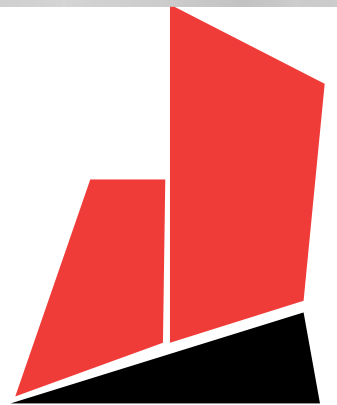


Statement of Environmental Effects

Application pursuant to s.4.55 of Environmental Planning &
Assessment Act 1979 for DA 2019/0574

19-23 The Corso, Manly

25 February 2022



PREPARED BY

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PROJECT PARTICULARS

Project No.	2021053
Client	Ivanhoe Hotel Pty Ltd
Site Address	19-23 The Corso, Manly
Document Name	Statement of Environmental Effects

Prepared by

Date	Document Name	Authorisation	
		Name/Position	Signature
17/02/2022	Statement of Environmental Effects_V1	Kristy Hodgkinson <i>Director</i>	
25/02/2022	Statement of Environmental Effects_V2	Kristy Hodgkinson <i>Director</i>	

In the event that this document is not signed, this is not representative of a final version of the document, suitable for assessment purposes.

RELIANCE ON CONSULTANT INFORMATION

As part of undertaking this project, Hamptons has relied on the professional advice provided by third party consultants. No responsibility is taken for the accuracy of the information relied upon by these consultants assisting the project. It is assumed that each of the consultants has made their own enquiries in relation to technical matters forming part of their expertise.



CONTENTS

1. INTRODUCTION	5
Background	6
2. THE SITE & ITS LOCALITY	9
Heritage	11
Context	11
3. THE PROPOSED MODIFICATIONS.....	13
Structural Stability	14
Building Code of Australia	14
Acoustic Impacts	15
Heritage	16
Waste Management	17
4. SECTION 115 OF THE EP & A REGULATION 2000.....	19
5. SECTION 4.15 EVALUATION.....	20
6. CONCLUSION.....	23
ANNEXURE 1: ENVIRONMENTAL COMPLIANCE ASSESSMENT	24
State Environmental Planning Policy No. 64 Advertising and Signage	24
MANLY LOCAL ENVIRONMENTAL PLAN 2013	27
Manly Development Control Plan 2013.....	32
Section 3.2 – Heritage Considerations & Section 5.1 Manly Town Centre Heritage Conservation Area	32
Section 3.4 – Amenity.....	32
Section 3.4 Accessibility	33
Section 3.10 Safety and Security	33
Development in Business Centres	33
Schedule 6 – The Corso: Site Specific Controls.....	33



TABLES

Table 1: Condition 1 - Approved Plans and Documents	7
Table 2: Consultant reports and assistance accompanying modification application	8
Table 3: Site Details	9
Table 4: Modification Plans	13
Table 5: Section 115 of the Regulation.....	19
Table 6: Section 4.15 of EP & A Act	20
Table 7: Modification Plans	23

FIGURES

Figure 1: Site Location	10
Figure 2: Aerial Location	10



1. INTRODUCTION

Hamptons Property Services (Hamptons) has been retained by the Ivanhoe Hotel Pty Ltd, who is the Applicant for two modification applications, lodged concurrently, but applying to the same premises, and made in accordance with s.4.55(2) of the Environmental Planning & Assessment Act 1979 (EP & A Act). The concurrent modification applications seek to amend Development Consent 2019/0574 and Development Consent 2008/196.

The Development Consents approved the following:

Change of use to a pub, alteration and additions to the premises, fitout and signage., (DA 2019/0574)
and

Alterations and additions to the Ivanhoe Hotel and extend to adjoining premises, including new façade, coffee shop, poker machine area, bottle shop and TAB. (DA 2008/196)

The land to which the application relates is legally described as:

- Strata Plan 12989,
- Lot 2, Deposited Plan 877793,
- Lot 1, Deposited Plan 877793,

and is known as (part) 19-23, 25, 27-29 The Corso, Manly.

No. 31 The Corso does not form part of these applications.

In both cases, the modification application seeks to amend **Condition 1** which provides the **Approved Plans and Supporting Documentation**, by modifying the approved layout of the premises, along with some minor modifications to the approved elevations to both The Corso and Market Lane.

While, legally, these two modification applications are required to be lodged separately, given that the premises operates across these allotments as one premises, for the purpose of establishing the overall impact, all of the consultant reports consider the impacts on a combined basis.

The proposed modifications do not alter the approved use of the land, with all changes falling squarely within the approved use of the premises as a *pub*, which is defined in the Manly Local Environmental Plan 2013, as:

pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note— Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

The proposed modifications are as indicated on the application plans and include reconfiguration of the approved internal layout of the premises, as set out below, with those works relating specifically to 19-23 The Corso highlighted in green below:



- Demolition of existing improvements within 23, 25 and 27 The Corso including removal of the ground floor kitchen of 25 The Corso
- Relocation of the bottle shop from within No. 25 The Corso, to the south-western side of the site, at No. 23, facing The Corso and thus improving street activation
- Relocation of Sports Bar from 29 The Corso to 25 The Corso
- Reconfiguration to the approved layout of the gaming area to the rear of the bottle shop at No. 23 The Corso and part of the internal area contained within No. 25 The Corso
- Removal of the approved voids contained within No. 23 The Corso
- Creation of new voids within No 25 The Corso
- Modified internal seating area on the eastern side of the internal gaming area within No. 25 The Corso
- Change of the ancillary use of Level 1 of 23 The Corso from storage to ancillary office area, consistent with the approved use as a pub
- Reconfiguration of approved improvements to Level 1 of 23 The Corso
- Reconfiguration of existing layout to Level 1, 25 The Corso
- Miscellaneous structural modifications
- Additional signage to the Corso and Market Lane
- Modification to building access and services, including stairs and floor finishes

The modifications also seek to alter the approved facades as follows:

- Modification to the approved front façade, facing The Corso, across No. 23, with two additional glazed openings to match the existing treatment to improve the active frontage facing the street
- Modification to the approved rear façade of No. 23 The Corso, facing Market Lane, with new metal louvre panels and an entry door, along with a new fire escape door.
- Replacement of the façade at the ground floor with Annetta windows at No 25 and 27.

The site is located in the B2 Local Centre zone, pursuant to the Manly Local Environmental Plan 2013 (the **LEP**) and the proposed modifications to the approved development are permissible with development consent from Northern Beaches Council (the **Council**) (Clause 1.6).

Background

DA 2019/0574 was approved on 3 October 2019. The development consent approved a series of plans and documents as set out at Table 1.

Certain operational conditions were also imposed as set out below:

- Condition 2 confirmed the approved land use as a pub and any change to that use would otherwise require development consent



- Condition 19 limits the use of the gaming room to the hours of 7:00am to 1:00pm the following day, with all service and entertainment to cease immediately, no patrons to enter the area, and all patrons to leave within the following 30 minutes.
- Condition 21 requires that the premises is operated in accordance with the approved Plan of Management¹.

Table 1: Condition 1 - Approved Plans and Documents

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA 00 1 01 C Ground Floor: Existing Demolition Plan	22 May 2019	Paul Kelly Design
DA 01 1 01 B Level 1: Existing Demolition Plan	22 May 2019	Paul Kelly Design
DA 00 1 01a C Ground Floor: Existing Demolition Plan	22 May 2019	Paul Kelly Design
DA 00 1 02 D Ground Floor Proposed Plan	22 May 2019	Paul Kelly Design
DA 01 1 01a C Level 1: Existing Demolition Plan	22 May 2019	Paul Kelly Design
DA 01 1 02 C Level 1: Proposed Plan	22 May 2019	Paul Kelly Design
DA 02 1 01 A Roof: Existing / Demolition Plan	21 March 2019	Paul Kelly Design
DA 02 1 02 A Roof: Proposed Plan	21 March 2019	Paul Kelly Design
DA 00 2 01 A External Elevation Existing / Demolition South-Eastern: The Corso	21 March 2019	Paul Kelly Design
DA 00 2 02 A External Elevation Proposed South-Eastern: The Corso	21 March 2019	Paul Kelly Design
DA 00 2 03 A External Elevation Existing / Demolition North-Western: Market Place	21 March 2019	Paul Kelly Design
DA 00 2 03 A External Elevation Proposed North-Western: Market Place	21 March 2019	Paul Kelly Design
Ivanhoe Hotel DA Signage - Players Lounge The Corso & Market Place Facades	23 May 2019	The Bar Brand People

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Accessibility Assessment Report	23 May 2019	City Plan
Acoustical Report	13 May 2019	Koikas Acoustics
Statement of Heritage Impact	3 June 2019	NBRS Architecture
Plan of Management	April 2019	Design Collaborative
Traffic and Parking Assessment Report	24 May 2019	Varga Traffic Planning

¹ The approved Plan of Management is prescribed in Condition 1 as Plan of Management, April 2019, Design Collaborative.

This application seeks to amend the approved plans and reports/documentation as set out at Chapter 3. No modifications are proposed to the Operational Conditions of the development consent.

This report provides the following:

- a description of the site and the locality surrounding this;
- a description of the proposed development;
- the proposal's response to the relevant environmental planning controls; and
- the proposed amendments to Condition 1 of the development consent.

This modification application has been prepared with the assistance of the consultants as set out in Table 2, below.

Table 2: Consultant reports and assistance accompanying modification application

Discipline	Consultant
Development Manager	Iris Capital Pty Ltd
Survey	CMS Surveyors Pty Ltd
Architecture	Paul Kelly Design
Acoustics	Renzo Tonin & Associates Pty Ltd
BCA & Accessibility	AED Group
Quantity Surveying	Altus Group Pty Ltd
Fire Engineering	GHD
Heritage	City Plan Heritage Pty Ltd
Structure	James Taylor & Associates
Waste Management	Waste Audit & Consultancy Services (Aust) Pty Ltd

We trust that the enclosed information is sufficient for Council's consideration of the matter and look forward to working with Council during assessment of the development application.



2. THE SITE & ITS LOCALITY

Table 3, below, provides the key information relating to the site.

Table 3: Site Details

Property Address	19-23 The Corso, Manly.
Legal Description	Strata Plan 12989,
Site Area	523.9m ²
Existing Use	Pub
Foreshore Scenic Protection Area	Yes
Critical Habitat	No
Contribution Plan	Northern Beaches Section 7.12 Contributions Plan 2019
Environmental Heritage	Yes
Conservation Area	Yes
Coastal Protection	No
Mine Subsidence	No
Road Widening or Realignment	No
Hazard Risk Restriction	Acid Sulphate Soils – Class 4
Flood Planning	Yes
Acquisition	No
Biodiversity Certified Land	No
Biobanking Agreements	No
Bushfire Prone Land	No
Property Vegetation Plan	No
Contamination	No

Note. Information above retrieved from Section 10.7(2) Certificate No ePLC2022/01101, dated 17/02/2022.



Figure 1: Site Location



Source: <https://www.maps.six.nsw.gov.au>

Figure 2: Aerial Location



Source: <https://www.maps.six.nsw.gov.au>

The building the subject of this application is known as 23 The Corso and is a two-storey commercial infill building that has been heavily modified. To The Corso, the building has a plain façade with horizontal window openings to the upper floor, along with a stair entrance which provides access to the first floor of the building. The building also has an awning to the street front elevation.

The rear of the building, facing Market Place takes on a simplified form with service openings at the ground floor and a horizontal window at the first floor, surrounded by concrete render. The building is also recessed from the street frontage.

The premises is used as part of the Ivanhoe Hotel, in conjunction with 25-31 The Corso, Manly.

Heritage

The site is listed as a heritage item in accordance with Part 1 of Schedule 5 of the LEP 2013 and is described as Item I106, and known as *Group of commercial buildings*. The Statement of Significance for the site is reproduced below:

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.²

The site is also located within the curtilage of the Town Centre Heritage Conservation Area (C2) under Part 2 of Schedule 5 of the LEP 2013.

The site is also proximate to a number of heritage items, including the following:

- St Matthew's Church and Church Hall (I113)
- 'Street trees' The Corso (from Whistler Street to Sydney Road) (I104)
- Commercial building (I107)
- Group of Commercial Buildings (I109).

Context

The context of the site is best described in the State Heritage Inventory Sheet for the site, which is part of the *Group of commercial buildings* and states as follows:

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. The architecture is generally of the early twentieth century with a number of late 19th century buildings remaining as evidence of the former streetscape. The atmosphere of The Corso is of a 19th century place. Its special qualities include the

² Heritage Impact Statement, City Plan, February 2022, Page 15



contrasts of horizontal (low scale architecture) and vertical (planting) dimensions, and urban and natural elements. Of particular importance is the spatial continuity of the streetscape - including horizontal and vertical planes and negative space - from pedestrian level. 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. These spaces range from the tight enclosure of the arcades through to the openness of the Ocean Beach promenade and the esplanade.

A formal street, 90' wide with a central avenue planting of mature Phoenix Palms and Moreton Bay Figs running from Manly Wharf to Manly Beach. As a space it is defined on each side by predominantly 2-3 storey commercial buildings, which create an excellent pedestrian scale enhanced by shop awnings, planting and the recent "mall" of most of its length. St Matthew's Church, located on the intersection of Darley Rd, with its tower as a focal point, together with the oblique intersection of Sydney Rd, are important interruptions to the linear form of the Corso. At each end The Corso is open and merges into different spaces with good outward views to Shelley Beach, Queenscliff, Manly Cove and along Darley Road and Sydney Road. The gradual visual progression to the Pacific Ocean from manly Cove with the surf revealed behind a screen of Norfolk Pines is the essence of Manly's unique quality.³

³ Heritage Impact Statement, City Plan, February 2022, Page 10



3. THE PROPOSED MODIFICATIONS

As set out at Chapter 1 of this SEE, this modification application seeks to modify the approved plans and documentation for 19-23 The Corso, by reconfiguring the approved internal layout of the premises, as follows:

- Demolition of existing improvements within 23 The Corso
- Relocation of the bottle shop to the south-western side of the site, at No. 23, facing The Corso and thus improving street activation
- Reconfiguration to the approved layout of the gaming area to the rear of the bottle shop at No. 23 The Corso
- Removal of the approved voids contained within No. 23 The Corso
- Change of the ancillary use of Level 1 of 23 The Corso from storage to ancillary office area, consistent with the approved use as a pub
- Reconfiguration of approved improvements to Level 1 of 23 The Corso
- Miscellaneous structural modifications
- Additional signage to the Corso and Market Lane
- Modification to building access and services, including stairs and floor finishes

The modifications also seek to alter the approved facades as follows:

- Modification to the approved front façade, facing The Corso, across No. 23, with two additional glazed openings to match the existing treatment to improve the active frontage facing the street
- Modification to the approved rear façade of No. 23 The Corso, facing Market Lane, with new metal louvre panels and an entry door, along with a new fire escape door.

The proposed modifications are shown on the plans prepared by Paul Kelly Design as set out at Table 4.

Table 4: Modification Plans

Drawing No.	Dated	Prepared By
DA GD 100A P4: Ground Floor Exiting and Demolition Plan	18 February 2022	Paul Kelly Design
DA GD 100B P4: Ground Floor Exiting and Demolition Plan	18 February 2022	Paul Kelly Design
DA GD 101 P4: Ground Existing and Demolition Plan	18 February 2022	Paul Kelly Design
DA GD 102 P4: Ground Proposed Plan	18 February 2022	Paul Kelly Design
DA GD 110 P4: Smoking Calculations	18 February 2022	Paul Kelly Design
DA GD 201 P3: The Corso Elevation_Existing	18 February 2022	Paul Kelly Design
DA GD 202 P3: The Corso Elevation_Proposed	18 February 2022	Paul Kelly Design
DA GD 203 P2: Market Place Elevation_Existing	18 February 2022	Paul Kelly Design
DA GD 204 P3: Market Place Elevation_Proposed	18 February 2022	Paul Kelly Design



Drawing No.	Dated	Prepared By
DA L1 100A P3: Level 01 Existing and Demolition Plan	18 February 2022	Paul Kelly Design
DA L1 100B P3: Level 01 Proposed Plan	18 February 2022	Paul Kelly Design
DA L1 101 P4: Level 01 Existing and Demolition Plan	18 February 2022	Paul Kelly Design
DA L2 102 P4: Level 01 Proposed Plan	18 February 2022	Paul Kelly Design
DA L2 100A P4: Level 2 Existing Plan Context	25 February 2022	Paul Kelly Design
DA RF 101 P3: Roof Existing and Demolition Plan	18 February 2022	Paul Kelly Design
DA RF 102 P3: Roof Proposed Plan	18 February 2022	Paul Kelly Design

In considering the modified works a number of technical disciplines have provided input to the design, as detailed below.

Structural Stability

The proposed modified works have been considered by James Taylor & Associates. The advice provides the following:

We consider the proposed structural works to be feasible.

Structural works to re-support the walls and floor area for the proposed works are required. We have carried out analysis and prepared initial designs for such works.

Completed and certified structural design will be prepared subsequent to development consent and submitted to the certifying authority as required to obtain the construction certificate.

*We consider the proposed amendments to DA 2019/0574 as represented on the modification drawings referenced above to be feasible provided works are carried out with care by competent and experienced contractors.*⁴

As such, the modified works relating to No. 23 The Corso are acceptable from a structural design perspective.

Building Code of Australia

The proposed modifications have been considered by AED Consulting and require a minor number of performance-based solutions to ensure compliance with the Building Code of Australia (BCA). In summary and as these relate to No 23 The Corso, the following is required:

- the openings to be modified between No 23 and No 25 will require a Fire engineered performance solution to ensure adequate protection in accordance with BCA Clause 3.4. This relates to the opening into the bottle shop contained within No 23 and the shared wall between the new gaming

⁴ Structural Design Advice, James Taylor & Associates, 15 February 2022, Page 3



room within No 23 and the internal courtyard and internal gaming area within No 25 at the ground floor and the new internal door to the ancillary commercial office at Level 1, which straddles between No 23 and No 25⁵

- a performance solution will be required to satisfy cl. 13.3 of AS 1428.1 – 2009 in relation to the door opening from No 25 into No 23 to the bottle shop, due to limited dimensions
- a performance solution is required to the ancillary office area at Level 1 as no access for people with a disability is provided.

Therefore, the proposed modifications can achieve the relevant requirements of the Building Code of Australia with performance solutions being required in relation to aspects of fire safety and disabled access.

Acoustic Impacts

Of the modifications that are proposed, the potential source of noise, as it relates to No 23 is the relocation of the indoor, naturally ventilated gaming area, that is proposed at the rear, and facing the northern façade, on the ground floor.

However, given that the premises is trading as a single entity, despite the landholdings, it would be irresponsible of the Applicant to undertake an assessment that does not consider the cumulative impact of the modifications, which include those works at No 25, 27 and 29 The Corso.

To establish the impact of the modifications, three locations were used to monitor the impacts of the existing development and to determine whether the proposed modifications would result in any additional impact to these properties, which are identified as the nearest sensitive receivers. These include Apartments at 2 Darley Street, 5 and 7 Whistler Street and 63 The Corso. Further, having regard to the permitted hours of operation of the premises, which are 9am-3am, Monday to Thursday, 9am-6am Friday and Saturday and 9am-12 midnight on Sunday, the critical period of assessment is the night time period between 10pm and 7am.

The predicted operational noise parameters for the gaming area are that:

- there is some level of noise bleed associated with the bar and sports bar adjacent
- all ventilation openings to the gaming area along Market Place are opened (and acoustically treated, see below)

The gaming area is predicted to comply with the permitted noise requirements on the basis that the following recommendations are implemented for the gaming room:

⁵ The ability to achieve this solution relies upon ownership remaining in a single line, which is intended. This matter is further addressed in the Fire Engineering DA Statement of Support, prepared by GHD, dated 15 February 2022 (Ref: 12571098).



- The gaming area is to have background music only to a 70dB(A)L10 noise limit when measured at the Market Place external louvres. Noise levels on the gaming machines are to be set such that the 70dB(A)L10 noise limit is not exceeded. Gaming machines not to have coin drop trays.
- there is no external queuing permitted after midnight
- any garbage or bottles should not be taken to the external areas surrounding the premises after 10pm
- signage at the egress point to the gaming room should be posted to remind patrons to be quiet when entering or leaving the premises.

Assuming that the above recommendations are implemented (and coupled with those for No's 25, 27 and 29 The Corso), the operational noise will comply with the noise emission requirements of the Office of Liquor and Gaming and the EPA Noise Policy for Industry.

Heritage

The Heritage Impact Statement addresses the proposed changes to 23 The Corso and provides the following:

- the fittings are non-original fabric and their demolition will have no adverse impact of the heritage values of the site, nor the group's listing
- the use of the ground floor of No 23 for a bottle shop will ensure activation of the street frontage
- the layout of the gaming area at the rear is acceptable and will increase both access to, and use of, this space
- the deletion of the approved voids is acceptable as these do not form part of the original features of the building and a solid floor will be maintained such that there is no impact in relation to the heritage values of the building
- the use of Level 1 for ancillary commercial space will improve the accessibility of this room
- the improvements to Level 1 will enable this to be self-contained via the new stair and the amenities to the Market Street frontage will also be an improvement of this space
- the modifications to structure, access, services and floor finishes are not affecting the original building fabric and instead modify the 2009-2013 reconstruction, thus having no impact
- the additional signage will have no impact on the heritage aspects of the item, or The Corso Heritage Conservation Area.

In terms of the external elevations to The Corso, these changes are considered to have a positive impact for the following reasons:

The proposed additional glazed openings is the result of the relocation of the bottle shop to the front of 23 The Corso. As the bottle shop will be accessed from the recessed side door there is no need to have a door opening/access fronting The Corso. The new ground floor façade will complement better the



*approved upper floor elevation and its recessed wall between the decorative pilasters. Proportions of the ground floor façade will be complementary to the overall approved architectural presentation and character of 23 The Corso.*⁶

To the rear of the building, fronting Market Lane, the proposed modifications are identified as having no impact, as follows:

*The change in the use of the space to the ground floor 23 The Corso from storage to new gaming room necessitate provision of new stairs and fire exits and treatment to the façade to meet the smoking regulations. None of the proposed changes (see below) will have an adverse impact rather they will improve the façade treatment to the rear elevation.*⁷

The overall conclusions of the Heritage Impact Statement are as follows:

In conclusion, it is considered by City Plan Heritage that the proposed works, including reconfiguration of the internal layouts, relocation of various uses and paces across The Ivanhoe Hotel buildings comprising (part) 19-23, 25 & 27-29 The Corso will result in no adverse impacts to the heritage significance of The Ivanhoe Hotel, its group commercial heritage buildings and the Town Centre Heritage Conservation Area or the nearby heritage items. The proposed modifications to the approved DA 2019/0574 are result of further consideration of the design and requirements from relocation of the uses across the buildings with no impact on original or intact fabric. The works are essentially to the newly approved design or relatively recent fabric with a more considered detailing and improved configurations and streetscape presentations.

*The proposal demonstrates compliance with the existing controls regarding heritage conservation maintaining the intent of the approved design of the DA, and is therefore recommended to Council for approval.*⁸

Waste Management

A Demolition & Construction Waste Management Plan has been prepared by Waste Audit and may be found under separate cover. This Plan addresses the Council's requirements in relation to demolition and construction waste associated with the proposed modifications. For the purpose of assuming the impacts of the development, this has been prepared on the collective basis of addressing demolition and construction waste for 25, 27 and 29 The Corso to ensure that a holistic approach to implementing the works is achieved.

⁶ Heritage Impact Statement, City Plan, February 2022, Page 18

⁷ Heritage Impact Statement, City Plan, February 2022, Page 19

⁸ Heritage Impact Statement, City Plan, February 2022, Page 21



An Operational Waste Management Plan has also been prepared by Waste Audit. This demonstrates that, based on the required bin capacity, there is sufficient storage room for the required number of bins to service the development. Bin collection will occur from the Market Place frontage of the site.



4. SECTION 115 OF THE EP & A REGULATION 2000

Section 115 of the EP & A Regulation is relevant to this application and requires the provision of information as set out in Table 5, below.

Table 5: Section 115 of the Regulation

Legislative Requirement	Response
(a) the name and address of the applicant,	Ivanhoe Hotel Pty Ltd C/-o Hamptons Property Services Pty Ltd PO Box 954, EDGECLIFF NSW 2027
(b) a description of the development to be carried out under the consent (as previously modified),	Change of use to a pub, alterations and additions to the premises, fitout and signage
(c) the address, and formal particulars of title, of the land on which the development is to be carried out,	Lot C, DP 12989 19-23 The Corso, Manly NSW 2095
(d) a description of the proposed modification to the development consent,	The proposed modification is set out at Section 3.
(e) a statement that indicates either:	The modification seeks to:
(i) that the modification is merely intended to correct a minor error, misdescription or miscalculation, or	
(ii) that the modification is intended to have some other effect, as specified in the statement,	modify the development consent as specified in this statement.
(f) a description of the expected impacts of the modification,	The expected impacts of the modification are dealt with below.
(g) an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved,	The proposed modification to the consent will result in the development being substantially the same as that for which development consent was originally granted.
(h) if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the making of the application (except where the application for the consent the subject of the modification was made, or could have been made, without the consent of the owner),	Owner's consent has been provided and is provided on the NSW Planning Portal.

5. SECTION 4.15 EVALUATION

This application is required to consider section 4.15 of the Environmental Planning & Assessment Act 1979 (EP & A Act), the provisions of which are set out and addressed below.

Table 6: Section 4.15 of EP & A Act

Clause No.	Title/Clause	Comment
4.15	Evaluation	
(1)	Matters for consideration—general	
	In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
	(a) the provisions of:	
	(i) any environmental planning instrument, and	<ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64) ○ LEP <p>The proposal is considered below having regard to these requirements. Refer to Annexure 1.</p>
	(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Not applicable.
	(iii) any development control plan, and	Manly Development Control Plan 2014 (DCP) Refer to Annexure 1
	(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Not applicable.
	(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	Not applicable.
	(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),	Not applicable.
	that apply to the land to which the development application relates,	

Clause No.	Title/Clause	Comment
	(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	<p>Matters of environmental impact have been addressed extensively in this report. The proposed modifications have been considered having regard to matters of acoustics, heritage, structure and BCA compliance and will not result in any adverse impacts on the built or natural environment. The modified works are contained within the existing building and designed to ensure that the continued operation of the premises remains consistent with the intent of the development consent.</p> <p>In terms of social and economic impacts, the proposed modifications will improve the operational aspects of the site and thus improve customer experience within the venue. This will aid the economic integrity of the site, to ensure its on-going operation and use. There will be no change to employment generation, remaining consistent with the existing operations.</p> <p>The proposed mitigation measures and performance solutions will assist the consent authority in ensuring that the modifications retain the intent of the principal development consent for the site and there will be no additional impacts either within the site, or to adjoining properties, as a result of the modifications.</p>
	(c) the suitability of the site for the development,	The use and modified works proposed on the site remain suitable, as determined by the principle development consent. There is not material change to these outcomes that would otherwise deem the use of the site unsuitable.
	(d) any submissions made in accordance with this Act or the regulations,	Should submissions be made during the course of assessing this application, the Applicant would be willing to respond to these accordingly.
	(e) The public interest.	As demonstrated throughout the report, the proposal does not present any issues that are contrary to the public interest. The proposed use remains permissible within the zone. The operational aspects of the premises remain as approved, such that there will be no additional impacts. Further, sufficient mitigation measures are proposed to ensure that the



Clause No.	Title/Clause	Comment
		public interest will not be affected by the modified works. As such, the proposed development is well within the public interest and should be supported.



6. CONCLUSION

The proposed modifications the subject of this application are entirely consistent with the provisions of cl. 4.55(2) of the EP & A Act and represent substantially the same development as that for which consent was initially granted.

While the subject of its own consent, this modification application has been considered in conjunction with the concurrent modification of DA2008/196 to ensure that the cumulative impact of the modified development is considered accordingly, having regard to s. 4.15 of the EP & A Act.

That being the case, consent is sought to amend Condition 1 of the Development Consent as set out in Table 7.

Table 7: Modification Plans

Drawing No.	Dated	Prepared By
DA GD 100A P4: Ground Floor Exiting and Demolition Plan	18 February 2022	Paul Kelly Design
DA GD 100B P4: Ground Floor Exiting and Demolition Plan	18 February 2022	Paul Kelly Design
DA GD 101 P4: Ground Existing and Demolition Plan	18 February 2022	Paul Kelly Design
DA GD 102 P4: Ground Proposed Plan	18 February 2022	Paul Kelly Design
DA GD 110 P4: Smoking Calculations	18 February 2022	Paul Kelly Design
DA GD 201 P3: The Corso Elevation_Existing	18 February 2022	Paul Kelly Design
DA GD 202 P3: The Corso Elevation_Proposed	18 February 2022	Paul Kelly Design
DA GD 203 P2: Market Place Elevation_Existing	18 February 2022	Paul Kelly Design
DA GD 204 P3: Market Place Elevation_Proposed	18 February 2022	Paul Kelly Design
DA L1 100A P3: Level 01 Existing and Demolition Plan	18 February 2022	Paul Kelly Design
DA L1 100B P3: Level 01 Proposed Plan	18 February 2022	Paul Kelly Design
DA L1 101 P4: Level 01 Existing and Demolition Plan	18 February 2022	Paul Kelly Design
DA L2 102 P4: Level 01 Proposed Plan	18 February 2022	Paul Kelly Design
DA L2 100A P3: Level 2 Existing Plan_Context	18 February 2022	Paul Kelly Design
DA RF 101 P3: Roof Existing and Demolition Plan	18 February 2022	Paul Kelly Design
DA RF 102 P3: Roof Proposed Plan	18 February 2022	Paul Kelly Design



ANNEXURE 1: ENVIRONMENTAL COMPLIANCE ASSESSMENT

State Environmental Planning Policy No. 64 Advertising and Signage

This Policy aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of a high-quality design and finish.

Clause 8(b) of the SEPP states that:

a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1’.

For the purpose of assessment, the table below indicates compliance of the proposed signage in accordance with Clause 8b.

Assessment Criteria		Assessment	Compliance
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?	The additional signage is consistent with the character of the area and relates to the approved building use, constituting building identification signage.	Yes
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?		Yes
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?	The proposal has no such effect. Refer to Heritage Impact Statement	Yes
Views or vistas	Does the proposal obscure or compromise important views?	No views are obscured with the additional signage.	Yes
	Does the proposal dominate the skyline and reduce the quality of vistas?	The additional signage does not reduce the quality of vistas, or dominate the skyline being below the awning.	Yes



Assessment Criteria		Assessment	Compliance
	Does the proposal respect the viewing rights of other advertisers?		Yes
Streetscape, setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?		Yes
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?		Yes
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?		NA
	Does the proposal screen unsightliness?		NA
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?		Yes
	Does the proposal require ongoing vegetation management		NA
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?		Yes
	Does the proposal respect important features of the site or building, or both?	Refer to Heritage Impact Statement	Yes
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?		Yes
Associated devices and logos with	Have any safety devices, platforms, lighting devices or		Yes

Assessment Criteria		Assessment	Compliance
advertisements and advertising structures	logos been designed as an integral part of the signage or structure on which it is to be displayed?		
illumination	Would illumination result in unacceptable glare?	Unacceptable glare will not result from the signage.	Yes
	Would illumination affect safety for pedestrians, vehicles or aircraft?	The safety of pedestrians, vehicles or aircraft would not be affected.	Yes
	Would illumination detract from the amenity of any residence or other form of accommodation?	No such adverse impacts would result due to the position of the additional signs.	Yes
	Can the intensity of the illumination be adjusted, if necessary?		Yes
	Is the illumination subject to a curfew?	Subject to Council.	Yes
Safety	Would the proposal reduce the safety for any public road?	The safety of a public road would not be affected.	Yes
	Would the proposal reduce the safety for pedestrians or bicyclists?	Pedestrian and bicycle safety would not be impacted.	Yes
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Sightlines will not be impacted as a result of the additional signs.	Yes

The proposed signage is defined as ‘business identification signage’ and is not defined as ‘advertisements’; therefore, the remaining provisions of SEPP 64 are not applicable to this application.

The proposal is therefore satisfactory with regards to the provisions of SEPP 64.



MANLY LOCAL ENVIRONMENTAL PLAN 2013

Development Standard	Control	Comment	Compliance
Part 2 Permitted or prohibited development			
2.1 Land use zones	B2 Local Centre	A pub is permissible with development consent.	Yes
Zone Objectives	To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.	The proposed development will provide for a range of retail use that will serve the needs of people who live in, work in and visit the local area and retain the required floor space that is desired for development within the Manly Town Centre in the B2 Local Centre zone.	Yes
	To encourage employment opportunities in accessible locations.	The proposed uses will continue to provide local employment within the area.	Yes
	To maximise public transport patronage and encourage walking and cycling.	There is no change to the existing car parking provision on the site, of which there is no on-site car parking.	Yes
	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.	The proposed modifications, including mitigation measures and performance solutions ensure that there will be no additional land use conflict attributable to the approved development. Issues of amenity are addressed in the Acoustic Impact Assessment.	Yes
2.7 Demolition	The demolition of a building or work may be carried out only with development consent.	The modified demolition works are as shown on the Plans prepared by Paul Kelly Design.	Yes
Part 4 Principal development standards			
4.3 Height of buildings	Maximum building height as per LEP map is: Area K = 10m	The proposed modifications do not result in any change to the approved building height.	NA
4.4 Floor space ratio	Maximum FSR as per LEP map is: Area U = 2.5:1	The proposed modification relates only to that part of the site which contains 23 The Corso. The floor space ratio of 23 will increase by 123m ² as a result of the conversion of the first floor from approved storage space to ancillary commercial space. This will result in the FSR increasing to 1.39:1 (240.95m ²). When 23 The Corso is considered in the context of the building as a whole, being 19-23 The Corso, having regard to DA 2019-0574	Yes



		the approved gross floor area is 1,839m ² ; the addition of 123m ² in association with this application, will increase the floor area to 1,962m ² . Based on a combined site area of 697m ² , this results in an FSR of 2.18:1.	
Part 5 Miscellaneous provisions			
5.10 Heritage conservation	1) Requirement for consent Development consent is required for any of the following—	Refer to Heritage Impact Statement	Yes
	a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— i. a heritage item, ii. an Aboriginal object, iii. a building, work, relic or tree within a heritage conservation area,		
	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,	Refer to Heritage Impact Statement	Yes
	c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,		NA
	d) disturbing or excavating an Aboriginal place of heritage significance,		NA
	e) erecting a building on land— i. on which a heritage item is located or that is within a heritage conservation area, or ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,		NA
	f) subdividing land— i. on which a heritage item is located or that is within a heritage conservation area, or		NA



	<p>ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>		
	<p>4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	This is addressed in the Heritage Impact Statement.	Yes
	<p>5) Heritage assessment The consent authority may, before granting consent to any development—</p> <ul style="list-style-type: none"> a) on land on which a heritage item is located, or b) on land that is within a heritage conservation area, or c) on land that is within the vicinity of land referred to in paragraph (a) or (b), <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	This is addressed in the Heritage Impact Assessment.	Yes
Part 6 Additional local provisions			
6.9 Foreshore Scenic Protection Area	<p>1) The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly.</p>		
	<p>2) This clause applies to land that is shown as “Foreshore Scenic Protection Area” on the Foreshore Scenic Protection Area Map.</p> <p>3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters—</p>	The site is located in the Foreshore Scenic Protection Area	Yes



	a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,	The proposed modifications will not result in any loss of views from a public place to the foreshore as a result of the modified works.	Yes
	b) measures to protect and improve scenic qualities of the coastline,	The proposed modifications will have no impact the scenic qualities of the coastline.	Yes
	c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,	The proposed development has been deemed appropriate under the principal development consent.	Yes
	d) measures to reduce the potential for conflict between land-based and water-based coastal activities.		NA
6.11 Active Street Frontage	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 applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.	The proposed modifications will enhance the activation of the street frontage, with window openings to The Corso being provided to materially improve the opportunity for activation to this frontage. Similarly the enhancement to openings to Market Lane will also aid improved activation of the frontage, as well as encouraging access from this side of the site into the venue.	Yes
	4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following— a) entrances and lobbies (including as part of mixed use development), b) access for fire services, c) vehicular access.	Refer above and to the Architectural Drawings	Yes
	5) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.	Refer to Architectural Plans	Yes
6.13 Design Excellence	2) This clause applies to development involving the erection of a new building or external alterations to an existing building— a) on land in Zone B2 Local Centre, and b) on land to which clause 6.19 applies.	The modifications proposed affect the external building elevations; therefore, the design excellence provisions apply to this application.	



	Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.		
	a) contains buildings that consist of a form, bulk, massing and modulation that are likely to overshadow public open spaces, and	The proposed modifications do not result in any additional overshadowing to public open spaces.	Yes
	b) is likely to protect and enhance the streetscape and quality of the public realm, and	The external changes to building entries and window openings that are the subject of this modification application will provide a positive response to the streetscape and improve the visibility of the site, such that this enhances the relationship with the public realm.	Yes
	c) clearly defines the edge of public places, streets, lanes and plazas through separation, setbacks, amenity, and boundary treatments, and	The proposed modifications do not alter these elements.	Yes
	d) minimises street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access, and	The proposed modifications do not alter these elements.	Yes
	e) encourages casual surveillance and social activity in public places, streets, laneways and plazas, and	The proposed modifications will increase opportunities for casual surveillance to the surrounding public domain.	Yes
	f) is sympathetic to its setting, including neighbouring sites and existing or proposed buildings, and	The Heritage Impact Statement addresses this issue.	
	g) protects and enhances the natural topography and vegetation including trees, escarpments or other significant natural features, and		NA
	h) promotes vistas from public places to prominent natural and built landmarks, and	There are no changes to the building envelope that would have any impact on vistas.	NA
	i) uses high standards of architectural design, materials and detailing appropriate to the building type and location, and	A high standard of materials and finishes are proposed to be used in the modified elevations.	Yes



	j) responds to environmental factors such as wind, reflectivity and permeability of surfaces, and	These aspects have been carefully considered in the modified design.	Yes
	k) coordinates shared utility infrastructure to minimise disruption at street level in public spaces.		NA
6.16 Gross Floor Area in B2	1) The objective of this clause is to provide for the viability of Zone B2 Local Centre and encourage the development, expansion and diversity of business activities, that will contribute to economic growth, retention of local services and employment opportunities in local centres.	The modified development retains and enhances the viability of the B2 Local Centre zone by enhancing the approved use of the site from an operational perspective, while also enhancing the use of local services within the vicinity of the site.	Yes
	2) This clause applies to land in Zone B2 Local Centre.		Noted
	3) Development consent must not be granted to the erection of a building on land in Zone B2 Local Centre unless the consent authority is satisfied that at least 25% of the gross floor area of the building will be used as commercial premises	Within No 23, the modified development will be entirely for commercial use and therefore comply with this standard.	Yes
	4) Development consent must not be granted for development on land to which this clause applies if the gross floor area of any retail premises on the land would exceed 1,000m ² .	The modified gross retail area for No. 23 is less than 1,000m ² .	Yes

Manly Development Control Plan 2013

As this application relates to a modification application, there are only a limited number of provisions contained in the DCP that apply.

Section 3.2 – Heritage Considerations & Section 5.1 Manly Town Centre Heritage Conservation Area

These matters are addressed in the Heritage Impact Statement.

Section 3.4 – Amenity

There are no modifications proposed that will have any impact on the visual privacy enjoyed by surrounding buildings, nor any change to the built form that would result in any additional impacts in terms of sunlight access or overshadowing.



In terms of acoustic impacts, these are addressed in the Acoustic Impact Report. Mitigation measures are provided to ensure that the amenity of nearby sensitive receivers are not impacted as a result of the modifications proposed.

Section 3.4 Accessibility

The modifications proposed will ensure that equitable access is maintained as set out in the report prepared by AED Consulting.

Section 3.10 Safety and Security

There are no changes proposed that warrant adjustment warranting change to the approved Plan of Management.

Development in Business Centres

Matters of height and floor space ratio are addressed in the LEP assessment and there are no modifications proposed to the approved setback distances.

All car parking and loading requirements remain as per the principal development consent.

In relation to Section 4.2.5 Manly Town Centre and Surrounds, the modifications do not result in any change that undermines the pattern of the existing building form, while maintaining the modulation to the street frontage to otherwise reduce the perceived bulk of the street wall.

In relation to Section 4.2.5.6 which addresses Late Night Venues, there are no proposed changes to the operational conditions of the development consent. The proposed changes to the outdoor areas have been addressed in the Acoustic Impact Report and provide sufficient mitigation measures to ensure that the modifications remain consistent with the development consent and the approved Plan of Management.

Schedule 6 – The Corso: Site Specific Controls

The proposed modifications do not alter the specific controls for these sites.

