

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0211
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Responsible Officer:	Benjamin Price
Land to be developed (Address):	Lot 910 DP 875567, 31 The Corso MANLY NSW 2095 Lot 1 DP 877793, 27 The Corso MANLY NSW 2095 Lot 2 DP 877793, 25 The Corso MANLY NSW 2095
Proposed Development:	Alterations and Additions to a Hotel, including new signage
Zoning:	Manly LEP2013 - Land zoned B2 Local Centre Manly LEP2013 - Land zoned B2 Local Centre 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:	S & C Roth Family Foundation Pty Ltd London Fashions Pty Ltd The Yarranabbe Foundation Pty Ltd Ivanhoe of Manly Francis Thomas Peterson Timothy Walter Peterson
Applicant:	Alexander & Co

Application lodged:	04/03/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	11/03/2019 to 27/03/2019
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 97,900.00
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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 - 3.2 Heritage Considerations

Manly Development Control Plan - 4.4.3 Signage

SITE DESCRIPTION

Property Description:	Lot 910 DP 875567 , 31 The Corso MANLY NSW 2095 Lot 1 DP 877793 , 27 The Corso MANLY NSW 2095 Lot 2 DP 877793 , 25 The Corso MANLY NSW 2095
Detailed Site Description:	<p>The subject site consists of three (3) allotments located on the north-western side of The Corso.</p> <p>The sites are regular in shape with a combined frontage of frontage of 44.43m along The Corso and Market Place and a depth of 31m.</p> <p>The site is located within the B2 Local Centre and accommodates 2-4 storey mixed use buildings. The use associated with the alterations to the frontage are a hotel and associated bottleshop.</p> <p>The site is generally flat.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by two to four storey mixed use buildings.</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:

PLM2018/0251 - Alterations and additions to the frontage including signage. No signage details were submitted. No objections were raised to the design

PROPOSED DEVELOPMENT IN DETAIL

The proposed works include:

- Remove existing windows and entrance along the ground floor facade
- Install automatic sliding door, bi-fold windows, metal framed glazing, decorative timber cladding and planter box at No. 25 The Corso
- Install new awning, bi-fold doors, metal framed glazing and decorative timber cladding at No. 27 The Corso
- Install bi-fold windows, bi-fold doors and metal framed glazing at No. 31 The Corso
- New signage at front and rear facades including mural at the rear.

The proposed signage, as amended, on The Corso frontage includes:

- 4 x Fascia Signs
- 4 x Under Awning Signs
- 1 x Projecting wall sign
- 1 x Window Sign
- 3 x Painted Wall Sign

The proposed signage on the Market Lane frontage includes:

- 1 x Mural (painted wall sign)
- 2 x Painted wall sign
- 1 x Flush wall sign

Comment

On the 23 May 2019 amended plans were submitted that included the amendment to the mural and deletion of an under awning sign on The Corso frontage resulting in a total of 4 under awning signs. The amended design differed in minor respects from the original application, and does not result in a greater environmental impact. As such re-notification of the application was not considered necessary.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (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&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, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p>

Section 4.15 Matters for Consideration'	Comments
	<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 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 the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

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 of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
NECC (Development Engineering)	<p>The Development Engineering no objections to this application.</p>
Strategic and Place Planning (Heritage Officer)	<p>Further to a review of the available documents and site visit, In my opinion, the proposal is absolutely unacceptable. The following key points are noted:</p> <ul style="list-style-type: none"> - The proposal includes - apparently - about 42 (!!!) signs on The Corso alone. This in effect turns the significant heritage item into a mere advertising structure and erodes its ability to interpret historical themes and its significance to the general public and visitors. On a repeated careful reading, I could not find exact number of signs in the submitted heritage report. - The said signage includes advertising messages such as: "Stay a while", "Take me home" etc. This contributes to the same effect. - The proposal includes a "Mural" to Market Lane. The "heritage report" opines that " The proposed wall mural fronting Market Lane upgrades the presentation of this elevation, which is required to consist of required back of house activities, thereby improving the visual environment of this laneway." <p>The said "mural" depicts a female figure in swimming costume, apparently jumping into a cognac glass, with a liquor bottle in the background. In my opinion, it is more likely to offend some people than to upgrade the presentation of the Market Lane, which, coincidentally, also faces the Manly Library.</p> <p>The applicant provided amended plans on the 23 May 2019. The amended plans included the removal of one under awning sign and the removal of alcohol from the mural. Councils Heritage Officer provided the following comments on the revised design:</p> <p>The proposed signage has a major impact on heritage values, particularly on presentation of The Ivanhoe and The Corso to the general public and visitors.</p> <p>The reasons are that certain elements would inevitably distract views from architectural features and divert all attention to signs. In the sensitive heritage context, particularly adverse impact is created by:</p> <ul style="list-style-type: none"> - Signs with evocative graphics, or which have potential to offend some people (e.g. ladies sitting in glasses, or lady legs (!!)) without the rest of the body etc.). - Advertising messages (e.g. "drink", "play", "stay a while" (?), etc.) - Secondary business identification signs, listing services and profit centres – "Bottle Shop", "Beer Garden" etc.). It is sufficient to have

Internal Referral Body	Comments
	<p>one business identification sign.</p> <ul style="list-style-type: none"> - Excessive and unnecessary signage – e.g. if a person is in front of The Ivanhoe, it is unlikely that they would need information that this is a “bar” on a sign approx.. 2 square metres large. or - Signs without clear message, apparently designed to cause attention (e.g. “take me home”, “love manly” etc.) - Product and services lists (e.g. “beer”, “coffee” etc.) - Signs exceeding DCP Controls and recommendations, particularly (but not limited to) dimensions. <p>On Market Lane side, signage is also of adverse impact, for these reasons:</p> <ul style="list-style-type: none"> - Main sign (or signs?) are presented as “wall mural”, which is not to scale, and even its location is not shown. The “mural” utilises one of the female figures same to those on The Corso side seemingly in flight (or fall?) and a clear inscription “Hotel Ivanhoe Manly”. It is thus clear that this presents a sign – a promotional element, not an independently designed “artwork”. - In any case, for any thorough assessment it is necessary to provide all relevant details and dimensions. <p>Based on the above, in my opinion, the proposal would have a major adverse impact on heritage values of the area.</p> <p><u>Planning Comments</u></p> <p>The signage is largely for the replacement of the existing signs and additional signs on both frontages. The signage is not considered to be visually obtrusive and the size/design will not obstruct views to architectural features. The following response is in relation to the dot points above:</p> <ul style="list-style-type: none"> • The above mentioned depictions of “ladies sitting in glasses” or “lady legs” and the small signs stating “drink, play, stay a while” do not portray a message that warrants the refusal of the application. • The signs stating “Bottle Shop” and “Beer Garden” replace signs in the same position stating “Bottle Shop <i>Beer - Wine - Spirits</i>” and <i>Takeaway Pizza - Burgers - Fish & Chips</i>” the replacement of the existing signs will not impact on the heritage value of the building. • The Manly DCP 2013 permits 2 Business identification signs per street frontage. The premises enjoys a much larger street frontage to the Corso and Market Lane than nearby properties. To achieve compliance with the Manly DCP 2013 the site would have far fewer signs per area of shop frontage than is consistent within The Corso or Market Lane streetscape. The number of signs proposed is consistent with the streetscape and will not result in excessive signs or clutter. With regard to “Unnecessary” signage, there is one sign that does not identify the business or advise of services on offer. This sign states “stay a while” and is in small letters above the main entrance. This is not visually obtrusive and replaces the existing wall

Internal Referral Body	Comments
	<p>sign which is black with white letters. This sign will not have any unreasonable impacts within the locality.</p> <ul style="list-style-type: none"> • As discussed above the number and subject of the signs are satisfactory within the context of The Corso and Market Lane. • No impact is raised in this point. However, as discussed above, the subject of the signs is considered to be satisfactory in this circumstance. • The number of signs proposed is consistent with the number and spacing of signs within the locality. The signage design has been assessed below and the non-compliance found to be satisfactory. • The location of the Mural is indicated on the to scale drawing DWG-EXX-02 Overall Building Proposed North Elevation - Market Place prepared by Alexander & Co dated 15.02.19. This drawing has been included as a consent document. This has been assessed as a business identification sign below. This sign will replace a blank wall and assist in the activation of the Market Lane streetscape. This sign is satisfactory. • There are sufficient details for Council to determine this application. <p>An assessment of the application under 3.2 Heritage Considerations of the Manly DCP 2013 has been carried out below. The assessment has found that the proposed signage is satisfactory within the context of The Corso and Market Place and will not have any unreasonable impact on the heritage values of the area or the item.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the commercial land use.

SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

Matters for Consideration	Comment	Complies
<p>1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p>	<p>The proposed signage is largely for the replacement of the existing signage. The signage design is of an appropriate design to contribute to the character of The Corso and Market Place.</p>	<p>YES</p>
<p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The predominant signage used within the locality are Fascia, under awning and wall signage. The proposal is consistent with this theme. There is no consistent colour scheme for outdoor advertising within the locality.</p>	<p>YES</p>
<p>2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The proposal is for the replacement of the existing signage with high quality signage and the addition of a mural to a blank wall. The signage is designed to be visually subservient to the heritage item and will not detract from views to this item. Furthermore the scale and number of signs proposed is consistent with the nearby businesses within the Corso and Market Lane. The proposed signage will not detract from the significance of the heritage item nor will it detract from the significance of the Manly Town Centre Heritage Conservation Area. The addition of a mural to Market Place will cover an existing blank wall and will assist in the activation of Market Lane. The proposed signage and mural is of a suitable design to ensure it maintains the character of the heritage item and does not detract from the heritage conservation area.</p>	<p>YES</p>
<p>3. Views and vistas Does the proposal obscure or compromise important views?</p>	<p>The proposal will not obscure important views.</p>	<p>YES</p>
<p>Does the proposal dominate the skyline and reduce the quality of vistas?</p>	<p>The signage will not dominate the skyline nor will it reduce the quality of vistas within the locality</p>	<p>YES</p>
<p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>The proposed signage provides sufficient separation between the adjoining shop frontages to ensure the reasonable maintenance of views to</p>	<p>YES</p>

	other advertisers.	
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the signage is consistent with the predominant signage within the locality.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal will enhance the existing frontages and contribute to the visual interest of the streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage will replace the existing signage and includes some additional signage. The design and number of signs is appropriate for the locality.	YES
Does the proposal screen unsightliness?	The signage will enhance the shop frontages and the mural will screen an existing blank wall on Market Lane. The proposal will screen unsightliness and assist in the activation of Market Lane.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is a good response to the built form of the existing buildings on the site.	YES
Does the proposal respect important features of the site or building, or both?	The proposal is at the ground floor and will retain the heritage features of the existing building. Furthermore, the signage is not obtrusive and will not detract from the heritage value of the building.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal is of an appropriate design to enhance the street frontage	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signage includes lighting in the under awning sign and the rear entry sign.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	The illumination will not result in any unacceptable glare for pedestrians vehicles or aircraft nor will it detract from residential amenity	YES
Can the intensity of the illumination be adjusted, if necessary?	Not required.	YES

Is the illumination subject to a curfew?	Not required.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposal provides suitable clearance to ensure the safety of the public spaces.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal will not reduce the safety of pedestrians.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

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

The proposal is for the alteration of the shop front and signage within the existing building envelope. No development standards are proposed to be altered and no further assessment is required, in this regard

Compliance Assessment

Clause	Compliance with Requirements
4.4 Floor space ratio	Yes
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	Yes
6.9 Foreshore scenic protection area	Yes
6.11 Active street frontages	Yes
6.13 Design excellence	Yes

Manly Development Control Plan

Built Form Controls

Built Form Controls	Requirement	Proposed	% Variation*	Complies
4.4.3 Signage	2 signs per shopfront	3 lots No. 25-31 The Corso, 3 Shop Frontages to The Corso and Market Lane The Corso No. 25 - 3 No. 27 - 7	0%-71%	No

		No. 31 - 3		
		Market Place No. 25 -1 (Mural) No. 27 - 2 No. 31 - 1		

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.3 Townscape (Local and Neighbourhood Centres)	Yes	Yes
3.2 Heritage Considerations	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.6 Accessibility	Yes	Yes
4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres)	Yes	Yes
4.2.5 Manly Town Centre and Surrounds	Yes	Yes
4.2.5.1 Design for Townscape	Yes	Yes
4.2.5.3 Security Shutters	Yes	Yes
4.4.3 Signage	No	Yes
4.4.4.1 Awnings in LEP B1 and B2 Business Zones	Yes	Yes
5 Special Character Areas and Sites	Yes	Yes
5.1 Manly Town Centre Heritage Conservation Area and The Corso	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 6 - The Corso: Site Specific Controls	Yes	Yes

Detailed Assessment

3.2 Heritage Considerations

Merit consideration:

The development is considered against the underlying Objectives of the Control as follows:

Objective 1) To retain and conserve environmental heritage and cultural significance of Manly including:

- *significant fabric, setting, relics and view associated with heritage items and conservation areas;*
- *the foreshore, including its setting and associated views; and*
- *potential archaeological sites, places of Aboriginal significance and places of natural significance.*

Comment:

The proposal was referred to Councils Heritage Officer. No objection was raised to the alterations to the shop frontage. Significant objection was raised to the proposed signage. The objections of the heritage officer have been addressed above.

The proposed signage on The Corso frontage is for the replacement of the existing under awning signs, fascia signs and the painted wall signs above the doors of the main entrance and sports bar. The proposal includes the addition of a window sign to the east of the main entrance, a projecting wall sign and a painted wall sign between the main entrance and the entrance to the sports bar. The proposed number of signs is of a number and spacing with what is consistent within The Corso. The proposed signage is not of an offensive design nor will it obscure any important architectural features of the heritage item. The proposed signage will retain the heritage significance of the heritage item and the Manly Town Centre Heritage Conservation area.

The Market Lane frontage includes the replacement of the rear entry sign, the "deliveries" sign and the painted wall sign adjacent to the entrance to the sports bar. The proposal also includes a mural on the blank wall to the rear of 25 The Corso. These signs are on the highly modified frontage to the rear lane and will not impact on the heritage significance of the building or the conservation area. The proposed mural is opposite the recently painted mural on the Manly Library and will cover an existing unsightly blank wall. The proposed Mural will assist in activating the Market Lane streetscape and will enhance the presentation of the existing building. The proposed mural is satisfactory in this circumstance.

The proposal is consistent with this objective.

Objective 2) To ensure any modification to heritage items, potential heritage items or buildings within conservation areas is of an appropriate design that does not adversely impact on the significance of the item or the locality.

Comment:

As discussed above the proposal is of a suitable design to enhance the streetscape of The Corso and Market Place while maintaining the heritage significance of the heritage item and the Manly Town Centre conservation area. The proposal is consistent with this objective.

Objective 3) To ensure that development in the vicinity of heritage items, potential heritage item and/ or conservation areas, is of an appropriate form and design so as not to detract from the significance of those items.

Comment:

The proposed signage is at ground level and will not obstruct/distract from views to the architectural features of the building. The proposal is of an appropriate form and design so as not to detract from the significance of the Heritage item and the conservation area.

Objective 4) To provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons.

Comment:

Not applicable.

Objective 5) To integrate heritage management and conservation into the planning development

process including incentives for good heritage management, adaptive reuse, sustainability and innovative approaches to heritage conservation.

Comment:

The application has been through an extensive heritage assessment and has been found to be satisfactory in this circumstance.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

4.4.3 Signage

Description of Non-compliance

The Manly DCP 2013 permits a maximum of 2 identification signs per frontage, the proposal consists of three frontage on The Corso and Market Place. The proposal includes 13 signs on The Corso frontage and 4 signs on the Market Place Frontage. The proposed mural is also not compliant with the sign dimensions permitted by the Manly DCP 2013.

Merit Consideration

With regard to the consideration for the variation, the development is considered under the objectives of the control below:

Objective 1) To ensure that advertising does not detract from the scenic beauty and amenity of the Municipality; harmonises with its surroundings and the buildings to which they are attached.

Comment

The proposed signage is suitably designed to enhance the street frontage of the site while respecting and maintaining views to the scenic beauty of Manly. The proposed signage has been assessed above under clause 3.2 Heritage Considerations of the Manly DCP 2013 and was found to achieve a satisfactory relationship with the heritage building and the heritage conservation area.

Objective 2) To minimise the visual impact by encouraging fewer more effective signs that may otherwise degrade the existing and likely future quality of residential environments or result in excessive, unnecessary signage, visual clutter and confusion caused by a proliferation of signs in local and neighbourhood centres.

Comment:

The number of signs proposed is consistent with the surrounding streetscape and will not result in visual clutter or the proliferation of signs in the local centre.

Objective 3) To permit building and business identification signs which communicate the facilities (including tourist facilities), amenities, goods and services in local and neighbourhood centres which do not interfere with the streetscape or amenity of residents.

Comment

The proposed signs are satisfactory within the streetscape and will not impact on the amenity of the residents.

Objective 4) Signs should enhance the distinctive urban character and scenic amenity of the Municipality and contribute to the atmosphere of the streets in local and neighbourhood centres and should be designed in sympathy with both the building to which it is attached and any adjoining buildings, taking into account the architectural styles and finishes of buildings in local and neighbourhood centres.

Comment

The replacement of the existing signs will significantly enhance the sites presentation to both street frontages. The proposed signage is at ground level and will maintain the architectural features of the existing buildings. The proposed signs are of a satisfactory design to enhance the urban character and scenic amenity of the local centre.

Objective 5) To prevent signage from impacting on the presentation of the heritage item or area to the general public on heritage items and conservation areas.

Comment:

The proposal has been assessed above with regard to clause 3.2 Heritage Considerations of the Manly DCP 2013 and was found to be have no unreasonable impacts on the heritage item and the heritage conservation area.

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

Comment:

The proposed signage is of a satisfactory design to enhance the presentation of the development to the street.

Objective 7) To encourage co-ordinated advertising in the Industrial Zone by the use of appropriately sized street numbers and complex names, and the use of directory boards to identify multiple unit complexes, so as to reduce adverse impact on the streetscape and confusion to traffic.

Comment:

Not applicable.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

POLICY CONTROLS

Manly Section 94 Development Contributions Plan

S94 Contributions are not applicable to this 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 Development Consent to DA2019/0211 for Alterations and Additions to a Hotel, including new signage on land at Lot 910 DP 875567, 31 The Corso, MANLY, Lot 1 DP 877793, 27 The Corso, MANLY, Lot 2 DP 877793, 25 The Corso, MANLY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA- A00-001 Ground Floor Existing and Demolition Plan - Issue A	15.02.2019	Alexander & Co

DA-D00-011 Ground Floor Proposed General Arrangement - IssueA	15.02.2019	Alexander & Co
DA-EXX-001 Overall Building Proposed South Elevation - The Corso Issue B	17.05.2019	Alexander & Co
DA-EXX-002 Overall Building Proposed North Elevation - Market Place Issue A	15.02.2019	Alexander & Co
DA-WXX-001 Material Palette Issue A	15.02.2019	Alexander & Co
Ivanhoe Hotel DA Signage – The Corso Facade - Revision 02	23.05.2019	Alexander & Co
Ivanhoe Hotel DA Signage – Market Place Facade - Revision 03	23.05.2019	Alexander & Co

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.

Ivanhoe Hotel, Manly - Acoustic Advice for Revised Shopfront Scheme

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

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

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

2. Prescribed Conditions

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

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

that Act,

- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement

3. **General Requirements**

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of



any Authorised Officer.

- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008

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

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

FEES / CHARGES / CONTRIBUTIONS

4. Security Bond

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

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

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

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

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

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

5. Compliance with Standards

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

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

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

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

Signed



Benjamin Price, Planner

The application is determined on 11/06/2019, under the delegated authority of:



Daniel Milliken, Acting Development Assessment Manager