

**ITEM 1- 2014SYE020 – Manly – 183/2013 – Removal of forty-one (41) swing moorings [eighteen {18} swing moorings retained], demolition of existing twenty-five (25) vessel berth marina including four (4) fuel berths, construction of a new marina containing sixty-four (64) vessel berths, entry way, platform, above ground fuel tanks, relocation of existing swing moorings and alterations and additions to the existing boatshed – Clontarf Marina – Sandy Bay Road, Clontarf**

Resolution:

That Development Application No. 183/2012 for Removal of forty-one (41) swing moorings [eighteen {18} swing moorings retained], demolition of existing twenty-five (25) vessel berth marina including four (4) fuel berths, construction of a new marina containing sixty-four (64) vessel berths, entry way, platform, above ground fuel tanks, relocation of existing public swing moorings and alterations and additions to the existing boatshed at Clontarf Marina, Sandy Bay Road, Clontarf 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:

- Part 'B' Environmental Impact Statement (including appendix A-E), dated November 2011 and received by Council 4 February 2014.
- Part 'C' Environmental Impact Statement (including appendix A-E), undated and received by Council 4 February 2014.
- The Threatened Species Assessment, job number 59914139 prepared by Cardno Ecology Lab, dated 12 May 2014 and received by Council 23 May 2014.
- The Terrestrial Biodiversity Assessment, reference 1400552 prepared by Australian Museum Consulting, dated May 2014 and received by Council 23 May 2014.

**Except as amended by:**

- Part 'A' Addendum Document Environmental Impact Statement (including appendix A1-F1) dated 6 December 2013 and received by Council 4 February 2014.

Plan No. / Title	Issue/ Revision & Date	Date Received by Council
Site Plan / DA.01b	Revision B / 6 May 2014	23 May 2014
Ground Floor Plan / DA.02b	Revision B / 6 May 2014	23 May 2014
First Floor Plan / DA.03b	Revision B / 6 May 2014	23 May 2014
North and South Elevations DA.04b	Revision B / 6 May 2014	23 May 2014
East and West Elevations DA.05b	Revision B / 6 May 2014	23 May 2014
Sections A & B / DA.06b	Revision B / 6 May 2014	23 May 2014
Streetscape Elevations / SE.01b	Revision B / 6 May 2014	23 May 2014

**ANS01**

**Delivery times for fuel tanks are to be limited to Monday to Friday between the hours of 8.30am and 3.30pm.**

**Reason: To reduce the impacts of fuel deliveries on the neighbourhood.**

#### **ANS02**

##### **Decommissioning and removal of fuel tanks**

Existing underground tanks which are no longer intended to store dangerous goods must be cleaned free of dangerous goods, made safe and removed from the site. The decommissioning of underground tanks and associated pipework, must be carried out by a competent person and certification provided in compliance with the following:

- Australian Standard AS1940: The storage and handling of flammable and combustible liquids,
- Australian Institute for Petroleum (AIP) Code of Practice CP22: The removal and disposal of underground petroleum storage tanks,
- Work Health and Safety Act & Regulation 2011,
- WorkCover NSW Storage and handling of dangerous goods code of practice 2005, and
- any other requirements imposed by WorkCover NSW.

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

#### **ANS03**

The fixed berths are not to be used for vessels with a height above sea level over 6m for 18m berths and over 5m for 15m berths, excluding yacht masts, light poles, radars, fishing poles and the like. There is to be a mix on the location of the vessels so as not to create a visual screen when viewed from surrounding foreshore and public land.

**Reason: To minimise the impacts on public views to and from the harbour.**

#### **ANS04**

The kiosk is to operate in accordance with the definition contained within the *Standard Instrument (Local Environmental Plans) Order 2006*. The use of the kiosk and shall not extend to that of a café and shall not operate between the hours of 6:00pm to 7:00am it is only available to patrons visiting the marina.

**Reason: To ensure that the kiosk does not operate as water based restaurant which is a prohibited development.**

#### **ANS05**

The proposed “two (2) casual berths/fuel berths including pump-out amenity” are to be relocated to the end of the northern arm of the marina.

**Reason: To ensure that the refueling facilities are located to the furthest possible place from the existing tidal swimming pool and reduce the impact of the development on the swimming pool.**

#### **ANS06**

Vessel maintenance activities are to be restricted to 7:30 am to 6pm Monday to Sunday for the Marina.

**Reason: To ensure that there is no adverse impact on the residential properties in the vicinity.**

#### **ANS07**

No additional swing moorings for the marina are to be placed without the prior approval of Council.

**Reason: To control the number of swing moorings associated with the development.**

**ANS08**

No consent is given or implied for any change to car parking within the surrounding reserve.

**Reason: To clarify the extent of the consent.**

**ANS09**

Hoist sockets are to be installed on both arms of the proposed marina, with a secure storage area for a lightweight portable hoist in the main building.

**Reason: To provide facilities for mobility impaired sailors/passengers.**

**ANS10**

No amplified music and public address systems are permitted after sunset. No onboard entertainment is allowed after 9.30pm.

**Reason: To protect the acoustic privacy of the surrounding residences.**

**ANS11**

**Sewage Pump-Out Facility**

- The Applicant shall ensure that all the boats at the Marina with holding tanks are required to use the sewage pump-out facility at the Marina.
- The Applicant shall encourage all owners of boats using the Marina berths to install holding tanks if they do not have them.

Note: The applicant is to obtain all necessary approvals from the Department of Health for the sewage pump-out facility.

**Reason: To protect the surrounding environment.**

**ANS12**

**Construction Hours**

- Construction work associated with the proposal, including delivery of materials to and from the site, shall only be carried out during the following hours:

Monday to Friday: 7:00am to 6:00pm

Saturday: 8:00am to 1:00pm

**Reason: To protect the amenity of the surrounding residents and the locality.**

**ANS13**

The demolition and removal of any structure must not pollute any waters as described in the Protection of the Environment Operations Act 1997.

**Reason: To protect the surrounding environment.**

**ANS14**

Under no circumstances can chemicals be used to defoul vessels.

**Reason: To protect the surrounding environment.**

**ANS15**

All activities pertaining to the running of the marina must adhere to the guidelines as described in "Environmental Action for Marinas, Boatsheds and Slipways" published by the Department of Environment and Climate Change.

Available from: <http://www.environment.nsw.gov.au/sustainbus/marinas.htm>

**Reason: To protect the surrounding environment.**

**ANS16**

All chemicals must be stored in a safe location within a bunded area. All chemical containers must be clearly labeled with Material Data Safety Sheets (MSDS) and Spill Kits within close proximity.

All persons using chemicals must be equipped with appropriate Personal Protective Equipment (PPE).

**Reason: To protect the surrounding environment and persons using the faculty.**

#### **ANS17**

The applicant is to construct access steps on either side of the marina to provide foreshore access at low tide for persons to walk along the beach. Details of the works are to be provided to Council's Engineers for agreement prior to the issue of a Construction Certificate.

**Reason: To improve foreshore access.**

#### **ANS18**

##### **Mechanical Ventilation**

Details of the proposed mechanical exhaust systems, detailing 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 Council or 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.**

#### **ANS19**

##### **Construction Noise**

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

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

#### **ANS20**

##### **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 minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the outdoor lighting complies with the relevant provisions of Australian Standard 1558.3:2005 Pedestrian area (Category P) lighting – Performance and design requirements and Australian Standard 4282:1997 Control of the obtrusive effects of outdoor lighting. Any additional lighting is not to exceed the design or nature of the existing lighting.

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

#### **ANS21**

##### **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.**

#### **ANS22**

##### **Asbestos Removal**

Anyone who removes, repairs, or disturbs bonded or friable asbestos material must hold a current removal licence from WorkCover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from WorkCover NSW. 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.**

#### **ANS23**

##### **Dangerous Goods Storage**

Prior to dangerous goods being stored onsite, the occupier of the premises must notify with WorkCover NSW. The storage of dangerous goods onsite must comply at all times with the following:

- Australian Standard AS1940: The storage and handling of flammable and combustible liquids,
- Work Health and Safety Act & Regulation 2011,
- WorkCover NSW Storage and handling of dangerous goods code of practice 2005, and
- any other requirements imposed by WorkCover NSW.

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

#### **ANS24**

##### **Pollution Incident**

In the event of a pollution incident, the details of the incident must be recorded in a register including the remedial action taken. The appropriate authority must be notified of a pollution incident as soon as reasonably practicable after the incident has occurred.

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

#### **ANS25**

##### **Construction Environmental Management Plan**

Compliance with the Construction Environmental Management Plan developed by J. S. Parsons Structural Consultants and as found in Part 'C' Environmental Impact Statement, Appendix W.

**Reason: To ensure that the environment and amenity of the public is protected.**

#### **ANS26**

The following measures are to be implemented during the Construction phase of the development.

- Impose a 'no wash' speed limit on vessels approaching and working in the site, in order to minimise sediment disturbance.
- Designate 'no go' zones for construction in areas containing seagrasses, in order to avoid damage to seagrasses.
- Designate 'no go' zones in areas containing the exotic aquatic weed *Caulerpa* sp., in order to prevent spread of the weed.
- Include measures for the containment of airborne waste in the Waste Management Plan.

**Reason: To manage the impacts of the construction process.**

**ANS27**

The applicant is to incorporate operational measures to minimise the risk of spills from fuel services and pump out facilities on the end of the marina, as well as spill management measures.

**Reason: To minimize the chance of spills occurring.**

**ANS28**

The maximum hours of operation are not to exceed the following without the prior consent of Council;

- For the marina Office, Daylight hours not shorter than 7:00 am to 5pm Monday to Sunday.
- For the marina's vessel facility, Daylight hours not shorter than 7:00 am to 5pm Monday to Sunday

**Reason: To regulate the maximum hours of operation and protect the amenity of surrounding residents.**

**ANS29**

All workers on the work site are to be made aware of the potential presence of Little Penguins through the *site induction*. All workers are to be inducted prior to commencement of works. The site induction is to include information about the conservation significance of the endangered population, potential Little Penguins activities on-site, identification of Little Penguins and the measures in place on-site to protect Little Penguins. Evidence of the site induction is to be documented and provided to the Principle Certifying Authority. Visitors to the works site (e.g. site inspectors, sub-contractors and the like) are to be similarly inducted upon arrival at the site.

**Reason: To avoid accidental harm to Little Penguins, it is important that workers on the site are aware of their presence, their conservation significance and the measures in place to protect them.**

**ANS30**

Any injured or dead Little Penguins and/or other animal is to be reported to the Office of Environment and Heritage (OEH) Park and Wildlife Sydney Harbour North Area (tel. 9960 6266), or Manly Council (tel 9976 1500). Following advice from those contacts, any injured Little Penguins should be taken to Taronga Zoo Wildlife Hospital for rehabilitation (tel. 9978 4751 or 9978 4785).

**Reason: It is essential injured Little Penguins other species are given expert care so they can be rehabilitated and returned to the population where possible. It is also important that any deceased individuals are reported so appropriate investigations can be undertaken to understand the cause of death to inform the future management and recovery of the endangered populations.**

**ANS31**

A site Construction Management Plan (CMP) is to be prepared and is to include a section for Environmental Management. This section, as a minimum, is to outline all measures for the protection of biodiversity. The CMP is to be approved by Council/Accredited Certifier prior to issue of Construction Certificate.

**Reason: To ensure that all measures for the protection of biodiversity at the development site are incorporated into one document that is for the overall management of the construction to ensure**

#### **ANS32**

The following general terms of approval have been imposed by the Office of Water;

These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2012/183 and provided by Council :

**(i) Site Plan , Map and/or survey**

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified may render the GTA invalid. If the proposed controlled actives are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the proposes of this DA is land and materials in or within 40 metres of the top of the bank or shore of the foreshore identified.

The consent holder must prepare or commission the preparation of:

**(i) Erosion and Sediment Control Plan.**

The Consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

The consent holder must use a suitably qualified person to monitor progress, completion of performance works, rehabilitation and maintenance and report to the NSW Office of Water as Required.

The Consent Holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks, are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

The Consent holders must establish all erosion and sediment control works and water division structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained through the working period and must not be removed until the site has been fully stabilised.

The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

#### **ANS33**

The following general terms of approval have been imposed by the Department of Primary Industries (Fisheries);

Swing moorings are not to be placed in any seagrass beds, and any existing swing moorings within *Posidonia australis* seagrass are to be relocated out of seagrass and onto unvegetated substratum;

Prior to any in-water works on the site, the proponent must apply for and obtain a Part 7 Permit to harm marine vegetation from Fisheries NSW. Permit application forms and associated lodgement information can be found at: <http://www.dpi.nsw.gov.au/fisheries/habitat/help/permit>; and

Prior to any in-water works on the site, the proponent must ensure the removal and appropriate disposal of all *Caulerpa taxifolia* from within the seagrass and algae beds identified in the aquatic ecology reports, in consultation with Fisheries NSW; and

Upon complete removal of the *Caulerpa taxifolia*, submit a report to the satisfaction of Fisheries NSW that includes the methods and before and after photos illustrating the result.

For the information of the proponent with respect to GTA3, the “NSW Control Plan for the Noxious Marine Alga *Caulerpa taxifolia*” (I&I 2009) outlines various methods for the removal of *Caulerpa taxifolia* and is available from the Fisheries NSW website at:

[http://www.dpi.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0013/210712/NSW-control-plancaulerpa-taxifolia.pdf](http://www.dpi.nsw.gov.au/__data/assets/pdf_file/0013/210712/NSW-control-plancaulerpa-taxifolia.pdf).

**ANS34**

No flood lighting or additional illuminated signage is permitted.

**Reason: To protect the amenity of the adjoining properties.**

**ANS35**

No manoeuvring of boats between the stern of the moored boats in the channel between the Clontarf and Sandy Bay beaches.

**Reason: To protect the recreational swimmers utilizing Clontarf Swimming Pool.**

**ANS36**

There are to be no more than two boats over 15m in length and 5m in height to be berthed together. The berthing of these larger vessels should be a least two (2) berths apart.

**Reason: To protect the outlook of the surrounding environment.**

**ANS37**

The proposed fuel tanks are to be integrated into the development and suitably screened with the appropriate landscaping.

**Reason: To protect the amenity of the surrounding residents and the locality**

**ANS38**

This application was submitted and approved on the basis of the opening of additional water for navigation. Any future application to increase the number of swing moorings in this area would not be supported.

**Reason: to protect the surrounding environment.**

**GENERAL CONDITIONS RELATING TO APPROVAL**

**1 (1AP04)**

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

**Reason: To ensure compliance with the approved development.**



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

### 2 (2AP01)

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

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

### 3 (2BS01)

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

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

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

### 4 (2CD01)

Pursuant to Section 97 of the Local Government Act, 1993, Council requires prior to the issue of Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$12,000. The Deposit is required as security against damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

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

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

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

### 5 (2CD05)

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

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

### 6 (2DS08)

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

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

#### 7 (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.

#### 8 (2FR02)

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

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

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

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

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

#### 9 (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.

10 (2WM02)

A Waste Management Plan is to be submitted with the application prior to a Construction Certificate being issued in accordance with the Manly Development Control Plan 2013.

The plan should detail the type and estimate the amount of demolition and construction waste and nominate how these materials will be sorted and dealt with. Weight dockets and receipts must be kept as evidence of approved methods of disposal and recycling. All demolition and excess construction materials are to be recycled where ever practicable. It should include consideration of the facilities required for the ongoing operation of the premises' recycling and waste management services after occupation. A template is available from the Manly Council website.

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

11 (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**

12 (3CD01)

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

*Reason: To ensure compliance with statutory provisions.*

13 (3CD03)

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

*Reason: To protect the public interest and safety.*

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

14 (4AP02)

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

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

15 (4BS01)

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

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

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

16 (4CD01)

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

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

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

17 (4CD02)

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

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

Reason: To prevent disturbance to the surrounding community.

18 (4CD03)

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

Reason: To maintain sanitary conditions on building sites.

19 (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:

- Drainage inspection,
- Final inspection.

The cost of these inspections by Council is \$590 (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.

20 (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.

21 (4WM02)

Removal of contaminated solids from the site must comply with applicable laws for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed on land without permission of the land owner and compliance with the provisions of the Protection of the Environment and Operations Act 1997.

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

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

22 (5BS01)

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

Reason: To comply with legislation.

23 (5BS02)

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

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

24 (5MS01)

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

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

25 (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.

26 (5WM02)

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

Reason: Responsible disposal management of trade waste.

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

27 (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.

28 (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.

29 (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.

30 (6FP01)

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

Reason: To ensure pedestrian safety.

31 (6MS02)

No person shall use or occupy the building or alteration which is the subject of this approval without the prior issue of an Occupation Certificate.

Reason: Statutory requirement, Environmental Planning and Assessment Act 1979.

32 (6NL01)

Glare from internal lighting is not permitted to extend beyond the limits of the building authorised by this approval.

Reason: To ensure there is no glare from internal lighting to neighbouring properties and land.

33 (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.

34 (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.

35 (6WM01)

Activities must not detrimentally affect impact existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.

Reason: To protect existing and future amenity of the adjoining occupations from excessive waste emissions.

36 (6WM02)

Waste collection from the premises must not occur between the hours of 10:00pm and 7:00am Monday to Sunday, without the prior approval of Council.

Reason: To minimise disruption to neighbouring properties.

37 (6WM03)

Waste bins used for commercial premises are to be left on public footpaths for the minimum time necessary for waste collection and then promptly removed. Lids should be closed to prevent littering.

Reason: To ensure waste and bins are promptly removed from public places following collection; to limit obstruction of footpaths or roads; and to minimise public amenity impacts.

38 (6WM04)

All non-recyclable waste from commercial premises must be presented for collection in a lidded receptacle. Waste receptacles are not to be stored in public spaces such as footpaths.

Reason: Public amenity and litter minimisation.

39 (6WM05)

No waste generated on site from any commercial operation is to be placed in public place bins. Commercial operators must maintain their commercial waste bins in an organised, clean and sanitary condition, preventing potential for litter from overflowing bins.

Reason: To communicate policy regarding illegal trade waste dumping in public bins; and maintenance of trade waste bins.

40 (6WM06)

Signage on the correct use of the waste management system and materials to be recycled must be posted in the communal waste storage cupboard/room or bin bay prior to receiving an occupation certificate. Signs are available from Manly Council's Customer Service.

Reason: To ensure all residents are aware of Council's waste and recycling system with regard to their dwelling.

41 (6WM10)

The operation of the premises must be conducted in a manner that does not pollute waters as defined by the Protection of the Environment Operations Act, 1997.

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

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