

Statement of Environmental Effects for Section 4.55(2) Modification Application

19-21 The Corso Manly NSW 2095



**Minor modifications to Development Consent DA2020/1711 for
*Alterations and additions to an existing shop top housing
development* by modifying the design minimally**

February 2025

Statement of Environmental Effects prepared by:

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In respect of the following s.4.55 (s) Modification Application:

Land to be developed: 19-21 The Corso Manly NSW 2095

Proposed development: Minor modifications to Development Consent
DA2020/1711 for *Alterations and additions to an
existing shop top housing development* by modifying the
design minimally.

Declaration: I declare that I have prepared this Statement and to the best of my
knowledge:

1. The Statement has been prepared in accordance with clause
4.12 of the EP & A Act and Clause 50 of the EP & A Regulations.
2. The Statement contains all available information that is relevant
to the environmental assessment of the development to which
this Statement relates, and
3. That the information contained in the Statement is neither false
nor misleading.

Signature:



Name: Damian O'Toole MPIA MRTPI
Date: Feb 2025



Contents

1.0 Introduction	1
2.0 Site Location and Description	2
3.0 Photographs of Subject Site	6
4.0 Proposed Development	8
5.0 Statutory Planning Considerations	9
6.0 Conclusion	16

1.0 Introduction

This Statement of Environment Effects (SEE) has been prepared to accompany a Section 4.55 (2) modification application for minor modifications to Development Consent DA2020/1711 for *Alterations and additions to an existing shop top housing development* by modifying the design slightly, at the subject site at 19-21 The Corso Manly NSW 2095.

The building currently contains ground floor retail space and 4 x 1 bedroom and 6 x 2 bedroom units at the upper levels. The site also includes the existing two storey shop building at No. 23 The Corso. No works are proposed to that building as part of the subject proposal.

The proposed modifications are minor and seek:

- Removal of the residential entry from The Corso and expand the commercial space at this level.
- Install bi-fold entry doors to Market Lane for a new cafe/food use (fitout to be subject of separate application) in lieu of the approved office space here.
- New ramps for level access.
- Minor internal alterations.
- New Air Conditioning units to roof level.

The modifications will result in substantially the same development as that originally granted consent.

This report has been prepared, on behalf of the owners and occupants of the subject site. This Statement has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2021. The purpose of this document is to describe the existing improvements on the site, detail the proposed development, review the applicable planning regime relating to the proposal, assess the degree of compliance and examine the environmental effects of the development when measured against the Evaluation Criteria prescribed under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979. In respect of the assessment of the proposal, where impacts are identified, measures proposed to mitigate any harm to environmental amenity have been addressed in this report.

The proposed modification works are permissible with Council's consent in the E1 Local Centre Zone under the Manly Local Environmental Plan 2013 (LEP). An assessment of the proposed works has not identified any unreasonable adverse environmental impacts likely to arise because of the proposal. It is therefore recommended that consent for the proposed development is granted subject to

Council's standard conditions.

2.0 Site Location and Description

2.1 The subject site

The site is described as SP 12989 and is known as No. 19-23 The Corso, Manly. It is situated on the northern side of The Corso opposite its intersection with Darley Road.

The site also has frontage to Market Place to the rear (north). The subject application relates to part Lot 1, Lots 2-13 and part of the common property within SP 12989.

The subject site is generally rectangular in shape and has an area of 523.9m². It has a frontage to The Corso of 16.835m, a frontage to Market Place of 16.76m and a depth of 31.2m. The site is generally level.

The site is occupied by a four storey older style shop top housing building with ground floor retail (No. 19-21) and a two storey retail/commercial building (No. 23). It contains retail, office and storage space at the Ground Floor. The retail space has its primary frontage to The Corso with access also available from Market Place to the rear.

No. 19-21 contains 8 units at the First and Second Floors (4 x 1 bedroom units and 4 x 2 bedroom units) and 2 x 2 bedroom units and shared laundry at the Third Floor sited over the southern part of the building. The remainder of the Third Floor is an open roof terrace surrounded by a balustrade to Market Place. Access to the residential units is available from both The Corso and Market Place.

The subject site is located in Manly Town Centre on The Corso, the main pedestrianised shopping strip in the centre with Manly Beach at its eastern end and Manly Wharf to the west.

Development in The Corso generally comprises 2-3 storey retail/commercial development with some taller buildings such as the subject building at 19-21 The Corso.

Market Place to the rear of the site has traditionally provided a service function for premises with their primary frontage to The Corso. To the east of the site it is a shared way (closed to traffic between 8am-5am daily) and there are a number of retail and food and drink premises opening onto the street along its length.

To the east, the site adjoins the Ivanhoe Hotel at 25-31 The Corso (of which No. 23 now forms a part). The Hotel is a 2-3 storey building containing a number of bar areas, dining facilities, gaming facilities and a bottle shop.

To the west, the site adjoins No. 17 The Corso, a two storey retail/commercial building occupied by St George Bank at the ground floor.

To the north of the site, on the northern side of Market Place, is the Council-operated Whistler Street car park (see Plan 1), a multi storey (6 level) car park which is open to the public between 6.30am and midnight Monday-Thursday and 24 hours Friday-Sunday. It contains 311 car spaces. Adjoining to the east of the car park is Manly Library.

The site is located within Manly Town Centre in proximity to a range of shops and services and within walking distance of Manly Beach and public transport facilities (ferry and bus) providing links to the Sydney CBD and the northern beaches.

The site is listed as a heritage item (I106) under the LEP as part of the Group of commercial buildings, All numbers, The Corso. It is also located within the Town Centre Conservation Area (C2) and is in the vicinity of a number of listed heritage items, including:

- I104 – Street trees, The Corso (from Whistler Street to Sydney Road);
- I107 – Commercial building, 36 The Corso;
- I108 – Group of commercial buildings, 41-45 The Corso; and
- I113 – St Matthew's Church and church hall, 44 The Corso.



Figure 1: Aerial view of the subject site.

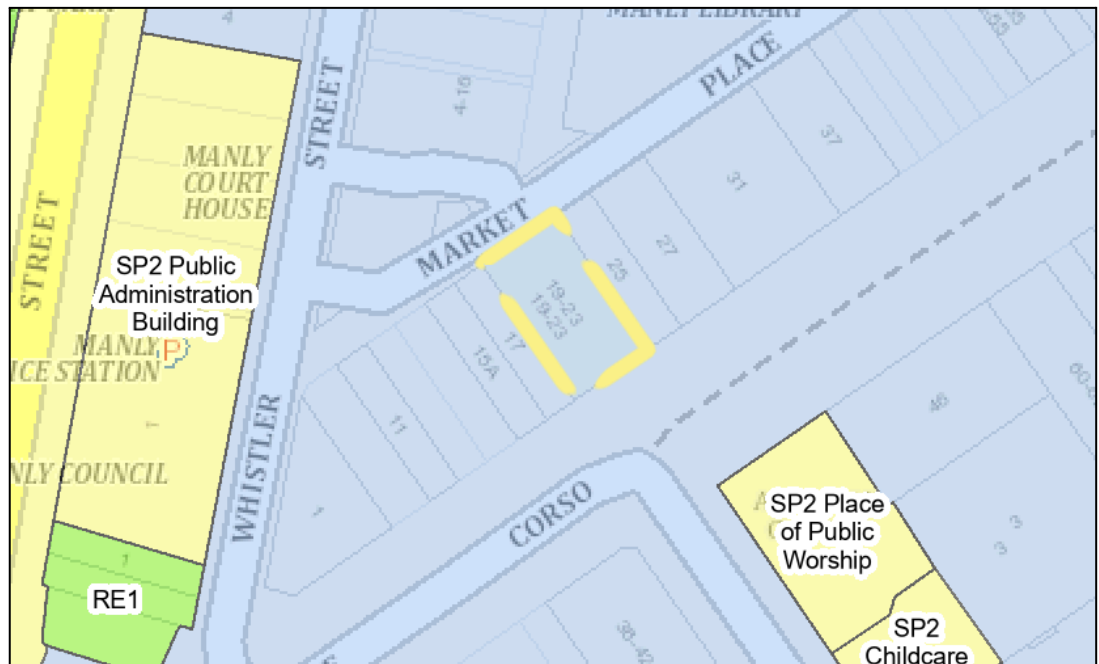


Figure 2: The site is Zoned E1 Local Centre under the Manly LEP 2013.

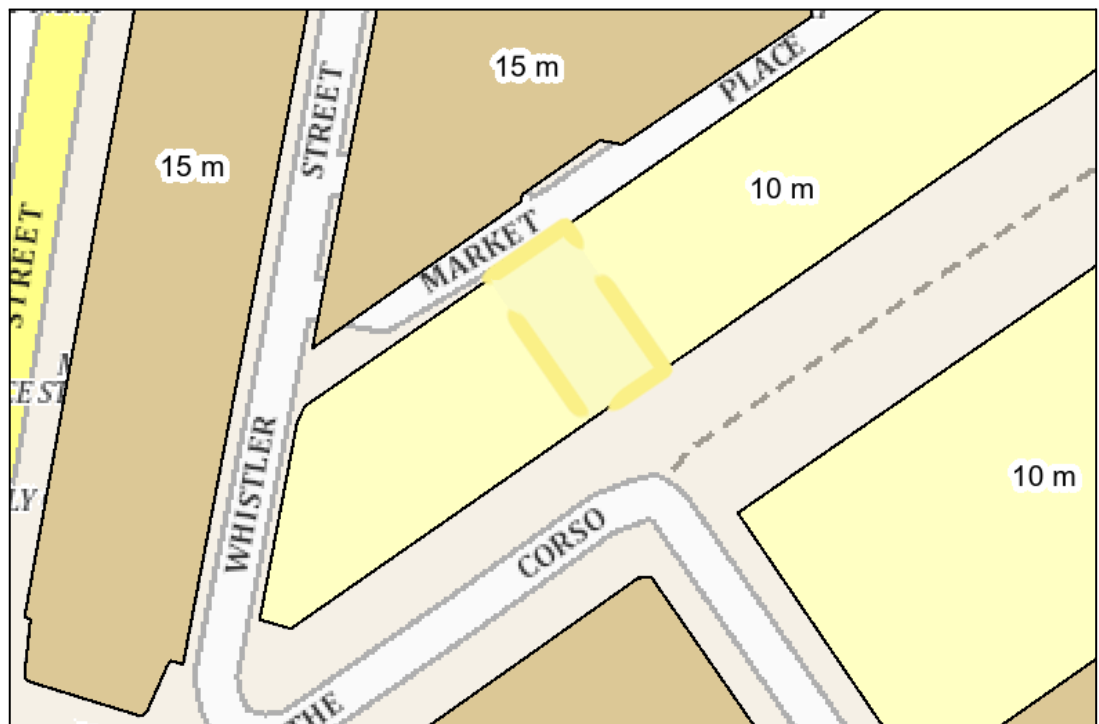


Figure 3: The maximum building height is 10m under the Manly LEP 2013.

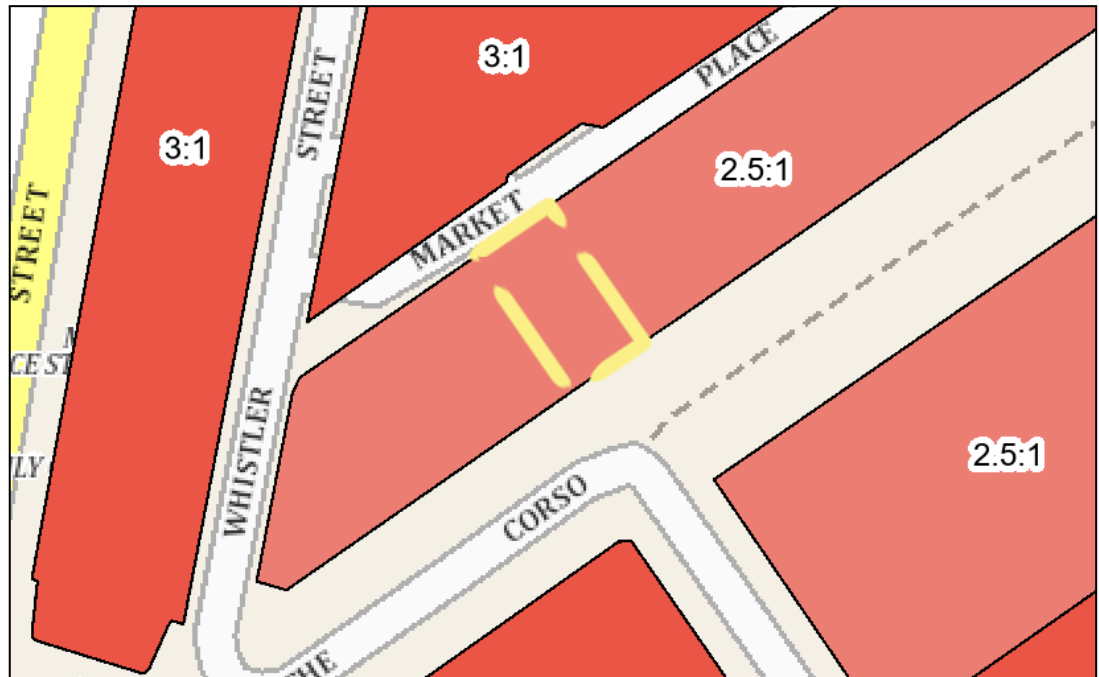


Figure 4: The maximum FSR is 2.5:1 under the Manly LEP 2013.

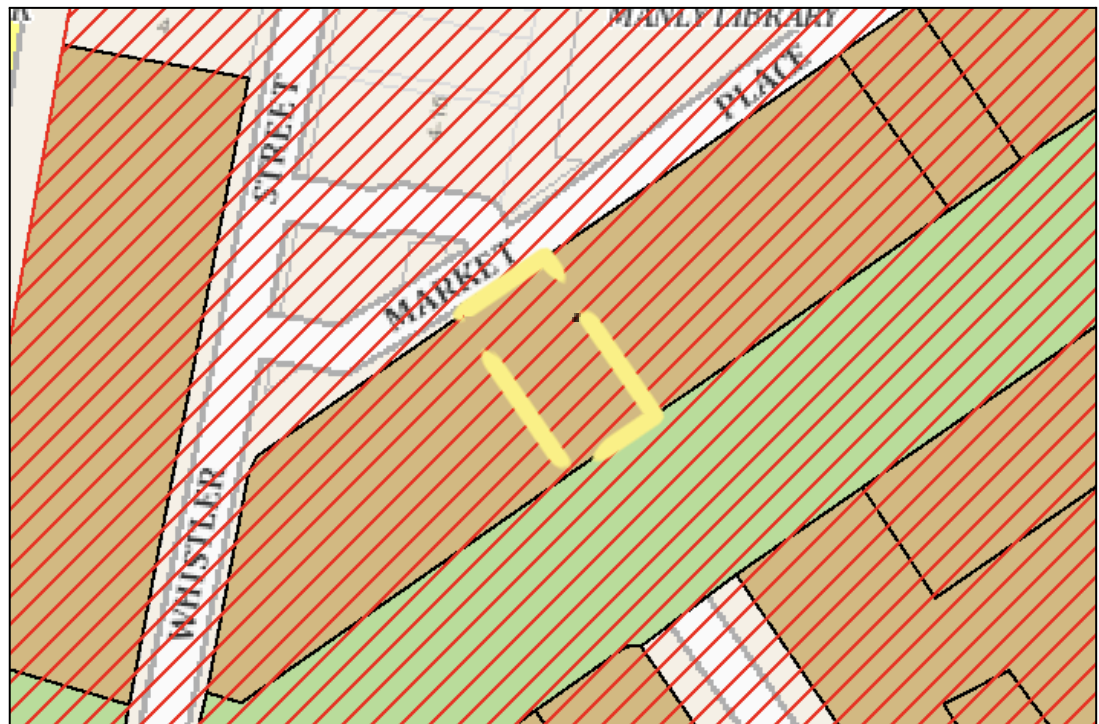


Figure 5: Heritage map identifying the subject site is listed as a heritage item (I106) under the LEP as part of the Group of commercial buildings, All numbers, The Corso. It is also located within the Town Centre Conservation Area (C2).

3.0 Photographs of Subject Site



Figure 6: Front facade.



Figure 7: Close up of front facade.



Figure 8: Rear of the site.



Figure 9: Rear of the site.

4.0 Proposed Development

The proposed modifications are minor and seek:

- Removal of the residential entry from The Corso and expand the commercial space at this level.
- Install bi-fold entry doors to Market Lane for a new cafe/food use (fitout to be subject of separate application) in lieu of the previous office space here. These works will activate the facade and provide visual interest to this thoroughfare.
- New ramps for level access.
- Minor internal alterations.
- New Air Conditioning units to roof level.

The modifications will result in substantially the same development as that originally granted consent.

The works will improve the functionality of the ground floor uses (retail and food and drink) and will improve access to the site. Note that no grease traps are provided in these spaces and any food or drink use will be mindful of that restriction.

The works are minor and have no adverse impact to any neighbour.

The improvement to the rear lane is significant and activation is provided here.

The subject proposal differs from the original consent which proposed minor works to the apartments. This proposal does not include works to the apartments. The ground floor layout has been modified slightly with this proposal in order to improve the usability and functionality of the retail components.

5.0 Statutory Planning Considerations

The Environmental Planning and Assessment Act 1979 is the principal planning legislation in NSW. Section 4.15(1) of the Act specifies the matters that the consent authority must consider when determining any development application.

- Provisions of any environmental planning instrument – S4.15(1) (a) (i)
- Provisions of any draft environmental planning instrument - S4.15(1) (a) (ii)
- Provisions of any development control plan - S4.15(1) (a) (iii)
- Provisions of the Regulations - S4.15(1) (a) (iii)
- The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts on the locality - S4.15(1) (b)
- The suitability of the site for development - S4.15(1) (c)
- Any submissions made in accordance with the Act or Regulations - S4.15(1) (d)
- The public interest - S4.15(1) (e)

Following is an assessment of the matters of relevance referred to in Section 4.15(1) of the Act.

5.1 S4.15(1)(a) Provisions of any environmental planning instrument, draft instrument, development control plan or matter prescribed by the regulations

The planning instruments of relevance to this application are:

- Manly Local Environmental Plan 2013 (LEP); and
- Manly Development Control Plan 2013 (DCP).

5.1.1 Manly Local Environmental Plan 2013 (LEP 2013)

The relevant provisions of Manly LEP 2013 are considered below.

Clause/Requirement	Summary of proposal	Compliance?
Zone E1 Local Centre Zone		
<i>Objectives</i> 1.Objectives of zone <ul style="list-style-type: none"> • To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. • To encourage investment 	The provision of a cafe/food use to the rear lane and increasing the floor space to the main retail component fronting The Corso will improve the functionality of the space.	Complies.

<p>in local commercial development that generates employment opportunities and economic growth.</p> <ul style="list-style-type: none"> • To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area. • To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. • To minimise conflict between land uses in the zone and adjoining zones and ensure amenity for the people who live in the local centre in relation to noise, odour, delivery of materials and use of machinery. • To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. • To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment. 	<p>The residential component is unaffected.</p> <p>Improved ground floor functionality is provided.</p> <p>The works will not impact on amenity.</p> <p>This is achieved to the main street and rear lane.</p> <p>No material change from the original consent.</p>	<p>Complies. No change from the original consent.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p>
4.3 – Height of buildings		
<p><i>Objectives</i></p> <p>(1) (a) To ensure the height of development is appropriate to the condition of the site and its context.</p>	<p>The proposed modification works are below the 10m height limit.</p>	<p>Complies. No change from the original consent.</p>

Max = 10m		
4.4 – Floor Space Ratio		
<p><i>Objectives</i></p> <p>(1) (a) To provide sufficient floor space to meet the anticipated development needs for the foreseeable future³</p> <p>(c) to provide for an intensity of development that is commensurate with the capacity of the existing and planned infrastructure.</p> <p>(d) To ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.</p> <p>Max FSR = 2.5:1</p>	<p>The proposed modification works are minor and will not alter the existing FSR. There are no changes to the building footprint or size.</p>	<p>Complies. No change from the original consent.</p>
Part 5 Miscellaneous Provisions, Clause 5.10 – Heritage Conservation		
<p><i>Requirement for Consent</i></p> <p>Development consent is required for any of the following:</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item.</p>	<p>A separate Heritage Impact Statement has been prepared as part of this submission, which assesses the heritage impact of the works to the subject site.</p> <p>This report has found that the proposed works are minor and will have a neutral heritage impact. There will be no adverse heritage impact.</p>	<p>Complies.</p>
Clause 6.11 – Active Street Frontages		
<p>(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause</p>	<p>The works are consistent with this clause. Activating the rear laneway will enhance this frontage significantly.</p>	<p>Complies.</p>

applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.		
6.16 Gross floor area in certain areas		
(3) Development consent must not be granted to the erection of a building on the land to which this clause applies unless the consent authority is satisfied that at least 25% of the gross floor area of the building will be used as commercial premises.	The commercial component is marginally increased.	Complies.

5.1.3 Manly Development Control Plan 2013 (DCP 2013)

The Manly Development Control Plan 2013 (DCP 2013) contains more specific planning controls than contained within LEP 2013. The most relevant sections of the DCP are discussed below.

Clause/Requirement	Summary of proposal	Compliance?
Section 3, General Provisions		
3.1 Streetscape and Townscape		
	Works will improve/enhance the streetscape qualities and functions of the site.	Complies.
3.2 Heritage		
<i>Objectives</i> (a) Ensure that heritage significance is considered for heritage items, development within heritage conservation areas, and development affecting archaeological sites and places of Aboriginal heritage significance.	A separate Heritage Impact Statement for the works has been prepared. In summary, this report has found that the proposed works will result in a neutral heritage impact, in areas of contemporary refurbishment and 'low' significance.	Complies. There will be a neutral heritage impact. See accompanying HIS.

3.4 Amenity (views, overshadowing, overlooking, privacy, noise)		
Objective 1) To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties including noise and vibration impacts.	There will be no impact to any neighbour's amenity. The works are largely internal and do not impact sunlight, privacy, views and landscaping, which will be unchanged by the minor works.	Complies.
Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.	NA	
3.5 Sustainability		
Objective 1) To ensure the principles of ecologically sustainable development are taken into consideration within a consistent and integrated planning framework that achieves environmental, economic and social sustainability in the short, medium and long term.	The modification works are consistent with ESD. Efficient energy and water fittings will be used in these refurbishment works.	Complies.
Objective 2) To encourage the retention and adaptation of existing dwellings including a preference for adaptive reuse of buildings rather than total demolition. Where retention and adaption is not possible, Council encourages the use of building materials and techniques that are energy efficient, non-harmful and environmentally sustainable.	The works will remove minimal amounts of materials. If possible the removed materials will be reused or recycled.	Complies.

Objective 3) To minimise waste generated by development and embodied in the building materials and processes through demolition.	Minimal waste will be created by the works. The site is already facilitated by waste and recycling facilities.	Complies.
3.6 Accessibility		
Objective 1) To ensure equitable access within all new developments and ensure that any refurbishments to existing buildings provide improved levels of access and facilities for people with disabilities.	The works will enhance access to the building. Refer to the accompanying access report.	Complies.
3.7 Stormwater Management		
	The works will have no impact on the site's ability to connect with stormwater outlets.	Complies.
3.8 Waste Management		
	The waste management provisions are largely unaffected. A new ramp to the bin room will improve access here.	Complies.
3.10 Safety and Security		
	The works will enhance safety and security providing improved casual surveillance along the rear lane.	Complies.
4.2 Development in Business Centres		
	The works are consistent with improving the functionality and uses at the site. The activation of the rear laneway is a significant improvement to the town centre.	Complies.

5.2 S. 4.15(1)(b) Impact on the Environment

The proposed development is appropriate for the site given its compliance with the relevant planning requirements and because there are no negative impacts on neighbours to the site. The proposed works are minor works only.

Relationship to adjacent development

There will be no adverse environmental impacts on neighbouring dwellings as a result of the proposed works.

5.3 S.4.15(1)(c) The suitability of the site for the proposed development

Having regard to the characteristics of the site and its location, the proposed development is considered appropriate in that:

- It is consistent with the objectives of the Local Centre E1 zone under Manly LEP 2013;
- The appearance, materials and finishes of the proposed works are high quality and sympathetic to existing materials; and
- The proposed development is entirely internal with no significant adverse environmental impacts in relation to adjoining properties or the streetscape.

As demonstrated throughout this Statement of Environmental Effects, the proposed development will not result in any significant adverse environmental impacts.

5.4 S.4.15(1)(e) The Public Interest

The proposed development are minor internal works only and do not have any impact on the streetscape or on the amenity of nearby residents. Consequently, the proposal is in the public interest.

6.0 Conclusion

The proposed modification works are permissible with consent and is the heritage significance of the site. The proposed works will provide minor upgrade and refurbishment work and improved functionality. It is also consistent with the planning objectives for the zone.

The proposed modifications generally promotes and implements the planning principles, aims and objectives of:

- Manly Local Environmental Plan (LEP) 2013; and,
- Manly Development Control Plan (DCP) 2013.

The proposed works have the following merits:

- The works will have no effect on significant heritage fabric as the works will occur in an area of contemporary refurbishment of 'low significance'.
- The works are minor and largely internal. They are required to improve the functionality of the site.
- The activation of the rear lane will enhance amenity along this thoroughfare.
- The proposal is high quality and contemporary and will provide visual enhancements.
- The amenity of neighbours to the site is unaffected.

Considering the significant merits of the proposal and the absence of any adverse environmental impacts, it is recommended that Council grant consent to this development consent modification.