

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/1293
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Responsible Officer:	Olivia Ramage
Land to be developed (Address):	Lot 20 DP 235980, 19 Sydney Road MANLY NSW 2095
Proposed Development:	Use of Premises as an educational establishment
Zoning:	Manly LEP2013 - Land zoned E1 Local Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Hampic Management Pty Ltd Cinemeccanica Australia Pty Ltd
Applicant:	Michelle Bejcek

Application Lodged:	21/09/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Other
Notified:	28/09/2023 to 12/10/2023
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 5,500.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposed development consists of the change of use of the premises to an educational establishment.

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

SITE DESCRIPTION

Property Description:	Lot 20 DP 235980 , 19 Sydney Road MANLY NSW 2095
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Sydney Road.</p> <p>The site is regular in shape with a frontage of 12m along Sydney Road and a frontage of 12m to Market Place. The site has a surveyed area of 379.28m².</p> <p>The site is located within the E1 Local Centre zone under the MLEP 2013. The site is currently occupied by a three storey commercial building.</p> <p>The site is relatively flat.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by various businesses premises.</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 the following relevant history:

- **DA 5217/1992** - Development application for Unilluminated flush wall sign. Approved 14 July 1992.
- **DA 296/1995** - Development application for Strata subdivision. Approved 20 March 1997.
- **DA 602/1999** - Development application for Office fit-out within existing building. Approved 30 November 1999.
- **DA 220/2002** - Development application for new building fire upgrade. Approved 25 July 2002.
- **DA 279/2011** - Development application for Alterations and additions - shop fitout, flood lighting and signage. Approved 29 November 2011.
- **DA 39/2014** - Development application for Alterations and additions - change of use to a cafe, fitout, signage. Approved 23 April 2014.
- **DA2022/2199** - Development application for Demolition works and construction of shop top housing. Currently under assessment.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	<p>See discussion on “Environmental Planning Instruments” in this report.</p> <p>The NSW employment zones reforms have been made and came into force on 26 April 2023. These reforms result in this property changing</p>

Section 4.15 Matters for Consideration	Comments
	<p>from a B2 Local Centre zone to a E1 Local Centre zone. The proposed use will become prohibited in the new zone.</p> <p>The NSW employment zones reform allows for a 2 year transition period, whereby the proposed use may remain permissible until 26 April 2025.</p>
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to traffic and parking.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

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 from 28/09/2023 to 12/10/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

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 inclusion of the attached 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 resolved by Condition.</p>
Environmental Health (Acid Sulfate)	<p>General Comments</p> <p>This application is seeking consent for a change of use to an education establishment at 19 Sydney Road, Manly. A review of the Statement of Environmental Effects has identified no excavation or disturbance of soil at no.19 Sydney Road therefore potential or actual acid sulfate soils are not a consideration for this proposed change of use.</p>

Internal Referral Body	Comments
Environmental Health (Industrial)	<p>General Comments</p> <p>This application is seeking consent for a change of use to an educational establishment at 19 Sydney Road, Manly.</p> <p>This development proposes to offer tertiary education to international students, comprising of English Language Intensive Courses for Overseas Students (ELICOS) with proficiency levels comprising of elementary, pre-intermediate, intermediate, upper-intermediate, and advanced.</p> <p>Operational hours vary however the earliest opening is 8:00am and the latest closing is 9:30pm. Closed Sundays.</p> <p>It is Environmental health's opinion that the operations of an educational facility are not expected to cause adverse noise impacts in the area. Sydney Road and Market Lane have heavy foot traffic, and the educational facility will not add extra noise that would be noticeable above the current noise level.</p> <p>Environmental Health recommends approval.</p>
NECC (Flooding)	<p>The proposal seeks consent for change of use and fit out of the existing building to allow for use as an educational establishment.</p> <p>The property is affected by the medium and low flood risk precinct. Shallow 0.20m deep flows are expected to impact the northern boundary and partially impact the southern boundary in the 1% AEP flood event and 0.45m deep flows are expected to impact the property in the PMF flood event.</p> <p>Subject to the following conditions, council is satisfied that the proposal is compliant with Section 5.4.3 Flood Prone Land from the Manly DCP 2013 and Clause 5.21(2)(a-e) of the Manly LEP 2013, with consideration of Clause 5.21(3)(a-d) of the Manly LEP 2013.</p>
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	<p>The proposal has been referred to heritage as the subject property sits within the C2 - Manly Town Centre Conservation Area and is within the vicinity of a number of heritage items:</p> <p>Item I106 - Group of commercial buildings - All numbers, The Corso, Manly</p> <p>Item I108 - Group of commercial buildings - 41–45 The Corso, Manly</p> <p>Item I234 - Group of 5 commercial buildings - 39–47 Sydney Road, Manly</p>

Internal Referral Body	Comments
	<p>Item I233 - Commercial and residential building - 12 Sydney Road, Manly</p> <p>Details of heritage items affected</p> <p>Details of the HCA and the heritage items, as contained within the Manly Heritage Inventory are:</p> <p>C2 - Manly Town Centre Conservation Area <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.</p> <p>Item I106 - Group of commercial buildings <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. <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>Item I108 - Group of commercial buildings <u>Statement of significance</u> The group is of major significance for its contribution to the streetscape of The Corso and as extant 19th century commercial architecture. <u>Physical description</u> Group of (originally) five two storey brick buildings with painted stone face and mixture of slate, iron and tiled roofs. The buildings were originally constructed as a symmetrical group: the two end buildings bearing paired gabled ends over first floor with mock Tudor design in timber and render on the western end and intaglio design on the eastern. The buildings either side of the centre had triangular pediments above first floor windows and the central building has a segmental pediment of the same width containing two semi-circular windows with multi-paned glazing. The central building also has heavily ornamented pilasters at first floor level. Two (of a possible four) tall stone (?) chimneys survive. Two</p>

Internal Referral Body	Comments
	halves of the eastern end buildings have been demolished and the space infilled. Ground floor shopfronts are modern. (originally 41 The Corso entry SoS)
	Other relevant heritage listings
	SEPP (Biodiversity and Conservation) 2021
	Australian Heritage Register
	NSW State Heritage Register
	National Trust of Aust (NSW) Register
	RAIA Register of 20th Century Buildings of Significance
	Other
	Consideration of Application
	<p>The proposal seeks consent for the change in use to an education college with new fit-outs, including reconfiguration of internal layout to create classrooms and associated spaces, replacement of existing signage, using the same location and dimensions. The subject property is not a listed heritage item but located within the TCCA and is considered to be a contributory item and is in the vicinity of a number of heritage items.</p> <p>Given the proposed works are mainly confined to the internal modifications which will not have an impact on the mass and scale and the built form of the existing building and the only external works proposed are signage installations, which are similar to the existing signage, the overall impact of the proposed works are considered acceptable.</p> <p>Therefore, no objections are raised on heritage grounds and no conditions required.</p> <p><u>Consider against the provisions of CL5.10 of Manly LEP 2013.</u> 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>
Strategic and Place Planning (Urban Design)	<p>This advice is provided as an internal referral from the Urban Design Unit to the Development Assessment Officer for consideration and coordination with the overall assessment.</p> <p>The application seeks consent for the change in use to an education college with new fit-outs. The proposed works are:</p>

Internal Referral Body	Comments
	<p>Ground Floor:</p> <ul style="list-style-type: none"> • Reconfiguration of internal wall layout to create classrooms and associated spaces. • Replacement of existing signage, using the same location and dimensions as the previous tenancy. <p>First Floor:</p> <ul style="list-style-type: none"> • Reconfiguration of internal wall layout to create classrooms and associated spaces. <p>The proposed works are internal layout changes which will not alter the external look and built form of the building. The signages proposed are similar to the existing signages on the building. Urban Design raises no objection to the proposed works.</p> <p>Please note: Regarding any view impacts and any impacts on solar amenity and overshadowing these matters will be dealt with under the evaluation of Council Planning Officer. Any impacts of non-compliances regarding heritage will be dealt with under the evaluation of Council Heritage Officers, and any Landscape non-compliances will be dealt with under the evaluation of Council Landscape Officers.</p>
Traffic Engineer	<p>Amended comments relating to the amended documents–3/1/2024.</p> <p>The amended Plan of Management, Version B of the Plans, and the amended Statement of Environmental Effects prepared by Archispectrum dated December 2023, as well as the email from info@fluencyhub.com.au dated 8 December 2023, have been reviewed by the Traffic team.</p> <p>All the Council's comments dated 06/12/2023 on the initial version of the documents have been addressed in the revised documents.</p> <p>It is noted that:</p> <ul style="list-style-type: none"> • The proposed alterations under this DA will only involve minor modifications within the existing space, and will not have a significant impact on the external built form on the site. • As the proposed educational establishment is located in the CBD pedestrian-dominant environments, there is no possibility of retrofitting car parking for this centre. • International students, who are the primary target of the establishment, are coming from overseas without the need or means to purchase a car. Further, the centre will have 3 admin staff and 2 teachers who all live in Manly /

Internal Referral Body	Comments
	<p>Northern Beaches. Any visitors to the centre would either come by bus or ferry.</p> <ul style="list-style-type: none"> • The central location of the site supports attendance by pedestrians or bike riders to maximise public transport patronage and encourage walking and cycling. • Bicycle parking spaces and bicycle racks within close proximity to the site are shown on the architectural plans. • staff members will be made aware of public transport availability in the locality, so as to be able to provide relevant information to students when necessary. staff members and students will be encouraged to travel to the site via bicycle and public transport. • The proposal is not expected to require deliveries in large quantities, rendering a loading bay unnecessary. Deliveries can be accommodated on Central Avenue within existing timed 5-minute loading bays. <p>Due to the reasons outlined above, the on-street parking analysis/assessment and preparation of GTP can be waived in this location.</p> <p><u>Conclusion</u></p> <p>All the Council's comments dated 06/12/2023 on the first version of the documents have been addressed.</p> <p>Subject to conditions, the application can be supported on traffic grounds.</p> <p>Comments - 06/12/2023</p> <p><u>Proposed description:</u> Use of Premises as an educational establishment, fit out and signage.</p> <p>The traffic team has reviewed the following documents:</p> <ul style="list-style-type: none"> • Plans (Master Set) – issue A, designed by Archispectrum, dated 01/08/2023, • Plan of Management, prepared by Archispectrum dated July 2023. • Statement of Environmental Effects prepared by Archispectrum dated July 2023, and

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • Pre-Lodgement Advice (PLM2021/0164) dated 11 November 2021. <p>It is noted that:</p> <ul style="list-style-type: none"> • The subject site currently contains a three-storey commercial building. The proposal is for the change of use of the premises to an educational establishment (college) with fit-out. No off-street parking or loading facilities are proposed. • The proposed alterations will not result in any significant changes to the existing external built form on the site. • The previous commercial building operated with no carparking allocated. This application does not seek any car spaces on the site, given that there is no ability to retrofit car parking for this centre as it supports CBD pedestrian-dominant environments. • The central location of the site supports attendance by pedestrians or bike riders to maximise public transport patronage and encourage walking and cycling. • The proposed college consists of a max of 75 people, including 70 students and 5 staff members (3 full-time and 2 part-time staff members). • The proposed operating hours of the development are from 8am to 1:30pm, Monday – Saturday and from 4pm to 10pm, Monday to Thursday. <p><u>Parking rates/requirements:</u></p> <ul style="list-style-type: none"> • <ul style="list-style-type: none"> ◦ The land is zoned E1 Local Centre under Manly Local Environmental Plan 2013 (LEP). ◦ Manly DCP applies to the subject site. The Manly DCP does not provide a schedule of car parking requirements for educational facilities. ◦ The proposal does not contain any car spaces, discouraging private car use and encouraging active and public transport. ◦ The site has excellent access to public transport. Bus stops and the ferry wharf are located within close walking distance (450m – 5minute walk). Therefore, Council considers exceptions to the parking rate/requirements required for the proposal, allowing future users of the proposed premises (students and staff) to visit without the need for car parking. However, a parking assessment should be undertaken by selecting some similar sites with similar public transport accessibility and their trip generation and parking demands should be surveyed and analysed. This is to ensure excessive parking demands are not

Internal Referral Body	Comments
	<p>generated by the proposed development. This could be achieved by reducing the number of students/staff.</p> <ul style="list-style-type: none"> It is reported in the SEE that staff members will be made aware of public transport availability in the locality, so as to be able to provide relevant information to students when necessary. A Green Travel Plan (GTP), along with TAG, should be provided as part of this DA to be circulated among the staff/students to reduce and shift the use and dependency away from single occupancy private vehicle use. As outlined in the SEE, should students and staff wish to drive to the premises, there is ample on-street parking available and Whistler car park is located approximately 200 metres from the subject site. Considering the PLM referral comments, <i>“to offset the absence of parking, the development would need to cater for travel by other modes and bicycle parking facilities in accordance with DCP requirements should be accommodated on site and other measures such as an active travel plan developed.”</i> Bicycle parking spaces are not presented in the architectural plans and their presence will contribute towards reducing reliance on private motor vehicle travel. The location for bicycle parking spaces and End of Trip facilities should be confirmed on the amended plans. Loading bays must be provided in sufficient numbers to meet anticipated demand. This demand is related to the total amount of floor space, the intensity of use and the nature of the activity. It is reported in the SEE that the college is not expected to require deliveries in large quantities, rendering an exclusive loading bay unnecessary. Any rare deliveries can use timed 5-minute loading bays nearby the site, specifically the loading zone in front of the premises on Central Avenue. Any businesses in the subject area are not eligible for business parking permits. This condition is to be provided on the property Title. <p><u>Traffic and pedestrian impacts:</u></p> <ul style="list-style-type: none"> The installation of the proposed signage is required to comply with the 2.5m clearance from the ground and needs to be outside the clear zone to any road users/infrastructure. No safety concern is to be expected to be imposed by the proposed signage.

Internal Referral Body	Comments
	<ul style="list-style-type: none"> During the installation of the proposed signage, there would be some impacts on pedestrian activity in the vicinity of the proposal. This needs to be detailed in the Construction Traffic Management Plan (CTMP). <p>Conclusion</p> <p>The plans and the traffic related items in SEE in their current form are unacceptable given the lack of relevant detail to base a traffic and parking impact assessment, as outlined above.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs 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 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 (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the commercial land use.

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?	
zone objectives of the LEP?	Yes

Principal Development Standards

The proposed development is for a change of use and does not contain any physical works, therefore there are no relevant principal development standards.

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
6.9 Foreshore scenic protection area	Yes
6.11 Active street frontages	Yes
6.12 Essential services	Yes
6.13 Design excellence	Yes

Manly Development Control Plan

Built Form Controls

The proposed development is for a change of use and does not contain any physical works, therefore there are no built form controls relevant to this application.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.2 Heritage Considerations	Yes	Yes
4.2.5 Manly Town Centre and Surrounds	Yes	Yes
4.2.5.1 Design for Townscape	Yes	Yes
4.2.5.2 Height of Buildings: Consideration of Townscape Principles in determining exceptions to height in LEP Zone B2 in Manly Town Centre	Yes	Yes
4.2.5.4 Car Parking and Access	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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

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 2021;
- 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 DA2023/1293 for Use of Premises as an educational establishment on land at Lot 20 DP 235980, 19 Sydney Road, MANLY, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all

conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA01.01	b	Site Plan	Archi spectrum	19 December 2023
DA02.01	b	As Built Ground Floor Plan	Archispectrum	19 December 2023
DA02.02	b	As Built First Floor Plan	Archispectrum	19 December 2023
DA03.01	a	Proposed Ground Floor Plan	Archispectrum	1 August 2023
DA03.02	a	Proposed First Floor Plan	Archispectrum	1 August 2023
DA04.01	a	External Elevations	Archispectrum	1 August 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Plan of Management	B	Archispectrum	December 2023
Heritage Impact Statement	A	Archispectrum	July 2023
19 Sydney Road Manly - Flood Impact Assessment	20152-M01-FIA_0	WMS	8 September 2023
BCA & Access Assessment Report	P23067-BCA-r1	BCA Clarity	30 August 2023

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

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of an educational establishment, in accordance with the Dictionary of the Manly Local Environmental Plan 2013, as follows:

educational establishment means a building or place used for education (including teaching), being—

(a) a school, or

(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

3. **Building components and structural soundness**

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 5.93m AHD, protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

4. **Building Code of Australia Upgrade requirements and Fire Safety Upgrade**

The Building Code of Australia works and fire upgrading measures to upgrade the building as detailed and recommended in the Building Code of Australia Audit Report prepared by BCA Clarity, 30/8/2023, Report Ref No. P23067-BCA-r1 are to be considered 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 Health, Amenity, access and Fire safety for building occupant health and safety.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

5. **Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

Reason: To ensure Work zones are monitored and installed correctly.

6. Road Occupancy Licence

Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows.

Reason: Requirement of TMC for any works that impact on traffic flow.

DURING BUILDING WORK

7. During the course of demolition and building works

All construction vehicles associated with the development must obtain a permit from Council on a daily basis, for access into pedestrian only areas. E.g. The Corso and Sydney Road Plaza.

Reason: To manage and minimise disruption to the area.

8. Ongoing Management

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

9. 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 Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, 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 Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

10. Building Components and Structural Soundness

B3 - A suitably qualified electrician or contractor is to certify that all new and existing electrical equipment, power points, wiring and connections are located above the Flood Planning Level of 5.93m AHD, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

11. Businesses Premises Parking Permits

Any businesses and/or tenants of the subject site are not eligible for business parking permits. This condition is to be provided on the property Title.

Reason: to ensure businesses premises/tenants are aware that they are not entitled to permits irrespective of the location of the development within a permit parking area.

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

12. Hours of Operation

The hours of operation are to be restricted to:

- Monday to Thursday – 8am to 1:30pm, 4pm to 10pm
- Friday – 8am to 1:30pm
- Saturday – 8:30am to 1:30pm
- Sunday – Closed

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Olivia Ramage, Planner

The application is determined on 08/01/2024, under the delegated authority of:



Adam Richardson, Manager Development Assessments