

29 April 2022

Northern Beaches Council
PO Box 82
MANLY NSW 1655

Attention: Mr Alexander Keller

Dear Mr Alexander Keller

Re: Response to Request for Additional Information – D/2021/2065: Temporary outdoor wine bar Market Lane, Manly

This letter is written on behalf of MNT Investments Pty Ltd (the **applicant**), in relation to Development Application (**DA**) D/2021/2065 which proposes to install a temporary outdoor wine bar within Market Lane, known as “Market Lane Live”.

It sets out the applicant’s response to issues raised by Northern Beaches Council (**Council**) in its letter dated 23 February 2022. This letter should be read in connection with the following supporting information (submitted under separate cover):

- Revised Architectural Plan, by SARM Architects dated 28 April 2022
- Acoustic Report, by WSP dated 27 April 2022
- Access Statement, by Murrow Consulting dated 28 April 2022
- Council Email, from Nikki Griffith dated 27 April 2022.
- Social Impact Statement, by Robinson Urban Planning Pty Ltd dated 27 April 2021.

Outlined below is a summary of Council’s concerns (shown in *blue*) and the applicant’s response to the matters raised.

The proposal restricts the pedestrian thoroughfare along the laneway on the northern side to between 2m to 2.4m from the adjacent building façade which is insufficient. Similarly, on the western boundary (adjacent to the library) the picket fence is currently too restrictive at approximately 1.1m from the library colonnade/ pylons. With the concern being inadequate circulation space is provided to cater to the high numbers of pedestrians in the area.

Response:

In response to Council’s concern, a revised floor plan has been prepared which reduces the overall size of the outdoor dining area to improve pedestrian circulation space around the venue.

The maximum patron capacity of the venue has also been reduced from 200 patrons to 120 patrons, in response to the reduced lease area size, and Council and community concern.

A clearance width of 2,500mm is provided to the north, 5,500mm to adjacent buildings to the east, and between 2,500mm and 2,000mm to adjacent outdoor dining lease areas and between 2,750mm to the bollard and 3,000mm to the pylon to the west.

These distances are greater than the minimum 2,000mm road way separation required by the Northern Beaches Outdoor Dining and Footpath Merchandise Guide (noting that this entire area is a pedestrianised footway, not accessible by cars).

It is also worth noting the venue has been operating in this location for over a year, and during that time ample space has been afforded to pedestrians around the venue.

The venue also adds to the liveness and character of the lane way, providing street activation and interest by making clever use and utilising an otherwise dead space significantly constrained by the library's fire stairs (consistent with Manly Local Environment Plan 2013 (**MLEP 2013**) cl. 6.11- Street Activation).

Insufficient information is provided to address disabled persons access within and around or passing the proposal.

Response:

The Access Report, prepared by Murrow Consulting, demonstrates that the proposal is capable of complying with the relevant accessibility provisions, with suitable widths and level paths of travel provided into and within the venue. In addition, all furniture and supporting structures are temporary and can be picked and moved when required.

Insufficient information is provided to address 24-hour access clearance for emergency vehicles, work vehicles and maintenance vehicles

Response:

As stated previously, the proposal is for a temporary pop-up outdoor wine bar with all furniture and supporting structures able to be picked and moved when required including the air stream tank bar (which is on wheels). The proposal does not include any fixed features. As such, should an emergency service vehicle be required to gain access to the space, all fittings can easily be moved.

Notwithstanding this, a 5,500mm wide clearance path is provided between the venue and the adjacent buildings to the east and a 2,500mm to 3,000mm path is maintained along the eastern edge of the venue and the adjacent outdoor seating areas. Seeing both of these only comprise temporary outdoor furniture, a service vehicle is able to manoeuvre through the space. In addition to this, multiple alternate emergency service vehicle access points surround the venue, with access able to be granted from Whistler Street, Sydney Road, the Corso and both ends of Market Lane and Market Place (in excess of 5m wide).

Access through the venue is therefore not essential to provide critical care. The proposed temporary outdoor venue would not limit or restrict service vehicles access. In addition, movement through the outdoor wine bar venue is already prohibited by the fixed library fire stairs, bollards, trees and time lock bollards at the end of Market Lane to the west.

If work or maintenance vehicles are required to specifically access the space, the venue operator's phone number is to be displayed as part of the applicant's Plan of Management, with structures able to be moved within 4 hours of notice.

An acoustic assessment be prepared to assess noise from patrons and music. The assessment and report is to be in accordance with the NSW Environment Protection Authority (EPA) Noise Policy for Industry and other relevant guidelines. Recommendations should be incorporated into the proposed Plan of Management.

Response:

An Acoustic Report has been prepared and accompanies this statement. In addition to measures outlined in the PoM (already submitted to Council), the following additional acoustic measures are to be

implemented to ensure that the venue is managed responsibly and does not cause a nuisance to surrounding residents and businesses.

- Capacity be limited to 120 patrons with the mobile airstream bar or solid barrier screen (minimum 4.4m wide, 2.5m deep and 2m high) to be located along the northern side of the venue as shown in Figure 3.1 on the Revised Architectural Plan.
- Noise from the music venue must be limited to the noise spectrum presented for operation during the day and evening time period with a further reduction during the night-time period operation from 10:00pm to 10:30pm on Friday and Saturday.
- It is also recommended that signage is displayed throughout the venue and staff are informed to ask patrons to keep noise levels to a minimum when patrons are leaving the premises.

Numerous kerbside dining leases have been issued for other premises fronting Market Lane, it is unclear how these lease areas are impacted by the DA, which leases will remain active, and what widths of the lane will remain trafficable with existing leases and this DA operating together. Further details showing the dimensions of existing approved footpath leases and the remaining trafficable width of Market Lane including this DA proposal are required.

Response:

There are three (3) outdoor dining leases within the vicinity of the proposal being Jipang, Bare Naked Bowls and Momo Bar.

None of these existing outdoor dining areas are impacted by the proposal, with adequate pedestrian space retained between the them (minimum 2.5m -3m).

It is noted that the majority of premises surrounding the outdoor wine bar largely operate during the day with their outdoor seating areas packed up and furniture put away from mid-afternoon, outside peak operating times for the temporary pop-up wine bar.

In regards to Oakberry Café, in consultation with the operator, it was agreed that the fence located opposite this venue will be removed during the day, so diners can collect their food and move freely into the adjacent communal outside seating area.

A Site Plan has been prepared (see attached) which shows the proposed venue lease boundary and existing outdoor lease areas in the vicinity, demonstrating that there would be no conflict with suitable pedestrian circulation paths provided around the venue.

The proposal to locate a new dedicated bin enclosure at the front of Manly Library is subject to Council's Waste and Engineering requirements and design details to be submitted.

The proposed bin hide (9sqm) will require the removal and/or relocation of existing bike racks. These will need to be relocated to an accessible location for cyclists which does not interfere with pedestrian or vehicular access to other parts of Market Lane. Insufficient information has been provided on where this bicycle parking should be re-sited if the wine bar is to remain.

Response:

Council, in consultation with businesses in the area and the Local Business Chamber, are currently devising a whole of Market Lane waste solution. At the most recent stakeholder meeting, a number of waste solutions for the area were presented to Council to decide on their preferred option. One option is that a car space within the Whistler Street car park would be allocated to waste storage. At the time of preparing this advice, an agreement with Council's Waste Team had not been finalised.

In advance of agreement on the proposed waste solution for the whole of Market Lane, the existing bin area adjacent to the library will adequately service the temporary pop-up wine bar (which has been in operation for over a year). The operator will also continue to have waste managed and collected daily by

a third-party waste collection service. The bike racks will be retained, as the existing bin store solution will continue as such time a suitable solution is agreed between Council's Waste Unit.

This could be resolved and managed through a suitable condition of consent.

Refer to Council's Waste Team statement (attached) for further details.

In order to assess waste management impacts a list of the food premises that will be engaged to provide the food service to the venue and details of how food will be delivered to patrons within the 'Market Lane Live' seating area.

Response:

A number of food premises in the vicinity have agreed to provide food to the temporary outdoor wine venue. A QR Code is to be provided on each table within the venue, which links customers to all participating venues enabling patrons to directly order food with food delivered to the table by the participating food operator. The contactless ordering platform has proved to be successful, whilst also being COVID safe.

The food premises participating are:

- Momo Bar
- Jipang
- Bare Naked Bowls
- Oaksberry
- Insitu
- Donny's
- Cali Kitchen
- The Hold

In accordance with the venue's liquor license requirements, food will always be available during its operation.

The proposed reliance on food premises in the area (rather than food service on site) was seen as a way to support local business following COVID and foster continued community spirit and ongoing involvement and collaboration between local businesses in the area.

The proposal must demonstrate compliance with Council's "Waste minimisation of Functions Policy" and the "Outdoor Dining and Footpath Merchandise Policy. Under these policies all serving products will need to be either reusable or biodegradable materials including plates, cutlery, drink cups, straws, stirrers and napkins.

Response:

All serving products will be either reusable or biodegradable materials including plates, cutlery, cups, straws, stirrers and napkins. Management will keep the venue well presented at all times. Rubbish and empty bottles will not overflow from the supplied bins and Market Lane surface/pavers will be protected from any spills/damage. Grey water waste will be emptied into a grey water container and waste water will not be poured directly into the gutters or tree-bases within the venue area. Balloons are not be permitted and no plastic bottled water will be sold or distributed. Free water serviced in washable glasses will be available at all times. Waste and recycling from the venue will be stored within the dedicated waste area adjacent the Manly Library building. All rubbish is to be managed within the approved hours of operation, minimising amenity impacts.

An Operational Waste Management Plan has been prepared (detailed within the PoM) which addresses this. Suitable conditions of consent can also be adopted in relation to waste management.

No waste from the operating venue is to be placed in or beside any of Council's public bins. Additionally, the ground paved areas are likely to require routine mechanical cleaning and details are to be provided to ensure appropriate machinery for the surface materials.

Response:

There are no public bins in the vicinity of the venue. Given the lack of public bins in the area, the venue operator has taken it upon himself to dispose of public waste routinely left in his commercial bins. This public waste collection service, coming at a significant cost to the operator, will continue to take place until Council provides a whole Market Lane solution to waste.

In regards to surface cleaning within and around the venue, the venue and surrounding area is routinely swept, cleaned and kept clear of debris by venue staff on a daily basis. In addition, a deep clean is undertaken with a high pressure hose every three (3) months.

Community Impact Statement required

Response:

As already discussed with Council, a Community Impact Statement is not required as part of the proposal and its liquor license. However, to address Council and community concerns regarding the proposal's impact on the surrounding area, a Social Impact Statement has been prepared which accompanies this statement.

As a result of community concern regarding the perceived exclusivity of the space, during the day when liquor is not being served, a section of fence is to be slid across on itself on each side of the perimeter to create additional pedestrian access points into the area, which will improve the public's understanding that this communal dining area is open to everyone. The aim of this communal seating is to service all surrounding food premises, providing comfortable and accessible outdoor seating along with games and activities for children.

We trust that Council will consider this response in its assessment of D/2021/2065.

Please do not hesitate to contact the undersigned (0419 249 467) should you require any additional information on the matters raised.

Yours sincerely



Kyeema Doyle
Senior Planner