

14 South Steyne Manly
Alterations and Additions

Lot 501 DP 736679

Statement of Environmental Effects

March 2021

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1 INTRODUCTION

1.1 Background

This Statement of Environmental Effects has been prepared in support of a development application to permit alterations and additions to an existing commercial building at 14 South Steyne Manly. The application is also supported by Architectural Drawings and specialist consultant reports.

Northern Beaches Council is the Consent Authority for this application.

1.2 This application

This report contains information of the proposed development and an assessment of the environmental effects as required by clause 2(1)(c) of Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*. The matters addressed in this Statement of Environmental Effects (SEE) and the accompanying plans include:

- Details of the site;
- A description of the proposed development;
- A summary of the relevant planning instruments and legislative controls;
- An assessment of potential environmental impacts and actions proposed to ameliorate those impacts; and
- A conclusion.

1.3 Consultation with Council

In preparing this application Council's planning and heritage staff were consulted. Following an on-site meeting with heritage staff from Council to discuss initial concepts, a pre-lodgement meeting was held with Council staff to discuss the proposed development on the 17th December 2020. A copy of the notes of this meeting are attached at Appendix A.

Matters raised in discussion covered planning and policy matters under the *Manly Local Environmental Plan 2013* (MLEP) and the *Manly Development Control Plan* (MDCP) 2013 include the following matters which are discussed in Section 4:

:

- Amenity (Views, Overshadowing, Overlook/Privacy, and Noise)
- Signage
- Environmental Health
- Heritage
- Flooding

2 THE SITE AND PROPOSED DEVELOPMENT

2.1 The Site

The subject site is located at 14 South Steyne Manly 2095. The land is described as lot 501 in DP 736679 in the Northern Beaches Council Area.

The land is irregularly shaped with a total area of approximately 175.5m². The property is a two-storey brick building, located on a corner block bounded on the north by Victoria Parade and on the east by South Steyne Street. Dungowan Lane is located on the western boundary as shown in Figure 1 and the Site Survey Plan.

The building is heritage listed as a residential/commercial building of local significance. The building is currently internally divided to contain 2 restaurants.

A cantilevered awning wraps around the facades to South Steyne and Victoria Parade and projects over the footpaths below. Vehicular access to the property is from Dungowan Lane for Council services, deliveries and staff access.

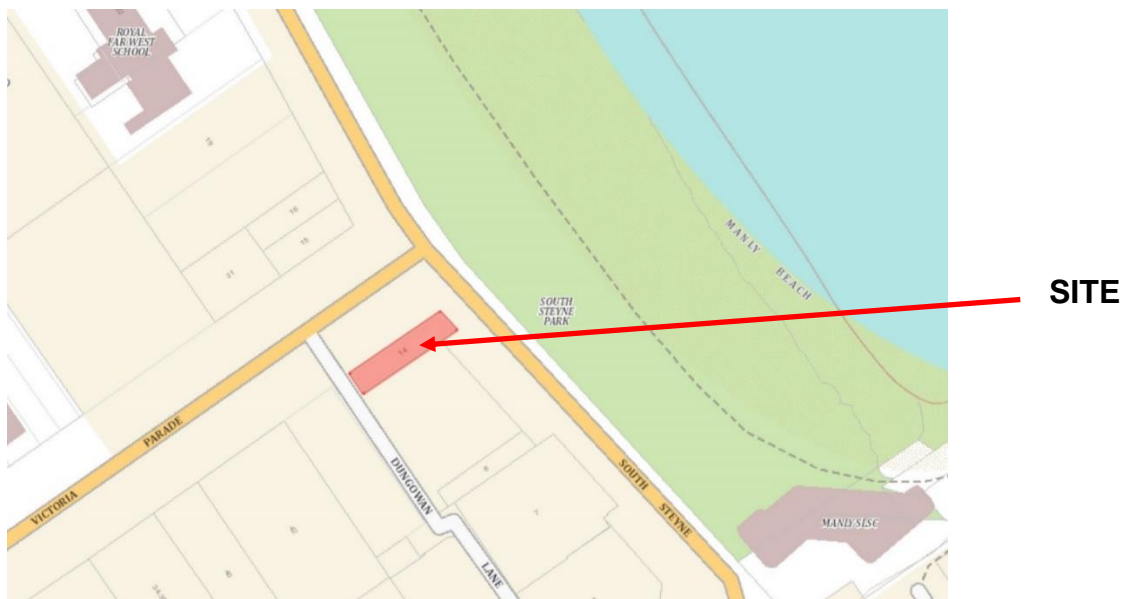


Figure 1 Site Location of 14 South Steyne Manly

2.2 Surrounding Development

As shown in Figures 2 and 3, South Steyne Manly is dominated by mixed commercial and residential uses. Apartment buildings are located to the east and west of the property and the immediate locality. Significant street parking is located landward of Manly Beach.

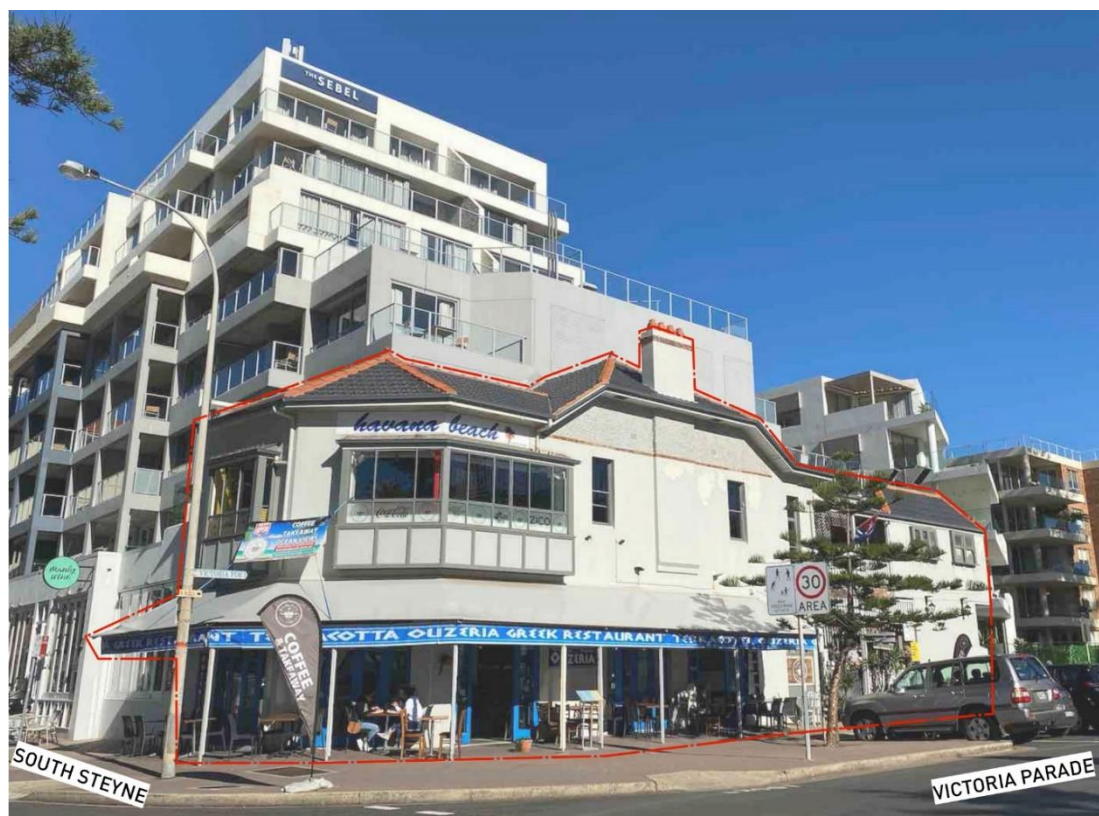


Figure 2 Frontage of existing frontage to corner of South Steyne and Victoria Parade.



Figure 3 Frontage to Victoria Parade

Note the plant and equipment currently located on the roof at the rear of the premises.

2.3 Current Use of the Premises

The premises is currently a commercial development comprising two separate restaurants

with supporting kitchen and amenities as shown in figure 4. Common service area and delivery area are located at the rear of the building.

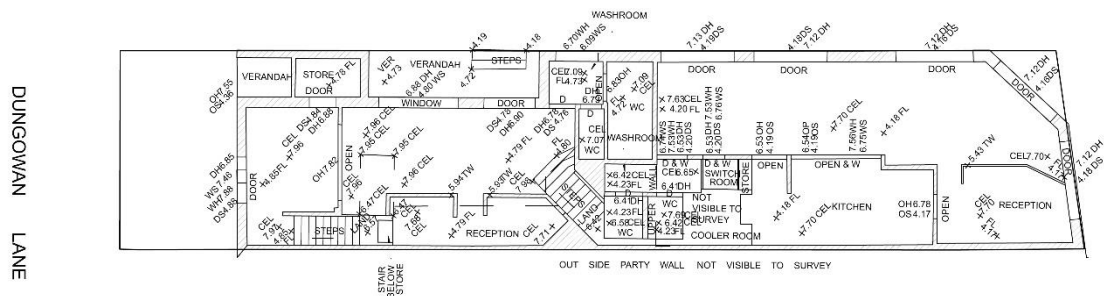


Figure 4 Existing Ground Floor

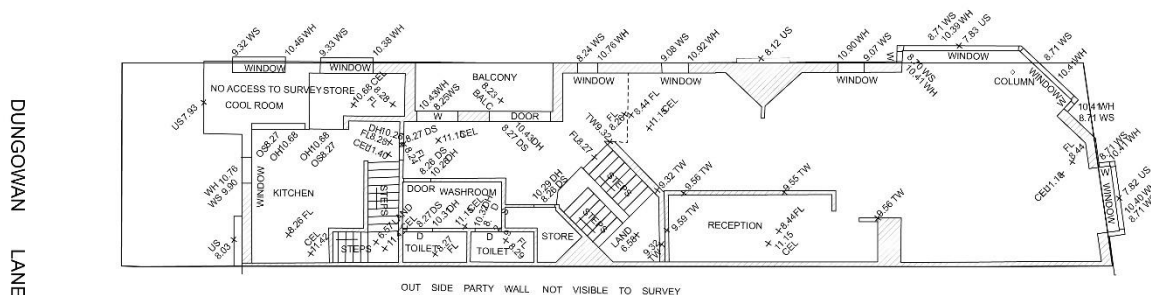


Figure 5 Existing First Floor

An existing approval to use the footway for outdoor eating purposed, pursuant to the Section 125 of the Roads Act 1993, is linked to the property.

2.4 Proposed Development

This section provides an outline of the proposed development which is more fully described in the accompanying architectural drawings and consultant reports.

2.4.1 Alterations and Additions

The proposed alterations to the ground, first floor and roof are shown in Figures 6 to 8 respectively and Drawings DA10 to DA31 in the drawing set, which also contain sections of the building. The proposed colour scheme and signage are also illustrated in Drawings DA50 and DA60 respectively.

The development will involve the renovation of all internal spaces, with a new internal staircase, new bathrooms (including a unisex accessible facility) new kitchen, and back of house services. The building will be occupied by a single tenant operating a single

restaurant over two floors. A dumb waiter lift will facilitate the transfer of food and utensils between floors.

All windows and doors will be replaced with new timber framed windows and doors in keeping with the heritage designation of the building. A rear portion of roof will also be replaced.

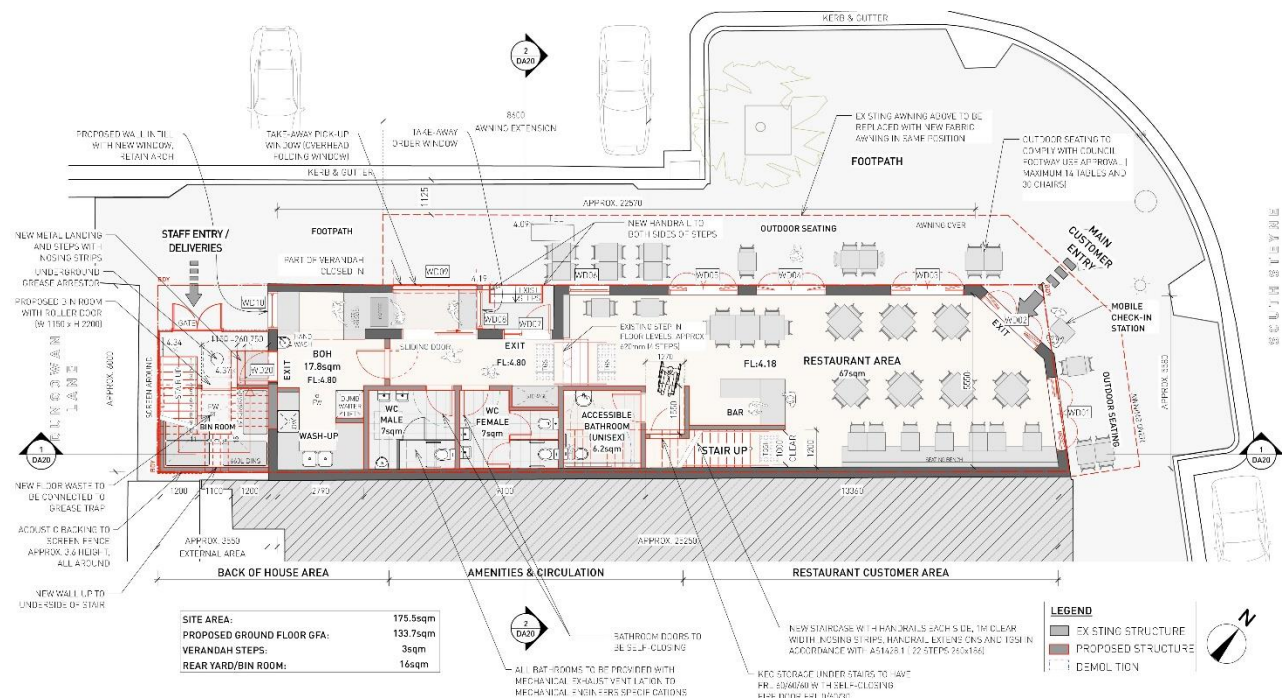


Figure 6 Proposed alterations and uses to the Ground Floor. See Drawing DA10

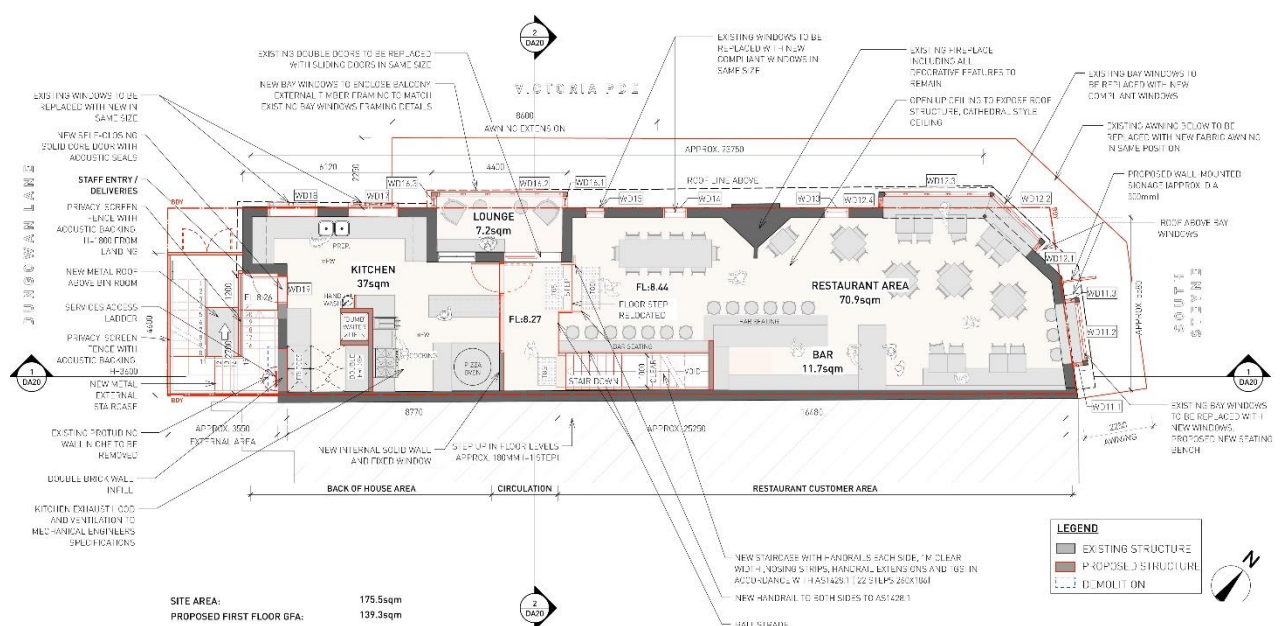


Figure 7 Proposed alterations and uses to the First Floor. See Drawing DA11

An integral aspect of the development is to enclose a first floor external balcony and to replace existing bay windows with compliant timber windows. This will maintain heritage values of the building, improve the ambience of the restaurant, and the mitigate potential noise impacts.

A new back of house service area will be screened by an acoustically treated fence, gated to allow access for staff and deliveries. The rear service area includes an internal bin room accessed by a roller door. An external staircase, with an acoustically treated screen, at the rear of the building is also proposed. This staircase will provide access for staff via a self-closing solid core door with acoustic seals – see Drawing DA31 for details.

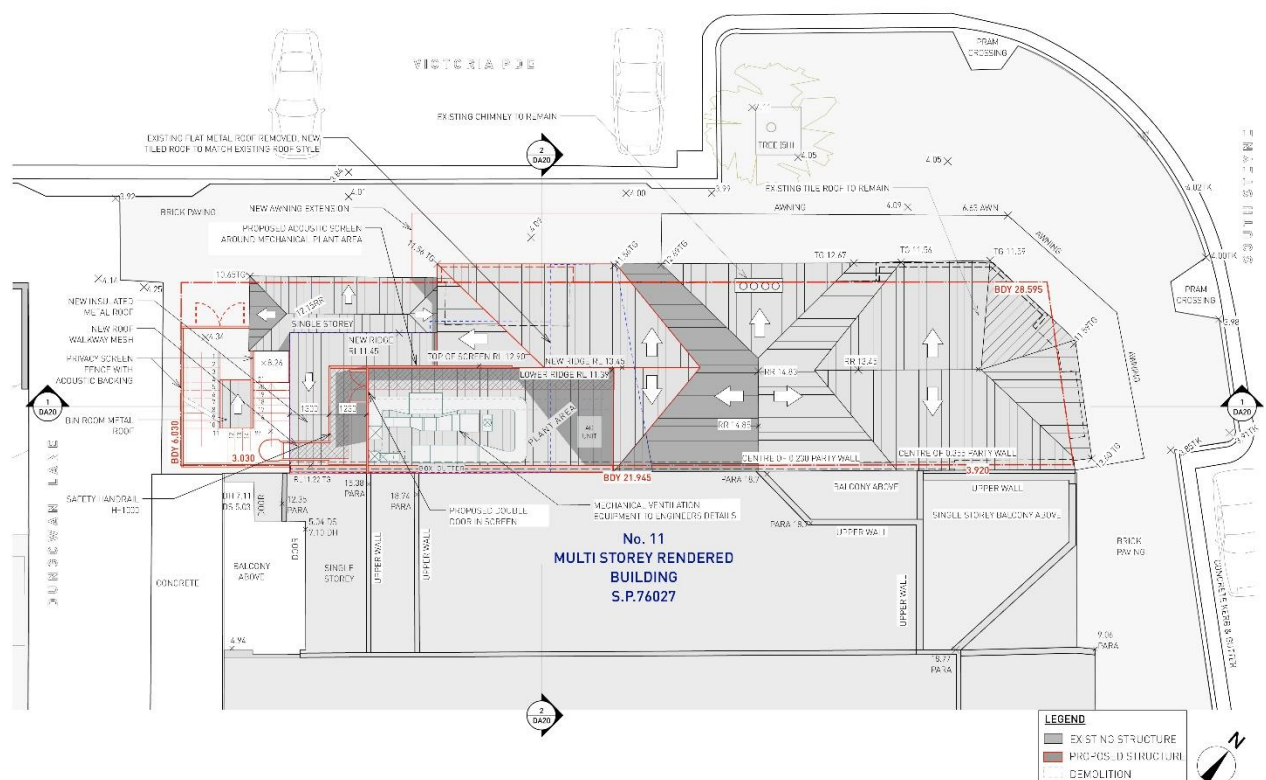


Figure 8 Proposed Changes to the Roof See Drawing DA12

The existing tiled portion of the roof will be retained. An area of flat metal roofing in the centre of the roof will be removed and replaced by new matching tiles. A new metal roof and platform for equipment with an acoustic screen will be installed on the rear roof section.

2.4.2 Signage

The existing signage shown on Figures 2 & 3 will be replaced by signage as shown on drawing DA60. The signage includes illuminated hand painted signage on the external walls and wall mounted sign.

3 RELEVANT STATUTORY APPROVALS AND THE PLANNING PROCESS

3.1 Introduction

This section examines the local environmental plan and other relevant environmental planning instruments.

3.2 State Environmental Planning Policies

3.2.1 State Environmental Planning Policy No. 64 - Advertising and Signage

The primary aims and objectives of State Environmental Planning Policy No 64 – Advertising and Signage are that signage:

- (i) is compatible with the desired amenity and visual character of an area, and*
- (ii) provides effective communication in suitable locations, and*
- (iii) is of high quality design and finish, and*

The policy does not regulate the content of signage. Schedule 1 of the Policy contains criteria for the assessment of signage. The proposed signage in this development proposal is considered in the following section of the report.

3.3 Manly Local Environmental Plan 2013

3.3.1 Land Use Controls

The *Manly Local Environmental Plan 2013* (MLEP) sets the basic planning controls for the site. The property is zoned R3 – Medium Density Residential and the uses permissible or prohibited in these zones are indicated in the following table.

Table Permissible of Uses

Land Use Zone	R3 Medium Density Zone
1. Objectives	<ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a medium density residential environment.</i> • <i>To provide a variety of housing types within a medium density residential environment.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> • <i>To encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.</i> • <i>To encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination.</i>

2. Permitted without Consent	<i>Home-based childcare; Home Occupations</i>
3. Permitted with Consent	<i>Attached dwellings; Boarding houses; Boat sheds; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Home businesses; Home industries; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Shop top housing; Signage; Take away food and drink premises; Tank-based aquaculture; Tourist and visitor accommodation; Water recycling facilities; Water supply systems</i>
4. Prohibited	<i>Advertising structures; Farm stay accommodation; Pond-based aquaculture Water treatment facilities.</i>

The current property contains two separate restaurants. A restaurant¹ is permissible with consent and meets the zone objectives, particularly through meeting the service needs of residents and tourists.

3.3.2 Development Standards

Part 4 of MLEP provides development standards and the following are prescribed as maximum development standards:

Clause 4.3 Height of Buildings - Permitted 13m Proposed 9.2 m – complies.

Clause 4.4 Floor Space Ratio Permitted FSR – 1.5:1 Proposed 1.55:1 – not compliant.

The proposed FSR is not compliant with the FSR development standard. A written justification for not imposing the standard is contained in Appendix I.

3.3.3 Other Controls

The property is mapped as Foreshore Scenic Protection and the current building is of local heritage significance as a residential/commercial building (I1225). Accordingly, the provisions of Clauses 6.9 and 5.10 of MLEP respectively apply. A Heritage Impact Assessment is contained in Appendix B.

¹ restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

The subject site is partially located within the medium Flood Risk Precinct. Accordingly, any hazardous materials will be stored above the Flood Planning Level of 4.57m AHD along with new electrical and related services.

3.4 Manly Development Control Plan 2013 (MDCP 2013)

The Manly Development Control Plan 2013 (MDCP 2103) contains policies and numerical controls for development. As the development proposal is to make alterations and additions to the existing building, the built form controls are essentially satisfied. However, as discussed in the next section of the Report the following matters have been identified as issues to be addressed:

- Amenity (Views, Overshadowing, Overlooking/Privacy, & Noise)
- Signage
- Environmental Health
- Heritage
- Building materials and colours

Consultant reports dealing with the performance of the building with respect to BCA, access, fire safety, acoustics are contained in appendices to this report.

3.5 Conclusion

From an examination of the site, its existing use, and the local planning controls, the current and proposed alterations and additions and use are permissible with consent. How the proposal responds to site conditions and local controls is examined in the following section of this report.

4 SECTION 4.15 CONSIDERATIONS

The relevant matters for consideration listed in Section 4.15 of the EP & A Act 1979 are outlined below.

4.1 State Environmental Planning Policies

Schedule 1 of State Environmental Planning Policy No 64-Advertising and Signage (SEPP 643) contains assessment criteria for signage. The requirements of the policy are discussed in section 4.5 of this report.

4.2 Local Environmental Planning Instrument

As discussed in section 3 of this report the proposed development is permissible with consent under the provisions of the Manly *Local Environmental Plan 2013 (MLEP)*. The land is within the R3 Medium Density Residential Zone and the development is consistent with the zone objectives.

4.2.1 Development Standards

MLEP contains provisions with respect to height and FSR. The existing development is compliant with respect to height; however, the proposed development yields a building floor space that exceeds the floor space controls. The control is 1.5:1, and on a site area of 175.5m² this translates to a maximum permissible floor space of 263.25m². The proposed development provides for 273 m² or 9.5 m² more than the standard. The justification for exceeding the FSR standard is contained in a written objection at Appendix I.

4.2.2 Heritage

In terms of heritage considerations, the property is listed under MLEP as a local heritage item. Clause 5.10 (2) (a) & (b) requires that local heritage items require development consent, and the development must be accompanied by a heritage assessment. Accordingly, a heritage impact assessment for this purpose is contained in Appendix B. The assessment report examines the significance of the item, the nature and condition of the existing building and its use and concludes, for the reasons given in the report, that the proposed development is compatible with the heritage significance of the place.

4.2.3 Scenic Protection

The site is in the Foreshore Scenic Protection Zone under MLEP. The objective of clause 6.9 is to protect visual aesthetic amenity and views to the Pacific Ocean and the foreshore of

Manly. From the architectural drawings of the proposed development and the heritage assessment it is apparent that the proposal will not be detrimental to the visual amenity of the foreshore. This conclusion is reinforced through the retention of the existing overall building envelop of the existing building and its scale. The proposed changes to the roof are behind and below the height of the existing ridge line (see Drawing D70) without creating additional overshadowing.

In summary, the response to the requirements of Clause 6.9 of the Manly LEP are:

Requirement	Response
(a) <i>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,</i>	Any impacts of the proposed development in terms of overshadowing and loss of views of the foreshore from a public place will be limited because the existing building form has been retained.
(b) <i>measures to protect and improve scenic qualities of the coastline,</i>	The redevelopment of the existing building will improve the scenic qualities of the coastline through the colour scheme, materials to be used, and the signage proposed.
(c) <i>suitability of development given its type, location and design and its relationship with and impact on the foreshore,</i>	The continued use of the site as a restaurant is desirable given its proximity to the foreshore.
(d) <i>measures to reduce the potential for conflict between land-based and water-based coastal activities.</i>	The existing restaurants are long standing feature of the locality. No potential conflict between land-based and water based coastal activities are envisaged.

4.3 Local Development Control Plan

The Manly Development Control Plan 2013 (MDCP) provides policies and controls for development in the Manly area of the Northern Beaches local government area. The relevant elements of MDCP are addressed in the following sections.

4.3.1 Streetscapes and Townscapes

The overall objectives are to minimise negative impacts of walls, fencing and parking on the streetscape and to complement the identified streetscape.

As illustrated in the accompanying architectural drawings, attention has been given to minimising potential impacts of the proposed alterations and additions through such

measures such as maintaining the heritage features of the building (through new windows, doors and colour scheme) and by introducing new acoustically treated fencing and screens. These measures all complement aspects dominant in the locality and the prevailing character of the surrounding townscape.

The proposed design achieves Council design principles for commercial development in residential areas in terms of the treatment of the roof, windows, fences, screens enclosing the plant and equipment, accessways, and waste management areas etc.

4.3.2 Heritage Considerations

The subject building is a heritage item listed under the MLEP – 1225 as a Residential/Commercial Building. The heritage requirements of the proposed alterations and additions have been independently assessed in accordance with the requirements of Clause 3.2 of the MDCP. A copy of this assessment against the relevant heritage controls is contained in Appendix B.

The conclusion of the assessment is that the proposed development is compatible with the heritage significance of the place. The reasons are that:

- the heritage aspects of the building are preserved.
- ad hoc changes both externally and internally will be removed, and the unity of the facades will be reinstated.
- the original detailing will be enhanced by the architectural and signage changes proposed.

4.3.3 Amenity (Views, Overshadowing, Overlooking/Privacy, Noise)

Clause 3.4 of MDCP addresses amenity issues. The proposed alterations and additions respond positively to the amenity objectives as they relate to the ongoing operation of an existing commercial building. Specific comments on specific design aspects are:

Privacy The building is on a corner block and the external windows open onto the public domain. The stairway from the kitchen doorway down to the waste storage area is screened giving privacy to residences to the south.

Overshadowing Given the scale and location of the site there are no issues related sunlight access and overshadowing.

Noise. Issues associated with the impact on nearby residents from noise emanating from the building and its use have been assessed in an acoustic study which is contained in Appendix E. Noise sources include the noise of patrons in the building and the adjoining area, operational noise, noise from external plant and equipment. The engineering details of the proposed plant and equipment is given in a report on the mechanical ventilation system which is contained in Appendix F.

The acoustic assessment concluded that:

1. Mechanical plant and noise emissions are calculated to be within the acoustic design standards.
2. Building use noise is not expected to exceed the nominated noise criteria providing the recommendations in Section 5.5 of the report are properly implemented.

The design recommendation in Section 5.5 of the acoustic report have been addressed in the relevant architectural drawing and the operational plan of management attached to this SEE. Accordingly, it is submitted that the issue of noise emissions can be adequately addressed by the mitigating measures proposed.

Maintenance of Views. A view analysis has been undertaken to assess the potential impacts of the proposed development on adjacent and nearby development. The results of this assessment, which looked at views from balconies of adjacent apartments, is shown in drawings DA70 to DA74.

In summary, the conclusion of this assessment, which notes that the existing roof ridge heights are unchanged and all work involving the roof will be below the ridgeline, is that existing views of the ocean and surrounding public spaces will be unaffected. Secondly, the new roof elements will improve the visual amenity for nearby residents that can look down on the site.

4.3.4 Sustainability and Building Construction and Design.

Compliance with the requirements of the National Construction Code of Australia (NCC) has been assessed and the report is contained in Appendix C. The conclusion reached is that the proposed alterations and additions as document in the architectural drawing of the development complies, or is capable of complying, with the requirements of the NCC.

The sustainability of the building in terms of Section J of the NCC has been independently

assessed. A copy of the assessment report is contained in Appendix D. The assessment demonstrates that subject to the implementation of the report's recommendations for achieving the provisions of the code, the development proposal as present in the architectural drawings accompanying the application will comply with Section J of NCC2019.

4.3.5 Accessibility and provision of sanitary facilities

Access and egress issues are examined and addressed in the Report on compliance with the BCA in Appendix C. The report notes:

A single step of 170 mm is proposed to be provided on the first floor. Single steps are not regulated under the NCC but the Guide to NCC Volume One states 'More than one riser is considered necessary for a person to observe and adjust to a change in level'. A ramp is not to be provided but a contrasting nosing, handrails and tactile indicators are to be provided to address this issue.

The provision of sanitary facilities requiring at least one uni-sex sanitary facility accessible for a person with a disability must be provided. As shown on Drawing DA10 a unisex accessible bathroom is to be provided on the ground floor.

Accordingly, access issues relating to access to the building, and the provision of sanitary facilities have been adequately addressed.

4.4 Waste Management and Operational Management Plans

A waste management plan and an operational management plans for the premises are contained in appendices G & H respectively.

The waste management plan addresses the design requirements of the waste storage area to address pollution, acoustic, odour concerns, and access and timing for waste collection.

The operation plan addresses issues associated with the operation of the restaurant and the adjoining areas particularly about the regulation of noise and the behaviour of patrons to the facility.

4.5 Signage

The proposed signage is illustrated in Drawing DA60. The proposed signage is assessed against the criteria listed in Schedule 1 of SEPP64 in the following table.

Criteria	Assessment
1 Character of the area <ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>Yes</p> <p>Not applicable</p>
2 Special areas <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>No. The proposed signs will contribute to the visual quality of the locality</p>
3 Views and vistas <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	<p>No</p> <p>No</p> <p>Not applicable</p>
4 Streetscape, setting or landscape <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p> <p>No</p>
5 Site and building <ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>Yes – See Drawing DA60</p> <p>Yes – consistent with Heritage values.</p> <p>Yes</p>
6 Associated devices and logos with advertisements and advertising structures <ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>No</p>
7 Illumination <ul style="list-style-type: none"> Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? 	<p>No</p> <p>No</p>

<ul style="list-style-type: none"> • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	<p>No – glare can be controlled by the design of the light source.</p> <p>No</p>
<p>8 Safety</p> <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>No</p> <p>No</p> <p>No</p>

The proposed signage respects the public domain, is not excessive, is appropriately located on the building façade, and will assist in identifying the building and the services provided. The proposed signage is also in keeping with the heritage values of the heritage item. Illumination of the signage will not detract from the character of the streetscape or raise amenity issues for residents.

4.6 Matters Prescribed by the Regulations

Clause 92 of the *Environmental Planning and Assessment Regulations 2000* does not prescribe any additional matters.

4.7 Likely Impacts

In terms of the likely impacts of the proposed development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, it assessed that there will not be any additional impacts. This is for two reasons. Firstly, the existing building and its use for restaurant purposes is in keeping with its location. The proposed alterations and additions will maintain a heritage item and have positive economic and social impacts on the locality through the continued use of the land for a restaurant i.e., the existing purpose has not changed, nor the use intensified. Secondly, as indicated in the attached drawings and management plans, the environmental impacts such as noise, odour, litter resulting from the use of the land can be significantly mitigated.

4.8 Suitability of the Site for the development

The site is in a tourist precinct opposite Manly Beach and close to Manly Surf Life Saving Club. The site is highly visible and will continue to attract clientele from tourists and local residents. Accordingly, the site is highly suitable for its current and proposed use.

4.9 Public Interest

The proposed development is in the public interest for the following reasons:

- The proposed development accords with the relevant planning controls and objectives for the site.
- The proposed design satisfies the heritage conservation requirements for a heritage listed property; and
- The proposed development will improve the amenity and contribute to the revitalisation of an important tourist precinct.

5 CONCLUSION.

The following is apparent from the previous discussion in this report:

1. The current use of the property at 14 South Steyne is permissible with consent under the local environmental planning instrument.
2. The proposed development in the form of alterations to an existing building used for commercial purposes (restaurant) to upgrade existing services and the fabric of a heritage listed building, and to consolidate the use of the building for restaurant purposes is permissible with consent under the provisions of the Manly *Local Environment Plan 2013*; and
3. Although the proposed development exceeds the FSR control the departure is minimal and a written object to the imposition of this standard can be sustained, and
4. The proposed development adequately addresses statutory foreshore scenic protection and heritage conservation requirements, and amenity and sustainability matters required to be addressed by the Manly Development Control Plan 2013.

The SEE is accompanied by appropriate architectural plans and consultant reports. Based on the assessment of the development in this SEE the development responds positively to the existing planning controls for the land, will protect the heritage values of the building, enhances to the streetscapes, and the proposed mitigation measures will maintain the amenity of nearby residents. The proposed development is in the public interest.

Based on the architectural drawings submitted with this report and the way the proposed development responds to statutory requirements it is recommended that Council give development consent to the application as submitted.