

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0351
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Responsible Officer:	Adam Croft
Land to be developed (Address):	Lot B DP 321706, 70 The Corso MANLY NSW 2095
Proposed Development:	Alterations and additions to retail and office premises
Zoning:	Manly LEP2013 - Land zoned B2 Local Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Nasus Investments Pty Ltd
Applicant:	Urbaine Architecture Pty Ltd

Application Lodged:	10/04/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	29/04/2019 to 13/05/2019
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Refusal

Estimated Cost of Works:	\$ 988,500.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal includes alterations and additions to the existing commercial premises resulting in:

Ground floor:

- Retail space 1
- Kitchen
- Bathroom
- Waste room

First floor:

- Office 1

- Office 2
- Office 3
- Kitchen
- Bathrooms

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Manly Local Environmental Plan 2013 - 5.10 Heritage conservation
 Manly Local Environmental Plan 2013 - 6.1 Acid sulfate soils
 Manly Local Environmental Plan 2013 - 6.9 Foreshore scenic protection area
 Manly Local Environmental Plan 2013 - 6.13 Design excellence
 Manly Development Control Plan - 5.1.2 The Corso
 Manly Development Control Plan - Schedule 2 - Townscape Principles

SITE DESCRIPTION

Property Description:	Lot B DP 321706 , 70 The Corso MANLY NSW 2095
Detailed Site Description:	<p>The subject site consists of one allotment located on the southern side of The Corso.</p> <p>The site is regular in shape with a frontage of 5.105m along The Corso, a depth of 44.01m and a secondary frontage of 5.11m at the rear to Rialto Lane. The site has a surveyed area of 224m².</p> <p>The site is located within the B2 Local Centre zone and accommodates an existing two-storey commercial development.</p>

The site is generally flat.

The site contains no existing vegetation or landscaped area.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by commercial and mixed use developments. The site is located in close proximity to the pedestrianized areas of The Corso, Rialto Square and the adjoining walkway, Rialto Lane.

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:

DA0245/2001 - Refurbishment Shop Fitout.

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	None applicable.

Section 4.15 Matters for Consideration'	Comments
any draft 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)(iiiia) – 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 in accordance with the EP&A Regulation.</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 matter has been addressed via a condition of consent.</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 matter has been addressed via a condition of consent.</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	<p>(i) Environmental Impact</p> <p>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>

Section 4.15 Matters for Consideration'	Comments
economic impacts in the locality	<p>(ii) Social Impact The proposed development will have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will 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 unsuitable for the proposed development based on the information available to Council, specifically in relation to construction traffic management.
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	This assessment has found the proposal to be contrary to the relevant requirement(s) of the Manly LEP and DCP such that it would undermine the desired future character of the area and be contrary to the expectations of the community. In this regard, the development, as proposed, is not considered to be 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 2 submission/s from:

Name:	Address:
Mr Ivo Rosbach	7 / 27 Cliff Street MANLY NSW 2095
Steven Sommer	692a Mowbray Road LANE COVE NSW 2066

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

- Requirement for a Dilapidation Report
- Mitigation of demolition and construction impacts on adjoining properties

The matters raised within the submissions are addressed as follows:

- Requirement for a Dilapidation Report
Comment:
If the application was to be recommended for approval, relevant conditions would have been included requiring the preparation of Dilapidation Reports for the adjoining properties/buildings.
- Mitigation of demolition and construction impacts on adjoining properties
Comment:
It is not anticipated that the proposed development would result in unreasonable/excessive dust and noise impacts, if undertaken in accordance with the suitable conditions and relevant standards. However, the application is recommended for refusal based on concerns relating to heritage and construction traffic management.

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 Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
NECC (Development Engineering)	<p>The proposed development may has significant impact to the adjoining buildings, local businesses and resident in The Corso. A construction and traffic management report/ plan shall be submitted to outline the proposed project phasing, construction methodology and traffic control during the construction. The plan shall be assessed by both Development Engineering and Transport Network section.</p> <p>As such, Development engineering cannot provide sufficient assessment on the application in this form. Please refer to Development Engineering again when the construction and traffic management report/ plan is submitted.</p>
Strategic and Place Planning (Heritage Officer)	<p>Additional Heritage Comments:</p> <p>After review of the documents (the pre lodgement application and the DA application) I have following comments for the heritage item, 70 The Corso, Manly:</p> <ul style="list-style-type: none"> • In the latest DA drawings colours and materials are not consistent with 66 – 68 The Corso in contrary to the heritage

Internal Referral Body	Comments
	<p>advisor's comments in the pre-lodgement meeting. The main façade facing The Corso is showing bagged brick masonry in the photomontage and there is no description of this material on this elevation.</p> <ul style="list-style-type: none"> The photomontage does not reflect the ground floor plan. The plan is showing a recess which is required in the 'Manly DCP Part 5.1.2 The Corso' but there is a large glazing without any recess in the photomontage. <p>The following comments are in relation with Manly DCP Part 5 and Schedule 6:</p> <ul style="list-style-type: none"> <i>5.1.2.1 Most existing buildings are significant and are to be conserved, not redeveloped</i> <i>b) Existing street facades, including all original detailing, are particularly important and are to be maintained. This includes original framing details and materials to windows, doors and other openings. Original details missing or removed should be reinstated and unsympathetic additions removed.</i> <i>5.1.2.8 Windows and balconies open to the street</i> <i>To allow interaction between the building and the public street (and to provide natural ventilation), windows to upper floors are to be operable and balconies are not to be enclosed. Where original balconies have been enclosed, Council encourages that they be reopened in keeping with their historic use and heritage significance.</i> Comment: Enclosing the first floor balcony is not encouraged but if this is not stressed in the pre-lodgement meeting the new window should match 66 – 68 The Corso in terms of the shape (frame, mullions) and the materials. <i>5.1.2.11 Footpath Awnings</i> <i>Footpath awnings (solid, horizontal & with lighting) are required, but trafficable balconies and post-supported awnings and balconies are prohibited and considered to be an unnecessary intrusion on the available street space. See also Manly Town Centre Urban Design Guidelines for more details on the acceptable design of awnings.</i> Comment: The height of the awning should match 72 The Corso as per Manly DCP Schedule 6: "replace signage board attached to awning fascia with one of consistent height with No 72, match depth of awning and apply consistent colour scheme with 66-68." <i>5.1.2.13 Shop-fronts are to be Reinstated</i> <i>a) Where shop-fronts have been removed and replaced with shuttered openings, the reinstatement of shop-fronts is supported for aesthetic and historic reasons. New Shuttered openings will not be permitted.</i> <i>b) New shop-fronts should comprise a 'frame' established by masonry ends read as vertical continuations of the façade</i>

Internal Referral Body	Comments
	<p><i>above, and by a solid horizontal plinth between the ground and the window sill. The design of the space within this frame can reflect the use of the premises, and utilise contemporary design. See Figure 51 - Shop-fronts within a masonry frame.</i></p> <p>Comment: As stated earlier, the ground floor plan showing the recessed entry is supported.</p> <p>Initial Heritage Comments:</p> <p>Further to a review of the available documents and site visit,</p> <p>The site of proposed development is part of a group collectively listed as a heritage item in its own right, it is located in the heritage conservation area and in vicinity of other heritage items. The site was subject to PLM 2018/0254, with notably different proposal.</p> <p>At the time, some verbal comment was provided, and part of abridged written comments are::</p> <p><i>- I know that the interior of the building (on both levels), as well as the shopfront, have been lost due to numerous alterations in the past. The proposal to re-instate a shopfront reminiscent of presumed original is commendable.</i></p> <p>To my disappointment, we have received proposal that includes ultra-modern shopfront, strikingly contrasting the original imagery of the item with its ground-to-awning frameless glass structure. On the upper level as well, originally open terrace is proposed to be enclosed (contrary to DCP recommendation and original state); it is further proposed to frame this enclosure in UPVC (!?).</p> <p>In addition to this, it is proposed to add a parapet wall to the rear side of the building, which appears to have a sole purpose to create a boxed gutter along the northern site boundary. The purpose of this element is unclear, but it is likely that the boxed gutter would collect all kinds of debris and thus lead to gutter blockages and subsequent impact on fabric.</p> <p>On a careful read, and with due respect, I noted that the heritage report did not address site-specific DCP recommendations, albeit it is fair to say that this would not have changed the outcome of this assessment.</p> <p>The proposal is recommended for amendments in keeping with the above, or refusal.</p>
Traffic Engineer	<p><u>General Description of proposal:</u></p> <p>The development proposal involves the demolition of part of the</p>

Internal Referral Body	Comments
	<p>existing building and construction of a new 2 storey office and retail development with retail access to The Corso. The development will provide 161sqm of office space and 168sqm of retail space. 2 offstreet parking spaces in a stacked formation are proposed.</p> <p>Traffic: The traffic impact assessment report has estimated based upon office and retail floor areas and using rates in the RMS Traffic Generating Developments Updated traffic surveys TDt 2013/04a that the proposed development will generate 30 peak hour vehicle trips as compared to the 34.7 peak hour vehicle trips estimated to have been generated from the existing uses on the site. As outlined in the traffic impact assessment report the numbers generated by this site, given its location within The Corso are likely to be less given that many of the trips would be for joint purposes.</p> <p>No objection to the development is raised in terms of traffic generation.</p> <p>Parking: The development requires 10 parking spaces under DCP requirements. The developer proposes only 2 spaces in a stacked formation. This is a deficiency however given the narrow width of the site high numbers of parking spaces are not practical. In addition, the location of the site within a narrow restricted lane already suffering from excessive parking activity and higher than desirable traffic movements and with high pedestrian volumes, the lack of parking spaces will assist in reducing traffic generation and reduce conflict with pedestrian traffic. The undersupply of parking is not therefore opposed.</p> <p>Pedestrian: No concerns are raised with regard to the impacts on pedestrians of the proposal</p> <p>Access: No issues</p> <p>Servicing: For a development of this size there is no requirement for an on-site service bay and it is not realistic to provide one. Servicing of the development will occur from the road and deliveries would be accommodated within Loading Zone's on Rialto Lane.</p> <p><u>Reasons for refusal:</u></p> <p>The previous comments on this DA lodged by the traffic section outlined that a Construction Traffic Management Plan was required to be submitted with the DA to allow an assessment of the impact of the development on surrounding land uses. The construction traffic management plan (CTMP) that has been submitted is considered inadequate and a revised CTMP should be submitted prior to approval</p>

Internal Referral Body	Comments
	<p>of the DA. The following concerns with the submitted CTMP are raised.</p> <ul style="list-style-type: none"> • The CTMP and any Traffic Control Plans (TCP's) should be prepared by a suitably qualified Traffic Engineer and/or an RMS Certified Traffic Controller • Pg2 "Work hours" advises that audible site works are will occur between 7am and 6pm Mon-Fri and 7am to 1pm Sat. Works may only occur until 5pm Mon-Fri. • Pg 3 incorrectly states that RMS ROL's will be in place for the duration of the project. An ROL is not required on a local road. Council will however require that applications for Stand Plant permits be obtained for any works involving standing of heavy plant on the road reserve. • The document references the TCP's in several locations however no TCP's are included with the CTMP. These should be included in the CTMP and need to show how traffic and pedestrians will be managed to cater for various anticipated work scenarios eg demolition, concrete pours and should demonstrate that traffic and pedestrian access through Rialto lane will still be able to occur safely. They should be prepared by an RMS certified traffic controller and attached as an appendix to the CTMP • As the site is only 5.5m in width any truck parking at the rear of the site will impede access to adjacent premises. The CTMP should detail what liaison has taken place with adjacent premises and how their property access will be impacted and managed. • The CTMP incorrectly states that the impact on local parking will be minimal. Parking to adjacent premises will be impeded by the construction activities. The CTMP needs to address how this will be managed • The CTMP outlines that Traffic Controllers will be present on site but does not provide TCP's to show how they will be used and under what circumstances. These must be provided. • Pg5 advises that when concrete pours are taking place that there will be minimal disruption to pedestrians. On the contrary, the stationing of a concrete truck and concrete pump in Rialto Lane is likely to significantly disrupt pedestrians and vehicular traffic and a TCP showing how it will be managed is required as part of the CTMP. • Pg 5 & 6. section 4a advises that the largest trucks engaged on the project will be up to 8m in length. Section 4b suggests that trucks in excess of 8.8m will be used. Given the small frontage of the site and the restricted nature of Rialto Lane the size of trucks should be minimised and no trucks longer than 8.8m should be used. • Figure 4 shows the proposed demolition plan and details to location of skip bins on the site. Given the narrow width of the site and given the size of skip bins the plan is considered unworkable and it is unclear how skip bins would be moved on and off the site. A dimensioned TCP is required.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<u>Comments:</u>

External Referral Body	Comments
	<p>In regards to the above development application Ausgrid has no Objection for the proposed development. However, just a reminder that there are Ausgrid's Underground assets are present at the rear side of the development on Rialto Ln.</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 (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 objections were received, subject to the recommended condition of consent.

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

14 Development on land within the coastal use area

- (1)
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
 - (b) is satisfied that:
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The proposed works are significantly separated from any foreshore/waterway and are limited to the partial demolition and reconstruction of an existing commercial premises. As such, the proposal is not considered to result in any unreasonable impacts in relation to the above.

As such, it is considered that the application does with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

Given the location and nature of the works, the proposed development is not likely to cause increased risk of coastal hazards.

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?	No
zone objectives of the LEP?	Yes

Principal Development Standards

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Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	10m	8m	N/A	Yes
Floor Space Ratio	2.5:1 560m ²	1.56:1 349m ²	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	No
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.3 Flood planning	Yes
6.4 Stormwater management	Yes
6.9 Foreshore scenic protection area	Yes
6.11 Active street frontages	Yes
6.12 Essential services	Yes
6.13 Design excellence	No
6.16 Gross floor area in Zone B2	Yes

Detailed Assessment

5.10 Heritage conservation

Assessment of the proposal by Council's Heritage Officers has raised concerns in relation to the appearance of the facade. While it is likely that these concerns could have been addressed via amendments to the proposal and do not warrant refusal of the application, further issues in relation to Construction Traffic Management mean that Council is not able to support the application based on the information provided.

6.1 Acid sulfate soils

Clause 6.1 - 'Acid sulfate soils' requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

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

No significant excavation is proposed.

6.9 Foreshore scenic protection area

The proposal is for a two-storey commercial building consistent with the existing development on the site and surrounding area, and will result in no unreasonable impact on visual aesthetic amenity or views to and from Sydney Harbour, the Pacific Ocean or the foreshore in Manly

6.13 Design excellence

The proposed development is generally consistent with the requirements of this clause, with the exception of (4)(i). No detail has been provided relating to materials and finishes to proposed building facade to The Corso, as raised by Council's Heritage Officer. As such, no assessment can be made of the appropriateness of the proposal in relation to standard of design, materials and detailing.

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 224m2	Requirement	Proposed	Complies
4.2.3 Setback Controls in LEP Zones B1 and B2	All buildings must be constructed to the public road and side boundaries of the allotment	Complies	Yes
Schedule 3 Parking and Access	9	2 spaces	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
1.7 Aims and Objectives of this Plan	No	No
2 Exhibition, Advertisement and Notification of Applications	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Yes	Yes
5.1.1 General Character	Yes	Yes
5.1.2 The Corso	No	No
Schedule 2 - Townscape Principles	No	No

Detailed Assessment

5.1.2 The Corso

The proposed development is non-compliant with this clause due to non-compliances and insufficient information as detailed in the Heritage Officer Comments.

Schedule 2 - Townscape Principles

As per the Schedule 2 - Townscape Principles map, the subject site is in the vicinity of an "Important Corner" and an "Important Pedestrian Link". Due to the insufficient information provided in relation to the proposed facade redevelopment and the required Construction Traffic Management Plan, the proposal is not supported and is recommended for refusal.

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.

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, in this regard the application is not considered to be acceptable and is recommended for refusal.

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

- Inconsistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Inconsistent 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 does not satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council, as the consent authority REFUSE Development Consent to Development Application No DA2019/0351 for the Alterations and additions to retail and office premises on land at Lot B DP 321706,70 The Corso, MANLY, for the reasons outlined as follows:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the Environmental Planning and Assessment Act 1979
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Manly Local Environmental Plan 2013.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 5.10 Heritage conservation of the Manly Local Environmental Plan 2013.
4. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the

proposed development is inconsistent with the provisions of Clause 6.Design Excellence of the Manly Local Environmental Plan 2013.

5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 5.1.2 The Corso of the Manly Development Control Plan.
6. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

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

Signed



Adam Croft, Planner

The application is determined on 02/10/2019, under the delegated authority of:



Anna Williams, Manager Development Assessments