

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2022/0640
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<b>Responsible Officer:</b>	Stephanie Gelder
<b>Land to be developed (Address):</b>	Lot B DP 321706, 70 The Corso MANLY NSW 2095
<b>Proposed Development:</b>	Change of Use to a health and wellness facility, associated fit out and alterations and additions
<b>Zoning:</b>	Manly LEP2013 - Land zoned B2 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>Owner:</b>	Nasus Investments Pty Ltd
<b>Applicant:</b>	Nasus Investments Pty Ltd

<b>Application Lodged:</b>	13/05/2022
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	09/06/2022 to 23/06/2022
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 90,420.00
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### PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the separation of the ground floor retail premises to create two separate premises. The rear tenancy fronting Rialto Lane seeks to change the use to a Recreation facilities (indoor) as detailed in the accompanied Statement of Environmental Effects. The proposed Recreation facility (indoor) involves the internal alterations and associated fitout. The front tenancy facing The Corso is to remain unchanged as a retail premises.

Specifically, the intended use of the recreation facilities (indoor) premises is for the purpose of infrared sauna facilities, ice bath, and a selection of curated retail products.

The proposed hours of operations are as follows:

- Monday to Sunday 7am - 9pm.

The premise will operate on most occasions with one staff member, however at peak times (between 4pm – 7pm) two staff members may share the workload in studio at one time.

## 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 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 - 4.2.5.4 Car Parking and Access

## SITE DESCRIPTION

<b>Property Description:</b>	Lot B DP 321706 , 70 The Corso MANLY NSW 2095
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the southern side of The Corso and northern side of Rialto Lane.</p> <p>The site is regular in shape with a frontage of 5.105m along The Corso and 5.11m along Rialto Lane. The site has a maximum depth of 29.88m and the site has a surveyed area of 224m<sup>2</sup>.</p> <p>The site is located within the B2 Local Centre zone from MLEP 2013 and accommodates a two storey commercial premises with retail premises on the ground floor and office premises on the first floor that is currently under construction as approved under REV2019/0075.</p> <p>The site is generally and the site contains no existing vegetation or landscaped area. There are no details of any</p>

threatened species on the subject site.

### Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by commercial and mixed use developments in the Manly Town Centre. The site is located in close proximity to the pedestrianised areas of The Corso, Rialto Square, and the adjoining walkway, Rialto Lane.

Map:



### SITE HISTORY

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

#### **DA0355/1994 & BA0375/1994**

Development Application and Building Application for Shop Fitout For Gift Shop.  
Approved on 9 September 1994.

#### **DA0359/95**

Development Application for Advertising Sign.  
Refused on 27 February 1996.

#### **DA0245/2001**

Development Application for Restaurant and Take Away Food Premises.  
Approved on 3 July 2001.

#### **PLM2018/0254**

Pre-Lodgement Meeting for Alterations and additions to the existing building.  
Meeting held 6 November 2018.  
The meeting notes concluded the following:

*The proposal is acceptable and may be supported subject to the submission of an access and traffic/parking report that provides sufficient justification.*

**DA2019/0351**

Development Application for Alterations and additions to retail and office premises.  
Refused on 2 October 2019.

**REV2019/0075**

Review of Determination of Application DA2019/0351 for Alterations and additions to retail and office premises.  
Approved on 2 April 2020.

**CC2021/0338**

Construction Certificate for Alterations and Additions to Shop / Office Building.  
Approved on 23 April 2021 by Northern Beaches Council.

**PCA2021/0081**

Notice of Commencement and Appointment of Principal Certifier Authority.  
Dated 23 April 2021.

**Application History**

Following the preliminary assessment of the application, Council requested that the applicant submit further information in relation to the proposed use under Manly Local Environmental Plan 2013 and amended Master Plans detailing the proposed Floor Space Ratio under Manly Local Environmental Plan 2013. Subsequently, the applicant provided an amended Statement of Environmental Effects, and amended Master Plans.

Council's Waste Officer requested further information in relation to the proposed Waste Management. The applicant provided additional information including a Building Management Plan and Waste Management Plan that was satisfactory to Council's Waste Officer.

The amended Statement of Environmental Effects, amended Master Plans, and Waste Management Report did not alter the environmental impact and therefore, the application was not required to be re-notified, in accordance with the Northern Beaches Community Participation Plan (CPP).

**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	See discussion on “Environmental Planning Instruments” in this report.
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) –	None applicable.

Section 4.15 Matters for Consideration	Comments
Provisions of any planning agreement	
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to the proposed land use under Manly Local Environmental Plan 2013, and the proposed Floor Space Ratio in accordance with Clause 4.4 Floor space ratio under Manly Local Environmental Plan 2013. Furthermore, Council's Waste Officer requested further information in relation to the Waste Management.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 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 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 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 98</u> of the EP&amp;A Regulation 2000 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> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</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>(i) <b>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>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p>



Section 4.15 Matters for Consideration	Comments
	<p>(iii) <b>Economic Impact</b></p> <p>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 development application has been publicly exhibited from 09/06/2022 to 23/06/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

## 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>Construction of a health and wellness facility for the purpose of an infrared sauna operation is satisfactory under the Public Health Act</p>

Internal Referral Body	Comments
	2010. Furthermore, we do not foresee any detrimental health amenity impacts (i.e. noise) arising from this operation. Because the land use is changing we recommend a condition be added to the consent for any future operational changes that include skin penetration and beauty salon practices. Please see the below condition.
Parks, reserves, beaches, foreshore	No objections to the proposed works.
Strategic and Place Planning (Heritage Officer)	<b>HERITAGE COMMENTS</b>
	Discussion of reason for referral
	<p>The proposal has been referred to heritage as the subject property is a part of a heritage item, in the vicinity of a number of heritage items and within the Manly Town Centre Conservation Area and The Corso.</p> <p><b>Item C2 - Town Centre Heritage Conservation Area</b></p> <p><b>Item I106 - Group of commercial buildings</b> - All numbers, the Corso</p> <p><b>Item I108 - Group of commercial buildings</b> - 41-45 The Corso</p> <p><b>Item I109 - Group of commercial buildings</b> - 46-64 The Corso</p> <p><b>Item I104 - Street Trees</b> - The Corso (from Whistler Street to Sydney Road)</p>
	Details of heritage items affected
	<p>Details of these heritage items, as contained within the Manly Heritage Inventory, are:</p> <p><b>Item 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 elements such as hotels, and remaining original commercial and small scale residential buildings.</p> <p><b>Item 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</p>

Internal Referral Body	Comments
	<p>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><b>Physical description:</b> The Corso acts as a low scale horizontal corridor which steps down from the harbour to the ocean. The atmosphere of The Corso is of a 19th century place. Its special qualities include the contrasts of horizontal (low scale architecture) and vertical (planting) dimensions, and urban and natural elements.</p> <p><b>Item I108 - Group of commercial buildings</b> <u>Statement of Significance:</u> The group is of major significance for its contribution to the streetscape of The Corso and as extant 19th century commercial architecture. <u>Physical Description:</u> Group of (originally) five two storey brick buildings with painted stone face and mixture of slate, iron and tiled roofs. The buildings were originally constructed as a symmetrical group: the two end buildings bearing paired gabled ends over first floor with mock Tudor design in timber and render on the western end and intaglio design on the eastern. The buildings either side of the centre had triangular pediments above first floor windows and the central building has a segmental pediment of the same width containing two semi-circular windows with multi-paned glazing. The central building also has heavily ornamented pilasters at first floor level.</p> <p><b>Item I109 - Group of commercial buildings</b> <u>Statement of Significance:</u> Two, two-storey terrace commercial buildings. Modern architectural significance in scale and style; major significance in contribution of additional horizontal emphasis to streetscape of The Corso. <u>Physical Description:</u> Group of two two-storey terraced buildings with retail outlets at ground floor. No's. 46-58 The Corso: 1928 texture brick complex of six terraced shops with tiled roof. Significant elements include terracotta horizontal band at cornice level, fine margin glazing bars to first floor windows, decorative metal wall fixing plates (for suspended awning) and rainwater heads with date of construction. No's 60-64 The Corso: c.1890 simple rendered brick two storey terrace of three shops with rectangular rendered</p>



Internal Referral Body	Comments		
	<p>ornament to parapet. The group provides a strong horizontal emphasis to the streetscape.</p> <p><b>Item 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		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	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 alterations and additions to the ground floor retail area to create 2 separate tenancies, including a change of use to the rear tenancy, fronting Rialto Lane. No changes are proposed to the upper level. This DA relates to the rear tenancy, facing Rialto Lane, comprising a reception area and a number of self-contained infra-red sauna rooms and associated showering facilities.</p> <p>It is considered that the proposed works are confined to the ground floor, facing the rear lane (Rialto Lane) and considered minor, therefore, will not have an adverse impact upon the significance of the heritage item and the Manly Town Centre Conservation Area.</p> <p>It is noted that, the <b>signage</b> to this rear tenancy, <b>is not covered by this application</b> as there is not sufficient information regarding the signage, other than its location. Specific details of the signage, including the details of wording, size, images and colours, are required for a separate approval.</p> <p>Therefore, no objection are raised to this application on heritage</p>		

Internal Referral Body	Comments
	<p>grounds and no conditions required.</p> <p><u>Consider against the provisions of CL5.10 of MLEP 2013.</u>  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?</p> <p><b>Further Comments</b></p> <p>COMPLETED BY: Oya Guner, Heritage Advisor</p> <p>DATE: 25 May 2022</p>
Traffic Engineer	<p>The proposed development is for division of the existing ground floor retail use at No.70 The Corso into two tenancies. The front tenancy facing The Corso will remain as a retail use, the rear tenancy facing Rialto Lane will be converted to a health and wellness studio. The floor area of the proposed rear development is 106sqm and no offstreet parking or offstreet loading bay will be provided.</p> <p>The existing development approved for the rear part of the ground floor is primarily for two parking in a tandem configuration. These two parking spaces will be lost under the proposed .</p> <p><u>Parking</u></p> <p>The existing development on the site including the second floor office use has a parking requirement under the Manly DCP of 10 parking spaces and provision of two parking spaces is already well below DCP requirements. The change from retail to use to wellness studio does not change the parking requirements for the site. The Manly DCP does not nominate a parking requirement for a wellness studio and neither does the RMS guide to traffic generating development. A rate of 3 spaces per surgery is nominated for professional medical consulting rooms which would equate to a similar parking requirement for the existing retail use of 1 space per 40 sqm of GFA. It is noted that the proposed use intends to employ only a single staff member which will limit parking demands.</p> <p>Given the constrained nature of the site it is only possible to provide the currently approved two parking spaces in a tandem configuration with cars required to either reverse into or out of the property. Reversing from the property under the currently approved development would allow poor sight lines to any pedestrians or traffic using the lane as there are solid walls on either side of the offstreet parking area at the boundary. Given the shared nature of Rialto Lane there is benefit in limiting reversing movements from properties fronting the lane and on this basis and noting the constrained nature of the site the absence of parking is not opposed in this instance.</p>

Internal Referral Body	Comments
	<p><u>Traffic Generation</u></p> <p>Although a traffic impact assesment report has not been provided with the DA. The traffic impact assessment submitted with the currently approved development argued that although the retail and office uses on both levels of the site had the potential to generate 30 to 40 vehicles per hour in peak periods, the location of the site in the heart of Manly and with limited offstreet parking is likely to generate significantly lower numbers of vehicle movements with many trips being for joint purposes. This argument would remain applicable to the current DA and the absence of parking will act to further reduce traffic generation.</p> <p>No concerns are raised in terms of traffic generation from the site.</p> <p><u>Loading</u></p> <p>The existing approved development provides no offstreet loading bay and given the size of the block and its narrow width the provision of an offstreet Loading Bay is considered impractical.</p> <p>There are onstreet Loading Zones in Rialto Lane which can be used for the small number deliveries that would be anticipated from this site</p> <p><u>Pedestrian Safety</u></p> <p>The doors for the wellness centre will open directly onto Rialto Lane in an area where delivery trucks are turning and often pass close to the property boundary. There is some concern that an inattentive pedestrian may exit the building into the path of a turning vehicle.</p> <p>Council has installed bollards along the Rialto Lane frontages of several developments with doorways that open onto Rialto Lane. These bollards had not previously been introduced at this property as they would have prevented vehicular access to offstreet parking. In addition as this is an area where trucks are turning bollards may not have been practical as they would impede truck access. The introduction of bollards will be conditioned subject to submission of swept path plot analysis to demonstrate where they could most appropriately be sited.</p> <p><u>Construction Traffic Management Plan</u></p> <p>The developer has submitted a construction traffic management plan to support DA2019/0351 and the applicant has advised that this CTMP is still applicable for work associated with this DA. It is noted that the CTMP advised that the applicant would apply for a Works Zone and manage truck deliveries to occur within it. Council has not received an application for a Works Zone associated with this works under DA2019/0351 or any permit applications to Stand Heavy</p>

Internal Referral Body	Comments
	<p>Vehicles in Rialto Lane and is is therefore evident that the CTMP has not been applied during the current construction which is well progressed. Given the above the CTMP is clearly not applicable and requires revision. Conditions of consent will be added to this effect.</p>
Waste Officer	<p>Waste Management Assessment - Proposed Building Management Plan (dated 6/7/22)  Recommendation - Acceptable, subject to conditions.  The proposed Building Management Plan for waste addresses Councils' Waste Services Dept concerns.  Ray Creer  Waste Services Officer</p> <p>Waste Management Assessment  Recommendation - Unacceptable.</p> <p>There is only one waste room shown on the proposal. This waste room is contained entirely with retail unit 2.  The waste room is underneath the stairs leading to the upper story of the building.  The ceiling clearance of the waste room must be a minimum of 2.1 metres.  The applicant will need to demonstrate that this ceiling can be achieved for the waste room.</p> <p>Additionally, the following issues will need to be addressed:</p> <ul style="list-style-type: none"> <li>• There is no waste storage room within retail unit 1.</li> <li>• There is no waste storage room for office units 1,2 &amp; 3.</li> </ul> <p>Retail unit 1 has no access to the waste room in retail unit 2 and the three office units would only have access when retail unit 2 is occupied and during business hours. Any arrangement that involves all 5 units using the one proposed waste room is unacceptable.</p> <p>A retail waste storage room/s must be provided that is accessible to all units with in the building without having to enter another unit.  The owners corporation / building occupants are not to place the commercial bins in the public area outside the building for collection.  The plan of management for the building will need to include that the commercial bins are serviced from within the building and detail how that will be achieved.  Ray Creer  Waste Services Officer</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>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.</p>

## **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\***

All, Environmental Planning Instruments (SEPPs, REPs 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, REPs 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 (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
  - ii) platform for members of the public, including persons with a disability,
  - iii) overshadowing, wind funnelling and the loss of views from public places to
  - 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 adverse
  - ii) 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:

The subject site is located in a "coastal use area". As the proposed works include internal alterations it is considered that the proposal will not result in any adverse impacts in relation to Clause 2.11(1)(a-c) inclusive.

## 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:

Given the location and nature of the works, the proposed development is not likely to cause an increased risk of coastal hazards.

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	unaltered	-	N/A
Floor Space Ratio	FSR: 2.5:1 (560m <sup>2</sup> )	FSR: 1.73:1 (388.4m <sup>2</sup> )	-	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	N/A
4.4 Floor space ratio	Yes
4.5 Calculation of floor space ratio and site area	Yes
5.10 Heritage conservation	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
6.16 Gross floor area in Zone B2	Yes
Schedule 5 Environmental heritage	Yes

#### Mainly Development Control Plan

##### Built Form Controls

Built Form Controls - Site Area: 224m <sup>2</sup>	Requirement	Proposed	% Variation*	Complies
4.2.3 Setback Controls in LEP Zones B1 and B2	All buildings must be constructed to the public road and side boundaries of the allotment	unaltered	-	N/A
Schedule 3 Parking and Access	10 spaces	0 spaces	N/A	No

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.3 Townscape (Local and Neighbourhood Centres)	Yes	Yes
3.2 Heritage Considerations	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.4.2 Privacy and Security	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.6 Accessibility	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres)	Yes	Yes
4.2.1 FSR (Consideration of Exceptions including Arcades)	Yes	Yes
4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor	Yes	Yes
4.2.5 Manly Town Centre and Surrounds	Yes	Yes
4.2.5.1 Design for Townscape	Yes	Yes
4.2.5.4 Car Parking and Access	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.3 Signage	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

#### **4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor**

Refer to the assessment of Clause 4.2.5.4 of Manly Development Control Plan 2013 contained within this report for a detailed assessment surrounding car parking.

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

The proposal results in the removal of 2 tandem car spaces located on the ground floor, resulting in no car parking spaces provided to the site.

A detailed assessment has been undertaken by Council's Traffic Engineer contained under the Internal Referral section within this report.

As outlined under Clause 4.2.5.4 of Manly Development Control Plan 2013, exceptions to parking rates / requirements in Manly Town Centre is permitted when the dimensions of the site prevent the provision of parking, access issues, and movement of vehicles to and from the site will result in unacceptable conflict with pedestrian movements.

In summary, whilst the proposal does not include any car parking spaces, it is considered that the narrow nature of the site, physical constraints, and safety issues with vehicles entering and exiting the site, negates the requirement for parking on site. Therefore, the provision of no car parking spaces is supportable in this 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 2022**

S7.12 levies are not applicable to this application as they were subject to the original development application relating to the whole site.

## **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 2000;
- 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 DA2022/0640 for Change of Use to a health and wellness facility, associated fit out and alterations and additions on land at Lot B DP 321706, 70 The Corso, MANLY, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

#### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plan - A003	12 March 2019	Urbaine Architecture
Proposed Floor Plan and Section - A004	n.d.	Urbaine Architecture

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Accessibility Report	11 April 2022	ABE Consulting
BCA Capability Statement	17 March 2021	MBC Group
Building Management Plan	6 July 2022	Urbaine Architecture
Client Programme Report	16 March 2021	Nimbus Co
Heritage Report	December 2021	Northpoint Heritage
Statement of Environmental Effects	20 June 2022	Urbaine Architecture
Traffic Management Report	February 2021	Transport and Traffic Planning Associates

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	22 December 2021	Urbaine Architecture

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and

approved plans.

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	21 June 2022

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

A recreation facility (indoor) is defined as:

"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."

(development is defined by the Manly Local Environment Plan 2013 (as amended) Dictionary)

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. **No Approval for any Signage**

No approval is granted under this Development Consent for signage. A separate Development Application for any signage (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage.

5. **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 Certifying Authority 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 Certifying Authority 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 Certifying Authority 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.

## 6. 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) 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.
- (c) At all times after the submission 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 a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) 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.
- (e) 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.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) 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.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) 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.

- (l) 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.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) 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.

## 7. **Internal Works Only**

The development consent is for the internal alterations and fitout only.

No external works are to be undertaken without separate approval.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

## 8. **Security Bond**

A bond (determined from cost of works) of \$1,500 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 Certifying Authority 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.

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

## 9. **Construction Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an TfNSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

Due to heavy traffic congestion throughout the town centre, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for

- any activities involving the management of vehicle and pedestrian safety
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

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 public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

#### 10. **Building Code of Australia Fire Safety Requirements**

The Building Code of Australia fire safety measures for the building as detailed and recommended in the BCA Capability Statement by MBC Group, dated 17/3/2021, and including any proposed Performance Solutions are to be considered as part of the assessment of the Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

#### 11. **Building Code of Australia Access**

Access and facilities to and within the building are to be provided for Persons with a Disability. In this regard the recommendations contained in the Accessible Review Report prepared by ABE Consulting dated 11/4/2022, Job No. 22065 is to be taken into consideration as part of the assessment of the Construction Certificate. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

**12. Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

**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 Certifying Authority prior to the issue of the Construction Certificate.

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

**14. Pedestrian Safety at Rialto Lane property boundary**

Plans for a line of bollards of similar style to those that have been installed elsewhere in Rialto Lane shall be prepared for installation along the frontage of the property. Swept path plots for a Heavy Rigid Vehicle proceeding east along Rialto Lane past the site shall be plotted and used to determine the most appropriate location for the bollards. Should the swept path plots demonstrate that bollards are inappropriate plans for alternate means of protecting pedestrians shall be developed and submitted for Council's approval.

The approved measures are to be installed at no cost to Council

Reason: safety for pedestrians exiting the building (DACTRCPC1)

**15. Waste and Recycling Requirements**

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

Note: If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

## **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

### **16. Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

Reason: To ensure Work zones are monitored and installed correctly.

### **17. Traffic Management**

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: A plan of traffic management is to be submitted to and approved by the Consent Authority.

Reason: To ensure pedestrian safety and continued efficient network operation.

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **18. 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 RMS 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.

### **19. Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

### **20. 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 Certifying Authority.



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

21. **Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided.

22. **Waste/Recycling Requirements (Materials)**

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

## CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

23. **Management of Waste within the Building**

The Building Management Plan must include the following clauses:

1. The landowner is to provide cleaning services to all tenancies leased within the property, being No.70, The Corso.
2. The cleaning contractor, engaged by the landowner, is to bring any waste from the upper floors, being small office spaces, to the main waste room located in the ground floor rear tenancy on a daily basis or as required.
3. The cleaning contractor will ensure the storage bins from the ground floor rear tenancy will be available for pickup on the designated days.
4. The landowner is to engage the services of a private waste collection contractor to remove all waste and recycling from the property.

Reason: To ensure appropriate handling and storage of waste within the building.

24. **Garbage and Recycling Facilities**

All internal walls of the waste rooms shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

25. **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 the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade 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 Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

**26. Rialto Lane pedestrian safety measures**

The approved pedestrian safety measures on the Rialto Lane frontage of the development must be installed to Council's satisfaction prior to release of the occupation certificate

Reason: pedestrian safety

**27. Waste and Recycling Facilities Certificate of Compliance**

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste and recycling facilities are provided.

**28. Waste/Recycling Compliance Documentation**

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

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

**29. Skin Penetration and Beauty Salon Premises Fit-out Requirements**

Design, construction, fit-out and use of any skin penetration or beauty salon business must be compliant with the relevant and current guidelines including:

- Public Health Act 2010
- Public Health Regulation 2012
- Local Government (General) Regulation 2005
- AS/NZS 4187:2003 - Cleaning, disinfecting and sterilizing reusable medical and surgical instruments and equipment, and maintenance of associated environments in health care facilities.

Reason: To ensure compliance with legislation and to protect public health and safety. (DACHPGOG5)

30. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Sunday – 7am to 9pm

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**



**Stephanie Gelder, Planner**

The application is determined on 11/07/2022, under the delegated authority of:



**Phil Lane, Acting Development Assessment Manager**