

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2025/0055
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<b>Responsible Officer:</b>	Adriana Bramley
<b>Land to be developed (Address):</b>	Lot 5 SP 12989, 5 / 21 - 23 The Corso MANLY NSW 2095 Lot 9 SP 12989, 9 / 21 - 23 The Corso MANLY NSW 2095 Lot 12 SP 12989, 12 / 21 - 23 The Corso MANLY NSW 2095 Lot 2 SP 12989, 2 / 21 - 23 The Corso MANLY NSW 2095 Lot 3 SP 12989, 3 / 21 - 23 The Corso MANLY NSW 2095 Lot 7 SP 12989, 7 / 21 - 23 The Corso MANLY NSW 2095 Lot 10 SP 12989, 10 / 21 - 23 The Corso MANLY NSW 2095 Lot 6 SP 12989, 6 / 21 - 23 The Corso MANLY NSW 2095 Lot 13 SP 12989, 13 / 21 - 23 The Corso MANLY NSW 2095 Lot 8 SP 12989, 8 / 21 - 23 The Corso MANLY NSW 2095 Lot 11 SP 12989, 11 / 21 - 23 The Corso MANLY NSW 2095 Lot 14 SP 12989, 14 / 21 - 23 The Corso MANLY NSW 2095 Lot 1 SP 12989, 1 / 21 - 23 The Corso MANLY NSW 2095 Lot 4 SP 12989, 4 / 21 - 23 The Corso MANLY NSW 2095 Lot CP SP 12989, 19 - 23 The Corso MANLY NSW 2095
<b>Proposed Development:</b>	Modification of Development Consent DA2020/1711 granted for Alterations and additions to an existing shop top housing development
<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>Land and Environment Court Action:</b>	No
<b>Applicant:</b>	Damian O'Toole Town Planning Pty Ltd

<b>Application Lodged:</b>	02/04/2025
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Refer to Development Application
<b>Notified:</b>	10/04/2025 to 24/04/2025
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1

<b>Clause 4.6 Variation:</b>	4.3 Height of buildings: 48.2% 4.4 Floor space ratio: 2.63%
<b>Recommendation:</b>	Approval

## PROPOSED DEVELOPMENT IN DETAIL

The application seeks to modify the development consent DA2020/1711 for alterations and Additions to existing Shop Top Housing.

The modification seeks the following changes:

### Ground Floor

- removal of the residential entry from The Corso and infill wall
- replacement of residential entry with an expanded commercial space
- installation of bi-fold doors to Market Lane to facilitate new cafe/food outlet
- new ramps for level access and residential entry on Market Lane
- relocation of booster assembly
- reconfiguration of residential / commercial waste storage areas

### Level 1

- Installation of 'riser cupboard' to house internal vertical services

### Level 2

- Installation of 'riser cupboard' to house internal vertical services

### Level 3 - Roof Level

- Installation of air conditioning units on roof (residential condenser units, condenser unit for ground floor and riser cupboard).

There are no modifications to the residential units above the ground level other than the reuse of the existing facade vents for new A/C intakes. A minor change to GFA/FSR of 12m<sup>2</sup> resulted from recalculation of minor internal changes.

## ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;

- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Manly Local Environmental Plan 2013 - 4.3 Height of buildings

Manly Local Environmental Plan 2013 - 4.4 Floor space ratio

## SITE DESCRIPTION

<b>Property Description:</b>	<p>Lot 5 SP 12989 , 5 / 21 - 23 The Corso MANLY NSW 2095</p> <p>Lot 9 SP 12989 , 9 / 21 - 23 The Corso MANLY NSW 2095</p> <p>Lot 12 SP 12989 , 12 / 21 - 23 The Corso MANLY NSW 2095</p> <p>Lot 2 SP 12989 , 2 / 21 - 23 The Corso MANLY NSW 2095</p> <p>Lot 3 SP 12989 , 3 / 21 - 23 The Corso MANLY NSW 2095</p> <p>Lot 7 SP 12989 , 7 / 21 - 23 The Corso MANLY NSW 2095</p> <p>Lot 10 SP 12989 , 10 / 21 - 23 The Corso MANLY NSW 2095</p> <p>Lot 6 SP 12989 , 6 / 21 - 23 The Corso MANLY NSW 2095</p> <p>Lot 13 SP 12989 , 13 / 21 - 23 The Corso MANLY NSW 2095</p> <p>Lot 8 SP 12989 , 8 / 21 - 23 The Corso MANLY NSW 2095</p> <p>Lot 11 SP 12989 , 11 / 21 - 23 The Corso MANLY NSW 2095</p> <p>Lot 14 SP 12989 , 14 / 21 - 23 The Corso MANLY NSW 2095</p> <p>Lot 1 SP 12989 , 1 / 21 - 23 The Corso MANLY NSW 2095</p> <p>Lot 4 SP 12989 , 4 / 21 - 23 The Corso MANLY NSW 2095</p> <p>Lot CP SP 12989 , 19 - 23 The Corso MANLY NSW 2095</p>
<b>Detailed Site Description:</b>	<p>The site is trapezoidal in shape, with a 16.835m wide frontage to The Corso, a 16.76m wide frontage to Market Place, a depth of 31.2m and a total area of 523.9m<sup>2</sup>. The site is situated on the northern side of The Corso, opposite its intersection with Darley Road. The site currently contains an existing four storey shop top housing development (19-21 The Corso) and a two storey retail/commercial building (23 The Corso). The works the subject of this application are limited to the existing four storey shop top housing development at 19-21 The Corso. No changes are proposed to 23 The Corso.</p>

The existing four storey shop top housing development comprises:

- Ground floor - Retail onto The Corso, Office space presenting to Market Place, Residential access from both street frontages,
- Level 1 - 2 x 1 bed units and 2 x 2 bed units
- Level 2 - 2 x 1 bed units and 2 x 2 bed units
- Level 3 - 2 x 2 bed units, communal open space (roof terrace) and communal laundry

The existing building is identified as an item of local heritage significance, and is located within a heritage conservation area. A small portion of the northern corner of the site is identified as being prone to flooding.

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

Adjoining and surrounding development is characterised by a mix of 2 - 3 story Heritage facade commercial shoptop housing and commercial uses (such as Hotels and Offices).

Map:



#### **SITE HISTORY**

The land has been used for residential and commercial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

23 May 2019 (DA2019/0512)

Development Application was lodged with Council, seeking consent for alterations and additions to the



existing shop top housing development at 19-21 The Corso. Whilst the proposal sought consent for the works the subject of the current a development consent, the application also sought consent for:

- reduction/enclosure of the existing light wells on both side elevations, resulting in additional floor space and an increase to the existing non-conforming FSR.
- new lift
- additional unit in the area currently occupied by the communal roof terrace (wholly above the 10m height limit).
- demolition of internal walls within all units to create open plan living areas
- removal of ground floor office space
- removal of residential access to The Corso.

#### 1 April 2020

Development Application DA2019/0512 was refused by the NBLPP for the following reasons:

1. The application fails to meet the provision of the SEPP 65 Design Quality of Residential Apartment Development together with the Apartment Design Guide in relation to the provision of communal open space.
2. The proposal fails to satisfactorily address good design and amenity as specified in section 1.3 (a), (c) and (g) of the Environmental Planning and Assessment Act 1979.
3. The proposal fails to achieve the particular aims of Manly Local Environmental Plan 2013 section 1.2(2)(a)(iv) to ensure all development appropriately responds to environmental constraints and does not adversely affect the character, amenity or heritage of Manly or its existing permanent residential population.

#### 26 November 2020 (EPA/0234)

Council issued an Order with respect to the property to require the upgrading of the existing building with regard to Fire Safety.

#### 7 April 2021 (DA2020/1711)

Council issued a Development consent for alterations and additions to Shop Top Housing including:

- window and lintel replacement for external facade to aluminium
- replacement of external doors
- replacement of steel structure and pressed tin ceiling of the awning to The Corso
- replacement of roof sheeting, gutters, downpipes, flashing and damp membranes
- new awning to Market Lane
- new accessible WC on ground floor
- new ramp and door to waste room from Market Lane
- conservation repair work on cladding, doors, windows, parapets, timber screens and glazing
- repainting in heritage colour scheme.

#### 3 June 2021 (PLM2021/0112)

A pre-lodgement meeting was held to discuss a proposal to make alterations and additions to the Shop Top Housing. The meeting revisited the proposal considered and determined (refused) under DA2019/0512. The proposal included an overall height of 16m (60% variation) and an FSR of 2.68:1 (7.3% variation) with an additional unit on the third floor where the communal open space is currently located. Heritage advised the current consent (DA2020/1711) provided a better outcome for the heritage building.

#### 23 September 2021 (PLM2021/0234)

A pre-lodgement meeting was held with respect to a proposal for 14 residential units with a proposed

FSR of 3.11:1. Additional height was proposed fronting the Corso. The panel advised works were inconsistent with the Apartment Design Guide for aspects of amenity and internal planning.

Several other development consents exist over the land subject of this application (19-23 Corso) that relate to alterations and additions to a Pub which exists solely over land described as the Building at 23 Corso, which is connected to the 'Ivanhoe Hotel' on lots to the east. These are not included here.

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

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

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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2020/1711, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 (2) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2020/1711 for the following reasons:</p> <ul style="list-style-type: none"> <li>• the Building use and intensity (Shop Top Housing) remains</li> <li>• there is a slight reduction in FSR due to 12m<sup>2</sup> converted to plant</li> <li>• the residential component does not change</li> <li>• the changes are within the current built form</li> <li>• there are no changes that impact neighbouring amenity</li> <li>• internal commercial / residential changes are minor</li> </ul> <p>The applicant has provided the following justification to support</p>

Section 4.55 (2) - Other Modifications	Comments
	<p>their argument that the modifications are substantially the same:</p> <ul style="list-style-type: none"> <li>• no change to residential component</li> <li>• no material change to the original consent</li> <li>• no changes to height/FSR</li> <li>• there is a neutral heritage impact</li> <li>• the commercial component is marginally increased</li> <li>• minor works enhance streetscape of Market Lane</li> <li>• no impacts that impact neighbours</li> </ul> <p>Reviewing the above comments and the court judgement by Justice Bignold established in the <i>Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 289</i> it is concurred that the proposed modification is substantially the same as the development for which the consent was originally granted and can be considered under Section 4.55 of the Act.</p>
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA2020/1711 did not require concurrence from the relevant Minister, public authority or approval body.
(c) it has notified the application in accordance with:  (i) the regulations, if the regulations so require,  or  (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.

Section 4.55 (2) - Other Modifications	Comments
of a development consent, and	
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Notification & Submissions Received" in this report.

### Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining a modification application made under Section 4.55 (2) the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Section 4.15(1) is addressed in the table below.

The reasons given by the consent authority for the grant of the consent that is sought to be modified is discussed as follows:

#### Comment on reasons for determination of DA2010/1711

Council was satisfied with the applicants written request under Clause 4.6 of the Manly LEP seeking to justify a contravention of clause 4.3 Building Height and Clause 4.4 Floor Space Ratios. This was due to the application of the control being unnecessary (within an existing building) and within the public interest (refurbishment of a heritage building). That determination also outlines that the development results in the retention and reuse of a Heritage building improving the amenity of for both future occupants and streetscape outcomes for the precinct and that the development (taking into account submitted information, public submissions, any unreasonable impacts on surrounding properties) is consistent with the objectives, aims and zone outcomes of the DCP and LEP for Manly.

The reasons for the granting of the original consent have been considered in the assessment of this modification application. The proposed changes will result in a modified development that will not conflict with the original reasons for the granting of consent.

The relevant matters for consideration under Section 4.15 of 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	There are no current draft environmental planning instruments.



Section 4.15 'Matters for Consideration'	Comments
environmental planning instrument	
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 condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 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 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to waste management.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This matter has been addressed via a 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 condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&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 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></p>

Section 4.15 'Matters for Consideration'	Comments
	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 application has been publicly exhibited from 10/04/2025 to 24/04/2025 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 process council is in receipt of 1 submission/s from:

Name:	Address:
Iris Capital	Suite 404 203-233 New South Head Road EDGECLIFF NSW 2027

The following issues were raised in the submissions:

- Noise Impacts from licensed premises

The above issues are addressed as follows:

- **Noise Impacts**

The submissions raised concerns that Noise impacts from license premises impact adjoining properties in Darley road from DJ and Live music sessions audible within living spaces.

### Comment:

The part of the property that is subject of this modification does not relate to a license premises nor does it proposes uses that will contain amplified music.

One submission, made on behalf of 3 other properties in North Steyne and the Corso was received in support of the modification proposal.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building and Fire Safety Department. There are no concerns with the application subject to inc attached conditions of approval and consideration of the notes below.</p> <p><i>Note: The proposed development may not comply with some requirements of the I Premises Standards. Issues such as this however may be determined at Constructi Stage.</i></p>
NECC (Development Engineering)	<p>The proposal includes the deletion of a pedestrian access off The Corso and new pedes points off Market Lane and other internal changes.</p> <p>The proposed access doors off Market Lane indicate bi-fold doors. These doors must n the road reserve when opened. Planning to ensure this requirement is achieved via a cc</p> <p>Development Engineering support the proposal, subject to conditions as recommended</p>
NECC (Flooding)	<p>This proposal is for modifications to Development Application DA2020/1711. It includes of an entrance to the building and internal reconfigurations. The proposal is assessed a Section 5.4.3 of the Manly DCP and Clause 5.21 of the Manly LEP.</p> <p>The proposal is located within the Medium Flood risk precinct.</p> <p>Subject to compliance with the conditions in response to DA2020/1711, and the followin the proposal generally complies with Section 5.4.3 of the Manly DCP and Clause 5.21 o LEP.</p>
Strategic and Place Planning (Heritage Officer)	<p><b>HERITAGE COMMENTS</b></p> <p>Discussion of reason for referral</p> <p>The proposal has been referred to Heritage as the subject property is a group listed he being <b>Item I106 - Group of commercial buildings</b> - All numbers, The Corso. It is also <b>C2 - Town Centre Conservation Area</b> and within the vicinity of a number of heritage i</p> <p><b>Item I107 - Commercial building</b> - 36 The Corso</p> <p><b>Item I113 - St Matthews Church and church hall</b> - 44 The Corso (cr The Corso and I</p> <p><b>Item I104 - Street trees</b> - The Corso (from Whistler Street to Sydney Road)</p>

Internal Referral Body	Comments
	<p data-bbox="344 383 775 412">Details of heritage items affected</p> <p data-bbox="344 454 935 483"><b>Item I106 - Group of commercial buildings</b></p> <p data-bbox="344 490 676 519"><u>Statement of significance</u></p> <p data-bbox="344 526 1468 658">The streetscape and its special qualities are of major significance to the state. The Corso is an important historical link to the development of tourism and recreation which is still pre likely to continue. It's role as the pedestrian link between harbour and ocean, city and tourist, is fundamental to Manly's status as a resort.</p> <p data-bbox="344 665 608 694"><u>Physical description</u></p> <p data-bbox="344 701 1468 904">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. It has a cohesive character resulting from generally low scale of development on its principle streets, Construction of 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 access have produced strongly defined and comfortable urban spaces.</p> <p data-bbox="344 947 1050 976"><b>Item C2 - Town Centre Heritage Conservation Area</b></p> <p data-bbox="344 983 676 1012"><u>Statement of significance</u></p> <p data-bbox="344 1019 1468 1326">The Manly Town Centre Conservation Area (TCCA) is of local heritage significance as a result of the early development of Manly as a peripheral harbor and beachside village in the first colony of New South Wales. This significance is enhanced by its role as a day-trip and destination during those early years, continuing up to the present time, and its association with 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 purpose notably the intact promenade quality of The Corso and its turn of the century streetscape as key built elements such as hotels, and remaining original commercial and small scale residential buildings.</p> <p data-bbox="344 1368 791 1397"><b>Item I107 - Commercial building</b></p> <p data-bbox="344 1404 676 1433"><u>Statement of significance</u></p> <p data-bbox="344 1440 1468 1503">One of the most elaborate facades featured in The Corso, contributes aesthetically and historically to the Corso streetscape.</p> <p data-bbox="344 1545 1007 1574"><b>Item I113 - St Matthews Church and church hall</b></p> <p data-bbox="344 1581 681 1610"><u>Statement of Significance</u></p> <p data-bbox="344 1617 1468 1785">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 light exterior. As this building is seen in the round, the spatial effect on the north eastern side is of great significance and it makes an important landmark and identifies the junction of the Corso and Darley Road. It makes a major contribution to the Corso.</p> <p data-bbox="344 1827 660 1856"><b>Item I104 - Street trees</b></p> <p data-bbox="344 1863 676 1892"><u>Statement of significance</u></p> <p data-bbox="344 1899 1468 1962">Part of earliest planting on The Corso c.1850's by H.G. Smith. Historic and aesthetic in value to the streetscape.</p> <p data-bbox="344 1968 608 1998"><u>Physical description</u></p> <p data-bbox="344 2004 1468 2067">Centre planting of Ficus Macrophylla (Moreton Bay Fig) Remnant Palm planting (Phoenix Canariensis) of 1928.</p>

Internal Referral Body	Comments		
	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 to modify the Development Consent DA2020/1711 approved for the shop top housing proposal, involving changes to the ground floor layout by removing the existing residential entry from The Corso, inserting the residential entry and 2 new retail units to Market Lane with associated changes to this facade, and placing new Air Conditioning units to roof level. The proposal also involves the removal of an existing internal wall to extend the existing residential entry and re-infill an existing door (approved residential entry) from The Corso, which is considered to retain the existing symmetry from this facade. Therefore, retention of this opening to retain the existing symmetry is recommended.		
	The proposed new retail units and new glazed shopfronts with tiled plinth and bi-fold windows are considered acceptable as these will provide activation to Market Lane facade. The air-conditioning units on the roof level are also acceptable as they are lower than the building height and not visible from the street.		
Given the proposed works are mainly confined within the approved envelope the impact of the modifications upon the significant heritage items and the HCA is considered acceptable.			
Therefore, no objection is raised to this application on heritage grounds subject to on the following conditions:			
<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			
Strategic and Place Planning (Urban Design)	This advice is provided as an internal referral from the Urban Design Unit to the Development Assessment Officer for consideration and coordination with the overall assessment.		
	The application seeks consent for:		
	• Removal of the residential entry from The Corso and expand the commercial space at Market Lane. Residential entry will be from the activated laneway frontage only.		
	• Install bi-fold entry doors to Market Lane for a new cafe /food use.		
	• New ramps for level access.		
	• Minor internal alterations.		



Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>• New Air Conditioning units to roof level.</li> </ul> <p>Urban Design raises no objection to the proposed development.</p> <p><b>Please note:</b> Regarding any view impacts and any impacts on solar amenity and oversight these matters will be dealt with under the evaluation of Council Planning Officer. Any impacts and non-compliances regarding heritage will be dealt with under the evaluation of Council Heritage Officer and any Landscape non-compliances will be dealt with under the evaluation of Council Landscape Officer.</p>
Waste Officer	<p>Waste Referral 18/06/2025 Plans submitted show satisfactory waste storage rooms for domestic and commercial waste. Waste Management Plan submitted and satisfactory. Supported with conditions</p> <p>Waste Referral Comments 29/5/2025 Image forwarded from Sydney Town Planning appears to be satisfactory but require corridor widths (minimum 1.2m) and area of rooms. Doors should open outwards and be always locked in the open position for servicing.</p> <p>Waste Referral Comments 3/4/2025 For reference Original Waste Management plan. TRIM: 2020/798659 &amp; Stamped Plans TRIM: 2021/2025/110246 <b>6.0 ON-GOING MANAGEMENT OF WASTE</b> There is no current provision for waste storage and collection at 19-21 The Corso, with both residential and retail occupants of the subject building being stored and collected from the rear of 23 The Corso. For the last 13 years waste collection has been managed through a private contractor employed by the owner of the property. United Resource Management collect waste 3 days a week and as such there has been minimal requirement for storage of waste. The aim of the proposed development is to conserve and refurbish 19-21 The Corso such that all services relevant to the building are contained on site. We have been advised by Northern Beaches Council Waste Services Officer that waste cannot be collected from The Corso frontage as the proposal allows for the provision of a waste removal via the Market Lane frontage. The proposal allows for the provision of separate retail and residential waste storage within the existing footprint of the heritage building. As the building is constructed over a main sewer there is no opportunity to provide large openings in the rear wall or to lower the floor of the building to provide on-grade access to waste storage areas. Ramp access is provided from Market Lane to the rear of the building requested by a Northern Beaches Council Waste Services Officer.</p> <p>Stamped Master Plans as per DA2020/1711 for 21-23 The Corso indicate separate domestic and commercial waste rooms as required by the Northern Beaches Waste Management Guidelines as approved with the original DA.</p> <p>Waste Officer supported the proposal based on the original WMP and Stamped Plans for DA2020/1711</p> <p>Statement of Modification indicates TRIM: 2025/110246</p> <p>The proposed modifications are minor and seek: Removal of the residential entry from The Corso and expand the commercial space at the rear of the building.</p>

Internal Referral Body	Comments
	<p>Install bi-fold entry doors to Market Lane for a new cafe/food use (fitout to be subject of application) in lieu of the approved office space here.  New ramps for level access.  Minor internal alterations.  New Air Conditioning units to roof level</p> <p>Mod 2025/0055 has a new Waste Management Plan TRIM: 2025/110254 for construction but does not include a new Waste Management Plan for ongoing use. Page 8 reference internal alterations to the ground floor layout and the new amended plans indicate the plan of the waste rooms has been changed substantially. Domestic and commercial waste room entirely independent of each other to avoid retail/commercial waste mixing with domestic times. Doors to waste rooms must open outwards and be able to be locked in an open position for servicing. The new Waste Management Plan needs to demonstrate Commercial and Domestic Waste will be kept separate at all times and the path to the kerb for collection for private contractor (should integration with council be required) be no more than 6.5m.</p> <p>The statement of modification makes no reference to the changes to the ground level layout.</p> <p>This modification is not supported.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

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

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

### SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. A401570 dated 14 February 2025).

The embodied emissions have been quantified in the above BASIX Certificate.

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

## 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 residential and 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 residential and commercial land use.

### Manly Local Environmental Plan 2013

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

### Principal Development Standards

Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	10m (Area 'K')	15.858m (existing building height) 14.82m (new works approved DA2010/1711)	15.858m (no change to existing building). New residential AC units located 11.9m below existing parapets	N/A	No - existing
Floor Space Ratio	FSR: 2.5:1 (Area 'U')	FSR: 2.61:1	FSR: 2.56:1 (reduction based on GFA recalculation)	34.47m <sup>2</sup> or 2.63%	No - reduction in previous variation approved of 4.3%
Gross Floor Area in Zone B2 (E1)	Maximum 1000m <sup>2</sup> GFA of retail	159.4m <sup>2</sup>	181m <sup>2</sup>	-	Yes

### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	No
4.4 Floor space ratio	No
4.5 Calculation of floor space ratio and site area	Yes
5.8 Conversion of fire alarms	Yes

Clause	Compliance with Requirements
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
6.10 Limited development on foreshore area	Yes
6.11 Active street frontages	Yes
6.12 Essential services	Yes
6.14 Requirement for development control plans	Yes
6.15 Tourist and visitor accommodation	Yes
6.16 Gross floor area in certain areas	Yes
Schedule 5 Environmental heritage	Yes

#### Detailed Assessment

#### **4.3 Height of buildings**

##### Description of non-compliance:

Development standard:	Height of buildings
Requirement:	10m
Proposed:	15.858m (existing building height) 14.82m (new works approved DA2010/1711) New AC units at 11.9m
Percentage variation to requirement:	48.2

##### Assessment of request to vary a development standard:

Whilst the modification application will result in a building height that exceeds the maximum permitted by Clause 4.3 of the Manly LEP 2013, the application does not strictly need to address the requirements of Clause 4.6.

The application has been made under Section 4.55 of the Environmental Planning and Assessment (EPA) Act 1979, which is a free standing provision that in itself authorises the development to be approved notwithstanding any breach of development standards. Section 4.55 is subject to its own stand-alone tests (such as the substantially the same test and consideration of all relevant Section 4.15 matters) and does not rely upon having a Clause 4.6 variation in order to determine the modification application.

Clause 4.6 regulates whether development consent may be granted, not whether an existing consent may be modified, and therefore does not apply to Section 4.55 modification applications. As such, the applicant is not required to submit a written request adequately addressing the matters required to be demonstrated by cl 4.6(3).

Notwithstanding that Clause 4.6 does not apply to Section 4.55 modification applications, the merits of the variation have been assessed with regard to the objectives of the height of buildings development standard and the underlying objectives of the Local Centre zone. Notwithstanding that Clause 4.6 does not strictly apply, the assessment has also taken into consideration the relevant tests of the recent judgement contained within *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

**Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,**

Comment:

The existing Heritage Building already exceeds the allowable 10m height at 15.858m and approved alterations and additions, while above the 10m height plane (up to 14.82m) are within the current built form. Reducing the overall building height to comply is an unreasonable impost on a heritage place.

**There are sufficient environmental planning grounds to justify contravening the development standard,**

Comment:

Preservation (including restoration and refurbishment) of the Heritage Place justifies the contravention of the current height standard.

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

4.3 Height of buildings

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

*a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*

Comment:

The heritage building forms part of the prevailing building height and character and is preserved through the proposal.

*b) to control the bulk and scale of buildings,*

Comment:

The bulk and scale of the heritage building is existing and consistent with other buildings in the Corso.

*c) to minimise disruption to the following—*

*(i) views to nearby residential development from public spaces (including the harbour and foreshores),*

*(ii) views from nearby residential development to public spaces (including the harbour and foreshores),*

*(iii) views between public spaces (including the harbour and foreshores),*

Comment:



The current built form (the Heritage Building) is existing in the Corso and provides no additional disruption of views.

*d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,*

Comment:

The proposal creates no further impacts on solar access than the current built form.

*e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses,*

Comment:

Not applicable. The building is existing.

Zone objectives

The underlying objectives of the Local Centre zone are:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To minimise conflict between land uses in the zone and adjoining zones and ensure amenity for the people who live in the local centre in relation to noise, odour, delivery of materials and use of machinery.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.*

Comment:

The refurbishment (including minor alterations and additions) and subsequent minor modifications in this application provide for the continuation of retail services in the corso, with a ground level activation and an active street frontage to the Corso and Market Lane while providing for continuing residential in the upper floors. The urban form of the heritage place is preserved through the development resulting in favourable architectural form, therefore satisfying the objectives of the Local Centre Zoning.

Conclusion:

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

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

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

to be granted.

Comment:

The subject application is made under Section 4.55 of the EPA Act. As such, Clause 4.6 does not strictly apply and the concurrence of the Secretary is not required to be obtained.

#### 4.4 Floor space ratio

Description of non-compliance:

Development standard:	Floor space ratio
Requirement:	2.5 to 1
Proposed:	2.56 to 1
Percentage variation to requirement:	2.63%

Assessment of request to vary a development standard:

Whilst the modification application will result in a floor space ratio that exceeds the maximum permitted by Clause 4.4 of the Manly LEP 2013, the application does not strictly need to address the requirements of Clause 4.6. In addition, the FSR breach is reduced via minor changes the modification due to the reduction in GFA due to the conversion of areas to plant.

The application has been made under Section 4.55 of the Environmental Planning and Assessment (EPA) Act 1979, which is a free standing provision that in itself authorises the development to be approved notwithstanding any breach of development standards. Section 4.55 is subject to its own stand-alone tests (such as the substantially the same test and consideration of all relevant Section 4.15 matters) and does not rely upon having a Clause 4.6 variation in order to determine the modification application.

Clause 4.6 regulates whether development consent may be granted, not whether an existing consent may be modified, and therefore does not apply to Section 4.55 modification applications. As such, the applicant is not required to submit a written request adequately addressing the matters required to be demonstrated by cl 4.6(3).

Notwithstanding that Clause 4.6 does not apply to Section 4.55 modification applications, the merits of the variation have been assessed with regard to the objectives of the floor space ratio development standard and the underlying objectives of the Local Centre zone. Notwithstanding that Clause 4.6 does not strictly apply, the assessment has also taken into consideration the relevant tests of the recent judgement contained within *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

#### **Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,**

Comment:

FSR is used a measure to control bulk and scale of building and additions to buildings. In this instance the building and FSR breach already exists and it would be an unreasonable imposition to reduce the size of a heritage building in order to comply with the standard.

**There are sufficient environmental planning grounds to justify contravening the development standard,**

Comment:

Preservation (including restoration and refurbishment) of the Heritage Place justifies the contravention of the current FSR standard.

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

4.4 Floor space ratio

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

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

Comment:

The heritage building forms part of the existing character and is preserved through the proposal.

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

Comment:

The heritage building forms part of the townscape features.

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

Comment:

The proposal preserves the existing character of the area.

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

Comment:

The proposal results in the continuation of the buildings use in the long term and does not impact on the enjoyment of adjacent uses or the public domain.

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

Comment:

The proposal ensure the ongoing viability of business zone through the refurbishment of commercial uses.

Zone objectives

See section 4.3 in this report.

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

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

#### Comment:

The subject application is made under Section 4.55 of the EPA Act. As such, Clause 4.6 does not strictly apply and the concurrence of the Secretary is not required to be obtained.

#### Manly Development Control Plan

##### Built Form Controls

The modification only proposes minor changes to the gross floor area calculation (an overall reduction of 12.37m<sup>2</sup> due to an area on the roof converted from storage to service / plant equipment) and relocation of residential entrance to market lane and the reconfiguration of retail and waste storage space. The application does not propose to alter the built form of the existing building. The proposed development is appropriately categorised as a minor modification to an approved alteration and addition and assessment of the existing built form against the MDCP 2013 built form controls is not required.

#### 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
4.2.5.3 Security Shutters	Yes	Yes
4.2.5.4 Car Parking and Access	Yes	Yes
5 Special Character Areas and Sites	Yes	Yes
5.1.1 General Character	Yes	Yes
5.1.2 The Corso	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes
Schedule 1 – Maps accompanying the DCP	Yes	Yes
Schedule 2 - Townscape Principles	Yes	Yes

#### THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

#### CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2024**

Section 7.12 contributions were levied on the Development Application.

## **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

## **RECOMMENDATION**

THAT Council as the consent authority grant approval to Modification Application No. Mod2025/0055 for Modification of Development Consent DA2020/1711 granted for Alterations and additions to an existing shop top housing development on land at Lot 5 SP 12989,5 / 21 - 23 The Corso, MANLY, Lot 9 SP 12989,9 / 21 - 23 The Corso, MANLY, Lot 12 SP 12989,12 / 21 - 23 The Corso, MANLY, Lot 2 SP 12989,2 / 21 - 23 The Corso, MANLY, Lot 3 SP 12989,3 / 21 - 23 The Corso, MANLY, Lot 7 SP 12989,7 / 21 - 23 The Corso, MANLY, Lot 10 SP 12989,10 / 21 - 23 The Corso, MANLY, Lot 6 SP 12989,6 / 21 - 23 The Corso, MANLY, Lot 13 SP 12989,13 / 21 - 23 The Corso, MANLY, Lot 8 SP



12989,8 / 21 - 23 The Corso, MANLY, Lot 11 SP 12989,11 / 21 - 23 The Corso, MANLY, Lot 14 SP  
12989,14 / 21 - 23 The Corso, MANLY, Lot 1 SP 12989,1 / 21 - 23 The Corso, MANLY, Lot 4 SP  
12989,4 / 21 - 23 The Corso, MANLY, Lot CP SP 12989,19 - 23 The Corso, MANLY, subject to the  
conditions printed below:

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

No previous Modifications have been granted on the Development Consent DA2020/1711.

Application Number	Determination Date	Modification description
PAN-510998 - MOD2025/0055	The date of this notice of determination	<p>Modification to alterations and additions to Shop Top Housing</p> <p><u>Additional conditions</u> Additional relevant conditions are required due to the changes to waste servicing areas, need for updated fire certificates, the introduction of additional future commercial space and new electrical / plant areas.</p> <p>New 1 a) - Approval Plans and Documents - change reference to the approved plans, BASIX Certificate, Waste Management Plan</p> <p>New 11 a) - Building components and structural soundness - to be satisfied prior to issue of Construction Certificate</p> <p>New 11 b) - Amended Plans - to be satisfied prior to issue of Construction Certificate</p> <p>New 14 a) - Waste Recycling Requirements (Waste Plan submitted) - To be complied with During Demolition and Building Work</p> <p>New 21 a) - Fire Safety Matters - to be complied with prior to issue of the Occupation Certificate.</p> <p>New 21 b) - Building Components and structural soundness - to be complied with prior to issue of the Occupation Certificate.</p> <p>New 22 a) - Access for Waste Collection (Domestic Waste - Council Contractor) - To be complied with at all times.</p>

		<p>New 22 b) - Commercial Waste Collection Procedure - to be complied with at all times.</p> <p><u>Amended Conditions</u> Amended Condition 18 - Waste and Recycling Facilities Certificate of Compliance - amend to include specific requirements of the collection point and storage areas.</p> <p>No conditions of DA2021/1711 are required to be deleted.</p>
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### **Modified conditions**

#### **A. Add Condition 1a. - Modification of Consent - Approved Plans and supporting documentation, to read as follows:**

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.

<b>Approved Plans</b>				
<b>Plan Number</b>	<b>Revision Number</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Date of Plan</b>
S4.55-000	01	Cover Page	SRH Architecture Pty Ltd	08/01/2025
S4.55-002	01	Existing & Demolition Plan GF	SRH Architecture Pty Ltd	08/01/2025
S4.55-100	01	Proposed Ground Floor Plan	SRH Architecture Pty Ltd	08/01/2025
S4.55-101	01	Proposed Level 01 Plan	SRH Architecture Pty Ltd	08/01/2025
S4.55-102	01	Proposed Level 02 Plan	SRH Architecture Pty Ltd	08/01/2025
S4.55-103	01	Proposed Level 03 Plan	SRH Architecture Pty Ltd	08/01/2025
S4.55-200	01	The Corso Elevation	SRH Architecture Pty Ltd	08/01/2025
S4.55-201	01	Market Lane Elevation	SRH Architecture Pty Ltd	08/01/2025
S4.55-202	01	East Elevation	SRH Architecture Pty Ltd	08/01/2025
S4.55-203	01	West Elevation	SRH Architecture Pty Ltd	08/01/2025
S4.55-300	01	Section A	SRH Architecture Pty Ltd	08/01/2025
S4.55-301	01	Section B	SRH Architecture Pty Ltd	08/01/2025
S4.55-304	01	Section C	SRH Architecture Pty Ltd	08/01/2025

S4.55-305	01	Section D	SRH Architecture Pty Ltd	08/01/2025
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Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate - Alterations and Additions A401570_02, A402015_02, A401786_02, A40101805_02, A402019_02, A402020_02, A402021_02, A402022_02, A402024_02, A402025_02,	Revision of Certificates issued for DA2020/1711	Eco Engineering Group Pty Ltd	14 February 2025
NBC Waste Management Plan	-	Prepared for Strata Plan 12989	18 June 2025 (Registered by NBC)

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

In the event of any inconsistency with 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.

**B. Modify Condition 18. Waste and Recycling Facilities Certificate of Compliance to read as follows:**

**Waste and Recycling Facilities Certificate of Compliance**

The pathway and access between the Waste Storage Area and Collection Point will be:

- a) Solid, concrete, continuous, non-slip and clear of any obstructions and steps.
- b) A maximum ramp gradient of 1 in 8.
- c) Hazard free and not via a pathway with vehicular traffic.
- d) A minimum width of 1200mm

Any doors fitted on the Waste Storage Area, pathway and access will be:

- e) A minimum width of 1200mm.
- f) Able to be latched in an open position.
- g) Unobstructed by any locks and security devices.
- h) Openable in an outward direction.

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

Reason: To ensure Waste and recycling facilities are provided.

**C. Add Condition 11a. Building components and structural soundness to read as follows:**

**Building components and structural soundness**

B1 - All new development below the Flood Planning Level of 6.0m AHD shall be designed and

constructed from flood compatible materials.

B2 - All new development must be designed to ensure structural integrity up to the Flood Planning Level of 6.0m AHD, taking into account the forces of floodwater, debris load, wave action, buoyancy and immersion.

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 6.0m AHD, protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval prior to issue of Construction Certificate.

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

**D. Add Condition 11b. Amendments to approved plans as follows:**

**Amendments to approved plans**

The proposed infill of the existing door (approved residential entry) from The Corso will remove the existing symmetry from this facade. Therefore, retention of this opening in the form of a window is recommended to retain the existing symmetry. Amended drawings are to be submitted to Council's Heritage Advisor prior to the issue of the Construction Certificate.

Reason: To ensure the existing symmetry is retained in relation to the Heritage facade in accordance with The Corso site Specific Controls in the Manly DCP.

**E. Add Condition 14a. Waste/Recycling Requirements to read as follows:**

**Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan 2025/421508 registered with Council 18 June 2025 and Plan showing amended waste rooms.

Reason: To ensure waste is minimised and recovered for recycling where possible.

**F. Add Condition 21a. Fire Safety Matters to read as follows:**

**Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**G. Add Condition 21 b. Building components and Structural Soundness to read as follows:**

## **Building Components and Structural Soundness**

B2 - A suitably qualified structural engineer is to certify the structural integrity of the new development up to the Flood Planning Level of 6.0m AHD. The depth, velocity, debris load, wave action, buoyancy and immersion must all be considered.

B3 - A suitably qualified electrician or contractor is to certify that all new and existing electrical equipment, power points, wiring and connections are located above the Flood Planning Level of 6.0m

AHD, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

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

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

### **H. Add Condition 22a. Access for Waste Collection (Domestic Waste - Council Contractor) to read as follows:**

#### **Access for Waste Collection (Domestic Waste - Council Contractor)**

All doors and gates used by Councils collection staff contractor provide unimpeded access to the bins. Should any doors or gates have a requirement to be secured they must be fitted with a timer lock set to remain open from 6:00am to 6:00pm on the scheduled day of collection.

All doors and gates must be able to be latched in the open position to facilitate bin manoeuvring.

Bins are not to be presented at kerbside.

Reason: To ensure unimpeded access to waste bins for collection staff at the appropriate time and to maintain public amenity in Market Place.

### **I. Add Condition 22b. Commercial Waste Collection Procedure to be read as follows:**

#### **Commercial Waste Collection Procedure**

Commercial waste and recycling bins are not to be placed at the kerbside on Market Place awaiting collection.

Waste collection arrangements must include a procedure whereby the collection contractor enters the property to retrieve the bins to the dedicated bin storage area immediately after emptying.

Reason: To maintain public amenity in Market Place.

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

**Signed**





**Adriana Bramley, Principal Planner**

The application is determined on 14/07/2025, under the delegated authority of:



**Daniel Milliken, Manager Development Assessments**