

STATEMENT OF ENVIRONMENTAL EFFECTS

Change of Use of an Existing Ice Cream Shop to a Milk Tea and Ice
Cream Shop

Shop 3, 38-42 The Corso, Manly

SEPTEMBER 8, 2022

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1. INTRODUCTION

1.1 Background

This Statement of Environmental Effects has been prepared to accompany a Development Application (DA) to Northern Beaches Council. The DA is seeking approval for a change of use of an existing ice cream shop at Shop 3, 38-42 The Corso, Manly to a milk tea and ice cream shop.

This statement has been prepared under Section 4.12 of the EP&A Act, 1979. It provides an assessment of the proposed development against the relevant statutory requirements, social, economic and environmental impacts and potential amenity impacts of the development on the surrounding locality. It also outlines the measures proposed within the application to mitigate such impacts.

Manly Local Environmental Plan 2013 is applicable to the site. The site is zoned B2 Local Centre under LEP and the proposed development is permissible with consent and is consistent with the objectives of the zone.

The site is situated on the south-east corner of the intersection of The Corso and Darley Road, Manly, within the Corso. Standing upon the site is a 3-4 storey high mixed-use building containing ground floor retail shops with residence above.

The application has been prepared with reference to the provisions of Manly Local Environmental Plan 2013 and Manly Development Control Plan 2013. It has also been considered having regard to the Heads of Consideration of Section 4.15 of the Environmental Planning and Assessment Act, 1979.

This Statement of Environmental Effects shall be read in conjunction with the architectural plans prepared by KeeYuen Design Pty Ltd, Project Name Super Emoji, Drawing No. GN-01, PL-00 to PL-07 (inclusive), dated 1 August 2022.

This document is structured as follows:

- Section 1 outlines the application and its structure;
- Section 2 describes the site and context;
- Section 3 outlines details of the proposed development;
- Section 4 summarizes assessment against relevant legislation;
- Section 5 provides Section 4.15 Assessment; and
- Section 6 provides conclusions and recommendations

Having regard to the assessment of the application against the relevant planning legislation, it is contended that the proposed development is consistent with the aims and objectives of Manly LEP 2013 and DCP 2013. In addition, the proposal is compatible with the character of the area, and would have minimal impacts on surrounding properties.

1.2 Purpose of Report

This Statement of Environmental Effects has been prepared having regard to Clause 50(1)(a) of the Environmental Planning and Assessment Regulation 2000, which includes:

Change of Use – Milk tea & ice cream shop

Shop 3, 38-42 The Corso, Manly

- An analysis of the site and the surrounding locality;
- A comprehensive description of the proposed development and the scope of works proposed; and
- An assessment against the relevant requirements outlined within the Manly LEP 2013 and the Manly DCP 2013.

As articulated within Schedule 1 of the Environmental Planning and Assessment Regulation 2000, the purposes of this report are to:

- Identify all potential environmental impacts associated with the proposed development; and
- Provide advice to Council as to how all potential environments impacts can be appropriately and adequately resolved.

2. SITE DESCRIPTION AND CONTEXT

2.1 Site and Context

The context for the development is the commercial centre of the Manly Corso, within the Municipality of Northern Beaches Council. The site is located within The Corso approximately 200 metres from the Manly Wharf and 275 metres walking distance to Manly Beach. It is within the B2 Local Centre of the Manly town centre, which is characterised 2-4 storey high mixed-use street edge buildings forming a continuous active street frontage along The Corso that provides a direct link between the Manly Wharf and Manly Beach.

The site is legally described as Lot 3 in Strata Plan 18046, and is known as shop 3, 38-42 The Corso, Manly. It is a corner allotment on the south-east corner of The Corso and Darley Road, directly opposite St Matthews Church and The Corso pedestrian mall.

The shop is a square shaped allotment, except for a splay corner. It has a front boundary of 4.6 metres to The Corso and 4.6 metres to Darley Road and 2.4 metres splay corner, with a total site area of roughly 40 square metres. There is a 2-4 storey mixed-use building built to the street edge standing upon the site. The building follows the geometry of the street layout that includes a splay corner. It is a mixed-use building that consists of small retail shops on the ground floor with residential accommodation above.

Access to the shop is via prominent front entrance bifold doors fronting The Corso and Darley Road. The shop was used as an ice cream shop. The immediate adjoining shops along The Corso include a bar and restaurant trading under the name Manly Boatshed and the Liquorland bottle shop and the immediate adjoining shops along Darley Road including a coffee shop and a gymnasium.

There is a traffic signal directly in front of the site. The shop is not provided with any car parking spaces, but the tree lined streets are provided with on-street parking.



Figure 1: Aerial view of the locality with the subject site highlighted by a red balloon (Source: Google Maps).



Figure 2: Street view of the site from The Corso – 2-4 storey mixed-use building (Source: Google Street View – May 2021)

2.2 Development History

A search of Council's online tracking system revealed that the site has been used as an ice cream shop since circa 2008.

3. DEVELOPMENT PROPOSAL

3.1 Description of Proposed Development

The Application seeks approval for a change of use of an existing ice cream shop to a milk tea and ice cream shop.

The proposed development is detailed in the following plans and documents that accompany the application:

- Architectural plans architectural plans drawn by KeeYuen Design Pty Ltd, Project Name Super Emoji, Drawing No. GN-01, PL-00 to PL-07 (inclusive), dated 1 August 2022.

3.2 Scope of Proposed Works

Demolition

Demolition of existing counters and internal fit out.

Internal Fit-out Works

The proposed scope of internal fit-out works are detailed as follows:

- Provision of a new counter benchtops and food preparation and serving area including fridge, salad preparation fridge, pick-up area, bubble tea work bench, shelf, sinks and relocation of existing electrical distribution board.
- Provision of new seating accommodating 4 seats.
- New 800mm high low height wall proposed to the Pick-Up area bench.
- New 1400 new low height background wall proposed in front of the sinks, fridge and salad preparation fridge.
- The existing frameless glass bifold doors and tracks are to be retained.
- The existing fixed glass on the splay corner is to be retained.
- The premises have a total floor area of 40m².
- The existing floor is to be replaced with new floor tiles.

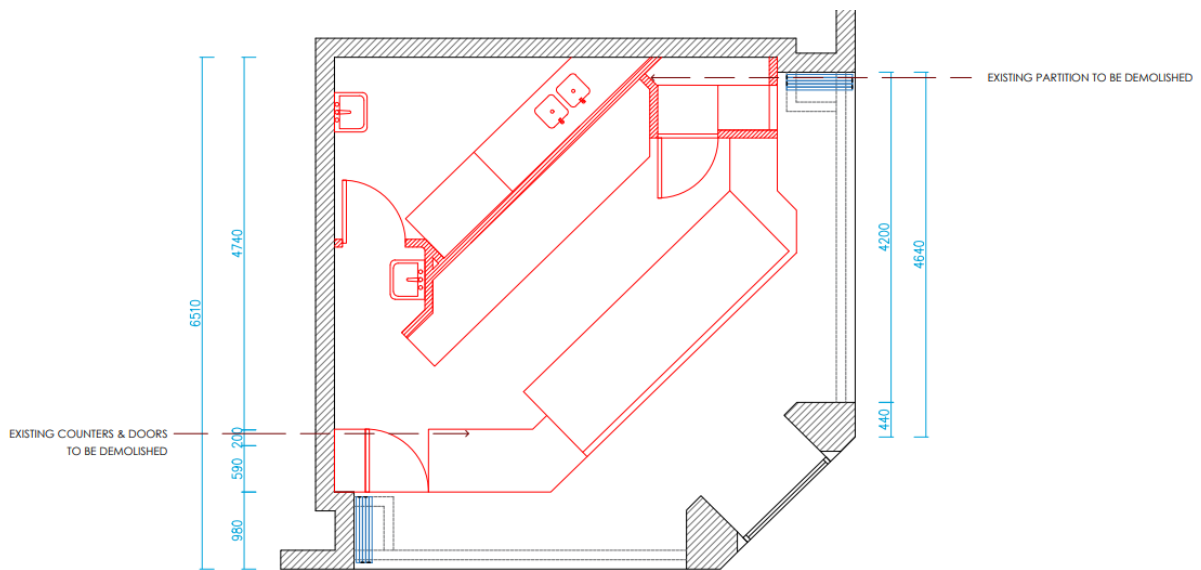


Figure 3: Proposed Demolition Floor Plan

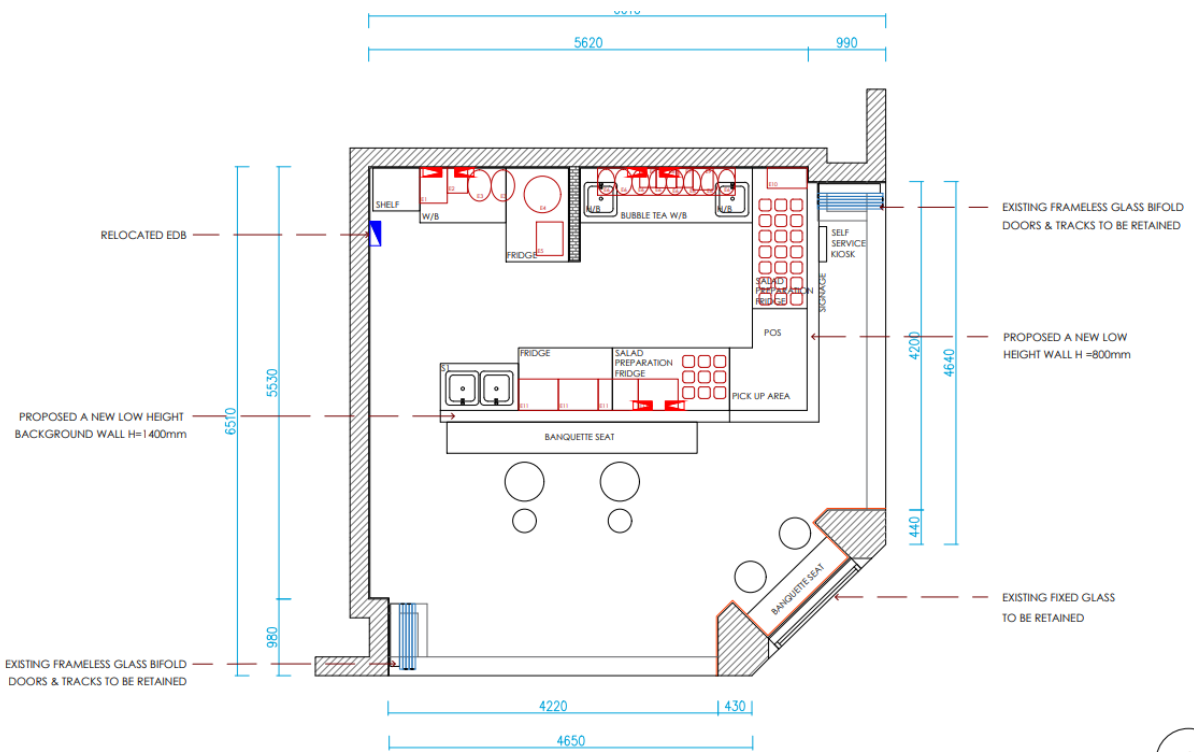


Figure 4: Proposed Floor Layout Plan

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3.3 Operational Arrangements

- The proposal is for the preparation of milk tea and retailing of milk tea and ice cream.

- No cooking will be conducted on site. Only rice cooker for the boiling of 'pearl' will be used.
- The premises will provide for 4 seating only due to the small scale of the shop.
- The existing wall and under awning signs will be rebranded with new and identical signages of the same size and dimensions. The existing film on the windows are to be replaced with signboard – refer to the architectural drawings for details on the new signages.
- The proposed hours of operation will be:
 - Monday to Sunday: 10.00am to 10.00pm
- The business will employ a maximum of 3 staff on site at any one time. Staff will be using public transport or cycling to and from work. The shop is provided with 1 car parking spaces within the complex.
- Deliveries of supplies to the shop will be undertaken by a vans every 2-3 days within the off-street parking and loading zone located within 10 metres of the premises, plus one designated parking space provided. No dispatch will occur from the shop.
- The existing unisex toilet facility in the common area will remain for staff only.
- Waste disposal will be collected by private contractor once a week. Waste will be stored in waste bins located in the waste common area.
- No changes are proposed to the exterior of the building. Only internal fit out works are proposed. That is, wall tiles, counter benches, painting, plumbing & electrical works (changing switches).
- It is proposed that the external wall of the building be refreshed and painted in golden brown colour.
- The existing concrete floor tiles are to be retiled, and the intersection of walls and floor will be provided with coving, as detailed on the architectural drawings.

4. STATUTORY FRAMEWORK

The following planning instruments have been considered in the planning assessment of the subject Development Application:

- Manly Local Environmental Plan 2013
- Manly Development Control Plan 2013

4.1 MANLY LOCAL ENVIRONMENTAL PLAN 2013

The site is zoned B2 Local Centre pursuant to Manly Local Environmental Plan 2013. The proposed development, for a change of use to a milk tea and ice cream shop, would be appropriately characterised as a commercial premises, which is permissible with consent within the B2 zone.

Figure 6 below identifies the zoning of the site under Manly Local Environmental Plan 2013.

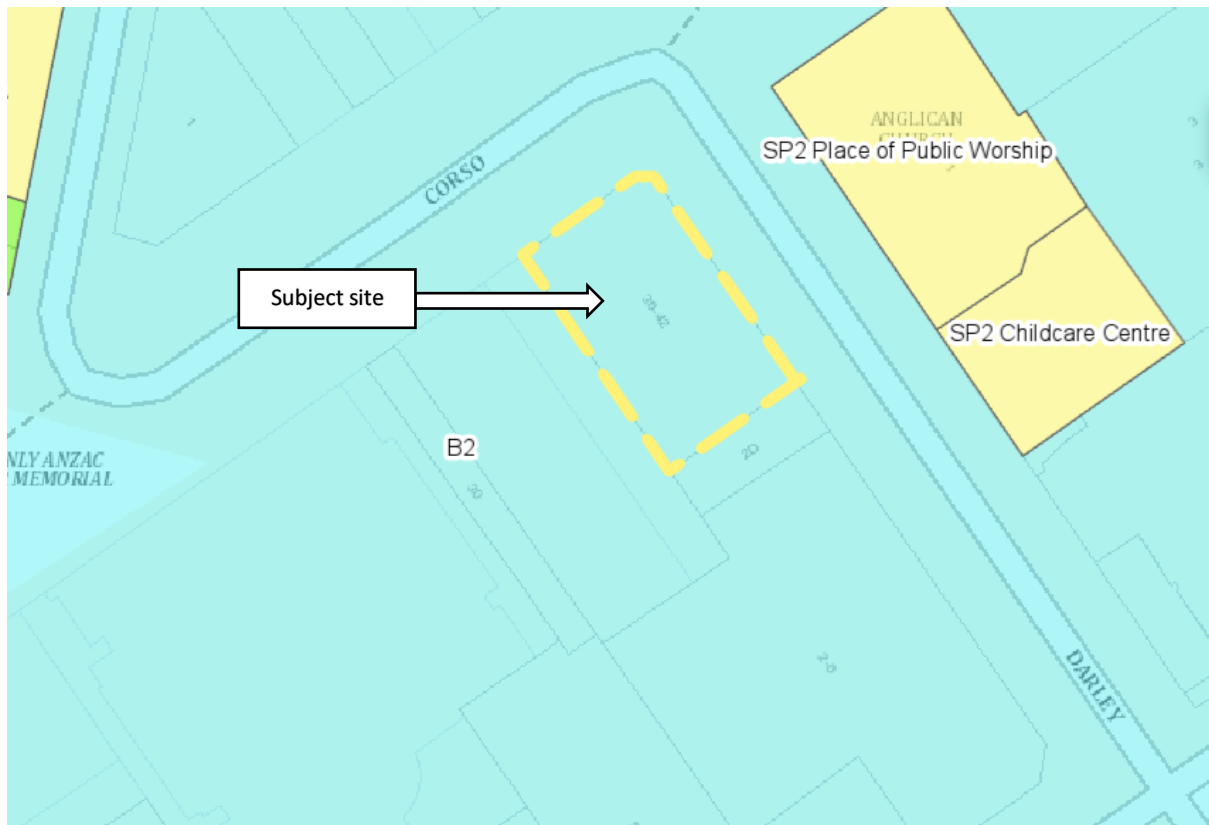


Figure 5: Zoning Map - site is zoned B2 under Manly LEP 2013

The LEP 2013 Land Use table for zone B2 Local Centre is reproduced below:

1 Objectives of zone

- 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.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Boat sheds; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water recycling facilities; Water supply systems

4 Prohibited

Pond-based aquaculture Water treatment facilities; Any other development not specified in item 2 or 3

Permissibility

The proposed development involving a change of use of an existing ice cream shop to a milk tea and ice cream shop would be appropriately characterised as **'commercial premises'**.

The Dictionary contained in the Manly LEP 2013 defines **'commercial premises'** as follows:

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (c) food and drink premises,
- (l) shops,
- (la) specialised retail premises,

The proposed development, is appropriately defined as a **'food and drink premises'**, which is identified as a permitted land use with consent within the zoning table to zone B2 Local Centre under the Manly LEP 2013 in that falls within the ground term of commercial premises.

It is contended that the proposed development is consistent with the objectives of the B2 zone in that the proposal will continue to provide for a range of retail that serve the needs of people who live in, work in and visit the local area, encourage employment opportunities in accessible locations, and maximise public transport patronage and encourage walking and cycling.

The following table provides an assessment of the proposed development against the relevant development standards outlined in the Manly LEP.

Criteria	Required/Permitted	Comments
Part 1 Preliminary		
1.3 Land to which this Plan applies	This Plan applies to the land identified on the Land Application Map	The site is identified on the Land Application Map
Part 2 Permitted or prohibited development		
2.2 Zoning of land to which Plan applies	For the purposes of this Plan, land is within the zone shown on the Land Zoning Map	The site is zoned B2 Local Centre under the LEP and the proposal is permitted with consent.
Part 4 Principal development standards		
4.3 Height of buildings	Max building height – 15m	NA. No changes to the height of the building.
4.4 Floor Space Ratio	Max FSR applies to the site – 3:1	NA. No changes to the existing floor area.
5.10 Heritage conservation	<p>(2) Requirement for consent</p> <p>Development consent is required for any of the following:</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(e) erecting a building on land:</p>	<p>Site is located within the Manly Town Centre Conservation Area and within a group of commercial buildings that are listed as heritage item as per Part 1 Heritage items and Part 2 Heritage Conservation Area of Schedule 5. It is also directly opposite St Matthews Church at the intersection of The Corso and Darley Road.</p> <p>The proposed development is for a change of use of the ground floor of an existing ice cream shop to a milk tea and ice cream shop. The proposal does not involve any</p>

	<p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(5) Heritage assessment</p> <p>The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>changes to the external fabric of the building, not any internal structural building works.</p> <p>A Heritage Impact Statement is not required because the proposed change of use application does not involve any changes to the detail, fabric, finish or appearance of the building.</p> <p>It is considered that the proposal would not result in any adverse impact upon the Manly Town Centre Heritage Conservation Area and the ground of commercial buildings along The Corso due to the minor nature of the proposed change of use application that only involves internal fit-out works. What the proposed change of use application does is that it provides additional services to the area and maintains the integrity of the building in terms of its contribution to the heritage significance of the area.</p>
6.1 Acid sulfate soils	<p>The site is identified as Class 4 pursuant to the Acid Sulfate Soils Map of the LEP. In accordance with subclause 2, development consent is not required in respect to Acid Sulfate Soils, given that the site is classed as Class 4 and no works more than 2 metres below the natural ground surface are proposed and the proposed internal fit out works will not result in the watertable being lowered.</p>	Noted.
6.9 Foreshore scenic protection area	<p>(3) Development consent must not be granted to development on land to which this clause applies</p>	<p>The site is listed as a Foreshore scenic protection area. Despite this, the proposed change of use</p>

	<p>unless the consent authority has considered the following matters—</p> <p>(a) 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,</p> <p>(b) measures to protect and improve scenic qualities of the coastline,</p> <p>(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,</p> <p>(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.</p>	<p>application that only involves internal fit-out works will not have any impact upon the Foreshore scenic protection area.</p>
<p>6.11 Active Street frontages</p>	<p>(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre.</p> <p>(2) This clause applies to land identified as “Active street frontages” on the Active Street Frontages Map.</p> <p>(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.</p>	<p>The site is listed as affected by ‘Active Street frontages’ on the Active Street Frontage Map of the LEP. The proposal will maintain the active frontage of the site to both The Corso and Darley Road.</p>

4.2 MANLY DEVELOPMENT CONTROL PLAN 2013

The following provides an assessment of the proposed development against the relevant parts of the DCP applicable to the proposed development.

CRITERIA	REQUIREMENTS	COMPLIANCE
Part 1 Introduction		
Purpose of this DCP	The purpose of the DCP is to supplement Manly LEP 2013 and provide more detailed provisions to guide development.	Noted.
Part 3 – General Principles of Development		
3.1 Streetscapes and Townscapes	<p>Streetscape</p> <ol style="list-style-type: none"> To minimise any negative visual impact of walls, fences and carparking on the street frontage. To ensure development generally viewed from the street complements the identified streetscape. To encourage soft landscape alternatives when front fences and walls may not be appropriate. <p>Townscape</p> <ol style="list-style-type: none"> To assist in maintaining the character of the locality. To recognise the importance of pedestrian movements and townscape design in the strengthening and promotion of retail centres. To minimise negative visual impact, in particular at the arterial road entry points into the Council area and the 	The proposal is consistent with the relevant objectives relating to streetscapes and townscapes.

	former Manly Council area, so as to promote townscape qualities.	
3.1.3 Townscape (Local and Neighbourhood Centres)	Many areas of the former Manly Council area have a particularly important townscape character with an essentially unified townscape, giving rise to a particular individual character which should be maintained. This townscape character is derived as a result of the general scale and interest of the buildings and surrounds. This scale and interest exists even in areas with a limited number of heritage listed buildings with individual importance.	The proposal is consistent with the townscape, streetscape and principles for the Manly Town Centre.
Part 3 – General Provisions		
3.2 Heritage Considerations		
Objective	<ol style="list-style-type: none"> To retain and conserve environmental heritage and cultural significance of Manly including: <ul style="list-style-type: none"> significant fabric, setting, relics and view associated with heritage items and conservation areas; the foreshore, including its setting and associated views; and potential archaeological sites, places of Aboriginal significance and places of natural significance. To ensure any modification to heritage items, potential 	<p>The shop is located within a group of commercial buildings within The Corso that are identified as heritage items of local significance. It is also located within the Manly Town Centre Heritage Conservation Area.</p> <p>The proposal is only for a change of use of a ground floor shop of the building to a milk tea and ice cream shop. No changes are proposed to external fabric of the building nor any internal structural elements.</p> <p>On the basis of the minor nature of the proposed change of use application, it is considered the</p>

	<p>heritage items or buildings within conservation areas is of an appropriate design that does not adversely impact on the significance of the item or the locality.</p> <p>3. To ensure that development in the vicinity of heritage items, potential heritage item and/ or conservation areas, is of an appropriate form and design so as not to detract from the significance of those items.</p> <p>4. To provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons.</p> <p>5. To integrate heritage management and conservation into the planning development process including incentives for good heritage management, adaptive reuse, sustainability and innovative approaches to heritage conservation.</p>	<p>proposal would have negligible impact upon the heritage conservation area and heritage items. It represents an appropriate usage of the premises as intended for retail shop.</p>
3.2.1 Consideration of Heritage Significance	Council to consider the effect of proposed development on heritage significance of a heritage item or heritage conservation area.	Noted
3.2.1.1 Development in the vicinity of	a) Requires consideration of the effect on heritage significance for any other development in	The proposed change of use application that only involves internal fit out works would not have any adverse impact upon

<p>heritage items, or conservation areas</p>	<p>the vicinity of a heritage item or conservation area.</p> <p>b) Proposed development in the vicinity of a heritage item or conservation area must ensure that:</p> <p>i) it does not detract or significantly alter the heritage significance of any heritage items, conservation area or place;</p> <p>ii) the heritage values or character of the locality are retained or enhanced; and</p> <p>iii) any contemporary response may not necessarily seek to replicate heritage details or character of heritage buildings in the vicinity, but must preserve heritage significance and integrity with complementary and respectful building form, proportions, scale, style, materials, colours and finishes and building/street alignments.</p> <p>c) The impact on the setting of a heritage item or conservation area is to be minimised by:</p> <p>i) providing an adequate area around the building to allow interpretation of the heritage item;</p> <p>ii) retaining original or significant landscaping (including plantings with</p>	<p>the heritage listed group of commercial buildings along The Corso, not has any negative effect on the heritage conservation area of the Manly Town Centre. No changes are proposed to the external fabric of the shop.</p>
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	<p>direct links or association with the heritage item);</p> <p>iii) protecting (where possible) and allowing the interpretation of any archaeological features; and</p> <p>iv) retaining and respecting significant views to and from the heritage item.</p>	
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	<ol style="list-style-type: none"> 1. To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties including noise and vibration impacts. 2. To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade. 	The proposal will not have any amenity impact to neighbouring properties and the public domain in terms of views, visual/acoustic privacy and overshadowing.
3.8 Waste Management	<ol style="list-style-type: none"> 1. Minimise overall environmental impacts of waste in accordance with regional waste plans and Federal and State Government waste minimisation targets. 2. Encourage environmentally protective waste management practices on construction and demolition sites which include: <ul style="list-style-type: none"> • sorting of waste into appropriate receptors (source separation, reuse 	Noted and refer to the submitted waste management plan for details.

	<p>and recycling) and ensure appropriate storage and collection of waste and to promote quality design of waste facilities;</p> <ul style="list-style-type: none"> • provision of design standards that complement waste collection and management services offered by Council and private service providers; • building designs and demolition and construction management techniques which maximises avoidance, reuse and recycling of building materials and which will minimise disposal of waste to landfill; and • appropriately designed waste and recycling receptors are located so as to avoid impact upon surrounding and adjoining neighbours and enclosed in a screened off area. <p>3. Encourage the ongoing minimisation and management of waste handling in the future use of premises.</p>	
Part 4 Development Controls and Development Types		
4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres)		

4.2.1 FSR	Max permitted FSR – 3:1	No changes proposed.
4.2.2 Height of Buildings	Max permitted building height – 15m	No changes proposed.
4.2.3 Setbacks Controls in LEP Zones B1 and B2	<p>All buildings must be constructed to the public road and side boundaries of the allotment except where:</p> <ul style="list-style-type: none"> a) an alternative setback is identified on the townscape and opportunities maps or having regard to established building lines and whether they contribute positively to the streetscape; or b) the applicant can demonstrate to the satisfaction of the Council that an alternative setback will not conflict with overall townscape objectives, reduce the general availability of retail frontage or remove weather protection for pedestrians; or c) the stipulated setback would be undesirable in terms of the amenity of any residential uses existing on adjoining land or proposed for inclusion in the development. In such cases the planning principles in this plan for residential development at paragraph 3.1.1 will also apply. In relation to setbacks in Neighbourhood Centres, see also paragraph 4.2.8.2 which includes guidance for when development adjoins land zoned residential in the LEP. 	The shop is built to The Corso and Darley Road frontages. No changes proposed to these.

	d) Council considers the need for building works to be setback at corner lots/street intersections to provide for an unobstructed splay for the purpose of improved traffic visibility. The maximum dimension of this triangular shaped splay would be typically up to 3m along the length of the site boundaries either side of the site corner.	
4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor	<ol style="list-style-type: none"> 1. To ensure there is adequate provisions for car parking access and loading in future development and redevelopment in all business zones. 2. To minimise conflicts between pedestrian and vehicular movement systems within the business areas. 	No changes proposed to the existing parking, vehicular access and loading arrangements for the building.
4.2.5 Manly Town Centre and Surrounds	To consolidate, promote and strengthen both retail activity in the Manly Town Centre as well as townscape in accordance with the townscape requirements of this plan.	Proposal is consistent with the objective of the Manly Town Centre.
4.2.5.1 Design for Townscape	a) Maintain the predominant pattern of narrow fronted buildings within the town centre with new buildings incorporating modulation of the street wall such as recesses or modulation in the building facade to visually reduce the length and perceived bulk of the street wall.	Complies.

	b) Maintain existing setbacks.	
4.2.5.2 Height of Buildings	<p>Consideration of the appropriate heights within the maximum Building Height development standard and exceptions to the standard in the LEP includes the following:</p> <p>a) Whether the final building height including any architectural embellishments adversely dominate the heights of end (corner) buildings in the same street block or that of adjoining buildings.</p> <p>b) Whether the proposed development successfully demonstrates the most appropriate relationship to adjoining development in terms of fulfilling the Council's townscape objectives. New development provides opportunities to achieve the maximum height of building in the centre of the street blocks to obtain views and outlook over buildings on the block edge at a lower height.</p>	No changes to the existing building height.
4.2.5.3 Security Shutters	Shop window security roller shutters are not permitted on the external face of the building. Such screens may only be used behind the window display.	No security shutters proposed.
4.2.5.6 Late Night Venues	<p>Hours of Operating (maximum)</p> <p>The maximum hours for hotels, nightclubs, restaurants & food outlets are as follows:</p>	The site is located within the Manly Entertainment precinct. The premises is not a licensed venue and the proposed hours

	<ul style="list-style-type: none"> i) Hotels & Nightclubs: from 5am up to 2am (next day) and with a restricted entry policy for Nightclubs after 12.30am; and ii) Restaurants & Food Outlets: from 5am up to 1am (next day). 	of operation is 10am-10am daily.
Part 5 – Special Character Precincts, Areas and Sites		
5 Special Character Areas and Sites	<ul style="list-style-type: none"> 1. To identify the characteristics of certain areas and sites in Manly and ensure protection and to develop standards that encourage that protection. 2. To ensure protection of environmentally sensitive localities. 3. To encourage a responsible development approach resulting in design of architectural merit that interprets and complements site characteristics, streetscape and the surrounding built and natural environment. 4. To ensure the scale of development is consistent with the existing and desired character of the residential areas. 	Proposal is consistent with these objectives.
5.1 Manly Town Centre Heritage Conservation Area and The Corso		
5.1.1 General Character	<ul style="list-style-type: none"> a) Manly Town Centre has a cohesive character resulting from a generally low scale of development on its principle streets. Construction to the property boundaries, slightly higher and distinctive corner 	The proposal does not offend any of the general character of the Manly Town Centre.

	<p>buildings and a good level of pedestrian protection and amenity generated by footpath awnings and through-block arcades has produced strongly defined and comfortable urban spaces. These spaces range from the tight enclosure of the arcades through to the openness of the Ocean Beach promenade and the Esplanade. Developments which contradict these features have not been sufficient to remove this character.</p> <p>b) This unified form of development still allows a diverse range of architectural styles. Further, civic buildings such as the Council Chambers and St. Matthews Church have not been overwhelmed by taller and larger scaled modern development and still therefore retain their visual importance. The Town Centre has been identified as a Conservation Area for these reasons.</p> <p>c) The Town Centre Urban Design Guidelines provide more detailed analysis of Manly Town Centre from an urban design point of view and provides more detailed guidelines for certain precincts and areas within the Town Centre. These precincts include:</p>	
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	i) Harbour/ Ocean Grid (including The Corso, Rialto Lane, Wentworth Street, Victoria Street, Ashburner Street & Darley Road);	
5.1.2 The Corso	Outlines the existing positive qualities of The Corso, comprising both the public area of the roadway and the private properties that front it all contribute to making it a special street.	Noted
b) The Corso Guidelines	Outlines the development guidelines for The Corso that need to be respected.	The proposal does not offend any of the guidelines for The Corso.
5.1.2.2 Internal changes are important	<p>a) The spaces and activities within the building give meaning to that building. In addition, internal building fabric may be significant even if not seen from the street.</p> <p>b) Where internal alterations are proposed:</p> <p>i) floor levels and the layout of activities are to retain a logical relationship with the window, door and balcony openings of the street façade;</p> <p>ii) floor levels are to be maintained adjacent to first floor windows and other openings; and</p> <p>iii) architectural organisation of interiors must relate to the building facade.</p>	The proposed internal fit out works would not have any impact upon the heritage conservation of The Corso.

<p>5.1.2.12 Street Level Uses to Encourage Activity</p>	<p>a) Shop-fronts are to maximise their contribution to the liveliness and safety of the street, both day and night.</p> <p>b) At night, all shop fronts within The Corso Conservation Area must be transparent and illuminated. Window displays are actively encouraged. Opaque security grills and the like are not acceptable. Roller shutters will not be permitted but security screens are permitted behind the window display.</p>	<p>The proposal will maintain active shop-fronts to The Corso and Darley Road.</p>
<p>5.1.2.15 External building colours are important to the overall presentation of The Corso</p>	<p>a) Colours and tones are to pick out, rather than conceal, architectural details.</p> <p>b) Colour schemes need to demonstrate an appropriate balance between the contemporary function of each building and a consistent presentation of the street as a whole. To assist, Council encourages a choice between:</p> <p>i) a colour scheme that is historically correct to the age and style of the building; or</p> <p>ii) an alternative colour scheme that complements the desired character and traditional colour schemes of the wider Conservation Area.</p>	<p>It is proposed that the existing dark coloured façade be refreshed with golden brown colour to reflect the proposed new shop theme. The proposed golden brown is considered appropriate and would match the colour of the brickworks of the building above the ground floor.</p>

5 ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

5.1 Section 4.15 Evaluation

In determining an application, the consent authority must take into consideration the heads of consideration as contained in Section 4.15 of the EPA Act, 1979.

Matters for Consideration – General

(a) *the provisions of:*

(i) *any environmental planning instrument, and*

State Environmental Planning Policy (Resilience and Hazards) 2021

There are no known previous land uses relating to possible contamination. Given the commercial/residential nature of the subject site and surrounds, Council can be satisfied that the site is suitable for the proposed development.

State Environmental Planning Policy (Transport and Infrastructure) 2021

SEPP Transport and Infrastructure is not relevant to the proposed development.

Local Environmental Plan

The site is zoned B2 Local Centre pursuant to Manly Local Environmental Plan 2013. The proposed development is permissible with consent. It has been demonstrated that the proposed development is consistent with the objectives of the zone and the development does not contravene any provisions of the LEP.

(ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*

There is no draft environmental planning instrument that is applicable to the proposed development.

(iii) *any development control plan, and*

Manly Development Control Plan 2013

The proposed development is consistent with the relevant provisions relating to commercial premises and is worthy of approval based on both performance and merit.

(iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

There is no planning agreement proposed by the Applicant.

- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

There are no matters prescribed by Clause 92 of the Regulation which are relevant to the Development Application.

- (v) (Repealed)*

that apply to the land to which the development application relates.

- (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,*

It is considered unlikely that any adverse environmental, social or economic impacts would occur as a result of the proposed development.

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

The proposed development is considered to be suitable for the site. The development is a permitted land use, meets the objectives of the zone, and has demonstrated compliance with the relevant development controls contained within the Council's DCP.

The proposed development will not alter the character of the locality. Additionally, the proposed development satisfactorily addresses the site constraints and adjoining properties. Furthermore, there are no site attributes conducive to the proposed development.

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

Any submissions will be considered by Council as part of its assessment and determination of the Development Application.

- (e) the public interest.*

Approval of the application is considered to be in the public interest in that it enables for the orderly and economic use of the land and achieves compliance with Council's controls without having any adverse impact to adjoining and surrounding properties.

6. CONCLUSION

Having regard to the assessment of the application and the documentation accompany the application, the proposed development is permissible with consent within B2 Local Centre zone under Manly LEP 2013 and is consistent with the spirit of Council's planning requirements as they apply to the proposal.

The proposed development is considered to be a good use of an existing shop, having regard to the surrounding developments. In doing so, it is considered that the development would be sympathetic

to neighbouring properties and the constraints of the site and will positively contribute to the character of the area without having a detrimental impact upon neighbouring properties in terms visual and acoustic privacy and traffic implications.

The assessment concludes that there will be no significant adverse or unreasonable impacts associated with the development. The proposed development has been designed and positioned to have minimal impact on the environment and the amenity of adjoining residents.

Accordingly, it is recommended that the application be approved.