

NORTHERN BEACHES COUNCIL

STATEMENT OF ENVIRONMENTAL EFFECTS

**DEVELOPMENT APPLICATION FOR ALTERATIONS TO EXISTING FOOD AND
DRINKS PREMISES**

**GUZMAN Y GOMEZ MANLY WHARF
SHOP 14 MANLY WHARF
EAST ESPLANADE MANLY NSW 2095**

Prepared by Platinum Planning Solutions
ABN: 48 623 623 997
E: contact@platinumplanning.com.au
W: www.platinumplanning.com.au

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SITE DETAILS

Address	Shop 14 Manly Wharf East Esplanade Manly NSW 2095
Lot on Plan	Lot 1 DP1170245
Local Authority	Northern Beaches Council
Local Environmental Plan	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
Development Control Plan	Manly Development Control Plan 2013
Zone	W2 Environmental Protection
Overlays	Heritage – Manly Wharf (01434)

DEVELOPMENT PROPOSAL DETAILS

Level of Assessment	Permitted with consent
Proposal Summary	Alterations to existing food and drinks premises
Assessment Controls	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, Manly Development Control Plan 2013
Applicant	Guzman y Gomez C/- Platinum Planning Solutions

REVISION DETAILS

Version	1.0
Prepared by	James Connolly (BUrbanEnvPlan, GCHM, MPIA)
Signed	
Date	4/12/2020

1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Platinum Planning Solutions on behalf of Guzman y Gomez (the applicant) to accompany a development application to Northern Beaches Council over land located at Manly Wharf East Esplanade Manly (the subject site).

The development application seeks development consent for alterations to the existing GYG tenancy at Shop 14.

This SEE provides the following:

- A description of the subject site and surrounding development;
- Detailed description of the proposed development;
- Assessment of the proposed development in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979;
- Assessment of planning considerations related to the proposed development.

The proposed works are seen to be consistent with the envisioned use of the tenancy as a retail premises and is seen to be a positive addition to the building and area as a whole. This Statement of Environmental Effects is to be read in conjunction with the attached plans, elevations, and supporting documents.

2.0 SITE DESCRIPTION AND CONTEXT

2.1 Subject Site

The subject site is located on the northern section of Manly Wharf at East Esplanade Manly (formally described as Lot 1 DP1170245) and has an area of approximately 9615m². Manly Wharf contains a vast range of commercial and retail tenancies including restaurants, bars, and other retail tenancies. The surrounding land uses consist of a number of mixed use developments along East and West Esplanade with ground floor commercial retail tenancies. Access to the site is gained from pedestrian access from the Esplanade, in addition to the ferry terminal at the Southern part of the site.



Figure 1: Subject Site Location



Figure 2: Subject Site Location

2.2 Subject Tenancy

The subject tenancy is an existing Guzman y Gomez food and drinks premises within Manly Wharf as indicated below in Figure 3-10.

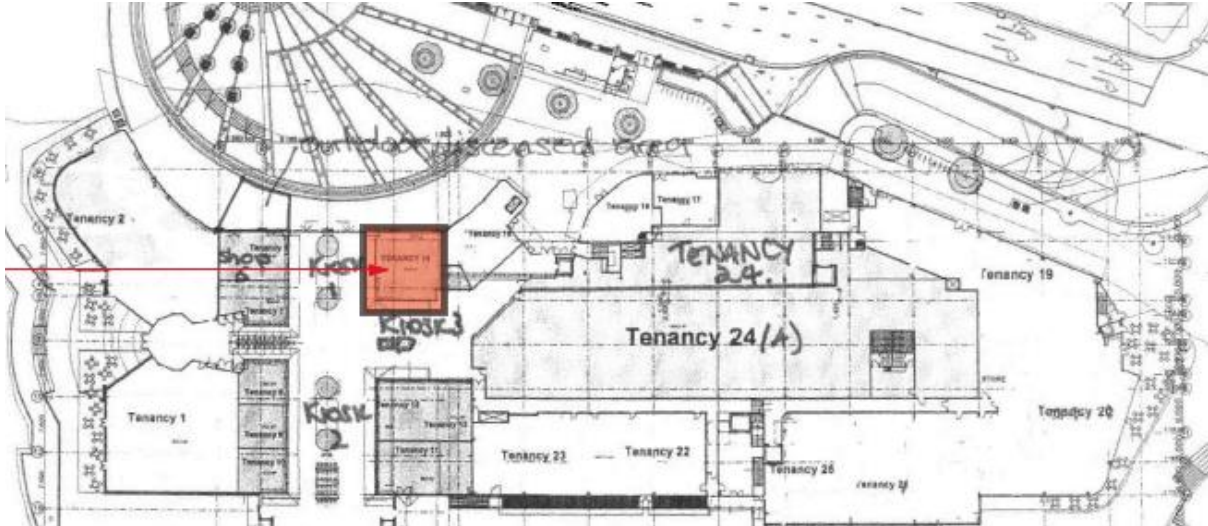


Figure 3: Tenancy Location



Figure 4: Existing Tenancy

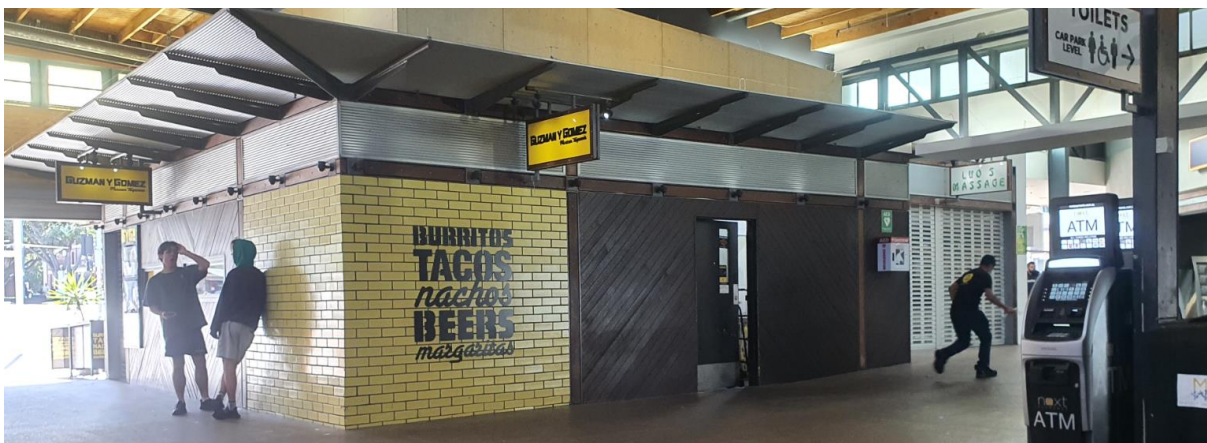


Figure 5: Existing Tenancy



Figure 6: Existing Tenancy

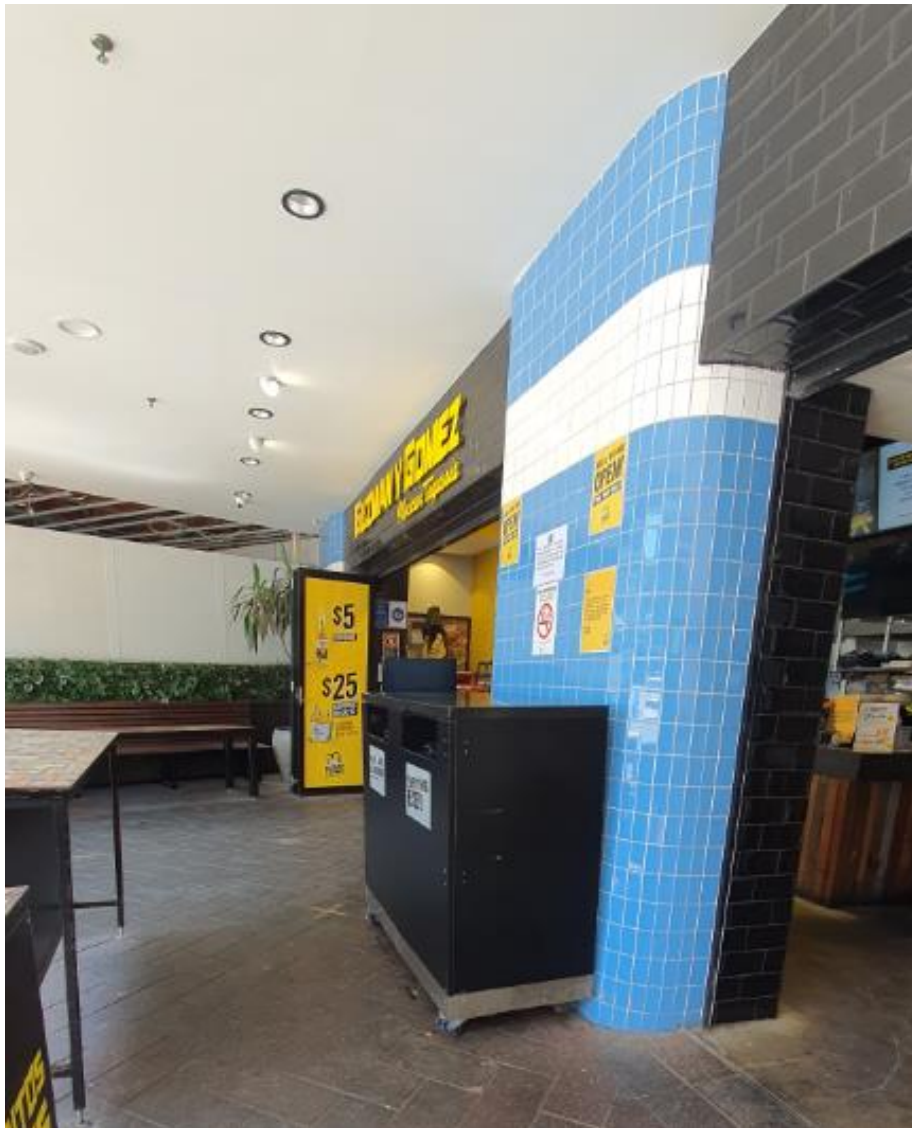


Figure 7: Existing Tenancy

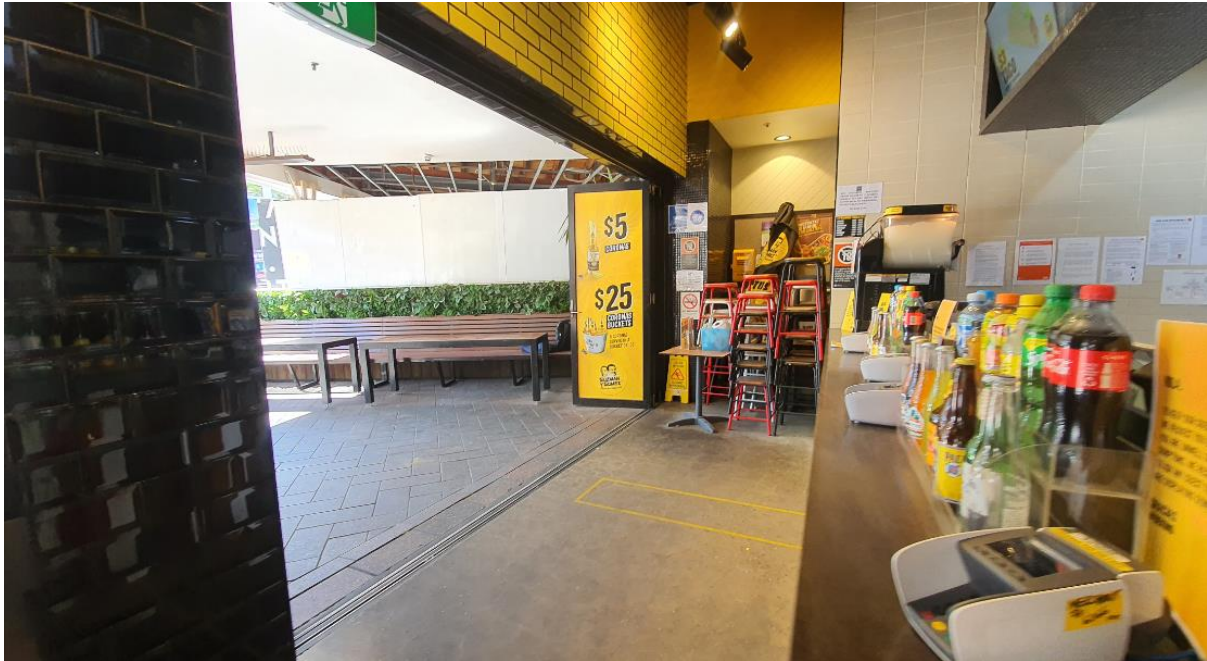


Figure 8: Existing Tenancy



Figure 9: Existing Tenancy

3.0 PROPOSED DEVELOPMENT

The aspects of the proposed development are as follows, as per the attached proposed plans and elevations:

Aspect	Details
Alterations	<ul style="list-style-type: none"> • Cosmetic upgrade works including lighting works, patch/repair works, new paint finishes and new cladding; • New storage area within existing tenancy; • Minor alterations to existing kitchen as part of refurbishment works; • New menu screens; • New drinks display; • Existing window to be removed and replaced with new larger operable window for delivery services; • Existing window to be enclosed; • New warmer cabinet; • New signage and graphics; • New fixed totem menu board.

The proposed alterations to the tenancy will be capable of complying with the BCA which will be part of a detailed assessment prior to the issue of a Construction Certificate. For further details on the proposed development please refer to the attached plans and supporting documents.

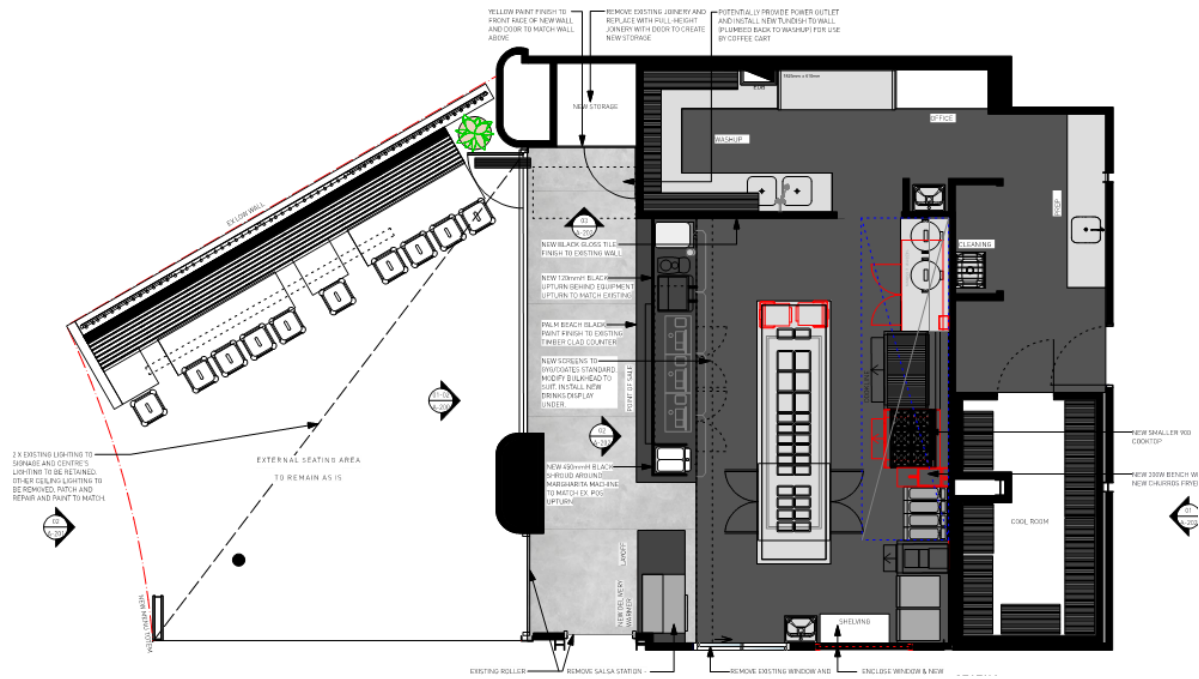


Figure 10: Proposed Plan

4.0 TOWN PLANNING ASSESSMENT

4.1 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:

- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005;
- Manly Local Environmental Plan 2013;
- Manly Development Control Plan 2013;
- Heritage Act 1977;
- SEPP 64 – Advertising and Signage.

A detailed Section 4.15 assessment is provided as part of this overall Statement of Environmental Effects and in Section 4.8 of this report.

4.2 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP) is the principle local planning instrument that applies to the site.

As per Clause 5 of the SREP:

“(1) The consent authority for land-based development and land/water interface development is the council of the local government area in which, or nearest to which, the land on which the development is proposed to be carried out, except as provided by subclauses (2) and (3).”

Therefore the Northern Beaches Council is the relevant consent authority.

4.2.1 Zoning & Permissibility

The subject site is zoned W2 Environmental Protection under the SREP. The objectives of the zone are as follows:

- a) *to protect the natural and cultural values of waters in this zone,*
- b) *to prevent damage or the possibility of longer term detrimental impacts to the natural and cultural values of waters in this zone and adjoining foreshores,*
- c) *to give preference to enhancing and rehabilitating the natural and cultural values of waters in this zone and adjoining foreshores,*
- d) *to provide for the long-term management of the natural and cultural values of waters in this zone and adjoining foreshores.*

As per Clause 18 of the SREP, development may be carried out if the consent authority is satisfied that:

- a) *is not inconsistent with the aims of this plan or the objectives of the zone in which it is proposed to be carried out, and*
- b) *is not inconsistent with any other environmental planning instrument that applies to the land, and*
- c) *will not otherwise have any adverse impacts.*

The continued use of the tenancy as a food and drinks premises is considered appropriate noting the commercial setting of the established Manly Wharf site. The proposed works will not introduce any adverse impacts and is not inconsistent with the relevant planning instruments.

4.2.2 Heritage

The subject site is listed on the State Heritage Register under the NSW Heritage Act (SHR 01434), and as a heritage item under the SREP (18), as the Manly Wharf. The following Statement of Significance has been sourced from the NSW Heritage Register:

Of environmental significance as a visually prominent man-made feature. Of historical significance for its associations with the maritime activities at Manly as a tourist destination and suburb of Sydney, dependent on the ferry link to the CBD. (Anglin 1990:2033)

Together with Circular Quay, the wharf is the only substantial older style ferry wharf surviving in Port Jackson: association with Manly's history as a recreational centre. (Blackmore, Ashton, Higginbotham, Rich, Burton, Maitland, Pike 1985)

A Section 57(2) exemption has been obtained from Heritage NSW and is attached to this application.

The proposed works will have no adverse impact upon the heritage significance of the item or any heritage items in the vicinity of the site as the proposed works are sympathetic to the heritage significance of the building. The proposed works are limited to minor works only and will not have a detrimental impact on any significant heritage fabric. The proposed refurbishment works and new signage and finishes will have no adverse heritage impact.

The proposed investment for the fit-out and alterations to the existing tenancy in the building represents the continuation of part of the Manly Wharf's commercial/retail use. It is noted that no significant heritage fabric will be affected as part of the proposal, and that the investment complements both the significance and values of the historic building.

4.3 Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (DCP) is the planning instrument that provides comprehensive development controls for land covered by the SREP. The DCP has the following objectives:

- *protecting ecological communities within the area covered by SREP (Sydney Harbour Catchment) 2005;*
- *ensuring that the scenic quality of the area is protected or enhanced;*
- *providing siting and design principles for new buildings and waterside structures within the area; and*
- *identifying potential foreshore access locations in the area.*

It is considered that the proposal complies with the relevant aim of the DCP as the works are to an established commercial site.

As per Part 1.3 Clause iv of the DCP:

“Councils also have local environmental plans and development control plans. These have to be considered in conjunction with SREP (Sydney Harbour Catchment) 2005 and the DCP when development applications are being prepared and assessed.”

As Northern Beaches Council is the relevant consent authority, the following planning instruments are also applicable:

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

4.4 Manly Local Environmental Plan 2013

The Manly Local Environmental Plan 2012 (LEP) is the principle local planning instrument that applies to land in the area.

4.4.1 Zoning & permissibility

The subject site is not zoned under the LEP. The LEP has the following aims:

- *to promote a high standard of urban design that responds to the existing or desired future character of areas, and;*
- *to foster economic, environmental and social welfare so that Manly continues to develop as an accessible, sustainable, prosperous, and safe place to live, work or visit, and*
- *to ensure full and efficient use of existing social and physical infrastructure and the future provision of services and facilities to meet any increase in demand, and*
- *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.*

It is considered that the proposed development responds appropriately to the LEP aims and objectives. The use is permissible with consent under the SREP.

4.4.2 Height of buildings (Clause 4.3)

The proposed use and fit-out of the tenancy will not alter the height of the building, therefore Clause 4.3 of the LEP is not applicable.

4.4.3 Floor space ratio (Clause 4.4)

The proposed works will not alter the previously approved floor space of the building, therefore Clause 4.4 of the LEP is not applicable.

4.4.4 Heritage Conservation (Clause 5.10)

The subject site is listed on the State Heritage Register under the NSW Heritage Act (SHR 01434), and is also listed as a local heritage item under the LEP (I145), as the Manly Wharf. The following Statement of Significance has been sourced from the NSW Heritage Register:

Of environmental significance as a visually prominent man-made feature. Of historical significance for its associations with the maritime activities at Manly as a tourist destination and suburb of Sydney, dependent on the ferry link to the CBD. (Anglin 1990:2033)

Together with Circular Quay, the wharf is the only substantial older style ferry wharf surviving in Port Jackson: association with Manly's history as a recreational centre. (Blackmore, Ashton, Higginbotham, Rich, Burton, Maitland, Pike 1985)

A Section 57(2) exemption has been obtained from Heritage NSW and is attached to this application.

The proposed works will have no adverse impact upon the heritage significance of the item or any heritage items in the vicinity of the site as the proposed works are sympathetic to the heritage significance of the building. The proposed works are limited to minor works only and will not have a detrimental impact on any significant heritage fabric. The proposed refurbishment works and new signage and finishes will have no adverse heritage impact.

The proposed investment for the fit-out and alterations to the existing tenancy in the building represents the continuation of part of the Manly Wharf's commercial/retail use. It is noted that no significant heritage fabric will be affected as part of the proposal, and that the investment complements both the significance and values of the historic building.

4.4.5 Acid sulfate soils (Clause 6.1)

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

4.5 Manly Development Plan 2013

The Manly Development Control Plan 2013 (DCP) is the planning instrument that provides comprehensive development controls for the local area. The relevant matters to be considered under the DCP for the proposed development are outlined below. While the subject site is not zoned under the provisions of the Manly LEP or DCP, it is located in close proximity to the B2 Local Centre Zone and therefore those provisions are considered to be the most applicable.

Development Control	Compliance	Comments
<i>Part 3 – General Principles of Development</i>		
3.1 Streetscapes and Townscapes	Yes	Complies – the proposed development will contribute positively to the streetscape of the Esplanade through the continuation of an envisioned use with a high amount of pedestrian activity and connectivity.
3.2 Heritage Considerations	Yes	Complies – the proposed works will have no adverse impact upon the heritage significance of the item or any heritage items in the vicinity of the site

		as the proposed works are sympathetic to the heritage significance of the building. The proposed works are limited to minor works only and will not have a detrimental impact on any significant heritage fabric. The proposed refurbishment works and new signage and finishes will have no adverse heritage impact.
3.3 Landscaping	N/A	N/A no changes to landscaping.
3.4 Amenity	Yes	Complies – no change to building footprint or views, overshadowing, overlooking etc.
3.5 Sustainability	Yes	Complies – existing building has sustainable use practices in place as part of the overall development.
3.6 Accessibility	Yes	Complies – existing access provided into Manly Wharf area. Proposal is capable of complying with the BCA.
3.7 Stormwater Management	Yes	Complies – existing building footprint with stormwater management practices in place.
3.8 Waste Management	Yes	Complies – waste will be managed appropriately, please refer to attached Waste Management Plan.
3.9 Mechanical Plant Equipment	Yes	Complies – existing mechanical plant equipment in place as part of overall building. Any additions will be appropriately screened.
3.10 Safety and Security	Yes	Complies – there is no change to the overall building footprint, and the provision of a ground floor commercial premises actively promotes casual surveillance and is seen as a desirable outcome.
Part 4 – Development Controls and Development Types		
4.2 Development in Business Centres		
4.2.1 FSR	N/A	N/A – there is no change the floor space of the building.
4.2.2 Height of Buildings	N/A	N/A – there is no change the height of the building.
4.2.3 Setbacks	N/A	N/A – there is no change the building footprint or setbacks.
4.2.4 Car Parking, Vehicular Access and Loading Controls	Yes	Complies – the tenancy is part of a mixed use development with existing parking and loading facilities in the locality. As there is no proposed increase in floor area, the existing conditions are considered appropriate.

4.6 SEPP 64 – Advertising and Signage

State Environmental Planning Policy No. 64 (SEPP 64) aims to ensure that signage is compatible with the desired amenity and visual character of an area and regulates specific signage outcomes. Part 2, Section 8 of SEPP 64 states that a consent authority must not grant development consent for signage unless the consent authority is satisfied that the signage satisfies the assessment criteria specified in Schedule 1. An assessment against Schedule 1 – Assessment Criteria of SEPP 64 is included below:

Control	Assessment
<i>1. Character of the area</i>	
<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? 	<ul style="list-style-type: none"> The proposed signage is compatible with the existing area which contains a number of commercial uses and advertising signage of a similar nature across large buildings.
<i>2. Special areas</i>	
<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? 	<ul style="list-style-type: none"> The proposed signage is considered to be consistent with the likely future surrounding signage and does not detract from any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.
<i>3. Views and vistas</i>	
<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? 	<ul style="list-style-type: none"> The proposed signage does not obscure or compromise any important views. The proposed signage will not dominate the skyline or reduce the quality of vistas, and respects the viewing rights of other advertisers.
<i>4. Streetscape, setting or landscape</i>	
<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? 	<ul style="list-style-type: none"> The proposed signage will be consistent with the scale, proportion and form of the area and surrounding signage. The proposed signage will contribute to visual interest of the tenancy. The proposed signage will be minimal, in order to prevent visual clutter, and to keep signage simple and conducive to the requirements of SEPP 64. The proposed signage is not located near any existing trees and does not require ongoing vegetation management.
<i>5. Site and building</i>	
<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? 	<ul style="list-style-type: none"> The proposed signage has been designed to be compatible with the future signage on surrounding sites. The proposed signage does not detract from important features of the site or building. The proposed signage is consistent with the client's branding and modern store design and the placement of signage has been considered appropriate

	given the site and characteristics of the business centre.
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? 	<ul style="list-style-type: none"> The proposed signage has designed as an integral part of the tenancy.
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? Is the illumination subject to a curfew? 	<ul style="list-style-type: none"> Illuminated signage will not result in unacceptable glare. The illuminated signage will not provide a safety concern. The proposed signage would not be visible from any residences or other forms of accommodation. The signs would only be illuminated at night during operational hours and will have no impact on residential amenity.
8. Safety	
<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 cyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<ul style="list-style-type: none"> The proposed signage will not reduce safety as sightlines will not be affected and there will be no cause of distraction for drivers. The proposed signage will not reduce existing safety for pedestrians and cyclists. The proposed signage does not obscure sightlines from public areas.

4.7 Heritage Act 1977

The subject site is listed on the State Heritage Register under the NSW Heritage Act (SHR 01434) as the Manly Wharf. The following Statement of Significance has been sourced from the NSW Heritage Register:

Of environmental significance as a visually prominent man-made feature. Of historical significance for its associations with the maritime activities at Manly as a tourist destination and suburb of Sydney, dependent on the ferry link to the CBD. (Anglin 1990:2033)

Together with Circular Quay, the wharf is the only substantial older style ferry wharf surviving in Port Jackson: association with Manly's history as a recreational centre. (Blackmore, Ashton, Higginbotham, Rich, Burton, Maitland, Pike 1985)

A Section 57(2) exemption has been obtained from Heritage NSW and is attached to this application, and therefore the proposal is not integrated development.

The proposed works will have no adverse impact upon the heritage significance of the item or any heritage items in the vicinity of the site as the proposed works are sympathetic to the heritage significance of the building. The proposed works are limited to minor works only and will not have a detrimental impact on any significant heritage fabric. The proposed refurbishment works and new signage and finishes will have no adverse heritage impact.

The proposed investment for the fit-out and alterations to the existing tenancy in the building represents the continuation of part of the Manly Wharf's commercial/retail use. It is noted that no significant heritage

fabric will be affected as part of the proposal, and that the investment complements both the significance and values of the historic building.

4.8 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 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 (iii) any development control plan, and (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 (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), <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>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 proposed works are seen to meet all the relative controls and are seen as a good outcome for the subject site.</p> <p>b) The proposed works will not have any negative impacts on the surrounding land uses considering the commercial setting of the site</p> <p>c) The subject site is envisioned for commercial uses of this nature, with the proposed tenancy alterations being considered appropriate.</p>

Evaluation	Assessment
<p>d) any submissions made in accordance with this Act or the regulations,</p> <p>e) the public interest.</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. However, when taking into consideration the minor nature of the proposal this is not considered necessary.</p> <p>e) The proposed works are to an existing commercial building and are seen to be in the public's interest through the provision of an envisioned use.</p>

4.5 Other Considerations

As the proposed works relates to alterations to the existing within the approved built form, the works will have negligible impact in relation to the surrounding area. The proposed works to the site will not have an effect on neighbouring buildings and introduce no negative impacts. The minor changes to the layout do not detract from the building.

4.5.1 Landscaping

The proposed development does not include any changes to landscaping.

4.5.2 Traffic & Parking

There is no proposed increase in GFA, with no extra parking considerations being considered necessary.

4.5.3 Social and Environmental Impact

The proposed alterations represents ongoing investment in the area and is seen as a desirable outcome for the subject site.

5.0 CONCLUSION

This Statement of Environmental Effects has reviewed the proposed alterations to the existing tenancy. It is considered that the proposed alterations are appropriate for the subject site and will not impact on the amenity of the surrounding area. Ultimately the proposal complies with the intent and design objectives of local planning controls and represents ongoing investment in the area. For these reasons it is seen that the proposed development should receive full development consent subject to reasonable and relevant conditions.