



Agenda

Land Use Management Committee

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

Monday 4 April 2005

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

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

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:
www.manly.nsw.gov.au*

Seating Arrangements for Meetings

Staff

Staff

General
Manager

Chairperson

Staff

Minute
Taker



Mayor Dr Peter
Macdonald

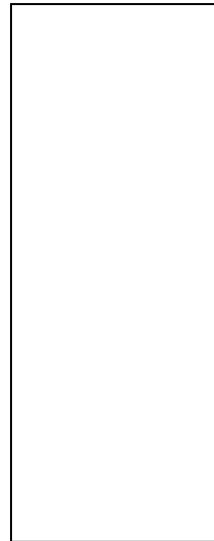
Clr Mark Norek

Clr Joanna Evans

Clr Barbara Aird

Clr Brad
Pedersen

Deputy Mayor
Clr Richard
Morrison



Clr Jean Hay AM

Clr Adele Heasman

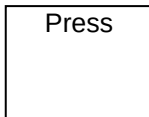
Clr Dr Judy Lambert

Clr Simon Cant

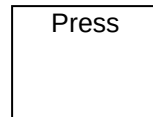
Clr David Murphy

Clr Pat Daley

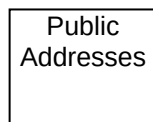
Press



Press



Public
Addresses



Public Gallery

Chairperson: Clr Dr Judy Lambert
Deputy Chairperson: Clr Simon Cant

LAND USE MANAGEMENT COMMITTEE**APOLOGIES AND LEAVE OF ABSENCE****DECLARATIONS OF INTEREST****CONFIRMATION OF MINUTES**

The Land Use Management Committee of 7 MARCH 2005

PUBLIC ADDRESSES

SITE INSPECTIONS – there are no site inspections for this agenda.

ENVIRONMENTAL SERVICES DIVISION REPORTS**Environmental Services Division Report No. 12**

8-28 The Corso, Manly
Coles Redevelopment..... **2**

Environmental Services Division Report No. 13

207-217 Pittwater Road, Manly **113**

Environmental Services Division Report No. 14

51 Whistler Street, Manly **121**

Environmental Services Division Report No. 15

3 Cove Avenue, Manly **123**

Environmental Services Division Report No. 16

Development Applications Currently Being Processed During April, 2005 **150**

Environmental Services Division Report No. 17

Appeals List for April 2005 **154**

CLOSED COMMITTEE ITEMS

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

TO: Land Use Management Committee - 4 April 2005
REPORT: Environmental Services Division Report No. 12
SUBJECT: 8-28 The Corso, Manly Coles Redevelopment
FILE NO: DA35/04 Updated Report 4 April, 2005

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

SUMMARY:

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

LOCALITY PLAN

Shaded area is subject site.



REPORT

INTRODUCTION

Chris Young Planning and Planning Strategies have been engaged by Manly Council to independently assess the development application for 8 – 28 The Corso Manly commonly referred to as “Coles”.

Independent external assessment of the application was undertaken as follows:

Environmental Services Division Report No. 12 (Cont'd)

- Urban design: GM Urban Design and Architecture Pty Ltd
- Heritage: Graham Brooks and Associates Pty Ltd
- Traffic: Gennaoui Consulting Pty Ltd
- Access: Disability Access Consultants
- Acoustics: Atkins Acoustics Pty Ltd

Council's Environmental Services Division has commented upon matters of landscaping, building contamination, waste, stormwater and safety.

The public notification and liaison with the precinct community forum has been undertaken by Council in accordance with Council's procedures and policy.

The applicant has responded to professional criticism of the application from internal and external experts and public submissions.

Public submissions have also been considered by external consultants in their assessment.

A number of changes to the proposal have occurred over the course of the assessment period culminating in amended plans being lodged with Council and exhibited in November 2004. See Appendix G for changes as provided by the project architect.

It is these amended plans which are the subject of this report and analysis by the assessment team.

THE SITE

The site is described in part in the applicant's SEE as follows:

"The Site is: Nos. 8 – 28 The Corso, Manly"

"The Site is irregular in shape. From the Site survey, it can be seen that the Site has a 55.865m frontage to The Corso which is the northern frontage of the Site. The main section of the western boundary of the Site is 47.925m in length from the Corso. The Site boundary then proceeds generally in an easterly direction for 25.775m from which point it again travels south for a length of 11.26m. From that point the Site boundary again travels to the east for a length of 14.01m from which point it travels north for a distance of 15.655m. The boundary then again travels east for a distance of 15.565m from which point it traverses in a northerly direction for 43.5m to The Corso.

The Site has an area of 2,752m².

The Site is within the Business Zone pursuant to the Manly Local Environmental Plan, 1988 ("LEP, 1988").

The Site is currently occupied by:

- A part one (1) and part two (2) storey brick building which is occupied by a Coles supermarket (Nos.8-22, The Corso), and
- Two (2), two (2) storey semi-detached shops with offices above the retail component (Nos.24-28, The Corso).

The shops and the Coles supermarket have frontage to The Corso.

The two (2) shops are serviced by means of a 3.2m wide Right of Carriageway to Wentworth Street as depicted on the Site survey plan.

Environmental Services Division Report No. 12 (Cont'd)

The Coles Supermarket is serviced by way of a 6.105m wide laneway at the rear of the Site as depicted on the Site survey plan. That laneway services a number of developments from Wentworth Street including the existing Coles supermarket which has Right of Carriageway over that laneway. At present, Coles delivery vehicles reverse up that laneway to the Coles loading dock."

ADJOINING DEVELOPMENT

The adjoining development is described in the applicant's SEE as follows:

"Adjoining the Site to the west with frontage to The Corso is a part two (2) and part three (3) storey brick building which is No.6 The Corso. Also adjoining the main western boundary of the Site is development which has its frontage to East Esplanade. Immediately to the south of the Site, between the two (2) vehicular accessways to Wentworth Street, is a seven (7) storey mixed commercial and residential building known as Nos.1-3 Wentworth Street.

A new residential development is currently being constructed at Nos.41-42 East Esplanade. It comprises sixteen (16) residential units. Access to the car park for this development will be from the southern end of the western service land (the lane which provides access to the Coles loading dock).

Along the eastern side of the 3.2m wide Right of Carriageway servicing the two (2) shops at Nos.24-28, The Corso is an eight (8) storey residential flat building known as No.5 Wentworth Street.

To the east of the Site, with frontage to The Corso, is a two (2) storey semi-detached shop with residence above known as No.30, The Corso.

The Site is well serviced by public transport being in close proximity to the Manly Wharf bus and ferry interchange. Sydney Buses operates a number of bus services from the interchange to the northern beaches and lower north shore. Ferries operate to the city and other locations from the wharf."

Also adjoining the Site to the west is a residential apartment building of approximately the same height as the proposal known as "The Grant Building " being 43-45 East Esplanade. Further to the southwest is an existing terrace building at 46-51 East Esplanade which includes backpacker accommodation and a restaurant.

THE PROPOSAL

The applicant's Statement of Environmental Effects describes the proposal as:

"It is proposed to demolish the existing development on the Site and to erect a mixed use commercial/retail and residential development.

The proposed development will contain:

- Basement level car parking for 83 cars.
- Ground floor level retail development at The Corso frontage of the Site with a new Coles supermarket located behind that retail development. Pedestrian access to the Coles development will be from The Corso. The Coles development will also occupy part of the first floor level of the development, that area being used for offices, amenities and storage.
- Residential development in the form of fifty three (53)(now 49) units over six (6) levels with the first residential level being part of the first floor of the development.

The proposed development will be accommodated in three (3) buildings to be known as:

Environmental Services Division Report No. 12 (Cont'd)

- The Corso Building
- The Wentworth Building
- The Esplanade Building.

The amended plans of October 2004 in part reduce the FSR to 3.0:1(including retail area mezzanine levels), reduce the Wentworth and Esplanade buildings, reduce the number of dwellings from 53 to 49, including five (5) adaptable units, redesign the Corso façade, added a residential entry to the Wentworth building with lift core, and increase setbacks of the Esplanade building. **The amendments are detailed in Appendix G.**

DEVELOPMENT NUMERICAL ASSESSMENT

The following is an assessment of the proposal's compliance with the standards of the LEP and DCP and SEPP 65 Residential Flat Design Code. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

	<u>Permitted/ Required</u>	<u>Proposed</u>
Density - Sub Zone		
Floor space ratio	3.0:1	3.0:1 – complies
Floor space ratio - existing	Approx. 1.5:1	-
Wall height (Northeast) side Southwest)	15.0 metres	North West 14.6 metres North East 16.8 metres South East 16.8-26.0 metres South West 23.8-26.0 metres Refer to DCP assessment
Setback Front	Nil	Nil
Setback Rear		South East Nil to 15.4 metres – no adverse impacts
Northeastern and Southwestern side setback	Nil and 4.3-7.0 metres	North East Nil South West 4.3-7.0 metres
Open space		Each dwelling is provided with private open space of between 8.24-12.0 sq. metres As well there are large common open space areas located between the Corso and Wentworth Buildings and to the rear of the Wentworth Building
Number of Endemic Trees		Not applicable
Car Parking – Residents	53 spaces	74 spaces
- Visitors	9 spaces	9 spaces
- Retail	38 spaces	See report of Mr Fred Gennaoui
Shadows		Solar access is available to adjoining properties for at least 3 hours in midwinter with the main impact on the rear of the backpackers hostel to the southwest
Views		The outlook to the north from the rear of a few dwellings in adjoining multi storey apartment buildings in Wentworth Street will be affected but any development of 15.0 metres would also create this impact

Environmental Services Division Report No. 12 (Cont'd)

	<u>Permitted/ Required</u>	<u>Proposed</u>
Privacy		There will be no impact in regard to privacy to any adjoining property to the north, east and south due to the distance between buildings There will be an impact to the rear of a number of commercial developments fronting The Esplanade but this is not considered unreasonable due to the existing uses.
Heritage		See Report by Mr Graham Brooks
Heritage – In Vicinity		See report of Mr Graham Brooks
Threatened Species		Not applicable
Foreshore Scenic Protection Area	Yes	The proposal will not create any adverse impacts to the foreshore of Manly Cove due to the existence of other developments in the locality of various heights
Excavation		Yes – to be conditioned
Landslip and Subsidence		Landslip – not applicable Subsidence – to be conditioned
Energy Efficient Rating ★★★★★		An Energy performance statement has been provided. The building is generally within the indicative Energy targets of the DCP.
Acid Sulphate Soils	Class 4	Preliminary investigations by Douglas Partners from test bores were not positive indicators of actual or potential Acid Sulphate soils. Condition 6 to establish actual results.

APPLICANT'S SUPPORTING STATEMENT

The applicant submitted a supporting statement (The Statement of Environmental Effects) for the original application and addendum to that statement for the amended plans. These are available on Council's file.

SUBMISSIONS

The application as received was exhibited in February 2004. Twenty four (24) individual submissions were received of which four (4) were not opposed or supported the concept, a further seven (7) were not opposed to Coles upgrade but sought conditions or were opposed to the residential, the remaining thirteen (13) were opposed to the development.

Opposition is generally on the grounds of additional traffic in the lane - Wentworth Street and the capability of the surrounding traffic network – height of the tower as being excessive.

A number of petitions totalling 482 signatures were received. Petitions with a prayer stated that they supported The Corso Precinct Community Forum's motion opposing the application. Approximately 68 of the 482 signatures appear on documents without a prayer.

The amended application was notified between 29 October 2004 and 12 November 2004. Seven (7) individual submissions were received.

Environmental Services Division Report No. 12 (Cont'd)

These submissions raised the followings issues:

- Traffic in the lane including the need to maintain the existing protective poles;
- Office development should replace residential development with less vehicles;
- Cumulative traffic effect in the lane and the Manly CBD;
- Size of the loading dock and the turntable;
- Lane to the retail shops too narrow for deliveries;
- Excessive number of units;
- Excessive height of buildings;
- Excessive bulk of Esplanade tower;
- Noise of vehicles manoeuvring in the underground car park;
- Limit to five (5) storey height.

One agreement has been received but raises concern over possible damage to the adjoining heritage building. (Note this is a matter covered by condition requiring dilapidation report.)

Comments:

In consideration of the submissions it is noted that the "lane" is not a public lane and the protective poles legality has not been established. However, no proposals are put forward to remove these protective poles.

Traffic matters are addressed by the Traffic Report and this issue has not altered from the first exhibition.

The size of the loading dock has been considered and conditioned.

Building height has been considered in the Urban Design Report and considered in the circumstances acceptable.

Other issues are not considered of such significance to warrant refusal of the application.

Precinct Community Forum Comments

The application was accepted as lodged with Council on 27 January 2004.

The application as lodged was considered by a number of precinct committees as follows in chronological order:

- Ivanhoe Park Precinct Committee Forum meeting of 3 February 2004

"DA 35/04 – Coles Site on The Corso"

The Corso Precinct Chair, Tim Fiddes attended the meeting to present the DA.

MOTION

The Precinct has major concerns with this DA. This site is a significant site in Manly directly impacting visitors' perceptions of Manly Village.

The Precinct has serious concerns in relation to the excess height (double that allowed by the DCP/LEP and the excessive bulk of the buildings. Although a successful challenge has been made to the height restriction, this should be taken as an anomaly rather than a precedent. Additionally, 83 vehicles will have a huge impact on access to and from Manly.

Environmental Services Division Report No. 12 (Cont'd)

The Precinct believes Manly is becoming seriously overdeveloped and the Manly Village image, which is an important part of the drawcard for visitors and residents to Manly, is being lost.

The Precinct asks that –

1. a public forum to discuss these issues be urgently convened prior to consideration of the DA
2. the Traffic and Heritage Committees look at the issues and social problems this and similar developments will cause in Manly
3. the Traffic Committee note the number of cars and delivery trucks/removalist vans that are currently utilizing this small section of narrow one lane each way street on a regular basis
4. the impact of heavy delivery vehicles entering the property down a one way lane and utilizing a turntable to exit back down the same lane, be assessed

It is inevitable that delivery trucks will continually block Wentworth Avenue awaiting their turn to use the access lane along with the residents and visitors vehicles. Chaos will be the order of the day.”

- **The Corso Precinct Community Forum meeting of 10 February 2004**

“COLES DEVELOPMENT

A presentation was given by The Architect and Project Managers for the Coles Development. After the presentation the floor was opened for questions and discussion. People were very concerned about the Laneway Access and the Height of the building (see Motion). Also a suggestion was made that if the development was approved.....that the DA be modified so that the COLES area can cater for more than one truck being parked in at Coles (off the laneway and off Wentworth street). Currently the DA only allows for one truck to be stored in at Coles whilst being offloaded.....

Motion:

The Corso Precinct Rejects the Development application on the following grounds;

Height of building

The Corso Precinct rejects to the Height of the residential tower as it exceeds the allowable height. We request the council to adhere to their guidelines. The neighbouring building height was approved on the basis of preserving a heritage building and was not and is not a precedent for any future developments.

Traffic/Lane way**Laneway two: Western**

Residents adjoining the laneway state the laneway is currently chaotic, often, residents are not able to enter or exit the laneway. An additional 83 car spaces allotted to this development, along with the development currently in progress in adjoining building and Wentworth Street will compound this disaster.

The laneway usage must be considered during the 18 month – 2 year development.

Access for Emergency Vehicle Access (Fire/Ambulance).
Service Trucks

Laneway One: Eastern

Environmental Services Division Report No. 12 (Cont'd)

Currently services 6 spaces (retail), plus a space for the Manly deli, plus 3 external spaces for the flats (78 Wentworth and their rear access to their own car parks).

Residential/Commercial

The proposed use of the building (53 Residential units) is not in the best interest of Manly.

Do we want:

- (i) Residents trying to sleep above the Corso and complaining about the noise to council each second day? We should pre-empt this and address this in the application.
- (ii) Addition commercial office space above the retail area and thus reducing complaints about noise? Additional commercial office will help attract business people and different clientele to Manly. This in turn will provide opportunity for more diverse business in the Manly CBD.

THE TURNING POINT

"This development is the turning point for the Manly CBD – Corso. The DA will have a direct impact on the atmosphere and vision of Manly Corso (and arguable Manly as a whole). This is the development application where Manly Council must determine the merits in respect to the vision of Manly. To do otherwise would be irresponsible."

- **Little Manly Precinct Community Forum meeting of 11 February 2004**

"(vii) Corso Coles site Development

Tim Fiddes outlined this DA and the following main issues of concern that had been raised at the Corso meeting:

- ◆ The height of one tower is in excess of Corso guidelines
- ◆ The rear laneway access to parking is unlikely to have the capacity to service the anticipated traffic, particularly with other developments in the immediate area.
- ◆ No parking for Coles' customers
- ◆ This development, if approved, would set the wrong tone for the rest of the Corso.

Motion: Little Manly Precinct endorses the decision taken by the Corso Precinct and requests Council not to take any decision until after the Corso Vision is agreed.

- **Fairy Bower Precinct Community Forum meeting of 1 March 2004**

"A resolution was then proposed and seconded broadly as follows:

'That the current DA for the old Coles building, and relevant surrounding buildings be opposed on the following grounds:

- The Corso frontage does not 'fit-in' with local surrounds, is not sensitive to the community aspirations to see the Corso restored to its traditional style and design – and the new building should be a re-instatement of the earlier façade of the Campbell's department store building (as depicted in photographs from 1900-1920);
- The height of the 'Tower' building (8 storeys approx) is too high – and has the risk of establishing an unwanted precedent for future development along the Corso; and
- The roof top terraces were could result in a material increase in noise pollution in the area"

- **Bantry Bay Precinct Community Forum meeting of 3 March 2004**

Environmental Services Division Report No. 12 (Cont'd)

"DA 3504/Coles Supermarket, The Corso Manly

The Motion: To oppose the DA on the grounds of the additional traffic that would be generated, the loss of the village atmosphere, loss of local amenities, the height and aesthetics of the proposal.

Passed unanimously."

The amended application was forwarded for comment to the precinct committees in November 2004.

Comments have been received from The Corso Precinct Community Forum from its meeting of the 9 November 2004 as follows:

"Motion 1:

The Corso Precinct believes the Coles Development Application sets the tone for the future of the Corso. Therefore, the precinct has taken a holistic view of this application and the implications for the Manly CBD.

The Corso Precinct opposes the Development application on the following grounds:

Traffic

The Manly CBD does not have the road infrastructure to support a building of this magnitude. The addition of 81 car spaces along with the development at Wentworth Street, St-Patrick's Estate, Quarantine Station traffic will exacerbate the existing traffic congestion.

The road infrastructure within the Manly CBD does not have the capacity to support large/high residential developments.

Residential V's Commercial

The Corso precinct believes there should be more of commercial (smaller boutique type business) within the Manly CBD. This will generate economic benefits for Manly without placing pressure on existing infrastructure.

The benefits of a higher commercial to residential mix are:

1. Different clientele with money to spend in cafes, restaurants, shops within Manly.
2. Promote a better mix of businesses within the Manly CBD
3. Improved use of Ferry/bus Services (i.e. people will be utilizing these services when they are normally empty e.g. in morning from city to Manly and afternoon Manly to City.
4. Less complaints about noise in the Corso during the evening

Laneway Access

The Corso Precinct does not believe the laneway and/or Wentworth Street access is adequate to support 81 cars, delivery trucks, garbage services and emergency services in a practical or safe manner. The lane will practically allow for 2 way passing traffic.

Building Use

The development application does not make it clear how the residential building will be used. I.e. will the building be used for short term accommodation?

Environmental Services Division Report No. 12 (Cont'd)

Moved: Tim Fiddes

Seconded: James Fox

For: Unanimous

Against: -“

Comment:

This report and accompanying expert reports consider the issues raised by the Precinct Community Forums but do not support the forums' comments and consider the proposal acceptable.

HERITAGE COMMITTEE COMMENTS

The application was considered by the Heritage DA Sub Committee on the 18 March 2004.

The committee comments and Recommendations are as follows:

“This site is extremely significant from a heritage view points with important heritage sites and listed items immediately adjacent. (sic) for most visitors this is their entrance to Manly, as they walk from the ferry along the Corso to the beach. Any development should be sympathetic to The Corso's historic character.

This site is a focal point in The Corso heritage precinct and a focus for views from West Esplanade, Belgrave St, Whistler Street and the Corso itself. It could be likened to the focal point of a piazza in a major Italian heritage town (e.g. Via Del Corso in Rome, Sienna, Perugia. Etc).

As a result, we believe strongly that the façade of the new development should recreate and reinstate the predominant form and character of The Corso's architecture, circa 1900-20's. This is best achieved by reinstatement of the Campbell's store façade, built circa 1908 (date can be checked with Local Studies Collection, Manly Library).

Reinstatement of this major façade would re-establish the character of this vital portion of The Corso, enhancing the streetscape and restoring the heritage integrity of the precinct.

This principle has been applied successfully on East Esplanade between The Corso and Wentworth St (46-48 East Esplanade recent DA proposal) in the current restoration and reinstatement of original buildings currently in progress. It would also establish a precedent for the restoration and reinstatement of other degraded and unsympathetic sites on The Corso itself (e.g. La Galeria, the banks).

The proposed tower is too high and intrusive and extends the excessive heights of nearby developments into The Corso precinct, with adverse impacts. The proposed rooftop terraces on The Corso portion of the development are an unacceptable intrusion on the heritage character of adjoining properties. Noise from the terraces will overflow to The Corso itself and adjacent buildings. The rooftop pergolas are an alien element in the Corso and inappropriate in a heritage precinct.

This redevelopment presents of the most important recent opportunities to restore and improve the character, amenity, scale and community values of The Corso – Manly principal pedestrian artery.

Summary of Recommendations:

1. Reinstatement of the façade of Campbell's Store on The Corso frontage.
2. Reduce the height of the proposed tower.

Environmental Services Division Report No. 12 (Cont'd)

3. Remove the rooftop terraces and pergolas and enclose roofs on all patios of the development."

The amended application was considered by the DA sub committee of the heritage committee on the 10 November 2004.

The response is almost identical with the following changes:

Paragraph 5 of the above comments has been deleted and replaced with:

"With respect to the Urban Design Guidelines for Manly Town Centre 2002, The Corso Area 2.1.1, the development fails to address the requirement that "new infill development should complement the existing and adjacent buildings in form and detail." For example, the skyline character of The Corso is more articulated with triangulated pediments and round-headed parapet walls and window forms that are not reflected in the proposal.

The massing, form and height of the proposal exceeds and overpowers remaining major focal points in this section of The Corso such as Campbell's and Darley Flats, as well as the original buildings on the site before Coles (see 1938 Government Printing Office photo)."

And the summary is replaced with:

"The current proposal interferes with the "architectural integrity of The Corso" (Corso Guidelines 2002), and the tower element further erodes the remaining urban qualities of The Corso.

These issues have been addressed by Graham Brooks and Associates in the accompanying report **Appendix C** to this report and as set out in the conclusions to that report later in this report.

EXPERTS ADVICE

- **Urban Design Consultants Advice**

Urban design analysis and consideration of the application and SEPP 65 was undertaken by G M Urban Design & Architecture Pty Ltd.

A number of responses to design issues were considered during the assessment of the application.

The report of M/s Morrish attached as Appendix B to this assessment considers the application in regard to SEPP 65, SREP 23, The Manly LEP 1988, The Manly DCP for Business Zones 1989 amendment 3 and the Manly Urban Design Guidelines 2002.

The report concludes and recommends:

"Executive Summary

This report has been commissioned by Manly Council as an independent urban design review of the compliance of the Development Application with various State and Local Council controls.

The assessment has been complied with reference to controls and documents listed in the Introduction section of this report.

Environmental Services Division Report No. 12 (Cont'd)

In summary the following conclusions and Recommendations are made in relation to the Development Application:

- *The development is considered appropriate to its context.*
- *It responds well to The Corso and Esplanade streetscapes and also maintains good setbacks to adjoining development, using courtyard areas and landscape as a green buffer and to maintain privacy.*
- *The design and height of the development is reasonably balanced and reinforces the scale and grain of the contributory buildings in the Corso.*
- *The Esplanade element, although above the height required within the DCP, is a reasonable compromise given the issues with the adjoining existing building which significantly exceeds the control height.*
- *The development proposes mixed uses with retail tenancies and a supermarket to the ground floor and residential development in the buildings above. This is consistent with Council's LEP zoning and the DCP. It proposes some 49 apartments and an FSR of 3:1 which is compliant with the current controls.*
- *The landscaping in general terms is considered acceptable with each apartment benefiting from both private and shared open space and a well landscaped courtyard within the development and as a buffer to adjoining development.*
- *It is recommended that the Council consider requiring roof terraces to the rear block (close to Wentworth Street) as well as The Corso building to supplement the private open space for the upper level apartments. This block is not visible from the public domain and is sheltered by other development therefore there should not be any adverse impact.*
- *Overall the amenity offered by the development achieves a reasonable standard, given its location, the apartments themselves are well designed with excellent solar access and cross ventilation.*
- *It is recommended that a translucent glass screen be added to the balcony edge of apartment C214 to stop the potential for overlooking the adjoining courtyard/lightwell whilst still allowing good light penetration to occur.*
- *The development does not provide the suggested pedestrian links or arcades. However the applicant has demonstrated attempts to achieve such a link but the land owners will not condone or contribute access rights to enable such a link. Therefore this requirement is beyond the capacity of the applicant to deliver.*

*The Recommendation of this urban design report is that the development be considered **for approval by Council subject to the above minor amendments** which could be conditioned."*

Comment:

Conditions of approval have been supplied and are incorporated within the Recommendation.

• Heritage Consultants Advice

Matters of heritage and consideration of heritage assessment submissions by NBR&P for the applicant were assessed by Graham Brooks and Associates Pty Ltd. A number of revisions to design and heritage issues were addressed by the applicant during the process.

The report of Mr Brooks, attached as Appendix C to this assessment considers the application in regard to archaeological management provisions of the NSW Heritage

Environmental Services Division Report No. 12 (Cont'd)

Act, Manly LEP 1988, Manly Urban Design Guidelines 2002 for the Manly Town Centre and SREP 23

That report concludes and recommends:

Context of the Heritage Impact Assessment

'This report has been commissioned by Manly Council through Chris Young Planning. It provides Council with an independent Heritage review of the Development Application in relation to State and Local Government Heritage controls.

The assessment has been compiled with reference to controls listed in the Introduction section to this report.

In summary the following conclusions and Recommendations are made in relation to the Development Application:

Conclusions:

The site is likely to contain archaeological relics as defined by the NSW Heritage Acts, related to previous phases of European occupation.

We concur that the proposed demolition of the Coles Store will have no adverse heritage impacts on the existing building or of the listed buildings in the vicinity. It will have no adverse impacts on the significance of The Corso.

We concur that the proposed development will have no unacceptable or adverse heritage impacts on the heritage significance of the listed buildings in the vicinity. It will have no unacceptable impacts on the significance of The Corso.

We do not agree with the Heritage Committee comments, dated 10 November 2004, that the best solution would be for the reconstruction of the façade of the Campbell's Stores building. We do not agree with the Committee's concerns about the understated treatment of the upper parapet on The Corso frontage or the proposed glazed bay windows.

We agree with their concerns about the visibility of the roof level pergolas and their adverse impact on The Corso façade.

We do agree with the Council staff comments that the lack of a sky view above the parapet line of the new Corso frontage, due to the visibility of the residential apartments behind, will have an unacceptable impact on the heritage significance of The Corso Conservation Area. Their concern for an open sky view over the facade is valid for the historic buildings along The Corso, where such an intrusion can lead to a diminution in the character and visual integrity of the building. It is not valid for the new, infill façade, especially as the higher components are set reasonably well back."

Comment:

Environmental Services Division Report No. 12 (Cont'd)

Conditions of approval have been supplied and are incorporated within the Recommendation.

- **Traffic Consultants Advice**

Traffic Issues were considered and information as supplied by the applicant's traffic consultants was assessed by Gennaoui Consulting Pty Ltd.

Matters raised through the exhibition period were considered also.

The report of Mr Gennaoui, attached as Appendix D to this assessment considered the issues involved in particular traffic impact of the proposed development, parking provisions, pedestrian and vehicular access, including the laneways, loading docks, turntables etc, waste disposal and construction traffic.

The report concludes:

“Conclusions

This traffic generated by the proposed development is not likely to impact on the surrounding road network including the intersections along Wentworth Street.

The proposed development will provide 83 parking spaces. The applicant proposes to allocate all spaces to the residential component of the development. No allowance has been made for employees or customer of the Coles supermarket and other shops. The basement parking area complies with the Australian Standard requirements; all spaces have a width of 2.5m or larger except for Space 2.

The above assessment indicates that if the development is approved, than it should be subject to the inclusion of the following conditions of consent. “

Comment:

Conditions of approval have been supplied and are incorporated within the Recommendation.

Access Consultants Advice

Disability Access Assessment was undertaken by Disability Access Consultants. Review of the application and comments from the applicant's consultant is provided in the report attached to this assessment as Appendix E.

Each drawing and level was assessed in detail and comments listed.

Comment:

Conditions on approval have been supplied and are incorporated within the Recommendation.

Acoustic Consultants Advice

Acoustic issues were assessed by Atkins Acoustics Pty Ltd. Analysis of the application and applicant's consultants report is included in the report attached to this assessment as **Appendix F**.

Environmental Services Division Report No. 12 (Cont'd)

Issues considered include existing ambient noise amenity, noise amenity planning, plant noise assessment, traffic noise, transient noise, construction and vibration.

The report raises three areas of potential concern as follows:

- *“Overall building height with the potential requirement to house the roof top plant and equipment in a purpose built plant room,*
- *The requirement for individual apartment building treatments to controls noise intrusion from the driveway activities including trucks, and*
- *The control of vibration/structural noise from loading dock activities.”*

Comment:

Conditions have been imposed for the second and third of these issues. In regards to the first, Mr Atkins is concerned that the air conditioning plant has yet to be finalised and that the area set aside on the roof top of the Esplanade building and screened may not be sufficient and warrant a building form to mitigate against noise .He was also concerned that individual air conditioning units for each apartment is being considered.

The applicant has responded that the latter is not the case and that a total air conditioning system is being provided and is being evaluated to ensure that these issues do not arise.

Conditions of approval have been supplied and are incorporated within the Recommendation.

Engineers Comments

Comments in regards to stormwater, water and traffic were produced on the 20 April 2004 and amended plans assessed and comments provided on the 3 December 2004.

Comment:

These comments have been incorporated as conditions or in regards to traffic consideration by the independent traffic report.

Building Comments

No objections subject to conditions included within the Recommendation.

Landscape Architects Comments

Comments in regard to landscaping were received on the 18 March 2004 and reviewed in December 2004. Issues of species selection and dewatering were raised and are dealt with by condition within the Recommendation.

Environmental Health Comments

The amended plans were reviewed and commented upon in late November 2004. Concerns were raised regarding acid sulphate soils and potential contamination. Conditions to this effect have been included to address these concerns.

Matters of waste disposal from the site have been assessed in both the original and the amended application and comments received. Conditions have been included within the Recommendation to address the matters raised by the Manager, Waste Services.

Environmental Services Division Report No. 12 (Cont'd)**Safety by Design Comments**

Comments have been received in regards to safety by design matters and the following Recommendations have been suggested.

"1. That the residential block of apartments that directly front onto the Corso be set back.

2. That a boomgate or similar be located at the rear of the development in the private laneway that leads into the loading area and the resident parking area.

3. That security gate or similar be fitted at the rear of the service passage for the minor shops.

4. There should be no access available from the residences onto the shop awnings in order to avoid unsafe use.

There should also be a barrier/obstacle placed at each end of the awnings in order that access to and from the neighbouring buildings is not possible.

5. That the streetfront arcade doors that access into Coles are fitted and locked each night when the store closes at midnight. This also applies to be the residential access from the Corso, Access into the Residential foyer should be kept closed and only made accessible to residents and authorized persons."

Comment:

Recommendations 3 and 5 are incorporated into the conditions with the alteration to 5 for closure of the store not linked to midnight.

Recommendation 1 is not agreed to, as it is not in keeping with the design of The Corso and façade.

Recommendation 2 is not agreed to, as the private lane also accesses other buildings. The subject site will have security doors for both the car park and loading dock.

Recommendation 4 is partly agreed with and is conditioned. Concern is raised at the latter part of the Recommendation in regards to unsightly access deterrents visible from the heritage and public precinct. While the concept is supported a condition is not being imposed due to visual issues.

SECTION 79(C) MATTERS FOR CONSIDERATION IN ADDITION TO EXPERTS COMMENTS AND SUBMISSIONS**Environmental Planning Instruments**

- **SEPP 65**

The Urban design and SEPP 65 requirements have been dealt with in detail by the GM Urban Design and Architecture report Appendix B to this report.

Comment:

Environmental Services Division Report No. 12 (Cont'd)

The conclusions as stated above are that the proposal is satisfactory subject to conditions. These conditions are included within the Recommendation below.

- **SEPP 56**

State Environmental Planning Policy No 56 – Sydney Harbour Foreshores And Tributaries

The revised application has been assessed in accordance with the guiding principles contained in the above SEPP with the following responses: -

- (a) Land is not at the foreshore and, in any event public access is available around Manly Cove
- (b) The principle is agreed with, however public access is already available and does not impact on this site
- (b1) Not applicable
- (c) Not applicable
- (d) Not applicable, and in any event is not necessary in this instance
- (e) The availability of open space in close proximity to this site and at the foreshore negates the need for open space on this site
- (f) No impact on marine ecological values due to the distance of the site from the water, and the issue re cultural heritage values has been considered by urban design, heritage and town planning consultants who have concluded that the revised development is a reasonable response to development on The Corso
- (g) There will be no significant destruction of the visual qualities of the harbour and foreshore by this development
- (h) There can be a very good relationship between the proposed residential use, water and foreshore uses
- (i) The elevation to The Corso, a heritage item within the LEP has been the subject of much discussion and the revised elevation, bulk and scale to The Corso and the harbour are now reasonable and appropriate
- (j) The scale and character of the revised development is reasonable when viewed from many public vantage points, in and around Manly town centre and Manly Cove, as well as considering the existing built environment
- (k) The character of the revised development as viewed from the harbour is more than compatible when considering its surroundings and, in particular, other development at the foreshore of Manly Cove
- (l) Ecologically sustainable development principles – considered in SEPP 65 Design Matters.
- (m) Not applicable
- (n) The co-existence of mixed uses such as retail, residential, recreational and transport is reasonable and appropriate
- (o) Not applicable

The application meets all of the relevant guiding principles contained within the SEPP.

- **SEPP 11**

State Environmental Planning Policy No 11 – Traffic Generating Developments**Comment**

Environmental Services Division Report No. 12 (Cont'd)

The proposal is a schedule 1 development being a building for the purposes of shops with a gross floor area exceeds 2000sqm.

The application was referred to the RTA for concurrence under Section 138 of the Roads Act and SEPP No.11 on the 1st March, 2005. The following comments have been received:

“The RTA has reviewed the development application and raises no objections on road safety and / or traffic efficiency grounds, as the proposed development would not have a significant impact on the neighbouring classified road system. However, the following advisory comments are provided to Council for consideration in its determination of the development application:

1. Off-street parking associated with the development (including aisle widths, parking bay dimensions, ramp grades and sight distance requirements) should be designed in accordance with AS2890.1 – 2004 and AS2890.2 – 2002 for loading areas.
2. All works associated with this development are to be at no cost to the RTA. “

- **SEPP 55**

State Environmental Planning Policy No 55 – Remediation of Land

At present due to the coverage of the site by the existing buildings, a site management report cannot be undertaken until the removal of the existing buildings.

A condition is recommended to require testing of the soils upon removal of the buildings on site.

Based on the particular circumstances of this case and the excavation of material for the basement car park it is considered that the requirements of the SEPP can be complied with.

- **SREP 23**

Sydney Regional Environmental Plan No 23 – Sydney And Middle Harbours

The site falls within the parameters of the above Regional Plan and the revised proposal has been considered against the relevant matters for consideration as follows:-

- (a) The development will be viewed from the foreshore of Manly Cove and the North Harbour arm of Sydney Harbour as can be seen from the photomontages; however the scale is similar to other development in the immediate vicinity and will not adversely impact on the appearance of the Manly centre as viewed from the harbour and foreshore
- (b) The location of the development, away from the foreshore will not cause any pollution or siltation of the waterway due to the conditions of consent in relation to sediment and erosion and the requirements of the Council in relation to disposal of sewerage and stormwater effluent
- (c) There will be no adverse impact on flora and fauna habitats due to the site location in the Manly town centre and there are no wetlands close to the site
- (d) The noise generated by the development will be typical of other apartment buildings in the locality, which is not considered excessive and will in any case not have any adverse impact on existing uses on the waterway or on nearby land
- (e) The development, due to its location, will not cause shoreline erosion or effect drainage patterns, and conditions will apply to ensure the latter does not occur.

Environmental Services Division Report No. 12 (Cont'd)

- (f) The proposed development, although increasing the density on the site will not cause excessive congestion or conflicts with people using the waterway or the waterfront; in fact the opposite could be the case
- (g) Not applicable to this application
- (h) The mixed use development with retail at the ground floor and apartments above is appropriate to this location
- (i) No vessels are proposed in the application and therefore there will be no material impact on views to and from the waterway
- (j) The location of the site as part of The Corso heritage item, has been the subject of many discussions between the applicant and the Council, the latest set of plans overcoming all of the issues in dispute and therefore there is no adverse effect of the proposal on the heritage significance of the item or the locality
- (k) –
- (l) Not applicable
- (m) –
- (n) The revised application has been assessed against the guidelines contained in the DCP to be read in consultation with the SREP as well SEPP 56 and is considered reasonable and warranting approval
- (o) No representations
- (p) Not applicable
- (q) There will be no change to pedestrian access in the vicinity of the development site or around the site
- (r) The site is not on the foreshore, however existing foreshore access is available around Manly Cove
- (s) The application has been considered against the various requirements of the DCP – Sydney and Middle Harbours

The revised application is considered environmentally acceptable in relation to the relevant matters raised above.

Sydney Harbour And Parramatta River – Development Control Plan For Sydney Regional Environmental Plan No 23

The revised application has been considered against the provisions of the above and in particular Ecological Communities, Landscape and Map 23

- There will be no adverse impact on any ecological community
- There will be no adverse impact on the landscape quality of the area
- The site is close to a Landmark but there is no material adverse impact on its significance

It is therefore concluded that the revised proposal does not adversely affect any of the relevant provisions of the DCP.

- **MLEP 1988**

Appendix A to this report reviews the matters relative to the site for the Manly LEP 1988.

The principal issues concerned in the Manly LEP are the objectives of the zone, the visual and aesthetic protection of the foreshore scenic protection area environmental heritage issues services

Environmental Services Division Report No. 12 (Cont'd)

and acid sulphate soils. These matters have been addressed in Appendix A and it is considered the application satisfies the requirements of the Manly LEP 1988.

Any Draft Environmental Planning Instrument

- **DSEPP 66**

Draft Statement Environmental Planning Policy No 66 – Integration of Land Use and Transport

The location of the mixed use development within the Manly Town Centre with good access to public transport it is considered that the application is in accordance with the Draft SEPP and its supporting documents.

Any Development Control Plan

- **Manly DCP For Business Zones 1989, Amendment 3.**

Appendix A to this report contains an assessment of the application against this DCP.

The assessment considers the application to comply with the DCP.

While the Esplanade building fails the 15m height control, sub clause 4 of the building height control is considered to apply. The urban design review in Appendix B Page 11 specifically deals with this matter.

The FSR calculation in the DCP consideration is based on the definition of gross floor area of the model provisions adopted in the Manly LEP 1988. The calculation does include mezzanine levels in retail frontage shops and complies with the 3.0:1 maximum.

- **Manly DCP Energy Efficient Buildings 1998**

The applicant has supplied with the development application a report by McGregor & Associates on energy efficiency of the proposed development. This report concludes that the proposed development meets the requirement of Council's energy efficient buildings.

Consideration of SEPP 65 matters also relate to energy efficiency and is considered that the application satisfies the requirements in regards to this issue.

- **Manly Development Control For Access**

The applicant has submitted a report on access, which has been reviewed by the external consultant Disability Access Consultants. This report is appended as an Appendix E to this report. It is considered that the proposal can comply with the requirements of the DCP for access.

- **Manly Urban Design Guidelines 2002**

These guidelines are addressed in both the urban design report Appendix D page 12 and the Heritage Impact Assessment report **Appendix C page 4.**

These reports consider the revised application to the acceptable responses to the guidelines.

Likely Impacts of the Development**The Suitability of the Site for the Development**

Environmental Services Division Report No. 12 (Cont'd)

The Independent reports and analysis of the application by the experts have concluded that the site is suitable for the development subject to conditions.

The Public Interest

It is considered in the public interest that the existing site be redeveloped and the existing Coles building be replaced with a building more sympathetic to the architectural features of The Corso. The applicant's planning consultant in the Statement of Environmental Effects has put forward the view that the *"proposed development:*

- *Will provide a significant improvement to the architectural treatment of The Corso persona in this location,*
- *Will provide additional retail activity in The Corso which will in turn activate this section of the town centre, and*
- *Will provide for quality addition to the residential stock in the Manly town centre.*

It is agreed that these are positive impacts and in the public interest that the application go ahead.

In addition existing traffic situation in the general area has been addressed and congestion in the lane to the site from Wentworth Ave will be improved under the proposal.

PLANNING COMMENT:

The proposal for demolition of the existing Coles supermarket and retail shops at 8 – 28 The Corso Manly and replacement with a smaller Coles supermarket and speciality shops, 49 apartments of which 5 are adaptable and underground parking has been assessed against the planning instruments applicable to the application.

The submitted proposal has been assessed by independent experts and their comments and criticisms, particularly of the original urban design, has been addressed by the applicant resulting in amended plans and revised development exhibited again in November 2004.

The independent experts have concluded the application is satisfactory and recommend approval subject to conditions incorporated in the Recommendation.

The application has been opposed by the community forums notably The Corso Precinct Community Forum.

The submissions from the first exhibition were considered by the independent experts and applicant and where possible addressed in the amended plans.

A major objection related to traffic, both in Wentworth Avenue and the service lanes. The independent traffic expert in considering these submissions and the reduced nature of the retail proposals and the improved loading facilities for the supermarket has concluded the development will not impact upon the surrounding road network.

The Corso Precinct Community Forum considered commercial development should occur rather than residential. This is a more fundamental planning philosophy which differs from the zoning intent and planning aims of increasing residential development in town centres particularly where public transport is available. This objection is not one to reject or modify the application.

The proposal exceeds the 15m maximum height set under the Manly DCP for Business Zones 1989 Amendment 3 notably the rear Esplanade building.

The independent experts have supported this height based on sub clause 4 to the building height section as the Esplanade building is considered to provide interest and variety to the existing blank

Environmental Services Division Report No. 12 (Cont'd)

façade of the Grant building without adverse impact. The Corso building complies with the building height.

The urban design and façade treatment of The Corso building has raised comment, with the heritage committee seeking a reinstatement of the Campbell's store façade circa 1908.

This has been considered by the independent expert heritage advisor and urban design consultant and not supported. The proposal as amended is considered to respond well to the streetscape and elements subject to conditions.

The urban design consultant comments are set out previously and consideration to matters of SEPP 65, architectural design and impact, overlooking and privacy both internal and external to the site, setbacks, pedestrian access and amenity have been considered. Approval subject to minor amendments is recommended.

Traffic comments are set out previously and the report considers the existing situation, congestion and usability of the access lane and loading facilities. The proposal is considered to improve the situation by the turntable loading dock and lesser retail size. No change in conditions in the "lane" for existing users in adjoining buildings in regards to bollards is proposed. Traffic management changes are suggested and Part B of the recommendation relates to consideration by the Traffic Committee of parking changes to Wentworth Ave for a general improvement in the area. Traffic comments relative to SEPP11 have been received and raised no issues to preclude approval.

Heritage matters were considered and the comments set out above. The consultant addressed the relevant issues particularly the views of the heritage committee but did not agree and recommended a number of changes in agreement with Council staff on improvement to a sky view above the Corso.

Access matters were considered and many conditions set. The applicant agreed with the independent consultant to increase the number of adaptable units from one to five (above minimum requirements).

Acoustic issues were of concern to both internal and external amenity particularly with regard to plant. These matters have been considered as were operating times for delivery vehicles presently unlimited. Conditions for excavation controls for adjoining buildings have been included.

Safety by design comments were received. Not all recommendations were supported as they conflicted with urban design controls and DCP concepts and were considered to be capable of resolution by other means. The details of agreement are set out previously and incorporated into conditions.

The amendments suggested by the independent experts over the course of the application are incorporated into the amended plans and have reduced the floor space ratio back to a complying figure of 3.0:1 and reduced the number of apartments from 53 to 49.

CONCLUSION:

The application has been considered pursuant to Section 79C of the Environmental Planning & Assessment Act 1979, the Manly Local Environmental Plan, 1988, State Regional Environmental Planning Policies and Council's DCP's as set out above and is considered acceptable. The proposal is subsequently recommended for conditional approval.

RECOMMENDATION

Environmental Services Division Report No. 12 (Cont'd)

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

1. Approved Plans

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

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

Environmental Services Division Report No. 12 (Cont'd)

12. A construction traffic management plan shall be prepared and submitted for approval by Council/Accredited certifier, prior to the commencement of demolition and construction. This would set out details of access, type and number of vehicles associated with construction and the length of construction. All construction access should be restricted to the western laneway.
13. Mirrors must be placed and maintained by the owners' corporation or Body Corporate appropriately at both ends of the eastern laneway so that drivers accessing the site from Wentworth Street or departing the site could ensure that no other vehicle is already in the laneway. Details to be submitted to Council/Accredited Certifier, prior to the issue of Construction Certificate.
14. Mirrors must be placed and maintained by the owners' corporation or Body Corporate appropriately in the western laneway at Wentworth Street so that truck drivers accessing the site from Wentworth Street could make sure that no other truck is already in the laneway. Details to be submitted to Council/Accredited Certifier, prior to the issue of Construction Certificate.
15. All trucks should enter the laneways by turning right from Wentworth Street; similarly they should exit the laneway by turning right onto Wentworth Street. Details to be included in the Traffic Management Plan.
16. Sixty six (66) parking spaces shall be allocated to the residential units in accordance with Manly Council's Development Control Plan and should form part of the strata title of the unit.
17. Nine (9) visitor car spaces are to be provided and made accessible at all times and a sign post shall be erected at the vehicular entry point of the development indicating the location of these spaces. Plans to be notated accordingly, prior to the issue of the Construction Certificate.
18. Eight (8) spaces within the basement car park shall be allocated to employees of the supermarket and the other shops, and appropriately incorporated in the strata title of the development. Plans to be notated accordingly, prior to the issue of the Construction Certificate.
19. The basement car park shall be designed in accordance with Australian Standard 2890.1-2004. All spaces should have a minimum of 2.5m width including Space No 2.
20. The storage area at the rear of spaces 30 to 39 would be difficult to access with a car parked in the space; a walkway adjacent to the storage area should be provided; this could be achieved by reducing the width of the aisle from 6.5m to 6.0m. Amended Plans indicating the changes are to be provided prior to the issue of the Construction Certificate.
21. Only large rigid trucks (max 12.5m in length) shall service the Coles Supermarket loading dock.
22. A turntable should be provided in the Coles loading dock area to accommodate a large rigid truck of 12.5m in length.
23. A loading dock and traffic management plan shall be provided to and approved by Council prior to occupation. The plan should prohibit deliveries by articulated vehicles, and included the allocation of slot times for deliveries and waste removals to avoid on street waiting, and conflicts in the laneway.
24. Delivery trucks servicing the eastern laneway shall be restricted to small rigid trucks (6.4 metres in length). All vehicles shall enter and exit the site in a forward direction.
25. Deliveries to the residential component from The Corso should be restricted to outside working hours, from 6pm to 9pm.

Environmental Services Division Report No. 12 (Cont'd)

26. Garbage trucks servicing the western laneway shall not be larger than a large rigid truck not exceeding 12.5 metres in length.
 27. The applicant is to enter into an agreement with Council permitting Council's garbage trucks to use the turntable in the Coles loading dock.
 28. Garbage trucks servicing the eastern laneway shall be restricted to small rigid trucks (6.4 metres in length).
- The applicant is to provide Council with a copy of a written agreement with a private contractor to remove garbage generated by the small specialty shops from the eastern loading bay by a small garbage truck.
30. The development is to have a continuous accessible path of travel, as defined by AS1428.2, from the main points of entrance at the boundaries and from any required accessible parking spaces, to and within the premises through the principal entrance and to all areas within the development to which the general public have access within the retail and commercial sectors and up to and including the common areas of the residential sector.
 31. Each retail space is to have an accessible path of travel from the street boundary through their principal entries.
 32. The applicant is to provide suitable signage incorporating the universal symbol of access in accordance with AS1428.1, (white on ultramarine blue) indicating the direction and location of the accessible entries.
 33. Provide at least one (1) accessible car space for visitors to the shops within the site with a minimum 3200mm width x 5500mm long with a minimum of 2500mm clearance overhead in accordance with the requirements AS2890.1 and a minimum clear height on the vehicular path of travel to the accessible spaces of 2200mm.
 34. Provide five (5) accessible car spaces for the adaptable dwellings within the site with a minimum 3800mm width x 6000mm long with a minimum of 2500mm clearance overhead in accordance with the requirements AS2890.1 and a minimum clear height on the vehicular path of travel to the accessible spaces of 2200mm. The 6000mm depth can include 500mm borrowed space within the driveway to supplement the 5500mm provided however this may not be enclosed. Note that as drawn accessible space No 40 has a column towards the front of the space, restricting its width to 2500mm.
 35. All required accessible parking spaces will have a maximum cross fall or gradient of 1:40 in any direction.
 36. Suitable signage incorporating the universal symbol of access in accordance with AS1428.1, (white on ultramarine blue) indicating the direction and location of the accessible parking spaces is to be located at the entry and at all changes of direction.
 37. The accessible car space not assigned to an adaptable dwelling is to be identified by means of the white international symbol of access in accordance with AS1428.1, between 800mm and 1000mm high placed on an ultramarine blue rectangle with no side more than 1200mm, placed as a pavement marking in the centre of the space between 500mm and 600mm from its entry point. There is no requirement to provide access identification at the spaces for the adaptable dwellings.
 38. The residential garbage room is to have an area 1550mm clear in front of the garbage bins suitable for use by the occupants of the adaptable dwellings.
 39. The surface on all continuous accessible paths of travel are to be slip resistant and have no level difference greater than 3mm (or 5mm if rounded or splayed) between adjoining surfaces.
 40. All walkways, ramps and landings on the continuous accessible paths of travel as well as all stairs, are to comply with AS1428.1.
 41. Lifts are to comply with the requirements of D3.6 of the BCA and AS1735 part 12.
 42. Door thresholds on the continuous accessible path of travel are to have no level difference

Environmental Services Division Report No. 12 (Cont'd)

greater than 3mm inside to outside or are to have a threshold ramp complying with Figure 10 of AS1428.1.

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

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- i) need to be grasped or turned with all controls (other than power points) being between the heights of 900mm – 1100mm and no closer than 500mm from an internal corner, or
- ii) that only need to be pushed being between the heights of 900mm – 1200mm and no closer than 500mm from an internal corner, or
- iii) that only need to be touched being between the heights of 900mm – 1250mm and no closer than 500mm from an internal corner except as allowed for lifts in AS1735.12.

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

Glare and intrusive light is to be controlled in accordance AS4282 : 1997 "Control of the obtrusive effects of outdoor lighting".
- 61. Interior lighting on the continuous accessible paths of travel is to be in accordance with AS/NZS 1680.0.

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

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

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meaning of AS 1428.2) to the dwellings.

64. The main entry door to each adaptable dwelling must:
- (a) have an 850mm clear opening door with circulation spaces complying with AS1428.2, and
 - (b) must have an area 1550mm diameter in front of the door, and
 - (c) must have a "D" type lever door handle and other hardware that enables the door to be unlocked and opened with one hand and that complies with the requirements of AS 1428.1.
65. Internal doors within the adaptable dwellings must have a clearance of at least 820 millimetres and have circulation spaces complying with Figures 12 or 13 at all doors to required facilities. The door into Bedroom 1 of Unit C104 does not have the circulation space required by Figure 12(a) of AS1428.1.
66. Internal corridors within adaptable dwellings must have a width of at least 1,000 millimetres clear of finishes.
67. The living room in each adaptable dwelling must comply with Clause 4.7 of AS4299.
68. The kitchen in each adaptable dwelling must comply with Clause 4.5 of AS4299 including:
- (a) a clear space between benches of at least 1,550 millimetres, and
 - (b) benches that include at least one work surface:
 - (i) that is at least 800 millimetres in length, and
 - (ii) that can be adjusted or replaced as a unit at variable heights within the range of 750 millimetres to 850 millimetres above the finished floor surface, and;
 - (c) cook tops:
 - (i) with either front or side controls, and
 - (ii) with controls that have raised cross bars for ease of grip, and
 - (iii) that include an isolating switch, and
 - (d) a work surface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
 - (e) an elevated oven that is located adjacent to an 800mm long work surface the height of which can be adjusted.
69. At least one bedroom within each adaptable dwelling must comply with Clause 4.6 of AS4299.
70. A bathroom within each adaptable dwelling must comply with Clause 4.4 of AS4299 including the area requirements of AS1428.1. In particular the width of bathroom C104 is to be at least 2060mm width clear of finishes to allow for a visitable toilet and the bathroom in C105 is to have compliant door circulation space.
71. A toilet within each adaptable dwelling must be visitable and must comply with Clause 4.4 of AS4299.
72. The laundries within each adaptable dwelling are to comply with Clause 4.8 of AS4299 including the requirement for an area of 1550mm diameter in front of the fitments.
73. The applicant is to provide drawings as required by AS4299 demonstrating the potential configuration of the kitchens and bathrooms after adaptation prior to the construction certification phase.
74. The double doors out into the common areas of the residential sector are to have an 850mm clear opening to the operable leaf.

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75. All of the common areas of the residential sector are to be on a continuous accessible path of travel.
76. Isolated paving stones are unsuitable for use on an accessible path of travel, provide a suitable material that complies with the requirements of AS1428.1 Clause 12 including the notes to that clause.
77. A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of the Construction Certificate.
78. All stormwater collected from the proposed internal carpark area shall be collected and passed through a gross pollutant trap/silt/grease arrestor/pollution control device to remove pollutants to Council's satisfaction. Details shall be submitted with the Construction Certificate application.
79. The developer shall ensure that the stormwater pollutant concentrations for total suspended solids, total nitrogen, total phosphorous, zinc, copper and lead not to exceed ANZECC guidelines (2003) during construction phase. The developer shall install automated storm water monitoring equipment at the stormwater outlets from the proposed development. This monitoring will ascertain the level of compliance/non-compliance in accordance with the POEO Act. The frequency of the testing shall be as per the requirements of Manly Council. The developer shall pay for the cost of collecting the sample and analyse the samples by a NATA Accredited laboratory.
80. If dewatering is required the applicant shall submit a dewatering plan to control the quality and quantity of the water discharged from the proposed development. The dewatering plan shall be submitted with the Construction Certificate application.

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

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

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(g) Weekly monitoring of electrical conductivity shall be undertaken by the developer and forward to Manly Council. If electrical conductivity readings elevate above that from when dewatering first commenced council reserves the right to order a cessation of dewatering until groundwater has replenished.

81. All vehicular access during construction shall be from the Wentworth Street entrance only. No vehicular access from The Corso and Whistler Street end shall be permitted.
82. The site fronting The Corso shall be maintained for public use and made safe during the course of the works.
83. The 2 tree species *Banksia Integrifolia* and *Glochidion* are not approved for landscaping and are to be replaced with a more suitable species *Acmena smithii* or *Syzigium paniculata*. Appropriate drainage in the elevated beds supplied to ensure the continued life of plantings.
Irrigation system should be sympathetic to present and future water restrictions. A suitable arborist is to be appointed to assess the surrounding trees before the dewatering process and during the course of the development. Reporting to the Principal Certifying Authority on the trees progress or possible decline and recommend action.
84. The Basement Floor Level Bin Storage room must be partitioned so that garbage bins, bottle-recycling bins, and paper recycling bins are separated.
85. Centre managers are required to impose a prohibition upon all retail outlets within the complex from using plastic bags as part of their packaging of goods sold to consumers.
86. Separate development applications are required for the first use and retail shop fit outs.
87. Prior to the issue of a Construction Certificate the applicant shall prepare a Noise and Vibration Demolition and Construction Management Plan. As part of the NVDCMP a detailed dilapidation assessment shall be undertaken for all adjacent residential and commercial premises. The assessment shall include photographic details of existing building conditions. The report shall certify compliance with the design assessment goals. If the Construction Certificate is to be issued by a n Accredited Certifier then a copy of the report shall also be provided to Council.
88. The NVDCMP shall be prepared in accordance with the procedures set out in "The Council the of City of Sydney. Code of Practice for Construction Hours/Noise within the Central Business District".
89. Vibration from demolition/excavation/construction activities shall not exceed the base curves presented in British Standard BS6472-1992 as modified by the applicable multiplying factors in the standard for continuous vibration for the relevant building category (place).
90. Site establishment, demolition and construction hours must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays.

Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.
91. The applicant shall keep a legible record of all complaints made to the applicant or any employee or agent of the applicant in relation to noise or vibration arising from any activity to which the approval applies.
92. The record must include details of the following:
 - ☐ the date and time of the complaint
 - ☐ the method by which the complaint was made;

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- ☐ any personal details of the complaint which were provided by the complainant or, if no such details were provided., a note to that effect;
 - ☐ the nature of the complaint;
 - ☐ the action taken by the applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - ☐ if no action was taken by the applicant, the reason why no action was made.
- 93. The record of the complaint must be kept for not less than 4 years after the complaint was made.
- 94. On request the record must be produced to any authorised officer of the Council after the complaint was made.
- 95. The applicant or agent of the applicant shall operate during its construction hours a telephone complaints line for the full duration of the demolition and construction period for the purpose of receiving any complaints from members of the public in relation to activities conducted at the site or by the vehicle or mobile plant associated with the site.
- 96. The applicant shall undertake to cease all site works on the report of damage to the applicant. The applicant shall notify the public of the complaints telephone number and the fact that it is a complaint line so that the impacted community knows how to make a complaint.
- 97. The applicant shall undertake to cease all site works on the report of damage to neighbouring buildings and structures. Works shall not recommence on the building site until the reported matter has been resolved to the satisfaction of the PCA or Council.
- 98. The applicant or the applicant's agent shall implement throughout the duration of the demolition and construction period a noise and vibration impact complaints response protocol that ensures noise complaint, vibration complaints and noise and vibration complaints from noise sensitive receivers are investigated:
 - ☐ within 2 hours of receiving the complaint, and
 - ☐ in accordance with any prior complaint management agreement made with the complainant.
- 99. The applicant or the applicant's agent shall undertake noise, regenerated noise and or vibration monitoring as directed by the PCA or an authorised officer of the Council.
- 100. All residential occupancies forming part of the proposal shall be designed and constructed so that the repeatable maximum internal $L_{Aeq, 1 \text{ hour}}$ level shall not exceed the following levels:
 - (i). In a naturally ventilated - windows closed condition :

Sleeping areas (nighttime only: 10.00pm-07.00am)	35dB(A)
Living areas (24 hours)	45dB(A)
 - (ii). In a naturally ventilated – windows open condition (i.e., windows open 5% of the floor area, or attenuated natural ventilation open 5% of the floor area):

Sleeping areas (nighttime only: 10.00pm-07.00am)	45dB(A)
Living areas (24 hours)	55dB(A)
 - (iii). Where naturally ventilated – windows open noise condition cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
 - (iv). In a mechanically ventilated or air conditioned space with door and windows closed the combined external and ventilation system $L_{Aeq, 1 \text{ hour}}$ level shall not exceed the following:

Sleeping areas (nighttime only: 10.00pm-07.00am)	38dB(A)
Living areas (24 hours)	46dB(A)
- 101. Prior to the issue of a Construction Certificate the applicant shall prepare a comprehensive Building Facade Design Assessment Report. As part of the report details of the glazing acoustic specifications and window/door types and ventilation requirements shall be

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nominated. The report shall certify compliance with the design goals. If the Construction Certificate is to be issued by an Accredited Certifier, then a copy of the acoustic compliance report shall also be provided to Council.

102. The cumulative noise emission from all mechanical plant operating on the commercial/retail/residential premises shall not give rise to a sound level contribution exceeding the background noise level (without the plant operating) by more than 5dB(A) when assessed as an $L_{Aeq, 15 \text{ min}}$ level (over 15 minutes) at any residential boundary or residential balcony. In accordance with standard recognised assessment procedures 'correction modifying factors' shall be considered and applied where applicable.
103. The cumulative noise emission from all mechanical plant operating on the commercial/retail/residential premises shall not give rise to a sound level contribution exceeding $L_{Aeq, 15 \text{ min}}$ 59dB(A) (daytime), $L_{Aeq, 15 \text{ min}}$ 51dB(A) (evening) or $L_{Aeq, 15 \text{ min}}$ 50dB(A) (night), at any residential boundary or residential balcony. In accordance with standard recognised assessment procedures 'correction modifying factors' shall be considered and applied where applicable.
104. Prior to the issue of a Construction Certificate the applicant shall prepare a comprehensive Mechanical Plant Acoustic Design Assessment Report. As part of the report details of the plant selections and installation requirements shall be nominated. The report shall certify compliance with the design goals. If the Construction Certificate is to be issued by a an Accredited Certifier, then a copy of the acoustic compliance report shall also be provided to Council
105. Prior to the release of the Occupation Certificate an assessment shall be undertaken by a qualified Acoustic Consultant (agreed by Council) and submitted to the PCA or Council for approval. If the Occupation Certificate is to be issued by a PCA, then a copy of the acoustic compliance report shall also be provided to Council. The report shall present the results and findings to certify that noise levels satisfy the requirements of Conditions 14, 16 and 17.
106. The operators of the commercial and retail premises shall ensure that their garbage contractors do not collect waste from their premises between the hours from 10.00pm to 7.00am (Monday to Friday) and 10.00pm to 8.00am (Saturday and Sunday).
107. The operators of the commercial and retail premises shall ensure that deliveries and unloading of vans and small trucks (Class 1 to Class 3 vehicles) occur between the hours from 7.00am and 8.00pm (Monday to Friday) and 8.00am to 8.00pm (Saturday and Sunday). No deliveries or unloading of vans and small trucks (Class 1 to Class 3 vehicles) shall be undertaken outside the above hours.
108. Operators of the commercial and retail premises shall ensure that deliveries and unloading of large or articulated trucks (larger than Class 4 vehicles) occur between the hours from 8.00am to 8.00pm (Monday to Friday) and 8.00am to 8.00pm (Saturday and Sunday). No deliveries or unloading of large or articulated trucks (larger than Class 4 vehicles) shall be undertaken outside the above hours
109. Operators of the commercial and retail premises shall ensure that trucks do not stand or park on the road way between Wentworth Avenue and the designated onsite truck parking and unloading areas
110. Operators of the commercial and retail premises shall ensure that activities associated with the unloading of trucks and general activities in the vicinity of the loading docks shall not give rise to the transmission of vibration and associated structural borne nose to any other occupancy.
111. Operators of the commercial and retail premises shall ensure that activities in the vicinity of the loading docks between the hours of 8.00pm and 8.00am shall not give rise to audible noise in any residential occupancy.
112. The reflectivity measurements (determined scientifically) of the external materials of the development are not to exceed 20%. Details are to be included on the plans submitted with

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the construction certificate.

113. Damage security deposit

A security deposit of **\$162,000** for the cost of making good any damage to Council property caused as a consequence of the construction work, plus an administration fee of **\$154.00**, must be paid to Council prior to the issue of the Construction Certificate. The security deposit, which may be in the form of a bank guarantee, has been calculated in accordance with the following schedule.

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

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

114. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
115. The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.
116. Any adjustment to the public utility service is to be carried out in compliance with their standards and the cost is to be borne by the applicant.
117. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
118. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
119. A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund Deposit prior to the issue of the Construction Certificate.
120. Prior to the commencement of any works on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.
121. Prior to the sale, transfer, assignment or other disposal of or leasing or parting with provision of any part of the land subject to this approval, a copy of the approval shall be given to the purchaser, transferee, assignee, leasee, occupier or other person of that part of the land.
122. The proposed works require inspections during various stages of construction as required by the Environmental Planning & Assessment Act 1979 and as considered appropriate by the Principal Certifying Authority.
123. All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.
124. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
125. The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land.

The measures must include:-

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- (i) siltation fencing;
 - (ii) protection of the public stormwater system; and
 - (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.
126. The applicant shall comply with all requirements of either the Local or Regional Traffic Advisory Committees.
127. In accordance with the Roads Act 1993, written consent from Council shall be obtained and shall be in hand prior to any track-equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.
128. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.
129. Applications for a construction zone on a local road require 28 days notice to Council indicating location and length. All construction zones require the approval of the Manly Traffic Committee.
130. The visitor car spaces shall be accessible at all times and a sign post shall be erected at the vehicular entry point(s) of the development indicating the location of the spaces.
131. Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The area set aside for carparking as shown on the approved plan shall be used for the parking of vehicles and for no other purpose. Any loading or unloading of materials of potential environmental damage must be appropriately bundled with adequate spill response equipment in place to ensure nil runoff from the site.
132. The use at all times shall be conducted so that no odours or other air impurities are detectable beyond the boundaries of the premises.
133. All work involving lead paint removal must not cause lead contamination of the air or ground.
134. All demolition is to be carried out in accordance with AS2601-1991.
135. No approval is expressed or implied for excavation works.
136. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
137. Demolition must be carried out by a registered demolition contractor. Documentary evidence of registration must be submitted to Council prior to the commencement of demolition work.
138. Care shall be taken to prevent any damage to adjoining buildings.
139. In relation to the demolition of the existing building on the site:
- (i) A report is to be submitted to the Principal Certifying Authority detailing whether any hazardous materials exist on the site. (eg. lead in paints and ceiling dust or asbestos). NOTE: If no hazardous materials are identified, the demolition may proceed in accordance with the following conditions including dust control and WorkCover requirements.
 - (ii) Should any hazardous materials be identified, as per item (1), a Work Plan shall be submitted to Council in accordance with AS2601-1991 - Demolition of Buildings. The report shall contain specific details regarding:
 - (a) The type of hazardous material;
 - (b) The level or measurement of the hazardous material in comparison to National Guidelines;
 - (c) Proposed methods of containment; and
 - (d) Proposed methods of disposal.

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- (iii) Where high levels of lead, cadmium, zinc, copper, asbestos, mercury and acid sulphate soils are found in a premises to be demolished, Item (ii) should be followed, and the soil sample from site should be tested by a NATA Registered Laboratory before and after demolition. This will determine whether remediation of the site is necessary.
 - (iv) The demolition must be in accordance with AS2601-1991.
 - (v) Any asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
 - (vi) All work involving lead paint removal must not cause lead contamination of air or ground. Particular attention must be given to the control of dust levels on the site.
140. The collection of garbage from the premises is not to occur between the hours of 10.00pm and 5.00am Monday to Sunday, without the prior approval of Council, to minimise disruption to neighbouring properties.
141. A Waste Management Plan is to be submitted with the application for a Construction Certificate in accordance with Council's Development Control Plan for Waste Minimisation and Management.
142. Contact should be made with the Trade Waste Office of Sydney Water to discuss the requirements for Trade Waste Disposal.
143. Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority prior to issue of the Final Occupation Certificate.
144. Details shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is being provided.
145. A qualified Landscape Consultant shall be retained for the duration of the construction of the development and upon the satisfactory completion of the landscaping work and prior to the issue of an Occupation Certificate, submit to the Principal Certifying Authority a Certificate of Practical Completion stating that the work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.
146. All lights used to illuminate the exterior of the buildings or site shall be positioned and/or fitted with cut off luminaries (baffles) so as to prevent the emission of direct light onto adjoining roadways and land.
147. Glare from internal lighting shall not be permitted to extend beyond the limits of the building authorised by this approval.
148. Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.
149. Detailed engineering drawings of all work shall be submitted for approval by the Certifying Authority prior to the release of the linen plan/Construction Certificate.
150. Once commenced the development hereby permitted shall only be continued in accordance with the conditions of approval and to the satisfaction of the Principal Certifying Authority.
151. Plans shall be submitted with the Construction Certificate Application to indicate finished surface levels at 3m intervals around the building, all floor levels and roof ridge level to Australian Height Datum.
152. Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.

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153. The applicant shall consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should an electrical enclosure be required, the location and dimensions of this structure are to be detailed prior to the issue of a Construction Certificate. In the event of Energy Australia requiring a sub-station, the applicant shall consult with Council or its delegate with a view to dedication of the land for the sub-station as public roadway.
154. A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.
155. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.

Issue of a Compliance Certificate from the Principal Certifying Authority prior to occupation to the effect that:

1. Required inspections have been undertaken and the work has been completed in accordance with the approved plans and specifications, the Development Consent and the Construction Certificate.
 2. Documentary evidence relative to:
 - wet areas waterproofing certificate
 - reinforcement concrete and structural members details
 - structural engineers inspection certificate
 - survey certificate
 - floor/finished ridge level certificate
 - hydraulic consultants certificatemechanical ventilation engineer's certificate
156. All materials stored on site shall be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
157. Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Councils Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate.
158. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
159. Details shall be submitted to the Principal Certifying Authority indicating the method of sound proofing all roof terraces, decks and balconies prior to issue of the Construction Certificate.
160. No blasting is to be carried out at any time during construction of the building.
161. No external sound amplification equipment or loud speakers shall be used for the announcement, broadcast, playing of music or similar purposes.
162. The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.
163. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.
164. Delivery vehicles associated with the completed development are only permitted to drive, stand or park on The Corso and Sydney Road Plazas between the hours of 5am-11am

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Mondays to Fridays. Such access cannot be obtained on weekends or Public Holidays.

165. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.
166. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.
167. Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.
168. Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
169. No portion of the proposed building or works, including gates and doors during opening and closing operations, are to encroach upon any road reserve or other public land.
170. Details of the builder's name and licence number contracted to undertake the works shall be provided to Council prior to issue of the Construction Certificate.
171. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.
172. Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.
173. A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm.

Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.
174. No portion of the proposed building is to encroach onto a Public Road or Reserve, except as may be permitted by the Local Government Act 1993.
175. Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.
176. Four (4) certified copies of the Structural Engineer's details in respect to the structural details of the proposed building shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
177. The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.
178. The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
179. Certificate(s) from a professional Engineer or other appropriately qualified person is to be

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submitted which certifies that material, design and/or form of construction complies with the requirements of Clause A2.2 of the Building Code of Australia.

180. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
181. In a Class 2 building containing more than 10 sole occupancy units, a closet pan and wash basin in a compartment or room at or near ground level for the use of employees must be provided in accordance with F2.1 of the Building Code of Australia. Details shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
182. An adequate security fence, is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.
183. On completion of the building structure a Registered Surveyor's report is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.
184. A geotechnical engineer's report regarding the stability of the site is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
185. Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.
186. All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.
187. The use at all times shall be conducted so that no odours or other air impurities are detectable beyond the boundaries of the premises.
188. Any discharge to the atmosphere from the subject development shall comply with the requirements of the Protection of the Environment Operations Act 1997.
189. All work involving lead paint removal must not cause lead contamination of the air or ground.
190. A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000.

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

191. The building being erected in Type A construction for a Class 2, 6 & 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.
192. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
193. All requirements of the NSW Fire Brigades for the building shall be complied with in accordance with the requirements of the Building Code of Australia.
194. Awnings shall be a minimum of 3.5m above footpath level and offset a minimum of 600mm behind the kerb.
195. Excavation adjacent to the road boundary shall be adequately shored to support the roadway and all improvements and services within the road reserve. Protective fencing shall be provided to ensure the safety of the public.
196. No building materials may be stored on the road reserve without separate approval from Council.
197. Full details of the cooling towers, exhaust fan structures and other structures on the roof are to be provided to the Principal Certifying Authority prior to issue of the Construction

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Certificate.

198. Prior to the commencement of any works on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.
199. Prior to the issue of the Construction Certificate, the applicant shall submit details of protective hoardings, fences, and lighting which are to be provided during demolition, excavation and building works in accordance with the requirements of the Department of Industrial Relations, Construction Safety Act and the WorkCover Authority.

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

200. All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.
201. All demolition and excess construction materials are to be recycled wherever practicable.
202. Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.
203. The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land.
- The measures must include:-
- (i) siltation fencing;
 - (ii) protection of the public stormwater system; and
 - (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.
204. Development consent of Council shall be obtained for any new advertising structure prior to erection.
205. The applicant shall comply with all requirements of either the Local or Regional Traffic Advisory Committees.
206. In accordance with the Roads Act 1993, written consent from Council shall be obtained and shall be in hand prior to any track-equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.
207. All construction vehicles associated with the development shall be required to obtain a permit on a daily basis, for access onto The Corso and Sydney Road Plazas.
208. Applications for a construction zone on a local road require 28 days notice to Council indicating location and length. All construction zones require the approval of the Manly Traffic Committee.

209. Machine excavation

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

210. Levels

For the purpose of indicating relative levels in terms of Australian Height Datum and boundary clearances, and to ensure that building construction complies with the development consent, survey certificates must be provided to the PCA in respect of the building/s layout and ground

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floor level/s prior to pouring of concrete or laying of timber floor boards.

211. Support for neighbouring buildings

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

212. Repair of Damaged Infrastructure

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

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

ADVISORY NOTES:**1. Other approvals**

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

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

Environmental Services Division Report No. 12 (Cont'd)**2. Works and requirements of other authorities**

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

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

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

3. Application for a Construction Certificate

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

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

4. Occupational Health and Safety

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

5. Relocation of stormwater drainage

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

6. Hazardous Material Management

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

7. Hazardous waste removal (including asbestos)

Hazardous or intractable wastes arising from the demolition process must be removed and

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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.

Environmental Services Division Report No. 12 (Cont'd)**15. Discovery of additional information during remediation, demolition or construction**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery.

16. Protection of public places

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

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

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

ATTACHMENTS

AT-1	Appendix A - Compliance Table	13 page(s)
AT-2	Appendix B - Urban Design	12 page(s)
AT-3	Appendix C - Heritage Report	5 page(s)
AT-4	Appendix D - Traffic Report	15 page(s)
AT-5	Appendix E - Access Report	8 page(s)
AT-6	Appendix F - Acoustics Report	5 page(s)
AT-7	Appendix G - Amendments to original DA submission.	4 page(s)

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***** End of Environmental Services Division Report No. 12 *****

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Appendix A - Compliance Table

COMPLIANCE TABLE THE CORSO MANLY		
MANLY LEP 1988		
CLAUSE	COMMENT	COMPLY
1. Objective of zone The objectives are – (a) to provide for and encourage the development and expansion of business activities which will contribute to the economic growth and employment opportunities within the Manly Council area; (b) to accommodate retail, commercial and professional services in established locations in the residential neighbourhoods where such development is compatible with the amenity of the surrounding areas; (c) to ensure there is adequate provision for car parking in future development in the business areas; and (d) to minimise conflicts between pedestrians and vehicular movement systems within the business areas	(a) The proposal satisfies the objectives by provision of rejuvenated retail area available to The Corso. (b) The proposal introduces additional residential uses to the commercial area where residential uses presently exist over adjoining lands. (c) The proposal increases carparking on site and provides for residential uses. (d) Conflicts are minimised.	(a) Complies (b) Complies (c) Complies (d) Complies
17. Visual and aesthetic protection of certain land The Council shall not grant consent to the carrying out of development unless it is satisfied that the development will not have a detrimental effect on the amenity of the Foreshore Scenic Protection Area	The amenity of the foreshore scenic protection area is addressed by the urban design report and by the view analysis of the applicant's expert. It is considered the revised application will not have a detrimental affect on the amenity of the foreshore protection area.	Complies
19. Development in the vicinity of an item of the environmental heritage The council shall not grant consent to a development application to carry out development in the vicinity of an item of the environmental heritage unless it has made an assessment of the effect which the carrying out of that development will have on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic	A number of reports have been undertaken by Mr Staas for the applicant and reviewed by Mr Brooks. This latest review is set out in Appendix C at page 3.	Complies

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COMPLIANCE TABLE THE CORSO MANLY		
MANLY LEP 1988		
CLAUSE	COMMENT	COMPLY
significance of the item of the environmental heritage and its setting.		

21. Conservation Area 1. A person shall not in respect of a conservation area – a) demolish, extend or change the outside of a building or work within that area, including changes to the outside of a building or work that involve the repair of the painting of unpainted brickwork, plastering or other decoration of the outside of the building or work; b) damage or despoil a relic or part of a relic within that area; c) excavate any land for the purpose of exposing or removing a relic within that area; d) erect a building within that area; or e) subdivide land within that area. Except with the consent of the council. 2. The council shall not grant consent to a development application made in pursuance of subclause (1) unless it has made an assessment of – a) The extent to which the carrying out of the development in accordance with the consent would effect the historic, scientific, cultural, social,	This assessment has been made by Mr Brooks in a review of the applicant's experts report.	Complies
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Coles Redevelopment

Appendix A - Compliance Table

archaeological, architectural, natural or aesthetic significance of the conservation area; and b) Whether a refusal to grant consent would constitute a danger to the users of occupiers of that land or the public, and c) The provisions of any development control plan relating to heritage conservation areas. 3. The council shall not grant consent to an application made in pursuance of subclause (1), being an application to erect a new building or to alter the exterior of an existing building, unless the council has made an assessment of – a) The pitch and form of the roof; b) The style, size, proportion and position of the openings for windows and doors; and c) Whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the conservation area.		
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22. Heritage Council to be given prior notice of demolition consent Where a person makes a development application to demolish a building or work that is an item of the environmental heritage or within a conservation area the council shall not grant consent to that application until 28 days after the council has notified the Secretary of the Heritage council of its intention to do so.	The heritage office of NSW has commented on 11 February 2004. Mr Brooks has considered the matters raised. A condition regarding archaeological assessment prior to release of the construction certificate has been recommended.	Complies
23. Advertising of heritage applications The provisions of sections 79 and 79C (1) of the Act apply to and in respect of – a) the demolition of a building or work within a conservation area; b) the demolition of a building or work that is an item of the environmental heritage; and c) the use of a building or land referred to in clause 25 (1) for a purpose which, but for that clause, would be prohibited under this plan, in the same way as those provisions apply to and in respect of designated development, except that in applying Clause 37 (c) of the Environmental Planning and Assessment Regulation 1980 a reference to 30 days shall be read as a reference to 14 days.	The proposal and revised proposal have been advertised by Council.	Complies

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30. Services The council shall not grant consent to the carrying out of development on any land to which this plan applies unless and until arrangements satisfactory to the Sydney Water have been made with Sydney Water for the provision of water and sewerage services to the land.	A services report has been submitted with the application relative to argumentation of existing services. A condition requiring the requisite certificates and approval of Sydney Water has been recommended.	Complies
33. Development on land identified on Acid Sulphate Soils Planning Map 4 works beyond 2m below natural ground surface works by which the water table is likely to be lowered beyond 2m below natural ground surface.	A report by Douglas Partners accompanies the application. The report and samples were not positive indicators of actual or potential acid sulphate soils.	Complies.
MODEL PROVISIONS		
5 Consideration of certain applications 1. the consent authority shall, in respect of an application under the Act for its consent or approval to the development of land within view of any waterway of adjacent to any main or arterial road, railway, public reserve or land zoned as open space, take into consideration the probable aesthetic appearance of the proposed building or work or that land when used for the proposed purpose and viewed from that waterway, main or arterial road, railway, public reserve or land zoned for open space.	The application and revised application has been considered by the urban design report Appendix B. The visual analysis supplied by the applicant in the SEE is generally agreed with.	Complies

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Appendix A - Compliance Table

2. The consent authority shall, in respect of an application under the Act for its consent or approval to development for the purposes of commercial premises, shop, residential flat building, hotel, motel, service station, car repair station, place of assembly, industrial premises or caravan park or to the carrying out of any other development likely to cause increased vehicular traffic or any road in the vicinity of that development, take into consideration – a) Whether adequate vehicular exits from and entrances to the sites have been provided so that vehicles using those exits and entrances will not endanger persons using those roads; b) The provision of space on the site or on land adjoining the site, other than a public road, for the parking or standing of such number of vehicles as the council may determine; c) Whether any representations made by the Traffic Authority of New south Wales have been met; and d) Whether adequate space has been provided within the site of the building or development for the loading, unloading and fuelling of vehicles and for the picking up and setting down of passengers.	The traffic and parking report Appendix D to this report takes these matters into account and considers the application satisfies these requirements.	Complies
7. Foreshore building line 4. A building shall not be erected between a foreshore building line and a bay, river, creek, lake or lagoon in	Application complies with this requirement.	Complies

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Appendix A - Compliance Table

respect of which the line is fixed.		
16. Residential flat buildings – Parking 1. A residential flat building (other than units for aged persons shall not be erected or used unless provision is made within the site for – a) Parking space not less than 5.4 metres by 2.4 metres for each dwelling within the building; and b) Proper vehicular access to the parking space.	The traffic and parking report addresses this matter. The application complies with this requirement.	Complies
30. Services The consent authority shall not grant its consent to the carrying out of any development on any land unless – a) A water supply and facilities for the removal or disposal of sewage and drainage are available to that land; or b) Arrangements satisfactory to it have been made for the provision of that supply and those facilities.	See comment above in Manly LEP Clause 30.	Complies

MANLY DCP BUSINESS ZONE 1989 AMENDMENT 3

F. Design Principles		
1. The local role of the site and of the existing buildings should be determined, when viewed: - From a distance and then along the routes and from the viewpoints leading towards the locality; - In relation to the adjacent spaces it borders and the need to define those spaces; - In relation to the adjacent buildings and the need to be complementary to those buildings in terms of height,	1. Photo montages have been provided from a number of public vantage points in order to better assess the appropriate scale eg The Corso, ferry terminal, public walkway and harbour. See also urban design report. Proposal meets the design principles. Proposal produces a bulk and scale which fits with the local context of surrounding development from The Corso, foreshore and harbour	1. Complies from The Corso and relies on justification for Esplanade building height.

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scale and design detailing. A scale and design of building appropriate to this role should then be achieved.		
2. Proposed developments shall be consistent, where applicable to the townscape principles and the opportunities illustrated in the accompanying maps.	2. The townscape principles have been applied	2. Complies
3. Design details of proposed developments shall be complementary to those adjacent buildings in the locality. In particular reference will be made to: i. The scale, proportion and line of visible facades; ii. The pattern of openings and the visual pattern of solids to voids on facades. iii. Overall wall and parapet height and height of individual floors in relation to adjoining development and important corner buildings (refer also to the provision on building heights in each of the localities); iv. Materials, textures and colours; v. Architectural style, and degree of architectural detail; vi. The scale of the “footprint” of the building.	3. Design details have been considered in revised application and in particular, scale, proportions, openings, solids to void spaces, materials and relationship to adjoining development and development in the same block	3. Complies, particularly in terms of scale, proportion, facades and materials
4. Proposed developments shall be designed; i. To maintain the optimum amount of sunlight into adjacent open spaces areas; ii. To minimise adverse wind effects.	4. Solar access to adjacent open space areas is reasonable; no consideration of wind effects provided.	
5. Continuous footpath awnings	5. Awning is provided	5. Complies

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shall be provided on all street frontages;		
6. Exposed end or side walls shall be treated in a consistent manner in terms of colour and materials in particular to avoid unattractive patterns of different structural and infill elements;	6. End and side walls finishes are acceptable.	6. Complies as per amended plans as viewed at northern end.
7. The level of the ground floor and of arcade links shall be at footpath level. Where changes in level are unavoidable they shall be made by ramps designed to minimum requirements for disabled access.	7. The ground floor level for both retail and residential entries is at the footpath level	7. Complies
8. The reflectivity index of glass used on external walls shall not exceed 20%. In general the use of reflective glass and curtain walling as a façade treatment is not favoured in terms of being consistent with townscape objectives.	8. The proposal does not nominate the glass reflective index, which will be conditioned. Curtain walling is not proposed	8. Complies but will be conditional
9. Lettable retail space is to comprise the optimum amount of ground floor frontages. Lettable spaces having a range of floor areas and characteristics to suit differing activities are preferred.	9. Lettable areas comprise the principal frontages to enable different activities; apart from supermarket	9. Complies
10. Street numbers and/or names of buildings shall be clearly marked in the vicinity of the main entrance (refer to s. 124 of the Local Government Act 1993).	10. Street numbering and building name will be located at the entrance by condition.	10 Complies with condition
11. Roof structures are to be designed as an integral part of the overall design of a building, and the surrounding townscape.	11. The revised design has incorporated the roof into the overall built form	11. Complies
12. At night, all shop fronts within		

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of new buildings equate with both the overall height and the height of particular architectural details (e.g. floor levels, parapet details) of adjoining buildings and the important end-buildings in the particular street block. This will often require greater floor to ceiling heights than the minimum permitted in current building regulations. The use of internal mezzanine levels should be considered in order to achieve the desired height levels where necessary.		
1.3 Setbacks All buildings shall be constructed to the public road and side boundaries of the allotment except where: 1. An alternative setback is identified on the town scape and opportunities maps; or 2. The applicant can demonstrate to the satisfaction of the Council that an alternative setback will not conflict with overall townscape objectives, reduce the general availability of retail frontage or remove weather protection for pedestrians; 3. The stipulated setback would be undesirable in terms of the amenity of any residential uses existing on adjoining land or proposed for inclusion in the development (in which cases the principles of the Council's Development Control Plan for the Residential Zone will apply – refer Attachment 2)	Nil setback to The Corso and The Corso side boundaries Nil and between 4.3-7.0 m setback to rear of Esplanade site and Nil and between 9.3-14.4 m setback to the Wentworth Street site	Complies to The Corso Reasonable setbacks are provided to side and rear properties based on existing situation and amenity considerations

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1.4 Design for Townscape Regardless of whether a building is listed as an item of environmental heritage in the Manly Local Environmental Plan, 1988, the Council must be satisfied that the design of any new development has given due attention to the site's position within and contribution to the overall existing and future townscape quality of the Manly Town Centre and Pittwater Road areas. A definition of townscape and a list of those matters to be dealt with when designing for townscape is given in the Preliminary to this Plan.	The revised design complies with the definition of townscape and in particular relates well to its neighbours in terms of bulk and scale and contributes well to the townscape; see photomontages. See also urban design report Appendix C and heritage impact report Appendix D.	Complies
1.4 Car Parking and Access 1. Carparking spaces shall be provided on site in conjunction with developments in accordance with the following rate: Dwelling (including those in residential flat buildings (RFBs)) i. Studio or one bedroom – 2 spaces per 3 dwellings ii. 2 bedroom – 1 space per dwelling iii. 3 or more bedroom – 2 spaces per dwelling iv. visitors (RFBs only) 1 space per 6 dwellings or part thereof. For all other uses One space per 70m² of gross floor area. 2. In exceptional circumstances and having regard to the merits of the	1. See report of Mr F Gennaoui Appendix D. Required: 4 spaces/1 bed, 28 spaces/2 bed 17 spaces/3 bed 9 spaces for visitors 83 spaces provided and allocated to dwellings 38 spaces subject to Council discretion.	1. Acceptable Complies

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application, Council may be prepared to allow a reduction in the above requirements where the applicant has demonstrated that: - In the case of all uses other than dwellings, the dimensions or topography of the site would physically prevent the provision of some or all of the required spaces. - The required access interferes with the continuity of retail frontage or interrupts the frontage of the property in other ways such that there would be a conflict with any other provisions of this DCP in particular the townscape objectives. - The movement of vehicles to and from the site would cause unacceptable conflict with pedestrian movements, special servicing arrangements for pedestrianised areas or contribute to congestion at key intersections. - Vehicular access will not be permitted from pedestrianised areas. - Subject to the uses proposed on the site and to overall townscape considerations, an off street loading dock shall be provided to service the entire development. The standard dimensions for a loading dock are 7.6m x 3.0m by 3.4m high.	Nil based on lack of existing car parking particularly for Coles Loading dock is provided for Coles with a turntable which satisfies these requirements.	Complies
Opportunities		

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4 Develop a new building façade to The Corso more appropriate to the Conservation Area. Construct pedestrian links and arcades connecting through to Wentworth Street.	Revised building façade has been assessed in terms of heritage and urban design and is acceptable. The concept of a pedestrian link from the Corso has been considered but is legally impossible to provide due to the ownership situation of the rear laneway	Complies – access cannot be obtained
Attachment 6 Main Street Painting Program	The colours and textures proposed are considered reasonable.	Complies
Attachment 7 Advertising Signs Within the Business Zone	No detailed signage consideration which will be included as a condition requiring separate application.	Condition

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Introduction and Background

This report has been commissioned by Manly Council as an independent review of the compliance of the Development Application No 35/04 by Wolski Lycenko Brecknock Architects against the requirements of SEPP 65, SREP 23 and Manly Councils controls for a number of apartment buildings on the Coles site in The Corso at Manly.

The development includes the demolition of the existing Coles supermarket and the erection of a mixed commercial and residential apartment buildings containing 49 apartments with 2 retail tenancies on the ground floor plus a new Coles supermarket and underground car parking. The FSR of the development is 3.0:1.

The amended design of this DA is as a result of a protracted negotiation process between the applicant, Council and Councils appointed external consultants to improve a number of significant issues with the original DA. The amended drawings are the applicants response to those issues. This report addresses only the new design as a stand alone application rather than revisiting the previous but now superceded design.

Information Viewed.

The information which has formed part of this review is as follows:

- Numerous site visits
- The original DA drawings
- The revised DA drawings numbered DA 01 –15 issue B
- The revised Statement of Environmental Effects by Nexus Environmental Planning Pty Ltd dated 26 October 2004
- Councils heritage review

Assessment of the Development Application

This application has been assessed against the following statutory and advisory controls:

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- SEPP 65
- SREP 23—Sydney and Middle Harbours
- Manly DCP for the Business Zone 1989 Amendment No 3
- Manly Urban Design Guidelines 2002 updated March 2003

SEPP 65

Principle 1—Context

Considerations—

- The site is located at the beginning of the pedestrian Mall at The Corso. It comprises a significant frontage to The Corso itself.
- The topography of the area is flat in this location as The Corso is located on an isthmus with views to the water on either ends of the street. This building together with other development in The Corso creates the frame or enclosure to that space and view.
- It is imperative that the building is appropriately scaled in term of its height and that it continues the existing building line alignment to continue to contain that view.
- Any new development also needs to provide a scale transition between the existing building parapet frontages to either side of the site in addition to reinforcing the strong street wall.
- The building plays a part in terminating the views down Whistler Street as identified in the Urban Design Guidelines and the site is also visible from the water. As such must fit within an appropriate envelope given this exposure and the surrounding existing built form.
- This is the heart of the Manly Town Centre and any development located here must enhance the ambiance of the existing centre and add to its activity and vitality, particularly as this is a pedestrainised space and the focus of the town.
- The grain of The Corso is quite fine with individual building frontages well articulated both vertically and horizontally to relate to a human scale. Any new development must continue that rhythm and scale to achieve a positive outcome.
- The skyline of the buildings varies due to the different scale of development.
- The site also shares a boundary with a number of other residential buildings. Therefore the transition to these buildings will be important in terms of solar access, outlook and privacy.

Comments on the Application

- The building has been designed to reinforce the street edge of The Corso. It provides an appropriate transition between No 6 The Corso at some 3 storeys plus roof form and the smaller shop at No 30 The Corso which is only 2 storeys high.
- The new development has also been designed to continue the appropriate vertical rhythm of the existing heritage buildings in the streetscape and is therefore appropriate in its grain and character.
- The building massing to the rear of the site is not substantially visible from the public domain. Therefore its impact is neglible and not an issue under SEPP 65.
- The new wing that has been introduced to the south west of the site (23.84m) is higher than allowable under Councils controls for the block (15m max). Generally this would not be an appropriate response, however this site directly abuts an existing 8 level residential development to the south east. This development presents a poorly resolved and designed blank wall which is visible from various positions around Manly Town Centre. This view detracts from the ambiance of the centre.

- The new development proposes a wing of development that is only two apartments in length to screen this blank wall. In doing so the new development provides an active and well designed elevation for this building massing .
- Arguably the massing could have been less than is proposed. However it is also important to achieve a balanced and well articulated massing to the new wing which is highly visible from East Esplanade and the water.
- Therefore the design of the Corso frontage and the Esplanade views need to be balanced and work together. It is felt that the design presented will offer an acceptable solution despite its non compliance with the height controls for the area.
- In terms of transition to the buildings to the rear of the site the development maintains a significant setback in excess of councils requirements to all but the landlocked site to the south east. Here the building abuts the boundary.
- Privacy and outlook issues have been dealt with by aligning the new built form with that of the adjoining building and ensuring that the rear building is separated away from this corner. Also the building only presents bedroom areas to this boundary.

Recommendation

- The development is considered appropriate under the principle of context. It responds well to The Corso and Esplanade streetscapes and also maintains good setbacks to adjoining development, using courtyard areas and landscape as a green buffer and to maintain privacy.

Principle 2—Scale

Considerations—

- As mentioned under Context the grain and scale of Manly Town Centre and the Corso is smaller building parcels. Where larger parcels exist the frontages are generally defined by strong verticality via repetitive bays which extend up to the parapets.
- As mentioned also under Context it is important that any new development reinforce the overall height of the parapet wall along this side of the Corso and that it provides transition from the 3 storey scale towards the west and the two storey scale along the east.
- Also any development to the rear of the site must not dominate the Corso frontage as this is the primary street and should be the defining element to the street.
- Given the frontage of this site it is also important that any development provide not just rhythm but also a sense of address that would normally be provided by a number of buildings along such a frontage length. This will also reinforce the existing scale of the centre and appropriate architectural proportions.

Comments on the Application

- The proposed development continues the 3/4 storey scale of the existing building to its western boundary for the majority of the site frontage. A 4 storey scale is continued for some 3 bays to relate to the parapet height of the adjoining building.
- It then steps the end bay down to a two storey scale including a significant setback to the element above this height.
- The centre portion of the building (which signifies the entry to the Coles supermarket) is also reduced in its street frontage height.

- The architectural treatment and positioning of entrances also creates the impression of two buildings of similar but individual architectural character along the frontage of the site to the Corso.
- The overall effect is considered acceptable. The height is in keeping with the existing scale of the Corso buildings and street frontage, the articulation of the vertical bays creates the finer grain and the expression of the building as two buildings separated by the Coles entry but each with their own residential entrances is creating an appropriate scale and definition to the street.
- The setting back of the 4th level also reinforces the 3 storey scale of the parapet line
- The building form that is visible from the Esplanade has been discussed under context and it considered an appropriate scale given the existing surrounding building form and the issue of the blank wall of the adjoining development.

Recommendation

- The design and height of the development is well balanced and reinforces the scale and grain of the contributory buildings in the Corso. The Esplanade element although above the height required within the DCP is considered a reasonable compromise given the issues with the adjoining existing building which significantly exceeds the control height.

Principle 3—Built form

Considerations—

- Building alignments have been dealt with under the previous two principles, as has appropriate massing.
- Elements for consideration under built form include the overall proportions of the development, the architecture elements and materials. Note internal design and amenity are dealt with under principle 7.
- The Corso streetscape is characterized by masonry street wall buildings with vertical proportions to most of the openings. The solid to void ratio is oriented to solid so that the openings provide interest within the solidity of the built form.
- Articulation is generally via decorative courses, shaped parapets, Juliet balconies, recessed balconies with solid balustrading, cantilevered bays and expressed columns.
- Any new development on this site must respond sensitively to these elements as well as to the buildings role as a part of the termination of the Whistler Street view and the view of the building from the Esplanade.
- Within the East Esplanade the newer buildings are poorly resolved with little articulation. They tend to depend totally on balconies for any articulation and do not provide a positive role mode.
- Therefore any new development visible from the Esplanade should seek to introduce a new character that responds to its backdrop status and to the lower scale heritage buildings along the street front, rather than the taller buildings in the same alignment as this development boundary.

Comments on the development—

- The design of the development responds well to these issues. It is characterized by predominantly masonry facades with fenestration and balcony elements that have a vertical proportion. The structural bays are strongly expressed via shadow lines and columns to the ground floor.
- The 'two buildings' whilst both masonry are distinguished by a different architectural language in their detailing.

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- The ratio of solid to void is appropriate and similar to the other Corso buildings with cantilevered bays and balconies used to add additional articulation and interest.
- The building to the Esplanade has quite a different architectural character. It is more contemporary and in contrast to the Corso building is lighter in its weight and treatment with more glass than solid.
- The design is quite simple, contemporary and recessive which is appropriate given its role as a backdrop to the heritage buildings in front of this site with frontage onto the Esplanade.

Recommendation

- Overall the buildings built form is considered acceptable and a reasonable interpretation of both the existing Corso character and the Esplanade.
- The difference in the solid to void ratios between the two elevations is also considered appropriate given that the Esplanade building is acting as a backdrop to existing heritage buildings.

Principle 4—Density

Considerations—

- This is the main town centre for Manly. Therefore it is appropriate that any new development should be mixed use and should seek to increase the activation and activity of this centre.
- The FSR for the site is 3.0:1

Comments on the development—

- The development proposes mixed uses with retail tenancies and a supermarket to the ground floor and residential development in the buildings above. It proposes some 49 apartments and an FSR of 3:1 which is compliant with the current controls.

Recommendations—

- The density of the development is considered acceptable.

Principle 5—Resource, energy and water efficiency

- It is assumed that Council are assessing the compliance with this principle via the NatHERS report etc.

Principle 6—Landscape

This report does not purport to provide a comprehensive assessment of the landscaping proposal but rather concentrates on general principles.

Considerations—

- This is a town centre location and therefore the scope for extensive landscaping and deep soil planting is limited.
- However the interior of the site does offer opportunity to create a green oasis for residents to contrast with the urban environment of the town centre. It also offers the opportunity for private courtyards for courtyard level units.

- Extensive exposure of landscaping on the building edges is not appropriate for two reasons. Firstly the highly saline environment and wind conditions will make survival of the plants difficult and also the character of the Corso is of landscape in the pedestrian environment rather than on building tops.
- Therefore private external open space is more appropriate in balconies or setback roof terraces for upper apartments and courtyards for the lower level apartments.

Comments on the Development Application—

- The development has provided a landscaped courtyard to the centre and edge of the development. This courtyard includes both private courtyards and communal open space for all residents. The rear building, which does not benefit from a direct street frontage, is compensated by private open space off the living areas and to the bedrooms on the lower floor.
- The two rear south facing apartments in the Corso block also have private courtyards off the living areas and to the bedrooms.
- All upper level apartments have generous balconies, most facing north.
- The top level apartments also benefit from a private roof terrace for The Corso building.
- However the rear block does not have roof terraces.
- The dimensions of the balconies are not given so they cannot be assessed in terms of area or width.

Recommendations—

- The landscaping in general terms is considered to meet the objectives of this principle with each apartment benefiting from both private and shared open space and a well landscaped courtyard within the development and as a buffer to adjoining development.
- It is recommended that the council consider requiring roof terraces to the rear block as well as The Corso building to supplement the private open space for the upper level apartments. This block is not visible from the public domain and is sheltered by other development.
- Roof terraces will also improve the views of adjoining development over this site as the roofscape will be visible from the taller towers.

Principle 7—Amenity

Considerations—

- Again the town centre location means that the level of amenity within this development will be tempered by its location.
- The main considerations relate to privacy, number of apartments per floor from one core, access to open space, orientation and aspect, cross ventilation and internal apartment design.
- The site benefits from a northerly orientation towards The Corso elevation. Therefore it should be possible for most apartments to achieve good solar gain from this aspect.
- Similarly the depth and size of the site means that most apartments should achieve cross ventilation.
- The land locked nature of the site mean that transition to side boundaries with other development needs to provide outlook and privacy within the site itself rather than depending on adjoining sites.

- The site has sufficient frontage to support a number of entry points to the building to ensure sufficient activity and activation of the frontage plus to reduce the number of apartments accessible of any one core.
- Sense of address for any development to the side and rear of the site will also be an issue in terms of legibility and way finding.

Comments on the development application—

- The development proposed 3 blocks. The first has frontage to The Corso and the other two buildings are landlocked within the site.
- The development proposes 2 entrances to the residential component, each at opposite ends of the street frontage onto The Corso. There is also an entry to the Coles tenancies on The Corso as well.
- These three entries, combined with the two retail tenancies will provide a good level of activation and activity to the street front and within the development which will provide good levels of passive surveillance to The Corso.
- The rear block and The Corso block have a direct address from the street. The block overlooking the Esplanade also shares The Corso building entry point.
- Whilst not ideal this arrangement is considered satisfactory given the landlocked nature of the site and the need to screen the blank wall of the adjoining building.
- The number of apartments to the Corso building and the Esplanade building are acceptable per core as two cores have been provided in combination with the majority of units being two storey.
- The majority of the apartments are two storey apartments with dual aspect. This will create good solar access and excellent cross ventilation as well as provide a variety of outlooks for occupants.
- There are only 2 south facing apartments which is reasonable in a development of this size.
- There is one apartment however where the amenity is not ideal in comparison to the standard achieved in the rest of the development.
- Apartment C101 depends for ventilation and light on a light well for its Bed 2 and 3. This light well is only 1 storey high however and is open to the sky. However it is overlooked by the terrace servicing the living areas of C214. This is likely to compromise the privacy of the bedrooms and result in some sort of screening device being added later that may reduce the light to these rooms.

Recommendations—

- Overall the amenity offered by the development is of a reasonable standard given its location and the apartments themselves are well designed with excellent solar access and cross ventilation.
- It is recommended that a translucent glass screen be added to the balcony edge of apartment C214 to stop the potential for overlooking whilst still allowing good light penetration to occur.

Principle 8—Safety and security

Considerations—

- Passive surveillance to The Corso, laneways and within the development itself will be paramount.

Comments on the development application—

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- The development provides good passive surveillance for The Corso with between 4 and 10 apartments per floor overlooking The Corso. Living areas are oriented to this frontage as well which further improves overlooking.
- The internal courtyard is also well overlooked by the living areas of the rear blocks and on the lower level also by the south facing apartments.
- The rear block also provides some overlooking to the rear courtyard and also to the two lanes.

Recommendation—

- The development is acceptable against this principle.

Principle 9—Social dimensions

Considerations—

- The development needs to supplement the existing dwellings within the town centre and in doing so provide greater housing choice to the area.

Comments on the development application—

- The development provides a number of different apartment types in design terms i.e. single story, dual aspect and two storey apartments.

Recommendation—

- The development satisfies this principle.

Principle 10—Aesthetics

Considerations—

- The design of the development should be contemporary in its response to and interpretation of the existing character of the surrounding area.

Comments on the development application—

- The design of the development is fairly conservative in its character. However the solution offered is reasonable given its proximity to a number of heritage buildings and it does not seek to dominate these buildings in form or design.

Recommendations—

- The design of the development satisfies this principle.

Sydney Regional Environmental Plan No 23—Sydney and Middle Harbours

- SREP 23 requires development visible from the waterfront to be controlled to ensure an acceptable impact.
- Whilst the controls are not prescriptive it does list relevant matters for consideration which include the appearance of the development from the waterways and foreshores, noise generation and unacceptable impacts on habitats, effects on drainage patterns, pedestrian access generally, effect on any conservation areas, requirements from urban design controls etc.

Comments on the development application—

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- The relevant area of the development that impacts on views from the waterways is the Esplanade elevation and massing.
- The view of The Corso portion of the building is limited by other buildings and the existing trees within The Corso itself.
- The Esplanade elevation as discussed under the SEPP 65 review is considered acceptable given the issue of the adjoining building scale and the blank walls of the adjoining development.
- It is appropriately recessive in its architecture and should not result in any adverse impacts.

Recommendations—

- The design of the development satisfies these requirements from an urban design point of view.

Manly Local Environmental Plan, 1988

- The Site is within the Business Zone pursuant to the Manly Local Environmental Plan, 1988
- Relevant objectives to the urban design assessment of this development are as follows:
*"(a) to provide for and encourage the development and expansion of business activities which will contribute to the economic growth and employment opportunities within the Manly Council area;
(b) to accommodate retail, commercial and professional services in established locations in the residential neighbourhoods where such development is compatible with the amenity of the surrounding areas;
(c) to ensure there is adequate provision for car parking in future development in the business areas;
and
(d) to minimise conflicts between pedestrians and vehicular movement systems within the business areas."*

Comments on the development application—

- The mixed use character of the development supports these objectives. The retention of the existing supermarket use within the development and the provision of 2 additional retail tenancies will contribute to the business activities in this location
- No conflicts are created by the development.

Recommendations—

- The design of the development satisfies these objectives.

The development is also in the vicinity of heritage items and is within a conservation area.

- It is understood that a suitably qualified heritage expert is providing comment on these two issues.
- However the conservation status does impact on the design and appropriate urban design response for the site.

Comments on the development application—

- Given its location in a conservation area and in the vicinity of heritage items, in urban design terms the proposal is considered an acceptable balance between contemporary and heritage in its architecture, proportions and alignments.

Manly DCP for the Business Zone 1989 Amendment 3

Objectives:

The primary objectives within the DCP are as follows:

- *To provide more detailed controls for the guidance of developers in order to achieve the aims and objectives and the policies and strategies in the Manly Local Environmental Plan, 1988 in relation to development in the business zones.*
- *To recognise the importance of pedestrian movements and townscape design in the strengthening and promotion of retail centres;*
- *To recognise the diversity, interest and heritage value of the existing townscapes and ensure that new developments are compatible with these features as expressed in the Council's Townscape and Heritage studies .*
- *To introduce floor space ratio controls in order to provide firm guidelines as to the potential development of a centre and an individual site;*
- *To introduce building heights, setback and other controls relating to building form and height in order to achieve a consistent and coherent townscape appropriate to the locality;*
- *To identify certain opportunities whereby particular facilities may be obtained to assist in the overall attractiveness of the centres for patrons.*
- *To encourage the use of public transport and bicycles in order to limit traffic congestion and promote cleaner air.*
- *To promote energy efficient buildings.*
- *To recognise that all members of the community have a right to full access to, and participation in, all aspects of community life."*

Comments on the development application—

- The development performs reasonably against these objectives. It is locating additional residential dwellings close to a transport node, improving the visual and economic performance of the Coles development, providing an acceptable response to the heritage buildings in the vicinity of the site and also the conservation area status (in urban design terms). Via the extent of solar access, good orientation and cross ventilation it is delivering a building which has the capacity for reasonable environmental performance (please refer to councils expert review of ESD considerations for detailed consideration of the building performance).

Design Principles

Those principles which are considered relevant to this report are:

- *The building should be appropriate in its design to its role within distance views, to the spaces it borders and adjacent buildings in terms of height, scale and design.*
- *Design details of proposed developments shall be complementary to those adjacent buildings in the locality.*
- *Proposed developments shall be designed to maintain the optimum amount of sunlight into adjacent open space areas;*
- *Continuous footpath awnings shall be provided on all street frontages;*
- *Exposed end or side walls shall be treated in a consistent manner in terms of colour and materials in particular to avoid unattractive patterns of different structural and infill elements.*

Comments on the development application—

See earlier SEPP 65 review comments.

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- The exposed side end of the building towards the east is considered acceptable from a number of viewpoints. Firstly it will be exposed for some time given the lower scale of the adjacent development. The height of the façade in this location is lower to respect the change in scale with the major massing of the building setback.
- The side façade has been designed rather than left as an after thought so that it does not detract from the streetscape whilst visible.
- This is considered an appropriate response rather than a full scale blank side wall.

General Provisions

The DCP applies particular relevant numeric provisions to the development site as follows:
FSR:

- *Other than in relation to density FSR has not been considered as part of this report as it will be dealt with by the expert planner.*

Height:

- *The maximum wall height of a building, shall not exceed 15 metres.....a lesser or greater height provides a better relationship to adjoining development*
- *Council is seeking in its townscape objectives to ensure that the height of new buildings equate with both*

the overall height and the height of particular architectural details of adjoining buildings and the important end-buildings in the particular street block.

Setbacks (front?):

- *All buildings shall be constructed to the public road and side boundaries of the allotment except where:*

Design for Townscape:

- *Council must be satisfied that the design of any new development has given attention to the site's position within and contribution to the overall existing and future townscape quality of the Manly Town Centre.*

Comments on the development application—

- It has been noted under the earlier SEPP 65 review that the development does not comply with the required height control of 15m although it does with the FSR and setback requirements.
- The non compliance applies to both the rear building at some 17.2 m and the Esplanade wing at some 23.84m above ground level.
- As mentioned above non compliance with the height requirements must be justified by achieving a better relationship to adjoining development.
- From this point of view it is considered that the Esplanade building is justified in achieving a greater height due to the unsightly blank wall of the adjoining development and its existing height (for further detail refer SEPP 65 assessment).
- The rear building does not have a similar justification for exceedance of the height plane. However it is buried in the centre of the site and is not substantially visible from the public domain, other than down the lanes from Wentworth Street. Here its scale is substantially less than that of surrounding development.
- Therefore this exceedance does not have an impact in urban design terms.

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The DCP also identifies some opportunities for the Town Centre. The relevant opportunity for this site is:

- *Develop a new building facade to the Corso more appropriate to the Conservation area and construct pedestrian links and arcades connecting through to Wentworth Street.*

Comments on the development application—

- The development does provide an improved building façade that is more appropriate to the Conservation area but it does not provide the suggested pedestrian links or arcades
- The applicant has demonstrated attempts to achieve such a link by connecting through the site to one of the laneways to the rear.
- However the lanes are in a different ownership and the land owners will not condone or contribute access rights to enable such a link.
- Therefore this requirement is beyond the capacity of the applicant to deliver.

Manly Urban Design Guidelines 2002

Harbour /ocean grid Precinct

3.1 Precinct Guidelines

The general tenor of this section is that development should reinforce the street hierarchy and importance of the Corso, maintain and enhance views along streets and preserve the architectural and landscape integrity of the Corso.

3.1.1 Existing awning lines to new buildings should continue dominant lines, heritage buildings are to be preserved and enhances and new infill items should complement existing and adjacent buildings in form and detail. Vistas to the harbour are to be kept clear, no second storey balconies allowed (assumed to mean colonnades) with emphasis on pedestrian accessibility through open spaces. Mixed use encouraged at street level with buildings built to the street alignment, shop fronts and awnings to be provided and building heights in accordance with the DCP.

Building parapets or gable ends are to be articulated with sharp relief in the modeling of facades, render and masonry the preferred materials and more solid than void. Windows are to have vertical proportions.

Whistler Street

3.3.1.1 The termination of the street vista at the Corso could be further enhanced.

East Esplanade Area

3.5.1.1 No buildings to obstruct views to the harbour for pedestrians. Maintain the historic pines as the dominant image of Manly. Parapets are to provide an articulated skyline.

Comments on the development proposal

- The development provides an acceptable response to all the requirements within the guidelines. The massing reinforces the role of The Corso, it responds reasonably well to the existing heritage and has improved the view termination to Whistler Street.
- The architecture achieves the right balance of masonry, solid to void and also uses appropriate materials.

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- Parapets are articulated but are not over designed, thereby allowing the building to fit within its context as a well mannered infill building in the overall streetscape.
- The development provides an active street front to The Corso and continues the dominant awning line.
- For more detailed comments on the above please refer to the SEPP 65 assessment.

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Urban Design Assessment for 8-28 The Corso, Manly cont.

Urban Design Assessment cont.

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**Urban Design Assessment for
8-28 The Corso, Manly
For Manly Council**

By GMUrban Design & Architecture Pty Ltd

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22 November 2004

GMURBAN DESIGN & ARCHITECTURE PTY LTD

Urban Design Assessment for 8-28 The Corso, Manly

November 2004

Executive Summary

This report has been commissioned by Manly Council as an independent urban design review of the compliance of the Development Application with various State and Local Council controls.

The assessment has been complied with reference to controls and documents listed in the Introduction section of this report.

In summary the following conclusions and recommendations are made in relation to the Development Application:

- The development is considered appropriate to its context.
- It responds well to the Corso and Esplanade streetscapes and also maintains good setbacks to adjoining development, using courtyard areas and landscape as a green buffer and to maintain privacy.
- The design and height of the development is reasonably balanced and reinforces the scale and grain of the contributory buildings in the Corso.
- The Esplanade element, although above the height required within the DCP, is a reasonable compromise given the issues with the adjoining existing building which significantly exceeds the control height.
- The development proposes mixed uses with retail tenancies and a supermarket to the ground floor and residential development in the buildings above. This is consistent with Council's LEP zoning and the DCP. It proposes some 49 apartments and an FSR of 3:1 which is compliant with the current controls.
- The landscaping in general terms is considered acceptable with each apartment benefiting from both private and shared open space and a well landscaped courtyard within the development and as a buffer to adjoining development.
- It is recommended that the council consider requiring roof terraces to the rear block (close to Wentworth Street) as well as The Corso building to supplement the private open space for the upper level apartments. This block is not visible from the public domain and is sheltered by other development therefore there should not be any adverse impact.
- Overall the amenity offered by the development achieves a reasonable standard, given its location, the apartments themselves are well designed with excellent solar access and cross ventilation.
- It is recommended that a translucent glass screen be added to the balcony edge of apartment C214 to stop the potential for overlooking the adjoining courtyard/lightwell whilst still allowing good light penetration to occur.

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Appendix B - Urban Design

- The development does not provide the suggested pedestrian links or arcades. However the applicant has demonstrated attempts to achieve such a link but the land owners will not condone or contribute access rights to enable such a link. Therefore this requirement is beyond the capacity of the applicant to deliver.

The recommendation of this urban design report is that the development be considered **for approval by Council subject to the above minor amendments** which could be conditioned.

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Appendix C - Heritage Report

DA 35/04
8-10 The Corso, Manly
Proposed Residential and Retail Development
Assessment of Heritage Impact

Context of the Heritage Impact Assessment

This report has been commissioned by Manly Council through Chris Young Planning. It provides Council with an independent Heritage review of the Development Application in relation to State and Local Government Heritage controls.

The assessment has been compiled with reference to controls listed in the Introduction section to this report.

In summary the following conclusions and recommendations are made in relation to the Development Application:

Conclusions:

1. The site is likely to contain archaeological relics as defined by the NSW Heritage Acts, related to previous phases of European occupation.
2. We concur that the proposed demolition of the Coles Store will have no adverse heritage impacts on the existing building or of the listed buildings in the vicinity. It will have no adverse impacts on the significance of The Corso.
3. We concur that the proposed development will have no unacceptable or adverse heritage impacts on the heritage significance of the listed buildings in the vicinity. It will have no unacceptable impacts on the significance of The Corso.
4. We do not agree with the Heritage Committee comments, dated 10 November 2004, that the best solution would be for the reconstruction of the façade of the Campbell's Stores building. We do not agree with the Committee's concerns about the understated treatment of the upper parapet on The Corso frontage or the proposed glazed bay windows. We agree with their concerns about the visibility of the roof level pergolas and their adverse impact on The Corso façade.
5. We do agree with the Council staff comments that the lack of a sky view above the parapet line of the new Corso frontage, due to the visibility of the residential apartments behind, will have an unacceptable impact on the heritage significance of The Corso Conservation Area. Their concern for an open sky view over the facade is valid for the historic buildings along The Corso, where such an intrusion can lead to a diminution in the character and visual integrity of the building. It is not valid for the new, infill façade, especially as the higher components are set reasonably well back.

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Appendix C - Heritage Report

Introduction

This report has been commissioned by Manly Council, through Chris Young Planning, as an independent review of Development Application DA 35/04 by Wolski Lycenko Brecknock Architects in relation to the heritage provisions of SREP 23, Manly LEP 1988 and Manly Urban Design Guidelines 2002 for the Manly Town Centre.

The proposals is for the demolition of all buildings on the subject site at 8-10 The Corso, Manly, primarily the large Coles Supermarket, and the erection of a mixed use residential and retail complex.

The amended design of this DA is as a result of protracted negotiations between the Applicant, Council and Council's appointed external consultants to improve a number of significant issues in the original design and documentation. The amended drawings, and the amended Heritage Report are the Applicant's response to those issues.

This report covers only the heritage related issues of the amended design.

Information Reviewed

The information on which this assessment has been made comprised the following:

Material relevant to the application:

- Several site visits
- The original DA drawings
- The revised DA drawings, issue B
- The revised Heritage Report, dated June 2004, by Noel Bell Ridley Smith
- Comments from Council's Heritage Committee meeting of 10 November 2004
- Comments from the NSW Heritage Office, dated 11 February 2004
- Comments by Manly Council staff in relation to the heritage and urban design issues

Background Planning Material

- Archaeological Management Provisions of the NSW Heritage Act
- Manly LEP 1988
- Manly Urban Design Guidelines 2002 for the Manly Town Centre
- The Heritage Provisions of SREP 23

Assessment of the Development Application

Archaeological Management Provisions of the NSW Heritage Act

The Heritage Report identifies that the subject property included a variety of buildings and other elements prior to the construction of the current buildings. It also noted that the construction of the current building would most likely have destroyed or severely impacted upon any relics that may have survived from previous structures. It confirms, however, that the archaeological management provisions of the NSW Heritage Act apply and loosely recommends that appropriate care be taken during demolition and initial site clearing.

It is clear that the site is likely to contain relics as defined under the NSW Heritage Act. Accordingly, there should be an Archaeological Assessment made of these potential relics and, if recommended by that Assessment, an application secured for an Excavation Permit from the NSW Heritage Council, prior to the release of the Construction Certificate.

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Appendix C - Heritage Report

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Appendix C - Heritage Report

Manly LEP

The whole of The Corso is listed as a conservation area and all buildings facing The Corso are listed as Heritage Items on LEP 1988, including the subject Coles Building. The heritage provisions of the LEP require that Council give consideration to the likely impacts of any development proposal on the significance of heritage items and conservation areas.

The Applicant submitted a revised Heritage Report in June 2004, prepared by Noel Bell Ridley Smith, Heritage Consultants.

- In general the Heritage Report presents a thorough historical analysis of the subject land in relation to its general location in the Manly Business Centre.
- It does not summarise or capture the Significance of The Corso as a whole or the subject site, except to say that the existing buildings are generally considered to be intrusive in the Corso.
- The Report states that the demolition of the Coles Buildings, despite their heritage listing, will have no heritage impacts on its own significance or that the surroundings. It also notes that Council does not object to the demolition. We concur with this assessment.
- It presents an analysis of the likely impact of the proposed development on heritage items in the vicinity, using the standard Heritage Office evaluation criteria. It has taken an all-inclusive approach to the various heritage items in the vicinity and concludes that there are no unacceptable adverse heritage impacts. We generally concur with that analysis.

A response from Manly Council Officers questions the impact of the residential portion of the scheme on the traditional or village character of The Corso. They are concerned that any protrusion of new building elements into the sky views behind the main parapet lines facing The Corso will intrude on the larger visual scale of the urban space and degrade its qualities.

Their concerns would be valid for the open sky view behind the many historic façades that line The Corso, but are less valid for the new infill façade on the former Coles site. New upper portions that are visible behind the facades of historic buildings, especially when the setback is not sufficient, tend to degrade the visual and historic integrity of the contribution made by the building to the streetscape. In general terms the ocean end of The Corso has retained this character reasonably well. Tall new buildings in this locality tend to be on sites that are relatively remote from the actual Corso frontage, or address other streets. At the harbour end of The Corso there are a number of larger buildings facing directly onto The Corso and others in the locality that are apparent from within the streetscape.

The proposed upper level residential component of the proposed development is generally set sufficiently far back so as to not visually impose on the scale and integrity of the new infill Corso façade. Accordingly they will not adversely affect the traditional urban character within this section of The Corso that is defined by a group of buildings of varying façade heights and architectural presentations.

The officers also express concern about the use of glass balustrades for the balconies of the new residential units that face The Corso. In general, these balconies are confined to the residential components of the development that are set above the actual façade that fronts directly onto The Corso. They are contained within the new, contemporary architectural expression and not within that component of the façade that is responding, as infill, to the

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surrounding historic and richly textured context. Accordingly, we do not see any heritage issue related to the use of the glass balustrades in the upper level residential units.

Manly Urban Design Guidelines 2002 for the Manly Town Centre

The revised Heritage Report briefly discusses the proposal in relation to the Guidelines.

In particular it notes that the Guidelines encourage the management of change in a responsible manner, and that new development should not mimic older buildings or those that may have been on the site previously.

We are aware of the views of the Council Heritage Committee about the importance of the site within The Corso as a heritage precinct, and agree with them that the subject site plays a pivotal role in the locality. We do not agree with the Committee's recommendation that the best way to respect the predominant form and character of the precinct is for the reconstruction of the Campbell's Stores façade. Figure 16 in the Heritage Report uses a c1914 photo of The Corso to identify the Campbell's Stores building as that which remains to the immediate south of the subject site. It is not accepted in conservation circles that reconstruction is a preferred option except in particular circumstances, and particularly where the reconstructed façade will only be the frontage of a modern building. In our opinion, these circumstances do not exist in relation to the current proposal.

We consider that the revised design has incorporated a façade treatment to The Corso that is respectful of the context and appropriate in the circumstances. We do not agree with the Heritage Committee's views that the parapet line should be of a more lively composition.

We also do not agree with the Committee's concerns about the glazed bay windows on The Corso frontage. These reflect a device that was used from time to time in Federation architecture and add richness and complexity to the façade composition.

We have previously expressed our concerns that the roof level pergolas at The Corso frontage should not be directly visible from the public realm in The Corso. The current montages do not appear to have addressed this issue in an appropriate manner. Any pergolas at the roof level behind The Corso façade should be set well back.

We are now not concerned about the scale and massing of the higher components of the development. They are set well enough back as to limit any sense of overwhelming The Corso or imposing themselves on the streetscape.

SREP 23 – Sydney and Middle Harbours

This SREP requires consideration of the impact of the proposal on other heritage items that are visible from the waterways in Sydney Harbour.

We believe that the higher level components, which are the only sections that are readily visible from the Harbour are set within a complex group of buildings and will not overwhelm the character of Manly or the significance of any heritage items that are visible from the water.

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Recommendations:

Based on the above analysis and the conclusion that there are no unacceptable or adverse heritage impacts on The Corso arising from the proposal development, we recommend that Council should now have no concerns, on heritage grounds, with the amended proposal.

We recommend that two Conditions be added to the Development Consent:

1. There should be a Condition of Consent requiring the preparation of an Archaeological Assessment of potential relics and, if recommended by that Assessment, an application secured for an Excavation Permit from the NSW Heritage Council, prior to the release of the Construction Certificate.
2. There should be a Condition of Consent requiring the pergolas at roof level behind The Corso façade to be set back so that they are not readily visible from the public realm in The Corso.

Signed

Graham Brooks
Graham Brooks and Associates Pty Ltd

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Coles Redevelopment
Appendix D - Traffic Report**

**Review of Proposed
Mixed Retail & Residential
Development,
The Corso, Manly**

Traffic & Parking Matters

Final Report

Prepared by
Frederick Roger Gennaoui

on Behalf of Manly Council

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1. Introduction

1.1 Background

A Development Application for the redevelopment of the existing Coles supermarket site situated at N° 8 –28 The Corso, Manly has been submitted to Manly Council. Following the assessment of that application and supporting documents, revised plans were submitted in October 2004.

Gennaoui Consulting was commissioned to assess and report on the traffic impact and parking requirement of the proposed development.

1.2 The Proposed Development

The proposed development involves replacing the existing Coles supermarket with a new Coles supermarket and associated speciality retail shops with a residential development above. The initial application included the provision of some 53 residential units comprising 8 one bedroom units, 36 two bedrooms units and 9 three - bedroom units. The revised application includes a reduction of 4 residential units resulting in 4 one bedroom units, 28 two bedrooms units and 17 three -bedroom units. Parking for 83 cars including nine (9) spaces for visitors are proposed in conjunction with this development.

It is proposed to access the site via the two existing rear service lanes off Wentworth Street.

1.3 Scope of Report

This report presents a summary of the review including findings in regard to the likely traffic impact of the proposed development, its parking requirements and vehicular access based on the latest plans (October 2004). A number of conditions are recommended to form part of the approval process.

2. Traffic Related Issues

Precinct committees and members of the public have raised a number of traffic related issues. These issues are summarised below and have been addressed in this report .

- Proposed 83 car spaces will have a huge impact on access to and from Manly.
- Impact of additional traffic that would be generated, the loss eg the “village atmosphere, loss of amenities, the height and aesthetics of the proposal
- Concern about the impact of heavy delivery vehicles accessing the laneway and continually blocking Wentworth Avenue waiting to turn into the laneway.
- Major congestion would result in Wentworth Street as a result of additional traffic in laneway and trucks servicing Coles
- Large number of trucks currently uses the western laneway; the proposed development would worsen the situation; how will it be managed
- The rear laneway does not have the capacity to cater for additional traffic and is narrow for two-way traffic.
- Vehicular conflict with the adjacent development in Wentworth Street with access from the western laneway.

Thus the following review of the proposed development addresses the following matters:

- Whether the proposed development will have an unsatisfactory adverse impact on traffic in the locality;
- Compliance of the development with the relevant parking codes and standards;
- Adequacy of laneways for service vehicles and garbage trucks.

3. Evaluation of Proposed Development

3.1 Basis of Evaluation

The evaluation of the proposed residential development has been based on a site inspection and a review of the following information:

- Transport Report prepared by Colston Budd Hunt & Kafes Pty Ltd (December 2003);
- Traffic volume counts and INTANAL (Intersection Analysis Software) results provided by Colston Budd Hunt & Kafes Pty Ltd;
- Supplementary information supplied by Colston Budd Hunt & Kafes Pty Ltd;
- Plans DA-01 and DA-13 prepared by Wolski Lycenko Brecknock Architects (November 2003);
- Australian Standard AS 2890.1-2004 for Parking Facilities – Part 1: Off-street car parking;
- Australian Standard AS 2890.2-2002 for Parking Facilities – Part 2: Off-street commercial vehicles facilities.

Following an assessment of the above plans, CBHK was requested to clarify a number of issues and to provide additional information. The request and response are included in **Appendix A**. A number of issues were then addressed and incorporated in the latest plans DA-01b and DA-13b prepared by Wolski Lycenko Brecknock Architects (October 2004). Supplementary traffic information prepared by CBHK in relation to the latest plans (22 October 2004) has also been reviewed.

3.2 Traffic Impact of Proposed Development

3.2.1 Traffic Generation of Retail Development

The existing Coles Supermarket (3,600 m² GFA) and adjacent retail space (1,280 m² GFA) will be replaced by a smaller supermarket (1,701 m² GFA) and retail space (843m² GFA), as advised by the Architects of the project.

The rate included in the RTA Guidelines (1995) and included in **Table 1** was adopted to estimate the traffic generation of the existing and proposed retail development

Table 1: Peak Hourly Traffic Generation of Proposed Retail Development

	Trips/ 100m ²		Existing		Proposed	
	NLA	GLFA	Trips	GLFA	Trips	
Supermarket	12.5	2,700	338	1,276	157	
Retail	12.5	960	120	633	80	
Total	12.5	3.660	458	1.909	237	

* GLFA = 75% GFA as suggested by Tim Rogers (refer Appendix A)

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The proposed retail development will generate about 50 percent less traffic within the Manly Town Centre than the existing development. CBHK have assumed that, whilst the proposed development is likely to have a lower trip generation than the existing development, the traffic generation of the proposed development will not decrease. This is a conservative approach and is concurred with.

3.2.2 Traffic Generation of Residential Units

CBHK have adopted the following rates included in the RTA Guidelines (1995) to estimate the likely traffic generation of the proposed residential development:

- 1 & 2 bedroom units: – 0.40-0.50 trips/units in medium density development
- 3 bedroom units: – 0.50-0.65 trips/units in medium density development

Thus between 23 and 27 vehicles trips are likely to be generated by the proposed residential component of the development during the morning and afternoon peak hours as noted in Table 2. CBHK have adopted a peak generation rate of 25 trips; this estimate is concurred with.

Table 2: Peak Hourly Traffic Generation of Proposed Residential Development

	Dwellings	Rate trips per dwelling	Trips
1 bedroom units	4	0.40-0.50	2
2 bedrooms units	28	0.40-0.50	12-14
3 bedroom units	17	0.50-0.65	9-11
Total	49		23-27

These low volumes of traffic would be generated during the morning and afternoon peak periods; outside these hours the traffic generation would be much less.

3.2.3 Impact on Approach Routes

The traffic counts carried by CBHK at the junction of Wentworth Street with Darley Road and with East Esplanade, and at the two rear laneways were obtained and reviewed. The peak hourly traffic volumes included in the CBHK report are considered to be a reasonable representation of weekday traffic conditions in the vicinity of the site.

Wentworth Street currently carries about 350 and 420 vehicles during the morning and afternoon peak hours respectively; East Esplanade currently carries about 950 and 1140 vehicles during the morning and afternoon peak hours respectively.

These volumes are expected to increase by no more than 25 vehicles as a result of the proposed development. This marginal increase in traffic is not likely to impact on the capacity of Wentworth Street, East Esplanade and Darley Road.

Similarly the impact of this additional traffic on the operation of the intersections of Wentworth Street with East Esplanade and with Darley Road would be minimal. Both signalised intersections would continue to operate at very good levels of service "A".

3.3 Assessment of Parking Provisions

3.3.1 Parking Requirements

Some 73 and 36 parking spaces would be needed to cater for the residential and retail components of the development respectively as noted in **Table 3**. These requirements, summarised below, are based on Manly Council's DCP for the Manly Town Centre Business Zone 1989 (Amendment 3):

- 1 bedroom units: 2 spaces per 3 unit
- 2 bedroom units: 1 space per unit
- 3 bedroom units: 2 spaces per unit
- Visitors spaces: 1 space per 6 units
- All other uses 1 space per 70 m² gross floor area (GFA)

Table 3: Parking Requirements and Provisions of Proposed Development

	Units	Spaces
Residential Component		
1 bedroom units	4	2
2 bedroom units	28	28
3 bedroom units	17	34
Visitor spaces		9
Total Required for Residential	49	73
Retail	2,544 m² GFA	36
TOTAL		109
Parking Supply		83

3.3.2 Adequacy of Parking Supply

Based on the plans prepared by the architects for the project, the proposed development will provide 83 carspaces including nine (9) spaces for visitors. The applicant proposes to allocate all spaces to the residential component of the development.

It is understood from the architects for the project that whilst some units may be provided with two car spaces, only one of these spaces may be allocated to the strata title of the unit; the remaining space would be available for sale. This situation should not be permitted, particularly if the sale is to tenants of other buildings in the Manly Town Centre.

No allowance has been made for employees or customer of the Coles supermarket and other shops. The rationale stated in the CBHK's December 2003 report is that the existing Coles supermarket does not have on-site parking, and that only six (6) spaces are provided for the existing other uses of the site.

It is concurred with the applicant that customers of Coles and other the retail components of the development should continue to park elsewhere in the centre as currently taking place. However, it is our experience that for retail establishments about 25 to 30 percent of car spaces is required by Staff.

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It is therefore recommended that eight (8) spaces provided in excess of the 73 spaces required for the residential component of the development be allocated to employees of the supermarket and the speciality shops. The remaining two (2) spaces be allocated to the one bedroom unit so that each of these type of units have a space.

3.3.3 Assessment of Parking Layout

Some 83 parking spaces will be provided in the basement as shown in Plan DA-01b prepared by Wolski Lycenko Brecknock Architects, and included in **Appendix B**.

The car parking layout was compared to the requirements of the Australian Standard 2890.1-2004. The requirements of the standard and the design features of the proposed development are shown in **Table 4**.

The parking area generally complies with the requirements of the Australian Standard (2004). However, after a closer examination the following matters have been identified:

- Space 2 should be widened to 2.5m;
- The storage area at the rear of spaces 30 to 39 would be difficult to access with a car parked in the space; a walkway adjacent to the storage area should be provided; this could be achieved by reducing the width of the aisle from 6.5m to 6.0m.

Table 4: Comparison of Parking Requirements with Proposal

Area		Australian Standard	Proposed Development
Access Driveway			
	For 1 to 125 spaces	3.0 to 6.0m combined	Separate entry/exit 3.6m each
Circulation Roadway			
	One Way	2.9m between kerbs	NA
	Two way	5.5m between kerbs	5.8 m
Aisle Width			
	One Way	2.9m	NA
	Two way	5.5m	6.5 m
Car spaces 90° Low Turnover			
	to wall or high kerb	2.5 m x 5.4 m	Min 2.4 m x 5.5m (space N°2)
	Between obstructions such as column or walls	2.7 m x 5.4 m	
Disabled parking spaces			
	Number	1-2% of spaces	6 spaces
	Width	3.2 m x 5.4 m including overlap allowances	3.8 m x 5.5 m including overlap allowances
Ramps			
	Width one way	Min 2.9m	3.6 m
	Width two way	Min 5.5m	6.5 m
	Main gradient	Max 1:5 (20%)	Max 1:8 (12.5%)
Adjacent to entry and exit points gradient		Max 1:8	Max 1:10

3.4 Pedestrian Access

Direct pedestrian access to both the residential and commercial component of the development will be provided from The Corso.

3.5 Vehicular Access

3.5.1 Access Laneways

The site is serviced by two laneways. The western laneway currently provides access to the Coles Supermarket loading facility, and to shops fronting The Corso. The eastern lane currently provides access to shops fronting The Corso including six parking spaces.

On street parking on the western of side of Wentworth Street adjacent to the laneways currently restrict sight lines for cars exiting the lanes. To improve sight distances for cars exiting and entering the laneways, on street parking should be banned either side of the laneways for a minimum distance of 6m.

Western Laneway

The western laneway will provide access to the residential basement car park and would continue to provide access to the loading dock of the new Coles Supermarket. This laneway is about 6 metres wide and is suitable for two-way traffic movements.

CBHK has provided turning paths for cars and large rigid trucks (10.7m and 12.5m) accessing the basement car parks and the Coles supermarket loading dock respectively. These turning paths are included as **Appendix C**. All turning paths are based on the assumptions that all trucks would turn right from Wentworth Street into the laneway and right turn out of the laneway onto Wentworth Street. Left turning into and out of the laneways would require the truck to go on the wrong side of Wentworth Street.

The western laneway also provides access to other developments fronting East Esplanade and Wentworth Street. CBHT has supplied turning templates, included as **Appendix D** for cars entering and existing the adjacent site; the plan also shows the existing vehicle passing a rigid truck. CBHT conclusion that the western laneway is wide enough to cater for a truck and a car is concurred with. However, it should be understood that two trucks couldn't use the laneway at one time.

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Eastern Laneway

The eastern laneway is 3.2 metres wide for a distance of about 42 metres; it then widened to a 12m x 10m right of way area. It is recommended that mirrors be placed appropriately at both ends of the laneway so that drivers accessing the site from Wentworth Street or departing the site could ensure that no other vehicle is already in the laneway.

The turning paths for small rigid trucks (6.4m) accessing the eastern loading dock were also provided and are also included in **Appendix C**.

3.5.2 Loading Facilities & Delivery Vehicles

Coles Supermarket

The CBHK report did not include the truck generation of the existing supermarket. Henroth Investments Pty Ltd (letter 11 August 2004) provided vehicle movement counts for the existing Coles Store on The Corso. This information is included as **Appendix E**. It appears that between 21 and 26 deliveries (14 to 20 rigid trucks and 5 to 8 semi trailers) take place on weekdays, thus generating about 50 two-way traffic movements per day.

All trucks accessing the existing Coles Supermarket have to reverse into the laneway. In order to ensure that all trucks drive in and out in a forward direction, the existing loading dock will be reconstructed and provided with a turntable suitable for large rigid trucks (max 12.5m) as shown in **Appendix F**.

Furthermore, mirrors must be placed appropriately in the western laneway at Wentworth Street so that truck drivers accessing the site from Wentworth Street could make sure that no other truck is already in the laneway.

Whilst the store would reduce in size, the applicant has advised that the total number of truck deliveries would not change; however, no articulated trucks would be used in conjunction with the new Store. Therefore, as at present, when the loading dock is already in use, other delivery vehicles would have to wait in Wentworth Street thus affecting traffic flows along this street. In order to resolve this problem, CBHK has indicated that a management plan would be prepared to facilitate appropriate management of the dock. This would include prohibiting deliveries by articulated vehicles, and the allocation of slot times for deliveries to avoid double parking and on street waiting in Wentworth Street.

Eastern Dock.

A loading dock will be provided to service the small shops. Access will be from the eastern laneway. The largest vehicle that can access this dock is a small rigid truck (6.4m long) due to the width of the lane. This dock would only service the minor retail as is done now. There is enough room in the right of way area for vehicles to exit the site in a forward direction. As discussed above, mirrors should be placed at both ends

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of the laneway so that drivers accessing the site from Wentworth Street or departing the site could ensure that no other vehicle are already in the laneway.

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Residential

The plans do not readily indicate parking provisions for delivery vehicles servicing the residential units. In effect the plans shows that to access the residential lifts all access will be from The Corso or in the basement car park. Delivery vehicles accessing the site from The Corso would need to park adjacent to the site, thus interfering with normal traffic movements. Deliveries from The Corso should thus be restricted to outside working hours.

3.6 Waste Disposal

Garbage collection for Coles and the residential units will be from the western lane. Coles waste will be removed by Council from within the loading dock thus the garbage truck would use the turntable to exit the site in a forward direction.

CBHK initially advised that the collection of residential garbage would be either via the Coles dock or from the lane. If from the lane then the garbage would have to reverse down the lane (as it currently does). The applicant has since met with Council and agreed that when residential waste is to be collected, Council garbage truck collecting the Coles waste would leave the Coles loading dock and collect the residential waste as it drove out to Wentworth Street. Thus all garbage trucks servicing the western lane would drive in and out in a forward direction. This approach is acceptable and supported.

CBHK has indicated that garbage generated by the small specialty shops would be removed from the eastern loading bay by a "small" garbage truck most likely serviced by a private contractor. All garbage trucks servicing the eastern lane would also drive in and out in a forward direction.

3.7 Construction Traffic

CBHK has advised that if the development is approved, a construction traffic management plan would be prepared. This would set out details of access, type and number of vehicles associated with construction and the length of construction. All construction access would be from the western laneway.

4. Conclusions and Recommendations

4.1 Conclusions

This traffic generated by the proposed development is not likely to impact on the surrounding road network including the intersections along Wentworth Street.

The proposed development will provide 83 parking spaces. The applicant proposes to allocate all spaces to the residential component of the development. No allowance has been made for employees or customer of the Coles supermarket and other shops. The basement parking area complies with the Australian Standard requirements; all spaces have a width of 2.5m or larger except for Space 2.

The above assessment indicates that if the development is approved, than it should be subject to the inclusion of the following conditions of consent.

4.2 Recommended Conditions of Consent

The following conditions of consent are recommended to form part of the approval process. They assume that the proposed development will be in accordance with all the plans and documents referred to in this report.

Construction Phase

A construction traffic management plan shall be prepared and submitted for approval by Council or an approved qualified private 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. All construction access should be restricted to the western laneway.

Access Laneways

- Mirrors must be placed and maintained by the owners' corporation or Body Corporate appropriately at both ends of the eastern laneway so that drivers accessing the site from Wentworth Street or departing the site could ensure that no other vehicle is already in the laneway.
- Mirrors must be placed and maintained by the owners' corporation or Body Corporate appropriately in the western laneway at Wentworth Street so that truck drivers accessing the site from Wentworth Street could make sure that no other truck is already in the laneway.
- To improve sight distances for cars exiting and entering the laneways, on street parking in Wentworth Street should be banned either side of the laneways for a distance of 6 metres.
- All trucks should enter the laneways by turning right from Wentworth Street; similarly they should exit the laneway by turning right onto Wentworth Street.

Environmental Services Division Report No. 12

8-28 The Corso, Manly

Coles Redevelopment

Appendix D - Traffic Report

Parking

- 64 parking spaces shall be allocated to the residential unit in accordance with Manly council's code requirements and should form part of the strata title of the unit; an additional two (2) spaces should be allocated to one-bedroom units for which Council requires no allocation.
- Nine (9) visitor car spaces shall be provided and made accessible at all times and a sign post shall be erected at the vehicular entry point of the development indicating the location of these spaces.
- Eight (8) spaces within the basement car park shall be allocated to employees of the supermarket and the other shops, and appropriately incorporated in the strata title of these developments.
- The basement car park shall be designed in accordance with Australian Standard 2890.1-2004. All spaces should have a minimum of 2.5m width including Space 2.
- The storage area at the rear of spaces 30 to 39 would be difficult to access with a car parked in the space; a walkway adjacent to the storage area should be provided; this could be achieved by reducing the width of the aisle from 6.5m to 6.0m.

Loading Facilities

- Only large rigid trucks (max 12.5m in length) shall service the Coles Supermarket loading dock.
- A turntable should be provided in the Coles loading dock area to accommodate a large rigid truck of 12.5m in length.
- A loading dock management plan shall be provided to and approved by Council prior to occupation. The plan should prohibit deliveries by articulated vehicles, and included the allocation of slot times for deliveries and waste removals to avoid on street waiting, and conflicts in the laneway.
- Delivery trucks servicing the eastern laneway shall be restricted to small rigid trucks (6.4 metres in length). All vehicles shall enter and exit the site in a forward direction.
- Deliveries to the residential component from The Corso should be restricted to outside working hours, say from 6pm to 9pm.

Garbage Trucks

- Garbage trucks servicing the western laneway shall not be larger than a large rigid truck not exceeding 12.5 metres in length.
- The applicant enters into an agreement permitting Council's garbage trucks to use the turntable in the Coles loading dock.
- Garbage trucks servicing the eastern laneway shall be restricted to small rigid trucks (6.4 metres in length).

The applicant provides Council with a copy of a written agreement with a private contractor to remove garbage generated by the small specialty shops from the eastern loading bay by a small garbage truck.

Environmental Services Division Report No. 12

8-28 The Corso, Manly

Coles Redevelopment

Appendix E - Access Report

15th December 2004

The General Manager
Manly Council
PO Box 82,
Manly NSW 1655

Re: 8-28 The Corso Manly

Attention: Chris Young

Dear Sir

As requested we have reviewed the drawings provided as well as the report from Accessibility Solutions dated 27th October 2004 and note the following matters:

Basement – Drawing DA 01b.

1. There are 5 spaces indicated for the adaptable dwellings, of which use shared space with access ways to exits, spaces 28 & 29. AS2890.1 only allows shared space on path to exits where a minimum of 500mm of the exit path is not shared.
2. Accessible space 40 has a column towards the front of the space, restricting its width to 2500mm.
3. One of the accessible spaces provided is only 3550mm wide in lieu of the required minimum 3800mm and is therefore not compliant.
4. None of the accessible spaces is 6000mm deep as required by AS4299 being 5500mm, however spaces 29, 38 and 39 can use the area behind the car space.
5. There is considerable doubt that accessible spaces 28 and 29 can achieve the required 2500mm clear overhead when considering the levels of the retail area above. Refer to Item 10 below.
6. There is one accessible visitor's space which is compliant.
7. There is no floor level indicated on the plan however the section indicates RL 2.4. The unisex accessible toilet is located under the entry ramp to the car park and appears to have far less than the required minimum 2000mm headroom if the ramp complies with AS2890.1 Clause 2.5.3(b) & (c) at the inside radius.
8. The access report states that the toilet will be detailed later but would be 2750mm x 1900mm (a size that can be compliant, however this would further exacerbate the height problem. As drawn the toilet is approximately 2300mm x 2300mm a size that could also be compliant as long as the head room problem is resolved.
9. The residential garbage room does not have an area 1550mm clear in front of the garbage bins for the adaptable dwellings, however this could be conditioned.

Ground Floor Level – Drawing DA 02b

10. The footpath and the entry of the Coles foyer are at RL 5.16, whilst the main body of Coles is RL5.40, it is assumed that the floor will not exceed 1:20 gradient, however this means that the floor to floor clearance in the basement is reduced to 2760mm. There are no levels indicated within the 2 retail areas on either side of the Coles entry, however the footpath levels vary from RL 5.08 at the north eastern end and RL 5.40 at the south western end. As there are no ramps indicated it is assumed that the floor levels will align with the footpath levels reducing the floor to floor level at the north east end to 2680mm over the accessible car spaces 28 and 29. when structure is considered it would seem improbable that 2500mm clear overhead would be feasible.
11. The double entry doors into the residential foyers do not have an 850mm clear opening operable leaf. This can be easily achieved and should be conditioned.
12. Although not detailed the unisex accessible toilets appear large enough and can be conditioned.

Mezzanine level – DA 03b

13. There is a mezzanine level to both of the retail areas with no accessible path of travel provided to them.

First Floor Level – DA 04b

There are 5 designated adaptable dwellings on this level.

14. The Applicant's access report contains a number of possible variations for kitchens as none are indicated on the drawings. Whilst none accurately portray the kitchens as drawn we are of the opinion that there is sufficient allowance for compliant kitchens to be designed except for Unit C105 where the island bench does not have 1550mm clearance. AS4299 requires the potential configuration of the kitchens after adaptation to be demonstrated prior to certification. We believe this to mean that the kitchen layouts should be illustrated for certification prior to a DA submission in both before adaptation and after adaptation modes.
15. The bathrooms are generally illustrated on the drawings and the Applicant's access report contains a compliant bathroom layout which is consistent with Units C101, C102 and C103, however not with C104 and C105, which in our opinion is not compliant. The width of C104 does not appear to be capable of being 2060mm width clear of finishes and C105 does not appear to comply in regard to the door circulation space.
16. Unit C101 has a non compliant laundry recess in that it opens onto a 1000mm wide corridor with a minimum 1200mm required. This can be conditioned.
17. The door into Bedroom 1 of Unit C104 does not have the circulation space required by Figure 12(a) of AS1428.1 although there appears to be an attempt to comply with Figure 12(c) which is in our opinion inappropriate. This can be conditioned.
18. The double doors out into the common area do not have an 850mm clear opening to the operable leaf. This can be conditioned.
19. There are no levels at this door to enable us to determine whether it complies with AS1428.1. This can be conditioned.
20. There are no levels in the common areas to enable us to determine whether it is on a continuous accessible path of travel. This can be conditioned.
21. The drawing illustrates isolated paving stones that are unsuitable for use on an accessible path of travel. This can be conditioned.

Should you wish to discuss any of these matters please contact the undersigned.

DISABILITY ACCESS CONSULTANTS PTY LTD

Per
Trevor Beardsmore

1st February 2005

The General Manager
Manly Council
PO Box 82,
Manly NSW 1655

Re: 8-28 The Corso Manly

Attention: Chris Young

Dear Sir

Further to our comments of 24th December 2005 and in response to the comments from Garry Brown dated 24th January 2005, we suggest the following amended conditions are applicable.

General

1. The development is to have a continuous accessible path of travel, as defined by AS1428.2, from the main points of entrance at the boundaries and from any required accessible parking spaces, to and within the premises through the principal entrance and to all areas within the development to which the general public have access within the retail and commercial sectors and up to and including the common areas of the residential sector.
2. Each retail space is to have an accessible path of travel from the street boundary through their principle entries.
3. The applicant is to provide suitable signage incorporating the universal symbol of access in accordance with AS1428.1, (white on ultramarine blue) indicating the direction and location of the accessible entries.
4. Provide at least one accessible car space within the site with a minimum 3200mm width x 5500mm long with a minimum of 2500mm clearance overhead in accordance with the requirements AS2890.1 and a minimum clear height on the vehicular path of travel to the accessible spaces of 2200mm.
5. Provide 5 accessible car spaces for the adaptable dwellings within the site with a minimum 3800mm width x 6000mm long with a minimum of 2500mm clearance overhead in accordance with the requirements AS2890.1 and a minimum clear height on the vehicular path of travel to the accessible spaces of 2200mm. The 6000mm depth can include 500mm

borrowed space within the driveway to supplement the 5500mm provided however this may not be enclosed. Note that as drawn accessible space 40 has a column towards the front of the space, restricting its width to 2500mm.

6. All required accessible parking spaces will have a maximum cross fall or gradient of 1:40 in any direction.
7. Suitable signage incorporating the universal symbol of access in accordance with AS1428.1, (white on ultramarine blue) indicating the direction and location of the accessible parking spaces is to be located at the entry and at all changes of direction.
8. The accessible car space not assigned to an adaptable dwelling is to be identified by means of the white international symbol of access in accordance with AS1428.1, between 800mm and 1000mm high placed on an ultramarine blue rectangle with no side more than 1200mm, placed as a pavement marking in the centre of the space between 500mm and 600mm from its entry point. There is no requirement to provide access identification at the spaces for the adaptable dwellings.
9. The residential garbage room is to have an area 1550mm clear in front of the garbage bins suitable for use by the occupants of the adaptable dwellings.
10. The surface on all continuous accessible paths of travel are to be slip resistant and have no level difference greater than 3mm (or 5mm if rounded or splayed) between adjoining surfaces.
11. All walkways, ramps and landings on the continuous accessible paths of travel as well as all stairs, are to comply with AS1428.1.
12. Lifts are to comply with the requirements of D3.6 of the BCA and AS1735 part 12.
13. Door thresholds on the continuous accessible path of travel are to have no level difference greater than 3mm inside to outside or are to have a threshold ramp complying with Figure 10 of AS1428.1.
14. All non fire isolated stairs in the development are to be constructed in accordance with the requirements the BCA and AS1428.1 including but not limited to;
 - i) handrails on both sides of the stair that comply with Figures 9 and 17 of AS1428.1, and
 - ii) have a 30% luminance contrast with the wall, and
 - iii) nosings that are 50mm – 75mm wide with a 30% luminance contrast to the tread, and
 - iv) risers that are vertical with no lip or projection and are fully enclosed and opaque.
15. All non fire isolated stairs in the development are to have tactile ground surface indicators installed at the top and bottom of the stairs in accordance with AS1428.4 and on mid landings where the handrails are not continuous on both sides.
16. All doorways on the continuous accessible paths of travel within the retail and commercial sectors and to the common areas of the residential sector, are to comply with Clause 7 of AS1428.2 and are to have a minimum 850mm clear opening (including 850mm clear opening to the operable leaf of double doors), with circulation spaces in accordance with the requirements of Figures 12 or 13 of AS1428.1 plus the additional dimensions required by Clause 11.5 of AS1428.2, except where the door is an automatic opening door.

17. All required circulation spaces at doors and gates within the retail and commercial sectors and to the adaptable dwellings as well as to the common areas of the residential sector, are to have a maximum 1:40 gradient or cross fall for the full area of the required circulation space.
18. Doors in airlocks or vestibules within the retail and commercial sectors and to the adaptable dwellings as well as to the common areas of the residential sector, are to comply with Figure 15 and clause 7.4 of AS1428.1.
19. Glazed doors and sidelights within the retail and commercial sectors and on the paths of travel to the adaptable dwellings as well as to the common areas of the residential sector, are to have a transom not less than 75mm wide or a solid line 75mm wide at a height between 900mm and 1000mm and having 30% luminance contrast with the background against which it is viewed.
20. The unisex accessible sanitary facilities are to be constructed in accordance with the requirements of Clause 10 and Figures 18 to 30 of AS1428.1 except that the circulation space is to comply with Figure 11 of AS1428.2 (1900mm wide x 2300mm long). All accessible sanitary facilities are to have a shelf.
21. The unisex accessible toilet located under the entry ramp to the car park is to be redesigned to provide the required minimum 2000mm headroom under the ramp that is to comply with AS2890.1 Clause 2.5.3(b) & (c) at the inside radius.
22. Where there is more than one unisex accessible sanitary facility provided in the common areas within the retail and commercial sectors and to the common areas of the residential sector, the alternate facilities must be opposite hand.
23. Identification of sanitary facilities within the retail and commercial sectors and in the common areas of the residential sector, are to be raised tactile with 30% luminance contrast and in accordance with the BCA and Clause 10.9 of AS1428.1 with the additional requirement of having Braille equivalent.
24. Controls on the continuous accessible paths of travel within the retail and commercial sectors as well as to the common areas of the residential sector, (other than power points) are to comply with the requirements of Clause 11 of AS1428.1. In particular controls that:
 - i) need to be grasped or turned with all controls (other than power points) being between the heights of 900mm – 1100mm and no closer than 500mm from an internal corner, or
 - ii) that only need to be pushed being between the heights of 900mm – 1200mm and no closer than 500mm from an internal corner, or
 - iii) that only need to be touched being between the heights of 900mm – 1250mm and no closer than 500mm from an internal corner except as allowed for lifts in AS1735.12.
25. All door handles on the continuous accessible paths of travel are to be “D” type levers or handles with the clearance between the handle and the back plate or door not less than 35mm or more than 45mm.
26. Handles on sliding doors within the retail and commercial sectors as well as to the common areas of the residential sector are to be not less than 60mm from the door jamb lining as indicated on Figure 11(b) of AS1428.1.
27. Doors on accessible paths of travel within the retail and commercial sectors and to the adaptable dwellings as well as to the common areas of the residential sector, are to have a

minimum 30% luminance contrast with the surrounding wall or the frame and / or architrave are to be no less than 50mm wide and are to have a 30% luminance contrast with the wall.

28. Door handles and levers within the retail and commercial sectors as well as to the common areas of the residential sector are to have a 30% luminance contrast with the door.
29. All signage, other than trade names or the like within the retail and commercial sectors is to be upper and lower case sans serif lettering, Arial or Helvetica Medium or similar, with the lower case letters no less than one half the height of the upper case letters. Lettering sizes are to be no less than that required by AS1428.2 Clause 17.
30. Security or intercommunication systems and the like are to be mounted in the continuous accessible path of travel from the boundaries or accessible visitor car space or associated building, between the heights of 900mm – 1100mm and no closer than 500mm from an internal corner. The security or intercommunication system is to incorporate suitable hearing augmentation.
31. Lighting on the continuous accessible paths of travel externally is to comply with AS1158.3.1 : 1999 "Road lighting - Pedestrian Area (Category P) lighting", Tables 1.1 and Table 2.1 and is to be no less than 10 lux with no less than 150 lux at entries.

Glare and intrusive light is to be controlled in accordance AS4282 : 1997 "Control of the obtrusive effects of outdoor lighting".

32. Interior lighting on the continuous accessible paths of travel is to be in accordance with AS/NZS 1680.0.

Residential sector

Note: The following conditions are related to the adaptable dwellings only which are to be constructed to AS4299 "Class C" specifications.

33. The development is to have a continuous accessible path of travel from the main point of entrance at the boundary and from any required accessible parking spaces to and within the premises through the principal entrance;
 - i) to all common areas, common facilities and unique features within the development, and
 - ii) to all entrances of the adaptable dwellings.
34. Letterboxes for the adaptable dwellings must be lockable, and must be situated on a hard standing area at least 1550mm x 1550mm with cross falls in both directions not exceeding 1:40 and have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.2) to the dwellings.
35. The main entry door to each adaptable dwelling must:
 - (a) have an 850mm clear opening door with circulation spaces complying with AS1428.2, and
 - (b) must have an area 1550mm diameter in front of the door, and
 - (c) must have a "D" type lever door handle and other hardware that enables the door to be unlocked and opened with one hand and that complies with the requirements of AS 1428.1.
36. Internal doors within the adaptable dwellings must have a clearance of at least 820 millimetres and have circulation spaces complying with Figures 12 or 13 at all doors to

required facilities. The door into Bedroom 1 of Unit C104 does not have the circulation space required by Figure 12(a) of AS1428.1.

37. Internal corridors within adaptable dwellings must have a width of at least 1,000 millimetres clear of finishes.
38. The living room in each adaptable dwelling must comply with Clause 4.7 of AS4299.
39. The kitchen in each adaptable dwelling must comply with Clause 4.5 of AS4299 including:
 - (a) a clear space between benches of at least 1,550 millimetres, and
 - (b) benches that include at least one work surface:
 - (i) that is at least 800 millimetres in length, and
 - (ii) that can be adjusted or replaced as a unit at variable heights within the range of 750 millimetres to 850 millimetres above the finished floor surface, and;
 - (c) cook tops:
 - (i) with either front or side controls, and
 - (ii) with controls that have raised cross bars for ease of grip, and
 - (iii) that include an isolating switch, and
 - (d) a work surface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
 - (e) an elevated oven that is located adjacent to an 800mm long work surface the height of which can be adjusted.
40. At least one bedroom within each adaptable dwelling must comply with Clause 4.6 of AS4299.
41. A bathroom within each adaptable dwelling must comply with Clause 4.4 of AS4299 including the area requirements of AS1428.1. In particular the width of bathroom C104 is to be at least 2060mm width clear of finishes to allow for a visitable toilet and the bathroom in C105 is to have compliant door circulation space.
42. A toilet within each adaptable dwelling must be visitable and must comply with Clause 4.4 of AS4299.
43. The laundries within each adaptable dwelling are to comply with Clause 4.8 of AS4299 including the requirement for an area of 1550mm diameter in front of the fitments.
44. The applicant is to provide drawings as required by AS4299 demonstrating the potential configuration of the kitchens and bathrooms after adaptation prior to the construction certification phase.
45. The double doors out into the common areas of the residential sector are to have an 850mm clear opening to the operable leaf.
46. All of the common areas of the residential sector are to be on a continuous accessible path of travel.
47. Isolated paving stones are unsuitable for use on an accessible path of travel, provide a suitable material that complies with the requirements of AS1428.1 Clause 12 including the notes to that clause.

Should you wish to discuss any of these matters please contact the undersigned.

DISABILITY ACCESS CONSULTANTS PTY LTD

Per
Trevor Beardsmore

NOISE REVIEW AND ASSESSMENT
COLES RETAIL/RESIDENTIAL DEVELOPMENT
THE CORSO, MANLY

Henroth Developments Pty Ltd submitted a Development Application to Manly Council seeking approval to redevelop the existing Coles Manly site for the purpose of a new mixed residential and commercial development. The application was supported with an Acoustic Report prepared by Richard Heggie Associates date 23 January 2004. Further to the Heggie report and meetings with the applicant, additional information prepared by the applicant was submitted to support the application.

The main noise and vibration issues identified as being associated with the proposal relate to demolition/construction activities, operational activities and traffic noise. It is our opinion that demolition and construction noise and vibration can be controlled with the adoption of appropriate construction methods and construction management plans. Additionally operational noise issues can be addressed with appropriate conditions and the adoption of purpose designed noise controls. Three (3) issues of potential concern that should be clarified by the applicant prior to DA approval and to the satisfaction of Council relate to;

- ❑ overall building height with the potential requirement to house the roof top plant and equipment in a purpose built plant room,
- ❑ the requirement for individual apartment building treatments to control noise intrusion from the driveway activities including trucks, and
- ❑ the control of vibration/structural noise from loading dock activities.

The information reviewed and addressed in this report relates to environmental noise and vibration issues only. Building noise requirements referenced to the BCA2004 (Building Code of Australia) and internal noise and vibration control have not been considered or addressed in this report. Referenced to meeting with the applicant and the Heggie reports, it is recommended as part of any pending Development Approval the following noise and vibration conditions be considered by Council and form part of that approval.

Site Development

1. Prior to the issue of a Construction Certificate the applicant shall prepare a Noise and Vibration Demolition and Construction Management Plan. As part of the NVDCMP a detailed dilapidation assessment shall be undertaken for all adjacent residential and commercial premises. The assessment shall include photographic details of existing building conditions. The report shall certify compliance with the design assessment goals. If the Construction Certificate is to be issued by a PCA, then a copy of the report shall also be provided to Council.

2. The NVDCMP shall be prepared in accordance with the procedures set out in "The Council the of City of Sydney. Code of Practice for Construction Hours/Noise within the Central Business District".
3. Vibration from demolition/excavation/construction activities shall not exceed the base curves presented in British Standard BS6472-1992 as modified by the applicable multiplying factors in the standard for continuous vibration for the relevant building category (place).
4. Site establishment, demolition and construction hours shall be restricted to;

Monday to Friday (inclusive)	07.00 to 18.00, and
Saturday	07.00 to 17.00

5. The applicant shall keep a legible record of all complaints made to the applicant or any employee or agent of the applicant in relation to noise or vibration arising from any activity to which the approval applies.
6. The record must include details of the following:
 - ☐ the date and time of the complaint
 - ☐ the method by which the complaint was made;
 - ☐ any personal details of the complaint which were provided by the complainant or, if no such details were provided., a note to that effect;
 - ☐ the nature of the complaint;
 - ☐ the action taken by the applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - ☐ if no action was taken by the applicant, the reason why no action was made.
7. The recorded of the complaint must be kept for not less than 4 years after the complaint was made.
8. On request the record must be produced to any authorised officer of the Council after the complaint was made.
9. The applicant or agent of the applicant shall operate during its construction hours a telephone complaints line for the full duration of the demolition and construction period for the purpose of receiving any complaints from members of the public in relation to activities conducted at the site or by the vehicle or mobile plant associated with the site.
10. The applicant shall notify the public of the complaints telephone number and the fact that it is a complaint line so that the impacted community knows how to make a complaint.
11. The applicant shall undertake to cease all site works on the report of damage to neighbouring buildings and structures. Works shall no recommence on the building site until the reported matter has been resolved to the satisfaction of the PCA or Council.

12. The applicant or the applicants agent shall implement throughout the duration of the demolition and construction period a noise and vibration impact complaints response protocol that ensures noise complaint, vibration complaints and noise and vibration complaints from noise sensitive receivers are investigated:
 - ❑ within 2 hours of receiving the complaint, and
 - ❑ in accordance with any prior complaint management agreement made with the complainant.
13. The applicant or the applicant's agent shall undertake noise, regenerated noise and or vibration monitoring as directed by the PCA or an authorised officer of the Council.

Operational Noise Control

14. All residential occupancies forming part of the proposal shall be designed and constructed so that the repeatable maximum internal $L_{Aeq, 1 \text{ hour}}$ level shall not exceed the following levels:
 - (i). In a naturally ventilated - windows closed condition :

Sleeping areas (nighttime only: 10.00pm-07.00am)	35dB(A)
Living areas (24 hours)	45dB(A)
 - (ii). In a naturally ventilated – windows open condition (ie, windows open 5% of the floor area, or attenuated natural ventilation open 5% of the floor area):

Sleeping areas (nighttime only: 10.00pm-07.00am)	45dB(A)
Living areas (24 hours)	55dB(A)
 - (iii). Where naturally ventilated – windows open noise condition cannot be achieved, it is necessary to incorporate mechanical ventilation or airconditioning.
 - (iv). In a mechanically ventilated or air conditioned space with door and windows closed the combined external and ventilation system $L_{Aeq, 1 \text{ hour}}$ level shall not exceed the following:

Sleeping areas (nighttime only: 10.00pm-07.00am)	38dB(A)
Living areas (24 hours)	46dB(A)
15. Prior to the issue of a Construction Certificate the applicant shall prepare a comprehensive Building Facade Design Assessment Report. As part of the report details of the glazing acoustic specifications and window/door types and ventilation requirements shall be nominated. The report shall certify compliance with the design goals. If the Construction Certificate is to be issued by a PCA, then a copy of the acoustic compliance report shall also be provided to Council.
16. The cumulative noise emission from all mechanical plant operating on the commercial/retail/residential premises shall not give rise to a sound level contribution exceeding the background noise level (without the plant operating) by more than 5dB(A) when assessed as an L_{Aeq} level (over 15 minutes) at any residential boundary or residential balcony. In accordance with standard recognised assessment procedures '*correction modifying factors*' shall be considered and applied where applicable.

17. The cumulative noise emission from all mechanical plant operating on the commercial/retail/residential premises shall not give rise to a sound level contribution exceeding $L_{Aeq, 15 \text{ min}}$ 59dB(A) (daytime), $L_{Aeq, 15 \text{ min}}$ 51dB(A) (evening) or $L_{Aeq, 15 \text{ min}}$ 50dB(A) (night), at any residential boundary or residential balcony. In accordance with standard recognised assessment procedures '*correction modifying factors*' shall be considered and applied where applicable.
18. Prior to the issue of a Construction Certificate the applicant shall prepare a comprehensive Mechanical Plant Acoustic Design Assessment Report. As part of the report details of the plant selections and installation requirements shall be nominated. The report shall certify compliance with the design goals. If the Construction Certificate is to be issued by a PCA, then a copy of the acoustic compliance report shall also be provided to Council
19. Prior to the release of the Occupation Certificate an assessment shall be undertaken by a qualified Acoustic Consultant (agreed by Council) and submitted to the PCA or Council for approval. If the Occupation Certificate is to be issued by a PCA, then a copy of the acoustic compliance report shall also be provided to Council. The report shall present the results and findings to certify that noise levels satisfy the requirements of Conditions 14, 16 and 17.
20. The operators of the commercial and retail premises shall ensure that their garbage contractors do not collect waste from their premises between the hours from 10.00pm to 7.00am (Monday to Friday) and 10.00pm to 8.00am (Saturday and Sunday).
21. The operators of the commercial and retail premises shall ensure that deliveries and unloading of vans and small trucks (Class 1 to Class 3 vehicles) occur between the hours from 7.00am and 8.00pm (Monday to Friday) and 8.00am to 8.00pm (Saturday and Sunday). No deliveries or unloading of vans and small trucks (Class 1 to Class 3 vehicles) shall be undertaken outside the above hours.
22. Operators of the commercial and retail premises shall ensure that deliveries and unloading of large or articulated trucks (larger than Class 4 vehicles) occur between the hours from 8.00am to 8.00pm (Monday to Friday) and 8.00am to 8.00pm (Saturday and Sunday). No deliveries or unloading of large or articulated trucks (larger than Class 4 vehicles) shall be undertaken outside the above hours
23. Operators of the commercial and retail premises shall ensure that trucks do not stand or park on the road way between Wentworth Avenue and the designated onsite truck parking and unloading areas
24. Operators of the commercial and retail premises shall ensure that activities associated with the unloading of trucks and general activities in the vicinity

of the loading docks shall not give rise to audible noise or the transmission of vibration and associated structural borne noise to any other occupancy.

I trust the information in this letter is satisfactory. Please do not hesitate to contact me if further information or clarification is required.

Yours sincerely,

ATKINS ACOUSTICS & ASSOCIATES PTY LTD.

Graham Atkins

Environmental Services Division Report No. 12
8-28 The Corso, Manly
Coles Redevelopment
Appendix G - Amendments to original DA submission.

COLES SITE REDEVELOPMENT
THE CORSO
MANLY

AMENDMENTS TO ORIGINAL DA SUBMISSION

20TH OCTOBER 2004

GENERALLY

1. FLOOR SPACE RATIO (FSR) REDUCED

- Originally FSR was 3.28:1
- FSR now reduced to 3.0:1

2. BUILDING BULK REDUCED

- Wentworth and Esplanade Buildings reduced in size

3. APARTMENT NUMBERS REDUCED AND RE-CONFIGURED

- 53 to 49 Dwellings

4. CORSO STREET FACADE REDESIGNED

- Facade now relates better to surrounding buildings

5. RESIDENTIAL ACCESS AND CIRCULATION MODIFIED

- Residential entry to Wentworth Building added
- New core to Wentworth Building
- Bridge elements between Wentworth and Esplanade Buildings deleted

6. DISABLED ACCESS AND FACILITIES UPGRADED

- 5 Adaptable units included

7. GARBAGE COLLECTION MODIFIED

- In discussion with Council's staff

Environmental Services Division Report No. 12

8-28 The Corso, Manly

Coles Redevelopment

Appendix G - Amendments to original DA submission.

AMENDMENTS

DRAWING No

REASON

1. Floor Space Ratio (FSR) Reduced

- Floor Space Ratio reduced from 3.28:1 to 3.0:1. Figures as defined by Manly Council LEP. - Approximately 770 sq m of building gross floor area reduced.	Reduced building bulk to meet Council guidelines regarding urban design and amenity issues.	DA 4B,09B
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2. Building bulk reduced

- Esplanade building reduced in bulk and repositioned - Increased building set back from 3.0 to 4.7 and 5.4m from southern side boundary - Increased upper levels of building set back to 25.8m from Corso boundary - Revised configuration at link from Corso building to Esplanade Building. - AC plant moved from roof to be contained within building. - South facade fenestration modified. - Wentworth building reduced in bulk - Increased southern end set back separation from Esplanade building and thereby reduced size of Wentworth building. - Corso Building reduced in bulk (see item 4).	Increased amenity both for apartments in our development and for the future development of the neighbouring property, being East Esplanade. Further reduce 'visibility' of western end of upper levels of Esplanade Building from Corso. Increased definition of buildings. Increased amenity for apartments. Reduced building bulk. Greater amenity for neighbours and future adjoining development. Reduced building bulk. Increased sun penetration to northern face of Esplanade Building.	DA 05 - 09B DA 08B,09B DA 05 - 07B DA 04B DA 12B DA 04 - 08B DA 11 - 12B
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3. Apartment numbers reduced and re-configured

- Four units deleted - Second level Esplanade and	Reduced building bulk and more generous circulation.	DA 05 - 07B
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Environmental Services Division Report No. 12

8-28 The Corso, Manly

Coles Redevelopment

Appendix G - Amendments to original DA submission.

- Wentworth DA 05B. - Third level Wentworth DA 06B. - Fourth level Wentworth DA 07B.		
- Storage areas for Coles reduced		DA 04B
- More flat plate units created	Greater residential amenity.	DA 05 - 07B
- Number of two storey dwellings eliminated		DA 04 - 07B
- Larger area, units created.	Greater residential amenity.	DA 04 - 07B

AMENDMENTS

REASON

DRAWING No

4. Corso street facade redesigned

- Facade modified to read as two distinct building elements	Stronger relationship to bulk and rhythm of adjoining buildings Reduction in apparent building bulk	DA 11B
- Facade stepped and further modulated - Most northern bay further recessed - Most southern section stepped up to 15m height limit - Roof terrace walls and access stairs reduced - Roof pergolas deleted	To relate better to smaller building to the north and larger building to the south	DA 06B, 07B, 11B
- Colour and fenestration changes	Clearer definition of building forms	
- Coles entry downsized - Capping element removed - Upper levels recessed - Lower levels more solid - Reduced signage position - More subtle awning detail	Reduce emphasis of Coles in facade treatment	DA 11B

5. Residential access and circulation modified

- Addition of separate entry to Wentworth building from Corso with lift access	More direct path of travel and reduced number of dwellings per lift and foyer	DA 02B,11B
- New foyer configuration level 1 Corso building		DA 04B
- Light wells added to circulation corridors in Corso and Wentworth buildings	Improved residential amenity	DA 04-08B

ATTACHMENT 7**Environmental Services Division Report No. 12****8-28 The Corso, Manly****Coles Redevelopment****Appendix G - Amendments to original DA submission.**

- Glass blocks added to Southern stair of Wentworth building.	Improved residential amenity	DA 05B
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6. Disabled access and facilities upgraded

- Four additional level 1 apartments in Corso building redesigned as adaptable apartments with car spaces converted to adaptable use.	Greater choice for potential disabled occupants.	DA 01B,04B
- Disabled WC's for Corso shops reconfigured	Greater access.	DA 02B
- Disabled WC added to basement carpark.	Greater access.	DA 01B

7. Garbage Collection Modified

- Garbage handling system refined with Manly Council Waste Department's input.	More efficient collection and recycling systems.	DA 01-02B
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TO: Land Use Management Committee - 4 April 2005
REPORT: Environmental Services Division Report No. 13
SUBJECT: 207-217 Pittwater Road, Manly
FILE NO: DA433/04

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

SUMMARY:

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

Environmental Services Division Report No. 13 (Cont'd)

LOCALITY PLAN

Shaded area is subject land.

**REPORT****Introduction**

As part of the original Development Application, development consent was sought for:

- operation of the service station and convenience store on a 24 hour / 7 day per week basis;
- operation of the self serve car wash and vacuums from 7am – 8pm Monday – Friday and 8am-8pm Saturdays and Sundays;
- closing time to extend to 9pm during daylight savings.

Prior to and at time of lodgment, the self serve car wash and vacuum had been installed and in operation. As this had been installed and commenced in operation without prior consent, this aspect of the proposal is the subject of separate Class 4 injunction proceedings in the Land and Environment Court. Since a change in ownership of the business, the service station's operating hours has also increased, however as the Council's original approval for the service station did not specify operating hours, this issue is addressed by way of the subject Development Application.

The Development Application was refused under delegation on the following grounds:

1. The proposal is not considered to satisfy the relevant objectives of the Residential Zone under Manly LEP 1988, particularly with respect to the objective of maintaining neighbours amenity.
2. Pursuant to Section 79C(b) of the EP&A Act the proposal, which is an intensification of an existing use is considered to result in unreasonable built impacts to the amenity of neighbouring dwellings in terms of noise levels and duration of operating hours, and light spread.
3. Pursuant to S.79C(d) of the EP&A Act the proposal is not considered to satisfactorily address issues raised in neighbours submissions.
4. Pursuant to S.79C(e) of the EP&A Act the proposal is considered unacceptable in context of the Public Interest.

Following refusal of the Development Application, Council's solicitors requested hours from Council that would be considered reasonable to overcome concerns of amenity impacts, primarily noise and light spread. The following hours were suggested and authorisation for submission by the General Manager:

Proposed trading hours (petrol bowsers and convenience store) 7:00am – 8pm, 7 days per week.

Reason – works and business operations that generate noise are generally not permitted in residential zone prior to 7am, and 8pm is when residents generally start to relax for the evening before retiring to bed.

Environmental Services Division Report No. 13 (Cont'd)**Car wash and vacuum hours**

Monday – Friday	8:30am – 6:00pm
Saturday	9:00am – 4pm
Sunday	no operation

Reason – operation of the car wash and vacuum generates additional traffic to the site. To minimise traffic noise as it impacts on neighbor's amenity and the residential zone, operations should be limited to these hours.

Following submission of the above suggested hours, the S.82A application was lodged seeking approval subject to a reduction in the operating hours as sought, except not consistent with those hours suggested, being:

General operation: 6:00am – 11:00pm Monday – Friday
 7:00am – 11:00pm Saturday, Sundays and Public Holidays

Carwash & vacuum: 7:00am – 8:00pm Monday – Friday
 8:00am – 8:00pm Saturdays
 8:30am – 8:00pm Sundays & Public Holidays

The site and surrounds

The site - The site is known as No.207-217 Pittwater Road, Manly and is located on the western side of Pittwater Road one allotment to the north of the intersection of Collingwood Street and Pittwater Road.

The site known as No. 207-217 Pittwater Road, Manly is legally described as Lot 1 in DP 829523. The site has a triangular like configuration, with a wide frontage addressing Pittwater Road. The frontage of the site is slightly curved with a width of approximately 62.0m to Pittwater Road, a western side boundary of 35.9m and a southern boundary of approximately 46.5m.

The site is level and is currently occupied with a single storey building comprising mechanical workshop, convenience store and toilets as well as a detached awning covering fuel pumps in the forecourt area. The coin operated carwash machine with hand held high pressure hose is located on the north side of the convenience store / service station building, with a fabric sail awning extending to the north and 2 vacuum machines at the northern edge. The air compressor for the high pressure hose is located behind the western side of the mechanical workshop under a pergola.

The Locality

The subject site is located on the western side corner of Pittwater Road (where the road bends), one allotment to the north of the intersection of Collingwood Street and Pittwater Road. The locality is primarily characterised by residential housing along Pittwater Road and local residential streets which intersect Pittwater Road. A small group of shops and offices with some shop top housing is located nearby to the south along both sides of Pittwater Road.

Development in the vicinity of the subject site comprise a mix of single storey dwellings together with single, two and three storey commercial and residential buildings. The property immediately to the south is developed with a two storey building containing retail at ground floor level and residential accommodation at first floor level. The property immediately adjoining to the west is a single storey semi detached dwelling. Land on the opposite side of Pittwater Road to the north is developed with a single and two storey dwellings.

Environmental Services Division Report No. 13 (Cont'd)

Pittwater Road is a semi arterial road that extends north/south through the suburb of Manly, extending from Belgrave Street (near the Manly CBD) to the subject site at its northern end, where the road then bends to the west and extends to intersect with Balgowlah Road.

Applicant's Supporting Statement

A detailed Statement of Environmental Effects has been submitted, addressing the relevant planning controls and addressing each of the reasons for refusal. In summary this suggests that the reduced hours of operating hours sought, combined with minor design amendments with regard to equipment noise result in amenity impacts being overcome, hence resolving the issues raised in the reasons for refusal.

Submissions

In response to the original Development Application, four submissions were received, being from 226 Pittwater Rd, 232 Pittwater Rd, 1/197 Pittwater Rd and 4 Golf Parade, Manly. In response to this S.82A application, submissions of objection were received again from 232 Pittwater Road. A submission from 4 Golf Parade was also made advising that they did not object to the amended proposal.

Concerns which were raised in submissions are identified and considered in context of the modified hours as proposed under the S.82 application, as follows:

Late night noise

The issue of late night noise included operation of carwash hoses, air compressor, vacuum, nuisance loitering late at night, late night fuel deliveries, early morning waste removal, late night loitering and tomfoolery causing nuisance noise. This issue was raised by all 4 objectors.

For No.4 Golf Parade, the uncontrolled operation of the air compressor may be particularly apparent, being located at the rear of the workshop adjacent to this dwelling. In addition, the open form of the carwash and vacuum area with no walls or acoustic barriers results in noise spread to this property, and to No's 226 and 232 Pittwater Road, which is considered likely to be more audible as traffic volumes and associated noise decreases into the evening. In this regard the carwash and vacuum facility could only be considered to reasonably operate if designed to minimise noise with acoustic barriers and its hours were restricted to 8am-6pm weekdays, and 9am-4pm Saturdays.

Further, it is stated that its late night use being a well lit premises with ample parking attracts gatherings, with incidences of shouting and nuisance behavior that can be heard by the adjacent residences. In view of the various noise sources, some which cannot be regulated, the issue of late night noise were supported as grounds for refusal of the subject development application.

The S.82 application addresses this issue by proposing reduced hours. It is acknowledged that the reduction in hours assists to reduce the extent of these impacts, however the operating hours are still considered excessive and likely to affect neighbour amenity.

In particular the operation of the carwash and vacuum beyond the suggested hours is considered unreasonable, causing audible noise early in the morning and in the evenings when the residential zone is generally expected to be relatively quiet and unaffected by noise from business operation. As the applicant has effectively rejected the suggested acceptable operating hours, this is grounds upon which the S.82A application is not supported.

Light spill

Being an existing service station it is accepted that lighting is required for evening and early operation, particularly during winter. However the extension of trading hours results in light spill

Environmental Services Division Report No. 13 (Cont'd)

becoming detractive to resident amenity, particularly to those dwellings located on the opposite side of Pittwater Road.

If the proposal were to limit trading hours to 8pm as suggested, the impact of such light spray may be considered acceptable however only if lighting were designed and installed to minimise light spill from the site. As this is not the case however, with the applicant seeking trading hours up until 11pm, this application for review of determination remains unacceptable with regard to light spill as it impacts on residential amenity.

Intensification of existing use rights in residential zone

The existing use rights that the proposal has made claims to is acknowledged, however the proposed carwash and vacuum facility are not considered strictly to operate ancillary to the existing business. This is submitted on the basis that the carwash may be separately used, being a coin operated self operated facility. Whilst its hours of operation is regulated by the convenience store, it may be independently used of the service station and therefore may be considered an additional and new use introduced to the site, rather than an ancillary use. Consequently this additional new use is not considered to benefit from existing use rights. More significantly however, it represents an intensification of the use of the site thereby increasing amenity impacts of noise and light spray to the residential surrounds, on which basis the proposal is considered unreasonable given its residential context and zoning.

It is noted in the objections that residents lived in "peaceful co-existence" with the service station until December 2003, suggesting that the intensification of use resulting from the addition of the carwash and vacuum facility and the extension of trading to 24 hours has been the cause of objections rather its original existence as a daytime trading service station. Whilst proposed operating hours have been reduced as proposed in this review of determination, as these objections have resulted in Council serving an injunction to the applicant to cease such operations (as proposed in this Development Application) this is considered to further suggest that the intensification of use is unreasonable from a residential amenity perspective and is not warranted for support.

Increased amenity impacts to surrounding residential area

This has been addressed under the issues of objection discussed above and is recognized as an amenity issue that consequently warrants refusal of the development application.

24 hour trading and car washing commencing without approval

This is acknowledged with Council having taken proceedings against the applicant by means of an injunction to cease the carwash operation. It is also noted that this S.82 application for review of determination reduces proposed trading hours such that they are not 24 hours per day, however this does not justify the unauthorised installation and operation of the car wash and vacuum.

Operation within conservation area is insensitive

Council's Heritage Officer has advised that the carwash bay addition with sail cloth awning is not considered to substantially increase the visual impact of the existing service station. On this basis it is considered acceptable from a visual perspective in context of its conservation area setting along Pittwater Road. Notwithstanding it is not considered to warrant approval of the development application given the greater significance of amenity loss issues as discussed previously.

Environmental Services Division Report No. 13 (Cont'd)**Precinct Community Forum Comments**

"Annie Evans, rear neighbour of the service station, objected to the application for reasons associated with noise from the compressor, car wash, and patrons (especially patrons leaving Manly Fisho's at closing time).

The applicants took questions and spoke about the proposal and agreed the following times with the objector.

Compressor and car wash not to commence before 7am on week days and 8:30am on weekends and public holidays. Compressor and car wash to be switched off at 8pm at all times. Timing switches are to be installed to ensure this occurs.

The service station and convenience store may trade 24 hours. 24 hour trade is to be on a 6 month trial basis only as is timing of the compressor and car wash."

Motion: That the agreed operating hours are approved on a 6 month trial basis.

Moved: Rebecca Crawford

Seconded: Peter Armstrong

Passed: Unanimous."

Engineers Comments

N/A for this S.82A application.

Building Comments

N/A for this S.82A application.

Landscape Architects Comments

N/A for this S.82A application.

Planning Comments***Manly LEP 1988***

The site is located in Zone No.2 – The Residential Zone which prohibits service stations within the zone.

Notwithstanding the proposal benefits from "existing use rights" thereby permitting the existing use which was approved by development consent to continue.

The proposal is not considered to satisfy the objectives of the Residential Zone however. In particular objective (f) of the Residential Zone is relevant:

- (f) *To allow development for purposes other than housing within the zone only if it is compatible with the character and amenity of the locality.*

The existing service station and convenience store is considered an acceptable use within the residential zone under its existing use rights. The intensification of these existing use rights however by means of extending operating hours and the addition of a self operated carwash with vacuum available for use from early in the morning (7am) until into the evenings (8pm), and including Sunday (8:30am – 8pm) is considered unreasonable.

This is submitted on the basis of its location within the residential zone, with the intensification of use causing increased amenity impacts to surrounding residents as evidenced in several submissions of objection. Issues of objection particularly identify noise and light spray from the

Environmental Services Division Report No. 13 (Cont'd)

extension of hours, with evening noise including operation of high pressure carwash hoses, air compressor, vacuums, nuisance loitering late at night, late night fuel deliveries, early morning waste removal, and late night loitering and tomfoolery causing nuisance noise.

The noise generated by the proposal is considered to be more audible early in the morning and in the evenings to neighbouring residents before and after the volume of traffic flow and associated traffic noise decreases along Pittwater Road. Early morning operation from 6am and evening operation until 11pm is associated with hours of rest and sleeping, thereby making such noise more detractive to residential amenity, and below a level of quality that may be reasonably expected.

Accordingly the proposal is not considered to satisfy the LEP objectives of the Residential Zone, and therefore is not recommended for approval.

Response to reasons for refusal

The four reasons for refusal to the original Development Application as stated below are considered to remain justified with reasons provided.

- 1. The proposal is not considered to satisfy the relevant objectives of the Residential Zone under Manly LEP 1988, particularly with respect to the objective of maintaining neighbours amenity.*

As stated above the proposal as amended is considered to remain unsatisfactory in context of its residential surrounds and zoning. In particular it is considered to result in adverse amenity impacts to neighbouring properties in terms of noise and light spread from its early morning and evening operations.

- 2. Pursuant to Section 79C(b) of the EP&A Act the proposal, which is an intensification of an existing use is considered to result in unreasonable built impacts to the amenity of neighbouring dwellings in terms of noise levels and duration of operating hours, and light spread.*

As discussed, the proposal is considered an unsympathetic intensification to the existing use by virtue of the unauthorised addition of the carwash and vacuum operation, and the extension to the service station operating hours. As it is located in a residential zone with residential dwellings in its surrounds, such intensification of use is considered to result in an unreasonable increase in built impacts in terms of the level and duration of noise generated from its operation.

- 3. Pursuant to S.79C(d) of the EP&A Act the proposal is not considered to satisfactorily address issues raised in neighbours submissions.*

Although no submissions of objection have been raised under this S.82A Application for Review of Determination, which seeks a reduction in extension to trading hours, the issues raised in the submissions to the original Development Application are considered to remain unsatisfactorily resolved.

- 4. Pursuant to S.79C(e) of the EP&A Act the proposal is considered unacceptable in context of the Public Interest.*

The installation and operation of the carwash and vacuum facility has commenced on an unauthorised basis without development consent. As retrospective consent cannot be legally granted under the EP&A Act, the unauthorised carwash and vacuum facility and their extensive hours of operation on a 7 day a week basis remain to be considered against the public interest. Further, the extension of trading hours to commence as early as 6am and as late as 11pm is considered unsympathetic to its residential surrounds and zoning and therefore contrary to the public interest.

Environmental Services Division Report No. 13 (Cont'd)**CONCLUSION:**

This S.82A application for review of determination has been assessed in response to issues raised to the original development application, the suggested acceptable hours of operation that were advised to the applicant, and their revised proposed hours of operation (and other amendments).

The main issue arising from this S.82A Review of Determination is that of noise from operation of the service station and the unauthorised operation of the new carwash and vacuum facility. The installation and operation of the carwash and vacuum facility without obtaining prior development consent cannot be granted consent on a retrospective basis under the provisions of the Environmental Planning and Assessment Act, 1979. Further the Land and Environment Court has made several judgements to the effect that retrospective consent cannot be legally granted to development / works already carried out.

Having regard to Council's previous determination made pursuant to Section 79C and the Manly Local Environmental Plan 1988 the decision to refuse the original development application as amended by this S.82A application remains to be considered warranted and is recommended again for refusal.

RECOMMENDATION

THAT in its review of determination pursuant to Section.82A of the Environmental Planning and Assessment Act, 1993, Council resolve to refuse the Development Application 433/04 for 207-217 Pittwater Road, Manly, on the following grounds:

1. The proposal is not considered to satisfy the relevant objectives of the Residential Zone under Manly LEP 1988, particularly with respect to the objective of maintaining neighbours amenity.
2. Pursuant to Section 79C(b) of the EP&A Act the proposal, which is an intensification of an existing use is considered to result in unreasonable built impacts to the amenity of neighbouring dwellings in terms of noise levels and duration of operating hours, and light spread.
3. Pursuant to S.79C(d) of the EP&A Act the proposal is not considered to satisfactorily address issues raised in neighbours submissions.
4. Pursuant to S.79C(e) of the EP&A Act the proposal is considered unacceptable in context of the Public Interest.

ATTACHMENTS

There are no attachments for this report.

LUM040405ESD_6

***** End of Environmental Services Division Report No. 13 *****

TO: Land Use Management Committee - 4 April 2005
REPORT: Environmental Services Division Report No. 14
SUBJECT: 51 Whistler Street, Manly
FILE NO:

SUMMARY

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

LOCALITY PLAN

Shaded area is subject land.



REPORT

Introduction

The subject site is located on the western side of Whistler Street two lots to the north of the intersection of Whistler Street and Carlton Street. The allotment is rectangular in configuration having a frontage of 12.192m and a depth of 33.909m along the north side boundary and 33.71m along the south side boundary. The land is within the Residential Zone and is currently developed with a two storey building originally used as an assembly building (Masonic Hall) with approved office use on the ground floor and unauthorised use of the first floor level for Yoga classes.

Council at it's Land Use Management meeting of 6 December, 2004, resolved to grant consent for the use and fit out of the ground floor level for office purposes with a second part of the resolution as follows:

"That a further report be provided to Council on the use of the centre for yoga."

Report

The land is within the residential zone and under the provisions of the Manly Local Environmental Plan 1988, the use for yoga classes being a recreational use is permissible with development consent. A review of Council's records has failed to show that any development application was lodged or that any development consent exists for the use of the premises for yoga classes.

Environmental Services Division Report No. 14 (Cont'd)

The use for yoga classes is unauthorised any under the provisions of Section 121B of the Environmental Planning and Assessment Act 1979, Council may serve an order requiring the operator to cease use of the premises for a purpose for which development consent is required but has not been obtained.

The date when yoga classes commenced is not known however a previous report to Council in February 2001 referred to the "...current use as a yoga centre". More recently during Council's assessment of the development application for use of the ground floor as office space, Council received submissions from adjoining and nearby property owners raising concern that any approval would legitimise the yoga classes and that the yoga classes generate extra traffic and competition for available street car parking spaces (this issue is compounded because yoga classes run outside normal business hours and on weekends). Other concerns raised were lighting and noise associated with patrons using the toilets with access via outside pathway which adjoins residential land. Council when issuing the consent for the ground floor office fit out included a condition requiring provision of toilets to the first floor level.

Council also received a complaint from a nearby property owner on 17 December, 2004, raising issues of traffic, erection of signs and general impacts. Council received a complaint on 11 February, 2005, concerning noise from clapping and counting before 9.00am. Council's compliance officer raised the complaint with the owner of the subject premises who gave a verbal undertaking to attend to noise issues. A further letter of complaint was received 25 February, 2005.

Advertising material associated with the yoga centre show classes begin at 6.30am Mondays, Tuesdays and Thursdays, 6.00am Wednesdays and Fridays, 7.00am Saturdays and 8.00am Sundays. Classes begin in the evenings at 7.15pm Mondays, Tuesdays and Wednesdays, 7.30pm Thursdays, 6.30pm Fridays, 4.00pm Saturdays and Sundays.

CONCLUSION:

The use of the centre for yoga classes is currently the subject of complaints regarding amenity issues and the use is unauthorised. Accordingly it is recommended that Council take the necessary steps under the orders provisions of the Environmental Planning and Assessment Act 1979 to cease the unauthorised use.

RECOMMENDATION

That Council serve the appropriate Notice of Intention to Issue an Order under Section 121B of the Environmental Planning and Assessment Act 1979 on the owner of the premises at 51 Whistler Street, Manly, to cease the use of the premises for yoga classes.

ATTACHMENTS

There are no attachments for this report.

LUM040405ESD_4

***** End of Environmental Services Division Report No. 14 *****

TO: Land Use Management Committee - 4 April 2005
REPORT: Environmental Services Division Report No. 15
SUBJECT: 3 Cove Avenue, Manly
FILE NO: DA486/04
PREVIOUS ITEMS: 2, Land Use Management Committee (7 February 2005)

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

SUMMARY:

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

Environmental Services Division Report No. 15 (Cont'd)**LOCALITY PLAN**

Shaded area is subject land.

**REPORT****Introduction**

The site is located on the upper south-eastern side of Cove Avenue, Manly. It has diagonally offset front and rear boundaries with a northern frontage to Cove Ave of 15.24m and side boundaries of 44.25m for a total area of 643m². The site also has a fall towards the front boundary of approximately 5 metres.

Existing development on the site comprises a single storey dwelling of brick construction with pitched tile roof. Parking is not provided on the site. Landscaping comprises a mixture of lawns, terraced gardens with shrubs and small trees. Oblique filtered views to Manly Cove and its foreshore are available from the dwelling and front of the site looking to the north-west.

Neighbouring development comprises a mix of dwellings and residential flat buildings, with a 3 storey residential flat building (No.1 Cove Ave) to the north, a 2 storey residential flat building neighbouring to the south (No.5 Cove Ave) and a multi storey residential flat building on the opposite side of the street. From inspection it is noted that No's 1 and 5 have balconies and windows oriented towards the north to capture the water and foreshore views.

Development consent is sought for demolition of the existing dwelling and construction of a 2 storey residential flat building comprising 2 units and basement parking with 4 car spaces. A new driveway crossing will also be constructed to facilitate access. Each unit will be 3 bedrooms with front, rear and side terraces. Landscaping comprises a mix of shrubs and trees as detailed in the landscape plan, with one evergreen tree in the front garden to be removed.

The application was presented to Council at it's Land Use Management meeting of 7 February, 2005, (see report attached) where Council resolved as follows:

- “(a) That Development Application No 486/04 for demolition and construction of a 2 storey Residential Flat Building with basement parking at 3 Cove Avenue, Manly, be deferred until an independent assessment including the FSR is completed.
- (b) That this independent assessment of FSR is not taken as a precedent for any future development applications.”

The proposal was referred to Symons Goodyer Pty Ltd Town Planning consultants, who have provided Council with an assessment of the FSR (see copy of response attached). The consultants report concludes that the proposed FSR is 0.64:1. The FRS permitted under Council's Residential DCP in this location is 0.6:1. Council's report previously before Council reported a staff assessment of RSF as being 0.59:1. The difference being approximately 32m² is attributed to the inclusion of entrance stairway and portions of the basement garage. The Consultants assessment is considered to confirm the view that the proposal is generally consistent with the DCP numeric requirement in respect of FSR. Accordingly the application is recommended for approval subject to conditions.

Environmental Services Division Report No. 15 (Cont'd)**Development Control Plan Numerical Assessment**

The following is an assessment of the proposal's compliance with the numerical standards of the D.C.P. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

	Provision	Proposal	Compliance
Density	250m ² / dwelling	322m ² / dwelling	Yes
FSR	0.6:1 / 386m ²	380m ² / 0.59:1	Yes
Wall Height	7.25m (1:8.4 slope)	4.5m – 7.1m	Yes
Roof Height	3.0m	1.8m	Yes
Fence height	1.5m (1m solid)	1.2m	Yes
Setback - Front	6.0m	4.0m	No
Setback – Rear	8.0m	8.6m	Yes
Setback – side	1.6m - 2.3m north-east		
	1.2m for middle terrace	2.0m – 3.0m excl. 1.0m to terrace	Yes
	1.6m to front terrace	2.0m to terrace	Yes
	1.5m – 2.4m south-west		
	2.0m to lobby wall	2.0m – 3.8m	Yes
		1.4m to lobby	No
Open Space	354m ² / 55% min	420m ² / 65.3%	Yes
Open Space Soft	35% min of O/S	230m ² / 55%	Yes
No of Endemic Trees	2	2	Yes
Car Parking Residents	3	4	Yes
Excavation	Max 3.0m	3.0m – basement	Yes
Overshadowing	Min 4hrs sunlight to neighbours living areas	>4 hrs maintained to neighbours	Yes
	Open space max 1/3	1/3	Yes

Applicant's Supporting Statement

The applicants, Statement of Environmental Effects and Visual Impact Assessment, is on file.

Submissions

Eight submissions were received, being from the neighbouring unit owners at No's 1 and 5 Cove Avenue. Issues raised are loss of views, privacy, overshadowing, visual bulk, front setback, floor space ratio, side setback, excavation and parking.

Precinct Community Forum Comments

Minutes of the Little Manly Precinct Community Forum Meeting held on 10h November 2004

Environmental Services Division Report No. 15 (Cont'd)

DA 486/04 - 3 Cove Ave., demolish and construct 2 storey residential flats.
Architect R. Blackmore and residents of adjoining properties, numbers 1 and 5 all of whom were represented, attended.

Objections covered:

- Excessive excavation
- Unacceptable front setback
- Unacceptable side setback
- Height excessive causing view loss and privacy and overshadowing
- Misleading description of existing roof line
- Plans and sketches confusing including garage measurements.

The meeting noted the absence of the owners and recommend to Council that both parties meet in arbitration with the above

Minutes of the Little Manly Precinct Community Forum Meeting held on 12th January, 2005.

DA 486/04 - 3 Cove Avenue (*Correction*) discussed at November meeting. The minuted response from Precinct did not include the strong recommendation for an immediate template. Residents are angry that Council is not supporting their concerns that the development is clearly outside the DCP and in not supporting their request for a template and further consideration of the serious concerns already expressed by immediate neighbours and the comments from this Precinct. *The precinct committee apologise for omitting reference in the November minutes to the request for a template which was in fact agreed.*

Engineers Comments

An on-site detention system is required with plans to be submitted and certified prior to issue of a Construction Certificate. Construction of a vehicle footpath crossing and kerb layback is also required and is to be completed prior to issue of an Occupation Certificate.

Building Comments

Standard conditions of consent advised.

Landscape Architects Comments

Standard conditions of consent advised.

Planning Comments***Manly Local Environmental Plan 1988***

The site is located in Zone No.2 – The Residential Zone which permits dwelling houses with the consent of Council. The proposed development is defined as “residential flat building” and is permissible with consent in the zone.

The proposal is considered to satisfy the objectives of the residential zone, maintaining the character and amenity of its residential locality, improving landscape quality on the site, thereby representing a suitable redevelopment of the site.

Foreshore Scenic Protection Area

The site is also located within the Foreshore Scenic Protection Area. Pursuant to Clause 17 of the LEP the proposal is considered in keeping with the size and form of development in the surrounds, with a well articulated form assisting to reduce its visible bulk, and additional planting in the front

Environmental Services Division Report No. 15 (Cont'd)

garden area adjacent to the street. It is also considered favourable in context with the bulk and scale of neighbouring flat buildings in the street and is primarily out of view from the waterways. Accordingly its appearance is considered acceptable in terms of its foreshore setting.

Sydney Regional Environmental Plan No.23

The site is covered by this plan, however, as noted above the building is largely out of view from the waterways and is not contrary to any of the objectives of this Plan.

Manly DCP for the Residential Zone 2001

As identified in the DCP compliance table, the proposal complies with most of the DCP's provisions apart from minor departures.

Front setback

The front balconies extend forward of the 6.0m front building line. The DCP permits this where the proposal demonstrates that this will not impact on the streetscape or neighbour's amenity. As the front of the balconies aligns with the de-facto setback with No's 1 and 5, and that the DCP permits this, the proposal is considered to satisfy the front setback provisions.

Side setback

The departure to the side setback is limited to minor portions along both side elevations, being for the middle north side terraces and lobby entry on the southern side. The position of these is considered acceptable on the basis that they do not result in excess overshadowing, privacy loss, visual bulk, view loss or overshadowing.

Solar access

The site has a north-south alignment whereby the DCP requires a minimum of 4 hours direct sunlight to be retained to windows of this neighbouring dwelling. Analysis of the shadow diagrams reveals that both the eastern and western residential flat buildings will continue to receive at least 4 hours direct sunlight as required to their internal living areas and rear garden areas. It is noted that overshadowing at the summer solstice may increase towards the rear yard of No.1 however this will not occur until sometime after 3pm with this rear yard being unaffected by shadows from the proposal before then.

Privacy

The proposal has side facing windows towards No.1 however by virtue of the offset stepped wall alignment of No.1 its side facing windows and balconies are diagonally offset, thereby reducing the degree of overlooking. It is also noted that the front side facing windows from the proposal have external wrap around balconies with louvered privacy screen attached to minimise potential overlooking. This is also the case for the side facing terraces where there are louvered privacy screen attached, which is considered to satisfactorily reduce potential overlooking.

View sharing

As noted oblique filtered views to Manly Cove and its foreshore reserve are available looking north-west across the front of the site. The forward position of the front upper balcony may reduce the width of such views from the upper front deck of No.5, however as the Pine tree in the front garden (which obscures this view) will be removed, the view on balance may be partially improved. Notwithstanding, as the views are further filtered by trees along the foreshore reserve, are narrow in width and are at an oblique angle to their primary outlook, the view as such is not considered a significant element of amenity to No.5.

Comments on Submissions*Loss of views*

Environmental Services Division Report No. 15 (Cont'd)

From inspection, the only views that may be affected are from the front of No.5. As a tree which obscures the water view is being removed, the forward positioning of the front balconies is not considered on balance to result in an unreasonable loss of an oblique view.

Privacy

The provision of louvres attached to the side facing balconies are considered to satisfactorily reduce potential overlooking into the neighbouring units.

Overshadowing

From assessment the proposal satisfies the provisions for solar access. Whilst there will be some increase in overshadowing to the neighbouring units it is also noted that the proposal complies with the height provisions and generally complies with the setback provisions, therefore it is not considered to result in unreasonable overshadowing impacts.

Visual bulk

In context of the surrounds the proposal is considered favourable in bulk and scale, with a well articulated façade and additional landscaping.

Front setback

The front balconies extend forward of the 6.0m front building line. The DCP permits this where the proposal demonstrates that this will not impact on the streetscape or neighbour's amenity. A condition is included in the Recommendation requiring the footprint to be setback a further 600mm to ensure consistency with development adjoining each side.

Compliance with FSR

The proposal is considered to be generally compliant with the FSR for the site and is not considered an overdevelopment.

Side setback

The departure to the side setback is limited to minor portions along both side elevations, being for the middle north side terraces and lobby entry on the southern side. A condition is included in the Recommendation to require compliance with side setback requirements for the whole of the building.

Excavation impacts

The proposal complies with the maximum permissible excavation depth of 3.0m. Notwithstanding given the extent of excavation a geotechnical assessment and dilapidation report are both acknowledged to be a requirement and are recommended as part of conditions of consent.

Parking provision

The proposal provides 4 parking spaces which is surplus to the minimum requirement of 3 spaces. In terms of construction management, the limited street parking situation is acknowledged therefore a construction management plan is advised as a condition of consent to be submitted to Council prior to issue of a Construction Certificate.

Environmental Planning and Assessment Act 1979, S.79C

Environmental Services Division Report No. 15 (Cont'd)

The proposal has been considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, relevant State Planning Policies, the Manly Local Environmental Plan, 1988 and the Development Control Plan for the Residential Zone 2001.

From this assessment the proposal is considered a satisfactory form of development, with departures to the front and side setback provisions considered acceptable on merit. Further it is considered to satisfactorily address issues raised in submissions subject to complying with conditions of consent with respect to submission of a construction management plan to address parking and access for construction vehicles. Consequently the proposal is considered satisfactory.

CONCLUSION:

The application has been assessed pursuant to Section 79C of the EP&A Act, including the Manly Local Environmental Plan 1988 and the Manly Development Control Plan for the Residential Zone, and is considered consistent with the intent of relevant planning controls, maintaining a form of development consistent with the surrounds with no unacceptable amenity impacts identified. The design is also considered satisfactory on merit in response to issues raised in submissions such that it may be considered within the public interest and recommended for approval.

RECOMMENDATION

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

1. This approval relates to drawings/plans Nos. A01-A07, Issue B and Landscape Plan dated September, 2004 and received by Council on the 8th October, 2004.
2. The existing row of conifer trees at the rear are to be protected during construction work and retained.
3. A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The Principal Certifying Authority shall ensure that the design complies with the above said specification **prior to the issue of the Construction Certificate.**
4. On completion of the drainage works the applicant is required to submit work as executed drawings of the on site stormwater detention system. The work as executed drawings shall be certified by a Chartered Professional Engineer and submitted to Council **prior to the Occupation Certificate is issued.**
5. A positive covenant and the restriction on the use of land shall be imposed over the area of land affected by on site stormwater absorption/ detention system. The standard wording of the positive covenant shall be obtained from Council's "Specification for on-site Stormwater Management 2003" (Appendix A). The positive covenant shall be imposed **prior to the release of the Trust Fund Deposit.**
6. The construction of a vehicular footpath crossing and kerb layback is required. The design and construction shall be in accordance with Council's "Specification for Construction of Vehicular Crossings". The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specification. The work shall be inspected and approved by Council officers. All works shall be carried out **prior to issue of the Occupation Certificate.**

Environmental Services Division Report No. 15 (Cont'd)

7. A Construction Management Plan is to be submitted to Council **prior to issue of a Construction Certificate**. This shall detail location of construction materials and possible construction vehicle parking so as to minimise conflict with resident street parking and through access for Cove Avenue.
8. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$10.000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

9. Any adjustment to the public utility service is to be carried out in compliance with their standards and the cost is to be borne by the applicant.
10. Details of the builder's name and licence number contracted to undertake the works shall be provided to Council **prior to issue of the Construction Certificate**.
11. Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council **prior to issue of the Construction Certificate**.
12. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.
13. Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.
14. A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm.

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

15. All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.
16. Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

Environmental Services Division Report No. 15 (Cont'd)

17. Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.
18. Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.
19. The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.
20. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
21. The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
22. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
23. An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.
24. Four (4) sets of Architectural drawings and Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate**.
25. Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.
26. A system of onsite stormwater detention shall be provided within the property in accordance with Council's "Specification for on-site stormwater management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

The specification can be downloaded from Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council.

27. The basement carparking level is to be adequately protected from flooding. Details are to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.
28. All demolition is to be carried out in accordance with AS2601-1991.
29. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
30. A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000.

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

Environmental Services Division Report No. 15 (Cont'd)

received.

31. The building being erected in Type B construction for a Class 2 & 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.
32. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
33. All sound producing plant and equipment being installed and operated in such a manner so as not to create a noise nuisance.
34. Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.
35. **Prior to the commencement of any works** on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate**.
36. Prior to the sale, transfer, assignment or other disposal of or leasing or parting with provision of any part of the land subject to this approval, a copy of the approval shall be given to the purchaser, transferee, assignee, leasee, occupier or other person of that part of the land.
37. The works require the following inspection/certification during the course of construction:-
 - Silt control fences x 1
 - Footing inspection - trench and steel x 1
 - Reinforced concrete slab x 3
 - Wet area moisture barrier x 2
 - Drainage inspection x 1
 - Driveway crossing/kerb layback x 1
 - Landscaping inspection x 1
 - Retaining wall x 1
 - Final inspection

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

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

38. An Occupation Certificate is to be issued by the Principal Certifying Authority **prior to occupation of the development**.
39. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
40. De-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:
 - a) Ground water or other water to be pumped from the site into council's stormwater

Environmental Services Division Report No. 15 (Cont'd)

system must be sampled and analysed by a NATA certified laboratory or Manly Council for compliance with ANZECC Water Quality Guidelines.

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

- 41. Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority **prior to the commencement of framework.**
- 42. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
- 43. Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- 44. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
- 45. The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land.

The measures must include:-

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

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

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

- 47. Approval of the application to Strata Subdivide the subject property is subject to the lodgement of a linen plan for certification and payment of the appropriate fee.

Environmental Services Division Report No. 15 (Cont'd)

48. Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".
49. **Prior to issue of the Occupation Certificate**, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".
50. In accordance with the Roads Act 1993, written consent from Council shall be obtained and shall be in hand prior to any track-equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.
51. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.
52. Applications for a construction zone on a local road require 28 days notice to Council indicating location and length. All construction zones require the approval of the Manly Traffic Committee.
53. Payment of \$5456.10 for the 1 additional dwelling in respect of the contribution for the provision of the public amenities and public services shall be in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979. Arrangements for such payment is to be made in accordance with Council's policy, **prior to issue of the Construction Certificate**.

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

54. A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund **Deposit prior to the issue of the Construction Certificate**.
55. A geotechnical engineer's report regarding the stability of the site is to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.
56. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.
57. The building footprint be pushed back 600mm.
58. Reduce front balconies to 3m in depth.
59. The portico structure be removed.
60. Side boundary decks and lobby be brought in line with rest of building.
61. Observe right of way as per DP15065 i.e 1.5m wide driveway.
62. Existing row of conifer trees at rear of boundary be protected by way of a tree bond.

Environmental Services Division Report No. 15 (Cont'd)

ATTACHMENTS

AT-1	February 2005 LUM Report	12 page(s)
AT-2	Report from Symons Goodyer re: Floor Space Ratio	2 page(s)

LUM040405ESD_9

***** End of Environmental Services Division Report No. 15 *****

ATTACHMENT 1

Environmental Services Division Report No. 15

3 Cove Avenue, Manly

February 2005 LUM Report

LAND USE MANAGEMENT COMMITTEE

7 FEBRUARY 2005

TO: Land Use Management Committee - 7 February 2005

REPORT: Environmental Services Division Report No. 2

SUBJECT: 3 Cove Avenue, Manly

FILE NO: DA486/04

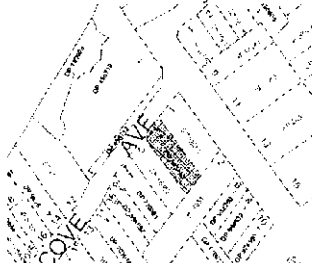
<u>Application Lodged:</u>	8/10/2004
<u>Applicant:</u>	Mojocharm
<u>Owner:</u>	Shamia family
<u>Estimated Cost:</u>	\$750,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential Foreshore Scenic Protection Area
<u>Surrounding Development:</u>	2 - 4 storey detached dwellings and residential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

SUMMARY:

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

LOCALITY PLAN

Shaded area is subject land.



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3 Cove Avenue, Manly

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Environmental Services Division Report No. 2 (Cont'd)

REPORT

Introduction***The site and surrounds***

The site is located on the upper south-eastern side of Cove Avenue, Manly. It has diagonally offset front and rear boundaries with a northern frontage to Cove Ave of 15.24m and side boundaries of 44.25m for a total area of 643m². The site also has a fall towards the front boundary of approximately 5 metres.

Existing development on the site comprises a single storey dwelling of brick construction with pitched tile roof. Parking is not provided on the site. Landscaping comprises a mixture of lawns, terraced gardens with shrubs and small trees. Oblique filtered views to Manly Cove and its foreshore are available from the dwelling and front of the site looking to the north-west.

Neighbouring development comprises a mix of dwellings and residential flat buildings, with a 3 storey residential flat building (No.1 Cove Ave) to the north, a 2 storey residential flat building neighbouring to the south (No.5 Cove Ave) and a 3 storey residential flat building on the opposite side of the street. From inspection it is noted that No's 1 and 5 have balconies and windows oriented towards the north to capture the water and foreshore views.

Proposed development

Development consent is sought for demolition of the existing dwelling and construction of a 2 storey residential flat building comprising 2 units and basement parking with 4 car spaces. A new driveway crossing will also be constructed to facilitate access. Each unit will be 3 bedrooms with front, rear and side terraces. Landscaping comprises a mix of shrubs and trees as detailed in the landscape plan, with one evergreen tree in the front garden to be removed.

Development Control Plan Numerical Assessment

The following is an assessment of the proposal's compliance with the numerical standards of the D.C.P. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

	Provision	Proposal	Compliance
Density	250m ² / dwelling	322m ² / dwelling	Yes
FSR	0.6:1 / 386m ²	380m ² / 0.59:1	Yes
Wall Height	7.25m (1:8.4 slope)	4.5m – 7.1m	Yes
Roof Height	3.0m	1.8m	Yes
Fence height	1.5m (1m solid)	1.2m	Yes
Setback - Front	6.0m	4.0m	No
Setback – Rear	8.0m	8.6m	Yes
Setback – side	1.6m - 2.3m north-east 1.2m for middle terrace 1.6m to front terrace 1.5m – 2.4m south-west 2.0m to lobby wall	2.0m – 3.0m excl. 1.0m to terrace 2.0m to terrace 2.0m – 3.8m 1.4m to lobby	Yes No Yes Yes No
Open Space	354m ² / 55% min	420m ² / 65.3%	Yes

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Open Space Soft	35% min of O/S	230m ² / 55%	Yes
No of Endemic Trees	2	2	Yes
Car Parking Residents	3	4	Yes
Excavation	Max 3.0m	3.0m – basement	Yes
Overshadowing	Min 4hrs sunlight to neighbours living areas	>4 hrs maintained to neighbours 1/3	Yes
	Open space max 1/3		Yes

Applicant's Supporting Statement

The applicants, Statement of Environmental Effects and Visual Impact Assessment, is on file.

Submissions

Eight submissions were received, being from the neighbouring unit owners at No's 1 and 5 Cove Avenue. Issues raised are loss of views, privacy, overshadowing, visual bulk, front setback, floor space ratio, side setback, excavation and parking.

Precinct Community Forum Comments**Minutes of the Little Manly Precinct Community Forum Meeting held on 10h November 2004**

DA 486/04 - 3 Cove Ave., demolish and construct 2 storey residential flats.
Architect R. Blackmore and residents of adjoining properties, numbers 1 and 5 all of whom were represented, attended.

Objections covered:

- Excessive excavation
- Unacceptable front setback
- Unacceptable side setback
- Height excessive causing view loss and privacy and overshadowing
- Misleading description of existing roof line
- Plans and sketches confusing including garage measurements.

The meeting noted the absence of the owners and recommend to Council that both parties meet in arbitration with the above

Minutes of the Little Manly Precinct Community Forum Meeting held on 12th January, 2005.

DA 486/04 - 3 Cove Avenue (*Correction*) discussed at November meeting. The minuted response from Precinct did not include the strong recommendation for an immediate template. Residents are angry that Council is not supporting their concerns that the development is clearly outside the DCP and in not supporting their request for a template and further consideration of the serious concerns already expressed by immediate neighbours and the comments from this Precinct. *The precinct committee apologise for omitting reference in the November minutes to the request for a template which was in fact agreed.*

Engineers Comments

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An on-site detention system is required with plans to be submitted and certified prior to issue of a Construction Certificate. Construction of a vehicle footpath crossing and kerb layback is also required and is to be completed prior to issue of an Occupation Certificate.

Building Comments

Standard conditions of consent advised.

Landscape Architects Comments

Standard conditions of consent advised.

Planning Comments

Manly Local Environmental Plan 1988

The site is located in Zone No.2 – The Residential Zone which permits dwelling houses with the consent of Council. The proposed development is defined as “residential flat building” and is permissible with consent in the zone.

The proposal is considered to satisfy the objectives of the residential zone, maintaining the character and amenity of its residential locality, improving landscape quality on the site, thereby representing a suitable redevelopment of the site.

Foreshore Scenic Protection Area

The site is also located within the Foreshore Scenic Protection Area. Pursuant to Clause 17 of the LEP the proposal is considered in keeping with the size and form of development in the surrounds, with a well articulated form assisting to reduce its visible bulk, and additional planting in the front garden area adjacent to the street. It is also considered favourable in context with the bulk and scale of neighbouring flat buildings in the street and is primarily out of view from the waterways. Accordingly its appearance is considered acceptable in terms of its foreshore setting.

Sydney Regional Environmental Plan No.23

The site is covered by this plan, however, as noted above the building is largely out of view from the waterways and is not contrary to any of the objectives of this Plan.

Manly DCP for the Residential Zone 2001

As identified in the DCP compliance table, the proposal complies with most of the DCP's provisions apart from minor departures to the front and side setback provisions.

Front setback

The front balconies extend forward of the 6.0m front building line. The DCP permits this where the proposal demonstrates that this will not impact on the streetscape or neighbour's amenity. As the front of the balconies aligns with the de-facto setback with No's 1 and 5, and that the DCP permits this, the proposal is considered to satisfy the front setback provisions.

Side setback

The departure to the side setback is limited to minor portions along both side elevations, being for the middle north side terraces and lobby entry on the southern side. The position of these is considered acceptable on the basis that they do not result in excess overshadowing, privacy loss, visual bulk, view loss or overshadowing.

Environmental Services Division Report No. 15**3 Cove Avenue, Manly****February 2005 LUM Report****LAND USE MANAGEMENT COMMITTEE****7 FEBRUARY 2005****Environmental Services Division Report No. 2 (Cont'd)***Solar access*

The site has a north-south alignment whereby the DCP requires a minimum of 4 hours direct sunlight to be retained to windows of this neighbouring dwelling. Analysis of the shadow diagrams reveals that both the eastern and western residential flat buildings will continue to receive at least 4 hours direct sunlight as required to their internal living areas and rear garden areas. It is noted that overshadowing at the summer solstice may increase towards the rear yard of No.1 however this will not occur until sometime after 3pm with this rear yard being unaffected by shadows from the proposal before then.

Privacy

The proposal has side facing windows towards No.1 however by virtue of the offset stepped wall alignment of No.1 its side facing windows and balconies are diagonally offset, thereby reducing the degree of overlooking. It is also noted that the front side facing windows from the proposal have external wrap around balconies with louvered privacy screen attached to minimise potential overlooking. This is also the case for the side facing terraces where there are louvered privacy screen attached, which is considered to satisfactorily reduce potential overlooking.

View sharing

As noted oblique filtered views to Manly Cove and its foreshore reserve are available looking north-west across the front of the site. The forward position of the front upper balcony may reduce the width of such views from the upper front deck of No.5, however as the Pine tree in the front garden (which obscures this view) will be removed, the view on balance may be partially improved. Notwithstanding, as the views are further filtered by trees along the foreshore reserve, are narrow in width and are at an oblique angle to their primary outlook, the view as such is not considered a significant element of amenity to No.5.

Comments on Submissions*Loss of views*

From inspection, the only views that may be affected are from the front of No.5. As a tree which obscures the water view is being removed, the forward positioning of the front balconies is not considered on balance to result in an unreasonable loss of an oblique view.

Privacy

The provision of louvers attached to the side facing balconies are considered to satisfactorily reduce potential overlooking into the neighbouring units.

Overshadowing

From assessment the proposal satisfies the provisions for solar access. Whilst there will be some increase in overshadowing to the neighbouring units it is also noted that the proposal complies with the height and FSR provisions and generally complies with the setback provisions, therefore it is not considered to result in unreasonable overshadowing impacts.

Visual bulk

In context of the surrounds the proposal is considered favourable in bulk and scale, with a well articulated façade and additional landscaping.

Front setback

The front balconies extend forward of the 6.0m front building line. The DCP permits this where the proposal demonstrates that this will not impact on the streetscape or neighbour's amenity. As the

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front of the balconies aligns with the de-facto setback with No's 1 and 5, and that the DCP permits this, the proposal is considered to satisfy the front setback provisions.

Compliance with FSR

The proposal complies with the maximum FSR for the site and is not considered an overdevelopment.

Side setback

The departure to the side setback is limited to minor portions along both side elevations, being for the middle north side terraces and lobby entry on the southern side. The position of these is considered acceptable on the basis that they do not result in excess overshadowing, privacy loss, visual bulk, view loss or overshadowing.

Excavation impacts

The proposal complies with the maximum permissible excavation depth of 3.0m. Notwithstanding given the extent of excavation a geotechnical assessment and dilapidation report are both acknowledged to be a requirement and are recommended as part of conditions of consent.

Parking provision

The proposal provides 4 parking spaces which is surplus to the minimum requirement of 3 spaces. In terms of construction management, the limited street parking situation is acknowledged therefore a construction management plan is advised as a condition of consent to be submitted to Council prior to issue of a Construction Certificate.

Environmental Planning and Assessment Act 1979, S.79C

The proposal has been considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, relevant State Planning Policies, the Manly Local Environmental Plan, 1988 and the Development Control Plan for the Residential Zone 2001.

From this assessment the proposal is considered a satisfactory form of development, with departures to the front and side setback provisions considered acceptable on merit. Further it is considered to satisfactorily address issues raised in submissions subject to complying with conditions of consent with respect to submission of a construction management plan to address parking and access for construction vehicles. Consequently the proposal is considered satisfactory.

CONCLUSION:

The application has been assessed pursuant to Section 79C of the EP&A Act, including the Manly Local Environmental Plan 1988 and the Manly Development Control Plan for the Residential Zone, and is considered consistent with the intent of relevant planning controls, maintaining a form of development consistent with the surrounds with no unacceptable amenity impacts identified. The design is also considered satisfactory on merit in response to issues raised in submissions such that it may be considered within the public interest and recommended for approval.

RECOMMENDATION

THAT Development Application 386/04 for demolition and construction of a 2 storey Residential Flat Building with basement parking at 3 Cove Avenue, Manly be approved subject to the following conditions:

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1. This approval relates to drawings/plans Nos. A01-A07, Issue B and Landscape Plan dated September, 2004 and received by Council on the 8th October, 2004.
2. The existing row of conifer trees at the rear are to be protected during construction work and retained.
3. A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The Principal Certifying Authority shall ensure that the design complies with the above said specification **prior to the issue of the Construction Certificate.**
4. On completion of the drainage works the applicant is required to submit work as executed drawings of the on site stormwater detention system. The work as executed drawings shall be certified by a Chartered Professional Engineer and submitted to Council **prior to the Occupation Certificate is issued.**
5. A positive covenant and the restriction on the use of land shall be imposed over the area of land affected by on site stormwater absorption/ detention system. The standard wording of the positive covenant shall be obtained from Council's "Specification for on-site Stormwater Management 2003" (Appendix A). The positive covenant shall be imposed **prior to the release of the Trust Fund Deposit.**
6. The construction of a vehicular footpath crossing and kerb layback is required. The design and construction shall be in accordance with Council's "Specification for Construction of Vehicular Crossings". The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above specification and strictly comply with the specification. The work shall be inspected and approved by Council officers. All works shall be carried out **prior to issue of the Occupation Certificate.**
7. A Construction Management Plan is to be submitted to Council **prior to issue of a Construction Certificate.** This shall detail location of construction materials and possible construction vehicle parking so as to minimise conflict with resident street parking and through access for Cove Avenue.
8. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works,** payment of a Trust Fund Deposit of \$10,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, **at least 7 days prior to the commencement of any work on site.**
9. Any adjustment to the public utility service is to be carried out in compliance with their standards and the cost is to be borne by the applicant.
10. Details of the builder's name and licence number contracted to undertake the works shall be provided to Council **prior to issue of the Construction Certificate.**
11. Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council **prior to issue of the Construction Certificate.**

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12. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.
13. Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.
14. A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm.

Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.
15. All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.
16. Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.
17. Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**
18. Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.
19. The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.
20. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
21. The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
22. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
23. An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

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24. Four (4) sets of Architectural drawings and Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate.**
25. Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.
26. A system of onsite stormwater detention shall be provided within the property in accordance with Council's "Specification for on-site stormwater management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

The specification can be downloaded from Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council.
27. The basement carparking level is to be adequately protected from flooding. Details are to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**
28. All demolition is to be carried out in accordance with AS2601-1991.
29. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
30. A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000.

Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.
31. The building being erected in Type B construction for a Class 2 & 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.
32. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
33. All sound producing plant and equipment being installed and operated in such a manner so as not to create a noise nuisance.
34. Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.
35. **Prior to the commencement of any works** on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**
36. Prior to the sale, transfer, assignment or other disposal of or leasing or parting with provision of any part of the land subject to this approval, a copy of the approval shall be given to the purchaser, transferee, assignee, leasee, occupier or other person of that part of the land.

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37. The works require the following inspection/certification during the course of construction:-

Silt control fences x 1
 Footing inspection - trench and steel x 1
 Reinforced concrete slab x 3
 Wet area moisture barrier x 2
 Drainage inspection x 1
 Driveway crossing/kerb layback x 1
 Landscaping inspection x 1
 Retaining wall x 1
 Final inspection

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

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

38. An Occupation Certificate is to be issued by the Principal Certifying Authority **prior to occupation of the development**.
39. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
40. De-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:
- 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.
 - 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.
 - Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
 - 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.
 - Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.
 - Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.
41. Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority **prior to the commencement of framework**.
42. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.

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43. Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
44. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
45. The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land.

The measures must include:-
 (i) siltation fencing;
 (ii) protection of the public stormwater system; and
 (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.
46. Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays.

Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.
47. Approval of the application to Strata Subdivide the subject property is subject to the lodgement of a linen plan for certification and payment of the appropriate fee.
48. Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".
49. **Prior to issue of the Occupation Certificate**, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".
50. In accordance with the Roads Act 1993, written consent from Council shall be obtained and shall be in hand prior to any track-equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.
51. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.
52. Applications for a construction zone on a local road require 28 days notice to Council indicating location and length. All construction zones require the approval of the Manly Traffic Committee.

ATTACHMENT 1

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53. Payment of \$5456.10 for the 1 additional dwelling in respect of the contribution for the provision of the public amenities and public services shall be in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979. Arrangements for such payment is to be made in accordance with Council's policy, **prior to issue of the Construction Certificate.**

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

54. A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund **Deposit prior to the issue of the Construction Certificate.**
55. A geotechnical engineer's report regarding the stability of the site is to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**
56. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

ATTACHMENTS

There are no attachments for this report.

LUM070205ESD_2

***** End of Environmental Services Division Report No. 2 *****

Environmental Services Division Report No. 15
 3 Cove Avenue, Manly
 Report from Symons Goodyer re: Floor Space Ratio

REC# 17 MAR 2005

DISTRIBUTION

1).....
 2).....
 3).....
 4).....



16 March 2005

General Manager
 Manly Council
 PO Box 82
 Manly NSW 1665

Attention: David Stray

Dear Mr Stray,

Re: No. 3 Cove Avenue, Manly - DA No. 486/04

I refer to your letter dated 14 March 2005.

I have reviewed the floor area and floor space ratio for this proposal. In this regard I have used the definitions in Manly DCP for the Residential Zone 2001.

Basement car parking (ie: no more than 1 metre above existing ground level) is excluded from the calculation of floor area. Existing ground level is indicated by spot levels on the survey by ESO Surveyors dated 7/11/2003. I note that "existing ground level" is defined in the DCP as the ground level as at 28/5/2001, and I have assumed no significant change in ground level between then and now. Where there is a structure existing on the land (in this case, the existing house) it is difficult to establish ground level and I have assumed that ground level is the ground floor level of the building.

The underside of the ceiling of the basement is generally at a level of RL 12.0 - RL 12.1. The existing ground level in front of the existing house where the garage is proposed is at RL 10.42 - RL 10.91, so the garage extends above ground level on this part of the site by 1.09 - 1.68 metres. Consequently, I have included the area of the proposed basement in front of the house (measuring 2.6m x 9.8m) in the floor area. I have excluded the remainder of the basement as it is under the existing house and therefore does not protrude more than a metre above existing ground level. I have excluded the entry stairs and covered entry as they are not within the enclosing walls of the building.

Symons Goodyer Pty Ltd
 Town planning and
 development consultants

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Environmental Services Division Report No. 15
3 Cove Avenue, Manly
Report from Symons Goodyer re: Floor Space Ratio

At ground floor level I have included the lobby and stairs (within the enclosing walls (and excluded the terraces (the sliding louvres are not enclosing walls).

At first floor level I have excluded the stairs (there is only one floor level of stairs, and that was counted at ground floor level). Terraces and balconies were excluded. Measurements were taken to the outer face of glass sliding doors.

On this basis I have calculated the floor area of each level to be:

Basement:	25.48 m ²
Ground:	198.37 m ²
First:	189.88 m ²
TOTAL:	413.73 m²

With a site area of 643 m², the floor space ratio of the proposed development is 0.64:1.

If you require any further information or assessment of the proposal please feel free to contact me. In the meantime our invoice for services to date is attached.

Yours sincerely,



Geoff Goodyer
Symons Goodyer Pty Ltd

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TO: Land Use Management Committee - 4 April 2005
REPORT: Environmental Services Division Report No. 16
SUBJECT: Development Applications Currently Being Processed During April, 2005
FILE NO:

SUMMARY

Development Applications Currently Being Processed During April, 2005.

REPORT

DA#	Date Rec by Council	Site Address	Proposal	Target Date	DEL DAU LUM
DA319/03	16-Jul-03	14 Kempbridge Avenue	Alterations and Additions	31-May-05	DAU
DA480/03	3-Oct-03	101 Bower Street Manly	Demolish existing & construct new flats	Awaiting Information	
DA525/03	20-Oct-03	22 Wentworth Street	Change of Use	Awaiting Information	
DA209/04	29-Apr-04	36-38 South Steyne	Alts & Adds to Dwelling	May	LUM
DA25/05	9-Jun-04	St Pats Estate 151 Darley Road Lot 1	New Dwelling & Subdivision	Awaiting Information	
DA278/04	9-Jun-04	St Pats Estate 151 Darley Road Lot 2	New Dwelling & Subdivision	28-Apr-05	DAU
DA279/04	9-Jun-04	St Pats Estate 151 Darley Road Lot 3	New Dwelling & Subdivision	28-Apr-05	DAU
DA280/04	9-Jun-04	St Pats Estate 151 Darley Road Lot 4	New Dwelling & Subdivision	28-Apr-05	DAU
DA281/04	9-Jun-04	St Pats Estate 151 Darley Road Lot 5	New Dwelling & Subdivision	28-Apr-05	DAU
DA282/04	9-Jun-04	St Pats Estate 151 Darley Road Lot 6	New Dwelling & Subdivision	28-Apr-05	DAU
DA283/04	9-Jun-04	St Pats Estate 151 Darley Road Lot 7	New Dwelling & Subdivision	28-Apr-05	DAU
DA284/04	9-Jun-04	St Pats Estate 151 Darley Road Lot 8	New Dwelling & Subdivision	28-Apr-05	DAU
DA382/04	5-Aug-04	33 Beatty Street	Alts & 1st Floor Adds and Pool	May	LUM
DA416/04	27-Aug-04	73-81 Addison Road	9 Unit RFB & 4 Commercial Units	05-Apr-05	DAU
DA176/04	7-Oct-04	2 Moore Street	Section 82A Review	28-Apr-05	DAU
DA239/02	15-Oct-04	42 Grandview Grove	Section 96 Modification	07-Apr-05	DAU
DA495/04	22-Oct-04	32 Rignold Street	Alterations & Additions to Dwelling	31-May-05	DAU
DA506/04	2-Nov-04	101 Bower Street Manly	Alts & Adds to RFB, Pool, Carparking and Landscaping	Awaiting Information	
DA515/04	9-Nov-04	122 Bower Street	Render & Paint Exterior	31-May-05	DAU
DA524/04	10-Nov-04	7 South Steyne	Dungowen	May	LUM
DA507/04	11-Nov-04	23 Francis Street	Demolish, New 2 Storey, Carport and Driveway	Awaiting Information	
DA287/99	15-Nov-04	81 Wood Street	Section 96 Modification	07-Apr-05	DAU
DA350/04	18-Nov-04	18 Carey Street	Section 82A Review	07-Apr-05	DAU

Environmental Services Division Report No. 16 (Cont'd)

DA538/04	22-Nov-04	51 Wood Street	Alterations Guest House into to Dwellings and Strata Subdivision	Awaiting Information	
DA116/03	30-Nov-04	3 James Street	Section 96 Modification	07-Apr-05	
DA529/04	1-Dec-04	38A Rignold Street	3 Level Dwelling & Garage	31-Mar-05	DAU
DA554/04	3-Dec-04	2 Bentley Street	Alterations & Additions, 2 Decks and Alterations to Roofline	05-Apr-05	DAU
DA544/04	6-Dec-04	202 Woodland Street	Alterations & 1st Floor Additions & Deck	31-May-05	DAU
DA549/04	7-Dec-04	9 Smith Street	Alterations & 1st Floor Additions	07-Apr-05	DAU
DA541/04	7-Dec-04	20 Amiens Road	Alterations & Additions, Lift & Terraces	07-Apr-05	DAU
DA434/02	9-Dec-04	2 Beatty Street	Section 96 Modification	12-Apr-05	DAU
DA06/05	13-Dec-04	18 Austin Street	Alts & 1st Floor Adds & Rendering	Awaiting Information	
DA300/02	13-Dec-04	1 Gordon Street	Section 96 Modification	17-May-05	DAU
DA49/04	14-Dec-04	Manly Wharf Ferry Service	Section 96 Modification	14-Apr-05	DAU
DA550/04	14-Dec-04	7 MacMillan Street	Demolish, New 2 Storey - 3 Level Dwelling & Double Garage	12-Apr-05	
DA684/99	14-Dec-04	1/18-34 Sydney Road	Section 96 Modification	14-Apr-05	DAU
DA13/05	14-Dec-04	36-38 South Steyne	Alts & Adds & Plant Structure Additions	14-Apr-05	DAU
DA12/05	14-Dec-04	12 Battle Boulevard	Demolition & New Four (4) Storey Dwelling and Pool	03-May-05	DAU
DA551/04	15-Dec-04	17 Gilbert Street	Strata Subdivision	12-Apr-05	DAU
DA560/04	16-Dec-04	41 Lewis Street	Demolish & New 2 Storey Dwelling with Basement Garage	31-May-05	DAU
DA25/05	16-Dec-04	12 Cecil Street	Alts & 1st Floor Additions	Awaiting Information	
DA559/04	16-Dec-04	21 Waterview Street	Alterations & Additions, Front & Rear Decks, Extension to Family Room	12-Apr-05	DAU
DA563/04	17-Dec-04	21 Allenby Street	Alts & Adds & Cement Render	31-May-05	DAU
DA564/04	17-Dec-04	51 Beatrice Street	Demolish & New 2 Storey Dwelling, Fence & Landscaping	31-May-05	DAU
DA18/05	20-Dec-04	6 Hope Street	Alts & 1st Floor Adds and Garage	19-Apr-05	DAU
DA19/05	20-Dec-04	5 Jamieson Avenue	Alts & Additional Storey	14-Apr-05	DAU
DA542/02	20-Dec-04	29 Bungalow Avenue	Section 96 Modification	19-Apr-05	DAU
DA35/05	20-Dec-04	81 Curban Street	Alterations & Addition to Dwelling & Pool	12-Apr-05	DAU
DA23/05	21-Dec-04	46 Curban Street	Alterations & Additions, Carport & Deck	Awaiting Information	
DA33/05	22-Dec-04	57 Bungalow Avenue	Alts & 1st Floor Additions and Balcony	31-May-05	DAU

Environmental Services Division Report No. 16 (Cont'd)

DA37/05	22-Dec-04	11 Benelong Street	New 2 Storey Dwelling and Garage	31-May-05	DAU
DA40/05	22-Dec-04	20 Castle Circuit	New 2 Storey Dwelling, Deck & Garage	07-Apr-05	DAU
DA01/05	23-Dec-04	44 Frenchs Forest Road	New 3 Level Dwelling and Demolish	21-Apr-05	DAU
DA38/05	24-Dec-04	45 Pacific Parade	Alts to Church, Child Care Centre & Caretakers Unit	07-Apr-05	DAU
DA43/05	24-Dec-04	78 Clontarf Street	Timber Deck	21-Apr-05	DEL
DA47/05	29-Dec-04	8 Jellicoe Street	Alts & Adds, Decks and Render	May	LUM
DA2/05	30-Dec-04	4 Abbott Street	Alterations & Additions, Double Carport	19-Apr-05	DAU
DA45/05	4-Jan-05	67 Ernest Street	Alts & 1st Floor Adds	22-Apr-05	DEL
DA492/96	11-Jan-05	56 Peronne Avenue	Section 96 Modification	Awaiting Information	
DA222/03	11-Jan-05	74 Lauderdale Avenue	Section 96 Modification	26-Apr-05	DAU
DA380/03	19-Jan-05	44 Smith Street	Section 96 Modification	26-Apr-05	DAU
DA46/05	20-Jan-05	4 Lower Beach Street	Extension to Rear and New Deck	21-Apr-05	DAU
DA505/01	24-Jan-05	18 Osborne Road	Section 96 Modification	Awaiting Information	DAU
DA55/05	24-Jan-05	76 Birkley Road	Alterations & Additions & Kitchen	19-Apr-05	DAU
DA64/05	25-Jan-05	39 Fairlight Street	Alts & Adds, Elevate Access Way	31-May-05	DAU
DA463/1	25-Jan-05	4A Princess Parade	Section 96 Modification	Awaiting Information	
DA58/05	25-Jan-05	77 Curban Street	Alts & Adds, Carport & Fence	28-Apr-05	DAU
DA67/05	27-Jan-05	123 Bower Street	Carport & Lift Shaft	28-Apr-05	DAU
DA59/05	31-Jan-05	20 Peronne Avenue	Demolish & 3 Storey Dwelling, Pool & Garage	07-Apr-05	DAU
DA76/05	31-Jan-05	243-259 Pittwater Road	Charge of Use of Fruit Market	31/4/05	DAU
DA469/00	1-Feb-05	21-23 Clifford Avenue	Section 96 Modification	29-Apr-05	DEL
DA66/05	2-Feb-05	8 Callicoma Road	Rear Extension & Retaining Wall	28-Apr-05	DAU
DA75/05	03-Feb-05	7 Seaforth Crescent	Alterations & Additions, Carport	22-Apr-05	DAU
DA85/05	04-Feb-05	27 Montauban Avenue	Alterations & Additions, Storage	23-Mar-05	DAU
DA87/05	07-Feb-05	92 Griffiths Street	Alterations & Additions & Extend Garage	31-Mar-05	DAU
DA698/99	7-Feb-05	36A Abernethy Avenue	Section 82A Review	Awaiting Information	
DA47/04	08-Feb-05	151 Darley Road Manly - St Pat's	Section 96 Modification	28-Apr-05	DAU
DA80/05	10-Feb-05	15 Judith Street	Demolish & New Carport	22-Apr-05	DAU
DA93/05	11-Feb-05	197 Balgowlah Road	Alterations & Additions, Pool & Carstand	Awaiting Information	

Environmental Services Division Report No. 16 (Cont'd)

DA82/05	21-Feb-05	122 Woodland Street	Alterations & Additions, Remove Tree & Carport	22-Apr-05	DAU
DA103/05	22-Feb-05	569 Sydney Rd / 61- 65 Ethel Street	Strata Subdivision	21-Apr-05	DAU
DA96/05	28-Feb-05	16 Edgecliffe Esplanade	Pool, Pergola, Carport	22-Apr-05	DAU
DA119/05	10-Mar-05	21-23 Clifford	Strata Subdivision	Awaiting Information	

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM040405ESD_7

***** End of Environmental Services Division Report No. 16 *****

TO: Land Use Management Committee - 4 April 2005
REPORT: Environmental Services Division Report No. 17
SUBJECT: Appeals List for April 2005
FILE NO:

SUMMARY

LIST OF APPEALS RECEIVED AND THEIR CURRENT STATUS FOR COUNCILLORS INFORMATION

REPORT

Application	Site Address	Appeal Lodged	Solicitor	Status
DA46/04	36-38 South Steyne	20.04.04	Pike Pike & Fenwick	Awaiting Decision
DA08/04	18 Reddall Street	09.08.04	Abbott Tout	Upheld
DA278/03	27-29 Victoria Parade	1.09.04	Abbott Tout	Awaiting New Callover Date
DA387/03	71 The Corso	28.09.04	Abbott Tout	Hearing 9-10.06.05
DA255/04	102 The Corso	28.09.04	Abbott Tout	Hearing 08.04.05
DA214/04	75 Macmillan Street	26.10.04	Pike Pike & Fenwick	Awaiting Decision
DA433/04	207-217 Pittwater Road	04.11.04	Abbott Tout	Callover 08.04.05
DA486/04	3 Cove Avenue	12.01.05	Abbott Tout	Hearing 26.04.05
DA288/02	2 Wentworth Street	24.12.04	Pike Pike & Fenwick	Upheld
DA487/04	49 Golf Parade	18.03.05	Abbott Tout	Callover 03.05.05
DA187/03	66B Ponsonby Parade	09.03.05	Abbott Tout	Callover 27.04.05
DA555/00	28 Castle Circuit Refusal	14.03.05	Abbott Tout	Callover 26.04.05
DA555/00	28 Castle Circuit Deemed Refusal	14.03.05	Abbott Tout	Callover 26.04.05

Approximate year to date legal costs (from 1 July, 2004) - \$595K

Recovered Costs (from 1 July, 2004) - \$150K

Net Legal Costs (from 1 July, 2004) - \$445K

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM040405ESD_5

***** End of Environmental Services Division Report No. 17 *****