

Agenda

Land Use Management Committee

Notice is hereby given that a Land Use Management Committee of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

Monday 4 December 2006

Commencing at 7:30 PM for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

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Seating Arrangements for Meetings

Staff

Staff

General
Manager

Chairperson

Staff

Minute
Taker



Mayor Dr Peter Macdonald

Clr Mark Norek

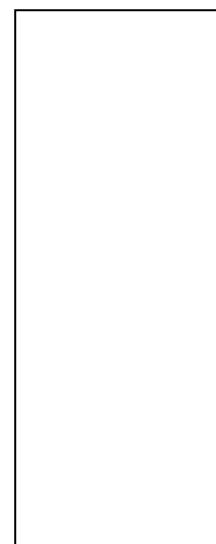
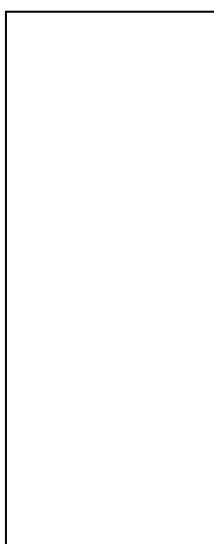
Clr Joanna Evans

Clr Barbara Aird

Deputy Mayor

Clr Brad
Pedersen

Clr Richard
Morrison



Clr Jean Hay AM

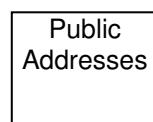
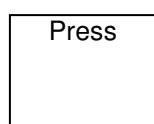
Clr Adele Heasman

Clr Dr Judy Lambert AM

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



Public Gallery

Chairperson: Clr Dr Judy Lambert
Deputy Chairperson: Clr Jo Evans

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The Land Use Management Committee of 6 NOVEMBER 2006

PUBLIC ADDRESSES**SITE INSPECTIONS**

The following site inspections will take place Monday 4 December, 2006.

197-215 Condamine Street, Balgowlah	7:30am
25 Fromelles Avenue, Seaforth	8:30am
59 Ethel Street, Seaforth	8:50am
7 Pacific Parade, Manly	9:15am

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CLOSED COMMITTEE ITEMS

***** END OF AGENDA *****

TO: Land Use Management Committee - 4 December 2006

REPORT: Environmental Services Division Report No. 69

SUBJECT: 197-215 Condamine Street, Balgowlah Totem Redevelopment

FILE NO: DA101/06

SUMMARY:

1. STAGE 2 APPLICATION FOR REDEVELOPMENT OF THE TOTEM CENTRE – SUPERMARKET, MINI SUPERMARKET, SPECIALTY SHOPS, RESIDENTIAL AND CAR PARKING.
2. THE APPLICATION WAS NOTIFIED TO ADJOINING AND NEARBY PROPERTY OWNERS IN APRIL AND SEPTEMBER (AMENDED DESIGN) THIS YEAR. 25 SUBMISSIONS HAVE BEEN RECEIVED.
3. THE APPLICATION WAS REFERRED TO ALL PRECINCT COMMITTEE FORUMS FOR COMMENT.
4. THE GENERAL MANAGER HAS REFERRED THE APPLICATION TO THE LAND USE MANAGEMENT COMMITTEE.
5. A SITE INSPECTION IS RECOMMENDED.
6. THE APPLICATION IS RECOMMENDED FOR APPROVAL BY WAY OF DEFERRED COMMENCEMENT CONSENT.

LOCALITY PLAN:

Shaded area is subject land.



REPORT

INTRODUCTION:

In March 2006 Manly Council engaged E Armstrong Planning Pty Ltd and Ms G Morrish of GM Urban Design & Architecture P/L to independently assess and report to Council with recommendations in terms of Section 79(C) with a view to granting consents under Section 80(1) of the Environmental Planning & Assessment Act 1979 on a Development Application for the "TOTEM" site at Balgowlah. The Application was lodged by Don Fox Planning on behalf of Stockland for the redevelopment of what is a major component of the Balgowlah Shopping Centre.

It will be recalled that this current application is part of a process for giving staged consents for this site. In September 2005 Council granted consent to a stage 1 application which involved:

- (i) the demolition of all structures on the site (Part A) and
- (ii) the approval of building envelopes for the residential buildings, floor areas for commercial/ retail areas and car parking levels (Part B).

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Upon gaining the consent for the building envelope etc Stockland set about preparing the Stage 2 application which enabled the more detailed planning of the proposals. In the process it became clear that in order to avoid any confusion at a later date should consent be granted to the Stage 2, that a new stand alone application should be lodged.

This report deals with this stand alone application which is for the excavation of the site, approval of the detailed building designs, floor layouts, residential density, car parking numbers and layout, construction of buildings, relocation of services, removal of trees and demolition of buildings not included in Part A of the Stage 1 consent.

This report also includes advice from other experts both within Council and external to Council engaged to assist in the assessment of particular aspects of the proposal which fell within their area of expertise.

As required by the terms of engagement, the site has been inspected on a number of occasions at various times during the day and also at weekends. We have also had the benefit of access to a model of the proposal.

In developing this application several meetings have been held with the applicant to assist in understanding why variations to the buildings as consented to as stage 1, have been made.

The recommendation of this report after assessing merits of the application pursuant to Section 79(C) of the Environmental Planning & Assessment Act 1979 and having regard to the relevant planning controls applicable to the site, is that a deferred commencement consent should be granted to the application pursuant to Sections 80(3), and subject to conditions. The reasons for recommending a deferred commencement consent include that while by and large the proposal is acceptable this report recommends significant changes to parts of the buildings above the podium level. Those changes need to be incorporated into a set of plans and agreed by Council before consent is confirmed in order to create certainty for all parties.

1. STAGED DEVELOPMENT CONSENT:

As highlighted above, the intent at the outset was for the development of this site to be the subject of a series of consents as each stage of the proposal became more detailed. However for several reasons and with Council's agreement, the applicant has lodged a new application for this stage rather than attempting to amend the stage 1 consent by applying under Sec 96 of the Act.

The reasons include (i) additional land is added to the site and (ii) as the applicant expresses it "the more detailed planning and design of the buildings revealed the need and opportunity to replan some of the buildings to achieve a better design outcome". This has resulted in parts of the proposed buildings being outside the approved envelopes. The applicant also states that "the approved Stage 1 DA plans and consent conditions have been adopted as a framework within which this new DA has been prepared".

In the event that Council consents to this application, the applicant has offered to surrender part B of the Stage 1 consent upon receiving consent to this application.

As indicated above the Stage 1 consent included in Part A approval for the demolition of all structures except for the building fronting Sydney Road. Demolition work on the site has been completed therefore that consent remains in force.

This application, although a stand alone application, is fundamentally the same as the stage 1 application (DA 168/05). The stage 1 application was assessed and found to be acceptable and therefore consent was granted subject to conditions which set parameters for this application.

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As a consequence of consistency between the applications and because the planning controls have not altered it is unnecessary to assess in detail those aspects of the application previously assessed. This assessment although being processed in the usual manner will confine itself to:

- (i) major variations to the stage 1 approval,
- (ii) matters of detail which have not been previously assessed.

2. SITE:

The site is a major component of the Balgowlah Shopping Centre. It is located to the north of the shopping strip along Sydney Road. Its major frontage is to Condamine Street with access also provided from Sydney Road and Griffiths Street.

The site now has a total area of 21274.7 square metres and comprises some 22 parcels of land in the ownership of Stockland and Manly Council. The three areas of land owned by Council total approximately 1,036 square metres. These parcels are occupied by the public toilets on Condamine St, the Early Childhood Centre and the adjoining existing access to the site off Sydney Rd

The survey plan provided with the previous Application indicates that the site has a fall of approximately 11 metres from the southern boundary at Lane 34 to the northern boundary. There is a cross fall from the western boundary to Condamine Street of approximately five metres.

3. PROPOSAL:

It is proposed to construct two levels of below ground car parking, one level of retailing incorporating a supermarket, a mini market, and specialty shops, a podium on which will be erected specialty retailing and a small commercial space. Also at the podium level are the ground floors of a number of residential buildings ranging from two storeys to eight storeys. The property fronting Sydney Rd will have retail stepped at the ground level with 3 levels of residential above. It has its own underground parking off Lane 34

The proposal has a Gross Floor Area (GFA) equal to 44,466 square metres of which some 15,966 will be floor area for retail and commercial uses.

An approximate area of 28,500m² will be for residential use in the form of eight buildings. Within these buildings there will be some 258 dwellings. The stage 1 application only provided an indicative layout for residential units whereas this application shows layouts for all the residential buildings and the units at all levels. The proposal now incorporates:

- 113 - 1 bed and 1 bed + study units
- 95 - 2 bed and 2 bed + study units
- 50 - 3 bed and 2 bed + study units

The proposed Gross Floor Area on the site of 21,274.7m² results in a Floor Space Ratio (FSR) of 2.09:1. This is consistent with that approved in the previous application.

It is proposed to provide some 972 car parking spaces of which 630 are for the retail/commercial use and the remainder 342 for the residential component of the development. This is some 33 fewer in total than proposed in the previous application.

The Podium Level will provide the principal public pedestrian access ways into and through the site. This includes the potential for linking the site at the centre through to Woodland Street. Also at this level towards the Condamine Street frontage is the main public plaza of some 2000m².

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Vehicular access to the site for retail customers will be principally from Condamine Street via a new set of traffic lights. There will be a secondary access from Sydney Road via the existing access but this will be restricted to left turn in and left turn out. Vehicular access from Griffiths Street will be for the residential component of the development only.

Deliveries for the retail and commercial parts of the development will be provided off Condamine Street at the north east corner of the site. There will be a secondary loading dock off Lane 34.

The stage 1 application was consented to even though the FSR was 2.09:1, that is above the 2.0:1, because of the public benefits derived from this development.

These are:

- A public plaza and other publicly accessible spaces throughout the site of some 2300 m²;
- Pedestrian network throughout the site to adjacent streets;
- Major upgrading and widening of Lane 34;
- Provision of new and improved public toilets;
- The installation of traffic lights to access the centre in Condamine Street;
- Upgrading of the intersection of Sydney Road and Condamine Street;
- An integrated building form along Condamine Street improving streetscape; and
- A new retail shopping facility to complement the existing Balgowlah Shopping Centre.

While the proposal exceeds this FSR by some 466m² the site is now larger by some 240m². This additional site area would allow a further 480m² of FSR at 2.0:1.

4. BACKGROUND:

The existing Totem Shopping Centre was originally constructed in 1963. There has been recognition that the Centre no longer meets contemporary standards for retailing.

In 1999 because of the possibility of the Totem site being redeveloped, Council undertook an Urban Design Study known as the "Balgowlah Futures" and adopted the Balgowlah Urban Design Plan and Urban Design Controls as a means of guiding development of the site.

Those Urban Design Controls include statements which indicate Council would support the redevelopment of the Totem site. The aims of the Plan include:

- to create an environment that is friendly, safe and convenient;
- to improve visual and physical amenity of the area in order to encourage more regular and extended visits to the Centre; and
- to create a distinct identity of the Balgowlah Shopping Centre.

The Urban Design Plan states that it seeks to provide a mechanism that will regenerate the shopping centre functionally and visually improve the attractiveness and amenity to others.

Although the Stage 1 proposal was not strictly in accordance with the Urban Design Plan and Urban Design Controls it was considered to meet the objectives of those controls as well as the objectives of the Manly LEP and Business Zones DCP. As this application is by and large consistent with the Stage 1 proposal and the Stage 1 consent, it is considered that the objectives of those planning documents are still satisfied.

Environmental Services Division Report No. 69 (Cont'd)**5. CONTEXT:**

The Balgowlah Centre is seen as an important and convenient retailing focus for the residents of Manly, particularly given its somewhat central location and its high degree of accessibility.

The site is surrounded by retailing along Sydney Road frontage which backs onto Lane 34 which is the site's southern boundary. Adjoining the site to the north and to the west, the development comprises residential flat buildings of up to three storeys and a number of single storey dwelling houses respectively. To the east on the other side of Condamine Street are dwelling houses many of which are single storey. There is also the Balgowlah Uniting Church on this side of Condamine Street.

6. APPLICATION IN DETAIL:

Details of the Application are as set out in the Statement of Environmental Effects (S of EE) prepared by Don Fox Planning and the plans prepared by ALLEN JACK + COTTIER, dated March 2006 and the supplementary S of EE dated August 2006 and amended plans dated 9 August 2006.

Volume 1 contains the Town Planning Impact Assessment and Volume 2 contains the reports of other associated consultants, including Traffic (Colston Budd Hunt & Kafes Pty Ltd), Heritage (NBRS&P), Acoustic (Acoustic Logic), Access Review by Morris-Goding Accessibility Consulting, Landscape Plan by OCULUS and Economic Impact and an Indicative Construction Methodology Report.

Volume 3 contains the set of drawings as follows:

Survey Drawing	020312BDY
Location Plan	DA2-0001B
Site Plan	DA2-1001B
Carpark Level 2	DA2-2001B
Car Park Level 1	DA2 -2005B
Griffith St Entry	DA2 -2007B
Retail Plan	DA2-2101B
Retail Plant Plan	DA2-2105B
Level 1 Plan – Plaza	DA-2110B
Level 2 Plan	DA-2120B
Level 3 Plan –	DA-2130B
Level 4 Plan	DA-2140B
Level 5 Plan	DA-2150B
Level 6 Plan	DA-2160B
Level 7 Plan	DA-2170B
Level 8 Plan	DA-2180B -30A
Building Envelope Elevations	DA1-31A
Building Envelope Sections Sheet 1	DA1 – 40A
Building Envelope Sections Sheet 2	DA1 – 41A
Shadow Diagram	DA1 – 50A, 51A & 52A
Photomontages Sheets 1-4	DA1 – 55A, 56A, 58A & 59A
Pedestrian Circulation & Landscape Zones	DA 1- 60

All dated 9 August 2006 Issue B.

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Attached as Appendix 1 is a schedule submitted by the applicant indicating the way in which this application complies with the Stage 1 consent and at appendix 2 is a description of the further changes made in August 2006 from the plans lodged initially in March. Read together they explain any variations from the Stage 1 consent.

- Following the notification of the original application Stockland on 1 June 2006 submitted to Council a "Response to Submissions" report. This was updated by Stockland following notification of the amended application in August and this is attached at Appendix 3,

These responses will be considered at page 16 dealing with the submissions.

7. ZONING:**(a) Local Environmental Plans (LEP)**

The site is zoned Business 3 under the Manly Local Environment Plan (MLEP) 1988.

On 23 August, 2003 Amendment No 45 was made to the MLEP relating to the properties at numbers 207 to 215 Condamine Street. This had the effect of changing the zoning from Residential to Business and increasing the FSR from 0.75:1 to 2:1 on these sites thereby making it the same as for the remainder of the Business Zone.

There are no "Development Standards" within the Manly LEP with which compliance is required.

(b) Development Control Plans (DCP)

The Manly DCP for the Business Zones applies to the site and has specific controls relating to the Balgowlah Shopping Centre.

The Manly DCP for the Residential Zones 2003 also applies to the land in part and has controls relating heights and setbacks. These are included as an attachment to the Business Zones DCP.

(c) State Environmental Planning Policies (SEPP)

There are three SEPPs which apply to the site. These are:

1. SEPP No. 11 relating to traffic generating developments. This required the Application to be referred to the Regional Traffic Committee of the RTA. The outcome of that Committee's consideration of the Application is attached as Appendix 4.
2. SEPP No. 65 applies to the part of the development comprising the residential flat buildings. A statement is included in the S of EE referring to compliance with the Policy. Council has engaged the services of GM Urban Design and Architecture to assess the compliance with this State Policy.
3. Draft SEPP No. 66 – Integrated Transport which relates to development of a regional scale and access to public transport is also relevant.

(d) Other Relevant Planning Controls

The Balgowlah UDP 1999 came into force on 15 April, 1999 and applies to the site. This includes general requirements as to how the pedestrian, vehicular and built environment

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might be treated. The matters covered by this document have been taken into account in this assessment.

The Balgowlah Shopping Centre UDC 1999. This document came into force on 29 March, 1999. It includes controls which are specifically directed at redevelopment of the Totem site. The following Council Planning Instruments have been considered and taken into account in preparing the application:

- DCP for Energy Efficiency;
- DCP for Landslip;
- DCP for Waste Management;
- DCP for Access; and
- Councils Section 94 Contributions Plan.

8. REFERRALS:**(a) Engineering**

Council's Engineer has indicated that there is no objection to the proposal subject to the inclusion of appropriate conditions.

(b) Landscape Architect

The Landscape Architect commented on the March application as follows:

"The Balgowlah Shopping Centre Urban Design Controls 1999, 4. Design controls, part (v) specifically states that "*The scale of the (central public) space should enable congregation and enhance community amenity...*" – the Plaza does not encourage this.

The closely spaced, variously elongated, irregularly shaped grassed and planted (trees and shrubs) raised planters (300-600 high) severely restrict pedestrian movement within the plaza. They also corral or funnel people (this appears deliberate) from Condamine St through the plaza to Building D to what is presumably a main retail entry point. The central planters have the effect of cluttering the space, rather than helping to define the plaza or provide quieter spaces away from the hustle and bustle of shopper flow, and could easily date. The paving itself could be utilised to define any major desirable pedestrian flows.

The opportunity to hold small events is also lost in the current scheme.

The use of turf in such a setting is highly questionable – turf only just over 1.0m wide has been proposed in some of the narrowest planters. Maintaining turf in such an environment would be problematic (fertilising, irrigating, mowing, edging) and the appearance of such narrow strips of turf would be lost in the surrounding paving. Over time such areas of turf can become worn and difficult to keep in good condition. [the turfed 'precedent image' examples shown on DWG L 02 show much more substantial areas of grass closer together, in contact pavement level on at least one plane, in what is probably a much less intensively used location, and are therefore erroneous.]

Seats have been placed in the middle of this main pedestrian "corridor". This placement further impedes pedestrian flow and gives no respite (in terms of location away from the hustle & bustle and shade from trees) to the shoppers. No other formal seating is indicated.

Where appropriate, strategically located planters have the potential to be utilised as informal seating. As such any planter edge would need to have a generous edge to allow for people either sitting or leaning up against them – planter edge heights of around 400 - 450mm would be ideal for this.

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In reviewing the August application the comment was:

Nothing seems to have changed from the original design in relation to the Public Plaza proposals in the amended DA, despite the previous concerns.

Those comments still apply. Further the amended plans were tabled at the Landscape Management & Urban Design (LMUD) committee on the 13 September. The attached minutes were drafted in response to the Public Plaza proposals and our serious concerns over the treatment of this important space:

Excerpt from LMUD minutes 13 September 2006:

6.3 Balgowlah Village Amended DA: 197 – 215 Condamine Street, Balgowlah

Ted Pirola tabled a copy of the amended plans and his and Council architect Mike Biddulph's separate comments on the DA in relation to the Public Plaza proposals by Oculus, prior to this amendment. It was noted that the Public Plaza plans have not changed.

Comments focused on the cluttering of the space and how the proposals contravene the spirit and intentions of the Balgowlah Shopping Centre Urban Design Controls 1999, 4. Design Controls, Part (v) where it specifically states, for example, that “*The scale of the (central public) space should enable congregation and enhance community amenity*”. The committee reviewed the plans.

Recommendation

The LMUD committee supports Council's landscape architect's and architect's serious concerns over the proposed treatment of the Public Plaza in the amended DA for Balgowlah Village, and the need for the design to conform to the Design Controls for this space as set out in the Balgowlah Shopping Centre Urban Design Controls 1999.

CONCLUSION

The public plaza needs to be redesigned such that it is substantially de-cluttered so that it meets the requirements of the Design Controls as set out in the Balgowlah Shopping Centre Urban Design Controls 1999, and more specifically:

- People are not corralled into particular movement patterns.
- Priority is given to people comfort in terms of:
 - enabling congregation of people;
 - provision of quieter spaces away from the hustle and bustle of shopper flow;
 - provision of seating in association with a limited number of generous planters in scale with the space that incorporate trees that will provide summer shade and support their growth requirements for the foreseeable normal expected lifespan of the species selected.

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- 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.
- No turf is used in the public plaza.

With respect to the rest of the public and private landscape treatment there is no objection in principle to the proposals except that a detailed landscape plan and schedule is required to include deep soil planting along the rear boundary between the Totem site and Griffiths Street properties. Species selection will be subject to Council conditions as will protection of trees on adjoining footpaths and private properties.

(c) Heritage

No objection subject to conditions.

(d) Environmental Health

No objection has been raised to the proposal subject to conditions relating to plant operations and the control of stormwater.

(e) Traffic & Transport

Council's Manager Traffic and Transport has commented:

The Balgowlah Village development is the redevelopment of the Totem Shopping Centre for retail, commercial and residential development. The site is located within the block bounded by Sydney Rd, Condamine St, Griffiths St and Woodland St North.

In September 2005 Manly Council issued a Stage 1 development approval for retail and residential development on the site. This approval comprised the following elements:

- Retail development of some 14,300m² GFA (some 12,700m² GLA)
- Some 260 residential dwellings
- Parking for some 1,005 cars
- Access from Sydney Rd and Condamine St for retail parking and servicing; and
- Access from Griffiths St for residential parking.

In March 2006 Manly Council received a Stage 2 DA proposal comprising of the following:

- Retail development of some 14,315 m² GFA (some 12,595m²).
- Commercial development of some 88m² GFA.
- Some 271 residential dwellings.
- Parking for some 982 cars.
- Principal vehicular access from Sydney Rd and Condamine St for retail parking and servicing; and
- Principal vehicular access from Griffiths St for residential parking.
- Secondary retail, residential and service access from Lane 34.

This Stage 2 development has the following differences with the approved Stage 1 DA:

- Minor reduction in retail development (some 100m² GLA)
- Additional commercial development (some 880m² GFA).
- Minor increase in the number of residential units from (260 to 271), and
- Minor reduction in parking from (1005 to 982 spaces).

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In August 2006 Council received another amended plan of the Stage 2 DA proposal comprising the following:

- Retail development of 15,670m² GFA (13.155m² GLA).
- 258 Residential dwellings.
- Parking for 972 cars.
- Principle vehicular access from Sydney Rd and Condamine St for retail and servicing.
- Principal vehicular access from Griffiths St for residential parking, and
- Secondary retail and, residential and servicing access from lane 34

Thus, this particular amended DA has the following changes compared to the DA currently before Council.

- A minor increase in retail floor space (560m² GLA)
- Removal of commercial office space
- Reduction in residential dwellings of (13 dwellings)
- Minor reduction in parking (10 spaces)
- Relocation of the main loading dock to the north whilst maintaining the same access arrangement as the DA submitted to Council on the 13 March 2006.

COMMENT:

The above amendments are considered to be minor in relation to the overall development and that the traffic management measures listed below as part of the March 2006 DA are still considered to be satisfactory.

The relocation of the loading dock to the north side of the principal vehicular access in Condamine St will maintain the same access arrangements as approved by the RTA's (SRDAC) in April 2006. This is considered to be satisfactory.

In association with the March 2006 Stage 2 DA, a Review of Transport Implications of Proposed Balgowlah Village Mixed Use Development, Balgowlah, Prepared by Colston Budd Hunt & Kafes P/L March 2006, details that the DA proposes to:

1. Introduce traffic signals at the intersection of Condamine St and the retail car park access.
2. In accordance with Council's Urban Design Controls, maintain access to Sydney Rd, Condamine Street and Griffiths Street.
3. Provide a primary access to the centre on Condamine Street.
4. Modify the existing centre access onto Sydney Rd to provide for left in left out arrangements only
5. Widen lane 34 on its northern side by 2.3m
6. Review peak period "No Standing" restrictions in Sydney Rd to the east of Condamine St as part of the Stage 2 DA
7. Upgrade existing bus stops in Sydney Road and Condamine St adjacent to the centre as part of the Stage 2 DA
8. Introduce a taxi zone in Condamine St, adjacent to the main pedestrian access to the Centre.
9. Provide a right turn phase for traffic turning right into Sydney Rd from Condamine into Sydney Rd (to head south)

These proposed traffic management measures were approved by the Roads and Traffic Authority's Sydney's Regional Development Advisory Committee (SRDAC) in April 2006.

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The above measures 1-9 have not changed significantly in the August 2006 DA and therefore the concurrence on the SRDAC is only required.

However, as mentioned in my previous assessment it is important to note the following:

That the applicant provided a separate traffic report from Colston Budd Hunt and Kafes P/L in Feb 2006 to deal specifically with the traffic management of Griffiths St. This report although not part of the Totem Stage 2 DA traffic report, should be mentioned for reasons of transparency.

The recommendation in the Feb 2006 report recommended the following traffic management for Griffiths St

- A. A roundabout at the intersection of Woodland St and Griffiths St.
- B. A half closure of Griffiths St at Condamine St (allowing an exit only onto Condamine St).

SUMMARY:

A summary of the traffic and parking implications on the Amended DA are as follows;

- Access to public transport is the same as the current DA
- The proposed parking provision is appropriate
- Vehicular access to the shopping centre is the same as the current DA
- The modifications to the car park do not significantly change the car park significantly compared to the current DA.
- The proposed modifications to the loading docks are considered appropriate and
- The overall traffic effects of the amended DA would be similar to the current DA.

RECOMMENDATION

That based on the fact that the above traffic management measures 1-9 were approved by the RTA's, SRDAC in April 2006 and this Amended DA (August 06) has relatively minor changes to the March 06 DA - That Council approve this Amended DA in relation to Traffic Generation and Onsite Parking, subject to the concurrence of the RTA's SRDAC. And the following conditions:

That the geometric layout of all the basement car parking areas, all access driveways, queuing areas, ramp gradients isle widths, manoeuvring areas, individual parking spaces and the like must conform with the provisions of AS & NZS 2890.1 (2004).

That a footpath level application must be made to Council to obtain footpath crossing levels before designing internal driveways and Car parking areas.

That all entry/exit points and one and two way circulation movements must be clearly signposted to Councils satisfaction.

That 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.

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.

Further that; the traffic management measures A&B suggested for Griffiths St be noted at this stage and submitted to the Manly Traffic Committee and the relevant precinct committees and Griffiths St residents for consideration following the approval of the Totem Stage 2 DA (Amended August 2006).

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The above recommendations have been included in the recommendation at the conclusion to this report.

(f) Building

Council's Building Officer has reviewed the Application and raises no objection to the proposal subject to specified conditions which are included in the recommendation to this report.

(g) Waste

Council's Waste Management Officer has no objection to the development subject to the imposition of conditions:

(h) Safety

The comments of Council's Safety committee are:-

This Committee concurs with all the recommendations contained in the Community Safety and Safety by Design Assessment report prepared for the applicant by Urbis JHD.

- We would seek that all the recommendations contained in this report be implemented prior to the issue of construction certificate.

Retail Level

It is noted that the retail level has a central public area that will be left open and accessible 24 hours day. Unless there is a reason that is not currently apparent

- it is recommended that the retail level be closed to public access when retail is not operating.

Public Plaza

It is anticipated that the public square would become the community 'heart' of Balgowlah (including residents of the development). The importance of ensuring public ownership and thereby creating a safe public space is acknowledged in the applicant's consultant report.

From a safety by design point of view it is important to carefully design and define ownership of this space to ensure the area stays safe and comfortable for a range of different users and different times of the day and night.

The current design does not address this adequately. Rather than encouraging a variety of community activities it appears more like a thoroughfare or a space for passive recreation only.

The plaza/community space needs to be reconfigured to include an area where community events such as concerts, displays, public meetings etc. can be staged. It should be an area where community is encouraged to congregate so that it becomes a space where all ages and levels of the community can feel welcome and safe. This will ensure that community ownership is maintained. The consequences of not doing this will mean rapid deterioration – a space where people do not feel comfortable resulting in undesirable groups taking over thereby increasing crime risk.

The opportunity to reduce the likelihood of this occurring needs to occur at this planning and design stage.

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Ideas to engage and maintain community ownership and guardianship in the plaza area may include:

- 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 meetings, mothers groups, youth groups etc.
- Community Notice boards.
- Consideration for a children's playground - this will encourage family groups to use the space.
- Inclusion of youth space management issues as recommended for the Security Management Plan.
- Public toilets and a telephone be included in an accessible and safe location.

It is also recommended that the public plaza be an Alcohol Free Zone.

Skateboarders

Consideration needs to be given to the likelihood of skateboarders wanting to use the public plaza for their recreation. The public plaza area needs to incorporate design features that will deter this from occurring. (local consultants are available to assist with this if necessary).

Security Management Plan

As recommended in the applicants report, a security management plan be developed in consultation with Manly Police. This needs to include issues of:

- CCTV – placement and monitoring.
- Security guards – duties and operating times.
- Protocol for calling police.
- Safe parking places for late night workers/shoppers.
- Consideration to be given to a youth space program eg. Erina Fair.

ATMS

That the placement of ATMs be planned in consultation with Manly Police Crime Prevention Officer. Alternatively NSW Police guidelines regarding placement of ATMs are available on request and should be used.

(i) Access Committee

On the August 2006 proposal the Access Committee has commented:-

"Not enough lifts for this size of development and the level of traffic – all in competition with women with prams, shopping trolleys etc. particularly given that the lifts are a safer mode of travel for these groups."

Recommendation:

Increase in size and number of lifts.

9. EXTERNAL COMMENTS**(a) Urban Design**

The Application was referred to Ms Gabrielle Morrish of GM Urban Design to assess the Application in terms of SEPP No. 65 in relation to the design of the residential flat buildings and in terms of the urban design generally.

Ms Morrish's comprehensive report is to be found at **Appendix 5**. This not only assesses the proposal against SEPP No. 65 but also examines the proposal against the Manly LEP, the Manly DCP for the Residential and Business Zones as well as considering the

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requirements and objectives of the Urban Design Plan and Urban Design Controls for the Balgowlah Centre

Ms Morrish's report concludes:

Based on the above assessments against the requirements of the various State and Local Government Instruments and provisions we advise that the Development Application as lodged is suitable for approval on Urban Design and SEPP 65 grounds subject to the following amendments to the Development Application prior to approval or as conditions attached to the approval:

- Building F should be conditioned to setback the 5th and 6th floors 10m to the previously approved alignment (10m and the same extent of massing parallel to the western boundary).
- Building H is to be reduced in height from the lift core to the north to fit within the original DA approved Stage 1 Envelope.
- The massing removed from Building H is to be relocated back to Building L.
- The number of dual aspect or two storey apartments is to be increased to achieve a higher percentage of these unit types over single aspect units.
- The DA is to be amended to provide additional trees to Lane 34 between car spaces to the northern side of the Condamine Street entry and that the car spaces shown at the exit to Sydney Road be deleted and additional trees planted in this area.
- 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.
- 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.
- 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.
- Consider including community facilities within the centre equivalent to the additional FSR over and above the required FSR of 2:1.
- Building L is to be designed to contribute to the visual interest for Lane 34.
- The northern wall of the centre is to be redesigned to provide additional visual interest.
- Trees and landscape are to be provided to the raised deck above the car park entry from Griffith Street.
- 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.
- All kitchens to apartments are to be 8m or less from a window.

(b) Traffic

The Application was referred to the RTA's Sydney Regional Development Advisory Committee (SRDAC) for concurrence under Section 138 of the Roads Act and SEPP No 11.

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Consideration was given to the Application at its meeting on 12 April 2006 and concurrence was granted subject to some 14 conditions. A copy of the SRDAC letter is attached at **Appendix 4**.

Principal among the conditions are:

- The RTA supports the new traffic signals in Condamine Street.
- Restricting access from Sydney Road to left in and left out.
- Altering the phasing at the intersection of Sydney Road and Condamine Street.
- The Local Traffic Committee to consider "No Stopping" restrictions in Griffiths Street and review kerbside parking in Griffiths Street.
- The provision of a median in Condamine St opposite the loading dock access

As a result of the above, the recommendation includes the conditions referred to above.

(c) Utility Services

Sydney Water was consulted on the Stage 1 application and advised that it has reviewed the proposal and has no "in principle" objection to the proposal subject to the following comments being considered by Council.

Sydney Water requires the developer to:

- Obtain a Section 73 Certificate.
- Correctly size the water and wastewater mains etc.
- Meet requirements relating to building over services.

Sydney Water commented that a preliminary assessment of the capacity of the services reveals that both the water main and sewer are considered sufficient to accommodate the proposed development. Further, while it does not have statutory power to compel Council to adopt water conservation standards, it recommends that Council introduce these standards to ensure consistency with ESD Principles. It is pointed out that "new development" provides significant opportunities to achieve more sustainable water use thereby avoiding the need for expensive retrofitting programs in the future. On residential and commercial sites the fitting of conservation devices is an important first step in a suite of water conservation measures. Further environmental benefits can be gained by adopting water sensitive urban design principles and whole of water cycle management principles in the design of new development."

These matters were deferred to this application will be considered as part of this application and if appropriate relevant conditions will be imposed.

10. PUBLIC NOTIFICATION

The Application was initially advertised from 21 March 2006 until 15 May 2006. As a result some 15 submissions were received. Copies of these are available on Council's file. Following submission of the amended proposal in August the application was again advertised from 11 September to 3 October. A further 10 submissions were received including 6 from writers of previous submissions.

In summary the following issues in relation to the overall development were identified:

- Objects to the increase in traffic
- Roads not wide enough to cope with additional traffic
- Griffiths Street, and Condamine St intersection and dangerous needs lights

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- Developer should pay for road upgrades
- Opposes the number of residential units
- Parking inadequate
- Objects to loading dock and carpark entrance is being closer to Griffiths Street,
- Loss of street parking due to Condamine St traffic island
- Delivery trucks should have set times not delivering during the middle of the night
- Noise from plant, swimming pool & trucks reversing
- Condamine St should be 50 kilometre per hour speed limit.
- Building H should be setback six metres not five metres
- Concern for flooding from the detention tank
- Additional traffic on Griffith St will be dangerous to children from Manly West public school
- Griffiths Street already heavily traffic and adding Totem traffic will be inappropriate
- Unit blocks are too high
- Development compromises right-of-way on the site.
- Buildings higher than Court decision allowed
- Buildings on Condamine St should be 10.5 metres high
- Too many small units causing into social behaviour
- Lack of public facilities for example gym and meeting rooms
- Location of Condamine St traffic entry is dangerous to residents opposite
- Objects to increase in height of building H
- Signage on Condamine St is too large.
- Exhausting carpark to Griffiths Street properties.
- Roof of Griffith St entry accessible to public - leading to loss of privacy.
- Griffiths St entry to be extended north to reduce noise impacts
- Griffith St plant should be reduced in length to provide breezeway to adjoining units
- Loss of privacy to residents in Griffiths St from building F balconies
- Request for upgrading MATV systems to Griffith St properties.
- Griffiths St should be made one way west to east
- Request for the developer to undertake dilapidated reports.
- Objects to the economic impact on Warringah Mall
- Objects to only one supermarket as being anticompetitive
- Objection to building A impacting on property in terms of loss of natural light and air.
- Breaching of the FSR" controls
- Retail and residential parking on one level not permanently separated
- Parking and traffic not complying with stage one approval
- Design is non-compliance with the planning controls
- In objects to building C being three storeys

Stockland requested and were provided with the submissions lodged. At **Appendix (3)** is response by Stockland to the issues raised. Some 26 issues are covered in the response. The final column provides my comment on the applicants' responses.

The many of the submissions relate to traffic conditions on surrounding streets. The proposal has been before the Council traffic committee and the RTA on a number of occasions. Subject to the measures proposed to provide a safe and efficient road network around the development the traffic arrangements have been found to be satisfactory.

In respect of the adequacy of the parking provided, this report considers that parking is barely adequate provided that some spaces are reallocated from the residents parking area to the retail parking area. The location of the vehicle entrances have been agreed to previously.

In regard to the scale of the development it is equal to that previously proposed and approved except for any floor area proposed for a future club.

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Objections to the additional height of some buildings will be assessed in the latter sections of the report. Concerns relating to noise, flooding emanating from the development can be addressed by conditions as can issues such as size of signage, need for dilapidation reports.

Many of the remaining issues were raised when the Stage 1 application was assessed. On balance Council agreed to consent to that application subject to this application being consistent with that consent..

With the exception of the questions of the additional height of the buildings and whether car parking is adequate both of which will be addressed in the latter sections of this report and the subject appropriate conditions the concerns expressed in the submissions have by and large been resolved.

11. COMMUNITY PRECINCT FORUM RESPONSES**(a) Balgowlah Heights Precinct**

The amended proposal was referred to the Precinct on 14 September 2006. The October minutes of the Precinct contained the following comment:

"This is the first time I've looked at the proposal (Michael Pender). Remember, we requested a Planner to come and explain the proposal. It is a huge and complex proposal which is in the process of amendment. It has a gross floor area of 44,466 square metres with 972 car parking spaces. There are 258 flats (dwellings). There is 16,000 square metres of commercial/retail space. In essence it's four 10-storey towers (from the mid point along Condamine Street ie. Half way up) and four 4/5-storey blocks (all residential) sitting on top of a big box that houses the car park, commercial and retail. The 'plaza' is on top of this box. To me (without the benefit of a detailed briefing) it seems like a behemoth amongst low scale, small buildings ie. Along Sydney Road and Condamine Street. The design strikes me as ephemeral (cheap) with odd colour proposals – think Jackson's Landing at Pyrmont. The public plaza is an appalling "Eastern Suburbs" nasty, and to me shows how little the designers know of our beautiful little patch in Manly. Object!"

(b) Seaforth Precinct Community Forum

The amended proposal was referred to the Precinct on 14 September 2006. At time of preparing this report no response has been received.

(c) Ocean Beach Precinct Community Forum

The amended proposal was referred to the Precinct on 14 September 2006. Exhibited at the October meeting of the Precinct. No comment was offered by the Precinct.

(d) Little Manly Precinct Community Forum

The amended proposal was referred to the Precinct on 14 September 2006. At time of preparing this report no response has been received.

(e) Fairlight Precinct Community Forum

The amended proposal was referred to the Precinct on 14 September 2006. Commented "appears reasonable" but no motion passed as no detailed study made.

Environmental Services Division Report No. 69 (Cont'd)**(f) Ivanhoe Park Precinct Community Forum**

At its meeting of 2 May 2006 the Precinct considered the application. The Precincts comments included:

- Overall the new DA is consistent with the parameters set by the set 1 approval and the design changes are positive for the adjacent community and potential residents,
- The addition of the Early Childhood Centre site on Sydney Rd allow as improved vehicular access.
- On balance the overall changes that have been introduced present an improved design outcome.

The Precinct resolved that recommended:

- The Precinct Committee supports the development application with the request that the Council particularly reviews the following issues:
 - Shadow projections
 - The Griffiths St access point
 - Parking provision in relation to the approved stage one DA.

The amended proposal was referred to the Precinct on 14 September. At its October meeting the Precinct resolved " That the Ivanhoe Park Precinct has discussed this application and the Precinct has no objection to this amended DA as presented provided it meets the points raised by the precinct in our minutes of may and June2006 and through the attachment to the June minutes.

COMMENT

The matters raised by the Precinct are examined later in this report.

(g) Clontarf Precinct Community Forum

The amended proposal was referred to the Precinct on 14 September 2006. No at time of preparing this report response has been received. At its October meeting the Precinct minuted –"Stockland have submitted amendments to their current DA which are minor in nature. There is a proposed increase to the gross floor area of the retail and commercial components. Reduction of 2 supermarkets to 1 supermarket, minor changes to car parking area concerning mainly movement of traffic within car park. There is a proposed reduction to the area of residential units to offset increase in retail area and a reduction from 271 units to 258 units. The DA has undergone some minor changes but will have little impact on the community. A recommendation to Council: No comment.

(h) North Harbour Precinct.

The amended proposal was referred to the Precinct on 14 September 2006. At its meeting in October it was minuted that North Harbour Precinct has discussed this application and advises Council of community comments as follows:

Precinct objects to the revised plans to Totem in that the additional retail space will create even more traffic and retail movements and increase the considerable effects of this development on the neighbourhood. The current amendment does nothing to address the great community concern about increased traffic, noise and other environmental issues. In fact, it appears to serve only the needs of the developer and not the community.

Environmental Services Division Report No. 69 (Cont'd)**(i) Seaforth North Precinct.**

The amended proposal was referred to the Precinct on 14 September 2006. At time of preparing this report no response has been received.

(j) Balgowlah Precinct.

The amended proposal was referred to the Precinct on 14 September 2006. At time of preparing this report no response has been received.

(k) The Corso

The amended proposal was referred to the Precinct on 14 September 2006. Exhibited at the October meeting of the Precinct . No comment was offered by the Precinct.

(l) Fairy Bower

The amended proposal was referred to the Precinct on 14 September 2006. At time of preparing this report no response has been received.

12. STOCKLAND COMMUNITY CONSULTATION

In addition to Council's notification of the development application in March and the amendment in August Stockland has continuously communicated with the community on the development of the site.

In December 2005 Stockland advised Council it would be using the following means to communicate with the community:

- (i) Regular letter box drops,
- (iii) Web-site at www.balgowlahvillage.com.au. This web site is noted on all letters and signage.
- (iv) Stockland community Info line 1800 378 478
- (v) Site signage.

In January 2006 that is before the application was lodged Stockland met with members of the former Community Reference Group and outlined changes proposed to the Stage 1 approval.

Council has been provided with responses to the hotline. The majority have been requests for information or complaints in regard to management of the site. There have been few complaints or criticisms of the latest development proposals.

13. COMPLIANCE - STATUTORY ASSESSMENT

As has been identified above, there are a multiplicity of planning documents which apply to this particular site and within these planning documents there are many planning standards and requirements to be satisfied. While all were considered as part of the Stage 1 assessment and have again been reviewed as part of this assessment it is considered reasonable to dispense with an in-depth consideration where there is consistency between the Stage 1 consent and plans and this application.

Environmental Services Division Report No. 69 (Cont'd)**(a) Permitted Uses**

There has been no change in the uses nominated from those in the earlier application. Those uses are Retailing, Commercial and Residential Flat Buildings. Each of these uses is permitted within the Business Zone No 3 with Council's consent.

The plans lodged with the Application indicate the various levels throughout the development upon which the above uses will be located. The exception to this is the use of the space above the retail level in building L. This is shown on the plans as a 2 level component of this building to be "subject to a separate DA". It is anticipated that this will become the future "Balgowlah Club"

As all of these uses are permitted in the zone and the general distribution of the uses are compatible with surrounding development, there is no reason per se why consent should not be granted to those uses. This is not to say that later in this assessment concerns may be raised as to the quantum of the uses or a concern with a particular location of part of the space generally identified on the plans for a particular use.

Although consent for the subdivision of the development has not been sought as part of this consent, information was requested on a hypothetical subdivision of the proposal. This will be discussed later in this assessment however there is nothing to prevent Council from granting a consent to the subdivision of the development at a later date nor would the later granting of the subdivision prejudice Council's granting of consent to this application.

(b) Floor Space Ratio (FSR)

The Floor Space Ratio (FSR) controls for this site are specifying in the DCP for the Business Zone. Clause 2.1 of the DCP states that the FSR is not to exceed 2:1. It will be noted however that this DCP does not specify how much of the floor space ratio is to be assigned for retail, commercial or residential use.

The S of EE states that the FSR proposed is 2.09:1 which equates to a GFA of some 44,466 sq metres. The excess FSR of 0.09:1 equates to some 1,900 square metres or 4.5% in excess of that permissible in the DCP. This excludes any car parking excess to Council's requirements.

Notwithstanding that the proposal exceeds the FSR, the Stage 1 consent in effect agreed to a total floor area for this site of 44,000 m² of which the residential component was not to exceed 29,700m².The amended proposal provides 28,500 m² of residential and 15,966 for retail / commercial.

These areas are in line with the Stage 1 consent and after taking into account that the site has been enlarged the FSR is considered acceptable.

However those figures exclude the floor area of any future club on this site. It will be noted that the plans indicate the location of the future club above the retail in building L. Advice from the applicant is that the club is expected to have a gross floor space of some 1300 m². As a consequence of, as it were, vacating this space for the club the applicant has relocated the units proposed for this space in the Stage 1 plans to other buildings. This has had the effect of adding another 1 -2 levels to building H and altering the shape and height of building F.

Environmental Services Division Report No. 69 (Cont'd)

Consideration of this change from the approved Stage 1 building has been addressed by Ms Morrish in her report. The end result is that at this time that the FSR should remain at 2.09:1 until the application for the Club is assessed.

(c) Density

The Stage 1 application did not seek approval for a certain number of residential dwellings although it was suggested that there were likely to be 260 units. The current application proposes 258.

While the planning instruments for the site do not specify a density control the number of units proposed has, implications for many aspects of the development including car parking and affordability of housing.

As a means of assessing whether the number of units is reasonable it has been assumed that the podium level is zoned Residential and then comparing the proposal to the controls which apply in other parts of the Manly Local Government Area.

In areas zoned Residential a density control applies. The highest density in Manly is one unit per 50 square metres of site area and this sub zone 1 is generally in the vicinity of the Manly Town Centre and along the oceanfront. Adjacent to this site (in sub zone 2) the residential density is one unit per 150 square metres of site area.

It is proposed to have something in the order of 44% of the development as one bedroom units (previously 10%), 37% as two bedroom units (previously 60%) and 19% as three bedroom units (previously 30%).

The site has an area of 21,274 square metres, resulting in a density of one unit per 82.5 square metres of site area that is somewhere between the two density sub zones mentioned above.

Given that this site is within a major shopping precinct and that the site was identified in the Council's Housing Strategy for increased density, the number of units proposed is acceptable.

Further the across the board increase in the number of smaller units is seen as a positive step towards supporting Council's affordable housing initiatives.

(d) Building Footprints

The application includes a plan (DA2-3801 B) illustrating how the footprints of the buildings proposed comply with the footprints in the Stage 1 consent. While it was to be expected that as detailed design took place variation would occur, the footprints are by and large in line with the Stage 1 consent.

The stage 1 application sought consent for building footprints at four levels. These were:

- (i) Extent of the car parking levels (dwg. DA1 -10);
- (ii) Extent of the main retail level (dwg. DA1-12);
- (iii) Extent of the retail areas and residential buildings at the podium level (dwg. DA1-20); and
- (iv) Extent of the residential component (dwg. DA1-21).

The assessment report commented that "provided that the footprints do not vary too greatly in the second Application and after making the following adjustments, the footprints are considered acceptable".

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The Stage 1 consent included conditions requiring changes:

- The western end of Building L to open the access way from Sydney Road to the Plaza consistent with the UDC which required a visually strong gateway to the Totem Shopping Centre; and
- The southern edge of Building C where it adjoins Lane 34.

The access way from Sydney Road to the plaza has been 'opened' by adjustment to building 'L' as required above.

The other changes to building footprints are those relating to the former buildings G, F, J and K. Buildings K & J have been deleted from the scheme and building F has been turned through 90 degrees and extended to the north. This increased the setback to the north and the amount of open space/recreation area available to future residents at the podium level

The assessment of the impacts of this change has been made in the report by GM Urban Design and Architecture.

Apart from those significant changes, the other changes can be said to be minor and as a result the proposal is consistent with the Stage 1 consent.

The changes outlined above have been made including the setback of building C to Lane 34. In addition the detailed planning of these units has resulted in service areas being located adjacent to Lane 34 thereby adding to the amenity of the future occupants of these units.

The footprints of the buildings are therefore acceptable noting the applicants offer to plant additional trees along the northern boundary to overcome privacy concerns expressed in the objections.

(e) Setbacks

The setback requirements are specified in the:

- UDC 1999 at Drawing A4; and
- The DCP for the Business Zones – Part 2 which incorporates part of the DCP for the Residential Zones.

The stage 1 application relied on UDC Drawing A4 as the principal document for compliance purposes. Where that Plan was silent on setbacks to the perimeter of the site, the other documents came into consideration which applied to the western boundary to the Woodland St properties, the side boundaries to the Griffiths Street parcel, the Sydney Road parcel and Lane 34. The set backs on the Stage 2 plans are generally consistent with the earlier plans.

On the Condamine Street frontage the UDC requires a four metre setback. This has been provided however balconies 1.5 metres wide intrude into this zone. As these balconies will provide some weather protection as claimed in the S of EE, the intrusion is acceptable as it will still permit retention of the street trees and provide a widened footpath.

Along the northern boundary at the rear of properties fronting Griffiths Street there are two setback requirements. One being a five metre minimum or one-third wall height at the eastern portion of the site, while for the western portion the setback is 12 metres to any car park structure above RL 39.5. The eastern setback is five metres in compliance with the UDC.

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At the western boundary of the site the wall of the main retail level is to be built to the boundary. Its highest point above the ground is approximately three metres. There is nothing in the UDC or the Business Zones DCP to require a setback from the boundary for this use. If the Residential DCP were to apply a setback of one metre would be required. However in normal circumstances a 1.8m fence would be erected on this common boundary and the wall 3m high erected one metre back. Given that the height above a 1.8m fence reduces to nil over some 35m and because the affected allotments slope towards the rear boundary it is considered that the height of the retail level is acceptable.

The only other boundary which requires the setback is along Lane 34. Building L is setback adequately in order to achieve the desired activation of the Lane Building and building C has a 3m setback to the boundary of the widened lane.

The setbacks are considered acceptable.

(f) Height

The height controls are specified in:

- The DCP for the Business Zones.
- The DCP for the Residential Zones.
- The Balgowlah UDC.

The Stage 1 consent accepted the heights shown on the plans as being reasonable even though they in some parts did not comply with the above controls. In addition a condition was included in the consent requiring this application to comply with the approved plans. The application however proposes further variation to the height controls.

The following table was included in the Stage 1 application assessment. A further column has been added to highlight the differences between this application and the approval. Only the level of the uppermost ceiling of a building has been given.

Level	RL of Floor Level	Ceiling Level (RL)	Building Height in DCP	Excess Height	Height in current Application
Residential Car Park	28.0		NA		28.3
Retail Car Park	31.0		NA		31.1
Principal Retail / Supermarket Level	RL 34.5		NA		34.5
Podium Level – (level 1) Specialty Retailing & Ground Floor Residential	RL 38.5, RL 39.5 & RL 40.5		10.5m on edges above ground	Minor in NE Cnr	39.5 & 40.5
Residential Levels 2-8					

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Single Storey Building H		43.3	RL 40–RL 42	3.3 max	
Two Storey Building H Building J		46.3 46.3	44.5- 42 40-46.5	2m 6.3 max	49.3
Three Storey Building J Building E		49.3 49.3	40.0-46.5 47.5-50.5	9.3 max 1.8m	Deleted but replaced by F at 52.5
Four Storey Building C Building E Pt Building D		52.3 52.3 52.3	50.0 50.0 58.5	2.3m 2.3m (6.2m)	49.3
Six Storey Pt Building B Building G Pt Building G Pt Building F Pt Building F Pt		58.3 58.3 58.3 58.3	58.5 58.5 49 58.5 49	(0.2m) (0.2m) 9.3max (0.2m) 9.3 max	58.5 58.5
Eight Storey Pt Building B Pt Building D Pt Building D		64.3 64.3 64.3	50.0 58.5 50	14.5m 5.8m 14.3	64.5 64.5
Building A		51.8	52.5	(0.7m)	57.8
Building K		45.8	45.0	0.8m	Deleted

The applicant has provided a 3 dimensional plan of the development (DA2 - 3803 B) which illustrates the changes to the envelopes of the buildings including those parts where the proposal now exceeds the height planes of the approval of September 2005.

Most notable are the additional levels to buildings H (fronting onto Condamine St) and building F which backs onto the Woodland St residential properties. Significantly the tallest buildings B & D have not been increased in height. And building C has been reduced in height.

These buildings now further exceed the 10.5 metre height plane. The extent to which the height is exceeded is shown in bold in the table above.

A detailed assessment of the changes is included in the report by GM Urban Design & Architecture. With the exception of the changes to the heights of buildings H & F the report concludes that the other buildings are acceptable.

That report also makes recommendations for changing Buildings H & F so that they are acceptable. Those recommendations are included in the deferred commencement conditions.

Environmental Services Division Report No. 69 (Cont'd)**(g) Car Parking**

The first part of this discussion will relate only to the Totem site. It will exclude discussion of parking in building "A" because that is a stand alone building with its own parking. Further the Traffic Consultant for the applicant claims after examining this particular development that "the proposed parking provision is appropriate" (see attachment 6)

The proposal envisages that there will be some 972 spaces on two levels - 630 of these are for retail/commercial uses (and include staff parking) and the balance of 335 for the residential component which includes visitor parking. Building A fronting Sydney Rd will have 1 retail parking space and 7 residential spaces with one visitor space. Within Lane 34 there will be 12 retail spaces including 2 disabled spaces

Council has two parking standards which might be applicable to the residential component of the proposal. That is the DCP for the Residential Zones and the DCP for the Business Zones. The applicant has adopted the Business Zones DCP and this requires 1 space per unit plus 1 space for each six units for visitors. Given that the site is on a major public transport route and incorporates retailing for the residents it is considered that it is appropriate to apply the Business Zones DCP parking requirement to this development

This requires 258 resident spaces and 43 visitor space giving a total requirement of 301 spaces for the residential component of the Totem site. The proposal however assigns 323 spaces for residents and only 12 for visitors i.e. at total of 335. The application envisages any visitor requiring parking over and above the 12 provided for will parking in the retail car park. The Traffic consultant indicates that the demand from visitors for parking in the retail area will be somewhere between 23 and 45 at different times throughout the week.

Turning now to the retail parking. Council's Business Zones DCP requires some 636 spaces. The application proposes some 629 spaces for the Totem centre.

The applicants Traffic Consultant argues that based on RTA rates only 575 spaces are required and that as some 629 spaces are being provided there is a surplus of some 54 spaces.

There is however the issue of parking for the future club. This has to be taken into account at this stage because approval of a development with a fixed number of spaces could lead to a situation where future development on the site might be prejudiced if sufficient parking is not available.

Advice from the consultant is that the preliminary designs for the club envisage a licensed area of some 925m². Council's parking code requires some 230 spaces for a club of this size. The Applicants Traffic consultant claims however that based on surveys of the former Club that the parking demand will range from 42 to 63 during the day to between 100 to 150 during the evening.

Further given that there is a surplus of spaces in the day of some 35 to 45 and in the evening of some 140 that the development would have sufficient parking if patronage levels are at the low levels and a short fall of between 10 to 28 if at the high level.

The following table gives a general summary of the parking requirements and the number of spaces proposed within the Totem buildings.

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Use	Council requirement	Proposed in application	Demand as estimated by Applicant
Residential Units	258	323	
Residential Visitors	43	12	
Total Residential	301	335	335
Retail Commercial	636	629	575
Club	230	Nil	42 – 150
Total	1167	964	952 – 1060

If one ignores the short fall between the Council's requirements and the numbers being provided (the difference is 203) it can be seen from the above that the total provided will be slightly more than the minimum demanded but some 96 spaces short of the higher demand figure.

In order to determine whether this is acceptable it is necessary to consider the purpose for which the parking is being provided. In my opinion the principal purpose for the car parking is for the retail/commercial component of the Totem centre.

It should be noted that the application proposes that the retail parking will not only provide for the customers of the centre but also for staff, visitors to the residents, and future club patrons. The applicant also believes that the parking will also be used by customers of retailers in the remainder of the Balgowlah centre. Finally this does not take into account parking when special events may take place as envisaged for the central plaza area.

The applicant also proposes to assign more spaces to the residents than Council requires and to reduce the number of visitor spaces in the residential component of the car park with additional visitors parking in the retail area.

Given that the emphasis is on providing sufficient retail parking it is my opinion that some of the additional spaces assigned to the residents (65) should be relocated to within the retail parking area. Having regard to the fact that the difference between Council's requirements and the parking provided has been ignored (203 spaces) and using the applicants demand figures but adopting the higher figure I would propose that the additional 34 resident spaces be reassigned to the retail car park.

Reassignment is suggested because it appears there are few opportunities to increase the absolute number of parking spaces. The only way this could occur is by construction of a further level of parking below that already proposed. While that is possible given that the site is totally available for development the additional cost might be unreasonable given that a rebalancing of the available car parking between the uses may result in an acceptable balance between the parking demands for the site, the efficiencies in multiple use of some spaces and the number of spaces proposed.

The reassignment of the spaces can be readily accommodated as it is proposed to have a permanent divide between the residential parking and the retail parking.

As a side issue to the additional parking proposed for the residents it should be noted that Council would be entitled to count as floor space any spaces provided in excess of what Council requires under the DCP. In other words the additional 34 resident spaces could be

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counted as floor area. It is estimated this would be equal to some 850m² of floor area which would in turn push the FSR higher than that previously approved.

As for the parking in building A it is proposed to have 8 spaces – 1 retail; 6 resident and 1 visitor space. This building will have 6 residential units and therefore the number of spaces complies with the code. The retail component will have 2 retail tenancies with a floor area of 200m². While council's DCP would require 5 spaces the proposal includes some 8 spaces directly opposite building A in Lane 34. On this basis the parking for Building A is considered acceptable.

(h) Open Space

The UDC contains two requirements relating to open space and landscaping on the site. Firstly there is the requirement for a central public space with a minimum area of 500m² (possibly glimpsed from Sydney Road) should be the focal point of the Totem Development and secondly there are a number of performance requirements relating to residential development.

There are however no specific numerical standards in relation to the provision of open space on the site. Nevertheless as a general rule of thumb and because the residential development has a density in the order of Residential Sub zones 1 & 2, the amount of open space could be expected to be between 45% to 50 % of the site area.

The proposal has a major feature a central plaza of something in the order of 1200m² to 1500m². This has a north south axis and is uncovered. This more than satisfies the UDC requirements. This is supplemented by other public plaza areas which connect to Sydney Rd, Condamine Street and the lower level retail area. In total these areas represent public spaces of some 2300m². These also provide the pedestrian connectivity sought by the UDC.

For other parts of the site it is proposed to have extensive areas of landscaped open space much of which will be available for public access.

The applicant has provided details that these areas in total represent some 13,000 sq metres of both public and private open space. This represents in excess of 60% the site. It will be further noted that the Residential Zones DCP for up to 25% of the open space requirement to be satisfied by above ground areas if certain design criteria are met. While this is benefit justifies having the taller buildings it does not justify any FSR above 2.09:1. Nevertheless the quantum of open space proposed in the application is considered acceptable.

(i) Access Arrangements

Vehicular access arrangements as follows were considered as part of the stage 1 assessment.

- (i) for retail parking off Condamine Street;
- (ii) for retail parking off Sydney Road;
- (iii) for resident parking only off Griffiths Street;
- (iv) drop off and unloading areas along Lane 34; and
- (v) retail delivery vehicles including large trailers off Condamine Street.
- (vi) Vehicle movement west bound on Lane 34.

While the UDC 1999 specifies access arrangements which are slightly different to the above, those arrangements were approved in the Stage 1 consent. The detailed planning of

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access points has been found to be acceptable to Council's Traffic manager subject to conditions which includes construction of traffic devices in Griffith St.

Moreover the RTA and Councils Traffic Committee support the arrangements subject to conditions which require further investigation as part of the Stage 2 Application.

In terms of the UDC aim to develop and re- define a linked and coherent set of public spaces through and around the development block and the Design Controls in Section 4 of the UDC to have a visually strong link between the Totem Centre and Sydney Road, the Application includes a plan (DA1-60) illustrating pedestrian circulation and publicly accessible landscaped areas.

It is considered the pedestrian linkages are consistent with the requirements of the UDC and the Stage 1 consent.

The landscape plan submitted with the application illustrates how the pedestrian access ways will be treated and ensuring that they will remain available to the public will be part of the terms of the "Planning Agreement" if it is acceptable to Council.

It will also be noted that the proposal provides for a pedestrian extension to Woodland Street as suggested in the UDC. This extension is not proposed as part of this proposal and can only occur in the event that those sites are redeveloped.

(j) Social Impacts

The social impacts of the proposal were assessed as part of the stage 1 application and found to be satisfactory. No further assessment is considered necessary.

(k) Economic Impacts

The economic impacts of the proposal were assessed as part of the stage 1 application and found to be satisfactory. No further assessment is considered necessary.

(l) Accessibility

In addition to the review of the proposal by council's Access Committee, Councils Development Control Plan for Access has been taken into account by the applicant in the design of this stage of the development.

The DCP requires all applications to be accessible to all people including those with disabilities and comply with the relevant Australian Standard. Further it requires all applications to show how compliance is achieved.

The application at appendix 8 has an assessment of the proposal in terms of the Australian Standards: the BCA and the Disability Discrimination Act. The report makes a number of recommendations relating to shortfalls with the application in order to achieve compliance.

The report points out that there is an adaptable unit in 6 of the buildings and two in the seventh. Although building A does not have an adaptable unit the development complies with the requirements of the Manly Access DCP.

Given the critical nature of that report it is considered appropriate to accept its 34 recommendations without seeking further advice from an accessibility expert. This is however subject to including in the recommendation of this report a condition that the

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applicant is to demonstrate prior to the issue of a construction certificate that the proposal has been amended to comply with all the recommendations of that report

(m) **Energy Efficiency**

As is required by Council's DCP for Energy Efficient Buildings and in particular for "Large Buildings" an Energy Performance Report was provided. This states that:

"At this stage the energy modelling indicates the energy consumption of the development will be approximately 880MJ/m²/annum. The Council DCP has not fixed energy targets as these can vary due to design, siting and location. The e DCP indicatively recommends an energy target of 900MJ/m²/annum.

The calculated figure of 880MJ/m²/annum is at the higher end of the range but reflects the reality of incorporating large underground car parking areas and the limitations imposed by plant and equipment locations with respect to maintaining the amenity of the residential areas located immediately above the retail centre.

On this basis the report claims "that the energy consumption forecasts are conservative and are reasonable in view of the circumstances stated above".

In respect of the residential units the applicant has submitted an assessor's certificate that all of the units will satisfy the requirements of the BASIX assessment method provided they are constructed to the specifications detailed in the Certificate.

While the Certifier is responsible for ensuring compliance with the above conditions are included in the recommendation to ensure this occurs.

14. SPECIFIC DESIGN REQUIREMENTS

The assessment of these design requirements has been made by Ms Morrish of GM Urban Design & Architecture the full assessment can be found in the attached report at Appendix 5. This part of the report will briefly summarize the findings of that assessment

(a) SEPP No. 65

Design Quality of Residential Flat Buildings.

The requirements of this SEPP have been comprehensively assessed relating to the following "Principles" of SEPP No65:

- Context;
- Scale;
- Density;
- Built Form;
- Energy Efficiency;
- Landscape;
- Amenity;
- Safety & Security;
- Social Dimensions; and
- Aesthetics.

The report identifies components of the development which require change. Many of these recommendations are included in the deferred commencement conditions approval.

Environmental Services Division Report No. 69 (Cont'd)**(b) Manly LEP 1998**

The assessment concludes that the development complies with the LEP objectives with the exception of Building F along Woodland St

(c) Business Zones DCP

This section of the assessment highlights concerns with the heights of buildings H & F and that insufficient justification has been given for any increase in the FSR.

(d) DCP for Residential Zones

The same concerns are expressed relating to the heights of buildings F & H.

(e) Urban Design Controls 1999

Generally the proposal complies and in some cases exceeds the requirements of the UDC particularly in regard to linking of public spaces and provision of a central public space. Minor concerns are raised in regard to landscaping the plant area off Griffith St and the need for better amenity along Lane 34 the later being included as a requirement to be resolved as part of the deferred commencement condition..

Summary:

The recommendations of the report by GM Urban Design and Architecture have been included in the recommendation of this report as conditions.

15. SUBDIVISION

The application does not seek consent for the subdivision of the development. However because it is intended as part of the application to provide public spaces as part of the "public benefits" it is relevant to consider how this development will be subdivided when completed. In other words Council needs to be assured that the public access is feasible and practicable.

In September 2006 Stockland lodged a document titled "The Village – Titling Structure" This briefly describes the various stages of the subdivision as follows:

- All of the current lots will be consolidated
- Be then Stratum Subdivided into 3 lots according to land use
- Residential Lot will then be Strata Titled into units
- Retail lot may be further subdivided but controlled by Stockland on a day to day basis
- Interaction between lots will be governed by easements on title.
- A Strata management Statement will control use and maintenance of Shared facilities.

The importance of this subdivision arrangement to Council is that it is intended to create certain rights to Council in favour of the public as part of the "public benefits" acknowledged in the Planning Agreement.

Also attached are plans illustrating the location of public access areas throughout the development. These public access ways are consistent with Dwg A3 in the Urban Design Controls. Conditions have been included in the recommendation requiring the creation of these public rights in any future subdivision of the development.

Environmental Services Division Report No. 69 (Cont'd)**16. SECTION 79C ASSESSMENT****(a) Section 79C Assessment**

The following is an assessment of the proposal in terms of Section 79C of the Environmental Planning and Assessment Act.

Section 79C (1)(a)(i) – The provisions of any Environmental Planning instrument.

The proposal has been assessed against the provision of The Manly Local Environmental Plan 1988 including amendment No. 45. All of the uses proposed are permissible with Council's consent.

The proposal is consistent with the objectives of the Manly LEP and in particular:

Clause 3(1)(d) to encourage further development of the commercial centres to cater for the retail, commercial, entertainment, welfare and recreation needs of residents and visitors.

There are no other controls in the Manly LEP with which compliance is required.

The proposal has also been assessed against the provisions of SEPP No. 65 and has been found to have short comings in terms of meeting the Design Principles and Design Code.

The objectives of draft SEPP No. 66 relating to locating developments to maximize the potential for travel to and from the development by public transport have been satisfied and the development is consistent with that Policy.

The assessment of the development against the provisions of SEPP No. 11 – Traffic Generating Development has been undertaken by the RTA's Regional Traffic Committee. It has endorsed the proposal and recommends the imposition of conditions needed to resolve impact issues prior to consent being granted for the Stage 2 application.

Section 79C (1)(a)(ii) – The provisions of any draft LEP

There is no draft LEP which affects the site.

Section 79C (1)(a)(iii) – The provisions of any Development Control Plan

The Application has been assessed against the:

- DCP for the Business Zones
- DCP for the Residential Zones; and
- Balgowlah UDC.

The above assessment has shown that the major non-compliances relate to exceeding the height controls for the residential component of buildings H & F.

Section 79C (1)(a)(iv) – Matters prescribed by regulations

There are no matters prescribed by the regulations relevant to the Stage 2 Application other than the regulation which makes provision for demolition work to be carried out in accordance with the provisions of Australian Standard AS 2601. Council's normal condition relating to demolition is included in the recommendation in respect of the demolition of the building on Sydney Rd.

Environmental Services Division Report No. 69 (Cont'd)**Section 79C (1)(b) – Likely impact of the development**

It is appropriate to point out that many of the impacts of the development were extensively assessed as part of the Stage 1 application. After considering those impacts Council granted consent.

The likely impacts of this more detailed development proposal have been assessed in earlier sections of this report and in the report by Ms Morrish of GM Urban Design & Architecture P/L. Apart from those impacts identified and because this proposal generally consistent with the Stage 1 plans and the Stage 1 consent the impacts can be regarded as acceptable except as summarised below.

The impacts that do arise are as a result of the following parts of the proposal and which depart from the stage 1 plans. In particular these are:

- the new form of buildings H & F
- the allocation of parking
- the design of individual units
- the design of Lane 34

Also influencing the assessment is the anticipated application for the Balgowlah Memorial Club with a floor area of some 1235m² adding to the overall Floor Space Ratio for the site. Council has agreed to a FSR of 2.09:1 and a club of this floor area would increase that to 2.15:1.

While overall parking is provided generally in accordance with Councils requirements if the parking for the Club is ignored it is the allocation of the parking between the residential and retail uses that is the issue. The primary purpose of parking is to serve the Totem Centre and parking for this use should be maximised given that it is expected to act as an overflow parking area for the units and parking for a future club.

Traffic impacts on the surrounding road network have been further assessed and subject to the imposition of conditions has been found to be acceptable as part of this Stage 2 Application. In principle” approval given by each relevant traffic body at the Stage 1 application has been confirmed with this application.

It is recognized that the development has positive impacts in terms of upgrading what has become a dated retail centre. Further the open space areas particularly the central plaza area results in a more attractive area for the community notwithstanding the loss of some recreation and community facilities.

Although the heights of the buildings exceed that provided for in the UDC and DCP's the overshadowing impacts and privacy impacts have been minimized by the placement of the taller components to the southern and central part of the site.

The only areas where height is still of concern are in respect of Buildings H and F. In respect of Building A there is an objection from an owner of an adjacent unit to the west however this is not related to the height of the building but more that it is built to the boundary.

Although changes have been made to the plans by the applicant the Floor Space Ratio is still only some 5% above that permitted. This order of variation is not expected to cause any undue impacts particularly given that the number of units proposed is considered to be appropriate.

As a consequence it is considered that subject to the conditions recommended that the impacts from the proposal have been adequately addressed and minimized.

Environmental Services Division Report No. 69 (Cont'd)**Section 79C (1)(c) – Suitability of the site for the development**

The site is considered suitable for the development having regard to its zoning and particularly the objectives of SEPP No. 66 relating to major development on public transport corridors. It should be noted that the site is currently being used for the purposes proposed albeit for a development of considerably lesser scale.

Section 79C (1)(d) – Submissions

The submissions received by Council show that while there is substantial support for the proposal there are many residents who consider that the impacts are still unacceptable

The submissions have been considered in two groups:

- those that raise concerns arising from the development as a whole and with broader implications (i.e. the non compliance with the FSR etc); and
- those that relate to specific impacts on adjoining properties.

It is therefore considered that the benefits flowing from the proposal if it were to proceed would outweigh any disbenefits which might be occasioned by the development not proceeding. In particular Council's UDP 1999 were prepared as a means of facilitating redevelopment of the Centre. An extensive consultation has resulted in a significantly fewer objections to the current scheme and there are a number of Precinct Forums which although appearing to have reservations acknowledge the proposal is better than previous proposals.

Section 79C (1)(e) – Public Interest

While it is in the public interest that the centre be redeveloped, as envisaged by the Council's UDP for the Balgowlah Centre and the Balgowlah UDC, it is also in the public interest that the development proposed has regard for the Council's planning controls and guidelines.

The stage 1 consent relaxed those requirements and granted to building envelopes which were expected to allow the site to be developed to its maximum without having adverse impacts. This application proposes buildings which are significantly outside those envelopes. At the same time it creates a space within those building envelopes for a future club. The other issue which this situation creates is that while the current application is consistent with the FSR for the stage 1 consent it does not take into account the FSR for the future club.

It is in the public interest and in the interests of both the Applicant and the Council, that this situation be resolved. As the club proposal is not part of this application it cannot be resolved at this time. For that reason the recommendation will be that the consent be deferred commencement consent.

(b) Section 94 Contributions

The site is subject to the Manly Section 94 Contributions Plan 2004 which came into force from 16 April 2005. The proposed development comprises 113 x 1 bed units, 95 2 bed units and 50 x three bedroom units. It has some 15,966m² of retail/commercial floor space. Applying the Sec 94 Contributions Plan the contribution for this development application would be some \$5,779,785.00.

Sec79 (C) provides for a Council to take into account any offer made by a developer to enter into a Sec 93 Planning Agreement with Council, when assessing a development application. Stockland Development P/L has made such an offer which applies not only to the site the subject of this development application but also to the Woodland St properties and for a future club on the site.

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The EP& A Act was amended in 2005 to permit a ‘developer’ to enter into an agreement with Council for the provision of public benefits either in the form of monetary amount and or works in kind. This mechanism known as a “Planning Agreement” is an alternative means for a developer to meet in whole or in part its obligation to pay a Sec 94 Contribution in accordance with the Council’s adopted Sec 94 Plan. The legislation was introduced to provide flexibility for developers and Council’s to reach an agreement as to what public benefits might be provided different to those scheduled in a Sec 94 Plan. Generally a “planning agreement” would be appropriate where the site is large or where because of the scale of the development additional public works or facilities might be required not envisaged when the Sec 94 Plan was prepared.

The scale and nature of the development proposed for the Totem site together with the significance of the site as a focal point for the surrounding residents makes it a suitable one for Council to consider entering into a Planning Agreement.

The legislation sets out the process by which planning agreements come into being. Briefly

- (i) the developer makes an offer to Council setting out what the public benefits are and their value to the community
- (ii) Preliminary discussions occur to determine whether Council will consider entering into such an agreement.
- (iii) The planning agreement is placed on public display.
- (iv) Council considers at the time a Development Application is before it for determination whether to accept the PA or impose a condition requiring the developer to meet the cash amount under the Sec 94 Plan.

Stockland submitted to Council in September 2006 an offer as set out in a draft Planning Agreement by which it would meet its contribution obligations under the 2004 Sec 94 Plan. A copy of the draft Agreement is attached as Appendix 7.

In accordance with the requirements of the Act it was publicly exhibited together with Explanatory Notes from 4 September 2006 until 3rd October 2006.

The draft planning agreement is relatively straight forward. Nevertheless the following needs to be noted:

- (i) The total value of the public benefits in terms of ‘developers works’ equate to some \$5,872,038
- (ii) The works include the provision of a Plaza of some 2000m² over which Council will have access rights
- (iii) The works also include public pathways through the site from Lane 34 to Griffiths St, Condamine St and provision for a future link to Woodland St which will also be covered by public Rights of Way in favour of Council.
- (iv) Stockland entering into an agreement with Council to provide public access to the retail car park at all times.
- (v) Traffic Management Works in Condamine Street and Sydney Road.
- (vi) Provision of additional public toilets.

In addition to those public benefits Stockland is offering to pay \$0.9 Mil in cash towards other works identified in the Sec 94 Plan.

The terms of the agreement are reasonable as it provides for significant and appropriate public benefits in this pivotal part of the municipality and because the cash contribution component will still provide funding for works in other parts of the municipality. The value of the offer is considered to meet the obligations of the developer as required in the Manly Section 94 Contributions Plan 2004.

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In the event that Council decides to enter into the Planning Agreement any consent needs to include conditions which will require Stockland to execute the agreement prior to a Construction Certificate being issued. Such a condition is included in part C of the recommendation.

17. CONCLUSION

In September 2005 Council granted consent to a stage 1 application which was for certain aspects of the development. Those aspects related to the broad parameters of the development such as building envelopes etc. It was anticipated that the Stage 2 application would be consistent with the Stage 1 consent and plans. Therefore only the details of the proposal which had not been included and assessed in the Stage 1 application would be the matters to be assessed.

As it transpired there were several major changes to the proposal which need to be reassessed. Those major changes which are different from the stage 1 consent are;

- (i) deletion of buildings J & K
- (ii) rotating building F so that it runs north south
- (iii) increasing the heights of buildings H & F so that they are outside the height controls in the UDC
- (iv) Deleting the units over building L thereby creating a void for a possible club on the site.

There have also been a number of minor changes as follows:

- (i) relocating the loading dock
- (ii) increasing the retail floor area
- (iii) minor changes to the building footprints some of which were required as a result of conditions on the stage 1 consent

In addition to the assessment of the above, assessments have been made of the following details of the application;

- (i) demolition of the building fronting Sydney Rd
- (ii) excavation of the site
- (iii) floor areas of uses and FSR
- (iv) density of residential units
- (v) design of units in terms of SEPP no65
- (vi) Building heights
- (vii) Building footprints and setbacks
- (viii) Car parking numbers, allocation and design
- (ix) Impacts on external road system and exit and entry points
- (x) Public and private open space provision

In general terms the application has been found to be acceptable. Where further improvements could be achieved or where impacts could be further mitigated conditions have been included in the recommendation.

However, there are still two major difficulties with the application and these arise from the creation of the void for a future club. These two difficulties are:-

- (i) the increase in the heights of buildings H & F as a consequence of relocating the units which were previously located in the position now reserved for the club
- (ii) The quantum of parking which can be provided on site and how that is allocated between the various uses.

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Given that the club is not part of this application and therefore the impacts cannot be assessed the recommendation proposes that the change in height of buildings F & H not occur and consideration of that be deferred for assessment if and when an application is received for the club.

The assessment has identified other impacts which are best addressed by revision to the plans submitted. Due to the extensive nature of the changes and because those changes may cause flow on effects it is considered desirable and in the interests of all parties that the consent should be for a deferred commencement.

Having said that and after having regard for the submissions , the stage 1 consent and the planning controls which apply to the site, the application merits approval; subject to the conditions set out in the recommendation

RECOMMENDATION

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

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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

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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.

Environmental Services Division Report No. 69 (Cont'd)**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:

- CTTV 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.

Environmental Services Division Report No. 69 (Cont'd)**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.

Environmental Services Division Report No. 69 (Cont'd)

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.

Environmental Services Division Report No. 69 (Cont'd)

- 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.

Environmental Services Division Report No. 69 (Cont'd)**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*.

Environmental Services Division Report No. 69 (Cont'd)

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 Practicing 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 Practicing 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.

Environmental Services Division Report No. 69 (Cont'd)**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

Environmental Services Division Report No. 69 (Cont'd)

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 material 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 (TGSIs) 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).

Environmental Services Division Report No. 69 (Cont'd)

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.

Environmental Services Division Report No. 69 (Cont'd)

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.

Environmental Services Division Report No. 69 (Cont'd)

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.

Environmental Services Division Report No. 69 (Cont'd)

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.

Environmental Services Division Report No. 69 (Cont'd)

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.

Environmental Services Division Report No. 69 (Cont'd)

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.

Environmental Services Division Report No. 69 (Cont'd)

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**.

Environmental Services Division Report No. 69 (Cont'd)**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**.

Environmental Services Division Report No. 69 (Cont'd)

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.

Environmental Services Division Report No. 69 (Cont'd)

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.

Environmental Services Division Report No. 69 (Cont'd)

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 our **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 our **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**.

Environmental Services Division Report No. 69 (Cont'd)

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 bay 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.

Environmental Services Division Report No. 69 (Cont'd)**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, which ever 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

Environmental Services Division Report No. 69 (Cont'd)

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.**

Environmental Services Division Report No. 69 (Cont'd)**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.

B. 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.

C.

That the Roads and Traffic Authority of NSW be advised of the determination of the application as required by State Environmental Planning Policy No 11 – Traffic Generating Development.

D.

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

ATTACHMENTS

AT-	Compliance Table Stage 1	28
1		Pages
AT-	Proposed Amendments August 2006 - Don Fox Planning	8 Pages
2		
AT-	Response to Submissions Schedule	10
3		Pages
AT-	Roads & Traffic Authority Advice - Sydney Regional Development Advisory Committee	5 Pages
4		
AT-	Urban Design Assessment - GM Urban Design & Architecture October 2006	26
5		Pages
AT-	Transport Review - Colston Budd Hunt & Kafes Pty Ltd	9 Pages
6		
AT-	Draft Section 93F Agreement - Lindsay Taylor Lawyers	34
7		Pages

Environmental Services Division Report No. 69 (Cont'd)

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***** End of Environmental Services Division Report No. 69 *****

ATTACHMENT 1

Environmental Services Division Report No. 69 - 197-215 Condamine Street, Balgowlah

Totem Redevelopment

Compliance Table Stage 1

A
Appendix

Compliance against conditions of part B of stage 1 development consent

CONDITION OF PART B OF DEVELOPMENT CONSENT DATED 14 SEPTEMBER 2005	COMMENT	COMPLIANCE
B <p>Stage 1 Consent be granted pursuant to Sec 80(4) of the Environmental Planning and Assessment Act, 1979 for the following aspects of Development Application No. 168/05 at 197-215 Condamine Street known as the Totem Site:</p> <ul style="list-style-type: none">• The site being used for retail/commercial uses and residential uses generally as shown on the approved drawings.• The location of the retail/commercial uses at RL 34.5 and on the podium level.• The location and dimensions of the building footprints as shown on the plans referred to in this consent.• The use of the podium level for a mix of public and private open space, retail/commercial use.• The two levels of car parking below the main retail level for car parking.• The provision of 1005 car parking spaces.• Approximately 560 car spaces for the retail/commercial component including staff parking located in the basement and Lane 34.• A total of 445 parking spaces for the residents and visitor associated with the residential component.• Vehicular access to and from the Griffiths Street for residential parking only.• Vehicular access for retail and commercial purposes from both Condamine Street and Griffiths Street generally as shown on the plans referred to in this consent.• Access to loading docks being from Condamine St as shown on the plans referred to in this consent. <p>subject to the following conditions:</p>		

ATTACHMENT 1

Environmental Services Division Report No. 69 - 197-215 Condamine Street, Balgowlah

Totem Redevelopment

Compliance Table Stage 1

A

CONDITION OF PART B OF DEVELOPMENT CONSENT DATED 14 SEPTEMBER 2005		COMMENT	COMPLIANCE
1	<p>This consent relates to the set of drawings as follows:</p> <ul style="list-style-type: none"> • Survey Drawing 020312BDY • Site Analysis DA1-01A • Residential Car Park Envelope DA1-DA10A • Retail Car Park Envelope DA1-11A • Retail Envelope Plan DA1-12A • Podium Pan (Retail & Residential) DA1-20A • Building Envelope Plan DA1-21A • Building Envelope Elevations DA1-30A • Building Envelope Elevations DA1-31A • Building Envelope Sections Sheet 1 DA1-40A • Building Envelope Sections Sheet 2 DA1-41A • Shadow Diagram DA1-50A, 51A & 52A • Photomontages sheets 1-4 DA1-55A, 56A, 57A & 58A • Pedestrian Circulation & Landscape Zones DA1-60 <p>all dated 6 April, 2005 as amended by the following conditions.</p>	<p>A Stage 2 DA has not been submitted to follow on from the Stage 1 consent. Rather the DA submitted is a stand alone application under Section 80 (1) of the EPA Act.</p> <p>The more detailed architectural planning of the buildings has revealed the need and opportunity to replan some of the buildings to achieve a better design outcome for the site. In addition the amendments required as part of Condition 13 has also required a review of site planning. As a result certain buildings have been deleted and the building envelopes of other buildings have been adjusted. These amendments and adjustments are described in the SEE.</p> <p>The Stage 1 DA was intended to serve as an application to establish the key design parameters of the site to guide the direction for the more detailed development application to follow.</p>	Because of the new approach, there are variations from the conditions of the Stage 1 Consent. However, the conditions of the Stage 1 DA have been recognised in the preparation of this DA.
2	This Stage 1 Consent does not imply that any subsequent Development Application lodged in accordance with this Stage 1 consent will necessarily be acceptable as a full and thorough assessment under the provision of the Environmental Planning and Assessment Act, 1979 will be required.	The accompany SEE demonstrates the acceptability of the DA against the provisions of the Environmental Planning and Assessment Act, 1979.	Advisory condition. Compliance not relevant.
3	No excavation or construction or the carrying out of any development (including all buildings of light weight construction) shall commence in relation to this Stage 1 consent until a further development application is consented to and a Construction Certificate issued.	Consent for excavation and construction are sought as part of this DA	Advisory condition. Compliance not relevant.
4	The details in any Stage 2 Development Application shall be generally in accordance with the plans the subject of this consent.	See comments in relation to Condition 1. The DA is largely consistent with the Stage 1 Consent, except for the variations described in the SEE.	Despite variations from the Stage 1 DA, the conditions of the Stage 1 DA have been recognised in the preparation of this DA.

ATTACHMENT 1

Environmental Services Division Report No. 69 - 197-215 Condamine Street, Balgowlah

Totem Redevelopment

Compliance Table Stage 1

A
APPENDIX

CONDITION OF PART B OF DEVELOPMENT CONSENT DATED 14 SEPTEMBER 2005		COMMENT	COMPLIANCE
5	The following requirements are to be part of any Stage 2 Development Application for this proposal: <ul style="list-style-type: none"> • A Construction Management Plan; and • A Local Area Traffic Management Plan. 	A Construction Management Plan has been prepared and is included in Volume 2 to this SEE. A Local Area Traffic Management Plan was submitted to Council on 9th February 2006	Complies
6	Any part of the building at a level above the podium level shall not be used for other than a residential purpose without the prior consent of Council.	Building C has been amended from 4 storeys to 2 storeys and now offers less residential amenity. Building C is therefore commercial at both levels which does not comply with this condition. However, Building C's relationship with Lane 34 and public pathways makes its location more suited to commercial purposes. All other buildings above the podium level are otherwise used for residential purposes.	Complies, with the exception of Building C.
7	The levels of the development nominated on the plans lodged with the Application and shown as car parking shall not be used for any other purpose unless prior consent is obtained from Council.	All car parking areas are used for car parking, access and garbage storage rooms.	Complies
8	This consent does not grant consent to individual spaces within the development. Separate consent will be required in respect of each tenancy or allotment before any use can commence.	Separate development applications will be submitted for the fit out and occupation of each tenancy.	Not relevant with this DA.
9	The total gross floor space of the development is not to exceed 44,000 square metres.	The gross floor area (GFA) of the overall development is 44,468m ² comprising 44,000m ² relating to the original site area of the Stage 1 DA and 468m ² relating to the additional property known as 380 Sydney Road. The plans at the end of this Table demonstrate the manner in which GFA has been calculated	Yes, in relation to the original site area relating to the Stage 1 DA.
10	The total gross floor area to be used for residential development shall not exceed 29,700 sq metres.	The gross floor area (GFA) of the residential component of the development is 29,270m ² . The plans included in Volume 3 demonstrate the manner in which GFA has been calculated	Complies

ATTACHMENT 1

Environmental Services Division Report No. 69 - 197-215 Condamine Street, Balgowlah

Totem Redevelopment

Compliance Table Stage 1

A

CONDITION OF PART B OF DEVELOPMENT CONSENT DATED 14 SEPTEMBER 2005		COMMENT	COMPLIANCE
11	The ceiling heights of the top levels of the residential buildings shall not exceed those specified on the plans referred to in this consent.	Variations occur to the ceiling heights of the approved envelopes as a consequence of the amendments discussed in relation to Condition 1. Variations proposed to Buildings F and H. Minor variations to roof articulation zone.	Substantial compliance.
12	The setbacks to side boundaries for the development shall not be less than that shown on the plans referred to in this consent.	The plans included in Volume 3 demonstrate compliance with the setbacks to side boundaries indicated on the approved plans.	Complies
13	The Plans referred to in Condition 1 are amended as follows:		
	(i) The western end of Building E is to be shortened by five metres in accordance with the sketch provided by the applicant on 29 July 2005.	Building E has been amended accordingly	Complies
	(ii) Building K is to be a part two storey a part three storey building in accordance with the sketch provided by the applicant on 29 July 2005	Building K has been deleted and is the subject of the Section 96 application	No longer relevant
	(iii) The setback to Building C is to be increased to provide a minimum of six metres from the centre line of the widened Lane 34 to the building envelope to provide 50% of the required separation distance in the Residential Design Flat Code.	Building C is setback 6m from the new centre line of Lane 34. The height of Building C has also been reduced by 2 storeys.	Complies
	(iv) The upper two floors on Building F are to be setback by 10 metres from the western edge of the development envelope to provide a four storey scale to the western boundary and thereby create a more appropriate transitional scale to the adjoining development on Woodland Street.	Building F is proposed to be modified and therefore departs from the approved envelope and this condition.	No.
	(v) The articulation zones on Building D and E are to be removed where they are in close proximity to the south western corner of the main plaza area. The articulation zones are to be removed for a length of five metres from the corner of Building D to the southern and eastern elevations and eight metres to the northern elevation of Building E. Fenestration or balconies to living area are prohibited on the two opposing corners for both Building D and E for the height of the building.	Amendments to these envelopes have been made as indicated in the plans included in Volume 3	Complies
	(vi) Buildings F and G are to be reduced in width to provide a minimum of 15 metres between the two core Building envelopes (i.e. dark blue on the plan).	This condition was imposed to increase the separation between Buildings F and G, and Building J. Building J has since been deleted and Buildings F and G are re-configured.	Condition no longer of relevance
	(vii) The pedestrian link adjacent to Building K is to have a minimum dimension of 3.2 metres from the boundary to the edge of any built form.	The deletion of Building K allows for the pedestrian link to achieve a minimum 3.2m width	Complies

Balgowlah Village - DA - Statement of Environmental Effects - A-x

ATTACHMENT 1

Environmental Services Division Report No. 69 - 197-215 Condamine Street, Balgowlah

Totem Redevelopment

Compliance Table Stage 1

A

CONDITION OF PART B OF DEVELOPMENT CONSENT DATED 14 SEPTEMBER 2005		COMMENT	COMPLIANCE
	(viii) A minimum setback of two metres is to be provided from the built form to the eastern boundary for Building K.	Building K has been deleted.	Condition no longer of relevance
	(ix) The articulation of the southern façade of building E shall not occur within the articulation zone shown on the plans but within the footprint as shown.	The articulation of Building E on its southern façade is contained within the approved building footprint	Complies
	(x) Building K shall be reduced in length by the deletion of so much of the southern part of the building so that the rear wall of the proposal is in line with the rear wall of 121 Griffiths St.	Building K has been deleted.	Condition no longer of relevance
14	A character board indicating architectural character and overall quality standard is to be provided to the satisfaction of the Director of Planning prior to lodgement of the Stage 2 Development Application.	An architectural vision has been presented to Council's assessment team on 23 November 2005 and again to the Community Reference Group on 31 January 2005. In addition a sample board of external finishes is submitted with the DA in accordance with this Condition.	Complies
15	High quality materials are to be provided throughout the development including the podium walls at the interface with adjoining properties whether on the boundary or inset from it and to all pedestrian links into the site and to the full length of Lane 34.	A character board has been submitted detailing the external finishes of the buildings.	Complies
16	Any proposed loading and servicing from Lane 34 is to be limited to small vans only.	Loading from Lane 34 is to serve only the plaza retail tenancies and intended for small vans only. This condition can also be imposed on future tenancy applications to ensure that future uses comply with the intent of this condition	Complies
17	As part of any Stage 2 Development Application Lane 34 is to be activated for a minimum of 50% of its length at the ground floor. This can be by retail or commercial frontages.	Retail frontages are provided on the ground floor of Building L and the eastern part of Building C to provide an active frontage to Lane 34.	Complies
18	Any apartments with fenestration or balconies to Lane 34 are to be provided with appropriate acoustic treatment to ameliorate the noise associated with loading and unloading.	Windows to apartments facing Lane 34 are acoustically treated as detailed in the Acoustic Report included in Volume 2 to this SEE.	Complies
19	High quality architectural design treatments are required to all significant corners within the development that terminate a pedestrian link or public space or create a visual focus from the main connections into the site or from the public open space areas and squares.	A character board has been submitted detailing the external finishes of the buildings.	Complies
20	The Local Areas Traffic Management Plan, including pedestrian facilities and bicycle facilities, be developed to manage local issues as part of the Stage 2 Development Application.	A Local Area Traffic Management Plan has been prepared by Colston Budd Hunt & Kates submitted to Council on 9 February 2006	Complies

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ATTACHMENT 1**Environmental Services Division Report No. 69 - 197-215 Condamine Street, Balgowlah** **Totem Redevelopment****Compliance Table Stage 1****A**

CONDITION OF PART B OF DEVELOPMENT CONSENT DATED 14 SEPTEMBER 2006		COMMENT	COMPLIANCE
21	The LATM Plan is to be developed in consultation with the relevant Community Precinct Forums, residents and relevant Council Committees to Council's satisfaction.	The LATM submitted to Council will presumably be referred to community precinct forums and placed on public exhibition by Council in the same manner as other LATM schemes.	Complies
22	Any Stage 2 application shall be accompanied by an analysis of issues arising from impacts occasioned by the entry and exiting of vehicles on those premises opposite the access points in both Condamine and Griffiths Streets. This is to include ease of access, safety and headlight flash issues.	The report by Colston Budd Hunt & Kafes Pty Ltd, included in Volume 2 to this SEE, addresses this condition with these issues being considered in the design of these entrances/exists.	Complies
23	In the event that retail parking is provided at the residential parking level it shall be permanently and physically separated from the residential parking area.	Carpark Level 2 contains both retail and residential car parking. The two car parking areas are physically separated by security fencing.	Complies
24	That any Stage 2 application is to comply with AS 1428.1 and Council's Access DCP.	The Access Report prepared by Morris Goding included in Volume 2 has assessed the car parking layout against Council's Access DCP and complies with the DCP.	Complies
25	That any Stage 2 application is to comply with AS 2890.1 Parking Facilities and AS 2890.2 Commercial Vehicle Loading Facilities.	The Traffic Report included in Volume 2 has carried out an assessment of the parking and loading facilities which comply with AS2890.1 and AS2890.2.	Complies
26	That the following comments and conditions arising from the SRDA committee of the RTA be noted and complied as appropriate.		
	1. The RTA supports the installation of new traffic signals at the intersection of Condamine Street/ retail Access located between Sydney Road and Griffiths Street with the following configuration: <ul style="list-style-type: none"> • Site access – (2 entry lanes/2 exit lanes) • Condamine Street (south approach) – (Left-Through/Through) • Condamine Street (north approach) – (Through/Through-Right) 	Final traffic light design submitted to the RTA. Approval in principle given by RTA	Complies

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	<p>2. To minimize vehicle conflicts due to the proposed loading dock access being located near the main signalized retail access the RTA requires an installation of a 900mm wide concrete median island along Condamine Street starting at the stop line of the proposed signalized access at Condamine Street/Retail Access and extending 25 meters north.</p> <p>Note: This may require some localized widening into the footway areas along Condamine Street.</p> <p>Affected land owners must be consulted with regard to the proposed signalized access and median island along Condamine Street.</p>	Median indicated on architectural plans	Complies
	<p>3. To restrict access along Sydney Road to left-in/left-out the RTA requires the installation of a 20 meter long 900mm wide concrete median island covering the vehicle access to the Totem Retail site.</p> <p>Note: This may require some localized widening into the footways areas along Sydney Road.</p>	Median indicated on architectural plans	Complies
	<p>4. As noted within the Traffic Report, the RTA supports the provision of a separate phase at the intersection of Sydney Road/Condamine Street. This additional phase will accommodate the following movements simultaneously:</p> <ul style="list-style-type: none">• Southbound through movements along Condamine Street;• Right turn movement from Condamine Street into Sydney Road westbound;• Left turn movement from Sydney Road into Condamine Street northbound. <p>It is understood that this would require changes to the lantern displays at this intersection.</p>	A traffic light design has been submitted to the RTA.	Complies

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CONDITION OF PART B OF DEVELOPMENT CONSENT DATED 14 SEPTEMBER 2005		COMMENT	COMPLIANCE
	5. Sydney Road is a significant bus route and traffic flow needs to be as efficient as possible minimize delays to buses. In order to minimize these delays and for the RTA to support the retention of existing ingress as a result of the large increases to entry movements, time restricted (3.00pm to 7.00pm Mon-Fri) "No Stopping" restrictions are to be provided along Sydney Road from Woodland Street (North) to the totem access point on Sydney Road. This shall also require consultation to occur with the affected businesses by the developer (in consultation with Council). Council's Local Traffic Committee is to consider the results of the consultation prior to implementation. Prior to the installation of "No Stopping" parking restrictions the applicant is to contact the RTA's Traffic Management Services on ph: (02) 8814 0253 for a "Work Instruction".	A submission has been made to the RTA	Complies
	6. Detailed SCATES modelling for the existing and proposed scenarios of Thursday AM, Thursday PM and Saturday Midday traffic conditions are to be provided to the RTA (in electronic format for assessment) for the following intersections: <ul style="list-style-type: none">• Sydney Road/Condamine Street• Sydney Road/Woodland Street• Condamine Street/Balgowlah Road• Condamine Street/Retail Access Note: Electronic version can be emailed to Andrew_Popoff@rtा.ńsw.gov.au This must be submitted to the RTA for the review as part of the Stage 2 Development Application. Further recommendations could be provided once the RTA has assessed the traffic modelling.	A traffic report has been prepared by Colston Budd Hunt & Kates which includes traffic modelling	Complies.
	7. Council's Local Traffic Committee is to consider the implementation/application of the following: <ul style="list-style-type: none">• "No Stopping" restrictions for a distance of six meters 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.	This RTA condition is a matter for Council's Local Traffic Committee to address.	Council to address
	8. Parking restrictions at the new signalized access on Condamine Street must comply with the requirements of RTA Technical Directions – "Stopping and Parking Restrictions at Intersections and Crossings" – TDT 2002/12.	Requirements of RTA will be complied with.	Complies

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CONDITION OF PART B OF DEVELOPMENT CONSENT DATED 14 SEPTEMBER 2005		COMMENT	COMPLIANCE
	<p>9. 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 roadworks. The applicant is to be advised that a plan checking fee (amount to be advised) and lodgement of a performance bond will be required prior to the release of approved road/signal design plans by the RTA.</p> <p>In addition, a ten year operational/maintenance charge would also be required for the proposed new traffic signals at Condamine Street/Retail Access – (amount to be advised).</p>	Requirements of RTA will be complied with.	Complies
	<p>10. All works/regulatory signposting associated with this development will be at no cost to the RTA and are to be completed prior to occupation.</p>	Requirements of RTA will be complied with.	Complies
	<p>In addition Council should consider the following Standard Comments:</p>		
	<p>11. The development should be designed such that the road traffic noise from Sydney Road and Condamine Street is mitigated by durable materials, in accordance with the Environmental Protection Authority criteria 'The Environmental Criteria for Road Traffic Noise, May 1999'. The RTA's Environmental Noise Management Manual provides practical advice in selection noise mitigation treatments.</p> <p>Where the EPA external noise criteria would not practically and reasonably be met, the RTA recommends that Council applies the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:</p> <ul style="list-style-type: none"> • All sleeping rooms: 35 dB(A) Leq(8hr) • All other habitable rooms: 45 dB(A) Leq(15hr) and 40 dB(A) Lec(9hr) 	Requirements of RTA will be complied with.	Complies
	<p>12. Off street parking associated with the proposed development, including aisle widths, parking bay dimensions, sight distances, turn paths and internal circulating roadways are to be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for loading areas.</p>	The report by Colston Budd Hunt & Kafes Pty Ltd, included in Volume 2 to this SEE, confirms compliance with these Australian Standards.	Complies

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CONDITION OF PART B OF DEVELOPMENT CONSENT DATED 14 SEPTEMBER 2005		COMMENT	COMPLIANCE
	13. Storm water run-off from the subject site onto Sydney Road and Condamine Street, as a result of the proposed development is not exceed the existing level of run-off from the site.	BG&E have prepared hydraulic plans of a new stormwater system including calculations. Refer to report included in Volume 2 to this SEE.	Complies

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B SEPP 65 Assessment and Design Verification Statement

SEPP 65 – Consistency with design principles

SEPP 65 – DESIGN QUALITY PRINCIPLE	COMMENT	CONSISTENCY
<p>Principle 1: Context</p> <p>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>The site slopes from the ridge of Sydney Road to the north. It is located within both a commercial area along Sydney Road which extends into Condamine Street and residential development along Woodland Street, Griffiths Street and Condamine Street.</p> <p>The building envelopes, siting and height respond to the natural context by locating the taller buildings to the southern more elevated part of the site and reducing the height and bulk of buildings towards the lower part of the site where lower scale residential development adjoins.</p> <p>The proposed land uses also respond to the surrounding built form. The land uses proposed for Condamine Street emphasise the retail/commercial character of Condamine Street. The western and northern edges of the site are setback and area residential uses adjacent to existing residences.</p>	Consistent

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SEPP 65 – DESIGN QUALITY PRINCIPLE	COMMENT	CONSISTENCY
Principle 2: Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.	<p>The building envelopes have been designed to reflect the scale of surrounding development. Condamine Street buildings reflect the scale of retail/commercial development in Balgowlah.</p> <p>The 2 to 4 storey scale along Lane 34 reflects that of the recently completed development adjoining Lane 34 which is considered to be representative of the likely future development along Lane 34.</p> <p>The scale of development to the north responds to the 3 to 4 storey scale of the Griffiths Street residential flat buildings. Generous setbacks also assist in achieving this acceptable scale relationship.</p> <p>The lower scale development along these three interfaces successfully screens the taller residential buildings located more centrally in the site.</p> <p>Along the western boundary, buildings have been sited and designed to largely fit within the RL 58.5 zone identified by in the Urban Design Controls. The adjoining land along Woodland Street is predominantly in one ownership and likely to be redeveloped at a density higher than the existing development. The scale of the proposed buildings will by complement the likely future character of Woodland Street.</p>	Consistent

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SEPP 65 – DESIGN QUALITY PRINCIPLE	COMMENT	CONSISTENCY
Principle 3: Built form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	<p>The building envelopes, height and consistent building alignment of 4m along Condamine Street will create a new unified streetscape.</p> <p>The provision of the plaza on the upper level of the podium connects well with surrounding streets to encourage pedestrian flows through the site. The Plaza is activated with retail frontages to reinforce the contribution of the proposal within the Balgowlah Shopping Precinct.</p> <p>The Plaza will form a focal point for the public. The varied building heights fringing the Plaza with lower heights on 3 of its 4 sides will define the space without creating a sense of enclosure, permitting an outlook and solar access to encourage its use.</p> <p>The massing of buildings has been broken up throughout the site with varied building forms, heights, and dimensions. The articulation zones approved as part of the Stage 1 DA have been used to provide modulation and articulation of facades to break up the massing of buildings. However, in many instances the approved building footprint has been used in addition to the articulation zone.</p> <p>Setbacks along all boundaries provide good scale relationship with adjoining development and within the site.</p>	Consistent
Principle 4: Density Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.	<p>The proposed 271 dwellings is consistent with the indicative 260 units envisaged with the Stage 1 DA, although the residential floor space is consistent with that approved under the Stage 1 DA. The proposed density will make good use of the existing infrastructure, public transport services and access to recreational facilities offered by the coastal and harbour location of Manly LGA. In addition, the proposed residential density will make good use of the proposed retail facility and public plaza forming part of this proposal.</p>	Consistent

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SEPP 65 – DESIGN QUALITY PRINCIPLE	COMMENT	CONSISTENCY
Principle 5: Resource, energy and water efficiency Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.	Dwellings are provided with good solar access and natural ventilation opportunities. Solar panels are designed into the roof of each residential building to enable gas boosted solar hot water for each apartment. AAA or AAAA rated water fixtures and fittings are used throughout.	Consistent
Principle 6: Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise usability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.	The landscape treatment for the development responds to the mix of residential and retail uses and public spaces. Landscaping is more extensive in the residential component of the development to provide amenity, shade and outlook. Landscape treatment in the plaza comprises a mix of treatments to respond to the urban context and the residential components looking over the space. The east-west through site link is emphasised with an avenue of planting. A 5m wide landscape strip is provided along the northern setback to provide a landscape buffer to the 3 and 4 storey residential flat buildings of Griffiths Street. An additional Brush Box street tree along Condamine Street is proposed to compensate for the removal of two of these trees to permit vehicular access to the site. The Urban and Landscape Design Report prepared by Oculus is included in Volume 2, and their plans are included in Volume 3 to the SEE.	Consistent

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SEPP 65 – DESIGN QUALITY PRINCIPLE	COMMENT	CONSISTENCY
Principle 7: Amenity Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.	<p>The proposal successfully achieves privacy for the residential component from the more active retail/commercial uses proposed on the podium level.</p> <p>The residential components are located above the ground floor level where they immediately adjoin the main plaza. Ground floor dwellings in other less active areas of the site can be provided with privacy by means of courtyards where necessary.</p> <p>Privacy between buildings was considered in the Stage 1 DA through the careful siting and separation of buildings envelopes. Horizontal and vertical privacy screens are employed in sensitive locations.</p> <p>The apartments are designed to take advantage of the northern orientation and district views. The depth of the building envelopes encourages apartment depths to maximise cross ventilation.</p> <p>Building heights and siting are designed to maximise the opportunities for views to the ocean to the east, to the city to the southwest or district views.</p> <p>Access to basement parking facilities will be provided by way of lifts directly accessing each residential building. The main communal facilities provided is the swimming pool in the northern part of the site, offering good privacy from the more public areas of the development.</p>	Consistent
Principle 8: Safety and security Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.	<p>A Crime Risk Assessment has been carried out by Urbis JHD and is included in Volume 2 of this SEE.</p> <p>Good surveillance of public open spaces (internal and external) and communal residential open space is achieved. Public spaces and through-site links will assist in maximising pedestrian activity to create a sense of security.</p> <p>Residential open spaces are clearly delineated from public spaces and are designed to create a sense of ownership</p>	Consistent

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SEPP 65 – DESIGN QUALITY PRINCIPLE	COMMENT	CONSISTENCY
Principle 9: Social dimensions Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.	A mix of dwelling types is provided ranging from 1 bedroom to 3 bedroom dwellings, some of which contain study areas. Adaptable dwellings have also been designed into each residential building to cater for the different needs of the community. Generous active and passive open spaces are provided including a large communal recreational area and easy access to the Plaza and its facilities and services providing diverse social opportunities.	Consistent
Principle 10: Aesthetics Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	The buildings vary in character and appearance by the use of differing materials, colours and textures. Louvres create private balconies and provided protection from sun and wind and articulate the faces within void and shadows. Solid and glazed balustrades within projecting slabs break down the building masses. Building plans vary to respond to the relevant outlook - harbour, ocean and district views. The building forms respond to the site constraints such as stepping down the steeply graded Condamine Street. Building colours are selected to harmonise with the existing neighbourhood colours such as shades of white/cream, browns, greens and grey. Accent colours will be used as highlight identification for individual building entrances.	Consistent

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B2 - SEPP 65 residential flat design code

SEPP 65 RESIDENTIAL FLAT DESIGN CODE		
Primary Development Controls	Guideline	Comments/explanation of compliance
PART 01		
LOCAL CONTEXT		
<i>Building Height</i>	<p>Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit.</p> <p>Test heights against the number of storeys and the minimum ceiling heights required for the desired building use.</p>	<p>The floor space ratio has been established in the Stage 1 Development Consent by setting a maximum GFA 44,000m² which is complied with.</p> <p>The additional parcel of land at 380 Sydney Road that has now been incorporated into the site has a FSR control of 2:1.</p> <p>Complies.</p> <p>Heights were established in the Stage 1 Development Consent, and with the exception of Buildings F and H are complied with. Building C has also reduced in height by 2 levels.</p>
<i>Building Depth</i>	<p>Resolve building depth controls in plan, section and elevation.</p> <p>In general, an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.</p>	<p>The depth of building envelopes was established with the Stage 1 DA.</p> <p>Generally the depth of buildings has been reduced from the Stage 1 DA to ensure compliance with SEPP 65. Building depths vary between approximately 17m to 22m, including balconies. Satisfactory daylight and ventilation is achieved as demonstrated elsewhere in this table.</p>
<i>Building Separation</i>	<p>Design and test building separation controls in plan and section.</p> <p>For buildings of between 5 to 8 storeys the separation of buildings between internal courtyards and adjoining sites: -</p> <ul style="list-style-type: none"> • 18m separation between habitable rooms/ balconies • 13m separation between habitable rooms/ balconies and non-habitable rooms <p>Test building separation controls for daylight access to buildings and open spaces.</p>	<p>Building separation was established in the Stage 1 DA. The reduction in the building envelopes has increased building separation.</p> <p>Walkways between buildings do not form internal courtyards. These are generally along the narrower ends of buildings reducing the number of opposing apartments. Screening devices are used or windows reduced or offset where opposite habitable rooms and balconies.</p> <p>Building envelopes were tested and established in the Stage 1 DA to ensure adequate solar access to the main courtyard areas including the plaza and residential courtyard between Buildings B and D. The increased separation between buildings has increased the solar access received to these areas.</p> <p>Rule of thumb achieved.</p>

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SEPP 65 RESIDENTIAL FLAT DESIGN CODE		
Primary Development Controls	Guideline	Comments/explanation of compliance
Street Setbacks	<p>Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls.</p> <p>Test street setbacks with building envelopes and street sections.</p> <p>Test controls for their impact on the scale, proportion and shape of building facades.</p>	<p>Street setback to Condamine Street was established with the Stage 1 DA, complying with the 4m setback stipulated in the UDC. The DA is consistent with this 4m setback and scale of buildings acceptable with the streetscape.</p> <p>Building A on Sydney Road is built to the street alignment to maintain the street wall development along Sydney Road.</p> <p>Proposal complies with Stage 1 DA parameters.</p>
Side & rear setbacks	<p>Relate side setbacks to existing streetscape patterns.</p> <p>Test side and rear setbacks with building separation, open space and deep soil zone requirements.</p> <p>Test side and rear setbacks for overshadowing of other parts of the development and/or adjoining properties, and of private open space.</p>	<p>Side setbacks of buildings were established and tested in the Stage 1 DA. These are maintained in the subject DA.</p> <p>Building F is the main variation from the Stage 1 DA in relation to setbacks.</p> <p>Northern Setback The northern end of the building has been kept to a 2-storey scale and setback between 6.5m and 12.7m from the northern boundary. The 5m wide deep soil zone along the northern boundary together with existing mature trees at the rear of the Griffiths Street properties will provide a landscape buffer to adjoining development.</p> <p>Western setback The Stage 1 DA approved a 6.9m western setback to Building F and 6.9m with a 3m articulation zone to Building J only. The 3m articulation zone has not been utilised and all building elements including balconies are within the 6.9m setback. Deep balconies provide increased wall setbacks and modulation to the façade. The setback increases to between 8.5-10m for the upper 2 floors to reduce the bulk and scale of the building. A change in materials for the upper 2 floors emphasises the 4 storey height.</p> <p>The 6.9m setback is considered appropriate for the 4 and 2 storey components of Building F in relation to the existing or likely future character of development in Woodland Street under the Residential Zones DCP.</p>

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Appendix

SEPP 65 RESIDENTIAL FLAT DESIGN CODE		
Primary Development Controls	Guideline	Comments/explanation of compliance
<i>Floor space ratio</i>	Test and desired built form outcome against proposed floor space ratio to ensure consistency with building height, building footprint and three dimensional building envelope open space requirements.	Floor space ratio was extensively tested with Stage 1 DA process. This was reduced by way of conditions attached to the Stage 1 development consent by limiting the total GFA to 44,000m ² . An additional 466m ² has been added relating to the additional site at 380 Sydney Road. The total GFA is 44,466m ² equating to an FSR of 2.09:1. Complies.
PART 02		
SITE DESIGN		
Site Configuration		
<i>Deep Soil Zones</i>	A minimum of 25 percent of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building.	This site should be considered as an exception to the 25% rule of thumb. The Stage 1 DA established a large building envelope for the shopping centre removing much of the opportunity for deep soil zones. However, the residential development on the podium has been designed with extensive open space areas to assist with the setting of the residential buildings. A 5m wide deep soil is provided along the northern boundary to provide a landscape buffer between the site and the existing development along Griffiths Street.
<i>Fences and Walls</i>	Define edges between public and private land. Define boundaries between areas with different functions Provide privacy and security Contribute to public domain	The development has a number of public pedestrian access points with pathways across the podium level to connect these points. These pathways permit free public access across the development to and from the surrounding streets. Fences screen private courtyards from the public spaces and the pathways and assist in creating the hierarchy of public, semi-public and private spaces. The height of fences varies to suit the location of public or private space enclosed. Fence heights ensure privacy and security of private space but permit supervision of public spaces.

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SEPP 65 RESIDENTIAL FLAT DESIGN CODE		
Primary Development Controls	Guideline	Comments/explanation of compliance
<i>Landscape Design</i>	To add value to residents' quality of life within the development in the forms of privacy, outlook and views.	<p>Landscaping within the residential component provides privacy, shade and outlook. Landscape treatment reinforces the function of spaces including the recreational area, pedestrian pathways, common landscaped areas and private courtyards.</p> <p>Landscape treatment in the plaza contains a combination of paved areas, soft landscaping and canopy trees for shade to balance the public use and perimeter residential buildings. The mix of soft and hard landscape elements is also serves to provide an outlook for the residential apartments overlooking the plaza.</p>
<i>Open Space</i>	<p>The area of communal open space required should generally be at least between 25 and 30 percent of the site area.</p> <p>Larger sites and brownfield sites may have potential for more than 30 percent.</p> <p>Where developments are unable to achieve the recommended communal open space, such as those in dense urban areas, they must demonstrate that residential amenity is provided in the form of increased private open space and/or a contribution to public open space.</p>	<p>Communal open spaces have been consolidated into three major areas:</p> <ul style="list-style-type: none"> • an active recreational area of approximately 26000m²; • passive recreational area of 1650m²; and • the public plaza of 1650m². <p>In addition the east-west pedestrian link provides a further 870m² of open space.</p> <p>The public plaza is a major public open space contribution that would otherwise have been available for more private communal open space purposes for the development.</p> <p>These spaces provide for active and passive uses and create focal points for each building (with the exception of Building A) providing an outlook, a sense of openness, access to daylight and privacy between buildings.</p> <p>The landscaped side setbacks, particularly along the western and northern boundaries, and the central pedestrian walkway linking the major open spaces further landscaping for the setting of the buildings.</p> <p>The 25% rule of thumb is achieved for the proposal. Private open space in the form of balconies and courtyards are generous and will supplement the communal open spaces.</p>

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Primary Development Controls	Guideline	Comments/explanation of compliance
	The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25m ² ; the minimum preferred dimension in one direction is 4 metres. (See balconies for other private open space requirements).	Rule of thumb achieved with the exception of apartment H101 in Building H, which has a courtyard area of 22m ² , with a minimum dimension of 4m in two directions directly off a living room. The courtyard provides a functional space for a 1 bedroom dwelling and therefore considered acceptable.
Orientation	Objectives are to: - <ul style="list-style-type: none"> • Optimise solar access • Contribute to streetscape character • Protect amenity of existing development • Improve thermal efficiency of new buildings 	The orientation of buildings was tested and established in the Stage 1 DA. Buildings J & K have been deleted which as detailed in the SEE improves the internal relationship of buildings, and reduces the impact of buildings to existing development in Griffiths Street. The envelope for Building F has been amended. It occupies the 6 storey envelope originally approved, but extends its length in a northerly direction, stepping down to 4 storeys, then again to 2 storeys to respect the slope of the land and adjoining development. Objectives achieved.
Planting on Structures	In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity.	Raised planters are utilised on the podium level to achieve satisfactory soil depth according to the height of proposed planting. Sectional details of the raised planters are provided on the Landscape Plans prepared by Oculus and included in Volume 3 to the SEE.
Stormwater Management	Objectives are to: <ul style="list-style-type: none"> • Minimise impacts natural waterways • Minimise the discharge of sediment and other pollutants to the urban stormwater drainage system during construction. 	Stormwater is upgraded with best practice stormwater management systems employed greatly improving the current stormwater regime for the site. Full details prepared by BG&E Consulting are contained in Volume 2 of the SEE. Objectives are achieved.
Safety	Carry out a formal crime risk assessment	A crime risk assessment report has been carried out by Urbis JHD and is included in Volume 2 to this SEE. Complies.

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<i>Visual privacy</i>	Refer to building separation standards	Building separation objectives achieved. The space between Buildings D and L identified in Condition 13 of the development consent has been addressed by the use of screen walls to provide privacy to habitable rooms and balconies.
<i>Building Entry</i>	Objectives are to: - <ul style="list-style-type: none">• Create entries which provide a desirable identity to the development• To orient the visitor• Contribute to streetscape	Pedestrian access through the site is reinforced by the east-west pedestrian walkway and open spaces. All building entries will be clearly identified from these public spaces. Objectives are achieved.
<i>Parking</i>	Objectives are to: - <ul style="list-style-type: none">• Minimise dependence on commuting• Provide adequate parking for buildings' users and visitors• Integrate the location and design of car parking with the design of the site and the building	The site is well located on public transport routes as detailed in the SEE. Adequate parking is provided meeting Council's requirements contained in the Business Zone DCP. Parking is integrated into the basement of the building. Objectives are achieved.
<i>Pedestrian access</i>	Identify the access requirements from the street or car parking area to the apartment entrance. Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum. Provide barrier free access to at least 20 percent of dwellings in the development. Generally limit the width of driveways to a maximum of 6 metres.	Lifts are provided in the basement connecting to each residential building. Access from the street will be readily achieved and identified by the public walkways through the site. An access report has been prepared by Morris Goding and is included Volume 2 to this SEE. Complies Not relevant
<i>Vehicle access</i>	Locate vehicle entries away from main pedestrian entries and on secondary frontages.	This has been achieved for all 3 vehicular entrances to the site.

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PART 03		
BUILDING DESIGN		
Building Configuration		
<i>Apartment layout</i>	<p>Single-aspect apartments should be limited in depth to 8 metres from a window.</p> <p>The back of a kitchen should be no more than 8 metres from a window.</p> <p>The width of cross-over or cross- through apartments over 15m deep should be 4m or greater.</p>	<p>The use of angles and recessed walls has enabled the 8m dimension to be generally achieved for all single aspect apartments.</p> <p>All cross-through apartments have a width of greater than 4m.</p> <p>Rules of thumb achieved.</p>
<i>Apartment mix</i>	<p>Objectives are to: -</p> <ul style="list-style-type: none"> Provide a diversity of apartments which cater for different household requirements now and in the future. To maintain equitable access to new housing by cultural and socio-economic groups. 	<p>The development provides a diverse range of apartment sizes and configurations, as detailed in the SEE. This diversity will provide new housing to suit a range of housing needs within the LGA.</p> <p>Objectives achieved.</p>
<i>Balconies</i>	<p>Provide primary balconies for all apartments with a minimum depth of 2 metres.</p>	<p>All balconies have a depth of greater than 2m located off the living room, with the majority being well in excess of this minimum requirement. Many balconies have access from multiple rooms increasing amenity. Secondary balconies are also provided where possible, although of a lesser depth.</p> <p>The majority of balconies have been primarily orientated to the north, east or west to maximise solar access and natural daylight. South facing balconies or courtyards are minimised to 18 apartments in Buildings F and G, representing only 6.6% of the total apartments within the development.</p> <p>Rule of thumb achieved.</p>

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Primary Development Controls	Guideline	Comments/explanation of compliance
<i>Ceiling Heights</i>	<p>The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL).</p> <ul style="list-style-type: none"> • 3.3m to ground floor retail in mixed use developments • 2.7m for habitable rooms & 2.4m for non-habitable rooms in mixed use developments • 2-storey apartments – 2.4m minimum for second storey if 50% or more the apartment has 2.7m ceiling height <p>These are minimums only and do not preclude higher ceilings, if desired.</p>	<p>A 3.5m ceiling height is proposed for the ground floor retail.</p> <p>Habitable rooms will have a ceiling height of 2.7m. This is achieved for both levels of the two storey apartments.</p> <p>2.4m ceiling heights are provided for non-habitable rooms.</p> <p>Rules of thumb achieved.</p>
<i>Flexibility</i>	<p>Objectives are to:</p> <ul style="list-style-type: none"> • Encourage housing design which meet the broadest range of the occupants' needs possible. • Promote loose-fit buildings which can accommodate whole or partial changes of use. 	<p>Two storey apartments can provide flexible use with upper second stories capable of accommodating home office needs separate from the remainder of the dwelling, if required.</p> <p>Many dwellings are also provided with a dedicated study nook, providing flexibility.</p> <p>Objectives are achieved.</p>
<i>Ground Floor Apartments</i>	<p>Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.</p> <p>Provide ground floor apartments with access to private open space, preferably as a terrace or garden.</p>	<p>Ground floor apartments are provided with courtyards that have an additional pedestrian access from the public space areas, or onto residential landscape areas or the swimming pool recreational area.</p> <p>Rules of thumb achieved.</p>
<i>Internal Circulation</i>	<p>In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.</p> <p>Exceptions may be allowed:</p> <ul style="list-style-type: none"> • for adaptive reuse buildings • where developments can demonstrate the achievement of the desired streetscape character and entry response • where developments can demonstrate a high level of amenity for common lobbies, corridors and units, (cross over, dual aspect apartments). 	<p>Buildings F and L have corridors with glazed walls of both ends which admit daylight and allow views from the corridor to outside.</p> <p>Building L corridor is located on the middle level of 3 storeys and serves cross-over, dual aspect apartments. Greater benefits are achieved to the amenity of these apartments than would be gained through a shorter length of corridor.</p> <p>The buildings for the most part comply with the guidelines.</p>

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Mixed Use	<p>Objectives are to: -</p> <ul style="list-style-type: none"> • integrate appropriate retail and commercial with housing • create more active lively streetscapes and urban areas which encourage pedestrian movement, service the needs of the residents and increase the areas employment base • ensure that the design maintains residential amenity and preserves compatibility between uses. 	<p>The proposal represents a good mixed use development of residential, commercial, retail and public open space uses. The main retail component is located below the podium to avoid conflicts between the retail uses, loading and parking with the residential component.</p> <p>The plaza provides an active public space that will create an urban place that can complement that residential component with limited retail floor space to ensure residential amenity is not compromised.</p> <p>Objectives achieved</p>
Storage	<p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> • studio apartments 6m³ • one-bedroom apartments 6m³ • two-bedroom apartments 8m³ • three plus bedroom apartments 10m³ 	<p>Adequate storage is provided in every apartment; often well in excess of the minimum requirements.</p> <p>Supplementary storage is provided in the residential car park adjacent to secure parking spaces.</p>
Building Amenity		
Acoustic Privacy	<p>Objective is to: -</p> <ul style="list-style-type: none"> • ensure a high level of amenity by protecting the privacy of residents within the residential flat buildings from within the apartments 	<p>Adequate building separation has been achieved to assist in acoustic privacy.</p> <p>Utility areas of neighbouring apartments for the most part are designed to abut each other or the communal corridor to minimise noise transmission.</p> <p>Objective achieved.</p>

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<i>Daylight Access</i>	<p>Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter. In dense urban areas a minimum of two hours may be acceptable.</p> <p>Limit the number of single-aspect apartments with a southerly aspect (SW / SE) to a maximum of 10% of the total units proposed.</p> <p>Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).</p>	<p>Generally the living areas and private open space of apartments are orientated to the east, north or west maximising solar access opportunities.</p> <p>The solar access diagrams included in Volume 3 demonstrate that the majority of apartments would satisfy the 3 hour criteria and would be well within the 70% criteria.</p> <p>The apartments that would not meet this criterion include those which have a south facing aspect, however several are located in the corner of a building providing an east or west aspect. East facing apartments achieve 2 hours which for an urban environment such as that proposed is acceptable in the Residential Flat Design Code.</p> <p>Even accounting for those apartments with a solely east facing aspect, at least 70% of apartments achieve the 3 hours solar access standard.</p> <p>Complies.</p> <p>18 apartments have a southern orientation representing only 6.6% of all dwellings. This is considered to be an excellent outcome for the scale of the development.</p> <p>Complies</p>
<i>Natural Ventilation</i>	<p>Building depths, which support natural ventilation typically range from 10 to 18 metres</p> <p>Sixty percent (60%) of residential units should be naturally cross-ventilated.</p>	<p>Building depths have been discussed as being acceptable earlier in this table.</p> <p>A total of 154 apartments are cross ventilating, representing 57% of the 271 apartments.</p>

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Primary Development Controls	Guideline	Comments/explanation of compliance
Building Form		
<i>Awnings and signage</i>	<p>Objectives are to: -</p> <ul style="list-style-type: none"> • provide shelter for public streets • ensure signage is in keeping with desired streetscape character and with the development in scale, details and overall design. 	<p>An awning is provided to 360 Sydney Road consistent with the remainder of Sydney Road. Colonnades are proposed around the perimeter of the plaza to provide weather protection.</p> <p>Signage is not proposed as part of this development application. Appropriate spaces have been incorporated into the design of the facades to accommodate future signage for the supermarket tenants. Signage will be the subject of a separate development application.</p>
<i>Facades</i>	<p>Objectives are to: -</p> <ul style="list-style-type: none"> • promote high architectural quality in residential flat buildings. • Ensure new developments have facades which define and enhance the public domain and desired street character • ensure the building elements are integrated into the overall building form and façade design. 	<p>While the facades have a commonality across the project, each is varied to address the adjacent open space, street or property and its orientation.</p> <p>Awnings and screens are integrated where required to provide privacy for residents above public spaces and protection from sun and wind.</p>
<i>Roof Design</i>	<p>Objectives are to: -</p> <ul style="list-style-type: none"> • provide quality roof designs, which contribute to the overall design and performance of residential flat buildings • integrate the design of the roof into the overall façade, building composition and desired contextual response • increase the longevity of the building through weather protection. 	<p>The flat roof slabs are an integral element of the façade composition. Horizontal slab edges maintain a low building line to Condamine Street and Lane 34, while pitched roof elements provide a varied skyline to buildings setback in the site. Each pitched roof element is a projection of and in response to the façade and space below it.</p>

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Primary Development Controls	Guideline	Comments/explanation of compliance
Building Performance		
<i>Energy Efficiency</i>	<p>Objectives are to: -</p> <ul style="list-style-type: none"> • reduce the necessity for mechanical heating and cooling • reduce reliance on fossil fuels • minimise greenhouse gas emissions • support and promote renewable energy initiatives 	<p>A BASIX certificate has been provided for the building demonstrating that the proposal achieves the established energy and water targets. NatHERS certificates are provided for each dwelling indicating the apartments achieve the thermal comfort criteria.</p> <p>Solar panels are proposed to be installed on the roof of most buildings for the heating of water.</p>
<i>Building Maintenance</i>	<p>Objectives are to: -</p> <ul style="list-style-type: none"> • to ensure long life and ease of maintenance of the development 	<p>Access to apartment windows from balconies will enable easy cleaning.</p> <p>Mechanical systems are limited to security to the basement, and ventilation of garbage rooms and internal toilets, bathrooms, laundries.</p> <p>Full details of the mechanical and electrical services proposed for the building is provided in Mechanical and Electrical Services report by George Flot Pty Limited, which is included in Volume 2 to the SEE.</p> <p>Building materials are selected to be low maintenance. The Crime Safety Assessment recommends use of graffiti resistance paint in locations likely to be prone to graffiti.</p>
<i>Waste Management</i>	Supply waste management plans as part of the development application submission as per the NSW Waste Board.	A Waste Management Plan has been prepared by JD MacDonald Waste Management Consultants, a copy of which is included in Volume 2 to this SEE.
<i>Water Conservation</i>	<p>Objectives are to: -</p> <ul style="list-style-type: none"> • reduce mains consumption of potable water • reduce the quantity of urban stormwater run off. 	<p>BASIX certification has factored in water consumption with AAA rated water appliances proposed.</p> <p>Stormwater systems is upgraded with a 500,000 litre OSD tank which will incorporate an oil and silt separator and trash screen to reduce water flows leaving the site, and improve its quality.</p>

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) **2.0 PROPOSED AMENDMENTS**

) **2.1 Description of Proposed Amendments**

A full set of amended architectural and landscape plans is contained in the Plans and Supporting Material that accompany this Supplementary SEE. Amendments are indicated with clouding. A summary description of the major amendments to the design is provided below.

- An amended retail level layout incorporating a single supermarket tenancy, a relocated loading dock facility and redesigned pedestrian circulation;
- Reduction in the residential and commercial gross floor area (GFA) by 1596m²;
- Increase in retail GFA by 1,596m²;
- Incorporation of public amenities and centre management facilities in the retail level;
- A reduction in the total number of dwellings from 271 to 258 dwellings, and a change in the unit mix;
- Amendment of Building L reducing its height to a single storey building with a consequent reduction in the GFA to off set the increase in the retail GFA;
- Alteration of the footprint of Building L, shortening its length and slightly widening its width with a corresponding increase in the plaza area adjoining Lane 34;
- Reorganisation of both car parking levels to reflect the change in car parking provision as a result of the change in retail and residential GFA;
- A change in land use of Building C from commercial to residential and retail and an increase in height from 2 levels to 3 levels;
- Amendment to the height of Buildings B and D to raise the ground floor level 100mm above the plaza level to accommodate overland flow and a further 100mm in the slab thickness at their upper levels for structural reasons;
- Amendment of Building B including a redesign of the retail plant at Lane 34, minor internal floor plan changes over various levels, external changes to the western elevation primarily related to the narrowing of some balconies and an increased roof top terrace;
- Amendment of Building D including incorporation of a retail plant room at the ground floor, changes to the southern elevation to reflect the residential use of Building C, minor external changes to the western elevation, and the introduction of sloping roofs to the upper floor apartments along the eastern elevation;
- Amendment of Building E including minor internal floor planning changes and a redesign of the southern and western elevations;
- Amendment of Building F to incorporate two sloping roofs to the upper floor apartments along the northern elevation;

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- Amendment of Building G including internal floor planning changes and a redesigned entry on the southern elevation;
- Amendment of Building H to redesign the plaza level retail space to incorporate public amenities and strata management office and minor changes to the southern elevation;
- Amendment to the plant room in the north-western corner of the site;
- Reduction of solar panels on the roof tops; and
- Amended landscape design to reflect the changes to site planning at the plaza level.

Table 2.1 provides a numerical summary comparing the main components of the original DA and the amended DA.

Table 2.1 – Numerical Summary of the Development

Component	Gross Floor Area (GFA)		Parking	
	Original (m ²)	Amended (m ²)	Original	Amended
Residential	29,270	28,500	361	342
Retail	14,316	15,912	599	630
Commercial	880	54	22	0
Total	44,466	44,466	982	972

Table 2.1 demonstrates that the amendment involves a reduction in GFA at the podium level of 1596m² (comprising 770m² residential and 826m² of commercial). There has been a corresponding increase of 1596m² in the retail level, ensuring that the original total GFA of 44,466m² remains constant with the total GFA approved under the Staged Development Consent relating to DA No. 186/2004.

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2.2 Residential Component

An updated summary of each residential building is provided in **Table 2.2** below.

Table 2.2 – Data on Residential Buildings

Building	Height		GFA ¹ (m ²)	Total No. Dwellings	Unit Mix						Storage (m ³)	
	Storeys above podium	Ceiling RL			1 bed	1 bed+ study	2 bed	2 bed+ study	3 bed	3 bed+ study		
A	3	51.80	490	6	4	0	2	0	0	0	48.3	
B	6 & 8	64.50	7575	77	4	39	26	0	2	6	561.4	
C	3	49.30	975	12	11	0	1	0	0	0	92.5	
D	4 & 8	64.50	6150	48	2	18	3	9	0	16	650.6	
E	3	49.30	1100	12	4	6	2	0	0	0	72	
F	2, 4 & 6	58.40	5796	48	4	0	32	4	0	8	405.6	
G	6	58.40	4320	33	8	1	1	7	2	14	367.8	
H	2, 3 & 4	49.30	2149	22	12	0	8	0	0	2	159	
Pool Toilet	1		7	-	-	-	-	-	-	-	-	
TOTAL			28636	259	40	64	75	20	4	46	2357	
					Percentage	19%	25%	29%	8%	1%	18%	

Note 1: GFA Figures include risers totalling 135m² which should be excluded from the GFA calculation in accordance with the definition of Gross Floor Area in Manly LEP 1998

A more detailed unit schedule detailing the internal floor area (NSA), balconies, storage, car parking for each dwelling is attached at **Annexure 2**.

2.3 Commercial/Retail Component

The main shopping centre remains on the retail level (RL 34.50) is now designed to comprise one supermarket and specialty retail stores accessed from a pedestrian mall forming a continuous circuit. The retail level maintains its pedestrian connections (stairs, lift and travelator) to the plaza level above and the basement parking areas below. The retail level layout retains the forecourt leading from Condamine Street.

Retail tenancies are retained on the plaza level to ensure that the buildings forming the perimeter of the plaza maintain active frontages.

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Trading hours anticipated for the shopping centre are as follows:

- The future supermarket tenant will trade 24 hours a day, seven days a week
- Specialty stores will trade between 8am to 9pm Monday to Friday and 8am to 9pm Weekends
- The TAB will be relocated back to the plaza level from its temporary location at 360 Sydney Road, Balgowlah and will operate between 11am to 11pm Monday to Friday, 10am to 11pm Saturday and 11am to 6pm Sunday
- Restaurants and cafes on the plaza level are anticipated to trade between 7am up to 11pm.

The hours of operation for individual tenancies will be the subject of future development applications for the individual tenancies.

Access to the toilets located at the retail level will be maintained until the supermarket closes. Similarly, access to the toilets located on the plaza level will be available until the uses on the plaza level close.

An updated summary of the retail component of the amended DA is provided in **Table 2.3** below.

Table 2.3 – Summary of Retail/Commercial Component

Component	Gross Floor Area (m ²)	Tenancies
Retail Level	14189	One supermarket Speciality retail tenancies Retail kiosks
Plaza Level Building C	106	Retail
Building D, E & L	1,336	Retail
Building H	81	Retail
Building H	54	Commercial
Building A	200	2 Retail tenancies
TOTAL	15,966	

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2.4 Plaza Level

Plaza

The plaza has been amended to accommodate the altered footprint of Building L. This amendment achieves a substantial increase in the area and proportions of the plaza located off Lane 34, linking the main plaza with the arcade to Sydney Road. This southern plaza has an area of approximately 300m².

The increase in the southern plaza area allows for a stronger visual link between Sydney Road and the main plaza, provides a more functional and useable open space area and improves the visual quality to Lane 34.

Pedestrian Link

The pedestrian links to Condamine Street and Sydney Road across Lane 34 are maintained, as is the east-west pedestrian link leading from the plaza to connect with the future Woodland Street pedestrian link.

2.5 Landscaping

Amended landscaping plans have been prepared by Oculus to respond to the amendments to the plaza level. These landscaping plans are included in the Plans and Supporting Material that accompany this Supplementary SEE. The principles and objectives of the original landscape plan are maintained with the amended design.

2.6 Access and Parking

Location of Access Points

The location of vehicular access points and access arrangements remains unchanged from the original SEE.

The amendment of Building C from commercial to residential has removed the commercial car parking spaces previously located on Car park level 2 and replaced these spaces with residential car parking. This ensures that the Griffiths Street entry is no solely used for residential access, consistent with the Stage 1 Development Consent.

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Parking

The amended DA changes the GFA allocation between the residential and retail uses. This alters the distribution of the car parking allocation. **Table 2.4** below provides an updated summary of the parking provision and distribution for the amended DA.

Table 2.4 – Summary of Parking Provision

Location	Allocation	Total No of Car Parking Spaces	No of Disabled Parking Spaces*	Access/Egress Point
Car Park Level 2 (SSL 28.30)	Retail	177	3	Condamine Street or Sydney Road
	Residential	323	8	Griffiths Street
	Residential Visitor	12	0	Griffiths Street
Car Park Level 1 (SSL31.10)	Retail	440	8	Condamine Street or Sydney Road
	Commercial	0	0	Griffiths Street
	Retail	1	-	Lane 34
Building A	Residential	6	-	Lane 34
	Residential Visitor	1	-	Lane 34
	Retail	12	2	Lane 34
Retail Total		629	13	
Commercial Total		0	0	
Residential Total		329	8	
Residential-Visitor Total		13	-	
TOTAL		972	21	

An amended traffic and parking report has been prepared by Colston Budd Hunt & Kafes and is attached at **Annexure 3** to this Supplementary SEE. Swept path analyses for vehicle movements throughout the development are included as **Annexure 3**.

2.7 Waste Management

JD MacDonald has prepared an updated Waste Management Statement, attached at **Annexure 4**. This amended report assesses the increased retail GFA and adequacy of the waste storage facilities provided within the development.

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Environmental Services Division Report No. 69 - 197-215 Condamine Street, Balgowlah

Totem Redevelopment

Proposed Amendments August 2006 - Don Fox Planning

Supplementary Statement of Environmental Effects 197-215 Condamine Street, Balgowlah

3.0 ENVIRONMENTAL ASSESSMENT

Section 5.0 of the original SEE provided an environmental assessment of the proposal. The following sections of this Supplementary SEE provides an update of the environmental assessment as it relates to the amended proposal described in Section 2.0 of this Supplementary SEE.

3.1 Assessment Against Stage 1 Development Consent

The original SEE identified a number of amendments and adjustments to the building envelopes approved under the Stage 1 Development Consent that were able to deliver an improved outcome for the site. The main changes described in Section 2 are assessed against the Stage 1 Development Consent below.

Change in Land Use of Building C

The Stage 1 Development Consent approved Building C as a four storey residential building. The plans originally submitted with the DA lowered the height, increased the setback from Lane 34 and proposed a commercial land use for Building C.

This amended DA proposes to reinstate the approved residential land use, incorporating a ground level retail tenancy fronting the plaza level. The height of Building C has been reduced from the approved four storeys to three storeys. Building C is setback 6m from the centre line of the widened Lane 34, consistent with Condition 13(iii) of the Staged Development Consent.

Plant Room

The plant room in the north-west corner of the site has been amended to function as a manoeuvring area for trucks associated with the relocated loading dock. Its width has been narrowed increasing its setback from the adjoining properties, whilst its height has been increased to allow provide the necessary clearance for trucks.

Building Envelope

The building envelope plans included in the Plans and Supporting Material that accompany this Supplementary SEE illustrate the proposed changes from the Stage 1 Development Consent for the amended DA. Further changes to the approved building envelopes are minor and include: -

- A small extension of the 8 storey component of Building B to the north on the western side of the building. The location of this amendment will not be readily perceptible other than from Woodland Street. The treatment of the western elevation has been amended to provide a change in external finishes to the upper two levels to reduce its vertical emphasis when viewed from Woodland Street.
- An increase in height to the former plant room between in the north-west corner of the site. The structure however still sits well below the heights of adjoining buildings.
- The introduction of sloping roof elements along the eastern side of Building D. These are recessed behind the façade and will not be seen from within the Plaza. Buildings E and H along Condamine Street will largely screen views of

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**Supplementary Statement of Environmental Effects
197-215 Condamine Street, Balgowlah**

Building D. These elements will therefore only be seen from more distant viewing points and the minor increase in height will not be perceptible from a distance. The sloping roofs will also improve the appearance of Building D.

- An extension of the footprint of Building L northwards. This has been more than offset by the shortening of the length of Building L to increase the southern part of the Plaza area adjoining Lane 34 creating a more generously proportioned urban space improving visual connections through the site.
- A minor increase in the height of the stairwell structure on the southern side of Building G which has minor visual impacts.
- As noted in Section 2, Buildings B and D have been increased in height by a total of 200mm, which results in the ceiling level of RL64.30 approved under the Stage 1 DA being increased to RL64.50. This height is justified in the context of the roof articulation zone approved as part of the Stage 1 Development Consent. The roof articulation zone made *"an allowance for the overall height to extend beyond the building height (measured to the ceiling). Protrusions above the building height are intended to accommodate roof structure (slabs, plinths, parapets, gables, skylights, pitched roofs, clerestorey windows etc) lift over-runs, stairwells, mechanical plant and enclosures, roof elements (vents, flues, aerials, exhausts, fans ducts etc) and the like."*

In order to reduce the effects of the overall height of the buildings, the roof elements and structures have been kept to a minimum. In addition, the upper most roofs of Buildings B and D are non-trafficable thereby avoiding the need for parapets that would add to their height.

The majority of these changes have arisen during further design development to accommodate the single supermarket scheme, whilst improving the functioning of the retail level, amenity of apartments and quality of the public open space areas.

3.2 Section 79C(1)(a) of EP&A Act – Planning Instruments

Section 5.2 of the original SEE addressed a range of planning instruments relevant to the proposal, including:

- State Environmental Planning Policy No. 11 – Traffic Generating Developments;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy (Building Sustainability Index) 2004;
- Draft State Environmental Planning Policy No. 66 – Integrated Transport;
- Manly Local Environmental Plan 1988;
- Manly Development Control Plan for the Business Zone 1989;
- Manly Development Control Plan for the Residential Zone 2001;

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TOTEM REDEVELOPMENT

Summary of Submissions for Stage 2 DA

Item No.	Author	Address	Key Issues/\$	Stockland Response	Comment
1	Vern Roberts	PO Box 590, Balgowlah	1. How long is the TAB to be accommodated at 360 Sydney Rd? 2. Does this effect the pedestrian access from 360 Sydney Rd to the new development?	1. The TAB will be relocated into 360 Sydney Rd until their premises are completed in the new Totem Centre. 2. After the TAB is relocated the existing building will be demolished. The new building will incorporate the pedestrian link as proposed.	Noted Noted
2.	Monique Licardy		1. Proposed height of units more than double the height of existing units in the surrounding area to 8 stories. 2. Floor to land ratio is not in keeping with Manly Council requirements or existing dwellings in the area.	1. The 8 storey height is consistent with the Stage 1 DA Approval 2. FSR is consistent with the FSR approved in the Stage 1 DA. An adjustment has been made for the increase in land area.	Except for building F & H Floor area of future club omitted
3	Transfield Services – Emille Halicas on behalf of Telstra Property Operations	369 Edgecliff Road, Edgecliff, NSW, 2027	1. Telstra site is one of unique building characteristics. Needs to be awareness in terms of structural and mechanical design. 2. Developer is to conduct a building dilapidation report of Telstra site prior to construction to foresee any negative impact the development might have on the exchange.	1. Note only 2. Agreed. Dilapidation report is required to satisfy condition of Stage 1 DA Approval.	Noted Conditioned
4	Drs Thomas Chai & Veronica Cheng (owner)	394 Sydney Road, Balgowlah	1. There is an easement on their site which the developer is not allowed to build over and obstruct their right of carriageway which runs from Sydney Rd back to Griffith Street.	1. Stockland have an agreement with Drs Chai and Cheng to relinquish their easement	Conditioned to provide evidence in writing before CC
5	Betty Purvis	2/121 Griffith Street, Balgowlah	1. Concern over plant emissions or any inconvenience to unit block which is situated next to Griffith St car park entry	1. Plant will be acoustically treated in accordance with the sound level recommendations contained in the Acoustic Report. Emission venting will	Conditioned

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Response to Submissions Schedule

Item No.	Author	Address	Key Issues/s	Stockland Response	Comment
6	Brian Taylor	221 Lodge Street, Balgowlah	<p>2. Possibility of pushing back plant 3.5m to allow breezeway for clothes line</p> <p>1. Site is not large enough for such a development</p> <p>2. Roads are not wide enough or capable of sustaining traffic of such a development (Condamine, Griffith & Woodland St)</p> <p>3. 270 Units will create traffic chaos</p> <p>4. Lights needed at intersection of Balgowlah Rd & Condamine St and another right hand turn light</p> <p>5. Developer should be responsible for condition of roads for period of 2 years after construction completion.</p> <p>6. Parking is not adequate therefore near by streets to act as overflow which they cannot handle.</p> <p>7. Are Club Facilities to be included in the development?</p> <p>8. Concerned with safety of school children in the area</p>	<p>take place above all residential development.</p> <p>2. Air circulation around the clothesline will not be adversely affected. No action proposed.</p> <p>1. FSR is consistent with the FSR approved in the DA. An adjustment has been made for the increase in land area.</p> <p>2. The traffic report included in the application demonstrates the capacity of the roads is adequate to support the development.</p> <p>3. Traffic Report analyses the impact of 270 units, and notes that this density will not be a problem.</p> <p>4. Lights already exist at the intersection of Balgowlah Road and Condamine Street. RTA have addressed the impact on all intersections. New traffic lights are recommended at the Condamine St entry to the shopping centre and minor modifications to those at Sydney Road / Condamine Street. No further intersection adjustments have been found necessary.</p> <p>5. Dilapidation Reports will be prepared in consultation with Council before commencing works.</p> <p>6. Car parking proposed is adequate for the development and this is supported by the Traffic Report in the application.</p> <p>7. The Masonic Club will be subject of a future DA.</p> <p>8. Stockland are also concerned about the safety of school children. Our proposal agreed</p>	<p>Agreed</p> <p>Floor area for future Club not included</p> <p>Agreed</p> <p>No units reduced to 258 in amended DA – agreed</p> <p>Agreed</p> <p>Conditioned</p> <p>See report</p> <p>See report</p>

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Item No.	Author	Address	Key Issues	Stockland Response	Comment
7	Joyce and Malcolm Engledew	188 Woodland Street, Balgowlah	1. Breach in FSR 2. Breach in Building Height and positioning. 3. allocation of 45% one bedroom units undesirable 4. Residents only car park access from Griffitt's Street is not permanent as required under Sdg 1 approval. 5. Parking and Traffic do not comply with Sdg 1 approval. 6. Design is not in context with Balgowlah townscape.	1. The FSR proposed for this site is in keeping with the Stage 1 DA Approval. An adjustment has been made for the increase in land area. 2. The analysis included is based on the UDC. A number of items have been superseded by the work done by Stockland and approved in the Stage 1 DA. 3. One bedroom units are entirely appropriate for the site. They are a dwelling type ideally suited for the single occupier which is the fastest growing demographic in Australia. It also supplies an affordable option for the first home buyer in the area. 4. No retail vehicles was the undertaking by Stockland. Commercial traffic has not been addressed previously as the use has just been introduced. Stockland acknowledge there are difficulties with commercial in building C and the management of car parking and would accept a condition to return the building back to a residential and retail use. 5. The parking proposed for the development is fully detailed and justified by the traffic report included in the application. 6. A+C are accomplished architects who have done an excellent job in interpreting an architecture that is most suitable.	Does not include club floor area. Application proposes further breach – see report Agreed in Changed amended application See report Agreed
8	Lynne Murphy	12370 Sydney Road, Balgowlah	"Building A" issues (384 Sydney Rd)	1. There will be a solid brick wall 1m away	The developer of 370 Sydney Road created a light well to allow the apartments within to Agreed

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Item No.	Author	Address	Key Issues	Stockland Response	Comment
9	Philippa Grieves & Steven East	138 Condamine Street, Balgowlah	<ul style="list-style-type: none"> from kitchen window 2. There will be no natural light to windows, no morning sunlight 3. No airflow into the property from the eastern side 4. Drainage problem 	<ul style="list-style-type: none"> have windows on the boundary. The proposal for building A completes the light shaft. No action required. 	

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Item No.	Author	Address	Key Issues/s	Stockland Response	Comment
10	Miss Helen Strachan	111a Griffiths Street, Balgowlah	1. Traffic Plan to be made available to the precinct. 2. Height of the proposal complies with LEC ruling. 3. Residents to view Traffic Plan before finalisation. 4. The Masonic Club is not shown on the plan. 5. Is the swimming pool to be sound proofed. 6. Will Griffith Street be widened due to EA sub station? 7. "Hop, Skip and Jump" service would be great if it could continue.	1. Stockland have submitted to council the Totem LATM. The community are aware of this and are seeking for it to be made available. 2. The Stage 1 DA has an approved envelope which should be used for comparison with the new application. 3. Manly Council to decide on this matter. 4. The Masonic Club will be subject of a future DA. 5. Plant associated with the swimming pool will be treated to achieve the acoustic specification nominated in the acoustic report. 6. Stockland are unaware of any road works along Griffith St required for a substation. 7. Note only	Noted Buildings H & F do not comply Noted Noted – floor area of Club not included Conditioned Noted
11	BB Bigland	34 New St West, Balgowlah	1. Height is above restriction of LEC for Buildings B & D. 2. Building Heights along Condamine St do not comply with Manly Council's comments that buildings along Woodland street on the east side should be no higher than 10.5m. These comments should apply to Condamine st also.	1. Stage 1 DA approval nominates permissible heights for buildings B & D. 2. Building heights along Condamine Street vary because of the significant changes in level along the boundary. The heights generally comply with the Stage 1 DA with the exception of a localised area of Building H. An additional level has been added here to achieve a better planning outcome for the remainder of the site and an improved street elevation along Condamine St.	Agreed Buildings H & F do not comply

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Item No.	Author	Address	Key Issues/s	Stockland Response	Comment
			3. Number of Units in Building B will lead to anti social behaviour. 4. All retail and commercial parking needs to be separate from residential parking. 5. Visitor's parking should also be moved separate from retail and commercial parking. 6. Ceiling heights above 2.7m are desirable. DA proposes 2.4m ceiling heights for non habitable rooms. What is considered a non habitable room? 7. As all recreation facilities have been deleted it is hoped the Masonic Club will be included in any new DA. 8. Single aspect apartments should be limited to a depth of 8 metres from a window. DA should comply with this condition. 9. Internal Circulation – Buildings F & L should comply.	3. Stockland do not believe the creation of 83 apartments in a single building will lead to anti-social behaviour. 4. This can be achieved by Council conditioning Building C to remain residential or retail use. Stockland would accept this condition. 5. Certain spaces with access from Griffiths Street have been dedicated for residential visitor parking. During peak times of residential visitor arrivals it is considered more convenient to share the retail spaces. These will be off peak periods for shopper arrivals and will reduce vehicular traffic on Griffiths Street. 6. Non-habitable rooms are bathrooms etc. A 2.4m ceiling height is generally necessary in such locations to allow for services. 7. The Masonic Club will be the subject of a future DA. 8. All apartments comply with the provisions of SEPP65 for ventilation. 9. All apartments comply with the provisions of SEPP65 and BCA requirements.	Agree Conditioned Agreed Agreed See report Conditioned Conditioned

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Item No.	Author	Address	Key Issues	Stockland Response	Comment
12	Charles Hill, Planning 2000 on behalf of owners of Warringah Mall	GPO Box 5113, Elanora Heights	10. Fire Protection – major retail area is between two concrete slabs and is a concern when/if there is a fire for people to escape.	10. The retail area is fully sprinklered and fire escapes comply with BCA requirements.	Conditioned
13	Ken and Fiona O'Neill	6/121 Griffiths St, Balgowlah	<p>1. Retail/Commercial increase. Planning 2000 reiterates on behalf of joint owners of Warringah Mall the previous objections including the amenity of the future users of the residential component of the development (size and location of some units, solar access, cross ventilation, pedestrian, vehicular traffic, private open space, separation of community / private space and lack of current economic impact assessments on other centres within the Manly LGA and other LGAs including Warringah Mall).</p> <p>2. Object to M02 Plant Room due to lack of information on what service will be contained in the plant room, exhaust emissions, noise, what level the noise will be, whether it will be continuous or day and night.</p> <p>2. Pedestrian access way from Griffiths St to Sydney Rd – open area about M02 Plant Room could be area where public congregates and creates disruption to neighbouring dwellings. Consider this in final landscaping design to discourage loitering.</p> <p>3. Good Lighting for public access ways need not be high level lighting for comfort of existing and new residences.</p>	<p>1. The economic impact assessment submitted with the application has addressed these concerns.</p> <p>1. The acoustic report supplied with the DA includes the specification for the treatment of noise to protect residential amenity. The specific design solution for each noise source will be not known until the construction certificate stage.</p> <p>2. Safety and security will be aspects considered when Stockland develops the design for the public spaces. Stockland suggests a condition to this effect.</p> <p>3. Lighting design for public areas will also consider adjacent uses. Stockland suggest a condition to this effect.</p>	<p>Conditioned</p> <p>Agreed</p>

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Item No.	Author	Address	Key Issues	Stockland Response	Comment
			<p>4. Residents car park / garbage truck entry ramp from Griffiths St will generate more noise by residents' vehicles and garbage trucks at all times of day and night. Ramp should be enclosed for part of its length or the pergola that is above could incorporate transparent noise barrier.</p> <p>5. Balconies on northern face of Building F are directly faced into living space of their dwelling. Preferable for some trees along property line between 121 Griffiths St and proposed development to create more privacy; and mitigate noise.</p> <p>6. Louvres to delivery ramps on northern boundary of podium create concern for noise generated by delivery trucks to all properties on southern side of Griffiths St.</p> <p>7. Construction access to be limited to vehicles under 5 tonnes during construction to limit noise and dust generated to west of 121 Griffiths St</p> <p>8. Should the television reception be negatively affected by the development the developer should undertake an upgrade of the MATV system of 121 Griffiths St.</p>	<p>4. Stockland have committed to address the noise of the roller shutter. This will be dealt with as per the acoustic report included in the application. This concern is at odds with the requirements of other residents. They have sought to limit building in this area preferably removing it all together and retaining only a ramp. Stockland has accepted this latter approach. Garbage vehicles will need access on the ramp but retail traffic will be excluded. No action is considered necessary because of the steps already taken in reducing the traffic usage.</p> <p>5. Stockland have provided Council with a proposal to install trees along the boundary.</p> <p>6. The acoustic report included with the application sets out the specification for the treatment of noise along the ramp. The design detail will be provided at construction certificate stage.</p> <p>7. Agreed. Stockland suggest this can be dealt with by condition. Construction vehicles will access the site via Sydney Road, Lane 34 and Condamine Street.</p> <p>8. Stockland do not set out to impact TV reception and believe it is unreasonable for the construction activities to include an upgrade of a neighbours MATV system.</p>	<p>Conditioned & Agreed</p> <p>Conditioned</p> <p>Conditioned</p> <p>Conditioned</p> <p>Agreed</p>

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Response to Submissions Schedule

Item No.	Author	Address	Key Issues	Stockland Response	Comment
			9. A dilapidation survey of 121 Griffiths St should be undertaken prior to any works commencing on site including demolition. 10. Increased traffic volumes on Griffiths St will affect neighbouring roads. 11. Slope of current Griffiths St adjacent to proposed residential entry is very steep and could cause blind spots for vehicles entering Griffiths St from existing driveways.	9. A dilapidation survey will be undertaken prior to demolition. A condition in the Stage 2 DA approval relating to the construction activities would be appropriate. 10. Traffic volumes on Griffiths Street have been reduced as a result of relocating the access for retail traffic from Griffiths St to Condamine St. 11. This was addressed in some detail as part of the Stage 1 DA and the situation was found adequate for the reduced traffic flow in Griffiths St.	Conditioned Traffic acceptable Council & RTA Traffic acceptable Council & RTA
14	Kim Mobbbs	6/115 Griffiths Street, Balgowlah	1. Driveway access concern for residents on Griffiths Street. 2. What are the traffic management plans to address congestion and visibility issues for increased traffic on Griffiths St?	1. The driveway design was addressed during Stage 1 DA. The proposed design is on the Concept Driveway details prepared by A+G on 4 May 2005. 2. Stockland have submitted to Council the Totem LATM.	Agree conditioned to apply with standards noted
15	Leigh Costin on behalf of Ivanhoe Park Precinct		The changes in the DA from the Stage 2 consent are supported. Requested that Council review the following: 1. Shadow projections appear to be erroneously labelled. 2. In the DA no mention is made of works to the Griffiths Street access. 3. Car parking provision in relation to the approved Stage 1 DA.	1. The titles for the Summer Solstice and Equinox shadow projections are transposed. Despite this, the shadows projected by the current DA submission do not significantly differ from the shadows in the Stage 1 DA Submission. 2. There is effectively no difference between the Stage 1 and Stage 2 DA's in relation to design or traffic volumes at the Griffith Street vehicle access point. No works are proposed outside the property owned by Stockland. 3. The point made in the response from the Precinct Committee is incomplete, however the traffic report included in the	Agreed Agreed See report

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Item No.	Author	Address	Key issues	Stockland Response	Comment
				Stage 1 DA recommended provision of 1005 parking spaces for 45,700sqm of FSA. The Stage 2 DA report endorses provision of 982 spaces for 44,665sqm of FSA. The minor difference reflects a refinement in the unit mix and minor area re-allocation.	

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Totem Redevelopment

Roads & Traffic Authority Advice - Sydney Regional Development Advisory Committee

SRDAC

. ID 2002-638 (Part 4)

Andrew Popoff

The General Manager
Manly Council
DX 9205
MANLY

Attention: Paul Christmas

Manly Council	
DA 101/06	
REC	6 JUN 2006
Distribution	
1)Scanned <input checked="" type="checkbox"/>	
.....PAUL CHRISTMAS	
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**SYDNEY
REGIONAL
DEVELOPMENT
ADVISORY
COMMITTEE**

PROPOSED REDEVELOPMENT OF TOTEM SHOPPING CENTRE AT 197-215 CONDAMINE ST, 360-364 & 380 SYDNEY ROAD, BALGOWLAH.

Dear Paul,

I refer to your letter of 20 March 2006 (Council Reference: DA-101/06), concerning the above mentioned development application referred for concurrence under Section 138 of the Roads Act and under the provisions of Schedule No 1 of State Environmental Planning Policy No 11 (SEPP 11). I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) considered the application at its meeting on 12 April 2006.

Exercise of Concurrence Function under the Roads Act.

The RTA has reviewed the development application and grants its concurrence under section 138(2) of the Roads Act to the development application subject to the following comments being included in the Council's conditions of development consent (should the development application be approved):

Below are the Committee's recommendation and RTA's comments on the subject application:

1. The RTA supports the installation of new traffic signals at the intersection of Condamine Street /Retail Access located between Sydney Road and Griffiths Street with the following "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 "Signalled 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).

2. 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, Rev B, Dated Dec 05.

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

Roads and Traffic Authority
ABN 64 480 155 255

ID 2002-638pt4.doc



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(2)

3. 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, Rev B, Dated Dec 05. Note: This may require some localised widening into the footway areas along Sydney Road.

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

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.

5. 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).

6. 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 (3pm-7pm Mon-Fri) "No Stopping" restrictions are to be provided along Sydney Road from Woodland Street (North) to the Totem access point on Sydney Road.

This shall also require consultation to occur with the affected businesses by the developer (in consultation with Council). Council's Local Traffic Committee is to consider the results of the consultation prior to implementation. Prior to the installation of "No Stopping" parking restrictions the applicant is to contact the RTA's Traffic Management Services on ph: (02) 8814 2331 for a "Works Instruction".

7. 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.

8. 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.

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

10. 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 roadworks. The applicant is to be advised that a plan checking fee

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Totem Redevelopment

Roads & Traffic Authority Advice - Sydney Regional Development Advisory Committee

(3)

(amount to be advised) and lodgement of a performance bond will be required prior to the release of approved road / signal design plans by the RTA.

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

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.

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

In addition Council should consider the following Standard Comments:

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

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 40 dB(A) Leq(9hr).

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

14. 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.

In accordance with State Environmental Planning Policy No. 11 it is essential that a copy of Council's determination on the proposal (conditions of consent if approved) is forwarded to the Committee at the same time as it is sent to the developer.

Should you wish to discuss this matter any further, please contact the RTA's Development Assessment Officer – Andrew Popoff on (02) 8814 2180 or facsimile (02) 8814 2107.

Yours sincerely,



Adriana Gavazzi
Chair, Sydney Regional Development Advisory Committee

30 May 2006

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ATTACHMENT 4

Environmental Services Division Report No. 69 - 197-215 Condamine Street, Balgowlah

Totem Redevelopment

Roads & Traffic Authority Advice - Sydney Regional Development Advisory Committee

0000.000.W.0000

DRAWN BY CADD
DO NOT AMEND MANUALLY

DATE IN SERVICE : 00/00/00 DC

CONCEPT DESIGN

POSTS

POST	TYPE	LENGTH (mm)	GRADE
1	S	4.1	New
2	S	4.1	New
3	A	4.1	New
4	A	4.1	New
5	S	3.2	New
6	S	2	New
7	S	4.1	New

MOVEMENTS

NOTES:

- This site is a 300m head.
- At 1/4-1/2 hours on Acland St. site.
- Second Stop Reg. 13 - 4' on Acland St.
- Supply to be determined on site.
- After forming 3 lane carriageway 21.91m wide with 1.5m shoulders.
- Access Building Unit 175/3A Acland St.
- Revolving in accordance with R.C & F Committee on Street Site.

TRAFFIC SIGNALS AT THE INTERSECTION OF CONDAMINE STREET AND TOTEM ACCESS BALGOWLAH

CODE P.L.	VEGOL P.L.	PERIOD
SCALE	1:1000	1
P.L.	01 TO 000	INTERVAL
REC.	0000.000.W.0000	PART
	1	

CONDAMINE

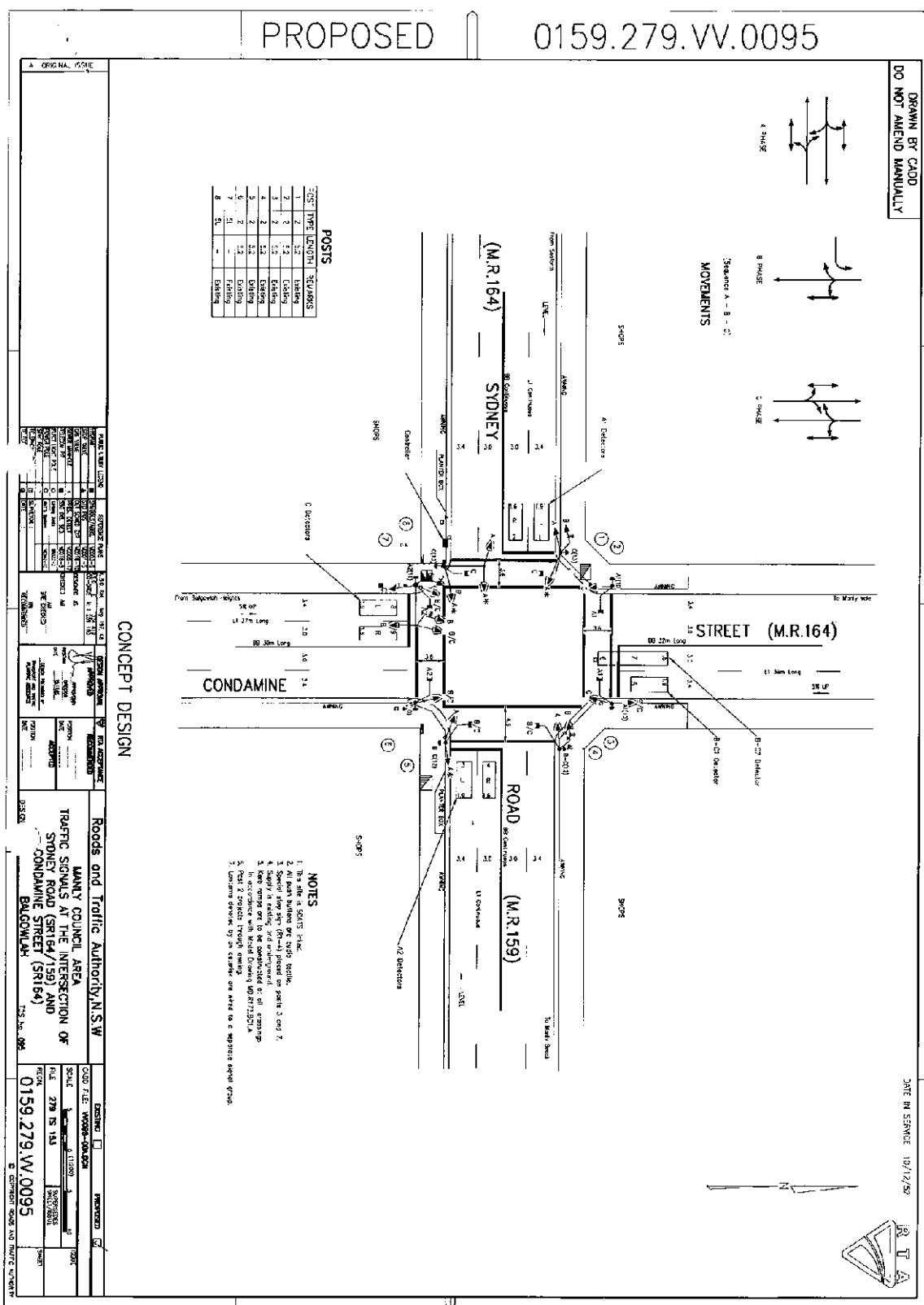
STREET

ATTACHMENT 4

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Totem Redevelopment

Roads & Traffic Authority Advice - Sydney Regional Development Advisory Committee



ATTACHMENT 5

Environmental Services Division Report No. 69 - 197-215 Condamine Street, Balgowlah

Totem Redevelopment

Urban Design Assessment - GM Urban Design & Architecture October 2006

Urban Design and SEPP 65 Assessments for

**Totem Development Application
197- 215 Condamine Street,
Balgowlah**

**GM Urban Design & Architecture Pty Ltd
October 2006**

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1. INTRODUCTION

Manly Council has requested that GM Urban Design carry out an independent Urban Design and SEPP 65 assessment of the new Development Application for the Totem Site, 197-215 Condamine Street, Balgowlah.

This development application has evolved through an extensive consultation process with Council and the community to try and achieve a better urban design outcome for the site than a previously unsuccessful application.

This new development application follows a previous Stage 1 Approval which was the result of the consultation process discussed above and represents further refinement of the massing solution and architectural detail for the actual buildings.

The new DA seeks consent for amendments to the approved Stage 1 Approval and also includes Stage 2 applications for the design of the buildings and car parking areas in detail. This DA seeks approval for:

- The demolition of existing buildings and construction of buildings and services
- Additional land to be included in the proposal being the Child Care Centre located at 380 Sydney Road;
- 2 basement levels of parking
- A retail level comprising one supermarket and a mini major and various retail specialities;
- 8 residential buildings varying from 1-8 storeys above plaza level;
- Redevelopment of 360 Sydney Road into retail and residential usages;
- Various public facilities
- Landscaping and public domain improvements;
- A floor space of 44 466sqm. This is an increase from the original approval which awarded an FSR of 2:1 across the site equating to 44 000 sqm. However the increased site area provided by the inclusion of 380 Sydney Road if awarded an FSR of 2:1 delivers additional floor space. Therefore 44 466sqm across the new site area equals 2:1.

This assessment has been based on the following information provided as part of this Development Assessment.

Drawings:

- 020312BDY Survey Drawing Rev C;
- DA2 – 01, 1001, 2001, 2005, 2007, 2101, 2105, 2110, 2120-2190, 2890-92, 2892, 3101-3, 3110, 3200, 3205, 3210, 3250, 3255, 3260, 3265, 3310, 3312, and 2 landscape plans.
- Statement of Environmental Effects Volume 1 and 2 and Supplementary Statement dated variously March 2006 and August 2006.

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2. The Site and surrounding context

The Site:

The site comprises the majority of a suburban block bounded by Sydney Road, Condamine, Griffith and Woodland Street North in North Balgowlah.

Adjoining suburbs include Fairlight and Manly Vale to the north, Clontarf and Balgowlah Heights to the south, Manly and Fairlight to the east and Seaforth to the south.

Area:

The site is irregular in its shape with a total area of 21 034.8 sqm.

Topography:

The site slopes from the south western corner down to the north eastern corner of the site at Condamine Street. The total change in level is from RL 45.7 to RL 24.62 AHD. This equates to an approximately 13m fall in a northerly direction along the Condamine Street frontage.

Streets:

The site benefits from frontages to three streets surrounding the block. Minor frontages occur to Sydney Road and Griffiths Street comprising retail buildings at 360 Sydney Road and a car entry point and the Baby Health Centre. The frontage to Griffiths Street currently provides the main car park entry to the shopping centre via a concrete ramp system

The major street frontage is to Condamine Street. At present the Condamine Street frontage is the main retail/commercial frontage for the centre.

The site also benefits from an existing laneway. It currently links from Sydney Road through to Condamine Street and is used as a service lane for the commercial properties fronting onto Sydney Road.

Vehicular and pedestrian Access:

As stated above access for vehicles is from Sydney Road and Griffiths Street for the existing shopping centre. Pedestrian access is possible from Condamine Street and Sydney Road only at present other than an arcade access to Lane 34 to the eastern end of the block.

The existing Shopping Centre:

The majority of the site is occupied by the existing Totem Shopping Centre. It is a multilevel building with carparking, 2 supermarkets, specialty shops and the Masonic Club which is currently located to the middle of the centre.

Uses:

The site marks the edge of the surrounding residential zoning (occurring in the centre of the site along the lane boundary generally) with the commercial zoning applying generally to the shopping centre.

Heights:

The existing development is low scale on the site itself other than the car park structure to the middle of the site.

The Context:

Locality and topography:

The site is approximately 10 km from the centre of Sydney and about 2km west of Manly. It is located in the saddle of a ridgeline that extends from Manly to Seaforth. The site falls towards a broad gully which is located on the north of the ridgeline.

Block and subdivision pattern:

The area is generally characterised by rectangular blocks oriented in either a north south or east west direction. The average block dimensions are approximately 190m x 70m particularly for the residential area to the west of the site.

The block in which the site is located is a larger block at 230 m x 160m. It is a similar size and configuration to the block to the east of this site (bounded by Condamine Street, Sydney Road, Griffiths Street and Boyle Street).

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The development block however is no longer subdivided by any streets other than the laneway running from midblock along Sydney Road then east to Condamine Street. Had such a midblock street still been evident here then it would have reduced the development block to a size that is more consistent with the surrounding residential area.

The subdivision pattern to the retail commercial areas such as Sydney Road and Condamine Street is of narrow frontage small scale shops of generally 3 -4 storeys. Recent development has amalgamated some lots along Sydney Road.

Street network:

The development site is bounded to the south by Sydney Road, an east west arterial road between Pittwater Road and Manly Road. This road is extremely busy, being the principal arterial route from the lower North Shore and Sydney to the lower northern beaches.

The east of the site is bounded by Condamine Street. This street is a north south carriageway between Ernest Street and Pittwater Road and is part of the main north south arterial Road system through the area.

Woodland Street North to the west of the site is a north south collector road through the residential area. Griffiths Street to the north of the site is an east west residential street through the area.

There are a number of smaller residential local streets which connect onto and are terminated at Woodland Street North by the developments block. These streets are Angle Street and Lombard Street. Lombard Street continues as an east west link from Woodland Street back towards the Balgowlah Golf Course providing the only continuous east west street link for dwellings located in this area until Kitchener Street to the far north of the site.

Built form and uses:

The remainder of the block to the:

- South along Sydney Road consists of low scale 1-4 storey commercial/ retail/shop top residential narrow fronted development. Retail uses include speciality shops, cafes, chemists and real estate agents. One exception is 370 Sydney Road that rises 4 floors above ground level retail.
- West along Woodland Street North includes low scale single to 2 storey detached housing and town house developments. The Telstra Exchange building is also located along Woodland Street North at approximately 7 storeys in height. This building is notably out of scale with the remainder of the street and the locality.
- East along Condamine Street is commercial/retail and residential, ranging from single storey commercial to 2 storey residential flat buildings. The United church building is also located to near the corner of Condamine Street and Sydney Road.
- North of the site along Griffiths Street is characterised by both single storey housing and 3 – 4 storey apartment buildings with apartments facing both onto Griffiths Street and also to the southern boundary of their sites.

The surrounding locality:

- The entire surrounding locality apart from the development on the far south side of Sydney Road is zoned for residential development. Therefore this site acts as the local retail centre along with the main street development along Sydney Road and to a lesser extent Condamine Street.
- The existing scale moving away from the site in all directions is generally low 1 to 2 storey housing or townhouses apart from the Biarritz 8 storey apartment building located near the site along Sydney Road and the 3- 4 storey apartments and commercial buildings along Condamine Street and Griffiths Street.
- The heights permissible around the site are mainly 6.5 – 8.0m with only the northeastern corner achieving a height of 9.0 – 10.0m in the residentially zoned areas.

Landscape and open space:

Whilst regional open space in the form of harbour and large inland parks is well provided near this locality there is a paucity of small local parks and public urban space on this side of Sydney Road.

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Condamine Street and to a lesser extent Griffiths Street benefit from street tree planting although it is spasmodic to the development side of the street. Sydney Road and Woodland Street have little street tree planting.

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3. Statutory Controls Analysis

The application has been assessed against the aims, objectives and provisions of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, Manly Local Environmental Plan 1988 (Amendment 45), Manly Development Control Plans for Business Zones and Residential Zones and Balgowlah Shopping Centre Urban Design Plan 1999 and Urban Design Controls 1999.

The following identifies the relevant urban design statutory provisions and how the development responds to these provisions.

State Environmental Planning Policy No 65

Design Quality of Residential Flat Development: Design Quality Principles

Principle 1 – Context

'Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.'

Relevant considerations:

- The site is a neighbourhood shopping centre and plays a significant role as a focus to the local neighbourhood. As such it can also have a role as a visual focus for the local area.
- The surrounding built form varies from 1 and 2 storey dwellings, through 3 and 4 storey apartments up to 7-8 storey tower forms. The taller forms are generally out of scale with the rest of the neighbourhood and act as visual markers to the centre.
- Any new development on the site must respond to the medium and lower scale character of the existing neighbourhood and should provide transitional forms between the higher density commercial development along Sydney Road to the lower scale character of Griffith, Woodland and Condamine Streets in particular.
- The adjacent sites to the west currently occupied by single dwelling houses are likely to be redeveloped over time and may increase from their current scale. This potential may facilitate transition from any massing on the site of this Development to the lower scale residential character of Woodland Street.
- The treatment of the edges of the development is important to ensure appropriate transition and appropriate amenity for existing neighbouring properties.
- There is an existing development -The Telstra building immediately to the south west of the site which exceeds the predominant scale of the area at some 7-8 storeys. It is a building of poor visual quality that screens the south western corner of the site.
- To the north of the site are the 3-4 storey apartment buildings.
- The site would benefit from improved connectivity to respond to the original subdivision pattern of the neighbourhood. Ideally pedestrian connections to the centre from all surrounding streets should be provided particularly from Woodland Street through to Condamine Street.
- Any development should seek to reinforce the role of Lane 34 as a pedestrian as well as vehicular link. In addition the address of the shopping centre should be improved to Sydney Road.
- This site is the 'heart' of the Balgowlah area and as such should seek to provide a visual and spatial focus for the local area. Therefore any new development should seriously consider providing a useable, well designed public space with good northerly solar access to provide an urban square protected from the noise of Sydney Road. This space should be part of a connected pedestrian structure to through the block.

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Comment on the DA response:

- The fundamentals of this DA are in essence similar to the previously approved DA apart from the following amendments:
 - Deletion of Building K on Griffiths Street;
 - Deletion of Building J on the northern boundary and reconfiguration of Building F;
 - Increased height of Building H by an additional storey to the south but effectively 2 storeys to the middle of the building.
 - Reduction in the scale of Building C from 4 to 3 storeys
 - Reduction in height of Building L to 1 storey with additional massing possible in a future DA to accommodate the Masonic Club.
 - Change in land use for Building C from residential to retail at the plaza edge.
 - Change in land use of Building H from residential to commercial.
 - Minor variations in the building envelope.
- The reduction in height in Building C is a positive adjustment. It greatly improves the solar access to the laneway and the scale relationship to the adjoining properties.
- The deletion of Building K is considered unfortunate as it provided an active use that completed the streetscape of Griffiths Street and assisted in shielding the car park entry. However it is understood that the final available land area was insufficient to construct a sensible building form and achieve a good pedestrian connection.
- The change of use for Building C and H are positive amendments that are appropriate to their location and increase the activation of both areas.
- The other minor variations in the envelope are considered acceptable when considered against the extent of the envelope that is now not filled with development.
- The relationship of the northern edge of the development has been improved by the removal of the previous building J.
- This created an improved interface along the northern boundary where scale was a significant issue in previous consultations regarding the proposed massing.
- The amendment proposed increases the area of open space addressing the northern boundary to around 60% of the boundary length and 2 storey forms at the western and eastern edge of the development near the northern boundary.
- The proposal slightly decreases the setback at these edge positions but the extent is nominal and justified by the deletion of Building J.
- The amendment does result in additional massing to Building H but this will be discussed under scale.
- The reduction in massing of Building L creates a poor scale relationship along Condamine Street that is discussed in the next section. This is not supported when considered against the impact of the additional massing to Building F and H.
- Building F in the previous DA was conditioned to reduce its height to 4 storeys adjacent to the western boundary.
- This amendment has not occurred in this new DA and this building has been substantially reconfigured so that its primary axis is now along the western boundary (although slightly setback from the previous alignment).
- The result is a 6 storey building for a greater extent of the boundary length than the previous DA and the loss of the required 4 storey scale.
- The reason for the required setback was to reduce the bulk of this building when viewed from Woodland Street, given the much smaller scale of development to Woodland Street and the lower height controls applicable to this area.
- Infilling of this setback area again results in a poor scale relationship to the Woodland Street properties which occur for a greater length than previously.

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- Further the development extends beyond the approved envelope for a significant portion of the northern part of the Building J envelope.
- Whilst some dispensation may be considered given the removal of Building J the extent sought in combination with the discussion under scale is too great.
- In principle the additional massing at the lower level is supportable but the loss of the setback to the top two floors is not considered desirable to allow Building L to reduce its height to one storey under this DA. See discussion in next section

Recommendations:

- Overall the relationship to the surrounding context is similar to the previous DA and is therefore considered acceptable.
- The reduction in scale to Building C is supported as is the change of use to retail on the edge of the plaza.
- The change of use in Building H is also supported but there are concerns about the increased scale relationship to Condamine Road which are discussed in the next section.
- Significant improvement has occurred with the deletion of Building J.
- However the loss of the setback to Building F is not supported as suggested.
- Therefore Building F should be conditioned to setback the 5th and 6th floors to the previously approved alignment and extent.

Principle 2 – Scale

'Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.'

Relevant considerations:

- The scale of existing development around the edges and the streets adjacent to the site varies quite significantly.
- The Sydney Road edge of the site accommodates the greatest heights however there is a variety of heights from 1 to 3 storeys up to 8 storeys set back from the lane edge.
- The scale along Condamine Street has increased from a massing of mainly 3 storeys to the equivalent of 5 storeys at the entry to the square and with a 4-5 storey massing closer to the northern boundary. The remainder of Condamine Street is essentially 1-2 storeys.
- Griffith Street has mainly 3-4 storey apartments adjacent to the site and single storey dwellings to the northern side.
- Woodland Street does not provide an address to the site but the housing along its eastern edge is generally commercial uses to the south including the Telstra building and single storey housing to the northern end.
- Therefore any new development needs to mark itself as a central place for the local area but also act to mediate between these different scales and uses and provide appropriate edge responses.

Comment on the DA response:

To Sydney Road and the south of the site:

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- The scale has slightly increased with the design of roof element which exceeds the envelope.
- This allows better proportions to be achieved for the development.

To Condamine Street:

- The height has increased by 1 and 2 storeys close to the square and for a considerable length of the Condamine Street frontage.
- Whilst it still retains the lower scale close to the northern edge of the site the extent of the increase is introducing a much greater scale that is not considered an improvement of the previous DA.
- Stockland's have justified the additional massing on the basis of two considerations:
 - To allow the future inclusion of the Masonic Club above the single storey form now proposed for Building L and
 - To balance and create bookend forms of similar scale each side of the entry to the square.
- However there are other factors to consider here:
 - The Club does not form part of this approval
 - The massing proposed to contain the club also does not form part of this approval
 - The floor space of the club is intended in the future DA to be additional to the approved FSA and the FSA sought as part of this application.
 - The floor space sought as part of this DA and the Stage 1 approval (2.09:1) already exceeds the controls which required a FSR of 2:1.
- Therefore much of the argument is based on the potential public benefit from the club outweighing the additional massing both to Condamine Street and also to Building F discussed earlier and to additional FSR.
- The club is likely to add an additional 1500 sqm to the FSA sought within this application.
- In my opinion it is not appropriate to seek additional massing in the locations shown without the inclusion of the club within the application. Both are tied inextricably together and the benefits and disbenefits of this proposal need to be considered concurrently.
- Further the Stage 1 approval already includes an addition 0.9:1 FSR. Therefore any additional area sought for the Masonic Club should be reduced by the additional FSR already allowed.
- Therefore the massing should be relocated back to Building L and any adjustments to the massing of this building and H and F should be proposed and considered as part of the future club DA.
- The additional massing proposed close to the urban square entry within Building H is considered to deliver a more balanced streetscape. Therefore massing to the alignment of the edge of the lift core is considered to be an improvement without negative impact to the streetscape.

Recommendations:

- The slight increase in scale to Sydney Road is considered acceptable.
- The increase in height to Building H (or Building F see above) is not supported as it results in an inappropriate scale to Building L.
- The single storey form is too low to achieve a balanced streetscape and the club which would increase its massing is not part of this application.
- Therefore the height of Building H is to be reduced to the previous envelope from the lift core back to the north and the massing relocated to Building L.

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- Any future additional FSR sought to accommodate the Masonic Club should take into account the additional 0.09:1 already allowed within this approval beyond the complying FSR of 2:1 to ensure that the massing on the site does not begin to erode the objectives of the original Stage 1 approval.

Principle 3 – Built form

'Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.'

'Appropriate built form defines the public domain, contributes to the character of streetscape and parks, including their views and vistas and provides internal amenity and outlook.'

Relevant considerations:

- The disposition of building elements, their separation and relationship to the streetscape, adjoining development and each other needs to contribute positively to the area and immediate context.
- New development should provide a positive outlook to adjoining development and a good address to each of the streets.
- Any public spaces within the site should be appropriately scaled with generously dimensioned links and should not be overly dominated by any new building form.

Comment on the DA response:

Setbacks and separation distances:

- Setbacks are generally consistent with the advice contained with the Residential Design Flat Code which supports SEPP 65 and the envelopes established in the Stage 1 DA other than as set out below:
 - Building G is very close to Building H balconies and appears to lack a privacy screen to G 206, 306.
 - Further information provided by Stockland's indicates that privacy screens will be provided to these apartments.

Enclosure of public spaces:

- The development retains its provision of public space and has in fact increased it.
- The link public space through from Sydney Road into the main square has been increased substantially with the further setback of Building L.
- This is supported.

Outlook:

- The disposition of building form also provides a good outlook for all building elevations that are likely to have habitable rooms fronting them.

Interest and articulation:

- The architectural massing and articulation of the Stage 2 DA is supported (other than outlined above) and offers a good variety of architectural responses which will assist in creating a sense of identity and address for each of the buildings.
- The balance of massing to void and use of balconies is also well considered.

Recommendations:

- No amendments are required.

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Principle 4 – Density

'Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.'

Relevant considerations:

- The site is located on a major bus route from the Central Business District of Sydney through to Manly Town Centre.
- The existing retail infrastructure and street systems support a concentration of residential development to encourage improved facilities.
- The site has a maximum FSR of 2:1 in the Council controls but achieved a 2.09:1 FSR in the Stage 1 Approval.
- The density of the site should comply with council requirements unless significant public benefit can be demonstrated to justify any exceedance.
- Any additional floor space must demonstrate that it does not result in negative impacts for the site or the adjacent existing context.
- It should also result in improved facilities for the community.

Comment on the DA response:

- The Development proposes Floor Space of 2.09:1 over the new site area which complies with the Stage 1 Approval.
- However the potential for additional massing is alluded to via the dotted height line above Building L.
- Additional floor space is not supported without the ability to demonstrate significant public benefit. Whilst the DA discusses the potential for a future club this is not included within this DA and therefore cannot be considered in light of the suggested additional massing.
- Further the Stage 1 approval already awarded additional floor space at 0.9:1. Any floor space for the club should firstly occupy this additional floor area and any further floor space above this amount should be fully justified on the basis of public benefit and no adverse massing impacts.
- Therefore for this application the proposed FSA is supported without allowance for the 'suggested' additional space which should form part of a future DA.

Recommendations:

- The proposed FSA is considered appropriate for the site with the suggested massing adjustments in earlier sections.

Principle 5 – Resource, energy and water efficiency

'Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.'

Relevant considerations:

- The siting of buildings and building envelope depth is well considered.

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- Good cross ventilation and solar access as well as improve outlook, aspect and amenity is generally achieved to a higher degree by a high number of dual aspect, two storey, split level or corner units.
- The Residential Design Flat code under Better Design Practice requires opportunities to be maximised to facilitate natural ventilation and to capitalise on natural daylight by providing for example:
 - Corner apartments
 - Cross over or cross through apartments
 - Split level or maisonette apartments
 - Shallow single aspect apartments – (maximum single aspect apartments with southerly aspect to be 10%).
- The desirability of dual aspect apartment is further reinforced under Natural Ventilation

Comment on the DA response:

- The DA has achieved the required ratings under Basix.
- The proposal has some 55% of single aspect units which is disappointing given the fact that the proposal has been allowed to vary the adopted urban design guidelines in scale and massing as it undertook to demonstrate best practice and high quality outcomes.
- Good disposition of massing and architecture is not sufficient alone. It should also follow through into innovation and excellence in the design of the apartments by providing a much higher percentage of dual aspect etc units.
- The proposal has a number of units which exceed the requirement for kitchens to be within 8m of a window. This is not acceptable and should be addressed.

Recommendations:

- The energy rating is therefore considered acceptable.
- Increase the number of dual aspect or two storey apartments to achieve a higher percentage of these unit types over single aspect units.
- The distance from kitchens to the a window for all apartments it to be a maximum of 8m.

Principle 6 – Landscape

'Good design recognises that together landscape and buildings operate as an integral and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.'

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity and provide for practical establishment and long term management.'

Relevant considerations:

- The nature of this type of development is that it normally fully fills a site leaving little opportunity for deep soil planting.
- However wherever possible new development on this site should aim to provide areas for planting to soften the bulk and form of the building and provide planting bays capable of supporting substantial trees and landscape.
- This is particularly important for public domain areas such as Condamine Street and Lane 34 as well as the plaza areas.

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Comment on the DA response:

- The amenity and landscape strategy for Lane 34 is very poor.
- Under the Stage 2 Da it has been dominated by on street car parking both near Condamine Street and also at the entry point from Lane 34.
- Whilst on street car parking is supported and important to achieve activation and use of the laneway it also needs to have street trees and a useable footpath area to serve as a pedestrian link as well as a service road.
- Currently the only planting is a small planter that does allow some trees to occur at the entry to the lane. This should be complimented ideally by provision of street trees along the southern boundary of the lane as well as by providing tree pits between the angled parking areas to the north.
- For the entry point at Sydney Rd two car spaces are shown.
- The location of these car spaces seems impractical and potentially dangerous. They are at the confluence of a number of traffic movements and are not easily accessible.
- They should be deleted or relocated into the basement area and this area provided with tree planting to complement the other side of the laneway.
- The landscape design of the site overall is interesting and well considered. However there are concerns with the landscape elements within the town square.
- The purpose of the square is to act as a gathering place for the local community to allow for performances, 'carols by candlelight' etc. The design as proposed has grassy knolls throughout this space. Whilst this sort of treatment may be interesting to the northern part of the square and provide an interesting sculptural outlook for the apartments it does reduce the use of the square.

Recommendations:

- The DA be amended to provide additional trees to Lane 34 between car spaces to the northern side of the Condamine Street entry and that the car spaces shown at the exit to Sydney Road be deleted and additional trees planted in this area.
- That the laneway be redesigned and preferably narrowed (as it is one way only) to enable a footpath to occur along its length with a minimum clear width of 1.2m and that Council and Stockland's develop a landscape strategy for the southern side of the laneway that will allow for future street trees.
- 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.

Principle 7 - Amenity

'Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.'

Relevant considerations:

- Amenity applies to both internal amenity for residents but also the existing amenity that neighbouring residents and the general public enjoy.
- The application must provide a reasonable standard of amenity to surrounding dwellings and also provide a high quality public domain as part of its design.

Comment on the DA response:

- See comments above.

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- The apartments facing Sydney Road for Building A have poor amenity with the primary entry combined with the only private open space.
- The courtyard is located as a light well within the building.
- This is not considered to achieve a high quality outcome.

Recommendations:

- 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.

Principle 8 – Safety and security

'Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities and clear definition between public and private spaces.'

Relevant considerations:

- Good passive surveillance of the public and communal domain is paramount to achieving safety and security for public areas.

Comment on the DA response:

- The squares and link to Sydney Road have very good active edges and passive surveillance as does Condamine Street.
- For Building L the tenancy there has the capacity to provide surveillance to the lane to some degree but is at a lower elevation.
- Building C turns its back onto the laneway and provides no surveillance other than some windows to the lift lobby due to the noise and amenity issues associated with the service areas.
- Therefore it is imperative that Building L provide good passive surveillance to this lane.
- At present Building L is single storey with potential future development above which is discussed earlier.
- Building L should not be approved until detailed layouts are provided that deal with amenity and safety issues.

Recommendations:

- 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.

Principle 9 – Social Dimensions

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'Good design responds to the social context and needs of the local community in terms of lifestyle, affordability and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs of the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.'

Relevant considerations:

- This local centre provides a key service as a focal point for the community.
- Such a centre also needs to provide community areas and facilities to support the interaction of local residents.

Comment on the DA response:

- The extensive public spaces and redevelopment of the centre generally is greatly improving this area and offering a true heart for the local community.
- Unfortunately apart from the external spaces no other community facilities are included.
- Given the additional FSR awarded within the Stage 1 DA it is reasonable to expect some community facilities for the area of the additional floor space namely 0.09:1.

Recommendations:

- Consider including community facilities within the centre as a minimum equivalent to the 0.09:1.

Principle 10 – Aesthetics

'Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.'

Relevant considerations:

- Blank walls and service areas tend to be poorly designed in developments such as this and do not contribute to the public domain if they are either visible or part of that experience as Lane 34 is and also as the northern boundary is in its impact on adjoining neighbours.

Comment on the DA response:

- The design of Building L to Lane 34 is poor and lack enclosure
- The design of the wall to the northern boundary needs further interest and articulation. At present it reads as a blank edge wall that does not offer a particularly pleasant outlook.

Recommendations:

- Building L is to be designed to contribute to the visual interest for Lane 34.
- The northern wall of the centre is to be redesigned to provide additional visual interest.

Manly Local Environmental Plan 1998 and Amendment No 45

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<i>Aims and objectives</i>	
d) to encourage further development of the commercial centres to cater for the retail, commercial, entertainment, welfare and recreational needs of residents and visitors	Complies
e) to increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of the Municipality...	The development has the potential to provide a diversity of dwelling types and is considered to comply for this stage of the application.
j) to ensure that new development does not detract from the very special visual quality of the Municipality...	The 6 storey form of building F along Woodland Street would provide a better visual quality to Woodland Street and sense of transition if it was reduced to 4 storeys as required by the previous approval.
l) to increase safety and amenity of residential, commercial and industrial precincts without downgrading accessibility....	Complies
<i>Policies and Strategies</i>	
The site contains land zoned No 2 Residential and No 3 Business with multi unit development permissible within the Residential zone and shops, multi dwelling developments permissible within the Business zone	The development complies with the zonings.
<i>Objectives of the Residential zone</i>	
c) to allow a variety of housing types while maintaining the existing character of residential areas throughout the Municipality,	The DA provides a range of apartment types but does not offer sufficient variety – too many are single aspect apartments
d) ensure that building form.. does not degrade the amenity of surrounding residents or the existing quality of the environment,	The 6 storey form of building F along Woodland Street would provide a better visual quality to Woodland Street and sense of transition if it was reduced to 4 storeys adjacent to the western boundary.
<i>Amendment No 45.</i>	
This amendment :	Complies.
<ul style="list-style-type: none"> ▪ extended the business zoning for the site to encompass 207 – 215 Condamine Street. 	
<ul style="list-style-type: none"> ▪ permits basement parking for shopping at 168 – 182 Woodland Street North, 	Complies.
<ul style="list-style-type: none"> ▪ limits the height of basement carparking at Woodland Street properties to 2 metres above ground grading to ground level between 182 – 172 Woodland Street. 	N/A.

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Manly Development Control Plan for the Business Zone 1989

(Amendment No 3)

<i>Introduction</i> Floor space ratio controls are included to give an indication of the overall maximum scale of development considered: in practice many sites may be limited in the ability to achieve this scale given characteristics of the site itself and the other requirements of this DCP.	Complies but requires redistribution of the massing see earlier comments.
D. Aims and objectives 3. To recognise the importance of pedestrian movements and townscape design in the strengthening and promotion of retail centres;	The development provides excellent connectivity from Sydney Rd through to both Condamine Street and Griffith Street and via its north south pedestrian way, the potential for future connection to Woodland Street. The proposal also provides generous public domain spaces to create interesting and dynamic urban squares and landscaped areas throughout the proposal. The link to Griffith Street is not continuous and should be extended to the street.
4. To recognise the diversity, interest and heritage value of the existing townscapes and ensure that new developments are compatible with these features ...	The development massing and relationship to adjoining development meets this objective and in this regard is generally acceptable apart from comments in earlier sections.
5. To introduce floor space ratio controls in order to provide firm guidelines as to the potential development of a centre and an individual site.	This objective clearly indicates that FSR controls are 'firm' guidelines. Therefore there must be strong justification in terms of design or community outcomes to support exceeding these controls. Such justification has not been provided at this stage by the applicant and therefore changes in massing are not considered justified apart from the redistribution of massing for the deleted Building J.
6. To introduce building heights, setback and other controls relating to building form and height in order to achieve a consistent and coherent townscape appropriate to the locality,.....	The application does exceed the height controls within this DCP. Where this occurs generally (other than for Building F and H) the benefits of a more generous public domain outweigh the minor impacts of greater height as the building forms have been carefully located to minimise impacts and to achieve a better design outcome than would be possible if the controls were met. Therefore the application generally achieves a

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	consistent and coherent townscape and is considered appropriate to the locality.
F. Design Principles	
<p>1. The local role of the site and of the existing buildings should be determined, when viewed:</p> <ul style="list-style-type: none"> (i) from a distance and then along the routes and from viewpoints leading toward the locality; (ii) in relation to the adjacent spaces it borders and the need to define those spaces; (iii) in relation to the adjacent buildings and the need to be complementary to those buildings in terms of height, scale and design detailing. <p>A scale and design of building appropriate to this role should then be achieved.</p>	<p>The applicant has provided numerous photomontages to demonstrate the impacts of the proposed massing as well as sections and elevations.</p> <p>The photomontages show that were the height is exceeded the impacts are generally within the site itself and are acceptable given the extent and proportion of public space.</p> <p>The impacts to surrounding development and the public domain generally are considered acceptable other than for Building H and Building F.</p> <p>The development appears visible from Griffiths Street and from Woodland Street. At Griffiths Street the taller development is actually setback a significant distance from the street and from the existing apartments and houses.</p> <p>In Woodland Street the development is also setback behind existing lots but is closer to adjoining development. The visual impacts are very minor from the northern and southern portions of Woodland Street.</p> <p>They are more appreciable in the middle of Woodland Street however particularly in relation to Building F which is much closer to this area than the 8 storey forms.</p> <p>The height to building F is very visible from Angle Street and protrudes through the trees.</p> <p>Ideally the top 2 floors should be setback at the western edge of Building F to reduce these impacts, particularly as the extent of the 6 storeys is outside the envelope controlling the site and as the FSR is exceeded.</p>
Part 2 Balgowlah Shopping Centre	
2.1 Floor space ratio – shall not exceed 2:1	Complies.
2.2 Building heights –	<p>1. Max wall height shall not exceed 10.5 metres on street frontages. Council will consider variation to this height on another part of the site where:</p> <ul style="list-style-type: none"> (i) a greater height provides a better relationship to adjoining development in terms of fulfilling the Council's townscape objectives and does not adversely affect adjoining properties in terms of loss of sunlight, views and privacy;

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3. The Council may consider a greater wall height on part of a site due to the slope of the land if it can be demonstrated that no adverse affect to adjoining properties would result.	See above.
2.3 Setbacks – construct to front and side boundaries except where adjoins residential zoned land – then DCP for Residential Zone applies	
Balgowlah Centre Opportunities 1. Widen laneway to improve service access 2. Implement arcade link in development with adequate height and good design. 7. New pedestrian link from Woodland Street in conjunction with Masonic Club development.	The laneway has been widened for its full length and additional width has been provided close to Condamine Street to provide an active and vibrant link with landscape and parking.

Manly Development Control Plan for the Residential Zone 2001

(Amendment No 1)

A5 Aims and objectives of the DCP General aims:	
d) to increase the availability and variety of dwellings to enable population growth without having adverse effects on the character, amenity and natural environment of the residential areas	See earlier comment about single aspect units.
f) to protect the amenity of existing and future residents.	Building F should have the top 2 storeys setback by 10m to reduce visual impacts to both existing dwellings on the western boundary and provide suitable transition in scale.
Specific aims: c) to minimise the impact of new development on privacy, views, solar access and general amenity of adjoining and nearby residences.	See above
j) to encourage a responsible development approach resulting in design of architectural merit that interprets and responds to the site characteristics and surrounding built and natural environments.	With the reduction in height of Building F the development has the potential to meet this objective as part of a Stage 2 DA.
3. Development Requirements 3.1 Residential density and subdivision Sub zone 4 – 1 dwelling per 300 sqm of site area.	N/A

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(i) Subdivision	See above comments.
d) for all subdivisions the following must be considered:..... <ul style="list-style-type: none">• Existing subdivision pattern, street address and vehicular access• The importance of existing natural features on lot boundaries and any potential impact from the proposed development.	
3.3 Floor space ratio	N/A
3.3.1 Objectives	
a) to control the bulk of buildings	
c) to be consistent with the existing and desired character of the residential areas.	With the suggested adjustments above the development would comply with this objective.
d) to minimise disruption to views, loss of privacy....to existing development....	See above.
3.5.2 Performance Criteria	
b) side setbacks must provide sufficient separation from neighbouring properties.	Setbacks conform with requirements of SEPP 65 and are generally acceptable subject to detail design as part of a stage 2 application subject to amendments to the western boundary.
ii) Side Setbacks: a) to be min 1/3 of wall height windows facing the boundary at least 900mm from that boundary.....	Complies
3.10 Privacy and Security	
Objectives	Complies other than for Lane 34.
a) to screen between closely spaced buildings	
b) to mitigate direct viewing into windows from others	
c) to provide screening to outdoor living areas	
d) To encourage increased security between neighbours.	
3.10.2 Performance Criteria	
.c) buildings should orient to address the street to allow for maximum street surveillance and to provide a sense of security...	
d) when buildings are close to boundaries, splay or angled windows should be considered to provide privacy	Complies

Manly Urban Design Controls 1999 (updated 2003)

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1.0 The Setting	
<ul style="list-style-type: none"> ▪ to be read with UD Plan for Balgowlah Shopping Centre 	
2.0 Aims & Objectives (Summary)	Complies
2.1 Aims	
i. Attain high standard of architectural design and maximise commercial benefit.	A high standard of architectural design is achieved.
ii. Develop & redefine a linked coherent set of public spaces through & around development block	Complies and exceeds requirements.
iii. Create active street level uses along built frontage to Sydney Road	Complies
iv. Improve the pedestrian amenity & service efficiency of lane 34	Does not comply in relation to pedestrians – see earlier comment under safety and security and landscape in SEPP 65 assessment.
2.2 Objectives	
i. Make efficient use of the airspace adjacent to public transport routes for residential & business uses.	The proposal complies.
Investigate workplace with residence	None provided
Enhance urban frontage to Sydney Rd	Complies
Improve pedestrian access to Totem Shopping Centre	Complies
Incorporate basement car parking	The proposal complies.
Take advantage of north facing aspect for upper level residential development	The proposal complies.
ii. Development on Sydney Rd to take advantage of north aspect	Complies but rear apartments are poor.
3 Development Requirements – not addressed as part of this report	
4 Design Controls	
4.1 Traffic Access	
i. Reduce traffic congestion on Sydney Rd by reducing vehicles entering site & prohibiting vehicles servicing supermarket.	Not addressed as part of this report.
ii. Servicing supermarket from Condamine St	Not addressed as part of this report.

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iii.	Car parking for residential from Woodland St	Complies.
iv.	Separation between servicing & residential customer entrances – great as possible	Complies
v.	Lane 34 to be widened on northern side by 2.3m as part of	Complies.
4.2 Pedestrian Access/Spaces & Linkages		
1.	Arcade link to the development from Sydney Road should be a visually strong gateway.	Complies
•	Arcade to be clearly recognisable address And of a generous proportion – ie as a street or lane able to accommodate 2m wide café seating • Pedestrian access to Totem from Woodland St may be permitted • Lane to Sydney Rd connection should give– Priority to pedestrians A clear view of vehicles	Complies
•	Central public space – min 500m2 possibly visible from Sydney Rd – focal point of centre	Complies and exceeds the area requirements. The proposal provides excellent public spaces which justify exceeding the strict height and height location of these controls.
4.3 Building Height /Bulk		
i.	Building heights & FSR in residential DCP apply to residential land.	
ii.	Building heights & FSR in Business DCP to business but buildings to a height of RL 58m AHD to mid block	The development does not fully comply with this height. It exceeds the height by 2 storeys or greater and has height equivalent to this AHD outside the designated location. However the proposal has distributed massing to achieve a better urban design outcome than would be possible with strict compliance with the controls. The greater height and relaxation of the actual position has provided more open space and in a better configuration than would otherwise be possible. It also allows good solar penetration and cross ventilation for all building forms. Therefore other than for Building F and H as discussed earlier the proposal is supported.
4.4 Street Style		
4.4.1 Sydney Rd/Condamine St		
i.	At street level Sydney & Condamine Street frontages must be active, well lit and predominantly retail/commercial	Complies

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ii. Existing built fabric to be recognised & contemporary interpret in façade treatment its traditional references	N/A
iii. Development of corner buildings – special design treatment	Complies
iv. On Condamine Street north of lane 34 <ul style="list-style-type: none"> a. Setback 4m b. Setback – be associated with retail frontage c. Shade masonry colonnade or awning d. Respond to slope e. Entry to Totem 	Complies.
v. Street tree planting to be strengthened at street edge (especially near loading docks)	Complies.
vi. Junction between business & residential existing requires special consideration	Complies
4.4.2. Lane 34	N/A
4.4.3. Woodland Street New development must not be repetitive in form. Development should exhibit a scale and character complimenting the surrounding residential character.	N/A
4.4.4. Griffiths St	
i. Residential DCP	N/A
ii. Landscape treatment of car park entry enhance to ensure adequate screening & improve visual amenity	Landscape is required to the raised slab as discussed earlier.
4.4.5. North boundary of Site	
i. Setbacks to be landscaped to screen blank facades from adjacent neighbours	Complies
4.6 Residential Development	
4.6.1. Component to centre of site	
ESD	
i. Integration between environmental control, architecture, engineering and environmental control must be shown.	
Appropriate siting regard to adjacent building -Sun & Wind -Pedestrian & vehicular movement -Solar collections in roof scape -Adequate cross ventilation -Living to North	Complies.

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ii.	Overlooking/Overshadowing Siting not compromise amenity of landscaped private open space.	Complies
iii.	Architect treatment – -facades to be articulation -heavy monolithic recessive expression to be avoided -No curtain walls or mirror glass -masonry base towards lighter structure at the top is appropriate -masonry elements and face blockwork are to be rendered and painted	Complies apart from Lane 34 and Building L and the northern wall to the boundary.
iv.	Colour – one colour not overwhelming	Complies
v.	Landscaping – reflect architecture Proper plan	Complies

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Conclusion

Based on the above assessments against the requirements of the various State and Local Government Instruments and provisions we advise that the Development Application as lodged is suitable for approval on Urban Design and SEPP 65 grounds subject to the following amendments to the Development Application prior to approval or as conditions attached to the approval:

- Building F should be conditioned to setback the 5th and 6th floors 10m to the previously approved alignment (10m and the same extent of massing parallel to the western boundary).
- Building H is to be reduced in height from the lift core to the north to fit within the original DA approved Stage 1 Envelope.
- The massing removed from Building H is to be relocated back to Building L.
- The number of dual aspect or two storey apartments is to be increased to achieve a higher percentage of these unit types over single aspect units.
- The DA is to be amended to provide additional trees to Lane 34 between car spaces to the northern side of the Condamine Street entry and that the car spaces shown at the exit to Sydney Road be deleted and additional trees planted in this area.
- 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.
- 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.
- 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.
- Consider including community facilities within the centre equivalent to the additional FSR over and above the required FSR of 2:1.
- Building L is to be designed to contribute to the visual interest for Lane 34.
- The northern wall of the centre is to be redesigned to provide additional visual interest.
- Trees and landscape are to be provided to the raised deck above the car park entry from Griffith Street.
- 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.
- All kitchens to apartments are to be 8m or less from a window.

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Transport Review - Colston Budd Hunt & Kafes Pty Ltd

Our Ref: TR\5789\jj

8 November 2006

Stockland Trust Development Pty Limited
GPO Box 998
SYDNEY NSW 1041

Attention: Roger Price
Email: roger.price@stockland.com.au

Dear Sir,

RE: BALGOWLAH GREEN, TRANSPORT REVIEW OF AMENDED DEVELOPMENT APPLICATION

1. As requested we have reviewed the traffic and parking implications of the amended development application (DA) for the above development. A Stage 1 DA for retail and residential development on the site (similar in scale to the amended DA) was approved by Council in September 2005. The amended DA will replace the DA for the site submitted on 13 March 2006. We prepared a report on the transport implications of that DA (Review of Transport Implications of Proposed Balgowlah Village Mixed Use Development, Balgowlah – March 2006). A copy of that report is included as an annexure to the Statement of Environmental Effects.
2. The DA submitted to Council on 13 March 2006 comprised the following elements:
 - retail development of 14,315m² GFA (12,595m² GLA);
 - 271 residential dwellings;
 - 880m² commercial development;
 - parking for 982 cars;
 - principal vehicular access from Sydney Road and Condamine Street for retail parking and servicing;

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Transport Review - Colston Budd Hunt & Kafes Pty Ltd

- ❑ principal vehicular access from Griffiths Street for residential parking; and
 - ❑ secondary retail, residential and servicing access from Lane 34.
3. The amended DA involves changes to the floor space of approved development, modifications to the internal layout of the car park and loading dock, and a minor change in parking provision. Whilst not part of the new DA, we have taken into account the parking effects of providing a licensed club (some 1500m² GFA) on the site. This is to ensure that the development envelope can accommodate the parking requirements of a future licensed club should a development application be submitted.
4. The findings of our review are set out through the following sections:

- ❑ proposed changes;
- ❑ public transport;
- ❑ parking;
- ❑ access;
- ❑ internal layout;
- ❑ servicing;
- ❑ traffic effects;
- ❑ construction traffic; and
- ❑ summary.

Proposed Changes

5. The amended DA comprises the following elements:

- ❑ retail development of 15,670m² GFA (13,155m² GLA);
- ❑ 258 residential dwellings;
- ❑ parking for 972 cars;
- ❑ principal vehicular access from Sydney Road and Condamine Street for retail parking and servicing;
- ❑ principal vehicular access from Griffiths Street for residential parking; and

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- secondary retail, residential and servicing access from Lane 34.

6. Thus the amended DA has the following changes compared to the DA currently with Council:

- a minor increase in retail floor space (560m² GLA);
- removal of commercial office space;
- a minor reduction in parking (10 spaces);
- relocation of the main loading dock to the north whilst maintaining the same access arrangements as the DA submitted to Council on 13 March 2006.

Public Transport

7. Access to the site by buses is unchanged compared to the DA currently with Council.

Parking

8. Parking for 972 cars will be provided on site as a result of the amended DA. The location of parking will be as follows:

- 630 parking spaces for the retail component (440 spaces on parking level 1, 177 spaces on parking level 2 , 12 spaces off Lane 34 and 1 space beneath Building A). All retail parking spaces within the main car park would have access to Sydney Road and Condamine Street. No retail parking would have access to Griffith Street;
- 342 parking spaces for the residential component (323 resident and 12 residential visitor spaces on parking level 2. These spaces would have access off Griffith Street. 6 resident spaces and 1 residential visitor space beneath Building A with access off Lane 34)

9. Parking for the DA with Council was based on the Business Zone 1989 DCP (Amendment 4) for the residential component and parking rates set out in

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the RTA Guide to Traffic Generating Developments (RTA, 2002) for the retail component.

10. The Business Zone DCP suggests 1 space per unit plus 1 space per six units residential visitor parking for the residential component of the project.
11. The RTA Guide sets out a formula for estimating parking requirements for shopping centres (as described in Section 4.18 of our traffic report accompanying the DA submitted on 13 March 2006). This is based on extensive surveys of a range of shopping centres and is more appropriate to use than a general rate for shopping centres as it takes into account the specific uses within the shopping centre. Using this formula the retail component would require some 575 parking spaces
12. Parking requirements for the amended DA using the RTA rates are set out in Table 1 below.

Table 1: Summary of Parking Requirements

Component	Size	Rate	Parking Spaces Required
Retail	13,154m ² GLA	RTA Formula	575
Residential	258 units	1/unit	258
Residential Visitor	258 units	1/6 units	43
Total			876

13. Examination of Table 1 reveals that some 876 spaces are required. The proposed provision of some 972 spaces satisfies this requirement and provides a surplus of almost 100 parking spaces. As noted above 342 spaces are allocated to the residential component including 13 dedicated residential visitor spaces. The balance of the residential visitor parking would be provided in the retail car park. This will allow for dual use of parking spaces and allow residential visitors greater flexibility to access the

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residential component and reduce traffic using Griffith Street. Peak demand for residential visitor spaces would occur in the evening and on the weekend when parking demand for the retail component is lower.

14. A summary of overlapping parking requirements for the retail and residential visitor car parking is provided in Table 2.

Table 2: Summary of Overlapping Parking Demand for Retail and Residential Visitor Parking (Parking Spaces Required)

Component	Weekday Midday	Weekday Evening	Saturday Midday
Residential Visitor	22 ¹	43	32 ²
Retail	575	460 ³	575
Total	599	503	608
Spaces Provided	643 ⁴	643 ⁴	643 ⁴

Notes 1. based on residential visitor parking during the weekday midday peak period being some 50% of the evening peak period.

2. based on residential visitor parking during the Saturday midday peak period being some 75% of the evening peak period.

3. based on the Thursday evening peak period being some 80% of the midday peak period (based on surveys of other Stockland shopping centres).

4. The 643 spaces comprises 630 retail spaces (on parking levels 1 and 2 and with access off Lane 34) and 13 residential visitor spaces (on parking level 2 and with access off Lane 34).

15. Examination of Table 2 reveals a surplus of some 35 to 140 parking spaces.

16. As noted previously there is potential for a licensed club to be incorporated into the development at some future stage. The amended DA

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does not include this facility. This exercise has been undertaken to determine whether there is a surplus of parking to accommodate the parking requirements of a licensed club on the site at some time in the future.

17. This assessment is based on a future licensed club with some 1235m² GFA (some 925m² licensed floor area). Based on surveys of the previous Masonic Club on the site (to determine mode of travel), and allowing for appropriate patronage levels, the future club would require some 35 to 45 parking spaces during the day (weekday and weekend) and some 80 to 100 parking spaces in the evening (weekday or weekend).
18. Examination of Table 2 reveals a surplus of some 35 to 45 parking spaces during the day and some 140 spaces in the evening as part of the proposed development. Thus the proposed development would have a sufficient surplus parking to accommodate parking for a future licensed club of some 925m² licensed floor area.

Access

19. Access to the site is the same as the DA currently with Council.

Internal Layout

20. The amended DA has minor changes to the internal layout and circulation of the proposed car parks. The overall strategy of providing parking adjacent to entrances to the shopping centre, maximising the use of available parking by making it accessible and attractive to use, and directing customers around the centre in a safe and efficient manner. All parking bays, ramps and circulation aisles will be designed to comply with the Australian Standard for Off Street Parking (AS2890.1-2004).

Servicing

21. Access to the loading docks is the same as the DA currently with Council. The main loading dock has been relocated to the northern boundary of the

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site with resultant changes to internal circulation within the loading dock.
All changes will be made in accordance with AS2890.2-2002.

Traffic Effects

22. Estimates of peak hour traffic generation for the DA currently with Council were based on rates set out in the RTA Guidelines. These were:

- retail component – 2.4 vehicles per 100m² for Thursday morning, 7.6 vehicles per 100m² for Thursday afternoon and 7.5 vehicles per 100m² for Saturday;
- office – 2 vehicles per 100m² for Thursday morning and afternoon; minimal traffic generation on a Saturday; and
- residential – 0.5 vehicles per unit for Thursday morning and afternoon and 0.35 vehicles per unit for Saturday.

23. Changes in traffic generation between the DA currently with Council and the amended DA using the above rates are set out in Table 3 below:

Table 3: Summary of Changes in Traffic Generation							
Component	Change	Rate			Traffic Generation (vph, two-way)		
		Thurs AM	Thurs PM	Saturday	Thurs AM	Thurs PM	Sat
Retail	+560 m ²	2.4/100 m ²	7.6/100 m ²	7.5/100 m ²	+13	+43	+42
Office	- 880m ²	2/100m ²	2/100 m ²	0	-18	-18	-5
Residential	-13 units	0.5/unit	0.5/unit	0.35/unit	-7	-7	-5
Total					-12	+18	+32

24. Examination of Table 3 reveals that the amended DA would result in a minor increase in overall traffic generation on Thursday afternoon and

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Saturday and a minor reduction in overall traffic generation on a Thursday morning compared to the DA currently with Council.

25. Thus the overall traffic effects of the amended DA would be similar to the DA currently with Council.

Construction Traffic

26. The effects of construction traffic would be the same as the DA currently with Council.

Summary

27. In summary the review of the traffic and parking effects of the amended DA has found that:

- access to public transport is the same as the DA currently with Council;
- the proposed parking provision is appropriate;
- vehicular access to the shopping centre is the same as the DA currently with Council;
- the modifications to the car park do not significantly change the internal circulation within the site or parking provision within various areas of the car park compared to the DA currently with Council;
- proposed modifications to the loading docks are considered appropriate; and
- the overall traffic effects of the amended DA would be similar to the DA currently with Council.

28. We trust that this advice is of assistance. Should you have queries please do not hesitate to contact us.

Yours faithfully,

COLSTON BUDD HUNT & KAFES PTY LTD

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Tim Rogers

Director

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AS EXHIBITED.



lindsaytaylorlawyers

DETACHMENT 7 - DRAFT SECTION 93F AGREEMENT

"Totem Re-Development" Planning Agreement

Under s93F of the Environmental Planning and Assessment Act 1979

Stockland Development Pty Limited

Manly Council

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Summary of Provisions

The principal purposes of this Agreement are:

- to require the Developer to make certain public benefits in the form of the carrying out of certain public works and the provision of certain material public benefits (**Developer's Works** as defined in the Dictionary to this Agreement) in connection with the carrying out of development to which this Agreement applies,
- to ascribe a value to the Developer's Works, and
- to specify a monetary contribution to be paid by the Developer to the Council towards the provision of Public Facilities in the Council's area.

Clauses 2-12, 17 and Schedules 1-2 contain the principal provisions of this Agreement. They are as follows:

Clause 2 sets out the purposes of the Agreement and the Development to which this Agreement applies.

Clause 3 makes it clear that until Development consent is granted to the carrying out of the Development, this Agreement constitutes the Developer's offer to enter into the Planning Agreement with the Council on the terms and conditions set out in this Agreement. The clause is also necessary to ensure that the Planning Agreement is exempt from GST.

Clause 4 enables the Parties to enter into further agreements that they consider are necessary or desirable in order to give effect to this Agreement. There is no obligation for them to enter into any such agreement.

Clause 5 provides that s94 and s94A of the *Environmental Planning and Assessment Act 1979* are excluded from applying to the development to which this Agreement applies.

Clause 6 operates to require an adjustment to be made to the value of the Developer's Works if the Council grants consent to the Development subject to a condition requiring work to be carried out by the Developer for a purpose identified in the Council's s94 contributions plan. The clause makes provision for the determination of the adjustment by a suitably qualified quantity surveyor and sets out costs relating to the work required to be carried out by the Developer that are to be excluded from the calculation of the adjustment.

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Clause 7 requires the Developer to make provision for the Developer's Works in accordance with the Totem Stage 2 Development Application. The clause requires the Council to apply the Developer's Works for the Public Purpose, at the locations, in the manner and to the standards required by or under this Agreement.

Clause 8 requires the Developer to pay to the Council a monetary contribution of \$900,000 to be applied by the Council towards the provision, extension or augmentation of one or more of the public facilities in the Council's area as set out in the Council's s94 contributions plan.

Clauses 9 and 10 establish a process for the determination of whether a Work comprising the Developer's Works has been completed and for the rectification of defects by the Developer.

Clauses 11 is a formal provision relating to the dedication to the Council of land comprising the Developer's Works.

Clause 12 makes provision for the public use of privately-owned works and facilities and requires a covenant or restriction as to user to be registered on the title to the relevant land to secure that use. The clause requires such works and facilities, except the dual use parking spaces serving the Sydney Road, Balgowlah, shops, to be available for public use at all times. The dual use parking is required to be available for public use at all times for the retail component of the development to which this Agreement applies. The clause also makes provision for the holding of Special Events by the Council in the landscaped plaza within the development on terms and conditions to be agreed between the Council and the Developer. The clause also provides for the charging of reasonable fees by the Developer for use by the public of the dual use car parking.

Clause 17 provides for the Developer to provide security to the Council for the Developer's obligations to carry out Work under this Agreement. The clause requires the Developer to provide the Council with a bank guarantee in an amount equal to the estimated value of the Work. The clause establishes a process for the release and return of the Developer's bank guarantees.

Schedule 1 sets out the land to which this Agreement applies.

Schedule 2 sets out the Development to which this Agreement applies.

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PLANNING AGREEMENT

Parties

Stockland Development Pty Ltd of Level 16, 157 Liverpool Street, Sydney, New South Wales, 2000 (**Developer**)

Manly Council of 1 Belgrave Street, Manly, New South Wales, 2095 (**Council**)

Background

- A. The Developer has lodged the Totem Stage 2 Development Application with Council and proposes to lodge the Manly Masonic Club Development Application and the 162-182 Woodland Street Development Application.
- B. The Totem Stage 2 Development and Manly Masonic Club Development will replace existing development including the Totem Shopping Centre, specialty shops, community club and disused ten pin bowling alley.
- C. The Development will make provision for the carrying out of public works and the provision of material public benefits by the Developer.
- D. This Agreement specifies the value of those works and requires the Developer to make a monetary contribution to the Council in respect of the development.
- E. Under s79(2) of the Act, the Council or any other person acting as the consent authority (within the meaning of the Act) must take this Agreement into consideration, to the extent relevant, when determining a development application to carry out the Totem Stage 2 Development.

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Operative Provisions

1 Definitions and Interpretation

The Dictionary at the end of this Agreement defines words and expressions that are used in this Agreement and otherwise makes provision for the interpretation of this Agreement.

2 Purposes of this Agreement

The principal purposes of this Agreement are:

- (a) to require the Developer to make provision for the Developer's Works in connection with the carrying out of the Development,
- (b) to ascribe a value to the Developer's Works, and
- (c) to specify a monetary contribution to be paid by the Developer to the Council towards the provision of Public Facilities in the Council's area.

3 Operation of Planning Agreement

3.1 Until the Planning Agreement operates, this document constitutes the Developers irrevocable offer to enter into the Planning Agreement if Development Consent is granted to the Totem Stage 2 Development.

3.2 The Planning Agreement operates only if:

- (a) Development consent is granted to the carrying out of the Totem Stage 2 Development subject to a condition imposed under s93I(3) of the Act requiring the Planning Agreement to be entered into, and

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- (b) the Planning Agreement is entered as required by clause 25C(1) of the Regulation, and
- (c) the Developer gives the Council notice of its intention to commence the Totem Stage 2 Development pursuant to section 81A(2)(c) of the Act.

Note: Clause 3.2, amongst other things, is intended to ensure that the easements made under this Agreement are consistent with the City Law (as defined in the Act) and do not conflict with any other easement or right of way created by the Developer under the Act or any other law. The parties acknowledge that the Agreement may be varied from time to time by written agreement between the parties which attorney-in-fact may be given for documents relating to the variation of the Agreement. Any such variation must be in writing and signed by both parties. Any variation of the Agreement must be in accordance with the requirements of the Act.

4 Further Agreements Relating to this Agreement

- 4.1 The Parties may, at any time, enter into such other agreements relating to any matter the subject of this Agreement that they consider are necessary or desirable in order to give effect to this Agreement.
- 4.2 An agreement referred to in clause 4.1 is not to adjust the value of the Developer's Works and is not to be otherwise inconsistent with this Agreement.

5 Application of Sections 94 and s94A of the Act

For the purposes of s93F(5) of the Act, this Agreement excludes the application of s94 and s94A of the Act to the Development.

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6 Application of s80A of the Act to the Development

- 6.1 If Development Consent is granted to any stage of the Development subject to a condition imposed under s80A(1) of the Act requiring the Developer to carry out work for a purpose identified in a contributions plan (within the meaning of s94EA of the Act), the value of the Developer's Works is to be reduced by the value of the work.
- 6.2 If clause 6.1 applies, the Parties, acting in good faith and having regard to their commercial interests, are to agree upon an appropriate adjustment of the Developer's obligations under this Agreement to give effect to that subclause.
- 6.3 In clause 6.1, the reference to *the value of the Developer's Works* is a reference to the estimated cost of the Developer's Works, when completed, determined using the method that would be adopted by a suitably qualified quantity surveyor, but excluding the following costs:
 - (a) the costs of the land on which the Development is to be carried out,
 - (b) the costs of any repairs to any building or works on the land that are to be retained in connection with the Development,
 - (c) the costs associated with marketing or financing the Development (including interest on any loans),
 - (d) the costs associated with legal work carried out or to be carried out in connection with the Development,
 - (e) project management costs associated with the Development,
 - (f) the cost of building insurance in respect of the Development,
 - (g) the costs of commercial stock inventory, and
 - (h) any taxes, levies or charges (other than GST) paid or payable in connection with the Development by or under any law.

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7 Provision of Developer's Works under this Agreement

- 7.1 Subject to this Agreement, the Developer is to carry out or otherwise make provision for the Developer's Works.
- 7.2 The Parties agree that the value of the Developer's Works for the purposes of this Agreement is \$5,872,038.
- 7.3 The Developer's Works are to be carried out in accordance with:
 - (a) the terms of the Totem Stage 2 Development Application, and
 - (b) this Agreement and any agreement entered into by the Parties under clause 4 of this Agreement.
- 7.4 Except as provided by clause 11, the hand-over to the Council under clause 9 of this Agreement of a Work forming part of the Developer's Works is done in full and final satisfaction of all costs and expenses required to be borne by the Developer of and incidental to the provision of the Work.
- 7.5 The Council is to apply the Developer's Works for the Public Purpose, at the locations in the manner and to the standards required by or under this Agreement.

8 Monetary Contribution Required to be Made by the Developer

- 8.1 The Developer is to make a monetary contribution to the Council of \$900,000, which is to be applied by the Council towards the cost of the provision, extension or augmentation of the Public Facilities specified in the works schedule to any contributions plan that has been approved by the Council under s94EA of the Act and is in force at the time the money is so applied.
- 8.2 The monetary contribution required to be paid by clause 9.1 is to be paid in cash or by unendorsed bank cheque before the first construction certificate is issued relating to the Totem Stage 2 Development.
- 8.3 The Council is to apply money paid under this clause within a reasonable time.

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9 Completion of Developer's Works

- 9.1 The provision by the Developer under this Agreement of a Work comprising the Developer's Works is made for the purposes of this Agreement when the Council accepts the completion and hand-over of the Work in accordance with this clause.
- 9.2 When the Developer considers that a Work is complete, the Developer may give to the Council a Compliance Certificate relating to the Work.
- 9.3 The Council must accept the hand-over from the Developer of a Work that is the subject of a Compliance Certificate within 14 days of the date on which the Developer provides a copy of the Compliance Certificate to Council.
- 9.4 On hand-over of the Work, the ownership, possession and control of the Work passes to the Council.

10 Rectification of Defects

- 10.1 During the First Defects Liability Period and the Second Defects Liability Period, the Council may give to the Developer a Rectification Notice, which the Developer must comply with at its own cost according to the terms of the Notice.
- 10.2 When the Developer considers that rectification work is complete, the Developer may request the Council to issue a Rectification Certificate relating to the work the subject of the relevant Rectification Notice.
- 10.3 Within 14 days of receipt of the Developer's request under clause 10.2, the Council is to:
 - (a) issue a Rectification Certificate to the Developer if it is satisfied that the Work the subject of the Rectification Notice has been carried out in accordance with the Notice , or
 - (b) give the Developer notice of its decision to refuse to issue a Rectification Certificate containing reasons for its decision

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that are sufficiently detailed to inform the Developer of the work that needs to be done to enable the Council to issue the Certificate.

- 10.4 Without limiting any other rights of the Developer, upon receipt of a notice under clause 10.3(b), the Developer may obtain a compliance certificate from an accredited certifier, appointed by agreement between the Parties acting reasonably, in relation to the Work the subject of the Rectification Notice.
- 10.5 A Rectification Certificate or a Compliance Certificate referred to in clause 10.4 discharges the Developer from any further obligation to comply with a Rectification Notice.
- 10.6 If the Developer does not comply with a Rectification Notice, then the Council may have the defect rectified and may recover its costs of so doing as a debt due in a court of competent jurisdiction.

11 Transfer of Land Comprising Developer's Works

- 11.1 For the purposes of this Agreement, land comprising the Developer's Works is taken to be dedicated to the Council when the Council is given an instrument in registrable form under the Real Property Act 1900 that is effective to transfer title to the land to the Council when registered.
- 11.2 To allow for the registration of an instrument of transfer referred to in clause 11.1, the Developer:
 - (a) is to produce to the Land Titles Office the certificate of title to the land to be dedicated under this Agreement or a direction allowing the certificate of title to be used for that purpose, and
 - (b) give the Council an irrevocable undertaking to deliver to the Council the certificate of title if that certificate is released to the Developer by the Land Titles Office.
- 11.3 For the avoidance of doubt, the Council is required to accept the dedication of land at the same time as it is required, in accordance with clause 9.3, to accept

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the completion of any Work required by this Agreement to be undertaken by the Developer on the land.

12 Public Use of Certain Privately-Owned facilities

- 12.1 The Developer, at its own cost, is to make the following Public Facilities (as approved by any relevant Development Consent relating to the Development) available for public use at all times and is to manage and maintain the Public Facilities for that purpose:
- (a) Landscaped Plaza,
 - (b) Griffiths Street Pedestrian Link,
 - (c) Woodland Street Pedestrian Link, and
 - (d) Sydney Road Pedestrian Link.

12.2 The Developer, at its own cost, is to make the Totem Retail car park available for public use at all times that the retail component of the Totem Stage 2 Development is permitted to operate and is to manage and maintain the car parking spaces for that purpose.

12.3 The Developer is to make the Landscaped Plaza available on reasonable terms for occasional or periodic use by the Council for Special Events on such terms and conditions as are agreed in writing between the Parties acting reasonably.

12.4 The Developer may charge a reasonable fee for the use by a member of the public of a Public Facility referred to in clause 12.2.

12.5 The Developer is to cause to be registered on the title to the land on which the Public Facilities referred to in clauses 12.1 and 12.2 are located, a covenant or restriction on use within the meaning of the Conveyancing Act 1919, which secures the Developer's obligations under those clauses on terms reasonably acceptable to the Council.

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13 Explanatory Note Relating to this Agreement

- 13.1 The Appendix contains the Explanatory Note relating to this Agreement required by clause 25E of the Regulation.
- 13.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note in the Appendix is not to be used to assist in construing the Planning Agreement.

14 No Registration of this Agreement

The Parties agree not register this Agreement under s93H of the Act.

15 Review of this Agreement

- 15.1 The Parties, acting in good faith and having regard to their commercial interests, agree to review this Agreement if either Party is of the opinion that any change of circumstance has occurred that materially affects the operation of this Agreement.
- 15.2 For the purposes of clause 15.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other planning authority to restrict or prohibit any aspect of the Development.

16 Dispute Resolution

- 16.1 Should a dispute arise under this Agreement, the Parties shall firstly meet in an attempt to resolve the dispute.
- 16.2 If the dispute is not resolved within 28 days of the date that a Party first raises the issue about which there is a dispute, the Parties must mediate the dispute in accordance with the Mediation Rules of the Law Society of New South Wales

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that are current at the time the dispute is mediated and must request the President of the Law Society, or the President's nominee, to select a mediator.

- 16.3 If the dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.

17 Provision of Security for Works

- 17.1 Prior to the construction of a Work, the Developer is to provide the Council with a bank guarantee in an amount equal to the estimated value of the completed Work determined using the method that would be adopted by a suitably qualified quantity surveyor.
- 17.2 The value referred to in clause 17.1 is to include the costs of design, project management, consultants and any other costs and expenses that would be reasonably incurred by the Developer in carrying out the Work.
- 17.3 The Council is not to call upon a bank guarantee provided under clause 17.1 unless the Developer is in material or substantial breach of this Agreement in relation to the Work to which the bank guarantee relates and has failed to rectify the breach after having been given reasonable notice in writing to do so by the Council.
- 17.4 The Council is to release and return the bank guarantee to the Developer upon the issuing of a Rectification Certificate or a Compliance Certificate, as the case requires, for the Work in accordance with this Agreement.

18 Enforcement

- 18.1 This Agreement may be otherwise enforced by either Party in any court of competent jurisdiction.

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18.2 For the avoidance of doubt, nothing in this Agreement prevents:

- (a) a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates,
- (b) in addition, the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

19 Notices

19.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- (a) delivered or posted to that Party at its address set out in Schedule 4,
- (b) faxed to that Party at its fax number set out in Schedule 4, or
- (c) emailed to that Party at its email address set out in Schedule 4.

19.2 If a Party gives the other Party 3 business days written notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

19.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:

- (a) If it is delivered, when it is left at the relevant address.
- (b) If it is sent by post, 2 business days after it is posted.

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- (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

19.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

20 Approvals and Consent

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

21 Sale of the Land

21.1 The Developer agrees not to transfer the Land or part of the Land, other than individual residential, retail or commercial allotments created pursuant to any consent granted to the Totem Stage 2 Development Application, The Manly Masonic Club Development Application or 162-182 Woodland Street Development Application unless:

- (a) it has, at no cost to the Council, first procured the execution by the person with whom it is dealing of a Deed in favour of the Council in the form set out in Schedule 3,
- (b) the Developer has provided to the Council evidence to show that the proposed transferee of the Land or part is reasonably capable of performing its obligations under the Deed set out in Schedule 3, and

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(c) the Developer is not in breach of this Agreement.

- 21.2 The Developer is not obliged to procure the agreement referred to in clause 21.1(a) if that part of the Land being sold as a lot or lots is intended for separate occupation for residential, retail or commercial purposes.

22 Costs

The Parties agree to bear their own costs of preparing, negotiating, executing and stamping this Agreement and any document related to this Agreement.

23 Entire Agreement

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

24 Further Acts

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Agreement and all transactions incidental to it.

25 Governing Law and Jurisdiction

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

26 Joint and Individual Liability and Benefits

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Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

27 No Fetter

Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

28 Representations and Warranties

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

29 Severability

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

30 Modification

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

ATTACHMENT 7

Environmental Services Division Report No. 69 - 197-215 Condamine Street, Balgowlah

Totem Redevelopment

Draft Section 93F Agreement - Lindsay Taylor Lawyers

Totem Redevelopment Planning Agreement

Stockland Development Pty Ltd

Manly Council



31 Waiver

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

32 GST

- 32.1 Except as provided by clause 32.2, if any Party reasonably decides that it is liable to pay GST on a supply made to the other Party under this Agreement and the supply was not agreed to include GST, then the recipient of the supply must pay an additional amount equal to the GST on that supply.
- 32.2 If the Developer is or becomes liable to pay GST on a Development Contribution under this Agreement, the value of that Development Contribution shall be taken to include the value of the GST which the Developer is liable to pay.

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Schedule 1

(Clause 1)

The Land

Totem Stage 2 Development

The land contained in:

- Folio Identifier 2/701218
- Certificate of Title Volume 9670 Folio 227
- Folio Identifier 1/392828
- Folio Identifier 2/392828
- Folio Identifier 1/213472
- Folio Identifier B/382578
- Folio Identifier B/399586
- Folio Identifier A/399586
- Folio Identifier 100/592062
- Folio Identifier 1/213473
- Folio Identifier 1/748330
- Folio Identifier 2/748330
- Folio Identifier 2/8949
- Folio Identifier 3/8949
- Folio Identifier 16/9650
- Folio Identifier 15/9650
- Folio Identifier 101/592062

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- Folio Identifier 1/501541

- Folio Identifier 1/206628

- Folio Identifier 3/701218

- Folio Identifier 1/701218

Manly Masonic Club Development

Part of the land contained in the Stage 2 DA

162-182 Woodland Street Development

The land contained in:

- Folio Identifier 201/1065493

- Folio Identifier A/347250

- Folio Identifier B/347250

- Folio Identifier A/162462

- Folio Identifier B/162462

- Folio Identifier A/382578

- Folio Identifier 25/0929

- Folio Identifier 7/9650

- Folio Identifier 2/303359

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Schedule 2

(Clause 1)

The Development

Part 1 - Totem Stage 2 Development

Totem Stage 2 Development - Development the subject of DA101/06 made by the Developer to Council for a mixed retail/residential development, seeking approval for excavation, construction of residential, retail and commercial buildings, relocation of services and removal of trees.

Part 2 – Manly Masonic Club Development

The Manly Masonic Club Development – This development will have a floor area of approximately 1,500m². A DA for this development will be lodged after DA101/06 for the Totem Stage 2 Development is approved. The Masonic Club is scheduled to open when the podium level of the Totem Shopping Centre retail opens.

Part 3 – 162-182 Woodland Street Development

162-182 Woodland Street Development - This development is a separate residential development consisting of approximately 25 residential dwellings intended to be the subject of a development application submitted in late 2006.

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Stockland Development Pty Ltd

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Schedule 3

(Clause 21)

DEED OF ADOPTION AND ACKNOWLEDGMENT

Parties

Stockland Development Pty Ltd of Level 16, 157 Liverpool Street, Sydney New South Wales, 2000 (**Developer**)

Manly Council of 1 Belgrave Street, Manly, New South Wales 2095 (**Council**)

"## Insert name of Purchaser" of # (Purchaser)

Recitals

- A. The Developer and the Council are parties to the agreement, under which the Developer is not to sell any of the land the subject of the agreement without entering and procuring the purchaser to enter into a deed in this form.
- B. The Developer wishes to sell to the purchaser the Sale Land.

Operative Provisions

1 Interpretation

- 1.1 In this Deed the following definitions apply:

Agreement means the planning agreement dated "## insert date" 200"##insert year" between the Developer and the Council made pursuant to s93F of the *Environmental Planning and Assessment Act 1979*

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Assigned facilities means the facilities which are described in the second schedule to this deed.

Facilities means the facilities agreed to be provided by the Developer to the Council as described in the Agreement.

Sale Land means the land described in the first schedule to this deed.

1.2 In the interpretation of this Deed, the following provisions apply unless the context otherwise requires:

- (a) words or expressions defined in the Agreement bear the same meaning in this deed.
- (b) words importing the singular include the plural and vice versa.
- (c) words importing a gender include the other gender.

2. Adoption of Agreement by Purchaser

2.1 The Purchaser has read the Agreement and agrees to be bound by it so far as it applies to the Sale Land as if the Purchaser were named as a Party to it in the place of the Developer.

2.2 In particular, but without limiting the generality of the foregoing, the Purchaser must comply with the provisions of the Agreement with respect to the Assigned Facilities to the extent that the Developer has not done so at the date of this deed.

2.3 Nothing in this deed affects the rights or liabilities of the Developer under the Agreement in relation to any matter other than the obligation to provide the Assigned Facilities.

3. Conditions of Consent for Sale Land

3.1 The Purchaser acknowledges and agrees that the Council will require, as a condition of any Development Consent with respect to the whole or part of the Sale Land, that the Agreement be complied with as regard to the land the subject of that consent.

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SCHEDULE 1

The Sale Land

"## insert schedule 1"

SCHEDULE 2

The Assigned Facilities

)

Signed as a Deed

##

)

Signed sealed and delivered on behalf of
the Developer

)

Signed sealed and delivered on behalf of
the Purchaser

)

Signed sealed and delivered as Attorney for
Manly Council pursuant to
Power of Attorney registered No.

)

Book _____ and in the presence of _____

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Schedule 4

(Clause 19)

Contact for Notices

Council

Attention: Mr Henry Wong
Address: The General Manager
Manly Council
1 Belgrave Street
MANLY NSW
Fax Number: 9976 1500
Email: records@manly.nsw.gov.au

Developer

Attention: Mr Hugh Martin/National General Manager - Apartments
Address: Stockland Development Pty Limited
Level 16, 157 Liverpool Street
Sydney, NSW, 2000
Fax Number: 9561 2677
Email: hugh.martin@stockland.com.au

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Dictionary

(Clause 1)

1. In this Agreement the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979 (NSW)*.

Compliance Certificate means a compliance certificate within the meaning of s109C(1)(a)(i) of the Act to the effect that Work has been completed as specified in the certificate and complies with the plans and specifications the subject of the relevant Development Consent for the work.

Development means the Totem Stage 2 Development, The Manly Masonic Club Development and the 162-182 Woodland Street Development to be carried out on the Land, as more particularly described in Schedule 2.

Development Consent means a development consent granted under the Act.

Development Contribution means a monetary contribution, the dedication of land free of cost, the carrying out of work, or the provision of any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.

Developer's Works means the Development Contributions comprising the public works and other material public benefits proposed by the Totem Stage 2 Development Application to be provided by the Developer in connection with the carrying out of the Development.

Fist Defects Liability Period means the period of 180 days on and from the date on which the Developer gives the Council a Compliance Certificate under clause 10.4 of this Agreement.

GST has the same meaning as in the GST Law.

GST Law has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* and any other Act or regulation relating to the imposition or administration of the goods and services tax.

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Land means the land specified or described in Schedule 1 in relation to the Totem Stage 2 Development, The Manly Masonic Club Development and 162-182 Woodland Street Development.

Manly Masonic Club Development means the development specified or described in Part 2 of Schedule 2.

Manly Masonic Club Development Application means an application by the Developer to the Council for Development Consent to carry out the The Manly Masonic Club Development.

Party means a party to this Agreement, including their successors and assigns.

Planning Agreement means the provisions of this Agreement under which the Developer is required to make Development Contributions in connection with the carrying out of the Totem Stage 2 Development.

Public Facility means a public amenity, a public service, a public facility, public land, public infrastructure, a public road, a public work, or any other act, matter or thing that meets a public purpose.

Public Purpose means any purpose that benefits the public or a section of the public, including but not limited to a purpose specified in s93F(2) of the Act.

Rectification Certificate means a Compliance Certificate within the meaning of s109G(1)(a)(v) of the Act to the effect that work the subject of a Rectification Notice has been completed in accordance with the Notice.

Rectification Notice means a notice in writing that identifies a defect in a Work and requires rectification of the defect within a specified period of time.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Second Defects Liability Period means the period of 180 days on and from the date on which the Developer gives the Council a Rectification Certificate under clause 13 of this Agreement relating to a Rectification Notice given in the First Defects Liability Period.

Special Event means a festival, concert, market or other similar function.

Totem Stage 2 Development means the development specified or described in Part 1 of Schedule 2.

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Totem Stage 2 Development Application means an application by the Developer to the Council for Development Consent to carry out the Totem Stage 2 Development.

162-182 Woodland Street Development means the development specified or described in Part 3 of Schedule 2.

162-182 Woodland Street Development Application means an application by the Developer to the Council for Development Consent to carry out the 162-182 Woodland Street Development.

Work means the physical result of any building, engineering or construction work in, on, over or under land required to be carried out by the Developer under this Agreement.

2. In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:
 - (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
 - (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
 - (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
 - (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
 - (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
 - (f) A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.

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-
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
 - (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
 - (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
 - (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to a gender denotes the other gender.
 - (k) References to the word 'include' or 'including' are to be construed without limitation.
 - (l) A reference to this Agreement includes the Agreement recorded in this Agreement.
 - (m) A reference to a Party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
 - (n) ~~schedules, appendices and attachments form part of this Agreement.~~
-

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Execution Page for Planning Agreement

Dated: "##Insert Date"

Signed on behalf of the Council:

General Manager

Mayor

Signed on behalf of Stockland Development Pty Ltd

Witness

Witness

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Appendix

(Clause 13)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Draft Planning Agreement

Under s93F of the Environmental Planning and Assessment Act 1979

1 Parties

Stockland Development Pty Limited of Level 16, 157 Liverpool Street, Sydney, New South Wales, 2000 (Developer)

Manly Council of 1 Belgrave Street, Manly New South Wales, 2095 (Council)

2 Description of Subject Land

The draft Planning Agreement relates to land at Balgowlah, New South Wales, as more particularly described in Schedule 1 to that Agreement.

3 Description of Proposed Development Application

The draft Planning Agreement applies to proposed development as described in Schedule 2 to that Agreement. The draft Planning Agreement, for the purpose of being publicly exhibited and considered by the Council, relates to DA101/06 made by the Developer to Council for a mixed retail/residential development.

4 Summary of Objectives, Nature and Effect of the Draft Planning Agreement

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The principal objectives of the draft Planning Agreement are:

- to require the Developer to make certain public benefits in the form of the carrying out of certain public works and the provision of certain material public benefits (**Developer's Works** as defined in the Dictionary to the draft Planning Agreement) in connection with the carrying out of development to which that Agreement applies,
- to ascribe a value to the Developer's Works, and
- to specify a monetary contribution to be paid by the developer to the Council towards the provision of public facilities in the Council's area.

5 Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement

The draft Planning Agreement secures the carrying out of public works at the Developer's cost in connection with the Development, being works that the Parties agree confer a material public benefit on the community.

The draft Planning Agreement also secures funding from the Developer towards the costs of works set out in the works schedule the Council's s94 contributions plan.

Overall, the draft Planning Agreement ensures that the Developer is required to make fair and reasonable development contributions in connection with the Development. The total value of the public benefits to be provided by the Developer under the draft Planning Agreement exceeds the contributions the Developer could have been required to make in respect of the Development under *Manly Council Contributions Plan 2004*.

The Impact (Positive or Negative) of the Draft Planning Agreement on the Public or Any Relevant Section of the Public

The draft Planning Agreement facilitates the granting of consent to the Development in a timely fashion, which, in turn, will facilitate the accelerated provision of an alternative major shopping area and associated Developer's Works for the Council's area generally and the Balgowlah area in particular.

How the Draft Planning Agreement Promotes the Public Interest

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The draft Planning Agreement promotes the public interest by securing, for the benefit of the community, the carrying out of public works at the Developer's cost in connection with the Development.

How the Draft Planning Agreement Promotes the Objects of the Environmental Planning and Assessment Act 1979

The draft Planning Agreement, by making provision for the Developer's Works and the payment by the Developer to the Council of a monetary contribution towards the provision, extension or augmentation of public facilities in the Council's area, promotes the following objects of the *Environmental Planning and Assessment Act 1979* as set out in s5(a) of that Act:

- the promotion and co-ordination of the orderly and economic use and development of land,
- the provision of land for public purposes,
- the provision and co-ordination of community services and facilities.

How the Draft Planning Agreement Promotes the Elements of the Council's Charter

The draft Planning Agreement promotes the following elements of the Council's statutory Charter as set out in s8 of the *Local Government Act 1993*:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively,
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible,
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government,
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- to keep the local community and the State government (and through it, the wider community) informed about its activities.

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All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program

The draft Planning Agreement does not conform to the Council's currently adopted capital works program.



TO: Land Use Management Committee - 4 December 2006
REPORT: Environmental Services Division Report No. 70
SUBJECT: 106 Darley Road, Manly - St Pat's Estate - Spring Cove
FILE NO: DA482/04

Application Lodged: 22 October 2004
Applicant: Lend Lease Development Pty Ltd
Owner: Catholic Archdiocese of Sydney
Estimated Cost: \$43.7 M
Zoning: Manly Local Environmental Plan, 1988 - Residential (Amendment No24)
Surrounding Development: Residential, Special Uses and Open Space
Heritage: Subject to Amt No24 and MLEP Schedule 11 Controls

SUMMARY:

1. ENVIRONMENTAL SERVICES DIVISION REPORT NO 63 WAS SUBMITTED TO THE LAND USE MANAGEMENT COMMITTEE ON 6 NOVEMBER RECOMMENDING THAT DEFERRED COMMENCEMENT CONSENT BE GRANTED TO THE PROPOSAL.
2. THE COMMITTEE RESOLVED TO DEFER CONSIDERATION OF THE APPLICATION. THE APPLICANT WAS REQUESTED TO RESPOND TO SOME 6 ISSUES.
3. ON THE 28TH NOVEMBER THE APPLICANT LODGED A SUBMISSION RESPONDING TO THE 6 ISSUES AND REQUESTING THAT THE CONSENT NOT BE A "DEFERRED COMMENCEMENT" CONSENT IN LIGHT OF THE CONTENT OF THE SUBMISSION.
4. THIS ASSESSMENT REPORT RECOMMENDS ACCEPTANCE OF THE RESPONSES BY LEND LEASE AND THE GRANTING OF A FINAL CONSENT TO THE APPLICATION.

LOCALITY PLAN

Shaded area is subject land.



REPORT

Introduction

At its meeting of 6 November 2006 the Land Use Management Committee resolved that the application be deferred for consideration of the following matters;

- House 16 be relocated from its current position or totally omitted. If it is to be relocated to the sites of houses 1, 2, 3, and 4 those buildings must be no higher and should be moved

Environmental Services Division Report No. 70 (Cont'd)

further from the residential boundary and they not lie prominently within the line of vision from the "Archbishop's Residence"

- House 17 remain on its current site with no increase in height
- Traffic management treatment for Osborne Road to include, Blister treatment of Marshall Street and the Crest on Osborne Road be removed/reduced
- Dual reticulation to site and each dwelling be provided
- Traffic management plan be provided for Eastern Hill and other nearby areas.
- That the driveway, road and other hard surface landscape areas being constructed of semi pervious materials/design with details being submitted to the Private Certifying Authority prior to issue of the Construction Certificate.

In addition to the above matters the question of the impact on the foreshore reserve of the extension of the sewer line from the site to the Sydney Water sewer in Stuart St was raised by community members.

Submission

Lend Lease submitted on 28 November a letter and an accompanying package addressing each of the above issues and the impact of the proposed sewer extension. Within the package is a letter from Ingham Planning summarising the responses to the matters identified by Council (copy attached at AT 1). The following table sets out the issue, the response by Lend Lease and an assessment of the response.

Issue	Lend Lease response	Assessment
(1) House 16 be relocated or omitted	House 16 has been relocated to site of houses 1 to 4 and those dwellings redesigned as townhouses. The submission includes plans and photomontages	Relocation proposed complies with Council's request. However the consequences of the relocation are that dwellings 1 – 4 have been redesigned as 5 townhouses and are moved further away from the boundary with the adjoining Unit block. Report No 63 recommended acceptance of the 4 dwellings. The revised proposal for this part of the site is an improvement on those 4 houses and is therefore acceptable.
(2) House 17 remain on its current site with no increase in height	House 17 has been redesigned but remains generally in the same location but has been reduced in size and moved further up the site The submission includes plans and photomontages.	Although house 17 has been repositioned on the part of the site previously occupied by Dwellings 16 & 17 the outlook and views from the adjoining units have been improved. Additionally the building now complies with the Council's height controls.
(3) Traffic management treatment for Osborne Rd to include, blister treatment of Marshal St and the crest on Osborne Rd be removed /reduced.	Additional details are provided as shown on Dwg 01S828-SK02/A dated 13.11.06. This shows blisters and signage at entrance to Osborne Rd from Marshall St. The plans also	See comments by Council's Manager Traffic & Transport below which states that the Council's requirements have been met. In regard to the tree in the

Environmental Services Division Report No. 70 (Cont'd)

	show by cross section the lowering of the hump at the entrance to the site. Because the question of whether the tree should be retained at the entrance or removed and the entrance narrowed a further sketch was submitted showing that alternative. The applicant advises it is up to Council to decide which option to adopt.	centre of the entry point it is recommended that it remain. Any benefit gained by removing the tree and narrowing the road carriageway is not as great as the benefit derived from retention of the tree. Those benefits include marking the end of Osborne St as a public road and the likelihood of slowing cars as they enter and exit the estate at this point thereby improving safety and minimising noise.
(4) Dual reticulation to the site and each dwelling be provided	While each dwelling is provided with dual reticulation it is not provided to the estate as a whole. The use of grey water is considered inappropriate given the sensitive nature of the site and that grey water tends to be nutrient rich which is adverse to native flora and fauna. Council's "Grey Water Reuse Policy" prohibits reuse of grey water in this area.	Response is considered self explanatory and acceptable
(5) Traffic Management Plan be provided for eastern hill and other nearby areas	Details additional to those submitted with the DA have been provided.	See comments by Council's Manager Traffic & Transport below
(6) The driveway road and other hard surface landscape areas being constructed of semi pervious materials/design with details being submitted to the PCA prior to issue of the Construction certificate	The whole site is the subject of a water management strategy which includes directing water from hard surfaces into 'bio swales' from where it can infiltrate the ground. This system achieves the same objective as having semi-porous hard surface.	Response is considered self explanatory and acceptable
(7) Impact of sewer on foreshore reserve	The plan provided shows the route of the new sewer and the photographs show that it is all grassed. Consequently the impact on the bushland is minimal	Noted

Comments by Manager Traffic & Transport.

Point No.3 - Traffic Management treatment for Osborne Rd to include, Blister treatment at Marshall St and the crest on Osborne Rd be removed/reduced.

In terms of the above two issues, i.e. Traffic calming in Osborne Rd at Marshal St and reduction of the crest in Osborne Rd the accompanying documentation, Drawing No SKO2/A details the appropriate traffic control device and "No Through Road" signage. In

Environmental Services Division Report No. 70 (Cont'd)

addition it shows the existing and proposed longitudinal and cross sections of Osborne Rd and the proposed reduction in the crest.

Comment:

Both of these conditions have been met satisfactorily.

Point No. 5 - Traffic management plan be provided for Eastern Hill and other nearby areas.

In terms of the above i.e. traffic management plan be provided for Eastern Hill and other nearby areas the accompanying documentation has provided a traffic assessment prepared by Colston Budd Hunt and Kafes, for the surrounding area which concluded;

... The road network within Manly's Eastern Hill, including its intersections will be able to comfortably accommodate the additional traffic generated by the overall St Patrick's Estate redevelopment during the morning and afternoon peak periods.

Comment:

I concur with the above conclusion; however, this is not exactly what the above question really asked for. Therefore I have added the following summary of traffic management measures (A-F) recently approved, recently implemented or about to be implemented by Council for the Eastern Hill area. These measures will provide additional pedestrian and traffic management improvements for the Eastern Hill area.

Note (TBC) means - to be constructed;

- A. Darley Rd Traffic Management Scheme, Corso to North Head. (TBC). These measures are described below in more detail.

1. Darley Road between Victoria Parade and Cliff Street.

Between the Darley Road/Victoria Parade intersection and the existing pedestrian refuge on Darley Road, located approximately midway between Ashburner Street and Cliff Street, it is proposed to implement a 'Shared Path' on the western footpath of Darley Road. The existing footpath is approximately 3.6m wide for the full length and suitable to cater for pedestrians and cyclists.

The existing pedestrian refuge located adjacent to No. 60 Darley Road is substandard, with an insufficient crossing gap area of approximately 1m x 2m and it is therefore proposed to reconstruct this refuge to improve its safety.

2. Darley Road at Cliff Street

Kerb extensions are proposed at this intersection together with a relocation of the existing 'STOP' line approximately 2m west. This will greatly improve available sight distance for motorists exiting Cliff Street and significantly reduce the potential for cross traffic (RUM code 10) type accidents at this intersection. The existing 15m length of 'No Stopping' that currently exists on the eastern side of Darley Road, immediately north and south of Cliff Street, could then be reduced to the statutory 10m which will provide an additional two on-street parking spaces, without significantly reducing sight distance.

To improve pedestrian conditions across Darley Road at this intersection, it is proposed to construct an additional kerb extension on the western side of Darley Road, which will reduce the exposure time for pedestrians by reducing the crossing width from 12.8m to

Environmental Services Division Report No. 70 (Cont'd)

approximately 9.5m and significantly improve sight distance available for pedestrians attempting to cross Darley Road.

3. Darley Road at Addison Road.

This intersection has been identified as a black spot, with a significant accident history, particularly cross traffic (RUM code 10) type accidents. A similar treatment to the above intersection is proposed using kerb extensions on all four legs of the intersection. The potential for these types of accidents will be significantly reduced with the relocation of both 'STOP' lines 2m closer to the Darley Road centreline.

Pedestrian amenity will also be improved across Darley Road at this intersection with reduced crossing widths available for pedestrians both north and south of Addison Road.

4. Darley Road between Vivian Street/Marshall Street and bend.

Kerb extensions as described above have been proposed at both intersections to improve sight distance for motorists exiting Vivian and Marshall Streets. An additional kerb extension is also proposed on the western side of Darley Road, between Vivian Street and Marshall Street, which will improve pedestrian amenity by reducing the crossing width in Darley Road.

5. Darley Road between the bend and Manly Hospital

A pedestrian refuge is proposed at the bend which will provide a safe and useful place for pedestrians to cross Darley Road. This will also be effective in reducing vehicle speeds along Darley Road whilst maintaining access for heavy vehicles and buses. Furthermore, this crossing facility will be available for cyclists to transition from the proposed on-road bicycle shoulder lanes to the north to the 'Shared Path' to the south proposed for the northern footpath of Darley Road between the bend and Manly Hospital

- B. Pedestrian Safety Guard Rail and Curve Warning Signage at the intersection of Osborne Rd and East Esplanade. (Complete).
- C. Pedestrian Refuge Island in East Esplanade at Victoria Pde. (Complete).
- D. Pedestrian Refuge Island in Victoria Pde at Darley Rd. (Complete).
- E. Shared Path and Off Road Cycle Way along Victoria Pde. (Complete).
- F. On road Cycleway, Wentworth Ave between East Esplanade and South Steyne. (Complete).

Community Consultation.

The Little Manly Precinct Community Forum at its meeting on 8 November 2006 resolved that Council be requested to provide details of the final plan and montages as soon as possible after which a special meeting of interested precinct residents will be held to review their position.

Upon receiving the documentation from Lend Lease on the 28th November the Precinct Chairman was phoned and the submission made available.

At the date of preparing this report no response had been received from the Precinct Forum.

Environmental Services Division Report No. 70 (Cont'd)**Planning Comments**

Of the seven issues identified above issues 3 to 7 have been satisfactorily responded to and do not require any change to the recommendation of the Environmental Services Division Report No 63.

Issues 1 and 2 relate to the concerns expressed in the previous report and by adjoining residents over the impact of dwelling 16 on views and outlook. As requested dwelling 16 has been deleted and dwelling 17 redesigned to have less impact on the outlook of the adjoining residents. This is evident from the photomontages provided. The removal of one dwelling from this part of the site will also have the effect of creating a feeling of greater openness in this corner of the site.

The relocation of dwelling 16 has also had beneficial effects on the upper part of the site. Lend Lease has redesigned the four dwelling to incorporate dwelling 16 as townhouses. Fully detailed plans have been provided together with photomontages. These townhouses have been moved further away from the boundary with the adjoining unit blocks and as a result the trees on this part of the site will have greater protection, the outlook and views from the units will be increased and there will be greater diversity of dwelling type on the site. The redesigned townhouses are considered to acceptable.

The recommendation of Report No 63, consideration of which was deferred at the Council meeting on 6 November, was for deferred commencement consent. The report set out three (3) matters to be addressed before full or final consent could be issued. The most significant was the redesign of dwelling 16. Given the above conclusion it can be said that that deferred commencement condition has been satisfied. The other two conditions related to the protection of trees. The requirements of the conditions were to ensure that the trees would be retained throughout all stages of construction and into the future. As a result those conditions can be treated as many other conditions of like nature where the resolution can be achieved prior to the issue of the Construction Certificate. As a result the conditions have been moved to be part of the standard conditions in the recommended consent.

CONCLUSION:

At its meeting of 6 November Council deferred consideration of Environmental Services Report No 63 to allow 6 issues to be addressed. Lend Lease has responded to those issues plus an additional matter namely the impact of the sewer across the foreshore reserve. All of the responses are considered acceptable.

Lend Lease has also requested that the consent now be issued in a final form. It is agreed this is appropriate.

The recommendation of this report will take the place of that in Report No 63. While the recommendation is by and large the same, the changes that have been made to the earlier report are as follows:

- (i) deleting the 'deferred commencement' introduction and conditions
- (ii) describing the nature of the development to include 5 townhouses.
- (iii) Including the new plans of dwelling 17 and the townhouses in the schedule of approved plans
- (iv) Including as conditions 294 and 295 the conditions relating to the tree protection and which were previously part of the deferred commencement conditions.

In considering this application Council will now have two reports before it. If Council accepts the recommendation of this report it can at the same time note the content of Environmental Report No 63 as a means of indicating it has taken all matters into account.

Environmental Services Division Report No. 70 (Cont'd)**RECOMMENDATION****A**

That pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979, consent be granted in respect of development application No 482/04 for subdivision of Lot 2 DP 544297 being Precincts 4,5,6,10 & 11 into 21 allotments being 17 residential lots for individual dwellings, 1 lot for 5 townhouses, 1 lot for 16 apartments, 1 lot containing road and landscape areas and 1 lot comprising Precincts 4 and 11 of the St Patrick's Estate and construction of 11 residential apartments, 5 townhouses and 17 detached dwelling houses at Precincts 5,6 & 10 St Patrick's Estate, Darley Road, Manly, subject to the following conditions:

1. Approved Plans

The development must be carried out in accordance with plans as follows;

PLAN NO		PREPARED BY	TITLE	AMENDMENT NO	DATE PREPARED
ZONE A & B - JAHN ASSOCIATES HOUSES					
0403	DA-08		House 6 Plans, Elevations and Sections	L	28/04/06
0403	DA-09		House 7 Plans, Elevations and Sections	L	"
0403	DA-10		House 8 Plans, Elevations and Sections	L	"
0403	DA-11		House 9 Plans, Elevations and Sections	L	"
0403	DA-12		House 10 Plans, Elevations and Sections	L	"
0403	DA-21		H6 – 10 Consolidated	M	16/05/06
0403	DA-22		H6 – 10 Consolidated	M	16/05/06
0403	DA-34		House 6 Perspective/Material	L	24/8/04
0403	DA-35		House 7 Perspective/Material	L	24/8/04
0403	DA-36		House 8 Perspective/Material	L	"
0403	DA-37		House 9 Perspective/Material	L	"
0403	DA-38		House 10 Perspective/Material	L	"
0403	DA-40		Garage Floor Compliance	L	13/4/06
0403	DA-41		First Floor Compliance	L	13/4/06
0403	DA-42		Second Floor Compliance	L	13/4/06
ZONE A – ARCHITECTS JOHANNSEN					
0611	A-02	Architects Johannsen	Site Plans	B	20/11/06

Environmental Services Division Report No. 70 (Cont'd)

0611	A-03	Architects Johannsen	House 1 & 2 plans	B	20/11/06
0611	A-04	Architects Johannsen	House 1 & 2 Elevations	B	20/11/06
0611	A-05	Architects Johannsen	House 3 Plans & Elevations	B	20/11/06
0611	A-06	Architects Johannsen	House 4 & 5 Plans	B	20/11/06
0611	A-07	Architects Johannsen	House 4 & 5 Elevations	B	20/11/06

ZONE B - ALEX POPOV APARTMENTS

0247	DA-01	Alex Popov Architects	Title Page	L	8/7/04
0247	DA-02		Site Analysis	L	18/8/04
0247	DA-03		Basement Plan	L	"
0247	DA-04		Ground Floor Plan	L	8/2/06
0247	DA-05		First Floor Plan	L	18/8/04
0247	DA-06		Roof Plan	L	"
0247	DA-07		Apartment Types	L	"
0247	DA-08		Elevations	L	"
0247	DA-09		Sections	L	14/7/04
0247	DA-10		Materials	L	18/8/04
0247	DA-11		Area Calculation	L	3/09/04
0247	DA-12		Apartment Types 2	L	18/8/04
0247	DA-13		Apartment Types 3	L	18/8/04

ZONE C - GROSE BRADLEY HOMES

S040318	A-00	Grose Bradley Architects	Cover Sheet	L	May 2004
S040318	A-01		Site Analysis Plan- Roof Plan Houses 18- 23	11	"
S040318	A-02		Site Plan - Ground Floor Houses 18-23	11	"
S040318	A-03		Site Plan - First Floor Houses 18-23	11	"
S040318	A-04		Site plan- Area Calculations 18-23	11	"
S040318	D-01		Floor Plans and Roof Plan House 18	11	"
S040318	D-02		Floor Plans and Roof Plan House 19	11	"
S040318	D-03		Floor Plans and Roof Plan House 20	11	"
S040318	D-04		Floor Plans and Roof Plan House 21	11	"
S040318	D-05		Floor Plans and Roof Plan House 22	11	"
S040318	D-06		Floor Plans and Roof Plan House 23	11	"
S040318	F-01		House 18 Sections & Elevations	11	"
S040318	F-02		House 19 Sections & Elevations	11	"
S040318	F-03		House 20 Sections & Elevations	11	"

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S040318	F-04		House 21 Sections & Elevations	11	"
S040318	F-05		House 22 Sections & Elevations	11	"
S040318	F-06		House 23 Sections & Elevations	11	"
S040318	U-01		Materials Sheet 1 - Houses 18 - 20	11	"
S040318	U-02		Materials Sheet 1 - Houses 21 - 23	11	"

ZONE D - TONKIN ZULAIKHA GREER

0401	DA-001	Tonkin Zulaikha Greer	Site Plan	M2	27/11/06
0401	DA-002		Site Open Space-GF	M2	"
0401	DA-003		Site Open Space - FF	M2	"
0401	DA-100		House 11	L	21/06/04
0401	DA-101		House 12	L	"
0401	DA-102		House 13	L	"
0401	DA-103		Redesigned House 14.0	L	"
0401	DA-103.1		Redesigned House 14.2	L	"
0401	DA-104		House 15.1	L	"
0401	DA-105		House 15.2	L	"
0401	DA-004		Redesigned House 17	M2	27/11/06
0401	DA-005		Redesigned House 17	M2	27/11/06
0401	DA-200		House 11 Perspective/Materials	L	21/06/04
0401	DA-201		House 12 Perspective/Materials	L	"
0401	DA-202		House 13 Perspective/Materials	L	"
0401	DA-203		House 14 Perspective/Materials	L	"
0401	DA-204		House 15 Perspective/Materials	L	"

SURVEY

C163K	015	Whelans Operations Pty Ltd	Proposed Subdivision Lot 2 DP544297	M	4/10/06
C163K	016		Site Constraints	M	4/10/06
C163K	017		Proposed Easements	M	4/10/06

LANDSCAPE & VEGETATED LINKS DESIGN

	SK00	McGregor & Partners	Cover Page	L	May 2006
	SK04		Site Analysis Plan -	L	"

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			Revised		
	SK05		Master Plan	N	Nov 06
	SK05.1		Site Plan Basement	N	Nov 06
	SK05.2		Site Plan Ground Floor	N	Nov 06
	SK05.3		Site Plan 1 st Floor	N	Nov 06
	SK06		Detail Landscape Plan 1/4 - NW	N	Nov 06
	SK07		Detail Landscape Plan 2/4 - NE	N	Nov 06
	SK08		Detail Landscape Plan 3/4 - SW	N	Nov 06
	SK09		Detail Landscape Plan 4/4 - SE	N	Nov 06
	SK10		Images & Sections	N	Nov 06

CIVIL DESIGN

01S828	DA-C101	Hughes Truman	Cover Sheet	M	28/11/06
01S828	DA-C102		Preliminary Road layout	M	28/11/06
01S828	DA-C103		Preliminary Road 1 & 2 Long Sections	M	28/11/06
01S828	DA-C104		Prelim Road 1 Cross Sections	M	28/11/06
01S828	DA-C105		Prelim Road 2 Cross Sections 1/4	M	28/11/06
01S828	DA-C106		Prelim Road 2 Cross Sections 2/4	M	28/11/06
01S828	DA-C107		Prelim Road 2 Cross Sections 3/4	M	28/11/06
01S828	DA-C108		Prelim Road 2 Cross Sections 4/4	M	28/11/06
01S828	DA-C109		Staging Plan	M	28/11/06
01S828	DA-C110		Erosion & Sediment Control Concept Plan St 1	M	28/11/06
01S828	DA-C111		Erosion & Sediment Control Concept Plan St 2	M	28/11/06
01S828	DA-C112		Erosion & Sediment Control Concept Plan St 3	M	28/11/06
01S828	DA-C113		Erosion & Sediment Control Concept Plan St 4	B	28/11/06
01S828	DA-C114		Erosion & Sediment Control Concept Plan St Details	M	28/11/06
01S828	DA-C115		Hydraulic Services Plan	M	28/11/06

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01S828	DA-C116		Pavement Plan	M	28/11/06
01S828	DA-C117		Turning Paths sheet 1	M	28/11/06
01S828	DA-C118		Turning Paths sheet 2	M	28/11/06
01S828	DA-C119		Intersection Marshall & Osborn	M	28/11/06
01S828	DA-SW01		Storm water Management Plan	M	28/11/06

Approved Documents:

The development is to be carried out substantially in accordance with Development Application No 482/04 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;

General

1. The visitor intercom to be relocated to further within the site so as not to cause a detrimental noise impact to adjoining residential development.
2. The Applicant shall ensure and Construction Certificate documentation and legal description of the development site title shall prohibit any use of gates (or the like) at the main vehicular and pedestrian access to the site.
3. The electrical substation at the entry to the site adjoining No 65 Osborne Road, to be suitably screened from the adjoining residential properties to the satisfaction of Council and Energy Australia. Such landscaping to not hinder the operation nor maintenance of the substation.
4. In accordance with the Summary Site Audit Report for Precincts 5 & 10 for St Patrick's College Estate, Manly (October 2004) for Lachlan Project Management by Environ, Section 12, page 27, no fill or soil is to be disturbed or removed from under the sandstone heritage stairs to minimize exposure to site users
5. No signage other than as set out in the following conditions is approved under this application. Separate development applications are required for signage.
6. All external metalwork (eg. Handrails and balustrades) are to be constructed from non-corrosive materials such as 316 grade Stainless steel.
7. Consideration shall be given to environmentally sustainable alternatives to timber decking such as composite timber flour waste/ recycled plastic product, in keeping with Council's ESD policy.
8. The Applicant shall furnish the Council with approved certification that shows that all hardwood used in the development (unless recycled) comes from a Forest Stewardship Certified (FSC) source in line with the strong environmental objectives of the proposed development.
9. The Applicant shall ensure that all houses and units of the apartment building use solar energy collection for heated water and battery power for electricity in line with the strong environmental objectives of the proposed development.

Environmental Services Division Report No. 70 (Cont'd)

10. The Applicant shall ensure that all wet areas including bathrooms, laundries, ensuites and toilets (that do not enjoy natural ventilation via windows to outdoor air space) shall have mechanical ventilation to BCA and Australian standards referenced therein regarding ventilation.
11. The Applicant shall ensure that a covenant on the title of all individual properties within the proposed development (including each apartment on ground floor of Building 5) prohibits the construction of fencing / walls to boundaries between these properties.
12. The Applicant shall ensure (and construction certificate documentation for the development shall show) that each unit in the Apartment Building 5 be allocated 3m³ of screened and lockable storage space adjacent to the related carspace within the basement carpark. Minimum head height for this space shall be no less than the predominant floor to ceiling height in the carpark.
13. The Applicant shall ensure (and construction certificate documentation for the development shall show) that storage space is in line with the related "rule of thumb" for storage space requirements of SEPP65 Residential Flat design code (RFDC) page 82 shall be provided to all units in Apartment Building 5.
14. The Applicant shall ensure (and construction certificate documentation for the development shall show) that each house and the apartment building shall collect all associated roof water for reuse on site in line with the strongly stated environmental objectives of the proposed development.
15. The Applicant shall ensure (and construction certificate documentation for the development shall show) that each house and unit incorporate a low, or no maintenance 'rain water' collection and filtering system on site that allows this water to be reused for toilet flushing, clothes washing, ponds other water features and surface irrigation in line with the strong environmental objectives of the proposed development.
16. The Applicant shall ensure and show in construction certificate documentation that stormwater pipes be architecturally integrated in the development and stormwater pipes shall not be exposed to undersides of balconies, verandahs and decks of any houses or apartments within the proposed development.
17. The Applicant shall ensure (and construction certificate documentation for the development shall show) that mechanical or electrical plant equipment (other than solar water heating panels or solar photo voltaic panels) visible from the public domain be screened in a manner, style and detail in keeping with the architecture of the proposed development.
18. The Applicant shall ensure and information on the property title shall prohibit any future incorporation or erection of mobile phone towers, electrical antennas or the like.
19. Cable television connection shall be installed to all houses and units in the construction stage of the proposed development such that at a later date, or as a retrofit of such infrastructure, the installation of satellite dishes, etc would not be required.
20. The Applicant shall ensure and construction certificate documentation shall show that metal roofing used in the development shall comply with the related manufacturer's written and publicly available documentation that states what grades of roofing are required given the proximity of each house and apartment to salt water.
21. The Applicant shall ensure and construction certificate documentation show that all metal structural components and fixings are non-corrosive.

Environmental Services Division Report No. 70 (Cont'd)

22. The Applicant shall ensure and construction certificate documentation shall allow only minimum road lighting levels required by relevant standards and that flood lighting (over 200 watts) not be permitted in the development.

Street Address

23. a) Each dwelling house is to be allocated a street number which is located so that it is visible from the private road to both pedestrians and motorists
- b) The Apartment building is also required to have a street number and apartment numbers displayed at an appropriate location adjacent to each pedestrian entry which is visible to pedestrians and motorists from the private road
- c) The design of the numbering system described above in a) and b) is to be designed taking account of the architectural design and finishes of the various buildings and be considered to be a part of the overall design of each property including landscaping treatment
- d) The numbering system is not to be illuminated apart from lighting sufficient to read the required information at night

Urban Design**Apartment Building**

24. Landscaped works to the street setback of the apartment building (Lot 5) is to be carried in accordance with the landscape conditions and specifically to include plant species that can grow to a height at maturity of 6.0 metres and be located in the four indented sections of the front of the proposed building.
25. Landscaped works at the rear of the apartment building is to ensure the penetration of filtered sunlight into the rear ground floor terrace areas.
26. Each rear ground floor terrace is to be the subject of a detailed architectural/ landscape drawing to demonstrate a pleasant ambience for future occupants and to be provided prior to construction of these areas.
27. The materials, finishes and colours of the apartment building located on Lot 5 are to be carried out in accordance with drawing number 0247 DA10/L titled MATERIALS dated 18.08.04 and drawn by apa Architects.

Dwelling Houses 6-10

28. The materials, finishes and colours of these buildings are to be carried out in accordance with drawing numbers 0403 DA34-38/L titled MATERIALS and PERSPECTIVE + MATERIALS dated 10.05.06 and 24.08.04 and drawn by JAHN Associates Architects.

Dwelling Houses 11-17

29. The materials, finishes and colours of these buildings are to be carried out in accordance with drawing numbers 0401 DA-200-204/L titled HOUSE 11-15 & 17 MATERIALS DATED 21/06/04 and drawn by Tonkin Zulaikha Greer Architects.

Dwelling Houses 18-23

30. The materials, finishes and colours of these buildings are to be carried out in accordance with drawing numbers S040318 U 01 & 02 / 11 titled MATERIALS SHEET 1 HOUSES 18-20 AND

Environmental Services Division Report No. 70 (Cont'd)

MATERIALS SHEET 2 HOUSES 21-23 and drawn by GROSE BRADLEY Architect.

Road

31. The applicant is to give serious consideration to the finished treatment and colour of the private road surface to ensure a harmonious relationship with the finishes and colours of the dwelling houses and/or landscape and this to be the subject of a written response to the Council prior to the finish being laid providing a justification for the approved finish

Glare

32. The applicant to ensure that the glare factor for any proposed roof or other large external metal surface is not to exceed 20% when viewed from Sydney Harbour and/ or occupants of adjoining properties to the west.

Heritage

33. A s140 excavation permit for test excavation should be obtained under the Heritage Act 1977 prior to the commencement of any works on the land. Test excavation is required to be undertaken to properly inform historical archaeology of the site and future management recommendations.
34. Depending on the outcomes of the testing, the applicant may need to consult with the Heritage office and obtain an additional s. 140 excavation permit for archaeological excavation (salvage).
35. Non reflective roof and wall materials are to be used in the construction of the buildings proposed to ensure that the structures blend in with the natural/bushland setting to the point of disappearing so that the principal heritage building, the Archbishops Residence retains its dominant position in a natural vegetated setting, plus reduce the impact on the 60 degree view cone from the Archbishops Residence. In this regard colour scheme, materials and finishes are to be recessive and unobtrusive.
36. All remnant landscape elements of the Archbishops Residence are to be conserved, protected and identifiable insitu within the new landscape works, including those buried remains found in the Gilroy Houses area to contribute to the fuller understanding of the historic garden which relate to the early phases of development of the site, being of exceptional significance. Appropriate interpretation of the historic pathway and elements is to be incorporated along the pathway. New landscape works are to be a scale and material sympathetic to the original elements in the precincts.
37. Should archaeological deposits or State significant relics that are not identified in the Archaeological Zoning Plan (Casey & Lowe) or any site specific excavation permit approval are unexpectedly discovered than work must cease in the affected area and the Heritage Office must be notified in writing of the discovery in accordance with section 146 of the Heritage Act 1977. Additional assessment and an excavation permit may be required prior to excavation continuing in the affected area depending on the nature of the discovery.
38. Compliance with the Conservation Policies of the Conservation Management Plan (CMP), Issue D, December 2002, prepared by Tanner & Associates Pty Ltd and those policies (landscape and development guidelines) developed specifically for the Precincts 5, 6 & 10 (Area A-K Spring Cove).

Environmental Services Division Report No. 70 (Cont'd)

39. To ensure the long term conservation and integrity of the sandstone wall protective measures are to be incorporated along the sandstone boundary walls to ensure that future root growth of the screen trees does not undermine the stability of the walls. Details of the conservation and protective measures to be undertaken for the sandstone walls is to be submitted to Council/Accredited Certifier, prior to issue of the Construction Certificate.
40. To ensure the appreciation of the significance of the place, an education and interpretation plan for all users of the site is to be prepared prior to occupation. Details of which are to be provided to Council prior to occupation and a copy of the plan submitted to Council's Library.
41. An archaeologist shall be engaged to have a 'watching brief' during clearing and excavation works. Written confirmation of the engagement of an archaeologist and the archaeologists name and their brief shall be submitted to Council prior to issue of the Construction Certificate. Any excavation shall be undertaken with care and any evidence that is uncovered shall be recorded by an archaeologist.
42. If during the course of excavation relics are found, works are to stop and an excavation permit must be obtained from the NSW Heritage Council, in accordance with the relics provisions of the Heritage Act, 1977. A copy of this permit and archaeologists report is to be submitted to Council.
43. 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.
44. That the Metropolitan Local Aboriginal Land Council (Metro LALC) be kept informed 2 weeks prior to the proposed development as to when clearance or excavation works proceed.
45. That the Metro LALC sites officer or member of the Lands Council be present to monitor the work carried out by the developers in Precincts 5,6 &12 as there are known Aboriginal sites within the vicinity of St Patrick's Estate.
46. That if any Aboriginal relics be sighted or unearthed during construction, work must cease immediately and the Metro LALC be notified.
47. As there are Aboriginal sites located within the unnamed Council reserve and its foreshore adjacent to the property, all efforts shall be made to prevent any impact on or adjacent to these sites
48. Should any Aboriginal evidence of occupation be uncovered during the course of work, then all works shall cease immediately, the Director General Department of Conservation, the Metropolitan Local Aboriginal Lands Council and Manly Council's Aboriginal Heritage Officer be contacted as a matter of urgency under Section 90 of the National Parks and Wildlife Act 1974.
49. In accordance with the Summary Site Audit Report for Precincts 5 & 10 for St Patrick's College Estate, Manly (October 2004) for Lachlan Project Management by Environ, Section 12, page 27, no fill or soil is to be disturbed or removed from under the sandstone heritage stairs to minimize exposure to site users

Environmental Services Division Report No. 70 (Cont'd)

50. Where construction necessitates the removal of any part of the existing stone flagged pathway and low retaining wall not identified as a landscape item of significance in the endorsed Conservation Management plan, the redundant material is to be incorporated into the landscape treatment of the site.

Bushfire Protection

51. The entire property including individual lots and strata title lots shall be managed as an 'Inner Protection Area' as outlined within Planning for Bushfire Protection 2001.
52. Construction on lots 6 and 23 shall comply with AS3959-1999 Level 3 "Construction of Buildings in bushfire prone areas".
53. Construction on lots 7, 8, 21 and 22 shall comply with AS3959-1999 Level 1 'Construction of Buildings in bushfire prone areas.'
54. Construction of the remainder of the lots shall comply with AS 3959-1999 Level 1 'Construction of Buildings in bushfire prone areas'.
55. The southeast façade of the apartment building shall comply with AS3959-1999 Level 3 'Construction of Buildings in bushfire prone areas' the remainder of the facades shall comply with Level 2 'Construction of Buildings in bushfire prone areas'
56. The public access roads shall be a minimum width of 5.5m and shall provide parking only within parking bays and locate services outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
57. No two way public access roads are permitted less than 5.5m wide.
58. One way only public access roads shall be no less than 4m wide and any parking shall be provided within parking bays and locate services outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
59. All access roads directly interfacing the bushfire hazard vegetation shall provide roll top kerbing to the hazard side of the road.
60. All provisions for public access roads, other than where modified by the above provisions, detailed within Section 4.3 of Planning for Bushfire Protection 2001 shall be complied with.
61. The rear of any structure shall not be greater than 70 metres from the nearest hydrant. Locations of fire hydrants are to be delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.
62. Asset Protection Zones proposed on strata title land shall ensure that the maintenance of these areas in accordance with Planning for Bushfire Protection 2001 is addressed in the management plan for these areas. The plan shall address the following details;
 - a) Contact person/department and details.
 - b) Schedule & description of works for the construction of Asset Protection Zones and their continued maintenance."

Waterways

63. The Applicant is required to make a separate application for the Part 3A Permit to NSW Maritime prior to any physical works commencing at the site.

Environmental Services Division Report No. 70 (Cont'd)**Flora and Fauna**

64. All of the mitigation measures listed in Chapter 8 of the Species Impact Statement prepared by Eco Sense Consulting Pty Ltd are to be implemented.

Design changes required for tree protection

65. Specific tree protection involving minor design changes and construction planning
66. To minimise disturbance to the root zone of Tree No's 10/51 & 10/102 the engineering drawings for Lot/Dwelling 20 should incorporate the deck construction using pier and above ground beams or bearers and joists.

Tree protection measures during construction

67. Tree retention should be maximised and any intervention to the primary root zones of the retained trees minimised.
68. Annual monitoring of retained trees and new plantings on the site is to be undertaken for a period of five years by a qualified Arborist to the satisfaction of Councils General Manager.
69. The lessee's of the land replace any plantings on individual lots that may die over a period of five years dating from the occupation of such dwelling or lot.
70. Prior to excavation and earthworks on the site removal of the trees identified as being removed shall be carried out with particular attention given to ensure no damage occurs to the structure or foliage of trees identified for retention.
71. Prior to approved excavation, earthworks and construction Tree Protection Fencing is to be installed around the trees identified for retention at a distance no closer than the tree's Primary Root Zone. Tree Protection Fencing can be installed around single trees or groups of trees.
72. Prior to excavation, earthworks and construction for each stage of the development, the site consulting arborist is to provide Council or the private certifier with a written statement that the tree protection fencing has been adequately installed and is functional.
73. Tree Protection Fencing will be constructed of 1.8m high chain link wire or weld mesh securely fixed to 50mm steel supports, or equivalent, with top and bottom strainer wires. Chain mesh fence is to be fixed so that it is raised above existing ground levels by approximately 200mm to allow for bandicoot movement.
74. Signage is to be displayed on the tree protection fencing advising construction workers that access beyond the protective fencing is prohibited without authorisation of the project site manager.
75. No access is allowed within the area identified by the Tree Protection Fencing unless concurrence approval is obtained by both the site arborist and project site manager.
76. The area within the Tree Protection Fencing is to be mulched and irrigated and kept free of all building materials, contaminants and other debris and must not be used for storage of any building materials.
77. Where the Tree Protection Fencing encroaches into the building footprints the Tree Protection Fencing can only be realigned only under instructions of the site consulting arborist in consultation with project management staff.

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78. Tree Protection Fencing can only be removed under written instructions from the site arborist and levels within the Tree Protection Fencing must be maintained as finished landscape levels.

Integrated Management of Tree Protection

79. The Construction Management Plan (HLA Envirosciences 2003) should be amended to include tree protection in particular the auditing of the adequacy of the tree protection fencing during the construction phases in particular sections relating to site induction & training of construction workers.

Mitigation measures - Little Penguin Population at Manly Point

80. Although the majority of the stormwater surface flows are collected in bio-swales, where surface inlet pits are used, a removable litter basket is to be incorporated into the design details to prevent fine plastic, nylon or other manufactured products entering the stormwater system and in turn the waters surrounding Collins beach and Manly Point.;

Designed Bandicoot Protection

81. A detailed Bushfire Fuel & Vegetation Management Plan is to be prepared by a landscape architect identifying the existing vegetation cover and the proposed planting densities and species within bandicoot vegetation links and adjacent the southern boundary wall. The planting densities and species within the vegetation links are to be based upon the ecological needs of bandicoots and the bushfire sprinklers within the vegetation links is to be designed based upon the existing vegetation and the proposed planting densities. The Bushfire Fuel & Vegetation Management Plan is to be certified as being suitable for encouraging bandicoot movement by a professional ecologist and the bushfire sprinkler system within the vegetation links is to be certified as being suitable by a professional bushfire consultant.
82. A plan is to be provided to Council, prior to the occupation of any dwelling, detailing the areas of the site which have been set aside for bandicoot corridors and feeding areas. That plan is to be of sufficient detail to indicate to future residents of the Estate the location of such areas.
83. A minimum of 2 bandicoot culverts are to be installed underneath Road 2 as shown on the landscape Master Plan SK05 (McGregor & Partners, 2006) and are to be shown on the Preliminary Road Layout Plan, DA-C102/M (Hughes Trueman, 2006) and the Stormwater Management Plan, DA-SWO1/M Hughes Trueman, 2006) and subsequent detailed engineering plans.
84. The bandicoot culverts are to be designed so as not to directly convey stormwater flows, shall have a natural substrate and are to have minimum dimensions of 300mm high x 800mm wide with natural rock headwall wings to assist in directing bandicoots to the underpass.
85. The conclusions of the Species Impact Statement has relied, upon in part, the rehabilitation of bandicoot shelter habitats within the Council Reserve between Precinct 10 and Spring Cove and within the National Park as indicated on the drawing Vegetation Links Summary (Knox & Partners, March 2004). Bush regeneration works within these areas is to be outlined in the preparation of a Habitat Rehabilitation Plan which is to be submitted to the respective land managers (Manly Council & Department of Environment & Conservation) for approval.

Bandicoot Habitat Protection during construction

86. The conclusions of the Species Impact Statement has relied, upon in part that compensatory funding be provided towards implementation of the 5 year bandicoot recovery plan / priority

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- action statements to offset loss of habitat on the site. Prior to excavation, earthworks, vegetation clearing or construction the Catholic Church, or alternate parties associated with the development; confirm their commitment to maintain the \$10,000 per year contribution towards implementation of the 5 years bandicoot recovery plan / priority action statements.
87. Prior to excavation, earthworks, vegetation clearing or construction, a bush regeneration program as indicated in Habitat Rehabilitation Plan is to be carried out as part of early works program within the Council reserve and National Park.
 88. The Bandicoot Construction Protocol as outlined in Appendix C of the Species Impact Statement (Ecosense, 2005) is to be implemented prior to and during excavation, earthworks, vegetation clearing or construction.
 89. Prior to approved excavation, earthworks and construction Bandicoot Habitat Protection Fencing is to be installed around the existing vegetation within the identified vegetation links.
 90. Prior to excavation, earthworks and construction for each stage of the development, the site consulting ecologist is to provide Council or the private certifier a written statement that the Bandicoot Habitat Protection Fencing has been adequately installed and is functional.
 91. Bandicoot Habitat Protection Fencing will be constructed of 1.8m high chain link wire or weld mesh securely fixed to 50mm steel supports, or equivalent, with top and bottom strainer wires. Chain mesh fence is to be fixed so that it raised above existing ground levels by approximately 200mm to allow for bandicoot movement.
 92. Signage is to be displayed on the Bandicoot Habitat Protection Fencing advising construction workers that access beyond the protective fencing is prohibited without authorisation of the project site manager.
 93. No access is allowed within the area identified by the Bandicoot Habitat Protection Fencing unless concurrence approval is obtained by both the site ecologist and project site manager.
 94. The area within the Bandicoot Habitat Protection Fencing is to be kept free of all building materials, contaminants and other debris and must not be used for storage of any building materials.
 95. Should it be necessary Bandicoot Habitat Protection Fencing can only be realigned only under instructions of the site consulting ecologist in consultation with project management staff.
 96. Bandicoot Habitat Protection Fencing can only be removed under written instructions from the site ecologist and levels within the Bandicoot Habitat Protection Fencing must be maintained as finished landscape levels."
 97. Enhancement of the eastern boundary Bandicoot Accessible Area including the installation of bushfire sprinkler system be carried out in accordance with the Bushfire Fuel & Vegetation Management Plan prior to commencement of Stage 2 Construction Works
 98. Enhancement of the southern/central east-west and northern vegetation links including the installation of bushfire sprinkler system be carried out in accordance with the Bushfire Fuel & Vegetation Management Plan prior to commencement of Stage 3 Construction Works.

Environmental Services Division Report No. 70 (Cont'd)**Bandicoot Monitoring during construction and post development**

99. As specified in the Species Impact Statement the bandicoot monitoring programs within the vegetated links within Precincts 5, 6 & 10 are to continue during and after the construction process.

Bandicoot protection post development

100. Where domestic animals, other than cats and dogs, are kept as pets and to minimise bandicoot predation, artificial feeding sources such as garbage bins should be fitted with lids.
101. Signs are to be erected on areas of public access, advising that dogs and cats are not permitted on the Estate.

Bandicoot general conditions

102. Submission to Council of all monitoring reports completed to date in respect of long term ecological effects on the bandicoots in the Estate including a statement of any detected ecological changes and effects from works already conducted. This requirement is also in accordance with documents in the Development Application which state that monitoring to be undertaken throughout the construction process to detect any changes in bandicoot activity as early as possible and to implement further mitigation if necessary.
103. The owner must ensure that legally binding agreements are entered into with the occupants of all lots, including strata lots, preventing the keeping of or the presence of dogs and cats on the Estate.
104. The Bandicoot Construction Protocol is to be appropriately understood by all appropriate persons associated with the site works and strictly enforced by an appropriately qualified and experienced environmental consultant. Ongoing monitoring of these measures during the construction phase, with implementation of a series of post-construction and occupation measures must be appropriately documented and provided to the Council/Accredited certifier.
105. Ongoing bandicoot amelioration reports during and post construction are to report on the likely cumulative impacts of disturbance and construction arising from other works being carried out within a similar time frame as the proposed construction associated with Precincts 3,5 & 10 .
106. The construction management plan must incorporate details for the staging of this development to minimise the loss of bandicoot habitat and the cumulative impacts of construction activities.
107. The applicants statement of existing and proposed actions to conserve the bandicoot population within and adjacent to Precincts 3,5 & 10 accompanying the development application are to be strictly followed in conjunction with proposed site works and ongoing site management.
108. Ongoing management and regular maintenance of the 20 metre wide bandicoot zone is to be managed by the owners of the St Patrick's Estate of the area to be carried out by a landscape contractor responsible for the comprehensive maintenance of the bandicoot corridor generally comprising native plants, lawn and an interface between shrubs and grass preferred by bandicoots.

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109. No constructed hard surfaces or hard landscaping (including retaining walls and steps) will be permitted within the 20 metre vegetated set-back on the eastern boundary of the site, except for the road and other construction approved under this consent and landscaping of the remainder of the lots and public domain should include a high minimum percentage of soft, compared to hard, landscaping to maximise tree retention and potential for supplementation.
110. The habitat corridor is to be appropriately signed at the 20m setback edge of the corridor at the main pedestrian access point generally with minimum dimensions of 15cm by 10 cm with graphic and lettering laser cut into clear anodised aluminium or similar and generally containing the words 'this area is habitat for the long nosed bandicoot. This habitat must be respected and no building or other activity is allowed to occur beyond this point that may affect this habitat. These measures will assist with the preservation of the long nosed bandicoot population.'
111. An educational program and manual on the conservation of the bandicoot population be provided to all new residents and the landscape contractors within the Estate. It is also recommended that the Suggested Managed Measures also be made available with the consent to each dwelling and are to include the following matters.
 - Bandicoots and other native animals should not be fed artificial foods as it may cause them nutritional problems, hardship if supplementary feeding is stopped, and it may increase predation. Feral animals such as cats or foxes should never be fed or food left out where they can access it such as rubbish bins without lids.
 - The use of insecticides, fertilisers, snail baits or similar are to be avoided on the property. Garden insects will be kept in low numbers if Bandicoots are present.
 - Deceased Long-nosed Bandicoots should be reported by phoning Manly Council on 9976 1500 or the Local NPWS Office on 9977 6732.
 - Care should be used when driving in this area and notices to this effect be located at the entry to the development and throughout.
112. All work areas within or adjacent to Bandicoot habitat should be appropriately fenced to prevent bandicoots from entering the work area.
113. Installation of bright lighting or motion detectors to illuminate the rear bandicoot/vegetation corridor is not permitted as this will discourage Long-nosed Bandicoots and increase predation. A modest amount of low lighting is acceptable and should not deter bandicoots from the garden. In this regard a lighting plan is to accompany the Construction Certificate which is certified by the site ecologist to review its effect on bandicoots and make recommendations. Any recommendations as necessary to subdue lighting effects are not to include any additional building to the rear of the dwelling but may include modified window designs, reduced openings, additional recess away from light sources or away from the rear and including location of planting to subdue lighting.
114. Provision of a path of access around each dwelling for bandicoots so that they do not become trapped in the private yards. Alternatively, fencing might be designed to exclude them if a path of travel cannot be provided.
115. Pool fences should be designed to exclude bandicoots where possible.
116. External perimeter property boundary fences should provide for bandicoot access, via gaps of 150mm at regular intervals, where through movement is practical and animals will not become trapped.

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117. The buffer zone (A.P.Z) is not to be used for structures, outbuildings or storage of materials or equipment, and is to be maintained for the designated purposes of a buffer zone and A.P.Z., and it is also recommended that in accordance with the recommendations of the Ecological Assessment Report by Lesry Environmental Consultants the following additional requirements shall apply:

- The Bandicoot Construction Protocol will apply
- The vegetated links will be monitored quarterly
- Erosion and sediment controls will apply
- Measures must be taken to ensure that vehicles and machinery do not enter areas of the site identified as vegetative links and buffer.

118. To provide bandicoot access between the site and the adjacent bushland, the existing holes in the sandstone boundary wall, in particular the south eastern boundary wall should remain open and finished soil levels on the site adjacent the holes should be no more than 50mm below the existing holes. In addition to this the proposed gate in the south eastern corner of the site, should provide 100mm clearance so as not to inhibit bandicoot movements.

Subdivision.

119. The consent does not authorize any work on the proposed lot 21 without a further consent or approval of Council.

120. Lot 21 is to be subdivided into two parcels, one comprising the St Pauls College lands and the other comprising the Archbishops Residence lands.

121. The 88B instrument being amended such that the owner will also comply with the Vegetation Management Plan and The Stormwater Management Plan and the Environmental Management Plan

122. No part of the 10metre axial pathway shall be incorporated into any private leasehold allotment.

123. The 88 B instrument include a Positive Covenant in favour of the Rural Fire Service to provide access to the site.

124. The leases of each separate allotment shall provide that no change shall be made to the lease relating to the obligations relating to bandicoot and vegetation management without the approval of Council

125. The lease of the common property and the leases to individual dwelling and unit owners shall require compliance with the Vegetation Management plan; the Stormwater Management Plan; the Environmental Management Plan which are all subject to Council's approval and any variation of those Plans are subject to council approval

126. That the leases are to provide for the annual reporting to Council on actions taken and implementation of the Vegetation Management Plan (VMP), Stormwater Management Plan (SMP), Bandicoot Impact Amelioration and Environmental Management System.(EMS).

127. That the VMP, SMP, & EMS, the terms of the draft 88B instrument, incorporated Associations lease and the individual leases be finalized to Council's satisfaction prior to the issue of any Construction Certificate.

128. Details of any proposed easements shall be submitted to Council. The easements shall be registered prior to the issue of the Construction Certificate.

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129. Prior to the sale, transfer, assignment or other disposal of or leasing or parting with provision of any part of the land subject to this approval, a copy of the approval shall be given to the purchaser, transferee, assignee, leasee, occupier or other person of that part of the land.
130. Approval of the application to Strata/Land Subdivision the subject property is subject to the lodgement of a Subdivision Certificate application and payment of the appropriate fee.
131. The leasehold title documents must contain lease Covenants that form part of the lease which:
 - Incorporates the Fuel Management Plan for precinct 13 dated November 2005 prepared by Conacher Travers. Present and future landholders are required to follow the Plans recommendation by way of a lease Covenant so as to reduce the potential fire hazard within their property during fire events and to preserve the habitat requirements of the local bandicoot population.
 - prevents alterations to plantings and removal of vegetation
 - allows an estate manager to enter all properties for the purposes of managing bandicoot habitat
 - ensures the management of the rear 10m setback is integrated with other vegetated links within the Estate.
132. Contracts of sale must contain a bandicoot information sheet that informs and seeks to educate residents in regards the importance of the North Head Bandicoot Habitat

Traffic & Parking

133. A construction traffic management plan shall be prepared and submitted for approval by Council/Accredited Certifier, prior to the commencement of construction. This would set out details of access, type and number of vehicles associated with construction and the length of construction.
134. That the design of access ways 2, 3 and 4 which become pedestrian/vehicle zones with a maximum 10-15 km/h speed limit be designed and constructed in accordance with RTA guidelines for Shared Zones.
135. The Norfolk Island pine tree Number 5/1 is to be retained and the road way divided at the entry as this arrangement would achieve the desired result of helping to discourage the general traffic access problem stated earlier whilst providing an opportunity to retain the tree.
136. That the final design of the traffic management proposal at the intersection of Osborne Rd and Marshall St should incorporate the appropriate signage and landscape works within the traffic islands to the satisfaction of Councils Manager-Traffic & Transport and the Parks - Coordinator.
137. All parking areas should be designed in accordance with the Australian Standard 2890.1-2004.
138. Provision of on - street parking for at least one (1) car space for people with disabilities in the internal roadway. Plans are to be amended accordingly, prior to the issue of the Construction Certificate.
139. Provision of two (2) parking areas for service and delivery vehicles. Plans are to be amended accordingly, prior to the issue of the Construction Certificate.

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140. The detailed design of the road shall be submitted with the application for Construction Certificate and shall be approved by the Council/Accredited Certifier, prior to the issue of the Construction Certificate.
141. A pedestrian footpath of minimum 1.2 metres width is to be included in the design. This pedestrian footpath is to be shown on the cross sections of the road.
142. All vehicular access during construction shall be from the Osborne Road entrance only. No vehicular access shall be permitted from any other road.
143. The visitor car spaces shall be accessible at all times and a sign post shall be erected at the vehicular entry point(s) of the development indicating the location of the spaces.
144. Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The area set aside for carparking as shown on the approved plan shall be used for the parking of vehicles and for no other purpose. Any loading or unloading of materials of potential environmental damage must be appropriately bunded with adequate spill response equipment in place to ensure nil runoff from the site.

Access

145. There is to be a continuous accessible path of travel as defined by AS1428.1 from the allotment boundary to an entrance of the individual dwellings in the apartment building.
146. The accessible car spaces are to have a clear height from the floor level to the underside of any structure, ducting or pipes of 2500mm with a minimum of **2300mm clear height** from the entry to the car park to the entry of each of the accessible car spaces.
147. There is to be a continuous accessible path of travel as defined in AS 1428.2 from the accessible car spaces to the entry of each unit.
148. The lifts are to comply with AS1735 Part 12 as a minimum.
149. The doors in public spaces on the continuous accessible paths of travel are to have an operable leaf of 850mm clear opening with circulation spaces compliant with Figure 12 or 13 of AS1428.1 as amplified by AS1428.2.
150. The entry doors to each of the adaptable dwellings are to comply with Figure 12 of AS1428.1 with a minimum 850mm clear opening.
151. Each of the adaptable units is to fully comply with the requirements of AS 4299 – 1995 : Adaptable Dwellings, Class "C".
152. The bathrooms of the adaptable dwellings are to be designed so as to be "visitible" or accessible as defined by AS4299 prior to adaptation, whilst maintaining the required minimum 1160mm wide x 1100mm deep shower recess and minimising any plumbing changes.
153. One bathroom in the adaptable dwellings is to have the area required for the circulation space requirements of AS1428.1 so as to be capable of achieving compliance with AS1428.1 on adaptation if required.
154. Access into the main Bedroom of the adaptable dwellings is to comply with AS1428.1, Figure 11(b).
155. The kitchens in the adaptable dwellings are to have an elevated oven in accordance with Figure 4.10 of AS4299, adjacent to a height adjustable bench minimum 800mm long.

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156. All internal doors within the adaptable dwellings are to have an 820mm clearance as measured in accordance with Figure 11 of AS1428.1.
157. All door hardware on the accessible paths of travel and in the adaptable dwellings is to be of the "D" lever type between the heights of 900mm to 1100mm.
158. All security controls, light switches and other controls generally (except for lift controls which are to comply with AS1735) are to be a minimum of 500mm from an internal corner and mounted between the heights of 900mm – 1100mm.
159. All glazed doors and sidelights are to have a transom or a solid line 75mm deep with a 30% luminance contrast with the background against which is viewed between the heights of 900mm to 1000mm.
160. Letterboxes are to be located on an accessible path of travel with a minimum area of 1540mm x 2070mm in front of them with a cross fall in either direction no steeper than 1:40.
161. Power outlets in the adaptable dwellings are to be installed in accordance with the detailed requirements of AS4299 in all rooms. The power point for the refrigerators must be capable of turning off without moving the refrigerator.
162. All floor finishes should be slip resistant.
163. Lighting on the accessible paths of travel is to be even, low level and is to achieve 10 lux at Ground level whilst minimising glare. Lighting should also illuminate a minimum of 1000mm on each side of the path such lighting level not to interfere with lighting minimisation for bandicoot protection.

Waste Water

164. 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.
165. On completion of the drainage works the applicant is required to submit work as executed drawings of the on - site stormwater detention system. The work as executed drawings shall be certified by a Chartered Professional Engineer and submitted to Council prior to the issue of Occupation Certificate.
166. A positive covenant and the restriction on the use of land shall be imposed over the area of land affected by on site stormwater absorption/detention system. The standard wording of the positive covenant shall be obtained from Council's "Specification for on-site Stormwater Management 2003" (Appendix A). The positive covenant shall be imposed prior to the release of the Trust fund Deposit.

Construction

167. 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.
168. 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.

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169. 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.

170. 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.

171. 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.

172. 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.

173. 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.

174. 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.

175. 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.

176. 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.

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

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

179. 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.

180. 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.

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

182. 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.

183. The building being erected in Type A construction for a Class 2 & 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

184. All sound producing plant and equipment being installed and operated in such a manner so as not to create a noise nuisance.

185. Bollards shall be installed outside exit doors so that such exit doors are not capable of being obstructed by vehicles, goods or other items.

186. A clear and unobstructed path of travel is to be provided to all required exit doors in the building, each being at least 1000mm wide (subject to an increase required by any other condition herein in relation to aggregate exit width) and 2000mm in height.

NOTE: The owner of a building who AT ANY TIME fails to keep a path of travel leading to a required exit, or a stairway, passageway or ramp serving as or forming part of a required exit clear of anything which may impede the free passage of persons is guilty of an offence and liable to a penalty of \$1,000.00.

187. Portable fire extinguishers of a suitable type shall be provided for the protection of electrical switchboards, food preparation areas, etc in accordance with Clause E1.6 of the Building Code of Australia.

188. The following notice must be displayed in a conspicuous position at the landing on each storey of a fire isolated stairway.

NOTICE: "OFFENCES RELATING TO FIRE EXITS"

By virtue of Clause 183 of the Environmental Planning and Assessment Regulation 2000, it is an offence to:-

- a) Place anything in this exit which may impede the free passage of persons.
- b) Interfere with or cause obstruction or impediment to the normal operation of the doors providing access to this exit; or
- c) Remove, damage or otherwise interfere with this Notice.

NOTE: the words "OFFENCES RELATING TO FIRE EXITS" should be in letters and figures of a height of 8mm or more. The remaining words in the notice should be in letters and figures of a height of 2.5mm or more.

189. A sign with the words -

"FIRE DOOR - DO NOT OBSTRUCT"

in letters not less than 25mm high and in a colour contrasting with that of the door, must be fixed to -

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- a) a required fire door providing direct access to a fire isolated exit, except a door providing direct access from a sole-occupancy unit in a Class 2 or 3 building or Class 4 part or a required smoke door, on the side of the door that faces a person seeking egress; and
 - b) a fire door forming part of a horizontal exit and a smoke door that swings in both directions, on both sides of the door; and
 - c) a door leading from a fire isolated exit to an open space, on both sides of the door.
190. 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.
191. 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.
192. 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 X 23
 - Footing inspection - trench and steel X 26
 - Reinforced concrete slab X 38
 - Framework inspection X 26
 - Wet area moisture barrier X 38
 - Drainage inspection X 23
 - Driveway crossing/kerb layback
 - Landscaping inspection
 - Swimming pool reinforcing steel inspection
 - Swimming pool safety fence inspection
 - Final inspection X 38
- The cost of these inspections by Council is \$47,520. (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.
193. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.
194. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site [www.sydneywater.com.au\customer\urban\index](http://www.sydneywater.com.au/customer/urban/index) or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development.

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195. 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.
196. 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.
197. 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.
198. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
199. 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.
200. 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.

201. 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.

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202. Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the 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".
203. 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".
204. The Basement Floor Level Bin Storage room must be partitioned so that garbage bins, bottle-recycling bins, and paper recycling bins are separated. Plans are to be amended accordingly, prior to the issue of the Construction Certificate.
205. All residential occupancies forming part of the proposal shall be designed and constructed so that the repeatable maximum internal LAeq, 1 hour level shall not exceed the following levels:
- (i) In a naturally ventilated - windows closed condition :
Sleeping areas (nighttime only: 10.00pm-07.00am) 35dB(A)
Living areas (24 hours)45dB(A)
 - (ii) In a naturally ventilated – windows open condition (i.e., windows open 5% of the floor area, or attenuated natural ventilation open 5% of the floor area):
Sleeping areas (night time only: 10.00pm-07.00am) 45dB(A)
Living areas (24 hours)55dB(A)
 - (iii) Where naturally ventilated – windows open noise condition cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
 - (iv) In a mechanically ventilated or air conditioned space with door and windows closed the combined external and ventilation system LAeq, 1 hour level shall not exceed the following:
Sleeping areas (night time only: 10.00pm-07.00am) 38dB(A)
Living areas (24 hours)46dB(A)
206. The reflectivity measurements (determined scientifically) of the external materials of the development are not to exceed 20%. Details of the reflectivity of the materials to be used are to be included on the plans submitted with the Construction Certificate application.

Landscape

207. Landscaping is to be carried out in Accordance with approved Landscape Plan Submitted in conjunction with the Development Application. Evidence of an agreement of the maintenance of all plants for a period of twelve (12) months from the date of the practical completion of the building is to be provided to the Principal Certifying Authority prior to issue of the Final Occupation Certificate.
208. All healthy trees and shrubs identified for retention on the plan must be:
- Suitably marked before any development starts and be suitably protected from damage during the construction process; and
 - Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.
209. 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.

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210. The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree or trees unless in conformity with the approval or subsequent approval is prohibited.
211. No tree other than on the land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarking, otherwise wilful destroy or removed without the approval of Council.
212. 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 \$ 100,000 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 the issue of the Construction Certificate.
213. All trees on the site clear of the building are to be retained and those trees within 7.5m of the building are to be provided with tree guard and a notice on each guard reading: "This tree is subject of a Tree Preservation Order by Manly Council". This notice is to be in position prior to any works being commenced on the site.
214. Landscaping provided in accordance with the approved Landscaping Plan must be maintained in accordance with that plan at all times.
215. 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.
216. 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 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.
217. 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.
218. 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.
219. 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.

Special Landscaping conditions

220. The bond as per condition 210 is related to trees supplied in the following schedule these trees are to be retained and protected during construction.

The trees listed below should be retained and protected during construction, these trees should be maintained during the course of the development.

Environmental Services Division Report No. 70 (Cont'd)**Sequences 5/ 1,**

2,3,4,5,6,8,9,11,12,13,14,16,17,18,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,39,4,0,41,42,43,44,45,46,47,48,49,50,51,52,53,54,55,61,62,63,64,65,66,67,68,69,70,71,72,73,75,76,77,78,79,81,85,86,87,88,89,90,91,92,93,94,95,96,97,98,99,100,103.

Sequence 6/100, 101, 102, 103, 104, 05, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 130.

Sequence 10/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 83, 84, 86, 87, 89, 90, 91, 92, 93, 94, 95, 96, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 129, 130, 131, 134, 135, 136, 137, 139, 140, 141, 142, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154.

Dead trees Sequence

5DT8, 9, 10, 11, 12, 13, 14, 15, 74, 80, 83, 84, 10/DT1, 2, 3, 4, 5, 6, 7, 104, 132, 143, 145, 6/131

221. An independent arborist is to be retained prior to construction works and during the term of the project. A regular report to Council will need to be provided during the construction phases.
222. An independent arborists report will need to be provided to Council at the finalisation of the project outlining the status of the trees on the site.
223. All trees that in the disturbed areas are to be mulched around the base to retain moisture.
224. All trees are to be regularly watered during the course of construction.
225. The developer or contractor will take all measures to prevent damage to trees to be retained during site works and construction activities including the provision of water, sewerage and stormwater drainage services. In particular, changes to soil levels are not permitted within four metres of the trunks of such trees.

The storage of spoil, building materials, solids or the driving or parking of any vehicle or machinery within four metres of the trunk of a tree to be retained, is not permitted. Trees to be retained shall be protected during the site works and construction by the erection of solid barricades to the specification of the qualified arborist and generally 3m or other distance that may be specified, from the trunks of such trees.

Engineering

226. The Applicant shall provide a stormwater connection to the eastern end of Wood Street to accept the run off from Wood Street and adjacent properties to the satisfaction of the Principal Certifying Authority
227. 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.
228. 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.

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229. 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.
230. 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.
231. 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.
232. 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.
233. 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 \$100,000. 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.

234. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction. .
235. Any heritage listed stone kerb removed for construction of a driveway or other approved works, is to be removed without damaging it and contact is to be made with Council's Works Manager on Telephone 9976 1455 for the stone to be transported to Council's Depot.
236. 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.
237. Any adjustment to the public utility service is to be carried out in compliance with their standards and the cost is to be borne by the applicant.
238. 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.
239. No portion of the proposed building is to encroach onto a Public Road or Reserve, except as may be permitted by the Local Government Act 1993.
240. 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.

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241. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
242. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
243. 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.
244. 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.
245. A report from a qualified Geotechnical Engineer regarding the stability of the site is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.
246. 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.
247. An approved water interceptor shall be provided across the driveway at the street boundary and all stormwater shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.
248. 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 a suitably qualified Engineer and submitted to Council for approval prior to the issue of a Construction Certificate.
249. 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 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.
250. An easement is to be created through the adjoining property/properties for the disposal of stormwater runoff and services, to the requirements of Council or its delegate. The easement shall be registered prior to the issue of the Construction Certificate. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.
251. A drainage easement being created in favour of Council. Documents relative to the creation of the easement to be lodged with the Lands Titles Office with Registration being affected Prior to the Issue of the Construction Certificate. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.
252. Details of any proposed easement shall be submitted to Council. The easement shall be registered prior to the issue of the Construction Certificate.
253. Pump systems will only be permitted for the drainage of seepage waters from basement areas.
254. Any work to be constructed over the easement shall not prohibit or divert any natural overland flow of water.

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255. 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.
256. The proposed structure/s to be located clear of all easements. 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.
257. 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, which ever 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.
258. The reconstruction and/or construction of footpath paving, kerb and gutter, road works and any associated works along all areas of the site fronting Osborne Road, Wood Street, Stuart Street and the Council Reserve along Spring Cove. Full details shall be prepared by a suitably qualified Engineer and submitted to Council for approval prior to the issue of a Construction Certificate. 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.
259. The pedestrian footpaths and pavements in the streets and reserves 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 Council/Accredited Certifier prior to the issue of the Construction Certificate.
260. 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.
261. 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.
262. The applicant shall lodge with Council a \$25,000 cash bond or bank guarantee to cover the satisfactory construction or reconstruction of the concrete kerb and guttering and/or footpath paving adjacent to the site. Lodgment of this bond is required prior to the issue of the construction certificate.
263. All engineering works are to be completed prior to the issue of the Subdivision Certificate.
264. Detailed engineering drawings of all work shall be submitted for approval by the Council/Accredited Certifier prior to the release of the Subdivision Certificate/Construction Certificate.
265. 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.

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266. 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.
267. 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.
268. Overland flow up to the 1 in 100 year flow must be accepted at the upstream boundary and conveyed through the site including but not limited to stormwater flows from Osborne Road and Wood Street. Full details of the hydraulic evaluation of the overland flow shall be prepared by a practicing Civil Engineer and be in accordance with Council's standards and specifications for stormwater drainage. Plans and details shall be submitted to Council for approval PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE.
269. 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 the Occupation Certificate.

Waste

270. The collection of garbage from the premises is not to occur between the hours of 10pm and 5am Monday to Sunday, without the prior approval of Council, to minimise disruption to neighbouring properties.
271. A Waste Management Plan is to be submitted with the application for a Construction Certificate in accordance with Council's Development Control Plan for Waste Minimisation and Management
272. The owner is to enter into an agreement with council that adequate legal access be maintained for the provision of garbage services.

General

273. Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.
274. The applicant shall satisfy Energy Australia's requirements for underground electrical reticulation on the site.
275. To achieve proper control of the extent of site construction and clearing, details of the proposed method of site clearing, excavation and haulage are to be submitted to and approved by Council/Accredited Certifier.
276. Stabilised access and wash down areas will be provided to remove clay and concrete slurry from vehicles leaving the site and to maintain clean public roads.
277. Any fill imported to the site is to consist of clean material only that is, non-contaminated, excavated material and soil, rock or similar material. Putrescible and non-putrescible solid wastes, including demolition materials, are not permitted.
278. Stockpiles of topsoil, sand, aggregate, spoil or other materials shall be sorted clear of any drain line easement, water, footpaths, herb or road surface and shall have measures in place to prevent the movement of such materials onto the area mentioned all stockpile materials are to be retained with the site's boundaries.

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279. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 21 days after earthworks cease on the site.

All driveways and parking areas shall be stabilised with compacted subgrade as soon as practicable after initial formation.

280. The Applicant or his nominee to be responsible for the supervision of the installation and maintenance of approved erosion and sedimentation control measures during and after construction and until the site has been restored to the satisfaction of Principal Certifying Authority.

281. All GPT's shall be inspected at frequent and regular intervals and be cleared of sediment and floated rubbish as required.

282. All work shall be done in such a way that ensures no material escapes or can be carried by natural forces to receiving waters.

283. The applicant shall employ a suitably qualified consultant to oversee the installation of all soil and water management works on the site. The consultant will be required to provide a written report to Principal Certifying Authority on a weekly basis during construction works and certify that all works have been carried out in accordance with the approved plans. In the event that variations are required to the submitted plan then the required variations shall be included in the latter weekly report.

284. The applicant shall provide on-site training for all works, subcontractors, consultants and personnel in relation to soil and water management plans and works. Training shall include:

- General information on the soil and water management plan
- Correct construction of sediment fences
- Purpose and function of staging program
- Purpose and function of sediment fences and barrier fences
- Recording of all maintenance on soil and water management works.

285. Any retaining walls required due to excavation or filling adjacent to site boundaries or drainage lines shall be constructed to the requirements of Council in accordance with the detailed building plans to be submitted and approved by Council/Accredited Certifier prior to such work commencing.

286. In order to achieve the environmental performance and outcomes proposed in the application, required by conditions of this consent and any subsequent statutory approvals, the applicant and owner shall develop and implement an Environmental Management Plan and Environmental Management system. These shall be documented and submitted to Council/Accredited Certifier and approved by Council prior to the issue of Construction Certificate. The Environmental Management System shall be in accordance with International Standard ISO 14001. The EMP/EMS shall address all relevant issues including:

- Management of environment risks
- Vegetation and landscape management
- Soil management
- Stormwater management
- Groundwater management
- Sewage management
- Management of habitat, ecological systems and conservation of fauna

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- Management of noise
- Management of fire
- Management of both construction activities, maintenance activities and their associated impacts
- Transition from construction phase to permanent occupation phase.

In particular the EMP/EMS shall identify the following elements of the ongoing environmental management of the development:

- (a) Organisation structure;
- (b) Responsibilities and accountabilities;
- (c) Ownership and management control;
- (d) Resources and funding;
- (e) Environmental management policy (which shall be consistent with the proposal and this consent);
- (f) Proposed mechanisms for implementing the policy and the requirements of this consent;
- (g) Performance indicators proposed and targets to be achieved;
- (h) Methods of measuring performance and taking checking and corrective action;
- (i) A record system of actions taken to manage the environment, performance, monitoring results and consequent corrective actions such as records to be available for inspection at any time;
- (j) An audit system accessible to council to vary the EMS/EMP;
- (k) Preparedness for emergencies.

Machine excavation

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

Levels

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

Support for neighbouring buildings

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

- (i) must preserve and protect the building from damage; and
- (ii) if necessary, must underpin and support the building in an approved manner; and
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

290. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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291. In this condition, allotment of land includes a public road and any other public place.

Repair of Damaged Infrastructure

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

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

Protection of Trees

294. To minimize the disturbance to the root zone of Tree No's 10/38 the terraced stairs on the southern and south western side of the tree should be redesigned so as to not alter or disturb existing ground levels within the trees primary root zone and a detailed construction management plan applying to the Dwelling 19 central courtyard be prepared and certified by a consulting arborist. This plan is to be implemented to ensure that all construction access is restricted from the entire central courtyard of Dwelling 19 prior to the issue of the Construction Certificate.

295. To prevent disturbance to the root zone of Tree No's 10/38 the Sediment Basin 5 as shown on Erosion & Sediment Control Concept Plan Stages 1-4 (Hughes Trueman, 04/04/06) is to be relocated beyond the primary root zones of trees identified as being retained prior to the issue of the Construction Certificate.

Developer Contributions

296. Pursuant to Sec 93 I(3) of the Environmental Planning and Assessment Act 1979, the Planning Agreement that was submitted to Council by Lend Lease development P/L on 6 June 2006 and publicly exhibited from 28 June 2006 to 26 July 2006 relating to the Development Application 482/04 for Precincts 5, 6, and 10 of the St Patrick's Estate in Darley Rd Manly and for which consents have been issued requiring the making of a contribution pursuant to the Manly Contributions Plan 2004, must be entered into before the issue of the Construction Certificate relating to the subject development."

ADVISORY NOTES:**1. Other approvals**

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

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

Environmental Services Division Report No. 70 (Cont'd)**2. Works and requirements of other authorities**

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.
Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Australia Post has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.
- AGL Sydney Limited has requirements for the provision of gas connections.
- Sydney Electricity has a requirement for the approval of any encroachments including awnings, signs etc, over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

3. Application for a Construction Certificate

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

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

4. Occupational Health and Safety

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

5. Relocation of stormwater drainage

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

6. Hazardous Material Management

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

7. Hazardous waste removal (including asbestos)

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

- New South Wales Occupational Health and Safety Act, 1983;
- New South Wales Construction Safety Act, 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983;

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

8. Air Conditioning Systems Residential Premises

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

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

9. Model

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

10. Compliance with the Disability Discrimination Act

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

11. Modifications to the consent

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

12. Storage bins on footpath and roadway

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

13. Long Service Levy

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

14. Compliance with erosion and sediment control plan

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

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

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery.

Environmental Services Division Report No. 70 (Cont'd)**16. Protection of public places**

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

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

B That in respect of the Council reserve between the Lend Lease development known as Spring Cove and Spring Cove that a report be brought forward to Council concerning the possible implementation of the following:

1. Additional "No Littering" signs placed along the access track from the subject site to the beach to reduce the risk of litter being left on the beach by residents;
2. Upgrade regular litter inspection and collections along the Stuart Street-Collins Beach walking track, on Collins Beach itself and the rock platforms below the site, especially during the nesting period (September-November, inclusive) and moulting period (February-April, inclusive) when Little Penguins are likely to forage in local waters;
3. Council should consider prohibiting public access through the Council reserve to Collins Beach and rock platforms below the subject site if there are reports of one or more Little Penguins nesting, roosting or moulting in these areas, until such time as the penguin(s) have departed.

C That in regard to the Section 93F Planning Agreement it is recommended that :

Council agrees to enter into the Planning Agreement offered by Lend Lease Development Pty Ltd on 6 June 2006 for Precincts 1, 3, 5, 6, 10, 12 and 13 of the St Patrick's Estate in the terms outlined in the exhibited draft Planning Agreement.

ATTACHMENTS

AT- 1 Summary of Responses to Council's Issues - Ingham Planning 5 Pages

LUM041206ESD_5.doc

***** End of Environmental Services Division Report No. 70 *****

ATTACHMENT 1

Environmental Services Division Report No. 70 - 106 Darley Road, Manly - St Pat's Estate -

Spring Cove

Summary of Responses to Council's Issues - Ingham Planning



Our ref: 03088

21st November 2006

Mr Henry Wong
General Manager
PO Box 82
Manly NSW 1655

Dear Henry

RE: DA for Precincts 5, 6 and 10 (Spring Cove), St Patrick's Estate Manly

We refer to Council's Land Use Management Committee meeting of 6 November 2006 where the above DA was considered. Council resolved to defer the matter to allow consideration of some further issues. The project team headed by Lend Lease has reviewed the matters raised and provides the following response:

Issue 1 – House 16 be relocated from its current position or totally omitted. If it is to be relocated to the sites of houses 1, 2, 3, and 4 those buildings must be no higher and should be moved further from the residential boundary and they not lie prominently within the line of vision from the “Archbishop’s Residence”

In accordance with this request, House 16 has been relocated from its current position and now forms part of the development of Lots 1-4. In this regard Houses 1-4 have been replaced by 5 terrace style buildings, comprised of two attached dwellings in the eastern and western parts of the area containing these lots and a single dwelling between them (see drawings at Attachment 1). As well as improving the outlook from adjacent properties, this arrangement has the benefit of increasing the range of dwelling types available within the development and maintains the high standards of design and energy efficiency set by the remainder of the development.

Urban and Regional Planning, Environmental Planning and Statutory Planning
Registered Office: Lyndhurst, Suite 19, 303 Pacific Highway, Lindfield N.S.W 2070
Telephone: (02) 9416 9111 Facsimile: (02) 9416 9799
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A.C.N. 106 713 788

ATTACHMENT 1

Environmental Services Division Report No. 70 - 106 Darley Road, Manly - St Pat's Estate - Spring Cove Summary of Responses to Council's Issues - Ingham Planning



Further, in accordance with the above, the setback to the western boundary has generally been increased with a significant part of the previous dwelling being taken out of the view corridor, reducing visual bulk and improving outlook. This builds upon the improvements provided by the current scheme over the original scheme (the 3 schemes are shown in the footprint comparison drawing and photomontage at **Attachment 1**). So it is possible to see exactly how far the house has been progressively relocated away from the western boundary in response to Community concerns.

In relation to height, the bulk of the Terraces are generally comparable in height as the previous scheme however, the new design now incorporates a skylight which is necessary to increase internal light to the mostly connected Terraces. The new Terraces still remain significantly lower than the wall height controls of the DCP. Further, the increased setback ensures that the new buildings provide for improved outlook compared to the previous scheme. In terms of the Archbishop's Residence, the proposed buildings are well beyond the view corridor nominated in the LEP and will not be prominent in any views from this heritage building.

Finally, it should also be noted that the changes to the proposal relating to Lots 1-4 have resulted in a reduction in the FSR on this part of the site from 0.5:1 to 0.45:1.

Issue 2 - House 17 remain on its current site with no increase in height

Council's position was that we could retain House 17 as designed. We maintain that the previous House 17 would not be suitable, now that House 16 has been removed. The new house 17 remains generally in the same location as previously proposed, however with the deletion of House 16 it has been extended to make better use of the land and to ensure compliance with the wall height controls. The increase in size is modest at 78sqm and it is substantially smaller (212sqm) than the previous combined floor area of Houses 16 and 17. The FSR in this part of the site has consequently been reduced from 0.54:1 to 0.35:1. Therefore the bulk and scale of development in this part of the site is now significantly reduced.

It should be noted that the current version of House 17 is now smaller and has a greater setback to the west and south than the version shown on the preliminary plans displayed by Council at the last LUM Meeting.

In re-designing House 17 we have been able to address a number of issues raised by both Council and the adjoining owners, summarised as follows:

- Views of and past the previous design when viewed from 88 Wood Street at Apartment 6 & 9.
- Proximity to the western boundary.
- Noise from the entertainment deck on the North of the original House 17.
- Eastern alignment of the axial pathway.

ATTACHMENT 1

Environmental Services Division Report No. 70 - 106 Darley Road, Manly - St Pat's Estate -

Spring Cove

Summary of Responses to Council's Issues - Ingham Planning



- A reduction in the number of houses in the south western corner of the site
- Compliance with the DCP particularly with regard to wall height.

The proposed House 17 is shown on the plans and montages attached (see drawings at Attachment 2) as compared with the earlier schemes, so again it is possible to see exactly how far the house has been progressively relocated away from the western boundary in response to Community concerns. The height of House 17 has not been increased and complies with the DCP with respect to wall height limits. This together with the increase in setback from the western boundary now means that the impact on views from adjacent properties has been significantly reduced.

The new design relocates the entertainment decks on the northern elevation of the original house 17 to the southern side of the new design, thereby negating the concerns of adjoining owners.

This latest submission also relocates House 17 to the north, so that it is above the view line established from the balconies of Apartment 6 and Apartment 9, 88 Wood Street. You'll note on the attached plans that this notional line has been shown from the balconies to the southern most point of the original House 17. The new design places the house entirely behind this line, so the view to the east from 88 Wood Street, with the new design, is no worse than it would have been with the original House 17 design, which was acceptable to Council.

It is also worth noting that the net result of the proposed changes to Lots 1-4 and 16-17 will result in an overall reduction in the floor space on the site of around 300sqm, which equivalent to, or more than, one of the proposed houses.

Issue 3 - Traffic management treatment for Osborne Road to include, Blister treatment of Marshall Street and the Crest on Osborne Road be removed/reduced

Details of traffic management were submitted with the DA, however, the details provided at Attachment 3 aim to provide further details on this issue. In short traffic management in Osborne Road includes:

- no through road signage for the eastern end of Osborne Road;
- 'concealed driveways ahead' signage for the eastern end of Osborne Road;
- 'blister' treatment of Osborne Road east of Marshall Street;
- reduction in the crest by as much as is possible with the existing gutter level (up to 0.51m).

Another issue raised by an objector at the Council meeting was in relation to the proposed entry to the site. Whilst our client prefers the current 'split' entry proposed, an alternate single entry plan is provided at Attachment 3, which could be adopted if Council prefers this option, however we should stress the Engineer's view that the narrower traffic island is not as effective at traffic calming and therefore is less safe.

ATTACHMENT 1

Environmental Services Division Report No. 70 - 106 Darley Road, Manly - St Pat's Estate -

Spring Cove

Summary of Responses to Council's Issues - Ingham Planning



Issue 4 - Dual reticulation to site and each dwelling be provided

Each dwelling is provided with a dual reticulation system as detailed in **Attachment 4**. In this regard roof water will be retained generally in tanks of 5,000 litres for reuse in toilet flushing and laundry use. The reuse of grey water either generated within the site or as part of broader infrastructure is considered inappropriate given the sensitive environment on the site and adjoining areas. In this regard, treated grey water still tends to be nutrient rich, which could have an adverse impact on native flora and also on the water quality in Spring Cove. The sensitivity of the site is acknowledged in Council's own 'Grey water Reuse Policy' which prohibits reuse of grey water in this area.

Issue 5 - Traffic management plan be provided for Eastern Hill and other nearby areas.

The information on traffic impacts submitted with the DA has been supplemented and is provided at **Attachment 5**. The covering letter from Colston, Budd, Hunt and Kafes Pty Ltd reviews the earlier Transport Report, considers the compound effect of all St Patrick's Projects and examines most key traffic intersections on Manly's Eastern Hill. The report again concludes that the proposal, will not have any significant unreasonable impacts on the surrounding road network and those intersections will still provide a 'good' level of service.

Issue 6 - That the driveway, road and other hard surface landscape areas being constructed of semi pervious materials/design with details being submitted to the Private Certifying Authority prior to issue of the Construction Certificate.

The proposed water management strategy for the site has been designed with careful consideration of the sensitive nature of the environment and the need to maintain water flows within the ground. Accordingly, the storm water system has been designed to collect water close to its source and to direct it into 'bio swales' where it can infiltrate the ground. Therefore this system achieves the objective of having a semi-porous 'hard-surfaces' without some of technical problems associated with semi-porous solutions. This is discussed in further detail in **Attachment 6**.

Issue 7 – Sewer Pipe Through Council Reserve

Whilst this was not one of the minuted issues from the LUM Meeting, we have been asked to provide details of the proposed sewer connection proposed to run through the western edge of the un-named Council reserve to the south of the Spring Cove site. These details are shown on an aerial photograph of the area at **Attachment 7**, which demonstrates the impact to any bushland in the area is minimal. This is confirmed by the photos also provided in the hard copy folders which clearly demonstrate the entire length of the sewer run is grassland.

ATTACHMENT 1

**Environmental Services Division Report No. 70 - 106 Darley Road, Manly - St Pat's Estate -
Spring Cove
Summary of Responses to Council's Issues - Ingham Planning**



We trust that this letter, the amended plans and the additional information provided suitably addresses the matters raised by Council. Accordingly we now request that Council determine the matter so that our client can proceed with implementing the proposal or alternatively, lodge an appeal to the Land and Environment Court.

Thank you for your cooperation in this matter

Yours faithfully

A handwritten signature in black ink, appearing to read "Brett Brown".

BRETT BROWN
Director

TO: Land Use Management Committee - 4 December 2006

REPORT: Environmental Services Division Report No. 71

SUBJECT: 25 Fromelles Avenue, Seaforth

FILE NO: DA06/03

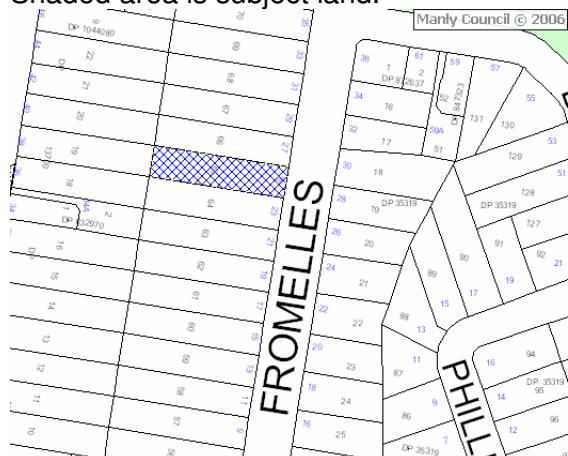
Application Lodged:	19 July 2006
Applicant:	L Rupert
Owner:	L Rupert
Estimated Cost:	\$45,000
Zoning:	Manly Local Environmental Plan, 1988 - Residential Manly Residential Development Control Plan 2001, Amendment 1.
Surrounding Development:	Single and two storey dwellings
Heritage:	n/a

SUMMARY:

1. COUNCIL IS IN RECEIPT OF AN APPLICATION TO MODIFY DEVELOPMENT CONSENT 6/03.
2. THE STATEMENT OF MODIFICATION INCLUDES DESCRIPTION OF WORKS AS "PROPOSED AMENDMENTS NO DEVELOPMENT APPLICATION REQUIRED" AND "PROPOSED AMENDMENTS DEVELOPMENT APPLICATION REQUIRED".
3. THE MODIFICATION APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH TWO SUBMISSIONS RECEIVED.
4. THE MODIFICATION APPLICATION WAS REFERRED TO THE SEAFORTH NORTH PRECINCT COMMUNITY FORUM WITH COMMENTS RECEIVED.
5. THE MODIFICATION APPLICATION WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT AT ITS MEETING OF 31 OCTOBER 2006 WHERE THE IT WAS RECOMMENDED FOR APPROVAL.
6. THE MODIFICATION APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
7. A SITE INSPECTION IS RECOMMENDED.
8. THE MODIFICATION APPLICATION IS RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.

LOCALITY PLAN:

Shaded area is subject land.



Environmental Services Division Report No. 71 (Cont'd)**REPORT****INTRODUCTION:****Site Analysis:**

The site is located on the west side of Fromelles Avenue.

The site has a east west orientation.

The site is legally described as Lot 65, DP 15377.

The site has a slight fall from the rear to the front boundary. The property is 13.71m wide with side boundaries being 58.435 (south) and 58.46m (north). Total site area is 801.6m².

The site is developed with a two storey building comprising child care centre at ground floor level and single dwelling at first floor level.

History

Development application No 6/03 was submitted 8 January 2003 proposing additions and carport and expansion of day care places from 15 to 23 places. The application was considered by Council's Development Assessment Unit at its meeting 12 June 2003 where the application was refused for a number of reasons.

The matter was the subject of an appeal to the Land and Environment Court resulting in the Court granting Consent 27 January 2004 subject to conditions including limiting the maximum number of children to 19.

Council's Compliance Officer has had reason to visit the site and Council has issued a notice of Intention to Issue an Order in respect of an unauthorised timber and polycarbonate roof over the rear deck.

Council is now in receipt of an application under Section 96(1A) to modify the Consent as follows:

Proposed Modifications:

The Statement of Modification separates the "amendments" into two categories the first being

"Proposed amendments no Development Application required." Being:

- Front entry - Deletion of front entry ramp in order to address safety of children entering the centre, eliminating the need for vehicles to reverse across the path of the entrance and providing a safe area for children and parents while an incoming car is reversing.
- Upgrade of southern gate - The gate has been upgraded to match the slatted balconies and motorized in order to eliminate the chance of the gate being left open.
- Sail cloth over turntable - Providing sail cloth over turntable in order to reduce the heat impact on the metal turntable.
- Rear gate repositioned - The gate from the car park repositioned off the veranda.
- Rainwater tank - a proposed rain water tank of less than 3,000ltrs is to be positioned against the northern wall.
- New spa on Upper Deck - A new 3 person spa on the upper deck (dwelling level) with a safety locked cover. Safety precautions include self closing device fitted on the residents door and child proof gate installed from the centre car parking. The Dept of Community services have no objection re attached letter."

And secondly

Environmental Services Division Report No. 71 (Cont'd)

"Proposed Amendments Development Application required

- New Shade Structures – New shade structures are proposed on the playground in order to meet DoCS shade regulations as the eucalyptus tree had to be removed as dead branches were dropping unexpectedly onto the playground endangering the children and staff.
- New Laser light roof over the upper balcony – Removal of temporary roof structure and realigning the roof so that it does not jut out above the existing roof line.
- New Bi-Fold doors – New bifold doors with lockable latches to replace existing double sliding doors and window in upper kitchen and dining room./

Manly DCP for the Residential Zone 2001 Numerical Assessment:

The proposed modifications have no effect on the level of the sites compliance with the numeric requirements of the DCP for the Residential Zone.

Applicant's Supporting Statement

In support of the application the applicant has submitted a detailed Statement of modification and Environmental Assessment a copy of which is available for viewing on Council's file.

NOTIFICATIONS:

The modification application was notified to adjoining property owners with two submissions received from W and G McMahon and A Thompson and L Nova.

The following issues were raised:

- Adverse effect on privacy
- Negative effect on the value of our property.
- Adverse effect on general amenity of adjoining properties including our own.
- Negative impact on neighbouring community.
- Negative impact on Fromelles Ave.
- Contrary to Councils DCP.
- Contrary to the Land and Environment Court Decision.'
- Again the number of children are in question Commissioner Knott (Land and Environment Court) decision was for 19 places, request that no further development application be allowed for this Centre.

Precinct Community Forum Comments:

The application was referred to the Seaforth North Precinct Community Forum meeting of 6 September 2006 with the following comments received;

"It was moved that Seaforth North PCF do not support this modification."

Building Comments:

No objections subject to the inclusion of recommended conditions.

Environmental Services Division Report No. 71 (Cont'd)**PLANNING COMMENTS****Manly LEP 1988:**

The site is located in Zone No.2 - The Residential Zone. The continuing use as a dwelling and child care centre is permissible with consent in the zone. The proposal is considered satisfactory in response to the relevant objectives of the zone, with no significant adverse amenity impacts to neighbouring properties identified in terms of excess overlooking, overshadowing, noise, view loss or visual bulk.

Manly Local Environment Plan 1988 - Clause 10 Objectives

- (a) *to set aside land to be used for purposes of housing and associated facilities;*

The site is zoned residential and will retain its residential use as well as that of a child care centre.

- (b) *to delineate, by means of development control in the supporting material, the nature and intended future of the residential areas within the Municipality;*

Council's Development Control Plan for the Residential Zone 2001 Amendment 1 and the Manly Development Control Plan for Child Care Centres 2004 have been considered in the assessment of the proposal.

- (c) *to allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council area;*

The proposed modification will result in a development which is considered compatible with the character of the locality.

- (d) *to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment;*

The modified roof form is considered satisfactory with acceptable levels of neighbour's amenity being maintained in terms of privacy, views, overshadowing and visual impact.

- (e) *to improve the quality of the residential areas by encouraging landscaping and permitting greater flexibility of design in both new development and renovations;*

The proposal has no effect on the landscaping treatment of the site.

- (f) *to allow development for purposes other than housing within the zone only if it is compatible with the character and amenity of the locality;*

The proposal maintains the residential use of the site and the approved use as a child care centre is considered to be compatible with the amenity of the area.

- (g) *to ensure full and efficient use of existing social and physical infrastructure and the future provisions of service and facilities to meet any increased demand;*

The proposal will not result in any increase in demand on services and facilities.

- (h) *to encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.*

The proposed alterations and additions are considered to acceptable.

- (i) *to encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination, and particularly in relation to the land to which Manly Local Environmental Plan 1988 (Amendment No 57) applies.*

N/A

Environmental Services Division Report No. 71 (Cont'd)Manly DCP for the Residential Zone 2001

The proposal is for relatively minor works and there are no changes to the level of compliance with the numeric provisions of the DCP. The proposal is considered to be consistent with the relevant aims and objectives of the DCP.

The concerns raised in the neighbour submissions are noted and it is apparent that the concern regarding perceived increase numbers of children are not founded on fact. These concerns may have been the result of the wording of the notification letters issued by Council (that by law must refer to the original DA description of proposed development which includes reference to an increase in the number of children attending the centre). It should be clearly understood that the current modification application relates to the alterations and additions to the building and it does not propose any increase in the number of children attending the centre.

Neighbour concerns relevant to this application in respect of amenity issues are noted however potential impacts on privacy of adjoining properties have been minimised by provision of privacy screening to the north and southern ends of the deck area and noise impacts arising from use of the deck area would be consistent with general residential use. The modification will have no adverse visual impact on the streetscape or neighbourhood. Accordingly, it is considered that the concerns raised in the submissions are not such that would warrant refusal of the modification application.

Manly DCP for Child Care Centres 2004

The modification sought will have no effect on the level of the sites compliance with the performance criteria contained in the DCP for Child Care Centres. The proposal is considered to be consistent with the objectives of the DCP as follows:

- its location is appropriate to meet the needs of the community,
- the centre is compatible with neighbouring land use,
- there is no identified health or safety risk to children using the centre or to the adjacent neighbourhood,
- the potential impact to adjoining neighbours in respect of noise, traffic generation and on street parking are minimised, and
- the built form and landscaping of the centre remains integrated into the existing residential environment.

Section 96(1A) of the Environmental Planning and Assessment Act 1979.

Section 96(1A) states that Council being the consent authority may on application being made by the applicant or any other person entitled to act on the consent , modify the consent if

- “
- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
 - (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all) under this section, and
 - (c) it has notified the application in accordance with:
 - the regulations, if the regulations so require, or
 - a development control plan,

In this regard it is considered that the modification will result in minimal environmental impact and that the development as modified will result in a development that is substantially the same as that originally consented to. The modification application has been notified in accordance with Council's

Environmental Services Division Report No. 71 (Cont'd)

Notification DCP resulting in two submissions being received. The concerns raised in the submissions are noted however, such are not considered to warrant refusal of the application.

Section 79(C) of the Environmental Planning and Assessment Act 1979**(1) Matters for consideration – general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument*
- (ii) any draft environmental planning instrument*
- (iii) any development control plan*
- (iv) the regulations*

The proposal has been assessed having regard to the Manly Local Environmental Plan 1988 and the Development Control Plan for the Residential Zone 2001, Amendment 1 and the Manly Development Control Plan for Child Care Centres 2004. Subject to the conditions in the recommended conditions, the proposal is acceptable.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The impacts of the proposed alterations and additions have been considered and, subject to the recommended conditions, will not result in any significant negative effects on the locality.

(c) the suitability of the site for the development,

The site is within the Residential zone and is currently developed with a dwelling and attached child care centre. The proposed alterations and additions are considered to be a suitable development.

(d) any submissions made in accordance with this Act or the regulations,

The application was notified in accordance with Council's policy with two (2) submissions received. The concerns raised in the submissions have been commented on previously in this report.

(e) the public interest.

The proposal is not considered to be contrary to the public interest.

CONCLUSION

The proposal has been considered pursuant to Section 79C and 96 of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan, 1988, and the Development Control Plan for the Residential Zone 2001 Amendment 1 and the Manly Development Control Plan for Child Care Centres 2004.

From this assessment the proposal is considered a satisfactory form of development and approval is recommended.

Environmental Services Division Report No. 71 (Cont'd)**RECOMMENDATION**

That the application to modify Development Consent No. 6/03 for alterations and additions to the existing dwelling and child care centre at No.25 Fromelles Ave Seaforth be approved, with condition 1 amended and new condition 70 added as follows:

1. This approval relates to drawings Nos. TS-MK 25C dated 10 December, 2003 prepared by Calldart Pty Ltd and received by Council on the 17 December, 2003 and Landscape Plans Dwg L1/69 dated 10 December, 2003 prepared by Environ Design except as amended by the following conditions.

This consent does not grant approval for the proposed-

- 1) Sail cloths in the rear yard
- 2) extensions to the front balcony
- 3) alterations and additions to bedroom and front elevation

These works are to be deleted from the plans prior to the submission of any Construction Certificate.

Except as modified by drawings plans Nos. 96-R1 and R2 Amendment A dated May 2006 and received by Council on the 19 July 2006 and L1/69 dated 14 August 2006 and received by Council on the 16 august 2006.

70. The originally approved number of car parking and drop-off spaces are to be maintained.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 71 *****

TO: Land Use Management Committee - 4 December 2006
REPORT: Environmental Services Division Report No. 72
SUBJECT: 59 Ethel Street, Seaforth □ □ Amended Plans
FILE NO: DA423/05

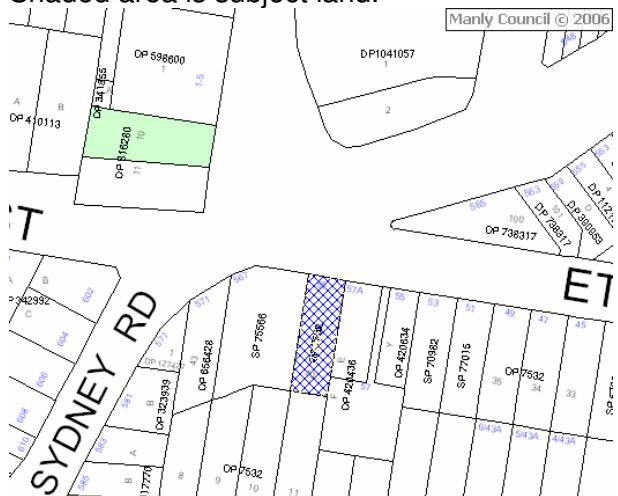
<u>Application Lodged:</u>	29.9.05 Amended plans 5.4.06
<u>Applicant:</u>	Blackwood Architects
<u>Owner:</u>	Estate of the late C. J. Smith
<u>Estimated Cost:</u>	\$3,000,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Business, the property is also in the foreshore scenic protection area.
<u>Surrounding Development:</u>	commercial, mixed use commercial and residential, vacant land, and residential.
<u>Heritage:</u>	Not applicable

SUMMARY:

1. DEVELOPMENT CONSENT WAS SOUGHT FOR A NEW THREE-STOREY MIXED DEVELOPMENT WITH GROUND FLOOR RETAIL/COMMERCIAL SEVEN RESIDENTIAL UNITS AND BASEMENT PARKING.
 2. THE APPLICATION WAS ADVERTISED AND SUBMISSIONS RECEIVED.
 3. THE APPLICATION WAS CONSIDERED AT THE DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 9TH MARCH 2006 WHERE IT WAS REFUSED FOR A NUMBER OF REASONS.
 4. THE APPLICATION WAS CALLED TO COUNCIL LAND USE MANAGEMENT COMMITTEE MEETING BY COUNCILLOR AIRD.
 5. THE APPLICANTS REQUESTED THAT THEY BE GIVEN THE OPPORTUNITY TO SUBMIT AMENDED PLANS IN RESPONSE TO THE REPORT AND THE SUBMISSIONS RECEIVED
 6. THE AMENDED PLANS WERE NOTIFIED AND SUBMISSIONS RECEIVED.
 7. THE APPLICATION WAS PRESENTED TO THE DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 14TH NOVEMBER 2006 WITH A RECOMMENDATION FOR DEFERRED COMMENCEMENT CONSENT.
 8. THE APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR LAMBERT.
 9. A SITE INSPECTION IS RECOMMENDED.
 10. THE APPLICATION IS RECOMMENDED FOR DEFERRED COMMENCEMENT.

LOCALITY PLAN

Shaded area is subject land.



Environmental Services Division Report No. 72 (Cont'd)**REPORT****Introduction**

The site is located opposite the Seaforth roundabout and was previously used as a car sales yard and currently contains minor buildings.

The proposal is to demolish the existing buildings on site and construct a mixed use development with two small shops at the front of the ground floor and seven residential units in a three-storey building with basement car parking for 11 vehicles.

Adjacent to the Ethel Street footpath are proposed two shops each of 37 square metres. To the east of these adjacent to the boundary is a driveway with a clear width of 3.0 metres, giving access to the carpark underneath the development. To the west is the entry to the apartments, which provides a passage to the centre of the site with the buildings lift and stair access. To the rear of the site is a 2-bedroom unit with a deck to the rear which has a pergola coming to within 5.01 metres of the rear boundary.

On the first floor of the development towards the front of the site are 2 two bedroom units, each with a balcony towards the Ethel Street frontage and unit 3 has a small balcony off the bedroom facing towards the rear. There is then a third two-bedroom unit facing the rear of the site with a deck across the full width of the rear of the building and has a pergola over the entire deck.

The second floor contains a similar configuration with two 2 bedroom units facing the Ethel Street frontage each with a deck towards the Ethel Street frontage with access from the living room. Towards the rear is a two bedroom unit with a deck across the full width of the building.

The basement level indicates car parking for a total of 11 vehicles. There are 2 visitor spaces and 2 shop spaces one of which is a space for disabled persons parking and a unit space under the rear section of building and then underneath the front of the site an additional six spaces associated with the units.

Development Control Plan Numerical Assessment

The following is an assessment of the proposal's compliance with the numerical standards of the D.C.P. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

Provision / Standard	Permitted / Required	Proposed	Complies Yes/No
Floor space ratio	1.5:1	1.52:1	No
Wall height Ethel Street	7.5m 2 floors 10.5m 3 floors setback 3.0m	7.7m 10.3m	No Yes
East side West side South side	10.5m 10.5m 10.5m	11.3m 11.4, 10.9m 4.6, 7.4, 10.2 m	No No No Yes Yes
Roof height	3.0m	2.8m however this contains part gable ends	Yes
Setback Front	0 3.0 above 7.5m	0 Wall 3.0 Screens 0m	Yes Yes No
Setback Rear	8.0	5.8 and 7.3 basement 5.01 to deck 8.01 unit	No No Yes

Environmental Services Division Report No. 72 (Cont'd)

Provision / Standard	Permitted / Required	Proposed	Complies Yes/No
east setback side	0m for 15m 3.0m thereafter	1m for 15.9m 3.0m	No Yes
west setback side	0m for 15m 3.0m thereafter	0 for 15.6m 3.0 with 1.5 min to bay	No Yes No
Car Parking- Residents - Commercial - Visitors	7 2 1	7 2 2	Yes Yes No - excess

Applicant's Supporting Statement

The applicant submitted a detailed statement of environmental effects which is on file.

Submissions

The original plans were notified to nearby and adjoining owners with five (5) submissions received from F and T Brazete 22A Magarra Place, M Allison 57, Ethel Street, W. Pullen 14 Magarra Place, A A Cameron Strata Real Estate on behalf of the owners of Strata plan 75566 and AP and SM Coventry, 8/567 Sydney Road, raising the following concerns:-

- The rear building setback does not comply with the 8 m provided in the DCP. The rear setback has been based on the assumption the extra land will be added. The application should not be assessed until the rezoning of this land is approved.
- The rezoning of the land to allow the applicant's rear setback would have severe impact on our properties privacy. The commercial encroachment on my residential land will provide us with no buffer, which is designed by the DCP to provide residential properties with privacy and alleviate the transition of a commercial building to a residential building.
- We are unsure how the applicant plans to achieve the deep soil planting required in the buffer zone
- The rear 45 setback has only been calculated from the top of the pergola. It should be calculated from the ground floor level and not the top of the pergola on this level.
- Floor space ratios have been based on the proviso that the extra allotment of land has been approved. The application should be assessed on the basis of current land size. The calculations indicate the application exceeds the 1.5:1 floor space ratio.
- The applicant is proposing to take advantage of the fact that they are holders of two adjoining properties running north-south from Ethel Street, through to Magarra Place. The Ethel Street property is zoned commercial, whereas the Magarra Place property is zoned residential. The commercial property allows the development of residential flat buildings in accordance with the development control plan for the business zone, 1989 amendment 4.
- The development application is dependent on Council's approval of DA 445/05 to enable it to meet its floor space ratio requirements.
- The development is non-compliance in relation to floor space ratio. The calculation is based on a parcel larger than the existing parcel of land zoned business and is reliant on Council granting a boundary extension.

Environmental Services Division Report No. 72 (Cont'd)

- The amendments to the Manly business DCP came into force in June 2000. Prior to that there were no residential flat buildings in Seaforth and commercial zone was used for commercial usage. The change to the DCP addresses specifically, the CBD of both north and south sides of Sydney Road, and the north and south sides of Ethel Street. Sites along the south side of Ethel Street were given a floor space ratio of 1.5:1 as they abut the residential zone. The commercial allotments interfacing with the residential zone were also required to provide eight metres set back buffer zone for deep soil planting to provide privacy and amenity for adjoining residential.
- Since June 2000 three developments along Sydney Road North.(538, 542 to 544 and 546) and two developments along Ethel Street South (51 and 53) have been approved under this amended DCP
- The change in use to residential buildings was a planned event.
- Of particular importance is the requirement of an 8 metre buffer zone of deep soil planting between the two adjoining zonings. This eight metre wide buffer zone runs across the rear of each of the adjoining commercial properties. If the applicant were to push his commercial boundary further south then it disadvantages all adjacent properties, both commercial and residential
- There will be a loss of sunshine to 57 Ethel St. The whole of my courtyard sunroom and house will be covered in shadow by 3 p.m., winter solstice. The diagrams also show loss of sunshine to the future residents of the south facing units of 57 A. Ethel Street and a loss of sunshine to the residents of 22A Magarra Place. They will be completely overshadowed at 9 a.m. winter solstice.
- Extending the boundaries means changing a zoning and allowing higher-density, and floor space ratio to flow through into the residential zone. The 2000 amendments to the DCP do allow for reasonable expectations and returns to the developers, but they are also there to retain the eight metre buffer zone and meet the community expectations of the residential zone.
- Rear setback Clause 3.2.3.5 calls for the eight metres setback both above and below ground level for deep soil planting. The plans show there is a five metre garden setback from the southern boundary, followed by a three metre tiled area adjoining the rear. In this five metre garden area there are landscaped pot plants, and nothing expected to grow more than two to three metres. This is not deep soil planting.
- Stepping, 45° stepping back at rear. Refer to clause 3.2.3.5 and to the control diagram on page 33. The ground floor south wall of the building must be no less than eight metres from southern boundary both above and below ground. Ground floor unit 1 contravenes with the three metre tiled bit at the rear does not allow for soil planting. Secondly it contravenes where the awning structure is supported from the ground by uprights. Look at 53 Ethel Street it has the eight metres setback with mature vegetation and complies.
- Unit 4 should have an external southern wall that is three metres indented from the wall of the floor below with no structure protruding south beyond this point. Yet the plans show an awning structure that is supported from the floor, holding up an overhead framework with the basis of a side wall framework on the east and west. This framework is much more than an overhead sunshade. The framework looks structural, as if windows could enclose it on the side and front at some future time, thus exceeding the floor space ratio and bringing the living space of the unit that much closer than was intended to the residential zoned properties to the south. The residential zone to the south is supposed to enjoy an eight plus three metre buffer zone from the overlooking the residents on the first-floor.

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- The DCP requires 11 car parking spaces. An excess of two parking spaces are provided. It does not make sense to provide additional space for cars beyond the requirement. This property is proximate to several bus stops and is on the cab rank. There is no need for the additional two spaces at the expense of the buffer zone that is required for deep planting.
- Side setback. It appears as though the southeast corner is tiled there is no significant vegetation buffer to hide the building when viewed from 57, Ethel Street there will be no privacy. Small plants in planter boxes, will not screen upstairs areas will not give me privacy. The landscape plan shows only one plant of significant a scribbly gum in the southeast corner. This will require the rock outcrop in this area to be removed and significant soil depth provided for the plant to grow. However, more substantial planting is required on the eastern side to block to screen the overall bulk.
- The plans are supposed to show the streetscape and instead, they show proposed buildings. They do not comply with the DCP as regard streetscape as it is a four and not a three-storey building, because of the additional sunroom on the roof.
- The building 61 to 63 Ethel St. is four stories and was approved by the land and environment Court under the early DCP. It is a floor space ratio 2:1 and no side setbacks.
- The current DA ought to align with 51and 53 Ethel St., as they form a planned streetscape under the amended DCP.
- The plan gives a false measurement in relation to the DCP floor space ratio is assuming the piece of land is going to be rezoned. I object to this rezoning such a rezoning would not be a benefit to the immediate neighbouring properties. There would not be a gradual reduction in building density from the high-density 1.5:1 business zone to the density of residential properties of the rear. Any commercial encroachment into the residential area is wrong. The DCP states it is of critical importance to protect the residential amenity of surrounding low rise housing by minimising impact at the interface with any new development in the centre.
- The screens on third-floor do not comply with the DCP and give the appearance of a wall and give the streetscape an uneven appearance of the 51 53 setback on the third-floor and to comply with the DCP. Any comparison with 61 to 63 Ethel St, should be ignored as this was constructed under the rules of the previous DCP
- The awnings on the ground floor the southern end should not encroach on the eight metres setback. The 45° setback of each floor from the eight metres is designed to allow sunlight to access the southern area landscaped area for deep soil planting of large privacy trees across the full width of the block, and not just at the corners.
- The underground carparking area detention tank and mechanical ventilation plant have been allowed to project into the eight metre setback from the rear boundary. Instead it is limited to three metres. The reason for the eight metres is for the establishment of mature landscape to protect privacy and residential amenity of neighbouring residential properties.
- The DA refers to the access corridor from the commercial development over adjoining residential properties at the both the sides and rear. According to the DCP the side setback beyond 15 metres is to allow for landscaping privacy light and ventilation. The eight metre rear setback is to allow for deep soil planting to sustain mature trees and to minimise overlooking. The view corridor of the rear of 59 indicates there is no planting except at the rear corners. This means that the five residential properties at the rear will be completely overlooked without any attempt to preserve their privacy or residential amenity.

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- The owners Corporation are very concerned that having established a footprint and visual precedent for this location that other buildings should now fit in to get an overall visual connection that will ensure the architectural importance of this corner. We are concerned that although this application does in many ways do that. It is still a very different design and colour scheme. We think that the inadequacy of the design of 57A Ethel St is again shown up here. We seek Council to take a view that some sense of continuity must be enforced. We would not want to see three totally unrelated buildings on this important corner.
- The light well the owners Corporation are very concerned that the light well on the eastern boundary will be dramatically compromised.
- The owners Corporation require a comprehensive and professional dilapidation report to be undertaken
- The application will impact on privacy sunlight and amenity.
- On the west elevation of the proposal, a number of windows overlook a bedroom in the light well. I understand these windows provide light to an entrance corridor. To ensure privacy in both directions with the windows being referred to the south will be reduced to one window will be made obscure instead of relying on outside metal shutters.
- Can the western elevation be changed to greater maintain the setback and integrity of the light well is so as to minimise loss of sunlight in a lounge room
- The northern elevation of the proposed building has been designed with the skillion roof, this is hardly in keeping the streetscape of the adjoining building and does not articulate well with the adjoining buildings.

Submissions on amended plans

The amended plans were readvertised and two submissions received from T Merillo 5/53 Ethel Street and M. and C. Superina. 1/567 Sydney Road, raising the following concerns.

- The traffic at this intersection is at breaking point now. Further mixed density on the roundabout will only cause further problems. Has there been any consideration of this ever increasing problem. I request Council consider the problem of further development in the already overdeveloped busy intersection before considering this development.
- Loss of privacy. The balconies are surpassing the walls of our property by a considerable length at the southern side. This would be a total invasion of privacy as all the balconies would have a full view of our court yard and apartment. Screen planting for privacy as proposed would only increase our loss of sunlight and overshadow our backyard and apartment
- Overshadowing. The length of building is overshadowing our court yard and taking the morning sunlight from the East. This is of great concern as our property is facing south and the morning sunlight is one of the few sources of sunlight in our backyard
- Our apartment is on the lower ground floor, the proposed length of the balconies would have a detrimental effect on our property.

Environmental Services Division Report No. 72 (Cont'd)**Seaforth Precinct Community Forum Comments**

In relation to the original plans the following motion was put

"That this Precinct strongly urges Council to completely reject the application as it incorrectly states the size and shape of the site, significantly breaches the 8m buffer zone between commercial and residential zones and is therefore significantly in breach of the allowable FSR."

This was carried unanimously with one abstention.

The following motion was also put

"That this Precinct rejects any attempt to change boundaries between commercial and residential zones. Any erosion of the current level of amenity is COMPLETELY unacceptable."

This was carried unanimously

In relation to the amended plans:

The meeting was advised by the chair that the amended design still included major breaches of the eight metre buffer zone at the rear of the property. Included in the breaches are significant built structures (2 metre plus tall brick columns with full height in fill panels) and a private garden space for the exclusive use of just one unit. Council's attention is drawn to their own recent decision to refuse a strata subdivision application on a neighbouring Ethel Street development where the applicant sought to give exclusive use of part of the buffer zone to a single unit. The meeting agreed that the same principles should be applied to this application and that the buffer zone should only contain large mature planting to provide the screening required by the DCP amendment for this zone. This planting should not be allowed to be included in the Strata for a unit, but should remain as common property for the building.

Engineers Comments

Conditions of consent are to be included.

Traffic Engineers comments

Ethel Street is classified as a "Collector Road" under the Manly Council's Road Classification Plan. It carries approximately 10,000 vehicles per day. The subject site is located approximately 20 metres from the Ethel Street/Sydney Road/Frenchs Forest Road roundabout

Comment

That due to the traffic volumes on Ethel Street and the close proximity to the subject site to the roundabout that traffic access to the site be restricted to left in left out. (This is as shown on the site plan.)

Vehicular access

The DA proposes a two-way vehicular access via a three metre wide driveway access ramp down to the basement car park.

Comment

The proposed driveway access will provide poor sight distance of both motorists exiting the development and for pedestrians walking past the development. The sight distance problem could be improved by introducing a 2.3 metres by 2.3 metres splay on the Ethel Street boundary line, (as shown on the attached plan), to improve site distance.

(Note the attached plan illustrates the triangular section of the shop adjacent to the driveway being eliminated with dimensions 2.3 metres along the northern and eastern face of the proposed shop.)

Environmental Services Division Report No. 72 (Cont'd)**Car parking**

The revised DA car parking layout details 11 on-site basement parking spaces three of which are visitor spaces.

Comment

The geometric layout of the proposed basement car park is satisfactory.

Recommendation

That the proposed vehicular access to the development be restricted to left in left out, (as detailed on-site plan)

That the driveway access from Ethel Street be modified in accordance with AS/NZS 2980.1 2004 Section 3.2.2 introducing a 2.3 by 2.3 splay as shown on the attached plan, to improve sight distance.

Building Comments

No objections from a building point of view to the proposed new mixed development building being a class 2, 6 and 7 building requiring type A construction in accordance with the BCA. Conditions should be included in any consent.

Landscape Architects Comments

Conditions of consent are to be included.

Planning Comments

The original plans were considered by the developed assessment unit meeting, where it was resolved to refuse the application for the following reasons, plus that it does not comply with the height provisions of the DCP.

1. The proposal is contrary to the subdivision pattern having regard to Section 79 C.(1)(b) and (c) of the Environmental Planning and Assessment Act 1979.
2. The proposed development does not comply with the rear setback requirements of the development control plan for the business zoned 1989 Amendment 4 having regard to Section 79 C.(1)(a)(iii) and (c) of the Environmental Planning and Assessment Act 1979.
3. The proposed development will lead to a loss of privacy to the adjoining residential properties having regard to Section 79 C.(1)(b) of the Environmental Planning and Assessment Act 1979.
4. The proposal provides more excavation for the basement area by providing more car parking spaces than are required under the provisions of the development control plan to the business zoned 1989 Amendment 4 and additional areas for services and storage, thereby reducing the area available for landscaped open space across the rear of the site. This is likely to have an adverse impact on the adjoining properties as well as the natural and built environments of the area having regard to Section 79 C.(1)(a)(iii) and (b) of the Environmental Planning and Assessment Act 1979.
5. The proposed development does not comply with the floor space ratio requirements of the development control plan to the business zoned 1989 Amendment 4 and is regarded to be of excessive bulk having regard to Section 79 C.(1)(c) of the Environmental Planning and Assessment Act 1979.

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6. The proposal is unsatisfactory in that it will provide inadequate landscape screening to the residential properties at the rear, having regard to Section 79C.(1)(c) of the Environmental Planning and Assessment Act 1979.
7. The proposed development does not comply with the provisions of State Environmental Planning Policy number 65 (SEPP 65), pursuant to Section 79 C.(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
8. The proposal does not respond to the submissions received having regard to Section 79 C.(1)(d) of the Environmental Planning and Assessment Act 1979.
9. The proposal is not in the public interest, having regard to Section 79C.(1)(e) of the Environmental Planning and Assessment Act 1979.
10. The proposed development includes commercial usage on residentially zoned land, which is contrary to the provisions of the Manly LEP 1988 and the development control plan for the business zoned 1989 Amendment 4 having regard to section 79 C.(1)(a)(i) and(a)(iii) of the Environmental Planning and Assessment Act 1979.
11. The proposal does not provide for adequate sight distances for pedestrian safety, having regard to section 79 C.(1)(c) of the Environmental Planning and Assessment Act 1979.
12. The proposal has not included a re zoning of the rear portion of the land assumed to be part of the site and would not be in the public interest, having regard to the potential impact of the development on the surrounding neighbours having regard to section 79 C.(1)(e) of the Environmental Planning and Assessment Act 1979.

Amended Plans

In response to the recommendation for refusal the applicant requested that he be given time to amend the plans in which he sought to overcome the criticisms made. In amending the plans the reference to a inclusion of a strip of residentially zoned land was eliminated the number of bedrooms was reduced and some common open space introduced into the design. There was also elimination of balconies, which caused mutual privacy problems between individual units within the development. As noted above the amended plans were re notified and submissions received. The following comments relate to the amended plans.

The development control plan allows a floor space ratio of 1.5:1. The proposal has a floor space ratio 1.52:1, which represents 12 square metres over the maximum figure expected on the site.

The development control plan, expects buildings to be built up to the front of the site to a height of 7.5 metres and two floors, the building is then to be setback three metres from the road frontage to a maximum height of 10.5 metres and three floors.

The design has the height to the top of the balustrade on the road frontage of 7.7 metres above the footpath level and will have to be reduced slightly to comply with the 7.5 metres. The condition to this effect is included in the recommendation.

The second-floor of the development is setback the required three metres to the floor space of the building and has sliding doors from the living areas. There is however at the front of each bedroom an area indicated with privacy screens that extend forward to the front boundary of property. The applicant may be relating the massing of proposal to the development at 567 Sydney Road. It should be noted that the development control plan has been changed and that this development was approved by the Land and Environment Court. It is also noted and that other recent developments in Ethel Street have the step back to the third floor level as described in the DCP. It

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is considered that the concept of the screens to the road frontage is in conflict with the intention of the control requiring the top level of the building to be stepped back from the frontage. It is considered that this detailing increases the bulk of the development and is inappropriate in terms of the streetscape and as such a condition is suggested required deletions of the screens and that the set back remain open on the second floor level.

The DCP states that in relation to the side setback buildings must be built to the side boundary to the depth of 15 metres from the front boundary and beyond this building must be setback three metres from the side boundary to allow for landscaping privacy light and ventilation to the development.

The proposal indicates walls to the side boundaries however they extend 15.9 metres and 15.6 metres towards the rear of the site. There seems to be no reason why the development does not comply with this standard. To the east the development indicates the 15 metre wall length but then extends this out with a wing wall to the balcony. This does not comply with the DCP. It should be noted that the adjacent development approved by Council at 57 A. Ethel Street, complies with the 15 metre setback. To the west, the development indicates a wall of 15.530m and indicates that this is consistent with the development on 61 to 63 Ethel Street however reducing the wall length will reduce the potential to look into the adjacent units.

Along the east elevation the building is then stepped back the required three metres and complies with this standard. On the western elevation however, the drawings indicate a bay extending out a maximum of 1.5 metres in the setback. As noted above the floor space ratio exceeds that permissible for the site it is a simple matter to eliminate the bays from the development however the development will still not totally comply with the floor space ratio requirement.

In relation to rear setback the development control plan requires that buildings must be setback both above and below ground eight metres from the rear boundary. The setback is to be developed for deep soil planting to allow for the retention/establishment of a mature tree landscape buffer. The DCP notes that part of the setback may be used for vehicular access or basement parking if the applicant can demonstrate to Council satisfaction that:

- (i) the area will be capable sustaining sufficient deep soil planting to protect the privacy of neighbouring residential properties; and
- (ii) no other alternative is available for access to existing or proposed parking areas.

The plans indicate the basement car parking levels extending the full width of the property and coming to within 5.7 and 7.3 metres of the rear boundary. The car park is accessed via a three metre wide driveway at a gradient of 1:20 for the first 4 metres then a gradient of 1:8 down to the level RL 64.9. There is a cross fall gradient of 1:20 across the width of the site. There is then a further ramp at a gradient of 1:20 down to the level of the lift lobby at RL 64.25, followed by a further 1:8 gradient down to RL 63.65 and once again a cross fall at 1:20 to the lowest level of RL 63.35.

The reason for the detailed description of the car parking levels is to illustrate that the carpark is not excavated sufficiently into the site to allow landscaping on top of the carpark and that the ground floor extends one metre above the ground. This is significant because the combination of the raised floor level and rear terrace as well as the extent of the carpark and service areas further down the site eliminates the extent of deep soil planting. The development control plan does refer to allowing encroachments into the rear eight metre setback if this is needed for the car access or basement parking but only if the applicant can demonstrate that the area will be capable of sustaining significant deep soil planting to protect privacy of neighbouring residential properties and no other alternative is available for access to the existing or proposed parking areas. The applicant has not shown that there are no other alternatives and has not demonstrating that sufficient deep soil planting is able to be provided. In fact, the plans show only a small area of

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planting across the rear which is not in conformity with the expectations of the development control plan for the business zone.

The plan indicates an on-site detention tank and a mechanical ventilation plant encroaching into the eight metre setback these service areas are not subject to the variation referred to in the DCP. It is considered that these areas could be located elsewhere on site such as above or below the access ramp, so that more of the rear 8 meter setback is available for the deep soil planting in accordance with the development control plan. A condition to this effect is included in the recommendation.

The plan indicates, open space to the east of the development containing partly planting in a raised planter area above the carpark level and partly a courtyard off the bedroom. To The west side there is paving on the majority of the side setback with minimal landscaping. This is contrary to the objective of side setback being to allow for "landscaping privacy light and ventilation to the development". No reference is made to this being provided as hard open space. It is considered that additional landscaping should be provided along the western portion of the site in order to improve the amenity of the area and the mutual privacy between residents.

The applicant has not shown that there are no other alternatives and has not demonstrating that sufficient deep soil planting is able to be provided. In fact, the plans show a pergola over a large portion of this area, and only small planting across the rear boundary, which is not in conformity with the expectations of the development control plan for the business zone. It is also noted that on the first floor level of the development a pergola has also been shown which extends beyond the envelope envisaged in the development control plan. It is considered that the pergolas should be eliminated from the design as these face south and are an unnecessary massing and an encroachment beyond what is considered appropriate in the development control plan

The application was subject to examination in terms of State Environmental Planning Policy number 65 Design of Residential Flat Buildings. A detailed criticism was put forward in relation to the overall design and configuration of units and this report is available on file. The amended plans do provide some communal open space however it is considered that the communal open space should include the entire landscaped area across the rear up to the proposed rear deck. In this way the deep planting privacy screen is under the control of the body corporate and not an individual.

The statements contain no information as to security within the apartment entry or the carpark and it is considered that this aspect should be examined by the applicant as the carpark contains a mixture of operators of the shops as well as resident and visitor carpark spaces and that access to the shops is via the lift and the lobby associated with the apartments. It is noted that many of the units have very limited outdoor areas and that there is a lack of storage. The entrance to unit 1 is adjacent to the garbage room which is considered to undesirable. These criticisms should be addressed as part of the deferred commencement requirement

The proposed driveway of the development has a solid wall on its eastern extremity extending to the road frontage. The driveway is the single width in accordance with the development control plan and has an overall clear width of three metres as referred to in the development control plan. To the west of the driveway is a single column with the windows of part of the shop. As noted above councils engineer has suggested a splay to the shop window in order to provide sight lines for people using the driveway.

Environmental Services Division Report No. 72 (Cont'd)**Clause 10 objectives**

- (a) *to provide for encourage the development and expansion of business activities which will contribute to the economic growth and employment opportunities within the Manly Council area;*

The site was previously used as a car sale yard occupying the majority of the site area so that the current use with two small shops represents a reduction in the area of business activity on site. Even though the development will provide for employment opportunities it does not meet this objective.

The applicant has referred to the size of the building associated with the car sales operation however, it is a general principle that for a car sales yard the total area occupied by vehicles as well as the building represents the land-use activity. It is agreed that the two small shops will provide increased employment opportunities. However, the applicant appears to be using a double standard by excluding the area of cars associated with the car sale yard but including the parking with the new use.

- (b) *to accommodate retail, commercial and professional services and established locations in the residential neighbourhood where such development is compatible with the amenity of the surrounding areas;*

This objective does not apply.

- (c) *to ensure there is adequate provision for car parking future development in the business areas; and*

The development provides sufficient car parking for the proposed development. The development meets this objective

- (d) *to minimise conflicts between pedestrians and vehicular movement systems within the business areas.*

It is considered that it would not be in the public interest to approve this development in its current form due to non compliances and adverse impacts and as such changes to the plans are necessary and deferred commencement consent is therefore recommended. The proposal includes a driveway to the basement car park it is noted that the driveway width is only 3.0 metres, which introduces a safety issue and potential conflicts between pedestrians and vehicles. Councils engineer has suggested a splay through the shop adjacent to the driveway and a condition to this effect is included in the recommendation.

EP&AA 1979 – section 79(c)

- (a) *the provisions of:*

- (i) *any environmental planning instrument*
- (ii) *any draft environmental planning instrument*
- (iii) *any development control plan*
- (iv) *the regulations*

This proposal is permissible in the zone but only with development consent

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

It is noted that the proposed design does not include the full eight metre setback in order to provide deep planting and also includes more encroachments into this area for various plant and store rooms. The development does not provide sufficient landscaping to the west to maintain privacy to the adjacent development. The development does not comply with a number of the design principles contained in the State Environment Planning Policy number 65. Deferred commencement consent is therefore recommended so that deficiencies with the plans can be overcome.

Environmental Services Division Report No. 72 (Cont'd)*(c) the suitability of the site for the development*

The site is suitable for mixed-use development. Other developments in the immediate vicinity illustrate this form of development in terms of the current controls. It is considered that changes to the plans are necessary to make the development compatible with the area.

(d) any submissions made in accordance with this Act or the regulations

The submissions received by Council contain valid arguments about the impact of the proposed development on their living conditions and amenity. These objections also show how the surrounding neighbours have expectations of future development based on the relatively recent development control plan. The application has not met these objections and changes to the plans are suggested deferred commencement consent is therefore recommended.

(e) the public interest.

It is considered that it would not be in the public interest to approve this development in its current form due to non compliances and adverse impacts and as such changes to the plans are necessary and deferred commencement consent is therefore recommended.

It is considered that it would not be in the public interest to approve this development in its current form due to non compliances and adverse impacts and as such changes to the plans are necessary and deferred commencement consent is therefore recommended. The proposal includes a driveway to the basement car park it is noted that the driveway width is only 3.0 metres, which introduces a safety issue and potential conflicts between pedestrians and vehicles. Councils engineer has suggested a splay through the shop adjacent to the driveway and a condition to this effect is included in the recommendation.

The development application was considered at the Development Assessment Unit Meeting of 14th November 2006 where it was resolved that the deferred commencement consent be granted subject to deletion of deferred commencement condition No A4.

CONCLUSION:

The proposal has been considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan, 1988 and the Development Control Plan for the Business Zone 2001 Amendment 5. The proposal is subsequently recommended for Deferred Commencement Approval.

RECOMMENDATION

It is recommended that a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 the Development Application 423/05 for erection of the mixed-use development at 59 Ethel Street, Seaforth be approved with the consent not operating until the applicant has submitted revised plans showing:-

A1

The height of the building reduced, so that the dimension from the footpath level to the top of the balcony rail on the Ethel Street frontage is a maximum of 7.5 metres as outlined in the development control plan and the awning adjusted to match the height of the awning proposed at 57A Ethel Street.

A2

The second floor treatment facing Ethel Street changed with the elimination of the privacy screens to the front of the bedrooms and the beam across the front of the deck so that this level maintains the open three metre setback as stipulated in the development control plan.

Environmental Services Division Report No. 72 (Cont'd)**A3**

The extent of building on the side boundaries reduced so as to comply with the 15 metres maximum distance from the Ethel Street frontage requirement stipulated in the development control plan in this regard the extent of building includes the wing wall to the balcony.

A4

A three metre setback provided to the rear section of the western elevation in accordance with the development control plan by the elimination of the bays extending into this setback area. This will also bring the development closer to compliance with the floor space ratio control contained in the development control plan.

A5

The detention tank and plant room located within the eight metre rear setback area relocated elsewhere on site in order to provide for additional deep planting in accordance with the development control plan.

A6

The proposed driveway gradient increased in accordance with AS/NZS 2890.1 (2004) so that there is increased ability to provide deep planting over the rear carpark level, including additional landscaping to the rear and sides of the development.

A7

The pergolas over the rear terrace and deck eliminated as these extend into and beyond the building envelope established in the development control plan and are serving south facing balconies.

A8

The common open space associated with the development extending the full width of the rear of the site with only the paved area and eastern side setback area being associated with the ground floor unit.

A9

Details of the method of providing security to the carpark and to the entry of the development.

A10

The amount of private open space associated with units 6 and 7 increased to more closely reflect requirements of SEPP 65.

A11

The original landscaped plan updated and showing additional deep planting across the rear and down both sides of the development in order to form an effective screen and preserve the privacy of the adjacent residents to the rear and to the west.

A12

An updated BASIX report is to be submitted in relation to the amended plans.

A13

That the proposed vehicular access to the development is to be restricted to left in left out, (as detailed on-site plan)

A14

The driveway access from Ethel Street modified in accordance with AS/NZS 2980.1 2004 Section 3.2.2 introducing a 2.3 by 2.3 splay to improve sight distance.

Environmental Services Division Report No. 72 (Cont'd)**A15**

The entrance to unit 1 repositioned as it is adjacent to the garbage room and it is considered that this is undesirable and that a reconfiguration could achieve a better design relationship.

This consent is a **deferred commencement**.

Evidence of items A1 to A15 is to be submitted within a period of three months, pursuant to section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two years.

DA1

This approval relates to drawings/plans Nos. 01-10 Revision A dated 30 March 2006 and received by Council on the 5 April 2006.

ANS01

The following trees shall be retained and protected during construction:-

- One (1) x Pittosporum undulatum,
- One (1) x Shefflera actinophyla.,
- One (1) x Ficus elastica,
- One (1) x Jacaranda mimosifolia, located on the south eastern corner of the site.

Do not carry out excavation within 3 metres of the critical root zone of the trees. Plant 1 x 100 litre tree on the Ethel Street Frontage to form part of the streetscape, species to be determined by Council prior to the issue of a final occupation certificate. The current landscape plan should be amended prior to the issue of a construction certificate, to reduce the paving area on the Eastern side court yard. Continue the garden bed on this boundary to provide screening to this boundary. Increase the length of the planter bed on wall of the western court yard to allow more planting. Replace Eleocarpus reticulatus in the south western corner of the site with a Eucalyptus haemastoma to help break up the building mass. Landscaping is to be in accordance with the approved plans.

ANS02

The depth of the proposed pond is not to exceed 300mm unless made child-safe to the satisfaction of Council/Private Certifying Authority.

DA001

The development shall be provided with access and facilities for people with disabilities in accordance with Australian Standard 1428.2-1992 Design for Access and Mobility Part 2: Enhanced and additional Requirements (AS1428.2).

DA002

Access in accordance with AS1428.2 shall be provided to and within the main entrance and exit points of the development in accordance with the Manly Development Control Plan for Access.

DA003

Access in accordance with AS4299 - Adaptable Housing shall be provided to at least one unit in the development. Details shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

DA004

At least one unisex sanitary facility designed in accordance with AS1428.2 shall be provided in all new or refurbished buildings which provide public sanitary facilities. Details shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Environmental Services Division Report No. 72 (Cont'd)

DA007

Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory or wherever directional signage or information is provided to those buildings where access and facilities have been provided. Such signage shall have to regard to the provisions AS1428.2.

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 centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

DA014

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.

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 \$30,000. 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.

Environmental Services Division Report No. 72 (Cont'd)**DA272**

Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property.

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.

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.

DA030

No portion of the proposed building is to encroach onto a Public Road or Reserve, except as may be permitted by the Local Government Act 1993.

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

Environmental Services Division Report No. 72 (Cont'd)

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.

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.

DA054

Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.

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.

DA059

Building work shall not progress beyond first floor level until such time as Registered Surveyors 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.

DA060

On completion of the building structure a report from a Registered Certifier 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.

DA061

A certificate from a Registered Certifier 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.

Environmental Services Division Report No. 72 (Cont'd)

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.

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.

DA072

The visitor car spaces shall be accessible at all times and a sign post shall be erected at the vehicular entry point(s) of the development indicating the location of the spaces.

DA074

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The area set aside for carparking as shown on the approved plan shall be used for the parking of vehicles and for no other purpose. Any loading or unloading of materials of potential environmental damage must be appropriately bunded with adequate spill response equipment in place to ensure nil runoff from the site.

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.

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.

Environmental Services Division Report No. 72 (Cont'd)

DA089

An easement is to be created through the adjoining property/properties for the disposal of stormwater runoff and services, to the requirements of Council or its delegate. The easement shall be registered prior to the issue of the Construction Certificate. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.

DA092

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 of stormwater drainage and 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.

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, which ever 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.

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.

DA224

The reconstruction and/or construction of footpath paving and any associated works along all areas of the site fronting Ethel Street. 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

Environmental Services Division Report No. 72 (Cont'd)

Certificate and shall be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA226

Awnings shall be a minimum of 3.5m above footpath level and offset a minimum of 600mm behind the kerb.

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.

DA236

Landscape 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.

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.

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 \$10,000 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.

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.

DA254

Glare from internal lighting shall not be permitted to extend beyond the limits of the building authorised by this approval.

DA255

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.

Environmental Services Division Report No. 72 (Cont'd)

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.

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.

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.

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 5
- Retaining wall steel inspection
- Framework inspection
- Wet area moisture barrier X 7
- Drainage inspection
- Driveway crossing/kerb layback
- Landscaping inspection
- Final inspection

The cost of these inspections by Council is \$4,600. (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.

Environmental Services Division Report No. 72 (Cont'd)**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 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.

Environmental Services Division Report No. 72 (Cont'd)**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.

DA292

Development consent of Council shall be obtained for any new advertising structure prior to erection.

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.

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Council's Section 94 Policy applicable at the time of payment **prior to the issue of the Construction Certificate / the release of subdivision plans for registration / or at the time prior to release of Development Consent where no works are involved**.

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.

Environmental Services Division Report No. 72 (Cont'd)

ATTACHMENTS

There are no attachments for this report.

LUM041206ESD_1.doc

***** End of Environmental Services Division Report No. 72 *****

TO: Land Use Management Committee - 4 December 2006
REPORT: Environmental Services Division Report No. 73
SUBJECT: 7 Pacific Parade, Manly
FILE NO: DA428/05

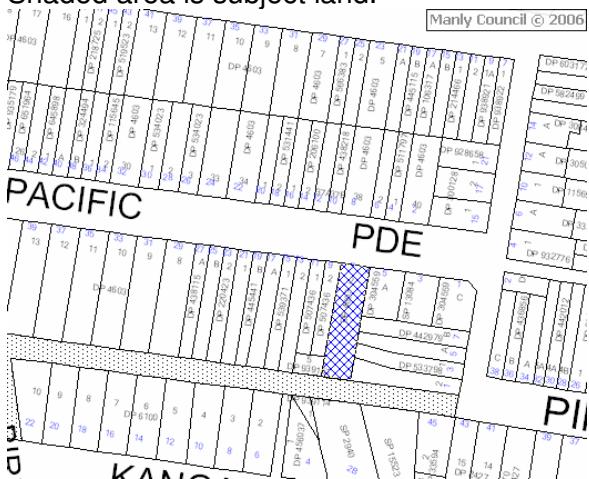
<u>Application Lodged:</u>	27th September 2005
<u>Applicant:</u>	B Fook Castle Peak architects
<u>Owner:</u>	Mr A Defina
<u>Estimated Cost:</u>	\$800,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	residential buildings,
<u>Heritage:</u>	Pacific Parade is listed for its Street tree planting and its stone kerbs

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR DEMOLITION OF THE EXISTING DWELLING, AND CONSTRUCTION OF A NEW DWELLING HOUSE GARAGE CARPORT AND POOL.
 2. THE APPLICATION WAS NOTIFIED TO NEARBY PROPERTY OWNERS AND OBJECTIONS RECEIVED.
 3. THE PRECINCT WAS ADVISED OF THE APPLICATION.
 4. CONCERN WAS RAISED AT THE HERITAGE NATURE OF THE AREA AND THE LACK OF LISTING OF DWELLINGS AND THIS WAS CONSIDERED BY COUNCIL.
 5. AMENDED PLANS WERE SUBMITTED WHICH WERE RENOTIFIED.
 6. THE APPLICATION WAS PRESENTED TO THE DEVELOPED ASSESSMENT UNIT MEETING OF 2ND NOVEMBER 2006 WHERE IT WAS RECOMMENDED FOR APPROVAL.
 7. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
 8. A SITE INSPECTION IS RECOMMENDED.
 9. APPROVAL OF THE APPLICATION IS RECOMMENDED

LOCALITY PLAN

Shaded area is subject land.



Introduction

The development application proposes demolition of the existing house and construction of a new 1 and 2 storey dwelling with attached garage and carport a pool new driveway vehicular crossover and motorised driveway gate, removal of some existing trees and new landscaping, including replacement trees.

Environmental Services Division Report No. 73 (Cont'd)**Development Control Plan Numerical Assessment**

The following is an assessment of the proposal's compliance with the numerical standards of the D.C.P. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

	Permitted/ Required	Proposed	Complies Yes/No
Density - Sub Zone 3	1/250	1/579.5	Yes
Floor space ratio	0.6:1	0.56:1	Yes
Floor space ratio – existing	0.6:1		
Wall height east side	7.2m	5.6	Yes
west side	7.2m	5.6	Yes
Roof height	3 or 1m parapet	2m and 0.6m parapet	Yes
Fence height	1m	1.8m	No
Setback Front	4m and 3. 5m adjacent	4.1 dwelling 2.4 veranda and 0.6 carport	No
Setback Rear	8	11.5	Yes
East setback side	1.86	0.272, 6.5, 1.276, 2.2, 1.9	Yes
West setback side	1.86	1.196, 2.1, 4.7, 1.596	Yes
Setback - pools Side and Rear	1.5	1.5	Yes
Wall on boundary height	3.0	3.1	No
Wall on boundary length	16.6	10.2	Yes
Open space - total	55%	43%	No
Open space - total	318.7 square metres	249 square metres	No
Open space - soft	35%	62%	Yes
Open space - above ground	Less than 25%	0%	Yes
Number of Endemic Trees	2	2	Yes
Private Open Space	18 square metres	85	Yes
Car Parking - Residents	2	2	Yes
- front garage		Carport to front	
Shadow -adjacent open space adjoining EW orientation adjoining NS orientation exist north facing roofs			Yes
Energy Efficient Rating ★★★★	3.5	4.0	Yes

Applicant's Supporting Statement

The applicants submitted a detailed Statement of Environmental Effects a copy of which is available on file. The applicants submitted a detailed statement from a heritage consultant and town planner with the amended plans.

Submissions

The original proposal was notified and Council received 11 letters of objection from Ken Carpenter of 9 Pacific Parade; N & M Gordon of 3 Collingwood Street; L Irwin of 14 Pacific Parade; J & K Davidson of 11 Pacific Parade; M & J Kennedy of 5 Pacific Parade; P Foster of 5 Collingwood Street; G & A Ashby of 10 Pacific Parade; K Woods-Wade of 50A Pacific Parade; J Hickey of 5 Collingwood Street; G Yates & A Smith of 7 Collingwood Street and Melinda Coates of 47 Pacific Parade.

Environmental Services Division Report No. 73 (Cont'd)

In general grounds for objection cover the following points:

- It will be totally out of keeping with current streetscape, which others have kept to. I am concerned it will end up being units.
- It looks like the heritage listed tree will be destroyed.
- There is no provision for yard trees for landscaping. The area left is the Stonewall/reserve.
- The neighbours sunshine from the east will be cut off to almost zero.
- The development application sets a precedent which could ruin the lovely green peaceful safe family environment.
- There has been a lack of consultation and dialogue with adjacent property owners
- There would be major negative impacts on the amenity and value of my property.
- The proposal would significantly degrade the character and nature of what is one of the oldest and most unique neighbourhood in Manly.
- The development does not comply with a number of key objectives and performance criteria.
- The proposed structure would exert an imposing and dominant influence upon 7 Collingwood Street being 8.5 metres above the ground level, at the back doors of my property and comprised of large expanses of rendered wall extending for half the width of my rear yard.
- The proposed elevated roof terrace adjoining a children's play area looks directly downwards upon the rear yard and internal living area of my property without any privacy screen on the eastern side of the terrace. It is likely this will be a high traffic area adjoining a children's play area, making a significant degradation of visual and aural privacy inevitable.
- The height and location of the proposed rear structure would cause significant loss of summer sunlight. This is the only open space contained within number 7 Collingwood Street. It is inappropriately placed at the rear of the site not like all other properties along the southern side of Pacific Parade, which built are towards the front to minimise impact on neighbouring properties.
- The unique bush land outlook that 7 Collingwood St currently enjoys would be significantly impaired due to the excessive height and bulk of the proposals inappropriately located and elevated rear section.
- The parking arrangements proposed are likely to exacerbate an already chronic shortage of available on street parking.
- The inability to fulfill open space requirements shows this is an over development of what is a large site.
- The excessive building height is inconsistent with that of the locality and causes disruption to views privacy and sunlight access.
- The heights of the external walls at the rear have side setback obligations that are not fulfilled. The wall on the eastern side of the front structure also exceeds the allowance under the DCP.
- The design creates excessive and unreasonable overshadowing in both winter and summer.
- The screened elevated roof terrace would look directly into the rear yard to living areas of adjoining properties.
- Proposed parking access arrangement would result in unreasonable loss of on street parking in an area characterised by an extreme shortage of parking.
- the proposal will have a significant and permanent negative impact on the unique character and streetscape of Pacific Parade and Collingwood St.
- The information lodged contained a number of inaccuracies and critical omissions relating specifically to ridge heights north elevation and orientation of adjoining properties, particularly to the east of the site the properties are oriented in East-West direction and as such, severely impacted by the proposal.

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- I am not fundamentally opposed to the concept of development on the site. I do believe that there is a clear obligation to ensure that any development is sympathetic with respect to the existing character of the neighbourhood and impact on neighbouring properties.
- The architectural style of the proposal is totally inconsistent and unsympathetic to the prevailing streetscape.
- The north elevation lodged with the development application is misleading in that it tends to mask the impacted by omitting the middle and upper levels of the structure from the diagram.
- The peak ridge height is approximately 9.5 metres above the footpath level of Pacific Parade and 2.1 metres above the existing ridge height. This creates significantly increased bulk.
- Three-storey developments such as that proposed here are not favoured in the DCP.
- All current residences along the southern side of Pacific Parade have located the bulk of their structures at the front of their sites creating a near uniform rear building line that extends for almost the entire length of the street. The proposed development locates the majority of the bulk of the structure within the back half of the site creating a myriad of overshadowing privacy and view loss issues to adjoining properties.
- The proposed driveway will risk damage to the street tree that is listed as being of environmental Heritage. It will also result in loss of two on street spaces.
- It is requested that Council compel the applicant to design a proposal that is more sympathetic to neighbouring properties and the nature of the prevailing streetscape. This can be achieved by moving the bulk of the proposed structure to the front of the development and the rear of the building line forward to be consistent with the building line of other properties or by lowering the profile and excessive height of the rear structure from its current proposed three levels to two through extensive excavation. This will address the majority of the objections and issues created for the streetscape. The proposal will comply with the Council's DCP in relation to the maximum depth of three metres for excavation. Reduced height would reduce overshadowing and privacy degradation and be more sympathetic with the hillside.
- Parking in Pacific Parade is very troublesome and dangerous, the proposal will add to this problem.
- The design of the building does not blend or fit in with any other properties. It appears similar to a townhouse development.
- Our backyard at 5 Pacific Parade is small, sunny and private the proposal would destroy this amenity.

The applicant submitted amended plans in response to submissions received and criticisms from Council, which were renotified. Council received five letters four of objection from K Carpenter of 9 Pacific Parade; W & MG McBurnie of 1 Collingwood Street; J & K Davidson of 11 Pacific Parade; P Foster of 5 Collingwood Street and P Stephens of 16 Pacific Parade.

The objections to the amended plans raise the following points:

- The new proposal does address some of the streetscape issues raised in several objections. But ignores the issue of inappropriate bulk and still exceeds the real floor space ratio of the block. Since the land of the back of the development is unbuildable and not accessible. The actual proportion of the block on which there is building would be more like 70 to 80%
- The front of the development begins at the fence alignment and includes the roof of the carport, which sits in front of the garage. This is the only property in this area to intrude beyond the existing front building alignment of all other properties. It will restrict the light and outlook from the front veranda of my property.
- I cannot believe the building is within DCP guidelines it presents a wall 30 to 40 metres on my eastern boundary. My eastern sun is dramatically affected by having two interconnected two storey buildings on the block. The owner has agreed he will plant trees

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to mitigate the visual impact of the rear section the property but has not made any concession regarding the bulk and shadowing except to remove the pitched roof, which does not change the wall height and its impact on the rear terrace nor its effect on sun.

- Is it legal to build from the front footpath to the cliff at the back with only a small courtyard which is also a built on area.
- Is it within code to build along the total length of a building block?
- Is it legal to build a two storey building over the main sewer.
- Is it within code to totally remove current sun from the yard behind my house?
- What has happened to the submission to look at this property as a Heritage site?
- It would be better for the amenity of my home if two things occurred.

The carport should be made to match the existing building alignment maintaining my front outlook.

The rear building should be moved back beyond the sewer line approximately five metres. This would require some excavation of now unusable land at the back of the property - this would allow light into my rear deck over the lower pitched interconnecting roof.

- the proposed development does not meet the criteria of open space by some 11%
- the proposed building occupies nearly all the land and is not in keeping with the appearance of homes in the street
- The erection of a two storey building to the west of our land will reduce the available sunlight.
- Privacy- on the east elevation there is a set of stairs which lead up to a path and another set of stairs which lead to the rear. Both will overlook into the rear of our property.
- We have concerns of the height of the property at its rear. We are concerned about a privacy and potential effects of overshadowing
- We value the outlook and are concerned at such a large structure
- The total volume of the proposed premises is of concern. We are living in close proximity, and to have such an approach in premises overlooking our backyard will affect our quality of life. The proposal to build the majority of the living space to the rear is out of character.
- The proposed design is not in sympathy and will lose a period built weatherboard home. The Heritage value of the street is being affected by the demolition of an already scarce property.
- We need more detail of the driveway to see the impact on street parking.
- We value the area for its green space. A development of the size impinges on the green space and would be unprecedented in the street. In addition, the loss of the Norfolk Island Pine in the backyard removes further trees in the area, which are a valuable asset to Manly area and the local birds. Are the owners going to ensure trees are kept on the east-west boundary?
- We are concerned at the removal the large tree on the north eastern corner, and the effect it will have on the street frontage of the property.
- The street has a reputation for trees, two were killed and residents requested that they be replaced, which indicates the feeling of residents who desire to retain large trees
- Given the proximity to my properties I would request that in the event that the DA is approved the applicant be requested to arrange dilapidation reports prior to beginning excavation

Following receipt of the submissions the applicants discussed the proposal with the neighbours at 11 Pacific Parade and supplied them with additional information, including shadow diagrams landscaped plans detailed elevations and streetscape. The applicant submitted a letter to Council indicating that the owners of 11 Pacific Parade were comfortable that their concerns have been addressed and no additional comments have been received following this discussion.

Precinct Community Forum Comments

Paul Foster spoke in objection to the DA as follows-

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That-

- The proposal is out of character with the street.
- It is inconsistent with any other dwelling.
- North elevation is misleading, as it does not show the second level.
- Bulk of development at rear of the property will affect privacy and solar access to other properties, including number 5 Collingwood St.

Seven other objectors were present.

In support of the proposal was the applicant and owner Mr Andrew Defina.

He submitted that the proposed dwelling was designed to allow maximum solar access within the development site.

Engineers Comments

No objection. Standard conditions are attached.

Building Comments

No objections to the proposed new class 1(a) building and 10(b) pool subject to the inclusion of conditions in any consent.

Heritage Sub-Committee Comments

The original plans:-

The committee opposes the proposed demolition of the existing federation style freestanding weatherboard cottage that makes a significant contribution to the important streetscape of Pacific Parade.

Supports the inclusion of the Pacific Parade (and Alexander Street).in the Pittwater Road Conservation Area.

Opposes the new house, which is designed and located so as to dominate the street and surrounding houses radically altering the predominantly Federation character of the street

The amended plans:-

The amended plans were reconsidered by The Heritage subcommittee on 3rd May 2006.

1. The committee strongly opposes the demolition of this weatherboard cottage, likely one of the first houses built on the Farrels Paddock Estate (subdivided 1905).
2. The committee has previously recommended the heritage listing of 7 Pacific Parade.
3. Council recently resolved to commission a Heritage assessment of Pacific Parade and Alexander Street with a new possible listing of the streetscapes
4. The proposed redevelopment is out of character and scale with the existing Pacific Parade streetscape.
5. It represents over development of the site, by comparison to adjoining properties.

Heritage planner comments**Heritage Status:**

Potential Heritage Item:	Yes (No 7 Pacific Parade)
Potential Heritage Streetscape:	Yes (Pacific Parade)
Heritage Streetscape Street Trees:	Yes (Pacific Parade)

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The existing single storey weatherboard cottage is situated on the southern side of Pacific Parade between Collingwood Street to the east and Balgowlah Road to the west. The narrow allotment is part of the early 20th century fine grain subdivision of Farrell's Paddock, a long surviving dairy and mixed farm that related to part of 100 acres originally granted to Charles Andrews and Christopher Skally on May 1842. The site slopes up gently to the rear over its lower half and then rises steeply towards Pine Street.

The existing cottage known as 'Kurramboola' is a modest single storey weatherboard cottage of a vernacular style. The cottage features a hip roof, a bullnose veranda and a single brick chimney. The covered veranda spans across the front of the cottage. The central front door and waist high sidelights together with the pair of double hung windows on either side of the front door enhances the symmetry of the cottage. Although alterations and additions have been undertaken at the rear it is considered that the original cottage is relatively intact.

The Sands Directory indicates that the house was constructed circa 1924. However the simple vernacular form and some of the features such as: the detail around the name plate; the bullnosed veranda roofing; the front door, highlights and sidelights; fireplace; and the weatherboard profile reflect an earlier period.

Proposal

The applicant seeks to demolish the existing relatively intact weatherboard cottage. The Heritage Consultant identified the key determinants for the demolition of the cottage as: lack of on-site car parking; the quality of the interiors of the existing cottage; the overall condition of the cottage; and the inability of the cottage to accommodate the space requirements of the new owners.

The redevelopment of the site is for a house with an attached garage, carport and swimming pool. The two storey wings to the front and rear of the site are connected by a single level to the west of the site.

Approach to assessment

The proposed demolition of the original cottage will be assessed on the justification by the Heritage Consultant and will include: demolition due to inadequate car parking; demolition due to the cottage's lack of architectural or historic merit; as well as on the consequence of the demolition of the cottage on the streetscape of Pacific Parade. This will be followed by an assessment of the proposed new development

Heritage Impact Assessment**1. Proposed demolition of the original cottage**Demolition due to inadequate car parking

In evaluating the retention of the cottage against Guidelines of the NSW Heritage Office 'Have all options for retention and adaptive reuse been explored' the only option put forward by the Heritage Consultant was to move the cottage backwards to allow for one car space in front. However this inappropriate option was discounted by the Consultant because of: the '*cost and trauma*'; and the *different building setback that would result within the established streetscape*. The Consultant in support of the demolition stated '*The reality of retention is if the house stays where it is there is no potential for on-site parking*'

Comment

The inherent constraints of the original subdivision with narrow widths and long lengths together with the massing and orientation of the cottages towards the street frontage offer limited development potential for on-site parking than other built forms and subdivision patterns. Garages, carports and on-site parking areas for motor vehicles were not elements incorporated into early

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buildings and their sites. It is noted that every site has constraints and opportunities and this site is no different

The proposal for the demolition of a building of potential heritage significance in a street valued for its historic and aesthetic significance for the specific purpose of providing off-street parking does not protect and conserve the cultural environment of the Local Government Area and have will have an adverse effect on the character and amenity of the Manly Council area.

Demolition due to lack of architectural or historic merit

The submitted Heritage Impact Assessment supports the demolition of the weatherboard cottage due to the need to create extensive new accommodation and states that '*The retention of the house which is not of architectural or historic merit, coupled with substantial expense is not justified...*' and '*There are no significant physical elements on the site*'

Comment

Demolition due to lack of architectural or historic merit is refuted because:

- *The original weatherboard cottage retains more than sufficient integrity in its original form, fabric, detail and setting to demonstrate the modest start of Manly's suburbanization and particular aspects of early 20th century life;*
- *The relatively intact simple vernacular form with its massing, significant elements and orientation is aesthetically distinctive;*
- *The cottage is important to a community's sense of place (as indicated by the residents' value of the streetscape); and*
- *The cottage constructed pre World War II has attributes typical of a particular way of life, design and technique*

It is considered that the cottage should be retained and protected as it is a potential item of high local historic significance. The cottage warrants listing on Manly Council's schedule of heritage items.

Consequence of demolition on the streetscape

The landscape heritage listing of Pacific Parade in the Manly Local Environmental Plan 1998 Schedule 4 relates to the large street trees planted within the road reserve on either side of the road. While the streetscape qualities of the area are enhanced by the listed street trees planted in the early 1900s the vast majority of residents in Pacific Parade have illustrated their value for the place in their lobbying of Council to add to the LEP listing of significant items and list Pacific Parade as a heritage streetscape.

The Heritage Consultant has assessed the streetscape 'in general' to be the significant element in the vicinity of the cottage and identified the *allotment sizes and the configuration of the sites* as the significant elements of the streetscape. In the Heritage Impact Statement the Consultant does not consider that the existing cottage may contribute to the Pacific Parade streetscape.

Comment

It is considered that significance of the Pacific Parade's streetscape relates to more than what has been identified by the Consultant. Pacific Parade is considered to have high local heritage significance due to: the relative intactness of the original houses on the subdivision; the remarkable cohesive nature despite the obvious diversity of building styles; their overall consistency of scale; the visual richness of detail; and the closeness of the houses to the street that contributes to the intimacy of the streetscape and emphasizes the original facades of the buildings. It is the total of these elements that contribute to the value of Pacific Parade

No 7 Pacific Parade in its: intactness; cohesive nature; scale; visual richness of detail; and relationship to the street demonstrates that it contributes to Pacific Parade streetscape and the townscape of Manly. The cottage should be retained not only for its significance as an item but for its authentic contribution to the streetscape of Pacific Parade.

Environmental Services Division Report No. 73 (Cont'd)Demolition due to structural damage

The submitted Heritage Impact Assessment in evaluating all options for retention and adaptive reuse against the Guidelines of the NSW Heritage Office has supported the demolition by stating '*Clearly, the critical determinates are the on-site car parking, quality of interiors, overall condition of the house and the need to create extensive new accommodation at the rear'*

Comment

A survey of the structural condition was undertaken on behalf of the applicant that identified items requiring rectification. However a number of issues related to the later alterations and additions, in particular: the inadequate ground clearance of the addition at the rear; the replacement of the beam over the rear door; and possibly the replacement of the roofing that now requires additional struts.

Although a number of brick piers under the dwelling require repair due to loss of mortar all weatherboard buildings of nearly a hundred years old can be expected to exhibit some deterioration and damage caused by weathering and lack of maintenance. Weatherboard cottages, regardless of how they were built initially, are almost infinitely repairable. Evidence of deterioration or structural instability unless it can be demonstrated beyond doubt that the instability cannot be rectified without compromising the potential heritage significance of the building and its setting is not justification for demolition

The applicants in their submission did not explore options for reconfiguring the additions at the rear because of their requirements for on-site car parking. It is considered that a number of defects could be rectified and additional accommodation provided if further consideration is given to work at the rear. Any proposal however must be sympathetic to the existing weatherboard cottage in terms of design, materials and the physical and visual impact on the building

The above assessment finds that the identified defects relating to the original cottage are insufficient to warrant demolition of the original cottage. However it is recommended that remedial works be undertaken as soon as possible.

2. Proposed new residence

The proposal is for a two storey dwelling located on the original front building line of the veranda of the original cottage. The proposed residence has a side setback of 272mm on the eastern side and 1.596mts on the western side. The carport in front of the garage to the west of the site is approximately 650mm from the front boundary

The applicants have supported the new development stating it '*respects the streetscape by reinforcing the building line and the scale of the street*'.

Comments

The proposal in providing a two storey dwelling to Pacific Parade has made an attempt to reduce the overall height and bulk of the proposal. However Pacific Parade contains predominantly single storey dwellings and the submitted design with the second level emerging out of the roof is not considered in keeping with the character of the streetscape. Similarly while the proposed setback is retained to a certain extent the proposal for a garage set back from the building line and a carport that is set forward from the existing building line destroys the continuity of the front facades. In addition the high front fence (approximately 2.1mts) while attempting to provide privacy and to hide this juxtaposition is inappropriate and out of harmony with the neighbouring fences.

The modest scale, form, skylines and detailing of the cottages provide coherence and design integrity to Pacific Parade. These elements should be reinforced. The proposed residence is not considered appropriate within the context of Pacific Parade and would have an adverse impact on the setting and the cohesive relationship of Pacific Parade.

Environmental Services Division Report No. 73 (Cont'd)**Conclusion**

The proposed justification by the applicant for demolition of the original cottage due to inadequate car parking and the cottage's lack of architectural or historic merit is not substantiated. It was found that cottage should be retained not only for its significance as an item but for its authentic contribution to the streetscape of Pacific Parade. In addition it was considered that the identified defects relating to the original cottage are insufficient to warrant demolition of the original cottage.

The proposed new residence was considered out of character with the relatively intact streetscape of Pacific Parade. Further consideration could be given to reconfiguring the additions at the rear while ensuring that the original cottage retains its authenticity.

Recommendation

- That the proposal be refused
- That Council requests the NSW Heritage Council to place an Interim Heritage Order on the property at No 7 Pacific Parade, Manly.

Note:

If demolition is approved the application is to be submitted for heritage comments and conditions relating to the proposed submission

National Trust Comments.

Council has received correspondence from the National Trust of Australia (New South Wales) on 16th October 2006, which stated.

It has come to the attention of the National Trust (NSW) that the above property is under threat of demolition. The National Trust (NSW) would like to lodge its opposition to this demolition. Although it is not listed, number 7 Pacific Parade Manly is undoubtedly of heritage significance. Early weatherboard cottages are becoming extremely rare throughout the greater Sydney region, especially in areas such as Manly. That the cottage is substantially intact increases its heritage significance.

In a time when we are losing much of our seaside heritage in the name of progress, it would be a shame to lose such a beautiful example of Manly's early history.

Planning Comments

As can be seen from the above much has been said about the heritage qualities of the existing building on-site. However, it must be observed that a report was presented to the Planning and Strategy Committee meeting of 17th July 2006 recommending that 7 Pacific Parade be listed as an Item of Environmental Heritage in the Manly LEP. The result of the debate on this report was that Council resolved that 7 Pacific Parade Manly **not** be listed as an Item of Environmental Heritage. In light of this resolution the question of the heritage of the building will not be further addressed and the merits of the application will now be discussed.

In revising the design, the architect has now provided a hipped roof form with a verandah across the front and returning down both sides of the building with a small section of roof extending out to form a carport to the western side of the site. It is considered that this form of building is more consistent with the development in the neighbourhood. However, it is noted that the proposal includes elimination of the existing tree to the eastern front of the site and replacement with a new deciduous tree. It is also proposed to provide an elevated courtyard with access from the dining area of the dwelling.

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To the western front of the site it is proposed to remove the existing tree and provide a carport in front of the proposed garage. It is proposed to have a nine metre wide gutter crossing, so as to provide a driveway on both sides of the existing street tree. This is contrary to the normal standard, and it is considered that only one crossing to the east of the existing street tree would be appropriate and would retain the maximum amount of car parking on the street.

It is considered that it would be more appropriate to move the front section of the dwelling back on site 1.5 metres, so that the main veranda setback is consistent with that of the adjacent dwelling to the west. This will allow additional space for the existing tree to the northeast corner to be retained which adds to the streetscape while allowing the trees on the other side to be removed for the proposed carport. The proposed carport roof would then be setback, approximately 2.2 metres from the front boundary, which is more consistent with the setback of the development in the street. While it is noted that there are carports some of which have garage doors further along the street that come closer to the front boundary it is considered that this dwelling should be made consistent with its adjacent neighbour's, which has the added advantage of retaining the existing significant tree to the front of the site, which forms an important part of the streetscape. An examination of the floor plan reveals that it is possible to reduce the length of the building by two metres or increase slightly the degree of excavation towards the rear without compromising the principles contained in the design. It is considered that a condition of consent requiring the relocation of the building and the retention of the existing tree to the north east corner of the site can be imposed with a degree of certainty as to the outcome and that a deferred consent is not necessary.

It is noted in the assessment above the proposal includes a wall very close to the side boundary on the East that has a height of 3.1 metres. Moving of the design back on the site as outlined above, will overcome this non-compliance.

Objectors have raised criticism of the lack of open space on site and the fact that the majority of the soft open space is at the higher level of the site. It is agreed that this is removed from the main living areas of the dwelling and would be maintained as part of the natural landscape. It is pointed out that the courtyard with its pool and terrace area provide sufficient private open space to comply with Council's normal expectation for of single dwelling, and that the amount of soft open space in total amounts to 62% of the overall open space

The proposal includes a front fence with an automatic sliding gate across the carport area which is indicated as having a height of the 2 metres above the ground level. It is considered that this should be reduced in height to a maximum of 1.5 metres to be consistent with the streetscape. In this regard it is noted that the terrace to the front of the dining area is slightly elevated and that the increased setback as discussed above would allow better separation of the courtyard area from the footpath by the provision of additional landscaping.

Manly LEP 1988:

The site is located in Zone No.2 - The Residential Zone which permits dwelling houses with the consent of Council.

Manly Local Environment Plan 1988 - Clause 10 Objectives

- a) *to set aside land to be used for purposes of housing and associated facilities;*
The site is zoned residential and will retain its residential use.

- (b) *to delineate, by means of development control in the supporting material, the nature and intended future of the residential areas within the Municipality;*

Council's Development Control Plan for the Residential Zone 2001 Amendment 1 has been considered in the assessment of the proposal. The non compliance is the amount of open space however it is considered that as the proportion of soft open space is 62% which is greater than the

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35% requirement and the private open space is 85 sq m in the central courtyard the proposal is supported.

- (c) *to allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council area;*

The proposed dwelling is considered compatible with the character of housing in the locality.

- (d) *to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment;*

The design of the dwelling is considered to provide acceptable levels of neighbour's amenity in terms of privacy, views, overshadowing and visual impact.

- (e) *to improve the quality of the residential areas by encouraging landscaping and permitting greater flexibility of design in both new development and renovations;*

The proposal has been reviewed as being acceptable, with the dwelling moved back on site in order to reflect the streetscape and preserve the existing tree to the front of the site.

- (f) *to allow development for purposes other than housing within the zone only if it is compatible with the character and amenity of the locality;*

The proposal maintains the residential use of the site.

- (g) *to ensure full and efficient use of existing social and physical infrastructure and the future provisions of service and facilities to meet any increased demand;*

The proposal will not result in any increase in demand on services and facilities.

- (h) *to encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.*

The proposed dwelling is considered to be suitable for the site, responding to its form, slope and the surrounds.

- (i) *to encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination, and particularly in relation to the land to which Manly Local Environmental Plan 1988 (Amendment No 57) applies.*

N/A

Section 79(C) of the Environmental Planning and Assessment Act 1979**(1) Matters for consideration – general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*

- (i) *any environmental planning instrument*
- (ii) *any draft environmental planning instrument*
- (iii) *any development control plan*
- (iv) *the regulations*

The proposal has been assessed having regard to the Manly Local Environmental Plan 1988 and the Development Control Plan for the Residential Zone 2001, Amendment 1. Subject to the controls detailed in the recommended conditions, the proposal is acceptable.

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

The impacts of the proposed dwelling have been considered and, subject to the recommended conditions, will not result in any significant negative effects on the locality.

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(c) *the suitability of the site for the development,*

The site is within the Residential zone and is currently developed with a dwelling and as such the proposed new dwelling is considered a suitable development for the site.

(d) *any submissions made in accordance with this Act or the regulations,*

The application was notified in accordance with Council's policy with submissions received.

The applicant has held additional discussions with the adjacent objectors and have supplied the additional information requested.

(e) *the public interest.*

The proposal is considered to be in the public interest, subject to the recommended conditions

CONCLUSION:

The proposal has been considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan, 1988, and the Development Control Plan for the Residential Zone 2001 Amendment 1 and with suitable conditions is considered acceptable.

RECOMMENDATION

It is recommended that Development Application 428/054 for demolition of the existing dwelling and erection of a new dwelling, parking and pool at 7 Pacific Parade Manly be approved subject to the following conditions.

DA1

This approval relates to drawing numbers 590 01 to 11, dated March 06 and landscape drawing DL01 and DL02 both revision A dated 07.04.06 and received by Council on the 7th April 2006

ANS01

The building is to be relocated on-site an additional 1.5 metres to the south, so as to reflect the existing streetscape and the plans are to be amended accordingly prior to the issue of the Construction Certificate.

ANS02

The tree at the north-east front corner of the site is to be retained and the plans are to be notated accordingly prior to the issue of the Construction Certificate.

ANS03

The footpath crossing is to be reduced, so as to only provide a driveway to the eastern side of the street tree and the plans are to be notated accordingly prior to the issue of the Construction Certificate.

ANS04

The proposed front fence and automatic sliding gate are to have a maximum height of 1.5 metres above the footpath level and the plans are to be amended accordingly prior to the issue of the Construction Certificate.

ANS05

The following trees are to be retained and protected during construction. The following trees nominated on drawing DLO2 A :

- T1 Lophostemon confertus.12m
- T2 Persea Americana 8m
- T5 Araucaria heterophylla 8m

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- T7 Ficus rubiginosa 10m
- T8 Ficus rubiginosa 10m
- T9 Angophora costata 12m
- T10 Banksia integrifolia 5m
- T11 Jacaranda mimosifolia 10m
- T12 Banksia integrifolia 5m
- T13 Angophora costata 14m
- T13 A Ficus hilli 12m
- T14 Glochidion ferdinandii 8m
- T15 Angophora costata 12m
- T16 Glochidion ferdinandii 8m
- T16A Glochidion ferdinandii 6m
- T17 Ficus macrophylla 18m

ANS06

Retain and protect during construction the Street tree located in the roadway.

ANS07

Proposed driveway in Pacific Parade is to be maximum width of 4.0m at the rear of the kerb and comply with Council's driveway specifications. Amended plans are to be submitted to Council for approval Prior to Issue of Construction Certificate.

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 our 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 centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

DA014

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.

Environmental Services Division Report No. 73 (Cont'd)**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.

DA272

Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Councils property.

DA341

Any heritage listed stone kerb removed for construction of a driveway or other approved works, is to be removed without damaging it and contact is to be made with Councils Works Manager on Telephone 9976 1455 for the stone to be transported to Councils 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.

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.

Environmental Services Division Report No. 73 (Cont'd)**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.

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.

Environmental Services Division Report No. 73 (Cont'd)

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.

DA059

Building work shall not progress beyond first floor level until such time as Registered Surveyors 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.

DA060

On completion of the building structure a report from a Registered Certifier 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.

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.

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.

Environmental Services Division Report No. 73 (Cont'd)**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 plans 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 and 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.

DA227

A barrier or temporary fence shall be erected around the existing street trees to protect them from damage during construction.

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.

DA236

Landscape 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.

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.

Environmental Services Division Report No. 73 (Cont'd)

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

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

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.

DA254

Glare from internal lighting shall not be permitted to extend beyond the limits of the building authorised by this approval.

DA255

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.

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 2

Framework inspection X 2

Environmental Services Division Report No. 73 (Cont'd)

Wet area moisture barrier
Drainage inspection
Landscaping inspection
Swimming pool reinforcing steel inspection
Swimming pool safety fence inspection
Final inspection

The cost of these inspections by Council is \$2,760. (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.

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.

Environmental Services Division Report No. 73 (Cont'd)

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.

Environmental Services Division Report No. 73 (Cont'd)**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.

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.

DA312

Windows giving access to the pool areas must be made child safe and comply with the following:-
(i) The bottom of the lowest opening panel of the window must (when measured in the close position) be at least 1.2m above finished floor level; and (ii) Have no footholds wider than 10mm between the bottom of the lowest opening panel of the window and any point within 1.1m below the bottom of that panel; or (iii) Be key locked or fixed by other approved means allowing no opening through which a round bar 105mm in diameter can be passed. However, if such windows are required for the ventilation of the room in accordance with the Building Code of Australia, they must be protected by way of a child safe grille only unless satisfactory alternative provision is made for ventilation.

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.

Environmental Services Division Report No. 73 (Cont'd)

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.

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.

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**.

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.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 73 *****

TO: Land Use Management Committee - 4 December 2006

REPORT: Environmental Services Division Report No. 74

SUBJECT: Development Applications Currently Being Processed.

FILE NO:

SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING DECEMBER 2006.

REPORT

The following applications are currently being processed by Council's Development Assessment.

DA#	Date Rec by Council	Site Address	Proposal	Target Date	Type of Deter
506/05	06-Nov-05	3 Pacific Parade	Alterations & Additions to Residential Flat Building	DEC	DEL
521/05	30-Nov-05	151 Darley Rd Lot 12	3 Storey Dwelling & Pool	DEC	DAU
536/05	12-Dec-05	133-136 North Steyne	Demolition of Buildings	7/12/2006	DAU
56/06	27-Jan-06	133-136 North Steyne	Demolition & RFB with Basement Parking & Strata Subdivision	DEC	DEL
118/06	20-Feb-06	17 Rosedale Avenue	Pool & Garage	DEC	DAU
91/06	21-Feb-06	44 Dudley Street	Erect 2 Dwellings	DEC	DEL
126/06	04-Apr-06	61 Peacock Street Seaforth	Alterations & Additions; new deck, fence & driveway	DEC	DAU
326/06	03-May-06	5 College Street	Demolition, New Dwelling & Pool	Awaiting Information	
186/06	12-May-06	17 Carlton Street	Alterations & Additions	DEC	DAU
214/06	19-May-06	5 Peronne Avenue	Alterations & Additions	DEC	DEL
217/06	23-May-06	38 Denison Street	Alterations & Additions	29/11/2006	DAU
259/06	30-May-06	5 Sandra Place	Demolition and New Dwelling	5/12/2006	DAU
231/06	06-Jun-06	31 The Corso	Alterations & Additions to Ivanhoe Hotel	DEC	DEL
233/06	08-Jun-06	15 The Crescent	Alterations & Additions, Strata Subdivision & Carparking	DEC	DEL
243/06	20-Jun-06	45 Beatty Street	Partial Demolition, Alterations & Additions, basement Car parking and Landscaping	28/11/2006	DAU
248/06	21-Jun-06	37 White Street	Change of Use to place of Worship	7/12/2006	DAU
250/06	23-Jun-06	74 Bower Street	Alterations & Additions	DEC	DEL
435/06	28-Jun-06	10 Abbott Street	Alterations & Additions, Carport, Pool, & Front Fence	JAN	DAU
272/06	29-Jun-06	25 Ocean Street	Alterations & Additions	DEC	DEL

Environmental Services Division Report No. 74 (Cont'd)

328/06	03-Jul-06	8 Paris Street	Demolition & 2 New Attached Dwellings	JAN	DAU
292/06	05-Jul-06	84 Peacock Street	Demolition, new Dwelling, Pool, Cabana & Fencing	DEC	DEL
276/06	06-Jul-06	35 Ponsonby Parade	Alterations & Additions & Pool	DEC	DEL
297/06	10-Jul-06	25 Fairlight Crescent	3 Storey RFB Converted to Single Dwelling	DEC	DEL
301/06	11-Jul-06	8B Beatty Street	Alterations & Additions, Pool and Stairs	DEC	DEL
327/06	12-Jul-06	20 Castle Circuit	Swimming Pool	DEC	DAU
293/06	15-Jul-06	13&15 Amiens Road	Land Subdivision & Boundary Alignment	DEC	DEL
309/06	18-Jul-06	16 Eurobin Avenue	Demolition, New 2 Storey Dwelling	DEC	DEL
316/06	21-Jul-06	2 Bligh Crescent	Alterations & Additions	JAN	DAU
308/06	24-Jul-06	39 Pine Street	Alterations & Additions	DEC	DEL
322/06	28-Jul-06	42 Malvern Avenue	Alterations & Additions, Garage & Loft	DEC	DEL
324/06	31-Jul-06	8 Kangaroo Street	Alterations & Additions	Awaiting Information	
334/06	09-Aug-06	7 Dobroyd Road	Alterations and Additions	DEC	DEL
343/06	11-Aug-06	63 Lauderdale Avenue	Alterations & Additions, Garage with Turntable Access	JAN	DAU
349/06	21-Aug-06	71 Castle Circuit	Alterations & Additions	7/12/2006	DAU
350/06	22-Aug-06	25 Austin Street	Alterations & Additions & Hardstand	DEC	DEL
361/06	23-Aug-06	11 Steinton Street	Alterations & Additions	DEC	DEL
353/06	24-Aug-06	140 Woodland Street	Alterations & Additions	DEC	DEL
358/06	24-Aug-06	53 Gurney Crescent	Pool & Landscaping	DEC	DEL
356/06	24-Aug-06	53 Balgowlah Road	Demolition, 2 Townhouses & Strata Subdivision	DEC	DEL
365/06	01-Sep-06	3/69 Sydney Road	Bin Enclosure	DEC	DEL
371/06	04-Sep-06	158 Condamine Street	Subdivision	DEC	DEL
375/06	04-Sep-06	64 Castle Circuit	Alterations & Additions	DEC	DEL
376/06	08-Sep-06	10 Nield Avenue	Alterations & Additions, Garage & Strata Sub	JAN	DAU
374/06	08-Sep-06	10 Heaton Crescent	Land Subdivision	DEC	DAU
388/06	08-Sep-06	49 North Steyne	Restaurant & Sushi Bar	DEC	DEL
386/06	11-Sep-06	172-174 Woodland Street	Demolition - 2 Storey Marketing Suite for Totem	DEC	DEL
378/06	11-Sep-06	34 Frenchs Forest Road	Alterations & Additions, New Front Fence	DEC	DEL
396/06	12-Sep-06	23 Kitchener Street	Demolition - 2 New Dwellings & Land Sub	JAN	DAU
381/06	12-Sep-06	Manly Bathers - West Esp	Maritime Office, Café and Store	DEC	DEL

Environmental Services Division Report No. 74 (Cont'd)

392/06	14-Sep-06	4 Camera Street	Alterations & Additions & Garage	DEC	DAU
394/06	14-Sep-06	56 Curban Street	Alterations & Additions	DEC	DEL
393/06	15-Sep-06	42 Wanganella Street	Alterations & Additions	DEC	DEL
397/06	18-Sep-06	6 The Corso	Alterations & Additions, Retail, Commercial & Consulting Rooms	DAU	JAN
398/06	20-Sep-06	8 Golf Parade	Partial Demolition, Alterations & Additions	DAU	JAN
390/06	21-Sep-06	71 Gordon Street	Alterations & Additions	DEC	DEL
399/06	22-Sep-06	14A Plant Street	Rear Deck	DEC	DEL
400/06	22-Sep-06	85 Castle Circuit	Alterations & Additions	DEC	DEL
47/06	25-Sep-06	11 The Corso	Amended Plans	DEC	DAU
419/06	25-Sep-06	20 Edgecliffe Esplanade	Alterations & Additions	DAU	DEC
417/06	25-Sep-06	72 Balgowlah Road	Alterations & Additions to Tennis Club	DAU	DEC
418/06	26-Sep-06	43 Gordon Street	Alterations & Additions	DEC	DAU
431/06	27-Sep-06	33 Daintrey Street	Alterations & Additions	DEC	DEL
404/06	27-Sep-06	Manly Council - Library	Alterations & Additions including 3rd Floor	JAN	DAU
420/06	27-Sep-06	54 Francis Street	Alterations & Additions	JAN	DAU
414/06	28-Sep-06	27 Gurney Crescent	Alterations & Additions	DEC	DEL
425/06	28-Sep-06	16 Pacific Parade	Alterations & Additions	JAN	DEL
421/06	28-Sep-06	10 Peronne Avenue	Alterations & Additions	DEC	DEL
402/06	28-Sep-06	15 Margaret Street	Alterations & Additions	5/12/2006	DAU
439/06	28-Sep-06	36 Arthur Street	Alterations & Additions	JAN	DAU
416/06	29-Sep-06	265 Sydney Road	Alterations & Additions	DEC	DEL
428/06	29-Sep-06	263 Sydney Road	Alterations & Additions	DEC	DEL
413/06	29-Sep-06	35 Alexander Street	Alterations & Additions, Carport, Pool, Shed and Deck	DEC	DEL
424/06	29-Sep-06	Totem	Demolition & 23 Townhouses	JAN	DAU
432/06	29-Sep-06	1 Parkview Road	Alterations & Additions to RFB	JAN	DAU
415/06	29-Sep-06	34 Malvern Avenue	Alterations & Additions	JAN	DAU
427/06	03-Oct-06	14 Margaret street	Internal Alterations	DEC	DEL
401/06	03-Oct-06	42 North Steyne	Alterations & Additions to Takeaway Food Shop	DEC	DEL
440/06	04-Oct-06	60 Beattie Street	Alterations & Additions	DEC	DEL
438/06	04-Oct-06	14 West Street	Alterations & Additions, Deck & Basement Floor	JAN	DAU
437/06	05-Oct-06	49 Seaforth Crescent	Inclinator	DEC	DEL
443/06	06-Oct-06	30-32 Griffiths Street	Land Subdivision	JAN	DEL
442/06	06-Oct-06	27 Yatama Street	Alterations & Additions, decks and New Upper Floor	JAN	DAU
203/06	09-Oct-06	17 Woodland Street	Alterations & Additions, Garage & Landscaping	DEC	DEL
444/06	09-Oct-06	12A Seaview Street	Alterations & Additions	DEC	DAU
186/06	10-Oct-06	17 Carlton Street	Revised Plans	DEC	DAU

Environmental Services Division Report No. 74 (Cont'd)

430/06	10-Oct-06	45 Gurney Crescent	Demolition & New Dwelling	DEC	DEL
452/06	11-Oct-06	4 Roseberry Street	Fitout Industrial building with Retail & Signage	DEC	DEL
441/06	16-Oct-06	37 Hill Street	Alterations & Additions, deck and carport	JAN	DEL
436/06	17-Oct-06	47 Cutler Road	Alterations & Additions	DEC	DAU
445/06	18-Oct-06	115 Darley Road	Alterations & Additions	JAN	DAU
470/06	20-Oct-06	3/24 Seaview Street	Enclose Top Floor Deck & new Mezzanine	DEC	DEL
461/06	26-Oct-06	15 Dalwood Avenue	Alterations & Additions, Decks, Spas, Terraces and Stairs	DEC	DEL
481/06	30-Oct-06	3/66 Bower Street	Alterations & Additions to RFB	JAN	DEL
237/06	30-Oct-06	51 Bower Street	Amended Plans	DEC	DAU
539/03	23-Jun-06	54 Golf Parade	Section 96 Modification		
382/04	21-Aug-06	33 Beatty Street	Section 96 Modification		
47/02	14-Sep-06	6 Willyama	Section 96 Modification		
195/03	16-Oct-06	151 Seaforth Crescent	Section 96 Modification		
267/06	31-Oct-06	27 Lodge Street	Section 96 Modification		
183/05	10-Nov-06	187 Pittwater Road	Section 96 Modification		
55/05	12-Jul-06	76 Birkley Road	Section 96 Modification		
35/04	26-Sep-06	8-28 The Corso	Section 96 Modification		
10/06	04-Aug-06	4 Daintrey Street	Section 96 Modification		
331/03	27-Sep-06	40 Cutler Road	Section 96 Modification		
337/05	11-Oct-06	7 Rolfe Street	Section 96 Modification		
241/05	23-Oct-06	110-112 The Corso	Section 96 Modification		
96/06	21-Aug-06	32 Kamiri Street	Section 96 Modification		
354/00	17-Oct-06	36 Peronne Avenue	Section 96 Modification		
424/05	24-May-06	13 Nield Avenue	82A Review		
74/06	24-Aug-06	8 Seaview Street	82A Review		
239/06	28-Sep-06	11 Nield Avenue	82A Review		
381/05	18-May-06	18 Collingwood Street	82A Review		
469/05	29-Jun-06	45 Gurney Crescent	82A Review		
156/06	18-Oct-06	21/4-8 Darley Road	82A Review		
526/05	04-Oct-06	110-112 The Corso	82A Review - Amended Plans		

The following applications are currently with Council's Lodgment and Quality Assurance being advertised, notified or referred to appropriate parties.

26/06/2006

492/2006 93-95 North Steyne, MANLY
2095

Restaurant

493/2006

Environmental Services Division Report No. 74 (Cont'd)

25/07/2006

491/2006 7 Parkview Rd, FAIRLIGHT
 2094

Strata Subdivision

14/08/2006

127/2006 67 Seaforth Cr, SEAFORTH
 2092

AMENDED PLANS-Demolition, new dwelling house, garage, inclinator & landscaping

11/09/2006

482/2006 22 Allenby St, CLONTARF
 2093

Demolition of a Carport and construction of a garage

14/09/2006

373/2006 11 Barrabooka St, CLONTARF
 2093

Demolition & Construction of new dwelling & swimming pool

28/09/2006

213/2004 37 Ethel St, SEAFORTH 2092

Section 96 to modify approved Erection of a Residential Flat Building
Containing 16 Units, Swimming Pool and Basement Car parking

29/09/2006

426/2006 8 Cliff St, MANLY 2095

Alterations & Additions including new swimming, driveway, carport & landscaping

5/10/2006

490/2006 5 Cove Av, MANLY
 2095

Alterations & Additions including repair of front fence & new bin area

6/10/2006

433/2006 1 Curban St, BALGOWLAH
 HEIGHTS 2093Alterations to existing garage for habitable purposes & erection of new detached
garage & store412/2006 Wharves and Jetties, MANLY
 2095Extension to the existing disabled ramp access and changes to existing internal layout
to provide for additional office and storage space at the 16ft Manly Skiff Sailing Club

12/10/2006

429/2006 29 Grandview Gr,
 SEAFORTH 2092

Alterations & Additions to existing dwelling including new upper level & rear carport

Environmental Services Division Report No. 74 (Cont'd)

13/10/2006

464/2006 106 Darley Rd, MANLY
 2095

Demolition of a garbage store and garage and construct of a demountable class room and new garbage store on the north side of St Paul's High School

462/2006 151 Darley Rd, MANLY
 2095

Construction of a new public pathway around St Pat's Estate between the National Park (North Head) and Darley Road. The works also including landscaping & easements

16/10/2006

465/2006 43 Ellery Pde, SEAFORTH
 2092

Alterations and Additions to an existing dwelling house

466/2006 42 Beatty St, BALGOWLAH
 2093

Alterations & Additions to an existing Dwelling house

469/2006 58 Baringa Av, SEAFORTH
 2092

Demolition and construction of a dwelling house

17/10/2006

467/2006 1 Lodge St, BALGOWLAH
 2093

Demolition & Erection of new dwelling house

18/10/2006

458/2006 10 Quinton Rd, MANLY
 2095

Alterations & Additions to an existing Dwelling House

484/2006 16 Bligh Cr, SEAFORTH 2092

Construction of a garage and stairs

20/10/2006

472/2006 18 Bower St, MANLY
 2095

Alterations & Additions to an existing Dwelling house

468/2006 58 Gordon St, CLONTARF
 2093

Excavation and construction of Swimming Pool

24/10/2006

483/2006 51 Whistler St, MANLY
 2095

Change of Use from Yoga School to a Office on the First Floor and air conditioning

Environmental Services Division Report No. 74 (Cont'd)

25/10/2006

473/2006 87-95 Balgowlah Rd, FAIRLIGHT
 2094

Construction of a Child Care Centre

475/2006 144 Condamine St,
 BALGOWLAH 2093

Alterations & Additions to two (2) existing attached dwellings and strata subdivision

26/10/2006

476/2006 7 William St, FAIRLIGHT
 2094

Construction of two new parking spaces

456/2006 41A Castle Cct, SEAFORTH
 2092

Construction of new dwelling house, garage and swimming pool

457/2006 41B Castle Cct, SEAFORTH
 2092

Construction of dwelling house, garage & swimming pool

27/10/2006

459/2006 41C Castle Cct, SEAFORTH
 2092

Construction of a new dwelling house

30/10/2006

460/2006 79 Condamine St, BALGOWLAH
 2093

Alterations & Additions to an existing dwelling

31/10/2006

477/2006 87 Clontarf St, SEAFORTH
 2092

Demolition and Construction of a dwelling house

478/2006 1A Edgecliffe Esp, SEAFORTH
 2092

Alterations & Additions to Dwelling including first floor extension, balconies and pool

479/2006 64 Francis St, MANLY
 2095

Minor Internal Works/ Alterations to Unit 4 in an existing Residential Flat Building

463/2006 18 Clifford Av, FAIRLIGHT
 2094

Demolition and Construction of two (2) attached dwellings as a duplex with garage, gazebo and landscaping

Environmental Services Division Report No. 74 (Cont'd)

1/11/2006

480/2006 472 Sydney Rd,
 BALGOWLAH 2093

Alterations & Additions for the purposes of a childcare centre

486/2006 184 Condamine St,
 BALGOWLAH 2093

Advertising Structure

2/11/2006

487/2006 3 Oyama Av, MANLY
 2095

Extension to Garage and alterations to entry door

3/11/2006

496/2006 34 Dudley St, BALGOWLAH
 2093

Demolition and construction of two (2) attached Dwellings and land subdivision

6/11/2006

366/2005 45 Fairlight Cr, FAIRLIGHT
 2094Section 96 to modify works and landscaping along the north (side)
elevation adjacent to Bolingbroke Parade497/2006 2 Hill St, FAIRLIGHT
 2094

Construction of rear deck, stair & bi-fold doors

494/2006 40A Grandview Gr, SEAFORTH
 2092

Extension to rear family room

495/2006 10 Boronia La, SEAFORTH
 2092

Construction of a new Dwelling house

119/2003 43-45 North Steyne, MANLY
 2095

Section 96 Modification to approved Signage – Hours of Operation

7/11/2006

498/2006 26 The Crescent, MANLY
 2095

Unit 2- Internal alterations to an existing Residential Unit

499/2006 12 Smith St, MANLY
 2095

Alterations & Additions to rear of dwelling & new pergola/parking enclosure

Environmental Services Division Report No. 74 (Cont'd)

- 500/2006 14 Beatty St, BALGOWLAH
 2093
Construction of Dwelling house, swimming pool and landscaping
- 146/2006 5 Francis St, FAIRLIGHT
 2094
Section 96 to modify approved plans: Alterations & Additions to a dwelling and pool
- 8/11/2006
503/2006 6 Oyama Av, MANLY
 2095
Alterations & Additions to a Dwelling house, new swimming pool, deck & landscaping
- 502/2006 5 Wanganella St, BALGOWLAH
 2093
Demolition and construction of Dwelling house and swimming pool
- 31/2006 78 Curban St, BALGOWLAH
 HEIGHTS 2093
Section 96 to modify approved New two(2) storey Dwelling, basement garage & Pool
- 638/2001 2A Woodland St, BALGOWLAH
 2093
Section 96 Application to modify a landscaping condition
- 638/2001 10 Adrian Pl, BALGOWLAH
 HEIGHTS 2093
Section 96 Application to modify a landscaping condition
- 9/11/2006
501/2006 Griffiths St, BALGOWLAH
 2093
Demolition and reconstruction of a classroom at Manly West Public School
- 10/11/2006
505/2006 51 Peacock St, SEAFORTH
 2092
Alterations & Additions to an existing Dwelling and new front carport
- 15/11/2006
341/2003 4 West St, BALGOWLAH
 2093
Section 96 to modify approved One and Two Storey Dwellings, RFB & Townhouses
- 506/2006 104 The Corso, MANLY 2095
Occupation and fit out, new shop front and external signage
- 16/11/2006
507/2006 2 Craig Av, MANLY
 2095
Alterations and Additions to an existing building including new basement parking

Environmental Services Division Report No. 74 (Cont'd)

17/11/2006

511/2006 61 Collingwood St, MANLY
 2095

Alterations & Additions to an existing Dwelling

508/2006 577 Sydney Rd, SEAFORTH
 2092

Fitout and occupation for the purpose of a hairdressing salon

512/2006 24 Dobroyd Rd, BALGOWLAH
 HEIGHTS 2093

Excavation & Construction of swimming pool

509/2006 11 Jackson St, BALGOWLAH
 2093

Construction of Garage with a rooftop terrace

510/2006 5 Marine Pde, MANLY
 2095

Alterations and Additions to an existing RFB, addition storey and convert 5 units to 3

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 74 *****

TO: Land Use Management Committee - 4 December 2006

REPORT: Environmental Services Division Report No. 75

SUBJECT: Appeals List for December 2006

FILE NO:

SUMMARY

LIST OF APPEALS RECEIVED AND THEIR CURRENT STATUS FOR COUNCILLORS INFORMATION.

REPORT

DA#	L&E Appeal Reference	House #	Address	Date Appeal Lodged	Solicitor Company	Current Status
DA97/04	10592/05	2	Clontarf St, Seaforth	15/03/05	Abbott Tout	Reserved 14/08/06
DA292/05	10584/06	107	Frenchs Forest Road, Seaforth	10/07/2006	Abbott Tout	Callover 15/12/06
DA231/06	10765/06	27-35	The Corso, Manly	30/08/06	Abbott Tout	Hearing 05/12/06
DA46/04	10771/06	36-38	South Steyne, Manly	31/08/06	Pile Pike Fenwick	Discontinued 10/11/06
DA538/04	10859/06	51	Wood Street, Manly	15/09/06	Pike Pike & Fenwick	Callover 07/02/07
DA458/04 and building certificate	10895/06 and 10896/06	36	Gurney Crescent, Seaforth	28/09/06	Pike Pike & Fenwick	Callover 17/01/07
DA69/06	10656/06	16	Castle Circuit, Seaforth	10/10/06	Pike Pike & Fenwick	Hearing 07/02/07
DA280/06	11008/06	11-13	The Crescent, Manly	25/10/06	Pike Pike & Fenwick	Callover 05/12/06
DA314/06	11073/06	110-114	Bower Street, Manly	10/11/06	Pike Pike & Fenwick	Callover 21/12/06

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 75 ***** .