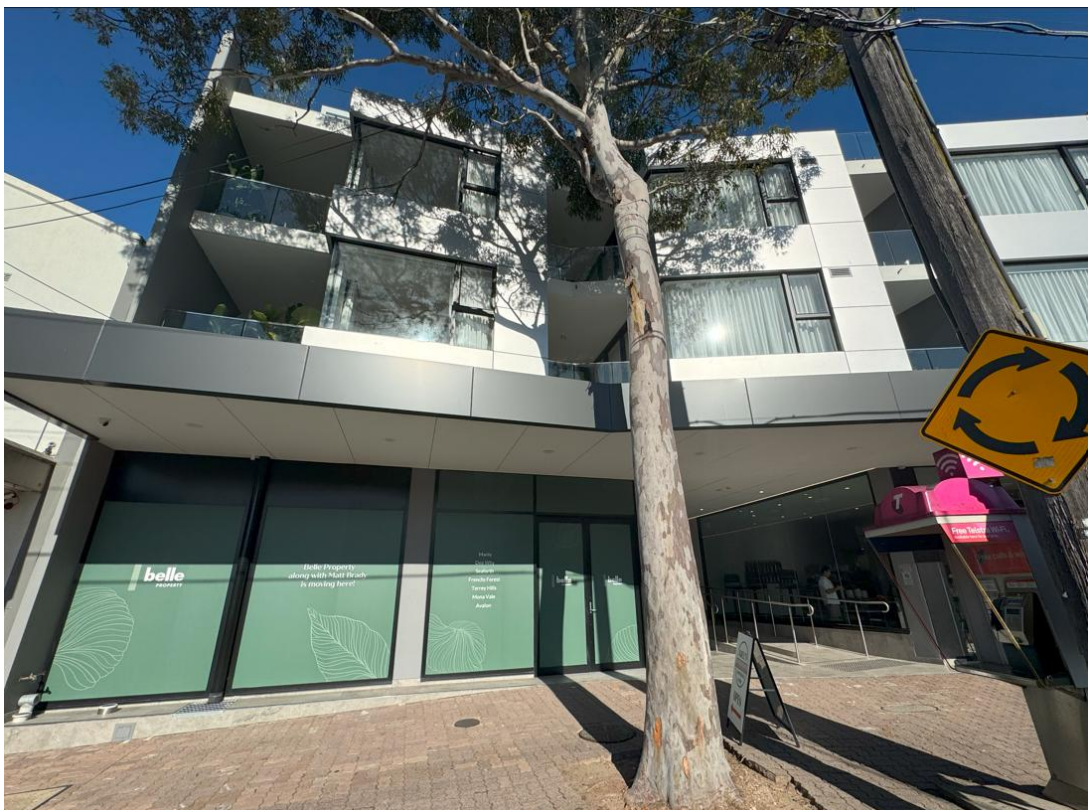




DM Planning

Statement of Environmental Effects



Use of premises for a real estate office

Unit 5/42 Ethel Street, Seaforth

Report prepared for
Belle Property

June 2025

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Belle Property to accompany a Development Application (DA) for the use of unit 5 as a real estate office at 42 Ethel Street, Seaforth.

This SEE has been prepared and submitted to the Northern Beaches Council (Council) under Part 4 of the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act).

This SEE describes the site and its surroundings and how the proposal addresses and satisfies the objectives and standards of the Manly Local Environmental Plan 2013, the Manly Development Control Plan 2013, and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

This SEE demonstrates that the proposal is generally consistent with the relevant provisions of the:

- *Manly Local Environment Plan 2013*
- *Manly Development Control Plan 2013*

This SEE concludes that the proposal is satisfactory when assessed against all relevant requirements. It will make a positive contribution to the area's vitality, with no detrimental environmental or amenity impacts.

We recommend that the Council approve the development application, subject to the content and findings outlined in this SEE.

2 The site and locality

2.1 Site description and history

The site is commonly known as 559-563 Sydney Road and 42 Ethel Street, Seaforth, and legally described as Strata Plan SP 107463. The site is located in the Seaforth Shopping Centre.

The site is located between Manly Road and Ethel Street on the southern side of Sydney Road. It is irregular in shape, with a frontage of 20.96m to Sydney Road and 41.47m to Ethel Street and an overall area of 1,118.6 m².

The site has access to a service laneway along its eastern boundary, which services the Balgowlah RSL Club, located at 30-38 Ethel Street, and the existing retail/commercial development at 545-555 Sydney Road.

The site contains a four-storey, mixed-use development with two shopfronts at ground level facing Sydney Road, four shopfronts at ground level fronting Ethel Street, an arcade with four shops, and residential units above (21 units).

Unit 5 is the eastern shop fronting Sydney Road and is currently vacant with no previous uses.

The location of the site is shown in Figures 1 and 2.

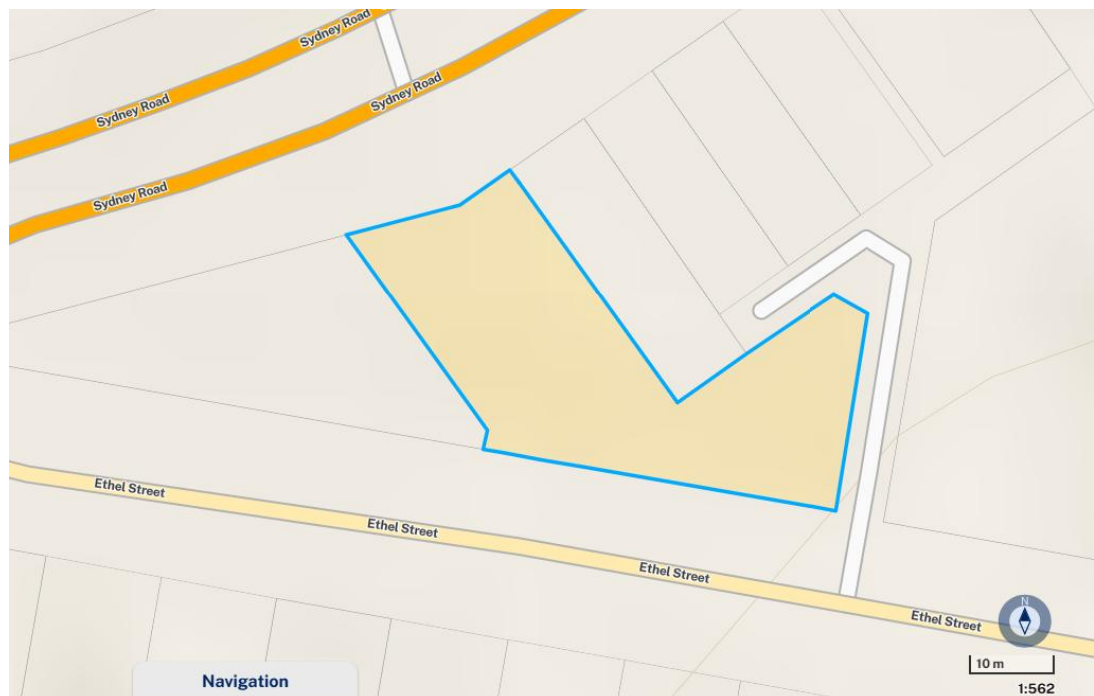


Figure 1. Location of the site (Source: NSW Explorer)

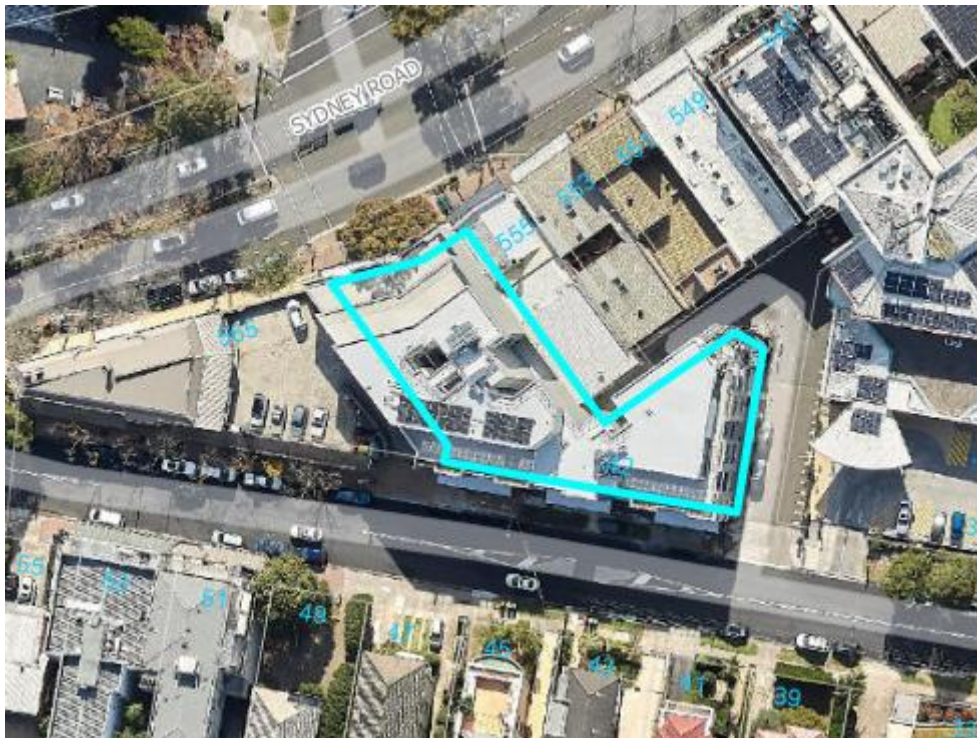


Figure 2. Aerial view of the site and its surroundings (Source: Northern Beaches Council)

Other occupancies within the ground floor shops include a convenience store, a gym and a café.

The building presents two shop-front windows to Sydney Road and four shop-fronts to Ethel Street. Photographs of the building are shown in Figures 3, 4 and 5.

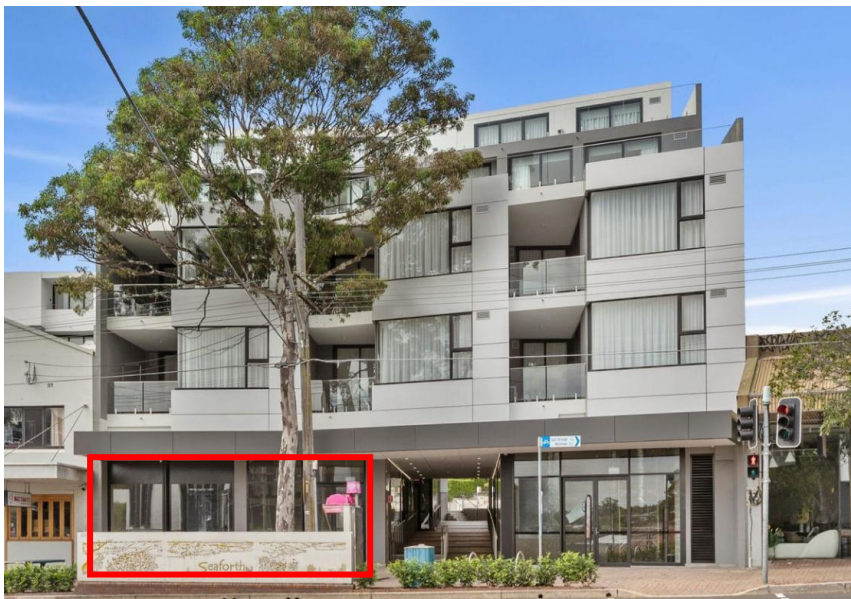


Figure 3.
The
Sydney
Road
frontage,
with Unit
5
outlined
in red



Figure 4.
The site
viewed
from
Ethel
Street



Figure 5.
Looking
north
through
the
central
arcade

2.2 Surrounding locality

The Seaforth Local Centre, at the intersection of Frenchs Forest Road, Ethel Street, and Sydney Road, provides a mix of community uses, retail, dining, and essential services. Development ranges from one to four storeys.

Seaforth Community Centre is opposite the site, and Balgowlah RSL is east of the site. Ample on-street parking is available in the streets surrounding the site.

The land to the south, on the opposite side of Ethel Street, comprises medium-density residential development.

2.3 Background

Relevant approvals relating to the site are:

- On 19 November 2015, Manly Council approved Development Application DA139/2015 for Demolition of existing structures, construction of a four-level building containing a three (3) level basement with forty-one (41) car parking spaces, retail/ commercial arcade with ten (10) tenancies, shop top housing with twenty-two (22) residential units and landscaping.
- On 16 March 2017, Council approved Modification Application involving deletion of condition of consent ANS02 to the deletion of the fourth (4th) floor level of the building - Part 3

3 The proposal

The development application seeks consent for the use of the premises as a real estate office and minor fit-out works. The shop has an approximate gross floor area of 63 m² and is currently unoccupied. It contains two WCs and presents a glass shopfront to Sydney Road.

The proposed fit-out works comprise a kitchenette and partitions to create a reception area, a work area, and a meeting room.

The proposed layout of the premises is shown in Figure 6 below.

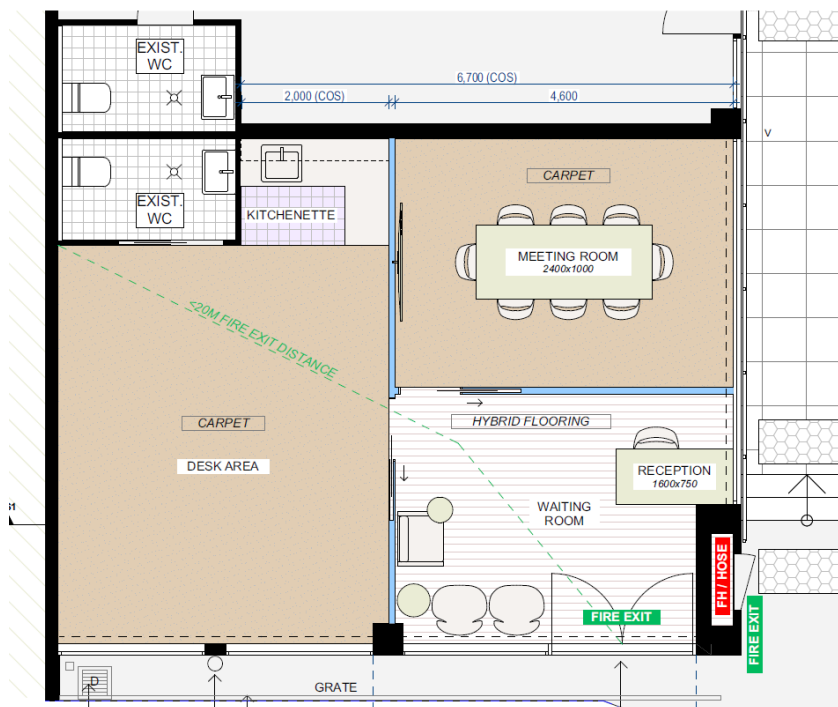


Figure 6. Proposed Floor plan (source: JJ Drafting)

The proposed use is for a real estate office.

There will be a maximum of 10 staff employed by the business. Employees work in hybrid arrangements, and it is unlikely they will all be present in the office at any time. Proposed hours of operation are:

Monday to Wednesday	7 am to 6 pm
Thursday to Friday	7 am to 6 pm
Saturday	7 am to 4 pm
Sunday	closed

As seen in Figure 7 below, Unit 5 has two allocated parking spaces in basement level 2 and three common visitor parking spaces in basement level 1.

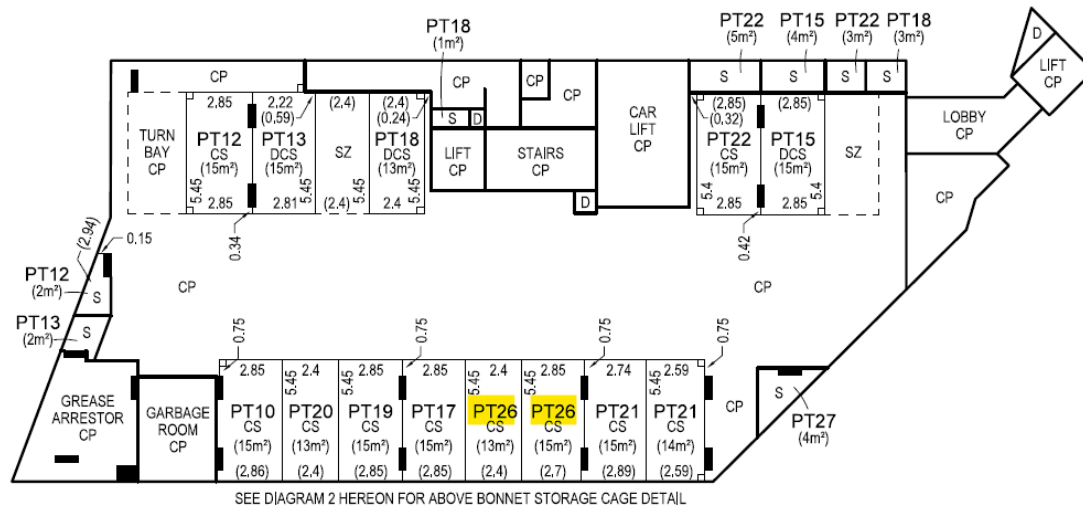


Figure 7. Basement Level 2, Strata Plan SP107463

4 Environmental planning assessment

4.1 Environmental Planning and Assessment Act 1979

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is considered to promote the orderly and economic use and development of land without resulting in an adverse impact on the environment.

This section of the report provides the planning assessment against the key statutory environmental planning instruments and Development Control Plan relevant to the development. The following detailed assessment of the proposal is provided, and which is based on the heads of consideration contained in section 4.15 of the EP&A Act.

4.15(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:

Relevant Provision	Comment
(a) the provisions of:	
(i) any environmental planning instrument, and	<ul style="list-style-type: none"> There are no relevant state environmental planning instruments The relevant provisions of Manly Local Environmental Plan 2013 (MLEP 2013) are addressed at Section 4.2.
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	N/A
(iii) any development control plan, and	The relevant provisions of Manly Development Control Plan 2013 (MDCP) are addressed in Section 4.3.
(iiia) 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	N/A
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The requirements of the EP&A Regulations are satisfied. Applicable regulation considerations including fire safety, compliance with the Building Code of Australia, may be addressed by appropriate consent conditions.
(v) (Repealed)	



Relevant Provision	Comment
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	<p>Environmental Impact Given that the proposal is for business use, its environmental impact is negligible.</p> <p>Social Impact The proposed use will have a positive social impact on the locality by providing premises for a real estate service.</p> <p>Economic Impact The proposed change of use will have a positive economic impact on the locality by utilising an existing shop.</p>
(c) <i>the suitability of the site for the development,</i>	The proposed use of a real estate office is suitable for sites in established commercial areas with traditional shop frontages.
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	Any submissions made on this subject development application will be duly considered. In addition, the Council will consider any public submissions relating to the proposal during its assessment.
(e) <i>the public interest.</i>	The proposal is in the public interest as it would allow for an appropriate and positive addition to the Seaforth commercial centre.

Table 1: Section 4.15(1) assessment



4.2 Manly Local Environmental Plan 2013

The applicable Clauses of the MLEP are:

- Clause 2.3 – Zone objectives and landuse table
- Clause 6.1 – Acid sulfate soils
- Clause 6.9 - Scenic Protections
- Clause 6.11 - Active street frontages

The following sections of this SEE assess the development application against the above relevant Clauses of the MLEP.

Clause 2.3 – Land Use Zoning and Permissibility

The site is zoned E1 Local Centre under the MLEP, as shown in the zoning map excerpt at Figure 8. The provisions of the zone are stated below:

Zone E1 Local Centre

1 Objectives of zone

- To provide 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.

2 Permitted without consent

Home-based child care; Home businesses; Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; **Commercial premises**; Community facilities; Creative industries; Early education and care facilities; Electricity generating works; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Group homes; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Roads; Service stations; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Waste or resource transfer stations

4 Prohibited

Any development not specified in item 2 or 3

Table 2: Provisions of the MLEP 2013 – E1 Local Centre Zone

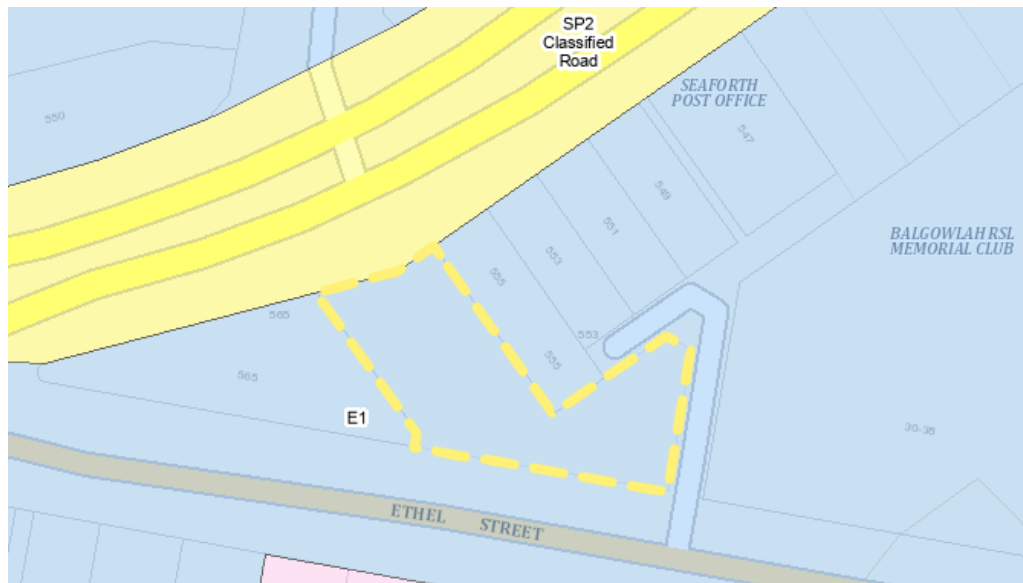


Figure 8. MLEP Zoning Map excerpt with site outlined yellow (source: MLEP)

The proposed use as a real estate office is a type of 'business premises' consistent with the definition in MLEP as:

business premises means a building or place at or on which—

(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or

(b) a service is provided directly to members of the public on a regular basis,

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note—

Business premises are a type of commercial premises—see the definition of that term in this Dictionary.

A real estate office is permissible with consent in the E1 Local Centre zone. The proposal is consistent with the zone's objectives.

Clause 4.4 - Floor Space Ratio (FSR)

The FSR applicable to the site is 2:1.

No increase in gross floor area is proposed.

Clause 6.1 – Acid sulfate soils

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage. As no excavation works have been proposed, there will be no impacts on acid sulfate soils.

Clause 6.9 – Foreshore Scenic Protection Area

This clause's objective is to protect the area's visual amenity and views to and from Sydney Harbour, the Pacific Ocean, and the foreshore. As the proposal is for a the use of an existing shop, there will be no impacts on the foreshore scenic protection area.

Clause 6.11 - Active Street frontages

The site is identified on the Active Street Frontages Map, as shown in Figure 10 below. The proposed real estate office is consistent with this clause's objective, as it will promote pedestrian traffic along Sydney Rd and, therefore, contribute to an active street frontage.



Figure 9. Excerpt from Manly active street frontages map (source: MLEP 2013)



4.3 Manly Development Control Plan 2013 (MDCP)

The MDCP supplements the MLEP by providing more detailed provisions to guide future development. The MDCP covers a broad range of local controls such as townscape, sustainability, accessibility, stormwater, and noise. The table below summarises the key planning controls relevant to this proposal.

MDCP	Control objective	Comply	comment
PART 3 – GENERAL PRINCIPLES OF DEVELOPMENT			
3.1 Streetscapes and Townscapes	1. Minimise visual impact 2. Ensure development generally viewed from the street complements the identified streetscape. 3. Assist in maintaining the character of the locality. 4. Recognise importance of pedestrian movements and the townscape design in the strengthening and promotion of retail centres. 5. Minimise negative visual impact at entry points.	YES	No change is proposed to the existing building or shopfront façade. The use of shop 5 as a real estate office is consistent with the character of the locality.
3.1.3 Townscape and Local Character 3.1.3.1 Design Principles	1. Address the individual character of an area and locality. 2. Local role of the site, scale, sense of place and unity. 3. Scale, proportion, visibility, complements adjacent buildings. 4. Ground floor level of premises must be at footpath level and where changes in level are unavoidable, they must be made by complying ramps.	YES	No change is proposed to the building's existing appearance from the street or any other public vantage point.
3.4.2 Amenity 3.4.2 Privacy and Security	Development/use should not result in an unreasonable invasion of privacy and should maintain security.	YES	The proposed real estate office will not result in unreasonable amenity impacts.
3.4.2.3 Acoustical Privacy (Noise Nuisance)		YES	The proposed hours of operation are reasonable for a real estate office in an urban environment.



MDCP	Control objective	Comply	comment
			There will be no noise generated that will be audible from outside the premises.
3.6 Accessibility	The purpose of these requirements is to ensure that reasonable, achievable, equitable and cost-effective access to buildings, and facilities and services within buildings, is provided for people with disabilities	YES	Building upgrades are not required as the proposal is for a first use only. The proposed development will meet the relevant Building Code of Australia requirements.
3.10 Safety and Security	To ensure all development are safe and secure for all residents, occupants and visitors of various ages and abilities. To contribute to the safety and security of the public domain.	YES	Retaining the traditional glass shopfront window will maintain casual surveillance of Sydney Rd.
PART 4 – 4.2 DEVELOPMENT CONTROLS IN BUSINESS CENTRES			
4.2.1 Floor Space Ratio		N/A	No change to the existing building.
4.2.2 Height of buildings		N/A	
4.2.3 Setbacks		N/A	
4.2.4 Carparking	Schedule 3 of MDCP requires 1/40m ² for commercial/retail Council may allow exceptions to parking requirements on designated merit assessment of existing buildings and established uses. No S94 Contribution payable if no proposed increase in the floor area of an existing building.	YES	The MDCP does not provide a specific car parking rate for a real estate office; instead, it gives a rate of 1 space per 40m ² for commercial premises. Given the proposed real estate office's GFA of 62m ² , this translates to a requirement for two spaces. The shop has been allocated two car spaces in the basement level 2. These spaces will be utilised for staff car parking. Customers can park in either the 3 visitor car spaces in the basement level 1, or there is ample on-street parking in the vicinity of the site.
4.2.5.6 Hours of trading	1.Achieve a place of excellence in which all people can use and enjoy	YES	The proposed use is for a real estate office.



MDCP	Control objective	Comply	comment
	<p>Seaforth's natural amenity and qualities as a place for leisure and entertainment; Minimum late-night disturbance; safety and security</p> <p>2. Hours of operation- Restaurants and Food Outlets-maximum hours from 5am to 1am.</p> <p>3. Noise control – La10* noise level emitted from the premises must not exceed the background of noise level in any Octaves Band Centre Frequency (31.5Hz to 8k Hz inclusive by more than 5dBa between 7am and midnight at the boundary of any affected residence and not exceed the background noise level between 12 midnight and 7am.</p>		<p>The proposed trading hours are reasonable and consistent with surrounding uses.</p> <p>There will be no unreasonable noise emanating from the premises.</p> <p>The proposal complies with the Council's noise controls.</p>

Table 3. Relevant MDCP controls

5 Conclusion

This SEE supports a development application to use the premises for a real estate office at Unit 5/42 Ethel Street, Seaforth.

This assessment identifies the merits of this application under Section 4.15 of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 2013, and the Manly Development Control Plan 2013.

The proposed use is permissible in the zone, complies with development controls applicable to the site, is consistent with the locality's character, and will contribute to the area's vitality. There will be no detrimental impacts on surrounding properties.

The proposal achieves the objectives of the Council's development controls and strategic aims and is consequently suitable for approval on town planning grounds.