

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2021/0417
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<b>Responsible Officer:</b>	Catriona Shirley
<b>Land to be developed (Address):</b>	Lot 1 DP 88842, 13 The Corso MANLY NSW 2095
<b>Proposed Development:</b>	Use of premises as a Business Premises (laundromat) with ancillary cafe and signage
<b>Zoning:</b>	Manly LEP2013 - Land zoned B2 Local Centre
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Mirose Investments Pty Ltd
<b>Applicant:</b>	William Fleming

<b>Application Lodged:</b>	20/04/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	28/04/2021 to 12/05/2021
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 70,000.00
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### PROPOSED DEVELOPMENT IN DETAIL

The Development Application seeks approval for the change of use to a business premises (Laundromat) and ancillary Cafe, a fit-out with associated business signage.

The **works** include the following:

- Internal fit out for the laundromat and café
- Installation of washers and dryers (Laundromat services)
- A serving bar with sink
- New south east facing window and bifold doors to the Corso frontage
- New bench seating
- New sliding windows and access door to the north-east
- Privacy details to the existing glass doors on the north east elevation

**Hours**

The hours of operation are 6.30am - 9pm Monday to Sunday.

**Staff**

The operation will employ a minimum of two staff to a maximum of 4 – 5 staff working at any one time.

**Signage**

- The signage includes removing the existing "*creative license*" additional light box at the entry to the covered walkway
- Replacement of the existing under awning sign with an illuminated under awning sign measuring 2.44m (l) x 0.51 (h)
- New lightbox projecting wall sign over the north east entry door measuring 0.5 (l) x 0.4m (h)

**Waste**

It is proposed that all waste generated will be stored within the premises with a private contractor to provide commercial waste collection as required.

The applicant has provided documentation that Sydney Water has indicated that a cooling pit would not be required with the machines proposed to be utilised for the Laundromat part of the tenancy. The laundry machines are able to be fixed at 37 degrees of which Sydney Water considers reasonable in this instance.

**Outdoor Dining**

The proposal also seeks approval for outdoor dining seating. However, outdoor dining is regulated under the Road Act 1993 therefore a separate application for outdoor dining will need to be made to the Northern Beaches Council Property team. As a result the outdoor dining is not included as part of the consent approval.

**ASSESSMENT INTRODUCTION**

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

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

## SUMMARY OF ASSESSMENT ISSUES

Manly Local Environmental Plan 2013 - 4.3 Height of buildings  
 Manly Local Environmental Plan 2013 - 4.4 Floor space ratio  
 Manly Local Environmental Plan 2013 - 5.10 Heritage conservation  
 Manly Local Environmental Plan 2013 - 6.9 Foreshore scenic protection area  
 Manly Local Environmental Plan 2013 - 6.11 Active street frontages  
 Manly Local Environmental Plan 2013 - 6.13 Design excellence  
 Manly Development Control Plan - 3.4.2 Privacy and Security  
 Manly Development Control Plan - 4.2.5.4 Car Parking and Access  
 Manly Development Control Plan - 4.4.3 Signage

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 88842 , 13 The Corso MANLY NSW 2095
<b>Detailed Site Description:</b>	<p>The subject property is legally identified as Lot 1 in DP 8842 and commonly known as 13 The Corso. The subject site is located in Zone B2 Local Centre under the Manly Local Environment Plan 2013.</p> <p>The site is located on the northern side of The Corso. The subject tenancy is located on the ground floor of the two storey building and has a direct frontage to the Corso and secondary frontage to the arcade walkway which connects to Market Lane. The subject site has an overall site area of 206.8sqm, with the tenancy site being approximately 47.5sqm. The property is rectangular in shape, and the subject tenancy has a frontage of 4.9m to The Corso, an average depth of over 12m.</p> <p>The site is located in Manly Town Centre which contains a mixture of retail, restaurant and café, pubs and bars and commercial office uses.</p>

Map:



## SITE HISTORY

A search of Council's records has revealed the following relevant development applications for the subject site:

- Development Application **5.1995.201.1** the change of use to a video & book retail was approved by Council on the 18/08/1995.
- Development Application **10.2003.388.1** for the alteration and/or additions to existing building was refused by Council on the 23/09/2004.
- Development Application **10.2003.251.1** for the refurbishment and change of use to a Pizza Shop was approved on the 26/09/2003.
- Development Application **DA2017/1277** for the change of use to a food & drink premises & alterations to the existing building was approved on the 06/02/2018.
- Application **Mod2018/0143** for Modification of Development Consent **DA2017/1277** granted for change of use to a food & drink premises (Café) & alterations to the existing building was approved by Council on the 28/03/2018.

## 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	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

Section 4.15 Matters for Consideration'	Comments
	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)(iia) – 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 of 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 documentation has been submitted. / 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> <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 matter has been addressed via a condition of consent.</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 matter has been addressed via a condition of 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 of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic</p>



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

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 28/04/2021 to 12/05/2021 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
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><i>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.</i></p>
Environmental Health (Industrial)	The application is for a laundromat and coffee shop within 13 The Corso Manly. The proposal is supported subject to conditions for management of noise and waste water.
Environmental Health (Food Premises, Skin Pen.)	The proposal is for the development of a laundromat and coffee shop. The proposal is supported subject to conditions including that the food area be compliance with AS4674-2004 and Food Safety Standards 3.2.3 and that no food is to be cooked onsite.
Property Management and Commercial	<p>The proposal is for the use of the premises as a laundromat and cafe.</p> <p>Councils Property team has no objections to the proposal, however a separate application for outdoor dining will need to be made to Councils Property team, as outdoor dining is regulated under the Road Act</p>

Internal Referral Body	Comments
	<p>1993.</p> <p>Details of how to apply for outdoor dining and the Outdoor Dining and Footpath Merchandise Guide can be found on Council's website.</p>
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	<p>The proposal has been referred to Heritage as the subject property is a heritage item, being part of group listed commercial buildings - <b>Item I106 - Group of commercial buildings - All numbers The Corso</b>. It is also located in <b>C2 - Manly Town Centre Conservation Area</b> and within the vicinity of heritage items that listed in Schedule 5 of Manly LEP 2013:</p> <p><b>Item I102 - 2 cast iron pedestals (former street lights)</b> - The Corso (central reservation, between The Esplanade and Darley Road)</p> <p><b>tem I104 - Street trees</b> - The Corso (from Whistler Street to Sydney Road)</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 Northern Beaches 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, 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 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</p>

Internal Referral Body	Comments	
	<p>Road, Manly.</p> <p><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> <p><b>Item I104 - Street trees</b> <u>Statement of significance:</u> Part of earliest planting on The Corso c.1850's by H.G. Smith. Historic and aesthetic importance to the streetscape. <u>Physical description:</u> Centre planting of Ficus Macrophylla (Moreton Bay Fig) Remnant Palm planting (Phoenix Canariensis) of 1928.</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. Some glass survives, however has been painted. Original form of shop survives beneath modern building.</p> <p><b>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>	
	Other relevant heritage listings	
	Sydney Regional Environmental Plan	No



Internal Referral Body	Comments		
	(Sydney Harbour Catchment) 2005		
	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			
<p>The proposal seeks approval for change of use, fitout works and signage to the ground level shop facing The Corso. The fit-out works specifically comprise the installation of washers and dryers, serving bar with sink and signage. The existing windows to The Corso frontage are proposed to be replaced with bi-fold windows with new bench seating and the existing hinged doors to be replaced with bi-fold doors.</p> <p>The proposed exhaust duct for the dryers and the water heater has been noted in the floor plan. A roof plan and the street elevations showing the location of the exhaust outlet are required to ensure should be provided to ensure that it is not visible from the Corso or Market Lane.</p> <p>The existing lightbox signage on the Corso is proposed to be replaced with new business identification signage and "a small lightbox signage to the arcade frontage above the new door" has been mentioned in the SEE, however this signage is not included in the architectural drawings. Details of the proposed signage, that provided within the architectural drawings are not sufficient to assess the impact of the signage.</p> <p>Given that the existing ground level has already been altered and the proposal involves replacing the existing glazing, the proposed works are considered to not impact upon the significance of the heritage item or the significance of the conservation area.</p> <p><b>Amended Plans - May 2021</b></p> <p>Amended drawings, including the signage details were submitted on 12 May 2021. These plans have resolved the concern that heritage had with the signage.</p> <p>Therefore, no objections are raised to this application on heritage grounds, subject to conditions.</p> <p><u>Consider against the provisions of CL5.10 of Manly LEP 2013.</u></p>			

Internal Referral Body	Comments
	<p>Is a Conservation Management Plan (CMP) Required? No</p> <p>Has a CMP been provided? No</p> <p>Is a Heritage Impact Statement required? Yes</p> <p>Has a Heritage Impact Statement been provided? Stated in SEE.</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
<b>1. Character of the area</b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Generally this section of the Manly Corso is proliferated by signage from multiple business. The conditioned signage is consistent with other signage nearby and is compatible with the existing and desired future character of the Corso	<b>YES</b>

	area.	
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal complements the approved signage for the site without being visually dominant.	<b>YES</b>
<b>2. Special areas</b> 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>The two pieces of signage has been designed to minimise potential impacts and sensitive receptors including residential areas, public open space and heritage items.</p> <p>There are also surrounding heritage items that currently contain business identification signage on the ground floor shopfronts.</p> <p>Given the scale and the illumination proposed, it is considered that the impacts upon the residential areas will be negligible. Residential accommodation in surrounding buildings is located at a first floor level and above. All proposed signage is located at ground floor level and will be illuminated at an appropriate intensity to ensure that residential amenity will not be impacted.</p>	<b>YES</b>
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	No views will be obstructed by the conditioned signage.	<b>YES</b>
Does the proposal dominate the skyline and reduce the quality of vistas?	No, the signage changes do not dominate the skyline or reduce the quality of vistas.	<b>YES</b>
Does the proposal respect the viewing rights of other advertisers?	Yes, the signage respect the viewing rights of other advertisers.	<b>YES</b>
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signage is appropriate for the predominant style of the area, the heritage value of the area, and is consistent with the desired future character.	<b>YES</b>
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage is to be used to provide an identity with the site and is integrated with the built form without becoming a visually dominant feature.	<b>YES</b>
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal provides replacement of all existing signage and is consistent with surrounding signage.	<b>YES</b>
Does the proposal screen unsightliness?	No, there is no unsightliness to be screened.	<b>YES</b>
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, the proposed changes in the signage do not protrude above the buildings, or structures located on the Corso.	<b>YES</b>
<b>5. Site and building</b> 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 signage is of a scale and proportion that is relative to the subject building and will enhance the amenity as a result of contemporary technology and design. It is therefore considered consistent with the character of the site.	<b>YES</b>

Does the proposal respect important features of the site or building, or both?	The proposed signage will not become the dominant visual feature of the building. The design, position and colours integrate with the building structure. The signage seems to respect respects the heritage values of the area.	<b>YES</b>
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage will be logically positioned to identify the site, to develop its profile and integrate with the façade treatments.	<b>YES</b>
<b>6. Associated devices and logos with advertisements and advertising structures</b> 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 lighting component of the DMS sign has been integrated into the design. The signage predominately comprises the business name, which is consistent with the businesses branding. This is consistent with other signage in the vicinity.	<b>YES</b>
<b>7. Illumination</b> 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 proposed external illumination on the signage do not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation.	<b>YES</b>
Can the intensity of the illumination be adjusted, if necessary?	No, the illumination cannot be adjusted if required.	<b>YES</b>
Is the illumination subject to a curfew?	No, the proposed illumination is not subject to a curfew. It is not proposed for illumination to be subject to a curfew as the signage is proposed to provide safety for customers, particularly within the walkway to Market Place, seven day a week illumination will also discourage crime and vandalism.	<b>YES</b>
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	There is no impact on the safety of pedestrians, vehicles or aircraft is to result from changes in the signage.	<b>YES</b>
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The conditioned signage will not cause disruption of any sightlines from public areas.	<b>YES</b>

Accordingly, the proposed two signs proposed are 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

No change proposed to the existing Principal Development Standards.

### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	N/A
4.4 Floor space ratio	N/A
5.10 Heritage conservation	Yes
6.9 Foreshore scenic protection area	Yes
6.11 Active street frontages	Yes
6.13 Design excellence	Yes
Schedule 5 Environmental heritage	Yes

### Detailed Assessment

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

No change to the existing height of the building.

#### **4.4 Floor space ratio**

No change to the existing approved floor space ratio.

#### **5.10 Heritage conservation**

The proposed development, will have no unreasonable impact on the Manly Town Centre Heritage conservation area. Council's Heritage Officer has no objections to the proposal, subject to the imposition of recommended conditions of consent.

#### **6.9 Foreshore scenic protection area**

The proposed development will have no unreasonable impacts on visual aesthetic amenity or views to or from Sydney Harbour.

#### **6.11 Active street frontages**

The site is on land identified as "Active street frontages" on the Active Street Frontages Map and is subject to the provisions of 6.11 of MLEP 2013.

In accordance with clause 6.11(3), development consent must not be granted to the erection of a building or the change of use of a building unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

The proposal includes the incorporation of open style larger bi-fold doors and window openings, with new benches areas to actively stand or sit. As a result, the proposal improves the previously approved activated street frontage.

#### **6.13 Design excellence**

The consent authority can be satisfied that the matters listed by clause Clause 6.13 Design Excellence of the MLEP 2013 are considered as follows:

*a) contains buildings that consist of a form, bulk, massing and modulation that are likely to overshadow public open spaces, and*

Comment:

The proposal is of suitable form in order to retain the existing sunlight to the Manly Corso and Market Place areas.

*b) is likely to protect and enhance the streetscape and quality of the public realm, and*

Comment:

The proposed development is satisfactory in relation to built form, character, streetscape, heritage impact and, on balance given the adaptive nature of the proposal, with respect to the adjoining dwellings internal and external residential amenity.

*c) clearly defines the edge of public places, streets, lanes and plazas through separation, setbacks, amenity, and boundary treatments, and*

Comment:

The proposed development is located within the existing building footprint, with the design providing a more open style. The proposed new window and door openings will continue to provide suitable definition at the ground level, with no real change to the previously approved pedestrian entries, or building separation.

*d) minimises street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access, and*

Comment:

The proposed development does not result in visual or physical clutter in the streetscape. The proposal improves accessibility to the site whilst maintaining the existing pedestrianised setting along the Manly Corso and Market Place.

*e) encourages casual surveillance and social activity in public places, streets, laneways and plazas, and*

Comment:

The proposed development does not obscure required openings that allow the passive surveillance of the surrounding area to be maintained.

*f) is sympathetic to its setting, including neighbouring sites and existing or proposed buildings, and*

Comment:

The proposed development is of suitable height, bulk and scale to be consistent with the heritage context and character of the surrounding area and demonstrates appropriate design for the listed heritage building.

*g) protects and enhances the natural topography and vegetation including trees, escarpments or other significant natural features, and*

Comment:

No other natural features of importance are present on the site. The proposal will not make any changes to the existing approved landscaping arrangement.

*h) promotes vistas from public places to prominent natural and built landmarks, and*

Comment:

Councils Heritage officer considers the proposal will not unreasonably impact the heritage significance of the Manly Corso or surrounding area.



i) uses high standards of architectural design, materials and detailing appropriate to the building type and location, and

Comment:

The proposed development as conditioned will require the schedule of materials and finishes to be submitted to the Heritage Officers for approval prior to the issue of the Construction Certificate in order to reduce visual impact and demonstrate appropriateness to the heritage significance of the area.

j) responds to environmental factors such as wind, reflectivity and permeability of surfaces, and

Comment:

The proposed development is designed and sited to as to respond adequately to the site's constraints and surrounding development.

k) coordinates shared utility infrastructure to minimise disruption at street level in public spaces.

Comment:

Services and utilities are incorporated effectively into the proposed development in order to minimise disruption at street level.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of MLEP 2013 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.

## Manly Development Control Plan

### Built Form Controls

Built Form Controls - Site Area: 206.8sqm	Requirement	Proposed	% Variation*	Complies
4.4.3 Signage	2 identification signs	One under awning sign & one projecting wall sign	-	Yes
Schedule 3 Parking and Access	1 space	0	100%	No

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.2 Heritage Considerations	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.6 Accessibility	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.8 Waste Management	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
4.2.5.4 Car Parking and Access	No	Yes
4.4.1 Demolition	Yes	Yes
4.4.3 Signage	Yes	Yes
5 Special Character Areas and Sites	Yes	Yes
5.1.1 General Character	Yes	Yes
5.1.2 The Corso	Yes	Yes

#### Detailed Assessment

### **3.4.2 Privacy and Security**

#### **3.4.2.3 Acoustical Privacy (Noise Nuisance)**

The subject site and adjoining properties of the subject site are all zoned B2 Local Centre under MLEP 2013.

The proposal seeks consent for the following operating hours:

- Monday – Sunday: 6:30am to 9:00pm

On this basis, the proposed hours are consistent with surrounding business for example No. 3 The Corso (The Corso Bakehouse) is open from 6.00am - 3.00am Monday to Sunday, 1a The Corso (Roma & Co Café) is open from 6.00am - 5.00pm Monday to Sunday, and No 13 The Corso (Verd Shop C) 7.00am - 8.00pm.

However, as detailed within the Environmental Health (Industrial) referral, a condition will be imposed that the business is not to create noise that can be heard within habitable areas of surrounding residence including exhaust systems, plant equipment and music. The condition will ensure that there is no unreasonable audible impact on surrounding residence.

As a result, it is not expected that the proposal will result in excessive noise emissions to adjoining and surrounding properties from its use or opening hours.

#### **4.2.5.4 Car Parking and Access**

##### Description of non-compliance

The premises has no provision on the current tenancy for on-site car parking. The minimum required car parking under Manly DCP 2013 for a Business Premises is 1 space for every 40sqm. Therefore, there is a deficiency of 2 car spaces.

There are exceptions to the parking rates/requirements for properties located within the Manly Town Centre, which includes the Corso.

As a result, a merit assessment is completed below.

#### Merit consideration

The existing building only provides 0 car spaces within its tenancy, and therefore does not comply with the car parking provisions.

Notwithstanding, the proposed change of use is considered acceptable based on the following:

The proposal relates to the fit-out and a use of an existing commercial building to a business premises being a Laundromat/Café. Strict compliance with the carparking requirement to the subject premises is considered to be unreasonable as there is no provision or ability to provide carparking on the site.

Convenient public transport options that service the greater Northern Beaches, North Shore and the City are available nearby. The Ferry Wharf terminal to access the city of Sydney is approximately 250m away in distance. The bus terminal to access the Northern Beaches and the North Shore area is located along West and East Esplanade also approximately 250m away in distance. Given the location of the site is within a commercial / retail centre of the Corso, it is anticipated that customers will be engaged in multi-purpose trips.

There are four (4) Council car parks located within the Manly Town Centre all easily accessible to the Corso. The four (4) car parks provide over two hundred and forty five (245) parking spaces. All are available for the use by the general public.

There is also the provision of on-street car parking on Sydney Road, Wentworth Street and the South Steyne that allows patrons of the bank to park in these facilities for a short-term period.

Many patrons will walk from local business premises and nearby residential properties during work and outside work hours.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of Manly LEP 2013 / Manly DCP and the objectives specified in section 5(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**

The application proposes two (2) pieces of signage consisting of the following:

- 1 x illuminated projecting wall sign 1200mm wide and 1200mm high. The sign content comprises of the wording "Bubble Box".
- 1 x illuminated under awning sign 2.44m wide and 0.51m high and 2.240m above the footpath. The sign comprises the wording "Bubble Box" and the logo

Sign	Requirement	Proposed	Variation	Complies
Under awning sign (attached to the underside of	2.5m length x 0.4m Width x Height 0.5m Minimum of 2.6m above ground level	2.44m (l) x 0.51m (H) 2.24m above ground	0.36m above ground level	<b>No</b>

an awning)

Illuminated Projecting Wall Sign (vertical)	Lowest part of sign above ground level: 2.6m and not more than 3.7m, maximum allowable projection 0.8m	0.5m (l) x 0.5m (h) 2.4m above ground level	N/A	Yes
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The height of the illuminated under awning sign when measures from the ground level is non-compliant with the signage requirements.

Due to the non-compliance a merit assessment has been completed below.

#### Merit consideration

With regard to the consideration for a variation the development is considered against the underlying Objectives of the Control as follows:

- 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 two signs are not considered excessive, and demonstrate consistency with surrounding properties, the general character of the streetscape, and surrounding Corso locality.

The height of the illuminated under awning sign is considered appropriate as it is replacing the existing under awning sign. The illumination is not of an excessive level that would create glare for pedestrians.

Therefore, signage is of a scale, design and location does not seem to detract from the Corso area and is in harmony with the surroundings and the building which it is attached.

- 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:

Surrounding commercial properties within the Corso area have multiple business identification signs, all at ground level.

The proposed signage scheme ensures customers can easily identify the new "bubble box" operation from a distance.

Given that the shopfront is 4.09m in width, with one (1) sign along the Corso frontage, and the other along the public walkway to Market Place, they are not considered to be excessive, and are appropriate to identify the "bubble box" operation. Therefore, the two sign proposal is acceptable.

- 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 colours and lettering are a standard design.

As the signage is proposed at and below the awning level and the use of heritage colours and lettering is not considered essential in this instance, however this is to be confirmed by the Heritage Officer prior to the Construction Certificate.

The awning fascia, top hamper, under awning and shopfront are all traditional signage locations. Surrounding commercial properties have at similar business identification signs in similar locations.

Therefore, signage is of a scale, design and location that does not seem to detract from the Corso area and is in harmony with the surroundings and the building which it is attached.

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

Comment:

The proposed signage scheme uses colours and signage which are standardised.

The proposed illumination is of a level appropriate to the surrounding area. The proposed illumination will not result in nuisance glare to any surrounding residents or passing traffic, and can be adjusted if necessary. The proposed signage complements the proposed use of the tenancy and the surrounding uses.

Therefore, signage is of a scale, design and location that seems to not detract from the Corso area and is in harmony with the surroundings and the building which it is attached.

- *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:

All proposed advertising signage is proposed to be located at ground floor level on the modern shopfront. The signage is deemed to be appropriate for proposed development, and the on nearby heritage items.

- *To ensure all signage is of high standards of graphic and textural content.*

Comment:

The proposed colours and lettering are "Bubble Box" standard design. A modern shopfront is proposed, the use of modern signage is considered to be acceptable in this instance. The content of the advertising relates directly to the services offered on the site. Therefore, the graphic and textural content is considered reasonable.

An assessment of the application has also found the development to be consistent with the requirements of State Environmental Planning Policy No. 64 - Advertising and Signage.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

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

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

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

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

### **POLICY CONTROLS**

#### **Northern Beaches Section 7.12 Contributions Plan 2019**

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of 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 DA2021/0417 for Use of premises as a Business Premises (laundromat) with ancillary cafe and signage on land at Lot 1 DP 88842, 13 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Site Plan/Floor Plan Drawing A 01	Undated	Alphaplus
Demolition Plan A 02	26/03/2021	Alphaplus
Floor Plan A 03	26/03/2021	Alphaplus
External Elevations A 05	1/04/2021	Alphaplus

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

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

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

#### 2. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or

demolition work is being carried out, but must be removed when the work has been completed.

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

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

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

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

Reason: Legislative requirement.

### 3. General Requirements

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

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

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

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 are required 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, and 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](http://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. Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- No after hours operations or use have been approved as part of this application. As a result the approved plans are to remove the reference to "afterhours entry" prior to the issue of the Construction Certificate.
- No outdoor dining is approved as part of this application. As a result the approved plans are to remove reference to outdoor dining areas prior to the issue of the Construction Certificate.

Note: A separate application for outdoor dining shall be made to Council's Property team on the Outdoor Dining Area Application and Guide available on Council's website.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

**6. Compliance with Standards**

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

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

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

**7. Plans of Kitchen Design, Construction and Fit Out of Food Premises**

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Certifying Authority. These plans are to be prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

Reason: To ensure that the Food premise complies with the design construction and fit-out requirements.

**8. Mechanical Ventilation**

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with the Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings", must be approved by the Certifying Authority for any cooking equipment with an individual or combined power rating level that triggers the requirement for mechanical ventilation under AS1668.2 including any deep frying equipment.

Reason: To ensure that the design, construction and installation requirement for mechanical ventilation complies with the Australian Standard 1668.2.

**9. Details of Exhaust Outlet**

Plan (roof) and elevations showing the proposed location of the exhaust outlet should be provided to Council Heritage Officer prior to the issue of the Construction Certificate.

Reason: To ensure that the proposed exhaust outlet is not visible from both The Corso and Market Lane.

**10. Colour Scheme and Finishes**

Details of the proposed colour scheme and finishes should be provided to Council Heritage Officer prior to the issue of the Construction Certificate.

Reason: To ensure, the materials and colours are consistent with local heritage significance of The Corso.

**11. Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **12. Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

## **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

### **13. Registration of Food Business**

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

### **14. Mechanical Ventilation certification**

Prior to the issuing of any final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the mechanical ventilation system complies with the design requirements.

### **15. Kitchen Design, construction and fit out of food premises certification**

Prior to the issuing of any final occupation certificate, certification is to be provided from a person who is eligible as a 'Member' of Environmental Health Australia (EHA) that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the kitchen complies with the design requirements.

### **16. Mechanical Ventilation certification**

Prior to the issuing of any final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.



Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the mechanical ventilation system complies with the design requirements.

17. **Trade waste agreement with Sydney Water trade waste**

The business is to have a trade waste agreement with Sydney Water for waste water.

Reason: To ensure correct removal of waste water from the business.

18. **Plans of Kitchen Design, Construction and Fit Out of Food Premises**

The construction fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises'.

Prior to any Occupation Certificate (OC) being issued certification is to be provided by a suitably qualified person that the fit-out complies with the above requirement.

Reason: To ensure that the kitchen complies with the design requirements.

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

19. **Delivery Times**

No deliveries, loading or unloading associated with the premises are to take place between the hours of 6pm and 6am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties.

20. **No cooking of food or food preparation**

Food production is restricted to making of hot drinks - coffee, tea, hot chocolate Ect. No food preparation or cooking of food is to be conducted as part of this business as per the information provided in the DA.

Reason: No extraction hood, grease trap or food preparation space is provided for the food area of the business.

21. **Plant and other equipment not to create offensive noise for surrounding residence**

The business is not to create noise that can be heard within habitable areas of surrounding residence including exhaust systems, plant equipment and music.

Reason: To ensure the business does not have a audible impact on surrounding residence.

22. **Waste storage**

Solid waste is to be stored onsite or in a rubbish room within sealed rubbish bins to prevent pest issues.

Reason: To ensure solid waste can be contained within the premise, off the street and lane and to ensure control of pest issues.

23. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Sunday – 6.00am to 9.00pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

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

24. **Commercial Waste Collection**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties.

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

**Signed**



**Catriona Shirley, Planner**

The application is determined on 20/05/2021, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**