



STATEMENT OF ENVIRONMENTAL EFFECTS

Strata Subdivision

Lot 163, SP 86171

11-27 Wentworth
Street, Manly

Suite 1, 9 Narabang Way Belrose NSW 2085

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Statement of Environmental Effects

Strata Subdivision

Lot 163, SP 86171

11-27 Wentworth Street, Manly

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March 2025

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1 Introduction

This statement of environmental effects (SoEE) has been prepared in support of a development application proposing the further subdivision of Lot 163 of Strata Plan 86171 to enable two external surplus car parking spaces to be utilised by the adjacent premises at No.60 - 62 The Corso (lot B in DP304309) at which Humphreys Newsagency Pty Limited conducts its retail business.

We note that development application 92/11 was approved by Council on 9 June 2011 provided for the reallocation of car parking spaces between Lots 163, 164 and 165 of Strata Plan 86171 and Strata plan 63767 with condition ANS01 of the development consent requiring the following.

ANS01

The three car parking spaces associated with Lot 163 (proposed strata) are to be used in conjunction with Lot 163 and are not to be separately leased, sold, transferred or otherwise dealt with, without prior consent of Council.

Reason: To reduce parking and traffic conflicts.

A copy of this consent and stamped plans is at Attachment 1.

We confirm that the apartment known as Lot 163 currently has five (5) allocated car parking spaces on the Strata Plan of which three (3) are located within the basement and two (2) are external. It is the external spaces which are the subject of this application noting that these 2 external spaces are surplus to the carparking needs of Lot 163 and have historically been used by the adjacent premises at which Humphreys Newsagency Pty Limited conducts its retail business.

Accordingly, the consent authority can be satisfied that the reallocation of the two external spaces from existing Lot 163 in Strata Plan 86171 (proposed Lot 166) to proposed Lot 167 in Strata Plan SP109551 as depicted on the draft plan of subdivision prepared by Copland Lethbridge will not result in any residential carparking shortfall however will formalise the use of the surplus external car spaces by the adjacent retail premises. Further, the maintenance of three car parking spaces associated with Lot 163 (proposed Lot 166) remains compliant with condition ANS01 of development consent 92/11.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979, as amended (**EP&A Act**),
- Manly Local Environmental Plan 2013 (**MLEP 2013**),
- Manly Development Control Plan 2013 (**MDCP 2013**)

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the EP&A Act. It is considered that the proposed development, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

2 Site Analysis

2.1 Site Description and Location

The property the subject of this application is legally described as Lot 163, SP 86171, 11 – 27 Wentworth Street, Manly. Specifically, the application relates to the two external car spaces identified in the following images.

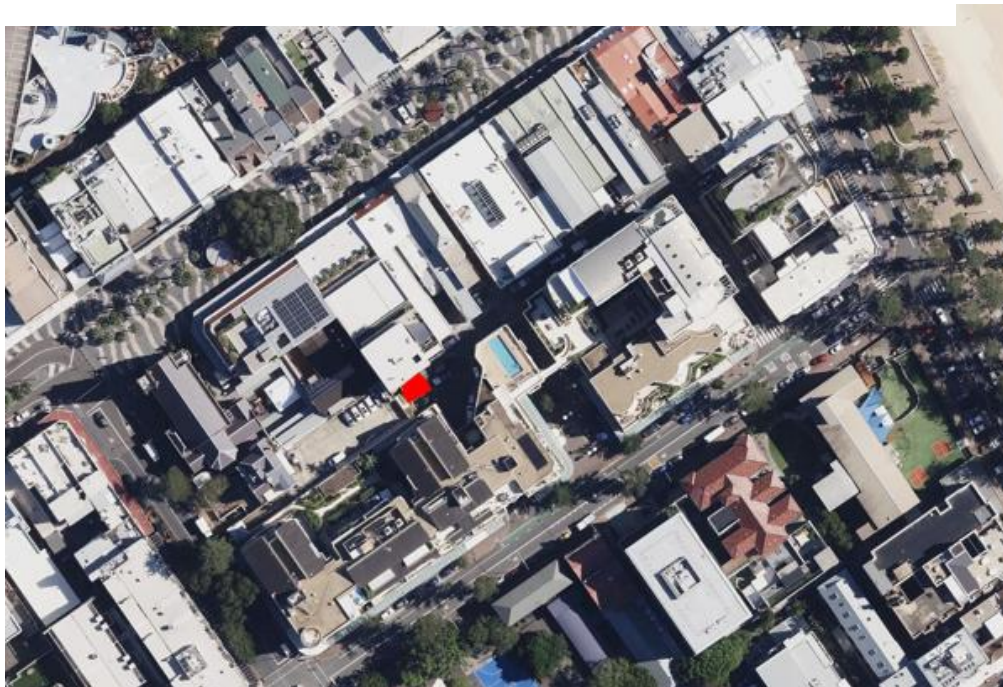
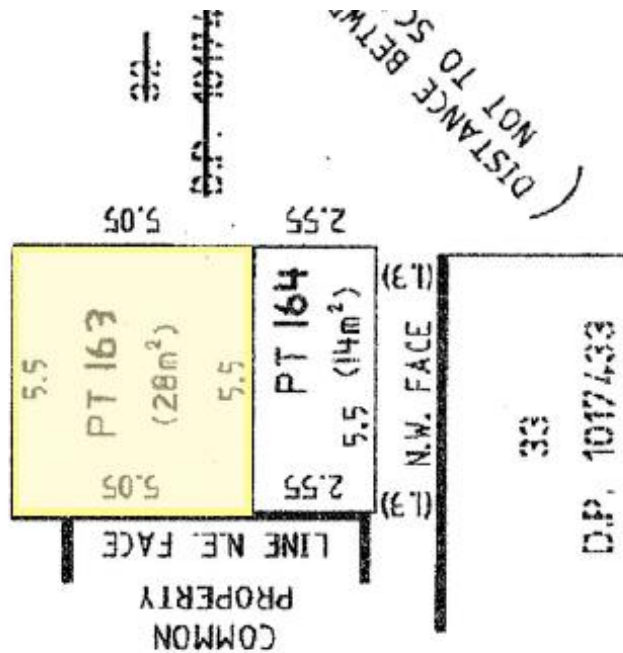
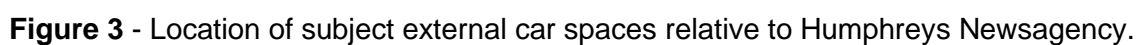
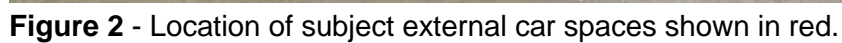


Figure 1 - Location of subject external car spaces shown in red.



The subject car spaces are accessed via Wentworth Street. The subject property is located within the Manly Town Centre and within a mixed-use development precinct.

No physical changes are proposed or required to the subject property.

3 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the EP&A Act. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential environmental impacts are discussed below.

3.1 Manly Local Environmental Plan 2013

3.1.1 Zoning and Permissibility

The land upon which the car spaces are located is zoned E1 Local Centre pursuant to Manly Local Environmental Plan 2013 (MLEP) as shown on the Zoning Map extract below.



Figure 5 – Zoning Map (Source: ePlanning Spatial Viewer)

Subdivision is permissible with consent pursuant to clause 2.6 of MLEP.

3.1.2 Minimum subdivision lot size

The clause 4.1(2) MLEP 2013 minimum subdivision lot size provisions do not apply to Strata subdivision.

3.1.3 Earthworks

The proposed subdivision does not require any earthworks and accordingly the provisions of clause 6.2 MLEP 2013 do not apply.

3.1.4 Stormwater

The proposed subdivision does not generate any stormwater run-off and accordingly the provisions of clause 6.4 MLEP 2013 do not apply.

3.1.5 Foreshore Scenic Protection Area

The subdivision does not influence the previously approved built form outcome for development on the land and accordingly will have no impact on the foreshore scenic protection area. The clause 6.10 MLEP considerations are satisfied.

3.1.6 Essential Services

The subdivision does not influence the previously approved servicing outcome for development on the land and accordingly satisfy the clause 6.12 MLEP considerations.

3.2 Manly Development Control Plan 2013

3.2.1 Subdivision and carparking

The reallocation of the two external spaces from existing Lot 163 in Strata Plan 86171 (proposed Lot 166) to proposed Lot 167 in Strata Plan SP109551 does not change the previously approved subdivision layout.

We note that development application 92/11 was approved by Council on 9 June 2011 provided for the reallocation of car parking spaces between Lots 163, 164 and 165 of Strata Plan 86171 and Strata plan 63767 with condition ANS01 of the development consent requiring the following.

ANS01

The three car parking spaces associated with Lot 163 (proposed strata) are to be used in conjunction with Lot 163 and are not to be separately leased, sold, transferred or otherwise dealt with, without prior consent of Council.

Reason: To reduce parking and traffic conflicts.

We confirm that the apartment known as Lot 163 currently has five (5) allocated car parking spaces on the Strata Plan of which three (3) are located within the basement and two (2) are external. It is the external spaces which are the subject of this application noting that these 2 external spaces are surplus to the carparking needs of Lot 163 and have historically been informally used by the adjacent premises at which Humphreys Newsagency Pty Limited conducts its retail business.

Accordingly, the consent authority can be satisfied that the reallocation of the two external spaces from existing Lot 163 in Strata Plan 86171 (proposed Lot 166) to proposed Lot 167 in Strata Plan SP109551 as depicted on the draft plan of subdivision prepared by Copland Lethbridge will not result in any residential carparking shortfall however will formalise the use of the surplus external car spaces by the adjacent retail premises. Further, the maintenance of three car parking spaces associated with Lot 163 (proposed Lot 166) remains compliant with condition ANS01 of development consent 92/11.

3.3 Matters for Consideration Pursuant to Section 4.15 of the EP&A Act

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the EP&A Act:

(i) The provision of any planning instrument

Subdivision is permissible with consent.

(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

MDCP 2013 is applicable to this application with the relevant provisions considered in this report.

(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), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

(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,

[The assessment considers the Guidelines (in italics) prepared by the Department of Planning and Environment in this regard].

Context and Setting

i. *What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and Streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

The subdivision does not compromise the existing natural, built form, streetscape or residential amenity outcomes.

ii. *What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

As above.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *travel demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

The subdivision does not compromise the existing off-street car parking or vehicular access outcomes.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

No change.

Flora and Fauna

No change.

Waste Collection

No change.

Natural hazards

No impact.

Economic Impact in the locality

No impact.

Site Design and Internal Design

Is the development design sensitive to environmental considerations and site attributes including:

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

The subdivision does not compromise the existing natural, built form, streetscape or residential amenity outcomes.

How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*

- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

N/A

Construction

What would be the impacts of construction activities in terms of:

- *The environmental planning issues listed above*
- *Site safety*

Nil.

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The site is located in an established Town Centre. The subject property is suitable for the proposed subdivision.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

We confirm that the apartment known as Lot 163 currently has five (5) allocated car parking spaces on the Strata Plan of which three (3) are located within the basement and two (2) are external. It is the external spaces which are the subject of this application noting that these 2 external spaces are surplus to the carparking needs of Lot 163 and have historically been used by the adjacent premises at which Humphreys Newsagency Pty Limited conducts its retail business.

Accordingly, the consent authority can be satisfied that the reallocation of the two external spaces from existing Lot 163 in Strata Plan 86171 (proposed Lot 166) to proposed Lot 167 in Strata Plan SP109551 as depicted on the draft plan of subdivision prepared by Copland Lethbridge will not result in any residential carparking shortfall however will formalise the use of the surplus external car spaces by the adjacent retail premises. Further, the maintenance of three car parking spaces associated with Lot 163 (proposed Lot 166) remains compliant with condition ANS01 of development consent 92/11.

The subdivision does not compromise the existing natural, built form, streetscape or residential amenity outcomes and under such circumstances approval of the proposed subdivision would not be antipathetic to the public interest.

4 Conclusion

We confirm that the apartment known as Lot 163 currently has five (5) allocated car parking spaces on the Strata Plan of which three (3) are located within the basement and two (2) are external. It is the external spaces which are the subject of this application noting that these 2 external spaces are surplus to the carparking needs of Lot 163 and have historically been used by the adjacent premises at which Humphreys Newsagency Pty Limited conducts its retail business.

Accordingly, the consent authority can be satisfied that the reallocation of the two external spaces from existing Lot 163 in Strata Plan 86171 (proposed Lot 166) to proposed Lot 167 in Strata Plan SP109551 as depicted on the draft plan of subdivision prepared by Copland Lethbridge will not result in any residential carparking shortfall however will formalise the use of the surplus external car spaces by the adjacent retail premises. Further, the maintenance of three car parking spaces associated with Lot 163 (proposed Lot 166) remains compliant with condition ANS01 of development consent 92/11.

Having given due consideration to the matters pursuant to Section 4.15(1) of the EP&A Act, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

Boston Blyth Fleming Pty Limited



Greg Boston

Director

Attachment 1 – Development consent 92/11

Manly Council

Reference: 090611 DA92/11 HPW Admin NG
Enquiries: Landuse & Sustainability

Mr. John Thompson
137A Ryde Road
PYMBLE NSW 2073

Dear Mr. Thompson



Council Offices
1 Belgrave Street
Manly NSW 2095

Correspondence to
General Manager
PO Box 82
Manly NSW 1655

DX 9205 Manly

Telephone 02 9976 1500
Facsimile 02 9976 1400

www.manly.nsw.gov.au
records@manly.nsw.gov.au

ABN 43 662 868 065

NOTICE OF DETERMINATION
Pursuant to Section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*

Development Application No.	92/11
Proposed Development	Re-allocation of car parking spaces between lots 163 164 and 165 in Strata Plan 63767.
Land to be developed	Lot 75, 113 & 119 of SP: 63767; 11 Wentworth Street, Manly
Determination	Approved by DEL
Date of Determination	09 June 2011
Consent is to operate from	09 June 2011
Consent is to lapse on	09 June 2016

Council determined this application under delegated authority on 9 June 2011 and has granted consent subject to the following conditions:

That Development Application No. 92/11 for re-allocation of car parking spaces between lots 163 164 and 165 in Strata Plan 63767 at 11 Wentworth Street Manly be **approved** subject to the following conditions:-

GENERAL CONDITIONS RELATING TO APPROVAL

Documents relating to consent

The development, except where modified by the conditions of this consent, is to be carried out in accordance with the following plans and documentation.

Plans affixed with Council's stamp relating to Development Consent No. 92/11

Plan No. / Title	Issue/ Revision & Date	Date Received by Council
Strata Plan Form 2 (A3) Surveyors Reference 17612 SP Location Plan – Levels 2 to 9 SP63767	Sheet 1. of 2	15 April 2011
Strata Plan Form 2 (A3) Surveyors Reference 17612 SP Location Plan – Levels 2 to 9 SP63767	Sheet 2 of 2	15 April 2011

CLEANER HEALTHIER HAPPIER

Manly Council Supports Smoke Free Zones

www.smokefreecouncils.com.au

Documentation affixed with Council's stamp relating to Development Consent No. 92/11

- Statement of Environmental Effects by John Thompson dated 21 March 2011

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council

ANS01

The three car parking spaces associated with Lot 163 (proposed strata) are to be used in conjunction with Lot 163 and are not to be separately leased, sold, transferred or otherwise dealt with, without prior consent of Council.

Reason: To reduce parking and traffic conflicts.

ONGOING CONDITIONS RELATING TO THE OPERATION OF THE PREMISES OR DEVELOPMENT

1 (6SD02)

Approval of the application to Strata/Land Subdivide the subject property is subject to the lodgement of a Subdivision Certificate application and payment of the appropriate fee.

Reason: Compliance with the Environmental Planning and Assessment Act 1979.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building works is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

Please note that all building work must be carried out fully in accordance with this development consent and conditions of approval. It is an offence to carry out unauthorised building work or building work that is not in accordance with this consent.

In accordance with Clause 284 of the *Environmental Planning and Assessment Regulation 2000*, non compliance with the above conditions may result in Council issuing a Penalty Notice which may incur a fine.

Notes:

Review of Determination

1. If you are dissatisfied with this decision, Section 82A of the *Environmental Planning and Assessment Act 1979* gives the applicant the right of review by Council within six (6) months of the date of determination. Please note that this review must be completed within the six (6) month period after the date of determination. A determination in respect of integrated development or designated development cannot be reviewed by Council.

Right of Appeal

2. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act 1979* gives the applicant the right to appeal to the Land and Environment Court of New South Wales (their address being Level 4, 225 Macquarie Street, Sydney NSW 2000) within six (6) months after the date on which the applicant received notice of the determination of that application.

Modification of the Consent

3. You are advised that any modification to the approved building(s) or structure(s), changes to the layout of buildings or structures on the site, modification of any conditions of this consent or changes to the operation of an approved use may require the lodgement of modification to the consent under Section 96 of the *Environmental Planning and Assessment Act 1979*.
4. Please be advised that in order to lodge an application to modify the consent pursuant to this section, the development must be substantially the same development for which consent was originally granted. If Council is not satisfied that the development is substantially the same, a new development application for the works/use will be required.

Before the Commencement of Building / Subdivision Work

5. A Long Service Levy is payable prior to the issue of all Construction Certificates or Complying Development Certificates, on building works in NSW, where the value of works is \$25,000 (inclusive of GST) and above. The levy is presently calculated by multiplying the value of works (including GST) by 0.35%. When calculating the levy round down to the nearest dollar, for example, if the cost of works is \$485,260 multiply this by 0.35% = \$1,698.41. The levy payable is therefore \$1,698.

Please be advised that the levy is a state government levy and the percentage at which it is charged, can change without notice. The levy funds a portable long service scheme for workers in the building and construction industry. For further information see www.lspc.nsw.gov.au or contact the Corporation on 13 14 41.

6. The erection of a building in accordance with this development consent **must not be commenced until**:
 - (a) detailed plans and specifications of the building have been endorsed with a **Construction Certificate** by:
 - (i) the Consent Authority, or
 - (ii) an Accredited Certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a **Principal Certifying Authority**, and
 - (ii) has notified the Consent Authority and the Council (if the Council is not the consent authority) of the appointment, and

- (c) the person having the benefit of the development consent has given at least two days notice to the Council of the person's intention to commence the erection of the building.

Details in regard to **Notice of Commencement of Building / Subdivision Work** (Form 7 attached to this consent) and appointment of the Principal Certifying Authority are to be submitted to Council following issue of the Construction Certificate and two (2) working days prior to commencement of building works.

Other approvals

7. It is advised that your plans must be submitted to Sydney Water for approval at least fourteen (14) days before commencement of works. Please phone Sydney Water on 13 20 92 for information regarding an office closest to you.
8. You are advised to consult with an energy provider with respect to electrical installations, and telecommunication providers with respect to any telecommunication lines.
9. Australia Post should be consulted for the provision of a letterbox.

Dial before you dig

10. 'Dial before you dig' is a free referral service for information on underground pipes and cables. Dial 1100 before you dig or lodge an enquiry online at www.dialbeforeyoudig.com.au.


Should you have any questions in relations to the matter, please contact Council's Landuse & Sustainability, on (02) 9976 1414, during business hours.

Signed below on behalf of the consent authority.

Yours faithfully,

Date:

22/6/11



Joanne Bramma

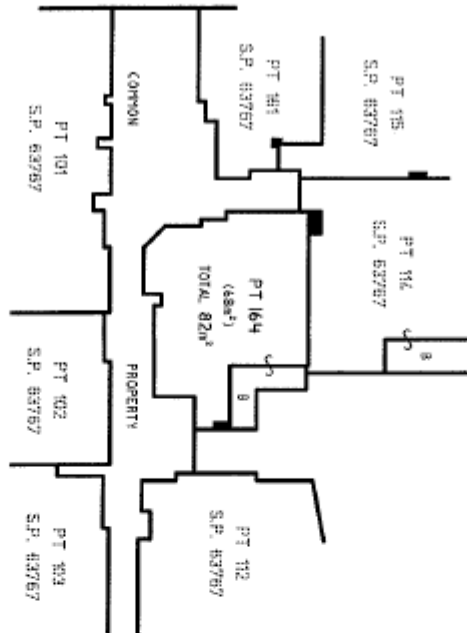
Public Officer



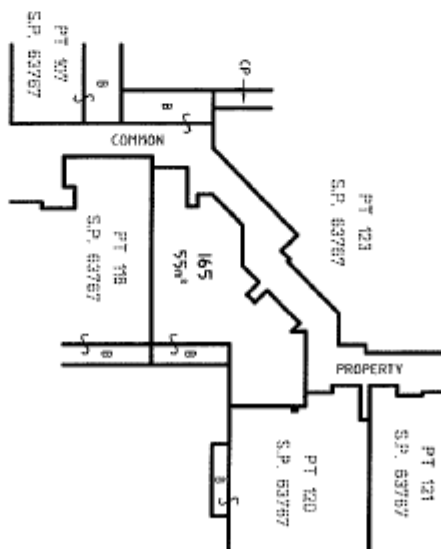
STRATA PLAN FORM 2 (A3)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 2 of 2 sheets



LEVEL 3
"HARBORSIDE"



- NOTES:
- B - DENOTES BALCONY
 - THE STRATUM OF THE BALCONIES WHERE NOT COVERED IS RESTRICTED TO 2.5 METRES ABOVE THE UPPER SURFACE OF THEIR RESPECTIVE FLOORS.

CAUTION: THE AREAS SHOWN ARE FOR THE PURPOSE OF THE STRATA SCHEMES (FREHOLD DEVELOPMENT) ACT 1973 ONLY AND ARE APPROXIMATE

10 20 30 40 50 60 70 80 90 100 110 120 130 140

Surveyor: COLIN D. LETHBRIDGE
Surveyor's Ref: 17612 SP
Subdivision No:
Lengths are in metres
Production Date 1/200

Registered