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STATEMENT OF ENVIRONMENTAL EFFECTS

FOR CHANGE OF USE FROM SHOP TO PUB AND
ASSOCIATED WORKS TO INCORPORATE PART 19-23 THE
CORSO AS PART OF THE IVANHOE HOTEL

AT
PART 19-23, 25, 27 AND PART 31 THE CORSO
MANLY

PREPARED FOR THE APPLICANT
HILROK PROPERTIES PTY LTD

MAY 2019
Ref: 181121.2S

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1. INTRODUCTION

This Statement of Environmental Effects accompanies an application that seeks a change of use of part 19-23 The Corso (*19-23*) from shop to pub and associated works to incorporate part 19-23 with the Ivanhoe Hotel (*the Hotel*) at 25-31 The Corso, Manly (*25-31*) (*the Application*).

The Hotel currently occupies 25, 27, and part 31 The Corso, Manly as seen in Figure 1 below.

19-23 The Corso is a strata lot with a four storey mixed use building and a two storey commercial building. The four storey building at 19-21 The Corso (*19-21*) has retail on ground level and residential units above. The two storey commercial building at 23 The Corso (*23*) has retail on ground level and offices on the upper level. The ground level of 19-23 has been merged into one shop front and is currently occupied by a chemist.

A separate application DA 2019/0512 was lodged on 23 May 2019 to seek alterations and additions to existing shop top housing at 19-21 The Corso (Part of 19-23 The Corso) Manly. This application includes upgrades to the building, alteration and addition to the existing units, and construction of a new two bedroom unit on the third floor.

31 The Corso (*31*) is a two storey commercial building with two tenancies. The Hotel occupies the western part of 31 that adjoins the Hotel at 25-27.

The Application seeks consent for a change of use from a shop to a pub at 23 and associated works to incorporate 23 into the existing Hotel at 25-31. The ground floor of 23 will be incorporated into the Hotel as a gaming area and the upper floor of 23 will be used for storage purposes.

Upon the relocation of the gaming room, the existing gaming room at the rear of 31 will be converted to storage and no longer publicly accessible. The Sports bar at the front of 31 will remain in use until the lease lapses on 15 July 2024. Upon the expiry of the lease, the Hotel will no longer operate at 31. A draft condition is proposed in **Section 3 Proposed development** of the Statement to ensure that the intention of the Application is not to intensify the use of the Hotel.

The overall aim of the Application is to reduce overall footprint and improve facilities for Hotel patrons.



Figure 1: Indication of Subject Site (Images by Alexander & Co)

The proposed works include the following:

- Changes to front façade on The Corso as inspired by historical photograph;
- Changes to rear façade on Market Place;
- Extension towards the rear to align with adjoining building;
- Install new signage on both facades; and
- New internal fit out and associated works to connect 23 with the Hotel.

This Application is supported by Architectural Plans (**Annexure 1**), Acoustic Report (**Annexure 2**), Heritage Impact Statement (**Annexure 3**), Plan of Management (**Annexure 4**), Written Request for Clause 4.6 (**Annexure 5**), Accessibility Assessment Report (**Annexure 6**), Traffic Report (**Annexure 7**) and Signage Plan (**Annexure 8**).

This Statement describes the site and surrounding area, the nature of the proposed modifications and sets out the statutory and policy context. It addresses the requirements for an application and undertakes an assessment of the application under the heads of consideration in s.4.15 of the Environmental Planning and Assessment Act, 1979.

2. SITE AND SURROUNDING AREA

The Hotel occupies 25 The Corso (Lot 2 DP877793), 27 The Corso (Lot 1 DP877793), and part 31 The Corso (Lot 910 DP875567). The street numbers of The Corso are marked on **Figure 2** below.

The Hotel currently has a 52m frontage on both The Corso and Market Place with an approximate land size of 1600sqm.



Figure 2: Location of the Hotel (Source: nearmap)

The Hotel is located within the centre of Manly at The Corso. The Corso is Manly's main pedestrian only shopping strip with the majority of businesses located on or around the Corso, and along Manly beach to the east. The majority of buildings along The Corso are two to three storey commercial buildings with retail on ground level and offices on upper levels.

The nearest noise sensitive receivers are the residential apartments at 19-21.

To the north of the Hotel is a multi storey Council owned carpark named Whistler. This car park provides 311 car parking spaces and is open between 6:30am and midnight Monday to Thursday, and 24 hours Friday and Sundays.

To the east of the Hotel is the Henry Roth Arcade, a small three storey arcade with retail and restaurants on the ground level and offices above.

To the south of the Hotel is St Matthew's Anglican Church across The Corso.

To the west of the Hotel is a multi-storey mixed use building at 19-21 The Corso with the ground floor occupied by a chemist and residential apartments above.

2.1 RELEVANT SITE PLANNING HISTORY

A modification application for DA 196/2008 was approved on 20 July 2009. The modification application included updated plans and further works to the Hotel. The application sought to delete the previous change of use from a chemist to Hotel (for use as a bottle shop) and the bottle shop was relocated to 25.

DA 196/2008 was refused on 9 October 2008 for alterations and additions to the Hotel and extension to adjoining premises including new façade, coffee shop, poker machine area, bottle shop and TAB. The Applicant appealed through the Land and Environment Court and the application was upheld on 17 December 2008.

DA 2019/0211 was lodged on 4 March 2019 for alterations and additions to the Hotel. This application seeks upgrade of facades and signage to both The Corso frontage and Market Place frontage.

DA 2019/0512 was lodged on 23 May 2019 to seek alterations and additions to existing shop top housing at 19-21 The Corso (Part of 19-23 The Corso) Manly. This application includes upgrades to the building, alteration and addition to the existing units, and construction of a new two bedroom unit on the third floor.

3. PROPOSED MODIFICATIONS

The Application seek a change of use of part 19-23 from shop to pub and associated works to incorporate part 19-23 with the Hotel at 25-31 The Corso, Manly.

3.1 GAMING MACHINES ACT 2001

Under Section 209(3) of the *Gaming Machines Act 2001*, Council cannot take gaming related issues into account when considering the Application. Section 209 is reproduced below:

209 Relationship with Environmental Planning and Assessment Act 1979

- (1) *An environmental planning instrument (whether made before or after the commencement of this section) under the Environmental Planning and Assessment Act 1979 cannot prohibit or require development consent for, or otherwise regulate or restrict, the installation, keeping or operation of approved gaming machines in hotels or on the premises of clubs or any other premises.*
- (2) *If an environmental planning instrument contains any provision in contravention of subsection (1), the provision is taken to have no effect.*
- (3) *A consent authority (within the meaning of the Environmental Planning and Assessment Act 1979) cannot:*
 - (a) *As a condition of any development consent under that Act, prohibit or otherwise regulate or restrict the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club or any other premises, or*
 - (b) *Refuse to grant any such development consent to a hotel or club for any reason that relates to the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club.*
- (4) *The installation, keeping or operation of an approved gaming machine in a hotel or on the premises of a club is not an activity for the purposes of Part 5 of the Environmental Planning and Assessment Act 1979.*
- (5) *Any approval or authorisation under this Act to keep an approved gaming machine in a hotel or on the premises of a club is not an approval for the purposes of Part 5 of the Environmental Planning and Assessment Act 1979.*

Council's consideration of the Application is restricted by Section 209 to matters such as whether or not approval of the application would affect the amenity of the neighbourhood by reason of noise, anti-social behaviour, traffic or parking congestion and the like. It cannot condition or refuse the application because of the presence of gaming machines. (See *Waugh Hotel Management v Marrickville* [2007] NSWLEC 775 at 91(8).)

It should be noted that the use of 23 as part of the Hotel had been previously approved in 2008. This Application is fundamentally to revisit that condition to include 23 as part of the Hotel.

The previous application DA196/08 approved by Land and Environment Court on 17 December 2008 permitted works to the Hotel, late night trading hours, and for 23 to be used as part of the Hotel being a bottle shop. All of the above works had been carried out except for the expansion of the Hotel into 23. A further modification for DA196/08 deleted

the condition for 23 to be used as a bottle shop and reverted it to a shop and has been a shop for the past 10 years.

3.2 DRAFT CONDITION FOR USE AT 31

The Hotel gaming room is currently located at the rear of 31. On approval for the use as a pub at 23, the gaming room will be relocated to 23 and the existing gaming room at 31 will be converted to storage. The front of 31 will remain a Sports Bar until the lease lapses on 15 July 2024.

The Hotel currently occupies a total of 229.7 sqm at 31. The Sports Bar and TAB fronting The Corso occupies 137.18sqm, and the gaming room fronting Market Lane occupies 92.52sqm. 23 has a proposed floorspace of 268.87sqm with 138.14sqm for the ground floor gaming room and 130.73sqm for first floor storage.

The relocation of the gaming room will result in a temporary increase of 45.62sqm in publicly accessible floorspace until the lease lapses in 2024. At the lapse of the lease, the Hotel will have a further 137.18sqm decrease in floorspace as the Sports Bar and TAB closes. Ultimately, the publicly accessible area of the Hotel will be reduced by 91.56sqm as a result of the Application.

The work to 23 The Corso include a new accessible toilet within the gaming room to enhance customer experience within the Hotel. It must be noted that the increase of approximately 50sqm in floorspace is only temporary and will lapse by 2024. The Application has no intension to intensify the use as there is no increase in gaming machines or patron capacity. The increase to floorspace is only temporary and is aimed to improve patron experience at the Hotel within the tourist town centre in Manly.

It is proposed that a condition of consent be imposed to demonstrate that the Application has no intention of intensifying the use at the Hotel.

The proposed condition is as follows:

On relocation of the gaming room to part 19-23 The Corso, the existing gaming room at the rear of 31 The Corso will no longer be assessible by the public, unless otherwise permitted by further development consent. The front of 31 The Corso remains a pub until 15 July 2024 or when the lease expires, whichever comes earlier. The Ivanhoe Hotel will no longer occupy 31 The Corso from the date and the use at 31 The Corso will revert to a shop unless otherwise authorised through a development consent.

3.3 PROPOSED WORKS

The proposed works include the following:

- Changes to front façade on The Corso as inspired by historical photograph;
- Changes to rear façade on Market Place;
- Extension towards the rear to align with adjoining building;

- Install new signage on both facades; and
- New internal fit out and associated works to connect 23 with the Hotel.

Details of the works are illustrated in the Architectural Plans (**Annexure 1**). The Heritage Impact Statement (**Annexure 3**) concludes that the works will have no adverse impact to the heritage significance of the Hotel or The Corso. The existing shopfronts are not original in fabric or design and the replacement material will be compatible with the design of the existing Hotel.

The Acoustic Report (**Annexure 2**) demonstrates that the proposed works would not have any demonstrable adverse impact on the surrounding sensitive land use subject to acoustic recommendations to fit acoustic absorption along shaft walls of the gaming room voids.

4. ASSESSMENT OF THE APPLICATION

This section undertakes an assessment of the Applications under the heads of consideration in Section 4.15 of the Environmental Planning and Assessment Act, 1979. The relevant planning controls are as follows.

- State Environmental Planning Policy 64 – Advertising and Signage (*SEPP64*)
- Manly Local Environmental Plan 2013 (*the LEP*); and
- Manly Development Control Plan 2013 (*the DCP*).

4.1 STATE ENVIRONMENTAL PLANNING POLICIES

4.1.1 State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

The aim of SEPP 64 is to ensure that proposed signage is compatible with its surroundings, provides effective communication in suitable locations and is of high quality design and finish.

The Application complies with the controls in that the signage is of high quality and can assist with wayfinding for pedestrians and passing traffic.

The proposed signage includes a suspended under awning lightbox sign, an extension of the Hotel fascia sign, and a vertical light box mounted next to the entrance (**Annexure 8**). All proposed signage is for the purpose of business identification and is compatible with the character of the area.

All signage is proposed to be fixed to the walls or awning of the Hotel therefore would not obscure views or compromise important views.

The scale, proportion and form of the proposed signage is appropriate for the building and would not impact on the streetscape, setting or landscape. The proposed signage would be of positive influence to the building and would not contribute to visual clutter in that the design and respects the heritage building by using a simple font in a monotone colour. The colour scheme is compatible with the existing signage of the heritage building and contributes to the visual attractiveness and vitality of the streetscape, especially on the Market Place frontage.

The display of the proposed signs would not impose a threat to road users as they do not protrude from the building. All lighting from the signage will be set at a reasonable intensity to ensure that they do not impose a threat to pedestrians or road users.

4.2 ENVIRONMENTAL PLANNING INSTRUMENTS

4.2.1 Manly Local Environmental Plan 2013 (*the LEP*)

Part 1 Preliminary

- Clause 1.2 - Aims of Plan

The relevant aims are as follows:

(a) *in relation to all land in Manly:*

(i) *to promote a high standard of urban design that responds to the existing character of areas, and*

(ii) *to ensure all development appropriately responds to environmental constraints and does not adversely affect the character, amenity or heritage of Manly or its existing permanent residential population,*

(c) *in relation to business and the economy:*

(i) *to recognise that tourism is a major industry and employer in Manly and to encourage its growth and continuing viability while protecting the needs of the local community,*

(e) *in relation to heritage – to identify, protect, sustain, manage and conserve all heritage, including archaeological relics, sites and resources, places of Aboriginal heritage significance, heritage items (and their curtilages), heritage conservation areas and the cultural (natural and built) environmental heritage of Manly,*

The Application complies with the aims for Manly in the LEP. The alterations to the façade would be consistent with the existing Hotel's high standard of urban design. The internal works will improve the layout of a busy Hotel to better suit a tourist area. The Acoustic Report (**Annexure 2**) and the Heritage Report (**Annexure 3**) confirm that the proposed works to the Hotel and the change of use would not have any adverse impact on the amenity or heritage significance of the Hotel or surrounding area.

Part 2 Permitted or prohibited development

The Hotel is located within a B2 Local Centre. *Commercial premises* are permitted with consent in this zone, therefore *food and drink premises* must also be permitted with consent.

Height

The permitted height for the Subject Site is 10m. The proposed building height as illustrated in the Architectural Plans (**Annexure 1**) complies with the 10m height standard.

Floor Space Ratio (FSR)

The existing floor space ratio of the building is at 2.66:1 and exceeds the maximum FSR standard of 2.5:1.

19-23 consist of two buildings, 19-21 being a four storey mixed use building with a floorspace of 1133sqm, and 23 being a two storey commercial use building with a floorspace of 264sqm.

DA 2019/0512 has been lodged on 23 May 2019 with Council for alterations and additions to the existing shop top housing building at 19-21 The Corso, Manly. The Application results in a total increase of the existing FSR to 2.78:1 (1456.9sqm GFA), an increase of 59.9sqm GFA (0.12:1) compared with the existing situation. Nevertheless, the Application involves an exceedance of the FSR standard of 2.5:1 by 0.28:1 (147sqm or 11.2%).

The commercial component at ground floor and first floor of 19-23 The Corso will only result in an increase of 4.85sqm GFA. The majority of the increase of floorspace are for the residential component at 19-21 The Corso which has been addressed in detail under a separate application.

The proposed development complies with the requirements of Clause 6.16 in that

- 32% (468sqm) of the GFA of the development on the site will be used as commercial premises (which includes a shop and a proposed pub) exceeding the required 25%;
- The GFA of the retail premises on the site is 468.3sqm (including 268.9sqm in No.23) less than the maximum 1000sqm permitted.

Exceptions to Development Standards

Clause 4.6 of the LEP provides for the variation of development standards in respect of a particular development proposal. In particular, Clause 4.6(3) provides:

Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (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.*

The written request referred to in Clause 4.6(3) in relation to the breach of the FSR development standard is contained in **Annexure 5**. The request demonstrates that the proposal meets the underlying objectives of the standard and that compliance would be unreasonable and unnecessary in the circumstances of the case.

It is noted that the NSW Department of Planning and Environment (DP&E) provides guidance on how to prepare Clause 4.6 variations in the form of *Varying development standards: A Guide* (August 2011). The written request to vary the FSR standard is based on the DP&E's Guide.

Part 5 Miscellaneous provisions

- Clause 5.10 - Heritage Conservation

Under Schedule 5 of the LEP, the Hotel is listed as part of item I106 (Group of commercial buildings) and is of local heritage significance. The Hotel is also located within the Town Centre Conservation Area.

The Heritage Report (**Annexure 3**) concludes that the proposed works would have no adverse impact to the heritage significance of the Hotel for the following reasons:

- The existing shop fronts are not original in either fabric nor design, and as such their removal is acceptable and replacement is acceptable.
- The installation of new, contemporary styled shopfronts is sympathetic to the historic and ongoing use of the place.
- The proposed design and choice of materials is in keeping with the existing Ivanhoe Hotel, and as such contributes to a high quality of façade addressing The Corso, and as such, supports the desired character of the place as an attractive public destination.
- The contemporary design, materials and finishes reflect current fitout trends and levels of expectation from both operators and patrons of hospitality facilities.
- The locating of Ivanhoe Hotel shopfront fitouts in adjacent ground floor spaces, that are proposed to read as part of the Hotel, are acceptable as this action does not diminish an understanding of the building façade allowing it to continue to contribute to the character of The Corso. It should be noted that the nature of shopfronts are to change and be updated to reflect and support the uses behind.

4.3 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There is no draft Environmental Planning Instrument relevant to the Hotel.

4.4 DEVELOPMENT CONTROL PLANS

4.4.1 Manly Development Control Plan (*the DCP*)

- Control 1.7 Aims and Objectives of this Plan

The objective of this plan is to encourage development that contribute to the quality of our streetscapes and townscapes, and to ensure that the development has considered the community needs, positively responds to the qualities of the site, heritage and character of the surrounding area.

The Application complies with the controls in that the use as a hotel is located with the town centre and is compatible with surrounding land uses. The Application for works to the Hotel will enhance customer experience at the Hotel with no operational changes. The Heritage Report (**Annexure 3**) concludes that the proposed work has no adverse impact to the heritage significance of the Hotel.

- Control 3.1.3 Townscape (Local and Neighbourhood Centres)

The proposed works will maintain and enhance the townscape of the former Manly Council's area.

The proposed works are consistent with the townscape. The important corner sites, pedestrian links and vista sites are not impacted as a result of the Application.

The Heritage Report (**Annexure 3**) concludes that the proposed changes to the façade and interior would not impact on the heritage significance of the Hotel as the fabric and design are not original.

- Control 3.4.2.3 Acoustic Privacy (Noise Nuisance)

The control is to ensure that noise impacts are considered for alterations and additions to existing premises. The Acoustic Report (**Annexure 2**) demonstrates that the works would not have any additional adverse impact to surrounding sensitive land uses.

- Control 3.6 Accessibility

The objective of this control is to ensure that any refurbishments to existing buildings provide improved levels and facilities for people with disabilities, and ensure connectivity and flexibility for all people.

The Application complies with the control in that the proposed works will provide improved facilities at the Hotel. The proposed works will slightly increase the floorspace and enhance the layout of 23. The works also involve a new connection between 23 and 25 that enhances connectivity and flexibility within the Hotel. All entry points remain the same width.

The Accessibility Assessment Report (**Annexure 6**) demonstrates that the proposed works is considered capable of complying with Part D3 and Clause F2.4 of the BCA 2019 and relevant Australian standards.

- Control 3.6.2.4 Access to heritage items

The proposed works are accompanied by a Heritage Report (**Annexure 3**) that confirms the works have no adverse impact on the heritage significance of the Hotel.

- Control 3.6.3.4 Sanitary Facilities

The Application complies with this control in that the proposed works include an addition of two new sanitary facilities (one male and one female) at the rear of 23 as illustrated in the Architectural Plans (**Annexure 1**).

- Control 3.6.3.5 Continuous Accessible Path of travel

The Application complies with the control in that the proposed work will result in an improved continuous accessible path of travel as illustrated in the Architectural Plans (**Annexure 1**).

The Accessibility Assessment Report (**Annexure 6**) demonstrates that the proposed works is considered capable of complying with Part D3 and Clause F2.4 of the BCA 2019 and relevant Australian standards.

- Control 3.6.3.6 Shopfronts on The Corso, Manly

The Hotel achieves accessibility to and within the premises. The proposed works will maintain accessibility with a 4m wide main entrance as illustrated in the Architectural Plans (**Annexure 1**). The different design of the façade at 25, 27 and 31 contributes to a more fine grain urban area at the centre of Manly.

- Control 3.6.3.7 Signage and Hearing Augmentation

The Application complies with the control in that the proposed work will have appropriate signage under the relevant provisions of Australian Standard.

- Control 3.6.3.8 Fire Safety and Maintenance

The Application complies with the control in that the proposed work will be compliant with the relevant Australian Standards.

- Control 4.2.5.1 Design for Townscape

The Hotel is located on The Corso in the Manly Town Centre. The proposed works for 23 will be consistent with the existing Hotel at 25-31 and would not impact on the design of the townscape. The details of the works are illustrated on the Architectural Plans (**Annexure 2**).

The design of the 23 will maintain the predominant pattern of narrow fronted buildings with the town centre.

The current rear of 23 has an uneven setback between 0m to 2.4m. The Application will extend the rear to the lot boundary to match the building line of 19-21 with no setback.

- Control 4.2.5.4 Car Parking and Access

The control is to ensure that there is sufficient car parking access and loading for all development and to minimise conflicts between pedestrian and vehicular movement within the business area.

Council is prepared to allow reductions to the parking rate when the applicant can demonstrate in the case of all uses other than dwellings, the dimensions or topography of the site would physically prevent the provision of some or all of the required spaces, the required access interferes with the continuity of retail frontage or interrupts the frontage of the property in other ways such that there would be a conflict with any other provisions of this DCP in particular the townscape objectives; or the movement of vehicle to and from the site would cause unacceptable conflict with pedestrian movements, special servicing arrangements for pedestrianised areas or contribute to congestion at key intersection.

The Hotel at 25-31 and the chemist at 23 currently has no parking due to the dimensions of the site physically preventing the provision of the required spaces, the proximity to the Council car park across Market Place at the rear and multiple public transport options within walking distance. The provision of the required car parking spaces would not be feasible or efficient within a 138.53sqm area. Furthermore, the constant movement of

vehicles to and from the car parking within the site would also cause increased conflict with pedestrian movement especially within a shared zone on Market Place.

It is stated in (b), no more than 50 percent of required car parking spaces generated by onsite parking requirements is permitted to be provided, with the remainder being provided by way of monetary contribution in accordance with the former Manly Council's Section 94 Contributions Plan.

The Traffic Report (**Annexure 7**) concludes that the provision of no off-street parking spaces for the Application is considered to be appropriate in this instance, particularly given the site constraints, the high degree of pedestrian activity, and the ready accessibility of the site by public transport.

- Control 4.2.5.6 Late Night Venues

The objective of this control is to ensure that the people can enjoy Manly's late night venues without disturbing the peace of the community.

Social Impact Assessment

Social impact is an impact on individuals, or on groups of people ie community.

Social impacts are changes that occur in:

- *The social fabric of the community (composition of the social structures);*
- *People's way of life (how they live, work, play, rest and relate to one another on a day-to-day basis);*
- *Their community (its cohesion, stability, character, services and facilities)*
- *People's health (physical and mental health of stakeholders)*
- *Employment and the local economy (growth or reduction of local jobs)*
- *Access and transport (pathways, cycle ways, public transport availability, other sustainable transport use, eg car sharing)*
- *Safety and minimisation of crime (pedestrian safety, anti-social behaviour)*
- *Culture and arts (shared beliefs, customs, values and self-expression).*

The Application is essentially to seek a relocation of the gaming room from 31 to 23. Upon relocation, the existing gaming room will be converted to storage. The publicly accessible area for the Hotel remains similar therefore there would be no adverse impact on the social fabric of the community, people's way of life, the community and people's health.

The employment and the local economy are likely to be improved during the construction period but it is not anticipated that employment would increase as the floorspace of the Hotel remains similar.

There is no change in access and transport to the Hotel with multiple transport modes available within walking distance of the Hotel.

The Application would result in increased safety and minimisation of crime as the Hotel has extended the shop front on The Corso. With the current chemist that occupies 23 closing at 9pm, the longer trading hours of the Hotel would increase passive surveillance on The Corso until later at night. Safety on Market Place will also be improved as a result

of the extended rear as it provides a clearer sightline and improved lighting that deters any potential anti-social behaviour. The increase of patronage to Market Place through the new entrance will also increase surveillance.

The internal gaming room is not visible from the street. The proposed gaming room would have a new timber panel and timber frame windows to the shop front as detailed in the Architectural Plans (**Annexure 1**). This would permit light penetration onto The Corso from the Hotel at night but the gaming machines will not be visible from the street.

a) Access to Public spaces

The façade on The Corso and Market Place are both designed to minimise conflict between customers within the establishment and public using the public spaces as illustrated in the Architectural Plans (**Annexure 1**).

b) Hours of Operation (maximum)

The proposed hours of operation for 23 is between 5am and 5am the following day Monday to Saturday, and between 5am and 12 midnight on Sunday, with a six hour closure period between 3am and 9am, consistent with existing Council approvals and Liquor Licence.

c) Noise Control

The control is to ensure that noise impacts are considered for any Application. The Acoustic Report (**Annexure 2**) demonstrates that the works would not have any additional adverse impact to surrounding sensitive land uses.

d) Security

Security personnel will be provided as per the Plan of Management (**Annexure 3**).

e) Access to Public spaces

The façade on The Corso and Market Place are both designed to minimise conflict between customers within the establishment and public using the public spaces as illustrated in the Architectural Plans (**Annexure 1**).

- Control 4.4.3 Signage

The objectives of this control is to ensure that advertising does not detract from the amenity of the surrounding area, to minimise visual clutter, to permit business identification signs which communicate the facilities and amenities to users. Signs should be of high quality, enhance the urban character and be compatible with its distinctive urban character. It should not detract from the heritage significance of the building or the conservation area.

The control permits a maximum of two (2) identification signs per frontage. Proposed signage (**Annexure 8**) includes a fascia sign, an under awning suspended lightbox, and a vertical lightbox. The fascia sign is essentially an extension from the main Hotel fascia signage therefore should not be identified as new signage. The remaining two (2) under

awning signs are consistent with the signage of the existing Hotel therefore should be approved.

The proposed signage, being a wall mounted lightbox at the rear is consistent with Council controls.

Illuminated signage would be set at a reasonable intensity and would not be a nuisance to pedestrians and motorists.

- 4.4.3.2 Signage on Heritage listed items and in Conservation Areas

All signage is well considered and located in a manner that preserves and has no adverse impact on the hotel or heritage items within close proximity.

The main colour scheme for the signage is a combination of blue monotone. This compliments the existing colour scheme of blue, white and grey and therefore is appropriate. The signage involves shaded letters, mixing of sizes and styles of letters, consistent with Council controls.

- 4.4.3.3 Controls for Particular Development Types

Under Awning signs

There is one (1) under awning lightbox and one (1) fixed vertical lightbox next to the entrance. The under awning lightbox is more than 4m away from existing Hotel under awning sign and 2.6m above the footpath.

The size of the under awning signs in the form of lightboxes are 1600mm by 350mm by 350mm and does not project beyond the edge of the awning. It will be erected at right angles to the building and bolted under the awning.

Fascia Signs

The Fascia signs does not project above or below the fascia or return end of the awning to which it is attached. It does not extend more than 0.3m from the fascia end of the awning, and does not project beyond 0.6m within the vertical projection of the kerb line.

- Control 5.1.2 The Corso

The objective of this control is to ensure that new development fronting The Corso contribute to make it a special street.

The proposed works include upgrading the facade at 23 The Corso. The proposed works would match the existing Hotel at 25-31 which is a well-known Hotel on The Corso. The changes to the façade was inspired by a previous building found on historical photograph and therefore would extend the characteristic of the Ivanhoe Hotel and contribute to the visual appeal of the main pedestrian walkway in Manly.

The Heritage Report (**Annexure 3**) concludes that the proposed works would have no impact on the heritage significance of the Hotel and the conservation area.

- Control 5.1.2.1 Most existing buildings are significant and are to be conserved, not redeveloped

The Application seeks to refurbish the façades of 23 and interior of 25-31 The Corso.

The existing facade of 23 is not original as stated in the Heritage Report (**Annexure 3**). The proposed works to the façades will match the existing Hotel.

- Control 5.1.2.2 Internal changes are important

The Application seeks permission for works to incorporate 23 into the existing Hotel to improve patron facilities. As demonstrated in the Architectural Plans (**Annexure 1**), the internal alterations will retain a logical relationship with the window, door and balcony openings of the street façade, floor levels are maintained, and the architectural organisation of interiors relate to the building façade.

- Control 5.1.2.3 Significance is more than the depth of a façade: thus new development is to be to the rear.

The Application complies with the control in that the proposed extension of 23 is at the rear. The rear façade is proposed to be extended to the lot boundary line that matches the adjoining building at 19-21.

- Control 5.1.2.8 Windows and balconies open to the street

The Application would install new windows on the first floor façade fronting The Corso.

- Control 5.1.2.11 Footpath Awnings

The Application complies with this control in that a new awning is proposed as part of the Application as illustrated in the Architectural Plans (**Annexure 1**). The awning will match the design of the existing Hotel at 25-31.

- Control 5.1.2.12 Street Level Uses to Encourage Activity

The Application complies with this control in that the Application would maximise the contribution to liveliness and safety of the street, both day and night. The new parapet and windows, timber window frames, new entrance and white marble skirting are aesthetically pleasing and is consistent with the Hotel at 25-31. The new proposed signage would also light up the street at night and contribute to safety on the streets.

- Control 5.1.2.15 External building colours are important to the overall presentation of The Corso

The Application would have consistent colours and tones with the existing Hotel as illustrated in the Architectural Plans (**Annexure 1**) and will not detract from the existing streetscape.

- Control 5.1.2.17 External details for plant, exhausts, ducts and other services as part of the overall building structure

The Application will comply with the control as illustrated in the Architectural Plans (**Annexure 1**).

- Control 5.1.2.18 The impact of new development on rear lane-ways and on adjacent development is important

The Application would have a slight extension to the rear at Market Place. The building at 23 would be extended to the lot boundary to match the adjoining building.

4.4 ANY PLANNING AGREEMENT OR DRAFT PLANNING AGREEMENT

There is no Planning Agreement that has been entered into under Section 7.4, nor is there any Draft Planning Agreement that the applicant is offering to enter into under Section 7.4.

4.5 THE REGULATIONS

There is understood no matter prescribed by the Regulations relevant to the subject site or Application.

4.6 THE LIKELY IMPACTS

The Application is to update the shop front and layout of the Hotel, improve access and upgrade facilities for existing patrons. The new facades and internal works at 23 are compatible with the adjoining Hotel at 25-31 and will create a more consistent outlook of the Hotel when viewed from The Corso and Market Place.

The change of use from shop to pub at 23 and associated works will result in a minimal increase of 4.85sqm. The proposed gaming room will provide patrons with a more comfortable environment with increased amenity. The minimal increase of the publicly accessible floorspace will have no adverse impact on the bulk and scale of the building and will not have any adverse impact on surrounding sensitive land uses.

The extension of 23 with a new entry at the rear will improve lighting and safety at Market Place, especially at night. The new entry at the uniformed rear will provide clearer sightlines and increase pedestrian flow to Market Place, therefore deterring any potential anti-social behaviour.

4.7 THE SUITABILITY OF THE SITE FOR DEVELOPMENT

The Subject Site had been operating as a pub for many years with all utilities connected. Despite the change of use from a shop to pub, it remains a commercial premises. The Application is to allow for patron facilities which can be contained on-site, therefore the site is suitable for the development.

4.8 ANY SUBMISSIONS MADE

Public consultation is expected to be carried out by Council on the submitted development application and accompanying documentation during the standard neighbour notification and advertising process. Any submissions received as a result are for the Council's consideration in its assessment of the application against applicable Plans and Policies.

4.9 THE PUBLIC INTEREST

The Application seeks consent for use of 23 as a pub and associated works to incorporate 23 into the existing Hotel. This Application is in the public interest as it increases the accessibility and amenity of the Hotel, safety of Market Place and the outlook of the Hotel would be more consistent when viewed from The Corso without any significant adverse amenity impacts.

5. CONCLUSION

The Application seeks consent for use of part of 19-23 The Corso as a pub and the associated works to incorporate part of 19-23 The Corso into the existing Hotel at 25-31 The Corso. The proposed works are supported by the Heritage Report and Acoustic Report in that the Application will not have any adverse impact to the heritage significance and the amenity of the surrounding area.

The Application seeks to reduce the footprint of the Hotel and improve facilities for Hotel patrons.

As demonstrated above in this Statement, the Application is consistent with the objectives and development standards of Council's relevant Statutory and Policy planning controls.

Moreover, the environmental assessment in this Statement demonstrates that there will be no unacceptable adverse impact on the amenity of the surrounding area as a consequence of the Application.

Under these circumstances, the Application is considered to be acceptable with regard to all relevant town planning and environmental issues.

It is therefore concluded that there are no valid town planning reasons why development consent should not be granted to the Application as proposed.