Reference: 140416 DA23/16 EXT:LF
Enquiries: Landuse & Sustainability

Total Pages 14

Checkpoint Building Surveyors

Dear Sir/Madam,

NOTICE OF DETERMINATION
Pursuant to Section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*

Development Application No.	23/2016
Proposed Development	Alterations and additions to the existing restaurant including addition of external deck and pergola, new entry doors, new bi-fold doors, new green wall, addition of thirty four (34) seats and internal alterations.
Land to be developed	Lot B DP 163283; 39 East Esplanade, Manly
Determination	**Approved by DAU**
Date of Determination	13 April 2016
Consent is to operate from	13 April 2016
Consent is to lapse on	13 April 2021

This application was considered at Councils Development Assessment Unit Meeting of 13 April 2016 when it was determined;

That Development Application No. 23/2016 for alterations and additions to the existing restaurant including addition of external deck and pergola, new entry doors, new bi-fold doors, new green wall, addition of thirty four (34) seats and internal alterations at Shop 1, 39 East Esplanade, Manly be **Approved** subject to the following conditions:

ANS01
The premises must comply with the following:

(a) The LA_{10}* noise level emitted from the premises shall not exceed the background noise level (LA_{90}) in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5dB between 7:00am and 12 midnight at the boundary of any affected residence

COUNCIL OFFICES
1 Belgrave Street
Manly NSW 2095

POSTAL ADDRESS
PO Box 82
Manly NSW 1655

T: +61 2 9976 1500
F: +61 2 9976 1400
E: records@manly.nsw.gov.au

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www.manly.nsw.gov.au

MANLY COUNCIL

(b)The LA_{10}* noise level emitted from the premises shall not exceed the background noise level (LA_{90}) in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) between 12 midnight and 7:00am at the boundary of any affected residence

(c)Notwithstanding compliance with the above, the noise level from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7:00am

(d)The LA_{10} noise level emitted from the premises shall not exceed the background noise level (LA_{90}) in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 3dB when assessed indoors at any occupied commercial premises whilst that premises in in operation

***(for the purposes of this condition, the LA_{10} can be taken as the average maximum deflection of the noise emission from the premises).**

Reason: To protect the acoustic amenity of neighbouring properties and in accordance with the Recommendation of Council's Environmental Health Officer.

ANS02

Within twenty-eight (28) days from the issue of any Occupation Certificate, a report prepared by an accredited acoustic consultant must be submitted to Council assessing compliance with conditions ANS01. Any recommendations made by the consultant must be implemented in order to achieve compliance with noted conditions of this consent.

Reason: To protect the acoustic amenity of neighbouring properties.

ANS03

Any screening required for amenity purposes shall not be enclosed on a permanent basis.

Reason: In accordance with the recommendation of Council's Heritage Advisor to maintain the visual amenity of the surrounding heritage listed items.

ANS04

A Certificate of Adequacy signed by a practising structural engineer stating the existing structure is capable of supporting the proposed additions, is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that the proposed works are structurally sound and will not result in damage to the existing built structure.

DA1

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. 23/2016:

Plan No. / Title	Issue/ Revision & Date	Date Received by Council
A02 Proposed Layout Plan	Issue E / 26.08.15	10.02.16
A05 East Esplanade Elevation & Wentworth St Elevation	Issue D / 26.08.15	10.02.16
A06 – Internal Elevations A, B, C & D	Issue E / 26.08.16	10.02.16

Reference Documentation affixed with Council's stamp relating to Development Consent No. 23/2016:

- Statement of Environmental Effects prepared Checkpoint Building Surveyors undated and received by Council on 10 February 2016.

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.

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

1 (2AP01)
Four (4) copies of architectural drawings consistent with the development consent and associated conditions are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.
Reason: To comply with the Environmental Planning and Assessment Act 1979.

2 (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.

3 (2BS01)
Detailed plans and specifications must be provided prior to the issue of the Construction Certificate complying with the requirements of Australian Standard 4764-2004 (Design, Construction and Fit-out of a Food Premises) and Food Safety Standard 3.2.3 (Food Premises and Equipment).
Reason: To ensure compliance with legislation and to protect public health and safety.

4 (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 applicant's 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.

5 (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.

6 (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.

7 (2NL01)
Details are to be submitted to the Council/Accredited Certifier indicating the method of sound attenuation and/or acoustic treatments for all roof terraces, decks and balconies in compliance with the Building Code of Australia, prior to issue of the Construction Certificate.
Reason: To protect the acoustic amenity of neighbouring properties and the public.

8 (2US03)
Payment of contribution in lieu of one (1) car parking space which cannot be provided on a site within Zone No. B2 – Local Centre under the Manly Local Environmental Plan 2013, shall be made in accordance with the provisions of Council's Section 94 Contributions Plan 2004, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979. The current amount of contribution (2015 – 2016) for each parking space not provided on site is $35,181.20 per space within the Manly CBD. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions plan to effect changes in land values, construction costs and the Consumer Price Index.

Total contribution for this development involving alterations and additions to the existing restaurant including addition of external deck and pergola, new entry doors, new bi-fold doors, new green wall, addition of thirty four (34) seats and internal alterations at 'Garfish' Restaurant, Shop 1, 39 East Esplanade, Manly is $35,181.20. The amount of the payment shall be in accordance with the Section 94 charges as at the date of the payment and must be paid prior to issue of the Construction Certificate.

The calculations for DA No. 23/2016 are as follows: 1 x $35,181.20 = $35,181.20
Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.

CONDITIONS TO BE SATISFIED PRIOR TO ANY COMMENCEMENT

9 (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.

10 (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.

11 (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.

12 (3PT01)
In accordance with the Roads Act 1993, written consent from Council must be obtained and must 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.
Reason: To ensure appropriate protection of public infrastructure and facilitate access for public and vehicular traffic.

13 (3PT02)
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.
Reason: To ensure Council and the Traffic Committee have sufficient time and information to assess the traffic and access implications of a proposed construction zone and to develop appropriate responses to those implications.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

14 (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.

15 (4BS01)
The construction and fit-out of the food premises must comply with the following:-

- Food Act 2003,
- Food Regulations 2004,
- Australian Standard AS 4674-2004: Construction and fit out of food premises,
- Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment.

Reason: To ensure compliance with legislation and to protect public health and safety.

16 (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.

17 (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.

18 (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.

19 (4CD07)
Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence.

All removal, repair or disturbance of or to asbestos material must comply with the following:

- The Work Health and Safety Act 2011.
- The Work Health and Safety Regulation 2011.
- How to Safety Remove Asbestos Code of Practice – WorkCover 2011.

The owner or occupier of the premises must consult an appropriately qualified and Australian Institute of Occupational Hygienists registered professional to undertake an assessment of the site to determine the potential for contamination. The owner or occupier must develop a management plan and be issued with Clearance Certificate before the commencement of any work.
Reason: To ensure the health of site workers and the public.

20 (4CD10)
Noise arising from the works must be controlled in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.
Reason: To ensure compliance with legislation and to prevent disturbance to the surrounding community.

21 (4NL01)
Noise arising from demolition and construction works must be controlled in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.
Reason: To prevent disturbance to the surrounding community during construction.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

22 (5DS01)
Stormwater drainage from the proposed addition/extension must be disposed of to the existing drainage system. All work is to be carried out in accordance with Council standards and specifications for stormwater drainage. Work is to be completed prior to the issue of the Occupation Certificate.
Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure infrastructure reverting to Council's care and control is of an acceptable standard.

23 (5NL02)
Prior to the issue of a Construction Certificate, the Certifying Authority must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the outdoor lighting complies with the relevant provisions of Australian Standard 1558.3:2005 Pedestrian area (Category P) lighting – Performance and design requirements and Australian Standard 4282:1997 Control of the obtrusive effects of outdoor lighting.
Reason: To protect public health and amenity.

ONGOING CONDITIONS RELATING TO THE OPERATION OF THE PREMISES OR DEVELOPMENT

24 (6AP04)
All towers, ventilation/ducting, exhaust fan structures, chillers and condensers for air-conditioning and any other structures on the roof are to be the subject of a separate Development Application.
Reason: To maintain the amenity of the surrounds.

25 (6BS02)
The ongoing operation and fit out of the premises must be maintained in accordance with the following requirements:

- Food Act 2003
- Food Regulations 2004
- Australian Standard AS4674-2004: Construction and fit out of food premises
- Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment
- Australia and New Zealand Food Standards Code 3.2.2: Food Safety Practices and General Requirements

Reason: To ensure compliance with legislation and to protect public health and safety.

26 (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.

27 (6MS06)
A plan of management for the operation of the restaurant must be entered into with Council prior to issue of an Occupation Certificate. The ongoing operation of the restaurant must be in accordance with the Plan of Management.

The Plan of management must include, but not be limited to:

- Mitigating measures to minimise amenity impacts on the residential units
- Managing noise impacts from the premises
- Ensuring odours do not become a public nuisance
- The service of alcohol
- Waste management

Reason: This condition has been applied to maintain a reasonable level of amenity to the area.

28 (6NL02)
All lights used to illuminate the exterior of the buildings or site must be positioned and/or fitted with cut off luminaries (baffles) so as to prevent the emission of direct light onto adjoining roadways, adjoining land, dwellings and waterways.
Reason: To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.

29 (6NL03)
The ongoing use of the premises/property must not give rise to 'offensive noise' as defined under the provisions of the Protection of the Environment Operations Act 1997.
Reason: To ensure compliance with legislation and to protect public health and amenity.

30 (6NL04)
External sound amplification equipment or loud speakers must not be used for the announcement, broadcast, playing of music (including live music) or similar purposes.
Reason: To protect the acoustic amenity of neighbouring properties and the public.

31 (6NL05)
The use of amplified sound equipment and public address systems is not permitted, unless located entirely within the shop and used in such a manner that the noise cannot be heard in any public place.
Reason: To ensure compliance with legislation and to protect public health and amenity.

32 (6NL07)
Noise associated with any entertainment within the premises including but not limited to live music, amplified music, background acoustic music, recording, comedy, dance, artistic expression or otherwise must not be audible within any residential habitable room at any time.
Reason: To minimise noise disturbance to neighbouring residential properties.

33 (6NL08)
All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and must comply with where relevant, Australia Standard AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance and design requirements and Australian Standard AS 4282:1997 Control of the obtrusive effects of outdoor lighting.
Reason: To protect the amenity of adjoining properties.

34 (6NL09)
Patron noise must be controlled so as not to disturb or intrude upon the surrounding residential community. Noise arising from patrons located within the grounds of the premises whether indoors, in the courtyard or within any approved outdoor dining area must not be audible within any residential habitable room at any time.
Reason: To minimise noise disturbance to neighbouring residential properties.

35 (6PT03)
Loading and unloading of vehicles and delivery of goods to the land must be carried out within the site. The car parking area shown on the approved drawings must be used for vehicle parking only. Any loading or unloading of materials of potential environmental damage must be appropriately bunded with adequate spill response equipment in place to ensure nil runoff from the site.
Reason: To ensure the safety and amenity of the general public using public streets, and to ensure the protection of the environment from spillage of materials.

36 (6WM01)
Activities must not detrimentally affect impact existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
Reason: To protect existing and future amenity of the adjoining occupations from excessive waste emissions.

37 (6WM04)
All non-recyclable waste from commercial premises must be presented for collection in a lidded receptacle. Waste receptacles are not to be stored in public spaces such as footpaths.
Reason: Public amenity and litter minimisation.

38 (6WM05)
No waste generated on site from any commercial operation is to be placed in public place bins. Commercial operators must maintain their commercial waste bins in an organised, clean and sanitary condition, preventing potential for litter from overflowing bins.
Reason: To communicate policy regarding illegal trade waste dumping in public bins; and maintenance of trade waste bins.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building works 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.

Please note that all building work must be carried out fully in accordance with this development consent and conditions of approval. It is an offence to carry out unauthorised building work or building work that is not in accordance with this consent.

In accordance with Clause 284 of the *Environmental Planning and Assessment Regulation 2000*, non compliance with the above conditions may result in Council issuing a Penalty Notice which may incur a fine.

Notes:

Review of Determination
1. If you are dissatisfied with this decision, Section 82A of the *Environmental Planning and Assessment Act 1979* gives the applicant the right of review by Council within six (6) months of the date of determination.

Please note that this review must be completed within the six (6) month period after the date of determination. A determination in respect of integrated development or designated development cannot be reviewed by Council.

Right of Appeal

2. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act 1979* gives the applicant the right to appeal to the Land and Environment Court of New South Wales (their address being Level 4, 225 Macquarie Street, Sydney NSW 2000) within six (6) months after the date on which the applicant received notice of the determination of that application.

Modification of the Consent

3. You are advised that any modification to the approved building(s) or structure(s), changes to the layout of buildings or structures on the site, modification of any conditions of this consent or changes to the operation of an approved use may require the lodgement of modification to the consent under Section 96 of the *Environmental Planning and Assessment Act 1979*.

4. Please be advised that in order to lodge an application to modify the consent pursuant to this section, the development must be substantially the same development for which consent was originally granted. If Council is not satisfied that the development is substantially the same, a new development application for the works/use will be required.

Before the Commencement of Building / Subdivision Work

5. A Long Service Levy is payable prior to the issue of all Construction Certificates or Complying Development Certificates, on building works in NSW, where the value of works is $25,000 (inclusive of GST) and above. The levy is presently calculated by multiplying the value of works (including GST) by 0.35%. When calculating the levy round down to the nearest dollar, for example, if the cost of works is $485,260 multiply this by 0.35% = $1,698.41. The levy payable is therefore $1,698.

   Please be advised that the levy is a state government levy and the percentage at which it is charged, can change without notice. The levy funds a portable long service scheme for workers in the building and construction industry. For further information see www.lspc.nsw.gov.au or contact the Corporation on 13 14 41.

6. The erection of a building in accordance with this development consent **must not be commenced until**:

   (a) detailed plans and specifications of the building have been endorsed with a ***Construction Certificate*** by:
      (i) the Consent Authority, or
      (ii) an Accredited Certifier, and

   (b) the person having the benefit of the development consent:
      (i) has appointed a ***Principal Certifying Authority***, and
      (ii) has notified the Consent Authority and the Council (if the Council is not the consent authority) of the appointment, and

(c) the person having the benefit of the development consent has given at least two days notice to the Council of the person's intention to commence the erection of the building.

Details in regard to ***Notice of Commencement of Building / Subdivision Work*** (Form 7 attached to this consent) and appointment of the Principal Certifying Authority are to be submitted to Council following issue of the Construction Certificate and two (2) working days prior to commencement of building works.

Other approvals

7. It is advised that your plans must be submitted to Sydney Water for approval at least fourteen (14) days before commencement of works. Please phone Sydney Water on 13 20 92 for information regarding an office closest to you.

8. **Letter Box**:
Any new letter box is to comply with requirements outlined in the Australia Post 'General Post Guide' dated September 2007 or later.

Australia post delivers only in to mail boxes of an approved size. Australia Post recommends a separate aperture, box or tube to accommodate newspapers and non-mail articles.

The approved dimensions of the mail boxes are:-
Internal width (left to right) - minimum 230mm
Internal depth (front to back) - minimum 330 mm
Internal height - minimum 160mm
Horizontal aperture – minimum 230mm x 30mm and minimum 130mm above base
Vertical aperture – minimum 330mm x 30mm and minimum 40mm above internal base
Elevation of aperture above ground level –
Single mail box – between 900mm and 1200mm
Group mail boxes – between 600mm and 1600mm.

For single residential or commercial premises the mail box is to be located on the boundary of the property with the footpath or road. The mail box aperture must face the footpath or road.

For further details please refer to Australia Post website auspost.com.au.
Reason: To comply with Australia Post requirements.

9. Dial Before You dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact *Dial Before You Dig* at www.1100.com.au or Telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the *Dial Before You Dig* service, an amendment to the development consent (or a new development application) may be necessary.

Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the *Dial Before You Dig* service in advance of any construction of planning activities.

10. Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a availability or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact:- Telstra's network Integrity Team on Phone Number 1 800 810 443.

Should you have any questions in relations to the matter, please contact Council's Landuse & Sustainability, on (02) 9976 1414, during business hours.

Signed below on behalf of the consent authority.

Yours faithfully, Date: 29/4/16

Kathryn Parker

Public Officer