



Reference: CD134/14 BF:NG
Enquiries: Landuse & Sustainability

Mrs B Lawsen
CARE: Manly Council

Dear Sir/Madam

**NOTICE OF DETERMINATION OF A COMPLYING DEVELOPMENT
APPLICATION**

Issued under Section 85, 85(A) of the Environmental Planning and Assessment Act
1979

**Complying Development
Application No.**

134/2014

Land to be developed

**26 Balgowlah Road Manly,
Balgowlah Road, Manly,
Suwarrow Street, Fairlight**

Proposed development

**Removal of existing full height
window and replaced with an
opening door**

Determination

APPROVED

**Date of Determination/Commencement
Date of lapse**

**30 October 2014
30 October 2019**

**A complying development certificate becomes effective and commences from
the date endorsed on the certificate.**

Plans and Specifications

APPROVED

This approval relates to the following;

- (1) Photo of the existing window that is to be replaced with an opening door, received by Council.
- (2) Fire safety schedule prepared by RA Cook and received on the 29 October 2014.
- (3) As built floor plan prepared by Design and Technical Group, Manly Council, drawing number GFP date January 2011.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

SCHEDULE 8 – Conditions applying to complying development certificates under the Commercial and Industrial Alterations Code and the Commercial and Industrial (New Buildings and Additions) Code

(Clauses 5.25 and 5A.31)

- Note 1 : Complying development under the Commercial and Industrial Alterations Code and the Commercial and Industrial (New Buildings and Additions) Code must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Schedule.
- Note 2 : Division 2A of Part 7 of the *Environmental Planning and Assessment Regulation 2000* specifies conditions to which certain complying development certificates are subject.
- Note 3 : In addition to the requirements specified for development under this Policy, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.
- Note 4 : If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.
- Note 5 : Under section 86A of the *Environmental Planning and Assessment Act 1979*, a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Part 1 - Conditions applying before works commence

1 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

Note : Clauses 2.67 and 2.68 of this Policy specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

2 Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must:
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.

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3 Waste management

- (1) A waste management plan for the work must be submitted to the principal certifying authority at least 2 days before work commences on the site
- (2) The waste management plan must:
 - (a) identify all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site, and
 - (b) identify the quantity of waste material in tonnes and cubic metres to be:
 - (i) reused on-site, and
 - (ii) recycled on-site and off-site, and
 - (iii) disposed of off-site, and
 - (c) if waste materials are to be reused or recycled on-site-specify how the waste material will be reused or recycled on-site, and
 - (d) if waste materials are to be disposed of or recycled off-site-specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.
- (3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (4) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

4 Adjoining wall dilapidation report

- (1) Before commencing any demolition or excavation works, the person having the benefit of the complying development certificate must obtain a dilapidation report on any part of a building that is within 2m of the works.
- (2) If the person preparing the report is denied access to the building for the purpose of an inspection, the report may be prepared from an external inspection.

5 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Part 2 - Conditions applying during the works

Note: The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

6 Standard hours for construction

Construction may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.

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7 Works outside standard hours for construction

- (1) Work may be carried out outside the standard hours for construction if the work only generates noise that is:
 - (a) no louder than 5 dB(A) above the rating background level at any adjoining residence in accordance with the *Interim Construction Noise Guideline* (ISBN 978 1 74232 217 9) published by the Department of Environment and Climate Change NSW in July 2009, and
 - (b) no louder than the noise management levels specified in Table 3 of that guideline at other sensitive receivers.
- (2) Work may be carried out outside the standard hours for construction:
 - (a) for the delivery of materials-if prior approval has been obtained from the NSW Police Force or any other relevant public authority, or
 - (b) in an emergency, to avoid the loss of lives or property or to prevent environmental harm.

8 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

9 Demolition

Any demolition must be carried out in accordance with AS 2601-2001, *The demolition of structures*.

10 Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Copies of receipts stating the following must be given to the principal certifying authority:
 - (a) the place to which waste materials were transported,
 - (b) the name of the contractor transporting the materials,
 - (c) the quantity of materials transported off-site and recycled or disposed of.
- (4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (5) During construction:
 - (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (6) At the completion of the works, the work site must be left clear of waste and debris.

11 Earthworks, retaining walls and structural support

- (1) Any earthworks (including any structural support or other related structure for the purposes of the development):
 - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and

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- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997 , and
 - (d) that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005 .
- (2) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice (ISBN 978-0-642-785442 [PDF] and ISBN 978-0-642-785459 [DOCX])* , published in July 2012 by Safe Work Australia.

12 Drainage connections

- (1) If the work is the erection of, or an alteration or addition to, a building, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.
- (2) Any approval that is required for connection to the drainage system under the Local Government Act 1993 must be held before the connection is carried out.

13 Archaeology discovered during excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work:

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

Note: Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further the work can continue.

14 Aboriginal objects discovered during excavation

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- (a) all excavation or disturbance of the area must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974 .

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974 .

15 When a survey certificate is required

- (1) If any part of the work is the erection of a new building, or an alteration or addition to an existing building, that is located less than 3m from the lot boundary, a survey certificate must be given to the principal certifying authority:
 - (a) before any form work below the ground floor slab is completed, or
 - (b) if there is no such form work-before the concrete is poured for the ground floor slab.
- (2) The survey certificate must be prepared by a registered land surveyor and show the location of the work relative to the boundaries of the site.

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Part 3 - Conditions applying before the issue of an occupation certificate

16 Vehicular access

If the work involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the work on the site is obtained.

17 Utility services

- (1) If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.
- (2) If the work will be the subject of a notice of requirements for water supply or sewerage services (or both) by a water utility or an entity authorised by the utility, the work must be satisfactorily completed before the occupation certificate is issued.
- (3) If the work will be the subject of a compliance certificate under section 73 of the Sydney Water Act 1994, the work must be satisfactorily completed before the occupation certificate is issued.

18 Mechanical ventilation systems

If the work includes a mechanical ventilation system that is a **"regulated system"** within the meaning of the Public Health Act 2010, the system must be notified as required by the Public Health Regulation 2012, before an occupation certificate (whether interim or final) for the work is issued.

19 Food businesses

If the work relates to a **"food business"** within the meaning of the Food Act 2003, the food business must be notified as required by that Act, or licensed as required by the Food Regulation 2010, before an occupation certificate (whether interim or final) for the work is issued.

20 Premises where skin penetration procedures are carried out

If the work relates to premises at which a **"skin penetration procedure"**, within the meaning of the Public Health Act 2010, will be carried out, the premises must be notified as required by Part 4 of the Public Health Regulation 2012 before an occupation certificate (whether interim or final) for the work is issued.

Part 4 - Operational requirements

21 Hours of operation

- (1) If there are existing conditions on a development consent applying to hours of operation, the development must not be operated outside the hours specified in those conditions.
- (2) If there are no existing conditions on a development consent applying to hours of operation, the development must not be operated outside the following hours:
 - (a) if the development involves a new use as bulky goods premises or other commercial premises-7.00 am to 10.00 pm Monday to Saturday and 7.00 am to 8.00 pm on a Sunday or a public holiday,
 - (b) if the development involves a new use as something other than a bulky goods premises or other commercial premises and adjoins or is opposite a residential lot within a residential zone or Zone RU5 Village-7.00 am to 7.00 pm Monday to Saturday and no operation on a Sunday or a public holiday,

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- (c) in any other case not referred to in paragraph (a) or (b)-7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday.

22 Noise

- (1) The development must comply with the requirements for industrial premises contained in the Noise Policy.
- (2) Noise emitted by the development:
 - (a) must not exceed an L A (15 min) of 5dB(A) above background noise when measured at any lot boundary of the property where the development is being carried out, and
 - (b) must not cause the relevant amenity criteria in Table 2.1 in the Noise Policy to be exceeded.
- (3) In this clause, "**the Noise Policy**" means the document entitled *NSW Industrial Noise Policy (ISBN 0 7313 2715 2)* published in January 2000 by the Environment Protection Authority.

23 Lighting

- (1) All new external lighting must:
 - (a) comply with *AS 4282-1997 Control of the obtrusive effects of outdoor lighting*, and
 - (b) be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.
- (2) Lighting at vehicle access points to the development must be provided in accordance with *AS/NZS 1158 Set:2010 Lighting for roads and public spaces Set*.

24 Unobstructed driveways and parking areas

- (1) All driveways and parking areas must be unobstructed at all times.
- (2) Driveways and car spaces:
 - (a) must not be used for the manufacture, storage or display of goods, materials or any other equipment, and
 - (b) must be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

25 Landscaped area (planting and maintenance)

- (1) Any tree or shrub that fails to establish within 2 years of the initial planting date must be replaced with the same species of tree or shrub.
- (2) All landscaped areas on the site must be maintained on an on-going basis.

A1

Form 7 of the regulation (notice of commencement of work and appointment of Principal Certifying Officer, i.e. the PCA) must be submitted to Council 2 days prior of any work commencing.

A2

All demolition and excess construction materials are to be recycled wherever practicable.

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Yours faithfully,

Date:

30/10/14

**Environmental Planning Instrument decision made under
SEPP (Exempt and Complying Development Codes) 2008.**

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COMPLYING DEVELOPMENT CERTIFICATE
Issued under the *Environmental Planning & Assessment Act 1979*
Sections 85, 85A

Certificate No. CD 134/2014

This Certificate is issued to -

Mrs B Lawsen
CARE: Manly Council

CERTIFICATION

I certify that the proposed development
Is complying development and that if carried out in accordance with the plans and
specifications will comply with all development standards, any standards in a DCP
and all requirements of the *Environmental Planning and Assessment Regulation*
2000.

LOCATION

Lot & Deposited Plan Nos.

**26 Balowlah Road, Manly
Balgowlah Road, Manly
Suwarrow Street, Fairlight
Lot A DP 76521, Lot B DP 76521,
Lot C DP 76521, Lot 100 DP 839523 &
Lot 1 DP 821350**

DESCRIPTION OF COMPLYING DEVELOPMENT

Removal of existing full height window and replaced with an opening door

PLANS AND SPECIFICATIONS APPROVED

This approval relates to the following;

- (1) Photo of the existing window that is to be replaced with an opening door,
received by Council.
- (2) Fire safety schedule prepared by RA Cook and received on the 29 October
2014.
- (3) As built floor plan prepared by Design and Technical Group, Manly Council,
drawing number GFP date January 2011.

CERTIFYING AUTHORITY

Manly Council
PO BOX 82
MANLY NSW 1655
Contact: Brett Franklin

02 9976 1500

DATE OF ISSUE 30 October 2014

Notes

Prior to commencement of work s 86(1) and (2) of the *Environmental Planning and Assessment Act 1979* must be satisfied.

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