

Statement of Environmental Effects

Development Application

Lot 1, 63-67 The Corso, Manly 2095

21 December 2021



PREPARED BY

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PROJECT PARTICULARS

Project No.	2021059
Client	Initium Management
Site Address	Lot 1, 63-67 The Corso, Manly 2095
Document Name	Statement of Environmental Effects

Prepared by

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In the event that this document is not signed, this is not representative of a final version of the document, suitable for assessment purposes.

RELIANCE ON CONSULTANT INFORMATION

As part of undertaking this project, Hamptons has relied on the professional advice provided by third party consultants. No responsibility is taken for the accuracy of the information relied upon by these consultants assisting the project. It is assumed that each of the consultants has made their own enquiries in relation to technical matters forming part of their expertise.



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1. INTRODUCTION

Hamptons Property Services (Hamptons) has been retained by Initium Management to prepare a development application for the ground floor tenancy, known as Lot 1, 63-67 The Corso, Manly 2095. This Statement of Environmental Effects (SEE) accompanies a development application that seeks consent for the following:

- Use of the premises as a *restaurant, bar & live entertainment venue* (commercial premises)
- hours of operation between 7:00am to 3:00am, 7 days a week
- alterations and additions to the existing tenancy to facilitate the proposed use, and
- associated business identification signage.

A separate application is made concurrently for use of the footway area adjacent the tenancy for outdoor dining purposes.

The site is located in the B2 Local Centre zone, pursuant to the Manly Local Environmental Plan 2013 (the LEP) and the proposed use of the site is permissible with development consent from Northern Beaches Council (the Council) (Clause 1.6). Business identification signs are also permissible with development consent in the zone.

The subject tenancy is located in a mixed use building and was previously used as a retail premises. The purpose of the application is therefore to seek consent for a change of use of the premises, and associated works, to ensure the on-going viability of the site to further enhance activity associated with the street frontage and promote on-going activation of The Corso.

The subject site is listed as a heritage item in the LEP and is located within the Manly 'Town Centre' Heritage Conservation Area (HCA). A heritage impact statement accompanies this application and considers heritage aspects of the proposal and adequately address the relevant criterion.

This report provides the following:

- a description of the site and the locality surrounding this
- a description of the proposed development
- the proposal's response to the relevant environmental planning controls
- conclusions and recommendations relating to the proposal.

We trust that the enclosed information is sufficient for Council's consideration of the matter and look forward to working with Council during assessment of the development application.



2. THE SITE & ITS LOCALITY

Table 1, below, provides the key information relating to the site.

Table 1: Site Details

Property Address	Lot 1, 63-67 The Corso, Manly 2095
Legal Description	Lot 1 in Strata Plan 67337
Site Area	515m ²
Total area of the existing tenancy	438.93m ²
Existing Use	Vacant
Critical Habitat	No
Environmental Heritage	Yes
Conservation Area	Yes
Coastal Protection	No
Contribution plans	Yes – Northern Beaches Section 7.12 Contributions Plan 2019
Mine Subsidence	No
Road Widening or Realignment	No
Hazard Risk Restriction	Yes – Geotechnical Risk (Landslip) - Development on all of the lands is affected by Clause 4.1.8 – Manly DCP 2013
Acid Sulfate Soils	Yes – Class 4
Flood Planning	Yes
Acquisition	No
Biodiversity Certified Land	No
Bushfire Prone Land	No
Property Vegetation Plan	No
Orders under Trees	No
Contamination	No

Note. The aforementioned information has been taken from the relevant Section 10.7 Certificate (2) No. ePLC2021/8511, dated 25 October 2021.



Figure 1: Site Location



Source: <https://developer.archistar.ai/>

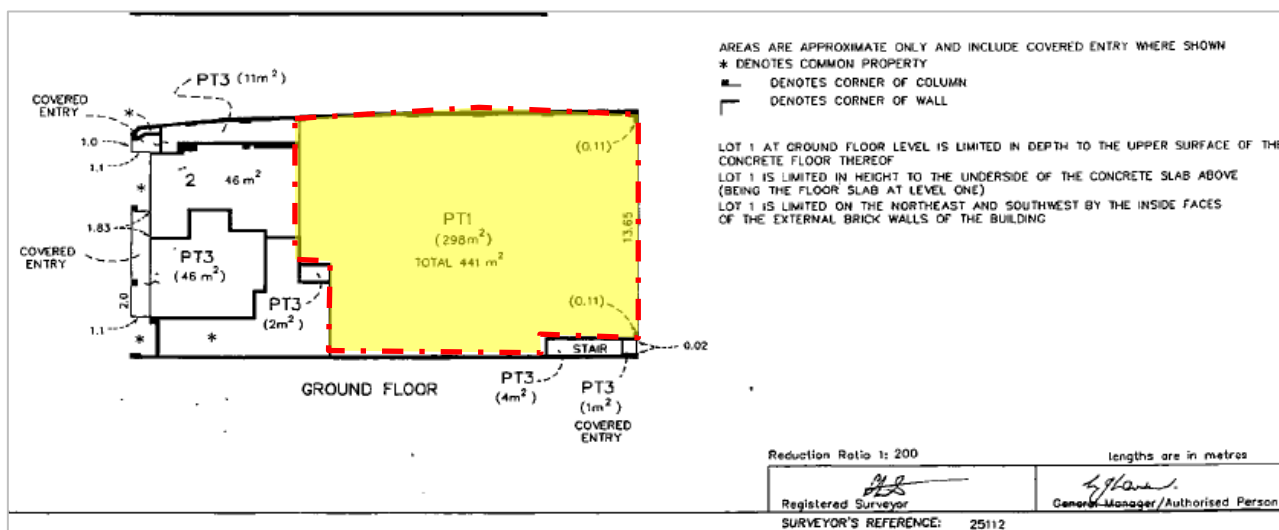
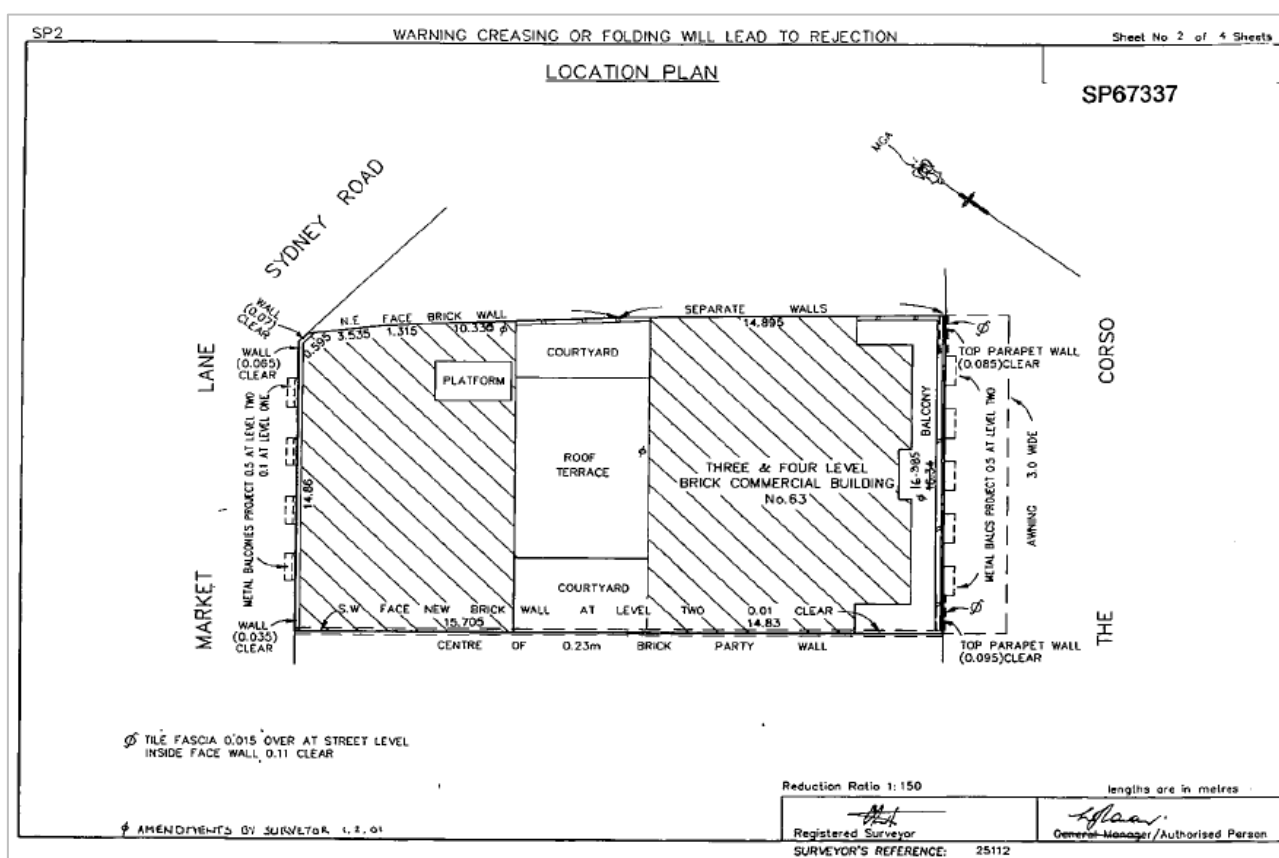
Figure 2: Aerial Photograph



Source: <https://www.nearmap.com/>



Figure 3: Strata Plan, subject tenancy in yellow



The subject site is located within the Manly Town Centre and is a rectangular-shaped allotment, with a total area of approximately 515m². The site is located on the northern side of The Corso (primary frontage) and also has a secondary frontage to Market Place. The subject tenancy is located across both the ground floor and a mezzanine level above and the building is built to the boundaries of the site and contains no vegetation.

The subject site is listed as a heritage item under Schedule 5 of the LEP (I160) and is within a Heritage Conservation Area (HCA); specifically, it is described as a 'Group of commercial buildings' item and is within the 'Town Centre' Heritage Conservation Area.

The site is located in close proximity to public transport. Bus stops and the Manly ferry terminal are located in close walking distance, while Manly Beach is located 130m to the east of the site.

In terms of the context of the site, the site is located within the local commercial centre of Manly and is dominated by mixed use buildings with commercial uses on the ground floor, coupled with a high degree of pedestrian activity and permeability. The adjoining buildings are generally similar in scale, all of which are identified as heritage items and contain a mixture of uses such as commercial and retail uses. The New Brighton Hotel is located to the north of the site. The locality comprises a mix of commercial, retail and residential development of buildings heights typically of two to four storeys along the Corso, while increasing in height as one moves further away from the street frontage. Business identification signs, under awning signage and open frontages are a predominant feature given the commercial nature of The Corso.



Image 1: Lot 1, 63 – 67 The Corso, Manly as viewed from The Corso



Image 2: Existing building on site and interface with the adjacent buildings to the east of the site



Image 3: The subject site as viewed from Market Place



3. THE PROPOSED DEVELOPMENT

The Proposed Use

As stated previously, the application seeks consent to use the premises as a restaurant, bar and live entertainment venue in conjunction with the works to facilitate the use, and associated business identification signage.

The use will be primarily defined as a restaurant, which is defined in the LEP as:

***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.*

Note— Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

A food and drinks premises is defined in the Dictionary to the LEP as:

***food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—*

- (a) a **restaurant** or cafe,*
- (b) take away food and drink premises,*
- (c) a pub,*
- (d) a small bar.*

Note: Food and drink premises are a type of retail premises¹

Retail premises fall under the umbrella of commercial premises, which is permitted with consent in the B2 Local Centre zone. The proposal also involves installation of business identification signs² which is permissible with development consent.

In terms of achieving the zone objectives, the proposed use will:

- provide a retail use that serve the needs of people who live in, work in and visit the local area
- encourage employment opportunities in accessible locations
- maximise public transport patronage and encourage walking and cycling

² **business identification sign** means a sign:

- (a) that indicates:*
 - (i) the name of the person or business, and*
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and*
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.*



- minimise conflict between land uses in the zone and adjoining zones and ensure amenity for the people who live in the local centre in relation to noise, odour, delivery of materials and use of machinery.

The proposal will contribute to the range of other commercial premises within the surrounding neighbourhood. The proposed use will support the residents in the locality, as well as workers who frequent the area. The proposed works are simply designed to complement the proposed use and make it more diversified for those attending the site. The works are considered to be in keeping with the unique character and design principles of the area and the heritage status of the site and the locality. It is also considered to be a sensible response to market conditions and retailing demands.

The site is in an accessible location, making it a suitable position for the proposed use, which will provide an increase in casual street surveillance, as well as an active street frontage, thus improving public amenity, as a result of the level of activity associated with the proposed use. As such, no impact is anticipated to the adjoining properties, as a result of the proposed development.

The proposed use will therefore be consistent with the zone objectives and is permissible with development consent.

The Proposed Works

The proposed works include the following works:

Demolition

- demolition of the existing toilets and walls located on the ground and mezzanine level at the rear of the tenancy.
- removal of two structural columns on the ground floor
- demolition of the raised floor and ramp
- demolition of the existing shopfront, including the steps and entry doors
- removal of existing cladding attached to the façade
- removal of the existing balustrade on the mezzanine

Ground Floor

- installation of two structural columns
- internal alterations and additions to accommodate a restaurant, bar, stage, commercial kitchen and amenities, as follows:
 - the commercial kitchen comprises of cooking and servery areas, a cool room, freezer, dry and scullery area and a keg rom and will be constructed in accordance with AS4674-2000
 - the kitchen and back of house areas, as well as amenities, are located on the western side of the tenancy and will not be visible from the public domain



- installation of two glazed doors at the either end of the tenancy

Mezzanine Level

- extension of the existing floorplate in an easterly direction
- internal alterations to provide amenities
- fit out works to include a bar in the north-eastern corner
- installation of handrails around the mezzanine are to achieve compliance with the Building Code of Australia provisions.

Façade

- installation of fixed glass panels along the shopfront facing The Corso
- installation of associated mechanical services for the kitchen and toilets which will be carried out within the ceiling and grills/louvers located on the shopfront above the doors/glazing. A hydraulic vent will be located above the awning. The services will be integrated into the design of the façade to ensure they are not dominant elements in the streetscape
- installation of business identification signage, 914mm vertical and 5,669mm horizontal, which will be illuminated
- installation of internally lit LED guitar sculpture that is anchored, on the diagonal to the façade for a distance of 5.2m, to a maximum height of 9.2m.

The Acoustic Report accompanying the application also sets out a range of items that need to be included as part of the construction of the fitout works to ensure that adverse noise conditions do not emanate that are otherwise directed towards sensitive receivers. These are as follows:

- External windows and doors are to be constructed with minimum 10.38mm laminate glazing (Rw35)
- A minimum of 60% of the ceiling area of the restaurant is to be treated with absorptive lining achieving an NRS of 0.8 (equal to Autex QuietSpace Panel)
- Any fixed speakers are to be vibration isolated by NRD mounts or equal. Where subwoofers are installed, they are to be mounted with 25mm static deflection springs. Alternative isolation arrangements will also be acceptable pending review of the finalised speaker layout selections
- All internal walls are to be constructed discontinuous to the structural building elements e.g. 20mm spacing between any stud wall/plasterboard and masonry/concrete wall, or other structural elements which connect with the hostel, located above the tenancy.

In addition, the following advice is provided in relation to the ceiling construction, having regard for the hostel use located above the premises:

- Above the mezzanine:



- Concrete slab, 250mm air gap with 2 x 110mm thick glasswool insulation (11kg/m³) and 4 layers of 16mm fire rated plasterboard suspended on resilient hangers (indicatively spring isolation)
- Everywhere else above the restaurant area:
 - Concrete slab, 600mm air gap with 2 x 110mm thick glasswool insulation (11kg/m³) and 4 layers of 16mm fire rated plasterboard suspended on resilient hangers (indicatively spring isolation).

Proposed Signage

The signage strategy has been designed based on corporate identity and comprises of business identification signs as follows:

- installation of internally lit LED guitar sculpture that is anchored, on the diagonal to the façade for a distance of 5.2m, to a maximum height of 9.2m.
- installation of business identification signage, 914mm vertical and 5,669mm horizontal, which will be illuminated and positioned on the awning fascia
- the existing under awning signs will be retained and the details updated to reflect the new business.

Operational Details

This application seeks consent to accommodate a maximum of 534 patrons, at any one time.

The tenancy will employ a total of 20 staff on site at any one time, comprising of chefs, bar tenders, waiters, music artists and security personnel. Pedestrian access for patrons is only provided from The Corso.

A Liquor License will be obtained for the tenancy subject to receiving development consent. Live music entertainment is proposed.

A Plan of Management (POM) will accompany this statement for the licensed & late-night trading of the premise.

The existing building has a designated waste collection area at the rear of the tenancy that is sufficient for the disposal of waste generated by the proposed use. Direct access is provided from within the tenancy to the waste storage area at the rear. This is positioned such that it would not obstruct paths of travel, nor would this impact on the security and safety of patrons and pedestrians.

The site does not have any parking spaces; however, it is situated in close proximity to public transport facilities, meaning that the site is highly accessible and operates in a manner that is consistent with other retail uses within the precinct, all of which generally do not provide on-site car parking.



Hours of Operation

The proposed trading hours are 7:00am to 3:00am, 7 days a week, with liquor being served between 10:00am to 2:00am.

4. ENVIRONMENTAL PLANNING ASSESSMENT

Section 4.15 of the Environmental Planning & Assessment Act 1979 (EP & A Act) sets out the matters for consideration when a consent authority is assessing a development application. These matters are addressed below.

Table 2: Section 4.15 of the EP & A Act

	Title/Clause	Comment
4.15	Evaluation	
(1)	Matters for consideration—general	
	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:	
	(a) the provisions of:	
	(i) any environmental planning instrument, and	<ul style="list-style-type: none"> State Environmental Planning Policy No 55—Remediation of Land (SEPP 55) State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) the LEP
	(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	Not Applicable
	(iii) any development control plan, and	Manly Development Control Plan 2013 (the DCP)
	(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	
	(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	



	Title/Clause	Comment
	(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),	Not applicable
	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,	<p>The likely impacts of the proposal are limited as the proposal involves minor alterations and additions to an existing building to accommodate the proposed use. The overall built form of the building and streetscape are being retained.</p> <p>The proposal has been designed to relate to the streetscape and does not change the overall appearance, nor scale, of the building. The design utilises high quality materials and detailing to present an unobtrusive visual outcome for the HCA and the locality. This is consistent with adjoining ground floor commercial tenancies on the western side of The Corso.</p> <p>The proposed development provides an improved streetscape appearance compared to the existing situation. The development does not impact the foreshore environment or air quality. The proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed by the consent authority. The operation of the premises will also be managed through a Plan of Management accompanying this application to reduce potential or perceived impacts associated with the use and the proposed trading hours.</p>
	(c) the suitability of the site for the development,	The site is suitable for the development. The tenancy is located within Manly Town Centre's commercial core and will remain used for commercial purpose without change. The use of the tenancy as <i>a restaurant, bar and live music venue</i> is entirely consistent with the zoning. The tenancy is located in a mixed-use development surrounding, and amongst, similar uses to that proposed.
	(d) any submissions made in accordance with this Act or the regulations,	The Applicant is willing to respond to any submissions made during notification of the application should the Council see fit.



Title/Clause	Comment
(e) The public interest.	The public interest is best served through the proposed development. The proposal will support the use of the restaurant servicing the greater community. The application is therefore in the public interest.

SEPP 55

Clause 7 requires an applicant to demonstrate whether or not a parcel of land is contaminated. Given the site was approved for mixed use purposes, it is not considered likely that the land would be contaminated. In addition, there are no earthworks (or any other works) proposed that would disturb such material.

Therefore, no further consideration is required under SEPP 55.

SEPP 64

This policy aims to ensure that signage is compatible with the desired amenity and visual character of the area, providing effective communication in suitable locations, and is of a high-quality design and finish.

For the purpose of assessment, the table below indicates compliance of the proposed signage in accordance with Clause 8b.

Table 3: Schedule 1 of SEPP 64 – Assessment Criteria for Signage

Assessment Criteria	Assessment	Compliance
Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The site is located in the B2 Local Centre zone and the proposed signage is compatible within the context and character of the immediate area surrounding the site. The proposed signage has been designed based on corporate identity and the outcome is characteristic of that associated with retail premises where other similar premises will be located and therefore, will not be adversely perceived within the locality.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signs will comprise of an illuminated (backlit) opaque acrylic sign on the awning fascia, along with retention of existing under awning signage.	
	The signage will be displayed on the street frontage and will be amongst other approved signs along the street frontage that is a common feature along The Corso.	



Assessment Criteria	Assessment	Compliance
	<p>In addition to this will be the proposed sculpture, which forms part of the corporate identity of the tenant.</p> <p>In terms of design, the signage will illustrate the name of the business and will be consistent with the branding of the business. The extent of signage is acceptable in its design and position and is of an acceptable quality in terms of materials and finishes.</p> <p>Therefore, the proposed signage is compatible with the scale and proportion of the site and will accord with the character of the locality.</p>	
Special areas		
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>The subject site is a heritage item, located in an area of heritage and scenic, significance. The signage only aims to identify the business activity, including its corporate branding, and is similar to other retail premises within the immediate precinct and does not detract from the amenity, nor visual quality, of the site.</p> <p>The Heritage Impact Statement also provides the following in relation to the proposed signage:</p> <p><i>It is proposed to mount a moderately sized back-lit multi-coloured sign ('Hard Rock Live') at the centre of the awning's fascia. Such a location is traditional and would not obscure any sightlines to remnant original detailing in the subject façade. A multiplicity of contemporary signage types characterises the Corso. An aspect of its significance as a bustling commercial thoroughfare.³</i></p>	Yes
Views or vistas		
Does the proposal obscure or compromise important views?	No.	Yes

³ Short Form Heritage Impact Statement, Touring the Past, 8 November 2021, Page 11



Assessment Criteria	Assessment	Compliance
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage does not dominate the skyline and the location and design of the sign will not impact upon any significant views, nor vistas given it is located within the awning and is generally attached to the facade.	Yes
Does the proposal respect the viewing rights of other advertisers?		Yes
Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed location and size of the signage are acceptable, in the context of the zone and reflect the diversity of uses which will take place on the site. The signs will present as contemporary and integrated structures and will add a sense of vibrancy to the locality generally, without imposing on the attributes of the site and the heritage status nor dominating the visual catchment.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	As above.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage provides a more contemporary response to existing signage and changes to corporate branding, while identifying the additional use of the land.	Yes
Does the proposal screen unsightliness?		NA
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?		No
Does the proposal require ongoing vegetation management		No
Site and building		
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?	The proposed signage will be located on the awning and does not detract from the approved built form, nor features, of the site. The proposed sculpture, which will attach to the façade, will provide a characteristic element within the streetscape that is complementary to the overall use.	Yes

Assessment Criteria	Assessment	Compliance
Does the proposal respect important features of the site or building, or both?		Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage been designed as an integral part of the structure on which it is to be displayed.	Yes
Associated devices and logos with advertisements and advertising structures	No advertising structures are proposed.	NA
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?		
Illumination		
Would illumination result in unacceptable glare?	Illumination will be in accordance with the relevant Australian Standards.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	No	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	No such uses would be directly affected by illumination, including within the development itself. Any concerns relating to illumination may be addressed through conditions of development consent	Yes
Can the intensity of the illumination be adjusted, if necessary?	Illumination will be in accordance with the relevant Australian Standards.	Yes
Is the illumination subject to a curfew?	The applicant seeks consent for the signage to be illuminated while the venue is trading.	Yes
Safety		
Would the proposal reduce the safety for any public road?	The proposed signage zones will not detract from the attention of pedestrians, cyclists or motorists, and are not positioned such that they would pose a safety risk.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?		
Would the proposal reduce the safety for pedestrians, particularly	The proposal would not reduce pedestrian sightlines due to its sensitive positioning and	Yes



Assessment Criteria	Assessment	Compliance
children, by obscuring sightlines from public areas?	given that the majority of signage is attached to the building.	

The proposed signage is defined as *business identification signage* and is not defined as *advertisements*; therefore, the remaining provisions of SEPP 64 are not applicable to this application.

The proposal is therefore satisfactory with regards to the provisions of SEPP 64.

The LEP

The proposal demonstrates consistency with the Aims of the LEP regarding the use for the purpose of a *food and drink premises* to promote the diversity of services, while providing an appropriate balance in this urban location within the Town Centre. It will also encourage activity associated with the public domain, given the location of the tenancy, which will assist to improve opportunities for passive surveillance.

Clause 5.10 addresses *Heritage Conservation*. The site is not of heritage significance in its own right. However, the site is located opposite 'The Former Marco Building', located at 583 Pacific Highway, which is identified as a local heritage item (Item I1034). The proposal is unlikely to have any adverse effect on the heritage significance of the building, being a tenancy contained within the footprint of the existing building. Further, the proposed signage is limited such that it will not proliferate the visual context of the site.

Development Standard	Control	Comment	Compliance
Part 2 Permitted or prohibited development			
2.1 Land use zones	B2 Local Centre zone	Commercial premises (restaurant) and business identification signs are permissible with development consent.	Yes
2.7 Demolition	The demolition of a building or work may be carried out only with development consent.	Council consent is sought for the proposed demolition works which are ancillary to the development and minor in nature.	Yes
Part 4 Principal development standards			
4.3 Height of Buildings	10m	No changes are proposed to the height of the existing building. Given that there is no change to the bulk and scale of the building, as part of this proposal, reference in this matter is considered irrelevant.	Yes
4.4 Floor space ratio	2.5:1	The proposal involves an additional GFA of 43.68m ² , resulting in a total FSR of 476.82m ² for the site.	Yes
Part 5 Miscellaneous provisions			

<p>5.10 Heritage conservation</p>	<p><u>Requirement for consent</u></p> <p>Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <ul style="list-style-type: none"> (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p>	<p>With respect to the heritage significance of the site, the overall building and its adjoining neighbours are considered a Heritage Item ‘Group of Commercial Buildings’. However, a review of the DA tracker indicates that the subject building appears to have undergone significant refurbishment works in 1998 to accommodate ground floor retail premises and backpacker accommodation on the levels above. Subsequently, in 2005, alterations and additions were undertaken to the existing shopfront including recladding. As evidenced above, the ground floor shopfront was fully modernized and therefore does not form part of the original attributes of the heritage item. On this basis, the contribution of the subject tenancy to the significance of The Corso is negligible as it is not part of its original or early development phases that make The Corso an important cultural place and historical streetscape. Therefore, the proposed works on the façade does not have any impact to the heritage significance.</p> <p>The Manly Town Centre Heritage Conservation Area is considered to have a high level of heritage significance for its well-retained unique and collective streetscape, maintained pattern of subdivision, and history as a commercial area. The building as a whole, is considered to have significance on the streetscape.</p> <p>In response to this:</p> <ul style="list-style-type: none"> ○ the proposal will not alter the bulk and scale, nor the floor-to-floor height of the building ○ the proposed works minimise its impact on the item by 	<p>Yes</p>
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retaining the building envelope and built form

- the installation of the proposed sculpture and glazed shopfront will not alter the original features of the building as it appears to have endured significant alterations in the past
- The proposed signage provides a high quality solution consistent with the character of the character of the HCA.

The proposal is sympathetic to the heritage item and locality and is consistent with the character of the area as the streetscape view is entirely retained. Having regard to this, it is not considered that the proposal will compromise the heritage integrity of the building. In addition, the Heritage Impact Statement provides the following assessment of the proposal:

It is proposed to replace the non-original shopfront with one largely glazed and divided into panels and set in metal frames powder coated Spotted Gum. Some service vents would also be installed to the upper section of two glazed panels. The wall surrounds retained fascia of the awning would be repainted Dulux Monument.

Optimally, from a heritage management perspective, the original shopfront would be reinstated or interpreted.

While some evidence is available to inform such an option (more may be locatable), it is acknowledged that such actions, particularly reinstatement, would be onerous for the owner and commercially restrictive for the incoming tenant.



The proposed shopfront would not affect any original/significant fabric (none of which survives to the ground floor) nor present as incongruent with The Corso's existing street-level conditions. The latter is dominated by similar late 20th-century or contemporary glazed shopfronts. The new shopfront would still 'read' as comprising a 'frame' with solid ends and a slender window sill.

The new work would not affect the remnant historic bar in front of the New Brighton Hotel, adjacent to the east of the subject place. It derives some of its interpretive potency from the very fact that it is one of the few buildings addressing The Corso that maintains historic fabric at the street level. The proposal would not detract aesthetically from its already much modified setting at ground level.

The service vents would be discretely situated and have been rationalised as much as feasible. Their presence would not likely run counter to the public's expectations of services at a restaurant in a historic commercial streetscape.

It is also noted that the proposed shopfront would not preclude a reinstatement or interpretive shopfront design at a later date. Such outcomes may be found to be more compatible with a future tenant or use for the place.

It is proposed to mount a moderately sized back-lit multi-coloured sign ('Hard Rock Live') at the centre of the awning's



		<p><i>fascia. Such a location is traditional and would not obscure any sightlines to remnant original detailing in the subject façade. A multiplicity of contemporary signage types characterises the Corso. An aspect of its significance as a bustling commercial thoroughfare.</i></p> <p><i>In sum, the proposal would have a negligible impact on the subject place, Town Centre HCA, and nearby heritage items. It presents as a supportable outcome from a heritage impact perspective.</i></p>	
Part 6 Additional local provisions			
Clause 6.1 Acid sulphate soil	Class 4	No structural works are proposed that would involve excavation. Therefore, there are no impacts in this regard.	NA
6.9 Foreshore scenic protection area	<p>Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters—</p> <p>(a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,</p> <p>(b) measures to protect and improve scenic qualities of the coastline,</p> <p>(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,</p>	The proposed development satisfies the requirements of this clause as no changes are proposed to the bulk and scale of the building. Therefore, the visual aesthetic, amenity and views to and from the foreshore of Manly are protected.	Yes



		(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.		
6.11 Active Street frontages		Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.	The proposal provides an active frontage on a site through the use of glazed shopfront that otherwise has limited relationship with the street and will enhance opportunities for passive surveillance over the public domain along The Corso.	
6.13 Design excellence		This clause applies to development involving the erection of a new building or external alterations to an existing building— (a) on land in Zone B2 Local Centre, and (b) on land to which clause 6.19 applies.	The site is located in B2 Local Centre zone.	Yes
		Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.	The proposed external works have been designed to ensure these are commensurate with the appearance, bulk and scale of the existing building. The design utilises high quality materials and detailing to present an unobtrusive visual outcome for the Heritage Conservation Area and locality.	Yes
6.14 Requirement for development control plans		Subclause (3) does not apply to any of the following development— (a)..., (d) proposed development on land that is of a minor nature only if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone	Not applicable given the nature of the proposed development.	NA



	in which the land is situated, ...		
6.16 Gross floor area in Zone B2	The objective of this clause is to provide for the viability of Zone B2 Local Centre and encourage the development, expansion and diversity of business activities, that will contribute to economic growth, retention of local services and employment opportunities in local centres.	The proposed development continues the diversity of business activities within The Corso that will continue economic growth and retention of local employment opportunities.	Yes
	This clause applies to land in Zone B2 Local Centre.		Note
	Development consent must not be granted to the erection of a building on land in Zone B2 Local Centre unless the consent authority is satisfied that at least 25% of the gross floor area of the building will be used as commercial premises.	The building is an <u>existing</u> building. As such, the provisions of this clause do not apply.	NA
	Development consent must not be granted for development on land to which this clause applies if the gross floor area of any retail premises on the land would exceed 1,000 square metres.		NA
6.21 Noise impacts—licensed premises	Before granting development consent for development involving the use of land as licensed premises under the Liquor Act 2007, the consent authority must consider the impact of any noise nuisance likely to be generated by the proposed development on residential accommodation in the vicinity of the proposed development.	An Acoustic Impact Assessment accompanies this application. In addition, the Plan of Management adequately addresses the potential impacts associated with the use of the site as a restaurant with regards to mitigating noise and amenity impacts on nearby properties and will provide adequate controls to ensure that surrounding land uses are not impacted by this proposal.	Yes

The proposal therefore achieves the requirements of the LEP.



The DCP

As the proposal involves alternations and additions to an existing building, there are only a limited number of provisions which apply to this proposal.

Table 4: DCP Compliance

Provisions	Compliance	Comment
Part 3		
3.1 Streetscapes and Townscapes		
<i>3.1.3 Townscape (Local and Neighbourhood Centres)</i>		
Design details of proposed developments must complement adjacent building in the locality with particular reference to: <ul style="list-style-type: none"> the scale, proportion and line of visible facades; the pattern of openings and the visual pattern of solids to voids on facades; both the overall wall and parapet height and the height of individual floors in relation to adjoining development and important corner buildings and the height of awnings. See also paragraph 4.4.4; and materials, textures and colours; architectural style and the degree of architectural detail; and the scale of the building footprint. 	Yes	The proposal will not alter the floor to floor height of the existing building. The works proposed on the exterior façade generally relate to the installation of the glazed shopfront which is a typical feature of such food and drink premises in the locality.
Schedule 2 – Townscape Principles		
<ul style="list-style-type: none"> B2 Local Centre Important Vistas 	Yes	The proposed use will contribute to the wide range of retail and commercial uses in the Town Centre and is considered to be of no impact upon the unique character of this area. Views to Manly Beach and along The Corso are protected
<i>3.4.2 Privacy and Security</i>		
<i>3.4.2.3 Acoustical Privacy (Noise Nuisance)</i>		
<u>Licensed Premises</u> See also paragraph 4.2.5.6.c Late Night Venues in Manly Town Centre and Surrounds EP clause 6.21 provides for consideration of noise impacts from licensed premises being either new premises and places; or alterations and additions to existing premises. While ‘licensed premises’ are not defined in the LEP or DCP, the definition		Noted. The proposed development is a licensed premises.

Provisions	Compliance	Comment
<p>adopted from the Liquor Act refers to any premises (or places) that are licenced under the Liquor Act 2007. In this regard any DA where a licence is required for the sale of liquor must consider this clause.</p> <p>The types of development that may be licenced include Restaurants, Cafes, Clubs, Hotels, Pubs, Entertainment Venues, and Community Facilities and the like. The types of licences may be granted and held under the Liquor Act 2007 for such premises include hotel licences, club licences, small bar licences, on-premises licences and others. In relation to Licensed Premises the Liquor Act 2007 provides and regulates the liquor license approvals process administered by the Office of Liquor, Gaming and Racing. With particular reference to potential noise impacts from Licenced Premises, the Standard Noise Criteria is applied by the Office of Liquor Gaming and Racing.</p>		
<p>In relation to the assessment process applicants are encouraged to lodge the DA and liquor license application simultaneously. While the Office of Liquor, Gaming and Racing will not issue an approval for a liquor license until development consent has been granted by Council, effective consideration of matters such as noise impacts may be better resolved when dealt with concurrently.</p>		<p>Noted. The restaurant is proposed to be operated by Hard Rock Live, an establishment that has obtained several licences in NSW for operating similar venues.</p>
<p>Noise Control reports are to be submitted with DAs for licensed premises for the management of patron noise (including patrons exiting the premises) and other offensive noise (including amplified music and plant and equipment noise emissions) emitted over the life of the development. The Noise Control report is to demonstrate to the satisfaction of Council that the activities carried out and related to the operation of the premises will meet the following requirements:</p> <ul style="list-style-type: none"> The La10* noise level emitted from the licensed premises must not exceed the background of noise level in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) by more 	Yes	<p>An Acoustic Impact Assessment has been prepared in accordance with the requirements of this section and accompanies this application</p>



Provisions	Compliance	Comment
<p>than 5dB between 7am and 12 midnight at the boundary of any affected residence.</p> <ul style="list-style-type: none"> The La 10* noise level emitted from the licensed premises must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) between 12 midnight and 7am at the boundary of any affected residence. The noise level from the licensed premises must not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am or as otherwise required under conditions of development consent. <p>*Note: For the purposes of condition, the La10 can be taken as the average maximum deflection of noise emission from licensed premises.</p>		
3.6 Accessibility	Yes	Refer to Access Report
3.8 Waste Management		Refer to Waste Management Plan
Part 4		
4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres)		
<i>4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor</i>	Yes	The proposal involves a minor increase in GFA. However, the site does not have any car parking spaces. No changes are proposed to the existing waste collection arrangements.
<i>4.2.5 Manly Town Centre and Surrounds</i>		
4.2.5.3 Security Shutters Shop window security roller shutters are not permitted on the external face of the building. Such screens may only be used behind the window display.	Yes	Security shutters are not proposed on the front façade.
<i>4.2.5.4 Car Parking and Access</i>	Yes, on merit.	Similar to other business uses within this precinct, the proposed development will not be provided with additional car parking spaces, noting that there is no provision of on-site car parking servicing the premises currently.
<i>4.2.5.6 Late Night Venues</i>		



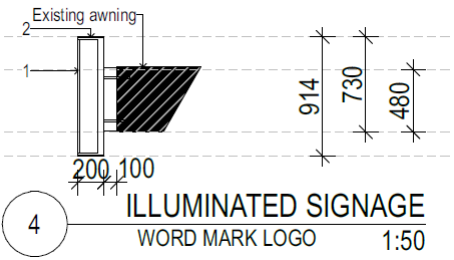
Provisions	Compliance	Comment
<p><u>Intensity of Development</u></p> <p>In order to provide diversity, it is proposed to limit the number of patrons which attend late-night licensed venues within the Entertainment Precinct. Within the Entertainment Precinct the total number of patrons capable of being accommodated within Late Night Venues must not exceed 8000 persons. Exceptions to this will only be granted where Council is satisfied that the existing levels of adverse impact will not be added to nor detract from opportunities to provide a diverse range of alternative entertainment activities.</p>		Noted. The proposal involves a late-night licensed venue and seeks consent to accommodate a maximum of 534 patrons, at any one time.
<p><u>Hours of Operating (maximum)</u></p> <p>The maximum hours for hotels, nightclubs, restaurants & food outlets are as follows: Hotels & Nightclubs: from 5am up to 2am (next day) and with a restricted entry policy for Nightclubs after 12.30am; and Restaurants & Food Outlets: from 5am up to 1am (next day).</p>	TBC	The proposed trading hours are 7:00am to 3:00am, 7 days a week, with liquor being served between 10:00am to 2:00am.
<p><u>Noise Control</u></p> <p>Requirement of this plan in relation to licenced premises at paragraph 3.4.2.4 d – g apply to licensed Late Night Venues under this paragraph.</p>	Yes	Refer to discussions above.
<p><u>Security</u></p> <p>Proprietors of Late Night Venues must enter into arrangements with Council for the provision of late night security of the premises and the adjacent public areas.</p>	Yes	These matters can be addressed as conditions of consent.
<p><u>Access to Public spaces</u></p> <p>Frontages to public spaces must be designed to minimise conflict between customers within the establishments and public using the public spaces.</p>	Yes	Refer discussions in the Plan of Management.
<p><u>Decks, Balconies & Roof Top Area</u></p> <p>Balconies, verandahs, any roof top areas and any external access thereto must be closed to patrons between the hours of 10pm to 8am daily.</p>	Not applicable.	The proposed development does not have any external access to decks, balconies or rooftop areas.
<p><u>Liquor Accord</u></p> <p>Proprietors of the licensed premises must be a financial member of any applicable Liquor Accord and conform to the obligations of that</p>	Yes	These matters can be addressed as conditions of consent.



Provisions	Compliance	Comment
<p>Accord in minimizing anti-social behaviour and adverse effects of excessive alcohol consumption.</p> <p><u>Design</u></p> <p>Applications must demonstrate how the design and operation of licensed venues take into account best practice outlined in the document titled “Alcohol & Licensed Premises: Best Practice in Policing” S Doherty and A Roche 2003.</p>	Yes	<p>The proposed restaurant incorporates a number of mitigation measures, including:</p> <ul style="list-style-type: none"> ○ operation in accordance with the PoM accompanying the application. ○ queuing and waiting areas within the public footpath area will be clearly identified and must not interfere with the pedestrian movement along a public footpath ○ management and staff will ensure that the tenancy and its immediate environs are well maintained, clean and devoid of litter. ○ through staff training and licensed operation, the proposed restaurant will operate in accordance with the Harm Minimisation and Responsible Service of Alcohol Policy. This policy aims to eliminate harm associated with the consumption of alcohol. ○ the proposed restaurant will adopt a House Policy that is directed towards ensuring that: <ul style="list-style-type: none"> • persons under 18 years of age do not purchase liquor or have liquor purchased on behalf of them • liquor is not sold to intoxicated persons ○ the proposed restaurant will provide continuing staff education on the potential dangers of excessive alcohol consumption and responsible service of alcohol practices. ○ an incident register will be kept on the premises and will be provided to Police at request.

Provisions	Compliance	Comment
		<ul style="list-style-type: none"> ○ CCTV will monitor the internal and external areas of the premises.
4.4.3 Signage		
4.4.3.1 Controls for all Development Types		All provisions under subclause (b) – (h) are addressed in detail under SEPP 64. The signage is appropriate and will not propose adverse impacts as a result of its implementation.
<p><i>a) Maximum number of Signs</i></p> <p>In relation to shopfronts, a maximum of 2 identification signs will be permitted per frontage (for example 1 fascia and 1 hamper sign), in any 2 of the following preferred locations:</p> <ul style="list-style-type: none"> • Under awning; • Awning fascia; • A transom sign above the door or shopfront (top hamper); • Inside the display window; • Below the window sill; and • Flush wall signs. 	Yes, on merit	The existing under awning signs (2) are to be retained. The proposal involves installation of a new awning fascia sign to promote visibility of the business on The Corso.
4.4.3.2 Signage on Heritage listed items and in Conservation Areas	Yes	The proposed signage is placed on the awning fascia which has traditionally been for identification and advertising purposes. The signage will be illuminated with the source of the illumination being suitably concealed and integrated into the awning design.
4.4.3.3 Controls for Particular Development Types		
<u>Roof or sky signs (attached to roof or upper part of façade)</u>		
<ul style="list-style-type: none"> ○ Council will not allow signs rooftop and/or signs which break the roofline, Council may on merit, however give consideration to a proposed advertising structure in this location where it appears as an ancillary part of the building. ○ Where by reason of the nature of the use of the premises, taller buildings cannot gain adequate street level exposure, Council may favourably consider applications for flush wall signs, either by direct painting onto 	Yes	<p>The proposed signage is located centrally on the awning fascia and will not break the roofline, being contemporary in design that complements the architectural style and finish of the building.</p> <p>The proposed sculpture will, similarly not break through the roof line of the building at a maximum height of 9.5m</p>



Provisions	Compliance	Comment
the facade, or by signage comprising individual lettering and/or logo, of materials such as acrylic or neon, and either illuminated or not illuminated. The design, colour, height and scale must be compatible with the architectural style and finish of building		
Fascia signs <ul style="list-style-type: none"> must not project above or below the fascia or return end of the awning to which it is attached; must not extend more than 0.3m from the fascia end of the awning; and unless the council otherwise approves, must not extend or project beyond a point 0.6m within the vertical projection of the kerb line. 	Yes	<p>The proposed awning fascia sign does not extend and project more than 0.3m from the end of the awning. See extract below:</p> 
4.4.4 Awnings		
4.4.4.1 Awnings in LEP B1 and B2 Business Zones		
Continuous footpath awnings must be provided on all street frontages generally consistent with the streetscape. The width, fascia height and method of support of all awnings in any street block must be consistent with entrances to public lands and through-site links allowed to be accentuated and generally in accordance with given dimensions (see Figure 46 – Awnings).	Yes	The proposal involves retention of the existing awning on the street frontage.
In particular, awnings may be permitted where:		
<ul style="list-style-type: none"> development abuts pedestrian ways; 	Yes	
<ul style="list-style-type: none"> aligned with adjoining awnings in height and width; 	Yes	Refer to elevations.
<ul style="list-style-type: none"> it can be demonstrated the specific need for protection of goods or from weather and sun; 	Yes	
<ul style="list-style-type: none"> through site links are not obscured; and where 	NA	
<ul style="list-style-type: none"> lighting under the awnings is provided for pedestrian safety and security. 	Yes	
Part 5		

Provisions	Compliance	Comment
5.1 Manly Town Centre Heritage Conservation Area and The Corso		
<i>5.1.2 The Corso</i>		
<i>5.1.2.1 Most existing buildings are significant and are to be conserved, not redeveloped</i>	Yes	The proposal comprises of alterations and additions to an existing building rather than a substantial redevelopment.
<i>5.1.2.2 Internal changes are important</i>		
a) The spaces and activities within the building give meaning to that building. In addition, internal building fabric may be significant even if not seen from the street. The heritage assessment will advise on the significance of any internal fabric.	Yes	The proposed development retains the overall footprint, bulk and scale within the larger building in which the tenancy is located. The minor increase in floor area is within the confines of the existing building and involves extension of the mezzanine only.
b) Where internal alterations are proposed:		
(i) floor levels and the layout of activities are to retain a logical relationship with the window, door and balcony openings of the street façade;		
(ii) floor levels are to be maintained adjacent to first floor windows and other openings; and		
(iii) architectural organisation of interiors must relate to the building façade		
<i>5.1.2.11 Footpath Awnings</i>		
Footpath awnings (solid, horizontal & with lighting) are required, but trafficable balconies and post-supported awnings and balconies are prohibited and considered to be an unnecessary intrusion on the available street space. See also Manly Town Centre Urban Design Guidelines for more details on the acceptable design of awnings.	Yes	The existing awning will be retained.
<i>5.1.2.12 Street Level Uses to Encourage Activity</i>		
a) Shop-fronts are to maximise their contribution to the liveliness and safety of the street, both day and night.	Yes	The proposal satisfactorily achieves the provisions of this clause given the nature of the proposed use, which will provide an active street frontage during the hours of operation as a result of the level of activity associated with this.
b) At night, all shop fronts within The Corso Conservation Area must be transparent and illuminated. Window displays are actively encouraged. Opaque security	Yes	Opaque security grills and roller shutters are not proposed. The proposal involves glazed shopfronts that are transparent and will be illuminated at night.



Provisions	Compliance	Comment
grills and the like are not acceptable. Roller shutters will not be permitted but security screens are permitted behind the window display.		
<i>5.1.2.17 External details for plant, exhausts, ducts and other services as part of the overall building structure</i>		
A number of buildings are already disfigured by the addition of air conditioners, other mechanical services, kitchen exhausts, downpipes and the like without adequate thought as to their integration. All DAs are to include provision for such services and show how they are to be integrated into the overall structure and/or disguised from public view.	Yes	The mechanical building service elements, such as grilles and ventilation louvres are located above the glazing and integrated into the façade design. The details of the mechanical services exhaust are clearly identified on the architectural drawings.
<i>5.1.2.19 Site specific controls</i>		
63-67 The Corso (Backpacker's + shop)		
<ul style="list-style-type: none"> re-paint façade to highlight the Art Deco detailing. 	Not applicable.	The proposal relates to the ground floor tenancy and not the entire development.
<ul style="list-style-type: none"> reconstruct ground floor shops as opportunity arises. 	Yes	The proposal involves installation of glazed shopfront which is a typical feature of food and drink premises in the locality.
<i>5.1.2.15 External building colours are important to the overall presentation of The Corso</i>		
a) Colours and tones are to pick out, rather than conceal, architectural details.	Yes	No changes are proposed to the colour of the existing building apart from the shopfront.
b) Colour schemes need to demonstrate an appropriate balance between the contemporary function of each building and a consistent presentation of the street as a whole. To assist, Council encourages a choice between: <ul style="list-style-type: none"> (i) a colour scheme that is historically correct to the age and style of the building; or (ii) an alternative colour scheme that complements the desired character and traditional colour schemes of the wider Conservation Area 		Refer to the 'External Finishes Schedule' in the accompanying architectural drawings. The proposed colour scheme for the shopfront provides a balance between the proposed use, the built form of the building and a consistent presentation of the street as a whole.

The proposal is therefore consistent with the requirements of the DCP.



5. CONCLUSIONS & RECOMMENDATIONS

Hamptons has been retained by Initium Management in relation to the ground floor tenancy known as Lot 1, 63-67 The Corso, Manly 2095. The development application seeks consent for the following:

- use of the premises as a *restaurant, bar & live entertainment venue* (commercial premises)
- hours of operation between 7:00am to 3:00am, 7 days a week
- alterations and additions to the existing tenancy to facilitate the proposed use, and
- associated business identification signage.

A separate application is made concurrently for use of the footway area adjacent the tenancy for outdoor dining purposes.

The subject tenancy is located in a mixed-use building in the B2 Local Centre zone pursuant to the LEP and the proposed use is permissible with development consent from the Council (Clause 1.6). The proposed will ensure the on-going viability of the site to further enhance activity associated with the street frontage and promote on-going activation of The Corso.

The subject site is listed as a heritage item in the LEP and is located within the Manly 'Town Centre' HCA. A heritage impact statement accompanies this application and considers heritage aspects of the proposal and adequately address the relevant criterion. The proposed development will not have any adverse impacts in this regard.

The proposal is consistent with the zone objectives and will not compromise the desired outcomes under the various planning instruments.

This being the case, it is recommended that the development application be approved in accordance with the accompanying plans and the Council's standard conditions of development consent.

