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**Sent:** 27/05/2022 8:16:16 AM  
**Subject:** RE: Objection Submission DA2022/0662 at 1/63-67 The Corso, Manly  
**Attachments:** FINAL Objection Submission - Charter Hall & New Brighton Hotel.pdf;

Hi Lashta,

Please ignore the last email and attachment, I inadvertently attached an unsigned copy of the submission. Please see the signed submission attached and apologies for the confusion.

Again if you have any questions please feel free to contact me.

Kind regards,

 image001.png@01D83

#### TOWN PLANNING

Aidan Harrington  
Senior Planner

**Milestone (Aust) Pty Limited**  
T 02 9518 3666 M 0415 460 724  
[Aidan@milestonemanagement.com.au](mailto:Aidan@milestonemanagement.com.au)

[milestonemanagement.com.au](http://milestonemanagement.com.au)

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**From:** Aidan Harrington  
**Sent:** Thursday, 26 May 2022 3:30 PM  
**To:** council@northernbeaches.nsw.gov.au  
**Cc:** lashta.haidari@northernbeaches.nsw.gov.au; Lisa Bella Esposito <Lisa@milestonemanagement.com.au>  
**Subject:** Objection Submission DA2022/0662 at 1/63-67 The Corso, Manly

Good afternoon,

Please see **attached** an objection submission prepared on behalf of Charter Hall (land owner) and the New Brighton Hotel (tenant) of 69-71 The Corso, Manly in relation to DA2022/0662 at 1/63-67 The Corso, Manly.

If you have any questions please feel free to contact me on the below.

Kind regards,



#### TOWN PLANNING

Aidan Harrington  
Senior Planner

**Milestone (Aust) Pty Limited**  
T 02 9518 3666 M 0415 460 724  
[Aidan@milestonemanagement.com.au](mailto:Aidan@milestonemanagement.com.au)

[milestonemanagement.com.au](http://milestonemanagement.com.au)

26 May 2022

Mr Ray Brownlee  
Chief Executive Officer  
Northern Beaches Council  
PO Box 82  
Manly NSW 1655 Australia

Sent: council@northernbeaches.nsw.gov.au & lashta.haidari@northernbeaches.nsw.gov.au

**Attn: Lashta Haidari**, Principal Planner

Dear Mr Brownlee,

**OBJECTION SUBMISSION TO DA2022/0662 CHANGE OF USE TO A PUB AND LIVE ENTERTAINMENT VENUE (HARD ROCK CAFÉ), BUILDING WORKS AND SIGNAGE AT 1 / 63 - 67 THE CORSO, MANLY**

**1.0 INTRODUCTION**

We refer to a Development Application currently lodged with Northern Beaches Council (Council) No. DA2022/0662 and lodge an objection submission to this proposal which was publicly exhibited from 12 May 2022 until 26 May 2022.

This submission has been prepared by Milestone (AUST) Pty Limited (Milestone) on behalf of both the owner of 69-71 The Corso, Manly (Charter Hall) and the tenant of the building (ALH Group), the New Brighton Hotel which directly adjoins the proposed development site, as seen in figure 1:



**Figure 1 - Site Context**  
**Source: Sixmaps 2022**

The Development Application (DA) proposes the change the use of Unit 1 / 63-67 The Corso, Manly (Lot 1 SP 67337) to a pub and live entertainment venue, building works and business identification signage.

Based upon review of the application documentation made available on Council's DA Tracker, the notification provided to The New Brighton Hotel by Council and an inspection of the surrounding site and

context, we strongly object to the proposed Development Application No. DA2022/0662 on the following grounds:

- The social impact of a new licensed premises in the Manly Town Centre including cumulative social impacts;
- The impact on the amenity of the area;
- The impact on the heritage of The Corso;
- Insufficient Clause 4.6 submission; and
- Inconsistency and inadequate information.

## **2.0 BACKGROUND**

### **2.1 Development Application DA/2022/0662**

The application is described by Council as follows:

*“Change of use to a pub and live entertainment venue, building works and signage”*

Development Application No. DA2022/0662 proposes to change the use of the premise to a pub and live entertainment venue with a maximum capacity of 534 patrons and 20 staff and will operate between the hours of 7.00am and 3.00am (the following day) 7 days a week. The SEE prepared by GYDE Consulting dated April 2022 describes the proposed works as follows:

#### “Ground Level

- *Removal of two structural columns on the ground floor;*
- *Demolition of the raised floor and ramp, existing amenities and internal walls;*
- *Demolition of the existing shopfront, including the steps and entry doors;*
- *Removal of existing cladding attached to the façade;*
- *Installation of two structural columns;*
- *Installation of two glazed doors at either end of the tenancy;*
- *Internal alterations including: - Raised stage - Commercial kitchen including cooking, preparing, post mix, scullery, dry, keg, freezer and cool area - Accessible toilets - female and male - Bar area - New entries including one with step ramp - Stairs to mezzanine - General seating area.*

#### Mezzanine

- *Demolition of the existing toilets, walls and balustrade;*
- *Extension of the floorplate in two locations increasing the gross floor area by 43.9m<sup>2</sup>;*
- *Construct new male and female amenities, and a bar area;*
- *Installation of handrails.*

#### Façade

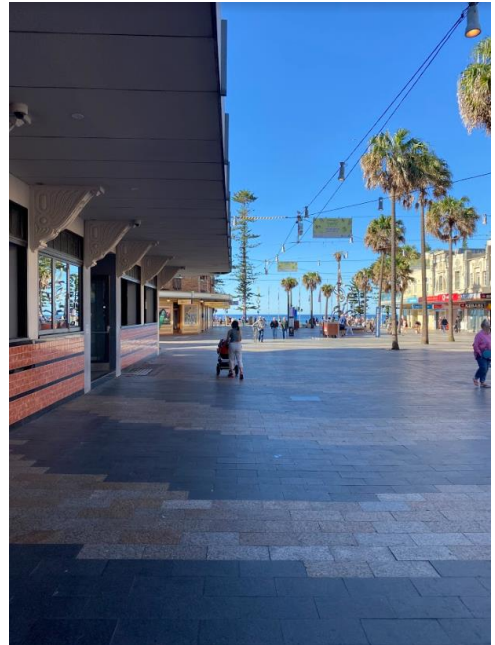
- *Installation of fixed glass panels along the shopfront facing The Corso;*
- *Installation of mechanical services for the kitchen and toilets within the ceiling and grills/louvers located on the shopfront above the doors/glazing. An air extraction system will be located above the awning;*
- *Installation of illuminated business identification sign, 0.9m by 5.7m on the fascia of the awning;*
- *Installation of LED guitar sculpture. The sculpture has a height of 9.6m and width of 5.2m.”*

### **2.2 New Brighton Hotel**

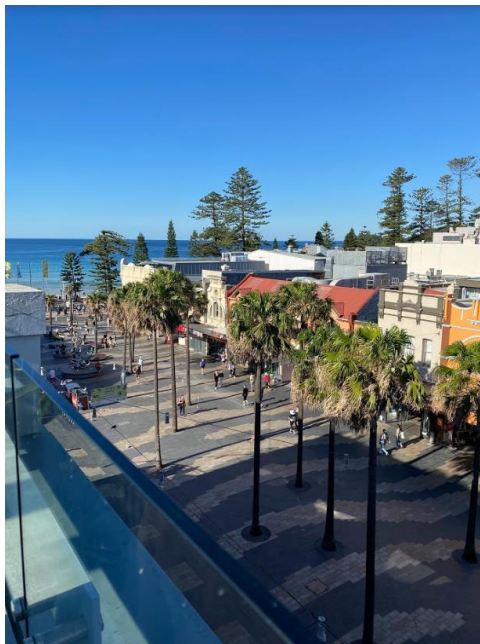
The New Brighton Hotel is located directly adjoining the proposed development to the east, at 69-71 The Corso Manly. The New Brighton Hotel is a pub which contains three levels along with a roof top terrace and is a prominent venue in the Manly Town Centre, providing dining, bars and live entertainment to residents, workforce and visitors. Figures 2-9 of the New Brighton Hotel depicts its importance to the fabric of The Corso.



**Figure 2 – The New Brighton Hotel (NBH)**  
**Source: Site Inspection, 2022**



**Figure 3 – View North East**  
**Source: Site Inspection, 2022**



**Figure 4 – The Corso viewed from NBH**  
**Source: Site Inspection, 2022**



**Figure 5 – Interface of NBH and development site**  
**Source: Site Inspection, 2022**



**Figure 6 - Development site**  
Source: Site Inspection, 2022



**Figure 7 - Awning of development site**  
Source: Site Inspection, 2022



**Figure 8 - View from NBH balcony south west**  
Source: Site Inspection, 2022



**Figure 9 - Rear of development site**  
Source: Site Inspection, 2022

### 3.0 GROUNDS FOR OBJECTION

#### 3.1 Social Impact of a new licensed premises in the Manly Town Centre

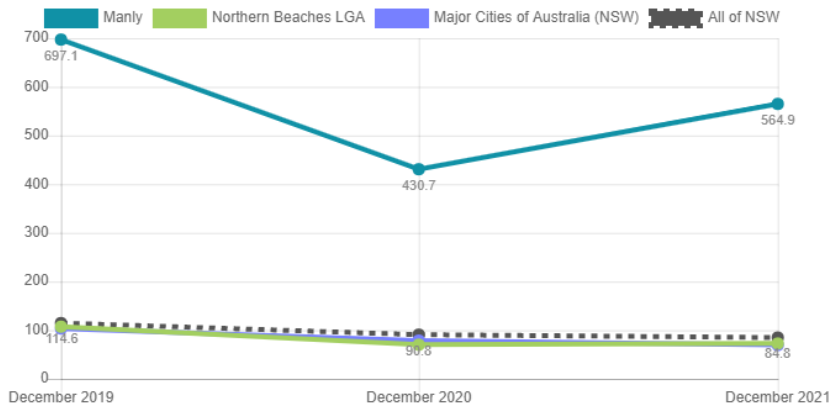
##### 3.1.1 Current Social Concerns of Manly

Manly as a suburb has a number of alarming statistics relating to alcohol fuelled offences based on data obtained by Liquor and Gaming NSW. The Liquor and Gaming LiveData provides the following statistics relating to alcohol related offences in Manly:

##### Alcohol related non-domestic assault (incidents per 100,000 residents)

*"In the year to December 2021, the alcohol-related non-domestic assault rate in Manly (564.9) was higher compared to Northern Beaches LGA (72.6), higher compared to Major Cities of Australia (NSW) (69.5), and higher compared to all of NSW (84.8)."*

Rate (per 100,000 residents) of alcohol related non-domestic assaults in Manly and Northern Beaches LGA vs comparison areas (December 2019 to December 2021)



**Figure 10 – Alcohol related non-domestic assaults in Manly**  
**Source: Liquor and Gaming NSW 2022**

This equates to Manly having a rate of alcohol related non-domestic assault 7.78 times more than the Northern Beaches LGA as a whole and 8.13 times more than the major cities of Australia (NSW). Therefore we contend that Manly as a suburb has an issue with alcohol related non-domestic assaults and that the rate of occurrence is higher than not only the LGA as a whole, but also other major cities in NSW.

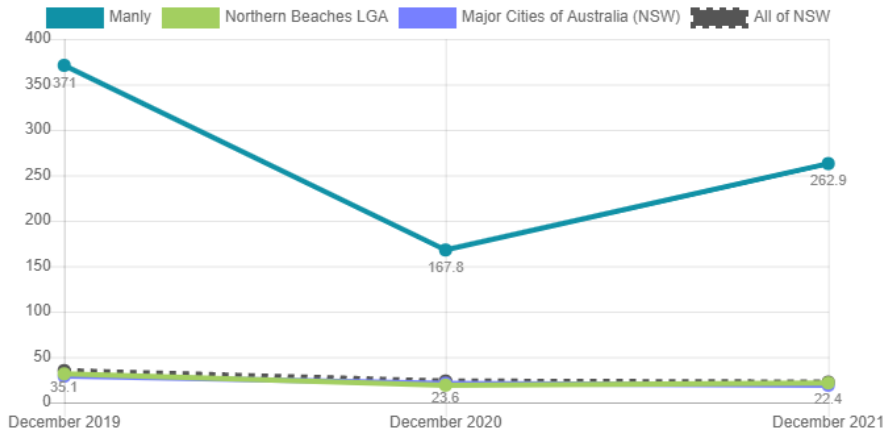
*"In Manly, 43.56% (44 of 101) of all alcohol-related non-domestic assaults in the year to December 2021 were 'serious' (i.e. involved actual or grievous bodily harm). This percentage was higher compared to in the year to December 2020 (i.e. 33.8%, 26 of 77). From the year to December 2020 to the year to December 2021, the percentage of all alcohol-related non-domestic assaults that occurred 'late at night' (i.e. midnight to 6am) increased from 27.3% (21 of 77) to 38.6% (39 of 101)."*

This shows that almost 40% of alcohol-related non-domestic assaults happen between the late night hours of midnight to 6.00am. The proposed Hard Rock Café is proposing to operate until 3am, 7 days a week. Not only does this highlight the negative safety outcomes of the Manly Town Centre during this time, but it clearly shows that an additional late night venue is not required in the area, particularly directly adjoining New Brighton Hotel.

##### Alcohol related offensive conduct (incidents per 100,000 residents)

*"In the year to December 2021, the alcohol-related offensive conduct rate in Manly (262.9) was higher compared to Northern Beaches LGA (21.5), higher compared to Major Cities of Australia (NSW) (18.9), and higher compared to all of NSW (22.4)."*

Rate (per 100,000 residents) of alcohol related offensive conduct in Manly and Northern Beaches LGA vs comparison areas (December 2019 to December 2021)



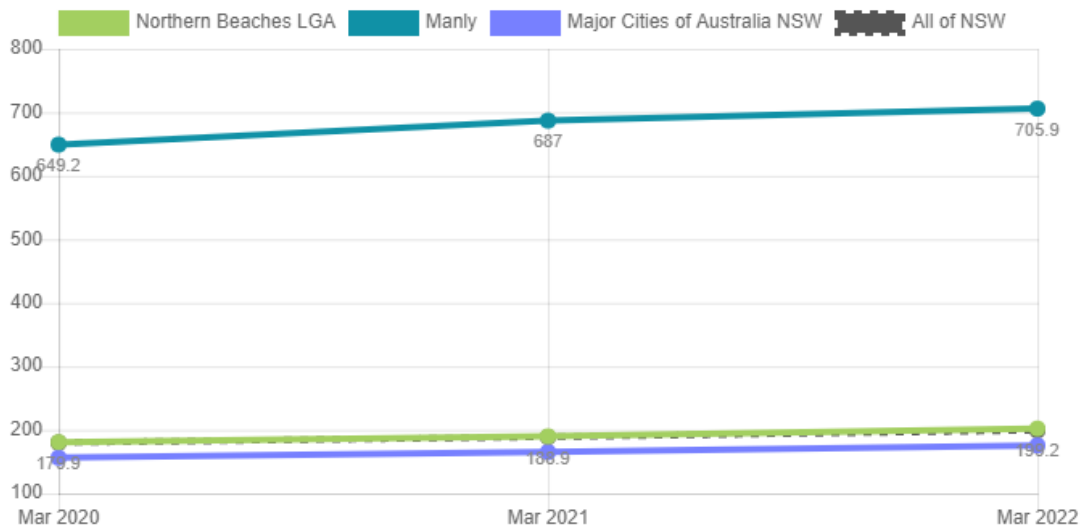
**Figure 11 – Alcohol related offensive conduct.**  
**Source: Liquor and Gaming NSW 2022**

Alcohol related offensive conduct was 12.23 times more prevalent in the suburb of Manly than the entire Northern Beaches LGA and 13.86 times more common than major cities of Australia (NSW). As the proposed Hard Rock Café directly adjoins the New Brighton Hotel, when alcohol affected individuals are vacating either premise, there is in essence double the number of people converging on the one area than the current situation. This will likely increase the rate of alcohol related offensive conduct incidents in Manly, and has the potential for cases that are related to the proposed venue being mistakenly linked to the New Brighton Hotel. If unrelated incidents are being assigned to the New Brighton Hotel, the establishment faces penalties and other repercussions that had Hard Rock Café not been established, would not have occurred.

*3.1.2 Oversaturation of licensed premises in Manly*

In the suburb of Manly, there already exists 112 liquor licenses (5 of which are only permitted to sell packaged liquor for take away), which equates to an outlet saturation of 705.9 licenses per 100,000 residents compared to the major cities of Australia (NSW) saturation of 175.6 licenses per 100,000 residents. The fact that Manly already has an outlet saturation 7 times higher than other major cities clearly signifies that the suburb, and The Corso in particular has reached its capacity for liquor licenses. The proposed Hard Rock Café is considered to further exacerbate the adverse social impacts that alcohol and alcohol fuelled violence is having on the locality.

**Chart 1: Overall outlet saturation in Manly and comparison areas (Mar 2020 to Mar 2022)**



**Figure 12 – Outlet Saturation**  
**Source: Liquor and Gaming NSW 2022**



**Figure 13 - Licensed Premises in the Vicinity**  
**Source - Liquor and Gaming NSW**

### 3.1.3 Inadequate Social Impact Assessment

Whilst it is acknowledged that a Social Impact Statement (SIA) prepared by GYDE Consulting, dated 14 April 2022 was submitted with the Development Application, it is considered inadequate as it does not address the following:

- The social impact of an additional pub with live entertainment on the Manly community;
- Whether increasing the availability of alcohol in the local area will impact on hospital admissions and alcohol related harm;
- Consequences of increased density of pub or demonstrate that the social impacts associated would be acceptable;
- No consultation with the police or community groups was undertaken.

### 3.1.4 Consistency with the Manly Development Control Plan 2013

The Manly Development Control Plan 2013 (DCP 2013) contains a number of specific controls that relate to 'Late Night Venues' (Clause 4.2.5.6) which the proposed development is defined as by the dictionary of the DCP 2013. The objectives provide as follows:

*"Objective 1) To achieve for Manly's entertainment precinct as a place of excellence in which all people can use and enjoy Manly's highly valued natural amenity qualities as a place:*

- *for leisure and entertainment;*
- *in which late night venues can safely entertain and provide for the enjoyment of social and recreational pursuits;*
- *without disturbing the peace of the community in terms of safety and security.*

*Objective 2) To regulate the activities and design of late night venues to minimize late night disturbances to the public and promote Manly as a safe place for all the community late at night such that:*

- *frontages to public spaces must be designed to minimize conflict between customers within the establishments and public using the public spaces;*



- *the applicant demonstrate (see lodgement requirements at Council's Administrative Guidelines) that the premises will not detract from the safety and security of the Entertainment Precinct and as a place which is acceptable for families; and*
- *obligations of any current Accord are addressed in minimizing anti-social behaviour and adverse effects of excessive alcohol consumption."*

It is considered that the proposal is inconsistent with these objectives for the following reasons:

- Based on the information submitted, the communities amenity and peace will be disturbed with safety and security at risk. The statistics mentioned previously have already highlighted the safety issues in the Manly area and another late night venue serving alcohol until 3.00am will only increase the rate of violence in the area.
- The frontage to The Corso has not been designed in a way that minimises conflict between patrons. Patrons from the proposed Hard Rock Café will be lining up directly adjoining those from the New Brighton Hotel which has the potential to cause altercations between people in each of the establishments lines. Further, the patron line for the Hard Rock Café will be extending deep into The Corso and blocking off foot traffic, despite the Plan of Management stating that the line will only be along the frontage of the site, there is insufficient space along the frontage to cater for the proposed capacity of the venue.
- The proposed venue will detract from the safety and security of the entertainment and tourist precinct and will result in adverse impacts to the community.

The proposal is also non-compliant with a number of the specific controls of Clause 4.2.5.6 of DCP 2013, which both the submitted Statement of Environmental Effects and development plans fails to address. The controls are addressed below:

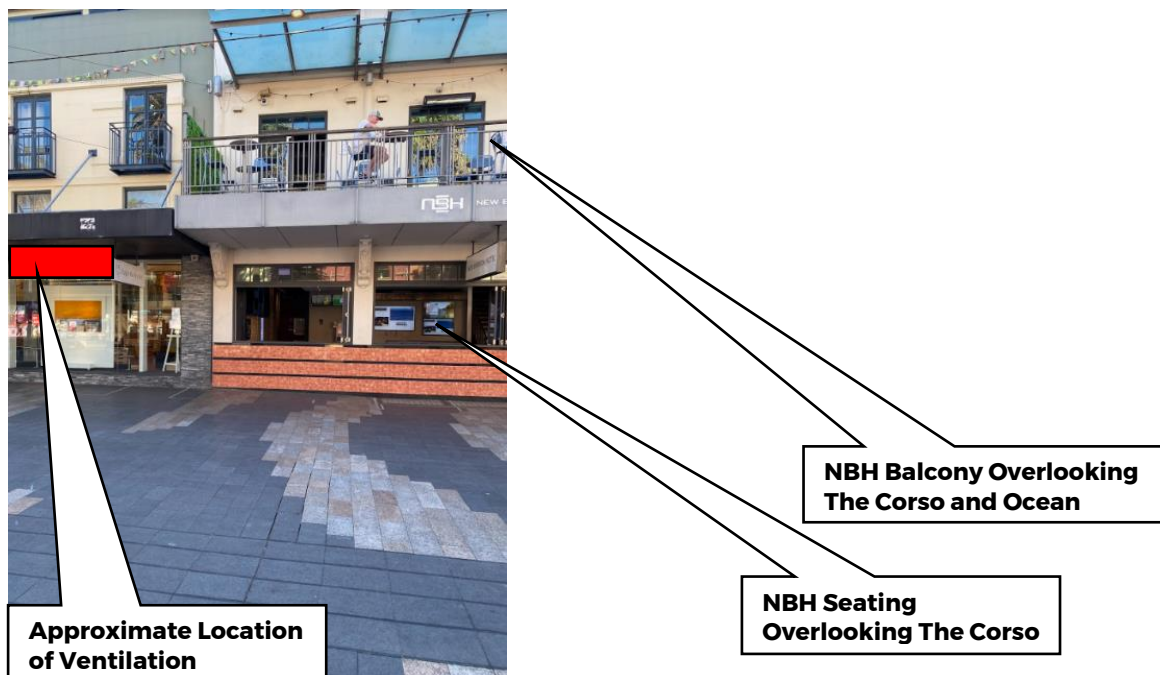
- a) Intensity of development  
This control sets a capacity for the Manly Town Centre of 8000 persons, however no evidence was submitted with the application that details how compliance with this control is achieved.
- b) Hours of Operating (maximum)  
This control sets the maximum operating hours from 5.00am to 2.00am the next day, however the proposal seeks to exceed these maximum operating hours without appropriate security or management measures.
- e) Access to Public Space  
The frontage of the development has not been designed to avoid conflict with patrons of the New Brighton Hotel, or members of the public traversing The Corso. There is likely to be a high number of incidents as a result of the current design and this is considered to be an unacceptable outcome for the New Brighton Hotel and the public domain within The Corso.
- g) Liquor Accord  
No evidence has been provided that the proprietors of the proposed licensed premises are financial members of an applicable Liquor Accord.
- h) Design  
There has been no information provided on how the proposed development has been designed taking into consideration *"Alcohol & Licensed Premises: Best Practice in Policing" S Doherty and A Roche 2003*.

## **3.2 Impact on Amenity of the Locality**

### *3.2.1 Mechanical Ventilation*

The proposed outlets of the mechanical ventilation are located in an area that will cause a great impact on the amenity of The Corso as well as the New Brighton Hotel. As the ventilation is located under the awning of the building, the exhaust being expelled from the grills and other cooking equipment will be trapped and linger under the awning, before blowing straight inside the New Brighton Hotel's windows where patrons sit and up onto the balcony above (see Figure 14). These areas adjacent to windows and

balconies, are highly sought after for patrons due to the ability to overlook the heritage listed Corso and Manly Beach.



**Figure 14 - New Brighton Hotel Windows and Balcony**  
**Source: Site Inspection, 2022**

Not only will this inadequate management of ventilation result in a hot environment under the awning, but no odour report was submitted with the application either, so the smell of the food is likely to be expelled to the street and public domain. In addition to this, the exhaust from the toilets is proposed to discharge next to the kitchen exhaust, which will also detract from the amenity of the area. The design of the mechanical ventilation systems is inconsistent with the requirements of Australian Standard 166.8.2-2012 which requires kitchen exhaust to discharge at least 6m from a public street and Australian Standard 1668.1-2015 which requires ducts to be vertical or near vertical wherever practical. The proposal has not adequately demonstrated that ventilation can be managed for the use without impact to surrounding properties and The Corso.

### *3.2.2 Omissions from Acoustic Report*

The submitted acoustic report prepared by Acoustic Logic dated 8 December 2021 fails to make mention of the approved Development Application (DA2019/1398) in the Strata unit above the subject site, which granted consent for the conversion of the backpackers accommodation to residential apartments. The fact that this residential receiver has not been considered will result in a substantial impact on the amenity of the future occupants of the apartments. This also has the potential for the New Brighton Hotel to be impacted, as noise from the Hard Rock Café may be mistaken for noise from the New Brighton Hotel. The New Brighton Hotel operates strictly in accordance with an approved Plan of Management, largely without issue regarding noise complaints.

The acoustic report has not considered the acoustic impact of patrons lining up outside the venue, nor the sound generated while patrons are walking to/from the venue. Whilst it is acknowledged that the venue cannot control the sound people make once they have left the venue, the impact of this still needs to be considered. Another issue with the submitted acoustic report is the assumption that only 1 in 2 people will be talking at any one time. This is not a realistic scenario, as often when people are having conversations while under the influence of alcohol in a large group, multiple people are talking and talking over the top of other individuals is common. Overall the acoustic analysis remains incomplete and inadequate to determine if the noise impacts of the use are compliant.

### 3.2.3 Insufficient Waste Management

The existing building provides for a waste room which is sufficient for the demands generated by the existing uses, however the change of use from an art gallery to a pub and live entertainment venue will result in a large disparity between the site's current waste generation and the future operational waste generation. Waste will accumulate outside of the bins as storage is inadequate for it to be correctly stored, which will result in odours being generated and affecting the amenity of guests from the backpackers accommodation, the existing residents of 9-15 Central Avenue (Pacific Waves Building) and the future residents of the approved residential units above the proposal.

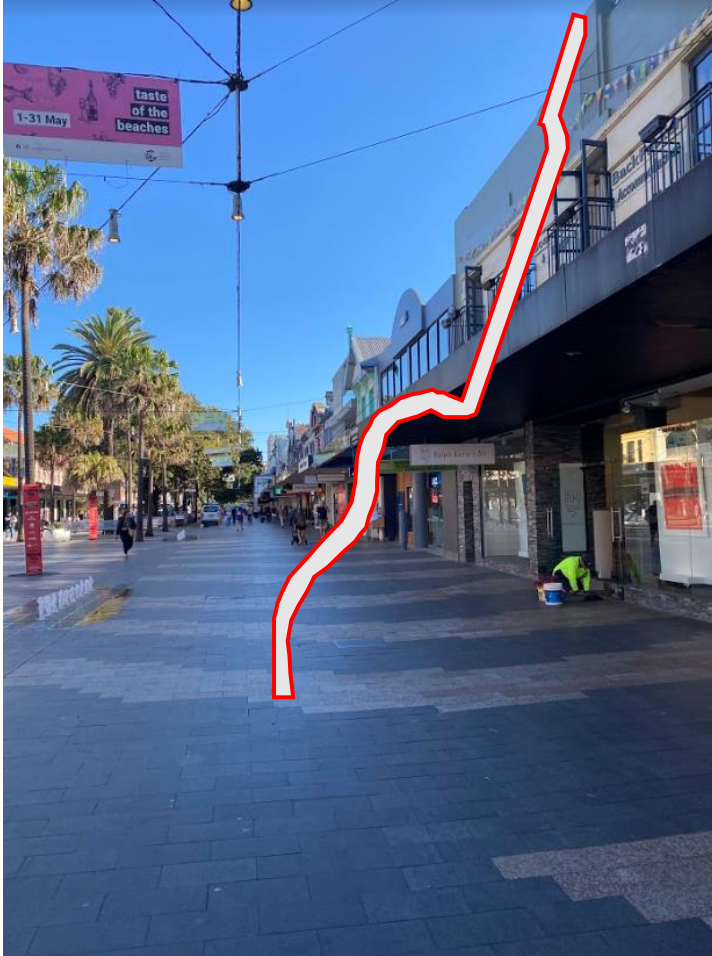
### 3.3 Unacceptable Heritage Impacts

The application is supported by a Heritage Impact Statement (HIS) prepared by 'Touring the Past' dated 6 April 2022, which makes an assessment of the proposal's impact on both the surrounding heritage listed items and the heritage conservation area the site sits within. The HIS makes direct reference to the fact that the proposed 9.8m x 5.2m steel illuminated guitar may be inconsistent with the desired character of the heritage conservation area and the listed buildings along The Corso. We are of a firm view to see that the guitar will detract from the heritage significance of not only the development site, but the surrounding heritage items and the wider heritage conservation area. The Statement of Heritage Significance for The Corso contained within DCP 2013, makes specific reference to the importance of the public pedestrian space, and provides controls that requires critical views, such as to the ocean to be maintained. The proposed guitar will obstruct views to the ocean, projects into important pedestrian space and is therefore inconsistent with DCP 2013. Figure 14 demonstrates that the heritage significance of the area is uniformed and presents a well defined street edge, with no protrusions or any advertising material other than under awning signs.



**Figure 15 - View South West down The Corso**  
**Source: Site Inspection, 2022**

Any protrusion of a structure would be completely out of character and set an undesirable precedent for further irregular structures to be proposed, which will to detract from the heritage significance of the area. Further, no 3-D perspective diagrams were provided with the application to gain a full understanding of the visual impact of the proposed guitar from the public domain and coastline, however the below mark-up depicts the likely scale of the proposed guitar structure:



**Figure 16 - Depiction of proposed guitar**  
**Source: Adapted from site inspection 2022**

This shows that the proposed guitar is completely out of character for the area and should be deleted from the proposal all together, not just reduced in scale like suggested in the submitted HIS. It is also queried if Council has granted land owners consent for an advertising structure, which is prohibited in the B2 Local Centre zone as the structure does not identify the business, but rather is defined as an advertisement of the business.

The HIS notes that optimally the original shopfront would be reinstated or interpreted but this may be onerous for the owner and commercially restrictive. Milestone does not share the view that it would be commercially restrictive, as the design of the shopfront will not alter the operation of the Hard Rock Café. Further, Milestone does not consider it onerous to require the façade be reinstated or interpreted, when the proposal is to demolish the entire existing shopfront and replace it.

### **3.4 Clause 4.6 Submission Not Well Founded**

The proposed development includes a request pursuant to Clause 4.6 of the Manly Local Environmental Plan 2013 for a proposed variation to the maximum permitted floor space ratio prescribed under Clause 4.4 of the Manly Local Environmental Plan 2013. The submission prepared by GYDE dated April 2022 has numerous errors throughout, referring to a height variation (rather than an FSR variation) in several areas. Notwithstanding this, the content of the report is considered to be insufficient and not well founded. Milestone contends that the consent authority are not able to grant consent to the proposed development as the submitted request does not demonstrate sufficient environmental planning grounds as required by 4.6(3)(b) of the Manly Local Environmental Plan 2013.

Section 5 of the submitted justification says that two objectives of the Environmental Planning and Assessment Act 1979 have been met and that there are no amenity impacts as a result of the proposed variation. Not only is it considered that the lack of impacts is not an environmental planning ground, Milestone has demonstrated above that there would be significant impacts on amenity from the proposal. By increasing the FSR of the building, it directly results in the venue having a higher patron capacity, which will have additional acoustic and social implications for the area.

Although the consent authority is required to be satisfied with the provisions of subclause (4)(a)(ii), Milestone is of the opinion that the proposed development (not only the proposed variation) is inconsistent with the objectives of the standard and the zone and therefore is not within the public interest. Based on this the consent authority would not be able to grant consent to the proposed development.

### **3.5 Inconsistency and Inadequate Information**

A number of the submitted reports that accompanied the Development Application contradict each other and contain numerous errors. Below is a list of errors and contradictions that Milestone has noted in the submitted information:

- Chapter 2 of State Environmental Planning Policy (Hazards and Resilience) 2021 not considered;
- Clause 5.21 Flood Planning of the Manly Local Environmental Plan 2013 not considered;
- Cost of works and number of patrons listed on Development Application form inconsistent with other documentation;
- Plan of Management refers to a basement, states there is one public entrance, where the plans show two;
- Social Impact Assessment lists the operating hours until 5.00pm and is inadequate;
- Waste Management Plan refers to refurbishment of existing bar.

### **4.0 CONCLUSION**

Having regard to the grounds for objection as detailed within this report, we respectfully request that the proposed Development Application No. DA2022/662 not be supported by the consent authority. In the event that a Request for Information (RFI) is issued to the applicant and amended information is received, Milestone requests that the amended information be re-notified for a period of 14 days, in accordance with the Northern Beaches Community Participation Plan.

We contend that DA2022/662 for change of use to a pub and live entertainment venue (Hard Rock Café), building works and signage at 1 / 63 - 67 The Corso Manly be refused for the following key reasons:

1. The proposed development has not adequately addressed compliance with the relevant Environmental Planning Instruments such as State Environmental Planning Policy (Hazards and Resilience) 2021 and the Manly Local Environmental Plan 2013 (pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979);
2. The variation to Clause 4.4 Floor Space Ratio of the Manly Local Environmental Plan 2013 cannot be supported given the applicant's written request has not adequately demonstrated those matters that are required to be demonstrated in Clause 4.6 (3) and the variation is not within the public interest in accordance with Clause 4.6 (4) of the Manly Local Environmental Plan 2013 (pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979);
3. The proposed development has not adequately addressed compliance with the Manly Development Control Plan 2013, (pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979);
4. The information submitted with the Development Application is contrary to the requirements of Clause 24 of the Environmental Planning and Assessment Regulations 2021, which relates to the content of Development Applications (pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979);

5. The likely significant social and economic impacts of the proposed development on the Manly area are such that the proposed development cannot be supported (pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979);
6. The adverse amenity and environmental impacts including noise, odours, heritage and visual impacts are such that the application cannot be supported (pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979);
7. The site is not suitable for the proposed development, taking into consideration the number of surrounding licensed venues and the lack of evidence submitted detailing how this will be managed (pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979); and
8. The proposed development is not within the public interest, as demonstrated throughout this report and through the number of submissions received objecting to the development (pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979).

Should you have any queries in relation to the content of this submission, please do not hesitate to contact me.

Yours sincerely

**Milestone (AUST) Pty Limited**

A handwritten signature in black ink, appearing to read 'Aidan Harrington', written over a white background.

**Aidan Harrington**  
Senior Planner