

Manly Wharf Carpark/ East Esplanade

Manly NSW 2010

Regularisation of unauthorised building works and use of the carpark level as a paid secure carpark.

Statement of Environmental Effects

Prepared for Secure Parking

02 December 2013

Job Number: 13/0729

1. Introduction

1.1 This Statement of Environmental Effects accompanies a development application to the Manly Council for the regularisation of unauthorised building works and use of the carpark level as a paid secure carpark at Manly Wharf Car Park/ East Esplanade, Manly.

1.2 This Statement of Environmental Effects (SEE) has been prepared in accordance with the following:

- Title Survey Drawing, obtained from NSW Land Titles Office;
- Architectural Plans prepared by RealServe Pty Ltd, including:

Drawing No:	Description:	Date:
-	Basement Floor Plan	16 September 2013

- Operational Plan of Management, prepared by Secure Parking Pty Ltd.
- Building Certificate Application, prepared by Building Certificates Australia Pty Ltd.
- Heritage Impact Statement, prepared by Australian Facilities Solutions Pty Ltd, dated 02 December 2013.

1.3 The development application is also accompanied by a completed development application form, the required development application fees, notification plans, and a CD-Rom of all submitted documents. Five copies of all documents are provided.

1.4 Part 2 of this report describes the site and the locality. Part 3 outlines the proposed works. Part 4 sets out the relevant statutory provisions and considers the proposal in relation to those provisions. Part 5 assesses the impacts of the proposed development. Part 6 provides concluding comments.

2. Site and Locality

Location and Site Context

2.1 The site is Manly Wharf Carpark/ East Esplanade, Manly. The subject site is located on the south-western side of the East Esplanade. Figure 1 illustrates the context of the site within the locality.

2.2 The site is legally described as Lot 3 in DP809933.

2.3 The subject site consists of a multi-level mixed use building, consisting of a variety of retail and commercial premises (Figure 2). The existing development fronts the Manly Cove.

2.4 The character of the area comprises a mixture of building types, scale and architecture. Figure 3 provides an aerial view and illustrates the configuration of the site and its relationship to adjoining developments.



Figure 1: Location of Subject Site indicated by red star (Source: Google Maps, 2013).



Figure 2: The subject site consists of a multi-level mixed use building (Source: Australian Facilities Solutions Pty Ltd, 2013).



Figure 3: Relationship of the site to adjoining property (Source: Six Maps, 2013).

Development to the North

- 2.5 To the north of the site is a series of multi-level mixed use buildings, containing residential, commercial and retail developments (Figure 4). The existing developments are located on the northern side of East Esplanade.



Figure 4: To the north of the site is a series of multi-level mixed use buildings, as viewed from the East Esplanade (Source: Australian Facilities Solutions Pty Ltd, 2013).

Development to the West

- 2.6 To the west of the site is public open space and the Manly Cove (Figure 5). The area consists of Norfolk Pines fronting the Manly Cove. The area is listed as an item of environmental heritage under the provisions of the *Manly Local Environmental Plan 2013*, having a significant landscape form.



Figure 5: To the west of the site is public open space, as viewed from the East Esplanade (Source: Australian Facilities Solutions Pty Ltd, 2013).

Development to the East

- 2.7 Similar to the west of the site, the east of the site is public open space and the Manly Cove (Figure 6). The area consists of Norfolk Pines fronting the Manly Cove. The area is listed as an item of environmental heritage under the provisions of the *Manly Local Environmental Plan 2013*, having a significant landscape form.



Figure 6: To the east of the site is a series of mixed use buildings, as viewed from the East Esplanade (Source: Australian Facilities Solutions Pty Ltd, 2013).

Development to the South

- 2.8 To the south of the site is the Manly Cove (Figure 7). The Manly Cove is regularly used by the Manly to Circular Quay Ferry.



Figure 7: To the south of the site is the Manly Cove (Source: Australian Facilities Solutions Pty Ltd, 2013).

Zoning and Heritage

- 2.7 The site is zoned RE1- Public Recreation under the *Manly Local Environmental Plan 2013* (Figure 7).
- 2.8 The subject site is listed as an item of environmental heritage (state listed) under the provisions of the *Manly Local Environmental Plan 2013* (Figure 8). As shown in the below figure the lot on which the carpark is located is considered a heritage lot. The heritage item is outlined in Schedule 5 of the LEP as follows:

Suburb:	Item Name:	Address:	Significance:	Item No:
Manly	Manly Wharf	East and West Esplanades (opposite The Corso, Harbour Side)	State	I145



Figure 7: Land Zoning Map. Extract from *Manly Local Environmental Plan 2013* (Base source: NSW Legislation, 2013)

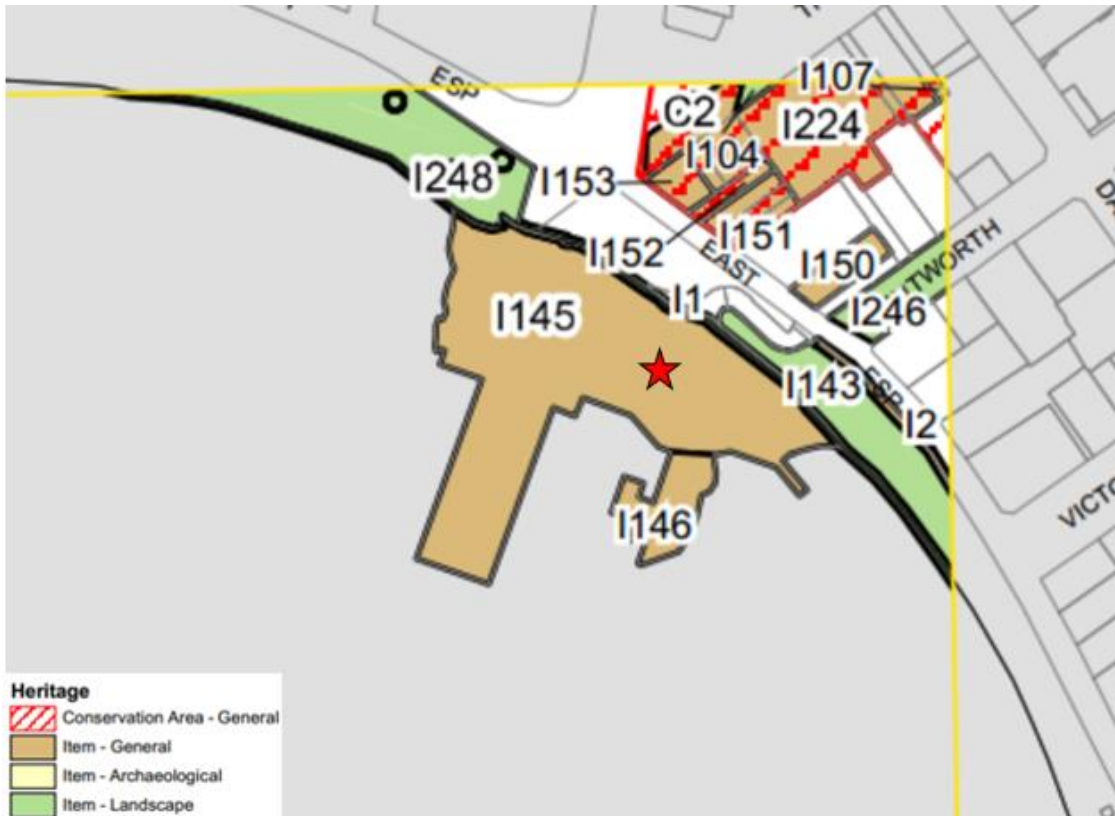


Figure 8: Heritage Map. Subject site marked by red star (Base Source: NSW Legislation, 2013).

Access and Car Parking

- 2.9 The Manly Wharf is accessible by bus, car, ferry, bicycle and pedestrian means. Figure 8 below outlines the different methods of access to the site. Figure 9 shows an aerial view of the subject site outlining the accessibility of the site.
- 2.10 Vehicular entry to the site is from the eastern side of the site off the East Esplanade (Figure 9).
- 2.11 The basement car park comprises one level and provides a total of 66 car parking spaces, consisting of one disabled car parking space. Pedestrian access to the basement levels from the upper levels of the building via the lifts, stairs or through the vehicular access ramp of the site.



Figure 9: Accessibility to the site (Source: Google Maps, 2013).



Figure 4: Entry to the site is from the East Esplanade (Source: Australian Facilities Solutions Pty Ltd, 2013).

3. Description of Proposed Development

General Description

- 3.1 The proposal seeks approval for the regularisation of unauthorised works building works and use of the carpark level as a paid secure carpark. The unauthorised works subject to this Development Application include the following:
1. Construction of two new boom gates to the entry of the basement carpark (Figure 9);
 2. Construction of a new site office to the western end of the basement carpark (Figure 10);
- 3.2 A Building Certificate Application under Clause 149A of the *Environmental Planning and Assessment Act 1979* has been lodged with the Manly Council to address all unauthorised works.
- 3.3 These works are depicted on the plans labelled Basement Floor Plan, prepared by RealServe Pty Ltd, dated 16 September 2013.
- 3.4 The use of the site as paid secure carpark will involve the provision of one additional staff member who will work in the site office. The site will maintain valet parking to the site during off-peak periods (see Operational Plan of Management).
- 3.5 The Operational Plan of Management details the operational characteristics of the use of the site as a secure paid carpark.



Figure 9: Unauthorised building works- Construction of two new boom gates to the entry to the basement car park (Source: Australian Facilities Solutions Pty Ltd, 2013).



Figure 10: Unauthorised building works- Construction of a new site office to the western end of the basement (Source: Australian Facilities Solutions Pty Ltd, 2013).

4. Statutory Controls and Considerations

Manly Local Environmental Plan 2013

4.1 The principle Environmental Planning Instrument relevant to the proposal is the *Manly Local Environmental Plan 2013*. The site is zoned RE1 Public Recreation.

4.2 The objectives of RE1- Public Recreation zone are as follows:

(a) *To enable land to be used for public open space or recreational purposes;*

Comment:

The secure paid carpark is ancillary to the Manly Wharf, and therefore meets the zone objective. The carpark will continue to provide for the carparking needs of the Manly community and its visitors in a location that will enable the land to be used for public open space and recreational purpose.

(b) *To provide a range of recreational settings and activities and compatible land uses;*

Comment:

As outlined above, the secure carpark is ancillary to the Manly Wharf, which provides a range of recreational settings and activities and compatible land uses.

(c) *To protect and enhance the natural environment for recreational purposes;*

Comment:

The proposed use of the site will not cause any detrimental effects on the natural environment. The basement level will still maintain its use as a carpark.

(d) *To protect manage, and restore areas visually exposed to the waters of Middle Harbour, North Harbour, Burnt Bridge Creek and the Pacific Ocean.*

Comment:

The proposed use and unauthorised building works will cause no effect on areas visually exposed to the waters of Middle Harbour, North Harbour, Burnt Bridge Creek and the Pacific Ocean.

(e) *To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.*

Comment:

The proposed use and unauthorized building works will cause no effect on height and bulk of the existing development.

4.3 Clause 5.10 (1) outlines the objectives of heritage items, they are as follows:

- (a) *To conserve the environmental heritage of the City of Sydney,*
- (b) *To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views*
- (c) *To conserve archaeological sites*
- (d) *To conserve Aboriginal objects and Aboriginal places of heritage significance.*

Comment:

The proposed change of use and unauthorised building works are considered to have no impact upon the heritage significance of the heritage item. All unauthorised works are to the basement level and are not visible from the streetscape. The proposed use of the basement level as a secure carpark will not cause any unacceptable impact upon the heritage significance of the site as the site will maintain a similar function and use.

4.4 Clause 5.10 (4) outlines the requirements on the effect of proposed development on heritage significance.

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

Comment:

See Appendix A- Heritage Impact Statement.

4.5 There are no other relevant provisions in the *Manly Local Environmental Plan 2013* applicable to the proposal.

Manly Development Control Plan 2013

4.6 The principle development control plan relevant to the proposal is the *Manly Development Control Plan 2013* (MDCP2013).

4.7 Clause 3.12 outlines requirements for heritage conservation.

Comment:

See Appendix A- Heritage Impact Statement.

4.8 There are no other relevant provisions applicable in the *Manly Development Control Plan 2013*.

5. Section 79C Assessment

1 (a) (i) Environmental Planning Instruments

- 5.1 As discussed in Part 4 of this report, the proposal complies with the *Manly Local Environmental Plan 2013*.

1 (a) (ii) Draft Environmental Planning Instruments

- 5.2 There are no known draft environmental planning instruments that apply to the site or development.

1 (a) (iii) Development Control Plan

- 5.3 As discussed in Part 4 of this report, the proposal complies with the *Manly Development Control Plan 2013*.

1 (a) (iv) The Regulations

- 5.4 The Regulation contains *Building Code of Australia* related requirements. The proposal will be subject to BCA requirements at the time of the Construction Certificate (CC).

1 (a) (v) Coastal Zone Management Plan

- 5.5 Not applicable

1 (b) Likely Impacts of Development

Context and Setting

- 5.6 The proposed change of use of the basement car park level is considered to be appropriate for the existing and likely future context and setting of the locality. As the basement car-park level is experiences high volumes of traffic flow, it is considered appropriate that the car-parking be monitored through the regulation of paid parking.
- 5.7 As indicated in Figure 9 of this report, the site is well served by public transportation being accessible by both bus and ferry modes of transport. The proposed development is appropriate in terms of the limited amount of parking provision available on-site.

Heritage

- 5.8 The site will cause negligible effects on the heritage significance of the site. The site will remain as a hub for ferry transportation from Manly and Circular Quay which forms part of the heritage significance of the site. All works are contained to the basement level, which holds no heritage significance. The unauthorised works will not result in any view impacts to or from the heritage item.

1 (c) Suitability of the site for the proposed development

5.9 Having regard to the characteristics of the site and its location, the proposed development is considered to be appropriate in that:

- The basement car park is ancillary to the existing development on-site which supports the objectives of the zone providing a range of recreational settings and activities and compatible land uses.
- The basement car park level at present experiences high volumes of traffic flow that the basement cannot accommodate. The use of the site as a paid carpark will regulate parking provision on-site and will reinforce other public transportation methods, such as by ferry and bus transportation modes.
- The site will maintain the similar use will have no unacceptable impacts upon neighbouring sites.

1 (d) Any submission made

5.10 The Manly Council will undertake a notification period in accordance with the Council's policy.

1 (e) The public interest

5.11 The proposed development is considered to be in the wider public interest for the following reasons:

- It is consistent with the objects of the *Environmental Planning and Assessment Act 1979*, specifically because it represents the economic and orderly development of land;
- The proposal satisfies the objectives of the *Manly Local Environmental Plan 2013*;
- The proposal makes a positive contribution towards the State Government's objectives for less reliance on the private motor vehicle.

6. Conclusion

6.1 This Development Application (DA) seeks development approval for the regularisation of unauthorised building works and for the change of use of the carpark level as a paid secure carpark at Manly Wharf, East Esplanade, Manly.

6.2 The aim of this report has been to:

- Describe the proposal;
- Detail the background investigations that have been carried out prior to the preparation of the development application;
- Illustrate compliance of the proposal with relevant statutory considerations; and
- Provide an assessment of the likely environmental effects of the proposal.

6.3 The proposed development has been assessed above in accordance with the provisions of:

- *Manly Local Environmental Plan 2013*

- *Manly Development Control Plan 2013*
- *Section 79C1 of the Environmental Planning and Assessment Act 1979*

6.4 Having regard to the aforementioned assessments it is considered that the proposed development is acceptable and that it should be approved.



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02 December 2013