

4 December 2019

Northern Beaches Council
PO Box 82
Manly NSW 1655

To whom it may concern,

RE: DEVELOPMENT APPLICATION FOR USE OF SERVERY WINDOW AT 77 COLLINGWOOD STREET MANLY NSW 2095

On behalf of the applicant Emmanuel Deleuze, please find attached the following documentation for a development application over land at the above mentioned address:

- Development Application Form;
- Owners Consent Letter;
- Council Fee Quote (Reference No EstE2019/1712);
- Council Notice of Intention to Give a Development Control Order (Reference No EPA2019/0361);
- Complying Development Certificate 8206-01-2018-CDC and Stamped Plans;
- DA2018/1285 and Stamped Plans;
- Letter from Greater Manly Residents Forum;
- Petition for supporting the use of the servery window signed by 487 people;
- Plans Package showing the location of the servery window;
- A4 Notification Plans showing the location of the servery window;
- This letter-style Statement of Environmental Effects.

1.0 SUBJECT SITE AND BACKGROUND

The subject site is located at 77 Collingwood Street, Manly and is formally described as Lot 1 on DP14521. The site is irregular in shape with an area of approximately 212m² and is currently improved by a two storey mixed use building. The site has a corner frontage to Collingwood Street, North Steyne, and Cameron Avenue respectively. The subject tenancy is a ground floor tenancy currently operated as a café. The site is directly adjoined to a residential premises to the South-West, and does not directly adjoin any other land uses. The Queenscliff Surf Life Club and the Manly Lagoon Reserve Playground are directly opposite the site. Surrounding land uses consist of predominately residential premises in the surrounding residential zoning, with a number of mixed use and recreational purposes in the greater vicinity of the site. The location of the site is indicated below in Figure 1-3 respectively.



Figure 1: Subject Site Location



Figure 2: Subject Site Location



Figure 3: Site Plan

As way of background, Complying Development Certificate 8206-01-2018-CDC, referred to as “the CDC” from here-within, was issued by Jason Storer of AE&D Pty Ltd on 27/09/2018 for “renovation of a current shop to a café restaurant”. DA2018/1285 was issued by Northern Beaches Council on

28/09/2018 for “alterations and additions to an existing mixed use development”, namely approving a new window facing Cameron Avenue as it was excluded from the CDC. Council issued a “Notice of Intention to Give a Development Control Order” on 13/09/2019 (Reference No EPA2019/0361) with a stop use order to cease the use of the service window fronting Cameron Avenue. Discussions with Adam Croft in Council’s planning department have asserted that a new DA should be lodged to formalise the use of the servery window, which is the intention of this application.

Images of the existing frontage and service window are indicated below in Figure 4-5.



Figure 4: Existing window facing Cameron Avenue



Figure 5: Existing window facing Cameron Avenue

2.0 PROPOSED DEVELOPMENT

The proposed development involves formalising the use of the servery window facing Cameron Avenue associated with the café. The servery window is intended to operate between 7AM and 4PM 7 days a week. It is to be noted that no physical works are proposed under this application. The location of the servery window is indicated below in Figure 6-7.

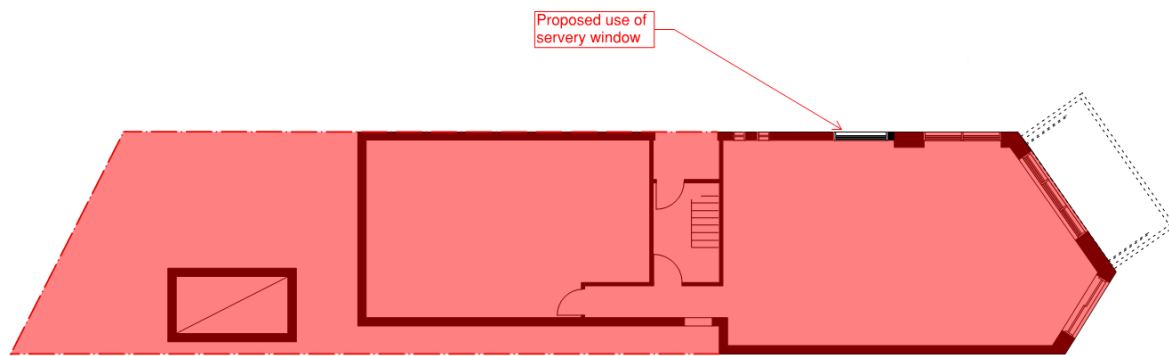


Figure 6: Location of servery window

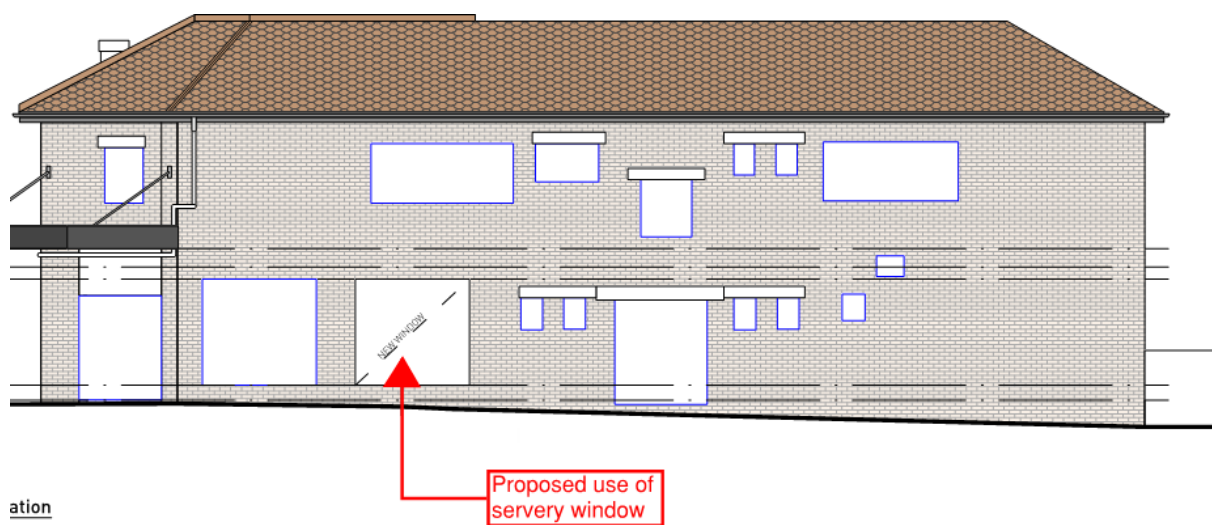


Figure 7: Location of servery window

The local business provides a positive effect on the area, with the servery window allowing a local business to successfully trade which provides a service to visitors and residents in the local area. The operators will aim to address any associated queuing concerns appropriately, and aim to ensure that all waiting customers will not block the footpath. The footpath along Cameron Avenue is quite wide, and has had a number of recent improvements made to it in 2019 in terms of a post box and signs being relocated, the footpath being widened, and a number of rectification works undertaken. Queueing on Cameron Avenue provides a safer aspect rather than people waiting outside the Collingwood Street entrance due to the proximity to the pedestrian crossing and it being a busy main road. Council should support successful local businesses and encourage ongoing investment in the area.

As per the attached petition, 487 signatures have been collected of people supporting the use of the servery window. Additionally, a letter of support has been provided by the Greater Manly Residents Forum supporting the use of the servery window.

3.0 TOWN PLANNING ASSESSMENT

3.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (the Act) is the statutory planning instrument in New South Wales in which Council must use to assess development applications. In determining a development application, Council must take into consideration the following matters under Section 4.15 of the Act:

- a. *the provisions of:*
 - i. *any environmental planning instrument, and*
 - ii. *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - iii. *any development control plan, and*
 - iv. *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - v. *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - vi. *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), 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,*
- c. *the suitability of the site for the development,*
- d. *any submissions made in accordance with this Act or the regulations,*
- e. *the public interest.*

This Statement of Environmental Effects addresses the relevant provisions of the following planning instruments:

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

A detailed Section 4.15 assessment is provided as part of this overall letter-style Statement of Environmental Effects and in Section 3.4.

3.2 Manly Local Environmental Plan 2013

The Manly Local Environmental Plan 2013 (LEP) is the principle local planning instrument that applies to the site.

3.2.1 Zoning & permissibility

The subject site is zoned B1 Neighbourhood Centre under the LEP. The objectives of the B1 Neighbourhood Centre Zone are as follows:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*

The proposed works associated with a cafe is permissible with consent. It is considered that the proposed use of the servery window directly agrees with the intent of the zone through continuing to

provide a use which is compatible with the surrounding neighbourhood. The works are ancillary to the primary use of the building and are permitted with consent.

3.2.2 Height of buildings (Clause 4.3)

The proposed works will not alter the height of the building, therefore Clause 4.3 of the LEP is not applicable.

3.2.3 Floor space ratio (Clause 4.4)

The proposed works will not result in any changes to the existing approved GFA or FSR of the building. As there is no proposed change to the floor space of the building, Clause 4.4 of the LEP is not applicable.

3.2.4 Heritage conservation (Clause 5.10)

The subject site is not listed as a heritage item in Schedule 5 of the LEP, and is not part of a heritage conservation area. The subject site is in the direct vicinity of the Queenscliff Surf Club which is listed as a local heritage item (I1717) under the LEP. Additionally the site is in direct vicinity of the heritage listed landscape item identified as the "Beach Reserve, Merrett Park North Steyne and South Steyne". The proposed works will have no adverse impact on views or vistas to or from the surrounding heritage items and will not cause any impact on the heritage significance of the adjoining heritage items.

3.2.5 Acid sulfate soils (Clause 6.1)

The proposed works will not involve any ground soil disturbance, therefore Clause 6.1 of the LEP is not applicable.

3.3 Manly Development Control Plan 2013

The Manly Development Control Plan 2013 (DCP) is the planning instrument that provides comprehensive development controls for the local area. Given the minor nature of the proposed works relating to formalising the use of the server window, compliance with the applicable non-statutory controls is achieved. The use of the server window is seen as a desirable outcome for users of the premises, including visitors and surrounding residents.

3.4 Section 4.15 Assessment

In determining a development application, the assessing consent authority must take into consideration a number of matters under Section 4.15 of the Environmental Planning and Assessment Act 1979. This assessment is shown in the below table:

Evaluation	Assessment
<p>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:</p> <p>a) the provisions of:</p> <ul style="list-style-type: none"> (i) any environmental planning instrument, and (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to 	<p>a) The proposed works align with the relative matters of the LEP and DCP as per the compliance assessment in this Statement of Environmental Effects. The use of the server window is seen as a good outcome for the subject site.</p>

Evaluation	Assessment
<p>the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</p> <p>(iii) any development control plan, and</p> <p>(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and</p> <p>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</p> <p>(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),</p> <p>that apply to the land to which the development application relates,</p> <p>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,</p> <p>c) the suitability of the site for the development,</p> <p>d) any submissions made in accordance with this Act or the regulations,</p>	<p>b) While it is noted that the use of the servery window may have a number of impacts on the footpath area, the footpath along Cameron Avenue is quite wide, and has had a number of recent improvements made to it in 2019 in terms of a post box and signs being relocated, the footpath being widened, and a number of rectification works undertaken. Queueing on Cameron Avenue provides a safer aspect rather than people waiting outside the Collingwood Street entrance due to the proximity to the pedestrian crossing and it being a busy main road. The use of the servery window is seen as a desirable outcome from both a social and economic perspective as part of encouraging local business.</p> <p>c) The site is used as a café, and considering the width of the footpath, the use of the servery window is considered suitable.</p> <p>d) As per the DCP requirements, the development application may be placed on public exhibition to invite submissions, and if applicable Council will assess these accordingly.</p>

Evaluation	Assessment
e) the public interest.	e) The proposed works are to an established commercial site and are seen to be in the public's interest through the provision of an envisioned use.

In summary, the use of the servery window facing Cameron Avenue associated with the café is considered appropriate for the subject site and achieves a desirable outcome for the surrounding area. The local business provides a positive effect on the area, with the servery window allowing a local business to successfully trade and provides a service to visitors and residents alike.

If there are any issues with any of the information provided, or for further discussion, please do not hesitate to contact the undersigned.

Kind regards,



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