

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/1084
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Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 910 DP 875567, 31 The Corso MANLY NSW 2095
Proposed Development:	Alterations and Additions to the existing building and signage.
Zoning:	Manly LEP2013 - Land zoned B2 Local Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	DDP
Land and Environment Court Action:	No
Owner:	S & C Roth Family Foundation Pty Ltd London Fashions Pty Ltd The Yarranabbe Foundation Pty Ltd
Applicant:	Woolworths

Application Lodged:	01/10/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	03/12/2019 to 17/12/2019
Advertised:	Not Advertised
Submissions Received:	9
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 452,308.00
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Northern Beaches Council is in receipt of Development Application DA2019/1084 for alterations and Additions to the existing building and signage at 31 The Corso, Manly.

The proposed development is compliant with the development standards under the *Manly Local Environmental Plan 2013* (MLEP 2013) and is acceptable on merit in relation to the built form controls under the Manly Development Control Plan 2013 (MDCP 2013). The proposed development received nine submissions objecting to the development in relation to delivery and loading management, sustainability and waste generation, laneway activation and amenity, conflict with nearby businesses, noise, and character. The application is referred to the Development Determination Panel under the discretion of the Executive Manager, Development Assessments, due to the number of submissions received.

The application has been assessed against the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations 2000), relevant environmental planning instruments (EPIs) and Council policies. Based on a detailed assessment of the proposal against the applicable planning controls, the proposal is suitable and is an appropriate development for the subject site. Accordingly, based on the detailed assessment contained in this report, it is recommended that the application be **approved**.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development seeks consent for alterations to the existing premises as follows:

- Facade changes;
- Signage on both The Corso and Market Place frontages;
- Use of Whistler Street loading zone and Market Place for deliveries between 5:00am-8:00am daily; and

- Hours of operation as follows:
 - Monday to Thursday:
 - Access: 5:00am to midnight
 - Trading: 6:00am to 11:00pm
 - Friday to Saturday:
 - Access: 5:00am to 1am following day
 - Trading: 6:00am to midnight
 - Sunday:
 - Access: 6:00am to midnight
 - Trading: 7:00am to 11:00pm
 - New Year's Eve and New Year's Day:
 - Access: 5:00am to 4:00am following day
 - Trading: 6:00am to 3:00am following day

The application originally also proposed the use of the site for a supermarket and cafe, and internal fit-out works, though these elements were removed from the application after being approved via a Complying Development Certificate.

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 - 6.4 Stormwater management
 Manly Local Environmental Plan 2013 - 6.9 Foreshore scenic protection area
 Manly Local Environmental Plan 2013 - 6.12 Essential services
 Manly Local Environmental Plan 2013 - 6.13 Design excellence
 Manly Local Environmental Plan 2013 - 6.16 Gross floor area in Zone B2
 Manly Development Control Plan - 4.2.5.6 Late Night Venues
 Manly Development Control Plan - 4.4.3 Signage

SITE DESCRIPTION

Property Description:	Lot 910 DP 875567 , 31 The Corso MANLY NSW 2095
Detailed Site Description:	<p>The subject site consists of part of one allotment located on the north-western side of The Corso, Manly.</p> <p>The site is regular in shape with a frontage of 23.54m along The Corso and Market Place frontages and a depth of 29.26m. The site has a total area of approximately 688.78m².</p> <p>The site is located within the B2 Local zone and accommodates a two-storey (plus basement) commercial development. The subject site forms part of the heritage-listed Item 108 Group of Commercial Buildings and is located within the Town Centre Conservation Area.</p> <p>The site is level and does not contain any vegetation.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by two-, three- and four-storey commercial and mixed use developments.</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 recent history:

- DA0045/2017 for Alterations and additions to an existing commercial premises – Commonwealth Bank was approved on 12 May 2017 under staff delegation.
- DA2019/0211 for Alterations and Additions to a Hotel, including new signage was approved on 11 June 2019 under staff delegation.
- DA2019/0407 for Alterations and Additions to the existing building was approved on 06 June 2019 under staff delegation.
- CDC2019/0748 for Change of use from Business premises to a Woolworths food and drink premises (19000566/1) was approved on 27 September 2019 by Modern Building Certifiers.
- Mod2019/0588 Modification of CDC2019/0748 for Change of use from Business premises to a Woolworth Shop including food and drink premises (19000566/2) was approved on 20 November 2019 by Modern Building Certifiers.

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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iii) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 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 98</u> of the EP&A Regulation 2000 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 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</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</p>

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 9 submission/s from:

Name:	Address:
Joshua Michael Porteous T/A Bare Naked Bowls	Rear, 41 The Corso MANLY NSW 2095
Manly Business Chamber	Level 2 6 The Corso MANLY NSW 2095
Infinity Bakery	15 A The Corso MANLY NSW 2095
C2 Design	Level 2 37-39 The Corso MANLY NSW 2095
Ms Leith Schmidt	8 Patrick Street BEACON HILL NSW 2100
Ms Gioia Helen Viney	4 / 46 Griffiths Street FAIRLIGHT NSW 2094
Mr Damien Lee Dellala	174 Pittwater Road MANLY NSW 2095
Withheld Withheld	MANLY NSW 2095
Peanutbutterlove Jason Higson	5 / 39 Lauderdale Avenue FAIRLIGHT NSW 2094

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

Loading Management

Concern was raised that the proposed loading management arrangements will result in unreasonable traffic congestion and noise, and that there is insufficient manoeuvring space in Market Place to support trucks without damaging infrastructure or assets. Concern was also raised that the proposed loading management arrangements will conflict with the peak business hours of the nearby bakery.

Comment:

The proposed loading management arrangements have been reviewed by Council's Traffic Engineer, who is satisfied that the arrangements will not result in unreasonable congestion, manoeuvring, noise or damage, subject to recommended conditions of consent. The Plan of Management details that businesses to the south-west of the subject site (including the bakery) will be momentarily impacted by delivery/waste trucks as they arrive. Deliveries and loading will be limited to 15 minutes if using the nearby loading zone, or will occur at the Market Place frontage of the site for longer delivery/loading periods, thereby only impacting on the site itself.

Waste and Sustainability

Concern was raised that the use of the site for a cafe and supermarket will result in excessive single-use waste and excessive waste generation.

Comment:

The use of the site for a cafe and supermarket was approved under the recent Complying Development Certificate. As such, this is not a matter for consideration under this assessment. However, the site is serviced by suitable waste management procedures, in accordance with the Northern Beaches Waste Management Guidelines.

Impacts on Market Place

Concern was raised that the proposal does not adequately activate the Market Place frontage, and in relation to the visual appearance of grills on the Market Place frontage.

Comment:

The configuration of the supermarket (being orientated to The Corso) and the grills on the Market Place frontage were approved under the recent Complying Development Certificate. As such, these are not matters for consideration under this assessment.

Noise

Concern was raised in relation to noise generated by the mechanical compressor in the plant room fronting Market Place.

Comment:

The plant room was approved under the recent Complying Development Certificate, and is, therefore, not a matter for consideration under this assessment. Notwithstanding this, this matter has been referred to Council's Environmental Health team for investigation.

Signage

Concern was raised that the proposed signage is inappropriate and unsympathetic to the locality.

Comment:

The proposed signage has been assessed as acceptable in relation to the relevant controls under the *State Environmental Planning Policy No. 64 - Advertising and Signage* and Clause 4.4.3 of the MDCP 2013. Detailed assessments of these matters are contained within the respective sections of this report. Further, the proposed signage has been reviewed by Council's Heritage Advisor, who is satisfied that the proposed signage is acceptable in relation to the heritage context of the site and surrounds.

REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	Development Engineering has no objection to the change use of the building and internal fit out.

Internal Referral Body	Comments
	<p><u>Assessing Officer's Comment:</u> The application has been amended and no longer includes change of use or fitout. These matters have been approved via the recent Complying Development Certificate.</p>
Property Management and Commercial	<p>The proposal is for a fitout, provision of signage, alteration of the facade and use of the premises as a Woolworths Metro store at 31 The Corso, Manly.</p> <p>Property has generally no objection to the proposal as submitted, however concern is raised that the protruding bifold windows on the elevation to The Corso could be hazardous to pedestrians and it is recommended that they be modified to open fully within the property boundaries, similar to other properties along The Corso.</p> <p>It should also be noted that while no outdoor dining is proposed in the application, current Northern Beaches Council policy is not to allow outdoor dining on The Corso, and a condition to this effect has been recommended.</p> <p><u>Assessing Officer's Comment:</u> The application has been amended and no longer includes change of use or fitout. These matters have been approved via the recent Complying Development Certificate.</p>
Road Reserve	No impact on existing road assets.
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	<p>The application has been referred to Heritage as the site is a heritage item which is a part of <i>Group Commercial Buildings</i>; is located in the <i>Town Centre Heritage Conservation Area</i>; in the proximity of a heritage items <i>ST. Matthew's Church and Church Hall</i>, and in the proximity of <i>Street Trees</i>, all listed in Schedule 5 of the Manly LEP.</p> <p><i>Item I106 - Group Commercial Buildings</i> - All numbers, The Corso</p> <p><i>Town Centre Heritage Conservation Area</i></p> <p><i>Item I104 - Street Trees</i> - The Corso (from Whistler Street to Sydney Road)</p> <p><i>Item I113 - St. Matthew's Church and church hall</i> - 44 The Corso (corner The Corso and Darley Road)</p>
	Details of heritage items affected
<p>Details of the heritage items, as contained in the Manly Heritage inventory are:</p>	

Internal Referral Body	Comments
	<p><i>"Item I106 - Group Commercial Buildings"</i></p> <p><u>Statement of significance:</u> The streetscape and its special qualities are of major significance to the state. The Corso has important historical links to the development of tourism and recreation which is still present and likely to continue. It's role as the pedestrian link between harbour and ocean, city and sea - for the tourist, is fundamental to Manly's status as a resort.</p> <p><u>Physical description:</u> The Corso 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>A formal street, 90' wide with a central avenue planting of mature Phoenix Palms and Moreton Bay Figs running from Manly Wharf to Manly Beach. As a space it is defined on each side by predominantly 2-3 storey commercial buildings, which create an excellent pedestrian scale enhanced by shop awnings, planting and the recent "mallng" of most of its length. St Matthew's Church, located on the intersection of Darley Rd, with its tower as a focal point, together with the oblique intersection of Sydney Rd, are important interruptions to the linear form of the Corso. At each end The Corso is open and merges into different spaces with good outward views to Shelley Beach, Queenscliff, Manly Cove and along Darley Road and Sydney Road. The gradual visual progression to the Pacific Ocean from manly Cove with the surf revealed behind a screen of Norfolk Pines is the essence of Manly's unique quality.</p> <p><i>Town Centre Heritage Conservation Area</i></p> <p><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</p>

Internal Referral Body	Comments
	<p>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>The beautiful natural setting of the TCCA has provided a solid foundation for its picturesque qualities. The cultural landscape, including plantings, monuments and open spaces, reflects the continued enhancement of the TCCA over time, in order to attract and sustain visitors to the area, which in turn has provided great support to the local economy. The many historic vistas which remain to this day enhance the visitor experience of the TCCA and assist with providing an interpretation of the TCCA as it has changed over time.</p> <p>The TCCA maintains a high level of social significance, as a popular destination for local, national and international tourists, as well as through its encapsulation of the Australian beach culture.</p> <p><u>Physical description:</u> The boundary of the Manly Town Centre Conservation Area (TCCA) is defined by, and is inclusive of, the following:</p> <ul style="list-style-type: none"> • the properties on the northern side of Sydney Road, between Belgrave Street and North Steyne; (NB Current GIS mapping needs to be amended to include all of SP61679, and exclude the small part of SP61139 – property to the north) • the properties on North Steyne, including the Hotel Steyne, south to, and including 35 South Steyne; (NB Current GIS mapping needs to be amended to include all of Lot 2 DCP 861591 – 35 South Steyne) • the properties on the southern side of the Corso, west to, and including St Matthew’s Church; • the properties on the north eastern side of Darley Street to Ashburner Street, including Manly Village Public School, and 14-20 Victoria Parade; (NB Current GIS mapping needs to be amended to exclude all of Lot 1 DCP 99913 – 10 Wentworth St, and Lot 1 DP999135); • the properties on the south west of Darley Street from Ashburner Street to The Corse, including 13 Ashburner Street and 9-13 Victoria Parade; (NB Current GIS mapping needs to be amended to include all of Lot B DCP 337685 – 10 Victoria Parade) • The properties on the southern side of The Corso from Darley Street to East Esplanade, including 46-53 East Esplanade; • The properties on the eastern side of Belgrave Street from East Esplanade to the northern side of Sydney Road, including the vacant area of 21 Belgrave Street. <p>The second zone of the Townc Centre Conservation Area comprises The Corso, which is the iconic focus for the Manly Town</p>

Internal Referral Body	Comments
	<p>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, 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.</p> <p><i>"Item I104 - Street Trees"</i> <u>Statement of significance:</u> Part of earliest planting on The Corso c.1850's by H.G. Smith. Historic and aesthetic importance to the streetscape.</p> <p><u>Physical description:</u> Centre planting of Ficus Macrophylla (Moreton Bay Fig) Remnant Palm planting (Phoenix Canariensis) of 1928.</p> <p><i>"Item I113 - St. Matthew's Church and church hall"</i> <u>Statement of significance:</u> The church is a well consistently detailed but sombre example of Interwar Gothic style. The interior detailing and fittings are of a high quality of design, exhibiting a contrasting lightness to the exterior. As this building is seen in the round, the spatial effect on the north eastern side is of significance and it makes an important landmark and identifies the junction of the Corso with Darley Road. It makes a major contribution to the Corso.</p> <p><u>Physical description:</u> The building is Inter-War Gothic style with set back buttresses. The walls are dark purple/brown face brick on coursed rubble sandstone base. Window sills heads and tracery, door architraves, copings and parapets are in ashlar sandstone. The main windows are in figurative stained glass by John Radecki set in mullions of sandstone in bas tracery style. The smaller windows are in patterned coloured glass. The roofs are slate with copper rainwater heads and downpipes. The front garden beds flanking the sandstone entrance steps are bordered with brick and wrought iron ornate rail fences. These are thought to date from the 1864 church. The interior is pale brown/pink face brick with ashlar sandstone pointed arches, circular columns, capitals and bases. Window heads sills, mullions,</p>

Internal Referral Body	Comments	
	<p>and string courses are also sandstone. The church comprises a nave, side aisles, attached bapistry, the choir and sanctuary are separated from the nave to a chancel arch. The roof is exposed with tongue and groove boarding lining on timber rafters and purlins and ornately worked tied hammer beam trusses. Besides the items relocated from the 1864 church there are numerous other items of fine design and quality, including the church organ and pipes, sandstone base to the pulpit, brass lectern, pair bishops chairs, altar rails to main altar and side altar, memorial plaques, carved marble font, tessellated mosaic floor to bapistry in Byzantine manner and church pews.</p>	
	<p>Other relevant heritage listings</p>	
	<p>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</p>	<p>No</p>
	<p>Australian Heritage Register</p>	<p>No</p>
	<p>NSW State Heritage Register</p>	<p>No</p>
	<p>National Trust of Aust (NSW) Register</p>	<p>No</p>
	<p>RAIA Register of 20th Century Buildings of Significance</p>	<p>No</p>
	<p>Other</p>	<p>No</p>
	<p>Consideration of Application</p>	
	<p>This application seeks consent involving change of use of the existing building from a bank to a commercial retail store, at 31 The Corso, Manly. The proposal is for internal changes for use, operation and fit out of a Woolworths Metro Store as well as external works including signage and changes to the existing facade.</p> <p>The plans have been reviewed along with the Statement of Heritage Impact, by Heritage 21, dated September 2019. The proposed works have also been assessed in relation to the heritage provisions contained within Manly DCP 2013 and the number of signage for the proposal exceeds the maximum number of signs outlined in the clause 4.4.3.1 Controls for all Development Types, but given the facade of the subject site is larger than the majority of the shops in The Corso it is considered that the impact upon the heritage site is negligible. Overall, it is considered that the proposed works will have a negligible impact upon the heritage significance of the group heritage item or the heritage items in the vicinity or upon the Town Centre Conservation Area.</p> <p>Therefore, no objection is raised to this application on heritage grounds.</p>	

Internal Referral Body	Comments
	<p>Consider against the provisions of CL5.10 of MLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p> <p>Further Comments</p> <p>COMPLETED BY: Oya Guner, Heritage Advisor</p> <p>DATE: 04 December 2019</p> <p><u>Assessing Officer's Comment:</u> The application has been amended and no longer includes change of use or fitout. These matters have been approved via the recent Complying Development Certificate.</p>
Traffic Engineer	<p>The proposal is for a Woolworths Metro Store occupying the existing building at shop 2 29-33 The Corso. The DA is for the use, operation and fit out with external works including signage a facade upgrdaes. No offstreet parking or loading facilities are proposed, however as the site is located with frontages only to paved pedestrian malls it is infeasible for offstreet parking to be provided and reliance upon existing parking and loading zone facilities is anticipated in the adjacent Whistler St carpark and surrounds. The proposal is for 2-8 staff to be present on site at any one time. A plan of management has been submitted which outlines how deliveries to the site will be managed. There are no traffic engineering objections to the proposal subject to conditions</p> <p><u>Assessing Officer's Comment:</u> The application has been amended and no longer includes change of use or fitout. These matters have been approved via the recent Complying Development Certificate.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment,

many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 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 Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the commercial land use.

SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1. The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

The proposed development proposes several signs, on both The Corso and Market Place frontages. As confirmed by a site visit on 22 January 2020, a number of signs currently exist on site, including some that are proposed under this development application. Council is unable to retrospectively approve signage via development application. As such, any signage that exists without approval has been reported to Council's Building Control team for investigation. In accordance with SEPP 64, an assessment of all proposed signage is as follows. Notwithstanding this assessment, signage is approved only as per conditions of consent.

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?	The subject site is zoned B2 Local Centre. The proposed development is permissible in this area. The subject site is located in an area characterised by commercial and mixed use premises, including shops, cafes, offices, and pubs. As such, proposed signage is compatible with the existing and desired future character along The Corso and Market Place.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No particular theme for outdoor advertising exists along The Corso or Market Place. However, the proposed signage is complementary to the colours and finishes of existing development in the locality.	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?	The subject site forms part of a heritage item, and is within the vicinity of other heritage items. The subject site is also within the Manly Town Centre Conservation Area. The subject site is not located within an environmentally sensitive, natural, open space or rural area. The proposed signage does not detract from the amenity or visual quality of nearby open space areas, waterways, or residential areas.	YES
3. Views and vistas		
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 project above the existing building, so does not dominate the skyline or reduce the quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not unreasonably obscure any other advertisements.	YES
4. Streetscape, setting or landscape		
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 other existing comparable uses within the streetscape, and within the zoning of the site. As such, the proposed signage is appropriate in the streetscape and setting of the site.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed development and associated signage have been designed in a clear and modern manner, and therefore create visual interest within the streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage is located only at key points on the proposed building and, therefore, do not create visual clutter.	YES
Does the proposal screen unsightliness?	The proposed signage does not give rise to unsightliness. The proposed signage is neat and limited to key points on the proposed building.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude beyond the proposed building.	YES
Does the proposal require ongoing vegetation management?	The proposed signage does not require vegetation management.	YES
5. Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is of compatible scale and proportion to the proposed building and the existing buildings in the street.	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 proposed building.	YES
Does the proposal show innovation and	The proposed signage is located logically to	YES

imagination in its relationship to the site or building, or both?	achieve an adequate level of exposure, while remaining visually compatible with the proposed building and the streetscape.	
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?	The proposed signage will not require safety devices, platforms or lighting devices, as any illuminated signage is lit internally.	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?	Illumination of the proposed signage will not result in unreasonable or unacceptable glare. Illumination of the proposed signage will not impact upon safety for pedestrians, vehicles or aircraft. Illumination of the proposed signage will not impact upon nearby residences or other accommodation.	YES
Can the intensity of the illumination be adjusted, if necessary?	Illumination of the proposed signage can be adjusted by technicians, as required.	YES
Is the illumination subject to a curfew?	The proposed signage will be illuminated for the hours of operation of the proposed Woolworths store only.	YES
8. Safety		
Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage will not reduce 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 any sightlines, and will, therefore, not reduce pedestrian safety.	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 the SEPP and its underlying objectives.

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Manly Local Environmental Plan 2013

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	10m	Signage up to 8.7m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
6.4 Stormwater management	Yes
6.9 Foreshore scenic protection area	Yes
6.12 Essential services	Yes
6.13 Design excellence	Yes
6.16 Gross floor area in Zone B2	Yes

Detailed Assessment

6.4 Stormwater management

Under Clause 6.4, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

Comment:

Being for facade changes, signage, hours of operation, and delivery/waste management procedures, the proposed development does not impact upon the structure of the building, nor the stormwater management measures currently existing on site. As the building is currently functional, and the proposal has been reviewed by Council's Development Engineer, who raised no objection to the proposal, the consent authority can be satisfied that the proposal is in accordance with the above.

6.9 Foreshore scenic protection area

Under Clause 6.9, 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 facade changes and signage are consistent with advertising content in the vicinity of the site, so will not unreasonably impact upon the visual amenity or scenic quality of the nearby foreshore area. Being minor in nature, the proposed works will not result in unreasonable overshadowing or loss of views to or from the nearby foreshore area. The proposed development relates to an existing commercial development, so is suitable in relation to its type, location and design. The proposed works (being signage and facade changes) will not result in conflict between land-based and water-based coastal activities.

6.12 Essential services

Under Clause 6.12, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

Comment:

The proposed development is for facade changes, signage, hours of operation, and delivery/waste management procedures, so does not impact upon the existing arrangements for the above matters. As the building is currently functional, and the proposal has been reviewed by Council's Development Engineer, who raised no objection to the proposal, the consent authority can be satisfied that the proposal is in accordance with the above.

6.13 Design excellence

Under Clause 6.13, development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence. In considering whether development exhibits design excellence, the consent authority must give consideration to whether the development:

- (a) contains buildings that consist of a form, bulk, massing and modulation that are likely to overshadow public open spaces, and*
- (b) is likely to protect and enhance the streetscape and quality of the public realm, and*
- (c) clearly defines the edge of public places, streets, lanes and plazas through separation, setbacks, amenity, and boundary treatments, and*
- (d) minimises street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access, and*
- (e) encourages casual surveillance and social activity in public places, streets, laneways and plazas, and*
- (f) is sympathetic to its setting, including neighbouring sites and existing or proposed buildings, and*
- (g) protects and enhances the natural topography and vegetation including trees, escarpments or other significant natural features, and*

- (h) promotes vistas from public places to prominent natural and built landmarks, and
- (i) uses high standards of architectural design, materials and detailing appropriate to the building type and location, and
- (j) responds to environmental factors such as wind, reflectivity and permeability of surfaces, and
- (k) coordinates shared utility infrastructure to minimise disruption at street level in public spaces.

Comment:

Being for facade changes, signage, hours of operation, and delivery/waste management procedures, the proposed development does not impact upon the structure or overall design of the building. The proposed facade changes are consistent with the streetscape requirements of the MDCP 2013. The proposed signage is assessed as acceptable on merit for the reasons throughout this report. The proposal does not otherwise alter the design excellence of the existing building in relation to the matters above.

6.16 Gross floor area in Zone B2

Under Clause 6.16, development consent must not be granted to the erection of a building on land in Zone B2 Local Centre unless the consent authority is satisfied that at least 25% of the gross floor area of the building will be used as commercial premises. Further, Clause 6.16 stipulates that development consent must not be granted for development on land to which this clause applies if the gross floor area of any retail premises on the land would exceed 1,000 square metres.

Comment:

The subject site is zoned B2 Local Centre. The proposed development does not impact upon the existing gross floor area within the building. However, for the purposes of addressing this clause, the subject site is wholly comprised of commercial floor space, and the site does not contain any retail premises of greater than 1,000sqm.

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 471sqm	Requirement	Proposed	% Variation*	Complies
4.4.3 Signage				
4.4.3.1 (a) Maximum Number of Signs	Max. 2 signs per frontage	The Corso: 6 signs	300%	No
		Market Place: 2	-	Yes
4.4.3.3 (c) (d) Signs Above Awning Height (Proposed 'Zone 1' Signs)	Flush to wall	Flush to wall	-	Yes
	Proportionate to building	Proportionate		
	In keeping with design of the building	Not inconsistent with the design of the building		
	Compact	Compact		
4.4.3.3 (e) Under-Awning Signs (Proposed 'Zone 6' Signs)	Max. 2 signs, 4m apart	2 signs (The Corso), 5.6m apart	3.8% to height above ground	No
	Min. 3m from other under-awning signs	>3m from others		
	Min. 2.6m above ground	2.5m above ground		
	Max. 2.5m length	2.4m		
	Not project beyond awning	Does not project beyond awning		

	Max. 400mm width	120mm		
	Max. 500mm depth	300mm		
	Right angle to awning	Right angle to awning		
	Fixed with 50mm supports	40mm		
4.4.3.3 (h) Flush Wall Signs (Proposed 'Zone 7' Sign)	Must not extend beyond wall	Does not extend beyond or above wall	428% to maximum area	No
	Must not project above wall			
	Max. area 3 x height above ground (1.5sqm)	7.92sqm		
4.4.3.3 (i) Fascia Signs (Proposed 'Zone 2' Sign)	Must not project above or below fascia	40mm above and below fascia	100% to fascia projection	No
	Must not extend more than 300mm from fascia end of awning	40mm		
	Must not extend within 600mm of kerb	No adjacent kerb		
4.4.3.3 (l) Projecting Wall Signs (Proposed 'Zone 3' Sign)	Min. 2.6m above ground	2.1m above ground	19.23%	No
	Max. 800mm projection from wall	550mm projection		
	Must not project above wall	Does not project above wall		
	Must not extend within 600mm of kerb	No adjacent kerb		
	Max. width of one third of max. projection (183mm)	100mm		
	Max. area 3 x height above ground (6.3sqm)	400sqmm		
Window signs (Proposed 'Zone 4' and 'Zone 5' Signs)	No controls	-	-	-

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.3 Townscape (Local and Neighbourhood Centres)	Yes	Yes
3.2 Heritage Considerations	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.8 Waste Management	Yes	Yes
4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres)	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.2.2 Height of Buildings (Consideration of exceptions to Building Height in LEP Business 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
4.2.5.6 Late Night Venues	No	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

4.2.5.6 Late Night Venues

Objective 1) To achieve for Manly's entertainment precinct as a place of excellence in which all people can use and enjoy Manly's highly valued natural amenity qualities as a place:

- *for leisure and entertainment;*
- *in which late night venues can safely entertain and provide for the enjoyment of social and recreational pursuits;*
- *without disturbing the peace of the community in terms of safety and security.*

Comment:

The proposed development does not seek the use of the site, as this was approved under the recent Complying Development Certificate. The proposed development retains the use of the site for safe retail purposes, without disturbing the peace, as demonstrated through the submitted plan of management.

Objective 2) To regulate the activities and design of late night venues to minimize late night disturbances to the public and promote Manly as a safe place for all the community late at night such that:

- *frontages to public spaces must be designed to minimize conflict between customers within the establishments and public using the public spaces;*
- *the applicant demonstrate (see lodgement requirements at Council's Administrative Guidelines) that the premises will not detract from the safety and security of the Entertainment Precinct and as a place which is acceptable for families; and*
- *obligations of any current Accord are addressed in minimizing anti-social behaviour and adverse effects of excessive alcohol consumption.*

Comment:

The proposed development is supported by a plan of management, detailing the management of the site, including in relation to disturbances, conflicts, safety and security, and customer behaviour.

Intensity of Development

a) *In order to provide diversity, it is proposed to limit the number of patrons which attend late-night licensed venues within the Entertainment Precinct. Within the Entertainment Precinct the total number of patrons capable of being accommodated within Late Night Venues must not exceed 8000 persons. Exceptions to this will only be granted where Council is satisfied that the existing levels of adverse impact will not be added to nor detract from opportunities to provide a diverse range of alternative entertainment activities.*

Comment:

Not applicable. The proposed development does not relate to a licensed venue.

Hours of Operating (maximum)

b) *The maximum hours for hotels, nightclubs, restaurants & food outlets are as follows:*

i) *Hotels & Nightclubs: from 5am up to 2am (next day) and with a restricted entry policy for Nightclubs after 12.30am; and*

ii) *Restaurants & Food Outlets: from 5am up to 1am (next day).*

Comment:

The proposed development includes hours of operation consistent with the requirement above for a food outlet, with the exception of for New Year's Eve and New Year's Day. On these days, the proposed hours of operations extend until 3am, with staff access for packing down until 4am. Given the nature of these days and the context of the local area, these hours are considered acceptable.

Noise Control

c) *Requirement of this plan in relation to licenced premises at paragraph 3.4.2.4 d - g apply to licensed Late Night Venues under this paragraph.*

Comment:

Not applicable. The proposed development does not relate to a licensed premises.

Security

d) *Proprietors of Late Night Venues must enter into arrangements with Council for the provision of late night security of the premises and the adjacent public areas.*

Comment:

The proposed development is supported by a plan of management, detailing suitable security measures for the use.

Access to Public spaces

e) *Frontages to public spaces must be designed to minimise conflict between customers within the establishments and public using the public spaces.*

Comment:

Public access to the site is maintained via The Corso frontage. The entrance is clear and will not result in conflict between use of the building, and use of the public domain.

Decks, Balconies & Roof Top Area

f) *Balconies, verandahs, any roof top areas and any external access thereto must be closed to patrons between the hours of 10pm to 8am daily.*

Comment:

Not applicable. The development does not include balconies, decks, verandahs, or roof top areas.

Liquor Accord

g) *Proprietors of the licensed premises must be a financial member of any applicable Liquor Accord and conform to the obligations of that Accord in minimizing anti-social behaviour and adverse effects of excessive alcohol consumption.*

Comment:

Not applicable. The proposed development does not relate to a licensed venue, and is not subject to a Liquor Accord.

Design

h) Applications must demonstrate how the design and operation of licensed venues take into account best practice outlined in the document titled "Alcohol & Licensed Premises: Best Practice in Policing" S Doherty and A Roche 2003.

Comment:

Not applicable. The proposed development does not relate to a licensed venue.

4.4.3 Signage

The development includes multiple minor non-compliant elements in relation to the proposed signage, as detailed in the section of this report relating to Built Form Controls. The development is considered on merit in relation to the relevant objectives of the MDCP 2013 as follows:

Objective 1) 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.

Comment:

The proposed signage is designed and site in such a way that it is consistent with other advertising materials in the locality, and does not detract from the scenic beauty or amenity of the area or the building to which it is proposed to be attached.

Objective 2) 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.

Comment:

The proposed development, while containing multiple signs on The Corso frontage, does not result in degradation of the area, and is not excessive in the context of the site. The signs are suitably located and varied so as not to cause clutter or confusion.

Objective 3) 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.

Comment:

The proposed signage provides appropriate identification of the building and the services within the building, and does not interfere with streetscape or amenity.

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 signage is consistent with the design quality and style of existing signage along both frontages of the subject site. The proposed signage is designed in consideration of the existing building to which it is proposed to be attached, complementing its styles and finishes.

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:

The proposed signage has been reviewed by Council's Heritage Advisor, who is satisfied that the

signage does not unreasonable detract from or impact upon the heritage significance of the heritage-listed subject site, surrounding sites, and surrounding conservation area.

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

Comment:

The proposed signage has been designed by a suitably qualified person to be of a high standard of graphic and textural content.

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 site is zoned B2 Local Centre (Business Zone).

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

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

A monetary contribution of \$4,523 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$452,308.

CONCLUSION

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

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

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

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

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

In summary, a detailed assessment has been required for the following specific issues:

- Proposed delivery loading and waste management procedures;
- Hours of operation;
- Non-compliance with signage requirements; and
- Matters raised in submissions.

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/1084 for Alterations and Additions to the existing building and signage. on land at Lot 910 DP 875567, 31 The Corso, MANLY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
WA209 External Signage for Development Application	3 September 2019 issue B	The Retail Group Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Plan of Management	September 2019	Woolworths Metro
Statement of Heritage Impacts	September 2019	Heritage 21

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

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

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

approved plans.

2. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost

of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

3. **General Requirements**

(a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved

waste/recycling centres.

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

(k) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

(m) 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 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

4. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$4,523.08 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$452,308.00.

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

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

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

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

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

5. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is

located on Council's website at www.northernbeaches.nsw.gov.au).

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

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

6. **Compliance with Standards**

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

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

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

7. **Approval of Signage**

Signage is approved as follows:

The Corso Frontage:

- 'Zone 1' Sign Above Awning: Use of signage approved only.
- 'Zone 2' Fascia Sign: Structure and use of sign approved.
- 'Zone 3' Under Awning Signs: Use of signage approved only.
- 'Zone 4' Window Sign: Structure and use of sign approved.
- 'Zone 5' Window Sign: Structure and use of sign approved.
- 'Zone 6' Projecting Wall Sign: Structure and use of sign approved

Market Place Frontage:

- 'Zone 1' Sign Above Awning: Structure and use of sign approved.
- 'Zone 7' Flush Wall Sign: Structure and use of sign approved.

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

Reason: To ensure consistency with the consent.

8. **Bi-Fold Doors**

The proposed bi-fold doors fronting The Corso are not to encroach over public land during opening, when fixed open, or when closed. Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Public safety.

9. **Plan of Management Amendments**

The Plan of Management is to be updated to reflect the following:

- Deliveries and waste collections may only occur via the Whisler Street loading zone if they are to be completed in 15 minutes or less. Deliveries that take longer than 15 minutes are to occur via Market Place between 5am-8am.
- Deliveries and waste collections by trucks larger than 6.4m in length are to occur only between 5am and 8am.

Reason: To minimise congestion and impacts from deliveries and collections.

10. **Construction Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Certifying Authority prior to issue of any Construction Certificate. Due to heavy traffic congestion throughout the Manly town centre, construction truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movement size, timing and access routes must be agreed with Council's Traffic and Development Engineer prior to submission of the CTMP.

The CTMP must address following:-

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Temporary truck standing/queuing locations in a public roadway/domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.

- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”. All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. Confirming appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner’s property rights and protects amenity in the locality, without unreasonable inconvenience to the community. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council's traffic engineer for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: to ensure Construction Traffic Management Plan is implemented and able to be enforced (DACTREDW1)

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

12. Outdoor Dining

Any application for outdoor dining must be made separately using the form "Outdoor Dining Area Approval Application". Please note that Council does not currently accept outdoor dining applications for The Corso, Manly.

Reason: To ensure compliance with the requirements of the *Roads Act 1993* and Council policy regarding outdoor dining.

13. Hours of Operation

The hours of operation are to be restricted to:

- Monday to Thursday:
 - Access: 5:00am to midnight
 - Trading: 6:00am to 11:00pm
- Friday to Saturday:
 - Access: 5:00am to 1am following day
 - Trading: 6:00am to midnight
- Sunday:
 - Access: 6:00am to midnight
 - Trading: 7:00am to 11:00pm

- New Year's Eve and New Year's Day:
 - Access: 5:00am to 4:00am following day
 - Trading: 6:00am to 3:00am following day

Upon expiration of the permitted trading hours, all service shall immediately cease, no customers shall be permitted entry and all customers on the premises shall be required to leave.

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

14. **Signage Illumination**

The proposed signage is to be illuminated for the approved hours of operation only.

Reason: To prevent excessive illumination.

15. **Plan of Management**

The site is to operate in accordance with the approved Plan of Management.

Reason: To ensure appropriate land use management.

16. **Noise from Operations**

Business operations must not cause offensive noise as defined by the *Protection of the Environment Operations Act 1997*.

Reason: To protect the amenity of surrounding residents.

17. **Waste Collection**

Waste collection is not to occur after 8pm or before 5am on any day.

Reason: To protect the amenity of surrounding residents.

18. **Storage of Stock and Materials**

All stock and materials and waste associated with the operation of the premises must be stored within the property. No storage of any material on Market Place or The Corso is to occur at any time.

Reason: To ensure clear access for vehicles and pedestrians is maintained.

19. **Deliveries to Premises and Waste Collection**

Truck deliveries to the site are to take place overnight and in the early hours of the morning between the hours of 10pm and 8am. Delivery trucks and other servicing vehicles are to be no larger than 8.8m in length. Deliveries and waste collections by trucks larger than 6.4m in length are to occur only between 5am and 8am.

Reason: To minimise congestion and impacts on access.