

DEVELOPMENT APPLICATION ASSESSMENT REPORT

| | |
|----------------------------|-------------|
| Application Number: | DA2019/1403 |
|----------------------------|-------------|

| | |
|---|---|
| Responsible Officer: | Anne-Marie Young |
| Land to be developed (Address): | Lot 100 DP 1069144, 75 The Corso MANLY NSW 2095 Lot 101 DP 1069144, 75 The Corso MANLY NSW 2095 Lot 102 DP 1069144, 75 The Corso MANLY NSW 2095 |
| Proposed Development: | Alterations and additions to the first floor accommodation, new doors to North Steyne, replacement awning to the Corso, signage zones, air-conditioning to the roof and other ancillary works at Hotel Steyne to Hotel Steyne |
| Zoning: | Manly LEP2013 - Land zoned B2 Local Centre |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Delegation Level: | DDP |
| Land and Environment Court Action: | No |
| Owner: | Steyne Hotel Freehold Pty Ltd |
| Applicant: | Steyne Hotel Operations Pty Ltd ATF Steyne Hotel Operations Trust |

| | |
|----------------------------------|--------------------------|
| Application Lodged: | 09/12/2019 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Commercial/Retail/Office |
| Notified: | 28/02/2020 to 13/03/2020 |
| Advertised: | Not Advertised |
| Submissions Received: | 4 |
| Clause 4.6 Variation: | Nil |
| Recommendation: | Approval |

| | |
|---------------------------------|-----------------|
| Estimated Cost of Works: | \$ 3,028,232.00 |
|---------------------------------|-----------------|

PROPOSED DEVELOPMENT IN DETAIL

The proposal is primarily based around refurbishment and upgrade works to the existing hotel accommodation located on the first floor. The hotel currently has 25 hotel rooms. The proposal will increase the number of hotel rooms to 41. In addition, the proposal includes alterations to the ground floor gaming room, new external doors to North Steyne, replacement awnings, signage zones and air conditioning units at roof level.

In details, the proposal includes the following works:

Ground Floor

- New ground floor doors to the North Steyne facade to replace existing windows;
- New exterior awning works;
- New accessible ramp and access from North Steyne through the cafe to the ground floor pub and refurbish the existing ramp to the beach bar restaurant;
- New signage zones;
- Amend gaming room layout;
- Improvements to kitchen;
- New awnings to seating areas within the courtyard, and
- Infill internal opening between cafe and beach bar restaurant.

Note: the hotel entrance will be via the double doors located on the eastern end of the North Steyne.

First Floor

Upgrade of all hotel accommodation rooms to the east, south and west and central wings including new bathrooms and air conditioning to every room. In detail, the upgrade of the accommodation includes:

- West Wing (Corso) - Corridor and housekeeping becomes Room 29;
- West Wing - infill stair to create rooms 26, 27 and 28, delete internal stair (no. 4) and creation of a new office over gaming area;
- Northern Wing - 6 new hotel accommodation rooms and the relocation of the existing administration offices to the second floor;
- Corso Wing - Extend the existing verandah, replace managers apartment with one additional room and creation of a new maids room;
- East wing - Conversion of existing office and services area to the managers apartment and Reception/office;
- East wing - Conversion of existing bathrooms to housekeeping and linen rooms;
- Amendments to existing lift No. 2 to provide disabled access to the first floor via the proposed external walkway;
- New access door to link up the external walkway/lift No. 2 to the lounge area;
- West wing - new access corridor linking the new external walkway to the internal corridor;
- Relocation of the existing external courtyard stair within the adjacent service area and associated minor alterations to existing corridors and cool rooms in the west wing, and
- New glazing to the openings on the courtyard elevation of the hotel accommodation.

Second Floor

- Relocation of existing external central stair;
- Conversion of existing "Blacket's Bar" to administration office, and
- Removal of redundant condensers to central wing and installation of two new air conditioning condenser units for the hotel accommodations. An acoustic screen is proposed around the perimeter of the area of plant.

Roof Area

- Installation of a total of two (2) air conditioning condenser A/C units for hotel accommodation rooms on the existing roofs as detailed below:
 - Unit A located on the upper roof adjacent to the western parapet wall;
 - Unit B located on the northern roof level adjacent to the northern parapet wall;
 - Two units located on the level 2 roof level adjacent to the existing plant. An acoustic screen is proposed around the perimeter of the existing and proposed plant.

Additional Details

Additional information relating to the roof top plant was submitted on 19 March 2020.

It is noted that a similar Development Application (DA) DA2018/2023 for an upgrade of the hotel accommodation to create 41 hotel rooms and install roof top plant was approved on 17 April 2019.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Manly Local Environmental Plan 2013 - 4.3 Height of buildings
 Manly Local Environmental Plan 2013 - 4.4 Floor space ratio
 Manly Local Environmental Plan 2013 - 5.10 Heritage conservation
 Manly Local Environmental Plan 2013 - 6.13 Design excellence
 Manly Local Environmental Plan 2013 - 6.21 Noise impacts—licensed premises
 Manly Local Environmental Plan 2013 - Schedule 5 Environmental heritage
 Manly Development Control Plan - 3.1.3 Townscape (Local and Neighbourhood Centres)
 Manly Development Control Plan - 3.2 Heritage Considerations
 Manly Development Control Plan - 3.4.1 Sunlight Access and Overshadowing
 Manly Development Control Plan - 3.4.2 Privacy and Security
 Manly Development Control Plan - 3.4.3 Maintenance of Views
 Manly Development Control Plan - 3.4.4 Other Nuisance (Odour, Fumes etc.)
 Manly Development Control Plan - 3.5.4 Energy Efficient Appliances and Demand Reduction and Efficient Lighting (non-residential buildings)

Manly Development Control Plan - 3.6 Accessibility
 Manly Development Control Plan - 3.9 Mechanical Plant Equipment
 Manly Development Control Plan - 3.10 Safety and Security
 Manly Development Control Plan - 4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor
 Manly Development Control Plan - 4.2.5.1 Design for Townscape
 Manly Development Control Plan - 4.2.5.4 Car Parking and Access
 Manly Development Control Plan - 4.4.3 Signage
 Manly Development Control Plan - 4.4.4.1 Awnings in LEP B1 and B2 Business Zones
 Manly Development Control Plan - 5.1.2 The Corso

SITE DESCRIPTION

| | |
|-----------------------------------|--|
| Property Description: | Lot 100 DP 1069144 , 75 The Corso MANLY NSW 2095 Lot 101 DP 1069144 , 75 The Corso MANLY NSW 2095 Lot 102 DP 1069144 , 75 The Corso MANLY NSW 2095 |
| Detailed Site Description: | <p>The subject site consists of three (3) allotments with a quadruple frontage located on the northern side of The Corso and Sydney Road, the western side of North Steyne and the eastern side of Henrietta Lane. The site is located in the Manly Town Centre.</p> <p>The site is irregular in shape with a primary frontage of 34.075m along The Corso and secondary frontages of 41.475m along North Steyne, 13.665m along Sydney Road and 44.27m along Henrietta Avenue. The site shares a boundary wall with the northern adjacent property which has a length of 39.125m. The site has a surveyed area of 1948m².</p> <p>The site is located within the B2 Local Centre zone and accommodates part-one, part-two, part-three storey commercial building operating as a pub with on-site hotel accommodation. The building is known as Hotel Steyne.</p> <p>The site is flat and contains no vegetation or landscaped area.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by multi-level commercial, residential and mixed-use developments. Manly Beach is located directly opposite the property to the east.</p> |

Map:



SITE HISTORY

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed a significant number of development applications and modification applications relating to the site. The following applications are of relevant to the assessment of this development application.

- Pre-lodgement Meeting (PLM2019/0189) was held on 24/09/2019 for the subject proposal. The subject application is consistent with the proposal tabled at the PLM and is supported with the information recommended at the PLM to be included with the DA.
- DA2018/2023 for alterations and additions to the existing accommodation within the Hotel was approved on 17/04/2019. The approval included an upgrade of visitor accommodation to create a total of 41 rooms (16 new room), a 33sqm increase in GFA and new roof top plant. Note: The subject application differs from DA2018/2023 in that it also includes the installation of new doors to North Steyne, replacement awnings and signage zones.
- On 24 February an Order was issues requiring remedial fire saftey upgrade work to be carried out to Hotel Steyne. Work in response to this orders has commenced.
- On 27 February 2020 an Order was issued requiring repair works to all facades and six juliet balconies of the Hotel Steyne. Work in response to this orders has commenced.
- Building Application lodged for existing roof top plant was lodged on 1 April 2020.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

are: **EXISTING USE RIGHTS**

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 4 submission/s from:

| Name: | Address: |
|---------------------------|--|
| Mr Gregory Ernest Brown | 8 Macquarie Road PYMBLE NSW 2073 |
| Samantha Stow | 505 / 9 - 15 Central Avenue MANLY NSW 2095 |
| Mr David Edward Glading | 507 / 9 - 15 Central Avenue MANLY NSW 2095 |
| Mr Richard Roy Goodmanson | 705 / 9 - 15 Central Avenue MANLY NSW 2095 |

The following issues were raised in the submissions and each have been addressed below:

- *Insufficient information has been submitted of the proposed roof top plant in terms of size and scale and there is a concern that AC units for 42 bedrooms will be excessive. The design should be amended to house the AC units on a lower level in the open courtyard area so that it is not visible from the public domain on a platform or the like. The design of the plant needs to consider impacts on the heritage fabric. It is requested that the height of any new units be kept to a minimum and the installation be fully enclosed in a visually neutral and sound dampening cladding.*

Comment

The applicant has submitted additional details on the proposed roof top plant including plans showing the location and height of the two A/C units on the upper roof and two A/C units on the level 2 roof. The application was re-notified and the additional information exhibited. No further submissions have been received. The additional information confirms that proposed units will not be visible from the public domain and all plant will sit below the height of the existing roof parapet. As such Councils Heritage Officer has no objections to the proposed roof top plant subject to a condition requiring the plant to be screened. Conditions are also included requiring noise from the proposed plant not to result in adverse impacts to neighbouring properties.

- *Existing unsightly bulky plant on the roof impacts on views from upper level neighbouring residential apartments.*

Comment

A site visit to the neighbouring apartment building, Pacific Waves 9-15 Central Avenue, confirms that existing plant has been installed on the roof visible from the balconies of the upper floor units facing south-east. The Applicant has been advised that unauthorised plant can not be included in the assessment of the subject development application. The Applicant notes that the

units were installed by the previous owner and has since lodged a Building Information Certificate (BIC) on 1 April 2020 for the roof top plant. The proposed A/C units will be located below the existing parapet height and it is considered unlikely that the proposed units will result in any view loss issues to neighbouring properties. A detailed discussion in relation to view loss is contained under clause 3.4.4 of this report.

- *Potential acoustic impacts, noise must not exceed 5dB(A). In addition, potential impacts relating to odour and smoke pollution.*

Comment

The application was referred to Council's Health Unit who offer no objections to the roof top plant subject to conditions requiring the plant not to cause an "offensive noise" as defined by the Protection of the Environment Operations Act 1997 and any noise emitted shall not exceed more than 5dB(A) above the background level when measured from within any property boundary. In addition, a condition requires the new plant to be enclosed in a visually neutral acoustic screen.

REFERRALS

| Internal Referral Body | Comments |
|--|--|
| Building Assessment - Fire and Disability upgrades | <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p> |
| Environmental Health (Industrial) | <p>General Comments</p> <p>Hotel Steyne proposes to make mostly internal changes to their existing premises including modifications to restaurant areas, bedrooms and re-instating working air conditioner condensers on the roof. Potential for noise impacts from roof-mounted air conditioner condenser units needs to be considered.</p> <p>The Statement of Environmental Effects states <i>The plant and equipment will comply with all acoustic requirements of Manly DCP 2013 including acoustic enclosures and advises that Installation of air-conditioning condenser units for hotel accommodation rooms on the existing roofs in existing plant and equipment areas. (not visible from the public domain).</i></p> <p>The Manly DCP 2013 states <i>Noise Control reports are to be submitted with DAs for licensed premises for the management of patron noise (including patrons exiting the premises) and other offensive noise (including amplified music and plant and equipment noise emissions) emitted over the life of the development.</i> The applicant has not provided an acoustic report and therefore not meet the requirements</p> |

| Internal Referral Body | Comments |
|---|---|
| | <p>of the Manly DCP.</p> <p>The air-con units however are being placed in existing enclosures - replacing the disused units.</p> <p>Considering the surrounding environment (The Corso) to which these units will be placed in, we are satisfied with recommending approval subject to noise conditions relating to the air conditioning units.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p> <p>Planners Comment</p> <p>The Applicant has submitted a letter prepared by Acoustic Logic. The letter notes that there is no difference in the acoustic implications between the approved design under DA2018/2023 and the proposed reconfiguration. The letter notes that the proposed works will create the opportunity for a significant improvement in the acoustic amenity of the new guest rooms in comparison to the 25 existing guest rooms based on the following:</p> <ul style="list-style-type: none"> • All changes to the level 1 facade are limited to openings which face inwards onto the existing Steyne Hotel Courtyard space and the windows will be treated with a continuous full height architectural glazing system. Modern glazing with acoustic seals would be expected to provide an improvement of at least 5dB(A) compared to the existing (poorly sealed) single glazing). • Glazing design will be undertaken during the detailed design phase of the project to ensure that acoustically suitable window systems are installed. • Any new external mechanical plant would (once selected) be designed to be compliant with NSW EPA Noise Policy for Industry requirements with respect to noise impacts on nearby development. This can be made mandatory by condition of consent. <p>The conditions recommended by Council's Health Officer have been included in this report. In addition, a condition requires that the recommendations in the Acoustic Logic letter be complied with.</p> |
| Environmental Health (Food Premises, Skin Pen.) | <p>General Comments</p> <p>Hotel Steyne proposes to make mostly internal changes to their existing premises, some of which include modifications to restaurant areas, bedrooms and re-instating</p> |

| Internal Referral Body | Comments | | | | | |
|---|---|-------------------|-----------------------------------|---|------------------------------------|---|
| | <p>working air conditioner condensers on the roof.</p> <p>Hotel Steyne was previously issued with an Improvement Notice (Council Ref: 2019/578498) under the Food Act in order to address a number of food safety issues namely pest exclusion measures from food preparation areas including the bar areas. Hotel Steyne subsequently asked for an extension of time on some of the items in the Notice due to impending DA application (DA2019/1403) that would include refurbishments to the hotel that would address some of the items in the notice. An extension of time was granted until the 31 March 2020 in order to address the outstanding items in the notice.</p> <p>Environmental Health recommends approval subject to conditions relating to Food Premises areas of the hotel namely the design and fit out. This is to ensure compliance with legislation and to protect public health and safety.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p> | | | | | |
| NECC (Development Engineering) | <p>The applicant proposed some amendments to the existing building. The proposed works have no impact to the on site stormwater management and the access of the building. Development Engineering has no objection to the application.</p> | | | | | |
| Strategic and Place Planning (Heritage Officer) | <table><tr><th>HERITAGE COMMENTS</th></tr><tr><th>Discussion of reason for referral</th></tr><tr><td><p>The proposal has been referred to Heritage as it is a heritage item, being "Item 1111 - Hotel Steyne - 75 The Corso" and is within the Manly Town Centre Conservation Area. It is also in the vicinity of a number of heritage items:</p><p>Item 1106 - Group of commercial buildings - All numbers, The Corso</p><p>Item 1112 - Group of 4 commercial buildings - 102–112 The Corso</p><p>Item 1104 - Street trees - The Corso (from Whistler Street to Sydney Road)</p><p>Item 1110 - New Brighton Hotel - 69–71 The Corso</p><p>Item 1232 - Commercial and residential building (street facade only) - 4–10 Sydney Road</p></td></tr><tr><th>Details of heritage items affected</th></tr><tr><td><p>Details of the heritage items as contained within the Manly Heritage inventory are as follows:</p></td></tr></table> | HERITAGE COMMENTS | Discussion of reason for referral | <p>The proposal has been referred to Heritage as it is a heritage item, being "Item 1111 - Hotel Steyne - 75 The Corso" and is within the Manly Town Centre Conservation Area. It is also in the vicinity of a number of heritage items:</p> <p>Item 1106 - Group of commercial buildings - All numbers, The Corso</p> <p>Item 1112 - Group of 4 commercial buildings - 102–112 The Corso</p> <p>Item 1104 - Street trees - The Corso (from Whistler Street to Sydney Road)</p> <p>Item 1110 - New Brighton Hotel - 69–71 The Corso</p> <p>Item 1232 - Commercial and residential building (street facade only) - 4–10 Sydney Road</p> | Details of heritage items affected | <p>Details of the heritage items as contained within the Manly Heritage inventory are as follows:</p> |
| HERITAGE COMMENTS | | | | | | |
| Discussion of reason for referral | | | | | | |
| <p>The proposal has been referred to Heritage as it is a heritage item, being "Item 1111 - Hotel Steyne - 75 The Corso" and is within the Manly Town Centre Conservation Area. It is also in the vicinity of a number of heritage items:</p> <p>Item 1106 - Group of commercial buildings - All numbers, The Corso</p> <p>Item 1112 - Group of 4 commercial buildings - 102–112 The Corso</p> <p>Item 1104 - Street trees - The Corso (from Whistler Street to Sydney Road)</p> <p>Item 1110 - New Brighton Hotel - 69–71 The Corso</p> <p>Item 1232 - Commercial and residential building (street facade only) - 4–10 Sydney Road</p> | | | | | | |
| Details of heritage items affected | | | | | | |
| <p>Details of the heritage items as contained within the Manly Heritage inventory are as follows:</p> | | | | | | |

| Internal Referral Body | Comments |
|------------------------|--|
| | <p><i>Item 1111 - Hotel Steyne</i> <u>Statement of significance:</u> This building is a fine example of Inter-War Art Deco style Hotel. Landmark building on the corner of The Corso and South Steyne.</p> <p><u>Physical description:</u> Original Hotel built 1862 and rebuilt in 1936 in Inter-war Art Deco Style of polychrome brickwork with heavy brick modelling along parapet and corrugated asbestos roof. Significant elements include: fan shaped lintels to windows; tile and brick detailing beneath windows; original tiling to ground floor, octagonal corner 'tower'.</p> <p>In general the openings appear to be original. (The building completes the streetscape of The Corso at the ocean front and by turning the corner into North Steyne provides a physical link between these two vistas)</p> <p><i>Manly Town Centre Conservation Area - C2</i> <u>Statement of significance:</u> The Manly Town Centre Conservation Area (TCCA) is of local heritage significance as a reflection of the early development of Manly as a peripheral harbor and beachside village in the fledgling colony of New South Wales. This significance is enhanced by its role as a day-trip and holiday destination during those early years, continuing up to the present time, and its association with H G Smith, the original designer and developer of the TCCA as it is today. The physical elements of the TCCA reflect this early development and its continued use for recreational purposes, most notably the intact promenade quality of The Corso and its turn of the century streetscape, as well as key built elements such as hotels, and remaining original commercial and small scale residential buildings.</p> <p><i>Item 1106 - Group of commercial buildings</i> <u>Statement of significance:</u> The streetscape and its special qualities are of major significance to the state. The Corso has important historical links to the development of tourism and recreation which is still present and likely to continue. It's role as the pedestrian link between harbour and ocean, city and sea - for the tourist, is fundamental to Manly's status as a resort.</p> <p><u>Physical description:</u> The Corso acts as a low scale horizontal corridor which steps down from the harbour to the ocean. The atmosphere of The Corso is of a 19th century place. Its special qualities include the contrasts of horizontal (low scale architecture) and vertical (planting) dimensions, and urban and natural elements.</p> <p><i>Item 1112 - Group of 4 commercial buildings</i> <u>Statement of significance:</u> This is an outstanding Federation Free Style/ Art Nouveau</p> |

| Internal Referral Body | Comments |
|------------------------|--|
| | <p>influenced façade with imaginative and exuberant design. It creates a significant back drop terminating the eastern end of Sydney Road.</p> <p><u>Physical description:</u> A group of four parapeted brick and rendered two storey shops. The principal significance lies in the elaborate rendered decoration at first floor level. The 2-storey is set in fine symmetry which was originally accentuated on the party wall by an elaborately modelled central gable surmounted by a smaller gabled pediment (now demolished). The remaining semicircular and circular windows set in ornately carved pediment are intact.</p> <p><i>Item 1104 - Street trees</i> <u>Statement of significance:</u> Part of earliest planting on The Corso c.1850's by H.G. Smith. Historic and aesthetic importance to the streetscape.</p> <p><u>Physical description:</u> Centre planting of Ficus Macrophylla (Moreton Bay Fig) Remnant Palm planting (Phoenix Canariensis) of 1928.</p> <p><i>Item 1110 - New Brighton Hotel</i> <u>Statement of significance:</u> This building is an example of exotic Egyptian-like motifs and Inter-war Free Classical style. The hotel is of major significance due to its contribution to the streetscape, its visual/textural interest and its association with early 20th century development of the resort. An unusual design utilising exotic Egyptian-like motifs appropriate to the resort location such as columns faintly reminiscent of the Brighton Pavilion. The building is an important feature on the corner of Sydney Rd and the Corso and its eclectic design contributes to the rich collection of architectural styles in the streetscape of the Corso.</p> <p><u>Physical description:</u> This is a three storey, rendered brick, wedge shaped building forming the corner of Sydney Road and The Corso. Date 1926 written on parapet. The ground floor elevations are rendered and tiled and remnants of the original door/window joiner survive, although much altered. Several windows, especially in Sydney Road, have the original classically ornamented acid etched and gold leaf highlighted windows intact. Several original window sills have deep valance in render beneath the window sills. The awning (not significant) is supported on heavy scrolled projecting brackets, the top of the awning provides a balcony of French doors set between slender pilasters topped by lotus flower capitals supporting a cornice in classical pattern. The wrought iron railing is not original. Decorative spandrel panels occur beneath the second floor windows, except in the central bay which is crowned by a low pitched gabled pediment. There is a simple masonry parapet. The wrought iron railing (not original). Significant elements include the plaster decoration to the first and second floors and parapet-notably the neo-Egyptian influence in</p> |

| Internal Referral Body | Comments | | | | | | | | | | | | | | | | | | | | | |
|--|---|----------------------------------|--|--|--|----|--|------------------------------|----|--|-----------------------------|----|--|---------------------------------------|----|--|---|----|--|-------|----|--|
| | <p>the exaggerated pilasters and the massive brackets beneath the awning. Art Nouveau.</p> <p>Unsympathetic new windows and doors. Unusual but not completely intact.</p> <p><i>Item 1232 - Commercial and residential building (street facade only)</i></p> <p><u>Statement of significance:</u></p> <p>Although altered, the building reflects its former use as a picture theatre, a major focus of suburban entertainment in the post WW1 years and now the last indication of the many picture theatres in the precinct. It has a strong presence in the Sydney Road streetscape and the contributions to the overall cultural heritage significance and character of the Town Centre Conservation Area.</p> <p><u>Physical description:</u></p> <p>Double storey, stucco parapeted, former picture theatre built in the Inter War Free Classical style.</p> <p>Parapet featured heavily moulded entablature, two large circular windows with adjacent awning windows. Main form of facade is intact but entry level detail and interior now demolished. Front facade originally had segmented arch highlight over wide entry, where lower level windows are currently. The word "Olympic" was embossed over the entry, framed by a matching curved string course. Freestanding letters O L Y M P I C also formerly across parapet. Ground floor and interior are now highly modified. Current form reflects 1954 conversion of Waltons Store.</p> <table><tr><th colspan="3">Other relevant heritage listings</th></tr><tr><td>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td><td>No</td><td></td></tr><tr><td>Australian Heritage Register</td><td>No</td><td></td></tr><tr><td>NSW State Heritage Register</td><td>No</td><td></td></tr><tr><td>National Trust of Aust (NSW) Register</td><td>No</td><td></td></tr><tr><td>RAIA Register of 20th Century Buildings of Significance</td><td>No</td><td></td></tr><tr><td>Other</td><td>No</td><td></td></tr></table> <p>Consideration of Application</p> <p>The proposal is seeking consent for alterations and additions to the</p> | Other relevant heritage listings | | | Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 | No | | Australian Heritage Register | No | | NSW State Heritage Register | No | | National Trust of Aust (NSW) Register | No | | RAIA Register of 20th Century Buildings of Significance | No | | Other | No | |
| Other relevant heritage listings | | | | | | | | | | | | | | | | | | | | | | |
| Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 | No | | | | | | | | | | | | | | | | | | | | | |
| Australian Heritage Register | No | | | | | | | | | | | | | | | | | | | | | |
| NSW State Heritage Register | No | | | | | | | | | | | | | | | | | | | | | |
| National Trust of Aust (NSW) Register | No | | | | | | | | | | | | | | | | | | | | | |
| RAIA Register of 20th Century Buildings of Significance | No | | | | | | | | | | | | | | | | | | | | | |
| Other | No | | | | | | | | | | | | | | | | | | | | | |

| Internal Referral Body | Comments | | |
|---|---|------------------|---|
| | <p>first-floor accommodation level of the Hotel Steyne, 75 The Corso Manly.</p> <p>Proposed changes from the approved DA are sympathetic to the heritage item, therefore there are no objections raised on heritage grounds subject to conditions:</p> <ul style="list-style-type: none">Proposed blade signage shown on DA.300 and the symmetrical signage shown on DA.301 Revision E, are not acceptable as they are considered not original.Location of the existing and additional air-conditioning condenser units on the existing roofs and the roof terrace should be submitted to Council's Heritage before the issue of the construction certificate to make sure that they are not visible from the public domain of The Corso and North Steyne. <p>Consider against the provisions of CL5.10 of MLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p> <table><tr><th>Further Comments</th></tr><tr><td><p>COMPLETED BY: Oya Guner, Heritage Advisor</p><p>DATE: 02 April 2020</p></td></tr></table> | Further Comments | <p>COMPLETED BY: Oya Guner, Heritage Advisor</p> <p>DATE: 02 April 2020</p> |
| Further Comments | | | |
| <p>COMPLETED BY: Oya Guner, Heritage Advisor</p> <p>DATE: 02 April 2020</p> | | | |
| Strategic and Place Planning (Urban Design) | <p>Urban Design Comments:</p> <p>The proposal is generally acceptable except for the existing roof plant located on the highest part of the roof near the south-eastern corner which will be visible from surrounding taller developments. It is understood that the roof plant were not DA approved so the applicant will have to seek compliance or remove them completely. As part of the compliance application, the cluster of existing a/c condenser units and other machinery could be made more tidy by surrounding them with a low screen about a metre high.</p> | | |
| Waste Officer | <p>Waste Management Assessment</p> <p>This is a commercial Building - with no residential component, as such, Council's Waste Unit have no comment on the proposal.</p> | | |

| Internal Referral Body | Comments |
|------------------------|---|
| | Completed as "Approved without conditions". |

| External Referral Body | Comments |
|--|--|
| Ausgrid: (SEPP Infra.) | The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended. |
| NSW Police – Crime Prevention Office (Local Command matters) | The proposal was referred to NSW Police. No response has been received and therefore it is assumed that no objections are raised and no conditions are recommended. |

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 64 - Advertising and Signage

The application includes the following signage zones:

- Zones for hand painted sign to the awning fascia fronting the Corso and Henrietta Street;
- Two blade signs to the south-east corner;
- One high level wall sign located on the south-east corner
- One ground level wall sign located adjacent to the entrance doors to the hotel on North Steyne frontage.

The content of the sign has not been submitted and a condition will require the submission of a separate DA for the approval of the signs. In addition, the principle of the two blade signs are not supported from a heritage perspective, refer to discussion in the heritage referral section above, and a condition requires that they are not included in any future signage DA.

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

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

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

| Matters for Consideration | Comment | Complies |
|--|--|-----------------|
| 1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? | With the exception of the location of the blade signs the proposed signage zones are compatible with the character of the area. | YES |
| Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? | Subject to the deletion of the two blade signs the zones are consistent with the theme for signage in Manly. | YES |
| 2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? | Subject to the deletion of the two blade signs the zone will not detract from the visual quality of the Manly Conservation Area. | YES |
| 3. Views and vistas Does the proposal obscure or compromise important views? | The signage zones will not compromise important views. | YES |
| Does the proposal dominate the skyline and reduce the quality of vistas? | The signage zones will not dominate the skyline. | YES |
| Does the proposal respect the viewing rights of other advertisers? | N/A | NA |
| 4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? | The scale and proportion of the signage zones are acceptable. | YES |
| Does the proposal contribute to the visual interest of the streetscape, setting or landscape? | The signage has the potential to contribute to the visual interest in the street. | YES |
| Does the proposal reduce clutter by rationalising and simplifying existing advertising? | The proposal has the potential to rationalise and simplify existing signage. | YES |
| Does the proposal screen unsightliness? | NA | NA |
| Does the proposal protrude above buildings, structures or tree canopies in the area or locality? | No signage zones are located above the building. | YES |
| 5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? | The scale and proportion of the signage zones is compatible with the characteristics of the site and area. | YES |
| Does the proposal respect important | The signage zones respect important features of | YES |

| | | |
|--|--|----|
| features of the site or building, or both? | the site. | |
| Does the proposal show innovation and imagination in its relationship to the site or building, or both? | NA, this will be assessed under the A for the detailed design of the signage. | NA |
| 6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? | NA | NA |
| 7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation? | NA This issue will be assessed under the DA for the detailed design of the signage. | NA |
| Can the intensity of the illumination be adjusted, if necessary? | As above | NA |
| Is the illumination subject to a curfew? | As above | NA |
| 8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists? | As above | NA |
| Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? | As above | NA |

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

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*

Comment:

The proposed alterations are not expected to impact upon the coastal environment area.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

As above.

14 Development on land within the coastal use area

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
- (a) *has considered whether the proposed development is likely to cause an adverse*

impact on the following:

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
- (b) is satisfied that:
- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

No impacts to the coastal use area are expected as the proposed works are primarily internal.

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

Manly Local Environmental Plan 2013

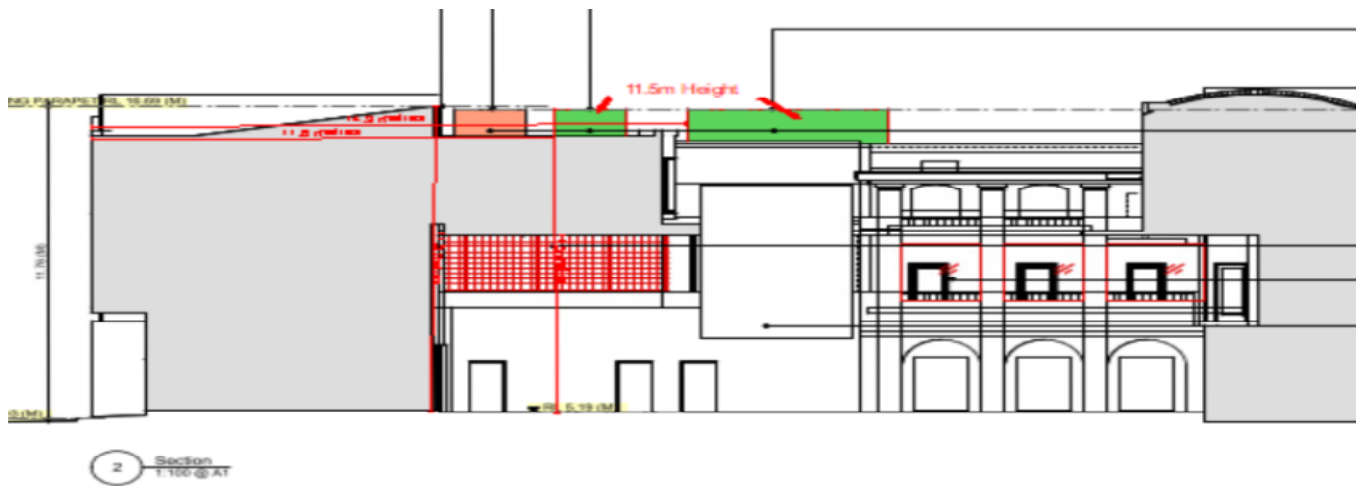
| | |
|--|-----|
| Is the development permissible? | Yes |
| After consideration of the merits of the proposal, is the development consistent with: | |
| aims of the LEP? | Yes |
| zone objectives of the LEP? | Yes |

Principal Development Standards

| Standard | Requirement | Proposed | Complies |
|----------------------|-------------------|-----------------------|----------|
| Height of Buildings: | Perimeter: 10m | No change to existing | Yes |
| | Centre north: 12m | No change to existing | Yes |
| Floor Space Ratio: | Perimeter: 2:1 | FSR: 1.3:1 | Yes |
| | Centre north: 3:1 | FSR: 2.1:1 | Yes |

Compliance Assessment

| Clause | Compliance with Requirements |
|----------------------------|------------------------------|
| 4.3 Height of buildings | Yes |
| 4.4 Floor space ratio | Yes |
| 5.10 Heritage conservation | Yes |



The proposed units comply with the maximum building height development standard and meet the objectives of the standard as discussed below:

(a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality

The proposed units comply with the maximum 12m height limit. Subject to a condition requiring the screening of the A/C unit from views from upper level residential apartments the proposed units have been assessed as providing a roof form that is acceptable.

(b) to control the bulk and scale of buildings.

The bulk and scale of the two AC units have been assessed as acceptable.

(c) to minimise disruption to the following:

(i) views to nearby residential development from public spaces (including the harbour and foreshores),

Given the location of the proposed units setback from the boundaries and below the maximum building height they will not obscure views to nearby residential developments from public spaces including Manly beach.

(ii) views from nearby residential development to public spaces (including the harbour and foreshores),

Given the location of the units and the height of the units below the western parapet they will not impact on views from nearby residential developments to public spaces including Manly Beach, refer to discussion under clause 3.4.3.

(iii) views between public spaces (including the harbour and foreshores),

The proposal will not impact on viewed between public spaces.

(d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings.

The proposal will not impact on solar access to public and private open spaces or habitable rooms to adjacent dwellings.

(e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.

The proposal will not impact on existing vegetation or bushland.

4.4 Floor space ratio

The site is subject to two FSR controls, namely:

- Zone U, 2:1 around the perimeter of the site and
- Zone V, 3:1 within the centre of the site.

The subject site has a site area of 1948sqm and an existing GFA is 3971sqm resulting in an FSR across the site of 2.0 (1.23:1 along the perimeter and 2:1 in the centre).

The proposal will result in a 47sqm increase in floorspace as a result of the following resulting in a GFA of 4018 comprising:

- Ground floor - 21sqm reduction as a result of alterations to the gaming bar (centre of the site);
- First floor - 47sqm increase as a result of the infill of two balconies and the creation of an office (centre of the site), and
- Second floor - 11sqm as a result of the infill of a void to create a hotel room.

The proposed GFA is 4018sqm which will result in an FSR of 2.0 (1.3:1 in zone U and 2:1 in zone V). The proposal complies with the maximum FSR. The infill of the balconies and voids to create additional floor space will not add to the bulk and massing of the building.

The proposed FSR of both sections of the site comply with the standard.

5.10 Heritage conservation

The subject building is a heritage item, being "Item 1111 - Hotel Steyne - 75 The Corso" and is within the Manly Town Centre Conservation Area. It is also in the vicinity of a number of heritage items, including 102–112 The Corso and the New Brighton Hotel - 69–71 The Corso

Hotel Steyne is a fine example of Inter-War Art Deco style Hotel, a landmark building on the corner of The Corso and South Steyne.

The original Hotel was built 1862 and rebuilt in 1936 in Inter-war Art Deco Style of polychrome brickwork with heavy brick modelling along parapet and corrugated asbestos roof.

The Manly Town Centre Conservation Area (TCCA) is of local heritage significance as a reflection of the early development of Manly as a peripheral harbor and beachside village in the fledgling colony of New South Wales.

Detailed Assessment

The proposal is seeking consent for alterations and additions to the first-floor accommodation level of the Hotel Steyne, 75 The Corso Manly. The proposal has been supported with a HIS as required under clause 5.4 of the Manly DCP. It is noted that a CMP is not required under this provision.

Proposed changes from the approved DA are sympathetic to the heritage item, therefore there are no objections raised on the heritage grounds subject to the following:

Proposed signage shown on DA.300 and the symmetrical signage shown on DA.301 Revision E, both noted as "new blade signage - Location and overall dimensions to match previous signage shown in historical photo 3", are not acceptable as they are considered not original. A condition requires the submission of a DA for the detail / content of all future signs and reference will be made that the blade signs are not supported.

The size and location of the additional air-conditioning condenser units for hotel accommodation rooms on the existing roofs to be submitted to Council's Heritage before the issue of the construction certificate to make sure that they are not visible from the public domain. A low screening, which is not visible from the public domain of The Corso and North Steyne, around the existing and new plant and equipment areas is recommended.

In summary, subject to conditions the proposal complies with Clause 5.4 of the Manly LEP.

6.13 Design excellence

In considering whether development exhibits design excellence, the consent authority must give consideration to whether the development:

- (a) contains buildings that consist of a form, bulk, massing and modulation that are likely to overshadow public open spaces, and*
- (b) is likely to protect and enhance the streetscape and quality of the public realm, and*
- (c) clearly defines the edge of public places, streets, lanes and plazas through separation, setbacks, amenity, and boundary treatments, and*
- (d) minimises street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access, and*
- (e) encourages casual surveillance and social activity in public places, streets, laneways and plazas, and*
- (f) is sympathetic to its setting, including neighbouring sites and existing or proposed buildings, and*
- (g) protects and enhances the natural topography and vegetation including trees, escarpments or other significant natural features, and*
- (h) promotes vistas from public places to prominent natural and built landmarks, and*
- (i) uses high standards of architectural design, materials and detailing appropriate to the building type and location, and*
- (j) responds to environmental factors such as wind, reflectivity and permeability of surfaces, and*
- (k) coordinates shared utility infrastructure to minimise disruption at street level in public spaces.*

Comment

The proposal complies with design excellence provisions of clause 6.13 of the LEP in that:

- The creation of the double doors to the Steyne frontage will enhance, activate the streetscape and allow for enhanced casual surveillance. The detailed design of the doors and materials are appropriate to the heritage building;
- The proposal will not result in street clutter subject to conditions deleting the blade sign zones, and

- The proposal is sympathetic to neighbouring sites subject to conditions requiring screening to roof top plant.

6.21 Noise impacts—licensed premises

The proposal is primarily for the upgrade of the hotel accommodation. The proposed alterations to the licensed component of the site including minor alterations to the courtyard to include awnings and a reduction in the size of the gaming area. There is no intensification of the use of licensed component of the site and conditions are included to ensure that the proposed roof top plant will not result in acoustic impacts to neighbouring properties. Refer to discussion under Environmental Health.

Schedule 5 Environmental heritage

The subject site is a heritage item located within the Manly Conservation Area. Subject to conditions, Council's Heritage Specialist has no objections to the proposal. Refer to detailed discussion in the referrals section of this report.

Manly Development Control Plan

Built Form Controls

| Built Form Controls - Site Area: 1,948sqm | Requirement | Proposed | % Variation* | Complies |
|--|---|--|-------------------------|-----------------|
| 4.2.3 Setback Controls in LEP Zones B1 and B2 | Public road frontage - Nil Side boundaries - Nil | Nil (no change to existing) Nil (no change to existing) | N/A N/A | Yes |

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--|-------------------------------------|------------------------------------|
| 3.1 Streetscapes and Townscapes | Yes | Yes |
| 3.1.3 Townscape (Local and Neighbourhood Centres) | Yes | Yes |
| 3.2 Heritage Considerations | Yes | Yes |
| 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise) | Yes | Yes |
| 3.4.1 Sunlight Access and Overshadowing | Yes | Yes |
| 3.4.2 Privacy and Security | Yes | Yes |
| 3.4.3 Maintenance of Views | Yes | Yes |
| 3.4.4 Other Nuisance (Odour, Fumes etc.) | Yes | Yes |
| 3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design) | Yes | Yes |
| 3.5.1 Solar Access | Yes | Yes |
| 3.5.3 Ventilation | Yes | Yes |
| 3.5.4 Energy Efficient Appliances and Demand Reduction and Efficient Lighting (non-residential buildings) | Yes | Yes |
| | | |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| 3.5.6 Energy efficiency/conservation requirements for non-residential developments | Yes | Yes |
| 3.5.8 Water Sensitive Urban Design | Yes | Yes |
| 3.6 Accessibility | Yes | Yes |
| 3.7 Stormwater Management | Yes | Yes |
| 3.8 Waste Management | Yes | Yes |
| 3.9 Mechanical Plant Equipment | Yes | Yes |
| 3.10 Safety and Security | Yes | Yes |
| 4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres) | Yes | Yes |
| 4.2.3 Setbacks Controls in LEP Zones B1 and B2 | Yes | Yes |
| 4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor | No | Yes |
| 4.2.5 Manly Town Centre and Surrounds | Yes | Yes |
| 4.2.5.1 Design for Townscape | Yes | Yes |
| 4.2.5.4 Car Parking and Access | No | Yes |
| 4.2.5.6 Late Night Venues | Yes | Yes |
| 4.4.1 Demolition | Yes | Yes |
| 4.4.2 Alterations and Additions | Yes | Yes |
| 4.4.3 Signage | Yes | Yes |
| 4.4.4 Awnings | Yes | Yes |
| 4.4.4.1 Awnings in LEP B1 and B2 Business Zones | Yes | Yes |
| 4.4.4.2 Awning supported from the ground | Yes | Yes |
| 5 Special Character Areas and Sites | Yes | Yes |
| 5.1.1 General Character | Yes | Yes |
| 5.1.2 The Corso | Yes | Yes |
| 5.4.1 Foreshore Scenic Protection Area | Yes | Yes |
| Schedule 2 - Townscape Principles | Yes | Yes |

Detailed Assessment

3.1.3 Townscape (Local and Neighbourhood Centres)

3.1.3.1 Design Principles

The following design principles should be achieved in all development involving the erection of a new building or external alterations to an existing building in order to:

- *maintain and enhance the townscape of the former Manly Council area's LEP Business Zones;*
- *achieve the townscape objectives of this plan; and*
- *consider that the development exhibits design excellence in accordance with considerations of LEP clause 6.13(4) (as a statutory consideration for land in Zone B2 Local Centre and as a DCP consideration in other zones).*

Design Details

c) Design details of proposed developments must complement adjacent building in the locality with particular reference to:

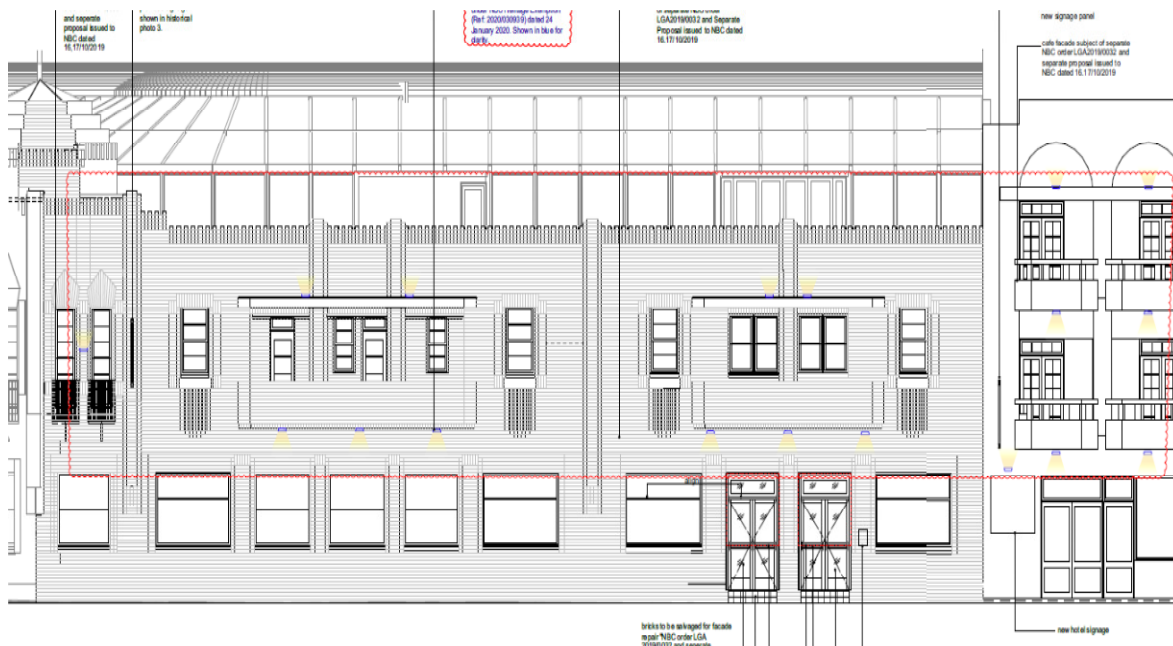
- (i) *the scale, proportion and line of visible facades;*
- (ii) *the pattern of openings and the visual pattern of solids to voids on facades;*
- (iii) *both the overall wall and parapet height and the height of individual floors in relation to adjoining development and important corner buildings and the height of awnings. See also paragraph 4.4.4; and*
- (iv) *materials, textures and colours;*

Comment

The external alterations to create a new doorway opening on North Steyne is consistent with the design principles and details in that the scale, proportions and pattern of openings are consistent with the existing facade.



Photo of site showing the existing eastern elevation.



Proposed doors in the eastern elevation.

3.2 Heritage Considerations

Clause 3.2.2.1(a) Complementary Form and Scale that Distinguishes Heritage Significance requires:

a) Alterations or additions to heritage items or buildings within a conservation area will not necessarily seek to replicate, overwhelm, dominate or challenge heritage details or character of the building or structure of heritage significant buildings. However, a contemporary response which complements and respects the form and scale of the original buildings may be considered if the heritage significance is retained.

Comment

The primary external alteration relates to the creation of a new opening along the North Steyne frontage. As discussed above, Council's Heritage Specialist has no objections to the proposal and it has been assessed that the alterations reflect the form, scale, proportions and openings of the original building.

3.4.1 Sunlight Access and Overshadowing

The additional roof top plant will not result in overshadowing to neighbouring properties.

3.4.2 Privacy and Security

The objectives of clause 3.4.2 are:

1) To minimise loss of privacy to adjacent and nearby development by:

- appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings;*
- mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.*

2) To increase privacy without compromising access to light and air. To balance outlook and views from habitable rooms and private open space.

3) To encourage awareness of neighbourhood security.

Comment

The hotel rooms have been designed to face the North Steyne and will not impact on the visual privacy of any neighbouring residential properties. The rooms will allow for passive surveillance of the street in accordance with the objectives of the clause.

Clause 3.4.2.3 Acoustical Privacy (Noise Nuisance) also required

a) Consideration must be given to the protection of acoustical privacy in the design and management of development.

Comment

An acoustic screen is proposed around the plant on level 2 which adjoins the hotel accommodation. In addition, Council's Environmental Health Unit recommend the imposition of conditions requiring the A/C units not to create an offensive noise and noise not to exceed 5dB(A) above background level measure from any property boundary.

New glazing is proposed to the opening in the hotel rooms that face the courtyard to protect acoustic privacy to the occupants of the hotel rooms.

The proposal primarily relates to an upgrade of tourist accommodation. There are some minor alterations to the licensed area including a reduction in the size of the gaming room and installation of awnings to within the courtyard. The alterations are not regarded as intensity the use of the licensing area or result in additional acoustic impacts.

The application was referred to the NSW Police Local Command, no response has been received and it is assumed that the Police have no issues with the proposal.

3.4.3 Maintenance of Views

The objectives of clause 3.4.3 (maintenance of views) is to;

- 1) To provide for view sharing for both existing and proposed development and existing and future Manly residents.*
- 2) To minimise disruption to views from adjacent and nearby development and views to and from public spaces including views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths).*
- 3) To minimise loss of views, including accumulated view loss 'view creep' whilst recognising development may take place in accordance with the other provisions of this Plan.*

Comment

Four submissions have been received from residents in the Pacific Waves development at 9-15 Central Avenue which raise concerns relating to the loss of foreshore views as a result of the proposed roof top plant. The submission note that insufficient information was submitted with the original DA to assess view loss and add that the existing roof top plant current results in clutter and view loss.

The applicant notes that the proposed plant was approved under DA2018/2023. Notwithstanding the approval additional information has been submitted to address issues of view loss including details on the location and height of the proposed plant and a photographic analysis of the proposed roof plant in relation to the existing roof structure. The proposed roof top plant comprises two A/C units, Unit A is set back 11.6m m from the western boundary to Henretta Lane and sits below the height of the western parapet.



Photographs of roof, submitted by Applicant, showing the western parapet wall. The proposed plant sits behind this wall and will not exceed the height of the parapet. The Waves Apartment can be seen to the left of photo one.



Photo of existing plant adjacent to western parapet



Montage, submitted by the Applicant, showing the existing unauthorised plant and the proposed location of Unit A.

Tenacity Principles

The first step in the is the assessment of views to be affected.

Comment:

Views can be observed from the top floor apartments within the Pacific Waves towards the ocean, Manly Beach and beyond to Shelly Beach. The view to Shelly Beach is a whole view, i.e. a view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The second step is to consider from what part of the property the views are obtained.

Comment

The views are observed from the balconies and windows of the top floor apartments within the Pacific Waves development looking in a south easterly direction across the roof of the subject site. Views are best observed from a standing position on the balconies.

The third step is to assess the extent of the impact.

Comment

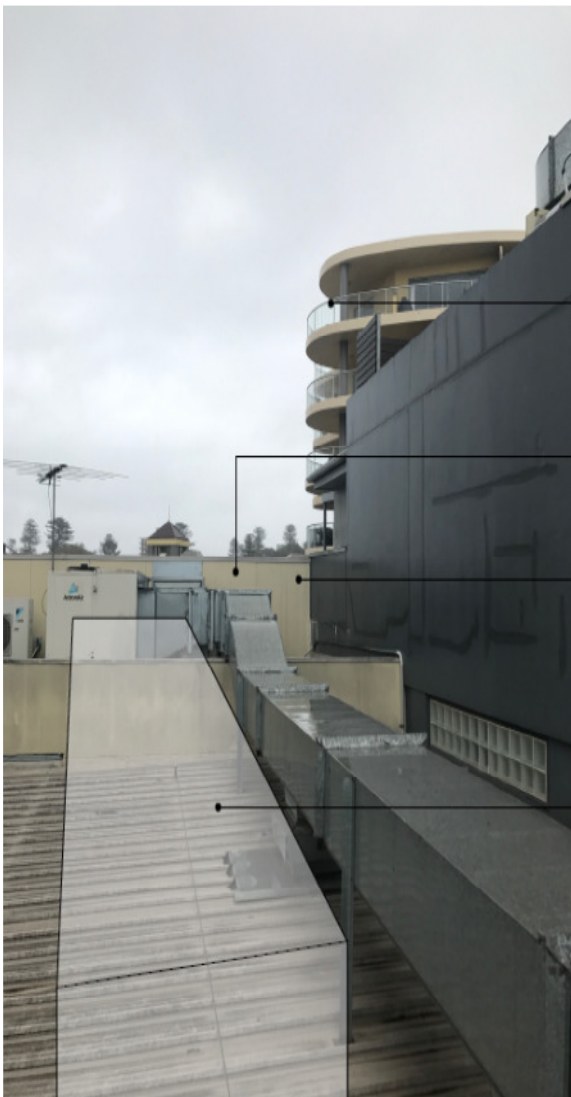
As discussed above, the air conditioning units are sited below the height of the western parapet.

Subject to a condition requiring the siting of Unit A to be directly adjacent to the western parapet wall it is unlikely that the unit will be visible from the the upper floor apartments of the Waves development looking east towards the foreshore, as such it has been assessed that the unit will not result in loss of views and the siting of the unit complies with objectives of clause 3.4.3.

A/C Unit B is proposed to be located on a lower roof element adjacent to existing mechanical ventilation plant in close proximity to the northern wall. Due to the length of this unit and its position further into the centre of the site it may be visible in part from the east facing windows and balconies of the upper floor apartments of the Waves development, see montage below. The unit is positioned at a lower roof level, the height of the unit sits below the height of the western and northern parapet. As such, the unit will not result in view loss and complies with the objectives of clause 3.4.3, refer to photos below.



Existing plant adjacent to northern parapet.



Two additional units and an acoustic screen are proposed to the level 2 roof adjacent to the plant room. Given the location of the two units at the lower level they will not impact on view loss from neighbouring

upper level apartments, refer to photo below.



Photo of existing plant to the level 2 plant room. Two additional units are proposed adjacent to behind the existing plant with a

In regards to issues concerning the view loss from existing plant a site visit to Unit 505 in the Pacific Waves Development confirms that a number of A/C Units have been installed in the south-east corner of the roof which sit above the roof level, refer to photos below.



Photo taken from the balcony facing south-east from the level 5 apartment within Pacific Waves.

The existing plant is un-authorised and retrospective development consent cannot be given for this work under the subject development application (DA). The Applicant was advised that the plant should be removed or a Building Information Certificate (BIC) lodged to seek retrospective consent for the plant.

The fourth step is to assess the reasonableness of the proposal that is causing the impact.

Comment

Given the above, the proposal has been assessed reasonable as it is unlikely to result in view loss to the south-easterly facing upper floor apartments of the Pacific Waves development. Issues relating to the existing plant will be considered separately under the BIC.

3.4.4 Other Nuisance (Odour, Fumes etc.)

The proposal includes the general improvements to the existing bars to comply with an order. Council's Environmental Health Unit have recommended additional conditions relating to the upgrade of the kitchen, mechanical ventilation, food storage and waste areas to comply with Australian standards and protect public health and safety.

3.5.4 Energy Efficient Appliances and Demand Reduction and Efficient Lighting (non-residential buildings)

A condition requires all air conditioning units are to have a minimum 4 star energy rating for cooling only. Reverse cycle air conditioning units are to have a minimum of 4 star rating on one cycle and 3 star rating on the alternate cycle.

3.6 Accessibility

The proposal includes a new accessible path at ground level and the inclusion of an accessible hotel room on the second floor accessible via a lift. As such, the proposal complies with objective one in that it provides improved levels of access and facilities for people with disabilities.

3.9 Mechanical Plant Equipment

Clause 3.9.2 Roof-top Plant, Lift Towers etc requires .

Roof-top plant and lift towers must be inconspicuous and / or designed as an integral part of the building in such a way as to appear as an appropriate part of the overall townscape. Plant equipment is to be appropriately located and designed such that it is not apparent from the street level view or from other active pedestrian areas and must not compromise street character, landscaping or pedestrian amenity or conflict with townscape objectives of this plan. See paragraph 3.1 Streetscapes and Townscapes.

Comment

As discussed elsewhere in this report, the siting and height of the proposed four A/C units has been designed to be inconspicuous so that they are not visible from street level, will have no impacts on view sharing and will not result in unacceptable roof clutter.

3.9.3 Noise from Mechanical Plant requires:

External mechanical plant systems (for pools, air conditioning and the like) must be acoustically enclosed and located centrally and away from neighbours living areas of neighbouring properties and side and rear boundaries.

Comment

As discussed elsewhere in this report, Council's Environmental Health Unit have offered no objections

to the proposal subject to conditions to control the noise from the plant in order to protect the amenity of adjoining uses.

3.10 Safety and Security

The upgrade hotel rooms and new hotel rooms are primarily orientated to North Sydney which will help assist with passive surveillance.

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

See discussion below under Part 4.2.5.4 of the DCP for specific Manly Town Centre controls.

4.2.5.1 Design for Townscape

The proposal includes the creation of a double doors onto North Sydney which will help activate the development to the public domain.

4.2.5.4 Car Parking and Access

Description of non-compliance

The premises has no provision for on-site car parking. The minimum required car parking under Manly DCP 2013 for Hotel accommodation in Manly Town Centre is 1 space for every 4 rooms or suites. Therefore, in accordance with the proposal to add 17 rooms on the site, 5 car spaces are required on the site. Further, the 27m² increase in gross floor area (GFA) will require an additional car space. The total car space deficiency on the site is 6 spaces.

There are exceptions to the parking rates/requirements for properties located within the Manly Town Centre, which includes the Corso. Therefore, a merit assessment is completed below.

Merit consideration

The existing building does not provide any on-site car parking, and therefore does not comply with the car parking provisions. Notwithstanding, the proposed is considered acceptable based on the following:

- The proposal generally relates to the refurbishment of the existing hotel accommodation. Strict compliance with the car parking requirement to the subject premises is considered to be unreasonable as there is no provision or ability to provide car parking on the site.
- Convenient public transport options that service the greater Northern Beaches, North Shore and the City are available nearby. The Ferry Wharf terminal to access the city of Sydney is approximately 400m away in distance. The bus terminal to access the Northern Beaches and the North Shore area is located along West and East Esplanade also approximately 400m away in distance. It is considered unlikely that customers using the accommodation will arrive to the site using a private vehicle or rental car.
- There are four (4) Council car parks located within the Manly Town Centre all easily accessible to the Corso. The four (4) car parks provide over 245 parking spaces. All are available for the use by the general public.
- If the required on-site car parking is enforced it would likely negatively impact upon the heritage significance of the building.
- A section 7.11 development contribution will be applied to the car space deficiency in accordance with the Manly Section 94 Contributions Plan.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Manly DCP and the objectives specified in s1.3 (a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

4.4.3 Signage

Clause 4.4.3.1.a limits the Maximum Number of Signs in relation to a shopfront to two (2) identification signs will be permitted per frontage.

Comment

The application seeks consent for the approval of signage zones in the following locations:

- 1 hotel sign
- 2 blade signs
- 3 fascia signs.

Subject to the deletion of the two blade signs the number of signs is acceptable for the subject site with three frontage.

Clause 4.4.3.2 Signage on Heritage listed items and in Conservation Areas requires:

a) Advertising signs should be designed and located in a manner which preserves and enhances Heritage listed items and Conservation Areas

Sign locations

b) Signs should be discreet and should complement the building and surrounding uses. The architectural features of the building or listed item should always dominate. Advertising should preferably be placed in locations on the building or item which would traditionally have been used as advertising areas.

Comment

The blade signs are not consistent with the original heritage building. Subject to a condition requiring the deletion of the two blade signs at the corner of the site Council's Heritage Officer has no objections to the signage zones. A condition requires a separate development application for the detailed design of all external signs.

4.4.4.1 Awnings in LEP B1 and B2 Business Zones

The exterior awning along the Coros, Whistler Street and Henrietta Lane are proposed to be replaced and detailed to replicate the historic awning. Council's Heritage Officer has no objections to the proposed replacement awning. The height of the awning varies between 3m and 3.1m above ground level and is therefore below the recommended minimum 3.5m height. Given that the awning replaces the existing heritage awning and aligns with the height of existing awning the proposed awning has been assessed as acceptable.

5.1.2 The Corso

5.1.2.4 Parapets to be read against the sky requires:

a) Parapet details on the street frontage, and in some cases the related original or historically relevant roof form, are to continue to be read by pedestrians as silhouetted against the sky. This is also to be the

case for the parapet of any new building fronting The Corso.

b) This provision applies in respect to both oblique and perpendicular views of buildings as pedestrians move through the street. This provision will govern the height and setback of any permitted additional floor levels and also establishes an important 'visual catchment' to The Corso that needs to be kept clear of obstructions.

Comments

The proposed roof top plant is sited below the parapets and will not impact on the views of the parapet when read against the sky.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$30,282 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$3,028,232.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/1403 for Alterations and additions to the first floor accommodation, new doors to North Steyne, replacement awning to the Corso, signage zones, air-conditioning to the roof and other ancillary works at Hotel Steyne to Hotel Steyne on land at Lot 100 DP 1069144, 75 The Corso, MANLY, Lot 101 DP 1069144, 75 The Corso, MANLY, Lot 102 DP 1069144, 75 The Corso, MANLY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

| Architectural Plans - Endorsed with Council's stamp | | |
|--|--------------|--------------------|
| Drawing No. | Dated | Prepared By |
| DA.010 Rev D - Site Plan | 20.11.2019 | Luchetti Krelle |
| DA.020 Rev C - GFA Calculations | 17.03.2020 | Luchetti Krelle |
| DA.030 Rev A - GF Demolition Plan | 20.11.2019 | Luchetti Krelle |
| DA.040 Rev F - GF Scope of Works Plan | 05.02.202 | Luchetti Krelle |
| DA.300 Rev E - Exterior Elevations - New Entry Doors | 05.02.2020 | Luchetti Krelle |
| DA.301 Rev E - Exterior Elevations - Awning Improvements | 05.02.2020 | Luchetti Krelle |
| DA.302 Rev E - Exterior Elevations - Awning Improvements and Signage | 05.02.2020 | Luchetti Krelle |
| DA.303 Rev F - Exterior Elevations - Awning Improvements | 05.02.2020 | Luchetti Krelle |
| DA.305 Rev I - Overall Sections | 20.03.2020 | Luchetti Krelle |
| DA.351 Rev G - Overall Sections | 20.03.2020 | Luchetti Krelle |
| DA1.030 Rev D L1 Demolition Plan | 20.11.2019 | Luchetti Krelle |
| DA1.040 Rev E L1 Scope of Works Plan | 29.11.2020 | Luchetti Krelle |
| DA2.040 Rev G L2 Scope of Works Plan | 18.03.2020 | Luchetti Krelle |
| DA2.050 Rev C Roof Plan | 18.03.2020 | Luchetti Krelle |

Reports / Documentation – All recommendations and requirements contained within:

| Report No. / Page No. / Section No. | Dated | Prepared By |
|--|-------------------|-------------------------|
| Fire Engineering Statement - Rev 1 Ref. 12519431 | 4 December 2019 | Mark Cooney |
| Acoustic report No. 20190000/1126A/R1/TT | 27 November 2019, | Acoustic Logic. |
| BCA Assessment Report Rev 1 ref 190462 | 4 December 2019 | City Plan |
| Heritage Impact Statement Version 4 | 6 December 2019 | Architectural Projects. |

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

| Waste Management Plan | | |
|------------------------------|--------------|--------------------|
| Drawing No/Title. | Dated | Prepared By |
| Waste Management Plan | 22.11.2019 | Luchetti Krelle |

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

2. **Prescribed conditions (Demolition):**

(a) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (ii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(c) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Reason: Legislative Requirement.

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

4. **General requirements (Demolition):**

- (a) Unless authorised by Council:
Demolition and excavation works are restricted to:
 - o 8.00 am to 5.00 pm Monday to Friday only.

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

(b) At all times after the submission a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean

state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) The applicant shall bear the cost of all works that occur on Council's property.

(f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

(i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

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

5. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area

affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

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

FEES / CHARGES / CONTRIBUTIONS

6. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$30,282.32 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$3,028,232.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

7. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

8. Building Code of Australia Upgrade requirements and Fire Safety Upgrade

The Building Code of Australia works and fire safety measures to upgrade the building as detailed and recommended in the Building Code of Australia Assessment Report prepared by City Plan, dated 4/12/2019, Report No.190462 and the Fire Engineering DA Statement - Rev 1 by GHD Reference No. 12519431 dated 4/12/2019, are to be taken into consideration as part of the assessment for the Construction Certificate.

Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

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

9. **Access for People with Disabilities**

Access to and within the building is to be provided for Persons with a Disability. In this regard the recommendations contained in the Accessibility Assessment Report No. 190364 prepared by City Plan and dated 9/12/2019 are to be implemented as part of the assessment of the Construction Certificate

Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for Access for building occupant safety.

10. **Air Conditioning Units**

The details design of the roof top air conditioning units (including the existing units) including dimensions and location is to be submitted to Council prior to the issue of a Construction Certificate. A low screen, which is not visible from the public domain of the Corso or North Steyne, is to be installed around the A/C units. Details of the screen shall also be submitted to Council for approval.

Reason: To ensure that there is no visual impact on the public domain or taller developments.

11. **Signage**

A separate development application shall be lodged for the detailed design of all signage. Note: the blade signs shown on drawing reference DA.301 Rev E are not acceptable as they are not original and shall not be included in the DA.

Reason: To preserve the heritage significance of the item.

12. **Plans of Kitchen Design, construction and fit out**

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Certifying Authority. These plans are to be prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

Reason: To ensure that the Food premise complies with the design construction and fit-out requirements.

13. **Plans of Mechanical ventilation**

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with the Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings", must be approved by the Certifying Authority for any cooking equipment with an individual or combined power rating level that triggers the requirement for mechanical ventilation under AS1668.2 including any deep frying equipment.

Reason: To ensure that the design, construction and installation requirement for mechanical ventilation complies with the Australian Standard 1668.2.

14. **Food premises waste storage areas**

A designated waste storage area(s) are to be provided to accommodate all food premises. The waste storage area must be of an appropriate size to adequately contain all waste produced from food premises.

The construction, fit-out and finishes of the designated food premises waste storage area must comply with Standard 3.2.3 of the Australia and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises' and Australian Standard AS1668.2.

Reason: To ensure there is adequate storage and collection of waste from food premises and to minimise the risk of pest harbourage..

15. **Grease Traps**

Grease traps must be appropriately designed and installed to adequately treat all trade waste water waste produced from food premises. Grease traps must have a piped connection to the boundary and must be designed so it does not impede right of way or any pedestrian access. Any grease traps must not be located in any kitchen, food preparation area or food store area.

Approval for the systems must be granted by Sydney Water prior to its installation.

Reason: To ensure that provision for commercial trade waste provisions have been considered with the development. .

16. **Noise - Design of roof top air conditioning condensers and housing**

Detailed plans and specifications must be provided to the Certifying Authority prior to the issue of the Construction Certificate that the air conditioning unit condensers and associated plant/housing are designed so that:

- They do not cause "Offensive Noise" as defined by the Protection of the Environment Operations Act 1997;
- Any noise emitted shall not exceed more than 5dB(A) above the background level when measured from within any property boundary; and
- They will comply with the Environment Protection Authority's NSW Industrial Noise Policy.

Reason: To ensure compliance with legislation and to minimise nuisance to any neighbouring residents.

17. **Compliance with Standards**

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

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

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

18. **Blank condition for prior construction certificate**

Air Condition Unit A shall be located directly adjacent to the western parapet wall. Air Conditioning Units A and B shall not exceed the height of the western parapet. A low screen shall be erected around the units.

Reason: In order to ensure that the plant will not result in adverse visual clutter of the roof.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19. **Removing, Handling and Disposing of Asbestos**

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

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

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

20. **Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

21. **Food Premises Fit Out**

The construction and fit-out of all food premises areas including preparation and storage must comply with the relevant and current guidelines including:-

- Food Act 2003,
- Australian Standard AS 4674-2004: Construction and fit out of food premises,
- Australia and New Zealand Food Standards Code 3.2.2: Food Safety Practices and General Requirements, and
- 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..

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

22. Environmental Reports Certification

Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Northern Beaches Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

- (a) Fire Engineering Statement - Rev 1 Ref. 12519431, dated 4 December 2019, prepared by Mark Cooney.
- (b) Acoustic report No. 20190000/1126A/R1/TT, dated 27 November 2019, prepared by Acoustic Logic.
- (c) BCA Assessment Report Rev 1 ref 190462 dated 4 December 2019, prepared by City Plan.
- (d) Heritage Impact Statement Version 4 dated 6 December 2019 prepared by Architectural Projects.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To ensure compliance with standards.

23. Registration of Food Business

All food businesses must be registered with the Appropriate Regulatory Authority prior to trading.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

24. Kitchen Design, construction and fit out of food premises certification

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from a suitably qualified professional that the design, construction and fit out of all food premises areas including preparation areas are compliant with the requirements of the following:

- Food Act 2003,
- Australian Standard AS 4674-2004: Construction and fit out of food premises,
- Australia and New Zealand Food Standards Code 3.2.2: Food Safety Practices and General Requirements, and
- Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the kitchen complies with the design requirements.

25. **Mechanical ventilation**

Where Mechanical ventilation is required to be installed in the food premises it must comply with Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings" Prior to any Occupation Certificate (OC) being issued, certification is to be provided by a suitably qualified person that the mechanical ventilation complies with the above requirements.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2.

26. **Noise - Roof top air conditioning condensers and housing**

Prior to the issuing of any interim / final occupation certification is to be provided from a suitably qualified professional such as an acoustic engineer that the design and installation of the rooftop air conditioning condensers and associated plant/housing when operational:

- Will not cause "Offensive Noise" as defined by the Protection of the Environment Operations Act 1997;
- Any noise emitted shall not exceed more than 5dB(A) above the background level when measured from within any property boundary; and
- Will comply with the Environment Protection Authority's NSW Industrial Noise Policy.

Reason: To ensure that offensive noise is not created from plant and equipment.
(DACHPFPOC6)

27. **Fire Safety Matters**

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

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire and Rescue an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

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

28. **Noise from roof top air conditioning condensers**

Any air conditioning condenser units and the associated plant/housing on the site must be installed and operated at all times so as:

- Will not cause "Offensive Noise" as defined by the Protection of the Environment Operations Act 1997;
- Any noise emitted shall not exceed more than 5dB(A) above the background level when measured from within any property boundary; and
- Will comply with the Environment Protection Authority's NSW Industrial Noise Policy.

Council may require the owner or occupier of the premises to engage the services of a suitably

qualified professional to undertake an acoustic assessment of the premises in the event concerns regarding the emission of 'offensive noise' are raised and/or justified by Council.

Reason: To ensure compliance with legislation and to minimise nuisance to any neighbouring residents. (DACHPGOG5)

29. **Air Conditioning and energy efficiency**

All air conditioning units are to have a minimum 4 star energy rating for cooling only. Reverse cycle air conditioning units are to have a minimum of 4 star rating on one cycle and 3 star rating on the alternate cycle.

Reason: In the interest of energy efficiency.