

Heritage Referral Response

Application Number:	DA2019/0769
To:	Adam Croft
Land to be developed (Address):	Lot 4 DP 39426 , 110 - 112 The Corso MANLY NSW 2095

Officer comments

Adam

Further to review of available documents,

The proposal is for the change of use of the upper levels of the building from a restaurant/bar to offices and associated fitout.

As noted in the *Property and Commercial Development Referral Response: DA 85/2014*, was an application for change of use with fit-out from retail shop to café on ground floor, restaurant/bar on levels 1 & 2, alterations and additions to the existing building to include trafficable awning balcony at level 1, replace existing canopy at level 2 and outdoor seating along South Steyne, which was approved by the Manly Independent Assessment Panel (MIAP) on 20 November 2014. Condition ANS16 of this consent requires the following: An airspace lease must be obtained from Council for the use of airspace below the proposed second floor balcony as proposed prior to the issue of any Occupation Certificate."

It also clarifies that *airspace below the proposed balcony as proposed prior to the issue of any Occupation Certificate. This lease must not allow for smoking to be undertaken on the balcony. No airspace lease has been entered into to date between Council and the owners of the building. The grant of any occupation certificate without this lease would be in contravention of the above condition of consent. Furthermore, while it is noted that the submitted plans indicate the balcony will not be used, there are four (4) sets of French doors opening onto the balcony, and Property is concerned that without an airspace lease in place for the balcony, there would be significant liability issues for Council, as the owner of the structure, if people were to access the balcony and injure themselves.*

To add to the above, from the heritage perspective it is assessed that any outdoor access, smoking, sitting, even introduction of safety barriers, would impact views of the item to a degree at which they would not be acceptable for one of the most beautiful buildings in Manly, and located on the visually very prominent corner of The Corso and Steyne.

Last but not least, details of the new signage should be provided for approval of the council prior to the issue of the OC.

Based on the above, I recommend the following conditions:

- Any use of the balcony is prohibited;
- Condition 14 of the DA 85/2014 remains applicable; and
- Details of the new signage should be provided for approval of the Council's heritage officer prior to the issue of the OC.

Kind Regards

Zoran Popovic

Heritage Advisor

Strategic & Place Planning 1

Recommended Heritage Advisor Conditions:

Nil.