

Statement of Environmental Effects

Bookstore and licensed small bar

Ground Floor Shop 11 The Corso Manly NSW 2095

CONTENTS

1. Introduction
2. Site Analysis and Surrounding Area
3. The Proposed Development
4. Assessment - section 4.15 Environmental Planning and Assessment Act
 - 4.1 Section 4.15(1) (a) (i) - environmental planning instruments
 - 4.2 Section 4.15(1) (a) (ii) - any proposed instrument
 - 4.3 Section 4.15(1) (a) (iii) - development control plan
 - 4.4 Section 4.15(1) (a) (iiia) - planning agreement entered into under section 7.4
 - 4.5 Section 4.15(1) (a) (iv) - the regulations
 - 4.6 Section 4.15(1) (b) - impact of the development
 - 4.7 Section 4.15(1) (c) - suitability of the site
 - 4.8 Section 4.15(1) (d) - submissions
 - 4.9 Section 4.15(1) (e) - the public interest
5. Conclusion

1. Introduction

This Statement of Environmental Effects is to accompany the Development Application for the premises located at Ground Floor 11 The Corso Manly NSW 2095. The Development Application submitted to Northern Beaches Council seeks consent for use and fit out of the Premises as a bookstore and licensed small bar.

The development proposal is permissible in the B2 Local Centre Zone under the Manly Local Environmental Plan 2013 with development consent. Both uses are considered retail premises being a type of commercial premises and permitted with development consent.

This Statement of Environmental Effects has been prepared in accordance with section 4.12 of the *Environmental Planning and Assessment Act 1979 (NSW)* and clause 50 of the *Environmental Planning and Assessment Regulation 2000 (NSW)*. This statement reviews key matters of consideration for Northern Beaches Council as a consent authority in respect to the Development Application pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979 (NSW)*.

2. Site Analysis and Surrounding Area

The subject site is located in the suburb of Manly which is within the recently amalgamated Northern Beaches Local Government Area. The site is within the Manly Town Centre and forms part of the ground floor of the building known as 11 The Corso Manly. The Corso at Manly is a pedestrian thoroughfare that runs generally east west between Manly Beach and Manly Cove, from the corner of Belgrave Street, East and West Esplanade to Steyne Street parallel to Manly beach. The buildings on The Corso are identified as heritage items of local significance pursuant to Schedule 5 of the Manly Local Environmental Plan 2013 (Manly LEP), item I106.

The site is identified below.



Site and surrounding locality



Site from The Corso



Site from The Corso - viewing east



Site from The Corso - viewing west

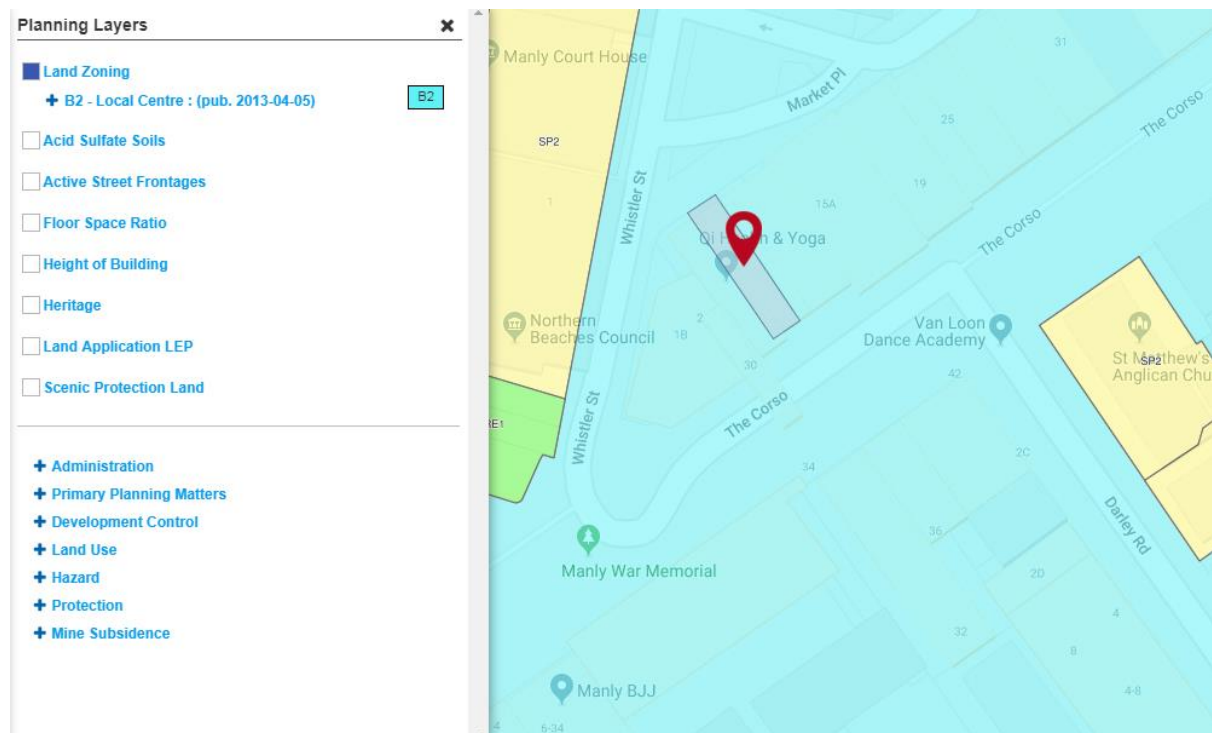


Site view south



Site view north

The legal description of the site is Lot 1 in Deposited 216273 being known as 11 The Corso Manly NSW 2095 and it is located within Zone B2 Local Centre pursuant to the Manly Local Environmental Plan 2013.



The site is rectangular in shape with a total area of 217 square metres. Frontage to The Corso is 7.24 metres and rear frontage to Market Lane is 6.615 metres. The site comprises a two storey mixed use building currently occupied as follows:

- a) Ground floor The Corso - commercial premises
- b) First floor The Corso - commercial premises (leased)
- c) Ground floor rear - commercial premises (leased)
- d) First floor rear - residential premises (leased)
- e) Second floor rear - residential premises (leased)

This application is in respect to the ground floor premises fronting The Corso. The premises is currently being utilised as a pop up retail clothing store. Prior to this the premises was occupied as a retail vitamin store for approximately 8 years. The site is level and has access from both The Corso and Market Lane.

The site is located at the south western end of The Corso on the northern side. The Corso comprises a combination of mixed use and commercial developments that largely consist of two to three storeys. The adjoining ground floor premises to the south is known as 7-9 The Corso Manly and consists of an arcade containing a café premises and retail clothing premises fronting The Corso and a restaurant at the rear adjoining the corner of Whistler Street and Market Lane. The adjoining ground floor premises to the north is currently used as a takeaway food premises.

Opposite the site on The Corso is Westpac Bank.

Ground floor uses on The Corso primarily consist of retail sale of clothing and goods, banking, food and drink premises and larger licensed premises that are generally found in busy town centre and tourist/visitor locations with significant pedestrian activity.

3. Proposed Development

The proposed development seeks consent for:

- (a) Change of use to a bookstore and licensed small bar with a GFA of approximately 108 square metres within the ground floor premises fronting The Corso.
- (b) Internal fit out works to the tenancy include:
 - Removal of lightweight existing internal partition
 - Construction of drinks service area including bar, associated fridges, storage and basin
 - Construction of store room and cool room
 - Construction of wall with double door
 - Installation of sanitary facilities
 - Installation of shelving
- (c) Signage - no external signage
- (d) External materials/finishes - no changes are proposed to the existing shopfront to The Corso or façade other than restoration of paint on wood panelling to be consistent with entrance to the first floor commercial premises in the building.

The proposed works are shown on the Architectural Plans accompanying the Development Application

Operational Hours and Staff

The proposed hours of operation are as follows:

| | Bookstore | Bar |
|----------------------------|------------------|------------|
| Monday | 9am - 5pm | Nil |
| Tuesday - Saturday | 9am - 10pm | 5pm - 12am |
| Sunday and Public Holidays | 9am - 10pm | 5pm - 10pm |

Bookstore - normal staffing requirements as is necessary for a retail book store

Bar at full capacity 5 staff including 1 operational manager and 4 bar/floor staff

Licensing

The proposal seeks to gain approval to operate as a licensed small bar with a capacity of 32 patrons seated and 20 standing during trading hours 5.00pm to 12am Tuesday through Saturday and 5pm to 10pm on Sundays and public holidays.

Music

Background music will be played in the form a playlist and maintained at appropriate levels in order that all patrons will be permitted to talk and listen without difficulty or impairment due to the volume.

Deliveries and Servicing

Deliveries of trade stock to the premises will be primarily during the morning via the loading zone from Market Lane as the site has access to Market Lane from the rear of the building.

Waste will be collected regularly through a private contractor from Market Lane at the rear of the building as waste is stored at the rear of the premises. Staff will be responsible for manually taking waste bins to the kerb at the rear of the premises in Market Lane from the storage area located at the rear of the premises.

Supporting documents

The following documents accompany this application:

- a) Architectural plan - Design Studio 407
- b) Acoustical Report - Koikas Acoustics
- c) Heritage Impact Statement
- d) Waste management plan
- e) Plan of Management

4. Assessment under section 4.15(1) of Environmental Planning and Assessment Act

4.1 section 4.15(1) (a) (i) - any environmental planning instrument

Manly Local Environment Plan 2013

Clause 4.3 - Height of Buildings

Not applicable as the height of the building will remain unchanged

Clause 4.4 - Floor Space Ratio

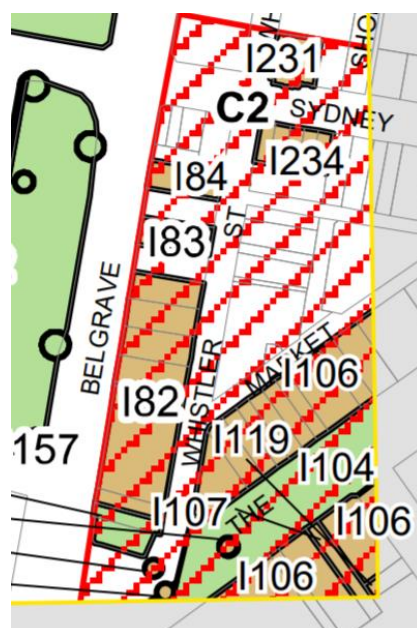
Not applicable as the floor space ratio of the building will remain unchanged

Clause 5.10 - Heritage Conservation

The premises form part of the building 11 The Corso Manly. Pursuant to Part 1 of Schedule 5 of the Manly LEP 2013 the building is a heritage item under Item I106, being a group of commercial buildings - All Numbers, The Corso.

Pursuant to part 2 of Schedule 5 of the Manly LEP 2013 the premises is also located within Town Centre Conservation Area marked 'C2'.

The premises are located within close proximity to various other heritage items as shown in the figure below.



Accompanying the application is a heritage impact statement in respect of the proposed works. The proposed works will not cause any adverse impact on the heritage nature or significance of the heritage item and also will be not be detrimental to any nearby heritage items. Further, the proposed change of use and internal fit out will preserve the overall fabric and appearance of the building and promote the aesthetic nature of the building.

Clause 6.1 - Acid Sulfate Soils

The premises is specified as being subject to class 4 for works in respect to Acid Sulfate Soils. As no excavation work or external building work is proposed it is not considered there will be any impact on possible Acid Sulfate Soils.

6.9 Foreshore Scenic Protection Area

The premises is located within this area however not applicable as the proposed development will not alter in any way the visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly.

Clause 6.11 - Active Street Frontages

Clause 6.11 of the Manly LEP 2013 provides that development consent must not be granted to the erection of a building, or change of use of a building, on land identified as 'Active street frontages' on the Active Street Frontages Map.

Clause 6.11(5) defines a building as having 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*. Further, the objective of '*Active street frontages*' is to *promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre*

The premises is located with Zone B2 Local Centre and identified as having an '*Active street frontage*' to both The Corso and Market Lane to the rear of the building. The proposed change of use complies.

6.12 Essential Services

All essential services are available.

Clause 6.16 - Gross Floor Area in Zone B2

Clause 6.16(1) states the objective of the clause is to *provide for the viability of Zone B2 Local Centre and encourage the development, expansion and diversity of business activities, that will contribute to economic growth, retention of local services and employment opportunities in local centres.*

The premises is located within Zone B2 Local Centre. The proportion of gross floor area of the building used as a commercial premises will not change and remain greater than 25% of the gross floor area of the building. Clause 6.16(4) does not apply.

The proposed change of use promotes the expansion and diversity of business, in particular on The Corso as there is currently no similar premises operating and will provide employment opportunities in the Manly Town Centre.

Clause 6.21 - Noise Impacts

Clause 6.21(1) requires a consideration of noise impact on residential accommodation in the nearby vicinity of the proposed development. An acoustic report accompanies the application as it concerns use of part of the land as a licensed premises under the Liquor Act 2007. The premises will comply with any noise conditions imposed by the Council and Independent Liquor & Gaming Authority. At the time of preparation of this application, the following noise condition applied on the basis that the premises will not operate after 12 midnight - the La10 noise level from the licensed venue must not exceed the background noise level by more than 5dB in any 1/1 octave band centre frequency from 31.5Hz to 8kHz inclusive at the boundary of the premises. The acoustic report referred to herein concludes that the proposed development will comply with the required noise emission criteria.

State Environmental Planning Policy No 64 - Advertising and Signage

SEPP 64 aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

Clause 8 of SEPP 64 states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

The proposal the subject of this application is considered consistent with the character of the Manly Town Centre area. It will not add any visual clutter or obstruct any views and it will be less obtrusive than other premises on The Corso as the application does not propose any external signage.

4.2 section 4.15(1) (a) (ii) - any proposed or draft environmental planning instruments

There are no known draft environmental planning instruments which affect the proposed development site.

4.3 section 4.15(1) (a) (iii) - any development control plan

Manly Development Control Plan 2013

Clause 3.1.3

No change to existing street front or building envelope.

Clause 3.2 Heritage Considerations

The proposed change of use and fit out of the premises would not be detrimental to the fabric of building.

The proposed internal fit out is for a bookstore and licensed small bar. The works will have minimal impact on the heritage significance (if any) of the building which they form part as they will be limited to internal works for use as a bookstore and licensed small bar, including sanitary facilities and storage.

The proposal does not include any outdoor signage and therefore will have no impact on the overall character and significant (if any) aspects of the building.

Clause 3.4.2.3 - Privacy & Security

Acoustical privacy - see report accompanying the application

Clause 3.4.4 - Other Nuisance

The premises are located in an area affected by a range of mixed uses commonly found in a town centre. Surrounding uses include retail premises, licensed premises, supermarkets, banks, cafes and restaurants being standard uses in a busy town centre.

The proposed use as a bookstore and bar will not increase noise levels to an unreasonable decibel level as the premises has one entry on to The Corso and the entry doors will be closed after the hours of 8.00pm. Further no mechanical ventilation is required as the premises will not contain a commercial kitchen.

Clause 3.6 - Accessibility

The premises will comply with accessibility requirements.

Clause 3.8 - Waste Management

Deemed to comply as a standard condition of consent for the proposed development. Refer to waste management plan that accompanies the application.

Clause 4.2.4 - Car parking, Vehicular Access and loading

No change to existing.

There is no historic use of car parking being allocated to the site. The building of which the premises form part was constructed over 100 years ago with no onsite parking. No parking can be, nor ever has been provided to the property, which relies on council managed parking facilities and the numerous forms of public transport servicing the Manly Town Centre. Visitors will likely utilise the following modes of public transport that are in close proximity to the site:

- Main taxi rank in Manly located on Belgrave Street next to Council Chambers
- Bus services operating from Belgrave Street and the Western Esplanade
- Manly Ferry operating to and from Circular Quay in Sydney CBD

There is no increase in existing floor area to the premises or building.

The premises has rear entrance to Whistler Street/Market Lane loading zone where deliveries will be made to the premises.

Clause 4.2.5.6 - Late Night Venues

Not applicable as the premises will not be a late night venue.

Clause 4.4 - Other development

Alterations and Additions - not applicable as internal fit out only

Signage - not applicable as no external signage

Clause 5.1 - Manly Town Centre

Addressed previously herein.

4.4 section 4.15(1) (a) (iiia) - any planning agreement or draft planning agreement entered into under section 7.4

There are no related matters for consideration in terms of a planning agreement or draft planning agreement which affects the development proposal.

4.5 section 4.15(1) (a) (iv) - the regulations

The development is classified as Local Development. The development proposal is viewed as sufficient to enable a proper evaluation to be carried out by Northern Beaches Council under the planning regulations

4.6 section 4.15(b) - likely impacts of the development including environmental impacts and social and economic impacts

The development proposed is compatible with other commercial activities located within the Manly Town Centre and will not be a late night venue.

There are no undesirable socio-economic impacts that will result from the proposal. The proposal will provide a positive social and economic impact in the Town Centre by providing a premises operating during the day and night that promotes the Manly Town Centre as a vibrant local and international destination for residents and visitors alike. Further, it will provide employment opportunities for local residents.

The proposal has taken into consideration the surrounding locality of the premises which is within the Manly Town Centre area.

The proposed hours of operation of the bar is consistent with that of nearby retail and licensed premises hours and within the reasonable permitted hours in the Manly Town Centre area.

4.7 section .4.15(c) - the suitability of the site for the development

The proposal will not increase the demand for public services or facilities as the subject land is an existing commercial premise.

The site is suitably located in respect to late night public transport by way of close proximity to bus services, ferries and also the main taxi rank in Manly that support trading hours during the day and night

There are no adverse effects on adjoining properties given the site is considered suitable for both the bookstore and bar use, and this has been demonstrated in this statement

4.8 section 4.15(1) (d) - submissions

Not applicable

4.9 section 4.15(1) (e) - the public interest.

The proposal is not contrary to the public interest, as the use is appropriate for the Manly Town Centre to support trading, revitalise the area, increase the diversity of business in the Town Centre area and also pedestrian traffic. The proposal will have no significant detrimental effect relating to environmental and social or economic impacts on the locality.

5. Conclusion

This Statement of Environmental Effects assesses the application having regard to the applicable planning controls.

The proposal is permissible in the zone, complies with the development standards applicable to the site, has no adverse impact on the conservation area, the heritage significance of the property if any or any nearby heritage items and complies with noise emission requirements. The proposal will contribute to the social amenity of local residents and also visitors to ensure a safe, secure and positive contribution to the economy and attraction of the Manly Town Centre during both the day and night. There are no negative environmental impacts.

The application should be approved with appropriate and reasonable conditions of consent.

N.C. COOMBES & CO SOLICITORS

Date: 30 December 2019