

Statement of Environmental Effects

17-19 Central Avenue, Manly

Fit-out and use of part of the basement as a small bar (maximum 75 patrons) and use of ground floor shops for food storage and preparation in association with the small bar.

**Prepared by Geoff Goodyer for submission to
North Beaches Council**

April 2019

Project No. 18-120

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1. Executive summary

- 1.1. On 13 March 2019 Council approved DA2018/1047 for “change of use to a small bar” at 17-19 Central Avenue, Manly. The small bar is approved to operate in part of the basement with a maximum capacity of 55 patrons. The use has not commenced.
- 1.2. The current proposal relies on the same plans for the basement as the approved small bar. A maximum of 75 patrons is proposed. An Acoustic Impact Report forms part of this application and demonstrates no unreasonable impacts arising from noise associated with the small bar.
- 1.3. There will be no live music will be permitted on the premises. The level of background music will be strictly controlled by noise limiters in accordance with the advice of acoustic consultants to a level that complies with all relevant acoustic criteria.
- 1.4. Prior to its approval the proposal for a small bar was reviewed by NSW Police Northern Beaches Local Area Command who raised no objections subject to a variety of conditions to ensure that the operation of the small bar did not impact on the amenity of the area. Those conditions are equally relevant to the current proposal.
- 1.5. The Plan of Management for the operation of the Small Bar has been updated to reflect the proposed patronage of 75 persons.
- 1.6. The proposal adopts the same hours of operation of the approved small bar:

Monday to Thursday: 7.00am to 12.00 midnight
Friday and Saturday: 7.00am to 1.00am
Sunday: 7.00am to 10.00pm
- 1.7. The proposal includes the use of the ground floor shops for the storage and preparation of food in association with the basement small bar. It is envisaged that during daytime hours the ground floor shop will prepare foods for consumption during that time and later in the evening in the small bar and will also operate as a delicatessen selling food directly to the public. In the evenings the ground floor will not operate as a shop but will provide access to the basement small bar.
- 1.8. The small bar will add vibrancy to the Manly Town Centre and provide additional local employment.
- 1.9. A request to vary the floor space ratio control applying to the site was approved with DA2018/1047. However, as that approval has not yet commenced so the same request is made for the current proposal.
- 1.10. This Statement of Environmental Effects carries out an assessment of the proposal against the relevant planning controls, including:
 - *Manly Local Environmental Plan 2013*

- *Manly Development Control Plan 2013*

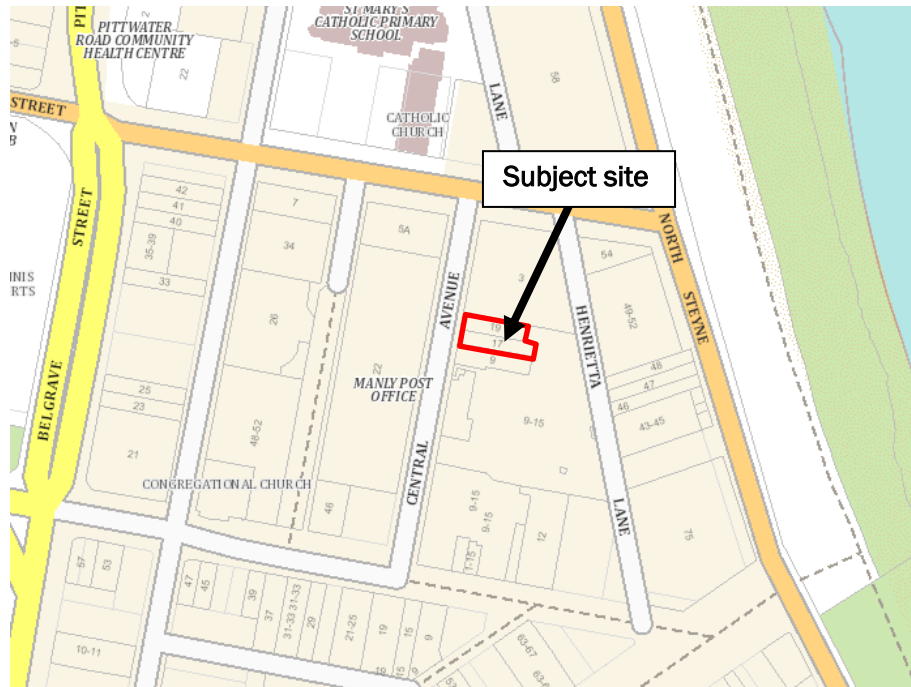
- 1.11. The site is zoned B2 Local Centre. The proposal is permissible with consent within the zone and satisfies all relevant objectives.
- 1.12. The proposal is considered to be suitable for approval.

2. Introduction

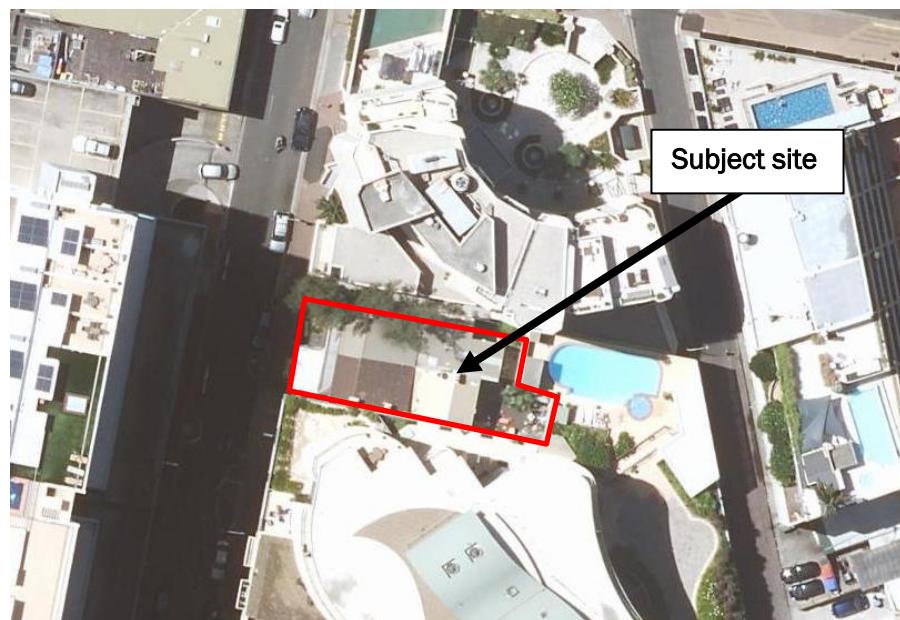
- 2.1. This Statement of Environmental Effects has been prepared by Geoff Goodyer of Symons Goodyer Pty Limited, Balgowlah. My details are included in Appendix A of this Statement of Environmental Effects.
- 2.2. I am a town planner with over 30 years' experience in local government and private practice. I am a Registered Planner accredited by the Planning Institute of Australia.
- 2.3. This report assesses the impacts of a proposal to fit-out and use part of the basement as a small bar (maximum 75 patrons) and use of the ground floor shops for food storage and preparation in association with the small bar at 17-19 Central Avenue, Manly, under section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- 2.4. In the course of preparing this Statement of Environmental Effects I have:
 - inspected and taken photographs of the site and surrounding locality; and
 - reviewed relevant environmental planning instruments and Council policies, in particular *Manly Local Environmental Plan 2013* and *Manly Development Control Plan 2013*.

3. The site and surrounding area

- 3.1. The subject site is Lots 12 and 13 and common property, SP 94821, No. 17-19 Central Avenue, Manly. It is located on the eastern side of Central Avenue between Raglan Street and Sydney Road. The site's location is shown on the following maps:



Map 1 – Location (source: sixmaps)



Map 2 – Aerial photograph (source: sixmaps)

- 3.2. The site is located within a seven level mixed used development. It occupies part of the basement and the two ground floor shops within that development.
- 3.3. The surrounding area has been developed for commercial and mixed use developments and public car parking. St Marys Church and Primary School are located 70 metres to the north west of the site, the Novotel Sydney Manly Pacific Hotel 60 metres to the north of the site, and Manly Beach is 100 metres to the east of the site.
- 3.4. The following photographs show the site and surrounding area:



Photo 1:
The subject site, viewed from the south west.



Photo 2:
The subject site, viewed from the north west.



Photo 3:
Neighbouring development to the south of the site.



Photo 4:
The neighbouring apartment building to the north of the site.



Photo 5:
Development on the opposite side
of Central Avenue.



Photo 6:
The Novotel Sydney Manly Pacific
Hotel, 60m to the north east of the
site.



Photo 7:
St Marys Primary School, 70m to
the north west of the site.

4. Proposal in detail

- 4.1. The proposal is to fit-out and use part of the basement as a small bar and use two ground floor shops for food preparation and storage in association with the small bar. Access to the small bar will be through one of the approved ground floor shops. It is envisaged that one of the ground floor shops will operate as a delicatessen or similar and that the basement small bar will complement this use.
- 4.2. The small bar has a serviced area of 49.4m². It has a maximum capacity of 75 persons. There will be the equivalent of 5 full-time employees involved in the small bar.
- 4.3. The proposed hours of operation are:
- Monday to Thursday: 7.00am to 12.00 midnight
Friday and Saturday: 7.00am to 1.00am
Sunday: 7.00am to 10.00pm
- 4.4. No live music will be permitted in the premises. Background music will be limited in volume in accordance with the recommendations of the Acoustic Impact Report by Acoustic Solutions.
- 4.5. The proposed small bar occupies an area that is approved for a small bar (DA2018/1047).
- 4.6. The proposal is shown on the following drawings:

| No. | Revision | Title | Drawn by |
|-------|----------|---------------|------------------------|
| DA.01 | C | Basement Plan | Blackmore Design Group |
| DA.02 | C | Ground Floor | Blackmore Design Group |

- 4.7. The proposal is supported by the following documentation:

| Title | Date | Prepared by |
|------------------------------------|------------|--------------------|
| Acoustic Impact Report | ?? | Acoustic Solutions |
| Social Impact Assessment | ?? | |
| Statement of Environmental Effects | April 2019 | Symons Goodyer |

5. Manly Local Environmental Plan 2013

5.1. Permissibility

- 5.1.1. The site is within the B2 Local Centre zone under MLEP 2013. A “small bar” is permissible with consent in the B2 zone. In the Dictionary to MLEP 2013, “small bar” means a small bar within the meaning of the *Liquor Act 2007*, and the proposed small bar will comply with the requirements of the *Liquor Act 2007*.
- 5.1.2. Relevantly, clause 39 of the *Liquor Regulation 2018* limits the number of patrons in a small bar to 100 persons – the proposal is for a maximum of 75 patrons. Furthermore, pursuant to Section 20C(4) of the *Liquor Act 2007*, food of a nature and quantity consistent with the responsible sale, supply and service of alcohol must be made available. Food will be prepared and stored in the ground floor shops as part of the proposal to ensure compliance with section 20C(4) of the *Liquor Act 2007*.

5.2. Compliance Tables

Part 4 Principal development standards

| 4. | Principal Development Standards | Requirement | Proposed | Complies Yes/No |
|------|---------------------------------|--|--|-----------------|
| 4.3 | Height of buildings | 25.0m | 24.5m (No change) | Yes |
| 4.4 | Floor space ratio | 3.0:1 | 3.18:1 | No |
| 6.16 | Gross floor area in Zone B2 | Minimum 25% gross floor area to be commercial premises | 29.3% gross floor area will be commercial premises | Yes |

Part 5 Miscellaneous Provisions

| 5. | Miscellaneous Provisions | Applies | Complies | Comments |
|------|--------------------------|---------|----------|--|
| 5.10 | Heritage | Yes | Yes | Not a heritage item. Not in a conservation area. |

Part 6 Local Provisions

| 6. | Local Provisions | Applies | Complies | Comments |
|-----|-----------------------|---------|----------|--|
| 6.1 | Acid Sulphate Soils | Yes | Yes | Class 4 area. No excavation is proposed. |
| 6.2 | Earthworks | Yes | Yes | No earthworks are proposed. |
| 6.3 | Flood planning | Yes | Yes | Site is not flood prone land |
| 6.4 | Stormwater Management | Yes | Yes | No change to existing situation. |
| 6.5 | Terrestrial diversity | Yes | Yes | Not in an identified area. |

| | | | | |
|-----|--------------------------------|-----|-----|--|
| 6.6 | Riparian land and watercourses | Yes | Yes | Site is more than 40 metres from any watercourse |
|-----|--------------------------------|-----|-----|--|

5.3. Floor space ratio (Clause 4.4)

- 5.3.1. The proposal will increase the gross floor area of the building by 60.6m² resulting in a total gross floor area of 1,057m² and a FSR of 3.18:1. This variation was previously approved with DA 358/2016 and DA2018/1047.
- 5.3.2. All works are within the existing building envelope and there is no change to the external appearance of the building. Furthermore, the proposal will achieve greater consistency with the objectives of the control by improving the viability of the business zone, contributing to economic growth and providing additional local employment opportunities.
- 5.3.3. A request to vary the floor space ratio control is attached as Appendix B and is considered to be well founded.

5.4. Floor space ratio (Clause 4.4)

- 5.4.1. The proposal will increase the commercial gross floor area of the building by 60.6m². The existing building provides 25% of its gross floor area as commercial premises and this will increase to 29.3%.

6. Manly Development Control Plan 2013

6.1. Compliance Tables

Part 3 General Principles of Development

| <u>Issues</u> | <u>Consistent with principle</u> | <u>Inconsistent with principle</u> |
|-----------------------------------|----------------------------------|------------------------------------|
| Streetscape | ✓ | |
| Sunlight access and overshadowing | ✓ | |
| Privacy and security | ✓ | |
| Maintenance of views | ✓ | |
| Sustainability | ✓ | |
| Accessibility | ✓ | |
| Stormwater management | ✓ | |
| Waste management | ✓ | |
| Mechanical plant and equipment | ✓ | |

Part 4 Development Controls

| | <u>Permitted / Required</u> | <u>Proposed</u> | <u>Complies Yes/No</u> |
|-------------|---|---|----------------------------|
| Setbacks | Nil to the side boundaries and public roads | Nil to side boundaries and Central Avenue | Yes |
| Car parking | 1/40m ² gross floor area | No additional spaces | Yes (see discussion below) |

Part 5 Special Character Areas and Sites

| <u>Special Character Areas and Sites</u> | <u>Applicable</u> | <u>Not Applicable</u> |
|--|-------------------|-----------------------|
| Conservation Area | No | |
| Foreshore Scenic Protection Area | No | |
| Threatened Species and Critical habitat | No | |
| Flood Control Lots | No | |
| Riparian Land and Watercourses | No | |
| Road Widening | No | |

6.2. Parking, vehicular access and loading (Part 4.2.4)

- 6.2.1. The currently approved mixed use development includes 309.7 m² of commercial floor space including the area previously approval for a small bar in the basement (DA2018/1047). Consequently the proposal does not increase the commercial floor area and therefore does not result in any additional demand for car parking.

6.3. Amenity (Part 3.4)

- 6.3.1. No live music is proposed. Soft background music will be provided but the basement location will mitigate any noise to neighbours or other residential premises within the building.
- 6.3.2. A detailed examination of the acoustic impacts of the proposal is included in the Acoustic Impact Report by Acoustic Solutions, which concludes:

?? Measurements and computations presented in this report show that the noise emissions from the proposed small bar at No. 17-19 Central Ave, Manly with a maximum of 55 patrons and 5 staff, will not exceed the noise criteria set out in the NSW Industrial Noise Policy and Northern Beaches Council requirements.

?? Noise control recommendations are outlined in Section 7 to ensure compliance through the operation of the proposed small bar. The proposed small bar will comply with the relative sections of the EPA and will not create any offensive noise as stated in the NSW Industrial Noise Policy.

- 6.3.3. There will be no impacts on residential premises in terms of views, privacy or access to sunlight.

6.4. Waste management (Part 3.8)

- 6.4.1. A preliminary Waste Management Plan accompanies the development application. Demolition and construction waste will be recycled and disposed of in accordance with the Waste Management Plan currently operating for the building under construction.
- 6.4.2. Operational waste of the small bar will be stored in the commercial bin storage area at the rear of the ground floor of the building and collected by contractor.

6.5. Manly Town Centre (Part 4.2.5)

- 6.5.1. The proposed small bar is located in the basement of the building. It is a "late-night venue" as defined in the MDCP 2013 because it closes after 10pm nightly.
- 6.5.2. ?? A Social Impact Assessment has been prepared accompanies the development application.
- 6.5.3. Social impacts from the small bar will be mitigated in a number of ways:
- Physically, the size of the area will limit the number of patrons that can be accommodated. The area will provide a quiet, pleasant environment that is not conducive to anti-social behaviour.

- All staff will be trained in accordance with the requirements for the Responsible Service of Alcohol.
- A maximum of 75 patrons will be permitted at any time.
- The Plan of Management will be strictly implemented.

6.5.4. With regards to the matters listed in Part 4.2.5.6 of the DCP:

Intensity of development

The proposal is for a maximum of 75 patrons at any one time and will not have any perceptible impact on the total number of patrons being accommodated with the Manly Entertainment Precinct.

Hours of operation

The proposed hours of operation (7am – 12 midnight Monday to Thursday, 7am – 1am Friday and Saturday, 7am – 10pm Sunday) are within those permitted for hotels and nightclubs (5am – 2am), and restaurants and food outlets (5am – 1am).

Noise control

Noise will be controlled in accordance with the recommendations in the report by Acoustic Solutions and will comply with all relevant acoustic criteria.

Security

The future tenants of the premises will enter into an agreement with Council for the provision of night security if necessary. Given the scale and intensity of the development it is unlikely that this will be necessary.

Access to public spaces

Patrons will enter the ground floor portion of the building and off the street prior to descending to the small bar. This will minimise conflict between patrons and others using the street.

Decks, balconies and roof top areas

The proposal does not involve the use of decks, balconies or roof top areas.

Design

In accordance with “*Alcohol & Licensed Premises: Best Practice in Policing*”, the proposal has been designed to minimise crowding by limiting the capacity to 55 patrons. The small bar will be air-conditioned to prevent excessive heat and smoke.

- 6.5.5. The small bar requires appropriate kitchen exhaust systems and will need to comply with the relevant health and safety legislation applying to such uses.
- 6.5.6. Waste and recycling will be stored in the commercial bin storage area at the rear of the ground floor of the building and disposed of by contractor.
- 6.5.7. The small bar will contribute to the vibrancy of the Manly Town Centre and is consistent with the character of the area in which restaurants, cafés and small bars abound.

7. Manly Section 94 Contributions Plan 2004

- 7.1. The Manly Section 94 Contributions Plan applies to the land. However, as the proposal does not increase the commercial floor space of the building compared to the pre-existing situation there is no nexus between the development and the provision of facilities, services or car parking. Consequently, no section 94 contributions are payable.

8. Other matters under Section 4.15 of the Environmental Planning & Assessment Act 1979

8.1. The Likely Impacts of the Development

- 8.1.1. These have been addressed above.

8.2. The Suitability of the Site

- 8.2.1. The site does not have a history of use that would result in land contamination (per SEPP 55).
- 8.2.2. The site has been assessed as being suitable for the mixed use development. The site is suitable for the development because the proposed small bar is housed in the basement of the approved building, mitigating any potential impacts.

8.3. The Public Interest

- 8.3.1. The public interest is served by enhancing the economic viability of the Manly Town Centre through the introduction of a small bar in a location that will maintain residential amenity. The proposal will have no negative impacts and will enhance the vibrancy and liveability of the locality, consistent with the objects of the *Environmental Planning and Assessment Act 1979*.

9. Summary

- 9.1. The merits of this application have been identified in this assessment under Sections 4.15 of the *Environmental Planning and Assessment Act 1979*, *Manly Local Environmental Plan 2013* and the *Manly Development Control Plan 2013*.
- 9.2. The proposal has minimal environmental impacts due to the mitigating circumstances of the case and design elements.
- 9.3. The proposed development represents a reasonable response to the constraints and opportunities of the site and to the relevant planning controls, in accordance with the objectives of the *Environmental Planning and Assessment Act 1979*.

Appendix A Details of the Author

ACADEMIC QUALIFICATIONS

Bachelor of Town Planning (Honours), University of New South Wales (1988).
Master of Professional Accounting (Distinction), University of Southern Queensland (1999).

PROFESSIONAL EXPERIENCE

1997 to present SYMONS GOODYER PTY LTD

Principal town planning consultant responsible for providing expert town planning advice to a diverse range of clients.

Expert witness in the Land and Environment Court.

Statutory and strategic projects within numerous Council areas, including Ashfield, Bankstown, Canterbury, Hornsby, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Mosman, North Sydney, Pittwater, Randwick, Rockdale, Sutherland, Warringah, Waverley, and Woollahra.

1988 to 1997 WARRINGAH COUNCIL

Manager, Planning and Urban Design Branch (1994-7). Responsible for drafting of operative provisions of the Warringah Local Environmental Plan 2000.

Senior Strategic Planner (1993-1994)

Development Assessment Officer (1988-1993)

1986 to 1988 MARRICKVILLE MUNICIPAL COUNCIL

Town Planner

1986 EDWARDS MADIGAN TORZILLO BRIGGS INTERNATIONAL PTY LTD

Town Planner

1984 RYDE MUNICIPAL COUNCIL

Student Town Planner

PUBLICATIONS

Goodyer, G (1988)

Retail and office activities in industrial areas in the Sydney region. University of New South Wales.

Goodyer, G (1989)

Hi-tech industry. Planning Law and Practice, UNSW, 1989.

Goodyer, G (1995)

Modern Planning Instruments. Health and Building Surveyors' Association (NSW) Conference, 1995.

Appendix B Clause 4.6 request – floor space ratio control

Request for exception under clause 4.6 of Manly Local Environmental Plan 2013
to clause 4.4(2) of *Manly Local Environmental Plan 2013*

Premises: 17-19 Central Avenue, Manly

Proposal: Change of use of part of the basement to a small bar.

Control: Floor space ratio

The control provides that the maximum floor space ratio on the site is 3.0:1.

The existing approved basement storage areas are excluded from the calculation of gross floor area. The change of use of those areas results in an increase of 60.6m² of gross floor area of the building, resulting in a floor space ratio of 3.18:1.

It is noted that this increase was previously approved by DA 358/2016. However, the café/restaurant approved by DA 358/2016 has not yet commenced operating.

Introduction:

Clause 4.6(1) of MLEP 2013 states:

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

To utilise the flexibility provided by clause 4.6 of MLEP 2013 it is necessary for the applicant to demonstrate:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

In addition, Council must be satisfied that:

- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

In exercising delegation from the Director-General of the Department of Planning, Council must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

This clause 4.6 request has been structured in accordance with the approach adopted by the Court in *Winten Property Group Limited v North Sydney Council* [2001] NSWLEC 46 and also considers the ways in which a SEPP 1 objection can be sustained as listed in *Webhe v Pittwater Council* [2007] NSWLEC 827 at [26]. Consideration has also been given to demonstrating that there are sufficient environmental planning grounds to justify contravening the standard as discussed in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90.

1. Is the planning control in question a development standard?

Clause 4.4 of MLEP 2013 is attached as Appendix B1

The definition of “*development standards*” in Section 4(1) of the *Environmental Planning and Assessment Act 1979* is attached as Appendix B2.

Clause 4.4 is a development standard as it fixes a requirement for the floor space of the building.

2. What is the underlying object or purpose of the standard?

The underlying objects of the standard are stated in clause 4.4(1) to be:

- (a) *to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*
- (b) *to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,*
- (c) *to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*
- (d) *to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,*
- (e) *to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.*

3. Is compliance with the development standard consistent with the objectives of clause 4.6?

- Compliance would necessitate an inflexible application of the development standard in circumstances where the development otherwise satisfies the objectives of the control.
- Compliance would not result in a better outcome as the proposal does not change the external appearance of the building but will enhance the viability and vitality of the Manly Town Centre.

4. Does non-compliance with the development standard raises any matter of significance for State or regional environmental planning?

No.

5. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Compliance with the development standard is unreasonable and unnecessary for the following reasons:

5(a). Achievement of the underlying objectives of the standard

- The additional gross floor area is located entirely within the existing building envelope and has no impact on the bulk and scale of the building.
- The additional gross floor area is located entirely within the existing building envelope and has no impact on the density and bulk of the building. Because the works are within the building envelope there is no loss of views to landscape or townscape features.
- Because the additional gross floor area is not visible externally the approved visual relationship with the character and landscape of the area is maintained.
- There are no impacts on the use and enjoyment of adjoining land or the public domain. The small bar is located entirely within the building mitigating any potential impacts.
- The additional gross floor area will assist in ensuring that the area remains viable and in providing a diversity of business activities. It will provide additional local employment opportunities and contribute to economic growth.

5(b). Is the standard relevant to this development?

The applicant does not rely upon this method of demonstrating that compliance with the development standard is unreasonable or unnecessary.

5(c). Would the underlying objective be defeated or thwarted if compliance was required?

The applicant does not rely upon this method of demonstrating that compliance with the development standard is unreasonable or unnecessary.

5(d). Has the development standard been abandoned or destroyed by Council's own actions?

The applicant does not rely upon this method of demonstrating that compliance with the development standard is unreasonable or unnecessary.

5(e). Is the zoning of the particular land unreasonable or inappropriate?

The applicant does not rely upon this method of demonstrating that compliance with the development standard is unreasonable or unnecessary.

6. Are there sufficient environmental planning grounds to justify varying the development standard?

Yes. The proposal will have no impact on the external appearance of the building but will improve the economic viability and vitality of the Manly Town Centre.

7. Are there any other matters to consider before agreeing to the exception?

Yes. Senior Commissioner Moore in *Chidiac v Mosman Council* [2015] NSWLEC 1044 drew attention to the requirement in clause 4.6(b)(ii) of MLEP2012 and that it is necessary to demonstrate that the proposal will satisfy the objectives for the floor space ratio control and for the B2 Local Centre zone to demonstrate that the requirement that the proposal be in the public interest has been met.

In this regard, the objectives for the B2 Local Centre zone are:

- *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 is consistent with these objectives for the following reasons:

- ✓ It provides a business that serves the needs of people who live in, work in and visit the town centre.
- ✓ It provides employment opportunities.
- ✓ It encourages public transport usage by being well located close to bus and ferry services.
- ✓ It has no minimal impacts on residential amenity because it is housed in the basement of the building, mitigating noise impacts.

8. Is the exception request well founded?

For the reasons given above the exception request is considered to be well founded.



Geoff Goodyer
23 April 2019

Appendix B1

Clause 4.4 of MLEP 2013

4.4A Area 1—floor space ratio

Despite clause 4.4 (2), the maximum floor space ratio for a building on land shown within “Area 1” on the Floor Space Ratio Map is:

- (a) if the site area is less than or equal to 700 square metres—0.5:1, and
- (b) if the site area is greater than 700 square metres—0.5:1 for 700 square metres and 0.4:1 for the remaining area.

4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
 - (a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,
 - (b) to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,
 - (c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,
 - (d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,
 - (e) to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2A) Despite subclause (2), the floor space ratio for a building on land in Zone B2 Local Centre may exceed the maximum floor space ratio allowed under that subclause by up to 0.5:1 if the consent authority is satisfied that at least 50% of the gross floor area of the building will be used for the purpose of commercial premises.

Appendix B2

Definition of “development standards”

development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- (a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,
- (b) the proportion or percentage of the area of a site which a building or work may occupy,
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,
- (d) the cubic content or floor space of a building,
- (e) the intensity or density of the use of any land, building or work,
- (f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,
- (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
- (h) the volume, nature and type of traffic generated by the development,
- (i) road patterns,
- (j) drainage,
- (k) the carrying out of earthworks,
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows,
- (m) the provision of services, facilities and amenities demanded by development,
- (n) the emission of pollution and means for its prevention or control or mitigation, and
- (o) such other matters as may be prescribed.