

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2025/0184
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<b>Responsible Officer:</b>	Lachlan Rose
<b>Land to be developed (Address):</b>	Lot 910 DP 875567, 31 The Corso MANLY NSW 2095
<b>Proposed Development:</b>	Use of Premises as a recreation facility (indoor) and associated internal alterations and signage
<b>Zoning:</b>	Manly LEP2013 - Land zoned E1 Local Centre
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Applicant:</b>	Complete Trade Pty Ltd

<b>Application Lodged:</b>	27/02/2025
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	11/03/2025 to 25/03/2025
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 247,500.00
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### PROPOSED DEVELOPMENT IN DETAIL

The development is described as the use of Premises as a recreation facility (indoor) and associated internal alterations and signage.

The proposal includes:

#### Demolition works

- internal demolition to facilitate the internal fitout

#### Ground floor

- New reception area.

- 3 x Pilates rooms.
- Female toilet converted to unisex facility.
- Storage areas
- external fabric awning

## Signage

- 1 x business identification signage sign to existing glazed door
- 1 x 2400h x 3300w local art graphic board to match adjacent tenancy fixed to existing tiled façade using the existing fixing points.

## Hours of operation

Monday- Friday: 6:00am to 8:00pm

Saturday- Sunday: 6:00am to 6:00pm

A condition of consent applies to this application under *Amendments to the approved plans* to remove the proposed mural/ painted graphic board signage 2400H X 3300W. After concerns were raised to the applicant regarding Council's Heritage Officer's referral response, the applicant submitted an email requesting to remove the mural/ graphic board works via a condition of consent. See Council's Heritage Officer's comments under the 'referrals' subheading of this report for further information on the request for removal of the mural.

## Application Delegation

Delegation was given by Local Planning Panel (LPP) on the 5th of February 2025, allocating the functions of the LPP to Council's Chief Executive Officer, Director Planning and Place and Executive Manager Development Assessment under Part 4 of the Environmental Planning and Assessment Act 1979 in relation to applications where;

The demolition of a heritage item, and the works (including removal or pruning of trees):

- a. will have no more than a minimal impact on the heritage integrity of the item, and
- b. Council's heritage advisor supports the proposal

This application has been considered to have no more than minimal impact on the heritage integrity of the item and is supported by Council's heritage advisor. Therefore, as delegated by the LPP, the application may be determined by Council's Executive Manager Development Assessment.

## 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 - 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 - 4.2.5.4 Car Parking and Access  
 Manly Development Control Plan - 4.4.4.1 Awnings in LEP B1 and B2 Business Zones

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 910 DP 875567 , 31 The Corso MANLY NSW 2095
<b>Detailed Site Description:</b>	<p>The subject site consists of part of one allotment located on the north-western side of The Corso, Manly.</p> <p>The site is regular in shape with a frontage of 23.54m along The Corso and Market Place frontages and a depth of 29.26m. The site has a total area of approximately 688.78m<sup>2</sup>.</p> <p>The site is located within the E1 Local Centre zone and accommodates a two-storey commercial development. The subject site forms part of the heritage listed Item 108 Group of Commercial Buildings and is located within the Town Centre Conservation Area.</p> <p>The site is level and does not contain any vegetation.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by two-, three- and four-storey commercial and mixed use developments.</p>

Map:

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- ## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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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&amp;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&amp;A Regulation 2021 allow Council to request additional information. No additional information was requested.</p> <p><u>Clause 61</u> of the EP&amp;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&amp;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&amp;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&amp;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 and economic impacts in the locality	<p><b>(i) Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p><b>(ii) Social Impact</b> The proposed development will not have a detrimental social impact</p>



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

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 11/03/2025 to 25/03/2025 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:
Iris Capital	Suite 404 203-233 New South Head Road EDGECLIFF NSW 2027

The following issues were raised in the submissions:

- Concerns regarding future noise complaints from the subject premises regarding the adjoining existing use of a food and drinks premises

The above issues are addressed as follows:

- Concerns for future noise complaints from the subject premises regarding the existing use of a food and drinks premises**

The submissions raised concerns that the subject premises may lodge future noise complaints due to the adjoining property being a licences food and drink premises which includes live music. Concerns are raised as to whether the subject premises has encompassed sufficient internal acoustic treatment to not result in future noise complaints.

Comment:

The proposed development is supported by an assessment of the National Construction Code of Australia and a Noise Impact Assessment, each prepared by a suitably qualified professional. The NCC assessment demonstrates that construction of the premises will be in accordance with the relevant requirements. The NIA demonstrates that the proposed development is capable of meeting the requirements of the EPA Noise Policy for Industry, subject to adherence to the recommendations made in the NIA report (which are enforced by way of recommended condition of consent). It is not the responsibility of the Applicant to ensure measures beyond those required by the National Construction Code and NIA to ameliorate noise generated by a separate premises.

Council cannot ensure that complaints from the subject site with respect to noise generated from the adjoining property will not be submitted in the future. Any future complaints will be investigated if and when they are made.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to 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 (Industrial)	<p><b>General Comments</b></p> <p>A pilates studio is proposed as part of this development. Accompanying the proposal documentation is an acoustic report.</p> <p>The acoustic report does not provide any site specific attended/unattended monitoring data to assist in establishing background levels.</p> <p>The report also speaks of identifying receivers who may be affected by noise from the proposed development, although it appears that only one receiver is identified, being the Ivanhoe Hotel. No other reference appears to have been made in consideration of other potential receivers.</p>

Internal Referral Body	Comments
	<p>It is also suggested in the report that an acoustic assessment be undertaken should be undertaken of the music system as an alternative to a nominated maximum SPL generated from a certain amount of speaker for each room.</p> <p>Without reliable, recent and relevant data, as well as more physical or measurable mitigation measures such as limiters, built form and design etc, Environmental Health does not support the proposal as there is not adequate assurance that offensive noise will not be generated by the development</p> <p><u>Updated comments 13/03/2025</u></p> <p>Further information has been supplied by way of an updated acoustic report. The report has been updated to provide recommendations to require input from an acoustic consultant prior to the installation of any other system if required, in addition to the installation of noise activated signage.</p> <p>The proposal is therefore supported with the recommendation of a number of conditions of consent.</p> <p><b>Recommendation</b></p> <p>Approval - subject to conditions</p>
NECC (Flooding)	<p>This proposal is for alterations and additions to an existing dwelling to convert it into a new indoor recreation facility. The proposal is assessed against Section 5.4.3 of the Manly DCP and Clause 5.21 of the Manly LEP.</p> <p>The proposal is located within the Medium and Low Flood risk precincts and has an FPL of 5.94m AHD.</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)	<b>HERITAGE COMMENTS</b>
	Discussion of reason for referral
	<p>The application has been referred to Heritage as the site is part a heritage item, being <b>Item I106 - Group of Commercial Buildings</b> - All numbers, The Corso; located in the <b>C2 - Manly Town Centre Heritage Conservation Area</b>; and in the vicinity of a number of heritage items:</p> <p><b>Item I109 - Group of Commercial Buildings</b> - 46–64 The Corso</p> <p><b>Item 108 - Group of commercial buildings</b> - 41–45 The Corso</p> <p><b>Item I104 - Street Trees</b> - The Corso (from Whistler Street to</p>



Internal Referral Body	Comments
	<p>Sydney Road)</p> <p><b>Item I113 - St. Matthew's Church and church hall</b> - 44 The Corso (corner The Corso and Darley Road)</p> <p><b>Details of heritage items affected</b></p> <p><b>I106 - Group of commercial buildings</b>  <u>Statement of significance:</u>  The streetscape and its special qualities are of major significance to the state. The Corso has important historical links to the development of tourism and recreation which is still present and likely to continue. It's role as the pedestrian link between harbour and ocean, city and sea - for the tourist, is fundamental to Manly's status as a resort.  <u>Physical description:</u>  The Corso is the NE-SW link between Manly Beach and Manly Cove. It acts as a low scale horizontal corridor which steps down from the harbour to the ocean. It has a cohesive character resulting from generally low scale of development on its principle streets, Construction to the property boundaries, slightly higher and distinctive corner buildings and a good level of pedestrian protection and amenity generated by footpath awnings and through-block arcades has produced strongly defined and comfortable urban spaces.</p> <p><b>C2 - Town Centre Heritage Conservation Area</b>  <u>Statement of significance:</u>  The Manly Town Centre Conservation Area (TCCA) is of local heritage significance as a reflection of the early development of Manly as a peripheral harbor and beachside village in the fledgling colony of New South Wales. This significance is enhanced by its role as a day-trip and holiday destination during those early years, continuing up to the present time, and its association with H G Smith, the original designer and developer of the TCCA as it is today. The physical elements of the TCCA reflect this early development and its continued use for recreational purposes, most notably the intact promenade quality of The Corso and its turn of the century streetscape, as well as key built element.</p> <p><b>I113 - St Matthews Church and church hall</b>  <u>Statement of Significance:</u>  The church is a well consistently detailed but sombre example of Interwar Gothic style. The interior detailing and fittings are of a high quality of design, exhibiting a contrasting lightness to the exterior. As this building is seen in the round, the spatial effect on the north eastern side is of significance and it makes an important landmark and identifies the junction of the Corso with Darley Road. It makes a major contribution to the Corso.  <u>Physical Description:</u>  The building is Inter-War Gothic style with set back buttresses. The walls are dark purple/brown face brick on coursed rubble</p>

Internal Referral Body	Comments		
	<p>sandstone base. Window sills, heads and tracery, door architraves, copings and parapets are in ashlar sandstone. The main windows are in figurative stained glass by John Radecki set in mullions of sandstone in bas tracery style. The smaller windows are in patterned coloured glass. The roofs are slate with copper rainwater heads and downpipes. The front garden beds, flanking the sandstone entrance steps, are bordered with brick. These are thought to date from the 1864 church.</p> <p><b>I104 - Street trees</b> <u>Statement of significance:</u> Part of earliest planting on The Corso c.1850's by H.G. Smith. Historic and aesthetic importance to the streetscape. <u>Physical description:</u> Centre planting of Ficus Macrophylla (Moreton Bay Fig) Remnant Palm planting (Phoenix Canariensis) of 1928.</p>		
	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	
	Other	No	
	Consideration of Application		
	<p>The proposal seeks consent for new signage, internal fitout works and change of use of the subject tenancy within the building at Level 1 Suite 3 31 The Corso, Manly for a new indoor recreation facility (Pilates studio). The proposed works include minor demolition of elements within the tenancy to facilitate the new fitout. The proposed signage (Type A, Type B and Type C) is considered acceptable however, clarification is required for the description of the works as the Statement of Environmental Effects by CTA/GRP, submitted with this application, describes the proposed works (page 4) as "Ground Floor" fitout works, however the address of the tenancy is described as "Level 1". Furthermore, details of the proposed mural to the Market Lane facade are also required as murals that include advertising are not permitted within the Town Centre Conservation Area and along the laneways.</p>		
<p><b>Revised Comments - 31 March 2025</b></p> <p>Further information provided by the applicant in relation to the heritage concerns. The amended SEE to clarify the proposed</p>			

Internal Referral Body	Comments
	<p>works and an email, received on 27 March 2025, confirming the deletion of the proposed mural from the application resolved the heritage issues. Given the proposed works are for the first floor internal fitout works and do not involve any external works other than the replacement of the existing fire door with a new steel framed glazed door, the impact of the proposal upon the heritage items and the HCA is considered manageable.</p> <p>Therefore, no objections are raised on heritage ground and no conditions required.</p> <p><u>Consider against the provisions of CL5.10 of MLEP.</u> Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p>
Traffic Engineer	<p><b>Proposal description:</b> Use of Premises as a recreation facility (indoor) and associated internal alterations and signage The proposal is for the fit-out and use of a tenancy within the existing building at 31 The Corso as an indoor recreation facility. The application also includes new signage. The traffic team has reviewed the following documents:</p> <ul style="list-style-type: none"> <li>• Statement of Environmental Effects prepared by CTA Consulting dated 18 January 2025,</li> <li>• Plans (Master Set), Issue 04 – designed by LANE &amp; GROVE, dated 18/02/2025, and</li> <li>• Plan of Management drafted by Bodylove Pilates</li> </ul> <p>The building is a two-storey building presently occupied by the main tenant of Decathlon sports gear retailer. It has been formerly occupied by Woolworths, Meto, and the Commonwealth Bank. The classes will have a max of 27 participants, consisting of 24 clients and three (3) staff members on-site. The average occupancy is reported to be between 60 and 70 per cent, indicating approximately 17 to 20 people on-site. The proposed operating hours of the facility are as follows: Monday to Thursday from 6:00 AM to 8:00 PM, Friday from 6:00 AM to 6:30 PM, Saturday from 6:00 AM to 1:00 PM, and Sunday with sessions from 7:00 AM to 1:00 PM and from 4:00 PM to 6:00 PM. The proposed change of use application does not include any on-site parking provision.</p> <p><b><u>Parking requirements and design</u></b></p> <ul style="list-style-type: none"> <li>• The site is zoned E1 Local Centre under the Manly Local Environmental Plan 2013.</li> <li>• The proposal does not contain any car spaces, discouraging private car use and encouraging active and public transport.</li> </ul>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>The site is designed to support a pedestrian-dominant environment in the CBD. The Manly Centre features several pedestrian-friendly areas, providing high-quality public spaces and ensuring easy access to key locations such as the ferry wharf and the beach. The main pedestrian routes through the centre are along The Corso and Sydney Road, both of which are pedestrianised for much of their length. In 2016, the pedestrianised area of Sydney Road was extended westward to encompass the entire stretch between The Corso and Sydney Road. The footpaths adjacent to the roadways are well-constructed and generally in good condition, with pedestrian crossings available at most key points. Additionally, there is an established network of cycling routes that facilitate access within the centre.</li> <li>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, Council considers exceptions to the parking rate/requirements required in the DCP/Tfnsw Guide to Traffic Generating Development/ new Guide Transport Impact Assessment for the proposal, allowing future customers of the proposed recreation facility to visit without the need for car parking.</li> <li>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.</li> <li>As noted in the SEE, delivery vehicles will utilise the surrounding on-street loading parking spaces (as per the current arrangement) from Market Lane. Cleaning contractors will transport all generated waste to the existing waste storage room using mobile devices.</li> </ul> <p><b><u>Traffic and pedestrian impacts:</u></b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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).</li> </ul> <p><b><u>Conclusion</u></b></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</p>

Internal Referral Body	Comments
	implementation of a Construction Traffic Management Plan.

### 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 (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
<b>1. Character of the area</b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal will compliment the existing and desired future character of the area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with the theme of the advertising in the area.	YES
<b>2. Special areas</b> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The signage does not detract from the amenity or visual quality of the heritage/ heritage conservation areas.	YES
<b>3. Views and vistas</b> 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
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposal is appropriate in scale, proportion and form for the streetscape, setting and landscape.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal will contribute to the visual interest of the streetscape, setting or landscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal will reduce clutter by rationalising and simplifying existing advertising.	YES
Does the proposal screen unsightliness?	The proposal does not result in unsightliness.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal does not protrude above buildings, structures or tree canopies in the area or locality.	YES
<b>5. Site and building</b> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposal is compatible with the scale, proportion and other characteristics of the site on which the proposed signage is to be located.	YES
Does the proposal respect important features of the site or building, or both?	The proposal will respect the important features of the building.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal will adequately show innovation and imagination with relation to the site.	YES
<b>6. Associated devices and logos with advertisements and advertising structures</b> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	All signage will be business identification signage and will not comprise third party advertising.  The signage will not incorporate the listed structures as an integral part of the signage. One signage structure to the external entry to the rear is to have a wall light over to illuminate the sign and is considered acceptable.	YES
<b>7. Illumination</b> Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	There will be no adverse illumination from the wall light over the proposed sign type B. No other illumination is proposed.	YES
Can the intensity of the illumination be adjusted, if necessary?	The illumination may be adjusted if necessary.	YES
Is the illumination subject to a curfew?	The illumination is to only operate in conjunction with the hours of operation of the premises.	YES

<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The signage will not affect the safety for any public road, pedestrians or bicyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage will not affect the safety by obscuring sightlines from public areas.	YES

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 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?	
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
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes

Clause	Compliance with Requirements
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

#### Detailed Assessment

### **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 located in the C2 - Manly Town Centre Heritage 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 is in accordance with the Heritage Report submitted with the application. Council's Heritage Advisor has reviewed the application and Heritage Report, determining that no Conservation Management Plan is required. Council's Heritage Advisor has raised no objections to the proposal with no conditions of consent.

*(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 or Heritage Impact statement is not required with this application. Council's Heritage Advisor has raised no objections to the proposal with no conditions 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 - Group of Commercial Buildings and its setting. Further, as above, Council's Heritage Advisor has reviewed the application and has raised no objections to the proposal.

*(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 Flood Officer 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 Flood Officer 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 is not foreshore 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 facade changes, signage, hours of operation, and change of use, the proposed development 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
<b>4.4.3 Signage</b>				
4.4.3.1 (a) Maximum Number of Signs	Max. 2 signs per frontage	The Corso: 1x flush wall sign	N/A	Yes
		Market Place: 1x flush wall sign 1x mural wall	N/A	Yes
4.4.3.3 (h) Flush Wall Signs (Proposed 'type A' and 'type B' Sign)	Must not extend beyond wall	Does not extend beyond or above wall	N/A	Yes
	Must not project above wall			
	Max. area 3 x height above ground (1.5sqm)	>0.1sqm	N/A	Yes
<b>4.4.4 Awnings</b>				
4.4.4.1 Awnings in LEP B1 and B2 Business Zones	min height of 3.5m above ground	2.4m	31% (1.1m)	No

	development abuts pedestrian ways	fronting Market Place	N/A	Yes
	Aligned with adjoining awnings in height and width	consistent with step in building	N/A	Yes
	It can be demonstrated the specific need for protection of goods or from weather and sun	complies	N/A	Yes
	Through site links are not obscured; and where	complies	N/A	Yes
	Lighting under the awnings is provided for pedestrian safety and security	n/a	N/A	No

The proposal seeks approval for internal fitout works, including upgrade to the existing signage of the premises at the front and rear, replacement of the rear fire door and a new fabric awning to Market Lane. 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
4.2.5 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
4.4 Other Development (all LEP Zones)	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.3 Signage	Yes	Yes
4.4.4 Awnings	Yes	Yes
4.4.4.1 Awnings in LEP B1 and B2 Business Zones	No	Yes
4.4.4.2 Awning supported from the ground	Yes	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 with no conditions 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.

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

Schedule 3 of the MDCP does not specify a parking requirement for a recreation facility (indoor) and there is no proposed parking spaces on the subject site.

When considering the proposal on merit, it is important to note that providing off-street 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 recreation facility (indoor) will not result in adverse traffic generation or parking demand from the existing use.

#### **4.4.4.1 Awnings in LEP B1 and B2 Business Zones**

##### Detailed Assessment

The clause states that awnings area to be a minimum height of 3.5m above ground and that lighting under the awning is provided for pedestrian safety and security.

The fabric awning is proposed at 2.4m above ground, located below the existing stepped building facade and does not include lighting under the awning.

##### Merit Consideration

The proposed fabric awning is not significant is size and scale and will not protrude beyond the existing stepped building facade. The awning is constructed of a fabric material and will not detract from the existing character of the site. Council's Heritage Advisor as outlined under Internal Referrals within this report, has stated that the proposal is supported without conditions. The proposal is acceptable with regards to Clause 4.4.4.1 of Manly Development Control Plan 2013, and will be generally consistent with the streetscape.

#### **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 \$2,475 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$247,500.

## **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 DA2025/0184 for Use of Premises as a recreation facility (indoor) and associated internal alterations and signage on land at Lot 910 DP 875567, 31 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
DA_A01	03	EXISTING TENANCY PLAN	LANE&GROVE	18.02.2025
DA_A02	03	PROPOSED TENANCY PLAN	LANE&GROVE	18.02.2025
DA_A03	03	SIGNAGE ELEVATIONS - THE CORSO AND MARKET LANE FACADES	LANE&GROVE	18.02.2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Schedule of finishes	-	LANE&GROVE	18.12.24
Waste Management Plan	-	APPLICANT	21.02.2025
ACCESS REPORT	B	ERGON CONSULTING	03- Feb-25
NATIONAL CONSTRUCTION CODE REPORT	-	DESIGN RIGHT CONSULTING	15 January 2025
Noise Impact Assessment	01-B	Soundscape Acoustic Consultants	13/03/2025

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. 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 recreation facility (indoor), in accordance with the Dictionary of the Manly Local Environmental Plan 2013, as follows:

*recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building*



*or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.*

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.

### 3. 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.

#### 4. 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

### 5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$2,475.00 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 \$247,500.00.

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.

## 6. **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](http://www.northernbeaches.nsw.gov.au)).

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

## **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

### 7. **Building components and structural soundness**

B1 - All new development below the Flood Planning Level of 5.94m 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 5.94m 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 5.94m 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.

### 8. **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)

**9. Amendments to the approved plans**

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

- The proposed graphic signage board 2400H X 3300W is to be removed from the approved plans.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

**10. 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**

**11. 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.

**12. 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.

**13. 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.

**14. 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.

**15. 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

**16. 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.

**17. Certification of acoustic measures**

Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent.

Reason: To protect the amenity of the local area.

**18. 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 5.94m 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 5.94m 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.

**19. 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.

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

**20. Acoustic Requirements - On-going**

Compliance with the recommendations within the Acoustic Assessment by Soundscape dated 13/03/2025 reference number 3334-NI and any additional requirements at OC review stage.

Reason: To prevent a noise nuisance to any neighbouring residential receiver.

**21. Delivery Vehicles**

Delivery vehicles associated with the completed development are only permitted to drive, stand or park on The Corso and Sydney Road Plazas between the hours of 5am 11am Mondays to Fridays. There is no access on weekends or Public Holidays.

Reason: Compliance with Council's expectations within a pedestrianised area.

**22. 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.

**23. Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Friday: 6am-8pm
- Saturday & Sunday: 6am- 6pm

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**



The application is determined on 30/04/2025, under the delegated authority of:



**Peter Robinson, Manager Development Assessments**