

## Development Assessment Report

<b>DA No.</b>	45/2017
<b>Site Address</b>	31 The Corso, Manly. Lot 910 in DP 875567
<b>Proposal</b>	Alterations and additions to an existing commercial premises – Commonwealth Bank.

### **SUMMARY:**

#### **Application Lodged:**

13 March 2017.

#### **Applicant:**

Betterbuild c/o de Witt Consulting.

#### **Owner:**

S & C Roth Family Foundation Pty Limited, London Fashions Pty Limited, and The Yarrabee Foundation Pty Limited.

#### **Estimated Cost:**

\$14,030.00

#### **Zoning:**

MLEP, 2013 – Zone B2 Local Centre.

#### **Heritage:**

The subject site is located within the Town Centre Conservation Area. The subject site is also part of Heritage Item I106. Further Heritage Items in the vicinity include:

- Item I108 (Group of commercial buildings)
- Item I109 (Group of Commercial Buildings)
- Item I113 (St. Matthew's Church and Church Hall)

#### **NSW LEC:**

N/A

#### **Notification:**

15 March 2017 to 31 March 2017.

#### **Submissions received:**

No submissions received.

#### **Site Inspected:**

27 April 2017.

#### **LEP (4.6) Variations proposed:**

N/A

#### **DCP Variations proposed:**

1. Signage

#### **Recommendation:**

Approval

### **Subject Property and surrounding area**



The subject property is commonly known as 31 The Corso, Manly and legally known as Lot 910 in DP875567. The site is located on the northern side of The Corso. The property is rectangular in shape and has a frontage of 12.04m to The Corso. The property currently contains a two-storey commercial building. The property is generally flat.

The surrounding area is characterised by commercial developments and St Matthews Church.

### **Property Burdens and Constraints**

There are no burdens or constraints that would preclude the proposed development.

### **Site History/Background**

DA250/2008 – Refurbishment of the existing Commonwealth Bank.

DA237/2011 – Advertising Structure (signage) – Automatic Teller Machine (ATM) – Commonwealth Bank.

### **Description of proposed development**

The proposal includes the removal of the existing cash transfer exchange windows and replacement with an additional Automatic Teller Machine (ATM) and related signage.

### **Internal Referrals**

#### **Engineering Comments**

Council's Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

#### **Building Comments**

Council's Building Surveyor offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

#### **Heritage Comments**

Council's Heritage Officer has commented on the proposal as follows:

*"The building is noted as being located within the boundaries of the Manly Town Centre Conservation Area. The building also forms part of The Corso group listing. Therefore any alterations or addition to the building must consider the potential impacts to the wider conservation area and buildings within The Corso group listing.*

*The proposal seeks to remove the former foreign exchange to the left of the main entry. This will be replaced with a single atm with logo and a wall panel with signage in the form of the CBA logo.*

*Section 4.4.3.1 of the Manly Development Control Plan identifies that the Maximum number of signs in relation to a shopfront is two identifications signs per frontage.*

*The building currently has a signs in the following location:*

- Parapet
- Awning Fascia
- Underawning x2
- Logos above each ATM

*The DCP also noted that excessive signage is not a desirable outcome within the Manly area.*

*It is considered that the additional wall mounted logo is unnecessary and will result in additional visual clutter to the façade of the building and should not be permitted.*

*The logo above the atm will maintain consistency with the existing ATMs and can be permitted in this instance".*

**Assessing Officer's Comment:** ANS01 requires that the proposed wall panel sign is to be deleted.

## Waste Comments

Council's Waste Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

## Planning Comments

### Environmental Planning & Assessment Act 1979 – Section 79(C)(1)

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) ***the provisions of:***  
(i) ***any environmental planning instrument, and***

### State Environmental Planning Policy No 64—Advertising and Signage

The proposed signage is consistent with the aims and objectives of SEPP No.64, as assessed below:

#### 3 Aims, objectives etc

- (1) This Policy aims:  
(a) to ensure that signage (including advertising):  
(i) *is compatible with the desired amenity and visual character of an area, and*

The permitted signs will be similar in design to the existing signage of the subject site and surrounding development.

- (ii) *provides effective communication in suitable locations, and*

The permitted signs are effective in communicating the use of the development and are to be located in suitable locations on the frontage.

- (iii) *is of high quality design and finish, and*

The permitted signs are to be of similar design and finish to the existing signs of surrounding development.

### State Environmental Planning Policy No. 64 (Advertising and Signage)

An assessment of the proposed development in response to the criteria at Schedule 1 of SEPP 64 is as follows:

Criteria	Response
Character of the Area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal is compatible with the existing and desired future character of The Corso.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed additional signage is consistent with the existing signage at the subject site and adjoining sites.
Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed development will have no unreasonable impacts on the amenity or visual quality of the Town Centre Conservation Area or the surrounding heritage items.

Views and vistas	
Does the proposal obscure or compromise important views?	The proposal will not obscure or compromise views.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal will not unreasonably impact the skyline or vistas.
Does the proposal respect the viewing rights of other advertisers?	The proposed additional signage, as conditioned, is sympathetic to the surrounding advertisers.
Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signage is consistent with the existing signage within the streetscape.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed and existing signage have been designed in a clear and modern manner, and therefore create visual interest within the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal, as conditioned, results in smaller and simplified signage from the existing frontage.
Does the proposal screen unsightliness?	The proposal will not result in unsightliness and is consistent with the existing ATM signage.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude beyond the proposed building.
Does the proposal require ongoing vegetation management?	The proposed signage does not require vegetation management.
Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is of compatible scale and proportion to the proposed building and the existing buildings in the street.
Does the proposal respect important features of the site or building, or both?	The proposed signage does not detract from important features of the site or proposed building.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal, as conditioned, is consistent with the existing modern signage at the site.
Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage will not require safety devices, platforms or lighting devices.
Illumination	
Would illumination result in unacceptable glare?	Illumination of the proposed signage will not result in unreasonable or unacceptable glare.
Would illumination affect safety for pedestrians, vehicles or aircraft?	Illumination of the proposed signage will not impact upon safety for pedestrians, vehicles or aircraft.
Would illumination detract from the amenity of any residence or other form of accommodation?	Illumination of the proposed signage will not impact upon nearby residences or other accommodation.
Can the intensity of the illumination be adjusted, if necessary?	The illuminated signage is not proposed to be adjustable.
Is the illumination subject to a curfew?	The illumination is not subject to curfew as the ATMs operate 24hrs.

Safety	
Would the proposal reduce the safety for any public road?	The proposed signage will not reduce the safety of any public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage will not reduce the safety for pedestrians or bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage does not obscure any sightlines, and will therefore not reduce pedestrian safety.

### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005:**

The subject property is located within the Sydney Harbour Catchment therefore the provisions of this plan apply to this development.

An assessment of the proposal against Clause 2(1) (aims of the SREP), Clause 13 (nominated planning principles) and Clause 21 (relating to biodiversity, ecology and environmental protection) has been undertaken. The proposal is considered to be consistent with the above provisions of the SREP. Given the scale of the proposed modification and the works proposed referral to the Foreshores and Waterways Planning and Development Advisory Committee was not considered necessary.

### **Manly Local Environmental Plan 2013**

The subject site is located in Zone B2 Local Centre under the Manly LEP 2013. The proposed development is considered permissible within the zone with consent. An assessment of the proposal against the objectives of the Zone is included below:

#### **Zone B2 Local Centre**

##### **Objectives of zone**

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The proposed works relate only to the façade of the building and do not alter the existing use of the property.

#### **Part 4 Principal development standards**

There are no relevant Principle Development Standards contained within Part 4 of the Manly LEP 2013 (as amended) to consider as part of this assessment.

#### **Part 5 Miscellaneous Provisions**

The relevant provisions of the Manly LEP 2013 are referred to below as part of this assessment:

5.	Miscellaneous Provisions	Applies	Complies	Comment
5.10	Heritage Conservation	Yes	Yes	Council's Heritage Officer had no objections to the proposed development, subject to the recommended conditions of consent.

## Part 6 Local Provisions

The relevant provisions of the Manly LEP 2013 are referred to below as part of this assessment:

6.	Local Provisions	Applies	Complies	Comments
6.1	Acid Sulphate Soils	Yes	Yes	Class 4. No excavation is proposed.
6.9	Foreshore Scenic Protection Area	Yes	Yes	The proposed development will have no unreasonable impacts on visual aesthetic amenity or views to or from Sydney Harbour.
6.11	Active street frontages	Yes	Yes	Proposal complies with this clause.
6.12	Essential services	Yes	Yes	Existing at the site.

**79C(1)(a)(ii) - any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and**

There is no applicable Draft Planning Instrument.

**79C(1)(a)(iii) - any development control plan, and**

### Manly Development Control Plan 2013

The following is an assessment of the proposal's compliance with the standards of the Development Control Plan. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

## Part 3 General Principles of Development

Issues	Consistent with principle	Inconsistent with principle
Townscape	✓	
Heritage – In Vicinity	✓	
Sunlight Access and Overshadowing	✓	
Privacy and Security	✓	
Maintenance of Views	✓	
Sustainability	✓	
Accessibility	✓	
Stormwater management	✓	
Waste Management	✓	
Mechanical Plant Equipment	✓	

### Comment:

#### 3.1 Streetscapes and Townscapes

The proposed development is consistent with the objectives of Clause 3.1, as assessed below:

#### Townscape

*Objective 4) To ensure that all parking provision is designed and sited to respond to and respect the prevailing townscape.*

The proposed development does not include any car parking.

*Objective 5) To assist in maintaining the character of the locality.*

The proposed works are limited to minor changes to the existing façade and will have no unreasonable impact on the character of the locality.

*Objective 6) To recognise the importance of pedestrian movements and townscape design in the strengthening and promotion of retail centres.*

The proposed works will have no unreasonable impact on pedestrian movements and townscape design.

*Objective 7) To minimise negative visual impact, in particular at the arterial road entry points into the Council area and the former Manly Council area, so as to promote townscape qualities.*

The proposed works will have minimal visual impact on the townscape.

### 3.2 Heritage Considerations

The proposed development is consistent with the objectives of Clause 3.2, as assessed below:

*Objective 1) To retain and conserve environmental heritage and cultural significance of Manly including:*

- significant fabric, setting, relics and view associated with heritage items and conservation areas;*
- the foreshore, including its setting and associated views; and*
- potential archaeological sites, places of Aboriginal significance and places of natural significance.*

*Objective 2) To ensure any modification to heritage items, potential heritage items or buildings within conservation areas is of an appropriate design that does not adversely impact on the significance of the item or the locality.*

*Objective 3) To ensure that development in the vicinity of heritage items, potential heritage item and/ or conservation areas, is of an appropriate form and design so as not to detract from the significance of those items.*

*Objective 4) To provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons.*

*Objective 5) To integrate heritage management and conservation into the planning development process including incentives for good heritage management, adaptive reuse, sustainability and innovative approaches to heritage conservation.*

The proposed development, as modified by the conditions of consent, is considered by Council's Heritage Officer to have no unreasonable impacts in relation to heritage.

### **Part 4 - Development Controls**

Site Area: m <sup>2</sup>	Permitted/ Required	Proposed	Complies Yes/No
Setbacks	0m	No proposed change	Yes
Signage - Number of signs -Size of signs	2	8	No (See comment)

#### **Comment:**

##### Signage

The proposed signage, as modified by condition ANS01 to delete the proposed wall panel sign, is consistent with the objectives of Clause 4.4.3, as assessed below:

*Objective 1) To ensure that advertising does not detract from the scenic beauty and amenity of the Municipality; harmonises with its surroundings and the buildings to which they are attached.*

The proposed wall panel sign is inconsistent with this objective and is to be deleted. The proposed sign above the additional ATM is of a smaller scale and will not detract from the scenic qualities or amenity of the area.

*Objective 2) To minimise the visual impact by encouraging fewer more effective signs that may otherwise degrade the existing and likely future quality of residential environments or result in excessive, unnecessary signage, visual clutter and confusion caused by a proliferation of signs in local and neighbourhood centres.*

The additional proposed wall panel sign is unnecessary and would result in visual clutter and proliferation of signage on the façade. The small ATM sign is more effective and will have lesser impact on the frontage.

*Objective 3) To permit building and business identification signs which communicate the facilities (including tourist facilities), amenities, goods and services in local and neighbourhood centres which do not interfere with the streetscape or amenity of residents.*

The proposed ATM sign will not interfere with the streetscape or amenity of the area.

*Objective 4) Signs should enhance the distinctive urban character and scenic amenity of the Municipality and contribute to the atmosphere of the streets in local and neighbourhood centres and should be designed in sympathy with both the building to which it is attached and any adjoining buildings, taking into account the architectural styles and finishes of buildings in local and neighbourhood centres.*

The proposed wall panel sign is unnecessary and is inconsistent with this objective. The ATM sign is consistent with the existing signage on the facade.

*Objective 5) To prevent signage from impacting on the presentation of the heritage item or area to the general public on heritage items and conservation areas.*

Council's Heritage Officer had no objections to the proposal, subject to the deletion of the proposed wall panel sign.

*Objective 6) To ensure all signage is of high standards of graphic and textural content.*

The proposed is consistent with this objective.

*Objective 7) To encourage co-ordinated advertising in the Industrial Zone by the use of appropriately sized street numbers and complex names, and the use of directory boards to identify multiple unit complexes, so as to reduce adverse impact on the streetscape and confusion to traffic.*

N/A

## **Part 5 - Special Character Areas and Sites**

<b>Special Character Areas and Sites</b>	<b>Applicable</b>	<b>Not Applicable</b>
Conservation Area	✓	
Foreshore Scenic Protection Area	✓	
Threatened Species and Critical Habitat		✓
Flood Control Lots		✓
Riparian Land and Watercourses		✓
Road Widening		✓
Gurney Crescent and Clavering Road, Seaforth		✓

### **Comment:**

#### Conservation Area

The proposed development, as modified by conditions of consent, will have no unreasonable impact on the Town Centre Conservation Area. Council's Heritage Officer has no objections to the proposal, subject to the imposition of recommended conditions of consent.

#### Foreshore Scenic Protection Area

The proposed development, as modified by conditions of consent, will have no unreasonable impacts on visual aesthetic amenity or views to or from Sydney Harbour.

**79C(1)(a)(iia)- any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and**  
No planning agreement has been entered into in relation to the proposed development.

**79C(1)(a) (iv) - the regulations**

The relevant prescribed regulations contained within the *Environmental Planning and Assessment Regulations 2000* are addressed through the imposition of suitable conditions.

**79C(1)(a)(v) - any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)**

There is no Coastal Zone Management Plan applicable for the Manly area.

**79C(1) (b) - the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The proposed development as modified by the conditions of consent will not have any unreasonable impact on the natural and built environments or any unreasonable social and economic impacts in the locality.

**79C(1) (c) - the suitability of the site for the development,**

The proposed development as modified by the conditions of consent is suitable for the site.

**79C(1) (d) - any submissions made in accordance with this Act or the regulations**

The application was notified to nearby and adjoining property owners in accordance with Section 2.2 of Council's Development Control Plan 2013 with no submissions received.

**79C(1) (e) - the public interest.**

The proposed development as modified by the conditions of consent will not have any unreasonable impact on the public interest.

**S94 Contribution towards provision or improvement of amenities or services**

This part of the Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- '(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:
- (a) the dedication of land free of cost, or
  - (b) the payment of a monetary contribution, or both.
- (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.'

**Comments:**

In this case, the proposed development will not require the provision of or increase the demand for public amenities and public services in the area. As such, the dedication of land free of cost and the payment of a monetary contribution are not required.

**CONCLUSION:**

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, Manly Local Environmental Plan 2013 and the Manly Development Control Plan 2013 (Amendment 8) and is considered to be satisfactory for **approval**, subject to conditions.

## RECOMMENDATION

That Development Application No. 45/2017 for alterations and additions to an existing commercial premises – Commonwealth Bank at 31 The Corso, Manly be **approved** subject to the following conditions:-

## GENERAL CONDITIONS

1. The development, except where modified by the conditions of this consent, is to be carried out in accordance with the following plans and reference documentation;

*Drawings affixed with Council's 'Development Consent' stamp relating to Development Consent No. 45/2017:*

Plan No. / Title	Issue/ Revision & Date	Date Received by Council
A.01 / Locality Plan	Issue T2, Dec' 2016	13 March 2017
A.04 / Proposed Floor Plan	Issue T1, Dec' 2016	24 March 2017
A.09 / Existing and Proposed Shopfront Elevations and Site Photographs	Issue T2, Dec' 2016	13 March 2017

*Reference Documentation affixed with Council's stamp relating to Development Consent No. 45/2017:*

- Statement of Environmental Effects prepared by de Will Consulting dated January 2017 and received by Council on 13 March 2017.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

*Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council*

### 2. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,

- (ii) in the case of work to be done by an owner-builder:
  - A. the name of the owner-builder, and
  - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (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.
  - (iv) 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 clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

### **ANS01**

The proposed wall mounted illuminated logo WM\_T\_90 is deleted and replaced with a blank grey panel to match the existing ATM surrounds. Amended plans showing compliance with this condition are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure that the proposed signage is appropriate to the character and style of the Conservation Area and neighbouring Heritage Items.

### **1 (2AP03)**

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 1991 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 you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

Reason: To advise developers of their responsibilities and to protect the interests of adjoining owners.

### **2 (2CD01)**

Pursuant to Section 97 of the Local Government Act, 1993, Council requires prior to the issue of Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit as per the current rates in Council's Fees and Charges. The Deposit is required as security against damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicants interest for it to be as full and detailed as possible.

Where by Council is not the Principal Certifying Authority, refund of the trust fund deposit will also be dependent upon receipt of a final Occupation Certificate by the Principal Certifying Authority and infrastructure inspection by Council.

Reason: To ensure security against possible damage to Council property.

### 3 (2CD05)

Detailed engineering drawings of all work must be submitted for approval by the Council/Accredited Certifier prior to the release of the Construction Certificate.

Reason: To ensure the provision of public infrastructure of an appropriate quality arising from the development works to service the development.

### 4 (2FR01)

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) which should be implemented in the building premises must 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.

Reason: Compliance with the Environmental Planning and Assessment Act 1979.

### 5 (2WM02)

A Waste Management Plan is to be submitted with the application prior to a Construction Certificate being issued in accordance with the Manly Development Control Plan 2013.

The plan should detail the type and estimate the amount of demolition and construction waste and nominate how these materials will be sorted and dealt with. Weight dockets and receipts must be kept as evidence of approved methods of disposal and recycling. All demolition and excess construction materials are to be recycled where ever practicable. It should include consideration of the facilities required for the ongoing operation of the premises' recycling and waste management services after occupation. A template is available from the Manly Council website.

Reason: To plan for waste minimisation, recycling of building waste and on-going waste management.

## **CONDITIONS TO BE SATISFIED PRIOR TO ANY COMMENCEMENT**

### 6 (3CD01)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued.

Reason: To ensure compliance with statutory provisions.

### 7 (3CD02)

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.

Reason: To ensure demolition is carried out in an appropriate manner that is non-disruptive to the locality and the public.

### 8 (3CD03)

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.

Reason: To protect the public interest and safety.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

9 (4AP02)

A copy of all stamped approved drawings, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Reason: To ensure the form of the development undertaken is in accordance with the determination of Council, public information and to ensure ongoing compliance.

10 (4CD01)

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- 1) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- 2) Demolition must be carried out by a registered demolition contractor.
- 3) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- 4) No blasting is to be carried out at any time during construction of the building.
- 5) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- 6) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- 7) Any demolition and excess construction materials are to be recycled wherever practicable.
- 8) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 9) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. 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.
- 10) All waste must be contained entirely within the site.
- 11) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- 12) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- 13) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.
- 14) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- 15) Public footways and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- 16) Building operations such as brick-cutting, 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.
- 17) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- 18) Any work must not prohibit or divert any natural overland flow of water.

Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.

11 (4CD02)

In order to maintain the amenity of adjoining properties, audible site works must be restricted to between 7.00am and 6.00pm, Monday to Friday and 7.00am to 1.00pm Saturday (including works undertaken by external contractors). No site works can be undertaken on Sundays or public holidays.

Unless otherwise approved within a Construction Traffic Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Reason: To prevent disturbance to the surrounding community.

12 (4CD03)

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.

Reason: To maintain sanitary conditions on building sites.

**ONGOING CONDITIONS RELATING TO THE OPERATION OF THE PREMISES OR DEVELOPMENT**

13 (6MS02)

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

Reason: Statutory requirement, Environmental Planning and Assessment Act 1979.