

STATEMENT OF ENVIRONMENTAL EFFECTS

Units 4-7, 8-28 The Corso, Manly (Lot 3 SP87071)

Development Application for internal alterations, change of use and partial demolition to the existing premises being Units 4-7 at 8-28 The Corso, Manly affecting Lot 3 in SP87071.



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EXECUTIVE SUMMARY

This application seeks consent for the internal alterations, change of use and partial demolition to the existing premises being Units 4 – 7 at 8 – 28 The Corso, Manly affecting Part Lot 3 in SP 87071.

This report has been prepared as a 'Statement of Environmental Effects' to accompany an application to Northern Beaches Council for the internal alterations, change of use and partial demolition to the existing premises.

This is the first activity proceeding an application that has been lodged under PAN 395784. PAN 395784 is the DA in which the fit out works will occur. The subject of this SEE is the initial application to create the units in which the fit-out works will occur.

This statement has assessed the proposed Development Application against the following planning controls: Manly Local Environmental Plan 2013; Manly Development Control Plan 2013; Environmental Planning and Assessment Act 1979; Environmental Planning and Assessment Regulation 2021.

The proposed development is permissible within the E1 Local Centre zoning and does not present any significant adverse impacts on the amenity of the adjoining or adjacent properties.

The land can bear this development without any negative environmental or social impacts, and it is asked of council to assess this application based on its merits.

1. APPLICATION

This application seeks consent for the internal alterations, change of use and partial demolition to the existing premises being Units 4-7 at 8-28 The Corso, Manly affecting Part Lot 3 in SP87071.

1.1 INTRODUCTION

This report has been prepared as a 'Statement of Environmental Effects' for AriiSmitts to accompany an application to Northern Beaches Council for the internal alterations, change of use and partial demolition to the existing premises.

This statement has assessed the Development Application against the following planning controls:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Manly Local Environmental Plan 2013
- Manly Development Control Plan 2013
- Manly Town Centre Urban Design Guidelines 2001



Figure 1: Aerial Image of SP 87071 (Source: Landchecker 2023)

2. SITE ANALYSIS

2.1 PROPERTY DESCRIPTION

8-28 The Corso Manly (Units 4-7) – this application refers to Part Lot 3 in Strata Plan SP87071 Registered 28.11.2012. The building frontage is approximately 47.3m wide and consists of a basement, ground floor for parking at retail and three levels of residential above. The building has access from The Corso and rear access through a laneway from Wentworth Street. The built form on the site currently exhibits a multi storey mixed use building surrounded by other similar use buildings. The area of the building subject of this application is the units currently arranged as 4, 5, 6 & 7 all at ground level with entry from The Corso.

2.2 EXISTING APPLICATIONS

PAN 395784 – this application refers to Part Lot 3 in Strata Plan SP87071 which seeks consent for the fit out of units 4-6 after the works under this application have occurred. The fit-out works are contingent on the approval of this application. It would be prudent to assess these two applications concurrently.

2.3 SITE LOCALITY

The subject site is situated in the Local Government Area of Northern Beaches Council. The site has frontage and pedestrian access from The Corso. Vehicular access via a laneway is achieved from Wentworth Street.

The surrounding locality exhibits pubs, retail/commercial premises, medium density dwellings and multiple public spaces.

2.4 SERVICES

The land is serviced for Electricity, Telecommunications, Gas, Water and Sewer.

Sydney Water services the site for both water and sewer, the water main runs along the road reserve of The Corso, fronting the property. The sewer main runs behind the site and up the rear laneway accessed from Wentworth Street.

Electricity and telecommunications are supplied via underground cables located along the entire frontage of the site along The Corso and through the rear laneway from Wentworth Street.

Jemena pipes run along the road reserve of The Corso, this is where the building sources its gas services from. The asset is a 6NB 50NY 210KPA.

2.5 STORMWATER

The stormwater for the site is captured within Northern Beaches Council's existing road drainage assets. These assets exist within The Corso and the laneway leading to Wentworth Street.

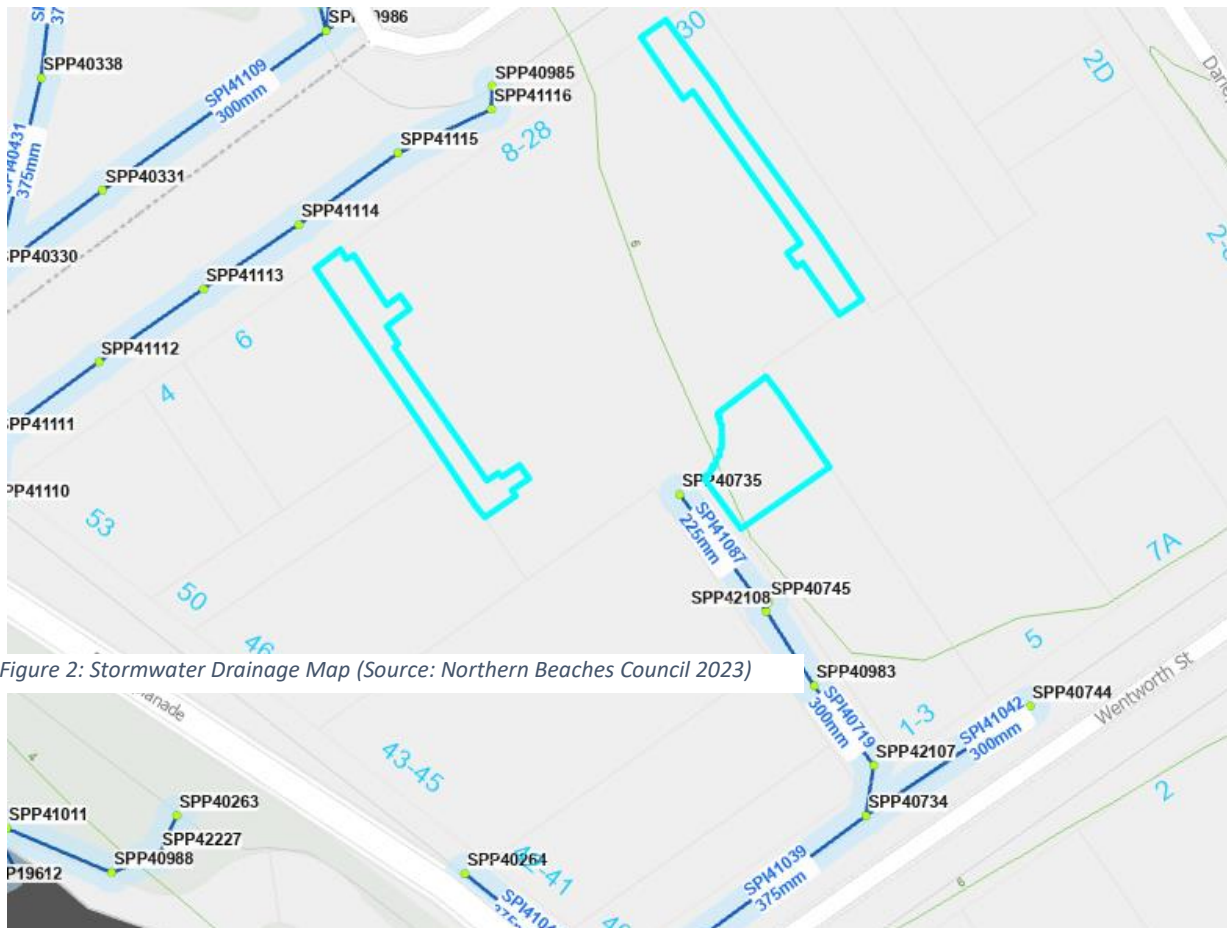


Figure 2: Stormwater Drainage Map (Source: Northern Beaches Council 2023)

Figure 2: Map showing Northern Beaches Drainage Assets (Source: Northern Beaches Mapping 2023)

2.6 ZONING

Lot 3 in SP 87071 is within 8-28 The Corso Manly and is zoned E1 Local Centre under the Manly Local Environmental Plan 2013. Under this zoning a commercial premises is permitted with consent. Under the change of use portion of the development we are proposing an office premises.

2.7 VEHICULAR ACCESS

There is no vehicular access into the site from the Corso, the Corso provides pedestrian access only. Vehicular entry to the building is via a laneway off Wentworth Street, this access is used for the residents and Coles deliveries.

3. PROPOSED DEVELOPMENT

This section should be read in conjunction with the plans and the following listed specialist's reports:

REPORT/PLAN	AUTHOR	DATE
Architectural Plan Set	AriiSmits	November 2023
Heritage Impact Statement	Heritage 21	November 2023
BCA and Access Report	New Crown Consulting	November 2023
Services Plans	VOS	November 2023
Waste Management Plan	MMX Projects	December 2023

This application seeks consent for the internal alterations, change of use and partial demolition to the existing premises being Units 4 – 7 at 8 – 28 The Corso, Manly. The subject units are currently vacant but were previously utilised as a retail premises known as 'Priceline'.

CHANGE OF USE

This application seeks to change the use from retail premises to office premises, with both being a type of commercial premises. A commercial premises is permitted with consent under the E1 Local Centre zoning. The definition of a commercial premises and office premises are provided below:

Commercial premises means any of the following –

- (a) Business premises,
- (b) Office premises,
- (c) Retail premises.

Office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a

minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

It is proposed that the units 4-6 are to be used as an office premises and the newly created unit 7 (decreased in size) will remain as a retail premises. Please refer

DEMOLITION WORKS

The following demolition works are proposed:

- Demolition of dividing block wall between units 4 & 5,
- Demolition of rear wall in unit 4,

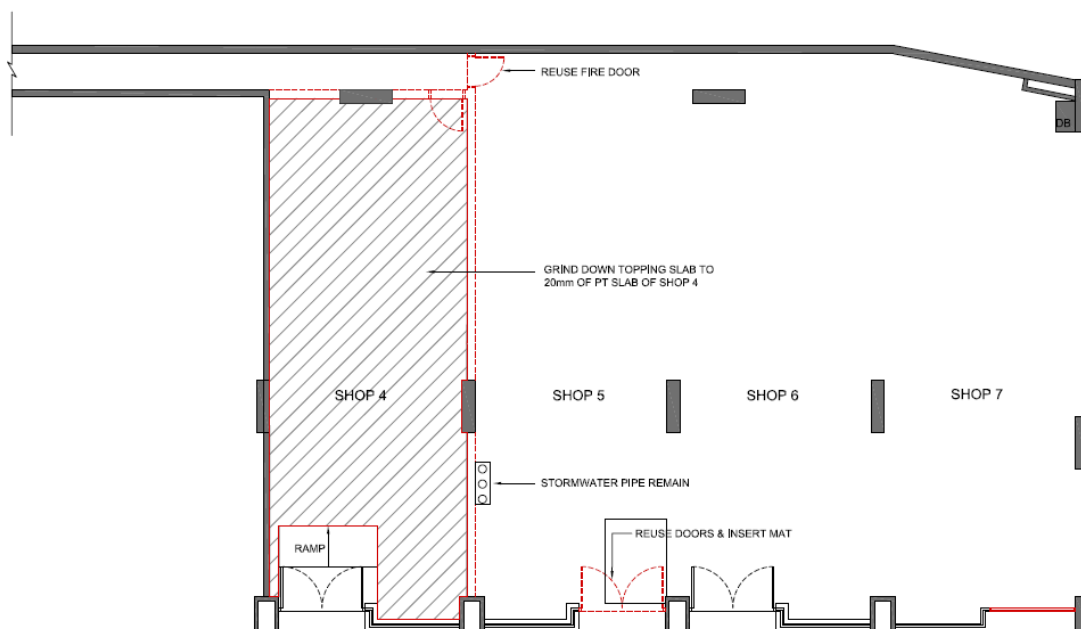


Figure 3: Demolition Plan (Source: AriiSmits 2023)

ALTERATION AND ADDITION WORKS

The following alteration and addition works are proposed:

- Construction of new slab to slab wall between shops 6 & 7 (Dividing and rear wall)
- Construct new walls to re-create unit 7,
- Install new glass sliding entry doors for unit 5,
- Re use existing doors and insert back from unit 5 to the front of unit 7,
- Retain existing entry and doors at unit 6,
- Install emergency lighting, exit signs and smoke detectors throughout tenancies,

- Install new timber floor to the rear of units 4 – 6, including behind new unit 7. The timber floor will be level with shop 4 (with ramp if required, to ensure DDA compliance, at the 1 x nominated entry)
- relocate the current fire exit door, so it is in line with shop 3 / 4 tenancy line. Therefore, the additional area at the rear of shop 4 (approx. 4.4 sqm) will become part of MAPS tenancy/NLA.
- Grind down topping slab to 20mm of PT slab in unit 4,
- Core holes for waste,
- Build up floor to new unit 4 slab level,
- Box in stormwater pipes.

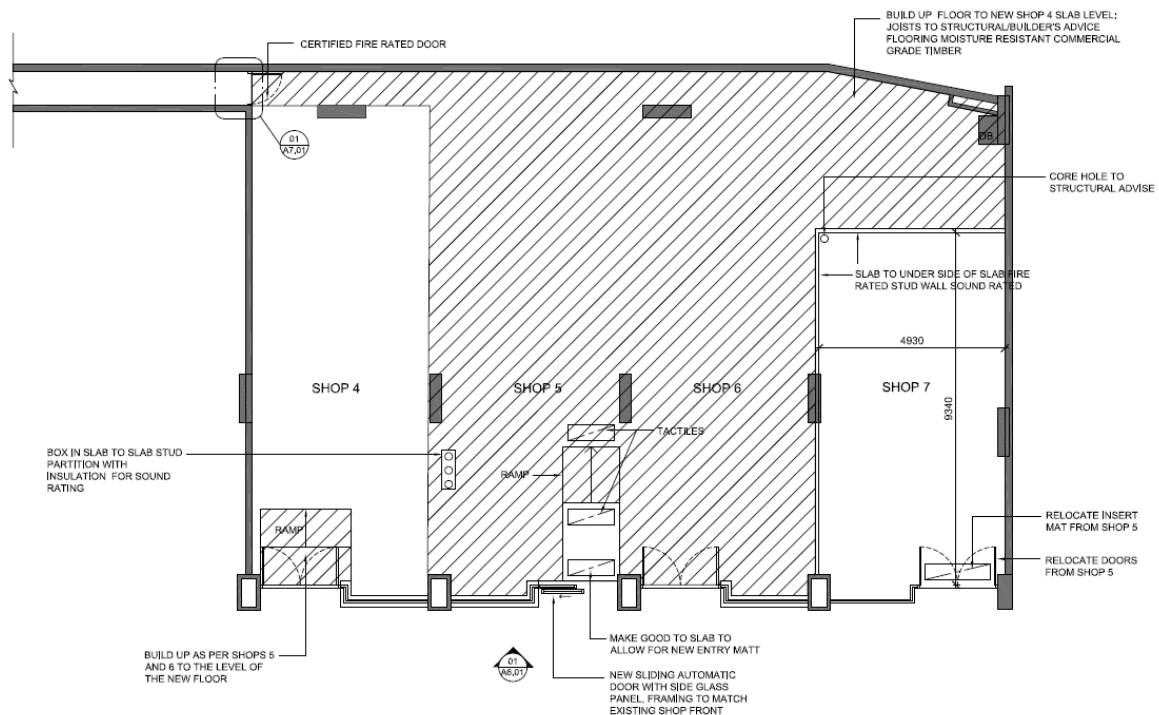


Figure 4: Internal alterations Plan (Source: AriiSmits 2023)

MECHANICAL AND FIRE SERVICES WORKS

The following Mechanical & Fire Services works are proposed:

- Lower the AC unit in the current shop 4 to immediately above the new grid at a ceiling height of 3 metres at its cost.
- Relocate an existing Fan Coil Unit (FCU) not required by the Tenant into the new shop 7 ceiling space and connect to the outside air duct being installed by the incoming tenants.
- Install the sprinklers to suit within the suspended tiled ceiling grid area.
- Remove 2 x condensers located on the common property to be replaced with 2 x 16kw multi head condenser units to be positioned in the same location as the removed condensers. But at no time will the replacement condensers occupy a greater footprint than the removed condenser units. All FCUs will be positioned within the Premises above the suspended ceiling where the ceiling height is no greater than 3 meters.
- Install emergency lighting, exit signs and smoke detectors throughout tenancies.

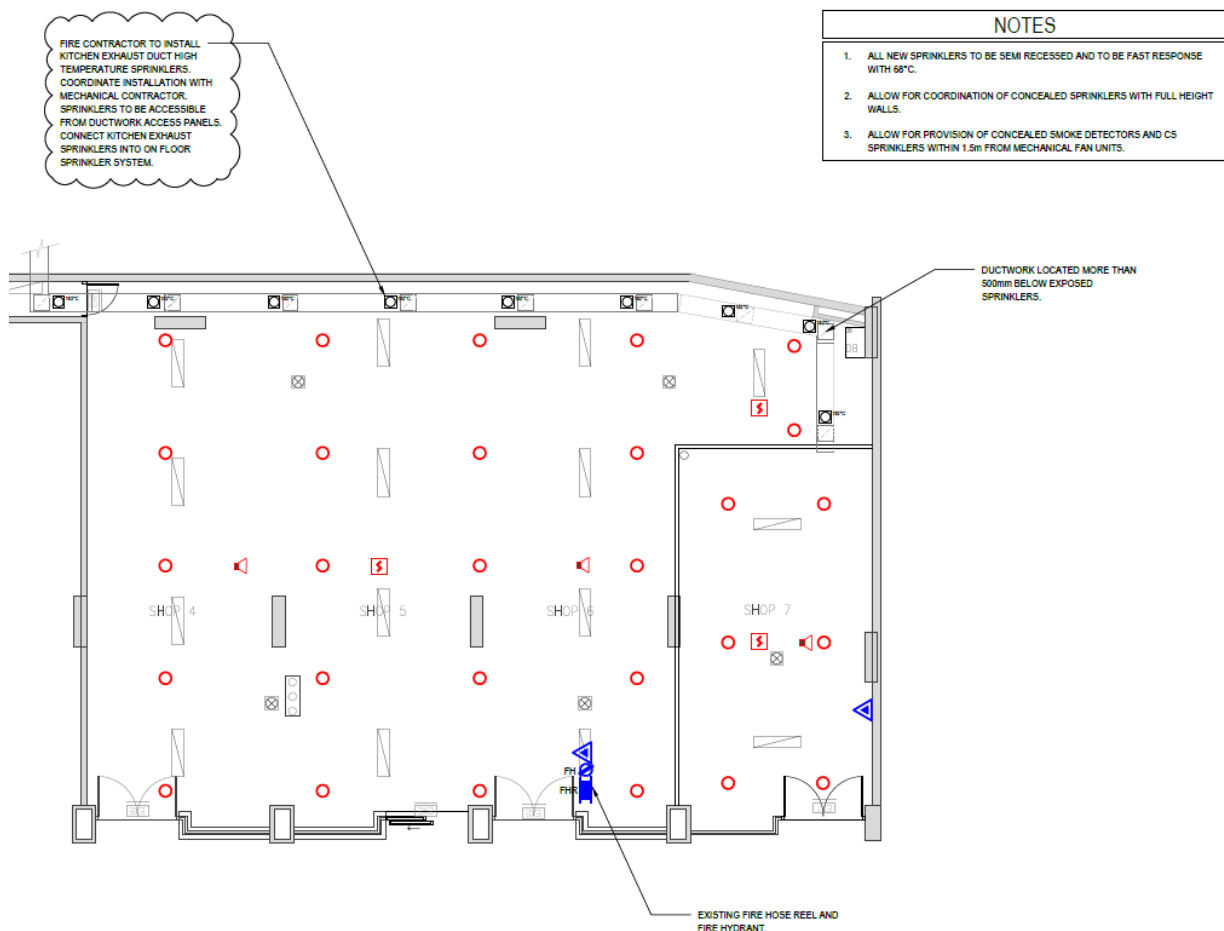


Figure 5: Fire Services Plan (Source: VOS 2023)

4 SPECIALIST REPORTS

4.1 HERITAGE IMPACT ASSESSMENT

A Heritage Impact Assessment has been undertaken by Dawbin Architects and forms part of the assessable material for this development application.

The site is listed as part of an item of environmental heritage under schedule 5 of the Manly Local Environmental Plan 2013 only. The building in which we propose the works is situated within a Heritage Conservation Area (I106) and forms part of the Item (C2) - Town Centre Heritage Conservation Area. The building which we are affecting it not a Heritage Item.

As the works are contained to the inside of the building is it not expected that this application will have any additional impact upon the Heritage Items within the conservation area.

The report provided has concluded that *"The proposed work is consistent with the aims and objectives of the Manly LEP 2013 and the guidelines of The Manly DCP 2013. The work is minor in extent, it is reversible, and has no impact on heritage items in the vicinity, The Corso streetscape or the Manly Town Centre Heritage Conservation Area."*

Please refer to the report provided.

4.2 BCA REPORT

A BCA and Access Report was completed to assess the compliance of the alterations and additions to units 4-7. The report was prepared by New Crown Consulting on the 18 November 2023 and forms part of the assessable material for this development application.

There are no non compliances recorded in the report.

Please refer to the report provided.

5 STATE ENVIRONMENTAL PLANNING POLICIES

5.1 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

This policy applies to the State. The aims of the Policy are to facilitate the effective delivery of transport, infrastructure and development across the State by improving regulatory certainty and efficiency through a consistent planning regime. The proposal has been assessed against the provisions of the SEPP. Developments and Schedule 3 of the SEPP, certain development proposals need to be referred to the Roads and Maritime Services (RMS) for comment.

As the application is minor in nature and has no physical impact on any adjoining state or public infrastructure, it has been considered that the proposal does not need to be referred to the RMS.

5.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 'Remediation of land' of the Hazards and Resilience SEPP introduces State wide planning controls for the remediation of contaminated land. This remediation is to reduce the risk of harm to health or any other aspect of the environment. The object of Chapter 4 'Remediation of land' is as follows:

- (1) *The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.*
- (2) *In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:*
 - (a) *by specifying when consent is required, and when it is not required, for a remediation work, and*
 - (b) *by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
 - (c) *by requiring that a remediation work meet certain standards and notification requirements*

Comment: The proposed development does not intend to disturb any soils therefore, the impact to any existing or future contamination is limited. Based on the use and history of the site it is unlikely that contamination is present.

6 STATUTORY PLANNING CONTROLS

This land is affected by:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Manly Local Environmental Plan 2013
- Manly Development Control Plan 2013

6.1 MANLY LOCAL ENVIRONMENTAL PLAN 2013

Clause	Development Standards	Compliance	Comment
2.7	Demolition requires development consent		
	The demolition of a building or work may be carried out only with development consent.	Yes	Development consent is sought as part of this application.
4.3	Height of buildings		
4.3.2	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	N/A	This application does not propose to alter the existing height of the building.
4.4	Floor space ratio		
4.4.2	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	N/A	This application does not propose to alter the existing FSR of the building.
5.10	Heritage conservation		
5.10.2	<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> <p>(i) A heritage item,</p> <p>(ii) An Aboriginal object,</p> <p>(iii) A building, work, relic or tree within a heritage conservation area,</p> <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</p>	Yes	<p>The site is identified as a local heritage item known as item I106 "Group of commercial buildings".</p> <p>The site is also located within a heritage conservation area known as the Town Centre Conservation Area.</p> <p>A heritage report assessing the proposed development against the sites heritage significance has been prepared and is included as part of this application.</p>

	<p>relation to that item,</p> <p>(c) Disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) Disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) Erecting a building on land</p> <p>(i) On which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) On which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) Subdividing land</p> <p>(i) On which a heritage item is located or that is within a heritage conservation area, or</p> <p>On which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>		
6.1	Acid Sulfate soils		
6.1.2	<p>Development consent is required for the carrying out of works described in the tables to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p>Class of Land = 4</p> <p>Works = Works more than 2m below the natural ground surface. Works by which the watertable is likely to be lowered more than 2m below the natural ground surface.</p>	Yes	No works are proposed more than 2m below the natural ground surface.
6.3	Stormwater management		
6.3.2	This clause applies to all land in residential, business and industrial zones.	Yes	The site is located in the R2 Low Density Residential zone.
6.3.3	Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the	N/A.	Works are internal.

	<p>development</p> <p>(a) Is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) Includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) Avoids a significant adverse impact of stormwater runoff on adjoining properties, native bushland and receiving waters, or if an impact cannot be reasonably avoided, minimises and mitigates the impact.</p>		
6.9	Foreshore scenic protection area		
6.9.2	This clause applies to land that is shown as "Foreshore Scenic Protection Area" on the Foreshore Scenic Protection Area Map.	Yes	The site is identified as Foreshore Scenic Protection Area.
6.9.3	<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> <p>Measures to reduce the potential for conflict between land based and water based coastal activities.</p>	Noted.	Noted.
6.11	Active street frontages		
6.11.2	This clause applies to land identified as "Active street frontages" on the Active Street Frontages Map.	Yes	The site is identified as an active street frontage.
6.11.3	Development consent must not be	Noted.	This application proposes a

	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.		change of use to units 4 – 6 within the existing building. Consent for the proposed change of use is sought as part of this application. The new unit 7 will remain as a Retail Premises.
6.11.4	Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following (a) Entrances and lobbies (including as part of mixed use development), (b) Access for fire services, Vehicular access.	N/A	The part of the building subject to this application is not proposed to be utilised for any of the mentioned uses.
6.11.5	In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.	Yes	Units 4 – 6 are located on the ground floor, face a street and are proposed to be utilised as a business premises.

6.2 MANLY DEVELOPMENT CONTROL PLAN 2013

Clause	Development Standards	Compliance	Comment
3.2	Heritage Considerations		
3.2.1	Consideration of Heritage Significance		
3.2.1.1	<u>Development in the vicinity of heritage items, or conservation areas</u>		
3.2.1.1.a	In addition to LEP listings of Environmental Heritage (LEP Schedule 5), this DCP requires consideration of the effect on heritage significance for any other development in the vicinity of a heritage item or conservation area.	Noted.	The proposed development is within a heritage item and conservation area. A Heritage Report has been prepared and accompanies this application.
3.2.1.1.b	Proposed development in the vicinity of a heritage item or conservation area must ensure that: i) It does not detract or significantly alter the heritage significance of any	Yes	The proposed internal alterations does not detract or alter the heritage significance of the building or the character of the locality.

	<p>heritage items, conservation area or place;</p> <p>ii) The heritage values or character of the locality are retained or enhanced; and</p> <p>iii) Any contemporary response may not necessarily seek to replicate heritage details or character of heritage buildings in the vicinity but must preserve heritage significance and integrity with complementary and respectful building form, proportions, scale, style, materials, colours and finishes and building/street alignments.</p>		
3.2.1.1.c	<p>The impact on the setting of a heritage item or conservation area is to be minimised by:</p> <p>i) Providing an adequate area around the building to allow interpretation of the heritage item;</p> <p>ii) Retaining original or significant landscaping (including plantings with direct links or association with the heritage item);</p> <p>iii) Protecting (where possible) and allowing the interpretation of any archaeological features; and</p> <p>iv) Retaining and respecting significant views to and from the heritage item.</p>	Noted.	The external setting of the heritage item and conservation area are to be retained as there are no works proposed to the façade of the building that are not of a replacement nature. Most works are proposed to occur internally.
3.2.2	Alterations or Additions to Heritage Items or Conservation Areas		
3.2.2.1	<u>Complementary Form and Scale that Distinguishes Heritage Significance</u>		
3.2.2.1.a	<p>Alterations or additions to heritage items or buildings within a conservation area will not necessarily seek to replicate, overwhelm, dominate or challenge heritage details or character of the building or structure of heritage significant buildings. However, a contemporary response which complements and respects the form and scale of the original buildings may be considered if the heritage significance is retained.</p>	Noted.	

3.2.2.2	Retaining Significant Features and Landscape Setting		
	<p>Alterations or additions to heritage items or buildings within a conservation area must:</p> <ul style="list-style-type: none"> a) Retain original and traditional roof form, roof pitch with any alterations to the roofs to be sympathetic to the style of the heritage item or building within a conservation area; b) Retain original architectural detailing such as a barge board, finial trim, window awnings and front verandahs. New detailing must be complementary to the character of the item or place; c) Retain original wall treatments and original cladding (including slate). Modifications to face brick dwellings must use the original style of bricks, window heads, mortar joints and other building details; d) Not render or paint original face brickwork. In particular face brickwork where already so treated should be restored, where practical, to its original un-painted state; e) Where surfaces are not originally face brickwork: <ul style="list-style-type: none"> i) Any appropriate use of cement render is complementary to and consistent with the heritage architectural style and colour schemes and repainting must be articulated in the same manner as the original colour rendering of the building; ii) External colour schemes are to be in keeping with the original character of the heritage building based where possible on physical or documentary evidence in keeping with the architectural style and period of the building; iii) Contemporary colours are not discouraged, but should be 	Noted.	<ul style="list-style-type: none"> a) The original roof is proposed to be retained. No works are proposed to the roof. b) The buildings original architectural detailing's are proposed to be retained. c) The buildings original wall treatments are proposed to be retained. d) The façade of the building is proposed to be retained. Limited work is proposed to the façade. e) The façade of the building is proposed to be retained. Limited work is proposed to the façade. f) g) The original heritage fabric elements are proposed to be retained.

	<p>combined in a complementary way; and</p> <p>iv) Single colour solutions are not permitted;</p> <p>f) Avoid removal of original fabric in order to retain the integrity of the heritage item or conservation area;</p> <p>g) Ensure that any new windows are to be inserted into the existing fabric of a heritage building and be of a size, proportion and type of window that is compatible with the building's architectural style/period as shown in Figure 7; and</p> <p>h) Retain and maintain contributory landscape settings for heritage items and ensure new landscaping is sympathetic to the heritage significance of the item or place.</p>		<p>h) No new windows are proposed as part of this application.</p> <p>i) Only minor external works are proposed, the existing landscape will be retained.</p>
4.2	Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres)		
4.2.1	FSR (Consideration of Exceptions including Arcades)	N/A	This application does not propose to alter the buildings FSR.
4.2.2	Height of Buildings (Consideration of exceptions to Building Height in LEP Business Zones B1 and B2)	N/A	This application does not propose to alter the height of the building.
4.2.3	Setback Controls in LEP Zones B1 and B2	N/A	This application does not propose to alter the setbacks of the building.
4.2.4	Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor	N/A	This application does not propose to alter the existing car parking, vehicular access and loading area for the building.
4.2.5	Manly Town Centre and Surrounds		
4.2.5.2	Height of Buildings: Consideration of Townscape Principles in determining exceptions to height in LEP Zone B2 in Manly Town Centre	N/A	This application does not propose to alter the height of the building.
4.2.5.4	Car Parking and Access	N/A	This application does not propose to alter the buildings car parking and access.
5.1	Manly Town Centre Heritage Conservation Area and The Corso		
5.1.2	The Corso		

5.1.2.1	Most existing buildings are significant and are to be conserved, not redeveloped		
5.1.2.1.a	The only exceptions are in respect to buildings identified in Schedule 6 – The Corso: Site Specific Controls as may be able to accommodate redevelopment.	Yes	The site is identified in Schedule 6.
5.1.2.1.b	Existing street facades, including all original detailing, are particularly important and are to be maintained. This includes original framing details and materials to windows, doors and other openings. Original details missing or removed should be reinstated and unsympathetic additions removed.	Noted.	The existing façade of the building is to be retained. No major works are proposed to the façade, most of the works are to occur internally.
5.1.2.2	Internal changes are important		
5.1.2.2.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.	Noted.	A Heritage Report has been prepared and accompanies this application. It was concluded that there is no significant internal fabric.
5.1.2.2.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.	Noted.	The proposed internal alterations is adjacent to the existing windows and doors.
5.1.2.12	Street Level Uses to Encourage Activity		
5.1.2.12.a	Shopfronts are to maximise their contribution to the liveliness and safety of the street, both day and night.	Noted.	Noted.
5.1.2.12.b	At night, all shop fronts within The Corso Conservation Area must be transparent and illuminated. Window displays are actively encouraged. Opaque security grills and the like are not acceptable. Roller shutters will not be permitted but security screens are	Noted.	The shopfronts are proposed to be transparent.

	permitted behind the window display.		
5.4	Environmentally Sensitive Lands		
5.4.1	Foreshore Scenic Protection Area		
	LEP clause 6.9 designates land in the Foreshore Protection Area shown on the LEP Foreshore Protection Area Map to protect visual aesthetic amenity and views both to and from Sydney Harbour, the Pacific Ocean and the Manly foreshore. Development in the Foreshore Scenic Protection Area must not detrimentally effect the 'visual or aesthetic amenity' of land in the foreshore scenic area nor must the development similarly effect the views of that land, including ridgelines, tree lines and other natural features viewed from the Harbour or Ocean from any road, park or land in the LEP for any open space purpose or any other public place. Any adverse impacts considered in this paragraph will be mitigated. In accordance with these LEP objectives Council seeks to conserve and preserve tree canopies and street trees, wildlife corridors and habitat and minimise cumulative impacts on escarpment, rock shelves and other natural landscape features.	Noted.	The site is identified as Foreshore Scenic Protection Area. The proposed development will not affect the visual and aesthetic amenity of the land, or the existing views.
5.4.1.1	Additional matters for consideration		
	LEP clause 6.9(3)(a) to (d) lists certain matters to be taken into account in relation to all development within the Foreshore Scenic Protection Area.	Noted.	This application is compliant with clause 6.9(3)(a) – (d).
5.4.1.1.a	Further to matters prescribed in the LEP, the development in the Foreshore Scenic Protection Area must also: i) Minimise the contrast between the built environment and the natural environment; ii) Maintain the visual dominance of the natural environment; iii) Maximise the retention of existing vegetation including tree canopies, street trees, wildlife corridors and	Noted.	The works are proposed to occur internally. The mentioned matters are not proposed to be impacted upon.

	habitat; iv) Not cause any change, visually, structurally or otherwise, to the existing natural rocky harbour foreshore areas; v) Locate rooflines below the tree canopy; vi) Consider any effect of the proposal when viewed from the harbour/ocean to ridgelines, tree lines and other natural features; and vii) Use building materials of a non-reflective quality and be of colours and textures that blend with the prevailing natural environment in the locality.		
5.4.1.1.b	Setbacks in the Foreshore Scenic Protection Area should be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshores in Manly.	Noted.	This application does not propose to alter the building's setbacks.

7 OTHER LEGISLATION

The development also requires consideration be given to a number of other Acts and sections of legislation that are relevant to the assessment of the proposal.

7.1 PLANNING FOR BUSHFIRE PROTECTION 2019

Councils must consider any DA in the light of the Planning for Bushfire Protection 2019 within designated bush fire prone areas. Factors that will be considered by the NSW Rural Fire Service when providing advice to councils on developments in bush fire prone areas will include:

- Access to and from each property for evacuation and firefighting.
- The provision of an adequate water supply for firefighting.
- Building setbacks, including the provision of —Asset Protection Zones.
- Construction standards.

The Commissioner of the NSW Rural Fire Service may determine, under Section 1 00B of the Rural Fires Act 1997, additional measures that are considered necessary to protect the development against the impact of bushfires.

Comment: The property is not classified as bushfire prone and therefore this legislation does not apply.

7.2 BIODIVERSITY CONSERVATION ACT 2016 NO 63

The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6(2) of the Protection of the Environment Administration Act 1991) and in particular—

- (a) to conserve biodiversity at bioregional and State scales, and
- (b) to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and
- (c) to improve, share and use knowledge, including local and traditional Aboriginal ecological knowledge, about biodiversity conservation, and
- (d) to support biodiversity conservation in the context of a changing climate, and
- (e) to support collating and sharing data, and monitoring and reporting on the status of biodiversity and the effectiveness of conservation actions, and
- (f) to assess the extinction risk of species and ecological communities, and identify key threatening processes, through an independent and rigorous scientific process, and
- (g) to regulate human interactions with wildlife by applying a risk-based approach, and
- (h) to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature, and
- (i) to support and guide prioritised and strategic investment in biodiversity conservation, and
- (j) to encourage and enable landholders to enter into voluntary agreements over land for the conservation of biodiversity, and
- (k) to establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity, and
- (l) to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity values, and

- (m) to establish market-based conservation mechanisms through which the biodiversity impacts of development and land use change can be offset at landscape and site scales, and
- (n) to support public consultation and participation in biodiversity conservation and decision-making about biodiversity conservation, and
- (o) to make expert advice and knowledge available to assist the Minister in the administration of this Act.

Comment: The site does not contain any endangered or threatened flora or fauna nor is it mapped for any ecological constraint and is therefore not affected by this legislation.

7.3 NATIONAL PARKS AND WILDLIFE ACT 1974 (NPWS ACT)

The National Parks and Wildlife Service Act 1974 (NPWS Act) focuses on the legal protection and management of sites within New South Wales that are of Aboriginal significance. The NPWS Act makes it an offence to willingly and knowingly destroy, damage or deface any Aboriginal relic without a permit. The NPWS Act also incorporates provisions for the protection and conservation of items or places with high cultural significance.

A relic is defined as:

Any deposit, object or material evidence (not being a handicraft made for sale) relating to indigenous and non-European habitation of the area that comprises New South Wales being habitation both prior to and concurrent with the occupation of that area by persons of European extraction.

Comment: The Office of Environment and Heritage website indicates no aboriginal heritage items exist within 200 metres of the site. Based upon this data base, it is considered that the existence of a relic or site is unlikely to occur on the part of the land which is the subject of the development application.

7.4 PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997 (POEO ACT)

Section 120 of the Protection of the Environment Operations Act 1997 (POEO Act) states that a person who pollutes any waters is guilty of an offence. Licenses for the regulation of water pollution are governed under S43 (d) of the POEO Act.

Comment: There are no works proposed that will affect any waters.

7.5 WATER MANAGEMENT ACT 2000

The object of the Water Management Act 2000 is the sustainable and integrated management of the state's water for the benefit of both present and future generations.

After an extensive period of public consultation, the Water Management Act 2000 was passed by the NSW Parliament in December 2000, establishing a complete new statutory framework for managing water in NSW. For the first time, NSW had comprehensive water legislation to guide our water management activities.

The Water Management Act 2000 is based on the concept of ecologically sustainable development – development today that will not threaten the ability of future generations to meet their needs. The Act recognises that:

- a) the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- b) the management of water must be integrated with other natural resources such as vegetation, soils and land
- c) to be properly effective, water management must be a shared responsibility between the government and the community
- d) water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- e) social and economic benefits to the state will result from the sustainable and efficient use of water.

Comment: The development is not within 40m of a present waterway.

8 ENVIRONMENTAL ASSESSMENT - SECTION 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
 - (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

Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

- (iii) any development control plan, and
- (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
- (v) (Repealed)

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

8.1 ENVIRONMENTAL AND OTHER PLANNING INSTRUMENTS

This development proposal is subject to the assessment of compliance from the various planning instruments in which apply to this land. The applicable planning instruments that apply are as follows:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Manly Local Environmental Plan 2013
- Manly Development Control Plan 2013

The development has been evaluated against these planning instruments and concludes that there is no non-compliances or severe activities that extend against the nature of these planning documents.

PRECINCT PLAN AIMS – MANLY LEP 2013

The particular aims of this Plan are as follows:

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(a) In relation to all land in Manly –

- (i) *To promote a high standard of urban design that responds to the existing or desired future character of areas, and*
- (ii) *To foster economic, environmental and social welfare so that Manly continues to develop as an accessible, sustainable, prosperous, and safe place to live, work or visit, and*
- (iii) *To ensure full and efficient use of existing social and physical infrastructure and the future provision of services and facilities to meet any increase in demand, and*
- (iv) *To ensure all development appropriately responds to environmental constraints and does not adversely affect the character, amenity or heritage of Manly or its existing permanent residential population,*
- (b) *In relation to residential development –*
 - (i) *To provide and maintain a diverse range of housing opportunities and choices that encourages affordable housing to cater for an ageing population, changing demographics and all socio-economic groups, and*
 - (ii) *To ensure high quality landscaped areas in the residential environment, and*
 - (iii) *To encourage higher density residential development to be located close to major transport nodes, services and employment opportunities, and*
 - (iv) *To maintain active retail, business and other non-residential uses at street level while allowing for shop top housing in centres and offices at upper floors in local centres,*
- (c) *In relation to business and the economy –*
 - (i) *To encourage, provide and consolidate business opportunities for a range of uses in appropriate locations that support local employment, community services and economic growth in business centres, and*
 - (ii) *To recognise that tourism is a major industry and employer in Manly and to encourage its growth and continuing viability while protecting the needs of the local community,*
- (d) *In relation to transport, infrastructure and amenities –*
 - (i) *To reduce private car dependency, increase the viability of various public transport modes, minimise conflict between pedestrians and vehicular movement systems and encourage walking and cycling while concentrating intensive land uses and trip generating activities in locations most accessible to public transport and centres, and*
 - (ii) *To provide for a range of recreational and community service opportunities to meet the needs of residents and visitors to Manly and promote the efficient and equitable provisions of public services, infrastructure and amenities,*
- (e) *In relation to heritage – to identify, protect, sustain, manage and conserve all heritage, including archaeological relics, sites and resources, places of Aboriginal heritage significance, heritage items (and their curtilages), heritage conservation areas and the cultural (natural and built) environmental heritage of Manly,*
- (f) *In relation to the natural environment –*

- (i) *To conserve and enhance terrestrial, aquatic and riparian habitats, biodiversity, wildlife habitat corridors, remnant indigenous vegetation, geodiversity and natural watercourses, and*
- (ii) *To promote energy conservation, water cycle management (incorporating water conservation, water reuse, catchment management, stormwater pollution control and flood risk management) and water sensitive urban design, and*
- (iii) *To protect, enhance and manage environmentally sensitive land with special aesthetic, ecological, scientific, cultural or conservation values for the benefit of present and future generations, and*
- (iv) *To protect existing landforms and natural drainage systems and minimise the risk to the community in areas subject to environmental hazards, particularly flooding, bush fires, acid sulfate soils, sea level rise, tsunami and landslip, and*
- (v) *To provide a framework that facilitates and encourages measures to assist the adaptation of the local environment to mitigate the impacts of climate change, and*
- (vi) *To give priority to retaining bushland for its own intrinsic value and as a recreational, educational and scientific resource,*
- (g) *In relation to Manly's unique harbour, coastal lagoon and ocean beach setting –*
 - (i) *to preserve and enhance the amenity of public places and areas visible from navigable water around Manly, and*
 - (ii) *to retain open space, make more foreshore land available for public access and protect, restore and enhance riparian land along watercourses and foreshore bushland.*

Comment: The application has been assessed against the relevant objectives of the relevant zoning. This assessment has concluded that the application does not contravene any of the objectives and therefore is aligned with the principles of the Manly Local Environmental Plan 2013.

ZONE OBJECTIVES – E1 OBJECTIVES OF THE ZONE

- *To provide for a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

- *To 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.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.*

Comment: The proposal has been assessed against the objectives of the relevant zoning and it is concluded that the application does not contravene any of the objective

8.2 ENVIRONMENTAL IMPACTS

The proposed works will not cause any adverse environmental impacts as the proposed physical works are minor in nature nor is the intended use for the site polluting.

8.3 SOCIAL IMPACTS

The proposal is compliant with all the requirements of the MDCP 2013 & MLEP 2013 and will not cause any adverse impacts on the social community.

8.4 ECONOMIC IMPACTS

It is considered that the proposal will have no impact relating to the economic impacts on the locality, subject to appropriate conditions being imposed.

8.5 SITE SUITABILITY

The site is suitable for this development, Council has the power to ensure site suitability is upheld by the imposition of conditions.

8.6 SUBMISSIONS

It is understood that this application will undergo a period of public exhibition via the means of local newspaper advertisement, council website exhibition and letters sent to the neighbours within the proximity. Any submission made will be considered under

the application assessment and will be dealt with accordingly to council's policy and procedures.

8.7 THE PUBLIC INTEREST

'The Public Interest' is defined by the NSW Ombudsman as *"The concept of the 'public interest' has been described as referring to considerations affecting the good order and functioning of the community and government affairs, for the well-being of citizens"*.

It is distinguishable from a private interest because it extends above and beyond the interests of an individual or collective of individuals, to the interests of the whole community.

The application does not seek to contravene or not comply with any requirements under 4.15 of the Environmental Planning and Assessment Act 1979. It is therefore not against the interests of the public.

9 CONCLUSION

This 'Statement of Environmental Effects' has been prepared to assist council with its assessment of the internal alterations, demolition and change of use to the existing premises being units 4 – 7 at 8 – 28 The Corso, Manly.

The development proposal is consistent with the aims, objectives, controls and standards contained in the following planning instruments.

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Manly Development Control Plan 2013
- Manly Local Environmental Plan 2013

As demonstrated in this statement, the application is for the internal alterations, demolition and change of use to the existing premises being units 4 – 7 affecting ParLot 3 in SP 87071.

- The application is within the permissible uses for the E1 Local Centre zoning.
- It does not present any significant adverse impacts on the amenity of the adjoining or adjacent properties.

The land can bear this development without any negative environmental or social impacts, it is asked of council to assess this proposed development based on its merits.