

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/1297
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Responsible Officer:	Jordan Howard
Land to be developed (Address):	Lot A DP 962291, 3 - 5 Pittwater Road MANLY NSW 2095 Lot B DP 962291, 3 - 5 Pittwater Road MANLY NSW 2095
Proposed Development:	Alterations and additions to a building and use as recreational facility (indoor) including signage
Zoning:	Manly LEP2013 - Land zoned E1 Local Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Prestige Town Planning

Application Lodged:	03/10/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	10/10/2024 to 24/10/2024
Advertised:	Not Advertised
Submissions Received:	3
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 190,300.00
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PROPOSED DEVELOPMENT IN DETAIL

This Development Application seeks development consent for alterations and additions to a building and use as recreational facility (indoor) including signage. Specifically, the proposal seeks to internally expand an existing and established recreational facility (indoor) (a 24/7 Anytime Fitness Gymnasium), currently located on the Ground and First Floor Levels of the two storey commercially oriented building at 3 – 5 Pittwater Road, into an adjacent Ground Floor Level Tenancy. The proposal entails the change in land use of the existing Ground Floor Level Tenancy to a recreational facility (indoor) as to unify the land uses and includes internal fit-out for the proposed purpose and associated business identification signage.

The expanded recreational facility (indoor) is proposed to operate 24 hours a day, Monday to Sunday, including public holidays. The premises will generally operate with a maximum of three staff members during the following hours:

- Monday to Thursday: 10am - 7pm
- Friday: 10am - 4pm
- Saturday: 10am - 2pm
- No staffing on Sunday

Outside of staffed hours members are able to gain personal access via personal access cards / fobs, providing a gymnasium service to those unable to attend during typical business hours.

Based on current usage statistics from the existing Anytime Fitness Manly, and other similar Anytime Fitness clubs, expected absolute maximum patronage is 35 persons at any one time during highest peak hours of use. Maximum hourly use is expected to be approximately 15 - 20 patrons per hours. Late-night usage (midnight to 5am) of Anytime Fitness clubs is indicated to be low, with typically less than 1 patron per hour.

The expanded recreational facility (indoor) does not include any additional proposed on-site parking. The currently approved Anytime Fitness operates without any on-site parking, however, was initially approved with conditions of consent imposing Section 94 Contributions in lieu of on-site parking spaces to contribute to the provision of public amenities and services.

During the assessment, additional information was requested in relation to a referral response from Council's Heritage team relating to proposed signage. Amended plans were provided, which did not require re-notification, in accordance with the Northern Beaches Community Participation Plan.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Assessment - Concurrence - Roads and Maritime Service - SEPP (Transport and Infrastructure) 2021, s2.118

Manly Local Environmental Plan 2013 - 6.1 Acid sulfate soils

Manly Development Control Plan - 3.4.2 Privacy and Security

Manly Development Control Plan - 4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor
 Manly Development Control Plan - 4.2.5.4 Car Parking and Access
 Manly Development Control Plan - 4.2.5.6 Late Night Venues
 Manly Development Control Plan - 4.4.3 Signage

SITE DESCRIPTION

Property Description:	<p>Lot A DP 962291 , 3 - 5 Pittwater Road MANLY NSW 2095</p> <p>Lot B DP 962291 , 3 - 5 Pittwater Road MANLY NSW 2095</p>
Detailed Site Description:	<p>The subject site consists of two (2) allotment located on the western side of Pittwater Road. Lot A DP 962291 is regular in shape and has an area of approximately 223sqm. Lot B DP 962291 is regular in shape and has an area of approximately 222sqm. The sites have a combined frontage of approximately 18.1m along Pittwater Road and a depth of approximately 30.5m. Both of these allotments make up the subject site.</p> <p>The subject site is located within the E1 Local Centre zone and is entirely occupied by a two (2) storey commercially oriented building. Pedestrian access is provided via the footpath along Pittwater Road and due to the entirety of the allotment being occupied by the commercial building structure, no vehicular access and/or on-site car parking exists. The northern side of the ground floor and the entire first floor are currently occupied by the existing 24/7 Anytime Fitness Gymnasium. The southern side of the ground floor was previously occupied by a commercial tenancy which specialised in aquarium retail sales (Aquarium World) but is currently vacant.</p> <p>The site subject site is relatively flat and contains no vegetation. There is no details of any threatened species on the subject site.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by commercial properties to north and south, and medium density residential development to the west. The site is located within the Manly Town Centre.</p>

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

Development Application No. 214/11 for "Change of Use to a 24 Hour Gymnasium (Recreation Facility) associated fitout and (1) sign" was approved by former Manly Council on 15 December 2011. This development consent permitted the the change of use and fitout of the 24/7 Anytime Fitness Gymnasium currently at the site.

Development Application No. 157/2014 for "Alterations and additions to an existing semi-detached gymnasium including expansion of the gymnasium on the ground floor with a retail area - Anytime Fitness" was approved by former Manly Council on 28 January 2015. This consent was subsequently modified under a Section 96(1A) Modification Application that was approved by former Manly Council on 9 June 2015.

Pre-Lodgement Meeting No. PLM2020/0267 to discuss "External Signage to a gymnasium (Anytime Fitness)" was held on 19 November 2020.

Development Application No. DA2024/1184 for "Alterations and additions and use as recreational facility (indoor) including signage" was returned at lodgement by Council on 2 September 2024 due to inadequate and/or insufficient information being provided to assess the proposed development.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any	See discussion on "Environmental Planning Instruments" in this report.

Section 4.15 Matters for Consideration	Comments
environmental planning instrument	
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to a referral response from Council's Heritage team relating to proposed signage.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) Social Impact</p>

Section 4.15 Matters for Consideration	Comments
and economic impacts in the locality	The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 10/10/2024 to 24/10/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 3 submission/s from:

Name:	Address:
Mrs Donna Jackson	C/- McGrath Property Management Shop 4 1073 Pittwater Road COLLAROY NSW 2097
Mr Carl William Jackson	C/- McGrath Property Management Shop 4 1073 Pittwater Road COLLAROY NSW 2097
Mr Thomas James Jackson	3 / 48 Raglan Street MANLY NSW 2095

The Northern Beaches Community Participation Plan stipulates that all submissions received by or on behalf of the same dwelling will be considered as a single submission and that all submissions received from the same person will be considered as a single submission.

Several submissions have been made on behalf of owners / occupiers of the following two (2) properties, both located within a Residential Flat Building adjoining the subject site to the west:

- 2 / 48 Raglan Street MANLY
- 3 / 48 Raglan Street MANLY

The following issues were raised in the submissions:

- **Acoustic privacy / noise impacts**

The submissions raised concerns regarding current acoustic impacts of the gymnasium and potential for these impacts to increase if the gymnasium is expanded. The submissions noted issue with noise emanating from music, weight dropping, cleaning operations and customers.

Comment:

Refer to the section of this report on MDCP Clause 3.4.2 Privacy and Security for detailed discussion on acoustic privacy / noise nuisance. In summary, an Acoustic Report has been prepared and submitted with the application, as well as a Plan of Management, documents which both outline a number of measures proposed to be undertaken to mitigate potential noise issues, including some acoustic treatments as well as operational measures. Council's Environmental Health (Industrial) team has reviewed the application in regards to noise nuisance, supporting the proposed development, subject to conditions of consent. These conditions include the required implementation / incorporation of design recommendations within the provided Acoustic Report, on-going maintenance of these requirements, and on-going compliance with the Plan of Management. Furthermore, an acoustic review within 30 days of operations commencing is conditioned. Subject to these conditions, the proposed development is considered acceptable from an acoustic privacy perspective. It has also been considered appropriate to recommend a condition of consent restricting the use of amplified music / sound systems so that these systems do not operate overnight.

This matter does not warrant refusal of the application.

- **Car parking / traffic**

The submissions raised concerns that expansion of the gymnasium would reduce the availability of local parking spaces and increase traffic, leading to "chaos for local residents".

Comment:

Refer to the section of this report on MDCP Clause 4.2.5.4 Car Parking and Access for detailed discussion on parking requirements. In summary, the provision of no additional car parking spaces is considered supportable, in this circumstance. The subject site is in the Manly Town Centre, a pedestrian-dominant environment. The provision of additional off-street parking in this case would be unfeasible due to the need to significantly alter the existing building to facilitate a compliant amount of parking. The nil provision of parking contributes to an active street frontage, and promotes public and active transport.

The application has also been referred to Council's Traffic Engineering team in regards to both parking requirements and traffic impacts. This team assessed the proposal, which was supported by a Traffic Impact Assessment (TIA) (prepared by AusWide Consulting, dated 23 September 2024). This team found the parking shortfall to be appropriate and supported. Regarding traffic impacts, the team has found that the proposal will generate minimal vehicular traffic during the peak, and it will not have any unacceptable implications in terms of road

network capacity performance. The full Traffic Engineering team referral response can be found in the section of this report on Referrals.

This matter does not warrant refusal of the application.

- **Rubbish and public urination**

The submissions raised concerns regarding the build up of rubbish at the rear of the property (where bins are stored). Furthermore, submissions contended that people access the rear bin area of the site to urinate and raised issue with this.

Comment:

The proposed development includes a Waste Management Plan, which indicates that the on-going operations of the business will produce reasonable levels of waste, which can be stored on site within bins and sorted / processed off-site by a Private Contractor. Compliance with the Waste Management Plan forms a recommended condition of consent.

Should any location contain unhealthy conditions (such as overgrown properties, vermin, hoarding, excessive rubbish buildup, etc.) a report can be made to Council either online, via phone or email, or in person at a Customer Service Centre. Under the *Local Government Act 1993 – Section 124*, Council can serve Notices and Orders to owners or occupiers, requiring them to maintain property in a safe and healthy condition. However, such concerns must be raised through relevant channels.

Regarding concerns that people are accessing the rear bin area of the site to urinate, this not a relevant planning consideration for the evaluation of this Development Application. It is noted that the facility contains bathrooms for the use of customers. It is also noted that Google Streetview images indicate that a gate is installed at the rear of the site facing Raglan Street, between the subject site and residential flat building at 48 Raglan Street, which limits access to the rear and visually demarks public and private property boundaries. Should trespassing or illicit activity of other people be an issue, this should be raised through relevant channels, such as the Police.

This matter does not warrant refusal of the application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><u>Note:</u> The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such</p>

Internal Referral Body	Comments
	<i>as this however may be determined at Construction Certificate Stage.</i>
Environmental Health (Industrial)	<p>General Comments</p> <p>The proposal seeks to to internally expand the existing 24/7 Anytime Fitness Gymnasium) currently located on the Ground and First Floor Levels of the two storey commercially orientated building at 3 – 5 Pittwater Road, Manly, NSW, into an adjacent Ground Floor Level Tenancy.</p> <p>The proposal is supported by an acoustic report by a qualified acoustic consultant as well as a Plan of Management.</p> <p>The acoustic report and plan of management outline a number of measure proposed to be undertaken mitigate potential noise issues, including some acoustic treatments as well as operational measures.</p> <p>The proposal is supported with the recommendation of appropriate conditions of consent.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
NECC (Flooding)	<p>This proposal is for change of use and extension of an existing business including new signage, demolition of internal walls and construction of new internal walls. The proposal is assessed against Section 5.4.3 of the Manly DCP and Clause 5.21 of the Manly LEP.</p> <p>The proposal is located within the Medium Flood risk precinct. The relevant flood characteristics are as follows:</p> <p>Flood Planning Level: 6.34m AHD</p> <p>1% AEP Flood Level: 5.84m AHD</p> <p>1% AEP Hydraulic Category: Flood Fringe</p> <p>Probable Maximum Flood (PMF) Level: 6.13m AHD</p> <p>Max PMF Life Hazard Category: H3 – H1</p> <p>While there is demolition and construction of internal ground floor walls, the development does not alter the existing envelope of the</p>

Internal Referral Body	Comments
	<p>building.</p> <p>Subject to the following conditions, the proposal generally complies with Section 5.4.3 of the Manly DCP and Clause 5.21 of the Manly LEP.</p>
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	<p>The proposal has been referred to Heritage as the subject site is adjacent to a heritage item and located within the Pittwater Road Conservation Area, listed under Schedule 5 of MLEP 2013.</p> <p>Item I196 - Baby health care centre building - 1 Pittwater Road, Manly</p>
	Details of heritage items affected
	<p>Details of the heritage item and the HCA, as contained within the Heritage Inventory, are:</p> <p>Item I196 - Baby health care centre building</p> <p><u>Statement of Significance</u></p> <p>This item is of local cultural heritage significance for its ability to demonstrate the pattern of Manly's development and that of Government utilities. The building is an example of a Baby Health Clinic constructed in the mid Twentieth Century in response to the development of the care for children's health. It is a fine and intact example of Post War International style of architecture.</p> <p><u>Physical Description</u></p> <p>The building is a single storey face brickwork structure with flat roof, strong cubic form and contrasting textures. The building features highly textured brickwork, rendered details and large glazed panels in aluminium frames. The building is well designed addressing its prominent corner location on an elongated site.</p> <p>Pittwater Road Conservation Area</p> <p><u>Statement of Significance</u></p> <p>This street pattern is distinctive and underpins the urban character of the area. The streets remain unaltered in their alignment, although the names of Malvern, Pine and North Steyne are now names for what were Whistler, Middle Harbour and East Steyne respectively.</p> <p><u>Physical Description</u></p> <p>The streetscape of Pittwater Road is a winding vista of late 19th and early 20th century commercial and residential architecture of generally one or two floors - although there are exceptions such as the four storey private hotel. The streetscape provides a 19th</p>

Internal Referral Body	Comments		
	century atmosphere due to it's scale, width and the number of extant Victorian structures. Within the streetscape there are a number of individually signifigant buildings which are listed seperately. Adjacent streets generally comprise a consistant pattern of one and two story residential cottages, with the occasional terrace. Some streets have intermittent street plantings and remnant stone kerbs. The flat topography is accentuated by the escarpment to the west which provides an important visual, vertical and vegetated backdrop.		
	Other relevant heritage listings		
	SEPP (Biodiversity and Conservation) 2021	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	Consideration of Application		
	The proposal seeks consent for internal alterations and extension to the adjacent ground floor tenancy and associated business identification signage for an existing gymnasium facility - "Anytime Fitness". The signage involves 3 types of signs;		
	<ul style="list-style-type: none">• Sign 1 - internally illuminated wall sign on the first floor level of the southern facade• Sign 2 - internally illuminated wall sign on the first floor level of the eastern facade• Sign 3 - transparent graphic vinyl artwork applied to the internal glazing surface of the exterior windows along the Eastern façade for privacy		
	Signs should generally be designed in sympathy with both the building to which they are attached and any adjoining buildings, considering their architectural style and finishes, and should comply with the requirements of Manly Development Control Plan (DCP) 2013 – in particular, <i>Section 4.4.3.2 Signage on Heritage listed items and in Conservation Areas</i> : <i>a) Advertising signs should be designed and located in a manner which preserves and enhances Heritage listed items and Conservation Areas</i> <u>Sign locations</u> <i>b) Signs should be discreet and should complement the building and surrounding uses. The architectural features of the building or</i>		

Internal Referral Body	Comments
	<p><i>listed item should always dominate.</i></p> <p><i>Other Guidelines for Heritage Items and Conservation Areas</i></p> <p><i>c) In addition to the requirements for the particular zoning, and matters listed above, the following matters must be taken into consideration:</i></p> <p><i>i) Signs on shop windows should not exceed 25 percent of the window area;</i></p> <p>Additionally, the controls of Section 4.4.3.1 <i>Controls for all Development Types</i> under Section 4.4.3 <i>Signage</i>, also applies to the proposal. In accordance with these controls the maximum number of Signs must be limited to 2 identification signs per frontage (for example 1 fascia and 1 hamper sign), in any 2 of the preferred locations as outlined in the DCP. It is considered that excessive signage usually has an opposite effect to its original intention and the cluttering causes visual pollution. Having fewer, but clearer advertising assists not only the advertiser, but also the appearance of the building and the overall streetscape. Therefore, where the maximum number of signs is achieved in locations in accordance with the above controls, further signs, particularly above the awning are not permitted.</p> <p>The HIS by PTP, submitted with this application, states that "The proposed illumination of the signage is further of great importance to the safety and security of the building and will enhance the visual interest of the main entrance to the proposed facility.", however, there are already two existing illuminated signs (one horizontal projecting sign and one top hamper sign) enhancing the entry to the subject building. The proposal involves another two additional illuminated wall signs which are located at the first floor walls. Generally illumination is not allowed for any signs above the ground floor level in the heritage conservation area. The proposed signage on the southern side wall facing Raglan Street, above the heritage listed item "Baby health care centre building"- Sign 1 - is not acceptable, as it is considered to dominate and detract from the significance of the heritage item. Sign 2 is also not acceptable as it is considered to be inconsistent with the character of the conservation area, therefore, it is recommended to have another top hamper sign, similar to the existing one on the Pittwater Road facade. The proposed window signage is recommended to not exceed 25 percent of the window area to be consistent with the above DCP control. It is also not clear if the proposal involves any changes to the external materials and colours, and the details of any external colour scheme must be provided.</p> <p>Revised comments - 25 November 2024</p> <p>Amended drawings, dated 22 November 2024, have resolved the heritage concerns on the proposed signage. However, the external materials and colours have not been provided.</p>

Internal Referral Body	Comments
	<p>Therefore, no objections are raised on heritage grounds subject to one condition.</p> <p><u>Consider against the provisions of CL5.10 of MLEP 2013.</u></p> <p>Is a Conservation Management Plan (CMP) Required? No</p> <p>Has a CMP been provided? No</p> <p>Is a Heritage Impact Statement required? Yes</p> <p>Has a Heritage Impact Statement been provided? Yes</p>
Traffic Engineer	<p>Proposal description: Alterations and additions to a building and use as a recreational facility (indoor) including signage</p> <p>The proposal is for the expansion of the existing Indoor Recreation Facility, Anytime Fitness, located in Manly, by utilising an adjacent Ground Floor Level Tenancy at 3-5 Pittwater Road, Manly. This proposal involves changing the land use of the current Tenancy to accommodate the Indoor Recreational Facility. The project will unify the land uses and include an internal fit-out for the proposed extension, along with the installation of associated business identification signage.</p> <p>The traffic team has reviewed the following documents:</p> <ul style="list-style-type: none"> • Traffic Impact Assessment (TIA), prepared by AusWide Consulting dated 23 September 2024, • Statement of Environmental Effects prepared by PTP Consulting dated 23 September 2024, • Plans (Master Set) - Amended, Revision B – designed by Archi Spectrum, dated 22/11/2024, and • Pre-Lodgement Advice (PLM2020/0267) dated 19 November 2020. <p>The current gymnasium, located on the ground and first floors, has a GFA of 567 m². The space available for tenancy, which is to be expanded into, has a GFA of 185 m². Therefore, the total proposed Gross Floor Area for the development will be 784 m².</p> <p>The proposed operating hours of the development are from 10am to 7:00pm, Monday – Thursday, from 10am to 4:00pm, Friday, from 10am to 2:00pm, Saturday and unstaffed on Sunday.</p> <p>The proposed change of use application does not include any additional on-site parking provisions. With the proposed additional gross floor area (GFA), no extra staff members are anticipated at the site.</p> <p><u>Parking requirements and design</u></p> <ul style="list-style-type: none"> • The site is zoned E1 Local Centre under the Manly Local Environmental Plan 2013.

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • Manly DCP applies to the subject site. The Manly DCP does not nominate a parking rate for the Indoor Recreational Facility or Gymnasium; however, it advises that rates provided in TfNSW documents should be used where a rate is not specified. The TfNSW Guide to Traffic Generating Development nominates a minimum rate of 3 spaces per 100m² of GFA for gym uses if it is located within a regional centre and is in close proximity to rail/bus services. For this site, with an additional GFA of 185m², this would equate to 5.6 spaces (rounded up to 6 spaces). • The Traffic report suggests no parking spot will be provided on-site. The off-street parking shortfall of 6 parking spaces and relying upon on-street parking opportunities is considered appropriate for the following reasons: <ul style="list-style-type: none"> ◦ the site is located within short walking distance of the Manly town centre, and bus stops are located within close walking distance. Manly Wharf is located at just 8 minutes' walking distance from the site. ◦ The site is designed to support a pedestrian-dominant environment in the CBD. The Manly Centre features several pedestrian-friendly areas, providing high-quality public spaces and ensuring easy access to key locations such as the ferry wharf and the beach. The footpaths adjacent to the roadways are well-constructed and generally in good condition, with pedestrian crossings available at most key points. Additionally, there is an established network of cycling routes that facilitate access to the site. ◦ according to the Traffic report, the proposed gymnasium does not provide the facilities found in a typical fitness centre/gymnasium. Analysis of such developments, therefore, should be based on surveys of similar developments. If this is not possible, a first-principles analysis is required. ◦ on-street parking surveys were undertaken on a typical weekday in the adjacent street. The surveys included counts every 30 minutes on the times of day that the proposed centre would be expected to generate its peak car parking demand. The surveys were undertaken to gain an understanding of the existing parking demands within the vicinity of the site. ◦ the developer's Traffic consultant has undertaken a travel mode survey of patrons

Internal Referral Body	Comments
	<p>attending Anytime Fitness Manly on a typical weekday.</p> <ul style="list-style-type: none"> ◦ The parking surveys demonstrated that there was a peak demand of some 70 parking spaces occupied out of 75 spaces in the adjacent street, representing little parking availability; however, the parking surveys also found that there were some ample parking opportunities in the early morning hours and late evening, which coincide with the peak operational hours at Anytime Fitness, Manly. ◦ The travel mode survey also found that for the average hourly usage of approx. 15-20 patrons for the current Anytime Fitness, there was a generated parking demand of some 11 spaces. This equates to a site-specific parking demand of 1.94 parking spaces per 100m² of GFA. With the application of this parking rate on the proposed additional GFA of 185m², the development could generate an additional parking demand of 4 parking spaces. ◦ Based on the surveys undertaken, it was concluded that in the vicinity of the site, there was an abundance of spare car parking spaces on a typical weekday; users of the proposed indoor recreational facility therefore would likely be able to park their car in those locations. <p><u>Traffic Impact</u></p> <p>The proposal will generate minimal vehicular traffic during the peak, and it will not have any unacceptable implications in terms of road network capacity performance.</p> <p><u>Pedestrian impacts:</u></p> <ul style="list-style-type: none"> • The installation of the proposed signage is required to comply with the 2.5m clearance from the ground and needs to be outside the clear zone to any road users/infrastructure. No safety concern is to be expected to be imposed by the proposed signage. • During the installation of the proposed signage, there would be some impacts on pedestrian activity in the vicinity of the proposal. This needs to be detailed in the Construction Traffic Management Plan (CTMP). <p><u>Conclusion</u></p> <p>Subject to conditions, the application can be supported on traffic grounds.</p>

Internal Referral Body	Comments

External Referral Body	Comments

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Sustainable Buildings) 2022

3.1 Application of Chapter

- (1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—
- (a) *the erection of a new building \$5 million, or*
 - (b) *alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more.*

Comment:

The chapter is not applicable as whilst the proposed development involves alterations, enlargement or extension of an existing non-residential building, it does not involve a capital investment value of \$10 million or more.

SEPP (Transport and Infrastructure) 2021

Transport for NSW (TfNSW)

Section 2.119 - Development with frontage to classified road states:

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

- (i) the design of the vehicular access to the land, or
- (ii) the emission of smoke or dust from the development, or
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment:

The proposed development was referred to TfNSW for comment in accordance with Section 2.119 of the *SEPP (Transport and Infrastructure) 2021*. Following a review, TfNSW raised no objections to the application, subject to requirements included in any consent issued by Council. Compliance with the requirements of TfNSW have been included as part of the recommended conditions of consent.

SEPP (Industry and Employment) 2021

Section 3.6 and 3.11 of Chapter 3 require Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

The objectives of this chapter aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

It is noted that during the assessment process, Council's Heritage Team raised issues with proposed signage. In response, the Applicant provided amended plans which reduced the overall number and scale of proposed signage. These amendments satisfied the Heritage team.

In accordance with the provisions stipulated under Schedule 5 of Chapter 3, the following assessment of the revised signage proposal is provided:

Matters for Consideration	Comment	Complies
1. 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 proposed signage is consistent with existing signage on site and surrounding/nearby commercial premises.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No consistent theme for outdoor signage exists in the locality.	YES
2. 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 signage does not dominate the streetscape and does not detract from the amenity or visual quality of the site. The subject site is not within an environmentally sensitive area, conservation area, open space area, waterway area, rural area, or residential zoned area. The site is located adjacent to a residential property, located to the rear, though the illuminated signs are not oriented towards those properties. The subject	YES

	site is within a heritage conservation area and is adjacent to a heritage item (a building located to the south at 1 Pittwater Road). The proposed development has been referred to Council's Heritage Team, who, subject to revisions made during the assessment process and recommended conditions of consent, raise no objections with the proposal.	
3. Views and vistas Does the proposal obscure or compromise important views?	The proposed signage does not obscure or compromise important views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage does not dominate the skyline or reduce the quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not impact upon the viewing rights of other advertisers.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is appropriate for the site and surrounds.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage has been designed in a clear and modern manner, and therefore creates visual interest and promotes business identification.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage is simplified in that it is for business identification purposes only.	YES
Does the proposal screen unsightliness?	The subject site does not contain unreasonable unsightliness.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above any buildings, structures or tree canopies on site, with all proposed signage located on the existing building facade.	YES
Does the proposal require ongoing vegetation management?	The proposed signage does not require any ongoing vegetation management.	YES
5. 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 scale, proportion and form of the proposed signage is consistent with and complementary to the use of the site.	YES
Does the proposal respect important features of the site or building, or both?	The proposed signage is ancillary to the building on site.	YES
Does the proposal show innovation and imagination in its relationship to the site or	The proposed signage is for business identification purposes only, so does	YES

building, or both?	not require innovation or imagination. However, the proposed signage is located logically to achieve an adequate level of exposure, while remaining visually compatible with the building.	
6. 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 does not require any or safety devices or platforms.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	The illumination of the signage will not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, or detract from the amenity of any residence.	YES
Can the intensity of the illumination be adjusted, if necessary?	The illumination of the signage can be adjusted if necessary.	YES
Is the illumination subject to a curfew?	Given the small scale of proposed business identification signage, location of the site in the Manly Town Centre, orientation of signage away from residential receivers and 24/7 operation of the business premises, no illumination curfew to the signage is proposed.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage would not reduce safety on any public road, or for pedestrians or bicyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage does not obscure sightlines.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of this chapter and its underlying objectives.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1) (b) and (c) of this Chapter and the land is considered to be suitable for the commercial land use.

Manly Local Environmental Plan 2013

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	15m	No change from existing	N/A	N/A
Floor Space Ratio	2:1	No change from existing	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
4.5 Calculation of floor space ratio and site area	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.8 Landslide risk	Yes
6.11 Active street frontages	Yes
6.12 Essential services	Yes
6.13 Design excellence	Yes

Detailed Assessment

6.1 Acid sulfate soils

Clause 6.1 - 'Acid sulfate soils' requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

The site is located in an area identified as Acid Sulfate Soil Class 4, as indicated on Council's Acid Sulfate Soils Planning Map.

Works at depths beyond 2.0m below the natural ground surface and/or works by which the watertable is likely to be lowered more than 2.0 metre below the natural ground surface within a Class 4 acid sulfate soil area are required to be assessed to determine if any impact will occur.

The development does not propose any excavation, with physical works only consisting of fit-out and signage in / on an existing premises. As such, no further consideration of acid sulfate soils is required.

Manly Development Control Plan

Built Form Controls

There are no built form controls under the Manly DCP to consider as part of this assessment.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.3 Townscape (Local and Neighbourhood Centres)	Yes	Yes
3.2 Heritage Considerations	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.2.2 Height of Buildings (Consideration of exceptions to Building Height in LEP Business Zones B1 and B2)	Yes	Yes
4.2.3 Setbacks Controls in LEP Zones B1 and B2	Yes	Yes
4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor	No	Yes
4.2.5 Manly Town Centre and Surrounds	Yes	Yes
4.2.5.1 Design for Townscape	Yes	Yes
4.2.5.2 Height of Buildings: Consideration of Townscape Principles in determining exceptions to height in LEP Zone B2 in Manly Town Centre	Yes	Yes
4.2.5.3 Security Shutters	Yes	Yes
4.2.5.4 Car Parking and Access	No	Yes
4.2.5.6 Late Night Venues	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.3 Signage	Yes	Yes
4.4.4.1 Awnings in LEP B1 and B2 Business Zones	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes
5 Special Character Areas and Sites	Yes	Yes

Detailed Assessment

3.4.2 Privacy and Security

Submissions received during notification of this application have raised concerns regarding current acoustic impacts of the gymnasium and potential for these impacts to increase if the gymnasium is expanded. The submissions noted issue with noise emanating from music, weight dropping, cleaning operations and customers.

MDCP Clause 3.4.2.3 Acoustical Privacy (Noise Nuisance) includes considerations related to acoustical privacy, including the following relevant matter for consideration:

- *Consideration must be given to the protection of acoustical privacy in the design and management of development.*
- *Proposed development and activities likely to generate noise including certain outdoor living areas like communal areas in Boarding Houses, outdoor open space, driveways, plant equipment including pool pumps and the like should be located in a manner which considers the acoustical privacy of neighbours including neighbouring bedrooms and living areas.*
- *Council may require a report to be prepared by a Noise Consultant that would assess likely noise and vibration impacts and may include noise and vibration mitigation strategies and measures.*

It must be noted that subject site, as well as residential properties to the rear, are all located within the E1 Local Centre within Manly Town Centre. In this regard, a higher level of noise is to be expected in this area compared to less dense, less commercial areas.

Nonetheless, an Acoustic Report has been prepared and submitted with the application (by Norrebro Pty Ltd, dated 12 September 2024) and well as a Plan of Management (by Prestige Town Planning Pty Ltd, dated 23 September 2024). For consideration of potential noise nuisance, this application has been referred to Council's Environmental Health (Industrial) team. This team's referral response can be found in the section of this report on Referrals.

The Acoustic Report and Plan of Management outline a number of measures proposed to be undertaken to mitigate potential noise issues, including some acoustic treatments as well as operational measures. Council's Environmental Health (Industrial) team support the proposed development, including the recommendations of these reports, subject to additional conditions of consent. These conditions include the required implementation / incorporation of design recommendations within the provided Acoustic Report, on-going maintenance of these requirements, and on-going compliance with the Plan of Management. Furthermore, an acoustic review within 30 days of operations commencing is conditioned.

It has also been considered appropriate to recommend a condition of consent restricting the use of amplified music / sound systems so that these systems do not operate overnight.

Subject to these conditions, the above requirements are considered to be met and the proposed development is considered acceptable from an acoustic privacy perspective.

4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor

Refer to the section of this report on MDCP Clause 4.2.5.4 Car Parking and Access (below) for a planning assessment of the proposed car parking variation.

4.2.5.4 Car Parking and Access

Description of non-compliance

MDCP Clause 4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor, Clause 4.2.5.4 Car Parking and Access and Schedule 3 Parking and Access are applicable in assessing parking requirements for this site. Schedule 3 Parking and Access contains parking rates and requirements for vehicles, but does not nominate a parking rate for Indoor Recreational Facilities or Gymsnasiums. However, it advises that rates provided in TfNSW documents should be used where a rate is not specified. The application was referred to Council's Traffic Engineering team, with this teams full referral response contained within the section of this report on Referrals. This team has outlined that TfNSW Guide to Traffic Generating Development nominates a minimum rate of 3 spaces per 100sqm of GFA for gym uses, if located within a regional centre and in close proximity to rail/bus services (as in this case).

For this site, with an additional GFA of 185sqm being converted into use for an indoor recreational facility, this would equate to an additional 5.6 spaces (rounded up to 6 spaces) required to be provided. No additional parking spaces are proposed within this application. Therefore, a variation to minimum parking requirements is sought.

It is noted that Development Applications for the existing indoor recreational facility (DA214/11, DA157/2014 and subsequent modification applications) approved variations to required carparking and imposed Section 94 Contributions in lieu of on-site parking spaces to contribute to the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development. Therefore, consideration is only given to the parking requirements of additional proposed GFA.

Merit consideration

As outlined under MDCP Clause 4.2.5.4 Car Parking and Access, exceptions to parking rates / requirements in Manly Town Centre should be considered on merit, particularly where:

- *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; or*
- *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.*

All of these factors are considered to apply to the subject site and variation of the control is considered appropriate.

When considering the proposal on merit, it is important to note that the provision of additional off-street parking in this case is unfeasible due to the need to significantly alter the existing building to facilitate a compliant amount of parking. Overall, the proposed change of use is not considered to result in any significant traffic or parking generation. The subject site, being located in the the pedestrian-dominate Manly Town Centre, is well serviced by public transport services and active transport links. Public parking is also available in the street and in public carparks. In this regard, Council can be satisfied that the proposal will not result in adverse traffic generation or parking demand.

Also important to note is that the site is zoned E1 Local Centre under Manly Local Environmental Plan 2013. One of the objectives of the zone is *"to ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces"*. This is achieved by the proposed development and by variation of parking requirements.

Finally, it is noted that Council's Traffic Engineering team has provided a referral response, which can be found in full in the section of this report on Referrals. This response includes full technical assessment of parking requirements and traffic impacts. This team finds the parking shortfall to be appropriate and supported, and overall supports the application, subject to recommended conditions of consent.

Therefore, the provision of no additional car parking spaces is considered supportable, in this circumstance.

4.2.5.6 Late Night Venues

The proposed change of use is to expand an existing Recreation Facility (Indoor) with 24/7 operation for use as a gymnasium. As such, the proposed development is considered against the provisions of MDCP Clause 4.2.5.6 Late Night Venues below:

Objective 1) To achieve for Manly's entertainment precinct as a place of excellence in which all people can use and enjoy Manly's highly valued natural amenity qualities as a place:

- *for leisure and entertainment;*
- *in which late night venues can safely entertain and provide for the enjoyment of social and recreational pursuits; without disturbing the peace of the community in terms of safety and security.*

Comment:

There has been a 24/7 gymnasium operating on the subject site since approval was first granted by former Manly Council under DA214/11 in 2011, with this application seeking its expansion into an adjoining commercial tenancy. The premise will provide a location for leisure activities and provide for the enjoyment of social and recreational pursuits within the gymnasium. The proposal is supported by an Acoustic Report prepared by a qualified acoustic consultant, as well as a Plan of Management. These reports outline a number of measures proposed to be undertaken to mitigate potential noise issue and maintain safety and security, which, combined with recommended conditions of consent, will ensure the proposal does not unreasonably impact on the peace of the community.

Objective 2) To regulate the activities and design of late night venues to minimize late night disturbances to the public and promote Manly as a safe place for all the community late at night such that:

- *frontages to public spaces must be designed to minimize conflict between customers within the establishments and public using the public spaces;*
- *the applicant demonstrate (see lodgement requirements at Council's Administrative Guidelines) that the premises will not detract from the safety and security of the Entertainment Precinct and as a place which is acceptable for families; and*
- *obligations of any current Accord are addressed in minimizing anti-social behaviour and adverse effects of excessive alcohol consumption.*

Comment:

The premise will provide a safe and secure place for members of the community to work-out and engaging in physical activities. The facility has been designed in accordance with CPTED principles. All entries and exits will remain clearly visible, completely unobstructed and easily identifiable from the public domain and other developments. The facility does not create conflict between members within the facility and members of the public using public spaces. Furthermore, the facility does not involve consumption of alcohol. As a 24/7 gymnasium, the facility provides an alternative location for community members to engage in healthy leisure / social activities outside normal business hours, times at which alcohol-centered activities and venues are predominantly the only facilities open, thereby encouraging positive alternatives to alcohol consumption.

Intensity of Development

a) In order to provide diversity, it is proposed to limit the number of patrons which attend late-night licensed venues within the Entertainment Precinct. Within the Entertainment Precinct the total number of patrons capable of being accommodated within Late Night Venues must not exceed 8000 persons. Exceptions to this will only be granted where Council is satisfied that the existing levels of adverse impact will not be added to nor detract from opportunities to provide a diverse range of alternative entertainment activities.

Comment:

The venue does not proposed a capacity exceeding 8,000 persons.

Hours of Operating (maximum)

b) The maximum hours for hotels, nightclubs, restaurants & food outlets are as follows:

- i) Hotels & Nightclubs: from 5am up to 2am (next day) and with a restricted entry policy for Nightclubs after 12.30am; and*
- ii) Restaurants & Food Outlets: from 5am up to 1am (next day).*

Comment:

The proposed use, a recreational facility (indoor), is not one of the above listed uses and is therefore not restricted in its hours of operation by this control.

Noise Control

c) Requirement of this plan in relation to licenced premises at paragraph 3.4.2.4 d - g apply to licensed Late Night Venues under this paragraph.

Comment:

The premises is not to be a licensed premises, with the proposed use not relating to the sale or consumption of alcohol. Nonetheless, the relevant provisions of MDCP Clause 3.4.2 Privacy and Security are considered elsewhere in this report. The proposal is supported by an Acoustic Report prepared by a qualified acoustic consultant, as well as a Plan of Management. These reports outline a number of measure proposed to be undertaken to mitigate potential noise issue, and conditions of consent relating to noise management are included in the recommendations of this report.

Security

d) Proprietors of Late Night Venues must enter into arrangements with Council for the provision of late night security of the premises and the adjacent public areas.

Comment:

There has been a 24/7 gymnasium operating on the subject site since approval was first granted by former Manly Council under DA214/11 in 2011, with this application seeking its expansion into an

adjoining commercial tenancy. The premises is not to be a licensed premises, with the proposed use not relating to the sale or consumption of alcohol. Late night security of the premises is outlined within the provided Plan of Management. Security measures are suitable for the use.

Access to Public spaces

e) Frontages to public spaces must be designed to minimise conflict between customers within the establishments and public using the public spaces.

Comment:

Public access to the site is maintained via Pittwater Road. All entries and exits will remain clearly visible, completely unobstructed and easily identifiable from the public domain and other developments. The facility does not create conflict between members within the facility and members of the public using the public spaces.

Decks, Balconies & Roof Top Area

f) Balconies, verandahs, any roof top areas and any external access thereto must be closed to patrons between the hours of 10pm to 8am daily.

Comment:

Not applicable. The development does not include balconies, decks, verandahs, or roof top areas.

Liquor Accord

g) Proprietors of the licensed premises must be a financial member of any applicable Liquor Accord and conform to the obligations of that Accord in minimizing anti-social behaviour and adverse effects of excessive alcohol consumption.

Comment:

Not applicable. The proposed development does not relate to a licensed venue, and is not subject to a Liquor Accord.

Design

h) Applications must demonstrate how the design and operation of licensed venues take into account best practice outlined in the document titled "Alcohol & Licensed Premises: Best Practice in Policing" S Doherty and A Roche 2003.

Comment:

Not applicable. The proposed development does not relate to a licensed venue.

Overall, the proposed development is considered to comply with the requirements and objectives of this Clause where applicable.

4.4.3 Signage

During the assessment process, Council's Heritage Team raised issues with proposed signage. In response, the Applicant provided amended plans which reduced the overall number and scale of proposed signage. These amendments satisfied the Heritage Team. The amended signage is generally compliant with the controls stipulated within this Clause.

Nonetheless, for the benefit of a full assessment, the proposed development is considered against the underlying objectives of the control as follows:

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.

Comment:

The nature of the business identification signage is consistent with established business identification signage within the Manly Town Centre.

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.

Comment:

The signage is scaled appropriately, is in proportion to the existing building and will not result in visual clutter. The signage is considered to be of a high quality design.

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.

Comment:

The proposed signage does not unreasonably interfere with the streetscape or amenity of residents. The proposed signage clearly identifies the premises.

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.

Comment:

The proposed signage has been designed in such a way that positively contributes to the urban character and scenic amenity of the Manly Town Centre.

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.

Comment:

During the assessment process, Council's Heritage Team raised issues with proposed signage. In response, the Applicant provided amended plans which reduced the overall number and scale of proposed signage. These amendments satisfied the Heritage Team, who have raised no further objections with the proposal, subject to conditions of consent.

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

Comment:

The proposed signage is of a high quality design, is clear, and assists in identifying the use of the site.

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.

Comment:

Not applicable. The subject site is zoned E1 Local Centre.

Overall, the proposed development is considered to comply with the requirements and objectives of this Clause where applicable. Furthermore, an assessment against the requirements of Section 3.6 and 3.11 of Chapter 3 of *SEPP (Industry and Employment) 2021* in regards to signage, as outlined in the relevant section of this report, has concluded that the proposed signage aligns with the requirements of the SEPP.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$ 952 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 190,300.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs

- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2024/1297 for Alterations and additions to a building and use as recreational facility (indoor) including signage on land at Lot A DP 962291, 3 - 5 Pittwater Road, MANLY, Lot B DP 962291, 3 - 5 Pittwater Road, MANLY, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA00.01	B	Site Plan	Archispectrum	22 November 2024
DA01.01	B	Existing Ground Floor Plan	Archispectrum	22 November 2024
DA01.02	B	Existing First Floor Plan	Archispectrum	22 November 2024
DA02.01	B	Proposed Ground Floor Plan	Archispectrum	22 November 2024
DA02.02	B	Proposed First Floor Plan	Archispectrum	22 November 2024
DA03.01	B	Elevations	Archispectrum	22 November 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Development Application Acoustic Report	2	Norrebro Pty Ltd	12 September

			2024
Building Code of Australia Capability and Fire Safety Upgrade Report	1	Incode Solutions Pty Ltd	10 August 2024
Traffic and Parking Impact Assessment Report	1	AusWide Consulting	23 September 2024
Plan of Management - Anytime Fitness Manly	-	Prestige Town Planning	23 September 2024
Waste Management Plan - 3-5 Pittwater Road, Manly	-	-	29 August 2024

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

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Transport for NSW (TfNSW)	Referral - Transport NSW	24 October 2024

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. Approved Land Use

The approved land use is a **recreation facility (indoor)**.

Nothing in this consent shall authorise the use of site, as detailed on the approved plans, for any land use beyond the definition of a **recreation facility (indoor)**, in accordance with the Dictionary of the Manly Local Environmental Plan 2013, as follows

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

4. 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 Certifier 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 Certifier 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 Certifier 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.

5. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development

is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.

- iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

6. **Road Occupancy Licence (ROL) from Roads and Maritime Services**

The developer shall apply for a Road Occupancy Licence (ROL) from the TfNSW Transport Management Centre (TMC) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified with 'Prepare a Work Zone Traffic Management' accreditation or equivalent. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TMC.

Reason: To inform the relevant Roads Authority of proposed disruption to traffic flows.

7. **Acoustic Review**

Within 30 days from the operations commencing under the terms of this consent, an acoustic review of the findings and recommendations of the Acoustic Report by NORREBRO DESIGN dated 12 September 2024 and any additional requirements at OC acoustic review stage; shall be carried out on site (during a busy period of trading) and any necessary action to obtain acoustic compliance, shall be completed within a further 30 days of the assessment. The report associated with the compliance testing is to be furnished to Council for its records.

Reason: To ensure acoustic compliance in an operational situation.

FEES / CHARGES / CONTRIBUTIONS

8. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$951.50 is payable to Northern Beaches Council for the provision of

local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$190,300.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

9. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

10. National Construction Code (BCA) upgrade requirements and Fire Safety upgrade

The Building Code of Australia fire safety requirements for the building as detailed and recommended in the Building Code of Australia Capability and Fire Safety Upgrade Report prepared by Incode Solutions, dated 10/08/2024, Report No. 2023049, including any required Performance Reviews, are to be considered as part of the assessment for any Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority, prior to the issue of a Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

11. National Construction Code (BCA) Access

Access and facilities to and within the building are to be provided for Persons with a Disability and are to comply with the Building Code of Australia and AS 1428.1.

Details are to be provided to the Certifier prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

12. Building components and structural soundness

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 6.34m AHD, protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

13. Construction Traffic Management Plan

a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencement of works. The CTMP to detail how the fitout and signage works will be undertaken and how pedestrian safety and amenity will be managed during the managed. CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: <to ensure vehicular access and pedestrian safety are appropriately managed> (DACTRDPC1)

14. External colour scheme

Details of the external colour scheme is to be submitted to Council for approval prior to the issue of a Construction Certificate.

Reason: To ensure the external colour scheme is appropriate within the conservation area.

15. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

16. Work Zones and Permits

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

Reason: To ensure Work zones are monitored and installed correctly.

17. Road Occupancy Licence

Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows.

Reason: Requirement of TMC for any works that impact on traffic flow.

DURING BUILDING WORK

18. Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

19. Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

20. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

21. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

22. Acoustic Design Recommendations

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Principal Certifier that design recommendations within the Acoustic Report by NORREBRO DESIGN dated 12 September 2024 have been implemented / incorporated into the design of the premises.

Reason: To prevent noise nuisance by using mitigation measures in design.

23. Building Components and Structural Soundness

B3 - A suitably qualified electrician or contractor is to certify that all new and existing electrical equipment, power points, wiring and connections are located above the Flood Planning Level of 6.34m AHD, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

24. House / Building Number

House/building number is to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the

issue of an Occupation Certificate.

Reason: Proper identification of buildings.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

25. **Acoustic Requirements - On-going**

Compliance with the recommendations within the Acoustic Report by NORREBRO DESIGN dated 12 September 2024 and any additional requirements at OC review stage.

Reason: To prevent a noise nuisance to any neighbouring residential receiver.

26. **Plan of Management**

Ongoing compliance with the Plan of Management dated 23 September 2024 by Prestige Town Planning must be complied with in perpetuity.

Reason: To ensure any potential noise issues are appropriately mitigated.

27. **No Music Overnight - On-Going**

Amplified music / sound systems are not be operated overnight between the following hours:

- Monday to Friday: 10pm - 7am
- Saturday and Sunday: 10pm - 9am

Reason: To ensure noise from business operations do not negatively impact the amenity of residential receivers during night hours.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Jordan Howard, Planner

The application is determined on 13/12/2024, under the delegated authority of:



Rodney Piggott, Manager Development Assessments