



Pre-lodgement Meeting Notes

Application No:	PLM2024/0026
Meeting Date:	16 April 2024
Property Address:	Manly Wharf Retail East Esplanade MANLY
Proposal:	Development Application Pre-lodgement Meeting Alterations and additions an existing <i>pub</i> , including internal fit-out for a new <i>artisan food and beverage</i> premises.
Attendees for Council:	Alex Keller – Principal Planner Clair Ryan – Principal Planner Leila Kazemnezhad – Traffic Engineer Rafiq Islam – Coastal Engineer Rosemary Roche – Environmental Health Peter Rowan – Building Surveyor Dominic Chung – Urban Design

General Comments/Limitations of these Notes

These notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only.

These notes are an account of the advice on the specific issues nominated by the Applicant and the discussions and conclusions reached at the meeting.

These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority.

A determination can only be made following the lodgement and full assessment of the application.

In addition to the comments made within these Notes, it is a requirement of the applicant to address the relevant areas of legislation, including (but not limited to) any State Environmental Planning Policy (SEPP) and any applicable sections of the Manly Development Control Policy for Manly Cove 1996, Manly Local Environmental Plan 2013 and Manly Development Control Plan 2013, within the supporting documentation including a Statement of Environmental Effects, Modification Report or Review of Determination Report.

You are advised to carefully review these notes and if specific concern have been raised or non-compliances that cannot be supported, you are strongly advised to review your proposal and consider amendments to the design of your development prior to the lodgement of any development application.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Response to Matters Raised by the Applicant

The subject site is within Zone 2 Environment Protection pursuant to the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* ('the SEPP').

The proposed introduced uses align with *artisan food and drink industry* (the 'microbrewery' and the 'barrel hall'). Amended plan details show small background space for video screen / music setup or the like consistent with the floor space dominated for casual dining / food and drink premises.

The SEPP *State Environmental Planning Policy (Biodiversity and Conservation) 2021* applies however for the purposes of understanding with the NSW Standard Instrument definitions the following dictionary definitions are provided for assistance:

The definitions of these uses are as follows, in accordance with the Dictionary of the *Manly Local Environmental Plan 2013*, and Schedule 6 Dictionary for Chapter 6 of the SEPP (underlined for emphasis):

Artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,*
- (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,*
- (c) facilities for holding tastings, tours or workshops.*

Water-based restaurant and entertainment facility means a vessel or structure that—

- (a) floats on, or is fixed in, the zoned waterway, and*
- (b) is used as a club or restaurant or for entertainment on a commercial basis, and*
- (c) has a direct structural connection between the foreshore and the zoned waterway.*

The SEPP allows for artisan food and drink industry in Zone 2 with consent. However, it specifically prohibits water-based restaurants and entertainment facilities. It is understood that the Applicant considers the 'barrel hall' use as ancillary to the existing *pub*, the definition of which includes the service of food and entertainment. Given the proposed access arrangements, functionality, and limited connectivity shown on the submitted plans, the 'barrel hall' must demonstrate characterisation is consistent with the SEPP and applicable definition criteria and as shown in the amended detail the entertainment "stage" has been change to a minor background element. The SEE / proposal should clarify that the use of such space is consistent with being suitable / limited only for such as 'pa' system or TV screen, background music setup and the like.



Response to Matters Raised by the Applicant

The Manly Wharf is excluded from the Manly LEP 2013 and Manly DCP 2013 with Lot 1 DP1170245 being outside the defined LGA boundary. The applicable control is through:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021

Additional planning considerations will apply under:

- **Manly Development Control Policy for Manly Cove** 1996.
- Heritage Act 1977
- Coastal Management Act 2016
- State Environmental Planning Policy (Industry and Employment) 2021, if change to external signage).
- Sydney Harbour Foreshores and Waterways Area Development Control Plan, 2005. Appropriate *Land/water interface development* as per SHFWA DCP 2005

The Manly LEP 2013 and MDCP 2013 should however form a guide to ensuring the proposal provides a 'good fit' to the Manly precinct in terms of –

Social impact (particularly with regard to licences premises / CPTED principles / safety / activation / day and evening uses),

Environmental impact – noise, general amenity, heritage significance (the site is listed within MLEP), waste management, pedestrian areas, traffic, parking, adjacent land uses / coastal zone and the like.

Economic impact – employment in local centres, appropriate trading hours, diversity of economic uses.

Proposal in detail:

- Extension of the existing licensed premises (Manly Wharf Hotel) to include the vacant Aldi tenancy to provide a live performance space, restaurant and microbrewery.
- Alterations and additions to provide building amenity upgrades, increased acoustic treatments and a new internal connection to the existing 'Manly Wharf Hotel'.
- Full refurbishment of the Manly Wharf Hotel and deck bar, including all interiors and upgrades to the existing kitchen and bar layout, decking and pier bar.

As per details provided by the applicant other key features of the proposed alterations and operation of the new premises include:

- *“demolition of existing office spaces, storage spaces, cool rooms, freezers and toilets and amenities;*
- *internal fit-out including two bars, ancillary kitchen, small staff office, new toilets and amenities;*



- an internal connection to provide controlled, secondary access for patrons who wish to make their way between 'Felons Barrel Hall' and the existing Manly Wharf Hotel;
- installation of micro-brewing equipment;
- internal fit out works including new wall linings, floor coverings, ceilings and acoustic treatments;
- a new vestibule to provide entry to the premises, with direct connections to the waterside wharf promenade, the basement via both lift and stair, and the secondary internal connection to the existing Manly Wharf Hotel; and
- hours of operation consistent with the Manly Wharf Hotel (11am to 1am, 7 days a week)."

The proposed use can be characterised as a combination of a 'pub' (Felons Barrel Hall) and *light industry* (microbrewery). It is noted that these definitions are not in the SEPPBC and there are an unlisted use using definitions of the "Standard Instrument" and in particular: *Planning Circular PS 21-028 Amendments to Retail Land Use Definitions* and

MANLY LOCAL ENVIRONMENTAL PLAN 2013 (MLEP 2013)

MLEP 2013 can be viewed at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2013-0140>

Part 2 - Zoning and Permissibility – MLEP 2013

Breweries and distilleries (Schedule 3 EP&A Regulation 2021)

(1) Development for the purposes of a brewery or distillery that produces alcohol or alcoholic products is designated development if the brewery or distillery has an intended production capacity of more than-

- (a) 30 tonnes per day, or
- (b) 10,000 tonnes per year.

(2) Development for the purposes of a brewery or distillery that produces alcohol or alcoholic products is designated development if the brewery or distillery-

- (a) is located within 500 metres of a residential zone, and
- (b) is likely, in the consent authority's opinion, to significantly affect the amenity of the neighbourhood because of odour, traffic or waste.

(3) Development for the purposes of a brewery or distillery that produces alcohol or alcoholic products is designated development if the brewery or distillery releases effluent or sludge-

- (a) in or within 100 metres of a natural waterbody or wetland, or
- (b) in an area of high water table, highly permeable soils or acid sulfate, sodic or saline soils.

(4) Subsection (2) does not apply to **artisan food and drink industries**.

Comment

As artisan food and drink industry the proposal is not designated development. While the proposal is unlikely to produce the volume under section (1) above a brewery of any size is also subject to



section (2). However, if the proposal addresses or is appropriately characterised as artisan food and drink industry then the smaller 'boutique' style of use does not qualify for section (2) as per section (4). The proposal also must address that clause (3) is not applicable as the brewery is connected *Sydney Water* assets for all waste that would be classified as sludge or effluent from the brewing operations.

Therefore, as a light industry (in part or otherwise) and if characterised by demonstrating it is also artisan food and drink premises (microbrewery), then it does not trigger the designated development requirements. Additional to this, the proposal must demonstrate that it does not significantly affect the amenity of the neighbourhood because of odour, traffic, noise or otherwise.

Definition of proposed development:
(ref. MLEP 2013 Dictionary)

Pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note. Pubs are a type of **food and drink premises**.

Light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.
- (c) artisan food and drink industry.

Artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

Zone:

Unzoned land (Manly LEP 2013)

(1) Development may be carried out on unzoned land only with development consent.

(2) In deciding whether to grant development consent, the consent authority:



	<p>(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and</p> <p>(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.</p>
<p><u>Comment:</u> The Manly LEP permits development within the subject land (by association with Manly Cove DCP 1996) however this is subject to satisfying clause (a) and (b) by demonstrating consistency with those objectives. In order to do this the proposal will need to address relevant issues for permitted uses.</p>	
<p>Permitted with Consent or Prohibited:</p>	<p>The proposed use can be characterised as a combination of a 'pub' (Felons Barrel Hall) and light industry (microbrewery).</p> <p>These uses are permissible with development consent within Zone 2 – Environmental Protection under <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> and generally otherwise being unzoned land associated with Manly LEP 2013.</p>
<p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></p>	<p>6.27 Zone objectives and Land Use Table</p> <p>(2) Development not specified in the Table in relation to a zone may be carried out with development consent in the zone if the consent authority is satisfied that the development—</p> <p>(a) is not inconsistent with the objectives for development in the zone, and</p> <p>(b) is not inconsistent with the provisions of another environmental planning instrument, and</p> <p>(c) will not otherwise have adverse impacts.</p> <p>(3) The consent authority must consider the objectives for development in a zone when determining a development application in relation to land in the zone.</p>



<p>State Environmental Planning Policy (Biodiversity and Conservation) 2021</p> <ul style="list-style-type: none"> - Land use Table for Zone 2 	<p>Zone 2 Environment Protection</p> <p><u>Objectives of zone</u></p> <ul style="list-style-type: none"> • To protect the natural and cultural values of waters in the zone. • To prevent damage to, or the possibility of long term adverse impact on, the natural and cultural values of waters in the zone and adjoining foreshores. • To enhance and rehabilitate the natural and cultural values of waters in the zone and adjoining foreshores. • To provide for the long-term management of the natural and cultural values of waters in the zone and adjoining foreshores.
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Comment:
 The proposal is not listed with uses / activities under Zone 2 as Permitted with consent. However, clause 6.27 allows development not specified in the Table to be carried out if such a use / activity (not being a prohibited use) is satisfactory with regard to being consistent with the objectives of the zone and provisions of other applicable environmental planning instruments.

The objectives of the Zone 2 principally relate to “values of waters in the zone” and natural and cultural values of the adjacent waters and foreshore area. In addressing this the proposal will be assisted by an Estuarine Management Report or Statement and draft Operational Management plan and Heritage report for the site. It is only necessary for the EMR to address this at a ‘high level’ and not onerous matters, since the DA is principally concerned with internal fit-out and renovation works within the former “Aldi” premises and only minor changes externally to assist with egress, pedestrian safety and rationalising floorspace / operational considerations.

Therefore, the objectives of clause 6.9 will inform, or provide terms of reference in ensuring the proposal provides a suitable use within the foreshore environment.

Clause 6.9 – Foreshore scenic protection area

The objective of this clause is to protect visual aesthetic amenity and views.

- *impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,*
- *measures to protect and improve scenic qualities of the coastline,*
- *suitability of development given its type, location and design and its relationship with and impact on the foreshore,*
- *measures to reduce the potential for conflict between land-based and water-based coastal activities.*

Manly LEP 2013 (Note: Manly LEP has limited applicability due to the proposal as discussed. Namely this is due to the site being outside the LGA boundary for LEP zoned land)

Standard	Permitted	Proposed	Compliance
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Manly LEP 2013 (Note: Manly LEP has limited applicability due to the proposal as discussed. Namely this is due to the site being outside the LGA boundary for LEP zoned land)

Height of building	Not applicable	No change	N/A
Floor Space	Not applicable	TBC*	N/A

Relevant LEP considerations for preparation of the DA:

Part 1 Preliminary

In particular the proposal will address consistency with definitions, aims of the plan, applicable SEPPs.

- Conversion of fire alarms.
- Heritage conservation (it is noted that the site is listed a heritage item in the Plan and therefore has effect on clause 1.6.

Part 2 Permitted or prohibited development

- Unzoned land.
- Demolition requires development consent.

Part 5 Miscellaneous provisions

- Essential services.
- Noise impacts - licensed premises.
- Schedule 5 Environmental heritage.
- Part 6 Additional local provisions.

*Internal adjustment / refinement may occur during preparation of DA documents. Generally, the outer 'perimeter' of the floor space will be of importance to traffic / parking generation and seating capacity.

MANLY DEVELOPMENT CONTROL PLAN 2013 (MDCP 2013)

MDCP 2013 can be viewed at

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Pages/Plan/Book.aspx?exhibit=MDCP>

The following notes the identify relevant consideration to *guide* the preparation of the SEE.

EP&A Act 1979 and Manly DCP 2013

(The Manly DCP 2013 is not directly applicable, however relevant matters required to be addressed by any DA under the *Environmental Planning and Assessment Act 1979* is of assistance in canvassing relevant issues.

This includes consideration of Clause 1.3 Objects of Act and Clause 4.15 Evaluation.

(1) Matters for consideration -general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application-

[..(a).(i).. to.. iv].]

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,



[see list below re MDCP 2013]

(c) the suitability of the site for the development,

[demonstrated by permissibility, operational management, site constraints, intensity of use, and the like]

(d) any submissions made in accordance with this Act or the regulations,

[likely objection issues will relate to RSOA, operating hours, noise, heritage and the business model being a “good fit” for the surroundings. Other submissions are likely from external referrals during the assessment period]

(e) the public interest.

[the proposal will be notified to adjacent residential premises and therefore clarity of the proposal (including internal / external appearance of the fit-out and general operational management will be of interest, including potential amenity impacts, heritage, traffic / pedestrian movement, waste / litter, operating hours, signage, security and CPTED issues.]

- Aims and objectives.
- Streetscapes and Townscapes
- Townscape (Local and Neighbourhood Centres)
- Heritage Considerations
- Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)
- Privacy and Security
- Other Nuisance (Odour, Fumes etc.)
- Energy efficiency
- Accessibility
- Waste Management
- Mechanical Plant Equipment
- Safety and Security
- Alterations and Additions
- Signage (as applicable)
- Awning supported from the ground (as applicable)
- Carparking, vehicular access and loading
- Demolition
- Parking and access (Schedule 3)

Manly Development Control Policy for Manly Cove 1996

The “Preliminary” section of MDCP 1996 provides details on arrangements for consent authority matters with respect to various development associated with Manly Cove land / water interface.

Definitions are also provided in the DCP to assist with addressing land use permissibility.

Since the works are generally internal with minimal external changes to the building the

application is principally relevant to:

Part 3 Building Design,

Part 4 Access, Loading and Parking, and

Part 6 Waste Management.

The Manly Cove Precinct is delineated within Attachment 2 of the Policy.

Specialist Advice

Heritage

Manly Wharf is listed on the State Heritage Register as part of SHR #01434. In addition, the site is listed as a heritage item under the SEPP (Biodiversity and Conservation) and is within the



Specialist Advice

vicinity of a number of locally listed heritage items such as I1, I2, I143, I150, I151, I152, I153, I248, I251 and the Manly Town Centre Heritage Conservation Area.

As the site is listed on the State Heritage Register, any development application on the site will be Integrated under the Heritage Act 1977 and referred to Heritage NSW for comment. Any proposal will need to address this listing, and the Conservation Management Plan (CMP) for the site, and explain how the proposal will not impact the significance of the site and meets the requirements of the CMP, including avoiding the removal of any significant and original fabric. A Heritage Impact Statement will be required that addresses these matters, as well as the SEPP and Local Heritage items.

Heritage notes that plans presented are preliminary in nature and no elevation plans were provided. Heritage comments on the plans are in return limited. Heritage raises some issues around the apparent extension of the entryway to the barrel hall out towards the harbour that will need to be addressed, including how it impacts or does not impact upon the heritage item. In addition, Heritage advice notes that signage is a key matter for this site, including the minimisation of external signage. A detailed signage plan indicating location and design of signs will be required to be submitted with the proposal.

Requirements

Heritage Impact Statement
Detailed signage drawings

Urban Design & Planning

See details raised regarding reference to Manly Development Control Policy and Manly DCP as well as relevant planning Instruments within these notes.

Generally, the proposal has minimal external changes, the removal of any un-sympathetic signage structures is encouraged. The popularity of Manly Wharf precinct does not warrant 'distant wayfinding style' advertising signage that is unsympathetic to the building or impacts the amenity of the harbourside setting. The re-shaping of the staircase off the waterside entry appears to narrow the public thoroughfare along the water edge. Demonstrating a sensitive environmental heritage design approach is therefore an important DA consideration.

Adjacent open space / Passageways

This area has high pedestrian traffic (including pram usage) and naturally people will pause frequently along the water edge for the amenity / view and the like. It is not practicable to have 'no stopping' zone at the pinch point near the staircase or narrower thoroughfare points. Therefore, a suitable design approach to maintain maximum walkway space is important with sensitive design response for the heritage significant and attributes of the Wharf bar surroundings. Minor reshaping / angling of the foot of the stairs may be more suitable.

Environmental Health

Noise

A suitably qualified acoustic consultant would need to be engaged to assess potential noise impacts from the proposed development. There are many residential occupancies close to the Wharf that have the potential to be affected by an increase in operational noise from the Manly Wharf Hotel.

The consultant will need to assess noise impacts from the following, but not limited to:



Specialist Advice

1. Extension of space into the vacant tenancy and what impact this may have in relation to noise,
2. Increased capacity of an estimated 700-1000 people (must also include staff in the assessment),
3. Operation of the microbrewery – what proposed operations may increase noise that may negatively impact upon nearby residents or other nearby occupants.
4. Live performance space – how often will live performance occur, what performances are proposed, location of performances, etc.

The consultant is to provide design noise mitigation measures that are to be implemented into the construction/design of the proposed development to reduce negative noise impacts. From the acoustic consultant, Environmental Health are seeking recommended effective design noise mitigation measures over operational behaviour led noise mitigation measures.

Food Safety

Architectural design plans are to detail the proposed layout of all food preparation areas, food storage areas, microbrewery, restaurant and take-away food and drink space. The architectural plans are to be designed in accordance with *Australian Standard 4674:2004 Design, Construction and Fit-out of Food Premises*.

Building Code of Australia Report (Class 2-9)

A 'Building Code of Australia (BCA) Assessment Report' / 'Fire Audit Report' from an appropriately qualified Registered Certifier will need to be submitted to address the following prior to further assessment by Building Control:

The report is to detail the extent to which the existing building does or does not comply with the deemed-to satisfy provisions of Sections C, D, E and F of the Building Code of Australia. The report is to also provide recommendations with respect to the existing building / works required to ensure that the specified measures and facilities contained in the existing building, including any modifications to be made by the proposed development are appropriate for its intended use to:

- i) restrict the spread of fire from the building to other buildings nearby, and
- ii) protect persons using the building, and to facilitate their egress from the building in the event of fire, and
- iii) as required, provide access for persons with a disability, and
- iv) provide facilities and services appropriate for the development

Traffic Engineering

The proposed redevelopment is for:

- installation of one wood-fired pizza oven and one wood-fired grill within the existing Manly Wharf Hotel
- addition of glass balustrades for wind protection to the outside deck of the existing Manly Wharf Hotel jetty bar
- change of use of a portion of the existing TAB/gaming area for use as a takeaway food and drink premises
- extension of the existing licensed premises (Manly Wharf Hotel) to include the vacant Aldi tenancy to provide a live performance space, restaurant and brewery.



Specialist Advice

- alterations and additions to provide building amenity upgrades, increased acoustic treatments and a new internal connection to the existing Manly Wharf Hotel.
- full refurbishment of the Manly Wharf Hotel and deck bar, including all interiors and upgrades to the existing kitchen and bar layout, decking and pier bar.

The licensed premises' performance space would have capacity for an estimated 700 to 1000 people with no change in the approved hours of operation for the Manly Wharf Hotel (11am to 1am, 7 days a week).

It is noted that:

- The proposed alterations and additions will not result in any significant changes to the existing external built form on the site.
- The proposed operating hours of the development are from 11am to 1am, 7 days a week, and the estimated number of people/customers is 700 to 1000 people.
- The takeaway food store/restaurant and brewery will operate with no carparking allocated. The application does not seek any additional car spaces on the site, given that there is no ability to retrofit car parking for this centre as it supports CBD pedestrian-dominant environments.
- The central location of the site supports attendance by pedestrians or bike riders to maximise public transport patronage and encourage walking and cycling.
- There is an underground Wilson carpark available for those who prefer driving, while others can opt for walking or cycling.

Traffic notes

- Carparking requires one space per 8 sqm of licensed area and one space per 4 rooms.
- The proposal does not propose any car spaces, discouraging private car use and encouraging active and public transport.
- The site has good access to public transport. Bus stops and the ferry wharf are located within close walking distance. Therefore, Council considers exceptions to the parking rate/requirements required in the DCP for the proposal, allowing future customers of the proposed premises to visit with less need for car parking.
- A parking analysis should be undertaken to demonstrate that there is adequate parking availability within the adjacent on- and off-street parking to accommodate the brewery/restaurant's peak parking demands.
- A Traffic Impact Statement (TIS) should be prepared, and the following items related to the proposal's parking requirement should be included:
 - The parking accumulation survey for the available parking in nearby on and off-street locations (during the weekend midday period when parking occupancy rates are anticipated to be high) should be undertaken. This is to identify a) restaurant customer accumulation, b) parking capacity, and c) parking occupancy at no less than 30-minute intervals within a 200m radius of the restaurant.

The analysis should be undertaken on a day when the restaurant's capacity is anticipated to be operating at or near capacity.



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- Travel Mode surveys for both staff and customers should also be conducted for the existing site and identify mode of travel and vehicle occupancy levels (for multiple occupant vehicles). This will assist in gaining a better understanding of the likely parking impacts of the development and potentially demonstrate that there is a lower parking demand due to a high level of car sharing and/or use of public transport or ride share platforms.
- Some information about the anticipated number of development staff and staff travel mode should be included in the traffic report.
- Bicycle parking stands are also required in line with DCP requirements i.e. 1 high-security space for each 200m² of GFA and 1 customer space for every 600m² of GFA, bicycle parking spaces are not presented in the architectural plans and their presence will contribute towards reducing reliance on private motor vehicle travel. The location for bicycle parking spaces should be confirmed on the amended plans.
- Loading bays must be provided in sufficient numbers to meet anticipated demand. This demand is related to the total amount of floor space, the intensity of use and the nature of the activity. Some information about the deliveries/loading and waste management should be included in the TIS report.

Traffic Impact

- An indication of the traffic generation potential of the development proposal should be provided by reference to the TfNSW Guide to Traffic Generating Developments, Section 3 – Land use Traffic Generation (October 2002).

Restaurant Trip Generation and the travel mode Surveys (car driver, taxi, car passenger and share/Uber trips) should also be used to determine potential trip generation attributed to the proposed development. This should also be included in the TIS report.

Coastal Engineering

The Wharf is surrounded by sheltered marine environment. The surrounding waters and nearby harbour foreshore is known to provide habitat for Little Penguins and possess other marine ecology including seagrass beds.

Coastal Management Act 2016, and
State Environmental Planning Policy (Resilience & Hazards) 2021

The proposed development is located within the coastal zone of NSW and is subject to the provisions of the Coastal Management Act 2016 (CM Act) and the State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP R & H).

The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP R & H). The relevant clauses are 2.10, 2.11 and 2.12. Clauses 2.10 (coastal environment area) and 2.11 (coastal use area) do not apply as the site is also located within the Sydney Harbour catchment area. Hence, only Clause 2.12 of the SEPP R & H apply for this DA.



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Hence, the DA must address in the Statement of Environmental Effects (SEE) document the objectives and requirements of both the CM Act and the SEPP R & H Clause 2.12 as they relate to development within these coastal management areas.

Schedule 1 of the State Environmental Planning Policy Amendments (Water Catchments) 2022, amending the State Environmental Planning Policy (Biodiversity & Conservation) 2021, and Sydney Harbour Foreshores Area Development Control Plan 2005.

Foreshores & Waterways Area

The subject site is located within the Sydney Harbour Catchment and is identified as being within the Foreshores and Waterways Area. Hence Part 6.3 of the Schedule 1 of the *State Environmental Planning Policy Amendments (Water Catchments) 2022* amending the *State Environmental Planning Policy (Biodiversity & Conservation) 2021* will apply in assessing this DA. Development consent, among others, must consider clause 6.28.

Hence, the DA must address in the *Statement of Environmental Effects* (SEE) document the relevant clauses of the Part 6.3 including the clause 6.28 as they relate to proposed developments within the Sydney Harbour catchment area.

Manly LEP 2013 and Manly DCP 2013

Estuarine Hazard Management

This property has further been identified as being affected by estuarine wave action and tidal inundation. In accordance with the *North and Middle Harbour Estuarine Planning Level Study* (July 2022), an estuary planning level of 2.54m AHD has been determined for the year 2050 i.e. if the design life of proposed development is 30 years or less. If the design life is higher, it is advisable to consider an estuarine planning level (EPL) of RL 2.99m AHD.

Though not specified in detail, it is assumed that the finished floor level of the refurbishment and other developments are located below the recommended EPL for the subject site based on its design life. The EPL addresses risks associated with the rising sea levels and other climate parameters.

- As the proposed developments are located below the derived EPL, a technical *Estuarine Risk Management Report* must accompany the DA.

Estuarine Risk Management Report

An *Estuarine Risk Management Report* should consider development constraints due to estuarine hazard impacts on the land, including an assessment of the degree of inundation, effects of wave action, impacts of waterborne debris, buoyancy effects, and other emergency issues during the design event (100 ARI event). The report should also contain recommendations as to any reasonable and practical measures that can be undertaken to remove foreseeable risk associated with estuarine hazards for the design life of the development.

An estuarine risk management report must be prepared by a specialist coastal engineer who is a registered professional engineer with chartered professional status (CP Eng) and with coastal engineering as a core competency and has an appropriate level of professional indemnity insurance.



Specialist Advice

- The applicants may also seek their own professional advice on estuarine planning levels from a suitably qualified Coastal Engineer at the expense of the individual applicant. (Note: the ERMR does not need to be onerous / extensive to the proposal as most of the works are internal refit, however the ERMR will inform other critical considerations pursuant to SEPPR&H and the like. Council can provide further guidance appropriate to the scope of works if required)

Reports Required:

- Statement of Environmental Effects (SEE) Report
- Estuary Risk Management Report

Relevant references to the proposal and SEE

- Manly Development Control Policy for Manly Cove (1996)
- Coastal Management Act 2016
- State Environmental Planning Policy (Resilience & Hazards) 2021
- Schedule 1 of the State Environmental Planning Policy Amendments (Water Catchments) 2022 amending the State Environmental Planning Policy (Biodiversity & Conservation) 2021
- Sydney Harbour Foreshores Area Development Control Plan 2005.
- Manly Local Environmental Plan 2013
- Manly Development Control Plan 2013
- North and Middle Harbour Estuarine Planning Level Study (July 2022)

Documentation to accompany the Development Application

- Written owner's consent. Council records show the legal owner of Lot 1 DP1170245 is "Transport for NSW" with *TMG Developments* being the principal rateable occupier.
- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Scaled and dimensioned plans:
 - Site Plan;
 - Floor Plans (including basement changes / delivery / loading areas;
 - Elevations (including signage plan); and
 - Sections.
- Cost of works estimate/ Quote
- Survey Plan (Boundary Identification Survey)
- Site Analysis Plan (this will overlay likely issues, sensitive adjacent uses, access, and general design consideration annotated in a schematic diagram)
- Operational management plan (draft, including site layout diagram of "space / perimeter" management, likely frequency of use for live music, events, other ancillary activities. *Planning Circular PS 21 13-001 How to characterise development* will assist in addressing / ensuring the OMP / plan of management detail provides clarity in terms of permitted use and 'ancillary uses'.)
- Draft Community Impact Statement (this is required for Liquor Licence changes but as a draft will outline the intended management to suit the proposal as the expansion into the vacant 'Aldi' supermarket space for a microbrewery is a major change to the capacity of the Wharf Bar and range of business operations within Lot 1.



- Demolition Plan
- Estuary Risk Management Report
- Heritage report
- Access report (including accessibility and pedestrian thoroughfares to avoid 'pinch points' along the waterfront and ease of commuter pathway use.)
- Parking & Traffic Impact Statement (including consideration for bicycle racks and delivery access)
- Noise / Acoustic assessment
- CPTED summary
- Liquor licence outline / boundaries.
- Seating / floor space capacity plan (clearly identifying patron capacity)
- BCA / Fire safety plan
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan (if any change is proposed to the driveway)
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist

IMPORTANT NOTE FOR DA LODGEMENT

Please refer to the Development Application Lodgement Requirements on Council's website (link details below) for further detail on the above list of plans, reports, survey and certificates.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/development-application-da-modification-or-review-determination/2060-da-modification-lodgement-requirements-mar21.pdf>

The lodgement requirements will be used by Council in the review of the application after it is lodged through the NSW Planning Portal to verify that all requirements have been met for the type of application/development.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 16 April 2024 to discuss partial redevelopment of the Manly Wharf retail (Wharf Bar and former "Aldi" supermarket space at Lot 1 DP1170245 (Manly Wharf Retail, East Esplanade, Manly). The notes reference the plans prepared by *Architectus* and dated 14.3.2024, including supplementary plans, dated 14.4.2024 and details provided by Artemus / Felons Brewing / HSW.

In summary, the proposal is supported subject to addressing (adhering too) the pre-lodgement advice provided in these notes. Particular matters of focus include: appropriate characterisation and permissibility, premises capacity, CPTED, RSA, thoroughfare management for pedestrians areas, heritage, hours of operation, noise and general amenity impacts (i.e. "place of entertainment" concerns).

Referral to Foreshores and Waterways Planning and Development Advisory Committee, TfNSW, NSW Heritage Office, NSW Police (Local Area Command), NSW Liquor licencing.

Question on these Notes?

Should you have any questions or wish to seek clarification of any matters raised in these Notes, please contact the member of the Development Advisory Services Team at Council referred to on the front page of these Notes.