

# Development Assessment Report

MC/13/133093

<b>DA #</b>	DA177/13
<b>Site Address</b>	Corner of Kenneth and Balgowlah Roads, Manly Lot 1 DP 168527 Lot 1 and Part Lot 3 DP 168526 Lots A and B DP 331109 Lots 36, 37, 43 to 54 inclusive and Lots 85 and 86 in Section 9 DP 939916
<b>Proposal</b>	Redevelopment of Manly Swim Centre Alterations and additions to the existing Andrew "Boy" Charlton Manly Swim Centre including partial demolition of existing facility structures, construction of an all purpose aquatic centre comprising of a twenty-five (25) metre eight (8) lane lap pool, seating for one hundred and fifty (150) spectators, program pool, leisure pool, spa pool, sauna and steam room, administration rooms, plant rooms, gymnasium and group fitness/multipurpose space, kiosk, amenities, with the retention of the outdoor 50 metre pool, outdoor toddlers pool, outdoor twenty-five 25 metre pool and plant rooms, on-site parking for 46 cars, 170 car parking spaces in Kenneth Road and a separate community facilities building containing change rooms, amenities, storage and a bus shelter
<b>Officer</b>	Planning Ingenuity Pty Limited – Consultant Planner

**Application Lodged:**

05/09/2013

**Applicant:**

TomkinsMDA Architects Pty Limited

**Owner:**

Manly Council

**Estimated Cost:**

\$15,000,000

**Zoning:**

Manly Local Environmental Plan, 2013 – Zone RE1 Public Recreation (including the road reserve of Kenneth Road

**Surrounding Development:**

Land in Zone RE1 adjoins the west. Land in Zone RE2 is located north and west of the site (being the Manly Golf Course). Land in Zone R1 is located to the east and south (see Figure 1 and Figure 2).

**Heritage:**

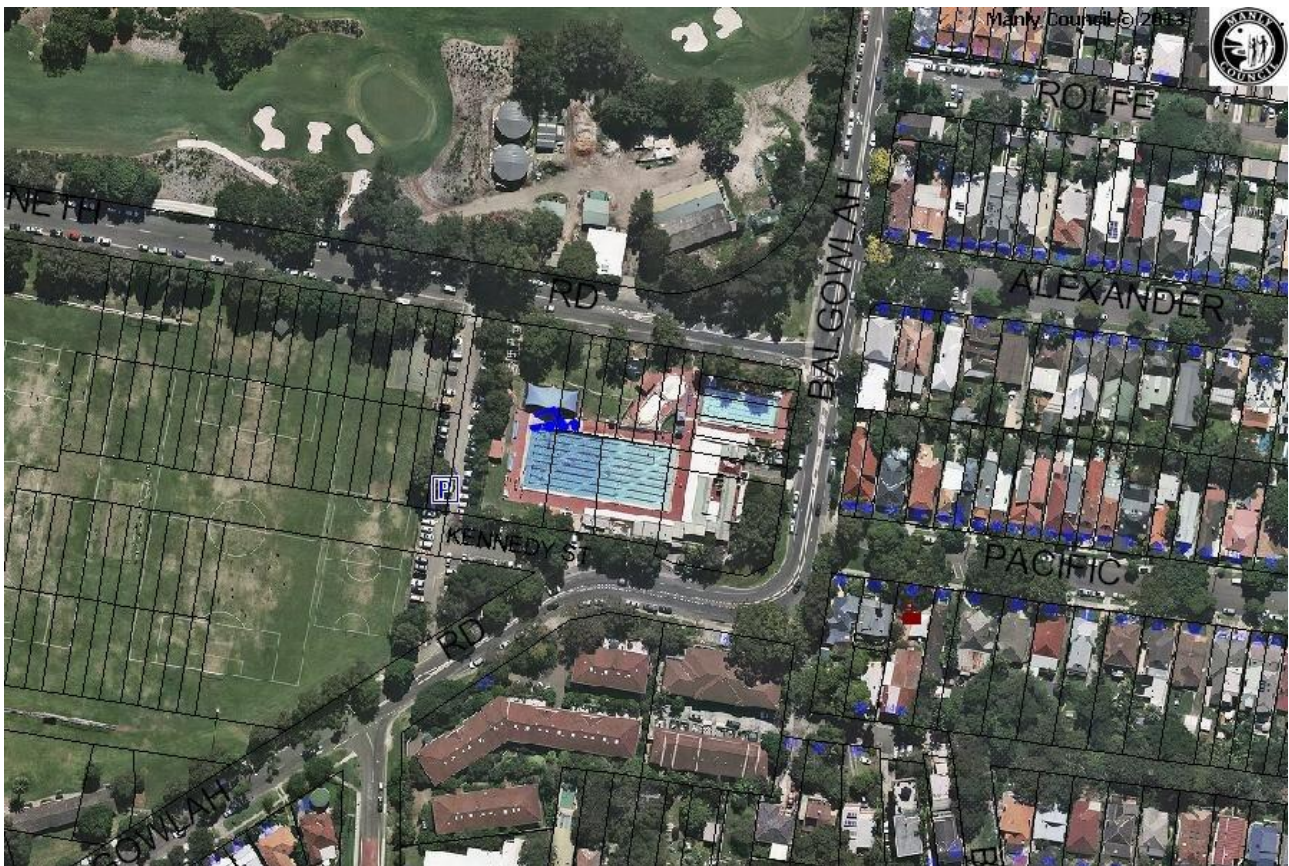
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## SUMMARY

1. DEVELOPMENT CONSENT IS SOUGHT FOR REDEVELOPMENT OF MANLY SWIM CENTRE BEING ALTERATIONS AND ADDITIONS TO THE EXISTING ANDREW "BOY" CHARLTON MANLY SWIM CENTRE INCLUDING PARTIAL DEMOLITION OF EXISTING FACILITY STRUCTURES, CONSTRUCTION OF A MULTI-PURPOSE AQUATIC CENTRE COMPRISING OF A TWENTY-FIVE (25) METRE EIGHT (8) LANE LAP POOL, SEATING FOR ONE HUNDRED AND FIFTY (150) SPECTATORS, PROGRAM POOL, LEISURE POOL, SPA POOL, SAUNA AND STEAM ROOM, ADMINISTRATION ROOMS, PLANT ROOMS, GYMNASIUM AND GROUP FITNESS/MULTIPURPOSE SPACE, KIOSK, AMENITIES, WITH THE RETENTION OF THE OUTDOOR 50 METRE POOL, OUTDOOR TODDLERS POOL, OUTDOOR TWENTY-FIVE 25 METRE POOL AND PLANT ROOMS, ON-SITE PARKING FOR 46 CARS, 170 CAR PARKING SPACES IN KENNETH ROAD AND A SEPARATE COMMUNITY FACILITIES BUILDING CONTAINING CHANGE ROOMS, AMENITIES, STORAGE AND A BUS SHELTER.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND 122 SUBMISSIONS WERE RECEIVED DURING THE EXHIBITION PERIOD. AN ADDITIONAL FIVE (5) SUBMISSION WERE RECEIVED AFTER THE COMPLETION OF THE PUBLIC EXHIBITION PERIOD AS FOLLOWS:
  - A SUBMISSION FROM THE HON. MIKE BAIRD MP STATE MEMBER FOR MANLY;
  - A JOINT SUBMISSION FROM THE PRECINCT GROUPS
  - A DRAFT SUBMISSION FROM THE PUBLIC DOMAIN COMMITTEE; AND
  - TWO FURTHER PUBLIC SUBMISSIONS.

3. THE APPLICATION WAS REFERRED TO ALL PRECINCT COMMUNITY FORUMS FOR COMMENT. RESPONSES WERE RECEIVED FROM THE PRECINCTS OF:
  - BALGOWLAH HEIGHTS
  - CLONTARF
  - FAIRLIGHT
  - FAIRY BOWER
  - IVANHOE PARK
  - LITTLE MANLY
  - NORTH HARBOUR
  - OCEAN BEACH
  - THE CORSO
4. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL **APPROVAL**.

## LOCALITY PLAN



## REPORT

### **SUBJECT PROPERTY AND SURROUNDING AREA**

The subject property is commonly known as L.M. Graham Reserve and is situated on the south western corner of the intersection of Kenneth and Balgowlah Roads and legally known as Lot 1 DP 168527, Lot 1 and Part Lot 3 DP 168526, Lots A and B DP 331109 and Lots 36, 37, 43 to 54 inclusive and Lots 85 and 86 in Section 9 DP 939916. The portion of the site to be affected by the proposal is triangular in shape and has a frontage of approximately 150m to Kennedy Road and an irregular frontage to Balgowlah Road which has an approximate total length of 220m. The overall area of the development site is 13,523m<sup>2</sup>.

The site is part of the LM Graham Reserve which contains a variety of sportsfields and sports facilities and is classified as Community Land. The reserve is categorised as sportsground and community use of local and district significance and is subject to a Plan of Management which identifies the potential for improvements to the reserve through the provision of further facilities and accommodation of additional activities to be identified in a Masterplan.

The location of the site is shown outlined in red in Figure 1.



**Figure 1: Aerial photo showing location of development site**

The site currently contains the Andrew 'Boy' Charlton Swim Centre which includes:

- A 50m outdoor pool;
- A 25m outdoor pool;
- Toddlers Pools;
- Plant and equipment storage rooms;
- Various shade structures and landscaped areas;
- A main pedestrian entry pavilion fronting Balgowlah Road with associated kiosk and club rooms and amenities;
- An unroofed change room block; and
- A bitumen car park with capacity for 87 cars.

A half-court basketball court is currently positioned near the north-west corner of the car parking area between the car park and the soccer fields. These features are shown in Figure 2.



**Figure 2: Existing features of site**

Vehicle access and egress is currently by way of driveway crossings in Balgowlah Road and in Kenneth Road at the southern and northern ends of the car park respectively. The car parking area is bitumen sealed with small trees and shrubs along the perimeter of the car park (see Figure 2).

There is a paved footpath bordering the site in Kenneth and Balgowlah Roads. The main entry to the existing swimming centre is via Balgowlah Road and is shown in Figure 3. The building incorporating the entry includes a kiosk, swim club meeting rooms, change rooms and amenities. There is a bicycle parking area east of the entry and adjacent to the footpath in Balgowlah Road (see Figure 4) and a bus bay close to the entry in Balgowlah Road (see Figure 5).



**Figure 3: Entry to swim centre**



**Figure 4: Bicycle parking area east of the entry**



**Figure 5: Bus bay in Balgowlah Road**

There are several mature trees within the setbacks and footpath areas to both road frontages.

The site has been filled in part to facilitate the existing swimming pools and create the pool concourse areas. The modified site levels result in it being generally flat with low scale landscaped mounds and site contouring to create variations to ground levels suitable for pool users and spectators. The swimming pool area is generally elevated from the car parking area and soccer fields.

The surrounding area includes the soccer fields to the west, Manly Golf Course to the west and north, low density residential areas to the east in Pacific and Alexander Streets and medium density residential development to the south-east and south.

## **PROPERTY BURDENS AND CONSTRAINTS**

There are no easements affecting the property. The site is partly flood affected and is within the Geotechnical Areas identified in clause 2.1 to Manly Development Control Plan (DCP) 2007. These as well as other constraints are discussed in more detail in later sections of this report.

Given that the site has been filled in the past, conditions of consent are recommended in accordance with the Preliminary Geotechnical Report prepared by JK Geotechnics regarding testing, treatment and engineering design parameters to be investigated prior to the issue of a Construction Certificate.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

The proposal includes demolition and construction and can be described as follows:

### Demolition of:

- southern section of car park
- half-court basketball court
- entry/exit pavilion, kiosk and club rooms fronting Balgowlah Road.

### Construction of:

- a multipurpose aquatic centre comprising of a twenty-five (25) metre eight (8) lane lap pool, seating for one hundred and fifty (150) spectators, program pool, leisure pool, spa pool, sauna and steam room, administration rooms, plant rooms, gymnasium and group fitness/multipurpose space, creche, kiosk, amenities and first aid room, change rooms and amenities and plant and equipment rooms, on site parking for 46 cars and kerb side parking in Kenneth Road for 170 cars.
- construction of a new building at the northern end of the soccer fields and adjacent to Kenneth Road to contain change rooms and amenities, storerooms, a kiosk and bus shelter. The change rooms, amenities, storerooms and kiosk are to be made available to the user groups of the sportsfields of LM Graham Reserve.

### Reconfiguration of:

- the bus parking bay and school entry to the swim centre in Balgowlah Road.

The total gross floor area of the proposal, including existing and proposed parts of the buildings, is 4,285m<sup>2</sup>.

## **APPLICANT'S SUPPORTING STATEMENT**

The applicant prepared a Statement of Environmental Effects dated 1 August 2013 received by Council with the application. The content of the Statement was revised in response to Planning Ingenuity's letter requesting additional information dated 11 October 2013. Several sub-consultant reports were submitted with the Development Application.

## **CONTACT WITH RELEVANT PARTIES**

Manly City Council appointed Planning Ingenuity Pty Limited to undertake an independent planning assessment of the proposal, given its dual roles as owner of the land and applicant for development.

Staff from Planning Ingenuity met with Council's Deputy General Manager Land Use and Sustainability - Stephen Clements and the consultant Architect Michael Davies of Tompkins MDA Architects on two occasions during the development assessment process. Planning Ingenuity has corresponded extensively with Council staff and Tompkins MDA Architects during the assessment process to obtain additional information and request modifications to the proposal.

## **BRIEFING WITH JOINT REGIONAL PLANNING PANEL**

A Briefing Meeting was held with the Joint Regional Planning Panel (JRPP) on 9 October 2013. Preliminary comments from the Panel included direction to further consider the provision for accessible paths of travel and accessible parking. These matters were subsequently addressed in

the Access Review Report by Morris Goding Accessibility Consulting dated 6 November 2013. The Panel also requested that additional information regarding parking and traffic impacts be provided. This was subsequently provided in the Traffic Assessment prepared by Manly Council dated October, 2013.

## **INTERNAL REFERRALS**

### **Engineers Comments**

Council's Engineers raise no objection to the proposal subject to inclusion of recommended conditions of consent for Site Management, Soil Erosion and Sedimentation Controls and Stormwater Management to be in accordance with the Stormwater Drainage Concept Design prepared by Geoff Nannes, Fong and Partners Pty Limited Job Reference No. SN7718 Drawings No.C00 to C04 Issue B dated 29.07.2013.

### **Landscape Officers Comments**

Council's Landscape Officer raises no objection to the proposal subject to inclusion of standard conditions and the following project-specific conditions:

- The following existing trees (as numbered on the plan prepared by Tomkins MDA Architects drawing No.534 L001) are to be retained and protected during all site works: T1, T18, T19, T21, T24, T25 and T28 to T30 inclusive. The plans submitted with the application for a Construction Certificate shall clearly indicate these trees to be retained and protected.
- The proposed nine (9) *Tristaniopsis laurina* within the car parking area are to be replaced with *Cupaniopsis anacardioides*. The proposed eight (8) *Cupaniopsis anacardioides* are to be replaced with deciduous trees *Fraxinus augustifolia* 'Raywood' (Claret Ash). The proposed planting of nineteen (19) *Archotophoenix cunninghamiana* are deemed unsuitable in this location. Low profile landscaping to 3-4m mature height is to be provided in this area. Details of appropriate replacement plant spaces are to be submitted with the application for a Construction Certificate.
- All works shall comply with Australian Standard AS4970-2009 Protection of Trees on Development Sites. Any tree required and/or marked to be retained and protected must be assessed by a suitably qualified AQSF Arborist prior to, during and on completion of site works
- All tree plantings are to be 75L to 100L pot size where possible at the time of planting.

### **Heritage**

Council's Heritage Officer has assessed the proposal in accordance with the relevant sections of the Manly DCP 2013 and made the following comments:

*"The site of proposed development is not of heritage interest in its own right, however, it is located in the vicinity of street trees in Alexander Street and Pacific Parade, which are listed as items of heritage significance in the MLEP 2013.*

*However, given the spatial disposition of items (across the Balgowlah Road) and the distance between sites, it is deemed that there will be no adverse impact on heritage values.*

*Given the above, the proposal is deemed satisfactory from the heritage perspective."*

## **Waste**

Council's Waste Officer prepared Construction Site and Operational Waste Management Plans which address the requirements of Manly DCP 2013. These plans optimise the opportunities for recovery, reuse and recycling and for the use of biodegradable materials where practical. The existing bulk waste storage area is to be retained close to the eastern boundary of the site and conditions are recommended to ensure this area is maintained in an appropriate condition to protect health and amenity.

## **Environmental Health**

Council's Environmental Health Officer offered no objections to the proposal subject to inclusion of recommended conditions of consent for:

- work shall not involve excavation exceeding 2m below the natural ground level in order to avoid disturbance to Acid Sulfate Soils;
- details of proposed methods for storage and handling of dangerous goods to be included with the application for Construction Certificate to the satisfaction of Council;
- fit-out details of the kitchen and food preparation areas are to be included with the application for Construction Certificate to the satisfaction of Council;
- a Noise Management Plan to be submitted with the application for a Construction Certificate which demonstrates that appropriate acoustic treatment and site management procedures will be in place during operation which ensures that noise generated from all plant room and equipment rooms, the indoor pool area and any amplified sound systems used in the gymnasium and group fitness rooms.

The specific conditions recommended by Council's Environment and Health Office have been included as conditions in the Recommendation to this report.

## **Access**

Council's Access Committee raised no objection to the proposal subject to inclusion of recommended conditions of consent for design improvements including:

- inclusion of passing areas along the main entry access ramp to allow two way movement of wheelchairs and double prams;
- additional accessible car spaces in anticipation of increased patronage for use of the new program pool and improvements to pool access;
- separate the family change room from an accessible change room;
- separate nappy change facilities from accessible change room;
- consider no airlock doors in the public change rooms and replace with 'maze' type entry to avoid the use of doors;
- increase circulation space within accessible change rooms;
- increase the spatial dimension between the community showers and the edge of the pool; and
- provide an accessible toilet on Level 3.

The Access Committee commended the inclusion of ramps throughout and the provisions for wheelchair access into the swimming pools.

Some of the recommendations of the Access Committee have been addressed in the Access Review Report by Morris Goding Accessibility Consultants dated 6 November 2013 and the recommendations of this report have been included in recommended conditions of development consent.

Some changes have been included in revised plans prepared in response to the matters raised by the Access Committee. Specifically the following changes have been made to the proposal:

- baby change facilities have been added to the male and female change rooms;
- universally accessible toilets have been provided on the first floor level;
- toilet and change room airlocks have been modified to remove the need for swinging doors;
- the location of the shower bank has been adjusted to provide more clearance to the 25m



- indoor pool edge and the general concourse area; and
- universally accessible toilets have been relocated closer to the front entry and lower ground floor access point.

### **Traffic Engineer**

Council's Traffic Engineer prepared a Traffic Assessment which provides the following analysis:

Existing swim centre:

- onsite parking is currently provided as 85 spaces with three (3) accessible spaces;
- onsite parking is currently shared by swim centre users and visitors to LM Graham Reserve;
- kerb side on-street parking is currently underutilised;
- Kenneth Road parking is currently time limited with 10hour limits on the northern side and 6 hour limited on the southern side.

Proposal:

- Onsite parking for 46 vehicles including two accessible spaces will be adequate in combination with up to 170 spaces in 30 degree angle parking along the southern side of Kenneth Road;
- Onsite parking will be adequate with the exception of peak use of the swim centre between January and March during which time the on-site shortfall of up to 115 car parking spaces shall be accommodated within the 170 on-street spaces and still allow on-street parking to be shared with users of the golf club and LM Graham Reserve;
- Vehicle access will be rationalised to a single safe access/egress point; and
- Peak traffic demands and movements will not require new or accelerated traffic management works.

Conclusions:

- the combination of off-street and on-street parking will be adequate to meet the requirements for the proposal and to maintain parking for users of the LM Graham Reserve;
- the access/egress, parking and manoeuvring arrangements shall comply with relevant Australian Standards; and
- no traffic management or upgrading works are required within the public road reserve.

Conditions of consent are recommended that on-site and on-street parking, vehicle access and manoeuvring be provided in accordance with Figure 4 to the Traffic Assessment by Manly Council dated October 2013 which forms part of the approved plans and documents with the development consent and more detailed plans are to be submitted with the application for a Construction Certificate.

### **Driveway Officer**

The Council's Driveway Officer offered no objections to the proposal subject to inclusion of Standard Conditions.

## **PLANNING COMMENTS**

### **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:

## **79C(1)(a)(i) the provisions of any environmental planning instrument**

### **Water Management Act, 2000**

Investigations were conducted to determine whether, in accordance with Section 91 to the EP&A Act, 1979, General Terms of Approval from the NSW Office of Water are required. A Hydrogeological Assessment by JK Geotechnics dated 5 November 2013 concluded that a total volume of 1.73ML of groundwater is estimated to be extracted over a four (4) month period during construction. The NSW Office of Water advised that should the extraction be demonstrated to be less than 3ML annually then no licence or approval is required under the *Water Management Act, 2000*. The proposal is therefore not Integrated Development. Were the applicant to extract a higher volume of groundwater that exceeded this advised level, the onus would be on the applicant to obtain General Terms of Approval.

### **State Environmental Planning Policy No.55 – Remediation of Land**

State Environmental Planning Policy No.55 (SEPP 55) was gazetted on 28 August 1989 and applies to the whole State. It introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected and the land is to undergo a change of use. The Preliminary Geotechnical Assessment prepared by JK Geotechnics and dated 18 July 2013 identified a substantial amount of fill material exists which will be disturbed by the proposed works. The nature and content of fill has not been investigated or tested for contamination.

The proposal does include a change of use to include a crèche which would be defined in Manly LEP 2013 as a child care centre. However, the crèche is to be internal to the building and children attending will not be exposed to the fill material. Therefore it has been determined that the nature and content of material to be excavated will be investigated and recommendations made as to the required treatment of the fill (if any) and disposal be submitted to the satisfaction of the PCA prior to the release of a Construction Certificate.

Accordingly, the requirements of SEPP No. 55 are satisfied subject to recommended conditions of development consent.

### **Manly Local Environmental Plan 2013**

#### Permissibility

The subject site including the road reserve of Kenneth Road is located in Zone RE1 Public Recreation under Manly LEP, 2013. The proposed swim centre redevelopment is a *recreation facility (indoor)* which is defined in the LEP as follows:

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

The proposed amenities building, bus stop and kiosk/café adjacent to Kenneth Road is a *community facility* which is defined in the LEP as follows:

***“community facility means a building or place:***

- (a) owned or controlled by a public authority or non-profit community organisation, and***
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,***

***but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.”***

Recreation facilities (indoor) and community facilities are permissible with development consent within the zone.

### Zone Objectives

The objectives for development in Zone RE1 Public Recreation and a planning assessment in relation to those objectives is provided below.

*Objective - To enable land to be used for public open space or recreational purposes.*

The development enables continued use of the land for a variety of recreational purposes most of which will be water-based activities but also weight training, cardio workouts and group fitness activities are possible.

*Objective To provide a range of recreational settings and activities and compatible land uses.*

The proposal provides for a range of recreational settings with indoor and outdoor pools and pools which are suitable for a variety of users including toddlers pool, training pools, competition pools, a program pool which may be used for hydrotherapy and a leisure pool. The range of recreation also includes spa, sauna and steam rooms, a kiosk/café and fitness workout rooms all of which are compatible land uses. The crèche is ancillary to the recreational facility as it is to be made available for the children of people attending the facility and will of itself provide recreation to these children.

The new change rooms, amenities, storage, kiosk café and bus shelter adjacent to Kenneth Road will improve the quality of facilities available to users of LM Graham Reserve. The uses are considered to be compatible with the broader LM Graham Reserve Plan of Management and the nearby residential land uses.

*Objective To protect and enhance the natural environment for recreational purposes.*

The proposal requires the removal of several established trees however compensatory landscaping, including canopy trees, will be added to the new car parking area, within street setbacks and adjacent to the new access point in the north west corner of the site. Conditions are recommended for appropriate protective measures to be installed and maintained during demolition and construction for trees that are suitably clear of proposed works.

*Objective To protect, manage and restore areas visually exposed to the waters of Middle Harbour, North Harbour, Burnt Bridge Creek and the Pacific Ocean.*

The site is not visually exposed to waterways and therefore this objective is not relevant to the assessment.

*Objective To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.*

Many mature trees within the street frontages are to be retained and incorporated into new landscaping. The height of the proposed building shall be compatible with the canopy height of trees to be incorporated in the landscaping visible from Kenneth Road and Balgowlah Road.

The height and bulk of the building is considered appropriate for the nature and function of the facility. The site is relatively flat and finished levels of the proposed works have been established with reference to:

- the 100% AEP flood level at the northern edge of the site;
- for integration with the existing swimming pools;
- to minimise excavation into fill material and ground water; and
- to avoid excavation into acid sulphate soils.

The building is well separated from nearby residential buildings. The extensive glazing to the Balgowlah Road frontage combined with a landscaped setback will add visual interest to this frontage without creating activity and noise which may otherwise impact nearby residents.

The western elevation has been designed to control direct solar exposure and most western windows are proposed to be fitted with fixed external louvres. The western elevation therefore

presents a large building mass to the adjoining sportsfield and additional design detail is to be presented with the plans submitted with the Construction Certificate to reduce the bulk and mass of this western elevation.

The swim centre and the community facility are well separated from surrounding buildings. The nearest buildings are two and three storey residential flat buildings to the south and south east constructed on land which is elevated above the subject site and separated from the new building by a minimum of 30m being the road reserve of Balgowlah Road. The new building will be prominent in the outlook from these nearby dwellings but will not unreasonably obstruct views or result in loss of privacy or overshadowing.

The change rooms, amenities, store rooms and kiosk/café adjacent to Kenneth Road is a single storey building with a roof profile similar in design to the swim centre building. Conditions of consent are recommended for further enhancement of the external appearance of this building using variations in colours, materials and textures to add to its visual interest.

Overall the proposal is consistent with the objectives for development in Zone RE1 Public Recreation.

#### Principal development standards

The provisions of the Manly LEP 2013 have been referred to as part of the assessment. There are no development standards in Manly LEP 2013 that apply to the development of a recreation facility (indoor) or community facilities on land in Zone RE1. There are no floor space ratio or height of building controls which apply to the land and there are no heritage items within the site or in the immediate vicinity.

#### Miscellaneous Provisions

Clause 5.9 Preservation of trees or vegetation applies to the assessment of this proposal and aims to preserve the amenity of the area including biodiversity values through the preservation of trees and vegetation.

Trees are proposed to be removed as part of the development but these trees will be replaced with new plantings in the setback to Balgowlah Road, the new car parking area and the north west corner of the site in particular as shown on the Landscape Plan. Additional conditions of development consent are recommended to ensure that the landscaping and the selection of tree species are appropriate to the site and the biodiversity of the locality.

#### Local Provisions

The provisions of the Manly LEP 2013 have been referred to as part of the assessment.

- Clause 6.1 Acid Sulfate Soils  
Clause 6.1 to Manly LEP makes provision of the appropriate management of Acid Sulfate Soils (ASS). The southern portion of the site has been identified as having Class 4 ASS and the remainder of the site is identified as Class 3 ASS. Clause 6.1 requires an ASS Management Plan if works are more than 2m below the natural ground surface level or where the works will result in the ground water table being lowered more than 2m below the natural ground surface.

As previously mentioned, the site has previously been filled. Analysis of the excavation and site dewatering required for construction has been included in the Hydrogeological Assessment by JK Geotechnics dated 5 November 2013. This analysis has determined that excavation to accommodate the works will not exceed 1.7m below the existing ground surface (not natural ground surface) and that dewatering will result in only a slight and temporary drawdown of groundwater within 30m of the construction site. Under these parameters an Acid Sulfate Soils Management Plan is not required. Conditions of consent are recommended for the ongoing monitoring of ground water levels and ground water quality and quantity during construction to ensure that works are not disturbing Acid Sulfate Soils and are not detrimental to groundwater quality and quantity.

- Clause 6.2 Earthworks  
 Clause 6.2 to Manly LEP 2013 requires the consent authority to consider the following matters prior to granting consent for development which includes substantial earthworks:
  - “(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
  - (b) the effect of the development on the likely future use or redevelopment of the land,*
  - (c) the quality of the fill or the soil to be excavated, or both,*
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,*
  - (e) the source of any fill material and the destination of any excavated material,*
  - (f) the likelihood of disturbing relics,*
  - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
  - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.”*

Drainage and soils are to be managed in accordance with the Soil Erosion and Sedimentation Control Plan and the Demolition and Construction Site Management Plans. These plans have been submitted with the development application and demonstrate that the amenity of adjoining properties and the environment beyond the site will be protected during demolition and construction. No waterways or environmentally sensitive land will be affected by the proposed earthworks subject to compliance with the recommended conditions.

The management of earthworks will ensure the land is suitable for its future use including requirements to resolve any issues of potential contamination prior to the issue of a Construction Certificate. The site has a history of disturbance with substantial filling and recontouring of the site for the original construction of the swimming centre and it is unlikely that relics will be disturbed with the new works.

- 6.3 Flood Planning  
 Clause 6.3 to Manly LEP 2013 applies to land that is at or below the flood planning level. The northern edge of the site is within the AEP 100% flood zone. Works proposed within the flood affected land are limited to the driveway entry/exit and the community facility building.

Clause 6.3 aims to control flood hazard to minimise risk of harm to life, property and the environment and allow development where it is compatible with flood hazard (including accounting for climate change). Clause 6.3 requires the consent authority to be satisfied that a development is consistent with the matters listed in the following table. The table also contains comments with respect to the proposal to demonstrate how these matters have or will be satisfactorily addressed. The matters for consideration are:

- Compatible with the flood hazard of the land
- Not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential floor affectation of other development or properties
- Incorporates appropriate measures to manage risk to life from flood
- Not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or reduction in stability of river banks or watercourses
- Not likely to result in unsustainable social and economic costs to the community as a consequence of flooding

Council's Engineers have assessed the development application and determined that construction and ongoing operation of the proposal will be compatible with the potential flood impacts. Conditions of consent are recommended for an Operational Plan which includes management responsibilities for safe storage of goods and equipment and safe evacuation of people in the event of a flood incident.

- **Clause 6.4 Stormwater Management**

The objective of Clause 6.4 is to minimise the impacts of urban stormwater on development sites, adjoining property, native bushland and receiving waters. In granting consent, the consent authority must be satisfied that the development:

- “ (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) *includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) *avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.”*

Council's Stormwater Engineer has assessed the proposal in accordance with the requirements of Clause 6.4 and determined that the arrangements for Stormwater Management are satisfactory.

- **Clause 6.12 Essential Services**

Clause 6.12 requires the consent authority to be satisfied that services essential to the operation of a development are available or that adequate arrangements have been made to make those services available when required. The essential services required to support the proposal are reticulated water and sewer, supply of electricity, stormwater drainage and vehicular access and egress.

All essential services are currently available at the site and can be upgraded as required to accommodate the proposal. Conditions are recommended for the connection of these services to an appropriate capacity in consultation with the relevant service providers.

In summary, the proposal meets all the requirements of Manly LEP 2013 and conditions are recommended to ensure compliance during demolition, construction and ongoing operation as appropriate.

***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)***

There is no applicable Draft Environmental Planning Instruments.

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

***Manly Development Control Plan 2013***

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

Part 3 General Principles of Development

**3.1 Streetscapes and Townscapes - Visual Impact**

The Balgowlah Road elevation will be the most visually prominent in the streetscape. This elevation is to include large glazed panels to provide visual interest from within and outside the swim centre building and contribute activity to the streetscape without introducing activities external to the building which could generate noise or result in a loss of amenity for residential properties on the opposite side of the road. Deep soil planting is proposed within the setback

to Balgowlah Road to further enhance the presentation of the development as viewed from the street.

The southern-most corner of the Balgowlah Road elevation has a zero setback to the street boundary where the building comes to a point and presents a solid wall three storeys in height. The interior space contains the spa, water balance and backwash tanks for the spa, a brine plant room (for chemical sanitising of pool water) at ground floor level, a steam plant room at mid-level and unroofed air handling units behind a parapet wall on the uppermost level. Solid walls are necessary to contain these features and operational mechanics for the circulation of air and water dictate the levels and location of these features. This point of the building is an angular corner and will be prominent in the streetscape. Conditions of consent are recommended for the inclusion of glass blocks to the area of the wall adjacent to the spa in order to break up the expanse of solid exterior wall and to provide natural light to the spa area.

Mature trees and fencing shall be retained to the street frontage adjacent to the existing outdoor pool area and additional landscaping works will further enhance (but not significantly change) the streetscape as viewed from the north east.

Landscaping is to be provided between the car parking area and Kenneth Road to improve the streetscape to the northern edge of the site. Conditions are recommended that the space created from the demolition of the existing entry building, kiosk and club rooms be replaced with landscaping.

Although not a 'streetscape', the visual impact of the western wall of the swim centre building is important as it is prominent as viewed from LM Graham Reserve. The new community facility building is also prominent in the streetscape of Kenneth Road. Conditions are recommended for changes in colours, materials and finishes to the western façade of the swim centre building and to the exterior of the community facility to enhance the visual impact of these buildings as viewed from adjoining public space.

#### **3.1.1.1 Complementary Design and Visual Improvement**

There is no established character for the existing streetscape of the site and the adjoining reserve as only a minor portion of the site contains buildings. Therefore the proposal is not required to conform to an established built form, character or scale.

The design of the buildings is contemporary and fit-for-purpose. Recommended conditions of consent regarding the provision of additional design details mentioned above will adequately achieve facades that enhance the scenic amenity of the neighbourhood.

There are no buildings in close proximity to the development site. The nearest buildings are two and three storey residential buildings. Residential properties east and south of the site have ground levels elevated above the level of Balgowlah Road and the subject site as shown in Figure 6.



**Figure 6: Residential flat building east of the site (bus bay in foreground)**

The overall building height will not be out of character for the site and is appropriate to the design and purpose of the buildings.

It is noted that several submissions have made comment on the architectural design of the proposal which is to be expected for a public domain project of this scale on part of a public reserve. The submissions have included several comments in relation to the proposed design of the works and some of the design choices made by the applicant have been criticised. The assessment of these comments is made more difficult by the fact that the applicable planning controls do not provide specific directions on the actual design of buildings in Zone RE1 but rather include planning objectives most of which do not relate to built structures. We note that the proposal is the result of some public consultation and part of a broader Masterplan for LM Graham Reserve.

It is considered on the whole, that the proposal meets the planning objectives for the subject site and locality and that planning assessment under Section 79C of the EP&A Act, 1979 and fits with the context and setting of the site, the reserve and surrounding land uses. Therefore, whilst the design choices made for the proposal are not without debate, the proposal is considered to be an appropriate design solution that appropriately contains a variety of indoor recreational facilities to enhance the recreational opportunities available.

### **3.3 Landscaping and Tree Preservation**

Council's Landscape Architect has reviewed the Landscape Plan submitted with the application and determined the plan to be acceptable subject to conditions. Recommended conditions of consent aim to achieve retention and protection of some mature trees and new landscaping compatible with the proposal that will make a positive contribution to the site and local biodiversity while being low maintenance and suitable for the microclimatic conditions.

### **3.4 Amenity, Views, Overshadowing, Overlooking/Privacy, Noise**

In terms of views, the site is relatively flat and the existing ground level is similar to or lower than the ground surface levels of nearby residential properties to the east and south.

The residential flat buildings as shown in Figure 6 are oriented towards the site with outlooks over Balgowlah Road and the swim centre. The height of the proposed swim centre building has been determined by:

- The 100% AEP flood zone;
- The finished levels of the existing swimming pools and integration with these pools;
- Limitations to excavation due to the presence of fill, a high groundwater table and acid sulphate soils; and



- The need to maintain appropriate microclimatic conditions for the indoor swimming area.

The height of the proposed building will not be out of character and will not unreasonably obstruct views and outlooks from nearby residential properties.

In terms of overlooking, there are no situations of overlooking or loss of privacy created by the proposal. The swim centre building is more than 30m from the nearest dwelling which is separated from the site by Balgowlah Road and shown in Figure 6.

In relation to shadow to be cast by the proposal, it will not impact on residential properties.

With regard to noise, Council's Environmental Health Officer has identified all potential noise sources and recommended appropriate conditions for noise attenuation by way of details to be submitted with an application for a Construction Certificate, a Noise and Vibration Management Plan for demolition and construction, standard limits to the hours and days for site works, certification of mechanical ventilation and ongoing operational management requirements to appropriately control noise likely to be emitted from the site and for protection of the amenity of the neighbourhood.

### **3.5 Sustainability**

The building will incorporate ecologically sustainable strategies including:

- design features for the control of the interior microclimate to reduce reliance on mechanical ventilation, heating and cooling;
- incorporation of skylights and appropriate glazing and external window louvres to utilise natural light and interior temperatures.

Conditions are recommended for the use of materials and finishes that are low maintenance and highly durable to reduce energy and resource demands for maintenance.

Opportunities for waste reduction and recycling have been demonstrated in the Waste Minimisation and Management Plan.

### **3.6 Accessibility**

Accessibility has been evaluated in the Access Review Report prepared by Morris Goding Accessibility Consultants and Council's Access Committee. The specific recommendations of the Access Review Report have been included in the recommended conditions of development consent. The Report also includes advisory conditions for:

- reception counters and servery counters to include a lower public counter section, no greater than 870mm height above FFL with suitable knee/toe clearance for wheelchair users, compliant with AS1428.2;
- consideration for fire egress doors to have 850mm clear width;
- consideration for stair 3 to have regular stair geometry i.e. handrails at 90 degrees to stair tread and not at an angle for improved safety; and
- consideration for provision of a sling style swimming pool lift (e.g. removable pelican hoist) to enable access into spa pool, compliant with DDA Access Code Part D5.

Considering these buildings are public buildings, providing a high standard of access and amenity for people of all ages and abilities is expected. The advisory conditions have been included as recommended conditions of consent.

Changes have been made to the plans submitted with the application to address the issues raised by Council's Access Committee as discussed previously in this report.

Manly DCP 2013 requires four (4) accessible car parking spaces if both the 46 on-site spaces and the 170 on-street spaces are taken to be the parking provisions supporting the development proposal. Conditions of consent are recommended that a total of four (4) spaces within the on-site car parking area are designed and allocated as accessible spaces.

### **3.7 Stormwater Management and 3.8 Waste Management**

These matters have been examined previously in this report and appropriate conditions are recommended to ensure the development is consistent with Council's requirements.

#### Part 4 - Development Controls (Other Development (all LEP zones))

##### **4.4.1 Demolition**

Manly DCP requires Construction Site Management Plan and Waste Minimisation and Management during demolition.

Plan submitted with the development application are acceptable and the plans have been included in the list of documents forming part of the development consent.

##### **4.4.5 Earthworks (Excavation and Filling)**

- Manly DCP includes the following requirements with respect to earthworks;
- Retain existing landscape character and natural features;
- Limit areas excavated to minimum needs to accommodate proposed works;
- Maximum excavation to 1m below natural ground level;
- Dilapidation survey report required for nearby structures where excavation exceeds 1m and in close proximity; and
- Maximum fill to 1m above natural ground level.

The proposed finished levels have been selected to integrate with the levels of the existing pools to be retained. Site works are limited to the areas of the building footprints and car parking area and associated upgrading of services and utilities. The maximum excavation depth is estimated to be 1.7m and this will occur mostly within fill previously placed on the site. Conditions of consent are recommended in accordance with the Geotechnical Report prepared by JK Geotechnics and dated 18 July, 2013 for a dilapidation survey to be prepared for existing 50m swimming pool prior to the commencement of construction. The depth of fill associated with the proposal will be variable but wholly contained within the building footprints.

Building siting, height and floor space ratio

It is noted that there are no provisions in Manly DCP 2013 for building height, setbacks or floor space ratio for development on land in Zone RE1.

The swim centre building is proposed to be setback to Balgowlah Road tapering from zero at the southernmost corner to 8m towards the north east corner of the building. The setback has sufficient dimensions for deep soil planting for the majority of the setback.

The community facility building is to be set back approximately 1m from the boundary to Kenneth Road. This setback is compatible with the facility incorporating a bus shelter that is close to the kerb side and minimising encroachment onto the space available to the south for LM Graham Reserve.

Building height has been discussed previously in this report and it is considered that the proposed building height is suitable for the purpose and will not be detrimental to the streetscape

#### Part 5 - Special Character Areas and Sites

There are no provisions within Part 5 to Manly DCP that apply to the proposal.

**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 to be entered into in accordance with section 93F to the EP&A Act, 1979.

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

The relevant sections of the EP&A Regulations 2000 have been complied with in the assessment of the proposal.

### **79C(1)(a)(v) – any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)**

There is no Coastal Zone Management Plan applicable for the Manly area.

### **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**

#### Topography and Scenic Impacts

The site is flat and finished floor levels and height of the swim centre building have been determined by:

- compatibility with the 100% AEP flood level and the level of the existing swimming pools;
- the depth of fill, depth of ground water and to prevent disturbance of Acid Sulfate Soils;
- the mechanical plant and equipment and the pipes, ducts and balance tanks beneath the ground floor level; and
- the circulation of air and control of microclimate within the building.

The proposal will have no impact on natural topography beyond the limit of site works. The swim centre building will make a significant change to the streetscape and the appearance of the site as viewed from nearby residential flat buildings in Balgowlah Road. However, significant attention has been given to the design quality and architectural features of the swim centre building to present an open, engaging facade to Balgowlah Road. Improvements to the western facade of the swim centre building and to the elevations of the community facility building are recommended as conditions of consent.

#### Microclimatic Impacts

The new buildings shall not change the solar access and prevailing winds experienced at nearby residential properties.

#### Water and Air Quality Impacts

Conditions are recommended for appropriate maintenance of mechanical ventilation systems. The swim centre building incorporates design features which use both passive and energy-dependent means to maintain appropriate interior conditions.

Council's Stormwater Engineer supports the methods for stormwater management and standard conditions are recommended for the management of soil, dust and water during demolition and construction.

#### Flora and Fauna Impacts

Council's Landscape Architect recommends both standard and specific conditions for the protection and retention of nominated trees and the implementation of new landscaping compatible with the building design, microclimate and local biodiversity values.

#### External Appearance and Design

As discussed previously in this report, the design of the buildings accommodates a variety of recreational uses and ancillary uses which are compatible with the existing swim centre and with the uses of LM Graham Reserve.

The external appearance of the buildings is highly appropriate, subject to conditions recommended for some further enhancement of the external facades of the community facilities building and the western elevation and southern corner of the swim centre building.

## Relationship to Neighbouring Properties

### *Solar Access*

The swim centre building does not impact on solar access available to nearby residential properties. The new buildings shall cast shadow onto the playing fields to the west of the swim centre in the early morning during winter. However, this increased shadow will not be detrimental to the potential use of the recreational space.

### *Views*

No views will be detrimentally affected.

### *Aural and visual privacy*

The proposal will not result in overlooking or loss of privacy for neighbouring properties. Conditions of consent are recommended to control the generation of noise and protect the aural amenity of nearby residential properties.

## Economic and Social Impacts

The proposal is an opportunity for the provision of improved quality and variety of recreational activities available to people of all ages and abilities. Therefore the proposal has the potential to significantly enhance the health, physical and mental well-being of users and create opportunities for recreation in a shared facility which promotes social health.

In economic terms, the Council has been provided with a limited opportunity for funding assistance which has enabled this project to be undertaken at significantly reduced overall cost. Ongoing operation and maintenance costs shall be subject to monitoring and review in the same way as all Council's facilities and services consistent with the goals and strategies in Council's Community Strategy Plan and Operational Plan to deliver high quality, value-for-money services and facilities to the community.

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

### Location and dimensions of site

The site is well known and used as a swim centre and the proposal capitalises on the existing facility and enhances the range of recreational opportunities available for current and future users.

The site is flat and of appropriate dimensions to accommodate the proposed swim centre. The siting and finished levels are also compatible with the retention of the existing outdoor swimming pools and the overall layout ensures that adequate space is available within LM Graham Reserve for a variety of other recreational facilities being considered in the Masterplan.

The siting of the new community facilities building is also appropriate being adjacent to the bus stop in Kenneth Road and in close proximity to the sportsfields area without encroaching on the field layout.

### Access to services

All essential services are available and construction and operation of the buildings can be compatible with the nearby residential land uses subject to the recommended conditions of consent for the protection of amenity and public health.

### Traffic and Parking

Traffic and parking has been examined previously in this report. A maintenance vehicle entry/exit driveway is proposed adjacent to the south west corner of the building and will be used infrequently for delivery and service vehicles. Council's Traffic Engineer has confirmed that there are safe sight distances for the movement of service and delivery vehicles and the movement of pedestrians, cyclists and vehicles along the adjoining footpath and public road reserve.

## Hazards

The development shall be compatible with the proximity to the 100% AEP flood level subject to conditions for appropriate management response in the event of a flood to be detailed in an Operational Plan submitted with the application for a Construction Certificate.

## Crime Prevention Through Environmental Design (CPTED)

### *Surveillance*

The swim centre is mostly open form internally with clear lines of sight within the areas containing the swimming pools. Personal lockers are clearly visible from the general concourse areas. Reception and staff areas are clearly visible at the single entry point.

All pools have open concourse areas surrounding them for safe viewing by spectators and supervising/lifesaving staff.

The car parking entry/exit will be clearly identifiable in the streetscape and the on-site car park will have clear lines of sight to the main entry/exit ramp.

Car parking in Kenneth Road is linked to the swim centre by a paved footpath which is visible from and adjacent to the road reserve.

The community facility building includes a bus shelter which is open to the north, east and south to permit a high level of surveillance from adjoining public spaces.

### *Territorial reinforcement*

The perimeter of the swim centre will be clearly defined by the edges of the new building along the south and west and by security fencing along the north east and north. The single entry point will be clearly visible in Kenneth Road.

### *Access Control*

Access to the swim centre is controlled at the single entry/exit point with turnstiles and a gate adjacent to a reception desk. The crèche is provided with a sign in/sign out desk close the main entry to the swim centre.

Plant, treatment and storage rooms shall be suitably secured with locked doors accessible only by centre staff and management.

Access and use of the community facility building shall be controlled in accordance with keys issued by Council to nominated approved persons representing groups approved to use LM Graham Reserve.

### *Maintenance*

Council will have ongoing responsibility for the care, control and maintenance of the swim centre and community facility building.

### **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 Development Control Plan 2013 Section 2.2 and publicly advertised in the Manly Daily newspaper and the newspaper website. The development application and supporting information was also available on Council's website and at Council's Customer Service desk. A total of 122 submissions were received during the exhibition period. After the close of the exhibition period, further submissions were received from:

- the Honourable Mike Baird MP State Member for Manly;
- a joint submission from the Precinct Groups;
- a draft submission from Council's Public Domain Committee; and
- two further public submissions.

The proposal was referred to all Precinct Community Forums for comment on the 6<sup>th</sup> September 2013. Comments were received from the following Precincts:

- Balgowlah Heights
- Clontarf
- Fairlight
- Fairy Bower
- Ivanhoe Park
- Little Manly
- North Harbour
- Ocean Beach
- The Corso

All matters raised by the Precinct Groups and in community submissions are summarised in the following table:

<b>Table 1: Matters relevant to the assessment of DA177/2013 raised by Precinct Groups and in Community Submissions</b>			
<b>Topic</b>	<b>Issue Raised</b>	<b>Number of times issue raised by Precinct Group</b>	<b>Number of times issue raised in Community Submissions</b>
<b>Parking</b>			
	Inadequate on-site parking	6	16
	Inadequate parking for sportsfields	2	3
	Inadequate accessible parking	2	2
	Request additional accessible parking adjacent to Balgowlah Road	1	0
	Parking required for parents with prams	2	0
	Parking in Kenneth Road is too far from the main entry	0	2
	Parking should be time limited for appropriate turn over	1	0
	Reduced on-street parking available for residents	4	10
	Safety concerns for traffic and pedestrians at southern corner of swim centre building	0	1
<b>Traffic</b>			
	On street parking detrimental to or incompatible with local traffic flow	4	0
<b>Facility design</b>			
	Request the design of the building be made the subject of a Design Excellence Competition	1	0
	Design not 'visionary' or of best quality	1	0

	Request an additional 25m pool or an adaptable 25m pool suitable for water polo, underwater hockey and synchronised swimming	5	85
	Seek clarification of which buildings are to be demolished (not clear on plans)	1	0
	Request more formal seating for spectators at all pools	1	0
	Toilets and change rooms should be added closer to the outdoor pools to reduce distance to access and add to convenience especially for elderly users and young children	2	8
	Expect toilets, change rooms and kiosk for LM Graham Reserve to form part of this project	1	0
	Potential for overshadowing of existing 50m pool	0	1
	Request new secured bicycle storage area close to entry	0	1
	Improve pedestrian and cyclist accessibility to the site via new shared pathways with safe lighting and controlled crossings in adjoining public roads	0	4
<b>Internal features</b>			
	Indoor pools will have inadequate ventilation	0	1
	Relocate café/kiosk to western wall for dual use with LM Graham Reserve	1	6
	Delete leisure pool, spa and steam room due to high maintenance, staff resources and operating costs	4	22
	Gym excessive to local needs (many private gyms in the local area)	4	26
	Request multi-purpose meeting rooms (could be combined with weights training / gymnasium area)	4	8
	Request hydrotherapy pool	3	6
	Add hot showers internal to change rooms and toilet facilities (external shower bank insufficient for people changing clothes for work etc.)	2	5
	Increase the size of change rooms including for accessibility	2	3
	Request universal access into all pools (new and existing)	0	2
<b>External building features</b>			
	Excessive height and scale	1	7
	Do not support high blank walls to LM Graham Reserve (west elevation)	1	3
	More visual and operational integration with LM Graham Reserve to the west with surveillance	3	6
	Entrance ramp too long and narrow	2	6
	Request all weather cover to entry and accessible car spaces	0	1
	Request second entrance in Balgowlah Road	2	4
	Roof should be used for solar power generation from the outset	1	0
	High wall to Balgowlah Road elevation imposing – request a mural, more articulation and more landscaping	1	4
	Inadequate street setbacks and domination of streetscape	0	4
<b>Impact on adjoining sportfields</b>			
	Potential encroachment and reduction in size of adjoining sports fields	1	7
	Reduced area available for dog walkers	1	1
	Loss of half basketball court	1	0
	Shadow impacts on sports fields	0	2

<b>Consultation process</b>			
	Request more consultation with all users of LM Graham Reserve and the general community	1	5
<b>Loss of trees</b>			
	Loss of trees and impacts to streetscape	1	1
<b>Construction</b>			
	Concern for duration of construction and time that pools will be out of use	0	1
<b>Operational</b>			
	Request longer operating hours	3	4
	Concern at high project cost	5	16
	Concern over economic viability of the project	5	16
	Request guarantee that facility remains in public ownership and a public facility	1	1
	Concern that entry fees will increase	5	9
	Concern that general rates will increase	0	3
	Potential revenue to be gained from catering to needs of water polo training and competition	0	5
	Potential noise nuisance from gym	0	2
<b>Other</b>			
	Independent planning assessment required		
	Concerns for impacts of building on flood prone land	0	4
	Congratulate and commend Council on a worthwhile and positive project	0	5

The following assessment comments are made in response to the issues raised by Precinct Groups and the community.

#### Parking:

##### *Issue: Inadequate on-site parking and inadequate parking for sportsfields*

Assessment Comment: The existing 87 on-site parking spaces are to be replaced with 46 on-site spaces and 170 on-street parking spaces in Kenneth Road. The Traffic Assessment demonstrates that this will cater for the peak demand for parking generated by the proposed swim centre building and the continued operation of the existing outdoor pools such that parking can continue to be shared with the users of other features of LM Graham Reserve.

##### *Issue: Inadequate accessible parking*

Assessment Comment: The Access Review Report did not recommend that the number of proposed accessible car parking spaces be increased. There are three (3) accessible spaces in the current car park and Council's Development Control Plan requires a minimum of four (4) spaces. Given the improved accessibility of the site and its features it is reasonable to expect that the number of people with a disability visiting the swim centre shall increase. Therefore conditions of consent are recommended to provide four (4) on-site accessible car parking spaces.

##### *Issue: Request additional accessible parking adjacent to Balgowlah Road*

Assessment Comment: The sight distances, grades and dimensions of the setback areas in Kenneth Road have been reviewed and there are no locations along the frontage to Balgowlah Road that are suitable for additional accessible car parking.

##### *Issue: Parking required for parents with prams*

Assessment Comment: Parking for parents with prams is consistent with Council's Community Strategic Plan to provide public facilities with a high level of amenity for all future users. Conditions are recommended for the provision of two spaces suitable for use by parents with prams.



*Issue: Parking in Kenneth Road is too far from the main entry.*

Assessment Comment: Parking in Kenneth Road is considered to be an acceptable arrangement to cater for peak parking demands for the swim centre as well as create additional parking opportunities for users of other facilities at LM Graham Reserve. The Traffic Assessment demonstrates that for the majority of operational time, the proposed on-site parking will be adequate.

*Issue: Parking should be time limited for appropriate turn over*

Assessment Comment: It is more appropriate that Council monitor and review the spatial and temporal patterns of car parking associated with the centre and with the broader use of LM Graham Reserve before considering time limited restrictions on parking.

*Issue: Reduced on-street parking available for residents.*

Assessment Comment: Relocation of the main entry to the Kenneth Road frontage directs visitors to Kenneth Road and this section of road does not front residential properties. It is considered that this has the potential to actually reduce the incidence of swim centre patrons using on-street parking in nearby residential streets as these streets are further from the entry than the parking spaces to be created in Kenneth Road.

*Issue: Safety concerns for traffic and pedestrians at southern corner of swim centre building*

Assessment Comment: Council's Traffic Engineer has evaluated the safe sight distance for pedestrians, cyclists and vehicles at the southern corner of the swim centre building and determined that the proposed building height and setback will not be detrimental to the safe movements of people and vehicles at this point on the footpath and the road reserve and the infrequently used service and delivery accessway adjacent to the western side of the swim centre building.

## Traffic

*Issue: On-street parking will be detrimental to or incompatible with local traffic flow*

Assessment Comment: The Traffic Assessment concludes that the proposed parking arrangements will not require traffic management measures in the surrounding road network.

## Facility Design

*Issue: Request the design of the building be made the subject of a Design Excellence Competition (and) Design not "visionary" or of best quality*

Assessment Comment: The design of the building is considered appropriate. The swim centre building is fundamentally designed-for-purpose to accommodate several specialised indoor swimming pools, spa and sauna with ancillary water balance tanks, treatment and mechanical plant rooms, artificial microclimatic control and additional spaces for other leisure activities and support features such as the office spaces, workout rooms, amenities, kiosk/cafe and creche.

Features have been incorporated into the swim centre building to use direct solar access and natural light and ventilation to reduce reliance on mechanical means. Attention has been given to ensure that the Balgowlah Road elevation creates visual interest and connection between the street and the building interior. Conditions are recommended for minor additional design features to be incorporated into the western facade and the southern corner of the swim centre building to further enhance the visual impact of the building. Overall the design is an efficient and appropriate combination of fit-for-purpose construction and operation incorporating eco-friendly features and aesthetically appealing. Similarly the design of the community facility building is fit-for-purpose and intended to be low-maintenance, highly durable and conservative in its appearance. Conditions are recommended for some minor enhancement of the facades of this building using variations in colours, materials and finishes.

That the design is "not visionary" or could be improved by a "design excellence competition" are value laden comments and do not warrant detailed assessment outside of the planning controls. Notwithstanding, design trends and objectives change over time. In this regard, the proposal is

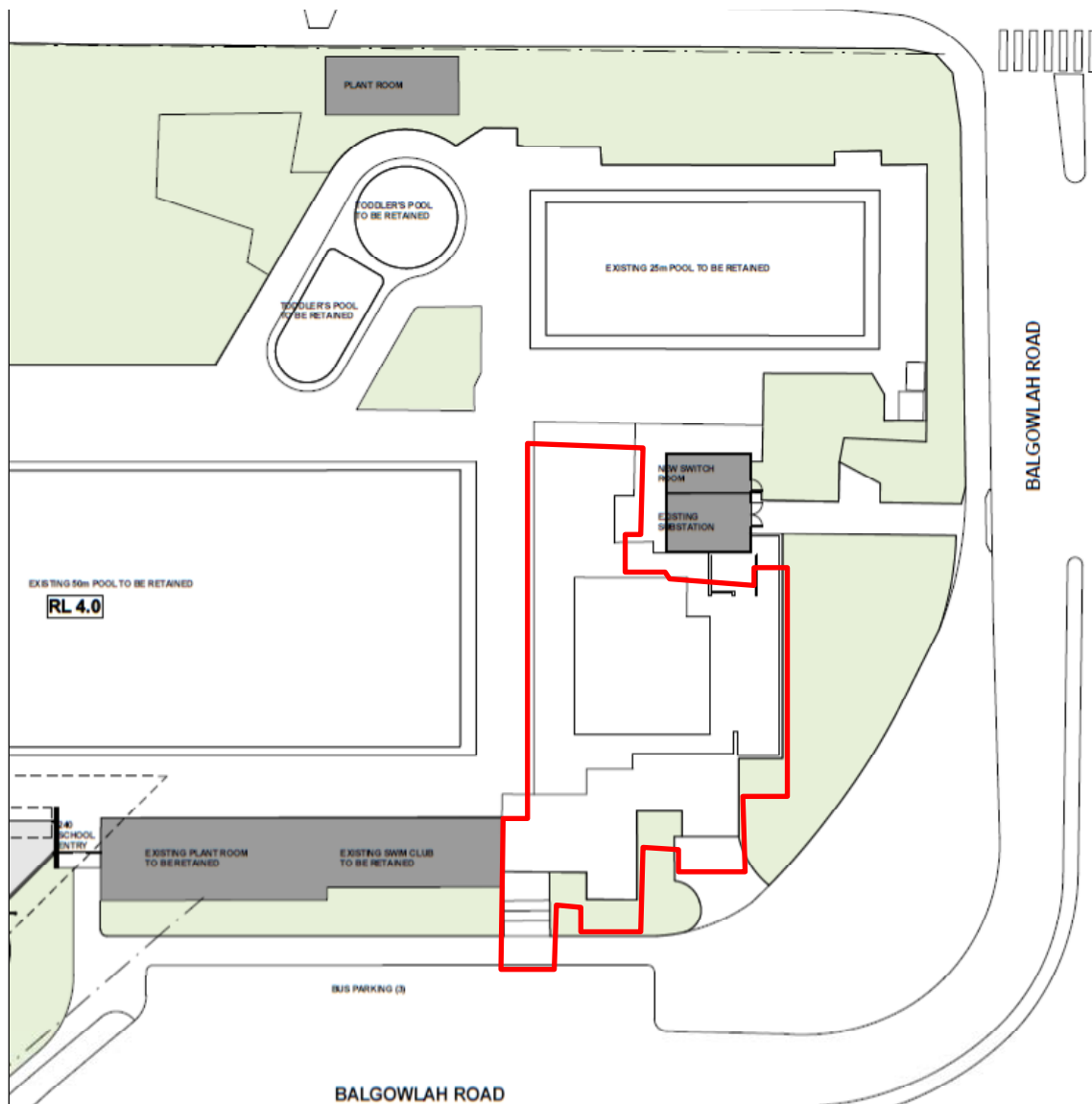
considered to provide for robustness in that none of the design components will set in place an urban form that will be 'dated' or redundant over the reasonable lifetime of the buildings. Therefore, whilst the design choices made for the proposal are not without debate, the proposal is considered to be an appropriate design solution that meets the planning intent for a recreational facility on a public reserve in a setting that includes large areas of open space and a mix of low and medium density housing. A Design Excellence Competition is not expected to result in significant advantages to the overall process nor quality of the building within the available budget and time limitations.

*Issue: Request an additional 25m pool or an adaptable 25m pool suitable for water polo, underwater hockey and synchronised swimming*

Assessment Comment: The existing pools are currently used for water polo training. This assessment applies only to the design and layout of the proposal as submitted. Consideration of new or additional facilities and features is a separate matter for Council's consideration.

*Issue: Seek clarification of which buildings are to be demolished (not clear on plans).*

Assessment Comment: Figure 7 indicates the existing buildings proposed to be demolished as shown by red outline. Conditions of consent are recommended for additional toilet, change room and shower facilities be provided in conjunction with the swim club room to be retained to the south of the 50m pool.



**Figure 7: Extract from Level 2 Plan showing structures proposed to be demolished.**

*Issue: Request more formal seating for spectators at all pools.*

Assessment Comment: Conditions of consent are recommended for appropriate seating to be provided adjacent to all pools for use by spectators.

*Issue: Toilets and change rooms should be added closer to the outdoor pools to reduce distance and add to convenience especially for elderly users and young children.*

Assessment Comment: Conditions are recommended for the provision of toilets, change rooms and showers including universally accessible facilities close to the existing swim club rooms to the south of the 50m pool to address this matter.

*Issue: Expect toilets, change rooms and kiosk for LM Graham Reserve to form part of this project.*

Assessment Comment: The revised Statement of Environmental Effects and revised plans demonstrate that the community facility adjacent to Kenneth Road forms part of this development proposal.

*Issue: Potential for overshadowing of existing 50m pool*

Assessment Comment: The 50m pool is located on the northern side of the proposed swim centre building and will not be detrimentally impacted by shadow.

*Issue: Request new secured bicycle storage area close to entry*

Assessment Comment: Conditions are recommended for the provision of a secured bicycle storage area close to the entry/exit and for details of this design change to be included in plans submitted with the Construction Certificate.

*Issue: Improve pedestrian and cyclist accessibility to the site via new shared pathways with safe lighting and controlled crossings in adjoining public roads*

Assessment Comment: The footpaths in Kenneth Road and Balgowlah Roads are well formed and provide safe and convenient access to the swim centre and community facilities building. Council's Traffic Engineer did not identify a need for traffic management works such as pedestrians crossings.

#### Internal Features:

*Issue: Indoor pools will have inadequate ventilation*

Assessment Comment: The Statement of Environmental Effects and plans demonstrate the design features associated with appropriate ventilation of the indoor swimming areas. Conditions are recommended to ensure the operation of the mechanical ventilation system is in accordance with the relevant legislation and is not detrimental to the health and amenity of the public and nearby residents.

*Issue: Relocate cafe/kiosk to western wall for dual use with LM Graham Reserve.*

Assessment Comment: The kiosk/cafe has been centrally located in relation to the indoor and outdoor pools. A separate kiosk/cafe is included in the community facilities building and can be operated in conjunction with the sportsfields.

*Issue: Delete leisure pool and slide, spa and steam room due to high maintenance and additional staff resources and operating costs.*

Assessment Comment: This assessment applies only to the design and layout of the proposal as submitted. Deletion of facilities and features based on maintenance, resources and operating cost is a separate matter for Council's consideration.

*Issue: Gym excessive to local needs (many private gyms in the local area).*

Assessment Comment: The exercise rooms proposed in the swim centre building can provide exercise opportunities in conjunction with the use of the swimming pools such as squad training, team training and overall fitness and rehabilitation training programs. The swim centre may be considered to have an advantage over other local gyms in providing multiple workout and exercise

opportunities in and out of the water at the same venue.

This assessment applies only to the design and layout of the proposal as submitted. Deletion of facilities and features based on maintenance, resources and operating cost is a separate matter for Council's consideration

*Issue: Request multi-purpose meeting rooms (could be combined with weights training / gymnasium).*

Assessment Comment: The fitness rooms are designed as multi-use rooms and the specific nature of their use will be determined by a Centre Management Plan.

*Issue: Request hydrotherapy pool*

Assessment Comment: The proposed indoor Program Pool is suitable for hydrotherapy. The pools are to be provided with accessible entry/exit in accordance with the recommendations of the Access Review Report submitted with the development application.

*Issue: Add hot showers internal to the change rooms/toilet facilities (the proposed external shower bank is insufficient for people changing clothes for work etc).*

Assessment Comment: Conditions are recommended for the provision of showers with additional toilet and change room facilities to be accommodated in the swim club building to the south of the 50m pool.

*Issue: Increase the size of the change rooms including for accessibility*

Assessment Comment: Amended plans have included universally accessible toilets on the upper floor between the group fitness and training/cardio rooms. Conditions are recommended for the change rooms at ground floor level to be reconfigured such that one room is to be a family change room and the other to be universally accessible.

*Issue: Request universal access into all pools (new and existing)*

Assessment Comment: Pools are to be provided with universal access.

### External Building Features

*Issue: Excessive height and scale*

Assessment Comment: The height and scale of the building has been examined throughout this report and determined to be satisfactory.

*Issue: Do not support high blank walls to LM Graham Reserve (west elevation)*

Assessment Comment: Conditions of consent are recommended for additional design features to be included in the western wall to add interest as viewed from LM Graham Reserve with consideration to be given to the inclusion of public art opportunities.

*Issue: More visual and operational integration with LM Graham Sportfield to the west with opportunities for casual surveillance and a two-way cafe/kiosk*

Assessment Comment: There are windows in the western wall which, although screened with fixed metal external louvres, will allow for some casual surveillance of the sportsfield to the west. The group fitness room features small balconies with double doors in the western wall. A kiosk/cafe is included in the community facility building adjacent to Kenneth Road for the use of visitors to the sportfields.

*Issue: Entrance ramp too long and narrow*

Assessment Comment: The design of the ramp is supported by the Access Review Report along with recommendations for a condition that a BCA Report be submitted with the Construction Certificate ensuring that the minimum dimensions of the ramp take account of the protrusion of handrails and grades. Conditions of consent are recommended that the entry ramp be provided with an all weather permanent awning to protect all visitors from inclement weather and for a rest bay mid way along the ramp for people less mobile and people with a disability to pause and/or rest along the ramp in a place which does not interfere with the general two way movement of

pedestrians, prams, wheelchairs and the like.

*Issue: Request all weather cover to entry and accessible car spaces*

Assessment Comment: Conditions are recommended to provide an all-weather awning cover for the full length of the access ramp to the main entry.

*Issue: Request second entrance in Balgowlah Road.*

Assessment Comment: A secondary entrance/exit is provided in Balgowlah Road for groups arriving to the centre by bus. The relocation of other vehicle and pedestrian activity to the Kenneth Road is considered to be a significant improvement to the amenity of nearby residents.

*Issue: Roof should be used for solar power generation from the outset*

Assessment comment: The roof has been designed to accommodate solar power generation panels. However, this project has a fixed budget which does not extend to provisions for solar power generation.

*Issue: High wall to Balgowlah Road elevation is imposing - request a mural, more articulation and more landscaping*

Assessment Comment: The extensive glazing in the Balgowlah Road elevation focusses visual attention on the interior of the building and not on the external building design. Articulation has the potential to reduce the area available for landscaping. The proposed landscaping includes areas for deep soil planting and growth of canopy trees compatible with the height of the new building and is supported by Council's Landscape Architect.

*Issue: Inadequate street setbacks and domination of the street.*

Assessment Comment: The swim centre building is set back almost 60m to Kenneth Road and will not be visually imposing. The setback to Balgowlah Road tapers from an 8m setback to the north east corner of the building (near the school entry) and a zero setback at the southern end. The setback allows sufficient space for quality landscaping and a large portion of this elevation is glass which significantly reduces the visual impact of the building by allowing views through the building. Conditions are recommended for the facade of the southern corner of the building to incorporate glass blocks to add visual interest as viewed from the exterior and allow natural light into the spa area.

### Impact on Adjoining Sportsfields

*Issue: Potential encroachment and reduction in size of adjoining sports fields*

Assessment Comment: The swim centre building provides a 6m setback to the playing fields to the west and does not compromise the layout of sportsfields being developed with the Masterplan for LM Graham Reserve. The community facility building is setback 1m from the Kenneth Road boundary to maximise space available for playing fields and other users of the reserve.

*Issue: Reduced area available for dog walkers*

Assessment Comment: The proposal will occupy some parts of the reserve currently used for other purposes including dog exercising. However, the draft Masterplan for the reserve has allocated space for a variety of recreational uses to improve the ways in which space is used throughout the reserve.

*Issue: Loss of half-court basketball court*

Assessment Comment: The half-court basketball court is to be relocated further west within LM Graham Reserve as shown on the draft Masterplan.

*Issue: Shadow impacts on sports fields*

Assessment Comment: The shadow to be cast onto the sportsfields by the swim centre building will only occur early mornings in midwinter and will not be detrimental to the potential use of this space for sporting events.

## Consultation Process

*Issue: Request more consultation with the users of LM Graham Reserve*

Assessment Comment: The number and quality of public submissions received during and after the public exhibition of this development application indicates that the community are well aware and well informed of the proposal. Council coordinates a LM Graham Reserve Working Group and further comments and consultation on all aspects of the reserve can be conveyed via this Working Group.

## Loss of trees

*Issue: Loss of trees and streetscape impacts*

Assessment Comment: Some trees are required to be removed to accommodate the proposed works. Where possible existing trees are to be retained and protected during construction and incorporated into new landscaping works. Council's Landscape Architect supports the proposal and has recommended suitable conditions for the retention of specific trees and inclusion of additional trees with new landscaping.

## Construction

*Issue: Concern for duration of construction and the time that pools will be out of use*

Assessment Comment: The existing pools will be available for use during demolition and construction works. The period of demolition and construction is estimated at six to eight months from the commencement of works depending on weather conditions.

## Operations

*Issue: Request longer operating hours*

Assessment Comment: Council does not propose to change the current days and hours of operation.

*Issue: Concern at high project cost and concern over the economic viability of the project*

Assessment Comment: The project costs and project viability have been the subject of previous considerations by Council in accordance with Council's Community Strategic Plan and Operating Plans.

*Issue: Request the facility remains in public ownership and a public facility*

Assessment Comment: The facility is under Council's care, control and ownership.

*Issue: Concern that entry fees will increase*

Assessment Comment: The entry and membership fees are determined by Council on an annual basis in accordance with Council's adopted Fees and Charges. The draft Fees and Charges are available for public comment and included in Council's Ordinary Meeting agenda in the first quarter of each year.

*Issue: Concern that general rates will increase*

Assessment Comment: This is not a matter for consideration in assessment of the development application in accordance with Section 79C to the Environmental Planning and Assessment Act, 1979.

*Issue: Potential revenue to be gained from catering to the needs of water polo training and competitions*

Assessment Comment: Water polo teams currently use the pool and will be able to also use the features within the new swim centre. Regular use arrangements shall continued to be subject to a booking system.

*Issue: Potential noise nuisance from the gym*

Assessment Comment: Council's Environmental Health Officer has recommended appropriate conditions for the control of noise from sources including the cardio training room and group fitness room to protect the amenity of the neighbourhood.

### Other

*Issue: Independent planning assessment required*

Assessment Comment: Manly Council engaged Planning Ingenuity Pty Limited, independent consultant planners to undertake the assessment of this development application.

*Issue: Concern at potential impacts of building on flood prone land*

Assessment Comment: Council's Stormwater Engineer has assessed the proposal and concluded that the works and stormwater management are compatible with the flood risks affecting the site and adjoining land. Conditions of consent are recommended for an Operational Plan to be submitted with the Construction Certificate to demonstrate the safe storage and handling of goods and equipment and the safe evacuation of people in a flood event.

*Issue: Congratulate and commend Council on a worthwhile and positive project*

Assessment Comment: Indicates community support for the project.

### **79C(1) (e) - the public interest.**

The Plan of Management for LM Graham Reserve identifies the functions and values of the reserve to the Council and the community and lists objectives for the ongoing management and potential improvements. The proposal is consistent with the functions of the reserve as a local and district scale public space and capacity for a range of social, recreational and educational activities.

The Plan of Management notes there are opportunities for improvements to the reserve by adding activities and facilities and improved landscaping supported by the preparation of a Masterplan. The proposed swim centre, additional car parking and the community facilities building are all consistent with the future intentions for the reserve and the drafting of a Masterplan.

The specific objectives of the Plan of Management that are relevant to the assessment of this proposal are listed below along with assessment comments:

*Objective: Integrate local drainage needs into the park design and bushland management.*

Assessment Comment: Council's Stormwater Engineer has determined the arrangements for stormwater and site management are acceptable.

*Objective: To manage all open space land in a flexible manner and to ensure that local needs are met.*

Assessment Comment: The proposal adds flexibility to the range of activities available at the site and will contribute to meeting a variety of needs for sport, social and recreational activities without compromising space and facilities reasonably available for existing uses.

*Objective: To maintain our active sporting areas and manage them to maximise choice. Consider LM Graham Reserve and Kierle Park as an opportunity to provide major new recreational activities.*

Assessment Comment: The proposal represents several major new recreational activities and ancillary features to enhance the choices available to current and future users.

*Objective: To encourage participation in design, development and management.*

Assessment Comment: Consultation has occurred prior to the preparation of the development application in the form of a survey conducted by Eltons Consulting Pty Ltd. Council supports a Working Group for the LM Graham Reserve which has also contributed to the Masterplanning process of which the redevelopment of the swim centre is a component.

*Objective: Provide for user health, safety and enjoyment.*

Assessment comment: The proposal provides facilities which give users the opportunity to improve their health, fitness and general well-being through the active use of a variety of leisure and recreational facilities.

*Objective: Retain opportunities to use open space for special events or projects and for future activities or structures if needs become apparent.*

Assessment Comment: The swim centre has the capacity to cater for special events such as school swimming carnivals and other swimming competitions and well as special functions related to water sports and activities. The community facility building will improve the amenities available to users and spectators attending the sportsfield for regular use and special events.

The subject development application has attracted a significant level of public interest and comment, which is to be expected for a project of this scale involving development of a recreation facility as part of a larger public reserve. The submissions have included several comments in relation to the proposed design of the works and some of the design choices made by the applicant have been criticised. The assessment of these comments is made more difficult by the fact that the applicable planning controls do not provide development standards for building height, setbacks and floor space ratio. We note that the proposal is the result of some public consultation specific to the project and as part of the broader masterplanning for LM Graham Reserve.

It is considered on the whole, that the proposal meets the planning objectives for the subject site and locality and that planning assessment under Section 79C of the EP&A Act, 1979 does not require or warrant assessment of various alternatives to a development scheme. Rather, assessment must be made of the submitted development application. In the current case, it is concluded that the proposal meets the relevant planning objectives and controls.

The proposed development is fit-for-purpose and has also been designed to relate to the size and shape of the site and to the existing and likely future development on adjacent properties. The proposal will enhance the variety of recreational opportunities available in the locality. The proposal is consistent with the objectives and intent of the relevant planning provisions of Manly LEP 2013 and Manly DCP 2013.

Accordingly, the proposed development is considered to be in the public interest.

### **CONCLUSION:**

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 2013 and the Manly Development Control Plan 2013 and is considered acceptable subject to conditions contained in the Recommendation.

### **RECOMMENDATION**

That Development Application No. 177/2013 for alterations and additions to the existing Andrew "Boy" Charlton Manly Swim Centre including partial demolition of existing facility structures, construction of an all-purpose aquatic centre comprising of a twenty-five (25) metre eight (8) lane lap pool, seating for one hundred and fifty (150) spectators, program pool, leisure pool, spa pool, sauna and steam room, administration rooms, plant rooms, gymnasium and group fitness/multipurpose space, kiosk, amenities, with the retention of the outdoor 50 metre pool, outdoor toddlers pool, outdoor twenty-five 25 metre pool and plant rooms, on-site parking for 46 cars, 170 car parking spaces in Kenneth Road and a separate community facilities building containing change rooms, amenities, storage and a bus shelter at the corner of Kenneth Road and Balgowlah Road being land identified as Lot 1 DP 168527, Lot 1 and Part Lot 3 DP 168526, Lots A and B DP 331109 and Lots 36, 37, 43 to 54 inclusive and Lots 85 and 86 in Section 9 DP 939916 be **APPROVED** subject to the following conditions:



## DA1

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 prepared by TompkinsMDA Architects affixed with Council's stamp relating to Development Consent No. DA177/2013*

Plan No. / Title	Issue/ Revision & Date	Date Received
Site Plan and Lower Floor Plan	Drawing Number 1310 104 dated 23 August 2013	6 November 2013
Level 2 Plan	Drawing Number 1310 105 dated 8 November 2013	11 November 2013
Level 3 Plan and Roof Plan	Drawing Number 1310 106 dated 8 November 2013	11 November 2013
Sections and Elevations	Drawing Number 1310 107 dated 4 August 2013	5 September 2013
Landscape Plan	Drawing Number 534 LD01 dated 26 July 2013	5 September 2013

*Documentation affixed with Council's stamp relating to Development Consent No. DA177/2013*

- *Statement of Environmental Effects Issue B dated 25 October 2013 prepared by TompkinsMDA Architects;*
- *Hydrogeological Assessment by JK Geotechnics dated 5 November 2013; and*
- *Stormwater Drainage Concept Design prepared by Geoff Ninnes, Fong and Partners Pty Limited Job Reference No. SN7718 Drawings No. C00 to C04 Issue B dated 29.07.2013*

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

### ANS01

Variation to colours, materials, textures and finishes are to be incorporated in the western façade of the swim centre building and in all facades of the community facility building to enhance visual interest of these buildings as viewed from adjoining public places. Details of the way in which colours, materials, textures and finishes are to be features in the building facades are to be indicated on the plans submitted with the application for a Construction Certificate to the satisfaction of the Principal Certifying Authority.

A glass block panel is to be provided to the wall of the spa area fronting Balgowlah Road to allow natural light to the spa area and to add visual interest to offset the solid external wall. Details of this change are to be included on the plan submitted with the application for a Construction Certificate.

*Reason: To enhance the visual interest of the buildings and their contribution to the scenic quality of public space.*

### ANS02

Four (4) spaces are to be provided within the on-site car park of suitable dimensions and grades for accessible parking. Two spaces are to be provided within the on-site car park for use by parents with prams. These spaces are to be close to the entry ramp and suitably signposted for this use. These spaces are to be indicated on the plans submitted with the application for a Construction Certificate to the satisfaction of the Principal Certifying Authority.

*Reason: To provide suitable parking for visitors with special needs.*

### ANS03

An all-weather permanent awning is to be provided for the full length of the access ramp. The materials, colours, finishes and architectural design of the awning are to match the swim centre building. A rest-bay is to be provided at the midway point of the access ramp to allow less mobile users to move off the main thoroughfare and allow two way movement of people on the main ramp.

**Reason: To protect visitors entering and leaving the site from inclement weather and improve the amenity of the premises for all visitors.**

### ANS04

Toilets, change rooms and showers including universally accessible facilities shall be provided as part of, or close to, the existing swim club rooms to the south of the 50m pool.

**Reason: To provide amenities in close proximity to the outdoor pools for convenient and appropriate access particularly for young children and their carers and less mobile persons.**

### ANS05

The following design changes are required to be shown on the plans submitted with the application for a Construction Certificate to make appropriate provision for people with special access and movement needs:

- (i) All stairs and ramps to be suitably recessed from transverse path of travel so that handrail extensions do not protrude and create a safety hazard compliant with AS1428.1. Ensure 1:14 ramps have 1200mm minimum clear width (between handrails), compliant with AS1428.2 and Manly DCP.
- (ii) Ensure accessible path of travel to alternate school entry gate, from site boundary, compliant with AS1428.2 and Manly DCP. Main entry gate to have 850mm min. clear width and suitable door circulation, compliant with AS1428.1.
- (iii) Ensure all corridors have increased width area within 2m of corridor end for wheelchair turning (1540mm W x 2070mm L).
- (iv) Increase the internal lift car dimensions to at least 1400mm width x 1700mm length, compliant with Manly DCP 2013 and AS1428.2.
- (v) Ensure that components in the lift car (control panels, audio/visual indicators, handrails and light levels) comply with AS1735.12.
- (vi) Ensure ramp and zero grade access into pools is designed in accordance with DDA Access Code Part D5 and AS1428.1. Where stairs are provided into pools provide handrails on both sides compliant with AS1428.1. Provide a sling style swimming pool lift (eg. removable pelican hoist) to enable access into spa pool, compliant with DDA Access Code Part D5
- (vii) Provide an accessible shower in L1 Community accessible toilet and an accessible toilet on L3, adjacent to Male/Female Dry Change Rooms to satisfy DDA Access Code Part F2.3 & F2.4.
- (viii) Provide 1 ambulant cubicle for people with disabilities, compliant with AS1428.1 in all male and female toilets on level 1, 2, 3 adjacent to an accessible toilet facility.
- (ix) Main entry doors to have 850mm min. clear width, suitable door circulation, and a wheelchair turning area (1540 x 2070 min.) outside, compliant with AS1428.1.
- (x) Provide at least one accessible handrail within fire-isolated stair 2, compliant with AS1428.1 as required under BCA 2013 part D2.17.
- (xi) Ensure all common-use door/gates and fire egress doors have clear widths of 850mm (920mm door leaf) and suitable door circulation areas, compliant with AS1428.1. A review of some corridor widths eg. level 2 staff office corridor and first aid room is needed to ensure compliance with this requirement
- (xii) Ensure all common area floor surfaces are suitably slip resistant and traversable by a wheelchair or walking frame, compliant with AS 1428.1:2009 and HB197/AS4856 (wet pendulum method).
- (xiii) Reception counters and server counters to include a lower public counter section, no greater than 870mm height above FFL with suitable knee/toe clearance for wheelchair users, compliant with AS1428.2.

- (xiv) All stairs to be suitably recessed at top and bottom from transverse paths of travel so handrail extensions do not protrude and create a safety hazard.
- (xv) Provide handrails on both sides of all stairs in accordance with AS1428.1. NB. Stairs near bleachers to provide smaller dis-continuous inner handrails in line with the intent of AS1428.1.
- (xvi) Stair 3 to have regular stair geometry i.e. handrails at 90 degrees to stair tread and not at an angle for improved safety
- (xvii) Increase intermediate ramp landing dimensions to at least 1540mm width x 2070mm length (between handrails) to allow wheelchair users to turn 180 degrees compliant with AS1428.1.
- (xviii) Provide an accessible change room separate to a family change room on level 1. Provide an accessible shower and toilet within the Level 1 accessible toilet and change room as required by DDA Access Code Part F2.3. The overall room size needs to be increased for compliance with AS1428.1.
- (ixx) Provide an accessible toilet on level 3, adjacent to the Male & Female Dry Change (toilets) as required by DDA Access Code Part F2.4. The overall room size to provide 1900mm min. W x 2300mm min L around WC pan with basin to sit outside this area (100mm maximum. encroachment).
- (xx) Provide at least 1 ambulant cubicle for people with disabilities, compliant with AS1428.1 within all male and female toilets on level 1, 2, 3 adjacent to an accessible toilet facility in accordance with the BCA and DDA Premises Standard.
- (xxi) Ensure path of travel leading to ambulant cubicles have suitable circulation area (900mm x 900mm clear of door swings), compliant with AS1428.1.

**Reason: To ensure equitable access and to ensure compliance with legislation.**

#### **ANS06**

A new bicycle parking area with capacity for 20 bicycles is to be provided in a highly visible location and close to the main entry to the centre. Details of the location, dimensions and features to enable secure bike storage are to be submitted with the Construction Certificate.

**Reason: To ensure that adequate provisions are made for the secure parking of bicycles and encourage opportunities for use of alternative modes of transport.**

#### **ANS07**

Written confirmation from a Building Code Australia (BCA) consultant is to be submitted with the application for a Construction Certificate as to the dimensions, grades and surface material requirements for the external egress/service ramp to ensure suitable transition/threshold at the Level 1 egress doorway.

**Reason: To ensure compliance with legislation.**

#### **ANS08**

The nature and content of material to be excavated is to be tested by a suitably qualified and experienced geotechnical consultant and a report submitted with the application for a Construction Certificate which includes recommendations for the management and disposal of all excavated material.

**Reason: To ensure proper management of excavated material.**

#### **ANS09**

Plans shall be submitted with the application for a Construction Certificate demonstrating the provision of on-site and on-street parking, vehicle access and manoeuvring as recommended with Figure 4 to the Traffic Assessment by Manly Council dated October 2013. Plans submitted with the Construction Certificate shall show all dimensions and grades compliant with Australian Standards AS2890.

**Reason: To ensure adequate on-site and on-street parking is available.**

**ANS10**

A schedule of colours, materials and finishes for the swim centre building and the community facilities building is to be submitted with the application for a Construction Certificate. The schedule shall include actual samples and shall be selected for visual interest, low maintenance (including the capacity to withstand potential vandalism and graffiti), high durability in a coastal environment and low reflectivity.

**Reason: To ensure the development materials finishes and colours are appropriate for the locality.**

**ANS11**

An Operational Plan shall be submitted with the application for a Construction Certificate which includes management responsibilities for safe storage of goods and equipment and safe evacuation of people in the event of a flood incident.

**Reason: To ensure the safety of people and safe storage of goods and equipment in the event of flood.**

**ANS12**

A dilapidation survey for the existing 50m swimming pool shall be prepared and submitted with the application for the Construction Certificate and shall include details of inspections and report all defects prior to the commencement of site works.

**Reason: To enable proper management of the works.**

**ANS13**

A groundwater monitoring plan is to be prepared by a suitably qualified and experienced ground water consultant demonstrating the methods to be implemented during excavation and construction for monitoring of the depth, quality and quantity of ground water.

**Reason: To reduce the impacts to the local environment.**

**ANS14**

**Mechanical Ventilation**

Details of the proposed mechanical exhaust systems including details of compliance with the relevant requirements of Clause F4.12 of the Building Code of Australia and Australian Standard 1668 Parts 1 and 2 are to be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

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

**ANS15**

**Noise and Vibration Management Plan**

Prior to the commencement of works, a Noise and Vibration Management Plan is to be prepared by a suitably qualified person addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority.

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant legislation and Australian Standards. The report should itemise equipment to be used for excavation works. The Plan shall address, but is not limited to, the following matters:

- (a) Identification of activities carried out and associated noise sources;
- (b) Identification of potentially affected noise sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment;
- (c) Determination of appropriate noise and vibration objectives for each identified sensitive noise receiver;
- (d) Noise and vibration monitoring, reporting and response procedures;
- (e) Assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles;

- (f) Description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction;
- (g) Construction timetabling to minimise noise impacts including timing and duration restrictions, respite periods and frequency;
- (h) Procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration; and
- (i) Contingency plans to be implemented in the event of non-compliances and/or noise complaints. A register should be kept of complaints received and the action taken to remediate the issue (if required).

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

#### **ANS16**

##### **Outdoor Lighting**

Prior to the issue of a Construction Certificate, the Certifying Authority must be satisfied that all outdoor lighting is designed and positioned to minimize any detrimental impact upon the amenity of other premises and adjacent dwellings and that outdoor lighting complies with the relevant provisions of the *Australian Standard 1588.3:2005 Pedestrian Area (Category P) lighting – Performance and design requirements* and Australian Standard 4282.:1997 Control of the obtrusive effects of outdoor lighting.

**Reason: To protect public health and amenity.**

#### **ANS17**

A Construction Traffic Management Plan is to be submitted with the application for a Construction Certificate.

**Reason: To ensure traffic in and around the site during the demolition and construction phases does not unreasonably affect the safe movement of vehicles pedestrians and cyclists on the local road and footpath network.**

#### **ANS18**

Approval for works including line marking within the public road reserve of Kenneth Road and reconfiguration works for the bus bay in Balgowlah Road must be obtained in accordance with Section 138 to the *Roads Act, 1993*. A copy of the approval shall be submitted with the application for a Construction Certificate.

**Reason: To ensure additional approvals for ancillary works are obtained prior to the commencement of site works.**

#### **ANS19**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act, 1997* and guidelines contained in the *New South Wales Environment Protection Authority Environment Noise Control Manual*.

**Reason: To ensure compliance with legislation and to prevent disturbance to the surrounding community.**

#### **ANS20**

##### **Rock Breaking / Concrete Slab breaking**

The activity of rock-breaking/concrete slab breaking associated with the development of the site, must only occur between the following hours:

- 9.00am and 4.00pm Monday to Friday only.

Rock-breaking and concrete slab breaking must not occur on Saturdays, Sundays or Public Holidays. Surrounding properties must be notified in writing of the times and days in which rock-breaking / concrete slab breaking activities will be carried out. Notices must be distributed at least seven (7) days before the activity is to occur.

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

## **ANS21**

### **Asbestos Removal**

Anyone who removes, repairs or disturbs bonded or friable asbestos material must hold a current removal license from WorkCover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from WorkCover NSW. All removal, repair or disturbance of or to asbestos material must comply with the requirements of WorkCover NSW and with the following:

- *Work Health and Safety Act, 2011;*
- *Work Health and Safety Regulation, 2011;* and
- *How to Safely Remove Asbestos Code of Practice (WorkCover NSW 2011).*

**Reason: To ensure compliance with legislation and protect the health and safety of site workers and of the public.**

## **ANS22**

### **Trackable Wastes**

Removal of trackable wastes from the site must comply with the *Protection of the Environment Operations (Waste) Regulation 2005* for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed on land without permission of the landowner and compliance with the provisions of the *Protection of the Environment Operations Act, 1997*.

**Reason: To ensure compliance with legislation.**

## **ANS23**

### **Mechanical Plant**

Documentation prepared by a suitably qualified person must be submitted certifying noise levels emitted from the mechanical plant does not exceed 5dB(A) above the background noise level inclusive at the boundaries of the site. NOTE: This method of measurement of sound must be carried out in accordance with *Australian Standard 1055.1 – 1997*.

**Reason: To protect public health and amenity.**

## **ANS24**

### **Air Quality**

The construction and ongoing use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to air pollution. All works shall ensure air quality controls are in place and all activity is in accordance with the *Protection of the Environment Operations Act, 1997* and *Protection of the Environment Operations (Clean Air) Regulation 2002*.

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

## **ANS25**

### **Dangerous Goods Storage**

WorkCover NSW must be notified for the storage of dangerous goods on site. All requirements imposed by WorkCover NSW must be implemented to ensure all dangerous goods are being stored and handled on site in a safe manner. The storage, handling and use of dangerous goods must be in accordance with the requirements of the *Work Health and Safety Act, 2011* and *Work Health and Safety Regulation 2011*.

**Reason: To ensure compliance with legislation and to protect the health and safety of workers and of the public.**

## **ANS26**

### **Pool/Spa Water Management Plan**

A plan of management for the pools and spa is to be prepared and implemented by a suitably qualified person which identifies the ongoing operation of these facilities to a safe and healthy standard. The plan should include (but not be limited to):

- (a) Cleaning and maintenance of facilities and associated plant;
- (b) Treatment/dosing of the facilities; and
- (c) Response action plan for emergencies and incidents.

Records must be kept demonstrating compliance with the *Public Health Act, 2010* and *Public Health Regulation 2012*.

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

## **ANS27**

The development is to be connected to all utilities and essential services including water, sewer, power and communications. The design and installation of all facilities/connections is to be in accordance with the relevant Authority Specification requirements and relevant Australian Standards.

**Reason: To ensure safe and effective operation of the development.**

## **ANS 28 Hours of operation**

The premises shall operate to the public in accordance with the following days and hours of operation:

<b>Monday to Friday:</b>	<b>5.30am to 7.00pm</b>
<b>Weekends:</b>	<b>6.00am to 7.00pm</b>
<b>Public Holidays:</b>	<b>6.00am to 6.00pm.</b>

The Swim Centre is also open for the running of Water Polo activities in the outdoor pools from 7.00pm to 9.30pm.

Swim Centre staff arrive up to one (1) hour earlier and remain up to one (1) hour after the scheduled closing time to set up the Swim Centre, secure equipment and carry out close down procedures.

**Reason: To ensure the hours and days of operation of the premises are compatible with the amenity of surrounding land uses.**

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

### **1 (2BS01)**

The fit-out of the kiosk/café in the swim centre and the community facility building must comply with the following:

- *Food Act, 2003*;
- *Food Regulations 2004*;
- Australian Standard 4674-2004: Design, Construction and Fit-out of Food Premises; and
- Australian 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.**

### **2 (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) Vehicular crossings 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.

### 3 (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.

### 4 (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.

### 5 (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.

### 6 (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.



7 (2SP03)

The Construction Certificate drawings and specification required to be submitted pursuant to Clause 139 of the *Environmental Planning and Assessment Regulation 2000*, must detail the connection of backwash to Sydney Water's sewer in compliance with Australian/New Zealand Standard 3500.

The discharge of backwash water to any stormwater system is water pollution and an offence under the Protection of the Environment Operations Act, 1997.

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

8 (2US05)

The applicant must consult with the energy provider to determine the need and location of any electrical enclosure for the development. Should an electrical enclosure be required, the location and dimensions of this structure are to be detailed prior to the issue of a Construction Certificate. In the event of the energy provider requiring a sub station, the applicant must consult with Council or its delegate with a view to dedication of the land for the sub station as public roadway.

*Reason: To ensure services are in accordance with the requirements of Energy Australia.*

9 (2US06)

All electrical and telecommunication services to the site are to be provided by underground cabling, with the details noted on the drawings prior to the issue of the Construction Certificate.

*Reason: To provide infrastructure which improves the streetscape by locating cabling underground.*

10 (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.*

11 (2US08)

The design of the LPG facility must be in accordance with Australian/New Zealand Standard AS/NZS 1596:2008 - The Storage and Handling of LP Gas.

*Reason: This condition has been imposed to protect public safety.*

12 (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**

### 13 (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.

### 14 (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.

### 15 (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.

### 16 (3LD02)

All trees on the site clear of the building are to be retained, and those trees within 7.5m of the building are to be provided with a tree guard and a notice on each guard reading: 'This tree is the subject of a Tree Preservation Order by Manly Council'. This notice is to be in position prior to any work being commenced on the site. This does not include trees which have Council approval to be removed.

Reason: To ensure trees clear of the building are retained and those within 7.5m of the building are protected.

### 17 (3LD03)

Where trees greater than 5 metres in height which are not within the proposed footprint (i.e. not directly affected by the development) and are proposed for removal, a tree permit is required subject to the Tree Preservation Order 2001 criteria.

Reason: Retain the number of existing trees on site which are protected by the Tree Preservation Order and not directly in the way of development.

### 18 (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.

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### 19 (4AP01)

The recommendations detailed in the Geotechnical Appraisal: Preliminary Geotechnical Investigation Ref 26655ZHRpt by JK Geotechnics and dated 18 July, 2013 are to be complied with.

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

20 (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.

21 (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.

22 (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.

23 (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 for compliance with ANZECC Water Quality Guidelines;
- 2) If tested by a 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;
- 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.

24 (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.

25 (4LD01)

Landscaping is to be carried out in accordance with the approved Landscape Plan Drawing Number 534 LD01 prepared by TompkinsMDA Architects dated 26 July 2013

Reason: To ensure appropriate landscaping is carried out on the development site.

26 (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.

27 (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.

28 (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.

29 (4LD05)

Trees and shrubs liable to damage (including, but not limited to street trees) are to be protected with suitable temporary enclosures for the duration of the works. These enclosures are to only be removed when directed by the Principal Certifying Authority.

The enclosures are to be constructed out of F62 reinforcing mesh 1800mm high wired to 2400mm long star pickets, driven 600mm into the ground and spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk.

Reason: To ensure protection of the trees on the site which could be damaged during any development works and to outline the type of protection.

30 (4LD06)

All disturbed surfaces on the land resulting from the building works authorised by this approval must be revegetated and stabilised to prevent erosion either on or adjacent to the land.

Reason: To prevent/contain erosion.

31 (4LD07)

Where development/construction necessitates the pruning of more than 10% of existing tree canopy, a permit application must be lodged with the Council's Civic Services Division, subject to the Tree Preservation Order 2001.

Reason: To ensure those trees are maintained appropriately and compliance with Australian Standard AS 4373:2007 – Pruning of Amenity Trees.

32 (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,
- Framework inspection,
- Wet area moisture barrier,
- Drainage inspection,
- Driveway crossing/kerb layback,

- Landscaping inspection,
- Swimming pool reinforcing steel inspection,
- Swimming pool safety fence inspection,
- Health inspection,
- Final inspection.

The cost of these inspections by Council is \$3,540. (being \$295 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 \$165.

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

### 33 (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.

### 34 (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.

### 35 (4US02)

The installation of the LPG facility must be in accordance with Australian/New Zealand Standard AS/NZS 1596:2008 - The Storage and Handling of LP Gas.

Reason: This condition has been imposed to protect public safety.

### 36 (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: To ensure compliance with the legislation.

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

### 37 (5BS01)

The premises requires an inspection from Environment and Health staff of Manly Council upon completion of works by Council prior to the issue of an Occupation Certificate.

Reason: To comply with legislation.

38 (5BS02)

Trading must not commence from the food premises until the proprietor of the food business formally registers their business details with the NSW Food Authority and Food Safety Information Systems (NAFSIS).

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

39 (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.

40 (5LD01)

A qualified Landscape Consultant is to submit a Certificate of Practical Completion to the Principal Certifying Authority prior to the issue of the Occupation Certificate, stating the work has been carried out in accordance with the approved Landscape Drawing and a maintenance program has been established.

Reason: This is to ensure the landscaping is planted in accordance with the drawing and maintained appropriately

41 (5LD02)

Evidence of an agreement for the maintenance of all plants for a period of twelve (12) months from the date of practical completion of the building is to be provided to the Principal Certifying Authority prior to issue of the final Occupation Certificate.

Reason: To ensure landscaping will be appropriately maintained.

42 (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 Parts 1 and 2 and must be provided to Council or the 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.

43 (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. Full documents of adjustments to any public utility service should be submitted to Council.

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

44 (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.

## **ONGOING CONDITIONS RELATING TO THE OPERATION OF THE PREMISES OR DEVELOPMENT**

45 (6AP04)

All towers, ventilation/ducting, exhaust fan structures, chillers and condensers for air-conditioning and any other structures on the roof are to be the subject of a separate Development Application.

Reason: To maintain the amenity of the surrounds.

46 (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.

47 (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.

48 (6BS08)

**Saturated and Trans Fats - General**

To minimise the risk of cardiovascular disease to the community, the ongoing operation of the premises shall be in accordance with Council's Saturated and Trans Fats Reduction Policy.

Reason: To comply with Council Policy in minimising saturated and trans fats in the retail food industry in the interest of public health and safety.

49 (6FP01)

No sandwich boards, goods or the like are to be placed on Council's footpath.

Reason: To ensure pedestrian safety.

50 (6LP01)

No existing street trees can be removed without Council approval. Where such approval is granted, the trees must be replaced at full cost by the applicant with an advanced tree of a species nominated by Council's relevant officer.

Reason: To encourage the retention of street trees.

51 (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.

52 (6LP03)

Landscaping is to be maintained in accordance with the approved Landscaping Drawing.

Reason: This is to ensure that landscaping is maintained appropriately.

53 (6LP04)

Leighton Green Cypress Cupressocyparis leylandii or any of its cultivars, must not be planted on the site for the life of the development. In the event of any inconsistency between this condition and the development application documents, this condition will prevail to the extent of the inconsistency.

Reason: To reduce the potential for adverse amenity effects such as overshadowing, loss of views, and loss of plant diversity.

54 (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.

55 (6NL04)

External sound amplification equipment or loud speakers must not be used for the announcement, broadcast, playing of music (including live music) or similar purposes.

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

56 (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 legislation and protect public health and amenity.

57 (6US02)

The operation of the LPG facility must be in accordance with Australian/New Zealand Standard AS/NZS 1596:2008 - The Storage and Handling of LP Gas.

Reason: This condition has been imposed to protect public safety.