not cause a public nuisance, be hazardous or harmful to human health or to the environment.

ANS50

Detailed mechanical ventilation system plans and specification prepared by a *Professional Engineer*, as defined by the Building Code of Australia (BCA), must be submitted to Council or an Accredited Certifier with the application for a Construction Certificate certifying compliance with AS/NZS 1668 *the Use of Mechanical Ventilation and Air Conditioning in Buildings*, Part 1-1998: *Fire and smoke control in multi-compartment buildings* and Part 2-1991: *Mechanical ventilation for acceptable indoor-air quality*.

ANS51

The mechanical ventilation system must be installed and commissioned in accordance with AS/NZS 1668 *the use of Mechanical Ventilation and Air Conditioning in Buildings*, Part 1-1998: *Fire and smoke control in multi-compartment buildings* and Part 2-1991: *Mechanical ventilation for acceptable indoor-air quality* under the supervision of a *Professional Engineer*.

ANS52

Detailed "works as executed" mechanical ventilation system plans and specification prepared by a *Professional Engineer*, as defined by the Building Code of Australia (BCA), must be submitted to Council or an Accredited Certifier together with certification from the supervising *Professional Engineer* that the system as commissioned complies with AS/NZS 1668 *the Use of Mechanical Ventilation and Air Conditioning in Buildings*, Part 1-1998: *Fire and smoke control in multi-compartment buildings* and Part 2-1991: *Mechanical ventilation for acceptable indoor-air quality*.

Note: Part 1 of AS/NZS 1668 only applies to multiple compartment buildings.

ANS53

The air-handling system and cooling tower must be designed, installed and maintained in accordance with the requirements of the *Public Health Act 1997* (Part 4 Microbial Control) and Regulations and Australian Standard AS3666-1989 *Air handling and water systems in building – microbial control*. All waste water from the cooling tower/humidifier/evaporative cooler/warm water system must be discharged to the sewer under a Trade Waste Agreement form Sydney Water.

ANS54

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

ANS55

There are to be no external speakers or live bands at the premises. This condition has been applied to maintain a reasonable level of amenity to the area.

ANS56

Prior to the issue of any Construction Certificate, the developer must submit to the Council or Accredited Certifier a report from a qualified Practising Acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants). The report must certify that the method of treating the mechanical ventilation system will ensure that the noise level, as measured at the boundaries of the subject property, will not exceed the ambient noise level.

ANS57

After completion of the works and prior to the issue of the Occupation Certificate or occupation, the developer must submit to the Principal Certifying Authority, a report from a qualified Practising Acoustic Engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants) certifying that the works have been undertaken to meet the above design criteria.

ANS58

Any lighting on the site must be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting must comply with the *Australian Standard AS4282: 1997 Contrail of the Obtrusive Effects of Outdoor Lighting*.

Health

ANS59

The construction and fit-out of the premises or any part hereof, to be used for the manufacture, preparation or storage of food for sale, must comply with, the Food Act 2003, the Food Regulation 2004 (incorporating the Food Standards Code), and Australian Standards AS 4674-2004, Design, construction and fit-out of food premises.

Note: Accredited Certifiers are unable to issue Compliance Certificates in relation to compliance with the *Foods Act 2003*, *Food Regulation 2004*, *the Food Standards Code* and the *Australian Standards AS 4674-2004*, *Construction and fit-out of food premises* since these are not matters which an Accredited Certifier can be satisfied in relation to under Clause 161 of the Environmental Planning and Assessment Regulation 2000.

Landscape

ANS60

Further consideration should be given to the proposal regarding the width, location and numbers of driveways to ensure the significance of the landscape items are not compromised and that their planting can be and is reinforced.

ANS61

All balconies on the street frontage are to be recessed where they are located within the street wall.

ANS62

Additional semi-mature Brushbox are to be planted in Condamine Street to reinforce the

significance of the existing street trees.

ANS63

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 no 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 landscape setback between the building and the rear of properties fronting Griffiths Street shall be deep soil planting with species selection to the satisfaction of Council.

ANS64

A more comprehensive planting plan and schedule and a full sized landscape plan is required including providing for more vegetation between buildings B and D and the area between buildings L and E needs to be more open to support public usage.

ANS65

The entrance area from Sydney road has four (4) existing *Celtis Australis* trees that need to be retained and or transplanted onsite.

ANS66

The *Eucalyptus nicholii* locate adjacent to the existing carpark to the east of the existing complex should be retained and protected during construction.

ANS67

The Brush box street trees should be protected and maintained and monitored by a qualified arborist during the course of the construction the *Corymbia maculate* and *Eucalyptus microcorys* located in the existing Sydney Road entrance.

ANS68

Retain and protect during construction the *Corymbia maculate* and *Eucalyptus microcorys* located in the existing Sydney Road entrance.

ANS69

Ensure that the Brushbox trees and trees located along the western perimeter of the site which are located on the boundary of neighbouring properties are protected during construction.

Demolition

ANS70

The street trees shall be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed with direction 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.

ANS71

The reuse and recycling of all material 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 specialising 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 the issue of the Construction Certificate.

ANS72

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 Council/Accredited Certifier 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.

ANS73

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 8:00am and 4:00pm Monday to Friday. The removal and deliver of the stone kerb blocks is to be undertaken at the expense of the owner/applicant.

ANS74

If, during the course of construction and any associated earth disturbing activities, human remain 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 Heritage³ Protection Act 1984, and will be reported to the relevant authorities.

Access

ANS75

The applicant is to ensure that the entry pathway from Sydney Road is open to the public at all times to provide level access from Sydney Road to the Plaza area, at a grade and width that complies with AS 1428.2.

ANS76

The applicant is to ensure that the accessible path of travel has appropriate safety features, in particular, crossing the roadway of Lane 34.

ANS77

All escalators are to be provided with tactile ground surface indicators (TGSI) at the top and bottom in accordance with AS 1428.4.

ANS78

The lift car is to have internal dimensions compliant with AS 1428.2 (ref draft DDA Access Code).

ANS79

All public stairways and ramps are to be provided with AS 1428.1 compliant handrails and tactile ground surface indicators (TGSI) in accordance with AS 1428.4. Ramps to have a minimum 1200mm width.

ANS80

All doorways including entry doors are to be designed complaint with AS 1428.2.

ANS81

The components of all entry doors require ease of operation, door controls and safety indicators.

ANS82

Commercial fit-out is not part of the scope of works of this Development Application and is to be the subject of a separate Development Application.

ANS83

All accessible toilets in the retail areas are to be in compliance with AS 1428.2 and Manly Development Control Plan (DCP) for Access. All accessible bathrooms are to be designed as unisex bathrooms.

ANS84

Ambulant cubicles are to be provided in the male and female toilets in the retail areas.

ANS85

Should the provision of any emergency warnings systems be installed within the mixed use development, the emergency warning systems should include audible and visual warnings indicators to assist people with sensory disabilities.

ANS86

All fire stair doors are to have a minimum clear width of 850mm.

ANS87

An accessible path of travel leading from entrances of Building B and Building D to the accessible ramp system is to be provided.

ANS88

A minimum of 1800mm clear width is to be provided in front of lift lobbies on all floors within the residential buildings.

ANS86

Corridor ends of all floors are to have a minimum 1540mm X 2070mm circulation area (the width of the approach is 11540mm), compliant with AS 1428.2 and the DDA Premises Standards.

ANS90

Components in all lift cars (control panels, audio/visual indicators, handrails and light levels) are to comply with AS 1735.12.

ANS91

Lift call buttons and audio/visual arrival indicators in all lift lobbies are to be appropriately located at height compliant with AS 1735.12.

ANS92

One (1) adaptable unit is to be provided for each new building with more than four (4) units. Plans are to be notated accordingly prior to the issue of the Construction Certificate.

ANS93

The adaptable units should have a mix of unit types spread throughout the development as per the State Environmental Planning Policy (SEPP) No. 65.

ANS94

All adaptable units will need to comply with AS 4299, Class C.

ANS95

An accessible path of travel leading to the entry door of the pool area from the level 1 Plaza area is to be provided.

ANS96

Appropriate access to letterbox and garbage areas for all residential buildings are to be provided.

ANS97

According to the draft DDA Access Code, one (1) out of every fifty (50) car spaces are to be made accessible. Plans are to be amended to indicate all accessible parking spaces.

ANS98

All parking bays for people with disabilities are to be located near the lift lobbies and main entrances.

ANS99

The accessible parking bay shall also have a 3800mm (w) X 2500 (h) internal dimension compliant with AS 4299. There needs to be a height clearance of 2.3m leading to the accessible car bays.

ANS100

Lighting levels should be in accordance with AS 1428.2 clause 19.1. In general the maintenance illumination levels should be between 150 lux for paths of travel, corridors and stairs.

ANS101

Signage to include internal logo for the disabled, directional arrow and a written explanation. Signage to be designed with a contrasting background that stands out rather than blending in with the surrounding area.

ANS102

Appropriate identification signage (internal logo for the disabled) for the disabled toilet is to be provided. The signs to the accessible toilets should be tactile and have Braille included.

ANS103

Signage to be in accordance with the Building Code of Australia (BCA) part D3.6.

ANS104

Way finding signage to entrances, lifts and accessible toilets are to be provided within the development.

ANS105

If applicable, a kerb ramp near the taxi stand to assist people in wheelchairs in accordance with AS 1428.1, is to be provided.

ANS106

The applicant shall comply with the commitments set out in the BAXIS Certificate Nos. 41666831, 77523148, 59273M V2 and 59507M V2 dated 5 October 2006.

ANS107

The applicant shall construct the traffic management facilities within Griffiths Street being a half road closure west of Condamine Street and roundabout at intersection of Griffiths Street and Woodland Street North. These works are required as a result of the impact of the redevelopment of the Totem Centre and are not identified in the Manly Section 94 Contributions Plan 2004 as future traffic management works for the area generally.

ANS108

In any future subdivision of the site easements for public access are to be created over the Central Plaza area and the access ways through the site linking Lane 34 to Condamine Street, Griffiths Street and a future link to Woodland Street.

ANS109

The total Floor Space of the development on the site the subject of this application shall not exceed 44,466m².

ANS110

The applicant shall provide evidence to Council that agreement has been reached with the owner of No 394 Sydney Road, that any Right of Carriageway over the Totem site will not prevent the development from being carried out, prior to the issue of the Construction Certificate.

ANS111

The landscape plan should be amended to delete the grassy knolls to the south of the square to allow at least 40% of the square to be used for gatherings.

ANS112

Building L must be provided with a detailed design that provides passive surveillance to Lane 34 and does not compromise privacy for Buildings C and D.

ANS113

Consider including community facilities within the centre equivalent to the additional FSR over and above the required FSR of 2:1.

ANS114

Building L is to be designed to contribute to the visual interest for Lane 34.

ANS115

The northern wall of the centre is to be redesigned to provide additional visual interest.

ANS116

Trees and landscape are to be provided to the raised deck above the car park entry from Griffith Street.

ANS117

Redesign the southern apartments in Building A to improve the sense of address and access, avoid entry conflicts with private open space and provide an outlook for the living areas.

ANS118

All kitchens to apartments are to be 8m or less from a window.

ANS119

The development shall gain a 6 star rating against the Green Star rating scheme and a 5 star rating against the AGR-NABERS rating scheme. Along with all other applicable content the development shall comply with Section J of the BCA.

ANS120

All Greywater generated by the development shall be collected, treated and reused with the development.

ANS121

All timber used in the development shall be Forest Stewardship certified and evidence of this compliance and the name of the supplier be presented to Manly Council.

ANS122

The developer shall incorporate public art to a minimum value of .25% of the total cost of the building works budget into the development at key locations to be approved by the Public Art Committee Manly Council. Selection process and final selection of Artist and artwork to be approved by Manly Council.

Standard Conditions

DA16

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 \$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 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.**

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

DA17

No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.

DA18

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier **prior to issue of the Construction Certificate.**

DA21

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.

DA22

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.

DA24

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.

DA26

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.

DA31

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.

DA39

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 Council/Accredited Certifier **prior to the issue of the Construction Certificate.**

DA40

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.

DA44

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.

DA47

A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.

DA48

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

DA55

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 Council/Accredited Certifier **prior to issue of the Construction Certificate.**

DA58

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.

DA59

Building work shall not progress beyond first floor level until such time as Registered Surveyor's details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.

DA60

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.

DA61

A Registered Surveyor's certificate identifying the location of the building on the site is to be submitted to the Principal Certifying Authority immediately upon completion of the foundations and prior to work proceeding above dampcourse level.

DA344

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.**

DA345

A geotechnical engineer's report regarding the stability of the site is to be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**

DA357

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.**

DA69

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.

DA81

Any discharge to the atmosphere from the subject development shall comply with the requirements of the Protection of the Environment Operations Act 1997.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

DA113

Care shall be taken to prevent any damage to adjoining buildings.

DA119

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.

DA120

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.

DA121

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

DA125

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.

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA253

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.

DA237

All healthy trees and shrubs identified for retention on the plan must be:

- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
- (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.

DA239

The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA241

Details shall be submitted to the Council/Accredited Certifier **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.

DA243

The trees to be retained are to be protected from trenching or excavation works or other construction works during the building construction stage. A security bond for \$20,000 is required to ensure that the trees are protected during the construction stage. The security bond may be in the form of a bank guarantee which must be lodged with Council **prior to issue of the Construction Certificate**.

DA248

A landscaped buffer being provided along the western and northern side of the site so as to screen/reduce the visual impact of the development. Details are to be submitted to Council/Accredited Certifier **prior to the issue of the Construction Certificate**.

DA250

The Landscaping Plan submitted with the Development Application being amended by Oculus. An amended plan incorporating the amendments is to be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate**.

DA251

Details of waste management facilities are to be submitted with the application for a Construction Certificate in accordance with Council's Development Control Plan for Waste Minimisation and Management.

DA348

Precautions shall be taken when working near trees to be retained including the following:

- do not store harmful or bulk materials or spoil under or near trees
- prevent damage to bark and root system
- do not use mechanical methods to excavate within root zones
- do not add or remove topsoil from under the drip line
- do not compact ground under the drip line.

DA358

Details are to be provided of at least thirty (30) existing or proposed endemic trees for the site that are typically expected to reach a height at maturity of 10 metres. A list of appropriate endemic trees for the Manly area may be obtained at Council's Customer Service desk. Details of new planting are to include appropriate siting and pot size (minimum of 25 litres) in accordance with section 3.2 of the Residential Development Control Plan 2001. Details are to be submitted **with the Construction Certificate** to the satisfaction of the Council/Accredited Certifier.

DA257

All towers, ventilation/ducting, exhaust fan structures and any other structures on the roof are to be the subject of a separate Development Application.

DA267

Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.

DA256

The carpark levels are to be provided with a system of mechanical ventilation in accordance with AS 1668.2 with details being submitted to the Council/Accredited Certifier **prior to issue of the Construction Certificate.**

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.** Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

DA268

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.

DA269

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.**

DA271

An Occupation Certificate is to be issued by the Principal Certifying Authority **prior to occupation of the development.**

DA273

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.

DA279

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.

DA283

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.

DA285

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.**

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.

DA333

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.

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

DA335

Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.

DA336

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.

DA337

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.

DA338

All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.

DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council's satisfaction.

DA340

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.

DA288

No external sound amplification equipment or loud speakers shall be used for the announcement, broadcast, playing of music or similar purposes.

DA289

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.

DA290

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.

DA300

All waste waters and overflow waters from any swimming pool shall be disposed of to the sewer in accordance with the requirements of Sydney Water.

DA301

The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.

DA302

An approved Resuscitation Notice is to be erected in a prominent position in the immediate vicinity of the swimming pool and kept current at all times.

DA303

The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which:

- (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and
- (b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.

DA306

All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.

DA314

All protective fencing and gates are to be in accordance with Australian Standard 1926 **prior to the pool being filled with water**. The fence is to be a minimum of 1200mm in height and posts and/or supports are to be firmly fixed or encased in such a way that the posts/support are unable to be removed easily. The fence is not to be removed or altered at any time without the express approval of Council having been obtained beforehand.

DA315

The proposed pool gates are to be mounted so that:-

- (i) They are clear of any obstruction that could hold the gate open;
- (ii) When lifted upward or pulled downward, movement of the gate does not release the latching device, unhinge the gate or provide a ground clearance greater than 100mm; and
- (iii) They open outwards from the pool.

DA316

Where the latching device release, or the latch itself, on a pool gate is located at a height less than 1500mm above the finished ground level, the latch and its release shall be shielded in accordance with Australian Standard 1926.

DA318

There is to be no noise emitted from any process carried on within the premises that will register more than 5 decibels above the background noise at any point more than 3m outside the premises.

DA9

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

DA10

The construction of a kerb layback is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out **prior to the issue of Occupation Certificate.**

DA11

The existing surplus vehicular crossing and/or kerb layback shall be removed and the kerb and nature strip reinstated **prior to issue of the Occupation Certificate.**

DA12

The driveway/access ramp grades, access and car parking facilities shall comply with the Australian Standard for Off-Street Parking AS2890.1-2004 or later editions.

DA13

A long section of the driveway shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

DA14

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.

DA70

The dimension of carparking bays and aisle widths in the carpark are to be as set out in the vehicular parking standards for Manly Council.

DA75

All driveways, carparking areas and pedestrian paths shall be surfaced and sealed. Details of treatment to these areas shall be submitted to the Council/Accredited Certifier **prior to issue of the Construction Certificate.**

DA77

An approved water interceptor shall be provided across the driveway at the street boundary and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

DA88

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 Council/Accredited Certifier **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.

DA89

An easement is to be created through the adjoining property/properties for the disposal of stormwater runoff, to the requirements of Council or its delegate. The easement shall be registered **prior to the issue of the Construction Certificate**.

DA92

Pump systems will only be permitted for the drainage of seepage waters from basement areas.

DA95

A copy of the approved OSD plan showing work as executed details shall be submitted to Council **prior to the issue of the Occupation Certificate**. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

DA97

Any work to be constructed over the easement shall not prohibit or divert any natural overland flow of water.

DA101

The proposed structure/s to be located clear of the existing Council easement. A certificate from a Registered Surveyor is to be submitted to Council verifying the location of the structure/s after footings have been poured and before the construction of any walls.

DA102

Special footings will be required where the proposed/existing structure is adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A suitably qualified Structural Engineer shall issue a compliance certificate for the special footings referred to above to the Principal Certifying Authority. The footings shall be designed and approved Prior to the Issue of the Construction Certificate.

DA100

A positive covenant in respect of the installation and maintenance of onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and **prior to the release of the trust fund deposit**.

DA108

The basement carparking level is to be adequately protected from flooding. Details are to be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate**.

DA224

The reconstruction and/or construction of footpath paving and any associated works along all areas of the site fronting {insert street name/s}. These works shall be carried out **prior to the issue of the occupation certificate** by a licensed construction contractor, at the applicant's expense and shall be in accordance with Council's Specification for Civil Infrastructure Works and Paving Design Guide.

DA225

The pedestrian footpaths and pavements in the streets surrounding the proposed development shall be constructed as per Manly Council's Paving Design guidelines dated February 2002. a detailed design showing the above details shall be submitted with the application for Construction Certificate and shall be approved by the Principal Certifying authority **prior to the issue of the**

Construction Certificate.

DA229

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.

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier **prior to the issue of the Construction Certificate**. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

DA262

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.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:-

- Silt control fences x5
- Footing inspection - trench and steel x12
- Reinforced concrete slab x48
- Framework inspection x10
- Wet area moisture barrier x270
- Drainage inspection x6
- Driveway crossing/kerb layback x2
- Landscaping inspection
- Final inspection

The cost of these inspections by Council is \$78,100 (being \$220.00 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division 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 \$100.00.

DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council's satisfaction.

DA341

The Heritage listed stone kerb is to be removed without damaging it and contact is to be made with Council's Manager, Civic Services, for the stone to be transported to Council's Depot.

DA342

Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

DA343

Any adjustment to the public utility service is to be carried out in compliance with their standards and the full cost is to be borne by the applicant.

DA236

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.**

DA238

All disturbed surfaces on the land resulting from the building works authorised by this approval shall be revegetated and stabilised so as to prevent any erosion either on or adjacent to the land.

DA252

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.

DA274

Pursuant to Section 93 I(3) of the Environmental Planning and Assessment Act 1979, the Planning Agreement that was submitted to Council by Stockland Development Pty Ltd on 6 June 2006 and publicly exhibited from 4 September 2006 to 3 October 2006 relating to the Development Application 101/06 and for land in Woodland Street, must be entered into before the issue of the Construction Certificate relating to the subject development

DA323

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.

1) The applicant is further advised

Council agrees to enter into the Planning Agreement offered by Stockland Development Pty Ltd on the 6 June 2006 for the Totem Development and Lots 2-23 in Woodland Street in the terms outlined in the exhibited draft Planning Agreement.

2)

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.

3)

That all Precinct Forums and all persons who made submissions concerning this application be advised of its determination.

Part B

The following conditions be added to the Consent:

1. Displaced FSR be removed altogether and Masonic Club void remain.
2. Truck movements - No deliveries to or waste collections from the development are allowed before 7am or later than midnight between Monday and Friday, or before 10am or later than 10pm Saturday and Sunday, including Public Holidays.
3. Provide for mitigation of noise, lights and other impacts on the owners of 134-140 Condamine Street, as a result of traffic egress.
4. DA344
A dilapidation report in regard to adjoining properties and Council land including roadways is to be submitted to Council with the Trust Fund **Deposit prior to the issue of the Construction Certificate.**
5. ANS55
There are to be no external speakers or live bands at the premises without prior consent of Council. This condition has been applied to maintain a reasonable level of amenity to the area.
6. That in light of the loss of community facilities from the Balgowlah Shopping Centre as a result of the demolition of the Totem Centre, Council will require Stockland to enter into a agreement with Council for the provision of a community club (Masonic Club) and access to associated parking, within the development to meet community needs. The club is to have a floor area of 1200 to 1500 m2.
7. If there are impacts on adjoining streets as a result of the development, then council introduce a resident parking scheme.
8. That the applicant provide an additional 33 parking spaces be included in the retail area, not transferred from the residential area.
9. There be provision within the retail component of the development of secure bicycle spaces.

AMENDMENT (Morrison / Murphy)

That the following conditions be added to the consent:

1. all car spaces including the additional car spaces be of the 85% minimum percentile and provided by way of excavation.
2. In light of the loss of community facilities from the Balgowlah Shopping Centre as a result of the demolition of the Totem Centre, Council will require Stockland to enter into a agreement with Council for the provision of a community club (Masonic Club) and access to associated parking, within the development to meet community needs. The club is to have a floor area of 1200 to 1500 m2.
3. The applicant provide an additional 96 parking spaces to be included in the retail area, not transferred from the residential area.
4. Displaced FSR be removed altogether and Masonic Club void remain.

5. Truck movements - No deliveries to or waste collections from the development are allowed before 7am or later than midnight between Monday and Friday, or before 10am or later than 10pm Saturday and Sunday, including Public Holidays.
6. Provide for mitigation of noise, lights and other impacts on the owners of 134-140 Condamine Street, as a result of traffic egress.
7. DA344
A dilapidation report in regard to adjoining properties and Council land including roadways is to be submitted to Council with the Trust Fund **Deposit prior to the issue of the Construction Certificate.**
8. ANS55
There are to be no external speakers or live bands at the premises without prior consent of Council. This condition has been applied to maintain a reasonable level of amenity to the area.
9. The location of the traffic lights at the entry to and exit from the site in the vicinity of 130-134 Condamine Street be reviewed to ensure there is safe access provided to these adjacent properties.
10. Additional 96 parking spaces be provided on the development.
11. That the S93 public benefit reductions claimed by Stockland be limited to only what is in excess of that required by the DCP and what has not already be claimed by way of the additional 0.09 FSR allowed in the stage 1 Development Application.
12. There be provision for secure bicycle spaces.

For the Amendment: Councillors Hay, Heasman, Murphy, Morrison and Norek

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

The **AMENDMENT** was declared **LOST**

RESOLVED (Macdonald / Daley)

That:

Part A

Council determined the application, that pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 101/06 for a "Excavation and erection of Buildings comprising of a Supermarket, Specialist shops, dwelling, parking and landscaping." at 197-215 Condamine Street and 360-364 and 380 Sydney Road, Balgowlah, be approved but shall not operate until the applicant has submitted revised plans showing:-

- A1 Building F setback on the 5th and 6th floors by 10m to the previously approved alignment (10m and the same extent of massing parallel to the western boundary).
- A2 Building H being reduced in height from the lift core to the north to fit within the original Development Application approved Stage 1 Envelope.
- A3 The massing removed from Building F and H is to be relocated back to Building L.
- A4 The number of dual aspect or two (2) storey apartments is to be increased to achieve a higher percentage of these unit types over single aspect units.

- A5 The Development Application is to be amended to provide additional trees to Lane 34 between the carparking spaces located on the northern side of Lane 34 and west of the Condamine Street entry. The three (3) carparking spaces shown at the exit to Sydney Road are to be deleted and additional trees planted in this area.
- A6 The laneway (Lane 34) is to be redesigned with the road carriageway narrowed (as it is one-way only) to enable a footpath to be provided along its length with a minimum clear width of 1.2m with Council and Stockland's jointly to develop a landscape strategy for the southern side of the laneway that will allow for future street trees.
- A7 The allocation of parking within levels 1 & 2 of the Totem Centre as follows:-
- Residential Parking : total spaces = 301 maximum including 12 visitor spaces
 - Retail/Commercial : total spaces = 651 minimum
- A8 The lifts shall be increased in size and number to the satisfaction of Council's Access Committee.

This consent is a "**deferred commencement**".

Evidence of Items A1 to A7 are to be submitted to Council within a period of six (6) months pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

Development Application conditions of consent upon compliance with the above matters:

Pursuant to the Building Code of Australia, the building is a Class 2, 6, 7 and 10b building.

Council determined this application and has granted consent subject to the conditions described below:-

Approved Drawings

DA1

This approval relates to drawings/plans Nos. as listed below:-

Architectural

COVER SHEET	DA2-0001 B
SITE ANALYSIS	DA2-0110 A
SITE PLAN	DA2-1001 B
CARPARK LEVEL 2 PLAN	DA2-2001 B
CARPARK LEVEL 1 PLAN	DA2-2005 B
MISCELLANEOUS PLANS	DA2-2007 B
RETAIL PLAN	DA2-2101 B
RETAIL PLANT PLAN	DA2-2105 B
LEVEL 1 PLAN	DA2-2110 B
LEVEL 2 PLAN	DA2-2120 B
LEVEL 3 PLAN	DA2-2130 B
LEVEL 4 PLAN	DA2-2140 B
LEVEL 5 PLAN	DA2-2150 B
LEVEL 6 PLAN	DA2-2160 B

LEVEL 7 PLAN	DA2-2170 B
LEVEL 8 PLAN	DA2-2180 B
ROOF PLAN	DA2-2190 B
GFA PLAN - RETAIL LEVEL	DA2-2890 B
GFA PLAN - LEVEL 1	DA2-2891 B
GFA PLAN - LEVEL 2	DA2-2892 B
NORTH ELEVATION / EAST ELEVATION	DA2-3101 B
SOUTH ELEVATION / WEST ELEVATION	DA2-3102 B
SYDNEY ROAD ELEVATION / GRIFFITH STREET ELEVATION	DA2-3103 B
CONDAMINE STREET ELEVATION – COLOURED	DA2-3110 B
SECTION 0V SECTION 0Q	DA2-3200 B
SECTION 0M SECTION 0L	DA2-3205 B
SECTION 0F SECTION 0D	DA2-3210 B
SECTION 01 SECTION 04	DA2-3250 B
SECTION 08 SECTION 11	DA2-3255 B
SECTION 12	DA2-3260 B
SECTION 16	DA2-3265 B
SITE SECTION EAST WEST – COLOURED	DA2-3310 B
SITE SECTION NORTH SOUTH – COLOURED	DA2-3312 B
ENVELOPE ASSESSMENT LEVEL 1 PLAN	DA2-3801 B
ENVELOPE ASSESSMENT AERIAL VIEW 1	DA2-3803 B

Landscape

LANDSCAPE PLAN AND INDICATIVE PLATING SCHEDULE	DA-L-01C
PLAZA PLAN, SECTION AND PRECEDENT IMAGES	DA-L-02B
COURTYARD GARDEN PLAN, SECTION AND PRECEDENT IMAGES	DA-L-03
POOL GARDEN PLAN, SECTION AND PRECEDENT IMAGES	DA-L-04

Roadworks

COVER SHEET	DA-2-C-RW-00
SITE PLAN	DA-2-C-RW-01
LANE 34 PLAN PROFILE AND SECTIONS	DA-2-C-RW-02
PLAN – SYDNEY ROAD CONDAMINE STREET	DA-2-C-RW-03

Surveyor

PLAN SHOWING DETAIL AND LEVELS	020313 DETAIL Sheets 1 to 4
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Stormwater Works

STORMWATER CONCEPT PLAN – SITEWORKS	DA-2-C-SW-11
DETENTION TANK DETAILS	DA-2-C-SW-12
SEDIMENT & EROSION CONTROL PLAN	DA-2-C-SW-13

The above drawings are to be amended as per the Deferred Commencement conditions.

ANS01

That development is to be carried out substantially in accordance with Development Application 101/06 and accompanying plans, reports and explanatory documentation, supplementary and additional information for both originally submitted application and amended application received by Council except where amended by the following conditions contained herein.

Plaza Design

ANS02

The public Plaza is to be redesigned such that it is de-cluttered and priority given to people comfort in terms of room to congregate and provision of seating in association with planters of an appropriate scale incorporating trees that will provide summer shade.

ANS03

Strategically located planters are utilised as informal seating, with generous planter edges that enable people to either sit and/or lean up against them – planter edge heights of around 400-450mm are suggested.

ANS04

No turf is used in the public plaza.

ANS05

In redesigning the Plaza consideration is to be given to:-

- A staging or amphitheatre area to conduct community events.
- Provision of a community meeting room or a sheltered space provided for public meetings eg. Precinct meeting, mothers groups, youth groups etc.
- Community Notice boards
- Consideration for a children's playground – this will encourage family groups to use the space.
- That the public plaza be an Alcohol Free Zone.

ANS06

The Plaza to be designed to discourage skateboarding. Details of the Plaza area is to be submitted to Council/Accredited Certifier, prior to the issue of the Construction Certificate.

ANS07

A Security management Plan (SMP) shall be prepared for public areas especially the Plaza area for approval by council prior to the issue of a Construction Certificate.

ANS08

The Security Management Plan (SMP) shall include the following:

- CCTV placement and monitoring
- Security guards
- Protocol for calling NSW Police
- Safe parking for late night shoppers
- A youth space program e.g. Erina Fair
- The placement of ATM's in consultation with NSW Police

Traffic/Parking

ANS09

The geometric layout of all the basement carparking areas, all access driveways, queuing areas, ramp gradients, aisle widths, manoeuvring areas, individual parking spaces and the like, must conform with the provision of AS & NZS 2890.1 (2004).

ANS10

A footpath level application must be made to Council to obtain footpath crossing levels before designing internal driveways and carparking areas.

ANS11

All entry/exit points and one and two way circulation movements must be clearly signposted to Council's satisfaction.

ANS12

The minimum height clearance between the floor surface and the lowest overhead obstruction must be 2.1m for all areas traversed by motor vehicles. A minimum of 3.6m headroom must be provided over all areas traversed by service vehicles.

ANS13

Parking bay dimensions must have parking bays not less than 2.5m by 5.5m individually accessible, with an access aisle not less than 5.8m wide for right-angle parking.

ANS14

Further that the Traffic Management Measures A & B suggested for Griffiths Street should be noted at this stage and submitted to the Manly Traffic committee and the relevant Precinct Committees and Griffiths Street residents for consideration following the approval of the Totem Stage 2 DA (Amended August 2006).

ANS15

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 "conceptual" configuration as depicted in the attached draft signal plan: Regn: 0000.000.W.0000.

This intersection must comply with the requirements of RTA Technical Direction – TDT 2001/03 "Signalised Entries to Private Developments".

If required in the future, provision should also be made for a pedestrian crossing on the northern approach of Condamine Street (ie: cabling. ducting).

ANS16

To minimise vehicular conflicts due to the proposed loading dock access being located near the main signalised retail access, a 600mm wide concrete median island must be installed along Condamine Street generally in accordance with Drawing No. DA2-C-RW-03, Revision B, dated December 2005.

ANS17

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

ANS18

To restrict access along Sydney Road to left-in / left-out, the RTA requires the installation of a 20m long 900mm wide concrete median island covering the vehicular access to the Totem Retail site as depicted on Drawing No. DA2-C-RW-03 Revision B dated December 2005. **Note:** this may require some localised widening into the footway areas along Sydney Road.

ANS19

The RTA supports the provision of a separate phase at the intersection Sydney Road / Condamine Street as depicted in the attached draft signal plan: Regn: 0159.279.W.0095.

ANS20

The parking within Condamine Street may need to be reviewed in view of the additional demand

and phase.

The changes to the phasing arrangement would require changes to the lantern displays at this intersection at full cost to the developer.

ANS21

The upgrade to existing bus stops along Sydney Road and Condamine Street adjacent to the centre will require the approval of the State Transit Authority – (Ph: 9245-5614).

ANS22

Sydney Road is a significant bus route and traffic flow needs to be as efficient as possible to minimise delays to buses. In order to minimise 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 (3:00pm-7:00pm Monday to Friday) “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) 8814-2331 for a “Works Instruction”.

ANS23

Council’s Local Traffic Committee is to consider the implementation / application of the following:-

- “No Stopping” restrictions for a distance of 6m 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.

ANS24

Parking restrictions at the new signalised access on Condamine Street must comply with the requirements of RTA Technical Direction - :”Stopping and Parking Restrictions at Intersections and Crossings” – TDT 2002/12.

ANS25

The developer must submit a Construction Traffic Management Plan to all affected authorities for approval prior to the issue of a Construction Certificate.

ANS26

Should the development proceed, detailed design plans of the proposed median island along 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 road-works. 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.

ANS27

In addition a ten (10) year operational/maintenance charge would also be required for the proposed new traffic signals at Condamine Street / retail Access – (amount to be advised).

ANS28

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

ANS29

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

ANS30

The development should be designed such that road traffic 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 selecting noise mitigation treatments.

ANS31

Where the EPA external noise criteria would not practically or 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 40dBA(A) Leq (9hr)

ANS32

Off street parking associated with the proposed development, including aisle width, parking bay dimension, sight distances, turn paths and internal circulation roadways are to be in accordance with AS 2890.1-2004 and AS 2890.2 -2002 for loading areas.

Stormwater

ANS33

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.

Approved Uses

ANS34

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.

ANS35

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 without prior consent being obtained from Council.

ANS36

This consent does not grant consent to individual spaces within the development. Separate development consent will be required in respect of each tenancy or allotment before any use commercial/retail can commence.

Building Envelopes/Design

ANS37

The ceiling heights of the top levels of the residential buildings shall not exceed those specified on the plans referred to in this consent.

ANS38

The setbacks to side boundaries for the development shall not be less than that shown on the plans referred to in this consent.

ANS39

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.

ANS40

Any proposed loading and servicing from Lane 34 is to be limited to small vans only.

ANS41

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.

ANS42

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.

Waste Management

ANS43

A separate waste and recycling service shall be engaged/contacted by Businesses operating from the premises.

ANS44

Plastic bags shall not be issued to customers for the purposes of carrying items purchased from the premises.

ANS45

The business shall not provide prepared foods/drinks to its customers in any non-recyclable or non-biodegradable plastic or foam.

ANS46

The shopping centre/mall area must provide garbage and recycling facilities for shoppers within the complex. The garbage and recycling facilities must be clearly marked with approved signage.

Noise Management

ANS47

There is to be no transfer of noise or vibration from the commercial section of the development to the residential section of the development.

ANS48

All proposed food outlets are to submit a separate Development Application to Council for approval.

ANS49

The use of the premises must not give rise to air-pollution, including odours, as defined by the *Protection of the Environment Operations Act 1997*. waste gases released from the premises must not cause a public nuisance, be hazardous or harmful to human health or to the environment.

ANS50

Detailed mechanical ventilation system plans and specification prepared by a *Professional Engineer*, as defined by the Building Code of Australia (BCA), must be submitted to Council or an Accredited Certifier with the application for a Construction Certificate certifying compliance with AS/NZS 1668 *the Use of Mechanical Ventilation and Air Conditioning in Buildings*, Part 1-1998: *Fire and smoke control in multi-compartment buildings* and Part 2-1991: *Mechanical ventilation for acceptable indoor-air quality*.

ANS51

The mechanical ventilation system must be installed and commissioned in accordance with AS/NZS 1668 *the use of Mechanical Ventilation and Air Conditioning in Buildings*, Part 1-1998: *Fire and smoke control in multi-compartment buildings* and Part 2-1991: *Mechanical ventilation for acceptable indoor-air quality* under the supervision of a *Professional Engineer*.

ANS52

Detailed "works as executed" mechanical ventilation system plans and specification prepared by a *Professional Engineer*, as defined by the Building Code of Australia (BCA), must be submitted to Council or an Accredited Certifier together with certification from the supervising *Professional Engineer* that the system as commissioned complies with AS/NZS 1668 *the Use of Mechanical Ventilation and Air Conditioning in Buildings*, Part 1-1998: *Fire and smoke control in multi-compartment buildings* and Part 2-1991: *Mechanical ventilation for acceptable indoor-air quality*.

Note: Part 1 of AS/NZS 1668 only applies to multiple compartment buildings.

ANS53

The air-handling system and cooling tower must be designed, installed and maintained in accordance with the requirements of the *Public Health Act 1997* (Part 4 Microbial Control) and Regulations and Australian Standard AS3666-1989 *Air handling and water systems in building – microbial control*. All waste water from the cooling tower/humidifier/evaporative cooler/warm water system must be discharged to the sewer under a Trade Waste Agreement form Sydney Water.

ANS54

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

ANS55

There are to be no external speakers or live bands at the premises. This condition has been applied to maintain a reasonable level of amenity to the area.

ANS56

Prior to the issue of any Construction Certificate, the developer must submit to the Council or Accredited Certifier a report from a qualified Practising Acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants). The report must certify that the method of treating the mechanical ventilation system will ensure that the noise level, as measured at the boundaries of the subject property, will not exceed the ambient noise level.

ANS57

After completion of the works and prior to the issue of the Occupation Certificate or occupation, the developer must submit to the Principal Certifying Authority, a report from a qualified Practising Acoustic Engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants) certifying that the works have been undertaken to meet the above design criteria.

ANS58

Any lighting on the site must be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting must comply with the *Australian Standard AS4282: 1997 Contrail of the Obtrusive Effects of Outdoor Lighting*.

Health**ANS59**

The construction and fit-out of the premises or any part hereof, to be used for the manufacture,

preparation or storage of food for sale, must comply with, the Food Act 2003, the Food Regulation 2004 (incorporating the Food Standards Code), and Australian Standards AS 4674-2004, Design, construction and fit-out of food premises.

Note: Accredited Certifiers are unable to issue Compliance Certificates in relation to compliance with the *Foods Act 2003, Food Regulation 2004, the Food Standards Code* and the *Australian Standards AS 4674-2004, Construction and fit-out of food premises* since these are not matters which an Accredited Certifier can be satisfied in relation to under Clause 161 of the Environmental Planning and Assessment Regulation 2000.

Landscape

ANS60

Further consideration should be given to the proposal regarding the width, location and numbers of driveways to ensure the significance of the landscape items are not compromised and that their planting can be and is reinforced.

ANS61

All balconies on the street frontage are to be recessed where they are located within the street wall.

ANS62

Additional semi-mature Brushbox are to be planted in Condamine Street to reinforce the significance of the existing street trees.

ANS63

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 no 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 landscape setback between the building and the rear of properties fronting Griffiths Street shall be deep soil planting with species selection to the satisfaction of Council.

ANS64

A more comprehensive planting plan and schedule and a full sized landscape plan is required including providing for more vegetation between buildings B and D and the area between buildings L and E needs to be more open to support public usage.

ANS65

The entrance area from Sydney road has four (4) existing *Celtis Australis* trees that need to be retained and or transplanted onsite.

ANS66

The *Eucalyptus nicholii* locate adjacent to the existing carpark to the east of the existing complex should be retained and protected during construction.

ANS67

The Brush box street trees should be protected and maintained and monitored by a qualified arborist during the course of the construction the *Corymbia maculate* and *Eucalyptus microcorys* located in the existing Sydney Road entrance.

ANS68

Retain and protect during construction the *Corymbia maculate* and *Eucalyptus microcorys* located in the existing Sydney Road entrance.

ANS69

Ensure that the Brushbox trees and trees located along the western perimeter of the site which are located on the boundary of neighbouring properties are protected during construction.

Demolition

ANS70

The street trees shall be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed with direction 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.

ANS71

The reuse and recycling of all material 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 specialising 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 the issue of the Construction Certificate.

ANS72

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 Council/Accredited Certifier 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.

ANS73

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 8:00am and 4:00pm Monday to Friday. The removal and delivery of the stone kerb blocks is to be undertaken at the expense of the owner/applicant.

ANS74

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.

Access

ANS75

The applicant is to ensure that the entry pathway from Sydney Road is open to the public at all times to provide level access from Sydney Road to the Plaza area, at a grade and width that complies with AS 1428.2.

ANS76

The applicant is to ensure that the accessible path of travel has appropriate safety features, in particular, crossing the roadway of Lane 34.

ANS77

All escalators are to be provided with tactile ground surface indicators (TGSI) at the top and bottom in accordance with AS 1428.4.

ANS78

The lift car is to have internal dimensions compliant with AS 1428.2 (ref draft DDA Access Code).

ANS79

All public stairways and ramps are to be provided with AS 1428.1 compliant handrails and tactile ground surface indicators (TGSI) in accordance with AS 1428.4. Ramps to have a minimum 1200mm width.

ANS80

All doorways including entry doors are to be designed compliant with AS 1428.2.

ANS81

The components of all entry doors require ease of operation, door controls and safety indicators.

ANS82

Commercial fit-out is not part of the scope of works of this Development Application and is to be the subject of a separate Development Application.

ANS83

All accessible toilets in the retail areas are to be in compliance with AS 1428.2 and Manly Development Control Plan (DCP) for Access. All accessible bathrooms are to be designed as unisex bathrooms.

ANS84

Ambulant cubicles are to be provided in the male and female toilets in the retail areas.

ANS85

Should the provision of any emergency warnings systems be installed within the mixed use development, the emergency warning systems should include audible and visual warnings indicators to assist people with sensory disabilities.

ANS86

All fire stair doors are to have a minimum clear width of 850mm.

ANS87

An accessible path of travel leading from entrances of Building B and Building D to the accessible ramp system is to be provided.

ANS88

A minimum of 1800mm clear width is to be provided in front of lift lobbies on all floors within the residential buildings.

ANS86

Corridor ends of all floors are to have a minimum 1540mm X 2070mm circulation area (the width of the approach is 11540mm), compliant with AS 1428.2 and the DDA Premises Standards.

ANS90

Components in all lift cars (control panels, audio/visual indicators, handrails and light levels) are to comply with AS 1735.12.

ANS91

Lift call buttons and audio/visual arrival indicators in all lift lobbies are to be appropriately located at

height compliant with AS 1735.12.

ANS92

One (1) adaptable unit is to be provided for each new building with more than four (4) units. Plans are to be notated accordingly prior to the issue of the Construction Certificate.

ANS93

The adaptable units should have a mix of unit types spread throughout the development as per the State Environmental Planning Policy (SEPP) No. 65.

ANS94

All adaptable units will need to comply with AS 4299, Class C.

ANS95

An accessible path of travel leading to the entry door of the pool area from the level 1 Plaza area is to be provided.

ANS96

Appropriate access to letterbox and garbage areas for all residential buildings are to be provided.

ANS97

According to the draft DDA Access Code, one (1) out of every fifty (50) car spaces are to be made accessible. Plans are to be amended to indicate all accessible parking spaces.

ANS98

All parking bays for people with disabilities are to be located near the lift lobbies and main entrances.

ANS99

The accessible parking bay shall also have a 3800mm (w) X 2500 (h) internal dimension compliant with AS 4299. There needs to be a height clearance of 2.3m leading to the accessible car bays.

ANS100

Lighting levels should be in accordance with AS 1428.2 clause 19.1. In general the maintenance illumination levels should be between 150 lux for paths of travel, corridors and stairs.

ANS101

Signage to include internal logo for the disabled, directional arrow and a written explanation. Signage to be designed with a contrasting background that stands out rather than blending in with the surrounding area.

ANS102

Appropriate identification signage (internal logo for the disabled) for the disabled toilet is to be provided. The signs to the accessible toilets should be tactile and have Braille included.

ANS103

Signage to be in accordance with the Building Code of Australia (BCA) part D3.6.

ANS104

Way finding signage to entrances, lifts and accessible toilets are to be provided within the development.

ANS105

If applicable, a kerb ramp near the taxi stand to assist people in wheelchairs in accordance with AS 1428.1, is to be provided.

ANS106

The applicant shall comply with the commitments set out in the BAXIS Certificate Nos. 41666831,

77523148, 59273M V2 and 59507M V2 dated 5 October 2006.

ANS107

The applicant shall construct the traffic management facilities within Griffiths Street being a half road closure west of Condamine Street and roundabout at intersection of Griffiths Street and Woodland Street North. These works are required as a result of the impact of the redevelopment of the Totem Centre and are not identified in the Manly Section 94 Contributions Plan 2004 as future traffic management works for the area generally.

ANS108

In any future subdivision of the site easements for public access are to be created over the Central Plaza area and the access ways through the site linking Lane 34 to Condamine Street, Griffiths Street and a future link to Woodland Street.

ANS109

The total Floor Space of the development on the site the subject of this application shall not exceed 44,466m².

ANS110

The applicant shall provide evidence to Council that agreement has been reached with the owner of No 394 Sydney Road, that any Right of Carriageway over the Totem site will not prevent the development from being carried out, prior to the issue of the Construction Certificate.

ANS111

The landscape plan should be amended to delete the grassy knolls to the south of the square to allow at least 40% of the square to be used for gatherings.

ANS112

Building L must be provided with a detailed design that provides passive surveillance to Lane 34 and does not compromise privacy for Buildings C and D.

ANS113

Consider including community facilities within the centre equivalent to the additional FSR over and above the required FSR of 2:1.

ANS114

Building L is to be designed to contribute to the visual interest for Lane 34.

ANS115

The northern wall of the centre is to be redesigned to provide additional visual interest.

ANS116

Trees and landscape are to be provided to the raised deck above the car park entry from Griffith Street.

ANS117

Redesign the southern apartments in Building A to improve the sense of address and access, avoid entry conflicts with private open space and provide an outlook for the living areas.

ANS118

All kitchens to apartments are to be 8m or less from a window.

ANS119

The development shall gain a 6 star rating against the Green Star rating scheme and a 5 star rating against the AGBR-NABERS rating scheme. Along with all other applicable content the development shall comply with Section J of the BCA.

ANS120

All Greywater generated by the development shall be collected, treated and reused with the development.

ANS121

All timber used in the development shall be Forest Stewardship certified and evidence of this compliance and the name of the supplier be presented to Manly Council.

ANS122

The developer shall incorporate public art to a minimum value of .25% of the total cost of the building works budget into the development at key locations to be approved by the Public Art Committee Manly Council. Selection process and final selection of Artist and artwork to be approved by Manly Council.

Standard Conditions

DA16

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 \$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 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.**

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

DA17

No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.

DA18

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier **prior to issue of the Construction Certificate.**

DA21

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.

DA22

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.

DA24

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.

DA26

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.

DA31

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.

DA39

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 Council/Accredited Certifier **prior to the issue of the Construction Certificate.**

DA40

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.

DA44

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.

DA47

A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.

DA48

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

DA55

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 Council/Accredited Certifier **prior to issue of the Construction Certificate.**

DA58

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.

DA59

Building work shall not progress beyond first floor level until such time as Registered Surveyor's details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.

DA60

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.

DA61

A Registered Surveyor's certificate identifying the location of the building on the site is to be submitted to the Principal Certifying Authority immediately upon completion of the foundations and prior to work proceeding above dampcourse level.

DA344

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.**

DA345

A geotechnical engineer's report regarding the stability of the site is to be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**

DA357

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.**

DA69

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.

DA81

Any discharge to the atmosphere from the subject development shall comply with the requirements of the Protection of the Environment Operations Act 1997.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

DA113

Care shall be taken to prevent any damage to adjoining buildings.

DA119

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.

DA120

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.

DA121

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

DA125

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.

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA253

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.

DA237

All healthy trees and shrubs identified for retention on the plan must be:

- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
- (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.

DA239

The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA241

Details shall be submitted to the Council/Accredited Certifier **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.

DA243

The trees to be retained are to be protected from trenching or excavation works or other construction works during the building construction stage. A security bond for \$20,000 is required to ensure that the trees are protected during the construction stage. The security bond may be in the form of a bank guarantee which must be lodged with Council **prior to issue of the Construction Certificate**.

DA248

A landscaped buffer being provided along the western and northern side of the site so as to screen/reduce the visual impact of the development. Details are to be submitted to Council/Accredited Certifier **prior to the issue of the Construction Certificate**.

DA250

The Landscaping Plan submitted with the Development Application being amended by Oculus. An amended plan incorporating the amendments is to be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate**.

DA251

Details of waste management facilities are to be submitted with the application for a Construction Certificate in accordance with Council's Development Control Plan for Waste Minimisation and Management.

DA348

Precautions shall be taken when working near trees to be retained including the following:

- do not store harmful or bulk materials or spoil under or near trees
- prevent damage to bark and root system
- do not use mechanical methods to excavate within root zones
- do not add or remove topsoil from under the drip line
- do not compact ground under the drip line.

DA358

Details are to be provided of at least thirty (30) existing or proposed endemic trees for the site that are typically expected to reach a height at maturity of 10 metres. A list of appropriate endemic trees for the Manly area may be obtained at Council's Customer Service desk. Details of new planting are to include appropriate siting and pot size (minimum of 25 litres) in accordance with section 3.2 of the Residential Development Control Plan 2001. Details are to be submitted **with the Construction Certificate** to the satisfaction of the Council/Accredited Certifier.

DA257

All towers, ventilation/ducting, exhaust fan structures and any other structures on the roof are to be the subject of a separate Development Application.

DA267

Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.

DA256

The carpark levels are to be provided with a system of mechanical ventilation in accordance with AS 1668.2 with details being submitted to the Council/Accredited Certifier **prior to issue of the Construction Certificate**.

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier **prior to the issue of the Construction Certificate**. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

DA268

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.

DA269

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**.

DA271

An Occupation Certificate is to be issued by the Principal Certifying Authority **prior to occupation of the development**.

DA273

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.

DA279

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.

DA283

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.

DA285

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.**

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.

DA333

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.

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

DA335

Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.

DA336

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.

DA337

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.

DA338

All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.

DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council's satisfaction.

DA340

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.

DA288

No external sound amplification equipment or loud speakers shall be used for the announcement, broadcast, playing of music or similar purposes.

DA289

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.

DA290

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.

DA300

All waste waters and overflow waters from any swimming pool shall be disposed of to the sewer in accordance with the requirements of Sydney Water.

DA301

The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.

DA302

An approved Resuscitation Notice is to be erected in a prominent position in the immediate vicinity of the swimming pool and kept current at all times.

DA303

The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which:

- (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and
- (b) is designed, constructed, installed and maintained in accordance with the standards

prescribed by the Regulations and appropriate Australian Standard.

DA306

All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.

DA314

All protective fencing and gates are to be in accordance with Australian Standard 1926 **prior to the pool being filled with water**. The fence is to be a minimum of 1200mm in height and posts and/or supports are to be firmly fixed or encased in such a way that the posts/support are unable to be removed easily. The fence is not to be removed or altered at any time without the express approval of Council having been obtained beforehand.

DA315

The proposed pool gates are to be mounted so that:-

- (i) They are clear of any obstruction that could hold the gate open;
- (ii) When lifted upward or pulled downward, movement of the gate does not release the latching device, unhinge the gate or provide a ground clearance greater than 100mm; and
- (iii) They open outwards from the pool.

DA316

Where the latching device release, or the latch itself, on a pool gate is located at a height less than 1500mm above the finished ground level, the latch and its release shall be shielded in accordance with Australian Standard 1926.

DA318

There is to be no noise emitted from any process carried on within the premises that will register more than 5 decibels above the background noise at any point more than 3m outside the premises.

DA9

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

DA10

The construction of a kerb layback is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out **prior to the issue of Occupation Certificate**.

DA11

The existing surplus vehicular crossing and/or kerb layback shall be removed and the kerb and nature strip reinstated **prior to issue of the Occupation Certificate**.

DA12

The driveway/access ramp grades, access and car parking facilities shall comply with the Australian Standard for Off-Street Parking AS2890.1-2004 or later editions.

DA13

A long section of the driveway shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

DA14

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.

DA70

The dimension of carparking by and aisle widths in the carpark are to be as set out in the vehicular parking standards for Manly Council.

DA75

All driveways, carparking areas and pedestrian paths shall be surfaced and sealed. Details of treatment to these areas shall be submitted to the Council/Accredited Certifier **prior to issue of the Construction Certificate.**

DA77

An approved water interceptor shall be provided across the driveway at the street boundary and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

DA88

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 Council/Accredited Certifier **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.

DA89

An easement is to be created through the adjoining property/properties for the disposal of stormwater runoff, to the requirements of Council or its delegate. The easement shall be registered **prior to the issue of the Construction Certificate.**

DA92

Pump systems will only be permitted for the drainage of seepage waters from basement areas.

DA95

A copy of the approved OSD plan showing work as executed details shall be submitted to Council **prior to the issue of the Occupation Certificate.** The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

DA97

Any work to be constructed over the easement shall not prohibit or divert any natural overland flow of water.

DA101

The proposed structure/s to be located clear of the existing Council easement. A certificate from a Registered Surveyor is to be submitted to Council verifying the location of the structure/s after footings have been poured and before the construction of any walls.

DA102

Special footings will be required where the proposed/existing structure is adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A suitably qualified Structural Engineer shall issue a compliance certificate for the special footings referred to above to the Principal Certifying Authority. The footings shall be designed and approved Prior to the Issue of the Construction Certificate.

DA100

A positive covenant in respect of the installation and maintenance of onsite detention works is

required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and **prior to the release of the trust fund deposit.**

DA108

The basement carparking level is to be adequately protected from flooding. Details are to be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**

DA224

The reconstruction and/or construction of footpath paving and any associated works along all areas of the site fronting {insert street name/s}. These works shall be carried out **prior to the issue of the occupation certificate** by a licensed construction contractor, at the applicant's expense and shall be in accordance with Council's Specification for Civil Infrastructure Works and Paving Design Guide.

DA225

The pedestrian footpaths and pavements in the streets surrounding the proposed development shall be constructed as per Manly Council's Paving Design guidelines dated February 2002. a detailed design showing the above details shall be submitted with the application for Construction Certificate and shall be approved by the Principal Certifying authority **prior to the issue of the Construction Certificate.**

DA229

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.

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.** Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

DA262

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.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:-

- Silt control fences x5
- Footing inspection - trench and steel x12
- Reinforced concrete slab x48
- Framework inspection x10
- Wet area moisture barrier x270
- Drainage inspection x6
- Driveway crossing/kerb layback x2

Landscaping inspection
Final inspection

The cost of these inspections by Council is \$78,100 (being \$220.00 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division 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 \$100.00.

DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council's satisfaction.

DA341

The Heritage listed stone kerb is to be removed without damaging it and contact is to be made with Council's Manager, Civic Services, for the stone to be transported to Council's Depot.

DA342

Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

DA343

Any adjustment to the public utility service is to be carried out in compliance with their standards and the full cost is to be borne by the applicant.

DA236

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.**

DA238

All disturbed surfaces on the land resulting from the building works authorised by this approval shall be revegetated and stabilised so as to prevent any erosion either on or adjacent to the land.

DA252

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.

DA274

Pursuant to Section 93 I(3) of the Environmental Planning and Assessment Act 1979, the Planning Agreement that was submitted to Council by Stockland Development Pty Ltd on 6 June 2006 and publicly exhibited from 4 September 2006 to 3 October 2006 relating to the Development Application 101/06 and for land in Woodland Street, must be entered into before the issue of the Construction Certificate relating to the subject development

DA323

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.

1) The applicant is further advised

Council agrees to enter into the Planning Agreement offered by Stockland Development Pty Ltd on the 6 June 2006 for the Totem Development and Lots 2-23 in Woodland Street in the terms outlined in the exhibited draft Planning Agreement.

2)

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.

3)

That all Precinct Forums and all persons who made submissions concerning this application be advised of its determination.

Part B

The following conditions be added to the Consent:

1. Displaced FSR be removed altogether and Masonic Club void remain.
2. Truck movements - No deliveries to or waste collections from the development are allowed before 7am or later than midnight between Monday and Friday, or before 10am or later than 10pm Saturday and Sunday, including Public Holidays.
3. Provide for mitigation of noise, lights and other impacts on the owners of 134-140 Condamine Street, as a result of traffic egress.
4. DA344
A dilapidation report in regard to adjoining properties and Council land including roadways is to be submitted to Council with the Trust Fund **Deposit prior to the issue of the Construction Certificate.**
5. ANS55
There are to be no external speakers or live bands at the premises without prior consent of Council. This condition has been applied to maintain a reasonable level of amenity to the area.
6. That in light of the loss of community facilities from the Balgowlah Shopping Centre as a result of the demolition of the Totem Centre, Council will require Stockland to enter into a agreement with Council for the provision of a community club (Masonic Club) and access to associated parking, within the development to meet community needs. The club is to have a floor area of 1200 to 1500 m2.
7. If there are impacts on adjoining streets as a result of the development, then council introduce a resident parking scheme.
8. That the applicant provide an additional 33 parking spaces be included in the retail area, not transferred from the residential area.
9. There be provision within the retail component of the development of secure bicycle spaces.

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

With voting being equal the Chair exercised the casting vote for the motion and declared it carried.

Councillor Heasman retired from the Chamber at 9.54pm

Councillor Aird having previously declared an Interest in Environmental Services Division Report No.76 left the Chamber.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 76

45 Beatty Street, Balgowlah Heights (DA243/06)

Application Lodged: 9.6.06
Applicant: G Quick
Owner: G and R Quick
Estimated Cost: \$1,000,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Within the Foreshore protection Area
Surrounding Development: Residential
Heritage: N/A

SUMMARY:

1. THIS IS A PROPOSAL FOR ALTERATIONS AND ADDITIONS THE EXISTING DWELLING.
2. THE PROPOSAL WAS NOTIFIED AND THREE (3) SUBMISSIONS WERE RECEIVED.
3. THE APPLICANT MET WITH OBJECTORS AND AGREEMENTS WERE REACHED.
4. THE APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT MEETING BY COUNCILLOR LAMBERT.
5. A SITE INSPECTION IS RECOMMENDED.
6. APPROVAL IS RECOMMENDED.

PUBLIC ADDRESSES

The following person address the meeting in relation to this item:

Against: Mr John Tropman

SITE INSPECTIONS

A site inspection of 45 Beatty Street, Balgowlah Heights, **DA243/06** Alterations and Additions to the existing dwelling with basement car park and landscaping was conducted by Councillors A Heasman, J Lambert and P Macdonald.

Inspection Party Recommendation:

The application be approved as per staff recommendation with Draft Condition ANS16 added as follows:

ANS16

The lift over-run and skylight above Reduced Level (RL42.00) is to be deleted, to reduce the apparent height of the building and minimize impacts on nearby and adjoining land, the plans to be

amended accordingly prior to the issue of the Construction Certificate.

MOTION (Macdonald / Daley)

That:

Development Application 243/06 for a part demolition and alterations and additions to the existing dwelling with basement car park and landscaping at 45 Beatty Street Balgowlah Heights be **approved**, subject to the following conditions:

ANSO1

The upper parapet level is to be amended to comply with the agreements reached with the adjacent neighbour, and the sketch submitted to Council indicating the section of the north west parapet roof to be modified (shown hatched) to satisfy the neighbour at 16 Tutus Street, Balgowlah Heights. The plans are to be amended accordingly prior to submission of the construction certificate.

ANSO2

The north terrace on the proposed activities floor is to be reduced in its width to give a setback of 1.4 metres from the northern boundary of the subject site with this area provided with landscaping in accordance with the landscaped plans in order to provide mutual privacy between the developments. The plans are to be amended accordingly prior to submissions of the construction certificate plans.

ANSO4

The proposed landscape plans are to be amended so that planting in the rear yard is to be restricted to plants having a mature height no greater than the height of the roof structures proposed in the development application in order to preserve the views currently enjoyed by the adjacent neighbour's.

ANSO5

Excavation to the north being at least 900mm from the boundary and the plans are to be amended accordingly prior to the issue of the Construction Certificate

ANSO6

The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.

ANSO7

The glazing on the northern and eastern facades facing the hazard to the north and north-east shall be capable of withstanding up to 40kW square metres radiant heat load.

ANSO8

Remaining elevations are to be constructed to comply with AS3959 – 1999 level 3 'Construction of Buildings in bushfire prone areas'. Entire roof and adjoining areas are to be constructed to comply with AS3959 – 1999 level 3 'Construction of Buildings in bushfire prone areas'.

ANSO9

There is to be no exposed timber on the proposed structure on the northern or eastern facades.

ANS10

Roofing shall be gutterless or have leafless guttering and valleys which are to be screened with non-corrosive mesh to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5.

ANS11

A final Geotechnical engineers report regarding the stability of the site is to be submitted to the

Council/Principal Certifying authority prior to the issue of the Construction Certificate. The recommendations and requirements contained in this report are to be embodied in the construction of the development.

ANS12

The upper parapet level is to be amended to comply with the agreements reached with the adjacent neighbour, and the sketch submitted to Council indicating the section of the north west parapet roof to be modified (shown hatched) to satisfy the neighbour at 16 Tutus Street, Balgowlah Heights. The plans are to be amended accordingly prior to submission of the construction certificate.

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The north terrace on the proposed activities floor is to be reduced in its width to give a setback of 1.4 metres from the northern boundary of the subject site with this area provided with landscaping in accordance with the landscaped plans in order to provide mutual privacy between the developments. The plans are to be amended accordingly prior to submissions of the construction certificate plans.

ANS14

The front terrace on the proposed ground floor plan is to be reduced in its depth to be a maximum of three metres deep and the roof over portion of this terrace reduced to a maximum overhang of one metre in order to reduce the apparent bulk of the development. In this regard the plans are to be amended accordingly prior to submission of the construction certificate.

ANS15

The proposed landscape plans are to be amended so that planting in the rear yard is to be restricted to plants having a mature height no greater than the height of the roof structures proposed in the development application in order to preserve the views currently enjoyed by the adjacent neighbour's.

ANS16

The lift over-run and skylight above Reduced Level (RL42.00) is to be deleted, to reduce the apparent height of the building and minimize impacts on nearby and adjoining land, the plans to be amended accordingly prior to the issue of the Construction Certificate.

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This approval relates to drawings/plans Nos. A3.01-03, 04A, 05, 06, 07A 08-11, 12A 13-15 and LA3 19 and 20 dated 30 May 2006 and received by Council on the 9 June 2006.

DA009

The construction of a vehicular footpath crossing is required. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. All works shall be carried out prior to the issue of Occupation Certificate.

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Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property.

DA011

All surplus vehicular crossings and/or kerb laybacks shall be removed and the kerb and nature strip reinstated prior to issue of the Occupation Certificate.

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The driveway/access ramp grades, access and car parking facilities shall comply with the Australian Standard for Off-Street Parking AS2890.1-2004 or later editions.

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A long section of the driveway shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include Relative Levels (RL) of the road centerline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

DA016

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.

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

DA017

No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.

DA342

Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

DA343

Any adjustment to the public utility service is to be carried out in compliance with their standards and the full cost is to be borne by the applicant.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA019

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 /Accredited Certifier prior to issue of the Construction Certificate.

DA021

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.

DA022

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.

DA023

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

DA024

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.

DA026

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.

DA031

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.

DA038

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of the Construction Certificate.

DA039

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 Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA040

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.

DA044

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.

DA047

A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.

DA048

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

DA058

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.

DA344

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.**

DA065

All external cladding and trim of the approved building shall be of a non reflective nature (with reflectivity index of maximum 20%). Details of such finishes shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA066

Suitable internal or external clothes drying facilities shall be provided. Where external clothes drying facilities are provided, details of the screening of these facilities are to be incorporated in the landscape design. Details of clothes drying facilities shall be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA069

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.

DA077

An approved water interceptor shall be provided within the property, across the driveway at the property boundary, and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

DA083

All work involving lead paint removal must not cause lead contamination of the air or ground.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

DA084

Roofwaters and surface stormwaters from paved areas are to be conveyed by pipeline to Council's street gutter in accordance with Council's standards and specification for Stormwater Drainage.

DA87

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 Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.

DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) 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 Council/Accredited Certifier 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.

DA95

A copy of the approved OSD plan showing work as executed details shall be submitted to Council prior to the issue of the Occupation Certificate. The work as executed plans shall be in accordance with Council's standards and specifications for stormwater drainage on on-site stormwater detention.

DA100

A positive covenant in respect of the installation and maintenance of onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and prior to the release of the trust fund deposit.

DA121

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

DA126

An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA237

All healthy trees and shrubs identified for retention on the plan must be

- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
- (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.

DA238

All disturbed surfaces on the land resulting from the building works authorised by this approval shall be revegetated and stabilised so as to prevent any erosion either on or adjacent to the land.

DA239

The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA247

Landscaping being provided in accordance with the approved Landscaping Plan and maintained in accordance with that plan at all times.

DA346

Trees and shrubs liable to damage are to be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed when directed by the Principal Certifying Authority. The enclosures are to be constructed out of F62 reinforcing mesh 1800mm high wired to 2400mm long star pickets, driven 600mm into the ground, spaced 1800mm apart at a

minimum distance of 1000mm from the tree trunk.

DA348

Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

DA253

All lights used to illuminate the exterior of the buildings or site shall be positioned and/or fitted with cut off luminaires (baffles) so as to prevent the emission of direct light onto adjoining roadways and land.

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier prior to the issue of the Construction Certificate. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

DA264

All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.

DA267

Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.

DA269

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.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab X 4

Framework inspection

Drainage inspection

Final inspection

The cost of these inspections by Council is \$2,070. (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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 \$110.

DA271

An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.

DA279

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.

DA280

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.

DA285

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.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA333

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.

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

DA335

Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.

DA336

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.

DA337

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.

DA338

All disturbed areas shall be stabilised against erosion to Council satisfaction within 14 days of completion, and prior to removal of sediment controls.

DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council satisfaction.

DA340

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.

DA287

No blasting is to be carried out at any time during construction of the building.

DA289

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.

DA290

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.

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and nonstructural elements, shall be submitted to the Council/Accredited Certifier 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".

DA320

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".

DA329

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.

DA323

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.

AMENDMENT (Lambert / Evans)

That:

Development Application 243/06 for a part demolition and alterations and additions to the existing dwelling with basement car park and landscaping at 45 Beatty Street Balgowlah Heights be **approved**, subject to the following conditions:

ANSO1

The upper parapet level is to be amended to comply with the agreements reached with the adjacent neighbour, and the sketch submitted to Council indicating the section of the north west parapet roof to be modified (shown hatched) to satisfy the neighbour at 16 Tutus Street, Balgowlah Heights. The plans are to be amended accordingly prior to submission of the construction certificate.

ANS02

The north terrace on the proposed activities floor is to be reduced in its width to give a setback of 1.4 metres from the northern boundary of the subject site with this area provided with landscaping in accordance with the landscaped plans in order to provide mutual privacy between the developments. The plans are to be amended accordingly prior to submissions of the construction certificate plans.

ANS03

The front terrace on the proposed ground floor plan is to be reduced in its depth to be a maximum of three metres deep and the roof over portion of this terrace reduced to a maximum overhang of one metre in order to reduce the apparent bulk of the development. In this regard the plans are to be amended accordingly prior to submission of the construction certificate.

ANS04

The proposed landscape plans are to be amended so that planting in the rear yard is to be restricted to plants having a mature height no greater than the height of the roof structures proposed in the development application in order to preserve the views currently enjoyed by the adjacent neighbour's.

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Excavation to the north being at least 900mm from the boundary and the plans are to be amended accordingly prior to the issue of the Construction Certificate

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The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.

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The glazing on the northern and eastern facades facing the hazard to the north and north-east shall be capable of withstanding up to 40kW square metres radiant heat load.

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An approved water interceptor shall be provided within the property, across the driveway at the property boundary, and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

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All work involving lead paint removal must not cause lead contamination of the air or ground.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

DA084

Roofwaters and surface stormwaters from paved areas are to be conveyed by pipeline to Council's street gutter in accordance with Council's standards and specification for Stormwater Drainage.

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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 Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.

DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) 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 Council/Accredited Certifier 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.

DA95

A copy of the approved OSD plan showing work as executed details shall be submitted to Council prior to the issue of the Occupation Certificate. The work as executed plans shall be in accordance with Council's standards and specifications for stormwater drainage on on-site stormwater detention.

DA100

A positive covenant in respect of the installation and maintenance of onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system

prior to the issue of the Occupation Certificate for the building and prior to the release of the trust fund deposit.

DA121

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

DA126

An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

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All healthy trees and shrubs identified for retention on the plan must be

- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
- (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.

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All disturbed surfaces on the land resulting from the building works authorised by this approval shall be revegetated and stabilised so as to prevent any erosion either on or adjacent to the land.

DA239

The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA247

Landscaping being provided in accordance with the approved Landscaping Plan and maintained in accordance with that plan at all times.

DA346

Trees and shrubs liable to damage are to be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed when directed by the Principal Certifying Authority. The enclosures are to be constructed out of F62 reinforcing mesh 1800mm high wired to 2400mm long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk.

DA348

Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

DA253

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.

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier prior to the issue of the Construction Certificate. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

DA264

All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.

DA267

Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.

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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.

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Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab X 4

Framework inspection

Drainage inspection

Final inspection

The cost of these inspections by Council is \$2,070. (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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 \$110.

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An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.

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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.

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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.

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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.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA333

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.

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

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Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.

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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.

DA337

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.

DA338

All disturbed areas shall be stabilised against erosion to Council satisfaction within 14 days of completion, and prior to removal of sediment controls.

DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council satisfaction.

DA340

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.

DA287

No blasting is to be carried out at any time during construction of the building.

DA289

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.

DA290

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.

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and nonstructural elements, shall be submitted to the Council/Accredited Certifier 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".

DA320

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".

DA329

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.

DA323

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.

For the Amendment: Councillors Lambert, Pedersen, Evans and Norek

Against the Amendment: Councillors Macdonald, Hay, Murphy, Daley, and Morrison

The **AMENDMENT** was declared **LOST**

Councillor Cant was not in the Chamber when the vote was put.

RESOLVED (Macdonald / Daley)

That:

Development Application 243/06 for a part demolition and alterations and additions to the existing dwelling with basement car park and landscaping at 45 Beatty Street Balgowlah Heights be **approved**, subject to the following conditions:

ANSO1

The upper parapet level is to be amended to comply with the agreements reached with the adjacent neighbour, and the sketch submitted to Council indicating the section of the north west parapet roof to be modified (shown hatched) to satisfy the neighbour at 16 Tutus Street, Balgowlah Heights. The plans are to be amended accordingly prior to submission of the construction certificate.

ANSO2

The north terrace on the proposed activities floor is to be reduced in its width to give a setback of 1.4 metres from the northern boundary of the subject site with this area provided with landscaping in accordance with the landscaped plans in order to provide mutual privacy between the developments. The plans are to be amended accordingly prior to submissions of the construction

certificate plans.

ANS04

The proposed landscape plans are to be amended so that planting in the rear yard is to be restricted to plants having a mature height no greater than the height of the roof structures proposed in the development application in order to preserve the views currently enjoyed by the adjacent neighbour's.

ANS05

Excavation to the north being at least 900mm from the boundary and the plans are to be amended accordingly prior to the issue of the Construction Certificate

ANS06

The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.

ANS07

The glazing on the northern and eastern facades facing the hazard to the north and north-east shall be capable of withstanding up to 40kW square metres radiant heat load.

ANS08

Remaining elevations are to be constructed to comply with AS3959 – 1999 level 3 'Construction of Buildings in bushfire prone areas'. Entire roof and adjoining areas are to be constructed to comply with AS3959 – 1999 level 3 'Construction of Buildings in bushfire prone areas'.

ANS09

There is to be no exposed timber on the proposed structure on the northern or eastern facades.

ANS10

Roofing shall be gutterless or have leafless guttering and valleys which are to be screened with non-corrosive mesh to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5.

ANS11

A final Geotechnical engineers report regarding the stability of the site is to be submitted to the Council/Principal Certifying authority prior to the issue of the Construction Certificate. The recommendations and requirements contained in this report are to be embodied in the construction of the development.

ANS12

The upper parapet level is to be amended to comply with the agreements reached with the adjacent neighbour, and the sketch submitted to Council indicating the section of the north west parapet roof to be modified (shown hatched) to satisfy the neighbour at 16 Tutus Street, Balgowlah Heights. The plans are to be amended accordingly prior to submission of the construction certificate.

ANS13

The north terrace on the proposed activities floor is to be reduced in its width to give a setback of 1.4 metres from the northern boundary of the subject site with this area provided with landscaping in accordance with the landscaped plans in order to provide mutual privacy between the developments. The plans are to be amended accordingly prior to submissions of the construction certificate plans.

ANS14

The front terrace on the proposed ground floor plan is to be reduced in its depth to be a maximum of three metres deep and the roof over portion of this terrace reduced to a maximum overhang of one metre in order to reduce the apparent bulk of the development. In this regard the plans are to

be amended accordingly prior to submission of the construction certificate.

ANS15

The proposed landscape plans are to be amended so that planting in the rear yard is to be restricted to plants having a mature height no greater than the height of the roof structures proposed in the development application in order to preserve the views currently enjoyed by the adjacent neighbour's.

ANS16

The lift over-run and skylight above Reduced Level (RL42.00) is to be deleted, to reduce the apparent height of the building and minimize impacts on nearby and adjoining land, the plans to be amended accordingly prior to the issue of the Construction Certificate.

DA1

This approval relates to drawings/plans Nos. A3.01-03, 04A, 05, 06, 07A 08-11, 12A 13-15 and LA3 19 and 20 dated 30 May 2006 and received by Council on the 9 June 2006.

DA009

The construction of a vehicular footpath crossing is required. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. All works shall be carried out prior to the issue of Occupation Certificate.

DA010

Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property.

DA011

All surplus vehicular crossings and/or kerb laybacks shall be removed and the kerb and nature strip reinstated prior to issue of the Occupation Certificate.

DA012

The driveway/access ramp grades, access and car parking facilities shall comply with the Australian Standard for Off-Street Parking AS2890.1-2004 or later editions.

DA013

A long section of the driveway shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include Relative Levels (RL) of the road centerline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

DA016

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.

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

DA017

No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.

DA342

Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

DA343

Any adjustment to the public utility service is to be carried out in compliance with their standards and the full cost is to be borne by the applicant.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA019

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 /Accredited Certifier prior to issue of the Construction Certificate.

DA021

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.

DA022

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.

DA023

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

DA024

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.

DA026

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.

DA031

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.

DA038

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of the Construction Certificate.

DA039

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 Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA040

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.

DA044

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.

DA047

A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.

DA048

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

DA058

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.

DA344

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.**

DA065

All external cladding and trim of the approved building shall be of a non reflective nature (with reflectivity index of maximum 20%). Details of such finishes shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA066

Suitable internal or external clothes drying facilities shall be provided. Where external clothes drying facilities are provided, details of the screening of these facilities are to be incorporated in the landscape design. Details of clothes drying facilities shall be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA069

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.

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An approved water interceptor shall be provided within the property, across the driveway at the property boundary, and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

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All work involving lead paint removal must not cause lead contamination of the air or ground.

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Details of the method of termite protection which will provide whole of building protection, inclusive of structural and nonstructural elements, shall be submitted to the Council/Accredited Certifier 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".

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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".

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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.

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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.

For the Resolution: Councillors Macdonald, Hay, Murphy, Daley and Morrison

Against the Resolution: Councillors Lambert, Pedersen, Evans and Norek

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

Councillor Cant entered the Chamber

Councillor Aird entered the Chamber

Environmental Services Division Report No. 77

12 Cecil Street, Fairlight

82A Review (DA25/05)

Application Lodged:

13 June 2006

Applicant:

Addbuild Master Builders Pty Ltd

Owner:

N Hill & N Mendez

Estimated Cost:

\$130,000

Zoning:

Manly Local Environmental Plan, 1988 - Residential

Surrounding Development:

Single storey detached and semi detached dwellings

Heritage:

Not Applicable

SUMMARY:

1. DEVELOPMENT APPLICATION 25/05 FOR ALTERATIONS AND FIRST FLOOR ADDITIONS TO THE EXISTING SEMI DETACHED DWELLING WAS LODGED WITH COUNCIL 16 DECEMBER 2004.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH TWO JOINT SUBMISSIONS RECEIVED.
3. THE APPLICANT SUBMITTED REVISED PLANS ON 17 NOVEMBER 2005.
4. THE REVISED PLANS WERE NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE JOINT SUBMISSION WITH FOUR SIGNATORIES RECEIVED.
5. THE APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT ON 12 JANUARY 2006 WHERE IT WAS DEFERRED FOR FURTHER INFORMATION.
6. THE APPLICATION WAS AGAIN CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT ON 17 JANUARY 2006 WHERE THE APPLICATION WAS REFUSED.
7. COUNCIL RECEIVED AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ON 13 JUNE 2006.

8. THE APPLICATION FOR REVIEW WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH TWO JOINT SUBMISSIONS, EACH WITH TWO SIGNATORIES RECEIVED.
9. COUNCIL RECEIVED REVISED PLANS ON 19 OCTOBER 2006.
10. THE REVISED PLANS REPRESENT CHANGES IN RESPONSE TO THE MOST RECENT OBJECTIONS AND REDUCE AMENITY IMPACTS ON ADJOINING PROPERTIES.
11. A SITE INSPECTION IS RECOMMENDED.
12. APPROVAL OF THE APPLICATION IS RECOMMENDED.

PUBLIC ADDRESSES

The following persons address the meeting in relation to this item:

Against: Mr Mark O'Sullivan

In Favour: Mr Nestor Mendez, Applicant

SITE INSPECTIONS

A site inspection of 12 Cecil Street, Fairlight, **DA25/05, S82A** Review of Determination, Alterations and Additions including a new first floor level to the existing semi-detached dwelling was conducted by Councillors A Heasman, J Lambert, P Macdonald and D Murphy.

Inspection Party Recommendation: No Recommendation

MOTION (Macdonald / Evans)

That DA25/05, S82A Review of Determination, Alterations and Additions including a new first floor level to the existing semi-detached dwelling at 12 Cecil Street, Fairlight be **DEFERRED** to the 5th February 2007 meeting to allow re-notification.

AMENDMENT (Murphy / Morrison)

That DA25/05, S82A Review of Determination, Alterations and Additions including a new first floor level to the existing semi-detached dwelling at 12 Cecil Street, Fairlight be **APPROVED** as per staff recommendation.

For the Amendment: Councillors Murphy, Daley and Morrison

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

The **AMENDMENT** was declared **LOST**

RESOLVED (Macdonald / Evans)

That DA25/05, S82A Review of Determination, Alterations and Additions including a new first floor level to the existing semi-detached dwelling at 12 Cecil Street, Fairlight be **DEFERRED** to the 5th February 2007 meeting to allow re-notification.

For the Resolution: Councillors Macdonald, Hay, Lambert, Cant, Pedersen, Aird, Evans and Norek

Against the Resolution: Councillors Murphy, Daley and Morrison

CLOSE

The meeting closed at 10.45pm.

The above minutes were confirmed at an **Land Use Management Committee** of Manly Council held on 5 February 2007.

CHAIRPERSON

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