

Assessment Report and Recommendation

JRPP No:	2011SYE051
DA No:	87/2011
PROPOSED DEVELOPMENT	Redevelopment of the Manly Police Station – Refurbishment of the existing two (2) storey heritage building and construction of a new four (4) storey building with basement at the rear and minor internal alteration to Manly Court – 3 Belgrave Street, Manly.
APPLICANT:	UGL Services
REPORT BY:	Nayeem Islam, Manly Council

Application Lodged:

14 April 2011 Amended Plans: 14 October 2011

Applicant:

UGL Services

Owner:

NSW Police

Estimated Cost:

\$9.65 million

Zoning:

Manly Local Environmental Plan, 1988 – Zone No. 5 - Special Uses (Public Buildings) and within the Foreshore Scenic Protection Area.

Surrounding Development:

Civic buildings, Car park, and business.

Heritage:

Item of Environmental Heritage and with the Town Centre Conservation Area.

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR THE REDEVELOPMENT OF THE MANLY POLICE STATION – REFURBISHMENT OF THE EXISTING TWO (2) STOREY HERITAGE BUILDING AND CONSTRUCTION OF A NEW FOUR (4) STOREY BUILDING WITH BASEMENT AT THE REAR AND MINOR INTERNAL ALTERATION TO MANLY COURT.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND SIXTEEN (16) SUBMISSIONS AND ONE (1) PETITION SIGNED BY 101 SIGNATORIES RECEIVED.
3. THE APPLICATION WAS REFERRED TO ALL THE PRECINCT COMMUNITY FORUMS FOR COMMENTS.
4. SITE INSPECTION IS RECOMMENDED.
5. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

LOCALITY PLAN

Outlined area is subject site.

Background

The applicant submitted an application for the refurbishment of the existing two storey heritage listed Police Station and a six (6) storey office building with basement at the rear on 14 April 2011. The proposed building height of the rear extension was 22.4 metres. The proposal included seven (7) car parking spaces on Level 1.

The application was notified and Council received two (2) submissions objecting to the development in response to the notification. Council also received submissions from two (2) Precinct committees objecting to the development.

On Friday, 3 June 2011, Council received a request from the NSW Minister of Police to place a “hold” on the application. The applicant held a number of discussions with Council and submitted amended plans on 14 October 2011.

Introduction

Site Location, description and Surrounding Developments:

The subject site is commonly known as 3 Belgrave Street Manly and consists of 2 separate lots legally known as Lots 1 & 2, DP 126718. The proposal also involves minor alterations to the existing courthouse at No. 3 Belgrave Street, legally known as Lots 3, 4 & 5, DP 126718. The subject site has an overall site area of 749.7m² (Source DP 126718). The applicant's Statement of Environmental Effects states that the combined site has an area of 645m². The subject site has two (2) street frontage – the existing heritage listed building fronts Belgrave Street, with access to parking from both Whistler and Belgrave Streets.

The subject site is located within Zone No. 5 - Special Uses – Public Buildings of the Manly Local Environmental Plan 1988.

The subject site is part of a group of civic buildings in the Manly Council area. To the south of the subject site is the Manly Courthouse, beyond which is the Manly Council Chambers. The land beyond the subject site to the north is zoned No. 3 – Business under the Manly Local Environmental Plan 1988 and consists of commercial premises, residential flats, retail and refreshment rooms. To the east of the site, on the opposite side of the street, is the Council's Whistler Street Car Park and to the west of the site, on the opposite side of the street, is Gilbert Park.

Proposal:

The proposal is for the redevelopment of the Manly Police Station and includes the refurbishment of the existing two (2) storey heritage building (Item of Environmental Heritage); demolition of the existing three (3) storey building at the rear and construction of a new four (4) storey with basement at the rear and minor internal alteration to Manly Court.

The proposed development consists of the following:-

Basement Level (RL 3.51):

- Storage area
- Base Building Communications
- Corridor
- PABX
- Nursing Room
- 2 x Lifts
- Access WC
- Male & Female Lockers and amenities
- Link to Court house

Ground Floor Level (RL 6.51):

- Existing ramp
- Entry, Public Area and Counter
- Meeting area
- Offices
- Accessible WC
- Store
- Garbage Store
- Tea facilities
- Amenities and Lifts
- Secure areas
- Minor alterations to Courthouse

On-street parking for thirteen (13) Police vehicles.

First Floor Level (RL 10.11):

- General Office
- Meals Room
- West facing Terrace
- Offices
- Fitness Room
- Meeting Room
- Communications
- Stores
- Amenities
- Lifts

Second Floor Level (RL 13.71):

- General Offices
- Stores
- Tea area
- Meeting Room
- Cleaners
- Amenities
- Lifts

Third Floor Level (RL 17.31):

- Brief/Training Room
- Conference Room
- Offices
- Amenities
- Tea area
- Cleaner
- Communications
- Lifts

Roof Level (RL 20.91):

- Plant Room Enclosure

Applicant's Supporting Statement

In support of the application, the applicant has submitted the following documents:-

- DA0000 – Cover Sheet; 51861 – Site Survey dated 11 March 2010; SY072608 – Service Protection Report diagram dated 28 July 2010; DA0201 Revision B – Site Analysis Plan dated 14 October 2011; DA0202 Revision B – Site & Locality Plan dated 14 October 2011; DA0203 Revision B – Demolition Plan dated 14 October 2011; DA1101 Revision B – Basement Plan dated 14 October 2011; DA1201 Revision B – Ground Floor Plan dated 14 October 2011; DA1301 Revision B – First Floor dated 14 October 2011; DA 1302 Revision B – Second Floor Plan dated 14 October 2011; DA 1303 Revision B – Third Floor Plan dated 14 October 2011; DA 1501 Revision B – Elevations Sheet 1 dated 14 October 2011; DA 1502 Revision B – Elevations Sheet 2 dated 14 October 2011 and DA 1801 Revision B – Shadow Diagrams dated 14 October 2011; all received by Council on 14 October 2011.
- Amended Statement of Environmental Effects, prepared by Glendinning Minto & Associates Pty Ltd dated October 2011 and received by Council on 14 October 2011. This statement includes a two-page “Architects Design Statement” prepared by Architecturegwa dated 12 October 2011.
- Statement of Heritage Impact, prepared by Graham Brooks and Associates dated October 2011 and received by Council on 14 October 2011.
- Social Impact Statement, prepared by Urbis dated October 2011 and received by Council on 14 October 2011.

- Assessment of Traffic and Parking Implications, prepared by Transport and Traffic Planning Associates dated September 2011 and received by Council on 14 October 2011.
- Noise Impact Assessment prepared by Acoustic Studio dated 14 October 2011 and received by Council on 14 October 2011.
- Accessibility Report prepared by Environ Design – Australia dated 14 October 2011 and received by Council on 14 October 2011.
- Design Compliance Assessment Report prepared by BCA Vision dated 12 October 2011 and received by Council on 14 October 2011.
- Geotechnical Investigation Report prepared by Gardner Wetherill and Associates dated 24 August 2011 and received by Council on 14 October 2011.
- Green Travel Plan prepared by Gardner Wetherill Associates dated 25 October 2011 and received by Council on 26 October 2011.

On 20 December Council requested additional information and clarification from the applicant in relation to the application. In response the applicant on 22 December 2011 submitted the following revised plans and letter:

- DA1301 Revision D – First Floor; DA 1302 Revision D – Second Floor Plan; DA 1303 Revision D – Third Floor Plan; DA 1401 Revision A – Roof Plan; DA 1501 Revision C – Elevations Sheet 1; DA 1502 Revision C – Elevations Sheet 2; DA 1601 Revision C – Section and DA 1602 Revision A - Section, all dated 21 December 2011 and received by Council on 22 December 2011.
- Letter from Gardner Wetherill Associates dated 22 December 2011 and received by Council on 22 December 2011.

Precinct Community Forum Comments

The amended application was referred to all the precinct committees and the following comments were received:

Little Manly Precinct Community Forum

The amended application was referred to the Little Manly Precinct Community Forum and it was discussed at its November 2011 meeting and following resolution adopted:

“LM Precinct in relation to DA 87/2011 – redevelopment of Manly Police Station – Amended Plans.

The Precinct congratulated the Police on their new design which was more appropriate in height & design for this section of manly. Some concerns were raised about the number of street parking spaces requested for police vehicles in Belgrave Street.”

Balgowlah Heights Precinct Community Forum

The amended application was discussed at the November 2011 meeting of the Balgowlah Heights Precinct Community Forum and the following comments received:

“The envelope had been opened and only the architectural plans were received. There was no DA form or Statement of Environmental Effects and other supporting documentation.

The proposal is a 3 storey box-like building roughly the same height as Whistler Street Car Park building. The 2storey heritage building is shown as remaining and the new building will be built between the heritage building and Whistler Street.

Comments above are opinions based solely on plans and documents provided with Development Application.”

Engineer's Comments

No objection, subject to conditions.

Building Surveyor's Comments

Class 5 & 7A building under the BCA. No objection subject to conditions.

Traffic Engineer's Comments

The following comments were received from Council's Transport Planner:

- Swept path analysis provided for van dock is considered satisfactory.
- The 'Assessment of Traffic and Parking Implications' report (September 2011) states that the proposed parking provision for the development will comprise 6 proposed additional on-street police parking spaces north of the eight existing ones at Belgrave Street. This would result in a significant reduction of parking spaces for businesses at this frontage. The reduction of on-street parking spaces would in this case require approval from the RTA because Belgrave Street is an RTA road. However, the significant reduction is likely to be heavily objected to by the local shop owners and the proposal would have to be brought to Manly's Local Traffic Committee's and the Chambers of Commerce's attention.

Heritage Comments

I refer to the following documents received for this report

Amended Drawing set by:	Gardner Wetherill & Associates	Dated: 14/10/2011
Heritage report by:	Graham Brooks and Associates	Dated: October 2011

Heritage Status:

Heritage Item: Yes
(An item of environmental heritage in Manly Local Environmental Plan 1998 Schedule 4)
Conservation Area: Yes Town Centre Conservation Area
Vicinity of heritage Items: Yes

Assessment

The amended proposal did not consider the recommendation in the previous Heritage DA Assessment dated May 2011 which were.

- The most appropriate solution for alterations to the existing listed Police Station is for further consideration be given to the reconfiguration of the interior of the existing building; or
- If it is necessary to construct a new building it is recommended that a podium level be created that relates to the parapet height of the Council Chamber with potential scope for another level above the podium set in from the perimeter walls.

While the submission is an improvement on the previous submission the new proposal will:

- dramatically change the character of the precinct by providing a highly visible modern building within the cohesive group of civic buildings which relate to each other in scale, date and use.
- dominate the backdrop to the listed Police Station in terms of bulk (spanning two sites) and scale (well above the existing relatively unobtrusive addition it is replacing)

The applicants are part of the Crown and have indicated that the floor space of the amended plans is the minimum that fulfills their requirements. They have submitted a proposal which reduced the height of the proposed building and provided a modern building of a higher quality design and finish. Consideration was also given to the articulation of the facades to try and minimise the bulk of the building and provide a visually pleasing building.

Although the proposed building does impact on the listed Police Station, the group as a whole and the Town Centre Conservation area it is considered that the physical separation of the building

from the original Police Station; the quality design and finish of the proposed building and the continuing use of the site as a Police Station makes the proposal acceptable

While there are further issues that need clarification prior to final assessment such as: the number of windows to the 2nd and 3rd floor west elevation; and if the colour of the brickwork is to match the Court House or the Police Station the proposal is supported in principle.

If Council approves the proposal the following conditions are to be imposed:

(2HT02)

The applicant is to commission an experienced heritage consultant to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project. Written details of the engagement of the experienced heritage consultant must be submitted to Council prior to issuing any Construction Certificate for works on the site.

Reason: To ensure that all matters relating to significant fabric and spaces are resolved using best practice for heritage conservation.

(2HT04)

A schedule of external colours is to be submitted to Council's satisfaction prior to the release of the Construction Certificate. The external colour schemes of new buildings are to be in keeping with the original character of the heritage buildings on the site.

Reason: To ensure the proposed colour scheme is appropriate to the type and style of the building and the surrounding area.

(2HT05)

Any work to a site which is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: To protect Aboriginal heritage.

(4HT01)

The proposed works are to be carried out in a manner which minimises any demolition, alteration, new penetrations/fixing or irreversible damage to the significant fabric of the existing buildings which are listed as heritage items in the Manly Local Environmental Plan 1988. Particular care must be taken to minimise damage to the significant fabric of the building during the carrying out of the internal fit out and any electrical or plumbing works.

Reason: To ensure the heritage significance of the site is not adversely affected and best practice for heritage conservation is undertaken.

(4HT02)

The applicant is to commission experienced tradespersons (as appropriate) skilled in traditional building and engineering trades to carry out the proposed scope of works.

Reason: To ensure all matters relating to significant fabric and spaces are undertaken using best practice for heritage conservation.

(4HT04)

Should any historic relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 147 of the Heritage Act 1977.

Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

Reason: To ensure the proper management and preservation of historical artifacts.

Heritage Committee Comments

The following comments were received from the Heritage DA Working Group dated 3 October 2011:

The Committee provides the following advice:

1. The proposed new building overwhelms the existing heritage precinct, including the existing Police Station and Court House
2. The tall 4 storey building is out of scale with neighbouring buildings in Whistler Street and with the design guidelines and concepts for Council's redevelopment and redesign of the adjacent Market Square precinct

Planning Comments

State Environmental Planning Policy (SEPP) – Infrastructure, 2007

The application is for alterations and additions to the existing Police Station, which is a Public Administration Building. Clause 74 of the SEPP adopts the Standard Instrument definition of a Public Administration Building which is as follows:

“means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.”

Clause 76 (1) of the SEPP states that *“development for the purpose of public administration buildings may be carried out by or on behalf of a public authority with consent on land in a prescribed zone.”*

The subject site is located on land zoned No. 5 - Special Uses (Public Buildings) under the Manly Local Environmental Plan 1988 and the proposed works are permissible in the zone. The subject site is an existing police station and the proposal is for a police station and administration building.

The proposal would be within the prescribed zone – SP2 – Infrastructure as defined in the Standard Instrument and therefore the proposed works are permissible under the provisions of the SEPP – Infrastructure 2007.

Clause 14 of the SEPP relates to Consultation with Councils - development with impacts on local heritage. It states as follows:

- (1) *This clause applies to development carried out by or on behalf of a public authority if the development:*
 - (a) *is likely to have an impact that is not minor or inconsequential on a local heritage item (other than a local heritage item that is also a State heritage item) or a heritage conservation area, and*
 - (b) *is development that this Policy provides may be carried out without consent.*
- (2) *A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies unless the authority or the person has:*
 - (a) *had an assessment of the impact prepared, and*
 - (b) *given written notice of the intention to carry out the development, with a copy of the assessment, to the council for the area in which the heritage item or heritage conservation area (or the relevant part of such an area) is located, and*
 - (c) *taken into consideration any response to the notice that is received from the council within 21 days after the notice is given.*

The existing Police Station is listed as an Item of Environmental Heritage in Schedule 4 of the Manly Local Environmental Plan 1988. The applicant has consulted the Council in relation to the impacts of the proposed development on the listed item. The applicant has submitted a Heritage Impact Statement prepared by Graham Brooks and Associates to Council on 14 October 2011.

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

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

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

Manly Local Environmental Plan 1988:

The site is in Zone No. 5 - Special Uses (Public Buildings) which permits civic (public) buildings with the consent of Council. The current building on the site is used as a police station, which is permissible.

The proposal is for the redevelopment of the Manly Police Station – Refurbishment of the existing two (2) storey heritage building and construction of a new four (4) storeys addition at the rear facing Whistler Street. This is permissible with the consent of the Council.

Manly Local Environmental Plan 1988 Clause 10 Objectives

The objective of the Special Uses Zone as stated in Clause 10 of the Manly Local Environmental Plan 1988 is to identify and set aside land required for essential services to the public or the community which:

- (a) in the case of land shown unhatched on the map, is now owned or used for public or community purposes, or*

The site is owned and used for public purposes.

- (b) in the case of land shown hatched on the map, will be acquired by a public authority for the particular public or community purpose shown on the map.*

The subject site, along with the Council Chambers and Courthouse, is part of the civic buildings in the Manly Civic Precinct. The subject building was built in 1925 and has been used as a Police Station since that time.

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 draft planning instrument that is applicable to this application.

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

There is no Development Control Plan associated with the Special uses zoning of the subject site. However it is considered appropriate to compare the proposal with the zoning of the surrounding land and provide a comparative assessment taking into consideration the provisions of the Development Control Plan (DCP) for the Business Zone 1989, Amendment 7.

The following is an assessment of the proposal's compliance with the numerical standards contained in the Development Control Plan for the Business Zone, 1989, Amendment 7.

Site Area: 749.7 m ²	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Floor space ratio	3:1 (2249.1m ²)	2.8:1 (2098m ²)	Yes
Building Heights	15.0m	15.0m	Yes
Setbacks	0m	0m	Yes
Car Parking & Access	25 spaces	Nil	No

Comment:

Floor Space Ratio

The proposal provides for the following floor areas, as measured from the submitted drawings:

Ground Floor: 631.6m²
 First Floor: 591.72m²
 Second Floor: 437.34m²
Third Floor: 437.34m²
 Total Fl. Area 2098.00m²

The Floor Space Ratio of the proposed development is 2.8:1. The proposed floor Space ratio is acceptable as the area is surrounded by land that are zoned Business under the Manly LEP 1988 with permitted FSR of 3:1. The proposed bulk and scale of the development is acceptable in terms of the surrounding developments and zoning. The proposal would enhance the streetscape and contribute positively to the overall existing and future townscape quality of the Manly Town Centre and at the same time satisfy the needs of NSW Police.

Building Heights

The Building Heights provision of the DCP for Business Zone 1989, Amendment 7 states as follows:

1. *The maximum wall height of a building, shall not exceed 15 metres except where:*
 - (i) *a lesser or greater height is specified on the height control map; or*
 - (ii) *a lesser or greater height provides a better relationship to adjoining development in terms of fulfilling the Council's townscape objectives;*
 - (iii) *the Council agrees to the addition of plant rooms, lift overruns, pitched roofs or the like.*
2. *The Council will only agree to increases in building height as detailed in 1(iii) above where it is satisfied that:*
 - (i) *the structures are designed as an integral part of the building in such a way as to appear an appropriate part of the overall townscape and not conflict with overall townscape objectives;*
 - (ii) *any roof space is not designed or used as habitable space.'*

With regards to the above, it is to be noted that the adjoining properties on Belgrave Street and the Council Car park at Whistler Street are within the 15.0 metres zone of the height control map.

The proposed building height is 15.0 metres above the existing natural ground, with an additional 1.24m for roof. The proposal also includes a plant room (10.5 x 12.2m) located centrally on the roof top. The plant room is to have a lean-to-roof with its highest point being 3.5metres above the roof level. The proposed structures above the roof are designed as an integral part of the

development and therefore are considered to be satisfactory and acceptable taking into consideration of the surrounding developments.

Setbacks

The DCP requires that ‘*all buildings shall be constructed to the public road and the side boundaries of the allotment*’. The proposed development complies with the setback provisions of the DCP in that the building is proposed to be constructed both to the Belgrave and Whistler Street boundaries and also to the side boundaries. In this context it, should be noted that the proposal is to construct over the Northern Suburbs Ocean Outfall Sewer (NSOOS) and Council requested the applicant to provide a “no objection” letter from Sydney Water. In response to the request, the applicant submitted the following:

“NSW Police, and their relevant architects, structural and geotechnical engineers together with their sewer surveyors, have been involved with several design meetings directly with Sydney Water and their representatives over the past four months. The purpose of these meeting was to prepare a design and structural proposal and methodology that has been presented, reviewed and developed to enable the project to be built over the NSOOS easement. As requested by Sydney Water, NSW Police have now lodged a Feasibility Application with Sydney Water to review the formal application submitted on the 9th November 2011, which is currently being reviewed by Sydney Water.

NSW Police have yesterday, requested Sydney Water to provide correspondence that confirms the status of this application, on acquiring this, it will be forwarded to Council as required.”

Council has not received any further information regarding the works above the NSOOS. A further e-mail was sent to the applicant on 5 January 2012 requesting the “no objection” letter. If no information is received by the time this report is presented to the Joint Regional Planning Panel, it will be recommended that a “deferred Commencement Approval” be granted to the application, subject to the NSW police receiving the consent of Sydney Water.

Concern is raised to the louvred angled fins that are proposed above the ground floor level with a clearance above the footpath of 4.0 metres. These fins extend 800mm over Council land (footpath). These fins provide shading to the windows. It is considered that the overhang is excessive and should be contained to a maximum of 600mm. A condition to this effect is included within the Recommendation.

Carparking & Access

The proposed development with the existing heritage listed building has a total area of 2098.0m². Under the requirements of the DCP for the Business Zone 1989, Amendment 7, the proposal would require 52 car parking spaces. The total area of the existing buildings on site is 1069.87m², this would require 27 car parking spaces. If credit is given for the required car parking spaces for the existing buildings, then the required number of car parking spaces would be 25 spaces. Currently there is a large area at the rear (above the NSOOS) which is used as a van dock area, with access from Belgrave Street, and parking for about 3 - 4 police vehicles. The proposed development includes a van dock area on the ground level with access from Whistler Street. No other parking for police vehicles is proposed. The original application proposed for seven (7) car parking spaces at Level 1, this has been deleted in the amended proposal to reduce the bulk of the development and still fit in all the requirements of NSW Police. In lieu of off-street parking, the applicant has requested for six (6) additional on-street parking on Belgrave Street. Except for one (1) new space which is in front of the deleted driveway, the other five (5) spaces are in front of the existing business premises. This is not considered to be satisfactory as it is likely to have an adverse impact on the operation of the business premises. It is therefore considered that the five (5) spaces in front of the existing business premises are to be deleted and NSW Police make alternative arrangements for the parking of Police vehicles. A condition to this effect is included within the Recommendation.

The location of the site and the existence of an Item of Environmental Heritage on the subject site and the Civic Precinct make it almost impossible to provide for additional parking on the subject

site. It is to be noted that the other two civic buildings, viz., Council Chambers and the Courthouse also do not have any parking on site.

Manly Town Centre Urban Design Guidelines 2002

The subject property is located within Precinct 3 – Mainland Grid Precinct. Clause 3.2.2 deals with the Belgrave Street area. The general character of the area is described as:

- *Belgrave Street marking the three gateways to the town centre, namely from the harbour at Manly Wharf, from the north at Raglan street & Ivanhoe Park and from greater Sydney at the intersection with Sydney Road.*
- *The distinct character of this street is defined by a solid wall of buildings addressing Gilbert and Ivanhoe Parks.*
- *This street contains three blocks, each varies in character, quality and civic importance. Imposing public buildings and the mature landscape of Gilbert Park define the southern block.*

With regards to the above, the proposed development will not have any adverse impact on Belgrave Street as the development proposes no change to the facade of the listed heritage building. The proposal involves the deletion of the existing driveway access from Belgrave Street and creation of offices to the street boundary, which are connected to the existing building as well to the new office building at the rear. The proposed facade will not have any adverse impact on the Belgrave Street streetscape.

Heritage

- *The civic buildings opposite Gilbert Park; the Police Station, the Courthouse and Council Chambers form a strong and cohesive civic streetscape and contribute greatly to the identity of the street.*
- *These buildings are heritage listed and must be preserved.*

The proposed development will not have any adverse impact on the cohesive civic streetscape. The proposed four (4) storey building is to the rear of the heritage listed building facing Whistler Street. The heritage listed property will be preserved.

Significant views and vistas

- *The vista to the harbour is perceived beyond the ferry terminal.*

The proposed development will not block the vista to the harbour.

Uses

- *Maintain the mix of activities with civic and public uses at the northern end and shops and commercial at street level elsewhere*
- *Encourage cafes and outdoor eating along the eastern side of Belgrave Street overlooking Ivanhoe Park.*

The proposal will maintain the existing civic and public uses.

Pedestrian and vehicular circulation

Belgrave Street carries a substantial volume of traffic that affect the pedestrian amenity of the street.

- *Wider sidewalks in this block are recommended to improve pedestrian amenity.*
- *Kerbside parking could be maintained on the eastern side of Belgrave Street to insulate pedestrians from the traffic*
- *A traffic lane should be removed and a planted median incorporated between Sydney road and Raglan Street to improve pedestrian access to the park.*

The proposal will maintain the kerbside parking for Police vehicles in front of the Police Station and the Courthouse. The removal of the driveway crossing from Belgrave Street to the subject property will increase the number of parking spaces by one. The proposal is to increase the

number of on-street parking by an additional five (5) police vehicle parking spaces in front of the business premises (Nos. 4, 7 and 10-11 Belgrave Street). However, it is considered that the proposed spaces in front of the other business premises will have an adverse impact on the business and therefore not considered to be acceptable. A condition to delete the additional five (5) spaces is included within the Recommendation.

Street frontage

- *Buildings are to be built to the street alignment*
- *All buildings (except civic buildings) are to have shop fronts & awnings. Shop fronts and awnings are to conform with the General Built Form Guidelines.*
- *Existing through block links must be retained*

The proposed development is to be built from the Belgrave Street boundary to the Whistler Street boundary. There is no shopfront proposed to the development being a civic building. There is no block links in the proposal.

Town Centre gateway buildings

The subject site is not a gateway building as it is located in the middle of the block.

Building height, form and scale

Urban Design Principles and General Built Form Guidelines apply and in addition:

- *The higher buildings and the more imposing public buildings better suit the scale of the street and provide a better address to the parks.*
- *See the DCP for the Business Zone 1989 (as amended) and all other relevant statutory Council documents in regard to allowable building heights, form, advertising signs, etc.*

The proposal involves a four storey building at the rear of the heritage listed item. The four (4) storey building will suit the scale of the street being opposite the Whistler Street car park.

A comparative assessment of the proposed development has been carried out in relation to the current DCP for the Business Zone 1989, Amendment 7 elsewhere in the report.

Building expression and materials

Urban Design Principles and General Guidelines apply, and in addition:

- *Parapets or gable ends are to be articulated to provide a modulated skyline.*
- *Facades are to be modelled to provide relief, light and shadow.*
- *Facades should include a combination of finishes including rendered and painted masonry, face brickwork to complement adjoining buildings.*
- *Painting of face brickwork is not supported.*
- *Facades should be more solid than void.*
- *Strip windows, reflective glass and curtain walls are not permitted.*
- *Sunshade devices should be integral with and respond to the architectural design of the building.*

The proposed four (4) storey development is well articulated and provides a pleasing skyline. The use of various materials like Alucobond wall cladding, sandstone panel cladding, louvers, brickwork to match the adjoining courthouse and precast concrete panels provides a combination of finishes to the building. The proposed brickwork will complement the adjoining courthouse. The combination of solid surfaces and glazed panels to the Whistler Street frontage provides a modern look to the building. The elongated window openings with fins to the Belgrave Street frontage give a lighter facade effect to the building.

Public domain

The requirements of the public domain do not relate to the subject development.

As regards the Whistler Street frontage, the building is to be built to the street alignment. Louvred angled fins are proposed above the ground floor level with a clearance above the footpath of 4.0 metres. These fins extend 800mm over Council land (footpath). These fins provide shading to the windows. It is considered that the overhang is excessive and should be contained to a maximum of 600mm. A condition to this effect is included within the Recommendation.

The proposed development complies with the general intent of the area guidelines in terms of the architectural character, roof form, facade treatment and facade finishes, as outlined in the Manly Town Centre Urban Design Guidelines.

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

There is no planning agreement with this application.

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

The proposed development complies with the relevant regulations.

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

The proposed development will not have any adverse impact on the natural built environment and is likely to have a positive social and economic impact on the locality.

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

The subject site is suitable for the proposed development. The subject site has been used as a Police Station since 1925, with the rear addition added on in 1979/1980 to provide for additional office space.

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 with sixteen (16) submissions and one (1) petition signed by 101 signatories received from J Alara of Shop 6, 54 West Esplanade; V Morgan of 53 Sydney Road; M Merton of unknown address; E Reeve-Parker of 11/11 Stuart Street; R Nicholls of 10 Belgrave Street; J Chalmers of 11/11 Stuart Street; T Hutton 12 Belgrave Street; L Powers of unknown address; J Coleman of 2A Market Place; M Sharma of 1/11 Belgrave Street; M Bruzzese (2 letters) of 6 Belgrave Street; T Ware of 5/127 Pittwater Road; P Mill of 6 Belgrave Street; A Michael of 3/30 Belgrave Street; J Dayhew of 8 Belgrave Street and J Economides of 4 Belgrave Street raising the following concerns:

- Loss of parking in front of the shops will greatly affect the amenity of our shops.
- Visually coming in to Manly your first view into Belgrave Street will be a row of 12 Police cars followed by a row of 12 taxis.
- Will affect customers coming to the shops and delivery of goods to the shops.
- Object to the additional six (6) on-street parking spaces north of the existing 8 cars for police use.
- Losing parking in Belgrave Street would virtually wipe us out overnight.
- We note that simply blocking a proposal is not constructive and would therefore like to make suggestions for alternatives:
 - (i) Renegotiate the design of the station, to factor in on-site parking
 - (ii) Limit requirements for additional on street parking by utilising Council car parking stations
 - (iii) Reconfiguring the disabled parking in the Whistler Street triangle.
- Without parking we could lose up to 40% of our business which is takeaways.
- Parking is already very restricted and in my view new development should aim to increase the amount of off street parking for their cars.

- Increased charges in the Whistler Street public car park have already adversely impacted on my business. Increased number of bus stops in West Promenade has already impacted on my business.
- The limited on-street parking should be available for the public to be able to conduct their business in the Manly Town Centre.

Comment on submissions:

All of the above submissions relate to the additional six (6) on-street parking requested by NSW Police for the First Response vehicles. Of the six (6) new on-street parking spaces requested, five (5) are in front of the existing businesses and the last one (1) is in front of the deleted driveway off Belgrave Street. It is considered that the additional five (5) on-street parking spaces should be deleted and that NSW Police make alternative arrangements for police vehicles elsewhere within the Town Centre. A condition to this effect is included within the Recommendation.

A late submission was received by Council on 19 December 2011 from Mr N R Margerrison of 211 Woodland Street Balgowlah. Mr Margerrison is concerned at the delay of building the new Police Station.

Comment:

Mr Margerrison is probably unaware that the application was put on hold at the request of the NSW Police Minister to submit amended plans. It is to be noted that amended plans were received by Council on 14 October 2011.

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

The amended proposal is considered to be in the public interest.

CONCLUSION:

The application has been assessed having regards to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 1988 and the Development Control Plan for the Business Zone 1989 Amendment 7 and is considered to be satisfactory and therefore recommended for approval.

RECOMMENDATION

That Development Application No. 87/11 for the Redevelopment of the Manly Police Station – Refurbishment of the existing two (2) storey heritage building and construction of a new four (4) storey building with basement at the rear and minor internal alteration to Manly Court at 3 Belgrave Street, Manly 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. 87/11

Plan No. / Title	Issue/ Revision & Date	Date Received by Council
DA0000 – Cover Sheet; 51861 – Site Survey	11 March 2010	14 October 2011
SY072608 – Service protection Report diagram	28 July 2010	14 October 2011
DA0201 Revision B – Site Analysis Plan	14 October 2011	14 October 2011
DA0202 Revision B – Site & Locality Plan	14 October 2011	14 October 2011
DA0203 Revision B – Demolition Plan	14 October 2011	14 October 2011
DA1101 Revision B – Basement Plan	14 October 2011	14 October 2011
DA1201 Revision B – Ground Floor Plan	14 October 2011	14 October 2011
DA1301 Revision D – First Floor	21 December 2011	22 December 2011

DA 1302 Revision D – Second Floor Plan	21 December 2011	22 December 2011
DA 1303 Revision D – Third Floor Plan	21 December 2011	22 December 2011
DA 1401 Revision A – Roof Plan	21 December 2011	22 December 2011
DA 1501 Revision C – Elevations Sheet 1	21 December 2011	22 December 2011
DA 1502 Revision C – Elevations Sheet 2	21 December 2011	22 December 2011
DA 1601 Revision C – Section	21 December 2011	22 December 2011
DA 1602 Revision A – Section	21 December 2011	22 December 2011

Documentation affixed with Council's stamp relating to Development Consent No. 87/11

- Amended Statement of Environmental Effects, prepared by Glendinning Minto & Associates Pty Ltd dated October 2011 and received by Council on 14 October 2011. This statement includes a two-page "Architects Design Statement" prepared by Architecturegwa dated 12 October 2011.
- Statement of Heritage Impact, prepared by Graham Brooks and Associates dated October 2011 and received by Council on 14 October 2011.
- Social Impact Statement, prepared by Urbis dated October 2011 and received by Council on 14 October 2011.
- Assessment of Traffic and Parking Implications, prepared by Transport and Traffic Planning Associates dated September 2011 and received by Council on 14 October 2011.
- Noise Impact Assessment prepared by Acoustic Studio dated 14 October 2011 and received by Council on 14 October 2011.
- Accessibility Report prepared by Environ Design – Australia dated 14 October 2011 and received by Council on 14 October 2011.
- Design Compliance Assessment Report prepared by BCA Vision dated 12 October 2011 and received by Council on 14 October 2011.
- Geotechnical Investigation Report prepared by Gardner Wetherill and Associates dated 24 August 2011 and received by Council on 14 October 2011.
- Green Travel Plan prepared by Gardner Wetherill Associates dated 25 October 2011 and received by Council on 26 October 2011.

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

ANS 01

The surplus vehicular crossing and kerb layback on Belgrave Street is to be removed and kerb, footpath re-instated to match, prior to the issue of the Occupation Certificate.

Reason: To provide on-street parking for an additional police vehicle and infrastructure protection.

ANS02

The five (5) on-street car parking spaces proposed in front of the existing business premises are to be deleted from the plan (Drawing No. DA0202 Revision B dated 14 October 2011 and received by Council on 14 October 2011). Plans are to be amended accordingly prior to the issue of Construction Certificate.

Reason: To retain the existing on-street car parking spaces for local businesses.

ANS03

The proposed cantilevered fins and shading structures over Council land on Whistler Street is to be contained to maximum depth of 600mm. Plans are to be amended accordingly prior to the issue of Construction Certificate.

Reason: To minimise structures over Council land.

GENERAL CONDITIONS RELATING TO APPROVAL

1 (1AP04)

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

Reason: To ensure compliance with the approved development.

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

2 (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.

3 (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.

4 (2CD01)

Pursuant to Section 97 of the Local Government Act, 1993, Council requires prior to the issue of Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$25,000.00. 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.

5 (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.

6 (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.

7 (2CD07)

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

Reason: The existing building must be able to support proposed additional loading.

8 (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.

9 (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.

10 (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.

11 (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.

12 (2FP05)

A heavy duty pavement is to be constructed along the full length of the proposed right-of-way. Details must be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

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

13 (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.

14 (2FR02)

The person who benefits from this consent is to engage the services of an Accredited Certifier, Building Grade 1 or 2 (NSW or equivalent) to carry out a Building Code of Australia audit that is based upon inspections of the building in terms of the deemed-to-satisfy fire safety provisions.

The audit must specifically cover all clauses within Section C, D and E of the Building Code of Australia (as per the most recent amendments) nominating 'compliance', 'non-compliance' or 'not applicable' as appropriate. The audit (checklist) is to accompany the report.

The results of the audit are to be incorporated into a report and strategy to overcome the non-compliant provisions either by performance solution or adherence to deemed-to-satisfy provisions by satisfying the fire safety objectives of Sections C, D and E of the Building Code of Australia. The standard of satisfying the fire safety objectives of Sections C, D and E as contained within the Building Code of Australia is the specified standard for the purposes of Section 121P(1)(a) of the Act.

A schedule of existing (if applicable) and the proposed Essential Fire Safety Measures, including their standard of performance must be included in this strategy. The report and strategy must be submitted to Council for written approval prior to issue of any Construction Certificate.

Reason: To ensure an adequate level of fire safety is provided within the premises for the life safety of building occupants.

15 (2HT02)

The applicant is to commission an experienced heritage consultant to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project. Written details of the engagement of the experienced heritage consultant must be submitted to Council prior to issuing any Construction Certificate for works on the site.

Reason: To ensure that all matters relating to significant fabric and spaces are resolved using best practice for heritage conservation.

16 (2HT04)

A schedule of external colours is to be submitted to Council's satisfaction prior to the release of the Construction Certificate. The external colour schemes of new buildings are to be in keeping with the original character of the heritage buildings on the site.

Reason: To ensure the proposed colour scheme is appropriate to the type and style of the building and the surrounding area.

17 (2HT05)

Any work to a site which is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: To protect Aboriginal heritage.

18 (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.

19 (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.

20 (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.

21 (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.

22 (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).

CONDITIONS TO BE SATISFIED PRIOR TO ANY COMMENCEMENT

23 (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.

24 (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.

25 (3CD02)

Demolition must be carried out by a registered demolition contractor. Documentary evidence of registration must be submitted to Council prior to the commencement of demolition work.

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

26 (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.

27 (3PT02)

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

28 (4AP02)

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

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

29 (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.

30 (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.

31 (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.

32 (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.

33 (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.

34 (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.

35 (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.

36 (4DS02)

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

- 2) 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
- 3) 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
- 4) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received, and
- 5) 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.

37 (4FR01)

The building is to be erected in Type A construction for a Class 5 & 7(a) 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.

38 (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.

39 (4HT01)

The proposed works are to be carried out in a manner which minimises any demolition, alteration, new penetrations/fixing or irreversible damage to the significant fabric of the existing buildings which are listed as heritage items in the Manly Local Environmental Plan 1988. Particular care must be taken to minimise damage to the significant fabric of the building during the carrying out of the internal fit out and any electrical or plumbing works.

Reason: To ensure the heritage significance of the site is not adversely affected and best practice for heritage conservation is undertaken.

40 (4HT02)

The applicant is to commission experienced tradespersons (as appropriate) skilled in traditional building and engineering trades to carry out the proposed scope of works.

Reason: To ensure all matters relating to significant fabric and spaces are undertaken using best practice for heritage conservation.

41 (4HT04)

Should any historic relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 147 of the Heritage Act 1977.

Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

Reason: To ensure the proper management and preservation of historical artifacts.

42 (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,
- Reinforced concrete slab x 6,
- Framework inspection,
- Wet area moisture barrier x 5,
- Drainage inspection,
- Driveway crossing/kerb layback,
- Final inspection.

The cost of these inspections by Council is \$4760.00 (being \$280 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 \$150.

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

43 (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.

44 (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.

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

45 (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.

46 (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.

ONGOING CONDITIONS RELATING TO THE OPERATION OF THE PREMISES OR DEVELOPMENT

47 (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.

48 (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.

49 (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.

50 (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.

51 (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.

52 (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.

53 (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.

ATTACHMENTS

Please list any attachments for this report.

Assessment Planner: _____

Date: _____