

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2023/1791
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<b>Responsible Officer:</b>	Olivia Ramage
<b>Land to be developed (Address):</b>	Lot 3 SP 87071, 3 / 8 - 28 The Corso MANLY NSW 2095
<b>Proposed Development:</b>	Internal fitout of a business premises and signage
<b>Zoning:</b>	Manly LEP2013 - Land zoned E1 Local Centre
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	London Fashions Pty Ltd
<b>Applicant:</b>	Clement & Reid Pty Ltd

<b>Application Lodged:</b>	19/12/2023
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	09/01/2024 to 25/01/2024
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Deferred Commencement Approval

<b>Estimated Cost of Works:</b>	\$ 731,954.09
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### EXECUTIVE SUMMARY

This development application seeks consent for internal fitout works for a parliamentary office and the installation of signage. This application is associated with DA2023/1877.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) due to the application being for the office of a Member of Parliament resulting in a prescribed conflict of interest. The proposal also involves minor demolition works to a heritage item, which in themselves are a trigger for referral to the NBLPP for determination. The application has been considered by Council's Heritage Officer and found to be acceptable.

The application was notified in accordance with the requirements of the Community Participation Plan. No submissions were received.

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 consists of the internal fitout of a business premises created under DA2023/1977 and the display of signage.

The proposed signage comprises three (3) illuminated under awning signs, window signage and a digital marketing sign.

The works are proposed to units 4-6 within 3/8-28 The Corso. This application is contingent upon the approval and finalisation of works under DA2023/1877 to create the units in which the fitout works will occur.

## 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 - 6.11 Active street frontages

Manly Development Control Plan - 4.4.3 Signage

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 3 SP 87071 , 3 / 8 - 28 The Corso MANLY NSW 2095
<b>Detailed Site Description:</b>	<p>The subject site consists of units 4-7 within Lot 3 / 8-28 The Corso. The site is located on the south-eastern side of The Corso.</p> <p>The site is located within the E1 Local Centre Zone under</p>

the MLEP 2013. The site is currently occupied by a seven (7) storey mixed use development building consisting of retail, commercial and office spaces and residential apartments.

#### **Detailed Description of Adjoining/Surrounding Development**

Adjoining and surrounding development is characterised by similar retail and commercial premises.

The site at 8-28 The Corso, Manly form part of a larger heritage listing which extends along The Corso, known as Item 106 "group of commercial buildings" under Schedule 5 of the Manly Local Environmental Plan 2013. The site is also located within the Manly Town Centre Conservation Area, which has local heritage significance.

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:

- **DA0339/2011** - Advertising structures (signage) top hamper sign, fascia sign, loading dock sign and under awning sign - Approved 22 February 2012
- **DA2020/1101** - Alterations and additions to a retail premises to replace existing signage - Approved 12 November 2020.
- **DA2020/1102** - Alterations and additions and internal shop fit-out of an existing retail premises - Approved 7 October 2020
- **DA2021/1574** - Alterations and additions to existing commercial premises. - Approved 11 October 2021.

- **Mod2021/0924** - Modification of Development Consent DA2021/1574 granted for Alterations and additions to existing commercial premises. - Approved 28 January 2022.

This application is contingent upon the approval of DA2023/1877 for alterations and additions to an existing building and change of use to an office premises which is currently under assessment.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.  The NSW employment zones reforms have been made and will come into force on 26 April 2023. These reforms will result in this property changing from a B2 Local Centre zone to a E1 Local Centre zone. The proposed use will remain permissible in the new zone.
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&amp;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>Clauses 36 and 94</u> of the EP&amp;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&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a recommended condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a recommended condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent</p>

Section 4.15 Matters for Consideration	Comments
	<p>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&amp;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) <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 application has been publicly exhibited from 09/01/2024 to 25/01/2024 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><b><i>Supported - subject to conditions</i></b></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> <p><i>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.</i></p>
NECC (Flooding)	<p><b><i>Supported - without conditions</i></b></p> <p>The proposed development is for alterations to the internal fittings at the site, the lowering of the ceiling and new street front signage.</p> <p>The site is outside of the flood planning area.</p> <p>The proposal generally complies with Section 5.4.3 Flood Prone Land from the Manly DCP 2013 and Clause 5.21(2)(a-e) of the Manly LEP 2013, with consideration of Clause 5.21(3)(a-d) of the Manly LEP 2013.</p>
Strategic and Place Planning (Heritage Officer)	<p><b><i>Supported - subject to conditions</i></b></p>
	<p>The proposal has been referred to Heritage as the subject property is part of a group heritage item and is within a heritage conservation area:</p>
	<p><b>Item I106 - Group of Commercial Buildings</b> - All numbers, The Corso</p> <p><b>C2 - Manly Town Centre Heritage Conservation Area</b></p> <p>Note: There are a number of other heritage items nearby and adjoining the site but they are not described in detail as the proposed works are minor.</p>
	<p><b>Details of heritage items affected</b></p> <p>Details of the items as contained within the Manly heritage inventory are as follows:</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><u>Physical description:</u></p>

Internal Referral Body	Comments
	<p>The Corso is the NE-SW link between Manly Beach and Manly Cove. It acts as a low scale horizontal corridor which steps down from the harbour to the ocean. The architecture is generally of the early twentieth century with a number of late 19th century buildings remaining as evidence of the former streetscape. The atmosphere of The Corso is of a 19th century place. Its special qualities include the contrasts of horizontal (low scale architecture) and vertical (planting) dimensions, and urban and natural elements. Of particular importance is the spatial continuity of the streetscape - including horizontal and vertical planes and negative space - from pedestrian level.</p> <p>It has a cohesive character resulting from generally low scale of development on its principle streets, Construction to the property boundaries, slightly higher and distinctive corner buildings and a good level of pedestrian protection and amenity generated by footpath awnings and through-block arcades has produced strongly defined and comfortable urban spaces. These spaces range from the tight enclosure of the arcades through to the openness of the Ocean Beach promenade and the esplanade.</p> <p><b>Manly Town Centre Heritage Conservation Area</b>  <u>Statement of significance:</u>  The Manly Town Centre Conservation Area (TCCA) is of local heritage significance as a reflection of the early development of Manly as a peripheral harbor and beachside village in the fledgling colony of New South Wales. This significance is enhanced by its role as a day-trip and holiday destination during those early years, continuing up to the present time, and its association with H G Smith, the original designer and developer of the TCCA as it is today. The physical elements of the TCCA reflect this early development and its continued use for recreational purposes, most notably the intact promenade quality of The Corso and its turn of the century streetscape, as well as key built elements such as hotels, and remaining original commercial and small scale residential buildings.</p> <p><u>Physical Description</u>  The Manly TCCA has a mixed character and comprises three key zones. The second zone comprises The Corso, which is the iconic focus for the Manly Town Centre Conservation Area. Extending from Manly Wharf north-east to Ocean Beach, The Corso is a grand promenade, now primarily pedestrian, lined with predominantly low rise commercial buildings. The majority date to the late Nineteenth Century through to the 1930s, and are generally on narrow allotments. Most of the original ground floor shop fronts have been altered; however the first floors facades and parapets are generally intact, presenting a uniform streetscape and skyline. The street trees make a strong contribution to the character of The Corso, in particular the two mature Moreton Bay Fig Trees in the civic square at the south-western termination of The Corso, in front of the Council Chambers. The north-eastern end of The Corso is more sparsely planted, primarily with palms,</p>

Internal Referral Body	Comments		
	though this provides for the striking open vista towards Ocean Beach, bound by the buildings on either side of the Corso. It is noted that a number of pedestals from one of the earlier lighting systems, possibly dating to around the turn of the Twentieth Century, remain in situ at the south western end of The Corso.		
	Other relevant heritage listings		
	SEPP (Biodiversity and Conservation) 2021	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	Consideration of Application		
	The proposal seeks consent for a change of use from retail to office spaces including internal alterations for the fitout works and installation of a new signage. Although, the existing building is a mixed use infill development and is not individually heritage listed, it is located within the Town Centre HCA. The materiality and rhythm of the face brick and rendered façade respond to the historical context of The Corso. The proposed internal alterations are considered to not impact the significance of the HCA or the heritage items in the vicinity. However, the proposed signage is required to comply with the controls of Manly DCP 2013, specifically with " <i>Clause c) Signs on shop windows should not exceed 25 percent of the window area;</i> " of Section 4.4.3.2 Signage on Heritage listed items and in Conservation Areas. Given the proposed works are mainly internal, the impact of the proposed works upon the heritage items and the HCA is considered manageable.		
	Therefore, no objections are raised on heritage grounds subject to one condition.		
	<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		



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 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:

<b>Matters for Consideration</b>	<b>Comment</b>	<b>Complies</b>
<b>1. Character of the area</b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The subject site is located in an area characterised by commercial and mixed use premises with various signage displayed. As such, the proposed signage is compatible with the existing and desired future character of the area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is consistent with the theme for outdoor advertising in the area.	YES
<b>2. Special areas</b> 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?	The site forms part of a heritage item and is within the Manly Town Centre Conservation Area. Subject to the recommended conditions, the signage does not detract from the amenity or visual quality of the heritage area.	YES
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	The proposed signage does not obscure or compromise important views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage does not dominate the skyline or reduce the	YES

	quality of vistas.	
Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not impact on the viewing rights of other advertisers.	YES
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is consistent with that which currently exists on site and other surrounding sites.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage appropriately contributes to the visual interest of the streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage is clear and simple advertising.	YES
Does the proposal screen unsightliness?	The proposed signage does not give rise to unsightliness.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude beyond the existing building.	YES
<b>5. Site and building</b> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is installed to existing building elements. As such, the proposed signage is compatible with the scale and proportion of the existing building.	YES
Does the proposal respect important features of the site or building, or both?	The proposed signage does not detract from important features of the site or building.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage provides an appropriate level of innovation and imagination.	YES
<b>6. Associated devices and logos with advertisements and advertising structures</b> 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?	The proposed signage does not require any safety devices.	YES
<b>7. Illumination</b> 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?	Illumination of the proposed signage does not result in unreasonable or unacceptable glare.	YES
Can the intensity of the illumination be adjusted, if necessary?	A condition is recommended requiring the illumination to be adjustable.	YES
Is the illumination subject to a curfew?	The proposed signage is to be illuminated between 6am-10pm which is included in a recommended condition.	YES
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage is not considered to impact on the safety of any public road, pedestrians or bicyclists.	YES

Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage does not obscure sightlines from public areas.	YES
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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**

There are no principal development standards relevant to this application as the proposal is for the internal fitout and display of signage.

### **Compliance Assessment**

<b>Clause</b>	<b>Compliance with Requirements</b>
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.8 Landslide risk	Yes
6.9 Foreshore scenic protection area	Yes
6.11 Active street frontages	Yes
6.12 Essential services	Yes
6.13 Design excellence	Yes

## Detailed Assessment

### **5.10 Heritage conservation**

Clause 5.10 applies to this application as the works are located on a site of Local Heritage Significance (Item I106 - Group of Commercial Buildings - All numbers, The Corso). The site is also located within a heritage conservation area (C2 - Manly Town Centre Heritage Conservation Area).

The proposal involves the installation of signage and internal fitout works.

*(1) Objectives The objectives of this clause are as follows—*

- (a) to conserve the environmental heritage of Manly,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

#### Comment:

The proposed development involves internal fitout works and the installation of signage. The internal fitout works are not considered to impact the significance of the HCA or the heritage items. The proposed signage is to be amended to comply with Clause 4.4.3.2 of the MDCP 2013 so that the signs on shop windows should not exceed 25% of the window area. This amendment is subject to the recommended conditions.

*(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

#### Comment:

Council's Heritage Officer has reviewed the proposal and has considered any effects of the proposed development on the heritage significance of the item.

*(5) Heritage assessment The consent authority may, before granting consent to any development—*

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

*require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

#### Comment:

A Heritage Impact Statement has been submitted with the application and has been reviewed by Council's Heritage Officer.

## 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 proposal comprises the installation of three (3) illuminated under awning signs, window signage and a digital marketing sign. The proposal has been reviewed by Council's Heritage Officer with a recommended condition to reduce the size of the window signs to not occupy more than 25% of the window area in accordance with Clause 4.4.3.2 of the MDCP 2013. Furthermore, the building will continue to provide an active street frontage.

## Manly Development Control Plan

### Built Form Controls

There are no built form controls relevant to this application as the proposal is for the internal fitout and display of signage.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.2 Heritage Considerations	Yes	Yes
4.2.5 Manly Town Centre and Surrounds	Yes	Yes
4.2.5.1 Design for Townscape	Yes	Yes
4.2.5.2 Height of Buildings: Consideration of Townscape Principles in determining exceptions to height in LEP Zone B2 in Manly Town Centre	Yes	Yes
4.2.5.4 Car Parking and Access	Yes	Yes
4.4.3 Signage	No	Yes
5 Special Character Areas and Sites	Yes	Yes
5.1.1 General Character	Yes	Yes
5.1.2 The Corso	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

### Detailed Assessment

## 4.4.3 Signage

### Merit Consideration

Clause 4.4.3.1 a) stipulates a maximum number of 2 identification signs to be permitted per frontage. The proposal provides a total of 8 signs including 3 under awning signs and 5 window signs including a digital marketing sign. It is noted that the signs are spread across 3 shopfronts whereby presenting minor exceedance of the maximum number of signs permitted. It is also noted that the 3 proposed under awning signs are installed to existing elements attached to the building. The proposed signage is consistent with surrounding signage including the adjoining north-eastern premises NAB, comprising

3 under awning signs and several window signs across 3 shopfronts. The adjoining south-western premises Coles, comprises an under awning sign, top hamper sign, door sign and window sign. As such, the proposed signage is consistent with existing signage in the surrounding vicinity and is considered acceptable.

Clause 4.4.3.2 c) requires signs on shop windows on heritage listed items and in conservation areas to not exceed 25% of the window area. Council's Heritage Officer has reviewed the proposed signage and has recommended a condition requiring the proposed window signs to be reduced in size to comply with this clause.

Having regard to the above, it is concluded that the proposal is consistent with the requirements and objectives of this clause. Furthermore, an assessment against The State Environmental Planning Policy (Industry and Employment) 2021, has concluded that the proposed signage aligns with the requirements of the SEPP.

## **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**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$7,320 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$731,954.

## **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 internal fitout works and the installation of signage has been referred to the Northern Beaches Local Planning Panel (NBLPP) due to the application being for the office of a Member of Parliament resulting in a conflict of interest. The proposal also involves minor demolition works to a heritage item.

The critical assessment issues include heritage conservation and signage. The proposal has been reviewed by Council's Heritage Officer deeming it acceptable.

Overall, the development will not result in unreasonable impacts on adjoining or nearby properties, or the heritage significance. 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

### DEFERRED COMMENCEMENT APPROVAL

A. THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant a Deferred Commencement Development Consent being subject to a two (2) year time frame for Deferred Commencement Consents detailed within Clause 76 of the Environmental Planning and Assessment Regulation 2021 to DA2023/1791 for Internal fitout of a business premises and signage on land at Lot 3 SP 87071,3 / 8 - 28 The Corso, MANLY, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

### 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.

### DEFERRED COMMENCEMENT CONDITIONS

1. **Deferred Commencement - Occupation Certificate for DA2023/1877**

An Occupation Certificate for DA2023/1877 is to be obtained before this consent can become operational.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Clause 76 of the Environmental Planning and Assessment Regulation 2021. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

### GENERAL CONDITIONS

2. **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
A2.00	D	Partition Plan	AriiSmits	19 October 2023



A6.00	B	Elevation	AriiSmits	19 October 2023
A6.01	F	Window Signage Elevation	AriiSmits	8 November 2023
A6.02	E	Signage Graphics	AriiSmits	6 November 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Statement of Heritage Impact	RI	Heritage 21	22 November 2023
Waste Management Plan	-	MMX Projects	-

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.

### 3. 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.

#### 4. **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.

#### 5. **Adjustment of Illumination Levels**

The signage shall be designed so that the intensity of the illumination can be adjusted.

Reason: To ensure traffic safety and maintain amenity.

### **FEES / CHARGES / CONTRIBUTIONS**

#### 6. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$7,319.54 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$731,954.09.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

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

## **7. Security Bond**

A bond (determined from cost of works) of \$2,000 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 Certifier 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.

## **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

## **8. Signage**

The proposed signage is required to comply with the controls of Manly DCP 2013, specifically with *Section 4.4.3.2 Signage on Heritage listed items and in Conservation Areas Clause c) Signs on shop windows should not exceed 25 percent of the window area.*

Details, demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure the proposal is compatible with the heritage context.

9. **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.

10. **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](http://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.

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

11. **Hours of Illumination**

Signage must only be illuminated between 6am-10pm.

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

12. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Friday – 9:00am to 5:00pm

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