

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2021/1245
----------------------------	-------------

<b>Responsible Officer:</b>	Catriona Shirley
<b>Land to be developed (Address):</b>	Lot B DP 304309, 60 - 62 The Corso MANLY NSW 2095
<b>Proposed Development:</b>	Alterations and additions to commercial premises
<b>Zoning:</b>	Manly LEP2013 - Land zoned B2 Local Centre
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Sixty Four Corso Pty Ltd
<b>Applicant:</b>	Momentum Project Group Pty Ltd

<b>Application Lodged:</b>	28/07/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	17/08/2021 to 31/08/2021
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	4.4 Floor space ratio: 0.29%
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 80,000.00
---------------------------------	--------------

### PROPOSED DEVELOPMENT IN DETAIL

The Development Application seeks approval for alterations and additions to the existing office building.

The works are as follows:

#### Ground Floor

- Remove redundant lift located at the rear of the property to provide new storage space.
- Remove existing roller doors at ground floor.
- Addition of lightweight partition walls and doors to provide a kitchenette and storage space.

#### First Floor

- Remove redundant lift located at the rear of the property.
- Internal lightweight walls to be demolished.
- Existing door leading to the amenities & lobby space removed and a new infill wall constructed.
- New passage to connect the two spaces.
- Refurbishment and new 8.2sqm of existing office space.
- Alter Rialto Lane façade with a new window to provide natural light to the refurbished office space.

#### Second, Third and Forth Floor

- No change.

### **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 - 4.6 Exceptions to development standards  
 Manly Local Environmental Plan 2013 - 5.10 Heritage conservation  
 Manly Local Environmental Plan 2013 - 6.9 Foreshore scenic protection area  
 Manly Development Control Plan - 3.1.3 Townscape (Local and Neighbourhood Centres)  
 Manly Development Control Plan - 3.2 Heritage Considerations  
 Manly Development Control Plan - 3.4.2 Privacy and Security  
 Manly Development Control Plan - 3.6 Accessibility  
 Manly Development Control Plan - 4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor

### **SITE DESCRIPTION**

<b>Property Description:</b>	Lot B DP 304309 , 60 - 62 The Corso MANLY NSW 2095
------------------------------	--

### Detailed Site Description:

The subject site consists of two (2) allotments located on the south-eastern side of The Corso. The site is located within the B2 Local centre zone as mapped within the Manly Local Environment Plan 2013 and accommodates a commercial building.

The site has a surveyed area of 952m<sup>2</sup>, is irregular in shape with a frontage of 19.96m along The Corso and a depth of 47.55m.

The building is local heritage item under the Manly LEP: Item 109: Group of commercial buildings (46-64 The Corso)

Adjoining and surrounding development is characterised by retail shops, St Mathews Church, business premises, pubs, cafes and restaurants.

### 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 development application history:

- Development Application **DA2018/1182** for alterations and additions to the existing commercial building was approved by Council on the 9 October 2018.
- Modification Application **MOD2019/0119** for alterations and additions to the existing commercial building was approved by Council on the 26 April 2021.
- Modification Application **Mod2019/0119** for the modification of DA2018/1927 granted for the fit out and use of the premises as a bank and the installation of signage was approved by Council on the 26 April 2019.
- Development Application **DA2018/1927** for the fit out and use of the premises as a bank, and the installation of signage was approved by Council on the 12 February 2019.
- Development Application **DA201/2013** for the alterations to the existing shopfront, internal fitout

- and signage - O'Neill (Surf Apparel) was approved by Council on the 28 November 2013.
- Development Application **10.2008.432.1** for a new signage panel - Macquarie Group was approved by Council on the 16 February 2009.
- Modification Application **11.2007.485.3** to modify approved alterations and additions to the existing building including relocation of the air-conditioning and convert level four from residential to commercial office space was approved on 30 October 2008.
- Development Application **DA307/2008** for the change of use to a bank, shop fit out including new façade and Automatic Teller Machine (ATM) - Bank West was approved by Council on the 21 October 2008.
- Development Application **DA118/2008** for the alterations to façade and advertising structure (signage) was approved by Council on the 3/6/2008.
- Development Application **10.2007.514.1** for a shop fitout - Humphreys Newsagency was approved by Council on the 26 February 2008.
- Development Application **10.2007.485.1** for the alterations and additions to existing building including relocation of the air conditioning and convert Level 4 from residential to commercial office space was approved by Council on the 26 March 2008.

## 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	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for commercial purposes for an extended period of time. The proposed development retains the commercial use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 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 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 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 98</u> of the EP&amp;A Regulation 2000 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) <b>Environmental Impact</b> 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) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> 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 (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 17/08/2021 to 31/08/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 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 respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Strategic and Place Planning (Heritage Officer)	<b>HERITAGE COMMENTS</b>
	Discussion of reason for referral
	<p>The proposal has been referred to Heritage as the subject property is a heritage item, being part of <b>Item I109 - Group of commercial buildings</b> - 46 - 64 The Corso and it is located within the <b>C2 - Manly Town Centre Conservation Area</b>.</p> <p>It is also adjacent to a heritage item and within proximity to a number of heritage items:</p> <p><b>Item I106 - Group of commercial buildings</b> - All numbers, The Corso</p> <p><b>Item I104 - Street trees</b> - The Corso (from Whistler Street to Sydney Road)</p> <p><b>Item I108 - Group of commercial buildings</b> - 41–45 The Corso</p>
	Details of heritage items affected
	<p>Details of the heritage items, as contained within the Manly Heritage Inventory are:</p> <p><b>Item I109 - Group of commercial buildings</b> <u>Statement of Significance:</u></p>

Internal Referral Body	Comments		
	<p>Two, two-storey terrace commercial buildings. Modern architectural significance in scale and style; major significance in contribution of additional horizontal emphasis to streetscape of The Corso.</p> <p><u>Physical Description:</u></p> <p>Group of two two-storey terraced buildings with retail outlets at ground floor. No's. 46-58 The Corso: 1928 texture brick complex of six terraced shops with tiled roof. Significant elements include terracotta horizontal band at cornice level, fine margin glazing bars to first floor windows, decorative metal wall fixing plates (for suspended awning) and rainwater heads with date of construction. The group provides a strong horizontal emphasis to the streetscape.</p> <p><b>C2 - Town Centre Heritage Conservation Area</b></p> <p><u>Statement of significance:</u></p> <p>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><b>Item I106 - Group of commercial buildings</b></p> <p><u>Statement of significance:</u></p> <p>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><b>Item I104 - Street trees</b></p> <p><u>Statement of significance:</u></p> <p>Part of earliest planting on The Corso c.1850's by H.G. Smith. Historic and aesthetic importance to the streetscape.</p>		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
	Australian Heritage Register	No	
	NSW State Heritage	No	

Internal Referral Body	Comments		
	Register		
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	N/A	
	Consideration of Application		
	<p>The proposal seeks consent for alterations and additions to the existing property to provide further storage and a kitchenette at ground floor and to refurbish the existing office space at first floor with a window addition to provide natural light.</p> <p>The proposal involves mainly internal alterations and some exterior changes to the rear façade at Rialto Lane which has already been modified extensively and no works have been proposed to The Corso façade with this application. As such, the proposed works are considered to not impact upon the significance of the subject heritage item, surrounding heritage items or the conservation area.</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>		

## 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)

Nil

## 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	% Variation	Complies
Height of Buildings:	10m	No Change	-	Yes
Floor Space Ratio	FSR: 2.5:1 FSR: 3:1 if at least 50% of the gross floor area of the building will be used for the purpose of commercial premises**	Existing FSR: 3:1 (2850sqm) Proposed FSR: 3.09:1 (2858.2sqm)	- 0.29%	Yes* <b>No</b>

\* Previously approved via Development Application 11.2007.485.1

\*\* Commercial GFA: 100% of premises consistent with Clause 4.4(2)

#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	No
4.5 Calculation of floor space ratio and site area	Yes
4.6 Exceptions to development standards	Yes
5.10 Heritage conservation	Yes
6.9 Foreshore scenic protection area	Yes
6.12 Essential services	Yes
6.16 Gross floor area in Zone B2	Yes
Schedule 5 Environmental heritage	Yes

#### Detailed Assessment

##### 4.3 Height of buildings

No change to the existing height of the building.

##### 4.6 Exceptions to development standards

#### Description of non-compliance:

Development standard:	Floor space ratio
Requirement:	3:1

Proposed:	3.09:1
Percentage variation to requirement:	0.29%

Assessment of request to vary a development standard:

The following assessment of the variation to Clause 4.4 - Floor space ratio development standard, has taken into consideration the recent judgement contained within *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, *Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61*, and *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130*.

Clause 4.6 Exceptions to development standards:

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

#### Comment:

Clause 4.4 - Floor space ratio development standard is not expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Secretary has been obtained.

Clause 4.6 (4)(a)(i) (Justification) assessment:

Clause 4.6 (4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6(3) and these are addressed as follows:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Comment:

The Applicant's written request (attached to this report as an Appendix) has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard.

In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

In this regard, the Applicant's written request has not adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

In the matter of Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'

s 1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment.

The applicants written request argues, in part:

*"The proposed deletion of the existing Lift and reuse of the space for storage and office use is deemed appropriate and will not result in any negative environmental impacts. To not allow such use would result in the area either not being used or limited to increased storage use.*

*The small area of the Manly Local Environment Plan FSR breach above the existing FSR of 3:1 is reasonable and appropriate. Strict compliance is unnecessary in the circumstances of the case:*

- *The proposal is consistent with the objectives of the Floor Space Ratio standard and the zoning of the land when assessed against each individually, and as a whole.*
- *The proposal is in the public interest for the reason that it complies with the relevant planning objectives, proposes a reuse of existing internal space, and has no negative environmental impacts."*

It is agreed that the variation to the FSR at 0.29% is very minor and is the direct result of the deletion of the existing lift and reuse of the space for office use. The proposal make no change to the building heights or built form controls, and will remain consistent with the surrounding Manly locality.

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment, therefore satisfying cls 1.3 (c) and (g) of the EPA Act.

Therefore, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

Clause 4.6 (4)(a)(ii) (Public Interest) assessment:

cl 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

#### Comment:

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Floor Space Ratio development standard and the objectives of the B2 Local Centre zone. An assessment against these objectives is provided below.

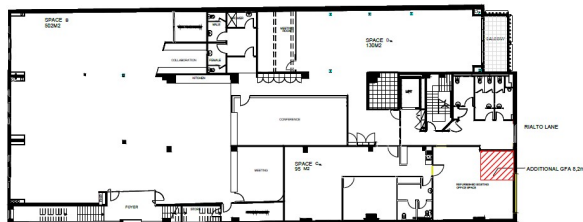
The underlying objectives of the standard, pursuant to Clause 4.4 – 'Floor space ratio' of the MLEP 2013 are:

(1) The objectives of this clause are as follows:

*a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*

Comment:

The proposed building on the site area no longer complies with the FSR control of 0.3:1. The increased FSR is now 3.09:1 (0.29% variation). The increase in FSR is a direct result of the removal of the existing lift and creating additional footprint for an office space within the footprint of the approved commercial building. See Figure 1 below.



**Figure 1: Additional FSR for the First Floor shown in red hatch.**

The proposal maintains existing building heights, setbacks and there is no change to the heritage façade at the facing the Corso.

The additional area of building footprint is internal and not visually identifiable from the streetscape or the surrounding area.

As a result, the additional 8.2sqm is considered consistent with the existing built form, and not inconsistent with the prevailing bulk and scale surrounding the site or the desired future character of the locality.

The development satisfies this objective.

*b) to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,*

Comment:

The proposal involves additional office floor space as a result of removing the lift, within the existing approved building footprint.

The increase in footprint does not result in any unreasonable additional bulk on the building. The additional footprint will not have adverse amenity impacts on the adjoining properties, particularly as there is no amendment to any setback distance. As a result, the additional FSR is not considered to be overbearing when viewed from adjacent land, and does not create amenity impacts to adjacent properties.

The additional FSR does not involve an increase in bulk or density that could lead to obscuring landscape or townscape features.

The development satisfies this objective.

*c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*

Comment:

The proposal maintains the existing presentation of building bulk. As such, the proposal will continue to provide an appropriate visual relationship between new development and the existing heritage value, and character of the Corso area.

The development satisfies this objective.

d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,

Comment:

The proposal involves the addition of office floor space at the first floor level, wholly within the existing building, and will not result in any unreasonable impact in terms of the environment or amenity.

The development satisfies this objective.

*e) to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.*

Comment:

There is no change to the current approved uses of retail, commercial and offices within the building.

The development satisfies this objective.

## **Zone objectives**

The underlying objectives of the B2 Local Centre zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

Comment:

The development will provide a range of retail, office and business uses that will serve the needs of people who live in, work in and visit the local area.

The proposal is consistent with this objective.

- *To encourage employment opportunities in accessible locations.*

Comment:

The development will provide for a range of employment opportunities. The site is located in an accessible location close to Manly Wharf and the Manly Bus Interchange.

The proposal is consistent with this objective.



- *To maximise public transport patronage and encourage walking and cycling.*

Comment:

The inability to provide off street parking and the need to retain the heritage facades will necessitate and maximise public transport patronage and encourage walking and cycling.

The proposal is consistent with this objective.

- *To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.*

Comment:

The proposed land uses will not give rise to any unreasonable conflicts in terms of noise, odour, delivery of materials and use of machinery.

The proposal is consistent with this objective.

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the B2 Local Centre zone.

**Clause 4.6 (4)(b) (Concurrence of the Secretary) assessment:**

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Planning Circular PS20-002 dated 5 May 2020, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Floor space ratio Development Standard is assumed by the delegate of Council as the development contravenes a numerical standard by less than or equal to 10%.

**5.10 Heritage conservation**

The proposal works are mainly internal alterations with no works being proposed for The Corso façade. The proposed works do include one new window opening to the rear façade at Rialto Lane. However this façade has been extensively modified and holds no significant heritage value. Council's Heritage Officer have assessed the application and have no objections to the proposal.

As such, the proposed works are considered to not impact upon the significance of the subject heritage item, surrounding heritage items or the conservation area.

**6.9 Foreshore scenic protection area**

The proposed development will have no unreasonable impacts on visual aesthetic amenity or views to or from Sydney Harbour.

## Manly Development Control Plan

### Built Form Controls

There is no change proposed to the built form controls of the Manly Development Control Plan 2013.

### 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	No	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
3.6 Accessibility	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
4.2.4 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	Yes	Yes
5 Special Character Areas and Sites	Yes	Yes
5.1.1 General Character	Yes	Yes
5.1.2 The Corso	Yes	Yes
Schedule 1 – Maps accompanying the DCP	Yes	Yes
Schedule 2 - Townscape Principles	Yes	Yes

### Detailed Assessment

#### **3.1.3 Townscape (Local and Neighbourhood Centres)**

#### Merit consideration:

The development is considered against the underlying Objectives of the Control as follows:

- *To ensure that all parking provision is designed and sited to respond to and respect the prevailing townscape. To minimise any negative visual impact of walls, fences and carparking on the street frontage.*

Comment:

The proposed development does not impact upon existing parking provisions.

- *To assist in maintaining the character of the locality.*

Comment:

There are no proposed amendments to the existing shop frontages, with the only change being the internal increase of 8.2sqm of floor space, and addition of one window opening to the rear façade at Rialto Lane. The changes have no impact to the heritage significance of the building, surrounding heritage items or the conservation area. As a result, the proposed works will not have any unreasonable impact upon the locality.

- *To recognise the importance of pedestrian movements and townscape design in the strengthening and promotion of retail centres.*

Comment:

The proposed works will not have an impact upon pedestrian movement along the Corso. The works are consistent with the existing townscape features in The Corso.

- *To minimise negative visual impact, in particular at the arterial road entry points into the Council area and the former Manly Council area, so as to promote townscape qualities.*

Comment:

There is no change to the shop corso frontage, with the only change being the addition of one window opening to the rear façade at Rialto Lane which has no impact to the heritage significance of the building, surrounding heritage items or the conservation area. As a result, the proposed works will not have a negative visual impact upon the locality.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

### **3.2 Heritage Considerations**

The site of proposed development is part of a heritage item listed as "I-113" in Manly LEP 2013, and is located immediately adjoining identified heritage items, and is within The Corso heritage conservation area.

The subject building comprises of no internal fabric of heritage interest, and therefore the proposed internal alterations are acceptable from a heritage perspective.

Whilst external works are proposed as part of the application, the additional window opening within the rear façade at Rialto Lane has no impact to the heritage significance of the building located on the Corso frontage, surrounding heritage items or the conservation area.

However, due to the proximity to Heritage items, the development is considered against the underlying Objectives of the Control as follows:

- *To retain and conserve environmental heritage and cultural significance of Manly including:*
  - *significant fabric, setting, relics and view associated with heritage items and conservation - the foreshore, including its setting and associated views; and*
  - *potential archaeological sites, places of Aboriginal significance and places of natural.*

Comment:

The proposed works are designed to be integrated with the overall design and built form of the property. The new window opening is considered compatible with the scale, proportion and location characteristics of the site and surrounding area.

As a result, the window opening on the rear façade is generally consistent with the existing appearance of the building and due to the location at the rear of the site will not unreasonably impact the presentation of the heritage item.

- *To ensure any modification to heritage items, potential heritage items or buildings within conservation areas is of an appropriate design that does not adversely impact on the significance of the item or the locality.*

Comment:

The proposed internal works are considered appropriate given the location within the site, and that they are not visibly identifiable from the Corso area of Manly. The scale, proportion and form of the proposed window opening (as conditioned) is consistent with surrounding dwellings, and creates no unreasonable amenity or visual impact to the character of the area. Therefore, the heritage values of the site will be maintained.

- *To ensure that development in the vicinity of heritage items, potential heritage item and/or conservation areas, is of an appropriate form and design so as not to detract from the significance of those items.*

Comment:

The proposed works, including the additional window opening, are consistent with the surrounding buildings of the Corso. Therefore, as a result the character of the area and heritage values will be maintained.

- *To provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons.*

Comment:

The works will not adversely impact the heritage significance of the surrounding heritage items by virtue of the location of the new window opening the rear façade at Rialto Lane which has no impact to the heritage significance of the building on the Corso frontage, or on the ground floor shopfronts of adjoining and nearby heritage items.

- *To integrate heritage management and conservation into the planning development process including incentives for good heritage management, adaptive reuse, sustainability*

*and innovative approaches to heritage conservation.*

Comment:

The proposed works will have no impact on the heritage significance of the building as all original heritage fabric has been removed internally and the location of the new window opening is within the rear façade at Rialto Lane, away from any heritage features.

The proposed works are capable of being removed to return the tenancy to its current condition if required. Therefore, the proposed works are an innovative approach to the heritage conservation of the property.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

### 3.4.2 Privacy and Security

Description of non-compliance

The proposed includes a first floor window opening to service the office space. See photo 1 below.



**Photo 1:** Location of the proposed first floor window opening within the rear façade.

Due to the close proximity (approximately 9.0m distance) of the proposed window opening to residential unit dwellings of No. 11 - 15 Wentworth Street, see photo 2 below, the following merit assessment has been undertaken.



**Photo 2:** Relationship of the proposed window to the neighbouring residential unit dwellings private open space.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *Objective 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; and mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.*

Comment:

The proposed window opening could result in additional privacy and overlooking between the properties. As a result, it is recommended privacy measures be imposed to prevent overlooking from this window (servicing the office space) to be finished in an opaque glaze which will enhance privacy for the dwelling occupants of adjoining properties. As a result, the conditioned design will allow for more adequate light and ventilation to the office space, without additional privacy impacts.

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

Comment:

The proposed development (as conditioned) includes a window to allow for greater access to light and air without resulting in unreasonable privacy outcomes, and while retaining suitable outlooks and views.

- *Objective 3) To encourage awareness of neighbourhood security.*

Comment:

The development proposes sufficient windows to all elevations of the dwelling thereby allowing passive surveillance and encouraging awareness of neighbourhood security.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of MDCP in relation to the extension of the balcony and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

### **3.6 Accessibility**

Clause 3.6 include objectives to continue improving understanding and awareness of access issues for people with disabilities though a commitment to implementation of best practice.

Comment:

The removal of the restricted access loading lift that serviced the ground and first floor only is considered appropriate and reasonable in this instance. The commercial building will continue to provide for an publicly accessible internal lift from the ground floor lobby area to all the upper three



floors. Required accessibility will continue to be provided to the lobby area from Rialto Lane as there is no change to the gradients Rialto Street frontage.

The tenancy's that are orientated to the the Corso continue to achieve accessibility to and within the premises, particularly as there is no change to the gradients at the boundary and front of tenancies. Access from the Corso will also continue to be provide to all upper floors via the existing stairs.

Council's Building Assessment (Fire and Disability upgrades) division have reviewed the proposal and raised no objections to the proposed access arrangement.

The physical works associated with the application are limited to minor internal fit-out works and removal of a redundant loading lift. Based on the extent of the proposed internal works, requiring further investigation or significant additional works be undertaken to provide an updated accessible access lift servicing all commercial premises on the site is considered unreasonable.

Having regard to the above assessment, it is concluded that the proposed development, subject to conditions, is consistent with the relevant objectives of MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

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

##### Description of non-compliance:

Schedule 3 of the Manly DCP requires:

Commercial Premises (including business, offices and retail premises) not elsewhere referred to in this Schedule\*:

- 1 parking space for every 40sqm of gross floor area.

*Note: Where Commercial Premises that are subject to this rate are located in Manly Town Centre, paragraph 4.2.5.4 Car Parking and Access also applies which includes exceptions to the parking rates/requirements for properties located within the Manly Town Centre, which includes the Corso.*

The proposal does not provide any off-street car parking.

##### Merit Assessment:

The objectives of this control are as follows:

- *Objective 1) To ensure there is adequate provisions for car parking access and loading in future development and redevelopment in all business zones.*
- *Objective 2) To minimise conflicts between pedestrian and vehicular movement systems within the business areas.*

##### Comment:

The proposal does not provide any on-site car parking. However, the proposal is only for a increase of 8.2sqm to the floor space of the building via the removal of the lift and the first floor being reused office

space.

There is no change in the approved use as an office premises premises.

It is impractical for the site to provide any off-street parking and it is considered that the current and proposed uses will generate a very similar demand for car parking.

Manly, and this location in particular, is also well served by public transport and the limited availability, and the timed nature, of on-street parking is well known and well controlled.

In this regard, the additional 8.2sqm of floor space, with no additional car parking is considered acceptable in these circumstances.

### **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 2021**

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 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

Council is satisfied that:

1) The Applicant's written request under Clause 4.6 of the Manly Local Environmental Plan 2013 seeking to justify a contravention of Clause 4.4 Floor Space Ratio has adequately addressed and demonstrated that:

- a) Compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
- b) There are sufficient environmental planning grounds to justify the contravention.

2) The proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

## RECOMMENDATION

That Northern Beaches Council as the consent authority vary clause 4.4 Floor Space Ratio development standard pursuant to clause 4.6 of the MLEP 2013 as the applicant's written request has adequately addressed the merits required to be demonstrated by subclause (3) and the proposed development will be in the public interest and is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

Accordingly Council as the consent authority grant Development Consent to DA2021/1245 for Alterations and additions to commercial premises on land at Lot B DP 304309, 60 - 62 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
Site Plan DA001	22/7/2021	Momentum Project Group
Demolition Ground Floor Plan DA100	22/7/2021	Momentum Project Group
Existing and Demolition First Floor Plan DA101	22/7/2021	Momentum Project Group
Proposed Ground Floor Plan DA200	22/7/2021	Momentum Project Group
Proposed First Floor Plan DA201	22/7/2021	Momentum Project Group

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

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

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (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.
- (d) 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.
- (e) 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.

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

Reason: Legislative requirement.

### 3. **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.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by



Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## **FEES / CHARGES / CONTRIBUTIONS**

### **4. Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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, and 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](http://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**

### **5. Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- The first floor window facing Rialto Lane, servicing the existing office space, shall be fitted with opaque glazing over the entire window.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

### **6. Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in

accordance with the Development Control Plan.

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

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

**7. 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.

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

**8. Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

**9. Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Friday – 8.00am - 7.00pm
- Saturday – Closed
- Sunday and Public Holidays – 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.

**10. Commercial Waste Collection**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 7am on any day.

Reason: To protect the acoustic amenity of surrounding properties.

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

**Signed**



**Catriona Shirley, Planner**

The application is determined on 15/10/2021, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**