



## Minutes

### Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 4 December 2006**

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**TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:**

The Land Use Management Committee, having met at 7:43pm on Monday 4 December 2006, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

The decisions taken and indicated by the prefix "Resolved" as distinct from "Recommendations" made to the Council, were taken pursuant to authority delegated to this Committee vide Minutes Number 535 of 19th September, 2005.

**PRESENT**

His Worship, The Mayor, Councillor Dr Peter Macdonald  
Councillor B Aird  
Councillor P Daley  
Councillor J Evans, Deputy Chairperson  
Councillor J Hay, AM  
Councillor A Heasman  
Councillor J Lambert, AM Chairperson who presided  
Councillor R Morrison (arrived at 8.05pm)  
Councillor D Murphy  
Councillor M Norek

**ALSO PRESENT**

Henry Wong, General Manager  
Stephen Clements, Divisional Manager Environmental Services  
Eric Armstrong, Consultant Planner  
David Stray, Manager Development Control  
Elayne Becker, Minute Taker

**APOLOGIES**

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

**MOTION (Lambert / Evans)**

That the apology received from Councillor S Cant and Councillor B Pedersen for non-attendance be accepted and leave be granted.

**RESOLVED (Lambert / Evans)**

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

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

**LEAVE OF ABSENCE**

Nil.

**DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST**

<b>Name:</b>	<b>Item Number:</b>	<b>Nature of Interest:</b>
Councillor B Aird	ES Report No.73	Lives in one of the subject streets
Councillor Murphy	ES Report No.70	Has a property in the vicinity of St Patrick's Estate

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

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 6 November 2006, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

**RESOLVED (Macdonald / Heasman)**

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 6 November 2006, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

*Councillor Morrison entered the Chamber.*

**ENVIRONMENTAL SERVICES DIVISION**

Environmental Services Division Report No. 69

**197-215 Condamine Street, Balgowlah****Totem Redevelopment (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. THE APPLICATION IS RECOMMENDED FOR APPROVAL BY WAY OF DEFERRED COMMENCEMENT CONSENT.

**SITE INSPECTIONS**

A site inspection of **197-215 Condamine Street, Balgowlah, Totem Redevelopment (DA101/06)** was conducted by Councillors B Aird, J Evans, P Daley, J Hay, J Lambert, P Macdonald, and D Murphy.

**Inspection Party Recommendation:** No Recommendation

## **PUBLIC ADDRESSES**

Against: Mr Malcolm Engledew/Mr Steven East/Ms Phillipa Grieves

In Favour: Mr David Bedingfield

## **MOTION (Macdonald / Evans)**

### **Part A**

That Council **approve** the application, pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 101/06 for "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, but such approval shall not operate until the applicant has submitted revised plans showing:-

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

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

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

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

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

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

### **Approved Drawings**

DA1

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

#### **Architectural**

COVER SHEET	DA2-0001 B
SITE ANALYSIS	DA2-0110 A
SITE PLAN	DA2-1001 B
CARPARK LEVEL 2 PLAN	DA2-2001 B
CARPARK LEVEL 1 PLAN	DA2-2005 B
MISCELLANEOUS PLANS	DA2-2007 B
RETAIL PLAN	DA2-2101 B
RETAIL PLANT PLAN	DA2-2105 B
LEVEL 1 PLAN	DA2-2110 B
LEVEL 2 PLAN	DA2-2120 B
LEVEL 3 PLAN	DA2-2130 B
LEVEL 4 PLAN	DA2-2140 B
LEVEL 5 PLAN	DA2-2150 B
LEVEL 6 PLAN	DA2-2160 B
LEVEL 7 PLAN	DA2-2170 B
LEVEL 8 PLAN	DA2-2180 B
ROOF PLAN	DA2-2190 B
GFA PLAN - RETAIL LEVEL	DA2-2890 B
GFA PLAN - LEVEL 1	DA2-2891 B
GFA PLAN - LEVEL 2	DA2-2892 B
NORTH ELEVATION / EAST ELEVATION	DA2-3101 B
SOUTH ELEVATION / WEST ELEVATION	DA2-3102 B
SYDNEY ROAD ELEVATION / GRIFFITH STREET ELEVATION	DA2-3103 B
CONDAMINE STREET ELEVATION – COLOURED	DA2-3110 B
SECTION 0V SECTION 0Q	DA2-3200 B
SECTION 0M SECTION 0L	DA2-3205 B
SECTION 0F SECTION 0D	DA2-3210 B
SECTION 01 SECTION 04	DA2-3250 B
SECTION 08 SECTION 11	DA2-3255 B
SECTION 12	DA2-3260 B
SECTION 16	DA2-3265 B
SITE SECTION EAST WEST – COLOURED	DA2-3310 B
SITE SECTION NORTH SOUTH – COLOURED	DA2-3312 B
ENVELOPE ASSESSMENT LEVEL 1 PLAN	DA2-3801 B
ENVELOPE ASSESSMENT AERIAL VIEW 1	DA2-3803 B

**Landscape**

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

**Roadworks**

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

**Surveyor**

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

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

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

**ANS01**

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

**Plaza Design****ANS02**

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

**ANS03**

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

**ANS04**

No turf is used in the public plaza.

ANS05

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

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

ANS06

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

ANS07

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

ANS08

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

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

### **Traffic/Parking**

ANS09

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

ANS10

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

ANS11

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

ANS12

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

ANS13

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

ANS14

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



## ANS15

The RTA supports the installation of new traffic signals at the intersection of Condamine Street/Retail Access located between Sydney Road and Griffiths Street with the following “conceptual” configuration as depicted in the attached draft signal plan: Regn: 0000.000.W.0000.

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

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

## ANS16

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

## ANS17

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

## ANS18

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

## ANS19

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

## ANS20

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

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

## ANS21

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

## ANS22

Sydney Road is a significant bus route and traffic flow needs to be as efficient as possible to minimise delays to buses. In order to minimise these delays and for the RTA to support the retention of existing ingress as a result of the large increases to entry movements, time restricted (3:00pm-7:00pm Monday to Friday) “No Stopping” restrictions are to be provided along Sydney Road from Woodland Street (North) to the Totem access point on Sydney Road.

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

## ANS23

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

- "No Stopping" restrictions for a distance of 6m either side of the Totem residential access onto Griffiths Street.
- Kerbside parking restrictions would need to be reviewed along Griffiths Street to satisfy local road conditions relating to the development proposal.

## ANS24

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

## ANS25

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

## ANS26

Should the development proceed, detailed design plans of the proposed median island along Sydney Road (including Keep Left signage and possible pavement widening), the proposed new traffic signal design plan for Condamine Street / Retail Access and the revised signal design plan for Sydney Road / Condamine Street will need to be forwarded to the RTA for approval prior to the commencement of any road-works. The applicant is to be advised that a plan checking fee (amount to be advised) and lodgement of a performance bond will be required prior to the release of approved road / signal design plans by the RTA.

## ANS27

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

## ANS28

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

## ANS29

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

## ANS30

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

## ANS31

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

- All sleeping rooms: 35 dB(A) Leq (9hr)
- All other habitable rooms: 45 dB(a) Leq (15hr) and 40dBA(A) Leq (9hr)

## ANS32

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

**Stormwater**

ANS33

Storm water run-off from the subject site onto Sydney Road and Condamine Street, as a result of the proposed development is not to exceed the existing level of run-off from the site.

**Approved Uses**

ANS34

Any part of the building at a level above the podium level shall not be used for other than a residential purpose without the prior consent of Council.

ANS35

The levels of the development nominated on the plans lodged with the Application and shown as car parking shall not be used for any other purpose without prior consent being obtained from Council.

ANS36

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

**Building Envelopes/Design**

ANS37

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

ANS38

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

ANS39

High quality materials are to be provided throughout the development including the podium walls at the interface with adjoining properties whether on the boundary or inset from it and to all pedestrian links into the site and to the full length of Lane 34.

ANS40

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

ANS41

High quality architectural design treatments are required to all significant corners within the development that terminate a pedestrian link or public space or create a visual focus from the main connections into the site or from the public open space areas and squares.

ANS42

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

**Waste Management**

ANS43

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

ANS44

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

the premises.

ANS45

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

ANS46

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

### **Noise Management**

ANS47

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

ANS48

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

ANS49

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

ANS50

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

ANS51

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

ANS52

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

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

ANS53

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

## ANS54

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

## ANS55

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

## ANS56

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

## ANS57

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

## ANS58

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

**Health**

## ANS59

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

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

**Landscape**

## ANS60

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

## ANS61

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

## ANS62

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

significance of the existing street trees.

ANS63

The development is to incorporate systems to improve the health and longevity of these trees. Protective buffers are to be placed around the heritage listed trees of Condamine Street to ensure that no damage to the trunks and root systems does not occur during demolition/development of the site. Details of the method of protection of the trees shall be submitted to Council for approval prior to the issue of the Construction Certificate.

The landscape setback between the building and the rear of properties fronting Griffiths Street shall be deep soil planting with species selection to the satisfaction of Council.

ANS64

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

ANS65

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

ANS66

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

ANS67

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

ANS68

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

ANS69

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

**Demolition**

ANS70

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

ANS71

The reuse and recycling of all material is required, particularly in regard to the historic bungalows and interwar buildings proposed to be demolished. The reuse of the sandstone foundations of these buildings is to be incorporated into the development, such as on the exterior foundations of the new buildings, retaining walls and/or fences fronting Condamine Street. The recycling of the 'liver' bricks, leadlight windows and the like is to occur, preferably on site and/or to suitable professional recycling yards specialising in the recycling of historic building materials. Demolition and storage of these materials is to be carefully carried out by the workers and a specific stockpile area is to be designated and protected. Details of the above requirements are to be submitted to

Council prior to the issue of the Construction Certificate.

ANS72

Any stone kerb in the vicinity of the development site is to be protected from damage during construction. Details of the method of protection of the kerb are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate. Photographs of the kerb are to be submitted to Council prior to the commencement of any building work.

ANS73

Where driveway construction necessitates the removal of any part of any existing stone kerb, the redundant stone kerb blocks are to be carefully removed, without damage, in whole blocks. These kerb blocks are to be delivered to Council's depot in Balgowlah. To arrange access to the depot and a suitable time for delivery contact Council's works superintendent on 0418 608 494 between 8:00am and 4:00pm Monday to Friday. The removal and deliver of the stone kerb blocks is to be undertaken at the expense of the owner/applicant.

ANS74

If, during the course of construction and any associated earth disturbing activities, human remain or archaeological deposits originating from Indigenous or non Indigenous cultures are exposed, works must cease immediately and Council informed. The Police must also be informed if human remains are uncovered. If this procedure is not followed the applicant may be guilty of an offence under the NSW National Parks and Wildlife Act 1974 and the Aboriginal and Torres Strait Islander Heritage<sup>3</sup> Protection Act 1984, and will be reported to the relevant authorities.

**Access**

ANS75

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

ANS76

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

ANS77

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

ANS78

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

ANS79

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

ANS80

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

ANS81

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

ANS82

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

## ANS83

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

## ANS84

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

## ANS85

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

## ANS86

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

## ANS87

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

## ANS88

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

## ANS86

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

## ANS90

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

## ANS91

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

## ANS92

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

## ANS93

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

## ANS94

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

## ANS95

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

## ANS96

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

## ANS97

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



## ANS98

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

## ANS99

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

## ANS100

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

## ANS101

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

## ANS102

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

## ANS103

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

## ANS104

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

## ANS105

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

## ANS106

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

## ANS107

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

## ANS108

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

## ANS109

The total Floor Space of the development on the site the subject of this application shall not exceed 44,466m<sup>2</sup>.

## ANS110

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

ANS111

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

ANS112

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

ANS113

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

ANS114

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

ANS115

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

ANS116

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

ANS117

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

ANS118

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

ANS119

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

ANS120

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

ANS121

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

ANS122

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

### **Standard Conditions**

DA16

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$200,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

**Note:** Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, **at least 7 days prior to the commencement of any work on site.**

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

DA17

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

DA18

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

DA21

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

DA22

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

DA24

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm.

Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

DA26

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

DA31

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

DA39

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**

DA40

Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring

building in accordance with the requirements of the Building Code of Australia.

DA44

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.

DA47

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

DA48

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

DA55

In a Class 2 building containing more than 10 sole occupancy units, a closet pan and wash basin in a compartment or room at or near ground level for the use of employees must be provided in accordance with F2.1 of the Building Code of Australia. Details shall be submitted to the Council/Accredited Certifier **prior to issue of the Construction Certificate.**

DA58

An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

DA59

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

DA60

On completion of the building structure a Registered Surveyor's report is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.

DA61

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

DA344

A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund **Deposit prior to the issue of the Construction Certificate.**

DA345

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

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier **prior to the issue of the Construction Certificate.**

DA69

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water

service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

DA81

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

DA109

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

DA111

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

DA113

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

DA119

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000.

**Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.**

DA120

The building being erected in Type A construction for a Class 2, 6 & 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

DA121

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

DA125

All requirements of the NSW Fire Brigades for the building shall be complied with in accordance with the requirements of the Building Code of Australia.

DA230

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

DA253

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

DA237

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

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

DA239

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

DA240

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

DA241

Details shall be submitted to the Council/Accredited Certifier **prior to issue of the Construction Certificate** indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is being provided.

DA243

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

DA248

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

DA250

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

DA251

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

DA348

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

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

DA358

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

DA257

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

DA267

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

DA256

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

DA261

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

DA268

The applicant shall consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should an electrical enclosure be required, the location and dimensions of this structure are to be detailed prior to the issue of a Construction Certificate. In the event of Energy Australia requiring a sub-station, the applicant shall consult with Council or its delegate with a view to dedication of the land for the sub-station as public roadway.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier **prior to any building works being carried out on site.**

DA271

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

DA273

All materials stored on site shall be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.

DA279

All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.

DA283

De-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:

- a) Ground water or other water to be pumped from the site into council's stormwater system must be sampled and analysed by a NATA certified laboratory or Manly council for compliance with ANZECC Water Quality Guidelines
- b) If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
- c) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
- d) It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated with erosion or scouring due to the volume of water pumped.
- e) Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.

- f) Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.

DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority **prior to the commencement of framework.**

DA332

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

DA333

A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

DA334

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

DA335

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

DA336

Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

DA338

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

DA339

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

DA340

The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land.

The measures must include:-

- (i) siltation fencing;
- (ii) protection of the public stormwater system; and
- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

DA288

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



## DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays.

Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

## DA290

The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.

## DA300

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

## DA301

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

## DA302

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

## DA303

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

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

## DA306

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

## DA314

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

## DA315

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

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

DA316

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

DA318

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

DA9

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

DA10

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

DA11

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

DA12

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

DA13

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

DA14

No portion of the proposed building or works, including gates and doors during opening and closing operations are, to encroach upon any road reserve or other public land.

DA70

The dimension of carparking 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](http://www.manly.nsw.gov.au) free of

charge or a hardcopy can be purchased from Council.

DA89

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

DA92

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

DA95

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

DA97

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

DA101

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

DA102

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

DA100

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

DA108

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

DA224

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

DA225

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

DA229

Excavation adjacent to the road boundary shall be adequately shored to support the roadway and all improvements and services within the road reserve. Protective fencing shall be provided to ensure the safety of the public.

DA230

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

DA261

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

DA262

**Prior to the issue of the Construction Certificate**, the applicant shall submit details of protective hoardings, fences, and lighting which are to be provided during demolition, excavation and building works in accordance with the requirements of the Department of Industrial Relations, Construction Safety Act and the WorkCover Authority.

Note: On corner properties, particular attention is to be given to the provision of adequate sight distances.

DA270

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

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

The cost of these inspections by Council is \$78,100 (being \$220.00 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.**

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$100.00.

DA339

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

DA341

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

DA342

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

DA343

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

DA236

Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority **prior to issue of the Final Occupation Certificate.**

DA238

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

DA252

A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.

DA274

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

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

**1) The applicant is further advised**

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

**2)**

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

**3)**

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

**Part B**

The following conditions be added to the consent:

1. Displaced FSR be removed altogether and Masonic Club void remain.
2. Truck movements - No deliveries to or waste collections from the development are allowed before 7am or later than midnight between Monday and Friday, or before 10am or later than 10pm Saturday and Sunday, including Public Holidays.
3. Provide for mitigation of noise, lights and other impacts on the owners of 134-140 Condamine Street, as a result of traffic egress.
4. DA344  
A dilapidation report in regard to adjoining properties and Council land including roadways is to be submitted to Council with the Trust Fund **Deposit prior to the issue of the Construction Certificate.**
5. ANS55  
There are to be no external speakers or live bands at the premises without prior consent of Council. This condition has been applied to maintain a reasonable level of amenity to the area.
6. That an additional 96 car spaces be provided by way of excavation.

**AMENDMENT (Murphy / Morrison)****Part A**

That Council **approve** the application, pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 101/06 for "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, but such approval shall not operate until the applicant has submitted revised plans showing:-

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

A7 The allocation of parking within levels 1 & 2 of the Totem Centre as follows:-

- Residential Parking : total spaces = 301 maximum including 12 visitor spaces
- Retail/Commercial : total spaces = 651 minimum

A8 The lifts shall be increased in size and number to the satisfaction of Council's Access Committee.

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

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

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

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

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

### **Approved Drawings**

DA1

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

#### **Architectural**

COVER SHEET	DA2-0001 B
SITE ANALYSIS	DA2-0110 A
SITE PLAN	DA2-1001 B
CARPARK LEVEL 2 PLAN	DA2-2001 B
CARPARK LEVEL 1 PLAN	DA2-2005 B
MISCELLANEOUS PLANS	DA2-2007 B
RETAIL PLAN	DA2-2101 B
RETAIL PLANT PLAN	DA2-2105 B
LEVEL 1 PLAN	DA2-2110 B
LEVEL 2 PLAN	DA2-2120 B
LEVEL 3 PLAN	DA2-2130 B
LEVEL 4 PLAN	DA2-2140 B
LEVEL 5 PLAN	DA2-2150 B
LEVEL 6 PLAN	DA2-2160 B
LEVEL 7 PLAN	DA2-2170 B
LEVEL 8 PLAN	DA2-2180 B
ROOF PLAN	DA2-2190 B
GFA PLAN - RETAIL LEVEL	DA2-2890 B
GFA PLAN - LEVEL 1	DA2-2891 B
GFA PLAN - LEVEL 2	DA2-2892 B
NORTH ELEVATION / EAST ELEVATION	DA2-3101 B
SOUTH ELEVATION / WEST ELEVATION	DA2-3102 B
SYDNEY ROAD ELEVATION / GRIFFITH STREET ELEVATION	DA2-3103 B

CONDAMINE STREET ELEVATION – COLOURED	DA2-3110 B
SECTION 0V SECTION 0Q	DA2-3200 B
SECTION 0M SECTION 0L	DA2-3205 B
SECTION 0F SECTION 0D	DA2-3210 B
SECTION 01 SECTION 04	DA2-3250 B
SECTION 08 SECTION 11	DA2-3255 B
SECTION 12	DA2-3260 B
SECTION 16	DA2-3265 B
SITE SECTION EAST WEST – COLOURED	DA2-3310 B
SITE SECTION NORTH SOUTH – COLOURED	DA2-3312 B
ENVELOPE ASSESSMENT LEVEL 1 PLAN	DA2-3801 B
ENVELOPE ASSESSMENT AERIAL VIEW 1	DA2-3803 B

### Landscape

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

### Roadworks

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

### Surveyor

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

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

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

ANS01

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



**Plaza Design**

ANS02

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

ANS03

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

ANS04

No turf is used in the public plaza.

ANS05

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

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

ANS06

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

ANS07

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

ANS08

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

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

**Traffic/Parking**

ANS09

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

ANS10

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

ANS11

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

## ANS12

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

## ANS13

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

## ANS14

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

## ANS15

The RTA supports the installation of new traffic signals at the intersection of Condamine Street/Retail Access located between Sydney Road and Griffiths Street with the following "conceptual" configuration as depicted in the attached draft signal plan: Regn: 0000.000.W.0000.

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

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

## ANS16

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

## ANS17

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

## ANS18

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

## ANS19

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

## ANS20

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

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

## ANS21

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

## ANS22

Sydney Road is a significant bus route and traffic flow needs to be as efficient as possible to minimise delays to buses. In order to minimise these delays and for the RTA to support the retention of existing ingress as a result of the large increases to entry movements, time restricted (3:00pm-7:00pm Monday to Friday) "No Stopping" restrictions are to be provided along Sydney Road from Woodland Street (North) to the Totem access point on Sydney Road.

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

## ANS23

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

- "No Stopping" restrictions for a distance of 6m either side of the Totem residential access onto Griffiths Street.
- Kerbside parking restrictions would need to be reviewed along Griffiths Street to satisfy local road conditions relating to the development proposal.

## ANS24

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

## ANS25

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

## ANS26

Should the development proceed, detailed design plans of the proposed median island along Sydney Road (including Keep Left signage and possible pavement widening), the proposed new traffic signal design plan for Condamine Street / Retail Access and the revised signal design plan for Sydney Road / Condamine Street will need to be forwarded to the RTA for approval prior to the commencement of any road-works. The applicant is to be advised that a plan checking fee (amount to be advised) and lodgement of a performance bond will be required prior to the release of approved road / signal design plans by the RTA.

## ANS27

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

## ANS28

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

## ANS29

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

## ANS30

The development should be designed such that road traffic from Sydney Road and Condamine Street is mitigated by durable materials, in accordance with the Environmental Protection Authority criteria 'The Environmental Criteria for Road Traffic Noise, May 1999'. The RTA's Environmental

Noise Management manual provides practical advice in selecting noise mitigation treatments.

#### ANS31

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

- All sleeping rooms: 35 dB(A) Leq (9hr)
- All other habitable rooms: 45 dB(a) Leq (15hr) and 40dBA(A) Leq (9hr)

#### ANS32

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

### **Stormwater**

#### ANS33

Storm water run-off from the subject site onto Sydney Road and Condamine Street, as a result of the proposed development is not to exceed the existing level of run-off from the site.

### **Approved Uses**

#### ANS34

Any part of the building at a level above the podium level shall not be used for other than a residential purpose without the prior consent of Council.

#### ANS35

The levels of the development nominated on the plans lodged with the Application and shown as car parking shall not be used for any other purpose without prior consent being obtained from Council.

#### ANS36

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

### **Building Envelopes/Design**

#### ANS37

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

#### ANS38

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

#### ANS39

High quality materials are to be provided throughout the development including the podium walls at the interface with adjoining properties whether on the boundary or inset from it and to all pedestrian links into the site and to the full length of Lane 34.

#### ANS40

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

#### ANS41

High quality architectural design treatments are required to all significant corners within the

development that terminate a pedestrian link or public space or create a visual focus from the main connections into the site or from the public open space areas and squares.

ANS42

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

### **Waste Management**

ANS43

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

ANS44

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

ANS45

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

ANS46

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

### **Noise Management**

ANS47

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

ANS48

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

ANS49

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

ANS50

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

ANS51

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

ANS52

Detailed "works as executed" mechanical ventilation system plans and specification prepared by a *Professional Engineer*, as defined by the Building Code of Australia (BCA), must be submitted to

Council or an Accredited Certifier together with certification from the supervising *Professional Engineer* that the system as commissioned complies with AS/NZS 1668 *the Use of Mechanical Ventilation and Air Conditioning in Buildings*, Part 1-1998: *Fire and smoke control in multi-compartment buildings* and Part 2-1991: *Mechanical ventilation for acceptable indoor-air quality*.

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

#### ANS53

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

#### ANS54

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

#### ANS55

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

#### ANS56

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

#### ANS57

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

#### ANS58

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

### **Health**

#### ANS59

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

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

**Landscape**

## ANS60

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

## ANS61

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

## ANS62

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

## ANS63

The development is to incorporate systems to improve the health and longevity of these trees. Protective buffers are to be placed around the heritage listed trees of Condamine Street to ensure that no damage to the trunks and root systems does not occur during demolition/development of the site. Details of the method of protection of the trees shall be submitted to Council for approval prior to the issue of the Construction Certificate.

The landscape setback between the building and the rear of properties fronting Griffiths Street shall be deep soil planting with species selection to the satisfaction of Council.

## ANS64

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

## ANS65

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

## ANS66

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

## ANS67

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

## ANS68

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

## ANS69

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

**Demolition**

## ANS70

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

enclosure shall be constructed out of F62 reinforcing mesh 1800mm high wired to 2400 long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk. An annotated photograph(s) of the trees, with particular emphasis on the lower part of the trees, shall be submitted to Council prior to the commencement of any building work.

**ANS71**

The reuse and recycling of all material is required, particularly In regard to the historic bungalows and interwar buildings proposed to be demolished. The reuse of the sandstone foundations of these buildings is to be incorporated into the development, such as on the exterior foundations of the new buildings, retaining walls and/or fences fronting Condamine Street. The recycling of the 'liver' bricks, leadlight windows sand 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 deliver of the stone kerb blocks is to be undertaken at the expense of the owner/applicant.

**ANS74**

If, during the course of construction and any associated earth disturbing activities, human remain or archaeological deposits originating from Indigenous or non Indigenous cultures are exposed, works must cease immediately and Council informed. The Police must also be informed if human remains are uncovered. If this procedure is not followed the applicant may be guilty of an offence under the NSW National Parks and Wildlife Act 1974 and the Aboriginal and Torres Strait Islander Heritage<sup>3</sup> Protection Act 1984, and will be reported to the relevant authorities.

**Access****ANS75**

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

**ANS76**

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

**ANS77**

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

**ANS78**

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



## ANS79

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

## ANS80

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

## ANS81

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

## ANS82

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

## ANS83

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

## ANS84

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

## ANS85

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

## ANS86

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

## ANS87

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

## ANS88

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

## ANS86

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

## ANS90

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

## ANS91

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

## ANS92

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

## ANS93

The adaptable units should have a mix of unit types spread throughout the development as per

the State Environmental Planning Policy (SEPP) No. 65.

ANS94

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

ANS95

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

ANS96

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

ANS97

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

ANS98

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

ANS99

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

ANS100

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

ANS101

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

ANS102

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

ANS103

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

ANS104

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

ANS105

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

ANS106

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

ANS107

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

future traffic management works for the area generally.

ANS108

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

ANS109

The total Floor Space of the development on the site the subject of this application shall not exceed 44,466m<sup>2</sup>.

ANS110

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

ANS111

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

ANS112

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

ANS113

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

ANS114

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

ANS115

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

ANS116

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

ANS117

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

ANS118

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

ANS119

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

ANS120

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

ANS121

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

## ANS122

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

**Standard Conditions**

## DA16

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$200,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

**Note:** Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, **at least 7 days prior to the commencement of any work on site.**

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

## DA17

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

## DA18

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

## DA21

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

## DA22

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

## DA24

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm.

**Note:** The sign is not required if the building on the site is to remain occupied during the course of the building works.

## DA26

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

## DA31

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

## DA39

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**

## DA40

Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.

## DA44

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.

## DA47

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

## DA48

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

## DA55

In a Class 2 building containing more than 10 sole occupancy units, a closet pan and wash basin in a compartment or room at or near ground level for the use of employees must be provided in accordance with F2.1 of the Building Code of Australia. Details shall be submitted to the Council/Accredited Certifier **prior to issue of the Construction Certificate.**

## DA58

An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

## DA59

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

## DA60

On completion of the building structure a Registered Surveyor's report is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.

## DA61

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

DA344

A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund **Deposit prior to the issue of the Construction Certificate.**

DA345

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

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier **prior to the issue of the Construction Certificate.**

DA69

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

DA81

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

DA109

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

DA111

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

DA113

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

DA119

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000.

**Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.**

DA120

The building being erected in Type A construction for a Class 2, 6 & 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

DA121

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

DA125

All requirements of the NSW Fire Brigades for the building shall be complied with in accordance with the requirements of the Building Code of Australia.

DA230

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

DA253

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

DA237

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

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

DA239

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

DA240

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

DA241

Details shall be submitted to the Council/Accredited Certifier **prior to issue of the Construction Certificate** indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is being provided.

DA243

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

DA248

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

DA250

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

DA251

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

DA348

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

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

DA358

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

DA257

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

DA267

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

DA256

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

DA261

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

DA268

The applicant shall consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should an electrical enclosure be required, the location and dimensions of this structure are to be detailed prior to the issue of a Construction Certificate. In the event of Energy Australia requiring a sub-station, the applicant shall consult with Council or its delegate with a view to dedication of the land for the sub-station as public roadway.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier **prior to any building works being carried out on site**.

DA271

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

DA273

All materials stored on site shall be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.

DA279

All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.

DA283

De-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:

- a) Ground water or other water to be pumped from the site into council's stormwater system must be sampled and analysed by a NATA certified laboratory or Manly council for



compliance with ANZECC Water Quality Guidelines

- b) If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
- c) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
- d) It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated with erosion or scouring due to the volume of water pumped.
- e) Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.
- f) Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.

#### DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority **prior to the commencement of framework.**

#### DA332

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

#### DA333

A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

#### DA334

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

#### DA335

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

#### DA336

Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

#### DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

#### DA338

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

#### DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved

stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council's satisfaction.

**DA340**

The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land.

The measures must include:-

- (i) siltation fencing;
- (ii) protection of the public stormwater system; and
- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

**DA288**

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

**DA289**

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays.

Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

**DA290**

The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.

**DA300**

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

**DA301**

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

**DA302**

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

**DA303**

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

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

**DA306**

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

## DA314

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

## DA315

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

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

## DA316

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

## DA318

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

## DA9

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

## DA10

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

## DA11

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

## DA12

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

## DA13

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

## DA14

No portion of the proposed building or works, including gates and doors during opening and closing operations are, to encroach upon any road reserve or other public land.

## DA70

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

## DA75

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

## DA77

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

## DA88

A system of onsite stormwater detention shall be provided within the property in accordance with Council's "Specification for on-site stormwater management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**

The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

## DA89

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

## DA92

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

## DA95

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

## DA97

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

## DA101

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

## DA102

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

## DA100

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

DA108

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

DA224

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

DA225

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

DA229

Excavation adjacent to the road boundary shall be adequately shored to support the roadway and all improvements and services within the road reserve. Protective fencing shall be provided to ensure the safety of the public.

DA230

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

DA261

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

DA262

**Prior to the issue of the Construction Certificate**, the applicant shall submit details of protective hoardings, fences, and lighting which are to be provided during demolition, excavation and building works in accordance with the requirements of the Department of Industrial Relations, Construction Safety Act and the WorkCover Authority.

Note: On corner properties, particular attention is to be given to the provision of adequate sight distances.

DA270

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

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

The cost of these inspections by Council is \$78,100 (being \$220.00 per inspection inclusive of

GST). **Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.**

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$100.00.

DA339

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

DA341

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

DA342

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

DA343

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

DA236

Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority **prior to issue of the Final Occupation Certificate.**

DA238

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

DA252

A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.

DA274

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

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

**1) The applicant is further advised**

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

**2)**

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

**3)**

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

**Part B**

The following conditions be added to the consent:

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

**For the Amendment:** Councillors Hay, Heasman, Murphy, Daley, Morrison, Evans and Norek  
**Against the Amendment:** Councillors Macdonald, Lambert

The Amendment became the **MOTION.**

*Councillor Aird did not vote having previously retired from the Chamber.*

**RESOLVED (Murphy / Morrison)**

**Part A**

That Council **approve** the application, pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 101/06 for "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, but such approval shall not operate until the applicant has submitted revised plans showing:-

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

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

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

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

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

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



**Approved Drawings**

DA1

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

**Architectural**

COVER SHEET	DA2-0001 B
SITE ANALYSIS	DA2-0110 A
SITE PLAN	DA2-1001 B
CARPARK LEVEL 2 PLAN	DA2-2001 B
CARPARK LEVEL 1 PLAN	DA2-2005 B
MISCELLANEOUS PLANS	DA2-2007 B
RETAIL PLAN	DA2-2101 B
RETAIL PLANT PLAN	DA2-2105 B
LEVEL 1 PLAN	DA2-2110 B
LEVEL 2 PLAN	DA2-2120 B
LEVEL 3 PLAN	DA2-2130 B
LEVEL 4 PLAN	DA2-2140 B
LEVEL 5 PLAN	DA2-2150 B
LEVEL 6 PLAN	DA2-2160 B
LEVEL 7 PLAN	DA2-2170 B
LEVEL 8 PLAN	DA2-2180 B
ROOF PLAN	DA2-2190 B
GFA PLAN - RETAIL LEVEL	DA2-2890 B
GFA PLAN - LEVEL 1	DA2-2891 B
GFA PLAN - LEVEL 2	DA2-2892 B
NORTH ELEVATION / EAST ELEVATION	DA2-3101 B
SOUTH ELEVATION / WEST ELEVATION	DA2-3102 B
SYDNEY ROAD ELEVATION / GRIFFITH STREET ELEVATION	DA2-3103 B
CONDAMINE STREET ELEVATION – COLOURED	DA2-3110 B
SECTION 0V SECTION 0Q	DA2-3200 B
SECTION 0M SECTION 0L	DA2-3205 B
SECTION 0F SECTION 0D	DA2-3210 B
SECTION 01 SECTION 04	DA2-3250 B
SECTION 08 SECTION 11	DA2-3255 B
SECTION 12	DA2-3260 B
SECTION 16	DA2-3265 B
SITE SECTION EAST WEST – COLOURED	DA2-3310 B
SITE SECTION NORTH SOUTH – COLOURED	DA2-3312 B
ENVELOPE ASSESSMENT LEVEL 1 PLAN	DA2-3801 B
ENVELOPE ASSESSMENT AERIAL VIEW 1	DA2-3803 B

**Landscape**

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

**Roadworks**

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

**Surveyor**

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

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

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

**ANS01**

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

**Plaza Design****ANS02**

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

**ANS03**

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

**ANS04**

No turf is used in the public plaza.

**ANS05**

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

- A staging or amphitheatre area to conduct community events.
- Provision of a community meeting room or a sheltered space provided for public meetings eg. Precinct meeting, mothers groups, youth groups etc.

- Community Notice boards
- Consideration for a children's playground – this will encourage family groups to use the space.
- That the public plaza be an Alcohol Free Zone.

## ANS06

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

## ANS07

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

## ANS08

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

- 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.

## ANS14

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

## ANS15

The RTA supports the installation of new traffic signals at the intersection of Condamine Street/Retail Access located between Sydney Road and Griffiths Street with the following "conceptual" configuration as depicted in the attached draft signal plan: Regn: 0000.000.W.0000.

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

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

#### ANS16

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

#### ANS17

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

#### ANS18

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

#### ANS19

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

#### ANS20

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

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

#### ANS21

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

#### ANS22

Sydney Road is a significant bus route and traffic flow needs to be as efficient as possible to minimise delays to buses. In order to minimise these delays and for the RTA to support the retention of existing ingress as a result of the large increases to entry movements, time restricted (3:00pm-7:00pm Monday to Friday) “No Stopping” restrictions are to be provided along Sydney Road from Woodland Street (North) to the Totem access point on Sydney Road.

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

#### ANS23

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

- “No Stopping” restrictions for a distance of 6m either side of the Totem residential access onto Griffiths Street.
- Kerbside parking restrictions would need to be reviewed along Griffiths Street to satisfy

local road conditions relating to the development proposal.

**ANS24**

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

**ANS25**

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

**ANS26**

Should the development proceed, detailed design plans of the proposed median island along Sydney Road (including Keep Left signage and possible pavement widening), the proposed new traffic signal design plan for Condamine Street / Retail Access and the revised signal design plan for Sydney Road / Condamine Street will need to be forwarded to the RTA for approval prior to the commencement of any road-works. The applicant is to be advised that a plan checking fee (amount to be advised) and lodgement of a performance bond will be required prior to the release of approved road / signal design plans by the RTA.

**ANS27**

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

**ANS28**

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

**ANS29**

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

**ANS30**

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

**ANS31**

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

- All sleeping rooms: 35 dB(A) Leq (9hr)
- All other habitable rooms: 45 dB(a) Leq (15hr) and 40dBA(A) Leq (9hr)

**ANS32**

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

**Stormwater****ANS33**

Storm water run-off from the subject site onto Sydney Road and Condamine Street, as a result of the proposed development is not to exceed the existing level of run-off from the site.

**Approved Uses**

## ANS34

Any part of the building at a level above the podium level shall not be used for other than a residential purpose without the prior consent of Council.

## ANS35

The levels of the development nominated on the plans lodged with the Application and shown as car parking shall not be used for any other purpose without prior consent being obtained from Council.

## ANS36

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

**Building Envelopes/Design**

## ANS37

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

## ANS38

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

## ANS39

High quality materials are to be provided throughout the development including the podium walls at the interface with adjoining properties whether on the boundary or inset from it and to all pedestrian links into the site and to the full length of Lane 34.

## ANS40

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

## ANS41

High quality architectural design treatments are required to all significant corners within the development that terminate a pedestrian link or public space or create a visual focus from the main connections into the site or from the public open space areas and squares.

## ANS42

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

**Waste Management**

## ANS43

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

## ANS44

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

## ANS45

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

ANS46

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

### **Noise Management**

ANS47

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

ANS48

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

ANS49

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

ANS50

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

ANS51

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

ANS52

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

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

ANS53

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

ANS54

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

ANS55

There are to be no external speakers or live bands at the premises. This condition has been

applied to maintain a reasonable level of amenity to the area.

#### ANS56

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

#### ANS57

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

#### ANS58

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

### **Health**

#### ANS59

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

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

### **Landscape**

#### ANS60

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

#### ANS61

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

#### ANS62

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

#### ANS63

The development is to incorporate systems to improve the health and longevity of these trees. Protective buffers are to be placed around the heritage listed trees of Condamine Street to ensure that no damage to the trunks and root systems does not occur during demolition/development of the site. Details of the method of protection of the trees shall be submitted to Council for approval prior



to the issue of the Construction Certificate.

The landscape setback between the building and the rear of properties fronting Griffiths Street shall be deep soil planting with species selection to the satisfaction of Council.

#### ANS64

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

#### ANS65

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

#### ANS66

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

#### ANS67

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

#### ANS68

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

#### ANS69

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

### **Demolition**

#### ANS70

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

#### ANS71

The reuse and recycling of all material is required, particularly In regard to the historic bungalows and interwar buildings proposed to be demolished. The reuse of the sandstone foundations of these buildings is to be incorporated into the development, such as on the exterior foundations of the new buildings, retaining walls and/or fences fronting Condamine Street. The recycling of the 'liver' bricks, leadlight windows sand 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 deliver of the stone kerb blocks is to be undertaken at the expense of the owner/applicant.

## ANS74

If, during the course of construction and any associated earth disturbing activities, human remain or archaeological deposits originating from Indigenous or non Indigenous cultures are exposed, works must cease immediately and Council informed. The Police must also be informed if human remains are uncovered. If this procedure is not followed the applicant may be guilty of an offence under the NSW National Parks and Wildlife Act 1974 and the Aboriginal and Torres Strait Islander Heritage<sup>3</sup> Protection Act 1984, and will be reported to the relevant authorities.

**Access**

## ANS75

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

## ANS76

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

## ANS77

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

## ANS78

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

## ANS79

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

## ANS80

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

## ANS81

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

## ANS82

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

## ANS83

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

## ANS84

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

## ANS85

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

## ANS86

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

## ANS87

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

## ANS88

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

## ANS86

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

## ANS90

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

## ANS91

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

## ANS92

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

## ANS93

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

## ANS94

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

## ANS95

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

## ANS96

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

## ANS97

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

## ANS98

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

## ANS99

The accessible parking bay shall also have a 3800mm (w) X 2500 (h) internal dimension compliant

with AS 4299. There needs to be a height clearance of 2.3m leading to the accessible car bays.

ANS100

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

ANS101

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

ANS102

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

ANS103

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

ANS104

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

ANS105

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

ANS106

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

ANS107

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

ANS108

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

ANS109

The total Floor Space of the development on the site the subject of this application shall not exceed 44,466m<sup>2</sup>.

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 AGRB-NABERS rating scheme. Along with all other applicable content the development shall comply with Section J of the BCA.

ANS120

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

ANS121

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

ANS122

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

### **Standard Conditions**

DA16

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$200,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

**Note:** Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, **at least 7 days prior to the commencement of any work on site.**

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

and infrastructure inspection by Council.

#### DA17

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

#### DA18

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

#### DA21

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

#### DA22

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

#### DA24

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm.

Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

#### DA26

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

#### DA31

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

#### DA39

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate**.

#### DA40

Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.

#### DA44

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.

DA47

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

DA48

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

DA55

In a Class 2 building containing more than 10 sole occupancy units, a closet pan and wash basin in a compartment or room at or near ground level for the use of employees must be provided in accordance with F2.1 of the Building Code of Australia. Details shall be submitted to the Council/Accredited Certifier **prior to issue of the Construction Certificate.**

DA58

An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

DA59

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

DA60

On completion of the building structure a Registered Surveyor's report is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.

DA61

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

DA344

A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund **Deposit prior to the issue of the Construction Certificate.**

DA345

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

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier **prior to the issue of the Construction Certificate.**

DA69

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

DA81

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

DA109

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

DA111

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

DA113

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

DA119

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000.

**Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.**

DA120

The building being erected in Type A construction for a Class 2, 6 & 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

DA121

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

DA125

All requirements of the NSW Fire Brigades for the building shall be complied with in accordance with the requirements of the Building Code of Australia.

DA230

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

DA253

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

DA237

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

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

DA239

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

DA240

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



DA241

Details shall be submitted to the Council/Accredited Certifier **prior to issue of the Construction Certificate** indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is being provided.

DA243

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

DA248

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

DA250

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

DA251

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

DA348

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

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

DA358

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

DA257

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

DA267

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

DA256

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

DA261

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

DA268

The applicant shall consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should an electrical enclosure be required, the location and dimensions of this structure are to be detailed prior to the issue of a Construction Certificate. In the event of Energy Australia requiring a sub-station, the applicant shall consult with Council or its delegate with a view to dedication of the land for the sub-station as public roadway.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier **prior to any building works being carried out on site**.

DA271

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

DA273

All materials stored on site shall be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.

DA279

All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.

DA283

De-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:

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

DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the

site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority **prior to the commencement of framework.**

DA332

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

DA333

A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

DA334

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

DA335

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

DA336

Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

DA338

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

DA339

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

DA340

The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land.

The measures must include:-

- (i) siltation fencing;
- (ii) protection of the public stormwater system; and
- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

DA288

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

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing,

glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays.

Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

#### DA290

The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.

#### DA300

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

#### DA301

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

#### DA302

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

#### DA303

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

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

#### DA306

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

#### DA314

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

#### DA315

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

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

#### DA316

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

#### DA318

There is to be no noise emitted from any process carried on within the premises that will register

more than 5 decibels above the background noise at any point more than 3m outside the premises.

**DA9**

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

**DA10**

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

**DA11**

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

**DA12**

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

**DA13**

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

**DA14**

No portion of the proposed building or works, including gates and doors during opening and closing operations are, to encroach upon any road reserve or other public land.

**DA70**

The dimension of carparking 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](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

**DA89**

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

DA92

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

DA95

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

DA97

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

DA101

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

DA102

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

DA100

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

DA108

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

DA224

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

DA225

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

DA229

Excavation adjacent to the road boundary shall be adequately shored to support the roadway and all improvements and services within the road reserve. Protective fencing shall be provided to ensure the safety of the public.

DA230

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

DA261

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

DA262

**Prior to the issue of the Construction Certificate**, the applicant shall submit details of protective hoardings, fences, and lighting which are to be provided during demolition, excavation and building works in accordance with the requirements of the Department of Industrial Relations, Construction Safety Act and the WorkCover Authority.

Note: On corner properties, particular attention is to be given to the provision of adequate sight distances.

DA270

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

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

The cost of these inspections by Council is \$78,100 (being \$220.00 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.**

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$100.00.

DA339

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

DA341

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

DA342

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

hrs before commencement of works to allow Council to supervise/inspect works.

DA343

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

DA236

Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority **prior to issue of the Final Occupation Certificate.**

DA238

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

DA252

A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.

DA274

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

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

**1) The applicant is further advised**

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

**2)**

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

**3)**

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

**Part B**

The following conditions be added to the consent:

1. Displaced FSR be removed altogether and Masonic Club void remain.



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

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

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*Councillor Murphy having declared an interest in Environmental Services Division Report No.70 left the Chamber.*

Environmental Services Division Report No. 70

**106 Darley Road, Manly - St Patrick's Estate - Spring Cove (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.

### **PUBLIC ADDRESSES**

Against: Dr Peter Dunstan/ Ms Beverley Hurley

In Favour: Mr David Rolls

### **MOTION (Macdonald / Heasman)**

#### **Part 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:

- a) House 17 is to remain on its current footprint at its previous location;
  - b) That the access road to No 17 be redesigned so as to avoid the need to remove the Norfolk Island Pine.
1. Approved Plans  
The development must be carried out in accordance with plans as follows;

PLAN NO		PREPARED BY	TITLE	AMENDMENT NO	DATE PREPARED
<b>ZONE A &amp; B - JAHN ASSOCIATES HOUSES</b>					
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
<b>ZONE A – ARCHITECTS JOHANNSEN</b>					
0611	A-02	Architects Johannsen	Site Plans	B	20/11/06
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
<b>ZONE B - ALEX POPOV APARTMENTS</b>					
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
<b>ZONE C - GROSE BRADLEY HOMES</b>					
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	"
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	"
<b>ZONE D - TONKIN ZULAIKHA GREER</b>					
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	"
<b>SURVEY</b>					
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
<b>LANDSCAPE &amp; VEGETATED LINKS DESIGN</b>					
	SK00	McGregor & Partners	Cover Page	L	May 2006
	SK04		Site Analysis Plan - Revised	L	"
	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 <sup>st</sup> 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
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.
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 3m<sup>3</sup> 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.
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 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 then 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).
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 proceeds.
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
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.

### **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.
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 Envirosiences 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 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.

#### **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.
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.
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.
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.
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 “visitable” 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.
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.
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.
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 -

- 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.

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.

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.

### **Landscaping**

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.
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.

**Sequences 5/ 1,**

2,3,4,5,6,8,9,11,12,13,14,16,17,18,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52,53,54,55,61,62,63,64,65,66,67,68,69,70,71,72,73,75,76,77,78,79,81,85,86,87,88,89,90,91,92,93,94,95,96,97,98,99,100,103.

**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 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.
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 Councils Works Manager on Telephone 9976 1455 for the stone to be transported to Councils 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.
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](http://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.
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, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A suitably qualified Structural Engineer shall issue a compliance certificate for the special footings referred to above to the Principal Certifying Authority. The footings shall be designed and approved Prior to the Issue of the Construction Certificate.
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.
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.

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
- 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.

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.

## 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](http://www.epa.nsw.gov.au)"

## 7. Hazardous waste removal (including asbestos)

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

- New South Wales Occupational Health and Safety Act, 1983;
- New South Wales Construction Safety Act, 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983;
- The Occupational Health and Safety (Hazardous Substances) Regulation 1996;

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

### **8. Air Conditioning Systems Residential Premises**

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

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

### **9. Model**

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

### **10. Compliance with the Disability Discrimination Act**

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

### **11. Modifications to the consent**

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

### **12. Storage bins on footpath and roadway**

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

### **13. Long Service Levy**

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

### **14. Compliance with erosion and sediment control plan**

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

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

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery.

### **16. Protection of public places**

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

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

### Part 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.

### Part 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.

### RESOLVED (Macdonald / Heasman)

#### Part 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:

- a) House 17 is to remain on its current footprint at its previous location;

- b) That the access road to No 17 be redesigned so as to avoid the need to remove the Norfolk Island Pine.
- 1. Approved Plans  
The development must be carried out in accordance with plans as follows;

PLAN NO		PREPARED BY	TITLE	AMENDMENT NO	DATE PREPARED
<b>ZONE A &amp; B - JAHN ASSOCIATES HOUSES</b>					
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
<b>ZONE A – ARCHITECTS JOHANNSEN</b>					
0611	A-02	Architects Johannsen	Site Plans	B	20/11/06
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

<b>ZONE B - ALEX POPOV APARTMENTS</b>					
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
<b>ZONE C - GROSE BRADLEY HOMES</b>					
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	"
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	"

<b>ZONE D - TONKIN ZULAIKHA GREER</b>					
0401	DA-001	Tonkin Zulaikha Greer	Site Plan	<b>M2</b>	<b>27/11/06</b>
0401	DA-002		Site Open Space-GF	<b>M2</b>	"
0401	DA-003		Site Open Space - FF	<b>M2</b>	"
0401	DA-100		House 11	<b>L</b>	<b>21/06/04</b>
0401	DA-101		House 12	<b>L</b>	"
0401	DA-102		House 13	<b>L</b>	"
0401	DA-103		Redesigned House 14.0	<b>L</b>	"
0401	DA-103.1		Redesigned House 14.2	<b>L</b>	"
0401	DA-104		House 15.1	<b>L</b>	"
0401	DA-105		House 15.2	<b>L</b>	"
0401	DA-004		Redesigned House 17	<b>M2</b>	<b>27/11/06</b>
0401	DA-005		Redesigned House 17	<b>M2</b>	<b>27/11/06</b>
0401	DA-200		House 11 Perspective/Materials	<b>L</b>	<b>21/06/04</b>
0401	DA-201		House 12 Perspective/Materials	<b>L</b>	"
0401	DA-202		House 13 Perspective/Materials	<b>L</b>	"
0401	DA-203		House 14 Perspective/Materials	<b>L</b>	"
0401	DA-204		House 15 Perspective/Materials	<b>L</b>	"
<b>SURVEY</b>					
C163K	015	Whelans Operations Pty Ltd	Proposed Subdivision Lot 2 DP544297	<b>M</b>	<b>4/10/06</b>
C163K	016		Site Constraints	<b>M</b>	<b>4/10/06</b>
C163K	017		Proposed Easements	<b>M</b>	<b>4/10/06</b>
<b>LANDSCAPE &amp; VEGETATED LINKS DESIGN</b>					
	SK00	McGregor & Partners	Cover Page	<b>L</b>	<b>May 2006</b>
	SK04		Site Analysis Plan - Revised	<b>L</b>	"
	SK05		Master Plan	<b>N</b>	<b>Nov 06</b>
	SK05.1		Site Plan Basement	<b>N</b>	<b>Nov 06</b>
	SK05.2		Site Plan Ground Floor	<b>N</b>	<b>Nov 06</b>
	SK05.3		Site Plan 1 <sup>st</sup> Floor	<b>N</b>	<b>Nov 06</b>
	SK06		Detail Landscape Plan ¼ - NW	<b>N</b>	<b>Nov 06</b>



	SK07		Detail Landscape Plan 2/4 - NE	<b>N</b>	<b>Nov 06</b>
	SK08		Detail Landscape Plan 3/4 - SW	<b>N</b>	<b>Nov 06</b>
	SK09		Detail Landscape Plan 4/4 - SE	<b>N</b>	<b>Nov 06</b>
	SK10		Images & Sections	<b>N</b>	<b>Nov 06</b>
<b>CIVIL DESIGN</b>					
01S828	DA- C101	Hughes Truman	Cover Sheet	<b>M</b>	<b>28/11/06</b>
01S828	DA- C102		Preliminary Road layout	<b>M</b>	<b>28/11/06</b>
01S828	DA- C103		Preliminary Road 1 & 2 Long Sections	<b>M</b>	<b>28/11/06</b>
01S828	DA- C104		Prelim Road 1 Cross Sections	<b>M</b>	<b>28/11/06</b>
01S828	DA- C105		Prelim Road 2 Cross Sections 1/4	<b>M</b>	<b>28/11/06</b>
01S828	DA- C106		Prelim Road 2 Cross Sections 2/4	<b>M</b>	<b>28/11/06</b>
01S828	DA- C107		Prelim Road 2 Cross Sections 3/4	<b>M</b>	<b>28/11/06</b>
01S828	DA- C108		Prelim Road 2 Cross Sections 4/4	<b>M</b>	<b>28/11/06</b>
01S828	DA- C109		Staging Plan	<b>M</b>	<b>28/11/06</b>
01S828	DA- C110		Erosion & Sediment Control Concept Plan St 1	<b>M</b>	<b>28/11/06</b>
01S828	DA- C111		Erosion & Sediment Control Concept Plan St 2	<b>M</b>	<b>28/11/06</b>
01S828	DA- C112		Erosion & Sediment Control Concept Plan St 3	<b>M</b>	<b>28/11/06</b>
01S828	DA- C113		Erosion & Sediment Control Concept Plan St 4	<b>B</b>	<b>28/11/06</b>
01S828	DA- C114		Erosion & Sediment Control Concept Plan St Details	<b>M</b>	<b>28/11/06</b>
01S828	DA- C115		Hydraulic Services Plan	<b>M</b>	<b>28/11/06</b>
01S828	DA- C116		Pavement Plan	<b>M</b>	<b>28/11/06</b>
01S828	DA- C117		Turning Paths sheet 1	<b>M</b>	<b>28/11/06</b>
01S828	DA- C118		Turning Paths sheet 2	<b>M</b>	<b>28/11/06</b>
01S828	DA- C119		Intersection Marshall & Osborn	<b>M</b>	<b>28/11/06</b>
01S828	DA- SW01		Storm water Management Plan	<b>M</b>	<b>28/11/06</b>

**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.
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 3m<sup>3</sup> 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.
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 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 then 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).
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 proceeds.
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
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.

### **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.
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 Envirosiences 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 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.

#### **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.
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.
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.
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.
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 “visitable” 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.
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.
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.
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 -

- 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.

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.

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.

**Landscaping**

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.
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.

#### **Sequences 5/ 1,**

2,3,4,5,6,8,9,11,12,13,14,16,17,18,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52,53,54,55,61,62,63,64,65,66,67,68,69,70,71,72,73,75,76,77,78,79,81,85,86,87,88,89,90,91,92,93,94,95,96,97,98,99,100,103.

**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 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.
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 Councils Works Manager on Telephone 9976 1455 for the stone to be transported to Councils 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.
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](http://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



pipng, 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.
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.
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.
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
- 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.

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.

## 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](http://www.epa.nsw.gov.au) "

## 7. Hazardous waste removal (including asbestos)

Hazardous or intractable wastes arising from the demolition process must be removed and

disposed of in accordance with the requirements of WorkCover and the EPA, and in accordance with the provisions of:

- New South Wales Occupational Health and Safety Act, 1983;
- New South Wales Construction Safety Act, 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983;
- The Occupational Health and Safety (Hazardous Substances) Regulation 1996;
- The Occupational Health and Safety (Asbestos Removal Work) Regulation 1996; and
- The Waste Minimisation and Management Act and Regulations.

#### **8. Air Conditioning Systems Residential Premises**

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

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

#### **9. Model**

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

#### **10. Compliance with the Disability Discrimination Act**

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

#### **11. Modifications to the consent**

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

#### **12. Storage bins on footpath and roadway**

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

#### **13. Long Service Levy**

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

#### **14. Compliance with erosion and sediment control plan**

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

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

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery.

#### 16. Protection of public places

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

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

#### Part 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.

#### Part 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.

**For the Resolution:** Councillors Macdonald, Hay, Heasman, Lambert, Daley, Morrison and Evans

**Against the Resolution:** Councillor Norek

\*\*\*\*\*

*Councillor Murphy returned to the Chamber.*



Environmental Services Division Report No. 71

**25 Fromelles Avenue, Seaforth (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 IT WAS RECOMMENDED FOR APPROVAL.
6. THE MODIFICATION APPLICATION IS PRESENTED TO COUNCIL'S 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.

**SITE INSPECTIONS**

A site inspection of **25 Fromelles Avenue, Seaforth, DA 06/03** Alterations and Additions to the existing dwelling and Child Care Centre (Section 96 Modification) was conducted by Councillors B Aird, J Evans, J Hay, J Lambert, P Macdonald, and D Murphy.

**Inspection Party Recommendation:** No Recommendation

**PUBLIC ADDRESSES**

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

Against: Ms Lee Novak

In Favour: Ms Laura Rupert

**MOTION (Evans / Hay)**

- A) That Council approve 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, subject to the following conditions:
1. Removal of the current temporary roof over the upper balcony and replacement with a

- new laser light roof aligned with the existing roof line.
2. Privacy screens at the norther and southern ends of the upper balcony be modified to close the gap at the upper portion.
  3. That the shade structures in the rear yard subject to appropriate anchoring within the yard.
  4. The proposed Bi fold doors with lockable latches to replace existing double sliding doors and window in the upper kitchen and dining room.
- B) That the air conditioner on the northern wall be removed in compliance with the determination of the Court.

**RESOLVED (Evans / Hay)**

That:

- A) That Council approve 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, subject to the following conditions:
1. Removal of the current temporary roof over the upper balcony and replacement with a new laser light roof aligned with the existing roof line.
  2. Privacy screens at the norther and southern ends of the upper balcony be modified to close the gap at the upper portion.
  3. That the shade structures in the rear yard subject to appropriate anchoring within the yard.
  4. The proposed Bi fold doors with lockable latches to replace existing double sliding doors and window in the upper kitchen and dining room.
- B) That the air conditioner on the northern wall be removed in compliance with the determination of the Court.

**For the Resolution:** Councillors Hay, Heasman, Lambert, Murphy, Daley, Morrison, Evans and Norek

**Against the Resolution:** Councillor Macdonald

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Environmental Services Division Report No. 72

**59 Ethel Street, Seaforth****Amended Plans (DA423/05)****Application Lodged:**

29.9.05 Amended plans 5.4.06

**Applicant:**

Blackwood Architects

**Owner:**

Estate of the late C. J. Smith

**Estimated Cost:**

\$3,000,000

**Zoning:**

Manly Local Environmental Plan, 1988 - Business, the property is also in the foreshore scenic protection area.

**Surrounding Development:**

commercial, mixed use commercial and residential, vacant land, and residential.

**Heritage:**

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.

**SITE INSPECTIONS**

A site inspection of **59 Ethel Street, Seaforth, Amended Plans (DA423/05)** New three (3) storey mixed development with ground floor retail/commercial seven (7) residential units and basement parking was conducted by Councillors B Aird, J Evans, J Hay, J Lambert, P Macdonald, and D Murphy.

**Inspection Party Recommendation:** Staff to comment on applicant's submission

**PUBLIC ADDRESSES**

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

Against the staff recommendation: Mr Doug Sewell, Applicant

**MOTION (Evans / Daley)**

That Development Application DA423/05 for 59 Ethel Street, Seaforth be deferred for one week for further discussions to better address conditions A1 to A15 with staff and the applicant.

**AMENDMENT (Murphy / Daley)**

That the recommendation contained in the Report be approved.

The Amendment was withdrawn.

**FORESHADOWED AMENDMENT (Macdonald / Murphy)**

That the General Manager determine the Development Application DA423/05 for 59 Ethel Street, Seaforth being consistent with discussions taken in the Chamber through consultation with the Applicant and Senior Staff.

**For the Foreshadowed Amendment:** Councillors Macdonald, Hay, Heasman, Murphy and Daley

**Against the Foreshadowed Amendment:** Councillors Lambert, Morrison, Evans and Norek

The Foreshadowed Amendment became the **MOTION**.

**RESOLVED (Macdonald / Murphy)**

That the General Manager determine the Development Application DA423/05 for 59 Ethel Street, Seaforth being consistent with discussions taken in the Chamber through consultation with the Applicant and Senior Staff.

**For the Resolution:** Councillors Macdonald, Hay, Heasman, Murphy and Daley

**Against the Resolution:** Councillors Lambert, Morrison, Evans and Norek

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Environmental Services Division Report No. 73

**7 Pacific Parade, Manly (DA428/05)**

**Application Lodged:** 27th September 2005  
**Applicant:** B Fook Castle Peak architects  
**Owner:** Mr A Defina  
**Estimated Cost:** \$800,000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
**Surrounding Development:** residential buildings,  
**Heritage:** 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

**SITE INSPECTIONS**

A site inspection of **7 Pacific Parade, Manly, (DA428/05)** Demolition of the existing dwelling, and construction of a new dwelling house, garage, carport and pool was conducted by Councillors J Evans, J Hay, J Lambert, P Macdonald, and D Murphy.

**Inspection Party Recommendation:** Upon Resolution of the issue concerning proposed removal of the avocado tree, (ANS02) the application be approved as per staff recommendation with Draft Condition ANS01 and ANS05 amended as follows:

**ANS01**

The building is to be relocated onsite such that the outside edge of the verandah aligns with the outside edge of the verandah of the dwelling on the adjoining site to the west (No. 9 Pacific Parade).

## ANS05

The following trees are to be retained and protected during construction. The following trees nominated on drawing DLO2 A :

- T1 Lophostemon confertus.12m
- 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 hillii 12m
- T14 Glochidion ferdinandii 8m
- T15 Angophora costata 12m
- T16 Glochidion ferdinandii 8m
- T16A Glochidion ferdinandii 6m
- T17 Ficus macrophylla 18m

**PUBLIC ADDRESSES**

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

In Favour: Mr Andrew Defina, Applicant

**MOTION (Macdonald / Evans )**

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 with the condition that the applicant plants two more native trees of appropriate species in lieu of the Avocado tree to the front and the Norfolk Pine at the rear in the area of the proposed courtyard and ANS01 and ANS05 amended as follows:

## ANS01

The building is to be relocated onsite such that the outside edge of the verandah aligns with the outside edge of the verandah of the dwelling on the adjoining site to the west (No. 9 Pacific Parade).

## ANS05

The following trees are to be retained and protected during construction. The following trees nominated on drawing DLO2 A :

- T1 Lophostemon confertus.12m
- 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 hillii 12m
- T14 Glochidion ferdinandii 8m
- T15 Angophora costata 12m
- T16 Glochidion ferdinandii 8m
- T16A Glochidion ferdinandii 6m

- T17 Ficus macrophylla 18m

**RESOLVED (Macdonald / Evans)**

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 with the condition that the applicant plants two more native trees of appropriate species in lieu of the Avocado tree to the front and the Norfolk Pine at the rear in the area of the proposed courtyard and ANS01 and ANS05 amended as follows:

**ANS01**

The building is to be relocated onsite such that the outside edge of the verandah aligns with the outside edge of the verandah of the dwelling on the adjoining site to the west (No. 9 Pacific Parade).

**ANS05**

The following trees are to be retained and protected during construction. The following trees nominated on drawing DLO2 A :

- T1 Lophostemon confertus.12m
- 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 hillii 12m
- T14 Glochidion ferdinandii 8m
- T15 Angophora costata 12m
- T16 Glochidion ferdinandii 8m
- T16A Glochidion ferdinandii 6m
- T17 Ficus macrophylla 18m

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

**Against the Resolution:** Nil.

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Environmental Services Division Report No. 74

**Development Applications Currently Being Processed.**

**SUMMARY**

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING DECEMBER 2006.

**MOTION (Macdonald / Heasman)**

That Development Applications currently being processed during December 2006 be noted.

**RESOLVED (Macdonald / Heasman)**

That Development Applications currently being processed during December 2006 be noted.

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

*Councillor Norek was not in the chamber when the Motion was put.*

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Environmental Services Division Report No. 75

**Appeals List for December 2006**

**SUMMARY**

LIST OF APPEALS RECEIVED AND THEIR CURRENT STATUS FOR COUNCILLORS INFORMATION.

**MOTION (Macdonald / Heasman)**

That the List of Appeals for December 2006 received and their current status be noted.

**RESOLVED (Macdonald / Heasman)**

That the List of Appeals for December 2006 received and their current status be noted.

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

**Against the Resolution:** Nil.

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**CLOSE**

The meeting closed at 12.38PM

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

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**CHAIRPERSON**

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