

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2021/0924
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<b>Responsible Officer:</b>	Penny Wood
<b>Land to be developed (Address):</b>	Lot 3 SP 87071, 3 / 8 - 28 The Corso MANLY NSW 2095
<b>Proposed Development:</b>	Modification of Development Consent DA2021/1574 granted for Alterations and additions to existing commercial premises
<b>Zoning:</b>	Manly LEP2013 - Land zoned B2 Local Centre
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	Yes
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	London Fashions Pty Ltd
<b>Applicant:</b>	Nsw Town Planning Pty Ltd

<b>Application Lodged:</b>	01/12/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Refer to Development Application
<b>Notified:</b>	08/12/2021 to 13/01/2022
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

### PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks to modify DA2021/1574 to include provision for a temporary ATM while approved works for the main shopfront of NAB at Shops 1-4, 8-28 The Corso, Manly are undertaken.

The proposed temporary ATM would be in place for the duration of construction of the approved works along the main shopfront of the bank branch. The temporary ATM would be provided with a temporary surrounding security wall internally, with a temporary access door positioned adjacent to the ATM face, along the shopfront.

Once access to the 24-hour lobby containing the permanent ATMs is made available, the temporary ATM, as well as the temporary internal security wall, and access door, would then be removed to allow for the new glass entry doors shown on the approved plans to be constructed. The development will then function and appear as originally approved.

## 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 Development Control Plan - 4.4.3 Signage

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 3 SP 87071 , 3 / 8 - 28 The Corso MANLY NSW 2095
<b>Detailed Site Description:</b>	<p>The site is located within the Corsoleil Building at 8-28 The Corso, Manly.</p> <p>The Corsoleil is a 7-storey mixed use development building that comprises NAB, Coles supermarket, commercial retail and office space and 60 residential apartments. NAB has a frontage to The Corso which is one of the main streets and a pedestrian mall in Manly. The Corso connects the Manly ferry wharf to Manly Beach on the Pacific Ocean side of the Manly peninsula.</p> <p>The site at 8-28 The Corso, Manly form part of a larger heritage listing which extends along The Corso, known as Item 106 "group of commercial buildings" under Schedule 5 of the Manly Local Environmental Plan 2013. The site is also located within the Manly Town Centre Conservation Area, which has local heritage significance.</p>

Map:



## SITE HISTORY

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

- DA2020/1574 - Alterations and additions to existing commercial premises - Approved 11 October 2021.
- DA2020/1101 - Alterations and additions to a retail premises to replace existing signage - Approved 12 November 2020.
- DA0339/2011 - Advertising structures (signage) top hamper sign, fascia sign, loading dock sign and under awning sign - Approved 22 February 2012
- DA2020/1102 - Alterations and additions and internal shop fit-out of an existing retail premises - Approved 07 October 2020

## 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 DA2021/1458, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - 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 proposed modification is of minimal environmental impact, and	<p><b>Yes</b></p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> <li>• Major development considerations (i.e. setbacks, building height, FSR, car parking) will not be altered by the proposed modifications.</li> <li>• The nature of the modifications is such that no additional impacts (i.e. visual privacy, overshadowing, view loss, noise etc.) will arise as a result of the proposed temporary ATM.</li> <li>• The proposed modification will not have any additional impact upon the significance of the heritage items in the vicinity and the significance of the conservation area.</li> </ul>
(b) 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 development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2021/1458 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The use of the site as approved by Development Consent no. DA2021/1458 will not be altered by the proposed modifications.</li> <li>• The modification does not alter any built form controls.</li> <li>• The appearance of the building will not significantly change as a result of the proposed modification.</li> </ul>
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>or</p> <p>(ii) a development control plan, if the consent authority is a council that has</p>	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan.</p>



Section 4.55(1A) - Other Modifications	Comments
made a development control plan under section 72 that requires the notification or advertising of applications for modification 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.	No submissions were received in relation to this application.

### Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 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 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 environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;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&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p>

Section 4.15 'Matters for Consideration'	Comments
	<p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 08/12/2021 to 13/01/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

## REFERRALS

Internal Referral Body	Comments
Strategic and Place Planning (Heritage Officer)	<b>HERITAGE COMMENTS</b>
	Discussion of reason for referral
	<p>The proposal has been referred to heritage as the subject property is part of a group listed heritage item, being <b>Item I106 - Group of commercial buildings</b> - All numbers, The Corso and sits within the <b>C2 - Town Centre Heritage Conservation Area</b> and it is within the vicinity of a number of heritage items:</p> <p><b>Item I102 - 2 Cast iron pedestals</b> (one is located outside the property)</p> <p><b>Item I105 - Unnamed triangular park</b> - The Corso and Belgrave Street (in front of Council Chambers)</p> <p><b>Item I82 - Civic buildings—Council Town Hall Administration building, police station and court house</b> - 1–3 Belgrave Street</p> <p><b>Item I114 - Cast iron letter box</b> (Corner of The Corso and Whistler Street)</p> <p><b>Item I107 - Commercial building</b> - 36 The Corso</p>
	Details of heritage items affected
	<p>Details of the heritage items as contained within the Manly Heritage inventory are:</p> <p><b>Item I106 - Group of commercial buildings</b>  <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.  <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. It has a cohesive character resulting from generally low scale of development on its principle streets,</p>

Internal Referral Body	Comments						
	<p>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.</p> <p><b>Item C2 - Town Centre Heritage Conservation Area</b> <u>Statement of significance:</u> The Manly Town Centre Conservation Area (TCCA) is of local heritage significance as a reflection of the early development of Manly as a peripheral harbor and beachside village in the fledgling colony of New South Wales. This significance is enhanced by its role as a day-trip and holiday destination during those early years, continuing up to the present time, and its association with H G Smith, the original designer and developer of the TCCA as it is today. The physical elements of the TCCA reflect this early development and its continued use for recreational purposes, most notably the intact promenade quality of The Corso and its turn of the century streetscape, as well as key built elements such as hotels, and remaining original commercial and small scale residential buildings.</p> <p><b>Item I107 - Commercial building</b> <u>Statement of significance:</u> One of the most elaborate facades featured in The Corso, contributes aesthetically and historically to the Corso streetscape. <u>Physical description:</u> 2 storey rendered brick building of late Victorian period with elaborate Italianate rendered decoration above ground floor. Architectural significance in intricacy and detailing of pediment and in general abundance of motif and ornament including garlands, globes, acanthus leaf, palmate and intaglio decoration. 21/7/99 Community Aid Abroad shop. Fine example of elaborate Victorian Italianate shop Some glass survives however has been painted. Original form of shop survives beneath modern building.</p> <p><b>Item I102 - 2 cast iron pedestals (former street lights)</b> <u>Statement of significance:</u> Important evidence of early lighting fixtures in The Corso. Central reservation of The Corso between The Esplanade and Darley Road, Manly. <u>Physical description:</u> Each pedestal is made of cast iron, square in section and tapering towards the top. A narrow cylindrical stem for a street light has been removed from each and capped. Each pedestal carries the MMC emblem of the Council, with a plate identifying the manufacturer: 'Marrickville Engineering Works Ltd., Makers, Sydney'. Further research is necessary to identify the date and type of illumination (gas or electricity).</p>						
	<table><tr><th colspan="3">Other relevant heritage listings</th></tr><tr><td>Sydney Regional</td><td></td><td></td></tr></table>	Other relevant heritage listings			Sydney Regional		
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Internal Referral Body	Comments		
	Environmental Plan (Sydney Harbour Catchment) 2005	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	N/A	
	Consideration of Application		
	The proposal seeks consent for modifications to the approved consent - DA2021/1574 to include provision for a temporary ATM to the previously approved shopfront for the duration of construction of the approved works along the main shopfront of the bank branch.		
	Given the minor and temporary nature of the proposed works, it is considered that, the proposal will not have any additional impact upon the significance of the heritage items in the vicinity and the significance of the conservation area.		
	Therefore, no objections are raised on heritage grounds and no conditions required.		
	<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? No Has a Heritage Impact Statement been provided? No		
	Further Comments		
	COMPLETED BY: Oya Guner, Heritage Advisor  DATE: 09 December 2021		

## 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 (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 not referred to Ausgrid.

### 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

Special height provisions	10m	No change to building height and works below 10m limit	No change	N/A	Yes
Floor Space Ratio	FSR: 2.5:1	No change to FSR	No change to FSR	N/A	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	Yes
6.4 Stormwater management	Yes
6.9 Foreshore scenic protection area	Yes
6.12 Essential services	Yes

### **Manly Development Control Plan**

#### Built Form Controls

There are no development controls under the Manly DCP to consider as part of this assessment.

#### 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
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres)	Yes	Yes
4.2.2 Height of Buildings (Consideration of exceptions to Building Height in LEP Business Zones B1 and B2)	Yes	Yes
4.2.3 Setbacks Controls in LEP Zones B1 and B2	Yes	Yes
4.2.5 Manly Town Centre and Surrounds	Yes	Yes
4.2.5.1 Design for Townscape	Yes	Yes
4.4.3 Signage	Yes	Yes
5 Special Character Areas and Sites	Yes	Yes
5.1.1 General Character	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
5.1.2 The Corso	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

#### Detailed Assessment

#### **4.4.3 Signage**

No additional signage proposed under the current modification application.

#### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

Refer to Assessment by Council's Natural Environment Unit elsewhere within this report.

#### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

#### **POLICY CONTROLS**

#### **Northern Beaches Section 7.12 Contributions Plan 2021**

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 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

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. Mod2021/0924 for Modification of Development Consent DA2021/1574 granted for Alterations and additions to existing commercial premises on land at Lot 3 SP 87071,3 / 8 - 28 The Corso, MANLY, subject to the conditions printed below:

### A. Add Condition No.1A - "Modification of Consent - Approved Plans and supporting Documentation" to read as follows:

#### 1A. Modification of Consent - 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) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA003 E - Proposed Floor Plan	15 November 2021	PMDL
DA005 D - Proposed Elevation	15 November 2021	PMDL

The plans listed above allow for the temporary installation of an ATM at the entrance of the area labelled "Divested tenancy space - Retail Tenancy 4". The temporary ATM is to be removed prior to the issue of the occupation certificate.

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

### B. Add new Condition 7A "Temporary ATM" under the heading "Conditions to be satisfied prior to the issue of the occupation certificate" to read as follows:

#### 7A. Temporary ATM

The temporary ATM approved in this modified consent must be removed prior to the issuance of the occupation certificate.

Reason: To ensure that the divested tenancy is free from development at the completion of the development.

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

**Signed**





**Penny Wood, Planner**

The application is determined on 28/01/2022, under the delegated authority of:



**Rebecca Englund, Acting Development Assessment Manager**