

JRPP No:	2010SYE021
DA No:	107/2010
PROPOSED DEVELOPMENT:	Demolition of existing buildings and construction of Woolworths; 17-29 Roseberry Street, Balgowlah
APPLICANT:	Fabcot Pty Ltd
REPORT BY:	Nayeem Islam, Principal Planner, Manly Council

Assessment Report and Recommendation

<u>Application Lodged:</u>	20 April 2010. Amended Plans: 16 September 2010.
<u>Applicant:</u>	Fabcot Pty Ltd.
<u>Owner:</u>	Fabcot Pty Ltd.
<u>Estimated Cost:</u>	\$15.9 million
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Industrial
<u>Surrounding Development:</u>	Light industrial, Bulky Goods retail & retail.
<u>Heritage:</u>	Not applicable

SUMMARY:

1. INTEGRATED DEVELOPMENT CONSENT IS SOUGHT FOR THE DEMOLITION OF THE EXISTING BUILDINGS AND CONSTRUCTION OF A SUPERMARKET (WOOLWORTHS) WITH FIRST FLOOR ANCILLARY OFFICE, SIGNAGE, CAFÉ ON GROUND LEVEL WITH BASEMENT (154 SPACES), GROUND LEVEL (56 SPACES) AND ROOFTOP PARKING (108 SPACES).
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND ALSO ADJOINING PROPERTIES IN THE WARRINGAH COUNCIL AREA. THE PROPOSED DEVELOPMENT WAS ALSO ADVERTISED IN THE MANLY DAILY. IN RESPONSE TO THE NOTIFICATION AND ADVERTISING, COUNCIL RECEIVED ONE HUNDRED AND FORTY-SIX (146) INDIVIDUAL SUBMISSIONS AND THREE (3) PETITIONS OBJECTING TO THE DEVELOPMENT. COUNCIL ALSO RECEIVED FIVE (5) SUBMISSIONS IN SUPPORT OF THE PROPOSED DEVELOPMENT.
3. THE APPLICATION WAS REFERRED TO THE NORTH HARBOUR PRECINCT COMMUNITY FORUM FOR COMMENTS.
4. THE APPLICATION WAS ALSO REFERRED TO THE ROADS & TRAFFIC AUTHORITY AND NSW OFFICE OF WATER (DEPARTMENT OF ENVIRONMENT, CLIMATE CHANGE AND WATER).
5. ON 30 JUNE 2010, THE APPLICANT SUBMITTED AMENDED PLANS AND DOCUMENTATION. FURTHER AMENDED PLANS AND DOCUMENTATION WERE RECEIVED ON **16 SEPTEMBER 2010**.
6. THE AMENDED PLANS AND DOCUMENTATION WERE NOT RE-NOTIFIED AS IT WAS CONSIDERED THAT THE AMENDMENTS WERE MINOR AND IN RESPONSE TO ISSUES RAISED BY COUNCIL.
7. THE AMENDED APPLICATION WAS AGAIN REFERRED TO THE ROADS & TRAFFIC AUTHORITY AND COMMENTS RECEIVED.
8. SITE INSPECTION IS RECOMMENDED.

9. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL **APPROVAL**.

LOCALITY PLAN

Shaded area is subject site.



Introduction

Site Location and Description:

The subject site is commonly known as 17 -31 Roseberry Street Balgowlah and consists of five separate lots legally known as Lot 2 & 3, DP 229826, Lot 2 & 3 DP 701462 & Lot 10 DP 811755. The site has an overall area of 7333m² (Survey Plan by Lockley Land Title Solutions dated 13 March 2007) with dual street frontages to Roseberry Street (west) and Hayes Street (north). The site currently accommodates an industrial factory and warehouse and was used by a pharmaceutical company for manufacturing and warehouse. The double storey building fronting Roseberry street was used as the administration section with the warehouse building and loading dock located at the rear along the west of the site. The northern section of the site consists of the off-street car parking area with landscaping, with vehicular access from Roseberry Street. Vehicular access for the warehouse is off Hayes Street.

The subject sites adjoins a three storey factory/office building to the north. To the west of the site are a number of two storey buildings which face Condamine Street and are part of the Industrial area. The uses of these buildings vary from bulky goods retail and light industrial usage. A number of these buildings have roof top parking.

Site Burdens and constraints

The subject site is located on land considered to be affected by Type 5 Acid Sulphate soils and a preliminary Acid Sulphate Soils Investigation Report has been submitted with the application. An acid sulphate soil management plan will need to be prepared for the site.

The subject site is affected by a 9.3m wide easement for drainage passing through the northern section of the site. Part of this easement consists of an open section of drainage channel and rest under a culvert. A Stormwater Management Plan has been submitted with the application.

The Manly Lagoon Floodplain management study dated June 1996 included an interim policy which identifies Condamine Street and Roseberry Street as being located within a 1 in 100 year flood prone area. As such any new development is to be considered carefully and on merit where the finished floor level/lowest level is located lower than RL3.2 AHD. The lowest level of the proposed basement car park is RL5.20. The applicant submitted a Flood Study, as requested by Council's Engineer.

The subject site is not located within an area identified as being prone to Landslip. The site is also not within an area identified as being Bushfire Prone.

The site is not located within any Conservation Area and is not an Item of Environmental Heritage under the Manly Local Environmental Plan, 1988. There is no Items of Environmental Heritage in the vicinity of the subject site.

Access to the proposed site

The main access to the proposed development is from Hayes Street and includes the driveway to the basement level. The exit from the basement level car park is proposed to be to Roseberry Street. The entry to and from the public roof top parking is via a ramp off Roseberry Street and adjoins No. 33 Roseberry Street. The entry to the loading dock is located to the south of the roof top ramp.

Proposal

The proposed development is for the demolition of the existing buildings, tree removal, ground works, including excavation, and construction of a mainly single storey supermarket (Woolworths) with first floor ancillary office and administration, signage, café and basement level (154 spaces), ground level (56 spaces) and rooftop parking (108 spaces). The amended plans of the proposed development submitted to Council on 16 September 2010 consist of the following:-

Basement Floor Plan (RL 5.20 & 5.35)

- 154 car parking spaces which includes five (5) spaces for people with disabilities, four (4) spaces with people with prams, two (2) small car spaces and five (5) with low head space.
- Lift 1 & 2 and lift Lobby at RL 5.40
- 40m² of café store at the south-eastern corner.
- Travelator to Ground Floor level.
- Trolley store for 350 trolleys with headroom of 1700mm.
- Trolley depositing area with each aisle.
- Bike racks behind Lift 1 & 2.
- 130,000L capacity On-site Detention tank at RL 5.62 & RL5.56 at the north-eastern corner.
- CEX Plant at the south-eastern corner.

Ground Floor Plan (RL 8.750)

- Café with unisex disabled toilet at the south-eastern corner of the site.
- Covered plaza with glazed screen wall.
- Travelator to and from the basement level.
- Entry canopy
- Lift 1 & 2.
- 56 car parking bays with two (2) spaces for people with disabilities and one (1) small car space at RL 8.475.
- Entry and exit to Ground level car park from Hayes Street.
- Down ramp to Basement car park (RL 5.35).
- Three (3) solar powered light poles in the middle of the ground level car park.
- Two trolley depositing area at the end of the end aisles.
- 1750mm wide landscape strip facing Hayes Street.
- Sprinkler alcove to Hayes Street frontage.
- Steps to the covered plaza from the corner of Hayes and Roseberry Street.
- Entry steps from Roseberry Street frontage to the Covered Plaza.

- Bike racks at the entry are accessible from the ground level car parking area.
- Existing substation on Hayes Street frontage is to remain.
- 3690m² of retail supermarket.
- New kiosk substation facing Roseberry Street.
- Truck stand and manoeuvring area facing Roseberry Street.
- Loading Dock.
- Ramp from Basement Level.
- Up and Down ramp from the roof top parking level to Roseberry Street alongside No. 33 Roseberry Street.

First Floor and Roof Top Level (RL 13.95)

- Lift 1 & 2 and landing.
- Stair to Ground floor level from Roseberry Street entrance.
- Fire stair to south-west and north-west corner.
- 108 roof top car parking bays which includes three (3) spaces for people with disabilities, trolley depositing area with each aisle and bike racks.
- Office facilities including Manager's Office, Staff dining, staff training, cashier's/systems office, Male/Female lockers and toilets, Cleaners Room and plant rooms.
- CEX Plant rooms to the western side of the car park.

Applicant's Supporting Statement

In support of the application, the applicant has submitted a binder containing the following:-

- Statement of Environmental Effects, prepared by Urbis dated March 2010 and received by Council on 20 April 2010.
- Survey Plan of the sites, prepared by Lockley Land Title Solutions dated 13 March 2007 and received by Council on 20 April 2010.
- Architectural Drawing Nos. A001 & A002 dated 3 March 2010; A100, A101 & A102 dated 4 March 2010; A103, A104, A107 & A108 dated 3 March 2010; A901, A902 and A903 dated 5 March 2010, all received by Council on 20 March 2010. Missing Drawings: A105 – Elevations and A109 – Shadows.
- Landscape Plan Nos. LDA -001 & LDA D01, prepared by Scape – Scott Carver Pty Ltd. dated 4 March 2010 and received by Council on 20 March 2010.
- 2 sheets of photomontage and 4 sheets of perspectives, all prepared by Scott Carver Architects and received by Council on 20 April 2010.
- Design Statement – Architecture & Landscape Architecture, prepared by Scott Carver dated 4 March 2010 and received by Council on 20 March 2010.
- Compliance Table – Development Control Plan for the Industrial Zone.
- Assessment of Signage to Relevant Policies.
- Noise Impact Assessment, prepared by Reverb Acoustics, dated July 2009 and received by Council on 20 April 2010.
- Economic Impact Assessment prepared by Urbis dated March 2010 and received by Council on 20 April 2010.
- Report on Traffic Aspects, prepared by Colston Budd Hunt & Kafes Pty Ltd dated March 2010 and received by Council on 20 April 2010.
- Arboricultural Impact Assessment, prepared by Redgum Horticultural, dated 6 July 2009 and received by Council on 20 April 2010.
- Geotechnical Assessment Report, prepared by Douglas Partners dated July 2009 and received by Council on 20 April 2010.

- Phase I Environmental Site Assessment Report prepared by Geo_Logix Pty Ltd dated March 2010 and received by Council on 20 April 2010.
- Preliminary Acid Sulphate Soils Investigation and Waste Classification Assessment, prepared by Environmental Investigation Services dated 2 July 2009 and received by Council on 20 April 2010.
- Access Report, prepared by Morris-Goding Accessibility Consulting, dated 2 March 2010 and received by Council on 20 April 2010.
- Building Code of Australia Capability Statement, prepared by Davis Langdon, dated 5 March 2010 and received by Council on 20 April 2010.
- Transport Delivery Management Plan, prepared by Woolworths, undated and received by Council on 20 April 2010.
- Balgowlah Trolley Management Plan, prepared by Woolworths, undated and received by Council on 20 April 2010.

On the **16 June 2010**, the applicant submitted the following additional documents:-

1. Flood Study & Flood Level Predictions for Burnt Bridge Creek, prepared by Richmond + Ross Pty Ltd, Job Ref: 05-0511 dated March 2010 and received by Council on 16 June 2010.
2. Transport Delivery Management Plan, prepared by Woolworths, undated and received by Council on 16 June 2010.
3. Additional Traffic comments, prepared by Colston Budd Hunt & Kafes Pty Ltd dated 10 June 2010 and received by Council on 16 June 2010.118 (6WM03)

On the **30 June 2010**, the applicant submitted the following documents:-

1. Letter from Tony Robb of Urbis Pty Ltd. regarding street setbacks dated 25 June 2010 and received by Council on 30 June 2010.
2. Tabulated response to issues raised as part of the Briefing Note to JRPP (dated 2 June 2010), received by Council on 30 June 2010.
3. Schedule of objection items and response matrix, received by Council on 30 June 2010.
4. Revised Architectural Drawing Nos. A101 – Basement Plan, Issue DA2; A102 – Ground Plan, Issue DA2 and A 103 - Level 1 Plan Issue DA2 dated 25 June 2010, all received by Council on 30 June 2010.
5. Revised Landscape Plan No. LDA – 001 dated 25 June 2010, all received by Council on 30 June 2010.
6. Revised Perspective views for building façade treatments, prepared by Scott Carver Architects, received by Council on 30 June 2010.
7. Structural Sketch (Drawing No. H & H /09294/SK 01 Rev. 1) of the Basement carpark treatment, prepared by Henry & Hymas, dated 17 May 2010 and received by Council on 30 June 2010.

As part of the above documents, the applicant also submitted a report titled “Manly Zone 4 Industrial Strategic Review” prepared for Manly Council in December 2009 by Hassell Consultants.

On **16 September 2010**, the applicant submitted the following:-

1. Amended Plans A101, A 102, A 103, A105, LDA-001 and LDA-D01; all Issue DA3 and received by Council on 16 September 2010.
2. 5 Sheets of perspective drawings.

The amended application proposed the following changes:-

- Lift shafts and associated stairs setback 3750mm from the Roseberry street boundary.

- Increase the landscape planter along Hayes Street to be 1750mm wide. Car parking area adjusted accordingly.
- Building between Grids E and F to Roseberry Street setback 3100mm to the boundary.
- Offices on the First Floor level redesigned to have a 6350mm setback from the Roseberry Street boundary.
- First Floor offices rotated on the site to minimise length of frontage to Roseberry Street and open up the truck manoeuvring area.
- New deep soil landscape zones incorporated for six (6) additional and low shrubs within the site.

This report relates to the amended plans received on 16 September 2010.

REFERRALS

Precinct Community Forum Comments

The application was referred to the Balgowlah Heights Precinct Community Forum for comments. The proposed development was discussed at the May meeting of the Precinct committee and following comments were received from the Chairperson of the Community Forum:

"I am writing in response to the Manly Council article of May 6 seeking opinion on the above development Proposal.

I am Chair of the Balgowlah Hts Precinct and at last Tuesday's meeting this proposal was discussed. The comments I express below are reflective of the viewpoints brought forward at this meeting.

To my surprise the opinions of attendees was enlightening as it covered items that I was not previously aware of. As there were only 10 present at this meeting with an unusual no. of apologies we were not in a position to vote. A poll of the 10 present indicated that 9 were in agreement with the following opinions.

Let me try to reduce this complicated proposal to three major areas. Amenity of residents, the need for an additional supermarket and the overall impact on traffic degradation in the area.

Amenity of residents:

It is evident that truck deliveries will commence from 5am on a daily basis. Access to Roseberry St is via Kenneth St or Balgowlah Rd. The traffic report says that access is via Kenneth St but once you widen access from Balgowlah Rd you cannot control this as an alternative access point. You may well imagine that this will create an intolerable situation for residents in these two streets, of which there are a considerable number. Also trading hours will mean that the flow of traffic on this already congested street will be nonstop again creating an incessant noise with no relief for Residents.

Need for another supermarket:

In a free market where competition is encouraged, presumably in the interest of the consumer, it might be easy to rationalise the fact that already there are sufficient supermarkets in this area in Stockland Mall and in Kenneth St. Admittedly both are Coles stores. It is interesting all the same that the majority of precinct attendees argued against the need for another and furthermore stated that they anyway continue going to Warringah Mall as their preferred supermarket location. Woolworths state that they will draw from patronage on the areas east and south of this site. They may have overshot their assumptions

particularly if they incur the wrath of those residents who will be inconvenienced by this Development and use the store for little more than top up shopping.

Traffic degradation in the area:

This is by far the greatest concern of this development and bad decisions here will ultimately reflect upon Council even though they do not have the ultimate responsibility for issuance of the DA.

Presently Coles operate in Kenneth St with no apparent compromising of the general flow of traffic. They have built on their land and have not disturbed the general traffic conditions. The Woolworth development is dramatically different.

Firstly, we have the removal of car spaces at the Balgowlah Rd/ Roseberry St intersection. Woolworths argue that these spaces can be accessed on their rooftop and that customers can walk to the affected shops (Balgowlah/Roseberry) who will lose their current access. You and I both know that this will not happen and that Woolworths will ultimately cause closure of some if not all of these shops. This occurs in conjunction with the closure of a number of parking spaces in Balgowlah Rd. as though it will not affect anyone as they can park at Woolworths. The real objective here is to improve access for the delivery semi-trailers used by Woolworths so that they can negotiate the turn into Roseberry from Balgowlah Rd even though the traffic report suggests that entry will be from Kenneth St. At the moment they cannot make this turn in a reasonable manner which demonstrates just how unreasonable this street is for carrying such traffic on a constant basis, even though it is zoned as Industrial. Roseberry St is already a congested mess.

Secondly, we find that alterations are also to be made to Condamine St for both parking and the introduction of a diamond turn to make things flow easier. For whom?? Customers or Woolworths 5am delivery trucks.

Future traffic vision:

We have not yet spoken about the Bunnings's store which will be situated in Condamine St and accessed only via a left turn, travelling from North to South. To enter this store, a lot of traffic travelling from Balgowlah Hts, Clontarf, Manly, Fairlight etc., will approach Bunnings by turning into Roseberry St from Balgowlah Rd from east or west, travelling along Roseberry St. and turning left at Kenneth and ultimately Condamine to make a left hand turn into the store. On Bunnings's estimates it might appear that they expect several thousand customers a day based on an average spend of \$50.

So Roseberry Street, already a congested minor road in what is rapidly becoming a major light industrial zone will cater for the Customers who enter and exit Harvey Norman (part), part of the customers who wish to visit Bunnings and finally all of the traffic trying to access Woolworths. Please be mindful that we have not yet even considered the people who wish to access Coles via Roseberry St. Woolworths want a no stopping zone on the western side of the street. Perhaps it should be both sides.

Finally, may I add that since the completion of Stockland Mall and the inclusion of traffic lights in Condamine St for exiting Stockland customers, a lot of the traffic now uses the rat run from Balgowlah Rd into the Northern end of Woodland St. Any traffic survey at the intersection of Woodland and Sydney Rd would easily verify this. The proposals from Woolworths will only compromise this situation further. If we then add more traffic lights for Bunnings in Condamine St for exiting Bunnings vehicles, then we will be confronted with a tail back of traffic north on Condamine. The whole area will become a degraded traffic precinct and I well imagine that dissatisfied resident in various precinct who have not yet realised the future inconveniences that these developments bring, will act by voting with their feet at future Council elections. I understand that only one Councillor voted against this development proposal.

The implications of this Development are not generally known to the wider Community. As the notice for a call for opinion from the Community was announced only on May 6 we request that the deadline of May 28 for submissions be extended for one month so that greater in-Community consultation can take place. It would be a great disappointment if the broader Community were not listened to.

Balgowlah Heights Precinct Community Forum Comments

Further to the above, the Balgowlah Heights Precinct Community Forum discussed the application at their meeting of 8 June 2010 and resolved as follows:

Balgowlah Heights Precinct moves to reject DA 107/2010 (Woolworths) for the following reasons:

- i) Increased traffic congestion, noise and pollution in an area already under pressure.
- ii) Extended trading and delivery hours are unacceptable given the proximity to a residential zone.
- iii) Removal of street parking will destroy small businesses that rely on passing trade and unfairly disadvantage residents.
- iv) Proposed site location is inappropriate for a development of this bulk, scale and trading hours. Surrounding streets are not equipped to cope with the volume of traffic this development will bring.
- v) No provision for free off-street staff parking; a similar failure to provide free parking for staff at Stockland shopping centre has lead to residents being parked out of their own street, and in several cases being parked out of their own driveways.
- vi) The site is located near a 1 in 100 year flood zone, Burnt Bridge Creek and is an acid sulphate soil area. Questions must be raised regarding the stability of any concrete and steel structure to accommodate two levels of underground parking. This will displace the flow of underground water. Given that more extreme weather conditions are predicted in the future how will the surrounding area cope with flooding?

Voting: For 13; Against 0 (Unanimous among Precinct members present at the time)

Ivanhoe Park Precinct Community Forum Comments

The application was discussed at the 8 June 2010 meeting of the Ivanhoe Park Precinct Community Forum, attended by 40 people eligible to vote, and the following motions were passed:

Motion – Inappropriate zoning decision

Precinct requests Manly Council to:

- i) Rescind their decision to amend the Manly LEP 1988 (Amendment No 79) to permit a Supermarket at 17-31 Roseberry St, Balgowlah (currently zoned Light Industrial)
- ii) Lodge the rescindment with NSW State Planning Dept.

Passed: Unanimous (40 for, nil abstain, nil against)

Motion - General objections

Precinct recommends rejection of DA 107/2010 (Woolworths) for the following reasons:

- i) Increased traffic congestion, noise and pollution in an area already under pressure
- ii) Extended trading and delivery hours are unacceptable given the proximity to a residential zone.

- iii) Removal of street parking will destroy small businesses that rely on passing trade and unfairly disadvantage residents.
- iv) Proposed site is inappropriate for a development of this bulk, scale and trading hours. Surrounding streets are not equipped to cope with the volume of traffic this development will bring.
- v) No provision for free off-street staff parking; a similar failure to provide free parking for staff at Stockland shopping centre has led to residents being parked out of their own street, and in several cases being parked out of their own driveways.
- vi) The site is located near a 1 in 100 year flood zone, Burnt Bridge Creek and is an acid sulphate soil area. Questions must be raised regarding the stability of any concrete and steel structure to accommodate two levels of underground parking. This will displace the flow of underground water. Given that more extreme weather conditions are predicted in the future how will the surrounding area cope with flooding?

Passed: Unanimous (40 for, nil abstain, nil against)

Motion - No need for it

Precinct also recommends rejection of DA 107/2010 (Woolworths) as there is no need for another supermarket in the area – there is already 16,812 m² of supermarket nearby (Coles, Woolworths, Aldi at Warringah Mall, Coles just north of proposed site & another Coles at Balgowlah Village) plus Balgowlah Heights (IGA), Manly (2 Coles, Aldi). There are also several independent grocers and greengrocers in the area (e.g. Balgowlah Fruit Market, The Village Grocer, Earl's corner shop, North Balgowlah Shops) etc.

Passed: Unanimous (40 for, nil abstain, nil against)

Motion – Need for a master plan

Precinct requests Manly Council to develop a comprehensive Master Plan for the Balgowlah/Manly Vale Industrial Zone, as a locality-specific DCP to be incorporated into the Manly LEP, establishing planning priorities including but not limited to:

- i) Roads, traffic management and parking
- ii) Pedestrian and bike paths
- iii) Landscaping, tree plantings, open space and public place furniture.
- iv) Diversity of employment opportunity

The Plan should also address the key issues raised in the submissions against the Bunnings and Woolworths DAs. At every step in the development of the Master Plan both the public and Warringah Council must be involved as a matter of priority. NSW State Planning Dept should suspend any decision regarding the amendment to the zoning of the Woolworths development site until the Master Plan has been completed.

Passed: Unanimous (40 for, nil abstain, nil against)

Motion – Inadequate input from RTA

Precinct asks State MP Mike Baird and Manly Council Mayor Jean Hay to write to the relevant Minister to require RTA to **urgently** make complete traffic studies of the effects of the Bunnings proposal & the Woolworths proposal separately and another of the two combined.

Passed: Unanimous (40 for, nil abstain, nil against)

North Harbour & Balgowlah Precinct Community Forum

The application was discussed at the 6 May 2010 meeting of North Harbour & Balgowlah Precinct Community Forum and the following motion was passed:-

“Precinct objects strongly on the following grounds:-

1. Target customers are stated to be in the E and S of the proposed site. This means that all traffic accessing the site must use Balgowlah Rd and Roseberry St. This will cause excessive congestion on already saturated roads.
2. Proposed removal of parking in Roseberry Street will destroy small businesses and adversely affect residential parking in Balgowlah Rd.
3. Loss of parking on Roseberry St will mean that delivery trucks for small businesses can't park.
4. Proposed trading and delivery hours are much longer than other supermarkets in the area and will increase traffic in surrounding streets early morning and late at night.
5. Area is already well served by 2 supermarkets. Why the need for yet another supermarket in such close proximity??
6. Area is already severely disadvantaged by the lack of free staff parking at the Stockland development.
7. Target area increases traffic excessively around primary school and childcare.

Proposed: Trudy. Seconded: Louise. Voting: Unanimous (35)."

Engineers Comments

Flood Study submitted to Council is considered to be satisfactory. All recommendations of the Flood Study to be fully complied with. No objection subject to standard conditions and the following non-standard condition:-

"ANS A new concrete footpath to the site fronting Hayes and Roseberry Street is required. The design, construction and paving of the footpath are to be to the satisfaction of Council's Urban Services Division."

Building Comments

No objection, subject to conditions included within the Recommendation.

Health Comments

The above mentioned revised development application was referred to Environmental Health department of Manly Council for comment 21 April 2010. Council's Senior Environmental Health Officer, Jody White advises that the plans and statement of environmental effects and supporting documentation have been reviewed, 3 September 2010 without objection, subject to 53 Standard conditions and Additional-Non-Standard (ANS) conditions. Should approval be favoured in all other aspects, these conditions are to be included in any consent.

Traffic Comments

The following comments were received from Council's Manager, Traffic Section in relation to the **original** development:

I refer to the referral of the Planning Report for Woolworths Supermarket at the corner of Hayes and Roseberry Streets in Balgowlah and offer the following comments:

The address of the proposal is known as 17 and 31 Roseberry Street, Balgowlah. The site is contained wholly within Manly Council's existing Balgowlah Industrial Zone and supermarket is currently not permitted within this zone.

The assessment herein has reviewed the following documents,

Report on the traffic aspects of proposed Woolworths Supermarket, Balgowlah - Colston Budd Hunt & Kafes Pty Ltd – **July 2009**

1. Characteristics Of The Surrounding Development

The site is largely surrounded by industrial developments mainly bulky goods retailing trade. The existing Manly West industrial area is bounded by Quirk Road, Kenneth Road, Condamine Street and Balgowlah Road.

The LGA boundaries of Manly and Warringah borders on the south side with Kenneth Road along the property boundary and on the eastern side along Condamine Street.

Warringah LEP permits medium density development just north of Kenneth Road and west of Manly LGA boundary (Condamine Street) retail and mixed use.

2. Existing Site Area

The Woolworths development proposes to occupy a combined land area of 7332 m2 from the corner block made up of five separate lots being,

31 Roseberry Street – Lots 10 DP 811755 – site area 4581.2m2

17 Roseberry Street – Lots 2 and 3 in DP 229826 and Lots 2 and 3 in DP 701462 – site area 2751.6

The site has a 60m frontage on Hayes Street and 110m frontage on Roseberry Street.

3. Existing Traffic Environment

The subject proposal is a supermarket and peak activity is generally during Thursday afternoon and Saturday late morning. In this regard traffic and parking generation is reviewed for the above peak activities only.

	Location	Traffic Volumes (bi-directional)		
		Thursday PM Peak Hour	Saturday Midday Peak Hour	Daily
Subject Street	«subject_street_1», Roseberry Street«subject_street_2»	45 575	50 600	385 5915
Nearest Cross Street	Condamine Street (North of Balgowlah Road),	1300	1400	<i>13500</i>
	Balgowlah Road (bet Condamine & Roseberry)	1100	1200	<i>11500</i>
	Kenneth Road (w/o Roseberry)	920	900	<i>9200[#]</i>
Nearest Arterial Road	Burnt Bridge Creek Deviation	3040	2900	43640*

Table 1 Traffic Volumes

Figures shown in italics are estimates

* RTA AADT figure for 2002

4. Existing On-Street Parking

The parking inventory has identified the following,

Street	From	To	Side	Number of spaces	Parking controls
				East	
Roseberry Street	Balgowlah Road	Hays Street	West	21	Three spaces are 2P time limited and others 30min parking. 90 deg angle parking -12 spaces Remainder parallel
Roseberry Street	Balgowlah Road	Hays Street	East	20	10 parallel parking spaces out of 20 are 1P time limited
Roseberry Street	Hayes Street	Kenneth Road	West	18	unrestricted
Roseberry Street	Hayes Street	Kenneth Road	East	12	unrestricted
Hayes Street	Roseberry Street	Condamine Street	North	9	unrestricted
Hayes Street	Roseberry Street	Condamine Street	South	8	unrestricted

Table 2 Parking inventory

Note

There are two Loading zones are located in Roseberry Street. One on the western side just outside the Harvey Norman Loading dock (approximately 6 car spaces) and the other on the eastern side between property numbers 22 to 26 Roseberry Street.

Based on the above table, the total existing on-street parking supply in Roseberry Street is 71 spaces and in Hayes Street is 17 spaces.

The existing unrestricted total number of parking spaces in Roseberry Street and in Hayes Street are 30 (42%) and 17 (100%) spaces respectively.

5. Proposed Development - Traffic Generation

The Roads and Traffic Authority of New South Wales provides a guide to the traffic generating potential of supermarkets in the Guide to Traffic Generating Developments.

Traffic Study Submitted	Yes – CBHK report July 2009
Existing Description	Existing site is known as Blackmores which is estimated to occupy some 7000m ² . The site has access from both Hays and Roseberry Streets. The site also has off street parking facilities from both the frontages. There are some 26 and 43 spaces via Hays and Roseberry Streets frontages (total existing on-site 69 spaces)
Existing Site Traffic Generation	Treating the existing landuse as office/warehouse development 0.5/100m ²
AM Peak Hour	35 vehicles/hour
PM Peak Hour	35 vehicles/hour
Daily	280 vehicles/day

Development Description	Woolworths Supermarket 4000m ² – retail floor space Café – 54m ² Office -200m ²
Development Traffic Generation Thursday PM Peak Hour Saturday midday Peak Hour Daily	Thursday 12.3vtp100m ² and Saturday 16.3vtp100m ² 121vpd/100m ² 523vehicles/hour 693vehicles/hour 5147 vehicles/day on Thursday and 6466 vehicles/day on Saturdays
Net Traffic Generation Thursday PM Peak Hour Saturday midday Peak Hour Daily	+488 vehicles/hour +658vehicles/hour 4867 vehicles/day

6. Cumulative Impact in Locality

Traffic Movements	Existing		Proposed Increase*		% Increase	
	Thurs	Sat	Thurs	Sat	Thurs	Sat
Roseberry Street						
Vehicle Movements Peak Hour (n/o Balgowlah Rd)	590	660	300	300	44%	31%
Vehicle Movements Peak Hour (s/o Kenneth Rd)	575	655	205	205	26%	24%
Hayes Street						
Vehicle Movements Peak Hour (w/o Roseberry St)	80	80	335	335	81%	81%
Vehicle Movements Peak Hour (e/o Roseberry St)	40	55	105	105	73%	70%
Kenneth Road						
Vehicle Movements Peak Hour (e/o Roseberry St)	870	850	150	150	15%	15%
Vehicle Movements Peak Hour (w/o Roseberry St)	920	895	35	35	4%	4%
Balgowlah Road						
Vehicle Movements Peak Hour (w/o Roseberry St)	1050	1135	100	100	9%	8%

* Does not include potential traffic generated by other developments:

7. Intersection Performance And Midblock Capacities

The traffic impact report has evaluated the intersection performance using INTANAL software and has identified that no intersection will have any major adverse level of service during the post development conditions. The evaluated level of service for intersections at Hayes Street and Condamine Street, Balgowlah Road and Roseberry and Roseberry Street and Hayes Street are all operating at satisfactory level post development. The midblock capacities are also at acceptable levels and have little impact to post development conditions.

Whilst there will be a notable increase in traffic volumes experienced in Hayes and Roseberry Streets and to a lesser extent Balgowlah Road, the narrow road carriageway widths in Roseberry Street and Hayes Street (some 10m wide) and parking on both sides of the streets, most lengths in Roseberry Street will likely to experience intermittent delays and local queuing caused by parking and unparking vehicles in streets and vehicles accessing

the supermarket ingress and egress points. It can be concluded that overall the adjoining road network is considered capable of accommodating the additional traffic projected to be generated by the subject development.

8. Proposed Development – Parking Generation

Parking Generation	<p>Parking rate 15/100m² for café 4/100m² for supermarket</p> <p>Total required car spaces 168 – 176 (depending on the 200m² office space is also considered in the calculation) Total supplied include 210 spaces for retail and 105 spaces for public (long term)</p> <p>It is noted that the applicant has also requested for the removal of some 50 on street spaces (unrestricted long term parking spaces).</p>
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9. Need for Traffic Improvements in the Locality

Need for New Infrastructure	<p>Currently minor queuing and delays are experienced due to various land use activities – Queuing in Balgowlah Road at Boyle Street and peak AM queuing in Balgowlah west bound at Condamine Street.</p> <p>Delays due to parking/unparking of vehicles generated by the shops on the western side and Manly freezers on the eastern side, Harvey Norman outlet generated service vehicles and other Bulky goods generated traffic including the North Shore sand and cement generated heavy vehicles.</p> <p>Woolworths proposal will generate additional traffic and the likely “mix” of light and heavy vehicles at the intersection of Roseberry Street and Hayes Street will likely lead to provision of intersection control devices to manage any potential turning traffic related accidents. This requires further investigation.</p> <p>It is also noted that the existing traffic signal intersection of Balgowlah Road and Condamine Street has been identified as a Blackspot location by the RTA. The Bunnings proposal at the corner of Balagowlah Road and Condamine Street proposed improvements to intersection turning movements and phase changes in its proposal. This requires further investigation.</p> <p>The proposed supermarket also has the potential to attract walking and cycling customers due to close proximity to the residential catchment and hence requires provisions such as either a marked raised crossing or pedestrian refuge.</p> <p>Due to the narrow road width of Roseberry Street, parking related matters have been raised with Council by various existing operators in the area. Provision of indented parking bays on street on the western side in Roseberry Street could be considered to improve parking related safety issues.</p>
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10. Traffic Egress and Ingress to Arterial and Sub-Arterial Roads

Condamine Street	Access via the signalised intersection of Kenneth Road and Condamine Street«ACCES_1_SIG_INT» via single lane roundabout intersection of Kenneth
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	Road and Roseberry Street.
Need for Additional Improvements to Arterial Roads	Upgrade to existing traffic control signal at Balgowlah Road and Condamine Street. It is suggested that leading and trailing turns on Condamine Street be considered and that leading right turn be allocated to the lowest volume and/or greater accident history. This requires confirmation with the RTA.

11. Sight Distance and Other Safety Issues

Sight Distance	<p>Concerns are raised to proposed access locations at both Roseberry Street and Hayes Street due to the proposed landscape measures. Applicant shall be requested to ensure the sight distance requirements are met and also additional signposting and speed humps to be installed approximately five metres within the access boundary to slow departing vehicles.</p> <p>Safety concerns are also raised in relation to the parapet wall proposed with ramps which will hinder circulation traffic and has the potential for the cross traffic accidents.</p> <p>Suitable pedestrian walkways be included to allow safe pedestrian access via main ingress/egress proposed.</p>
Other Safety Issues	It has been reported in the past that due to narrow width of the road, when vehicles park along kerb side, there have been near misses when passengers and drivers step out of vehicles. Further complaints have also received in the past of broken mirrors of parked vehicles by passing traffic.

12. Accident Data

Recorded road accident data for the past three and a half years from January 2005 to June 2008 is reviewed below.

The principal features of these records are:

Balgowlah Road and Condamine Street intersection

This intersection is controlled by traffic signals and also has red light camera. The subject intersection has a significant accident history and has been the subject of a number of "Black Spot" accident submissions to the Roads and Traffic Authority by Manly Council.

As part of the recent development application for a new Bunnings development, the RTA has requested the developer to consider the upgrade of the existing Traffic control signals at the applicant's cost. It is unclear at the time of writing this report as to the status of the Bunnings proposal. Should the applicant for the Bunnings development not proceed, then Woolworths proposal should seriously consider the upgrade of the above signals.

It is noted that whilst the Woolworths development may consider not having any direct adverse traffic implications, it is likely that subject development generated traffic having increasing use of the above intersection due to existing turning restriction at the intersection of Hayes and Condamine Streets (Left in/out).

The above intersection has a total of 15 accidents with the dominant road user movement of "right thru" type 21 accidents.

Balgowlah Road and Roseberry Street

This intersection is controlled by a single lane roundabout. The roundabout was installed by Council some 3-4 years ago following intersection operational issues.

The accident data available for this location shows just one reported accident for the similar period. However, there are a total of six reported accidents recorded within 50m of the intersection in Roseberry Street dominated by accidents resulting from parking/unparking manoeuvres.

There are no other apparent significant circumstances although non reported (RTA's) and near miss incidents is indicative of the existing substandard width for the existing nature and volume of the traffic flows.

Hayes Street and Roseberry Street

This intersection has just one recorded accident within the similar time period. The accident involved when a vehicle ran out of control running into a parked vehicle.

The accident statistics for Roseberry Street and Kenneth Road intersection and Kenneth Road and Condamine Street intersection were not reviewed due to lack of data.

13. Servicing

It is unclear as to the criteria used by the applicant to determine the number of truck spaces in the loading dock. According to RTA's Guide to Traffic Generating Developments, section 5, table 5.1 the total number of truck parking spaces required is seven. This is crucial as inadequate truck spaces within the subject site can force delivery trucks to queue in streets and can nullify valuable on street parking spaces and can also impact on operational issues.

14. Access and Site Circulation

Development proposes driveway locations at both Hayes and Roseberry Streets. The proposed ingress/egress location is some 30m from the Roseberry Street and Hayes Street intersection and has the potential to create queuing at the access. The applicant should review this location to relocate to the western site boundary such that internal circulation will not have any conflicting movements.

The aisle widths and parking bays including the ramp grades and driveway widths are to comply with AS2890.1 2004. Care should be taken for each parking bays where columns are located in providing additional clearance and end bays meeting AS2890.1 2004 requirements.

It is unclear how main car park is linked to the public car park area and how customers are prevented from accessing the supermarket via Roseberry Street. The traffic report shows analysis for the Roseberry Street access as exit function only. This requires clarification and the applicant should be requested to provide intersection analysis for both access driveways. Further the applicant should also be requested to provide swept paths diagram for service vehicles accessing the site.

The applicant has not provided information on how customer car park (short term) and public car park (long term) will be operated and controlled.

It is also noted that the applicant's request to remove some 50 on street parking spaces will only be considered pending additional information and demonstrating the need to Council.

15. Bicycle Parking

The report has not addressed the potential bicycle parking demand associated with supermarket. To establish an acceptable number of bicycle parking spaces the following rate is used (City of Sydney).

The development should provide 1 bicycle parking space for every 10 car spaces provided in the development. Based on this methodology, 32 bicycle parking spaces should be provided. Further the applicant should also consider the provision of minimum 20% of the spaces allocated to supermarket staff with provision made to secure bicycle storage accessible showers and change facilities.

Shopper bicycle parking should be clearly identified by directional signage to the satisfaction of the Council and should preferably be located at ground floor level and not require access via steps and should be located adjacent to areas of pedestrian or vehicle movement to allow casual surveillance. The bicycle parking facility should be weatherproof and must not obstruct pedestrian movement or other activities such as the delivery of goods and opening of car doors.

Bicycle parking bays should be wide enough to allow adequate space to manoeuvre the bike in and out of the space without causing congestion or damage to other bicycles in adjacent bays. As a guide bicycle parking bays should generally be 1.2m wide and 1.7m long.

Council prefers the use of stainless steel bicycle hoops due to its high strength and durability. It also allows the bicycle frame and one wheel to be locked to the rack and can withstand vandalism and theft.

Additional Traffic Comment from Council's Traffic Consultant:

On receipt of additional information from the applicant on 10 June 2010, the following comments were received from Council's Traffic Consultant, Chris Hallam on 17 June 2010:-

1.0 Introduction

I have reviewed the documentation supplied on the above proposal, being:

- *Statement of Environmental Effects, Integrated Development Application for a Woolworths Supermarket at 17-31 Roseberry Road, Balgowlah*, March 2010, Urbis Pty Ltd
- *Report on the Traffic Aspects of Proposed Woolworths Supermarket, Balgowlah*, March 2010, Colston Budd Hunt & Kafes Pty Ltd
- Sydney Regional Development Advisory Committee (SRDAC) letter dated 18 May 2010
- Background information on Council files
- *Strategic Review of Land in Zone 4 – Light Industrial in Manly LEP (1988) Traffic Review*, November 2009, Christopher Hallam & Associates Pty Ltd
- Response dated 10 June 2010 by Colston Budd Hunt & Kafes Pty Ltd to matters raised by SRDAC

The report *Strategic Review of Land in Zone 4 – Light Industrial in Manly LEP (1988) Traffic Review* provides context for this assessment of the traffic implications of the proposed application for a Woolworths Supermarket AT 17-31 Roseberry Street, Balgowlah. The Conclusions to this report were as follows:

1. A Base, plus three other land use zoning options have been reviewed. The Base Option was divided into B1, with current traffic flows only, and B2, with the addition of the proposed Bunnings retail development plus a bulky goods retail development on the site proposed by Woolworths for rezoning. Option 1 was similar to Option B2 but with the Woolworths site rezoned and developed as a supermarket. Option 2 was the SHOROC option, for a B6 Enterprise Corridor along lots fronting Condamine Street, while Option 3 was for this B6 Enterprise Corridor to extend from Condamine Street to Roseberry Street.
2. On traffic planning grounds, Option 2 – the SHOROC option – is strongly opposed because of its concentration of additional traffic movements directly on Condamine Street.
3. With any of the options for additional developments, there will be significant traffic impacts at the intersection of Condamine Street and Balgowlah Road, with the impacts greater for the more intensive development. There are opportunities to increase traffic capacity at this intersection. As an alternative to the most intense option, in traffic generation terms, a sub-option 3B could designate the B6 zoning from Condamine Street to Roseberry Street, but only extending from Kenneth Street to Hayes Street. This would reduce additional traffic generation from the block between Hayes Street and Balgowlah Road. This would be beneficial for the capacity of the critical Condamine Street/Balgowlah Road junction.
4. To summarise on traffic issues at individual junctions:
 - a) Condamine/Balgowlah: Additional capacity essential, even for current traffic conditions. Options to improve would include additional “No Stopping” on Condamine Street (South) and on Balgowlah Road (East), road widening into Bunnings site to provide additional approach lane, revised lane designations and alterations to signal timing.
 - b) Condamine/Burnt Bridge: Capacity adequate for all options.
 - c) Condamine/Kenneth: Capacity adequate for all options.
 - d) Kenneth/Roseberry: Capacity adequate for all options.
 - e) Quirk/Kenneth: Capacity adequate for all options.
 - f) Quirk/Balgowlah: For medium level of development, “No Stopping” restrictions on approach from Balgowlah Road (East) would assist. If a major development was proposed in Quirk Road (South), provision of a one-lane roundabout would provide adequate capacity.
 - g) Balgowlah/Roseberry: Development of higher traffic generation under Option 3 would require, in due course, additional capacity. Replacement of roundabout with traffic signals would provide additional capacity. This would result in the loss of on-street parking.
 - h) Roseberry/Hayes: Current priority control adequate for up to Option 1, but Option 3 level of potential development could require additional capacity, with a small one-lane roundabout (with mountable centre island for trucks) a logical option.
5. If an option was adopted that allowed the proposed Woolworths to be built, the suggested removal of some on-street parking and its replacement with a public parking area on the roof of the supermarket is supported, provided that the Plan of Management set out in Section 6 is adopted, with the key issues being the provision of direct pedestrian access to Roseberry Street, without travelling through the

supermarket, and the retention of access to the parking area seven days a week, 24 hours a day.

2.0 Review Of Traffic Report

The *Report on the Traffic Aspects of Proposed Woolworths Supermarket, Balgowlah*, March 2010, by Colston Budd Hunt & Kafes Pty Ltd, sets out the applicant's assessment of the traffic implications of the proposal. The analysis in this report mirrors that in the traffic report by the same company dated July 2009, but with additional comments that follow on from the November 2009 Christopher Hallam & Associates Strategic Review.

There are minor discrepancies with the description of the proposed development with the description in the *Statement of Environmental Effects* prepared by Urbis Pty Ltd:

<u>Area Type</u>	<u>CBHK 2009</u>	<u>CBHK 2010</u>	<u>S.E.E. 2010</u>
Supermarket	3690	3591	3686
Office	205	296	250
Cafe	35	47	65
Total	3930 sq m	3934 sq m	4,000 sq m

In reviewing the peak period traffic generation of the proposal, these minor differences have no impact. The traffic generation estimates used has been rounded up, and are higher than would be calculated using the Roads & Traffic Authority's models for shopping centres. For the 2010 CBHK figures, the peak hour generation is:

<u>Method</u>	<u>Thursday PM</u>	<u>Saturday AM</u>
RTA Model	565	533
RTA Rate	484	641
CBHK assumption	620	620

The RTA Model is considered to be more accurate than the Rate, for this application, and hence the 620 veh/hr that has been assumed in the analysis by CBHK is conservative. No adjustment has been made for "passing trade". The traffic distribution assumed appears reasonable. The conclusions drawn in the CBHK report have been critically reviewed for each traffic/parking element. In the review of the external traffic implications, I have undertaken my own SIDRA intersection modelling and have not relied solely on the analysis by CBHK. I have set out a review of each issue, including comments on the matters that have been raised by the Sydney Regional Development Advisory Committee.

3.0 TRAFFIC GENERATION

The traffic context of the proposed Woolworths supermarket can be seen from a comparison of its likely peak period traffic generation with the proposed Bunnings store proposed to be constructed on the north-east corner of the junction of Balgowlah Road and Condamine Street. Based on the traffic report prepared for the Woolworths supermarket by Colston Budd Hunt & Kafes and on the traffic report submitted for the Bunnings development in 2009, but with a minor adjustment for the assumed use of the first floor, the relative peak hour traffic generation figures are:

<u>Development</u>	<u>Thursday PM</u>	<u>Saturday AM</u>
Woolworths	620 veh/hr	620 veh/hr
Bunnings	175 veh/hr	424 veh/hr

With the opening of the redeveloped Totem Shopping Centre in early 2009, some comparisons can be drawn with peak traffic movements through the intersection of

Balgowlah Road and Condamine Street. Verbal advice from Colston Budd Hunt & Kafes was that the additional traffic generated by the Totem site has been less than originally predicted. Some guidance can be seen from the total peak hour traffic flows through the Condamine Street/Balgowlah Road intersection, as set out in Table 1.

TABLE 1 Comparison Of Peak Hour Traffic Flows Through Condamine Street/Balgowlah Road Intersection

Day	Year	Peak Hour Flows (vehicles/hour)	Change (vehicles/hour)
Thursday/Friday	2003	1865	
PM	2008	2007	+ 142
	2009	2120	+ 113
Saturday AM	2008	1956	
	2009	2375	+ 419

On the Thursday/Friday afternoon, between 2003 and 2008 there was presumably a natural increase in peak hour traffic, with 2008 (September count) being prior to the opening of the Totem redevelopment. By 2009 (June count), Totem was open, with the additional traffic being 113 veh/hr. For the Saturday peak hour, it would appear that Totem has had a more significant impact, with an additional 419 veh/hr. Again, part of this increase could be due to other influences, including seasonal influences.

Based on the estimates by Colston Budd Hunt & Kafes, the proposed Woolworths development will add about 170 vehicles/hour to this intersection, in both the Thursday afternoon and Saturday morning peak hours. The traffic generation estimates for the Bunnings development show an additional 44 vehicles/hour on the Thursday and an additional 106 vehicles/hour on the Saturday, travelling through this intersection, assuming the Bunnings site has a left in/left out driveway in Condamine Street and a full access off Roseberry Street. It can be concluded that the Totem redevelopment is the most significant generator of additional traffic, followed by the Woolworths proposal, followed in turn by the Bunnings proposal. However natural increases in traffic do occur, as well as day to day variations.

4.0 External Traffic Impact

Before looking at the detailed external traffic impact assessment, the issue of the closure of Hayes Street at Condamine Street needs to be addressed. Recommendation 1 in the SRDAC letter states *“The RTA raises safety concerns with the increased use of the intersection of Hayes Street and Condamine Street and the increased potential of rear-end collisions. As a result the RTA would request that Hayes Street be closed at Condamine Street (no access to/from Condamine Street).”*

I have considered the response by CBHK in their letter of 10 June 2010. The comments about current and future traffic flows are particularly relevant. On the accident history of this intersection, they note that between 1996 and 2008 there were a total of 3 accidents, with one of these being a rear end accident. This does not suggest that the intersection is currently a problem. Southbound vehicles on Condamine Street can pass Hayes Street at speed, but then the left turn into Hayes Street has a large radius corner, facilitating safe movements. The closure of a road can significantly affect the accessibility of businesses fronting that road, not just the proposed Woolworths but also the existing businesses in Hayes Street. The closure of a road should be considered as a last step, when other options have not worked. The effect of the closure of Hayes Street would be to increase the left turn from Condamine Street North into Balgowlah Road East, and the left turn from Balgowlah Road East into Condamine Street South. This intersection is the most critical in traffic

capacity terms in the locality, and the forcing of extra traffic through it should not be taken lightly. I conclude that there is insufficient justification to close Hayes Street at Condamine Street as a pre-condition on the approval of this development, and hence I do not support the RTA recommendation.

Recommendation 2 of SRDAC was that SIDRA intersection modelling be undertaken of the cumulative impact of Woolworths and Bunnings developments, with the results submitted to the RTA for their review. This recommendation/request should be followed.

The external traffic implications of the proposed supermarket were addressed in detail in my report *Strategic Review of Land in Zone 4 – Light Industrial in Manly LEP (1988) Traffic Review*, dated November 2009. The cumulative impact of this plus the proposed Bunnings store were considered. In summary, the only intersection of significant concern is the intersection of Condamine Street with Balgowlah Road. Recommendation 11 of SRDAC specified certain changes to the signal operation at this intersection. I have made these changes as recommended, plus the additional parking restrictions in Condamine Street South and Balgowlah Road East, that are recommended in the CBHK report. Table 2 summarises the SIDRA outputs.

TABLE 2 SIDRA Analysis Of Condamine Street & Balgowlah Road With Improvements Recommended: Intersection Operation

Day	Scenario	Avg Delay (secs/veh)	Degree of Saturation	Level of Service
Thursday	Current	46	1.00	D
	+Woolworths	49	1.00	D
	+Bunnings	46	1.00	D
	+Woolworths+Bunnings	51	1.00	D
Saturday	Current	61	1.14	E
	+Woolworths	92	1.43	F
	+Bunnings	72	1.24	F
	+Woolworths+Bunnings	108	1.57	F

While relatively busy, the Thursday afternoon situation is satisfactory. The average intersection delay will not substantially change, with the degree of saturation and level of service remaining static. The Saturday situation is more intense, with the addition of development traffic reducing the level of service to F, the lowest level.

The operation of this intersection is particularly sensitive to the extent of “No Stopping” on the approaches, or possibly it is the SIDRA intersection model that is unduly sensitive. I repeated the analysis for the future scenarios, with the RTA recommended signal phase changes, and with extended “No Stopping” on the Condamine Street South and Balgowlah Road East approaches. This was extended so that it was beyond the extent of queuing. Table 3 presents the results.

TABLE 3 SIDRA ANALYSIS OF CONDAMINE STREET & BALGOWLAH ROAD WITH IMPROVEMENTS RECOMMENDED PLUS ADDITIONAL “NO STOPPING”

Day	Scenario	Avg Delay (secs/veh)	Degree of Saturation	Level of Service
Thursday	+Woolworths	41	0.82	C
	+Bunnings	38	0.80	C
	+Woolworths+Bunnings	42	0.84	C
Saturday	+Woolworths	42	0.80	C

	+Bunnings	41	0.80	C
	+Woolworths+Bunnings	44	0.83	D

Table 3 indicates satisfactory operation for peak period traffic flows. The situation on the Saturday morning has been significantly improved. The cost of these improvements is additional parking lost on the approaches.

Given the fact that the RTA requested further traffic analysis by the applicant be submitted to them for their review, and taking into account the above results, I recommend that this review by the RTA be undertaken, and advice provided to Council, prior to the determination of the application. The RTA should also consider the recommendations set out in this report.

As is discussed in Section 5.0, SRDAC suggested that all on-site parking areas be linked. In this context, the comment is made *"The applicant may wish to look at providing all access to the car parks from Hayes Street given that it is recommended that it be closed at Condamine Street"*. As I discuss in Section 5.0, I recommend against the connection of the public car park to the supermarket car park. Recommendation 4 of SRDAC goes on to say *"If Council supports all access via Hayes Street consideration should be given to the installation of a roundabout at the intersection of Hayes Street and Roseberry Street"*. With Hayes Street remaining open, and with the proposed driveways to the site remaining as submitted, the change in traffic patterns envisaged by SRDAC would not occur. If all site access was from Hayes Street, there would be 620 veh/hr coming to/from Roseberry Street. This is not the proposal, and I do not recommend it. The treatment of Roseberry/Hayes was discussed in my November 2009 report, where it was stated *"Option 3 level of potential development could require additional capacity, with a small one-lane roundabout (with mountable centre island for trucks) a logical option."*

With just the Woolworths development added to the area, no change is required to the Hayes Street/Roseberry Street intersection. The ideal situation would be to prepare a Section 94 Contributions Plan for the precinct, to deal with all future development. In the absence of such a Plan, for just the Woolworths, no intersection upgrade is warranted.

Recommendation 10 of SRDAC was *"Further consideration should be given to pedestrian facilities in the area such as at the corner of Hayes and Roseberry Street"*. This could be covered by the installation of pedestrian refuges in Roseberry Street north of Hayes Street and in Hayes Street west of Roseberry Street. The location of the latter should be where there are "No Stopping" restrictions on both sides of the road. There might need to be the removal of a kerbside space, if this option is adopted.

5.0 Car Parking

The car parking requirement for the proposed supermarket can be assessed through reference to the relevant Development Control Plan. Using the floor area breakdown set out in the Statement of Environmental Effects, the parking required is:

- Supermarket 3685 sq m @ 4/100 sq m 147.4
- Offices 250 sq m @ 1/40 sq m 6.25
- Cafe 65 sq m @ 15/100 sq m 9.75
- Total 163.4 spaces

Car parking can also be reviewed through reference to the Roads & Traffic Authority's *Guide to Traffic Generating Developments*. This Guide provides both single rates and a disaggregated model. The model is preferred because it better takes into account the

relative attraction of retail, office and cafe uses. From this model the peak parking demand is 180 spaces.

The proposed parking for the supermarket is 210 spaces. This level of provision is 17% greater than the RTA demand figure and 29% higher than the Council DCP figure. It is hence concluded that the provision of 210 parking spaces for the proposal will be satisfactory.

In addition to this parking for the supermarket, the applicant proposes a separate public parking area on the roof, with 105 spaces, including 3 disabled spaces. The provision of this public parking is in response to the proposal by the applicant to remove existing kerbside parking from Roseberry Street and from Hayes Street. This on-street parking is proposed to be removed to assist traffic movement in these streets. These streets currently have carriageway widths of 9.6m, and currently have parking on both sides, with the exception of Roseberry Street West side south of Hayes Street, which has driveways and loading facilities. Taking the typical car width at the kerb as being 2.1m, if cars are parked on both sides, there is only 5.4m left for two-way traffic movement. While cars can pass in this width, if there is a truck, there is a traffic safety and delay issue. The letter from Colston Budd Hunt & Kafes dated 10 June 2010 sets out clearly the current on-street parking and the proposed changes to the parking. The current and proposed on-street parking can be summarised:

Street	Side	Current Parking	Proposed Parking
Roseberry / Hayes / Kenneth	West	19	0
	East	20	0
Roseberry / Hayes / Balgowlah	West	4+12 (2 hour angle)	4+12 (2 hour angle)
	East	18+5 (1 hour)	18+5 (1 hour)
Hayes / Condamine / Roseberry	North	11	0
	South	10	10
Total		99	49

The current on-street parking has been double checked and some minor differences have been found. This check was based on space between driveways, and how many legal parking spaces fit in. In terms of on-street parking to be lost, the number would be 49 instead of 50 spaces. There is a single vehicle loading bay on the eastern side of Roseberry Street, close to the northern kerb alignment of Hayes Street. This would be needed to be moved to just south of the Hayes Street intersection, to maintain the current loading facilities. In removing a further parking space to the South, to provide this loading bay, the net result is the loss of 50 car parking spaces, as originally stated by the applicant.

The proposal by the applicant is thus to remove 50 on-street parking spaces, to assist traffic movement along Roseberry Street from the North, and traffic movement along Hayes Street from the West. The focus on these two street sections will encourage customers to use Roseberry Street from Kenneth Road, and Hayes Street from Condamine Street, instead of from the more residential streets to the South, with an approach route via Balgowlah Road. The CBHK letter of 10 June 2010 suggests that these parking restrictions could be 6am to midnight. However with the minimal demand likely between midnight and 6am, any parking restriction should be full-time.

The provision of the 105 parking spaces (including 3 disabled spaces) thus would provide a net public benefit, provided that this parking is available seven days a week, 24 hours a day, and has independent pedestrian access from Roseberry Street. Looking at the plans, there are two lifts, with Lift 1 going from the rooftop parking area to the ground level, with the lift doors opening both to the street level and to the covered plaza entry area of the supermarket. Lift 2 only services the plaza entry area, with the other side of the lift within the supermarket area. In addition, there are fire stairs. The proposal by the applicant is for this

rooftop parking area to be open seven days a week, 24 hours a day, with no charges or time limits, so that it can be used for all-day commuter parking by workers in the area who would otherwise park in the street. One issue to consider with the use of this rooftop parking area at night is lighting. While on-street parking has the benefit of street lighting, and the personal safety benefit of passing traffic, a rooftop would not. Adequate lighting for safety and security will be required. Lift 1 will need to operate 24 hours a day, with the lift landings at roof and ground level also adequately lit.

In the letter from SRDAC, Recommendation 3 is that the supermarket parking be connected to the public rooftop parking. The response to this suggestion in the CBHK letter of 10 June 2010 is reasonable. I agree with their argument that the two car parks do not need to be connected because the basement and ground level parking areas will adequately service the supermarket, and hence there is no need for shoppers to firstly circulate through the supermarket parking and to then go back onto Roseberry Street to access the rooftop parking. The supermarket parking could be time restricted, except for some staff parking. The rooftop parking would not be time-restricted. One downside of connecting the parking areas is that the rooftop parking might be seen as an integral part of the supermarket, rather than a separate public parking facility. If this was the case, a shopper might arrive from Roseberry Street North, turn right into the rooftop car park, park there or continue down to the other parking. This could disadvantage local workers and others for whom the parking area has been provided, as a trade-off for the on-street parking removed. I conclude that the disadvantages of connecting all of the parking levels far outweigh any advantages, and this connection is not recommended.

In summary, the proposed 210 car parking spaces for the supermarket will exceed the 163 spaces calculated by the DCP, and the 180 spaces calculated using the RTA model, and will be satisfactory. The connection between the supermarket parking and the rooftop public parking area is NOT recommended. A Management Plan or similar will be required to ensure that the rooftop parking is guaranteed available seven days a week, 24 hours a day, at no charge and with no time restrictions. Lighting and other measures to improve public security will be required.

The proposal by the applicant to remove parking from both sides of Roseberry Street between Hayes Street and Kenneth Road, and on the northern side of Hayes Street, is supported, provided that all costs associated with these restrictions are paid by the applicant. These restrictions should be full-time.

Recommendation 9 of the SRDAC, that “No Stopping” signs be erected along the western side of Roseberry Street between Balgowlah Street and Kenneth Street is not supported, as it is not considered necessary.

6.0 Servicing

Issues relating to the servicing of the site were raised in Recommendations 6-8 of the SRDAC letter. It is accepted that it is always desirable to separate service vehicle movements from shopper car movements. The designer has to consider a range of issues when preparing a design. Both Hayes Street and Roseberry Street are local access streets, where part of their function is to provide access into adjoining land uses. The driveway into the ground level supermarket parking off Hayes Street has been located as far away from the Roseberry Street/Hayes Street intersection as possible, to minimise impacts on this intersection. The egress from the basement supermarket parking will assist in better distributing traffic movements, although with the low traffic movements in Hayes Street, all traffic movements to the supermarket parking could occur off this street. On balance, the layout with the egress to Roseberry Street is supported. With the access to the public rooftop parking, as discussed, through access from this area to the supermarket parking is

not recommended. Thus there is a need for convenient separate access to this rooftop parking. If the recommendation by SRDAC to link all of the parking areas was adopted, in a redesign it might be possible to remove this rooftop parking access from Roseberry Street. This would remove any conflicts with service vehicles. However this design change is not recommended.

The CBHK letter of 10 June 2010 notes that deliveries will be 20-30 deliveries each day, with most by vans and small trucks, with 4-6 deliveries per day by large rigid and articulated trucks. All service vehicle movements would be in forwards directions. The point is made that the rooftop parking area is intended to be used for all-day commuter parking, plus visitors/customers of businesses in the area, and hence the probability of a conflict would be low.

A truck driving into the service area would see and be seen by cars on the carpark ramp. Trucks leaving the service area would need to have a good sight line across to the egress ramp from the rooftop. The design of the wall between the service area driveway and the rooftop ramp should not restrict sight lines for at least the first 5.0m inside the site, as measured from the property boundary. The wall would need to be cut back to achieve this, but it should be possible.

Point 7 of SRDAC was that trucks turning right into the site would start from the eastern kerb lane, based on the swept paths submitted. As noted in the letter of 10 June 2010 from CBHK, the removal of all kerbside parking from Roseberry Street north of Hayes Street has been recommended. This would resolve this concern.

The question of restricting the hours of servicing of the site is unclear as to the objective. The appropriate action would be for a consent condition to be imposed requiring that a Service Plan of Management be prepared and submitted to Council. If there are concerns about late night amenity issues, they could be addressed through this Plan.

Looking at the proposed loading dock area, with space for two trucks to be unloaded at any one time, plus space in the turning head for a third truck to wait, should both docks be in use, the servicing facilities proposed are considered acceptable.

7.0 Site Layout

SRDAC recommended that:

The layout of the car parking areas associated with the subject development (including driveways, grades, aisle widths, turning paths, sight distance requirements, and parking bay dimensions) should be in accordance with AS2890.1-2004 and AS2890.2-2002 for heavy vehicles.

This recommendation is concurred with and should be a consent condition.

The layout of the three parking areas generally appears to conform to these Standards. In meeting the Standards, the applicant will need to ensure that there is adequate splay sight distance from drivers coming up the egress from the basement to pedestrians on the Roseberry Street footpath. Appropriate sight triangles will need to be provided to meet the requirements of the Standard.

8.0 Conclusions

Traffic Impact

1. It is recommended to not close Hayes Street at its junction with Condamine Street.

2. The RTA should be provided with the results of further SIDRA analysis by Colston Budd Hunt & Kafes, plus this report. Council should consider the subsequent response from the RTA prior to the determination of this application.
3. No intersection improvements are required at the Roseberry Street and Hayes Street intersection for this development, except for pedestrian refuges in Roseberry Street North and Hayes Street.

Car Parking

4. The level of parking proposed for the supermarket is satisfactory. The supermarket parking and the rooftop public parking area should not be connected.
5. The trade-off between the loss of 50 on-street parking spaces and the construction of a 105 space public parking area is considered satisfactory, provided that the public parking area is open seven days a week, 24 hours a day. This parking area and its pedestrian access should be provided with adequate lighting for security reasons. A Parking Area Management Plan should be prepared.

Servicing

6. The proposed servicing provision is generally satisfactory. A Servicing Plan of Management should be prepared, with considerations to include the hours of operation of the docks.
7. The design of the wall between the service area and the ramp to the rooftop parking area should not restrict sight lines between service vehicles and cars on the ramp for at least the first 5m inside the site.

Site Layout

8. A consent condition should require the design of the parking areas and servicing areas to conform with AS2890.1-2004 and AS2890.2-2002.

The splay sight distance for the basement parking egress should enable drivers to adequately see pedestrians on the Roseberry Street footpath, in accordance with the requirements of AS2890.1-2004.

Landscape Architects Comments

Items reviewed include:

Design Statement - Architecture and Landscape Architecture.
Landscape Plan
Arborist Report
Architectural Plans
Survey Plan
Stormwater Plan
Shadow Diagram
Statement of Environmental Effects

Landscape Plan: LDA-001 – Issue DA02 dated 25.06.2010 and received by Council on 30 June 2010.

The comments in italics at the end of each paragraph relates to the amended plans received on 30 June 2010.

Design Statement - Comments

'The eastern facade is set to minimal setback to Roseberry Street to maintain a consistency of street edge defining built form.' (extract from the design statement prepared by Scott Carver). We determine from the drawings provided to us that the proposed building envelope wall is on the boundary. We understand this is the line of existing brick retaining wall to the existing garden bed to Roseberry Street. We recommend the building line be pushed further west to comply with the numeric controls outlined in the Manly Development Control Plan for the Industrial Zone 1991 page 8. *'A minimum setback of 4.5m to buildings, car parking and to any security fencing is to be provided along the street frontage and any frontage to Manly West Park.'*

The revised landscape drawings dated 25 June 2010 show no change to the required minimum setback of 4.5 metres to the building edge.

Comment: The plans have since been modified and the proposed setback is considered to be satisfactory.

'Pedestrian paths congregate and intersect at the major architectural elements' (extract from the design statement prepared by Scott Carver). We note that there is no pedestrian pathway directing users from the ground level car park to the 'covered plaza' area. We recommend a pedestrian pathway be located to direct the car park user safely to the café and shopping centre.

The revised landscape drawings dated 25 June 2010 show no proposed pathway from the ground level car park to the shopping centre entry.

'Through the original re-zoning application, additional activation of the street edges was to be provided through the incorporation of a café and plaza zone on the corner of Hayes and Roseberry streets' (extract from the design statement prepared by Scott Carver). Upon studying the architectural drawings this café is elevated from street level, therefore there is no spill out space to the street. One has to enter the shopping complex plaza before gaining access to the café. We recommend that the café be directly accessible from the corner of Roseberry and Hayes Street.

The design statement promotes *active edges* as mentioned in the concluding paragraph. However, the active edges are elevated from street level therefore communication to the street is disjointed. We also note from the drawings that current access from Hayes Street requires the café user to pass the disabled toilet before gaining access to the café. As mentioned previously, we recommend that the café be directly accessible from the corner of Roseberry and Hayes Street. For example a stair entry point with café seating in the setback zone to the street level on Roseberry Street would allow for direct access and provide the required *'additional activation of the street edges'*.

The revised landscape drawings dated 25 June 2010 show a new stair entry from the corner of Roseberry Street and Hayes Street in place of the stair entry to the rear of the café from Hayes Street. However our above comments regarding activation of street edges still apply.

Consultant Drawing - Comments

Further clarification is required with regard to the location of the bus stop/taxi drop-off zone and associated line marking and signage.

The provision of public domain items, such as bus stop shelter, lighting, seating and rubbish bins are absent from the drawings. We recommend that the eastern edge of the building envelope be moved to the west to correspond with the Manly Development Control Plan for the Industrial Zone 1991, landscape and setback section. This recommends the following,

'Setback areas are to be landscaped with trees set on lawn or other ground cover.' The setback nominated in this DCP is a distance of 4.5m from the boundary. To allow for the above mentioned public domain items between the building envelope and the footpath edge we recommend, for example that a minimum 5% of the development footprint be dedicated to improving the streetscape and providing these public domain items. We have calculated this 5% to be a minimum setback of 2m to the streetscape of Roseberry and Hayes Street. This corresponds with the extent of existing roof overhang to Roseberry Street. However, this is approximately half of the required distance as nominated in the Industrial Zone DCP mentioned above.

The revised landscape drawings dated 25 June 2010 show no change to the above.

Comment: The plans have since been modified and the issue is addressed under Planning comments

There is currently an avenue of trees and vegetation to either side of the footpath on Roseberry Street. We would like to see this landscape style being maintained (Please refer to the Manly Development Control Plan for the Industrial Zone 1991). The arborist report recommends that 32 trees be removed from the street frontage because of the impending impact that the proposed building and building works will have on the existing stand of trees. This is a substantial removal of existing streetscape vegetation and character that could be protected if the 4.5m setback zone was complied with. We recommend that this development should replace this no.32 trees that are proposed to be removed. The car park to street level has currently no shade trees proposed. We recommend tree planting to the ground level parking area and to the council designated car parking area on the roof.

The revised landscape drawings show Cupaniopsis anacardioides as the proposed street tree species. Council is currently preparing a Street Tree Masterplan for the area. Therefore the suitability of the street tree species will be reviewed.

We would like to recommend that the existing tree no.11, Cupaniopsis anacardioides be retained to maintain some of the significant street trees on Roseberry Street.

Comment: Conditions to this effect are included within the Recommendation.

The revised landscape drawings show all existing trees on Roseberry Street to be removed.

We recommend permeable vertical planting to the western edge of the covered plaza 'fitted glass screen wall' to shade the western sun. We understand from the drawings that the covered plaza area will act as a spill out space from the cafe. Therefore some shade will be required in the afternoon. We also recommend that the travelator to/from the basement level be relocated to the western edge of the covered plaza to allow for the spill out café seating to overlook Roseberry Street, in place of the current proposed location overlooking the carpark.

Comment: A condition to relocate the travelator to the western edge of the covered plaza is included within the Recommendation. This may mean deletion of some car parking spaces at the basement level, this is not considered to be an issue as the proposal provides for surplus parking. The relocation of the travelator to the western side of the covered plaza would provide an active street frontage.

The revised landscape plan shows planters to the inside of the western covered plaza. No change to the location of the travelators has been proposed. Our comments and recommendations still apply.

We recommend that the substation be screened from view on Roseberry Street.

Comment: A condition to screen the substation is included within the Recommendation.

The revised landscape plan shows no change to this.

We recommend signage be approved by council prior to final signage design drawings being completed.

Please submit details for the long term stormwater filtration as part of proposed water capture from the roof and carpark areas, especially if this water will be used directly for the street tree planting irrigation. We recommend directing the stormwater in the ground level carpark towards a central planted swale using sustainable WSUD design practices.

Further to the review of the Statement of Environmental Effects (SEE) document prepared by URBIS we note that the Appendix E, landscaping section 1.1.8, does not comply with the Manly Development Control Plan for the Industrial Zone 1991, as the setback requirements of 4.5m from the boundary also do not comply with the proposed development.

Landscape Officer's Comments

The following comments have been received from Council's Landscape Officer relating to amended plans (Drawing/Plan No. LDA – 001 Issue DA3 dated 15 September 2010):

- Newly planted trees on the Roseberry and Hayes Street frontages must attain a height of 10 metres on maturity.
- Grass must be installed on both street frontages to development and maintained.
- Eucalyptus species should not be used on street frontages.
- All street plantings must be 100 litres and 3 metres in height at planting.
- No issue with the amended number and size of plantings of Cupaniopsis anacardioides (Tuckeroo), 200 litres pot size, along Councils nature strip, Roseberry Street frontage

The above is to achieve an aesthetically improved street frontage and should be included in any consent. Standards conditions are also recommended.

The following non-standard are to be incorporated in any approval:

1. Tree No 11 Cupaniopsis anacardioides (Tuckeroo) is to be retained and protected. Plans are to be notated accordingly prior to the issue of Construction Certificate.

Reason: The tree is in good health and condition and contributes towards streetscape/amentity. Tree No's 33 & 34 located on adjoining property tree protection measures are to be as per Appendix E in the submitted Arborist report.

2. The Cupaniopsis anacardioides (Tuckeroo) street trees along Roseberry Street frontage are to be of an advanced size of 200 Litres and where possible are to be double staggered row plantings. Plans are to be notated accordingly prior to the issue of Construction Certificate

Reason: To provide adequate screening to the street frontage.

3. Additional canopy trees are to be incorporated to both the ground level and roof top car park. Tree species to be native species from the local area– refer to Council's list for endemic species. Plans are to be amended accordingly prior to the issue of Construction Certificate

Reason: To provide landscaping within the development.

4. The proposed plantings of Eucalyptus ficifolia (Red Flowering Gum) along Hayes Street frontage are to be deleted and replaced with either Angophora hispida or Callistemon sp. Plans are to be notated accordingly prior to the issue of Construction Certificate.

Reason: In keeping with Council's Preferred Street Tree species.

5. A landscape screening is to be provided to the existing substation located on Hayes Street. Plans are to be notated accordingly prior to the issue of Construction Certificate.

Reason: To provide screening to the structure and provide a better streetscape.

The following standard conditions are recommended for any approval:

3LD01, 4LD02, 4LD 03, 4LD and 6LP02.

Waste Services Comments

No objection, subject to conditions.

Access Committee Comments

The following comments have been received from Council's Access Committee:

"Plans show 2 lifts and travelators from the basement carpark. The accessible parking shown in the basement plans appear to be the same width as normal car parking spaces. Please check that these spaces comply with the relevant standards.

The ground floor plans show two accessible parking spaces. The Committee would also like to see "parents with strollers" parking in both car parks to further enhance access.

Ground floor plans show the main entrance into the building from Roseberry Street has stairs. This entrance needs to be a ramp with appropriate width and gradient to allow for an accessible entrance and requires a design which does not affect the access way to the lifts."

External Referrals:

1. NSW Office of Water

The following comments have been received from the NSW Office of Water:

"The NSW Office of Water has reviewed documents for the above development application and considers that, for the purposes of the Water Management Act (2000) a Controlled Activity Approval is not required and no further assessment by the NSW Office of Water is necessary for the following reason:

- The proposed works are occurring within an existing building footprint and will be covered by Council's development consent. Therefore the NSW Office of Water has deemed that no control Activity Approval is necessary.

Should the proposed development be varied in any way that results in 'works' or more extensive 'works' on waterfront land (i.e. land in or within 40 metres of the highest bank of the watercourse) the NSW Office of Water should be notified.

Further information on Controlled Activity Approvals under the Water Management Act 2000 can be obtained from the Department's website:

<http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx>

- It is noted that the proposal includes dewatering of the subject site and the construction of basement car parking which may intersect groundwater. Please note that the Department will not allow any proposal that requires permanent or semi-permanent pumping of groundwater to protect a structure. Therefore any proposal must ensure that the design of the structure will not require this style of facility or activity. To facilitate this requirement, the construction of a basement, or any structure that may be impacted by groundwater, will require a waterproof retention system (i.e. a fully tanked structure) with an adequate provision for future fluctuations of the watertable level.

A Licence under Part V of the *Water Act 1912* may be required in relation to this development, and Council should contact the relevant section of the Department (phone 9895-6273) if it is required. It is recommended that a groundwater study be conducted at the appropriate location to determine whether groundwater is intersected by the proposal. If ground water is found to be an issue please provide necessary documentation so that the Department can issue a GTA appropriate for a groundwater license."

2. Roads and Traffic Authority (RTA):

Sydney Regional Development Advisory Committee Comments

The Sydney Regional Development Advisory Committee considered the traffic impact of the proposed development at its meeting of 5 May 2010 and Council received the following comments on the 24 May 2010:-

1. The RTA raises safety concerns with the increased use of the intersection of Hayes Street and Condamine Street and the increased potential of rear-end collisions. As a result the RTA would request that Hayes Street be closed at Condamine Street (no access to/from Condamine Street).
2. The RTA requires SIDRA Modelling to be undertaken to demonstrate the additional impact of the Woolworths development plus the nearby Bunnings development (at the corner of Condamine Street and Balgowlah Road) on the following intersection (including rerouting of traffic from the closure of Hayes Street):
 - a Condamine Street and Balgowlah Road
 - b Balgowlah Road and Roseberry Street
 - c Roseberry Street and Kenneth Road
 - d Condamine Street and Kenneth Road

This should be submitted to the RTA for review prior to further consideration being given to determining application.

3. Concerns are raised as to the fact that there is no connectivity between the car parks and the impact that they would have on traffic flows should motorists not be able to find a parking space in one car park and then have to re-enter the road system to access the other car park. Accordingly, all car parking areas should be connected to improve vehicle manoeuvrability throughout the site. The applicant may wish to look at providing all access to the car parks from Hayes Street given that it is recommended that it be closed at Condamine Street.
4. If Council supports all access via Hayes Street considerations should be given to the installation of a roundabout at the intersection of Hayes Street and Roseberry Street.

5. The layout of the car parking areas associated with the subject development (including, driveways, grades, aisle widths, turning paths, sight distance requirements, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004 and S 2890.2 – 2002 for heavy vehicles.
6. The RTA raises concern with the location of the loading dock adjacent to the public roof top parking area. The RTA recommends the loading dock be located completely separate from any public access point to the site.
7. The submitted turn paths for heavy vehicles accessing the site show vehicles entering the site from the eastern side of 'Roseberry Street. Roseberry Street has a high level of on street parking it should be demonstrated that a heavy vehicle can enter the site when vehicles are parked on the Eastern side of Roseberry Street.
8. Council should give consideration to restricting the hours of servicing the site.
9. Subject to Local Traffic Committee approval the RTA recommends that 'No Stopping' signs be implemented along the western side of Roseberry Street from Balgowlah Road to Kenneth Street.
10. Further consideration should be given to pedestrian facilities in the area such as at the corner of Hayes and Roseberry Street.
11. The RTA has previously required the proposed Bunnings Warehouse (at the corner of Balgowlah Road and Condamine Street) to fund the change of phasing at the intersection of Balgowlah Road and Condamine Street, if the Bunnings development does not go ahead, Woolworths will be required to undertake the following:

"The applicant shall implement a leading right turn phase for the northbound movement on Condamine Street. The leading right turn phase will not allow filter movements during the through phase while the existing trailing right turn phase for southbound movements will allow filter movements during the through phase.

The changes to the signals in 1 above shall be designed to meet the RTA's requirements, and endorsed by a suitably qualified and chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia). The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the traffic signal design plans shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate by Council".
12. All works / regulatory signposting associated with the proposed development shall be at no cost to the RTA."

RTA Comments to Amended Plans dated 29 September 2010

The RTA has reviewed the additional information and raises no objection to the development application. However, the RTA recommends the following requirements be incorporated into the development consent:

3. Prior to the release of any Construction Certificate for the proposed development, a Stage 3 road safety audit shall be undertaken to determine if Hayes Street needs to be closed at Condamine Street due to the increased potential of rear-end accidents. The road safety audit shall be undertaken by an independent auditor and at no cost to the RTA.

4. The existing signalised intersection of Condamine Street/Balgowlah Road shall be modified to include right turn bays on Condamine Street north approach (100 metres minimum storage) and south approach (50 metres minimum storage) and the signal phasing shall be modified to include a single diamond overlap for Condamine Street, which will ensure that this intersection operates more efficiently and safely post construction of the development.

The intersection modification will require the removal of on-street parking on Condamine Street. The developer shall undertake community consultation to the satisfaction of Council.

The removal of car parking spaces on Condamine Street may require approval from Council's Local Traffic Committee, subject to Council's requirements.

5. The proposed modification to the signalised intersection of Condamine Street/Balgowlah Road shall be designed in accordance with the RTA's Road Design Guide, RTA's Traffic Signal Design Manual and other Australian Codes of Practice and endorsed by a suitably qualified Engineer (i.e. who is registered with the Institute of Engineers, Australia).

The certified copies of traffic signal design and civil design plans as well as swept path analyses shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority (PCA) and commencement of any road works.

The RTA fees for administration, plan checking, signal works inspection and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal and civil works. The Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed traffic signal design plans. The Construction Certificate shall not be released by PCA until such time the WAD is executed.

The proposed traffic signal works shall be fully constructed and operational prior to the release of any Occupational Certificates by the PCA.

6. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by various public utility authorities and /or their agents.
7. All road works/regulatory signposting associated with the proposed development shall be at no cost to the RTA.
8. Comments 3 – 10 in the SRDAC letter dated 18 May 2010 remain applicable to this development and shall be addressed to Council's satisfaction.

Council Resolution of 21 June 2010

Council at its Ordinary Meeting of 21 June 2010 considered a Notice of Motion in respect of the preparation of a Masterplan for the Balgowlah / Manly Vale Industrial Area, and resolved, inter alia,

That:

1. Manly Council accede to community and three Precinct Forum requests to develop as a matter of urgency a comprehensive Master Plan for the Balgowlah/Manly Vale Industrial Zone, (Enterprise Zone as it will become known) establishing planning priorities including but not limited to:
 - a. Changes to roads, traffic management, and parking
 - b. Pedestrian and bike paths
 - c. Landscaping, tree plantings, open space and public place furniture
 - d. Diversity of land uses
 - e. Environmental impacts of large scale excavation on the water table
2. The General Manager advise on the possibility of rescinding the Draft LEP Amendment 79 to the Manly LEP 1988 and the implications of such a move.
3. Manly Council write to the Department of Planning and request that the gazettal of Amendment 79 to the Manly LEP be deferred until this Master Plan has been completed.
4. Manly Council request a 'stop the clock' on both the Bunnings & Woolworths DAs until the additional studies on the cumulative impacts of both these DAs have been completed presented to the community and Master Plan has been completed.
5. Manly Council publish a 'Fact Sheet' on the approval process to date and in the future for these DAs as well as the studies completed and in progress for these DAs.

Council advised the Director-General, Department of Planning and the Chair, Joint Regional Planning Panel (JRPP) of Council's resolution by letter dated 28 June 2010. A response letter from J Roseth, Chair Sydney East Joint Region Planning Panel was received by Council on 5 July 2010. These letters are on file.

Planning Comments

SEPP (Infrastructure) 2007

The proposal has been considered by the Roads and Traffic Authority as required by the State Environmental Planning Policy, SEPP (Infrastructure) 2007 and comments have been received both to the original development and the amended proposal. These comments have been included earlier in the report and conditions included within the Recommendation.

State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land

The applicant has submitted a Phase 1 Environmental Site Assessment (ESA) for the site. The findings of the report is that the site has a history of residential and commercial/industrial land use.

The findings of the report are that the site contains contaminated fill materials and contaminants and is also impacted with PAHs and asbestos. The site is subject to a Phase II investigation and implementation of a Remedial Action Plan under the provisions of the SEPP No. 55. Condition to this effect is included within the Recommendation.

State Environmental Planning Policy No. 64 - Advertising and Signage

The proposed development includes a number of signage. These include signs relating to the business and car parking signs. The signs identified in the submitted drawings are as follows:-

- Two (2) signs - **S1 & S5** on the Entry Canopy facing south and west. These are to be internally illuminated LED sign with an area of 16.5 m² and 7.7m² respectively.

- Flush wall sign - **S2** on the roof level facing north and south. As per the submitted drawings these signs are located on the face of the lift overrun. These are to be internally illuminated LED sign.
- A projecting wall sign - **S3** with the letter "P" (indicating parking) on the east facing wall of the lift overrun. This is to be an internally illuminated LED sign with an area of 4.3m².
- One bulk head sign - **S4** above the entry door. This is to be an internally illuminated LED sign with an area of 7.3m².
- One (1) sign - **S6** above the covered plaza facing west towards the ground level car park with the words "Balgowlah". This is to be an internally illuminated LED sign with an area of 2.1m².
- One (1) projecting wall sign - **S7** above the entry area off Roseberry Street, with the letter "P" (indicating parking). This is to be an internally illuminated LED sign with an area of 4.3m².
- One (1) flush wall sign - **S8** above the main entry area facing Roseberry Street. is to be an internally illuminated LED sign with an area of 7.3m².
- One (1) projecting wall sign - **S9** above the dock area. This sign has been indicated in the amended plans to be projecting from the northern most pylon adjoining the loading dock over Council land. This is to be an internally illuminated LED sign with an area of 5.6m².
- One (1) sign - **S10** above the entry ramp to the basement, with the letter "P" and more (indicating more parking). This is to be an internally illuminated LED sign with an area of 11m².
- A projecting wall sign above the steps to the cafe in the corner of Roseberry and Hayes Street and two (2) on ground signs with the letter "P" (indicating parking) one (1) at the entry ramp off Hayes Street and the other half way between on the boundary wall along Hayes Street - all three **S11**. These are to be internally illuminated LED sign with an area of 2.6m² each.
- A Pylon sign - **S12** at the roof top level facing east and west. This is to be an internally illuminated LED sign with an area of 30m².

The assessment criteria as included in Schedule 1 of SEPP No.64 are considered below:

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?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

The signage plans submitted with the application are of a size and scale that is considered to be compatible with the existing or desired character of the area and is considered to be reasonable in the context of the zoning of the land. However, it is considered that the proposed pylon sign on the roof top (S12) is considered to be unnecessary and unwarranted. This sign is to be deleted from the plans - a condition to this effect is included within the Recommendation.

2. Special areas

- *Does the proposal detract from the amenity or visual quality or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

3. Views and vistas

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

The proposed signage will not obscure or compromise important views. However the proposed pylon sign at the rooftop level will dominate the skyline and will be viewed from residential properties in the vicinity and will greatly impact upon the existing outlook across the site. The pylon sign S12 at the roof top level is considered to be unnecessary and does not respect the viewing rights of other advertisers. The proposed sign will be visually dominant in the area and may be perceived as having a negative impact upon viewing rights of other local advertisers / businesses and therefore should be deleted. A condition to this effect is included within the Recommendation.

The other signs on the facades directly fronting the streets are of a size and scale that commensurate the zoning and as such are supported. However, S2 + S3 and S7 + S8 will need to be amended in view of the amended plans submitted to Council. It is considered that these two (2) signs facing north and south should be flush with the wall of the lift overrun and should not protrude beyond the wall of the lift overrun. A condition to this effect is included within the Recommendation.

Similarly, the proposed sign S9 should not protrude over Council land (as indicated on the amended plans) and should be flush with the column and beam over the loading area. A condition to this effect is included within the Recommendation.

4 Streetscape, setting or landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

The proposed signage is not considered to be of an excessive size and scale as per the plans submitted and is considered to be appropriate. The proposed signage does not reduce visual clutter as there are no signs on the site at present. The proposal will not screen unsightliness nor protrude above the proposed building, except for the proposed pylon sign, S 12. The landscaping proposed with the amended application would require ongoing vegetation management and the proposed advertising is on the facade of the proposed building which will not impact surrounding vegetation. The proposed signs are acceptable in their locations.

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?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The signage proposed is of a size and type that is suitable for this style of development which is a supermarket. No further reduction in the size and type of sign is required or requested. The proposed signs are compatible with the development. As discussed earlier, with the exception of Sign No. S 12 and amendment to Sign Nos. S2+S3 and S7+S8 to suit

the amended plans, the proposed signs are acceptable and are compatible with the scale, proportion and other characteristics of the subject site.

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?*

No such devices are proposed with this application. The Woolworths logo has been incorporated as an integral part of the proposed signage. All lighting and required safety devices are concealed within the structure of the signs.

7 Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

The applicant has stated that signage will comply with the relevant design standards for illumination and the signs will be illuminated during the operation hours of the supermarket only. A condition to this effect is included within the Recommendation.

8 Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The nature of the signage is such that, due to it being mainly flush wall signs on the facades of the proposed building, it would neither reduce safety nor obscure sightlines along the streetscape. A condition has been included within the Recommendation to amend Sign No. S9 such that it is flush with the column and beam on which it is proposed to be fixed and not protrude above Council land and footpath.

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

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

Section 79 C (1)(a) the provisions of:

- (i) ***any environmental planning instrument,***

Manly Local Environmental Plan 1988:

The site is in zone No 4 – The Industrial Zone which permits refreshment rooms; retail outlets for bulky goods, light industrial with the consent of Council.

Under the original zoning of the land a supermarket was not permissible and was a prohibited use within the zone. However, Council received an application for re-zoning of the sites. Council at its Ordinary meeting of 14 December 2009 resolved as follows:

“That, due to the nature of the proposal and its predication on certain management regime for on-street/off-street parking which will directly involve the Council, Council subject to an appropriate Probity management Plan and Deed:

1. Endorse Option 3 comprising part Enterprise Corridor zone (B6) and part Light Industry zone (IN2) as the preferred land use zoning option for the study area, and
2. Endorse draft Amendment No. 79 to Manly Local Environmental Plan 1988 as exhibited and submit the draft plan to the Director General of Planning for the preparation of a report to the Minister under the provisions of Section 69 of the Environmental Planning and Assessment Act 1979 recommending the making of the plan.”

The draft Amendment (Item No.2 above) was sent to the Director General of Planning and Council is currently working towards finalising Item No. 1 of Council's resolution as part of the consolidated Manly LEP.

Amendment No. 79 to Manly Local Environmental Plan 1988 was signed by the Minister and gazetted on 27 August 2010. The Amendment No. 79 to the Manly LEP 1988 aims to permit a “Supermarket” as development which may be carried out with development consent on land known as 17 and 31 Roseberry Street, Balgowlah.

In view of the amendment to the Manly LEP 1988, the proposed use of the site for the purposes of a Supermarket is permissible with the consent of Council.

Manly Local Environmental Plan 1988 Clause 10 Objectives

The following comments are made in regard to the objectives for the Industrial Zone as stated in Clause 10 of the Manly Local Environmental Plan 1988;

- (a) *to provide for suitable industrial activities in order to increase local employment opportunities;*

The proposed development is not an industrial activity, however, with the amendment to the Manly Local Environmental Plan (LEP) 1988 which was gazetted on 27 August 2010, the proposed use of the site as a “supermarket” is a permissible use within the zone. It is envisaged that the proposed development will increase the opportunity for local employment. The subject site has been vacant since “Blackmores” pharmaceutical company sold and left the site.

- (b) *to minimise negative visual impact of development by limiting the size and scale of buildings and having regard to suitable landscaping; and*

The proposed size and scale of the development is acceptable and will not have an adverse impact on the locality. With regards to landscaping the amended plans received on 16 September 2010 the proposed development has increased the landscaping within the subject site and not relying wholly on Council land to provide landscaping as was the case with the original plans. Parts of the building have been setback from the Roseberry street frontage and this has provided an acceptable streetscape for the zone. It is also to be noted that the amended plans have set the bulk of the building to the west and has also oriented the first floor level office block in an east-west direction which has reduced the bulk of the development as viewed from Roseberry Street.

It should be noted that Clause 2 under Appearance of Council's Development Control Plan for the Industrial Zone, 1991, requires that “setback areas are to be landscaped with trees set in lawn or other ground cover”. The amended plans have provided for six (6) Fraxinus

griffithiii within the subject property facing Roseberry Street. However, Council's Landscape Officer has recommended that the proposed trees are to be deleted and replaced with native species from Council's list of Endemic Plants from the Manly Locality. A condition to this effect is included within the Recommendation.

(c) *to encourage the provision of industrial activities by permitting specific office and subsidiary activities in association with the primary industrial use.*

The proposal is not for an industrial use; however, the Amendment No.79 to the Manly LEP 1988 permits the use of the subject land as a supermarket. The proposal also includes a retail café at the corner of Hayes and Roseberry Streets; this is a permissible use in the current Manly LEP.

Clause 33 - Development of land identified on Acid Sulphate Soils Planning Map

The subject site is located on Class 5 land as identified on the Acid Sulphate Soils Planning Map within the Manly Local Environmental Plan 1988. The subject site is located within 500m from Class 3 or 4 lands which may lower the watertable below 1 metre in Class 1, 2, 3 or 4 lands. The proposed works are likely to impact upon Acid Sulphate Soils. The applicant has submitted a preliminary Acid Sulphate Soils Investigation report with the application. The report suggests that further analysis and sampling is required prior to commencement of construction to better assess the risk of acid sulphate soils. A condition requiring further investigation and if required submission of a Soil Management Plan is included within the Recommendation.

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

There is no other draft environmental planning instrument which is applicable to the subject site. The amendment No. 79 to the Manly LEP was gazetted on 27 August 2010 and this permits a supermarket with the consent of Council.

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

Manly Development Control Plan for the Industrial Zone 1991:

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

Primary Control Site Area: 7333m ²	Requirement	Compliance level
Floor Space Ratio	To be in the order of 1:1	0.57:1 GFA* = 4,150m ²
Building Height	11m	9.0m; 10.5m & 11.6 m 12.3 (lift over-run)
Access	a) Vehicles enter/leave forward direction;	Yes
	b) Minimum driveway access 5m;	Yes 8.2m (Hayes Street) 7.5 & 8.2m (Roseberry Street)
	c) Adequate sightlines for entry /exit;	Yes and as conditioned.
	d) Room for trucks to manoeuvre safely;	Yes (with the removal of on-street parking)
	e) Driveway ramps to roof-top carparking areas are of sufficient width to promote easy use.	Yes
Loading Facilities	Minimum of one loading bay for each industrial unit;	Yes
	Min. Dimensions for loading bay being 7.6m by 3m x 3.4m high;	Yes
Vehicular parking	<p>a) One space per 50m² of gross floor area for industrial use or retailing of bulky goods;</p> <p>b) One space per 100m² of gross floor area for warehousing and storage of bulky goods; Additional may be required where required (subject to further assessment); Additional carparking may be required for developments which:</p> <ol style="list-style-type: none"> 1. Have a high component of ancillary retailing/showroom or office functions. 2. Have a need for on-site truck parking. <p>Council will refer to its Development Control Plan for the Business Zone and with Roads and Traffic Authority guidelines to determine appropriate requirements in such instances.</p> <p>Carparking will not be permitted in the area between the street frontage and the building alignment.</p> <p>1 space per 25m² for supermarket & Shopping Centres.</p> <p>1 space per 40m² for office</p>	<p>Basement Level = 154 spaces.</p> <p>Ground Level = 56 spaces</p> <p>Rooftop Level = 108 spaces</p>

	15 spaces per 100m ² gross floor area or one space per 5 seats, whichever is greater. Required: Supermarket = 148 spaces Anc. Office = 10 spaces Café = 12 spaces. Total = 170 spaces	Yes Total = 318 spaces
4.1 Setbacks	4.5m minimum along street frontage;	No – 0.7m – 3.11 – 3.75 – 7.90m on the ground level and 3.75 – 6.35m on the first floor level to Roseberry Street frontage. 0.0m to café & 36.0m to the supermarket from Hayes Street frontage.
	Buildings may be constructed to rear or side boundaries unless this may cause undue prejudice to adjacent properties;	Yes Built to rear (west side) and side boundary to the north.
4.2 Landscaping	Setbacks to be landscaped with trees	Amended plans provide some landscaping on subject site. New trees proposed on Council land.

Comment:

Floor Space Ratio

Council's DCP for the Industrial Zone 1991 does not specify a definite floor space ratio for the zone. The DCP in relation to floor space ratio states: *"No standards are made in respect to floor space ratio. In practice, scale of floor areas will be determined by the need to provide usable industrial floor space with easy access to loading dock facilities as well as to meet on-site carparking requirements. It is anticipated that floor space ratios achieved in new developments will tend to be in the order of 1:1."*

The Manly DCP for Industrial Zone 1991 does not provide a definition of gross floor area. As the proposed development is for a retail supermarket, it would be safe to use the definition of gross floor area from Council's DCP for the Business Zone, 1989, Amendment 7. The DCP Business defines gross floor area as '**Gross floor area** shall be as defined in the Environmental Planning and Assessment Model Provisions, 1980, being the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1400 millimetres above each floor level excluding:

- (i) columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall;
- (ii) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts;
- (iii) car-parking needed to meet any requirements of the council and any internal access thereto;
- (iv) space for the loading and unloading of goods."

Using the above definition the total gross floor area of the proposed development is 4150m². The total area of the combined site is 7333m² and the total gross floor area is 4,150m² (3690m² + 281.25m² + 78m²) this equals to a floor space ratio of 0.57:1.0. The applicant in their submitted Statement of Environmental Effects (SoEE) has stated the Floor space ratio

to be 0.58:1.0. The difference could be due to the amended plans and that the SoEE was submitted with the original plans.

The DCP for the Industrial Zone 1991 does not really cater for the supermarket in the Industrial zone, however, the DCP states that the floor space ratio is reliant on easy access to loading dock facilities as well as meet on-site carparking requirements. The application satisfies both these criteria and is also below the anticipated floor space ratio of 1:1 and therefore is considered to be satisfactory.

Building Height

In relation to building height, Council's DCP for the Industrial Zone 1991 states: *"Overall building height is restricted to 11 metres above existing ground level. Lift overruns higher than 11 metres will be considered."*

The proposed development does not provide the exact RLs on the elevations to determine the heights of the proposed development. The applicant's SoEE states that the building height is 9.5m and the lift overrun is 12.0m. By measuring the plans it is evident that the proposal generally complies with the requirement of the DCP and contained within the 11.0 metres building height limit, except for the lift overrun and a small section above the roof of the office on the first floor level. No objection is raised to the lift overrun exceeding the required height limit as it is designed as an integrated part of the building and the amended plans have set it back from the front boundary by about 3.75metres. However, a condition is included within the recommendation to contain the rest of the building to a maximum height of 11.0metres above the existing ground level.

Access

The DCP in regards to Access states: *"Access is to be provided in such a manner that:*

- (a) All vehicles enter and leave the site in a forward direction.*
- (b) The minimum width of an access drive should be 5m.*
- (c) Vision of vehicles entering and leaving the site is not impaired by structures or landscaping.*
- (d) There is sufficient room for trucks to manoeuvre to and from the loading bay areas.*
- (e) Driveway ramps to roof-top carparking areas are of sufficient width to promote easy use."*

A Traffic Report has been submitted as part of the application. This report was sent to the Roads and Traffic Authority (RTA) and was also assessed by Council's Traffic Engineer as part of the original development. The RTA referred the application to the Sydney Regional Development Advisory Committee (SRDAC), who considered the application at its meeting of 5 May 2010 and comments received. In response to the SRDAC's comments, the applicant submitted additional information to Council on 10 June 2010. The additional information was referred to an independent Traffic Consultant to assess on behalf of Council taking into consideration the Stocklands Development, approved Bunnings Development and the subject development. The additional information was also referred to the RTA for comments. RTA's comments to the amended proposal were received by Council on 5 October 2010. The RTA has raised no objection to the proposal subject to recommended conditions. Council's Traffic Consultant has also raised no issue with the development subject to conditions. These conditions are included within the Recommendation.

As regards the provision of the DCP with regards to access, the proposal provides for all vehicles to enter and exit in a forward direction, minimum widths to driveways, sight distance and driveway ramps will have to be in accordance with AS 2890.1 -2004 and AS2890.2-2002. The proposal provides for sufficient room for trucks to manoeuvre to and from the

loading bay area. Compliance with the Australian Standards has been added as condition of consent.

Loading Facilities

The DCP requires a minimum of one (1) loading bay for each industrial unit and the minimum dimensions for a loading bay is to be 7.6m by 3.0m by 3.4m high. The proposal has provided for a loading that will accommodate up to two semi-trailers (19 metres long) – the purpose is to ensure that while there is one truck in the loading dock, another can park in the second space.

The applicant has submitted a Transport Delivery Management Plan to Council on 16 June 2010. The Plan indicates that the number of deliveries would be between 20 and 30 per day and the truck movements are likely to start at 5:00am and finish at 10:00pm. This is considered to be unsatisfactory due to the location of the subject site and the route the trucks will have to take to get to the site. It is considered that the deliveries to the site should be restricted between the hours of 7:00am and 7:00pm to maintain the amenity of the area. A condition to this effect is included within the Recommendation.

Vehicular Parking

The DCP requires that *“vehicular parking should be provided at the rate of:*

- (a) 1 space per 50m² of gross floor area for industrial use or retailing of bulky goods.*
- (b) 1 space per 100m² of gross floor area for warehousing and storage of bulky goods.*

Additional carparking may be required for developments which:

- (a) Have a high component of ancillary reatailing/showroom or office functions.*
- (b) Have a need for on-site truck parking.”*

As the subject site has been rezoned to allow a “supermarket” there is no requirement for carparking in the DCP. However, the DCP states that in such cases it is to refer to the Development Control Plan for the Business Zone (Business DCP) or RTA guidelines to determine appropriate requirements. The parking requirement for supermarkets as per the Business DCP is

- (i) one (1) space per 25m² of gross floor area for the supermarket*
- (ii) one space per 40m² of gross floor area for the office and*
- (iii) 15 spaces per 100m² of gross floor area or one space per 3 seats, whichever is the greater for the Café (refreshment room).*

Therefore the required number of car spaces = 170 spaces (148+10+12). The proposal provides for a total of 318 car parking spaces, of which 108 spaces are in the form of public parking on the roof top. It is to be noted that the proposal is to remove all on-street parking on Roseberry Street between Hayes Street and Kenneth Road and also on the northern side of Hayes Street in front of the subject site – a total of about 50 spaces. The 108 spaces on the roof top is to compensate for the removal/loss of the on-street. The 108 spaces on the roof top are to be given to Council and to be used as a free 24 hour car parking lot.

Setbacks

The DCP in regards to Setbacks states as follows:

“A minimum setback of 4.5m to buildings, carparking and to any security fencing is to be provided along street frontage to Manly West Park.

Buildings may be constructed to rear or side boundaries unless this may cause undue prejudice to adjacent properties.”

The original plans submitted to Council provided only minimal setbacks to the Roseberry Street frontage. This issue was subject of lengthy discussions with the applicant and Council received amended plans on 16 September 2010. The amended plans have provided setbacks ranging from 0.7m – 3.11 – 3.75 – 7.90m on the ground level and 3.75 – 6.35m on the first floor level to Roseberry Street frontage; 0.0m to café & about 36.0m to the supermarket from Hayes Street frontage. The setbacks now provided are compatible with the existing streetscape and also provides adequate landscaping within the subject site. The amended plans also re-oriented the office block on the first floor level in an east-west direction and this has reduced the bulk of the proposal from the Roseberry Street frontage. The provision of the column and beam structure over the loading dock area has lightened the impact of the building on the streetscape and is considered to have a positive impact on the bulk and appearance of the development.

Landscaping

The original plans submitted to Council included a Landscape Plan and the property relied totally on landscaping on Council's road reserve. This was considered to be unsatisfactory and was discussed with the applicant. Council's DCP for the Industrial Zone 1991 with regards to landscaping states: "Setback areas are to be landscaped with trees set in lawn or other ground cover." The applicant has submitted amended Landscaping Plans on 16 September 2010 and these have been assessed by Council's Landscape Officer as generally satisfactory with certain changes to the species. It is required that all proposed planting are to be of native species. Conditions relating to the above are included within the Recommendation.

Section 79C(1)(a)(iia)- any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F,

There is no planning agreement that has been entered into as part of the application.

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

The proposed development is in accordance with the regulations.

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

1. Environmental Impacts

Traffic generation

The proposal will generate a significant amount of extra traffic to the area is already experiencing significant traffic problems in particular along Roseberry Street. The proposal will result, therefore in a net increase in environmental pollution due to traffic. However, the site is zoned for supermarket development and as such impacts are what could be reasonably expected under the controls and the impacts can be managed according to expert advice provided by the RTA, applicant's Traffic Consultant (Colston Budd Hunt & Kafes) and Council's Consultant Traffic Engineer.

Truck movements

The truck movements into the development and out of the development will create additional hazards due to the trucks needing to enter and exit the premises safely. As per the applicant's Transport Delivery Management Plan to Council on 16 June 2010, there would be about 20 and 30 per day deliveries per day to the supermarket. Conditions relating to delivery times is included within the Recommendation.

Delivery times

The delivery times requested with the application are 5am to 10pm which will have a major impact on the amenity of the surrounding area. Therefore, a condition has been recommended the delivery times to the supermarket be between the hours of 7:00am to 7:00pm Monday to Sunday.

Suitability of the site

Given the sites location in the middle of the industrial zone, the suitability of the site for a large development in the industrial zone is considered. The subject has been re-zoned to allow a supermarket. Council proposes to re-zone the western side of Roseberry Street as B6 - Enterprise zone in its consolidated Local Environmental Plan and the supermarket will fit in with that zoning. The scale of the development as proposed will have a variety of environmental impacts upon the surrounding area e.g. increased traffic and congestion. The proposal was considered by the RTA and Council's Traffic Consultant and the levels of traffic proposed found to be reasonable, subject to the imposition of certain measures that have been included as recommended conditions of consent. Although there will be a loss of about 50 on-street car parking spaces on Roseberry Street, it is anticipated that the overall car parking situation would improve due to the provision of the 108 spaces public car park on the roof top level.

The bulk and scale of the development

The bulk and scale of the proposed development is considered to be acceptable. The two storey mass along with the roof top parking is located to the north of the site, adjoining a three storey office/industrial development. The amended plans have provided adequate setbacks from Roseberry Street and with suitably selected trees will not have an imposing effect on the streetscape. The cafe in the corner of Hayes and Roseberry Street would blend in with the supermarket and ground level carparking. The proposed building height is compliant with the DCP requirement. Additional landscaping strip to Hayes Street frontage would minimise the impact of the carparking on the streetscape.

Scale of the signage

The proposed signage is not considered to be of an excessive size and scale as per the plans submitted and is considered to be appropriate. The proposed signage does not reduce visual clutter as there are no signs on the site at present. As discussed earlier in the report a number of signs requires to be amended and conditions to that effect has been included within the Recommendation.

Hours of operation

The hours of operation have to be considered in the context of the proposals proximity to the residential development and the limited spread of hours of the developments within the industrial zone. The proposed hours of operation are 6am to 12 midnight, 7 days a week. These hours have been opposed by local residents and the precinct committee and as such are not supported.

A recommended condition of consent restricts the hours of operation to '*7:00am to 10:00pm, Monday to Sunday without the prior approval of Council.*' . It is to be noted that the Coles Supermarket at Manly Vale in the vicinity of the subject development also closes at 10:00pm every night.

The level of excavation

The proposal involves excavation for the basement carpark level. The site is located close to the 1 in 100 year flood zone, is located close over the burnt bridge creek channel and is within an acid sulphate soil area. The applicant has submitted a Flood Study on Council's

request. It is considered that all the recommendations of that report must be fully complied with. A condition to that effect is contained within the Recommendation.

The site is subject to a Phase 2 investigation and implementation of a Remedial Action Plan addressing the provisions of State Environmental Planning Policy 55 (Remediation of Land Council's Environmental Health Officer has recommended conditions of consent and these are included within the Recommendation.

Section 94 Contributions

As per Council's Section 94 Contribution Plan 2004, the applicant is required to contribute to Council for the additional commercial floor area proposed. The total new gross floor area proposed is 4149.25m². The contribution for 100m² of gross floor area for the Balgowlah area is \$12,983.24 (2010-2011 rate). This figure is adjusted each year on 1 July as per the Consumer Price Index.

The calculation for the Section 94 Contribution is as follows:-

Component Contribution

Community Facilities	\$265.27
Streetscape and Landscaping	\$5,305.29
Traffic & Parking	\$44.22
Environmental Programs	\$7,368.46
TOTAL:	\$12,983.24 per 100m² GFA

The calculations for DA No. 107/10 are as follows:

Additional Floor Area = 4149.25m²
\$12,983.24 X 4149m² divided by 100
= \$538,674.62

Total Section 94 Contribution applicable = **\$538,674.62**

A condition to this effect is included within the Recommendation.

2. Social Impacts

Residents of the area have raised numerous concerns regarding the scale of the development as proposed. The concerns are varied in terms of the issues raised. The issues raised include traffic chaos and congestion, need for another supermarket in the area, removal of on-street parking, impact on local businesses etc. The level of public concern is an indicator to Council that the social impact upon the local neighbourhood is a concern to its residents and that more could be done to reconcile the development with the community.

These matters have also been raised by the community in submissions sent to Council for consideration in the assessment process. The matters raised therein have been considered in detail and conditions have been recommended in the report to address the issues raised. The proposed public car park on the roof top level is considered to be a benefit to local businesses and community in general as this carpark would be free and available 24 hours a day.

Other social benefit would be increased competition between the supermarket bringing lower prices for the consumer. The upgrade of the site with modern facilities would be a positive for the area - the site had fallen into disrepair since being vacated by Blackmores. The landscape quality of the site would be improved and also provide better pedestrian access.

Where practicable, conditions have been recommended to reduce the impact of the proposal on the community and ensure that any benefits that can be gained for the community are gained through the consent process and beyond.

3. Economic Impacts

The applicant has submitted an Economic Impact Assessment as part of the supporting documentation with the Development Application. Supporting information received from the applicant identifies that *the proposed development of the site for a modern "full line" supermarket facility presents a significant opportunity to achieve a range of positive economic impacts.*

The proposed development will provide employment opportunities both during the Construction and on-going operational phase. The applicant estimates that during the Construction Phase the development would provide about 65 direct jobs and during the on-going operational phase about 142 jobs would be created. It also estimates that further jobs would be created through multiplier effects during both the construction and on-going operational phase and that up to a total of 420 jobs would be created.

Notwithstanding the above, it is considered that the proposed development would bring some economic benefit to the area, as Blackmores did when it was operating on the site.

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

The subject site is considered to be suitable for the site, as the site has been rezoned for the purposes of a supermarket. The subject site was originally part of the Balgowlah Industrial zone under the Manly Local Environmental Plan 1988 and a supermarket was a prohibited use. Although the zoning of the site has not changed, Amendment 79 to the Manly LEP 1988 permits a supermarket on the site.

The site includes a drainage channel and easement to its northern end. The basement level car park stops short of this easement.

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

The application was notified to nearby and adjoining property owners in accordance with Council's Notification Policy and under the provisions of the Environmental Planning and Assessment Act 1979 and the Regulations. The application was also advertised in the Manly Daily with one hundred and forty-seven (147) individual submissions and three (3) petitions, signed by a total of 798 petitioners received. Five (5) letters of support were also received. A list of the objectors and the concerns raised are attached with this report.

The major concerns raised include the following:-

- Unacceptable impact on traffic congestion – the introduction of a vast supermarket, will create volumes that are not sustainable for small streets in an already dense industrial and residential area.
- No development of this nature should externalise beyond its designated site by requiring the removal of on-street parking.
- Unacceptable use of light industrial zoned land – it is far preferable to make the site available to local businesses. It is extremely disappointing that Manly Council agreed to amend its own LEP 1988 on an industrial zoned area to enable retail proposals such as these to be put forward.

- No need for more grocery retail – the area is already very well serviced by local supermarkets and small grocery stores. The DA proposal (EIA) does not clearly state the real negative impact the new supermarket would have on local, existing grocers.
- Unacceptable scale and bulk for the site – the retail floor space of 3690m² is unacceptable for such a small site, leaving inadequate room for driveways and turning trucks.
- Excessive trading hours for the supermarket being 6am to 12 midnight and deliveries from 5am to 12 midnight, 7 days per week.

Given the number of submissions, a summary sheet has been prepared and the concerns raised are summarised as follows:

Concerns raised	No.	Percentage
Traffic Chaos and congestion caused by the development	123	84
Use of Industrial zoned land for retail supermarket	16	11
Bulk and scale of the development	66	45
Impacts on local residents	76	52
Need for another grocery retail	111	76
Removal of on-street parking	49	33
Impact on local businesses	103	70
Other concerns include: Trading hours, parking for staff, replacement of roundabout with lights, Ambulance response time, overdevelopment of the site, 4.5m front setback etc	126	86

Comment on submissions:

1. Traffic

The proposed increase in traffic associated with the proposal has been raised and 84% of the objectors have raised concern to this issue. This issue is one of the main concern of the residents regarding the development. This issue has also been considered by both Council's Traffic Engineer and the RTA who initially raised concerns to the proposal. The applicant submitted additional information and now both the RTA and Council's Consultant Traffic Engineer have recommended approval of the application subject to strict conditions.

As part of the conditions RTA has required that the applicant conduct a Stage 3 road safety audit shall be undertaken to determine if Hayes Street needs to be closed at Condamine Street due to the increased potential of rear-end accidents. The RTA also requires the existing signalised intersection of Condamine Street/Balgowlah Road to be modified to include right turn bays on Condamine Street north approach (100 metres minimum storage) and south approach (50 metres minimum storage) and the signal phasing to be modified to include a single diamond overlap for Condamine Street. The above changes will ensure that this intersection operates more efficiently and safely post construction of the development.

The proposal involves the deletion of about 50 on-street parking spaces on Roseberry Street between Hayes Street and Kenneth Road and northern section of Hayes Street. However, the applicant proposes to provide about 108 car parking spaces on the roof top accessible directly from Roseberry Street with direct lift access to the street. It is considered freeing up of the street from parked cars will allow free movement of traffic and assist in the traffic flow.

2. Use of Industrial zoned land for retail supermarket

The subject site has already rezoned for the purposes of a supermarket. Council unanimously adopted to request the Minister to rezone the subject land to permit a supermarket. Amendment 79 to the Manly local Environmental Plan 1988 was gazetted on 27 August 2010 to permit a supermarket on the subject site. It is to be noted that the western side of Roseberry Street has been proposed to be zoned B6 Enterprise zone in the Consolidated Manly LEP which is currently under progress but is yet to be adopted by Council.

3. Bulk and scale of the development

The issue of bulk and scale of the development has been raised by 45% of the objectors as an issue that is of concern. As stated earlier in the report, the proposal complies with the anticipated floor space ratio for the area and the proposal also complies with the maximum building height limit as stipulated in the Manly DCP for the Industrial Zone 1991. The massing of the building in relation to the streetscape is considered to be acceptable being only two storeys in height with adequate setbacks and landscaping to the Roseberry Street frontage. It is to be noted that the objections were to the original development which had minimal setbacks to Roseberry Street and the design of the building was such that it was an imposing building on the streetscape. On further consultation with Council the applicant amended the plans to provide setbacks to the Roseberry Street and re-designed the massing of the building to provide a better relationship with the streetscape. These amended plans were not re-notified as it was considered that the main concept did not change and proposal generally remained the same.

The amended plans with the proposed setbacks and landscaping are considered to be satisfactory in terms of its bulk and scale and presentation to the streetscape.

A number of residents mentioned in their submission that the proposal includes two levels of parking. The proposal includes a single level of basement parking containing 154 spaces and 56 spaces open car parking bays at the ground level. The roof top level parking for 108 spaces is to be public parking spaces and is to be handed over to Council and available 24 hours to the public. The public parking spaces are to compensate for the removal of the on-street parking spaces 50 spaces. The basement carpark does not add any additional bulk to the development.

4. Impacts on local residents

52% of the objectors raised the issue of impact on local residents from the proposed development. The concerns relate to additional traffic, safety of children going to school, effect of the development on residents amenity, increased risk when getting in and out of driveways and around neighbouring streets, increased traffic delays, noise etc.

The proposal will no doubt change the locality in terms of traffic and create an active streetscape. Currently the developments in the street are mostly light industrial with associated office spaces. With the supermarket, there will be more movements and congregation of public throughout the day. Currently the western section (west of Roseberry street) already has number of bulky goods retail and more and more places are changing over to such activities, a supermarket would bring vibrancy to the area and help in the long term survival of the area.

5. Need for another grocery retail

The need for another grocery store has been raised as an issue by 76% of the submissions. The location of Coles at Balgowlah Village Shopping Centre, Coles at Manly Vale (which is in close proximity to the subject site) and Coles & Woolworths at the Warringah Mall has been mentioned in the submissions. It is true that there are a

number of supermarkets in the vicinity of the development but it is not a valid planning argument as the market demand will dictate whether another supermarket is required or not. In terms of the socio-economic impact of the development it is considered that competition is likely to bring better value for customers.

6. Removal of on-street parking

Removal of on-street parking has been raised by 33% of the submissions. The proposal is to remove 50 on-street car parking spaces from Roseberry Street and Hayes Street as part of this development. The proposal however proposes to provide 108 car parking spaces on roof top level of the supermarket. The proposal also provides adequate car parking spaces for customers in the basement and ground level open carpark. The required number of carparking spaces for the proposed supermarket, ancillary office and café is 170 spaces, the proposal provides for 210 spaces. The total number of carparking spaces provided for the development is 318 spaces, this includes the 108 spaces provided to replace the 50 on-street parking spaces. As mentioned earlier, the proposal is to dedicate the 108 spaces at the roof top level as a public car park and hand it over to Council.

It is therefore considered that the loss of the on-street parking spaces is well compensated by the 24 hour public car park at the roof top level.

7. Impact on local businesses

70% of the submissions raised the issue of impact on local businesses in the letters received.

As mentioned earlier in the report competition brings better value for customers. However, it is to be noted that the proposed development is unlikely to compete with the local businesses. The proposal is for a supermarket and as pointed out by a large number of submissions, there are already two (2) Coles Supermarkets in the vicinity of the proposed development and another supermarket is unlikely to have great impact on the local businesses.

8. Other concerns include: Trading hours, parking for staff, replacement of roundabout with lights, Ambulance response time, overdevelopment of the site, 4.5m front setback etc.

The proposed hours of operation are 6am to 12 midnight 7days a week. The hours of operation proposed were considered to be unacceptable to vast majority of the residents. It is considered that noting the closeness of the proposed development to the residential areas of both Manly and Warringah Council, the hours proposed is considered to be unsuitable.

A recommended condition of consent restricts the hours of operation to *'7:00am to 10:00pm Monday to Sunday, without the prior approval of Council.'*

Parking for staff has also been raised in a number of submissions as without the provision of parking for staff, the local roads may suffer from on-street parking. This is valid issue and accordingly a condition has been added within the Recommendation to provide staff parking within the basement carpark.

The replacement of the roundabout with lights has been discussed by Council's Consultant Traffic Engineer and the RTA. The RTA has raised no objection to this issue and a condition to this effect, as proposed by the RTA, is included within the Recommendation.

Overdevelopment of the site has also been raised in the submissions. The proposal generally complies with the provisions of the Development Control Plan for the Industrial Zone 1991.

The issue of 4.5m setback from the front boundary has been discussed earlier in the report. The amended plans submitted have provided adequate setbacks the Roseberry Street and the proposal is considered to be in keeping with the existing streetscape.

Ambulance response time is another issue raised in a number of submissions. It is considered that this issue has come up in the submissions as a result of the fact that most of submissions were joint submissions relating to the Bunnings and Woolworths development.

Traffic impacts have been addressed earlier in this report and it is considered that any increase in response time would be minimal, if any, and this issue is not of such weight to warrant refusal of the application.

Section 79C(1) (c)- the public interest.

The public interest is served through the consideration of all relevant controls and legislation and the assessment of the development application in the context of the zoning of the site.

It is considered that the proposed development for a supermarket is in the public interest as it will alter the character of the area and provide shopping alternative to the public.

CONCLUSION:

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 1988 and the Development Control Plan for the Industrial Zone 1991 and is considered to be satisfactory, subject to conditions as listed within the Recommendation.

RECOMMENDATION

That Development Application No. 107/10 for the demolition of the existing buildings and construction of a supermarket (Woolworths) with first floor ancillary office, signage, café on ground level with basement (154 spaces), ground level (56 spaces) and rooftop parking (108 spaces) at 17 - 31 Roseberry Street, Balgowlah be **Approved** subject to the following conditions:-

Documents relating to consent.

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

Plans affixed with Council's stamp relating to Development Consent No. 107/10

Plan No. / Title	Issue/ Revision & Date	Date Received by Council
A101 – Basement Floor Plan	DA3 – 14 September 2010	16 September 2010
A102 – Ground Floor Plan	DA3 - undated	16 September 2010
A103 – First Floor Plan	DA3 – 14 September 2010	16 September 2010
A105 - Elevations	DA3 – 14 September 2010	16 September 2010
LDA-001 – Landscape Plan	DA3 – 14 September 2010	16 September 2010
LDA-D01 – Landscape Details	DA3 – 15 September 2010	16 September 2010

Documentation affixed with Council's stamp relating to Development Consent No. 107/10

- Design Statement – Architecture & Landscape Architecture, prepared by Scott Carver dated 4 March 2010 and received by Council on 20 March 2010.
- Compliance Table – Development Control Plan for the Industrial Zone.
- Assessment of Signage to Relevant Policies and Dwg. Nos. A901, A902 and A903 dated 5 March 2010, all received by Council on 20 March 2010.
- Noise Impact Assessment, prepared by Reverb Acoustics, dated July 2009 and received by Council on 20 April 2010.
- Economic Impact Assessment prepared by Urbis dated March 2010 and received by Council on 20 April 2010.
- Report on Traffic Aspects, prepared by Colston Budd Hunt & Kafes Pty Ltd dated March 2010 and received by Council on 20 April 2010.
- Arboricultural Impact Assessment, prepared by Redgum Horticultural, dated 6 July 2009 and received by Council on 20 April 2010.
- Geotechnical Assessment Report, prepared by Douglas Partners dated July 2009 and received by Council on 20 April 2010.
- Phase I Environmental Site Assessment Report prepared by Geo_Logix Pty Ltd dated March 2010 and received by Council on 20 April 2010.

- Preliminary Acid Sulphate Soils Investigation and Waste Classification Assessment, prepared by Environmental Investigation Services dated 2 July 2009 and received by Council on 20 April 2010.
- Access Report, prepared by Morris-Goding Accessibility Consulting, dated 2 March 2010 and received by Council on 20 April 2010.
- Building Code of Australia Capability Statement, prepared by Davis Langdon, dated 5 March 2010 and received by Council on 20 April 2010.
- Balgowlah Trolley Management Plan, prepared by Woolworths, undated and received by Council on 20 April 2010.
- Flood Study & Flood Level Predictions for Burnt Bridge Creek, prepared by Richmond + Ross Pty Ltd, Job Ref: 05-0511 dated March 2010 and received by Council on 16 June 2010.
- Transport Delivery Management Plan, prepared by Woolworths, undated and received by Council on 16 June 2010.
- Additional Traffic comments, prepared by Colston Budd Hunt & Kafes Pty Ltd dated 10 June 2010 and received by Council on 16 June 2010.

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

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

NON STANDARD CONDITIONS

ANS 01

The plantings of five (5) Eucalyptus ficifolia (Red Flowering Gum) proposed on Council road reserve along Hayes Street are to be deleted and replaced with either five (5) Angophora hispida or Callistemon sp. The Landscape Plans are to be amended accordingly prior to the issue of Construction Certificate.

Reason: In keeping with Council's Preferred Street tree species.

ANS 02

The proposed species of Fraxinus griffithii (Evergreen Ash), Raphiolepis indica (Indian Princess Hawthorn) and Philodendron xanadu (Philodendron) as noted on the Master Plan schedule of the submitted Landscape Plan No. LDA-001 Issue DA3 dated 15 September 2010 are to be deleted and replaced with native species from Council's list of Endemic Plants from the Manly Locality. The Landscape Plans are to be amended accordingly prior to the issue of Construction Certificate.

Reason: In keeping with Council's policy on native trees.

ANS 03

Tree No. 11 – Cupaniopsis anacardioides (Tuckeroo) street trees along Roseberry Street frontage are to be of an advanced size of 200 litres and where possible are to be double staggered row plantings. Plans are to be amended accordingly prior to the issue of Construction Certificate.

Reason: The tree is in good health and condition and contributes towards streetscape/amenity.

ANS 04

Tree Nos. 32 and 33 (both Melaleuca quinquinervia) located on adjoining property are to be protected as per the tree protection measures detailed in Appendix E of the submitted Arboricultural Impact Assessment Report prepared by Redgum Horticultural dated 6 July 2009 and received by Council on 20 April 2010.

Reason: The trees are in good health and located on adjoining property. These trees are required to be protected during construction.

ANS 05

The proposed Cupaniopsis anacardioides (Tuckeroo) trees along Roseberry Street frontage, on Council's nature strip, are to be of an advanced size of 200 litres pot size and where possible are to be double staggered row plantings. Plans are to be notated accordingly prior to the issue of Construction Certificate.

Reason: To provide adequate screening to the street frontage.

ANS 06

Additional canopy trees are to be incorporated to both the ground level and roof top car park. The species of these trees are to be native and to be from the local area – refer to Council's list of Endemic plants. Plans are to be amended accordingly prior to the issue of Construction Certificate.

Reason: To provide adequate landscaping within the development.

ANS 07

A landscape screening is to be provided to the existing substation located on Hayes Street. Plans are to be notated accordingly prior to the issue of Construction Certificate.

Reason: To provide screening to the structure and provide a better streetscape.

ANS08

The following are to be taken into consideration in regards to landscaping:

- Newly planted trees on Roseberry and Hayes Street frontages must attain a height of 10 metres on maturity.
- Grass must be installed on both street frontages to the development and maintained.
- Eucalyptus species should not be used on street frontages.
- All street plantings must be 100 litres and 3 metres in height at planting.

Landscape Plans are to be notated accordingly prior to the issue of Construction Certificate.

ANS 09

Food Premises – Plan Mezzanine

All plant mezzanines are to be used for the storage of mechanical plant equipment only, no food or food contact items are permitted to be stored within mechanical plant rooms at any stage.

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

ANS 10

Food Premises – Hand wash basins:

Exclusive hand basins must be installed for use of food handler/operators within each food preparation area. Handwash basin(s) are to conveniently located and accessible to all food handlers in food preparation areas. Handwash basins must be located no further than 5m from any food preparation area.

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

ANS 11

Food Safety – Floor waste

The floor of the coolroom(s) shall be graded to the door with floor gully located outside the coolroom as near to the door opening as practicable in accordance with Australian Standard AS 4674-2004.

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

ANS 12

Food Premises – Airborne contaminants

A self closing device and separate mechanical ventilation in accordance with the Building Code of Australia and AS 1668.2-1991 must be installed to the following locations:

- Mens toilet
- Ladies toilet

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

ANS 13

Toilet Hygiene

Hand basins must be installed to the mens, ladies and disabled toilet facilities to ensure hands may be washed immediately after use of the facilities. Hand basins must be provided with an adequate supply of warm water available out of a single spout, soap and paper towel at all times.

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

ANS14

Food Safety - Carpark

The preparation and storage of food and/or food contact items associated with food for sale within all carparking facilities is prohibited. Including but not limited to refrigeration units, coolrooms, purpose built cupboards, preparation benches and the like.

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

ANS 15

Food Safety – Supermarket mezzanine Offices

The preparation and storage of food and/or food contact items associated with food for sale within the supermarket mezzanine offices area is prohibited.

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

ANS 16

Site Contamination – Remedial Action Plan Occupational Health and Safety

A Remedial Action Plan is to be provide prior to the issue of any construction certificate. The remedial action plan must be developed in accordance with the *Contaminated Land Management Act, 1997* and consider all risks to Occupational Health and Safety, the land, public health and surrounding community. The RAP must be approved by an accredited site auditor under *the Contaminated Land Management Act 1997* and a copy is to be is to be submitted to Council's satisfaction prior to commencement of any works. All works carried out on site must be in accordance with an approved RAP and OH&S plan and any additional Workcover NSW requirements.

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

ANS 17

Ground Water

A Groundwater Management Plan is to be provided prior to the issue of Construction Certificate. The Plan must demonstrate how contaminated groundwater resulting from the construction dewatering will be appropriately disposed of. This plan should include any proposed treatment to be applied to the water prior to being discharged and copies of any relevant approvals from the respective authorities. Council requires the groundwater at this site to be sampled and analysed for pH and any contaminants of concern. The analytical results must comply with ANZECC Guidelines for 95% Protection of Freshwater. This Groundwater Management Plan shall be received by the consent authority and approved prior to the issue of Construction Certificate. A copy is to be submitted to Council.

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

ANS 18

Site Contamination - General

All works associated with the contaminated land must be in accordance with the requirements of:

- Contaminated Land Management Act, 1997
- Protection of the Environment Operations Act, 1997
- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation, 2008
- State Environmental Planning Policy 55 *Remediation of Land*
- Occupational Health and Safety Act, 2000
- Requirements of Workcover NSW.

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

ANS19

Site Contamination – Validation Report Review

No Works in terms of footings, scaffold, structures or the like are permitted to commence until the land appurtenant to the consent has been remediated and validated in accordance with the Remedial Action Plan and associated Stage 1 Construction Certificate. An accredited site auditor under *the Contaminated Land Management Act 1997* shall review the Validation Report prepared by the contaminated land consultant and issue a Statutory Site Audit Statement that clearly states that the site is suitable for the proposed development. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement. The accredited site auditor shall provide Council with a copy of the Site Audit Report and Statutory Site Audit Statement, confirming the suitability of the site for the proposed development prior to the issuing of a Stage 2 Construction Certificate for the proposed construction works post demolition and remediation.

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

ANS 20

Site Contamination – Underground Petroleum Storage Systems

All Underground Petroleum Storage Tanks must be removed in accordance with the:

- *Protection of the Environment Operations Act, 1997*
- *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation, 2008*

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

ANS 21

Site Contamination – Additional Information

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

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

ANS 22

Site Contamination – Remediation Variation

The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to commencement of any variations to remediation works.

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

ANS 23

Site Contamination – Remediation Monitoring Results

Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation works.

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

ANS 24

Site Contamination – Offsite disposal of soil

Any soil disposed of offsite shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999).

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

ANS 25

Site Contamination – Remediation Notice of Completion

A notice of completion of remediation work on any land must be given to Council within 30 days of the completion work and must be submitted in the form and cover the details required by clause 17 (2) SEPP 55.

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

ANS 26

Site Contamination – Site Validation

After completion of all Remediation works, a copy of the Validation and Monitoring Report prepared by a suitably qualified contaminated land consultant shall be submitted to Council and approved prior to the issue of Stage 2 Construction Certificate. The validation report shall be prepared in accordance with the EPA Guidelines, *Consultants Reporting on Contaminated Sites*, and shall certify the suitability of the site for the proposed development.

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

ANS 27

Potential Acid Sulfate Soils:

Works must cease if sediments suspected of acid sulfate generation are encountered during excavation or construction activities. An Acid Sulfate Soil Management Plan prepared by a suitably qualified and experienced Environmental Scientist is to be submitted to Council for approval. Work must cease until the Acid Sulfate Soil Management Plan has been approved by Council's Environmental Health Unit.

The Acid Sulphate Soil Management plan must be in accordance with:

- The Acid Sulfate Manual 1998, *published by the Acid Sulphate Soil Management Advisory Committee, August 1998.*
- Acid Sulfate Soils Laboratory Methods Guidelines 2004, *published by Department of Natural Resources, Mines and Energy, Indooroopilly, Queensland, Australia, June 2004*

Reason: To protect public health and the surrounding natural environment.

ANS 28

Potential Acid Sulfate Soils - Materials:

Precautionary measures must be considered and implemented in accordance with the Cement and Concrete Association of Australia Technical Note TN57.

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

ANS 29

Prior to the release of any Construction Certificate for the proposed development, a Stage 3 road safety audit shall be undertaken to determine if Hayes Street needs to be closed at Condamine Street due to the increased potential of rear-end accidents. The road safety audit shall be undertaken by an independent auditor and at no cost to the Roads & Traffic Authority (RTA).

Reason: To comply with the requirements of the Roads and Traffic Authority.

ANS 30

The existing signalised intersection of Condamine Street/Balgowlah Road shall be modified to include right turn bays on Condamine Street north approach (100 metres minimum storage) and south approach (50 metres minimum storage) and the signal phasing shall be modified to include a single diamond overlap for Condamine Street, which will ensure that this intersection operates more efficiently and safely post construction of the development.

The intersection modification will require the removal of on-street parking on Condamine Street. The developer shall undertake community consultation to the satisfaction of Council.

The removal of car parking spaces on Condamine Street may require approval from Council's Local Traffic Committee, subject to Council's requirements.

Reason: To comply with the requirements of the Roads and Traffic Authority.

ANS 31

The proposed modification to the signalised intersection of Condamine Street/Balgowlah Road shall be designed in accordance with the RTA's Road Design Guide, RTA's Traffic Signal Design Manual and other Australian Codes of Practice and endorsed by a suitably qualified Engineer (i.e. who is registered with the Institute of Engineers, Australia).

The certified copies of traffic signal design and civil design plans as well as swept path analyses shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority (PCA) and commencement of any road works.

The RTA fees for administration, plan checking, signal works inspection and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal and civil works. The Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed traffic signal design plans. The Construction Certificate shall not be released by PCA until such time the WAD is executed.

The proposed traffic signal works shall be fully constructed and operational prior to the release of any Occupational Certificates by the PCA.

Reason: To comply with the requirements of the Roads and Traffic Authority.

ANS 32

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by various public utility authorities and /or their agents.

All road works/regulatory signposting associated with the proposed development shall be at no cost to the RTA.

Reason: To comply with the requirements of the Roads and Traffic Authority.

ANS 33

The layout of the car parking areas associated with the subject development (including, driveways, grades, aisle widths, turning paths, sight distance requirements, and parking bay dimensions) are to be in accordance with AS 2890.1 – 2004 and S 2890.2 – 2002 for heavy vehicles.

Reason: To comply with the requirements of the Roads and Traffic Authority and relevant legislation.

ANS 34

Pedestrian crossing and facilities are to be provided at the corner of Hayes and Roseberry Street. Details of pedestrian crossing are to be submitted to Council for approval, prior to the issue of Construction Certificate.

Reason: To provide safe pedestrian access to the development.

ANS 35

Hours of Operation

The hours of operation of the premises (i.e. hours open for business), for both the supermarket and café, must not exceed: 7:00am to 10:00pm seven (7) days a week, without the prior approval of Council.

Reason: To ensure amenity of the surrounding locality is maintained and the hours of operation are consistent with those in the surrounding locality.

ANS 36

Hours of Deliveries

All deliveries to the site must be contained within the hours of 7:00am and 7:00pm, Monday to Sunday, without the prior consent of Council.

Reason: To ensure amenity of the surrounding locality is maintained and the hours of deliveries are consistent with those in the surrounding locality.

ANS 36

A Construction Management Plan (CMP) is to be submitted to Council for approval prior to any works commencing on site, including any demolition works. The CMP is to include issues of construction traffic management, parking of workers vehicles, street parking and employment of traffic controllers during construction.

Reason: To minimize disruption of traffic on local roads.

ANS 37

Plastic bags

'Plastic bags' may be used within the warehouse development, provided that Bunning's operate in accordance with a plan (setting out how Bunning's intend to reduce plastic bag usage by increasing usage of alternatives to plastic bags, training staff, educating customers and encouraging recycling of plastic bags and environmentally friendly packaging). The educational part of this is to be included a 'Green Scheme' plan for the development.

For the purpose of this condition a plastic bag means:

- a. A carry bag, the body of which comprises (in whole or in part) polyethylene with a thickness of less than 35 microns; and

- b. that includes handles.

But does not include;

- a. a biodegradable bag certified to Australian standard AS 4736; or
- b. a plastic bag that constitutes, or forms an integral part of, the packaging in which goods are sealed prior to sale.

Reason: To reduce the environmental impact of the use and reduce its carbon footprint.

ANS 38

Food and beverage packaging

All takeaway food and beverage packaging used at the premises shall be recyclable packaging or biodegradable packaging.

For the purposes of this condition;

Recyclable packaging is packaging for which collection or drop off facilities are available to a reasonable proportion of purchases, potential purchases or users of the product in the area which the product is sold (Standards Australia, 1999).

Biodegradable packaging is packaging which is able to be broken down by micro-organisms in the presence of oxygen (aerobic) to carbon dioxide, water biomass and mineral salts or any other elements that are present (mineralisation). Alternatively, the breakdown of organic substances by micro-organisms without the presence of oxygen (anaerobic) to carbon dioxide, methane, water and biomass (Standards Australia, 2006)

Takeaway food and beverage packaging is packaging used for food and beverages prepared and/or packed on the premises and excludes:

- a. Packaging that constitutes, or forms an integral part of, the packaging in which goods are sealed prior to sale ; and
- b. Barrier packaging which is essential for health and/or food safety (for example cling wrap, bags for barbecued chicken, or packaging to meet food safety requirements).

Reason: To reduce the overall environmental impact of the use

ANS 39

A direct accessible entry is to be provided to the retail supermarket from Roseberry Street in accordance with the Access Report, prepared by Morris-Goding Accessibility Consulting dated 2 March 2010 and received by Council on 20 April 2010. Plans are to be amended accordingly prior to the issue of Construction Certificate.

Reason: To comply with the requirements Council's DCP for Access, Australian Standards and DDA Access Code.

ANS 40

The Final Building Code of Australia report is to address the issue of egress to the relocated Office Block on the roof top (RL 13.95). The proposed development is to fully comply with the Building Code of Australia.

Reason: Compliance with the Building Code of Australia.

ANS 40

A new concrete footpath to the site fronting Hayes and Roseberry Street is required. The design, construction and paving of the footpath are to be to the satisfaction of Council's Urban Services Division. All cost associated with the footpath is to be borne by the applicant.

Reason: To comply with Council's policy on footpath fronting developments.

ANS 41

All external lighting is to comply with AS4282-1997 - The Control of Obtrusive Effects of Outdoor Lighting. Details of the external lighting scheme are to be submitted to Council for approval prior to the issue of any final Occupation Certificate.

Reason: To protect the amenity of surrounding developments.

ANS 42

A Parking Management Plan is to be prepared and submitted to Council for approval prior to the issue of any Occupation Certificate to include the following elements:

- Access to and egress from the car parks on the Basement and Ground level are to be available during hours of business operation;
- The car park is to provide at least three (3) hours free parking. Any reduction to these hours or installation of any boom gate or similar is to be subject of a separate development application to Council;
- Car parking to be provided to staff free of charge with no time limit;
- The public parking area at the roof top level is to be open seven (7) days a week, 24 hours a day. Installation of any boom gate or similar is to be the subject of a separate development application to Council.
- The public parking area on the roof top level and its pedestrian access is to be provided with adequate lighting for security reasons.

Reason: To effectively manage impacts on traffic flows and minimise congestion and provide safe and secure public parking.

ANS 43

The design of all parking and servicing areas are to conform to AS2890.1-2004 and AS2890.2-2002.

Reason: Compliance with relevant standards.

ANS 44

The design of the wall between the service area driveway and rooftop ramp should not restrict sight lines for at least 5.0m inside the site, as measured from the property boundary. The proposed wall is to be cut back to achieve sight lines. Plans are to be amended accordingly prior to the issue of Construction Certificate.

Reason: To achieve clear sightlines such that a truck driving into the service area would see and be seen by cars on the car park ramp.

ANS 45

All cost associated with the restrictions relating to the removal of parking from both sides of Roseberry Street between Hayes Street and Kenneth Road, and on the northern side of Hayes Street are to be fully paid borne by the applicant. These restrictions are to be on a full time basis.

Reason: To effectively manage impacts on traffic flows and minimise congestion on the street.

ANS 46

The development should provide 1 bicycle parking space for every 10 car spaces provided in the development. Based on this methodology, 32 bicycle parking spaces should be provided. Further the applicant should also consider the provision of minimum 20% of the spaces allocated to supermarket staff with provision made to secure bicycle storage accessible showers and change facilities.

Shopper bicycle parking should be clearly identified by directional signage to the satisfaction of the Council and should preferably be located at ground floor level and not require access via steps and should be located adjacent to areas of pedestrian or vehicle movement to allow casual surveillance. The bicycle parking facility should be weatherproof and must not

obstruct pedestrian movement or other activities such as the delivery of goods and opening of car doors.

Bicycle parking bays should be wide enough to allow adequate space to manoeuvre the bike in and out of the space without causing congestion or damage to other bicycles in adjacent bays. As a guide bicycle parking bays should generally be 1.2m wide and 1.7m long.

Council prefers the use of stainless steel bicycle hoops due to its high strength and durability. It also allows the bicycle frame and one wheel to be locked to the rack and can withstand vandalism and theft.

Plans are to be amended to include the above prior to the issue of Construction Certificate.'

Reason: To comply with Council's policy and encourage the use of bicycles.

ANS 47

The proposed travelators are to be relocated to the western edge of the covered plaza. The carparking spaces in the basement area are to be deleted or re-arranged to accommodate the proposed change. Plans are to be amended accordingly prior to the issue of Construction Certificate.

Reason: The relocation of the travelator to the western side of the covered plaza would provide an active street frontage.

ANS 48

The recommendations of the Flood Study & Flood Level Predictions for Burnt Bridge Creek, prepared by Richmond + Ross Pty Ltd, Job Ref: 05-0511 dated March 2010 and received by Council on 16 June 2010 are to be fully complied with.

Reason: To protect the development from floods.

ANS 49

Plans are to be amended to reflect the following:

- Delete the proposed Pylon Sign (S12) on the western side of the roof top carpark level. The proposed sign is considered to be unnecessary and will have an adverse impact on the locality.
- Signs S7 & S8 are to be deleted and replaced with S2 & S3 similar to the south facing sign. This is to match the amended plans and elevations.
- The proposed sign S(is not to protrude over Council land.

Amended signage plans are to be submitted prior to the issue of Construction Certificate.

Reason: To reduce the impact of the proposed signs on the amenity of the neighbourhood.

ANS50

The proposed signs are to be illuminated during the supermarket opening hours only. The illumination is to be switched off each night at the closing of the supermarket.

Reason: To reduce the impact of the signs on the amenity of the neighbourhood.

ANS 51

The height of the building is not to exceed 11.0 metres above the existing ground level, with the exception of the lift overrun. Plans are to be notated accordingly prior to the issue of Construction Certificate.

Reason: to comply with the requirements of the DCP.

ANS 52

The recommendations of the Phase I Environmental Site Assessment Report prepared by Geo_Logix Pty Ltd dated March 2010 and received by Council on 20 April 2010 are to be fully complied with.

Reason: To comply with the Consultants report.

ANS 53

The proposed ramp from the basement level to Roseberry Street is to be used for egress of vehicles from the basement only. Plans are to be notated accordingly prior to the issue of Construction Certificate.

Reason: To comply with the recommendations of the Traffic Consultant.

ANS 54

The application requires the provision of a corner splay as per Council's Policy on corner splays. A corner splay of 3.0m x 3.0 m is to be provided on the south-eastern corner of the subject site, at the junction of Hayes and Roseberry Street. The design of the proposed café is to be amended accordingly prior to the issue of Construction Certificate.

Reason: To comply with Council's Policy on corner splay and improve sightlines.

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

1 (2AC01)

The development must be designed to comply with the requirements of the Disability Discrimination Act 1992 and Australian Standard AS 1428.2-1992. Compliant access provisions for people with disabilities is to be clearly shown on the drawings and submitted to the Council/Accredited Certifier for approval with the Construction Certificate. All details and construction must be in compliance with these requirements.

Reason: To provide equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

2 (2AC02)

Access in accordance with Australian Standard AS 1428.2 is to be provided to and within the main entrance and exit points of the development in accordance with the current Manly Development Control Plan for Access. Appropriate signage and tactile information indicating accessible facilities are to be provided at the main entrance directory or wherever directional signage or information is provided to those buildings with accessible facilities. Such signage is to comply with Australian Standard AS 1428.2.

Reason: To provide equitable and dignified access for all people in accordance with relevant Australian Standards.

3 (2AC04)

At least one (1) unisex sanitary facility designed in accordance with Australian Standard AS 1428.2 is to be provided in all new or refurbished buildings which provide public sanitary facilities. Details of the facility are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To comply with the Disability Discrimination Act 1992 and Australian Standards.

4 (2AC05)

A minimum of one (1) car parking space is to be provided for people with disabilities in all new or refurbished buildings which provide between 10 to 50 car parking spaces, and two (2) car parking spaces for people with disabilities in those buildings providing between 50 and 100 spaces.

The car parking spaces must be identified and reserved at all times and be in the vicinity of a lift or as close as possible to public areas and facilities. The car parking spaces must have minimum dimensions and headroom to conform to Australian/New Zealand Standard AS/NZS 2890.1:2004. A notice must be displayed at the entrance to the parking station and at each change in direction indicating the location of car parking spaces and the maximum headroom for vehicles. Details to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To comply with the Disability Discrimination Act 1992 and Australian Standards

5 (2AP01)

Four (4) copies of architectural drawings consistent with the development consent and associated conditions are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To comply with the Environmental Planning and Assessment Act 1979.

6 (2AP03)

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act 1991 which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

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

7 (2AP04)

Written consent for the construction of the proposed {insert structure/s} over the existing easement on the subject site must be obtained from those benefiting from the easement. The written agreement is to be provided to the Council/Accredited Certifier prior to the issue of a Construction Certificate.

Reason: The beneficiaries of this easement have a legal entitlement to the use of and access to the easement.

8 (2AQ01)

A report prepared by an air pollution control consultant specifying odour control and other air impurity control methods is to be submitted to the Council/Accredited Certifier for approval, prior to the issue of the Construction Certificate. All works required must be implemented prior to the use commencing.

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

9 (2BS01)

The fit out of the food premises must comply with the following:

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

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

Internal Note: This condition is to be imposed in conjunction with 4BS01 and 6BS02.

10 (2CD01)

Pursuant to Section 97 of the Local Government Act, 1993, Council requires prior to the issue of Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$170,000. The Deposit is required as security against damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

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

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

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

11 (2CD02)

A Dilapidation Report is required for this development. A photographic survey of adjoining properties to the north and west detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items, is to be submitted to Council and the Accredited Certifier (where Council does not issue the Construction Certificate) prior to the issue of the Construction Certificate. This survey is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property/ies.

All costs incurred in achieving compliance with this condition must be borne by the person entitled to act on this Consent.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

Reason: To maintain proper records in relation to the proposed development.

12 (2CD03)

The applicant is to lodge a Hoarding Application with Council for any protective hoardings, fences and lighting which are to be provided during demolition, excavation and building works. The Hoarding Application is to be submitted to Council with the appropriate fee, prior to any works on site or prior to the issue of the Construction Certificate.

All hoardings must be in accordance with Council's Hoarding Application Form and must comply with the requirements of the Department of Industrial Relations, Construction Safety Act, the WorkCover Authority and relevant Australian Standards.

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

Reason: To ensure public safety and amenity on public land.

Internal Note: This condition is to be imposed in conjunction with 3CD04 and 4CD04.

13 (2CD04)

Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings and specifications certifying the shoring will be adequate for their intended purpose and must be submitted to the Council/Accredited Certifier for approval with the Construction Certificate. The documentation prepared and certified by an appropriately qualified and practising structural engineer is to show all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements. A copy of this documentation must be provided to the Council for record purposes at the time of Construction Certificate application.

Reason: To ensure the protection of existing public infrastructure and adjoining properties.

14 (2CD05)

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

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

15 (2CD06)

Four (4) certified copies of the structural engineer's details for the proposed development; including but not limited to all reinforced concrete, structural steel support construction and any proposed retaining walls; must be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure construction of the new development is in accordance with the structural engineers design.

16 (2CD08)

A Geotechnical Report, on the stability of the subject site, is to be prepared by a suitably qualified geotechnical engineer in accordance with the guidelines contained in the current Manly Development Control Plan for Landslip and Subsidence. All recommendations of the report are to be complied with during the construction process. The report is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To structural integrity is to be maintained.

17 (2CD09)

A Geotechnical Survey is to be prepared by a suitably qualified geotechnical engineer for the proposed excavation. The requirements for a Geotechnical Survey are contained within the Dictionary of the Manly Development Control Plan for the Residential Zone 2007 - Amendment 1. All recommendations of the survey are to be complied with during the

construction process. The survey is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure excavation is undertaken in an appropriate manner.

18 (2CD10)

The proposed structure/s are to be located clear of the existing Council easement. Information regarding the location of any services within the easement should be sought from Council's engineers before structural elements and their locations are finalised. A certificate from a registered surveyor is to be submitted to Council verifying the location of the structure/s after footings have been poured and before the construction of any walls.

Reason: To allow maintenance of services within the easement without affecting the building and to ensure there is no damage to public assets.

19 (2CD11)

Special footings will be required where the proposed/existing structure is adjacent to a drainage easement. The footings must be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A suitably qualified structural engineer must issue a compliance certificate for the special footings referred to above to the Council/Accredited Certifier. The footings must be designed and approved prior to the issue of the Construction Certificate.

Reason: To allow maintenance of services within the easement without affecting the building and to ensure there is no damage to public assets.

20 (2CD12)

The excavation drawing must show all proposed excavation with RLs existing and proposed. The excavation drawing must include rainwater tanks and pool plant locations and proposed depths, and comply with the other conditions of this consent. This information must also be included on architectural drawings. The excavation drawing and other details required by this condition is to accompany the drawings lodged with the Construction Certificate.

Reason: To ensure all excavation complies with this consent.

21 (2CD13)

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes are to be concealed within the building. Plumbing other than stormwater downpipes must not be attached to the external surfaces of the building.

Reason: To ensure the visual quality of the development.

22 (2DS01)

A detailed stormwater management plan is to be prepared to fully comply with Council's Specification for On-site Stormwater Management 2003 and Specification for Stormwater Drainage 2003 and must be submitted to Council for approval prior to issue of the Construction Certificate. The stormwater management plan and designs are to be prepared by a suitably qualified engineer.

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that infrastructure reverting to Council's care and control is of an acceptable standard.

23 (2DS02)

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) is to be provided within the property in accordance with Council's Specification for On-site Stormwater Management 2003. The design and details must be submitted with the Construction Certificate Application and be approved by Council prior to the issue of the Construction Certificate. The stormwater management plan and designs must be prepared by a suitably qualified engineer.

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.

24 (2DS03)

An inter-allotment cut-off drain must be constructed between the proposed lots {insert lots} Details are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner which protects adjoining properties.

25 (2DS04)

The basement car parking level is to be adequately protected from flooding. Details are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To prevent property damage and ensure adequate provision is made for the discharge of stormwater from the excavated parts of the site.

26 (2DS05)

Pump systems will only be permitted for the drainage of seepage waters from basement areas.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner which protects adjoining properties.

27 (2DS07)

The design of rainwater tanks must be in accordance with the following:

- Australian/New Zealand Standard AS/NZS 3500:2003,
- NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR).

Reason: To protect public health and amenity.

Internal Note: This condition is to be imposed in conjunction with 4DS03 and 6DS01.

28 (2DS08)

The waste water treatment system must be approved under Section 68 of the Local Government Act, 1993 prior to the issue of Construction Certificate.

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

29 (2FP02)

Detailed drawings and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) within existing roads, must be submitted to and approved by Council under the Roads Act 1993, before the issue of any Construction Certificate. Specific works include:

- 1) Full width vehicular crossings having a maximum width, at the back of layback, of eight (8) metres, and in accordance with the current policy of Council and Specifications for the construction of vehicle crossings; and
- 2) Longitudinal sections for both sides of the vehicular crossing and driveway commencing at the centre line of the road carriageway must be provided for assessment. Gradients and transitions must be in accordance with Australian Standard AS 2890.1 – 2004, Part 1 – Off-Street Car Parking. The driveway profile submitted to Council must be to scale at 1:25 (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances.

Driveway to be designed to provide for existing or future footpaths across driveway, in accordance with Council's Specification for Civil Infrastructure Works, Developments & Subdivisions 2003 and Australian Standard AS 1428.1:2001 - Design for access and mobility.

Reason: To facilitate suitable vehicular access to private sites.

Internal Note: This condition is to be imposed in conjunction with 3FP01, 4FP01 and 5FP01.

30 (2FP03)

No portion of the proposed building or works, as approved within the subject site, are to encroach upon any road reserve or other public land except as may be permitted by the Local Government Act 1993. This includes the opening and closing of gates and doors which must open and close within the subject site.

Reason: To ensure structures are contained within the site.

31 (2FP04)

The pedestrian footpaths and pavements in the streets surrounding the proposed development are to be constructed as per Manly Council Paving Design Guidelines as amended. The design details are to be submitted with the Construction Certificate application for approval by Council prior to the issue of the Construction Certificate.

Reason: To ensure appropriate quality of public infrastructure arising from the development works.

32 (2FP06)

Awnings must be a minimum of 3.5m above footpath level and offset a minimum of 600mm behind the kerb, as required under the Manly Development Control Plan for the Business Zone 1989.

Reason: To ensure appropriate quality of public infrastructure and facilitate and provide suitable access for pedestrians and vehicular traffic.

33 (2FR01)

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) which should be implemented in the building premises must be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000.

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

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

34 (2HT06)

Any heritage listed stone kerb, identified in the Manly Local Environmental Plan 1988 is to be protected from damage during construction. Details of the method of protection of the kerb are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate. Photographs of the kerb are to be submitted to Council prior to the commencement of any building work.

Reason: To allow for preservation of cultural resources within the Manly Council area.

Internal Note: This condition is to be imposed in conjunction with 4HT03 AND 5HT02.

35 (2MS01)

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including drawings and specifications must be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Manly Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Sediment Control Plan must incorporate and disclose:

- 1) all details of drainage to protect and drain the site during the construction processes,
- 2) all sediment control devices, barriers and the like,
- 3) sedimentation tanks, ponds or the like,

- 4) covering materials and methods, and
- 5) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing these design requirements have been met must be submitted with the Construction Certificate and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

Internal Note: This condition is be imposed in conjunction with 4MS04.

36 (2MS03)

An amended BASIX Certificate is required to reflect all the approved works. All commitments embodied within the BASIX Certificate must be incorporated in drawings submitted with the Construction Certificate.

Reason: To ensure the development complies with the requirements of the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

37 (2NL01)

Details are to be submitted to the Council/Accredited Certifier indicating the method of sound attenuation and/or acoustic treatments for all roof terraces, decks and balconies in compliance with the Building Code of Australia, prior to issue of the Construction Certificate.

Reason: To protect the acoustic amenity of neighbouring properties and the public.

38 (2PT01)

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

39 (2PT02)

All driveways, car parking areas and pedestrian paths are to be surfaced and sealed. Details of treatment to these areas are to be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

Reason: To provide suitable stormwater disposal and to prevent soil erosion and runoff.

40 (2PT03)

The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004.

Reason: To ensure compliance with this consent and Australian Standards relating to manoeuvring, access and parking of vehicles.

41 (2PT05)

Vehicular manoeuvring paths must be provided to demonstrate all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces. The drawings must be compliant with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Drawings must be submitted with the Construction Certificate application.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

42 (2US02)

A contribution is to be paid for the provision, extension or augmentation of traffic and parking, environmental programs, streetscape and landscaping, community facilities and administration that will, or are likely to be, required as a consequence of development in the area.

Total contribution for this development for Demolition of the existing buildings and construction of a supermarket (Woolworths) with first floor ancillary office, signage, café on ground level with basement (154 spaces), ground level (56 spaces) and rooftop parking (108 spaces) is currently **\$538,674.62** the amount of the payment shall be in accordance with the Section 94 charges as at the date of the payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions plan to effect changes in land values, construction costs and the Consumer Price Index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with Council's adopted Section 94 Contributions Plan effective July 2010 as follows;

Component Contribution

Community Facilities	\$265.27
Streetscape and Landscaping	\$5,305.29
Traffic & Parking	\$44.22
Environmental Programs	\$7,368.46
TOTAL:	\$12,983.24 per 100m² GFA

The calculations for DA No. 107/10 are as follows:

Additional Floor Area = 4149.25m²
\$12,983.24 X 4149m² divided by 100
= \$538,674.62

Total Section 94 Contribution applicable = **\$538,674.62**

Note: Section 94 Contribution fees are adjusted on the 1st July each year and are based on the March CPI figures.

Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.

43 (2US07)

The design of water cooling systems, evaporative coolers and hot/warm water systems within the premises (including access to the system for maintenance) must comply with the following:

- Public Health Act 1991,
- Public Health (Microbial Control) Regulation 2000,
- Australian/New Zealand Standard AS/NZS 3666.1:2002 – Air Handling and Water Systems of Buildings – Microbial Control – Design, installation and commissioning,
- Australian/New Zealand Standard AS/NZS 3666.2:2002 – Air Handling and Water Systems of Buildings – Microbial Control – Operation and Maintenance, and
- Australian/New Zealand Standard AS/NZS 3666.3:2002 – Air Handling and Water Systems of Buildings – Microbial Control –Performance based maintenance of cooling water systems.

Reason: To comply with the provisions of the Public Health Act 1991 and to protect public health and amenity.

Internal Note: This condition is to be imposed in conjunction with 4US01 AND 6US01.

44 (2WM01)

Details of waste management facilities are to be submitted with the application for a Construction Certificate in accordance with the Manly Development Control Plan for Waste Minimisation and Management 2000.

Reason: To ensure appropriate management of waste.

45 (2WM02)

A Waste Management Plan is to be submitted with the application prior to a Construction Certificate being issued in accordance with the Manly Development Control Plan for Waste Minimisation and Management 2000.

The plan should detail the type and estimate the amount of demolition and construction waste and nominate how these materials will be sorted and dealt with. Weight dockets and receipts must be kept as evidence of approved methods of disposal and recycling. All demolition and excess construction materials are to be recycled where ever practicable. It should include consideration of the facilities required for the ongoing operation of the

premises' recycling and waste management services after occupation. A template is available from the Manly Council website.

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

Internal Note: The requirement for a Waste Management Plan is included in the Department of Environment and Climate change (DECC) Waste Service Performance Improvement Payment Criteria (WSPIP).

46 (2WM03)

Garbage rooms or grease arrester rooms must be constructed of solid material: cement rendered and steel trowelled to a smooth even surface. The door to the garbage room is to be designed and constructed to ensure the room is vermin proof and can be opened from the inside at all times. The garbage room is to be ventilated to the external air by natural ventilation or an approved air handling exhaust system.

Reason: To keep garbage rooms in a clean and sanitary condition to protect public health.

CONDITIONS TO BE SATISFIED PRIOR TO ANY COMMENCEMENT

47 (3BM01)

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with Australian Standard AS 3740. Certification is to be provided to the Principal Certifying Authority from a licensed applicator prior to the fixing of any wall or floor tiles.

Reason: To prevent the penetration of dampness through walls and floors.

48 (3CD01)

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

Reason: To ensure compliance with statutory provisions.

49 (3CD03)

An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

Reason: To protect the public interest and safety.

50 (3CD04)

The hoarding be in place prior to the commencement of works on the site. Trees which are affected by the hoarding and located outside the boundaries of the allotment are not to be cut, trimmed or removed without the prior approval of Council. The hoarding is to be removed immediately at the applicant's expense, if any of these conditions relating to hoardings are not fully complied with.

Reason: To ensure public safety and amenity on public land.

Internal Note: This condition is to be imposed with 2CD03 AND 4CD04.

51 (3CD07)

A Remedial Action Plan must be submitted to Council prior to the removal of any Underground Petroleum Storage Tank. All Underground Petroleum Storage Tanks must be removed in accordance with the:

- Protection of the Environment Operations Act 1997,
- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008.

Reason: To protect public and environmental health and comply with legislation.

Internal Note: This condition is to be imposed with 5CD03.

52 (3FP01)

The applicant must complete an application form and pay applicable fees for an application to Council for the construction of a Vehicular Crossing, for the design, specification and inspection by Council. Applications are to be made a minimum of two (2) working days prior to commencement of proposed works on Council's property.

Reason: To provide suitable vehicular access to private sites, without disruption to pedestrian and vehicular traffic.

Internal Note: This condition is to be imposed with 2FP02, 4FP01 AND 5FP01.

53 (3LD01)

All healthy trees and shrubs identified for retention on the submitted landscape drawing are to be suitably marked for protection before any construction works start.

Reason: To ensure the trees conditioned to stay on the site are suitably protected during any construction works.

Internal Note: This condition is to be imposed with 4LD02.

54 (3PT01)

In accordance with the Roads Act 1993, written consent from Council must be obtained and must be in hand prior to any track equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.

Reason: To ensure appropriate protection of public infrastructure and facilitate access for public and vehicular traffic.

55 (3PT02)

Applications for a construction zone on a local road require 28 days notice to Council indicating location and length. All construction zones require the approval of the Manly Traffic Committee.

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

56 (3PT03)

Applications for a construction zone on a State Road require 28 days notice to Council and RTA State Network Services indicating the location and length. All construction zones require the approval of the Manly Traffic Committee.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

57 (4AP01)

The recommendations detailed in the Geotechnical Appraisal: Report on Geotechnical Investigation for Woolworths Ltd for the proposed retail development Project 71268 dated July 2009 prepared by Douglas Partners dated July 2009 and received by Council on 20 April 2010 are to be fully complied with.

Reason: To ensure excavation is undertaken in an appropriate manner.

58 (4BS01)

The construction of the food premises must comply with the following:

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

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

Internal Note: This condition is to be imposed with 2BS01 and 6BS02.

59 (4CD01)

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

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

16) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

17) Any work must not prohibit or divert any natural overland flow of water.

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

60 (4CD02)

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

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

Reason: To prevent disturbance to the surrounding community.

61 (4CD03)

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

Reason: To maintain sanitary conditions on building sites.

62 (4CD04)

All hoardings must be lit between the hours of sunset and sunrise. Lights are to be erected at intervals of not greater than 5.0 metres for the length of the hoarding. The applicant must keep the hoarding presentable to the public for the whole of the time it is erected. There must be no catch points or protrusions likely to cause injury or damage to the public from the hoarding. The hoarding must be constructed of demountable timber frame sections lined with a smooth face material, and painted with an approved white paint which will not wash or rub off.

Reason: To ensure public safety and amenity on public land.

Internal Note: This condition is to be imposed with 2CD03 and 3CD04.

63 (4CD05)

Retaining walls being constructed in conjunction with excavations must be in accordance with structural engineer's details. Certification by a structural engineer that the constructed works comply with the structural detail must be submitted to the Principal Certifying Authority.

Reason: To ensure the structural adequacy of the retaining walls.

64 (4CD06)

All construction works must be strictly in accordance with the Reduced Levels (RLs) as shown on the approved drawings. Certification is to be submitted to the Principal Certifying Authority during construction by a registered surveyor certifying complying and finished ridge levels.

Reason: To ensure compliance with the consent.

65 (4CD07)

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

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

- The Occupational Health and Safety Act 2000,
- The Occupational Health and Safety Regulation 2001,
- The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)],
- The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au/>], and
- The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259. Under the Occupational Health and Safety Regulation 2001, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work. Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. Those involved with work to asbestos should be made aware of the requirements by visiting [ww.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or one of Workcover NSW's offices for further advice.

Reason: To ensure the health of site workers and the public.

66 (4DS01)

A suitable sub-surface drainage system is to be provided adjacent to all excavated areas and such drains being connected to an approved disposal system.

Reason: To prevent uncontrolled seepage entering excavated areas.

67 (4DS02)

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

- 1) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA accredited laboratory or Manly Council for compliance with ANZECC Water Quality Guidelines, and
- 2) if tested by NATA accredited laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities; and
- 3) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received, and
- 4) It is the responsibility of the applicant to ensure during de-watering activities, the capacity of the stormwater system is not exceeded, there are no issues associated with erosion or scouring due to the volume of water pumped; and turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.

Reason: To ensure compliance with legislation and to protect the surrounding natural environment.

68 (4DS03)

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- Australian/New Zealand Standard AS/NZS 3500:2003,
- NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR).

Reason: To protect public health and amenity.

69 (4FP01)

The existing footpath level and grade at the street alignment of the property must be maintained.

Reason: To ensure appropriate access and infrastructure protection.

Internal Note: This condition is to be imposed with 2FP02, 3FP01 and 5FP01.

70 (4FR01)

The building is to be erected in Type A construction for a Class 6 & 7A building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

Reason: To specify the standard of construction and the level of fire safety required by the Building Code of Australia.

71 (4FR02)

All requirements of the NSW Fire Brigades for the building must be complied with in accordance with the requirements of the Building Code of Australia.

Reason: To comply with the requirements of the Building Code of Australia and to provide an adequate level of fire safety for the occupants of the building.

72 (4HT03)

Where an approved driveway construction necessitates the removal of any part of any existing heritage listed stone kerb, the redundant stone kerb blocks are to be carefully removed, without damage, in whole blocks. These kerb blocks are to be delivered to Council's depot in Balgowlah. To arrange access to the depot and a suitable time for delivery contact Council's Works Superintendent on 9976 1455 between 8.00 a.m. and 4.00 p.m. Mon-Fri. The removal and delivery of the stone kerb blocks is to be undertaken at the expense of the owner/applicant.

Reason: To allow for preservation of cultural resources within the Manly Council area.

Internal Note: This condition is to be imposed with 2HT06 and 5HT02.

73 (4LD02)

All healthy trees and shrubs identified for retention on the drawing are to be:

- (a) suitably protected from damage during the construction process, and
- (b) retained unless their removal has been approved by Council.

Reason: This is to ensure that the trees on the site which do not have approval to be removed on the site are suitably protected during any construction works.

Internal Note: This condition is to be imposed with 3LD01.

74 (4LD03)

The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited.

Reason: To prohibit the unnecessary damage or removal of trees without permission from Council during any construction.

75 (4LD04)

The following precautions must be taken when working near trees to be retained:

- harmful or bulk materials or spoil must not be stored under or near trees,
- prevent damage to bark and root system,
- mechanical methods must not be used to excavate within root zones,
- topsoil from under the drip line must not be added and or removed,
- ground under the drip line must not be compacted, and
- trees must be watered in dry conditions.

Reason: This is to ensure no damage is caused to trees from various methods of possible damage.

76 (4MS01)

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction, then the following inspection/certification are required:

- Silt control fences,
- Footing inspection - trench and steel x 4
- Reinforced concrete slab x 6,
- Framework inspection,
- Wet area moisture barrier,
- Drainage inspection,
- Driveway crossing/kerb layback,
- Landscaping inspection,
- Health inspection,
- Final inspection.

The cost of these inspections by Council is \$5130.00 (being \$270 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$130.

Reason: To ensure that the development is completed in accordance with the terms of the development consent and with the Building Code of Australia.

77 (4MS02)

In order to ensure compliance with approved drawings, a Survey Certificate, to Australian Height Datum, must be prepared by a registered surveyor as follows:

- 1) at the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries, and
- 2) at the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials, and
- 3) at completion, the relationship of the building, and any projections thereto, to the boundaries.

Progress certifications in response to points (a) through (c) must be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved drawings and the proposed works.

Reason: To ensure compliance with the development consent.

78 (4MS04)

The Sediment Control Plan is to be implemented from the commencement of works and maintained until completion of the development.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

Internal Note: This condition is to be imposed with 2MS02.

79 (4MS05)

All excavation, construction and associated works must be conducted in accordance with the approved Acid Sulfate Soil Management Plan: Ref E20009Klet2 dated 2 July 2009 by Environmental Investigation Services.

Reason: To ensure management of potential acid sulfate soils.

80 (4MS06)

In compliance with the State Environmental Planning Policy No. 55 – Remediation of Land, all remediation work must be carried out in accordance with any contaminated land planning guidelines issued under Section 145C of the Act, any guidelines in force under the Contaminated Land Management Act 1997, and the remediation plan approved under this consent.

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

Reason: To protect public health and the surrounding natural environment.

81 (4MS08)

At no time during the building works can any encroachment, temporary or permanent be made onto another property without prior written agreement being entered into with all persons to whom these encroachments affect and any persons whose land is subject to the encroachment.

Reason: To ensure adequate protection of property.

82 (4PT01)

All requirements of the Local or Regional Traffic Advisory Committees are to be complied with.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner which respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community.

83 (4US01)

The installation of water cooling systems, evaporative coolers and hot/warm water systems within the premises (including access to the system for maintenance) must comply with:

- Public Health Act 1991,
- Public Health (Microbial Control) Regulation 2000,
- Australian/New Zealand Standard AS/NZS 3666.1:2002 – Air Handling and Water Systems of Buildings – Microbial Control – Design, installation and commissioning;
- Australian/New Zealand Standard AS/NZS 3666.2:2002 – Air Handling and Water Systems of Buildings – Microbial Control – Operation and Maintenance;
- Australian/New Zealand Standard AS/NZS 3666.3:2002 – Air Handling and Water Systems of Buildings – Microbial Control –Performance based maintenance of cooling water systems.

Water cooling systems must be maintained by a qualified person to ensure air born disease is prevented.

Reason: To comply with the provisions of the Public Health Act 1991 and to protect public health and amenity.

Internal Note: This condition is to be imposed with 2US07 and 6US01.

84 (4WM01)

The only waste derived material which may be received at the development site is:

- 1) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and

- 2) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any (b)-type material received at the development site must be accompanied by documentation certifying the materials compliance with the exemption conditions; and this documentation must be provided to the Principal Certifying Authority on request.

Reason: To ensure imported fill is of an acceptable standard for environmental protection purposes.

85 (4WM03)

Hazardous waste must be contained, managed and disposed of in a responsible manner in accordance with the Protection of Environment and Operations Act 1997.

Reason: Compliance with the provisions of the Protection of the Environment and Operations Act 1997.

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

86 (5BS01)

The premises requires an Environmental Health Inspection upon completion of works by Council prior to the issue of an Occupation Certificate.

Reason: To comply with legislation.

87 (5BS02)

Trading must not commence until the proprietor of the food business formally register their business details with The NSW Food Authority Notification and Food Safety Information System (NAFSIS).

Reason: To ensure compliance with legislation and the Australia and New Zealand Food Standards Code.

88 (5CD03)

In relation to the removal of the Underground Storage Tanks, a site Validation report in accordance with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 must be submitted and approved by Council prior to the issue of Occupation Certificate.

Reason: To protect public and environmental health and comply with legislation.

Internal Note: This condition is to be imposed with 3CD07.

89 (5DS01)

Stormwater drainage from the proposed addition/extension must be disposed of to the existing drainage system. All work is to be carried out in accordance with Council standards and specifications for stormwater drainage. Work is to be completed prior to the issue of the Occupation Certificate.

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure infrastructure reverting to Council's care and control is of an acceptable standard.

90 (5DS02)

A copy of the approved Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) drawing showing Works as Executed (WAE) details must be submitted to Council for approval prior to the issue of the Occupation Certificate. The WAE drawing is to be in accordance with Council's standards and Specification for Stormwater Drainage 2003 and Specification for On-site Stormwater Management 2003.

Reason: Compliance with the consent and Council standards and specifications.

91 (5DS03)

A positive covenant in respect of the installation and maintenance of onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and prior to the release of the trust fund deposit.

Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.

92 (5FP01)

All surplus vehicular crossings and/or kerb laybacks must be removed and the kerb and nature strip reinstated prior to issue of the Occupation Certificate.

Reason: To provide on-street parking, suitable vehicular access to private sites, and infrastructure protection.

Internal Note: this condition is to be imposed in conjunction with 2FP01,3FP01 and 4FP01.

93 (5FP02)

The reconstruction and/or construction of footpath paving and any associated works along all areas of the site fronting Roseberry and Hayes Street is required. These works are to be carried out prior to the issue of the Occupation Certificate by a licensed construction contractor, at the applicants expense and must be in accordance with Council's Specification for Civil Infrastructure Works and Paving Design Guide.

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

94 (5HT02)

Where there is an existing surplus vehicular crossing and/or kerb layback to be removed, the kerb and nature strip is to be reinstated prior to issue of the Occupation Certificate. If there is heritage listed stone kerb, as identified in the Manly Local Environmental Plan 1988, the kerb must be reinstated to Council's specification with stone to match the existing heritage listed kerb. Kerbing stones may be purchased from Council by contacting Council's Works Superintendent on 9976 1455 between 8.00am and 4.00pm Mon-Fri.

Reason: To allow for preservation of cultural resources within the Manly Council area.

Internal Note: this condition is to be imposed in conjunction with 2HT06 and 4HT03.

95 (5MS01)

Documentation is to be supplied by a practising mechanical engineer certifying the mechanical exhaust ventilation system, as installed, complies with Australian Standard AS 1668, and must be provided to Council Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure the mechanical exhaust ventilation system complies with Australian Standard AS 1668.

96 (5NL01)

An Acoustic Compliance Report, prepared by a qualified and experienced acoustical consultant, must be submitted certifying noise levels emitted from the (building's/premises) (services, equipment, machinery and ancillary fittings) does not exceed 5dBA above the background level in any octave band from 63.0 Hz centre frequencies, inclusive at the boundary of the site.

Note: This method of measurement of sound must be carried out in accordance with Australian Standard AS 1055.1-1997.

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

97 (5US01)

Any adjustment to a public utility service is to be carried out in compliance with its standards; where consent is required, with its concurrence; and with the full cost being borne by the applicant.

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

98 (5WM01)

The applicant must contact Sydney Water (Tel.- 131110) to determine whether a Trade Waste Permit is required before discharging any trade waste to the sewerage system.

Reason: To comply with legislation.

99 (5WM02)

Prior to issue of an Occupation Certificate, the owner must provide evidence of a contract with a licensed contractor for the removal of all trade waste.

Reason: Responsible disposal management of trade waste.

100 (5WM03)

The premises must have adequate holding facilities for waste oil to meet Australian Standards for bunding and provide evidence of a current contract for the waste oil's recycling to the Principal Certifying Authority prior to the issuing of the Occupation Certificate.

Reason: To ensure responsible disposal of waste oil.

ONGOING CONDITIONS RELATING TO THE OPERATION OF THE PREMISES OR DEVELOPMENT

101 (6AQ01)

The use of the premises must not give rise to air impurities in contravention of the Protection of the Environment Operations Act 1997 and must be controlled in accordance with the requirements of this Act.

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

102 (6BS02)

The ongoing operation and fit out of the premises must be maintained in accordance with the following requirements:

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

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

Internal Note: this condition is to be imposed in conjunction with 2BS01 and 4BS01.

103 (6BS05)

All potentially hazardous food must be kept under temperature control. Adequate equipment must be provided for the storage of such food, in addition, a Food Safety Plan shall be developed to manage temperature control on a daily basis. A food safety program must be made available to Council upon request.

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

104 (6BS06)

All food contact surfaces including but not limited to; glasses, plates, cutlery, chopping boards, preparation benches and wipe clothes are to be cleaned and sanitised whenever they are a likely source of contamination. Sanitising can be achieved through heat or chemical and is the second step after cleaning. Adequate facilities must be provided and include a double bowl sink for manual cleaning and sanitising or a mechanical dishwasher. Machines used for sanitising are to operate on a sanitising rinse cycle at the manufacturers recommended temperature and time. Preparation benches and dishwash cloths are to be first cleaned to remove any dirt or food debris then rinsed with a food grade sanitiser to disinfect and minimise bacteria present to a safe level in accordance with the Food Standards Code.

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

105 (6BS07)

The premises must prevent access to pests including but not limited to; insects and rodents. Insect and pest proofing will include mesh screening to prevent access and the use of insect devices that should be placed away from work areas where food may be contaminated. Holes and inaccessible spaces are to be sealed.

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

106 (6DS01)

The ongoing use and operation of the rainwater tank(s) must be maintained in accordance with:

- Sydney Water Guidelines for Rainwater Tanks on Residential Properties, 2003.
- Australian Government EnHealth Council publication Guidance on the use of Rainwater Tanks, 2004.

Reason: To protect public health and amenity.

107 (6FP01)

No sandwich boards, goods or the like are to be placed on Council's footpath.

Reason: To ensure pedestrian safety.

108 (6LP02)

No tree other than on land identified for the construction of buildings and works as shown on the building drawing can be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

Reason: To prevent the destruction of trees on other properties adjoining the development site.

109 (6MS02)

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

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

110 (6NL02)

All lights used to illuminate the exterior of the buildings or site must be positioned and/or fitted with cut off luminaries (baffles) so as to prevent the emission of direct light onto adjoining roadways, adjoining land and waterways.

Reason: To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.

111 (6NL03)

The ongoing use of the premises/property must not give rise to 'offensive noise' as defined under the provisions of the Protection of the Environment Operations Act 1997.

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

112 (6PT02)

Adequate vehicle parking is to be available at all times for motor vehicles associated with the use of the land.

Reason: To ensure users of the land are not forced to park on public streets.

113 (6PT03)

Loading and unloading of vehicles and delivery of goods to the land must be carried out within the site. The car parking area shown on the approved drawings must be used for vehicle parking only. Any loading or unloading of materials of potential environmental damage must be appropriately bunded with adequate spill response equipment in place to ensure nil runoff from the site.

Reason: To ensure the safety and amenity of the general public using public streets, and to ensure the protection of the environment from spillage of materials.

114 (6US01)

The ongoing operation of water cooling systems, evaporative coolers and hot/warm water systems within the premises (including access to the system for maintenance) must comply with the following:

- Public Health Act 1991,
- Public Health (Microbial Control) Regulation 2000,
- NSW Health's NSW Code of Practice for the Control of Legionnaire's Disease.

Water cooling systems must be maintained by a qualified person to ensure air born disease is prevented.

Reason: To comply with the provisions of the Public Health Act 1991 and to Protect public health and amenity.

Internal Note: this condition is to be imposed in conjunction with 2US07 and 4US01.

115 (6WM01)

Activities must not detrimentally affect impact existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.

Reason: To protect existing and future amenity of the adjoining occupations from excessive waste emissions.

116 (6WM03)

Waste bins used for commercial premises are to be left on public footpaths for the minimum time necessary for waste collection and then promptly removed. Lids should be closed to prevent littering.

Reason: To ensure waste and bins are promptly removed from public places following collection; to limit obstruction of footpaths or roads; and to minimise public amenity impacts.

117 (6WM04)

All non-recyclable waste from commercial premises must be presented for collection in a lidded receptacle. Waste receptacles are not to be stored in public spaces such as footpaths.

Reason: Public amenity and litter minimisation.

118 (6WM05)

No waste generated on site from any commercial operation is to be placed in public place bins. Commercial operators must maintain their commercial waste bins in an organised, clean and sanitary condition, preventing potential for litter from overflowing bins.

Reason: To communicate policy regarding illegal trade waste dumping in public bins; and maintenance of trade waste bins.

119 (6WM06)

Signage on the correct use of the waste management system and materials to be recycled must be posted in the communal waste storage cupboard/room or bin bay prior to receiving an occupation certificate. Signs are available from Manly Council's Customer Service.

Reason: To ensure all residents are aware of Council's waste and recycling system with regard to their dwelling.

120 (6WM08)

This commercial premises should investigate opportunities to compost food waste wherever practicable and recycle commonly recycled (non-putrescible) items such as paper and cardboard, steel and aluminium cans and recyclable plastic containers.

Reason: To promote waste minimisation in accordance with Manly Council's waste policies, the Waste Avoidance and Resource Recovery Act 2001 and the Manly Development Control Plan for Waste Minimisation and Management 2000.

121 (6WM10)

The operation of the premises must be conducted in a manner that does not pollute waters as defined by the Protection of the Environment Operations Act, 1997.

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

122 (7US02)

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator; for details see the Sydney Water web site www.sydneywater.com.au or telephone 13 20 92.

Following application a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development.

Reason: To ensure compliance with the statutory requirements of Sydney Water.

Note from NSW Office of Water:

It is noted that the proposal includes dewatering of the subject site and the construction of basement car parking which may intersect groundwater. Please note that the NSW Office of Water will not allow any proposal that requires permanent or semi-permanent pumping of groundwater to protect a structure. Therefore any proposal must ensure that the design of the structure will not require this style of facility or activity. To facilitate this requirement, the construction of a basement, or any structure that may be impacted by groundwater, will require a waterproof retention system (i.e. a fully tanked structure) with an adequate provision for future fluctuations of the watertable level.

A Licence under Part V of the *Water Act 1912* may be required in relation to this development, and Council should contact the relevant section of the Department (phone 9895-6273) if it is required. It is recommended that a groundwater study be conducted at the appropriate location to determine whether groundwater is intersected by the proposal. If ground water is found to be an issue please provide necessary documentation so that the Department (NSW Office of Water) can issue a GTA appropriate for a groundwater license.
