



# DM Planning

## Statement of Environmental Effects



Use of premises for a medical treatment room

**331 Sydney Rd, Balgowlah**

Report prepared for



**June 2025**

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## 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Julie Wilson to accompany a Development Application (DA) for the use of the subject premises as a medical treatment room at 331 Sydney Rd, Balgowlah.

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 streetscape and the vitality of the area, 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 in the Northern Beaches Local Government Area (LGA).

The site is legally described as Strata Plan SP 462 and is known as 329-341 Sydney Road, Balgowlah. It contains a two-storey building with six shopfronts at ground level facing Sydney Road and shop top housing above (5 units).

The site is relatively flat and has an area of approximately 841m<sup>2</sup>. It is rectangular in shape and is located on the southern side of Sydney Road. The site has a 29.56m frontage to Sydney Rd and a depth of 45m. A 2.44m wide right of way is adjacent to the western boundary, providing vehicular access to an at-grade parking area at the rear of the site.

The subject premises, Lot 1 in SP 462, is at the eastern end of the row of shops and has a street address of 331 Sydney Road.

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



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



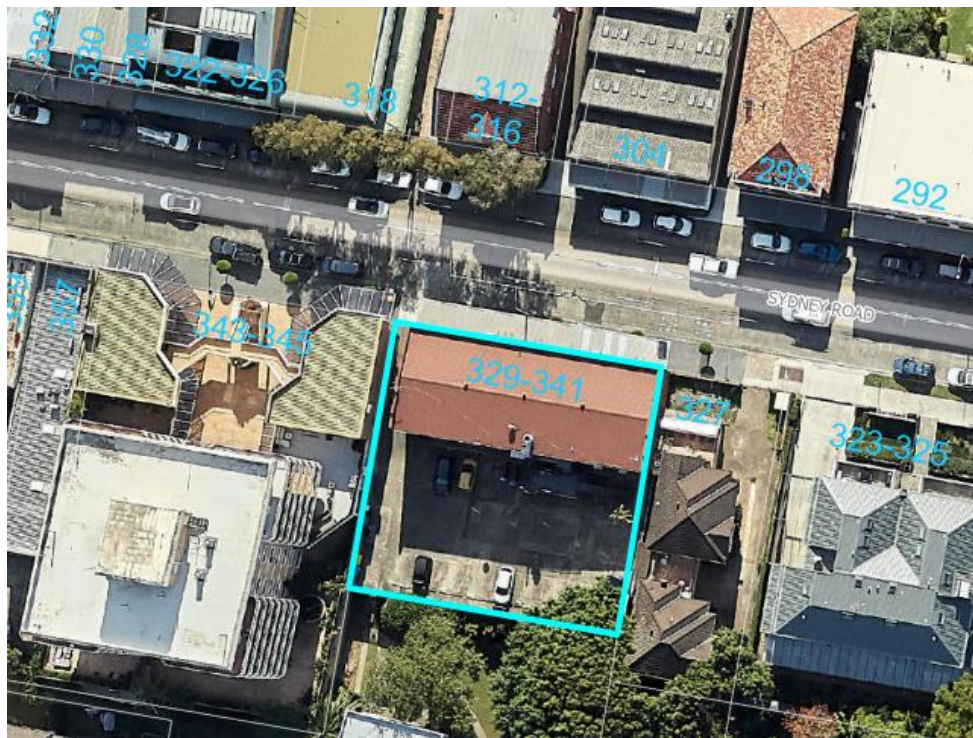


Figure 2. Aerial view of the site and its surroundings (Source: Northern Beaches Council)



Figure 3. 329-341 Sydney Road, Balgowlah

Other occupancies within the ground floor shops are:

- 341 Sydney Rd: Balgowlah Sports Injury and Physiotherapy
- 339 Sydney Rd: Arokaya Thai Massage
- 335 Sydney Rd: Crust Pizza (2 shops)
- 331 Sydney Rd: Cutting Company Hair

The building presents traditional shop-front windows to Sydney Road. Photographs of the building are shown at Figures 3, 4 and 5.



**Figure 4.** The shop front of 331 Sydney Road (outlined in red)



**Figure 5.** Rear entrance to 331 Sydney Road



**Figure 6.** Allocated parking for 331 Sydney Road, at the rear



## 2.2 Surrounding locality

The Balgowlah Local Centre, at the intersection of Condamine Street and Sydney Road, is a vibrant hub for retail, dining, and essential services. The area is characterised by a mix of retail, commercial, and residential uses, predominantly in 2-storey buildings interspersed with multi-storey residential mixed-use developments.

Ample public parking is available within walking distance, including a public car park in Condamine Street, approximately 170m to the west of the site.

Development surrounding the subject site includes:

- 327 Sydney Road, east of the site, contains a 2-storey dual occupancy (Figure 7).
- 343 -345 Sydney Road, to the west of the site, contains commercial space on the ground floor and a six-storey residential tower above.
- The opposite side of Sydney Road contains a range of commercial and retail uses.



Figure 7. Dual occupancy at 327 Sydney Road, east of the site



**Figure 8.** Mixed-use development, 343-345 Sydney Road



**Figure 9.** Condamine Street Public Carpark



**Figure 10.** Commercial development opposite the site



### 3 The proposal

The development application seeks consent for the use of the premises as a medical treatment room. No fit-out or structural building works are proposed. The shop has an approximate gross floor area of 39.5 m<sup>2</sup> and comprises a reception area, an office with a storeroom, a treatment room, and a bathroom.

The proposed use is for medical services, including non-surgical anti-wrinkle and dermal filler treatments for facial aesthetics and medical conditions.

There will be a maximum of 2 staff and 1 client on the premises at any time.

Proposed hours of operation are:

Monday to Wednesday	7am to 6pm
Thursday to Friday	7am to 8pm
Saturday	7am to 4pm
Sunday	closed

The existing layout of the premises is shown below.

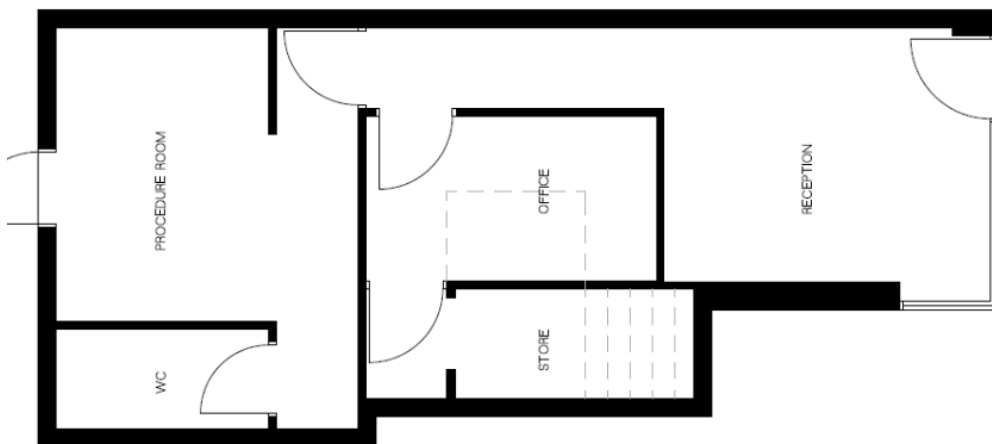


Figure 11. Floor plan (source: Smith and Sons)

The premises has 1 staff parking space allocated to it, and two common car parking spaces are available for customers at the rear of the site.

## 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"> <li>There are no relevant state environmental planning instruments</li> <li>The relevant provisions of Manly Local Environmental Plan 2013 (MLEP 2013) are addressed at Section 4.2.</li> </ul>
(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><b>Environmental Impact</b> Given that the proposal is for a change of use, the environmental impacts of the proposal are negligible.</p> <p><b>Social Impact</b> The proposed change of use will have a positive social impact on the locality by providing premises for a medical service.</p> <p><b>Economic Impact</b> 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 change of use to a medical treatment room is suitable for the site in an established commercial area with a traditional shop frontage.
(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 Balgowlah 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 pursuant to the MLEP, as shown in the zoning map excerpt at Figure 7. 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**

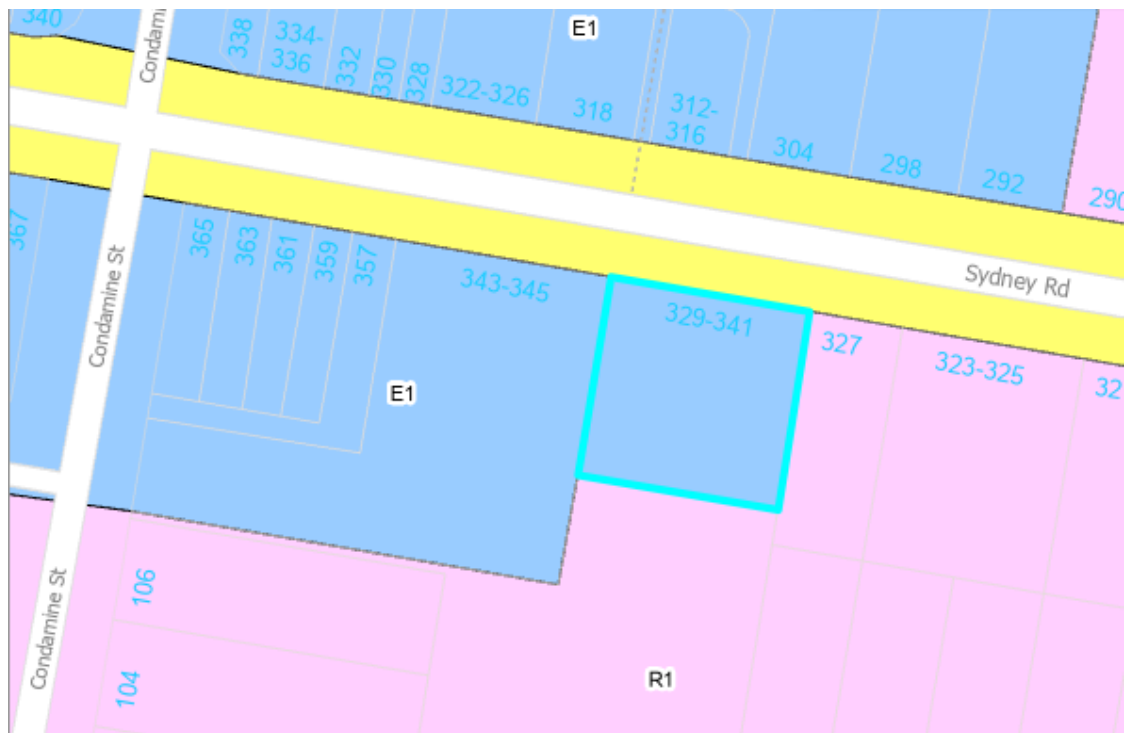


Figure 12. MLEP Zoning Map excerpt (source: MLEP)

The proposed use as a medical treatment room falls under the definition of a medical centre, which is defined in MLEP as:

***medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.*

Note—

*Medical centres are a type of health services facility—see the definition of that term in this Dictionary.*

A medical centre 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.

The building has a gross floor area of approximately 531.5 m<sup>2</sup>, equating to a compliant FSR of 0.63:1.

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 physical building 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 change of use only, there will be no impacts on the foreshore scenic protection area.

**Clause 6.11 - Active Street frontages**

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

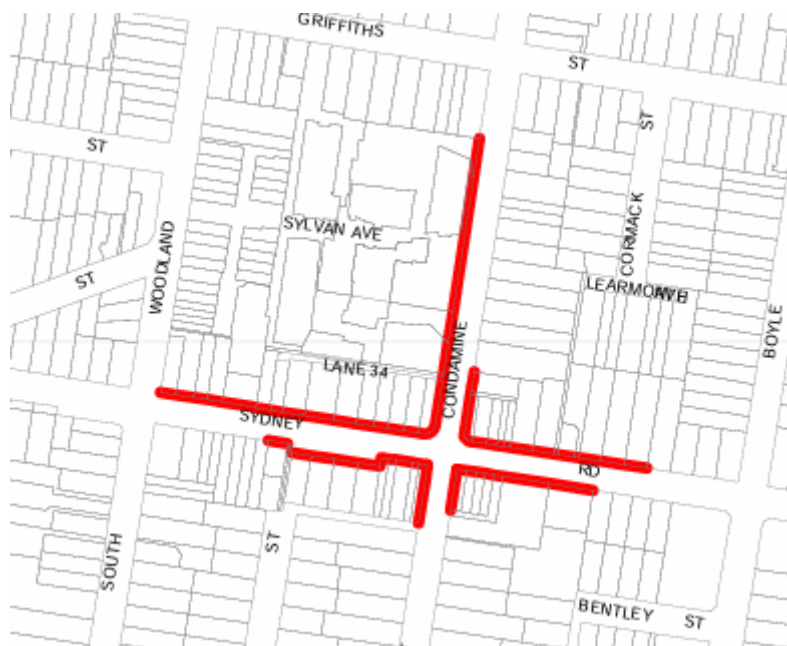


Figure 13. Excerpt from Manly active street frontages map (source: MLEP 2013)





### 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
<b>PART 3 – GENERAL PRINCIPLES OF DEVELOPMENT</b>			
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 as a medical treatment room 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	There is no change proposed to the existing appearance of the building 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 medical treatment room 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 medical treatment room 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 change of 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.
<b>PART 4 – 4.2 DEVELOPMENT CONTROLS IN BUSINESS CENTRES</b>			
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 <sup>2</sup> 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 medical treatment room; instead, it gives a rate of 1 space per 40m <sup>2</sup> for commercial premises. Given the proposed medical treatment room's GFA of 39.3m <sup>2</sup> , this translates to a requirement for one space.  The shop has been allocated a car space directly to the rear of the shop. This space is utilised for staff car parking. Customers can park in the 2 visitor car spaces at the rear of the building or the public car park, a 170m walk, in Condamine Street.
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 medical treatment room.



MDCP	Control objective	Comply	comment
	<p>Balgowlah'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 is no unreasonable noise emanating from the premises.</p> <p>The proposed 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 medical treatment room at 331 Sydney Rd, Balgowlah.

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.