

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/1476
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Responsible Officer:	Megan Surtees
Land to be developed (Address):	Lot A DP 304309, 64 The Corso MANLY NSW 2095
Proposed Development:	Alterations and additions to an existing Business Premises
Zoning:	Manly LEP2013 - Land zoned E1 Local Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Sixty Four Corso Pty Ltd
Applicant:	Slr Consulting Australia Pty Ltd

Application Lodged:	25/10/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	31/10/2023 to 14/11/2023
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 22,000.00
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EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to an existing business premises. Specifically, the development application proposes the replacement of the existing electronic signage board at the front of the Commonwealth Bank.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) as the proposal involves minor demolition works to a building that is a local heritage item. These minor demolition works have been considered by Council's heritage advisor and found to be acceptable.

The proposed application was notified between 31 October 2023 to 14 November 2023. No submissions were received during not notification period.

Relevant issues included Heritage conservation, Active street frontages, Design excellence and Signage which have been assessed as being acceptable.

This report concludes with a recommendation that the NBLPP grant **approval** to the development application, subject to recommended conditions.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development seeks consent for alterations and additions to the existing Commonwealth Bank tenancy, comprising:

- Removal of the existing LCD signage (49 inches) and replaced with the installation of a floor-standing roof mounted LCD sign (75 inches).
- Installation of ceiling support and associated window frame

No other internal or external works are proposed under this development application.

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 - 5.10 Heritage conservation

Manly Local Environmental Plan 2013 - 6.1 Acid sulfate soils

Manly Local Environmental Plan 2013 - 6.9 Foreshore scenic protection area

Manly Local Environmental Plan 2013 - 6.11 Active street frontages

Manly Local Environmental Plan 2013 - 6.13 Design excellence

Manly Development Control Plan - 3.2 Heritage Considerations

Manly Development Control Plan - 4.4.3 Signage

SITE DESCRIPTION

Property Description:	Lot A DP 304309 , 64 The Corso MANLY NSW 2095
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of The Corso.</p> <p>The site is regular in shape with a frontage of 9.42 metres along The Corso and a depth of 36.39 metres. 64 The Corso has a surveyed area of approximately 453.9m².</p> <p>The site is located within the E1 Local Centre zone of the Manly Local Environmental Plan 2013 (MLEP 2013) and accommodates a two (2) storey commercial building.</p> <p>The site has a northerly orientation and is a flat block with a primary front access from The Corso, and rear laneway access from Rialto Lane.</p> <p>The site has not vegetation. 64 The Corso is a listed heritage item under the MLEP 2013 - Item 109: Group of Commercial Buildings (46-64 The Corso).</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by commercial and residential premises. Manly Beach is located to the east, and Manly Wharf is located to the west.</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:

- **DA307/08.** This development application sought consent for a change of use to a bank, shop fit out including new facade and ATM (Bank West). This application was approved, subject to conditions, on 21 October 2008.
- **DA190/2013.** This development application sought consent for an eight (8) lot strata subdivision of an existing building. This application was approved, subject to conditions, on 25 February 2014.
- **DA2018/1182.** This development application sought consent for alterations and additions to the existing commercial building, specifically relating to the demolition of the existing internal wall separating the ground floor tenancies and construction of a new internal wall, and a new sliding door to gain access to The Corso. This application was approved, subject to conditions, on 9 October 2018.
- **DA2018/1927.** This development application sought consent for the fit out and use of the premises as a bank, and the installation of signage. This application was approved, subject to conditions, on 12 February 2019. This application was the subject of a modification application (**Mod2019/0119**), which sought consent to delete Condition 2, relocated approved signage and amend the glass shopfront and tile cladding. This modification application was approved, subject to conditions, on 26 April 2019.

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	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 recommended condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement</p>

Section 4.15 Matters for Consideration	Comments
	<p>of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</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 relevant and is address via a recommended condition of consent.</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 clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</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 recommended 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 (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 application has been publicly exhibited from 31/10/2023 to 14/11/2023 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><i>Supported, subject to Conditions</i></p> <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>
Strategic and Place Planning (Heritage Officer)	<i>Supported, subject to Conditions</i>
	Discussion of reason for referral
	<p>The proposal has been referred to Heritage as the subject property is a heritage item, being part of Item I109 - Group of commercial buildings - 46 - 64 The Corso and it is located within the C2 - Manly Town Centre Conservation Area. It is also adjacent to a heritage item and within proximity to a number of heritage items:</p>
	<p>Item I106 - Group of commercial buildings - All numbers, The Corso</p>
	<p>Item I104 - Street trees - The Corso (from Whistler Street to Sydney Road)</p>
	<p>Item I108 - Group of commercial buildings - 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>Item I109 - Group of commercial buildings <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>C2 - Town Centre Heritage Conservation Area</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>Item I106 - Group of commercial buildings</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>Item I104 - Street trees</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>		
	<p>Other relevant heritage listings</p>		
	SEPP (Biodiversity and Conservation) 2021	No	
	Australian Heritage Register	No	

Internal Referral Body	Comments		
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	Consideration of Application		
	<p>The proposal seeks consent for the replacement of the existing internal LCD signage and associated minor works at the ground floor of the heritage listed building facing The Corso. The LCD screen is located inside of the existing shopfront glazing which is approximately 2m recessed from the front building line. Although the existing LCD is 500mm behind the existing glazed shopfront and the proposed replacement is only 100mm behind the glazing it still is considered to be well recessed from the building line. However, Clause 4.4.3.2 <i>Signage on Heritage listed items and in Conservation Areas of Manly DCP 2013</i> requires:</p> <p><i>c) In addition to the requirements for the particular zoning, and matters listed above, the following matters must be taken into consideration:</i></p> <ul style="list-style-type: none"> <i>i) Signs on shop windows should not exceed 25 percent of the window area;</i> <p>The proposed replacement of the LCD signage area is considerably larger than the existing signage. The size of the new signage must comply with the above control of the DCP. The illumination level of the display must be controlled and adjusted to avoid visual pollution and ensure that it is compatible with the desired amenity and visual character of The Corso.</p> <p>Therefore, no objections are required on heritage grounds subject to one condition.</p> <p>Consider against the provisions of CL5.10 of Manly LEP 2013. Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? Addressed in the SEE.</p>		
	<p>Planner Note</p> <p>As has been detailed within this assessment report, the assessment has found that the proposed LCD advertising sign is compliant with the requirements of control 4.4.3.2 Signage on heritage listed items. As such, the condition recommended by Council's Heritage Officer</p>		

Internal Referral Body	Comments
	has not been included in the recommended conditions of consent attached to this report.

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 (Industry and Employment) 2021

Section 3.6 and 3.11 of Chapter 3 require Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

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

In accordance with the provisions stipulated under Schedule 5 of Chapter 3, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes. The subject site is located within the Manly Town Centre where commercial premises with business identification signage and advertising signage is common.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes. As above, the proposed advertising LCD signage is consistent with other advertising signage along The Corso.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No. The proposed LCD advertising sign will replace the existing LCD advertising sign. In this instance, the proposal does not detract from the amenity or visual quality of the locality.	YES

3. Views and vistas Does the proposal obscure or compromise important views?	No. As above, the proposed LCD advertising signage will be located within the existing ground floor tenancy.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	No. As above.	YES
Does the proposal respect the viewing rights of other advertisers?	Yes. As the proposed LCD advertising sign is located internally, there is no impact upon advertising signage or business identification signage of adjoining / nearby commercial and/or retail premises.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes. As the proposed LCD advertising sign is located internally, there is no impact upon the streetscape, setting and landscape making it appropriate in its context.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes. As the scale, proportion and form of the proposed LCD advertising signage is appropriate for the streetscape, by virtue of this, the proposal contributes to the visual interest of The Corso.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes. The proposed design is simple and does not create clutter.	YES
Does the proposal screen unsightliness?	No. The existing building is of a good design and is not in disrepair.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No. As detailed above, the proposed LCD advertising sign is located within the existing ground floor tenancy and does not protrude externally.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes, as detailed above.	YES
Does the proposal respect important features of the site or building, or both?	Yes. The proposed signage respects the heritage features of the subject site and surrounding Heritage Conservation Area.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes, as above.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Yes. The proposed LCD advertising sign will be illuminated.	YES

7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	No. The illumination would not result in unacceptable glare to aircraft as the awning above will block any light to above, nor would it impact upon the amenity of pedestrians and motorists.	YES
Can the intensity of the illumination be adjusted, if necessary?	Yes, if necessary.	YES
Is the illumination subject to a curfew?	Yes. This will be recommended as a condition, ensuring that the LCD advertising signage is on only during opening hours.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	No. The proposed signage will not impact upon the safety of any nearby public roads, pedestrians or bicyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. The proposed signage will not reduce the safety for pedestrians, particularly children, as it does not obscure sightlines to and from public places.	YES

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

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?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	10.0m	4.11m	N/A	Yes

Floor Space Ratio	FSR: 2.5:1 (2375.0m ²)	*FSR: 0.32:1 (306.7m ²)	N/A	Yes
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*Previously approved DA2021/1245 granted consent for an FSR of 3.09:1 (2858.2m²) for development across 60-64 The Corso. The proposed development is sited only to the tenancy on the ground floor of 64 The Corso (being Commonwealth Bank) and the proposal does not seek to change the existing FSR of 64 The Corso.

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
4.5 Calculation of floor space ratio and site area	Yes
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	Yes
6.9 Foreshore scenic protection area	Yes
6.11 Active street frontages	Yes
6.12 Essential services	Yes
6.13 Design excellence	Yes
6.14 Requirement for development control plans	Yes
6.16 Gross floor area in Zone B2	Yes
Schedule 5 Environmental heritage	Yes

Detailed Assessment

5.10 Heritage conservation

The proposed development has been referred to Council's Heritage Officer for review and comment., with regard to the considerations prompted by Clause 5.10(4) of the MLEP. Council's Heritage Officer has noted that the proposed LCD sign did not comply with DCP control 4.4.3.2 Signage on Heritage listed items and in Conservation Areas, namely control (c)(i) which states that signs on shop windows should not exceed 25 percent of the window area. The Heritage Officer subsequently recommended a condition that required compliance with this requirement, with the signage reduced in area.

However, the proposed LCD sign is not technically *on* a shop window, rather it is a tv screen located *within* the Commonwealth Bank premises adjacent to the front window. Notwithstanding this technicality, the existing shop window has a surface area of 11.0m², and the proposed LCD sign has a surface area of 1.7m² (see Figure below). 25 percent of 11.0m² is 2.75m². Therefore, the proposed LCD sign complies with this control and the recommended condition from Council's Heritage Officer has not been included within the recommended conditions of consent.

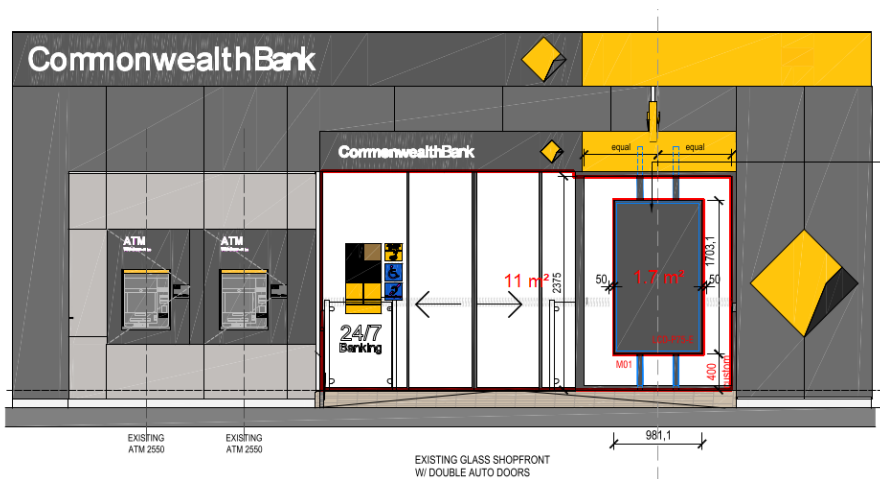


Figure 1. Proposed size of LCD sign in context of whole of shop front.

For the reasons discussed above, the proposed development is considered to be satisfactory with regard to the considerations of Clause 5.10 of the MLEP.

6.1 Acid sulfate soils

This Clause requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils map as being of the class specified for those works.

The site is located in an area identified as Acid Sulfate Soil Class 4, as indicated on Council's Acid Sulfate Soils Planning map.

Works at depths beyond 2.0 metres below the natural ground surface and/or works by which the watertable is likely to be lowered more than 2.0 metres below the natural ground surface within a Class 4 acid sulfate soil area are required to be assessed to determine if any impact will occur.

The development does not propose any excavation. In this regard, an Acid Sulfate Soil Management Plan is not considered necessary for the development of this site.

6.9 Foreshore scenic protection area

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:

- (a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,
- (b) measures to protect and improve scenic qualities of the coastline,
- (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,
- (d) measures to reduce the potential for conflict between land-based and water-based coastal activities.

Comment:

The proposed development involves internal works to the existing ground floor level of the building, including replacing an existing LCD sign within the existing shopfront window. As the built form is not extending beyond the existing building footprint, the assessment has found that the proposed

development achieves the abovementioned matters as prescribed within this Clause.

6.11 Active street frontages

Under this clause, development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

Comment:

The proposed development does not involve the erection of a new building, nor does it seek to change the use of the existing ground floor tenancy. In this instance, this Clause is not relevant to the assessment of this application.

6.13 Design excellence

This Clause applies to the subject site. As such, the following is to be considered:

(3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

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

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

Comment:

The proposed development seeks to replace the existing LCD sign with a larger LCD sign within the shopfront window. No external works are proposed to the existing building facade.

In this instance, the building mass does not change. Therefore, the proposal does not result in any adverse or unreasonable amenity impacts (such as privacy, overshadowing or view loss) to adjoining and nearby properties within the Manly Town Centre. Furthermore, the proposal does not adversely impact upon the existing streetscape or nearby public places and plazas, nor does it impact upon the definition of the building in its relationship to the edge of public places, streets, lanes and plazas as the proposal does not involve structurally enhancing the built form. The proposal does not contribute to

street clutter or impact upon ease of movement and circulation around the building for pedestrians, bicyclists and vehicles, and service areas. Casual surveillance is maintained. The proposal is sympathetic to its setting and site context with no unreasonable or adverse impacts upon neighbouring sites or the natural topography of the site (the site has no trees, escarpments or other significant natural features). The proposal will retain the existing building's facade and will continue to promote a high architectural design with appropriate materials for the building type and location. Finally, the proposal does not alter the building's utility infrastructure therefore there is no unreasonable disruption to the public spaces on the street level.

Manly Development Control Plan

Built Form Controls

There are no changes to the existing built form.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1.3 Townscape (Local and Neighbourhood Centres)	Yes	Yes
3.2 Heritage Considerations	Yes	Yes
3.6 Accessibility	Yes	Yes
3.8 Waste Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.2.3 Setbacks Controls in LEP Zones B1 and B2	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
4.2.5.3 Security Shutters	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.3 Signage	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

3.2 Heritage Considerations

Description of non-compliance

64 The Corso is a listed heritage item under the MLEP 2013 - Item 109: Group of Commercial Buildings (46-64 The Corso) in the MLEP 2013, and is located immediately adjoining, and within proximity to, other identified heritage items as listed within the MLEP 2013. The subject site is also

located within the Manly Heritage Conservation Area.

The proposed development has been referred to Council's Heritage Officer for review and comment. The Heritage Officer noted that the proposed LCD sign did not comply with control 4.4.3.2 Signage on Heritage listed items and in Conservation Areas, namely control (c)(i) which states that signs on shop windows should not exceed 25 percent of the window area. The Heritage Officer subsequently recommended a condition that required compliance with this requirement. However, as detailed within this report under section 5.10 Heritage conservation, the proposed LCD sign is not technically *on* a shop window, rather it is a tv screen located *within* the Commonwealth Bank adjacent to the front window. Notwithstanding this technicality, the existing shop window has a surface area of 11.0m², and the proposed LCD sign has a surface area of 1.7m² (see Figure below). 25 percent of 11.0m² is 2.75m². Therefore, the proposed LCD sign complies with this control and the recommended condition from Council's Heritage Officer has not been included within the recommended Conditions attached to this report.

The assessment has found that the proposed works are not considered to unreasonably impact upon the internal fabric of the heritage item. In this instance, the proposed internal amendment to the LCD sign are acceptable. The proposed LCD sign will result in minor change to the visual presentation of the external façade, while not technically altering the external fabric of the building.

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 retain and conserve environmental heritage and cultural significance of Manly including:

- *significant fabric, setting, relics and view associated with heritage items and conservation areas;*
- *the foreshore, including its setting and associated views; and*
- *potential archaeological sites, places of Aboriginal significance and places of natural significance.*

Comment:

As detailed above, the proposed works will not cause any unreasonable changes to the internal and external fabric of the building, it's setting, relics or views associated with the heritage item and conservation area. While being located within the foreshore scenic protection area, the proposed works are minor and will not have any adverse or unreasonable impacts upon the foreshore area, it's setting and any associated views. The proposal will have no impact upon any potential archaeological sites, places of Indigenous significance and/or places of natural significance as the proposed works are sited entirely within the existing ground floor fabric of the building.

Objective 2) 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 development is considered to be of an appropriate design that does not adversely or unreasonably impact upon the significance of the heritage item or the conservation area.

Objective 3) 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:

As above, the proposed development is considered to be of an appropriate design that does not adversely or unreasonably impact upon the significance of the heritage item or the conservation area. Furthermore, the proposed LCD sign is consistent with other signs to adjoining and nearby commercial properties along The Corso.

Objective 4) 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:

As above, the proposed development is considered to be visually compatible with the surrounding character and visual context of The Corso when considering the heritage area to which the subject site is located.

Objective 5) 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 ground floor tenancy has, for some time, been used as a commercial premises that has undergone various construction works. In this instance, it is highly likely that the original internal fabric has been removed from the existing ground floor. In this instance, the proposed internal works will have no impact on the heritage significance of the building. The proposed LCD sign will be consistent with other signs for commercial properties along The Corso and within the wider Manly Town Centre.

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.

4.4.3 Signage

Detailed description

4.4.3.1 Controls for all Development Types

The site, as existing, has three (3) business identification signs (awning, under awning, and top hamper sign), one (1) independent logo sign affixed to the external wall and an LCD advertising sign within the shopfront window. This is numerically non-compliant with the requirements of (a) Maximum number of signs, however, this has been approved in a past consent and is not changing under this current proposal.

The proposed development seeks only to modify the LCD advertising sign within the shopfront window. (c) Advertising Content within this control states that *advertising content must relate to the building or goods sold on the premises to which it is attached. Any third part advertising of goods sold on the premises must not dominate the advertising of the building or premises. Where the maximum*

number of signs is achieved in locations in accordance with (a)...further signs, particularly above the awning, are not permitted. The proposed LCD advertising sign will relate to the services offered by the Commonwealth Bank.

4.4.3.2 Signage on Heritage listed items and in Conservation Areas

This control requires any signage to complement the building and surrounding uses and that the architectural features of the building should be the dominant feature. Further, this control stipulates that any advertising should preferably be placed in locations on the building or item which would traditionally have been used as advertising areas.

This control stipulates that signs on shop windows should not exceed 25 percent of the window area. Council's Heritage Officer raised concern regarding this requirement and recommended a condition to ensure compliance with this requirement. However, the proposed LCD advertising sign is not technically *on* a shop window, rather it is a tv screen located *within* the Commonwealth Bank adjacent to the front window and able to be viewed by passersby along the Corso. Notwithstanding this technicality, the existing shop window has a surface area of 11.0m², and the proposed LCD sign has a surface area of 1.7m². 25 percent of 11.0m² is 2.75m². Therefore, the proposed LCD sign complies with this control and the recommended condition from Council's Heritage Officer. As such there is no need for the recommended condition.

4.4.3.3 Controls for Particular Development Types

This control stipulates development types, including advertising panels (n), which notes that the panel may have a border so long as it does not exceed 0.5 metres in width if the border is one colour and contains no advertising material. The proposed LCD advertising sign has a border of 0.03 metres, and will be a black colour with no advertising material.

Merit consideration

Objective *To ensure that advertising does not detract from the scenic beauty and amenity of the Municipality; harmonises with its surroundings and the buildings to which they are attached.*
1)

Comment:

The proposed LCD advertising sign is minor, when compared to other development and existing signage along The Corso. In this instance, the proposal will not detract from the scenic beauty and amenity of the Manly locality. Further, the proposed LCD advertising will replace the existing LCD advertising in the same location, thus harmonising with the surroundings and to the building the signage is sited within.

Objective *To minimise the visual impact by encouraging fewer more effective signs that may otherwise degrade the existing and likely future quality of residential environments or result in excessive, unnecessary signage, visual clutter and confusion caused by a proliferation of signs in local and neighbourhood centres.*
2)

Comment:

As detailed above, the proposed LCD advertising sign will replace the existing one. In this instance, there is no increase to the existing signage, both business identification signs and advertising signs, along the northern elevation (shop front). In this instance, the number of signs remain and will not be unnecessary or cause visual clutter and confusion along The Corso.

Objective *To permit building and business identification signs which communicate the facilities (including tourist facilities), amenities, goods and services in local and neighbourhood centres which do not interfere with the streetscape or amenity of residents.*
3)

Comment:

The proposal does not seek consent for a business identification sign. This objective is not relevant to the proposal.

- Objective 4)** *Signs should enhance the distinctive urban character and scenic amenity of the Municipality and contribute to the atmosphere of the streets in local and neighbourhood centres and should be designed in sympathy with both the building to which it is attached and any adjoining buildings, taking into account the architectural styles and finishes of buildings in local and neighbourhood centres.*

Comment:

The proposed LCD advertising sign will be commensurate with the existing LCD advertising sign. In this instance, there is no change to the urban character of The Corso or scenic amenity of the Manly locality. Furthermore, as the LCD advertising sign will be located within the tenancy, there is no change to the external fabric of the building, allowing the architectural styles and finishes to remain and continue to complement the The Corso.

- Objective 5)** *To prevent signage from impacting on the presentation of the heritage item or area to the general public on heritage items and conservation areas.*

Comment:

As detailed above, the proposed signage does not detract from, nor does it block, the presentation of the heritage item or area to the general public on heritage items and conservation areas.

- Objective 6)** *To ensure all signage is of high standards of graphic and textural content.*

Comment:

The proposed signage is of a high quality design and provides clear advertising for the purposes of Commonwealth Bank.

- Objective 7)** *To encourage co-ordinated advertising in the Industrial Zone by the use of appropriately sized street numbers and complex names, and the use of directory boards to identify multiple unit complexes, so as to reduce adverse impact on the streetscape and confusion to traffic.*

Comment:

Not applicable. The subject site is located within the E1 Local Centre (previously known as the B2 Local Centre) Zone.

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.

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

PLANNING CONCLUSION

This proposal, for alterations and additions to an existing business premises, has been referred to the Northern Beaches Local Planning Panel (NBLPP) as the proposal involves minor demolition works to a building that is a local heritage item.

The proposal was notified between 31 October 2023 and 14 November 2023, and no submissions were received.

Relevant assessment issues included 5.10 Heritage conservation, 6.1 Acid sulfate soils, 6.9 Foreshore scenic protection area, 6.11 Active street frontages, 6.13 Design excellence of the MLEP 2013; and,

3.2 Heritage considerations, and 4.4.3 Signage of the Manly Development Control Plan (MDCP).

Overall, the development is a high quality design that performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment. The proposal has, therefore, been recommended for **approval**.

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

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2023/1476 for Alterations and additions to an existing Business Premises on land at Lot A DP 304309, 64 The Corso, 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
DA1.00	A	Title / Location Map	Ahrens	3 October 2023
DA1.01	A	Existing Full Branch Floor Plan	Ahrens	3 October 2023
DA1.02	A	Proposed Full Branch Floor Plan	Ahrens	3 October 2023
DA2.01	A	Existing and Proposed Shopfront Elevations	Ahrens	3 October 2023
DA2.02	A	Details of Single Floor to Ceiling Mounting Display	Ahrens	3 October 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Waste Management Plan	N/A	SLR Consulting Australia Pty Ltd	11 October 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. 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 Certifier 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 Certifier 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 Certifier 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 an 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 following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that

applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.

- iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (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.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or 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.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

4. **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 Certifier prior to the issue of the Construction Certificate.

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

5. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

DURING BUILDING WORK

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

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

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];

- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

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

7. **Demolition Works - Asbestos**

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

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

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

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

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

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 Certifier.

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. **Illumination of LCD Advertising Sign**

The approved LCD Advertising Sign is to only be illuminated during approved hours of operation.

Reason: To ensure adequate amenity to nearby residential properties and public places.

10. **Illumination Intensity and design**

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties.