

GYDE

Statement of Environmental Effects

Change of use to a pub and live
entertainment venue, building works and
signage

Submitted to Northern Beaches Council
On behalf of Initium Management

This report was prepared by:**Director:** Mark Schofield**Project Planner:** Zoe Spurway**Report Version:** Final**Disclaimer**

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TABLE OF CONTENTS

1. EXECUTIVE SUMMARY	7
2. SITE ANALYSIS	8
2.1. Local Context	8
2.2. Site Address and Legal Description	9
2.3. Site Description	9
3. DESCRIPTION OF DEVELOPMENT	12
3.1. Overview	12
3.2. Construction	12
3.3. Development Statistics	12
3.4. Design and Materiality	13
3.5. Mechanical Vent	14
3.6. Signage	14
3.7. Guitar sculpture	14
3.8. Access and Parking	16
3.9. Hours of Operation	16
3.10. Staff	16
3.11. Capacity	16
3.12. Development Cost	16
4. STATUTORY PLANNING CONSIDERATIONS	16
4.1. Overview	16
4.2. Environmental Planning and Assessment Act 1979	16
4.3. Environmental Planning and Assessment Regulation 2021	18
4.4. State Environmental Planning Policies	18
4.5. Draft State Environmental Planning Policies	20
4.6. Manly Local Environmental Plan 2013	21
5. OTHER PLANNING CONSIDERATIONS	27
5.1. Manly Development Control Plan 2013	27
6. ENVIRONMENTAL IMPACT ASSESSMENT	32
6.1. Overview	32
6.2. Context and Setting	32

6.3. Built Environment	32
6.4. Natural Environment.....	32
6.5. Site Suitability.....	35
6.6. Social and Economic Effects.....	35
7. CONCLUSION	36

FIGURES

Figure 1: Locational context map, site identified by red marker. Source: Google Maps.	8
<i>Figure 2: Aerial view of the site, with site outlined in red. Source: Nearmap.</i>	9
Figure 3: Subject site with The Corso street frontage, with neighbouring properties in sight.....	11
Figure 4: Subject site from rear, Market Place.....	11
Figure 5: Subject site from the Corso	11
Figure 6: The neighbouring property, New Brighton Hotel.....	11
Figure 7: The neighbouring property, ANZ bank.....	11
Figure 8: Surrounding development. Source NearMaps.....	10
<i>Figure 9: Proposed external finishes schedule. Source: Grain Architects.</i>	13
Figure 10: Proposed mechanical vent. Source: Grain Architects.....	14
Figure 11: Hard Rock Live' sign. Source: Grain Architects.	14
<i>Figure 12: Proposed guitar sculpture and examples of other similar sculptures. Source: Grain Architects.</i>	15
Figure 13: Extract from zoning map applying to the site. Site outlined in yellow. Base source: MLEP 2013	21
Figure 14: Extract from height of buildings map applying to the site. Site outlined in red. Base source: MLEP 2013.....	22
Figure 15: Extract of FSR map applying to the site. Site outlined in yellow. Base source: MLEP 2013.....	23
Figure 16: Extract of acid sulfate soils map applying to the site, with site outlined in yellow. Base source: MLEP 2013.	24

TABLES

Table 1: On-site Parking.....	Error! Bookmark not defined.
Table 2: Proposed uses for new build.	12
Table 3: Development Statistics	13
Table 4: Section 4.15 of EP&A Act 1979.	17
Table 5: Proposed signage.....	Error! Bookmark not defined.
Table 6: Assessment against SEPP (Industry and Employment).	Error! Bookmark not defined.
Table 7: MDCP 2021 Compliance Table.	27

APPENDICES

APPENDIX	DOCUMENT	PREPARED BY
A	Architectural Plans	Grain Architects
B	BCA and Access Capability Statement	Design Confidence
C	Noise Impact Assessment	Acoustic Logic
D	Annual Fire Safety Statement	F.L.A.M.E
E	Heritage Impact Statement	Touring The Past
F	Plan of Management	Gyde Consulting
G	Development Application Cost Plan	MCG Quantity Surveyors
H	Strata Plan	Higgins Norton Partners
I	Survey Plan	Rygate Surveyors
J	Waste Management Plan	Dickens Solution
K	Traffic and Parking Report	Transport and Traffic Planning Associates
L	Social Impact Statement	Gyde Consulting
M	Clause 4.6 Variation	Gyde Consulting

1. EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared for Initium Management by GYDE Consulting (Gyde) to accompany a Development Application (DA) to Northern Beaches Council (Council). The DA seeks consent to change the use of Unit 1 / 63-67 The Corso, Manly (Lot 1 SP 67337) to a pub and live entertainment venue, building works and business identification signage. The site is located on the lands of the Guringai people.

This SEE has been prepared pursuant to section 4.12 of the *Environmental Planning and Assessment Act 1979* and clause 24 of the Environmental Planning and Assessment Regulation 2021. The purpose of this SEE is to:

- describe the proposed development and its context
- assess the proposal against the applicable planning controls and guidelines
- assess the potential environmental impacts and mitigation measures.

The premises will operate as a Hard Rock café 'Live' venue. It will offer food, drink and entertainment including music and comedy. A feature of Hard Rock cafes is the iconic music memorabilia that decorates their walls. The proposal will positively contribute to the locality creating employment and social opportunities.

The proposed development is defined as a "commercial premises" and "signage" under the *Manly Local Environmental Plan 2013 (MLEP 2013)* and is permissible with consent within the B2 Local Centre zone. The proposal complies with the statutory height control but breaches the Floor Space Ratio (FSR) control. The non-compliance results from a 43.9m² increase in gross floor area at the mezzanine level. The non-compliance is justified in a cl.4.6 variation request which establishes that because the additional GFA is created internally, it results in no change to the building's bulk and scale, nor does it create any amenity impacts.

The proposal aligns with the priorities contained within Council's Local Strategic Planning Statement, *Towards 2040*:

- Priority 22: *Jobs that match the skills and needs of the community.* Twenty jobs are to be created
- Priority 26: *Manly as Sydney's premier seaside destination.* Hard Rock cafes are a global brand that is known by and attractive to tourists
- The Future of the Northern Beaches: *Manly remains one of Sydney's top tourist destinations with a healthy night-time economy.* The premises will add to the diversity of night time economy activities in Manly

The SEE concludes this proposal is consistent with the desired future character of the area, is well designed and has no unreasonable amenity impacts. It is considered that the proposal will deliver a suitable and appropriate development for the site and is worthy of approval.

2. SITE ANALYSIS

2.1. Local Context

The site is Unit 1 / 63-67 The Corso, Manly (Lot 1 SP 67337) and is located within the Northern Beaches Local Government Area (LGA). Manly is located approximately 15 kilometres north of the Sydney Central Business District. A location map and an aerial view of the site can be viewed at Figure 1 and Figure 2, respectively.

The Corso functions as local centre but also attracts visitors from across Sydney and the world, who wish to enjoy the amenity offered by the harbour, beaches and local services. The predominant land uses in the immediate locality of the site are mixed-use buildings with ground floor commercial and tourism and business services above. Examples of these include New Brighton Hotel, Momo Bar Dumplings & Poke, Market Lane Café, Manly Greenhouse, Bluewater Cafe.

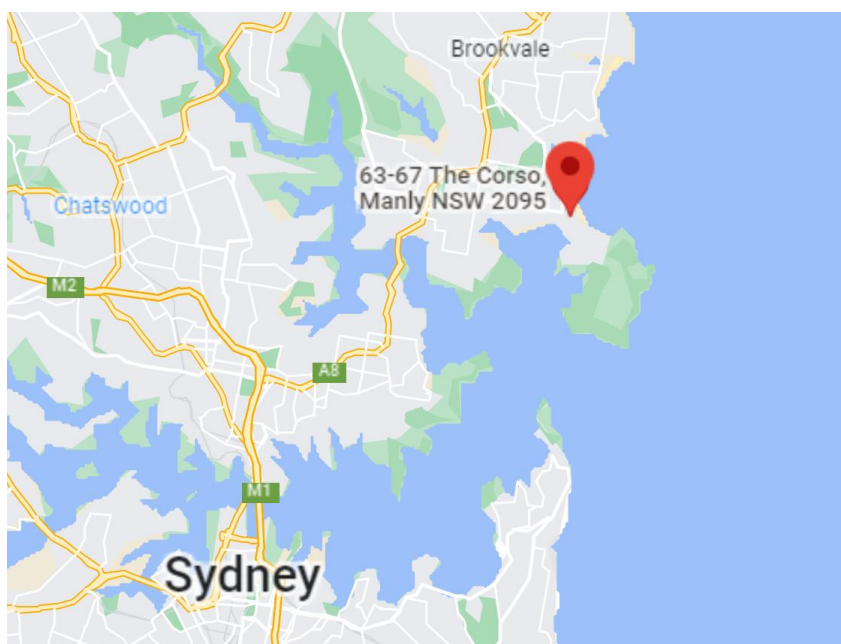


Figure 1: Locational context map, site identified by red marker. Source: Google Maps.



Figure 2: Aerial view of the site, with site outlined in red. Source: Nearmap.

2.2. Site Address and Legal Description

The site is legally described as Lot 1 - SP 67337. It is located at No. 63 – 67 The Corso, Manly. The site is strata su and

2.3. Site Description

2.3.1. Existing Site

No. 63 - 67 is generally rectangular in shape and has a 16.3m frontage to the Corso, 14.8m to Market Place and an area of 490.3m². It contains a part three-part four storey building that has 1,255.7m² of gross floor area, which is divided amongst the three lots within the strata plan (**Appendix H**).

Lot 1 is located on the ground floor of the building and fronts The Corso. It is a high-volume space and has a ground floor and mezzanine. The ground floor is 258.6m² and the mezzanine 123.8m², giving a total gross floor area of 382.4m². A survey plan prepared by Rygate Surveyors is located at **Appendix I**. The south-western corner of the ground floor of the building contains a garbage room and service area on a common property lot. Lot 1 has an allocated area for the storage of bins and a right to pass through the area to access Market Place.

Lot 1 is currently occupied by Ralph Kerle's Art Gallery. Other uses within the building include Nail Tech (Lot 2) which is located on the ground floor fronting Market Place, and the Boardriders Backpackers (Lot 3) which occupies the upper floors.

On 12 August 2020 development consent (DA2019/1398) was granted for alterations and additions to convert Lot 3 into 12 apartments. We understand that the consent has not been commenced.

2.3.2. Heritage

The site is identified as a local heritage under Schedule 5 of the MLEP 2013. It is not listed individually but is part of

a group listing described as: *1106 'Group of Commercial Buildings'*

There is no Statement of Significance for the listing in the NSW Heritage Inventory. The Corso's landscape, social and built form significance are well known and recognised in the Manly Development Control Plan 2013 (MDCP 2013) which is discussed later in this report.

2.3.3. Soils and Geotechnical Conditions

The site is mapped by the MLEP 2013 as having Class 4 Acid Sulfate Soils. Minor excavation is proposed for the grease trap, kitchen and bathroom hydraulic works. The works will not extend more than 2m below the surface level.

2.3.4. Stormwater

Stormwater systems are currently located within the existing site and will be maintained.

2.3.5. Surrounding development

To the north of the site are Market Place and Sydney Road. Surrounding uses include retail, commercial and residential.

To the east the site is adjoined by the New Brighton Hotel, which has frontages to Sydney Road and The Corso.

To the south of the site is The Corso, which is a unique public place in Sydney, which links Sydney Harbour and Manly Beach. It is a pedestrianised space and includes significant landscape features. A mix of retail, commercial and some residential uses front onto it.

To the west the site is adjoined by the ANZ Bank which is located at 59-61 The Corso.

Refer to Figure 3 for location of surrounding development. Photos of the locality are provided in Figures 4 – 8.

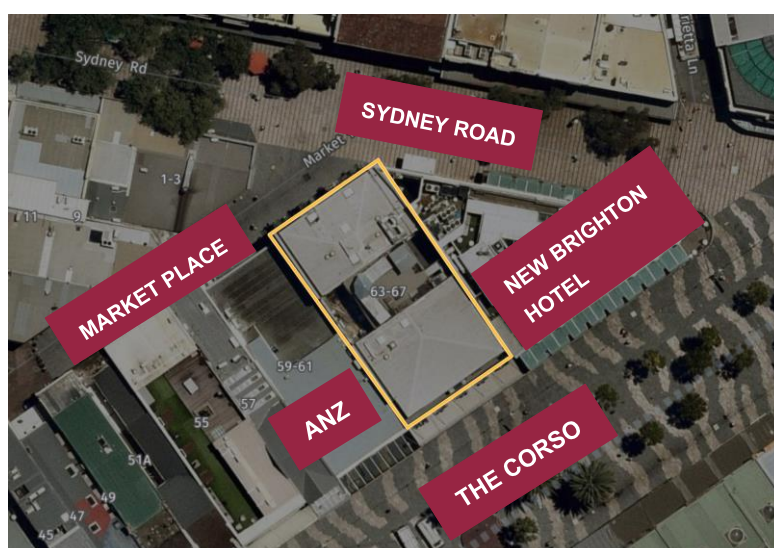


Figure 3: Surrounding development. Source: Near Maps.



Figure 4: Subject site with The Corso street frontage, with neighbouring properties in sight



Figure 5: Subject site from rear, Market Place.



Figure 6: Subject site from the Corso



Figure 7: The neighbouring property, New Brighton Hotel.



Figure 8: The neighbouring property, ANZ bank.

3. DESCRIPTION OF DEVELOPMENT

3.1. Overview

The proposed development involves a change of use to a pub and live entertainment venue, building works and business identification signage. The architectural plans prepared by Grains Architects are provided at **Appendix A**.

3.2. Construction

Key construction elements of the proposal are provided on a level-by-level basis in Table 1 below.

Table 1: Proposed development

LEVEL	CONSTRUCTION/DEMOLITION
Ground Floor	<ul style="list-style-type: none"> • Removal of two structural columns on the ground floor • Demolition of the raised floor and ramp, existing amenities and internal walls • Demolition of the existing shopfront, including the steps and entry doors • Removal of existing cladding attached to the façade • Installation of two structural columns • Installation of two glazed doors at either end of the tenancy • Internal alterations including: <ul style="list-style-type: none"> – Raised stage – Commercial kitchen including cooking, preparing, post mix, scullery, dry, keg, freezer and cool area – Accessible toilets - female and male – Bar area – New entries including one with step ramp – Stairs to mezzanine – General seating area
Mezzanine Level	<ul style="list-style-type: none"> • Demolition of the existing toilets, walls and balustrade • Extension of the floorplate in two locations increasing the gross floor area by 43.9m² • Construct new male and female amenities, and a bar area • Installation of handrails
Façade (Street Frontage to The Corso)	<ul style="list-style-type: none"> • Installation of fixed glass panels along the shopfront facing The Corso • Installation of mechanical services for the kitchen and toilets within the ceiling and grills/louvers located on the shopfront above the doors/glazing. An air extraction system will be located above the awning • Installation of illuminated business identification sign, 0.9m by 5.7m on the fascia of the awning • Installation of LED guitar sculpture. The sculpture has a height of 9.6m and width of 5.2m

3.3. Development Statistics

Key development statistics are provided in Table 2.

Table 2: Development Statistics

ELEMENT	EXISTING	PROPOSAL
Gross Floor Area	Ground Floor – 285.6m ² Mezzanine Level – 123.8m ² Total Gross Floor Area – 409.4m ²	Ground Floor – 285.6m ² Mezzanine Level – 184.6m ² Total Gross Floor Area – 453.2m ²
Patron Capacity - Seating	Not applicable	Ground floor – 110 seats + 10 bar stools Mezzanine – 116 seats + 4 bar stools Total – 240 seats
Patron Capacity - Standing	Not applicable	Ground floor – 280 Mezzanine – 254 Total - 534
Maximum Height	5.8m (Lot 1 only)	9.6m – Guitar sculpture
Parking	Nil	Nil

3.4. Design and Materiality

It is proposed to renew the façade with key works including a new glazed shopfront with powder coated framing and new paint finish to the awning fascia and the external walls below the awning.

Details of the finishes are shown in Figure 9 below.

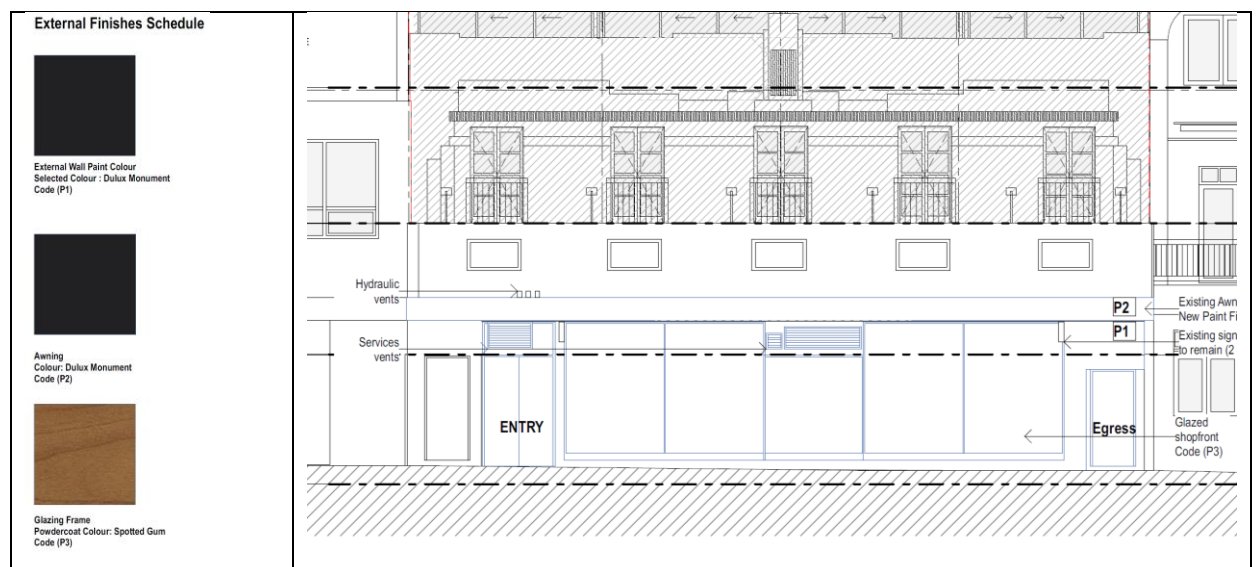


Figure 9: Proposed external finishes schedule. Source: Grain Architects.

3.5. Mechanical Vent

The design includes the installation of an air extraction system below the awning. The mechanical components of the system will be located within the ceiling. The external vents are discretely placed to minimise their visual presence (refer Figure 10)

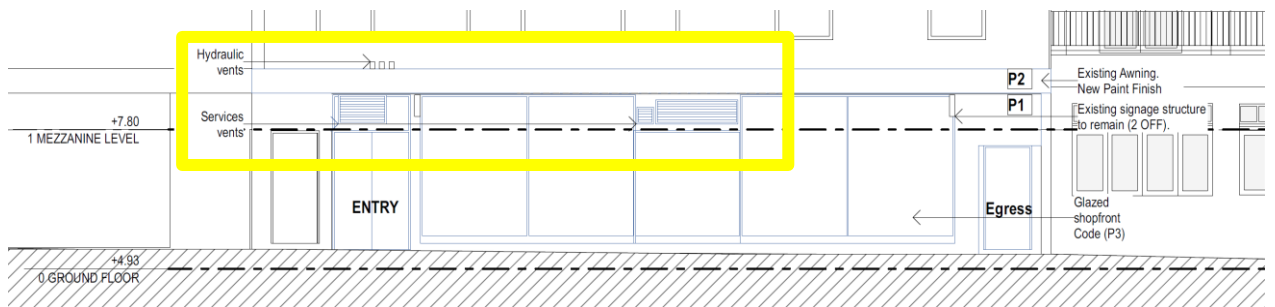


Figure 10: Proposed mechanical vent. Source: Grain Architects.

3.6. Signage

It is proposed to install an illuminated business identification signage, 0.9m high and 5.7m wide. The sign will be attached to the fascia of the awning.

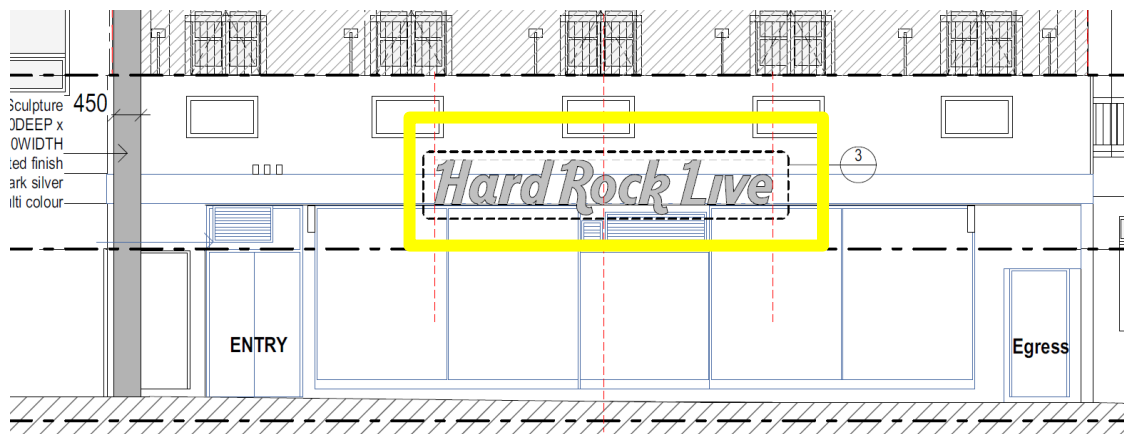


Figure 11: Hard Rock Live' sign. Source: Grain Architects.

3.7. Guitar sculpture

Installation of an illuminated LED guitar sculpture. The sculpture is proposed to be anchored to the ground plane then project upwards, wrapping over the awning and connecting to the parapet. The sculpture has a height of 9.6m and extends 5.2m from the building's façade (refer Figure 12).

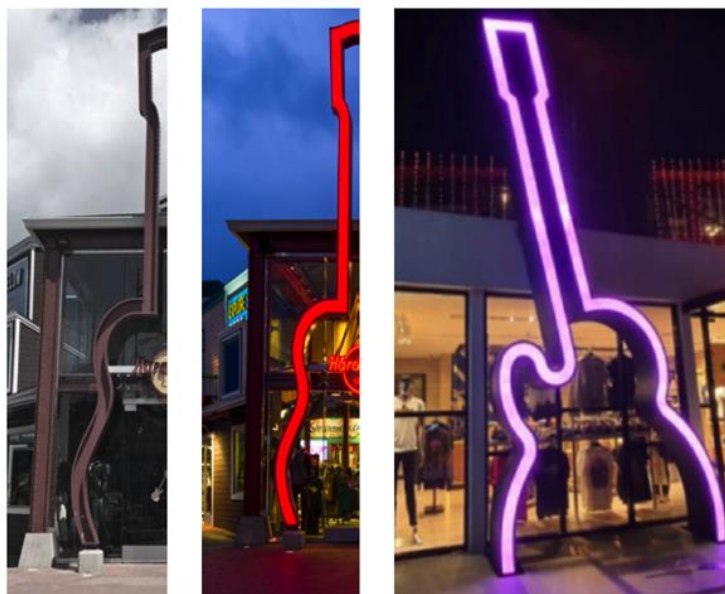
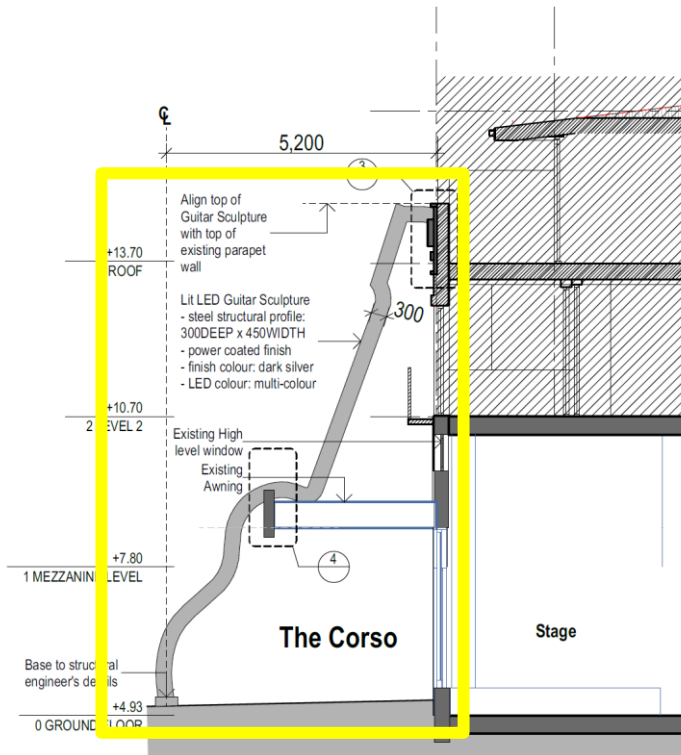


Figure 12: Proposed guitar sculpture and examples of other similar sculptures. Source: Grain Architects.

3.8. Access and Parking

There is no existing on-site parking, and none is proposed. Deliveries are to be via Market Place through the common property lot. Pedestrian access will be from the Corso.

3.9. Hours of Operation

The proposal will open seven days per week between 7:00am and 03:00am.

A Plan of Management has been provided by Gyde Consulting (**Appendix F**).

3.10. Staff

It is anticipated that the premises will have approximately 20 staff on site at any one time, comprising of chefs, bar tenders, waiters, artists and security personnel.

3.11. Capacity

The premises will have a maximum capacity of 534 patrons at any one time.

3.12. Development Cost

The total development cost of the project is estimated at \$735,670.00 (inclusive GST). Refer to the Registered Quantity Surveyor's Detailed Cost Report completed by MCG Quantity Surveyors provided at Appendix G.

4. STATUTORY PLANNING CONSIDERATIONS

4.1. Overview

The relevant statutory framework considered in the preparation of this report comprises:

- *Environmental Planning and Assessment Act 1979*
- Environmental Planning and Assessment Regulation 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- Manly Local Environmental Plan 2013.

Where relevant, these controls are addressed below.

4.2. Environmental Planning and Assessment Act 1979

4.2.1. Section 1.3 – Objects

The *Environmental Planning and Assessment Act, 1979 (the Act)* is the principal planning and development legislation in New South Wales. In accordance with Section 1.3, the objects of the Act are:

1.3 Objects of Act

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development, and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities, and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The proposed development satisfies the objects of the Act as it will enable the economic and orderly development of the land, reflecting a viable development and one which complies with the relevant controls applying to the site.

4.2.2. Section 4.15 of EP&A Act 1979

Section 4.15(1) of the Act as amended specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the Act are addressed in the Table below.

Table 3: Section 4.15 of EP&A Act 1979.

SECTION	COMMENT
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Section 4.
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	Consideration of relevant draft instruments is discussed in Section 4.

Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in Section 5.
Section 4.15(1)(a)(iiia) Any planning agreement	Not relevant to this application.
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to Section 4.3.
Section 4.15(1)(b) - (e)	Refer to Section 6 of this SEE for consideration of (b), (c) and (e). Matter (d) relates to submissions and is a matter for the consent authority.

4.2.3. Section 4.46 – Integrated Development

Integrated development is development which requires development consent under the Act and one or more approvals under related legislation. In these circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

The proposed development does not require approval under any of the integrated acts and as such is not classified as integrated development.

4.3. Environmental Planning and Assessment Regulation 2021

4.3.1. Section 69 – Compliance with the BCA

Pursuant to the prescribed conditions under Section 9 of the Regulation, any building work "*must be carried out in accordance with the requirements of the Building Code of Australia*".

A BCA Capability statement (**Appendix B**) has been prepared and identifies that the building can comply with requirements of the Building Code of Australia.

4.4. State Environmental Planning Policies

4.4.1. State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land establishes State-wide provisions to promote the remediation of contaminated land.

Clause 4.6 of the SEPP specifies that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

The proposal involves minor excavation for the proposed grease trap, kitchen and bathroom hydraulic works. The site is occupied by an historic building with known former uses being retail and commercial, including a supermarket, art gallery and clothing retailer. The known former uses are unlikely to have led to its contamination.

The site is located within an established local centre which is characterised by mixed use developments including commercial, retail and residential uses. It is unlikely the site has been contaminated by material migrating from other

sites. Council can be satisfied that the site is suitable for the proposed use.

4.4.2. State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of the SEPP (Industry and Employment) applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve.

The proposed signs, their dimensions and their location within the proposal are described in Table 4 below.

Table 4: Proposed Signage

SIGN TYPE	DIMENSIONS	DESCRIPTION	LOCATION
Business identification sign	5.7m (horizontal) x 0.9m (vertical)	“Hard Rock Live”, LED	Street frontage, fascia of awning
	5.2m (horizontal) x 9.6m (vertical)	“Guitar sculpture”, LED	Street frontage

An assessment of the proposed signage against SEPP (Industry and Employment) has been undertaken. Refer to **Error! Reference source not found.** below.

Table 5: Assessment against SEPP (Industry and Employment)

SEPP PROVISION	REQUIREMENT
Clause 3.1 Aims, objectives etc	The proposed signage achieves the objectives as: <ul style="list-style-type: none"> The guitar sculpture will be an item of visual interest that enhances the commercial character of the area. The presence of a global dining and entertainment brand will enhance Manly as a premier seaside locality and night time precinct. The awning fascia sign provides effective communication of the business in a suitable location. It will guide visitors to the site and is simple and easy to interpret.
Clause 3.6 Granting of consent to signage	An assessment of the proposed signage against the objectives set out in Section 3.1(1)(a) is provided in this table. An assessment of the proposed signage against the assessment criteria is provided in this table.
1 Character of the area	The guitar sculpture will be a new form of bolder signage in Manly. It will add to the vibrancy of the Corso and be a night time landmark.
2 Special areas	The guitar sculpture will be a more visually prominent feature. The heritage impact statement includes the following analysis: <p><i>The proposal also seeks to attach an illuminated steel guitar sculpture to the west side of the ground floor façade. It would be relatively slim, project forward, and align with the top of the ground floor parapet. While this element can be described as fairly restrained in form, its illuminated presence and scale relative</i></p>

	<i>to The Corso would be prominent. It may be considered by the consent authority as out of keeping with the desired character of the heritage group. Tempering its potential heritage impact is its readily reversibility and the contribution it could make to the underlying commercial vitality of The Corso, which is an aspect of its heritage value.</i>
3 Views and vistas	The Corso is a wide and long public space with the sculpture located will be within one section of it. The guitar sculpture will change views and vistas in the area surrounding but large portions of the Corso will be unaffected.
4 Streetscape, setting or landscape	The guitar sculpture is larger is size than is typical of signage in the Corso and is designed to be an element of visual interest.
5 Site and building	The proposed signage intentionally projects from the building to raise its prominence. This is intended to create visual interest and difference in a business area.
6 Associated devises and logos with advertisements and advertising structures	No safety devices are proposed as part of the signage.
7 Illumination	The illumination is not expected to result in unacceptable glare noting that many other similar natured premises (commercial and retail uses) have LED lit signage. The illumination can be adjusted if necessary.
8 Safety	The proposed signage will not reduce the safety of any public road, pedestrians or cyclists. The signage will be visible and obvious at ground level such that users of the Corso will be able to avoid it as they move through the area.

4.5. Draft State Environmental Planning Policies

4.5.1. Draft Remediation of Land SEPP

The Explanation of Intended Effect (EIE) for the draft Remediation of Land SEPP was released in January 2018. The overarching objective of SEPP 55 is to promote the remediation of contaminated land to reduce the risk of potential harm to human health or the environment, will be replicated in the new SEPP.

The draft SEPP is not imminent nor certain, however, given the EIE has been placed on exhibition it must be considered. Changes proposed in the draft SEPP include:

- Requiring all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant;
- Categorising remediation work based on the scale, risk and complexity of the work;
- Requiring environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to council; and

- Providing a consent authority discretion not to require a report of an investigation if it knows that the land is not contaminated or is otherwise suitable for the proposed use.

The substance of clause 7 will be incorporated into the draft SEPP, together with the list of potentially contaminating activities currently contained in the Managing Land Contamination: Planning Guidelines.

As detailed in Section 4.4.1, the site has historic uses and is assumed to not be contaminated noting the proposal does not include excavation nor fill.

4.6. Manly Local Environmental Plan 2013

4.6.1. Zoning

The site is zoned B2 Local Centres (refer Figure 13).

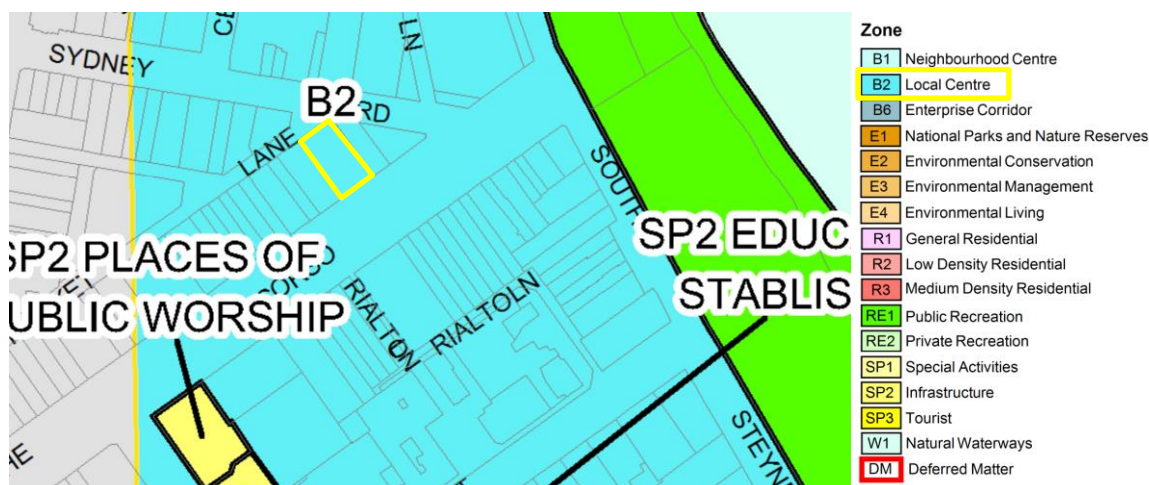


Figure 13: Extract from zoning map applying to the site. Site outlined in yellow. Base source: MLEP 2013

4.6.2. Permissibility

The proposed development is classified as ‘commercial premises’ and ‘signage’. Commercial premises and signage are permissible with consent within the B2 zone pursuant to the MLEP 2013.

4.6.3. Objectives

The objectives of the B2 Local Centre zone in the MLEP 2013 are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

- To minimise conflict between land uses in the zone and adjoining zones and ensure amenity for the people who live in the local centre in relation to noise, odour, delivery of materials and use of machinery.

The proposal aligns with these objectives as it seeks to create a new business that will generate jobs and create recreational opportunities for locals and tourists. Customers will be promoted to travel to the premises by public transport.

4.6.4. Clause 4.3 Height of Buildings

The site is subject to a 10m height limit. Most of the proposed works occur within the envelope of the existing building and do not result in any change in height. The proposed guitar sculpture is located outside of the building envelope and is 9.6m in height, compliant with the control.

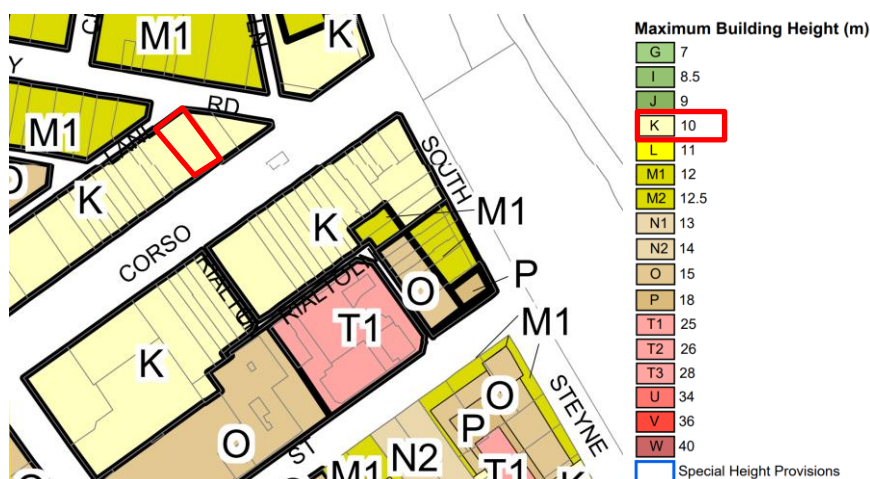


Figure 14: Extract from height of buildings map applying to the site. Site outlined in red. Base source: MLEP 2013.

4.6.5. Clause 4.4 Floor Space Ratio

The site is subject to a floor space ratio (FSR) control of 2.5:1 pursuant to MLEP 2013.

The site has area of 490.3m² and the existing building (all strata lots) contains 1,255.7m² of gross floor area. The site as existing therefore has a FSR of 2.56:1, exceeding the FSR development standard.

It is proposed to increase the gross floor area by 43.7m². This would increase the total gross floor area on the site to 1,299.4m² equating to a FSR of 2.65:1. This creates a non-compliance with the FSR control which is justified in a cl. 4.6 variation request (**Appendix M**).

The variation request establishes that because the additional GFA is created internally, it results in no change to the building's bulk and scale, nor does it create any amenity impacts.

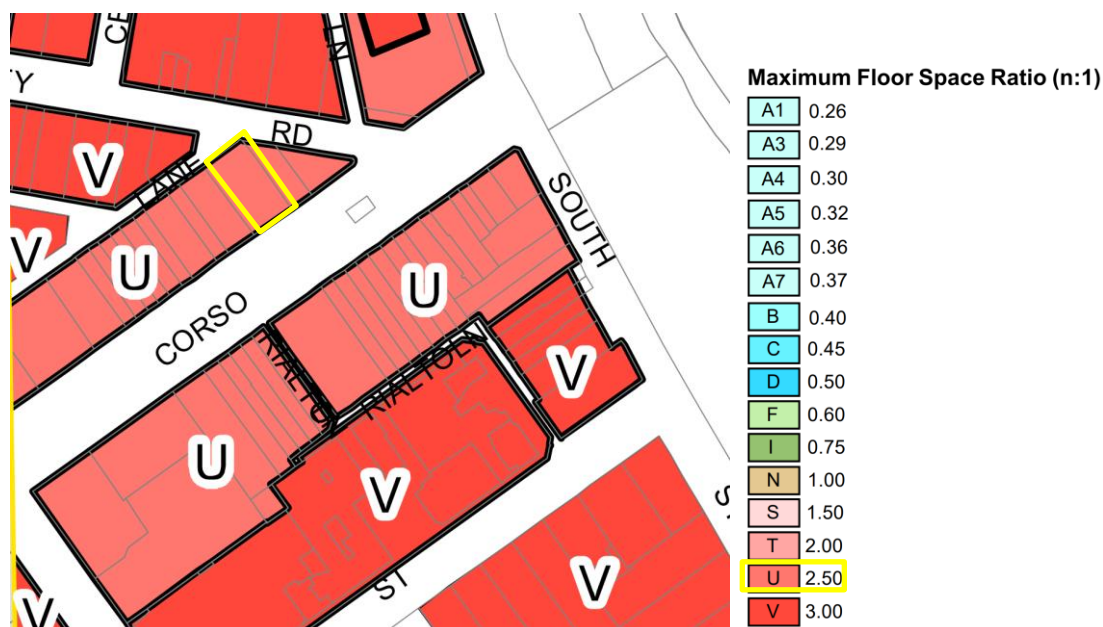


Figure 15: Extract of FSR map applying to the site. Site outlined in yellow. Base source: MLEP 2013.

4.6.6. Clause 5.10 Heritage Conservation

The site is identified as a heritage item and is located within a heritage conservation area.

The proposal aims to conserve the environmental heritage of Manly and has no significance impact on the heritage item nor Aboriginal objects or places of heritage significance. This development proposal does not alter the bulk, scale or mass of the existing building.

Key finding from the Heritage Impact Statement prepared by Touring the Past (**Appendix E**) are:

- “The proposed shopfront would not affect any original/significant fabric (none of which survives to the ground floor) nor present as incongruent with The Corso’s existing street-level conditions. The latter is dominated by similar late 20th-century or contemporary glazed shopfronts. The new shopfront would still ‘read’ as comprising a ‘frame’ with solid ends and a slender window sill.
- The new work would not affect the remnant historic bar in front of the New Brighton Hotel, adjacent to the east of the subject place. It derives some of its interpretive potency from the very fact that it is one of the few buildings addressing The Corso that maintains historic fabric at the street level. The proposal would not detract aesthetically from its already much modified setting at ground level.
- The service vents would be discretely situated and have been rationalised as much as feasible. Their presence would not likely run counter to the public’s expectations of services at a general bar in a historic commercial streetscape. It is also noted that the proposed shopfront would not preclude a reinstatement or interpretive shopfront design at a later date. Such outcomes may be found to be more compatible with a future tenant or use for the place
- In sum, the majority of the proposal would have a negligible impact on the subject place, Town Centre HCA,

and nearby heritage items. It presents as a supportable outcome from a heritage impact perspective. It is recommended that the applicant engage with the council heritage advisor to examine options for making the guitar sculpture more palatable, such as considering a reduction in size and overall conspicuousness”

4.6.7. Clause 6.1 Acid Sulfate Soils

The site affected by Class 4 Acid Sulfate Soils. Minor excavation is proposed for the grease trap, kitchen and bathroom hydraulic works. The proposed development will not lower the water table nor will the excavations extend greater than 2m below the surface.

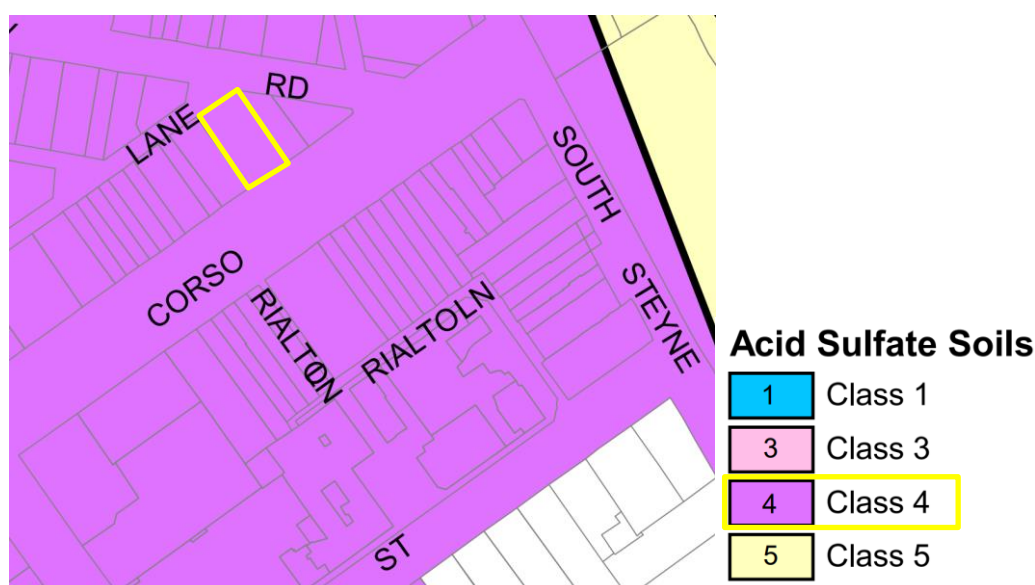


Figure 16: Extract of acid sulfate soils map applying to the site, with site outlined in yellow. Base source: MLEP 2013.

4.6.8. Clause 6.4 Stormwater Management

The proposed stormwater arrangement on site includes the retention of the existing stormwater systems. No change to the built form and therefore the existing stormwater arrangement will be sufficient.

4.6.9. Clause 6.9 Foreshore Scenic Protection Area

Clause 6.9 of the MLEP states that there are to be no changes to the bulk and scale of the building. The proposed development does not change either of the abovementioned and therefore continues to protect the amenity and views of Manly whilst ensuring a suitable relationship to the existing foreshore.

4.6.10. Clause 6.11 Active Street Frontages

The proposal complies with active street frontages with the entirety of its frontage to the Corso to be activated.

4.6.11. Clause 6.12 Essential Services

Clause 6.12 of the MLEP states that consent must not be granted to development unless the consent authority is satisfied that key services are available or that adequate arrangements have been made to make them available when required. The proposal is located in an existing urban area and building and will be able to connect to the relevant essential services, such as water, electricity, sewerage and stormwater drainage.

4.6.12. Clause 6.13 Design Excellence

The subject site is located in B2 Local Centre zone and has been designed to the highest standard noting the clause only applies to the external alternations to an existing building.

The development maintains the existing building's bulk and mass to The Corso. It continues to promote and enhance the streetscape and quality however we note that the guitar sculpture would be a unique element within the immediate locality. The sculpture is intended to be visually interesting and a landmark that attracts tourists.

4.6.13. Clause 6.16 Gross Floor Area in Zone B2

This application does not seek approval for the erection of a building and as such this provision is not applicable.

4.6.14. Clause 6.21 Noise impacts – licensed premises

A Noise Impact Assessment has been prepared by Acoustic Logic (**Appendix C**). The assessment considered the acoustic privacy provisions of s.3.4.2.3 of the MDCP 2013 and noted that they are equivalent to those used by NSW Liquor and Gaming. The assessment identified that the main potential noise source will be patron noise within internal areas and live music. It considered transmission of sound through the air and structures and how that may impact on sensitive land uses and in particular the adjoining backpackers.

The assessment concluded that compliance with relevant noise standards can be achieved if the following mitigation measures are adopted:

- *All external windows and doors are to remain closed between 10pm and 7am or anytime while live music is played (except when required for egress by patrons and staff)*
- *External windows and doors are to be constructed with minimum 10.38mm laminate glazing (Rw35)*
- *Minimum of 60% ceiling area of the bar is treated with absorptive lining achieving an NRC of 0.8 (equal to Autex QuietSpace Panel)*
- *Any fixed speakers are to be vibration isolated by NRD mounts or equal. Where subwoofers are installed, they are to be mounted with 25mm static deflection springs. Alternative isolation arrangements will also be acceptable pending review of the finalised speaker layout selections*
- *Signs are to be displayed at the entry/exit of the venue reminding patrons to minimise noise when departing the premises, especially after 10pm*
- *All internal walls are to be constructed discontinuous to the structural elements (e.g. 20mm) spacing between any stud wall /plasterboard and masonry/concrete wall or other structural elements which connect to the hostel.*

Further, it is recommended that concrete slabs to be built above the mezzanine level and the remaining building, with the exact details below.

- Above the mezzanine – concrete slab, 250mm air gap with 2 x 110mm thick glasswool insulation (11kg/m³) and 4 layers of 16mm fire rated plasterboard suspended on resilient hangers (indicatively spring isolation)
- Everywhere else above the general bar area - Concrete slab, 600mm air gap with 2 x 110mm thick glasswool insulation (11kg/m³) and 4 layers of 16mm fire rated plasterboard suspended on resilient hangers (indicatively spring isolation).

It is proposed to implement all the recommended mitigation measures in operation of the premises.

A Social Impact Assessment has been prepared to identify, predict and evaluate potential adverse impacts, and to maximize project benefits to local communities and other groups. The SIA was prepared pursuant to Clause 6.21 of the Manly LEP 2013 and the Manly DCP 2013. Key findings and recommendations of the SIA are:

- In terms of acoustic amenity, conclusions drawn from the acoustic assessment indicate that as long as there is compliance with recommendations, noise emissions will be at an acceptable level. Therefore, the social impacts associated with noise are assessed as low
- Safety considerations are primary to the management of bar and entertainment facilities. While crime statistics are stable across most incidents, it is clear that night time alcohol related incidents are present in Manly
- Responsibilities for the safety of patrons inside the premises, and to the extent reasonable, those leaving and interacting with members of the public, must be primary considerations for the Licensee, management, staff and contractors. To a large extent, incidents of violence and antisocial behaviour can be minimised with appropriate systems in place
- Providing the Licensee prepares a Plan of Management and adopts safety measures identified, the social impacts associated with safety are assessed as moderate.

A Plan of Management has been prepared for the premise. The purpose of this PoM is to provide a framework for the management and operations of the proposed premises that facilitates and maintains a satisfactory level of amenity and safety, consistent with community standards. Key actions from the PoM include:

Operational procedures

- The Licensee will always ensure that alcohol is served responsibly and in accordance with the Liquor Act 2007 (the Act), the Liquor Regulation 2008 (the Regulation), the Licensee's Liquor Licence and the Conditions attaching to that Licence, and this Plan.
- The Licensee shall take all reasonable measures to ensure the behaviour of staff and patrons do not adversely affect the amenity of the neighbourhood and that adequate controls and policies are in place to monitor customer behaviour across the entire licensed area of the Premises when it is trading.

Security

- The Licensee will continue to instruct Security to patrol, at regular intervals, the liquor licensed premises for anti-social behaviour.

- CCTV will monitor the internal and external areas of the premises.

Patron Management

- The venue will be operated in a responsible manner so as to avoid any undue disturbance or interference with neighbours and business operators.
- Signage will be displayed at the exit point from the premises advising patrons to leave the area quickly and quietly and have regard for the neighbours.

It is proposed to fully implement the Plan of Management.

5. OTHER PLANNING CONSIDERATIONS

The relevant planning framework considered in the preparation of this report comprises:

- Manly Development Control Plan (MDCP) 2013.

5.1. Manly Development Control Plan 2013

Consideration of compliance and/or consistency with the relevant provisions within the Manly Development Control Plan 2013 (MDCP 2013) is provided in Table 7 below.

Table 6: MDCP 2021 Compliance Table.

CONTROL	REQUIREMENT	COMPLIES?
Part 3 – General Principles of Development Part 3.1.3 Townscape (Local and Neighbourhood Centres)	The proposed works include alterations and additions to the façade. The proposed works do include the demolition of portions of shop-front, however it would not affect any original/significant fabric, nor present as incongruent with The Corso's existing street-level conditions. Where possible the works are conserved to the original site noting the proposed development is limited to the ground floor and mezzanine level. We note the guitar signage will be a new prominent element however it is intended to create a visually interesting element that enlivens the Corso. The proposed use will contribute to the wide range of retail and commercial uses in the Town Centre and is considered to be of no impact upon the unique character of this area. Views to Manly Beach and along The Corso are protected.	Yes
Part 3.2 Heritage Considerations Part 3.2.1 Consideration of	The Heritage Impact Assessment notes that the majority of the proposal would have a negligible impact on the subject place, the Town Centre HCA and nearby Heritage items. In relation to the guitar sculpture the HIA includes the following comments: <i>“The proposal also seeks to attach an illuminated steel guitar sculpture to the west side of the ground floor façade. It would be</i>	Yes

Heritage Significance	<p><i>relatively slim, project forward, and align with the top of the ground floor parapet. While this element can be described as fairly restrained in form, its illuminated presence and scale relative to The Corso would be prominent. It may be considered by the consent authority as out of keeping with the desired character of the heritage group. Tempering its potential heritage impact is its readily reversibility and the contribution it could make to the underlying commercial vitality of The Corso, which is an aspect of its heritage value.”</i></p>	
Part 3.2.2 Alterations or additions to Heritage Items or Conservation Areas	<p>The proposed works have considered the heritage impacts. The Heritage Impact Assessment notes that the majority of the proposal would have a negligible impact on the subject place, the Town Centre HCA and nearby Heritage items.</p> <p>The external wall on ground level and mezzanine level will be altered from masonry work to the painted colour, however the masonry was not the original stone work and therefore does not relate to this control. The colour matched the external balconies and doors found on Level 2 of The Corso Frontage, as such compliments the current contemporary street presentation of the building. The proposed use would also be historically correct to the original use of the building as a Woolworths that contained a dark ground floor colour and awning with a lighter tone for the levels above the awning. Level 2 and 3 are not included within the proposed works and will maintain the previously approved architectural details.</p>	
Part 3.4 Amenity	<p>To ensure that noise generated from the premises is appropriately managed and does not unreasonable impact on others acoustic privacy, all mitigation measures recommended in the acoustic report will be adopted.</p> <p>The proposed works do not create any opportunity for overlooking of private areas of other properties.</p> <p>The works occur within the existing building envelope and do not create any overshadowing.</p> <p>Noise emissions to all nearby development will achieve the requirements of the Manly DCP and NSW Department of Industry Office Liquor and Gaming Guidelines.</p>	Yes
Part 3.6 Accessibility	<p>A BCA and Capability Standard (Appendix B) has been prepared and identifies that:</p> <ul style="list-style-type: none"> • Specific design consideration needs to be given to ensure amenities and facilities comply with the required standard • That access to the mezzanine is not provided to those in wheelchairs. A performance solution will need to be prepared to demonstrate that a suitable and equitable outcome can be achieved. 	Capable of complying

Part 3.7 Stormwater Management	Stormwater systems are currently located within the existing site and will be maintained with the proposed development as there are no changes to the built form. The existing stormwater arrangements will be sufficient for the proposed development.	Yes
Part 3. 8 Waste Management	<p>The existing building has a designated waste collection area at the rear of the tenancy that is sufficient for the disposal of waste generated by the proposed use. Access is available proposed from Market Place.</p> <p>All waste management facilities will be maintained in a clean and hygienic condition that will promote the principles of health, safety and convenience.</p>	Yes
Part 3.10.2 Security (Casual Surveillance)	<p>CCTV will monitor the internal and external areas of the premises. The proposal involves glazed shopfronts that are transparent and will be illuminated at night when the venue is closed.</p> <p>This principle provides that barriers to attract/restrict the movement of people minimises opportunities for crime and increases the effort required to commit crime.</p>	Yes
<p>Part 4.2 Development in Business Centres</p> <p>4.2.5 Manly Town Centre and Surrounds</p>	<p>The proposed works maintains the predominant pattern of active fronted. The addition of the guitar sculpture enhances the townscape as a bustling commercial place.</p> <p>The rear frontage is onto Market Place and the main site frontage presents to The Corso that does not allow for Car Parking and Access as:</p> <ul style="list-style-type: none"> • The dimensions would not allow for the required spaces • The access would interfere with the frontage and the townscape objectives for The Corso and the Town Centre • The potential movement of vehicles would cause unacceptable conflict and potential harm to pedestrian movements as a highly active streets. <p>Therefore, similar to other business uses within this precinct, the proposed development will not provide the car parking spaces.</p> <p>The proposal involves a late-night licensed venue and seeks consent to accommodate a maximum of 534 patrons, at any one time. The proposed trading hours are 7:00am to 3:00am, 7 days a week, with liquor being served between 10:00am to 2:00am.</p> <p>Noise emissions to all nearby development will achieve the requirements of the Manly DCP and NSW Department of Industry Office Liquor and Gaming Guidelines.</p> <p>In relation to access to public spaces the works proposed can achieve compliance with the relevant requirements of the BCA, subject to building systems and services being designed in accordance with the relevant design standards.</p>	Yes

	<p>In terms of security a strict identification policy would be enforced to ensure that proper, valid, identification of age is presented to enter the premises. The bar will obtain a Responsible Service of Alcohol Policy/Liquor License. The Bar will contain CCTV will monitor the internal and external areas of the premises.</p>	
<p>Part 5 Special Character Areas and Sites</p> <p>Part 5.1 Manly Town Centre Heritage Conservation Area and the Corso</p>	<p>Manly Town Centre Conservation Area reflects the early development and its continued use for recreational purposes, including the Corso. As such, the proposed external sculpture adds to the visual amenity of the area and continues the enhancement of the Manly Town Centre Conservation Area, in order to attract and sustain visitors to the area.</p> <p>The architectural organisation of the internal works retains a logical relation to the window as the stage is level with the windows facing The Corso, providing visual amenity to and from the street and the internal activities. The entry way is located at The Corso frontage and provides reasonable access to the main dining area. The floor levels and layout therefore are logical to enhance visual amenities and physical access. The floor level and mezzanine are adjacent to floor windows and other openings.</p> <p>The Heritage Impact Assessment notes that the majority of the proposal would have a negligible impact on the subject place, the Town Centre HCA and nearby Heritage items. Refer to the Heritage Impact Assessment provided by Touring the Past for full discussion. The original views of the site have not been altered and did not have immediate access to the established critical views. The critical views identified will not be obstructed by the proposed works.</p> <p>The proposed signage and sculpture will enhance the safety and liveliness of the street by incorporating LED lighting. The lighting provides illumination to the street at night that promotes street usage. The sculpture provides an artistic addition to The Corso that maximises the liveliness of the commercial street at both day and night.</p> <p>The proposed stage that is adjacent and level with the Ground-floor windows that frontage The Corso will act as a window display to the lively internal activities of the bar.</p> <p>The proposed external building colours are the Awning and External Wall Paint Colour: Dulux Monument Code.</p> <p>The awning colour is not significantly different from the current awning. The external wall on Ground Floor and Level 1 will be altered from masonry work to the painted colour. The colour matched the external balconies and doors found on Level 2 of The Corso Frontage, as such compliments the current contemporary street presentation of the building. The proposed use would also be historically correct to the original use of the building as a Woolworths that contained a dark ground floor colour and awning with a lighter tone for</p>	<p>Yes</p>

	<p>the levels above the awning.</p> <p>The proposed hydraulic vents and service vents found on the Ground Floor and Level 1 do protrude into the street frontage and are discrete. The building is not disfigured and the seen sections of the vents are integrated in the structure</p>	
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6. ENVIRONMENTAL IMPACT ASSESSMENT

6.1. Overview

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15 of the Act.

6.2. Context and Setting

The context and setting of the development site are described in Section 2 of this Statement.

Further consideration of the compatibility of the proposal and its surroundings can be undertaken with regard to the Land Environment Court Planning Principle on “compatibility with context” in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191. In order to test whether a proposal is compatible with its context, the following two questions can be asked:

- **Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.**

The proposal's physical impacts on surrounding development are acceptable and cause no constraints on the development potential of surrounding sites noting no changes to the built form or setbacks. The environmental impacts are assessed in detail throughout Section 6 of this SEE.

- **Is the proposal’s appearance in harmony with the buildings around it and the character of the street?**

The site is located in a well-established local centre being The Corso with many other similar developments within the immediate vicinity. The proposal does not seek to alter the existing built form or setbacks and maintain the existing local character. Further, the proposed development is respectful to the heritage item and heritage conservation area noting the no changes to scale, size and built form and is rather limited to change of use. The proposed signage is a visually significant element however the hollow design allows for minimal impact.

6.3. Built Environment

6.3.1. Height, Bulk and Scale

- 6.3.2. The proposal does not seek to alter the existing building envelope noting the proposal is limited to ground floor and the mezzanine level. Further, there are no change to the building envelope, scale or setbacks.

6.3.3. Intensification of Site

The change of use sees an intensification of the site from currently a retail store to a change of use to a pub and live entertainment venue. The intensification of the site has been managed as by the Plan of Management and Noise Impact Assessment recommendations. Refer to 4.6.14.

6.4. Natural Environment

6.4.1. Tree Removal

The proposal does not include tree removal, noting that the existing subject site does not contain vegetation.

6.4.2. Landscape, Water and Soil Management and Air and Microclimate

The proposal does not include landscaping, water and soil management nor air and microclimate noting that the proposal includes internal works and that are no changes to the built form. The existing site does not have landscaped areas.

6.4.3. Noise and Vibration

A Noise Impact Assessment was prepared and is provided at Appendix C. It identified noise emissions likely to be generated by the use of the site including patrons and music use.

Within the Noise Impact Assessment, Section 5.4 provided recommendations for the site's use as listed below:

- All external windows and doors are to remain closed between 10pm and 7am or anytime while live music is played (except when required for egress by patrons or staff)
- External windows and doors are to be constructed with minimum 10.38mm laminate glazing (Rw35)
- Minimum of 60% ceiling area of the bar is to be treated with absorptive lining achieving an NRC of 0.8 (equal to Autex QuietSpace Panel)
- Any fixed speakers are to be vibration isolated by NRD mounts or equal. Where subwoofers are installed, they are to be mounted with 25mm static deflection springs. Alternative isolation arrangements will also be acceptable pending review of the finalised speaker layout selections
- Signs are to be displayed at the entry/exit of the venue reminding patrons to minimise noise when departing the premises, especially after 10pm
- All internal walls are to be constructed discontinuous to the structural building elements (e.g. 20mm spacing between any stud wall/plasterboard and masonry/concrete wall, or other structural elements which connect to the hostel)

The assessment concluded that if the above recommendations are taken then the appropriate noise mitigation is applicable.

6.4.4. Movement and Access

The subject site is closely located to public transport including the bus and ferry as well as supporting public transport facilities such as taxi, uber, public bathrooms and other facilities. The close location to public transport ensures that the site is accessible for all.

6.4.5. Parking, Access and Transport

The proposed development does not include or propose any on-site car parking. A review of other uses within the vicinity of the site identified that they also did not have parking.

Address	On-site Parking provided
"New Brighton Hotel" 71 The Corso, Manly <i>The neighbouring property</i>	No
"Ivanhoe Hotel Manly" 27 The Corso, Manly <i>Approximately 110m from the subject site</i>	No
"ANZ Bank" 59 The Corso, Manly <i>The neighbouring property</i>	No
"Commonwealth Bank" 64 The Corso, Manly <i>Approximately 50m from the subject site</i>	No

A Traffic and Parking Report has been prepared by Transport and Traffic Planning (**Appendix K**). Key findings of the report are:

- *There are numerous existing entertainment venues in Manly with no on-site parking provision where patrons are reliant on the excellent bus and ferry transport services supplemented by taxis and ride share.*
- *Accordingly the proposal will not present a parking issue per se while pedestrian access will be facilitated by the high grade pedestrian treatment in The Corso and Sydney Road. In regard to delivery and service vehicle provision the venue will be subject to the same constraints and requirements as the numerous properties with frontage to The Corso.*
- *Delivery and service vehicle access to The Corso is permitted between the hours of 4.0 and 7.0am when virtually all of the refuse removal is undertaken. At other times delivery vehicles park in the permitted areas in the surrounding streets as indicated on the image overleaf.*

6.4.6. Servicing / Waste

A Waste Management Plan (WMP) for the proposed development has been prepared by Dickens Solution dated January 2022 (Appendix J). Within the WMP, the report outlines recommendations throughout for each specific waste section.

6.5. Site Suitability

6.5.1. Services and Utilities

All installations will be capable of meeting the requirements under the Australian Standards and the Building Code of Australia.

6.5.2. Conclusion

The suitability of the land to accommodate a building of this type and scale was established by the analysis completed by Council through the preparation of LEP.

The subject site is not affected by any policy that restricts development because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulphate soils or any other risk.

An assessment under SEPP (Resilience and Hazards) has been carried out and is provided at Section 4.4 above. The assessment indicates the site can be made suitable for the proposed development application.

6.6. Social and Economic Effects

6.6.1. Crime and Safety

Crime Prevention through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing CPTED measures within the design of the development, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety. The proposal has been designed to take into consideration the CPTED principles as follows:

Surveillance: This principle provides that crime targets can be reduced by effective surveillance, both natural and technical.

The layout of the development also provides lines of sight which will be maintained during the night by a suitable lighting scheme. Effective lighting will be provided as a part of the detailed design process to ensure that an appropriate balance for lighting external and internal spaces without creating excessive glare or opportunities for concealment. CCTV will also be utilised as appropriate for various building components, and will be further considered in later detailed design stages.

Access Control: This principle provides that barriers to attract/restrict the movement of people minimises opportunities for crime and increases the effort required to commit crime.

Entry to the premises will be controlled, with a host meeting all patrons at an entry desk. All patrons required to provide identification.

Territorial Reinforcement: This principle provides that well-used places reduce opportunities for crime and increase risk to criminals.

It is envisaged that the premise and its surrounds will be well used. The spaces are open and visible which will enable

surveillance of people with the premises and within its vicinity.

Space Management: This principle provides that space which is appropriately utilised and well cared for reduces the risk of crime and antisocial behaviour.

Patron behaviour will be monitored and managed by licence security officers.

6.6.2. Social, Economic and Employment

The proposal provides an increased number of employment opportunities within the Manly LGA and will positively add to the social sphere of The Corso and the hub of Manly by encouraging casual surveillance. Please refer to the Plan of Management for exact detailing regarding number of jobs and employment opportunities.

6.6.3. Public interest

Pursuant to case law of *Ex Gratia P/L v Dungog Council* (NSWLEC 148), the question that needs to be answered is “Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development”.

There are no unreasonable impacts that will result from the proposed development, therefore, the benefits of providing commercial and retail space for local residents and workers in an accessible and well-serviced area outweigh any disadvantage and, as such, the proposed development will have an overall public benefit.

7. CONCLUSION

This DA seeks a change of use to a pub and live entertainment venue, building works and business identification signage.

This SEE has undertaken an environmental assessment of the proposal and has concluded that the proposal provides a built form which is consistent and compatible with the desired future character of the site and the surrounding locality.

In summary, the proposal is considered to:

- be an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.
- provide a built form consistent with and appropriate to the desired future character of the site.
- have no adverse impacts on the environment, traffic, parking, drainage or other external features or services.

The benefits provided by the proposed development outweigh any potential impacts and is it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development and is worthy of approval.