

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0155
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Responsible Officer:	Lachlan Rose
Land to be developed (Address):	Lot 1 SP 67337, 1 / 63 - 67 The Corso MANLY NSW 2095
Proposed Development:	Use of premises as a take away food and drink premises including alterations and additions and signage
Zoning:	Manly LEP2013 - Land zoned E1 Local Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Get Sashimi Manly Pty Ltd

Application Lodged:	24/02/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	05/03/2025 to 19/03/2025
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 505,450.00
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PROPOSED DEVELOPMENT IN DETAIL

The development is described as the use of premises as a take away food and drink premises including alterations and additions and signage.

The application seeks consent for the change of use to a take away food and drink premises which is defined as a commercial premises. It should be noted that a take away food and drink premises is a type of retail premises which is defined as a commercial premises.

The proposal includes:

- demolition works to internal structures, external facade to The Corso and double door to the rear at Market Lane
- construction of new fitout works across the ground floor and mezzanine

- replacement of the existing external business identification signage resulting in 2 new signs to The Corso
- construction of new services signage facing The Corso to indicate the location of the Sprinkler Booster to the rear
- construction of a new doorway at the rear of the premises enclosing a relocated sprinkler booster

It should be noted that there are no proposed changes to the hours of operation previously approved under DA2023/0849. The previously approved hours of operation under DA2023/0849 for the retail premises are restricted to:

Monday to Sunday – 6am - 10pm

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 - 5.21 Flood planning
Manly Local Environmental Plan 2013 - 6.9 Foreshore scenic protection area
Manly Local Environmental Plan 2013 - 6.12 Essential services
Manly Local Environmental Plan 2013 - 6.13 Design excellence
Manly Local Environmental Plan 2013 - 6.16 Gross floor area in Zone B2
Manly Development Control Plan - 3.2 Heritage Considerations
Manly Development Control Plan - 4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor
Manly Development Control Plan - 4.4.3 Signage

SITE DESCRIPTION

Property Description:	Lot 1 SP 67337 , 1 / 63 - 67 The Corso MANLY NSW 2095
Detailed Site Description:	<p>The subject site consists of one (1) allotment which is Strata subdivided into three (3) lots (being Part 1, 2 and 3).</p> <p>The site is located at the northern end of The Corso and enjoys frontages to both The Corso and Market Place. Both streets are pedestrianised.</p> <p>The site is generally rectangular in shape with a frontage of 16.385m to the Corso, a frontage of 14.860m to Market Place and an average depth of 27.88m. The site has a surveyed area of 490.3m².</p> <p>The site is located within the E1 Local Centre zone and accommodates a mixed use development comprising retail outlets at the ground and mezzanine floor levels and backpackers' accommodation within the three (3) levels above.</p> <p>The site has a slight downward slope of 0.34m from The Corso to Market Place although this is not noticeable because the topography has been altered to accommodate the existing building.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by commercial development comprising retail outlets and the neighbouring three (3) storey hotel immediately to the north.</p>

Map:



SITE HISTORY

Council's records reveal that the site was used as a retail premises by Woolworths until 1999 when the site was subject to a development application (DA201/98) for alterations and additions to the existing two storey retail building to create a 3 storey development containing retail and backpacker accommodation.

The following applications are relevant to the current proposal:

DA2019/1398

This application for "Alterations and additions to an existing building to facilitate shop top housing containing 12 apartments including the construction of a pergola and lift overrun to the roof terrace" approved by the Northern Beaches Local Planning Panel on 12 August 2020.

DA2022/0662

This application for "Change of use to a pub and live entertainment venue, building works and signage" was withdrawn on 12 August 2022.

DA2023/0849

This application for "Alterations and additions to a commercial premise" was approved by the Northern Beaches Local Planning Panel on 22 November 2023.

DA2024/0148

This application for "Construction of temporary advertising signage" was approved by the Northern Beaches Council on 04 April 2024.

DA2024/0407

This application for "Installation of three business identification signs" was approved by the Northern Beaches Council on 28 May 2024.

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	<p>See discussion on “Environmental Planning Instruments” in this report.</p> <p>The NSW employment zones reforms have been made and will come into force on 26 April 2023. These reforms will result in this property changing from a B2 Local Centre zone to a E1 Local Centre zone. The proposed use will remain permissible in the new zone.</p>
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to architectural plans.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 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 62 and/or 64</u> of the EP&A Regulation 2021 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 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 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	<p>(i) Environmental Impact</p> <p>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>

Section 4.15 Matters for Consideration	Comments
and economic impacts in the locality	<p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 05/03/2025 to 19/03/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Ms Tracey Talbert	1 A Rialto Lane MANLY NSW 2095

The following issues were raised in the submissions:

- Sales counter is too close to the property boundary on The Corso

The above issues are addressed as follows:

- **Sales counter is too close to the property boundary on The Corso**

The submissions raised concerns that the sales counter being located within a close proximity to The Corso frontage will cause increased foot traffic and safety issues for people waiting to be served and passing by on e-bikes.

Comment:

Amendments have been made to the proposed plans resulting in a plinth added as per the existing to the shop frontage. The plinth height is 0.375m high and will restrict occupants from entering and exiting from this portion of the site. Therefore, customers can still view the products of the store from The Corso and restrict the access from this frontage. The proposed entry is acceptable with sufficient room for customers to access the store and not cause unreasonable impacts from customers onto The Corso. This concern **does not** warrant a reason for refusal.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Food Premises, Skin Pen.)	<p>General Comments</p> <p>The proposal seeks approval for food and drink premises and is supported by detailed plans which depict the layout of the food premises and details of intended fit-out.</p> <p>The proposal is supported with the recommendation of a number of conditions of consent.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
NECC (Flooding)	<p>This proposal is for alterations and additions to an existing shopfront with the intent to convert it into a food and drink premises. The proposal is assessed against Section 5.4.3 of the Manly DCP and Clause 5.21 of the Manly LEP.</p>

Internal Referral Body	Comments
	<p>The proposal is located within the Medium Flood risk precinct. The relevant flood characteristics are as follows:</p> <p>Flood Planning Level: 5.84m AHD 1% AEP Flood Level: 5.34m AHD 1% AEP Hydraulic Category: Flood Fringe Probable Maximum Flood (PMF) Level: 5.62m AHD Max PMF Life Hazard Category: H3 – H1</p> <p>Proposed works include the installation of kitchen and point of sales services. The proposed alterations do not impact the footprint of the building or result in a change in floor level.</p> <p>Subject to the following conditions the proposal generally complies with Section 5.4.3 of the Manly DCP and Clause 5.21 of the Manly LEP.</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 a part of a group listed Item I106 - Group of commercial buildings - All numbers, The Corso and sits within the C2 - Manly Town Centre Conservation Area. It is also within the vicinity of a number of heritage items:</p> <p>Item I110 - New Brighton Hotel - 69–71 The Corso</p> <p>Item I233 - Commercial and residential building - 12 Sydney Road</p> <p>Item I104 - Street trees - The Corso (from Whistler Street to Sydney Road)</p>
	Details of heritage items affected
	<p>Details of the heritage items as contained within the Manly Heritage inventory are as follows:</p> <p>Item I106 - Group of commercial buildings <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.</p> <p>C2 - Manly Town Centre Conservation Area <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</p>

Internal Referral Body	Comments																		
	<p>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</p> <p>Item I110 - New Brighton Hotel <u>Statement of significance</u> This building is an example of exotic Egyptian-like motifs and Inter-war Free Classical style. The hotel is of major significance due to its contribution to the streetscape, its visual/textural interest and its association with early 20th century development of the resort. An unusual design utilising exotic Egyptian-like motifs appropriate to the resort location such as columns faintly reminiscent of the Brighton Pavilion. The building is an important feature on the corner of Sydney Rd and the Corso and its eclectic design contributes to the rich collection of architectural styles in the streetscape of the Corso.</p> <p>Item I233 - Commercial and residential building <u>Statement of significance</u> The building reflects its former use as a fire station. It has a strong presence in the Sydney Road streetscape and contributes to the overall cultural heritage significance and character of the Town Centre Conservation Area.</p> <p>Item I104 - Street trees <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.</p> <table border="1" data-bbox="528 1608 1433 2078"> <thead> <tr> <th colspan="3" data-bbox="528 1608 1433 1641">Other relevant heritage listings</th> </tr> </thead> <tbody> <tr> <td data-bbox="528 1641 858 1749">SEPP (Biodiversity and Conservation) 2021</td> <td data-bbox="858 1641 951 1749">No</td> <td data-bbox="951 1641 1433 1749"></td> </tr> <tr> <td data-bbox="528 1749 858 1823">Australian Heritage Register</td> <td data-bbox="858 1749 951 1823">No</td> <td data-bbox="951 1749 1433 1823"></td> </tr> <tr> <td data-bbox="528 1823 858 1897">NSW State Heritage Register</td> <td data-bbox="858 1823 951 1897">No</td> <td data-bbox="951 1823 1433 1897"></td> </tr> <tr> <td data-bbox="528 1897 858 1968">National Trust of Aust (NSW) Register</td> <td data-bbox="858 1897 951 1968">No</td> <td data-bbox="951 1897 1433 1968"></td> </tr> <tr> <td data-bbox="528 1968 858 2078">RAIA Register of 20th Century Buildings of Significance</td> <td data-bbox="858 1968 951 2078">No</td> <td data-bbox="951 1968 1433 2078"></td> </tr> </tbody> </table>	Other relevant heritage listings			SEPP (Biodiversity and Conservation) 2021	No		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	
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Internal Referral Body	Comments		
	Other	No	
	Consideration of Application		
	<p>The proposal seeks consent for alterations and additions to the approved development application to retain the three approved retail tenancies but reconfigure the shopfront design and internal layouts/fit-outs of approved Retail 2. The Existing sprinkler booster is proposed to be relocated to rear of the building, facing Market Place. The proposed full glazed shopfront is considered to be unsympathetic to the heritage context of the site. The proposal should revise the shopfront treatment to comply with the controls of the related parts of Manly DCP 2013, specifically Schedule 6 - The Corso: Site Specific Controls, which require the following for 63-67 The Corso: :</p> <ul style="list-style-type: none"> • <i>re-paint façade to highlight the Art Deco detailing.</i> • <i>reconstruct ground floor shops as opportunity arises.</i> <p>It is also required in the Manly DCP 2013 - Special Character Areas and Sites - 5.1.2 The Corso:</p> <p><i>5.1.2.13 Shop-fronts are to be Reinstated</i></p> <p><i>a) Where shop-fronts have been removed and replaced with shuttered openings, the reinstatement of shop-fronts is supported for aesthetic and historic reasons. New Shuttered openings will not be permitted.</i></p> <p><i>b) New shop-fronts should comprise a 'frame' established by masonry ends read as vertical continuations of the façade above, and by a solid horizontal plinth between the ground and the window sill. The design of the space within this frame can reflect the use of the premises, and utilise contemporary design. See Figure 51 - Shop-fronts within a masonry frame.</i></p> <p>The internal reconfigurations are considered acceptable, however, the new shopfront design is required to be reconfigured to comply with the above controls.</p> <p>Revised Comments - 10 April 2025</p> <p>Amended drawings, received on 08 April 2025, provide improvements to the proposed shopfront design by reinserting the approved plinth to the shopfront and aligning the existing column (at the center of the front elevation) with the plinth and the existing side walls. However, the proposed paint colour - Dulux Domino SG6G8 Weathershield Matt - to the shopfront walls is not acceptable from a heritage perspective. While, within the Town Centre Conservation Area, the majority of contemporary colours are not discouraged, dark colours, such as black and dark grey, are not acceptable and the acceptable colours should be combined in a complementary way.</p> <p>Therefore, no objections are raised on heritage grounds, subject to</p>		

Internal Referral Body	Comments
	<p>one condition.</p> <p><u>Consider against the provisions of CL5.10 of Manly LEP 2013.</u></p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p>
Traffic Engineer	<p><u>Proposal description:</u> Use of premises as a takeaway food and drink premises, including alterations and additions and signage</p> <p>The proposal is for the alteration of the existing site to accommodate the Get Sashimi Takeaway Restaurant.</p> <p>The proposed hours of operation are from 6 AM to 10 PM, seven days a week. The estimated number of staff is between 5 and 10. The maximum seating capacity proposed is 4 on the ground level and 16 on the mezzanine level, totalling 20 seats.</p> <p>The land is zoned E1 Local Centre under Manly Local Environmental Plan 2013 (LEP). One of the objectives of the zone is to maximise public transport patronage and encourage walking and cycling.</p> <p>The Traffic and Parking Assessment (Ref: 25023, Issue A), prepared by ttpa in February 2025, along with the Master Set of plans created by LITECO STUDIO on April 7, 2025, the Plan of Management drafted by LITECO STUDIO on November 21, 2024, and the Statement of Environmental Effects (SEE) for project No. 2024048, prepared by Hamptons, have all been reviewed by the Traffic team. Development consent was granted for Alterations and additions to a commercial premise (DA2023/0849) by Council on 22 November 2023. Consent was granted for the approved plans and waste management plan and provided a series of conditions in relation to the construction of the works within the building. The consent also imposed two relevant conditions of consent for Retail Tenancy 02 (the subject of this application), being</p> <ul style="list-style-type: none"> • use of the premises being permitted for a shop only such that any use beyond a shop requires a new development application to Council (Condition 4), and • a limitation on trading hours between 6:00am and 10:00pm, Monday to Sunday (Condition 26). <p><u>Parking rates/requirements:</u></p> <ul style="list-style-type: none"> • The proposal does not contain any car spaces, discouraging private car use and encouraging active and public transport. • The site is located within the Manly local commercial centre and has excellent access to public transport. Bus stops and the ferry wharf are located within close walking distance. Therefore, the Council considers exceptions to the parking rate/requirements required in the DCP for the proposal, allowing future customers of the Sashimi

Internal Referral Body	Comments
	<p>Takeaway Restaurant to visit without the need for car parking.</p> <ul style="list-style-type: none"> • Loading bays must be provided in sufficient numbers to meet anticipated demand. This demand is related to the total amount of floor space, the intensity of use and the nature of the activity. The proposal is not expected to require deliveries in large quantities, rendering a loading bay unnecessary. • According to the Plan of Management report, delivery vehicles will use the on-street loading and parking spaces available along Market Lane, Sydney Road, and Central Avenue, as per the current arrangement. Staff will transport all generated waste to the existing waste storage room using mobile devices. The traffic report also indicates that if service vehicles need access to the site, they can park in the empty bus bays or in the designated light vehicle parking areas, consistent with existing conditions. <p><u>Traffic and pedestrian impacts:</u></p> <ul style="list-style-type: none"> • The existing signage will be removed and replaced with the proposed one. The installation of the proposed signage would comply with the 2.5m clearance from the ground and would be outside the clear zone to any road users/infrastructure. No safety concern is expected to be imposed by the proposed signage. • During the installation of the proposed signage, there would be some impacts on pedestrian and cyclist activity in the vicinity of the proposal. This needs to be detailed in the Construction Traffic Management Plan (CTMP). <p><u>Conclusion</u></p> <p>The traffic team has no objection to the proposal in principle, and it can be supported subject to conditions regarding the preparation and implementation of a Construction Traffic Management Plan.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs 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 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 (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Industry and Employment) 2021

Section 3.6 and 3.11 of Chapter 3 require Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

The objectives of this chapter 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 5 of Chapter 3, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or	The proposal has been designed to maintain the existing character and	YES

desired future character of the area or locality in which it is proposed to be located?	desired future character of the area and locality.	
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal will be consistent with the theme for outdoor advertising in the area or locality.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal does not 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.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The proposal does not obscure or compromise important views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal does not dominate the skyline and reduce the quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposal respects the viewing rights of other advertisers.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is of a scale, proportion and form which will maintain the current character to the streetscape. It is considered appropriate for the commercial character of the area.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will contribute to the visual interest of the site, streetscape and landscape in context of its local centre zoning.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage will not cause clutter. The signage will be replacing the existing signage with one small Fire Booster Location sign.	YES
Does the proposal screen unsightliness?	The proposal does not screen unsightliness.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage meets the existing shopfront and does not extend beyond the built form.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage will be constructed on the existing signage structures and has been designed to be compatible with the site characteristics.	YES
Does the proposal respect important features of the site or building, or both?	The proposal respects the important features of the building, specifically the heritage significance of the site.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed business identification signage will compliment the proposed business usage of the site.	YES

<p>6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>The proposed signage is to be constructed to the existing signage structures of the building. All fixtures have been designed to be compatible with the proposed signage.</p>	<p>YES</p>
<p>7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?</p>	<p>A condition applies to this application, eliminating unacceptable glare and complying with relevant standards to not adversely affect the safety of pedestrians or vehicles, nor impact on the amenity of surrounding residential accommodation.</p>	<p>YES</p>
<p>Can the intensity of the illumination be adjusted, if necessary?</p>	<p>The brightness level of the display may be adjusted if necessary.</p>	<p>YES</p>
<p>Is the illumination subject to a curfew?</p>	<p>The signs will only operate in conjunction with the hours or operation of the premises.</p>	<p>YES</p>
<p>8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?</p>	<p>The signage will not affect the safety for any public road, pedestrians or bicyclists.</p>	<p>YES</p>
<p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>The signage will not affect the safety by obscuring sightlines from public areas.</p>	<p>YES</p>

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

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - iv) foreshores,
 - v) the visual amenity and scenic qualities of the coast, including coastal headlands,

Aboriginal cultural heritage, practices and places,
cultural and built environment heritage, and

- b) is satisfied that:
 - i) the development is designed, sited and will be managed to avoid an
 - ii) adverse impact referred to in paragraph (a), or
 - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

Council is satisfied the proposed development is appropriately designed and sited in a manner that avoids adverse impact to the coastal use area.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

Council is satisfied the proposed development will not cause an increased risk of coastal hazards on the site or surrounding land.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

All relevant provisions of applicable certified coastal management programs have been considered as part of the assessment of the application.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 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 sub-section 4.6 (1) (b) and (c) of this Chapter and the land is considered to be suitable for the commercial land use.

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

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	10m	No change	N/A	N/A
Floor Space Ratio	FSR: 2.5:1	No change	N/A	N/A
Gross floor area in certain areas	25% Commercial GFA, maximum 1000sqm per premises	No change	N/A	N/A

There are no changes to the existing Principal Development Standards of Manly LEP under this application.

Compliance Assessment

Clause	Compliance with Requirements
3.1 Exempt development	Yes
4.3 Height of buildings	N/A
4.4 Floor space ratio	N/A
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
6.1 Acid sulfate soils	Yes
6.9 Foreshore scenic protection area	Yes
6.11 Active street frontages	Yes
6.12 Essential services	Yes
6.13 Design excellence	Yes
6.16 Gross floor area in Zone B2	Yes
Schedule 5 Environmental heritage	Yes

Detailed Assessment

4.3 Height of buildings

There are no changes to the approved building height of the subject site under this application. Therefore, this clause is not applicable.

4.4 Floor space ratio

There are no changes to the approved floor space ratio of the subject site under this application. Therefore, this clause is not applicable.

5.10 Heritage conservation

This clause provides that the consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

Comment:

The proposed development facilitates the conservation and restoration of the heritage-listed Item I106 - Group of commercial buildings and C2 - Manly Town Centre Conservation Area (per Schedule 5 of the Manly LEP 2013).

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

Comment:

The proposed development has been referred to Council's Heritage Officer who has determined that a Conservation Management Plan is not required for this development. Although, a Heritage Impact Statement was required and has been submitted. Council's Heritage Advisor has reviewed the application and Heritage Impact Statement and has raised no objections to the proposal, subject to conditions of consent, which have been included in the recommendation of this report.

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

Comment:

Council's Heritage Advisor has advised in the referral response located under the 'referrals' subheading of this report that a Conservation Management Plan is not required with this application. Council's Heritage Advisor has reviewed the Heritage Impact Statement provided and raised no objections to the proposal with one condition of consent.

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

Comment:

The proposed development aims to conserve and enhance the heritage significance of the Item I106 and its setting. Further, as above, Council's Heritage Advisor has reviewed the application and has raised no objections to the proposal, subject to conditions of consent.

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

Comment:

The proposed development is acceptable in relation to amenity, as detailed in the section of this report relating to Part 3 General Principles of Development of the Manly DCP 2013.

5.21 Flood planning

Under this clause, development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Comment:

The application has been referred to Council's Flood Engineer, who has reviewed the development in relation to the above matters. The Engineer is supportive of the works, subject to conditions of consent, which have been included in the recommendation of this report. Accordingly, the development is satisfactory with respect to the above matters at (a) through (e).

In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters:

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Comment:

The application has been referred to Council's Flood Engineer, who has reviewed the development in relation to the above matters. The Engineer is supportive of the works, subject to conditions of consent, which have been included in the recommendation of this report. Accordingly, the development is satisfactory with respect to the above matters at (a) through (d).

6.9 Foreshore scenic protection area

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:

- (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,*
- (b) measures to protect and improve scenic qualities of the coastline,*
- (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,*
- (d) measures to reduce the potential for conflict between land-based and water-based coastal activities.*

Comment:

The subject site is within the foreshore scenic protection area and isforeshore land. The proposed development:

- does not unreasonably impact upon the visual amenity of the foreshore and surrounds, and does not result in view loss from a public place to the foreshore,
- is not closely visible from the coastline, so does not impact upon its scenic quality,
- is suitable in its site context, and
- does not result in conflict between land-based and water-based coastal activities.

6.12 Essential services

Under this clause, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

Comment:

The subject site is supplied with the above essential services. The proposed development retains and relies upon these services.

6.13 Design excellence

Under this clause, development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

In considering whether development exhibits design excellence, the consent authority must give consideration to whether the development—

- (a) contains buildings that consist of a form, bulk, massing and modulation that are likely to overshadow public open spaces, and*
- (b) is likely to protect and enhance the streetscape and quality of the public realm, and*
- (c) clearly defines the edge of public places, streets, lanes and plazas through separation, setbacks, amenity, and boundary treatments, and*
- (d) minimises street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access, and*
- (e) encourages casual surveillance and social activity in public places, streets, laneways and plazas, and*
- (f) is sympathetic to its setting, including neighbouring sites and existing or proposed buildings, and*
- (g) protects and enhances the natural topography and vegetation including trees, escarpments or other significant natural features, and*
- (h) promotes vistas from public places to prominent natural and built landmarks, and*
- (i) uses high standards of architectural design, materials and detailing appropriate to the building type and location, and*
- (j) responds to environmental factors such as wind, reflectivity and permeability of surfaces, and*
- (k) coordinates shared utility infrastructure to minimise disruption at street level in public spaces.*

Comment:

The development for the use of premises as a take away food and drink premises including alterations and additions and signage does not impact upon the structure or overall design of the building. The proposed facade changes are consistent with the streetscape requirements of the MDCP 2013. The proposed signage is assessed as acceptable. The proposal does not otherwise alter the design excellence of the existing building in relation to the matters above.

6.16 Gross floor area in Zone B2

This clause requires that:

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.

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 1,000 square metres.

Comment:

The subject site is zoned E1 Local Centre. The proposed development does not impact upon the existing gross floor area within the building. However, for the purposes of addressing this clause, the subject site is wholly comprised of commercial floor space, and the site does not contain any retail premises of greater than 1,000sqm.

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 515sqm	Requirement	Proposed	% Variation*	Complies
4.4.3 Signage				
4.4.3.1 (a) Maximum Number of Signs	Max. 2 signs per frontage	The Corso: 1x fascia sign 1x under awning sign 1x flush wall sign	50%	No
		Market Place: no signs proposed	N/A	Yes
4.4.3.3 (e) Under-Awning Signs (Proposed 'sign B' Sign)	Max. 2 signs, 4m apart Min. 3m from other underawning signs Min. 2.6m above ground Max. 2.5m length Not project beyond awning Max. 400mm width Max. 500mm depth Right angle to awning Fixed with 50mm supports	replacing existing under awning sign	N/A	N/A
4.4.3.3 (h) Flush Wall Signs	Must not extend beyond wall	Does not extend beyond or above wall	N/A	Yes
	Must not project above wall			

(Proposed 'sign C' Sign)	Max. area 3 x height above ground (1.5sqm)	0.1sqm	N/A	Yes
4.4.3.3 (i) Fascia Signs (Proposed 'sign A' Sign)	Must not project above or below fascia	fixed to existing fascia	N/A	N/A
	Must not extend more than 300mm from fascia end of awning	fixed to existing fascia	N/A	N/A
	Must not extend within 600mm of kerb	No adjacent kerb	N/A	Yes

The proposal seeks approval for internal fitout works, including upgrade to the existing shop front and rear door/ sprinkler booster, and provision of new signage. The alternate built form controls of Manly DCP will remain unchanged.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.2 Heritage Considerations	Yes	Yes
3.8 Waste Management	Yes	Yes
4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor	No	Yes
4.2.5 Manly Town Centre and Surrounds	Yes	Yes
4.2.5.1 Design for Townscape	Yes	Yes
4.2.5.2 Height of Buildings: Consideration of Townscape Principles in determining exceptions to height in LEP Zone B2 in Manly Town Centre	Yes	Yes
4.2.5.3 Security Shutters	Yes	Yes
4.2.5.4 Car Parking and Access	Yes	Yes
4.2.5.6 Late Night Venues	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.3 Signage	No	Yes
5 Special Character Areas and Sites	Yes	Yes
5.1.1 General Character	Yes	Yes
5.1.2 The Corso	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

Detailed Assessment

3.2 Heritage Considerations

See Clause 5.10 Heritage conservation for a detailed assessment. In summary, Council's Heritage Advisor has raised no objections to the proposal subject to one condition of consent. Therefore, the application is considered to comply with Clause 3.2 Heritage Considerations and not result in any unreasonable impacts to the heritage item.

4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including

B6 Enterprise Corridor

Schedule 3 of the MDCP requires Take Away Food and Drink Premises to provide 1 parking space for every 40 sqm of gross floor area.

Based on the existing floor space (203.18m²), 5.08 or 6 car spaces will be required.

When considering the proposal on merit, it is important to note that providing car parking on the subject site is unfeasible due to the need to significant alteration that would be required of the existing building to facilitate parking. The subject site is unable to provide on-site car parking and it would be unreasonable to request parking to be provided. However, the site is conveniently located to alternate modes of transport, including regular bus routes and ferries at Manly Wharf. It is not unreasonable to expect that the majority of patrons to the premises would like arrive using these modes of transport. Alternatively, car parks exist in the Manly Town Centre that provide patrons who arrive by private vehicle to park their car and walk to the premises.

Overall, the proposed change of use is not considered to result in any significant traffic or parking generation. In this regard, Council can be satisfied that the proposed take away food and drink premises will not result in adverse traffic generation or parking demand from the existing use.

4.4.3 Signage

Description of non-compliance

Control 4.4.3.1 *Controls for all Development Types* states:

Maximum number of Signs

a) In relation to shopfronts, a maximum of 2 identification signs will be permitted per frontage (for example 1 fascia and 1 hamper sign), in any 2 of the following preferred locations:

- *Under awning;*
- *Awning fascia;*
- *A transom sign above the door or shopfront (top hamper);*
- *Inside the display window;*
- *Below the window sill; and*
- *Flush wall signs.*

This proposal is non-compliant with the above control. The application proposes 3 business identification signs including one fascia sign, one under awning sign and one flush wall sign.

Therefore, due to the non-compliance with the maximum number of signs, a merit assessment has been conducted against the objectives of the control below.

Merit consideration:

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

Comment:

The business identification signage proposed along the shopfront is to replace the existing in the same locations and will not detract from the scenic beauty and amenity of the Municipality. The proposed fire

booster location sign is considered to be acceptable for the use of services signage. The signage will compliment the use of the proposed premises and thus, harmonises with the current building and the variety of uses along The Corso.

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

Comment:

As detailed above, the proposed signage will replace the existing in the same location with the inclusion of one additional flush wall sign for the fire booster location. In this instance, the number of signs will not be unnecessary or cause visual clutter and confusion along The Corso.

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

Comment:

The proposed business identification signage and service sign will communicate the facilities, amenities, goods and services without interfering with the streetscape or amenity of residents.

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

Comment:

The proposed signage will be commensurate with the urban character of the Manly locality. In this instance, there is no distinct change to the urban character of The Corso or scenic amenity of the Manly locality. Furthermore, as the LCD advertising sign will be located within the tenancy, there is no change to the external fabric of the building. The proposed changes to the external signage of the building are designed in sympathy with the current facade and will compliment the architectural styles and finishes to The Corso.

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

Comment:

As detailed above, the proposed signage does not detract from the presentation of the heritage item or area to the general public on heritage items and conservation areas

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

Comment:

The proposed signage is of a high quality design and provides clear advertising and business identification for the purposes of the food and drink premises.

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

Comment:

Not applicable. The subject site is located within the E1 Local Centre (previously known as the B2 Local Centre) Zone.

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

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 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$5,055 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$505,450.

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 2021;
- 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 DA2025/0155 for Use of premises as a take away food and drink premises including alterations and additions and signage on land at Lot 1 SP 67337, 1 / 63 - 67 The Corso, MANLY, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
S005.1	C	Legends- Finishes	LITECO Studio	26/02/25
S005.2	C	Legends- Finishes	LITECO Studio	
P101	D	Existing Plan	LITECO Studio	
P102	F	Demolition Plan	LITECO Studio	26/02/2025
P103	M	Proposed Plan	LITECO Studio	07/04/2025
P103.1	J	Layout Plan- Ground Level	LITECO Studio	26/02/2025
P103.2	F	Layout Plan- Mezzanine Level	LITECO Studio	26/02/2025
E101.2	D	South Elevation- Demolition	LITECO Studio	26/02/2025
E101.3	F	South Elevation- Proposed	LITECO Studio	01/04/2025

E102	E	Shopfront Elevations	LITECO Studio	26/02/2025
E103	G	Shopfront Elevations	LITECO Studio	07/04/2025
E104	J	Shopfront Elevations	LITECO Studio	07/04/2025
E105	E	Elevations and Sections	LITECO Studio	26/02/2025
E106	E	Elevations and Sections	LITECO Studio	26/02/2025
E107	C	Elevations and Sections	LITECO Studio	26/02/2025
E108	C	Elevations and Sections	LITECO Studio	26/02/2025
E109	D	Elevations and Sections	LITECO Studio	26/02/2025
D401	F	Signage	LITECO Studio	05/03/2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
PLAN OF MANAGEMENT	-	LITECO studio	21 November 2024
Traffic & Parking Assessment	A	Transport and Traffic Planning Associates	February 2025
WASTE MANAGEMENT PLAN	-	LITECO studio	07 February 2025
HERITAGE IMPACT STATEMENT	-	Touringthepast	5 February 2025
Flood Assessment	-	WMS	3 February 2025
Building Code of Australia Capability Report	02	InCode Solutions	18 December 2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and

requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	10/03/2025

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a food and drink premises, in accordance with the Dictionary of the Manly Local Environmental Plan 2013.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

4. **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 Certifier 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 Certifier 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 Certifier 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.

5. 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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) 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.
- (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

- (e) 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.
- (f) 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.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) 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.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) 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.

- (m) 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.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

6. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$5,054.50 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$505,450.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

7. **Security Bond**

A bond (determined from cost of works) of \$2,000 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 Certifier prior to the issue of the Construction Certificate.

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

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

8. **National Construction Code (BCA) upgrade requirements and Fire Safety upgrade**

The National Construction Code works and fire upgrading measures to upgrade the building as detailed and recommended in the Building Code of Australia Capability Report prepared by Incode Solutions, dated 18/12/2024, Report Ref No. 2023080 are to be considered as part of the assessment of the Construction Certificate.

Details demonstrating compliance are to be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, Access & Fire Safety for building occupant health & safety.

9. **Building components and structural soundness**

B1 - All new development below the Flood Planning Level of 5.84m AHD shall be designed and constructed from flood compatible materials.

B2 - All new development must be designed to ensure structural integrity up to the Flood Planning Level of 5.84m AHD, taking into account the forces of floodwater, debris load, wave action, buoyancy and immersion.

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 5.84m AHD, protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

10. **Construction Traffic Management Plan**

a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencement of works. The CTMP to detail how impacts on pedestrian and cyclist safety and amenity will be managed during the installation of the signage.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: <to ensure pedestrian and cyclist safety are appropriately managed> (DACTRDPC1)

11. **External colour scheme**

The proposed paint colour - Dulux Domino SG6G8 Weathershield Matt - to the shopfront walls is not acceptable within the Town Centre Conservation Area. A revised colour scheme should be submitted to the Council's Heritage Advisor for approval prior to the issue of the Construction Certificate.

Reason: To ensure the external colour scheme is complementary to the heritage item and the Heritage Conservation Area.

12. **Plans of Kitchen Design, construction and fit out**

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 Principle certifier. 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 premises complies with the design construction and fit-out requirements.

13. 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 Certifier prior to the issue of the Construction Certificate.

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

DURING BUILDING WORK

14. During the course of demolition and building works

All construction vehicles associated with the development must obtain a permit from Council on a daily basis, for access into pedestrian only areas. E.g. The Corso and Sydney Road Plaza.

Reason: To manage and minimise disruption to the area.

15. Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

16. Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)];
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

17. Survey Certificate

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all

perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

18. **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 Certifier.

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

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

19. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

20. **Notice of food business**

Before the issue of an occupation certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.

Reason: To enable council to ensure compliance with the consent when the business is operating.

21. **Registration with regulatory authority**

The business must be registered with the appropriate regulatory authority, prior to the Occupation Certificate being issued.

Reason: Legislative requirement.

22. **Building Components and Structural Soundness**

B2 - A suitably qualified structural engineer is to certify the structural integrity of the new development up to the Flood Planning Level of 5.84m AHD. The depth, velocity, debris load, wave action, buoyancy and immersion must all be considered.

B3 - A suitably qualified electrician or contractor is to certify that all new and existing electrical equipment, power points, wiring and connections are located above the Flood Planning Level of 5.84m AHD, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

23. **Waste Disposal Verification Statement**

On completion of demolition work:

- a signed statement must be submitted to the Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and
- if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Certifier within 14 days of completion of the demolition work.

Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

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

Prior to the issuing of any occupation certificate, certification is to be provided to the Principal Certifier by a suitably qualified person demonstrating 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.

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

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

25. **Deliveries and waste service collections**

Deliveries and waste service collections shall only occur after 6am and prior to 10pm on any day.

Reason: Reason: To minimise the impacts of noise on neighbouring premises.

26. **Graffiti removal**

During ongoing use of the premises, ensure graffiti is removed from the exterior of the building or associated structures, including any fences, site services and retaining/planter bed walls.

Reason: To ensure the safe operation of the premises and to protect the amenity of adjoining premises and the surrounding area.

27. **Hours of Operation - Shop (Retail 02)**

The hours of operation for the Shop (Retail 02) are to be restricted to:

- Monday to Sunday – 6am - 10pm.

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.

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

Signed



Lachlan Rose, Planner

The application is determined on 17/04/2025, under the delegated authority of:



Peter Robinson, Manager Development Assessments