

10th August 2019

The General Manager
Northern Beaches Council
Belgrave Street
MANLY NSW 2095

Dear Sir,

Statement of Environmental Effects
Change of use of building to office premises
Royal Far West
Lot 2, DP 1093126 and Lot 12, DP 1096038, No. 19 – 21 South Steyne, Manly

1.0 Introduction/ background

On 18th April 2013, the Planning Assessment Commission (PAC) granted Part 3A Concept Approval for a mixed use development on land comprising 14 – 22 Wentworth Street, 16 and 19 – 21 South Steyne, Manly. The proponent and owner of the majority of the land was and remains Royal Far West with Stage 1 of the Concept Approval involving the construction of a “Centre for Excellence” recently constructed and occupied. Royal Far West has recently commissioned Glenn Murcutt and Angelo Candalepas to design the final stages of the Concept Approval with the design and approval of such works likely to take some time given the size and significance of the proposal.

This document has been prepared in support of a development application proposing a change of use of the existing 4 storey medical and administration building located on Lot 2, DP 1093126 and Lot 12, DP 1096038, No. 19 – 21 South Steyne, to office premises. We note that this building is identified for demolition as a component of the Stage 4 Concept Approval works with the proposed change of use facilitating the orderly and economic use of this building until such time as the Stage 4 works have been design, approved and are ready for construction.

The proposed physical works are limited to those detailed within the accompanying Fire Safety Appraisal Report, dated 17th July 2019, prepared by Building Innovations Australia. We anticipate Council imposing a condition of development consent requiring the identified upgrade works to be undertaken prior to issue of an occupation certificate. Given the nature of the office use proposed and the predominantly internalised nature of the BCA upgrade works proposed, we have formed the considered opinion that the proposal will not give rise to any adverse environmental, residential amenity, streetscape or heritage conservation impacts. Given that the proposal does not change the gross floor area of the existing building the application relies on the long established off-street parking circumstance.

Having assessed the detail of the application against the applicable statutory considerations we have formed the considered opinion that the proposed use is permissible with consent, consistent with the zone objectives and in accordance with the statutory considerations applicable to an office premises use. The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.15(1) of the Environmental Planning and Assessment Act, 1979 (the Act). It is considered that the application, the subject of this document, succeeds on merit and as such is appropriate for the granting of consent.

2.0 Site and locality description

The change of use application relates to the existing 4 storey medical and administration building located on Lot 2, DP 1093126 and Lot 12, DP 1096038, No. 19 – 21 South Steyne. The building forms part of the larger Royal Far West complex extending along both South Steyne and Wentworth Streets. There is currently no off-street parking with the subject properties have a combined area of approximately 1422 square metres.

Surrounding development includes a mixture of commercial, residential and educational land uses and building typologies. The subject building is located within the Manly Town Centre, opposite Manly Beach, short walking distance of Manly Corso and approximately 300m east of Manly Wharf. An aerial context/ location photograph is at Figure 1 over page.



Source: Google Earth

Figure 1 – Aerial location/ context photograph (subject building shown by red star)



Figure 2 – Subject building as viewed from South Steyne

3.0 Development proposal

The application proposes a change of use of the existing 4 storey medical and administration building located on Lot 2, DP 1093126 and Lot 12, DP 1096038, No. 19 – 21 South Steyne, to office premises.

The proposed physical works are limited to those detailed within the accompanying Fire Safety Appraisal Report, dated 17th July 2019, prepared by Building Innovations Australia. We anticipate Council imposing a condition of development consent requiring the identified upgrade works to be undertaken prior to issue of an occupation certificate. The existing floor plans are depicted at Attachment 1 with any future fit-out or signage works being the subject of separate approval as necessary.

Given the nature of the proposed use and the sites location within the Manly Town Centre we see no need to restrict the proposed hours of operation. Waste collection will occur by way of private contractor.

4.0 Statutory Planning Framework

4.1 Environmental Planning and Assessment Act 1979

In relation to Concept Approvals, Clause 4.24 of the environmental Planning and Assessment Act (the Act) contains the following provisions:

4.24 Status of concept development applications and consents
(cf previous s 83D)

- (1) The provisions of or made under this or any other Act relating to development applications and development consents apply, except as otherwise provided by or under this or any other Act, to a concept development application and a development consent granted on the determination of any such application.*
- (2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.*
- (3) Subsection (2) does not prevent the modification in accordance with this Act of a consent granted on the determination of a concept development application.*

In relation to the clause 4.24(2) provision, we note that the proposed change of use will enable the orderly and economic use of this building until such time as the Stage 4 Concept Approval works have been design, approved and are ready for construction. Given that proposed physical works are limited to those reasonably required to bring the existing building into BCA compliance, we have formed the considered opinion that the proposed application is not inconsistent with the approval for the concept proposal for the development of the site.

Under such circumstances, there is no statutory impediment to the granting of consent.

4.2 Manly Local Environmental Plan 2014

4.2.1 Zone and Objectives

The subject property is zoned B2 Local Centre pursuant to Manly Local Environmental Plan 2013 (MLEP 2013) with office premises permissible in the zone with consent. The objectives of the zone are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *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.*

The proposed office use will encourage employment opportunities within an accessible location with the absence of available off-street parking maximising public transport patronage and encourage walking and cycling. Further, the proposed office use will not give rise to any adverse amenity or land use conflicts. The proposed land use is consistent with the objectives as outlined and accordingly there is no statutory zoning or zone objective impediment to the granting of approval to the proposed development.

4.2.2 Height of Buildings

Pursuant to Clause 4.3 of MLEP 2013 there is a variable maximum height of development for the subject land of between 10, 12, 15, 18 and 25 metres as depicted on the maximum building height map an extract of which is at Figure 3 over page.

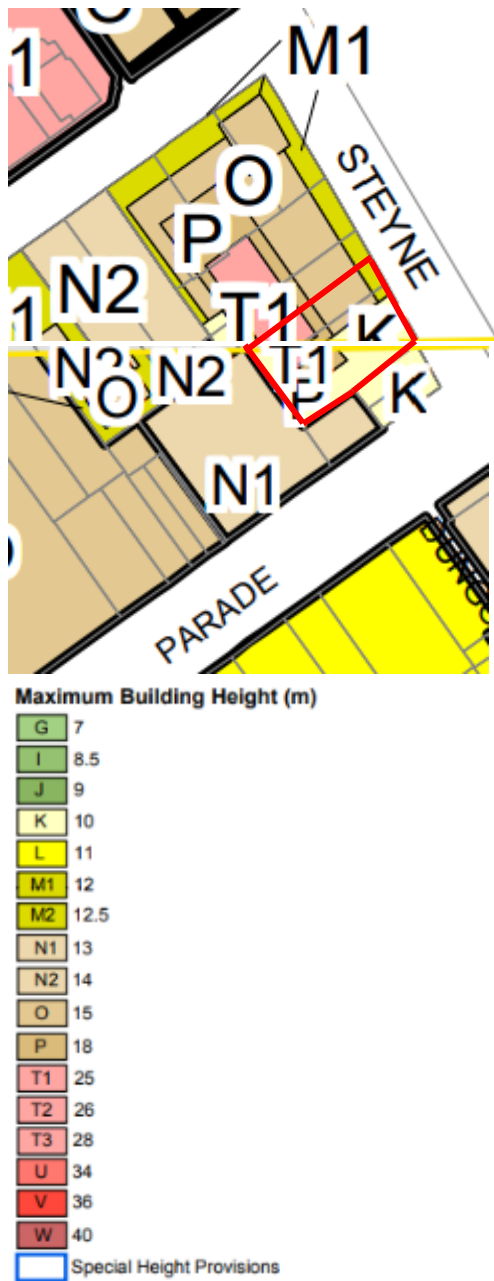


Figure 3 – MLEP 2013 maximum building height map extract (subject site shown bordered in red)

The objectives of this control are as follows:

- (a) *to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*
- (b) *to control the bulk and scale of buildings,*
- (c) *to minimise disruption to the following:*

- (i) *views to nearby residential development from public spaces (including the harbour and foreshores),*
- (ii) *views from nearby residential development to public spaces (including the harbour and foreshores),*
- (iii) *views between public spaces (including the harbour and foreshores),*
- (d) *to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,*
- (e) *to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.*

We confirm that no proposed “building works” exceed the applicable height standards and accordingly there is no statutory impediment to the granting of consent.

4.2.3 Floor Space Ratio

Pursuant to Clause 4.4 MLEP 2013 the maximum FSR for development on the site is 3:1 representing a gross floor area of approximately 1422 square metres. The stated objectives of this clause are:

- (a) *to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*
- (b) *to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,*
- (c) *to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*
- (d) *to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,*

- (e) *to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.*

We confirm that the long established GFA/ FSR is not altered as a consequence of the change of use proposed and accordingly there is no statutory impediment to the granting of consent.

4.2.4 Heritage Conservation - Heritage Impact Statement

Pursuant to clause 5.10 MLEP 2013 development consent is required for any of the following:

- (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):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*

The stated objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of Manly,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The subject building is not heritage listed or located within a heritage conservation area. The property does however immediately adjoin a number of items of heritage significance as depicted in Figure 4 over page:



Figure 4 – MLEP 2013 heritage conservation map extract (subject site shown by star)

The identified heritage items within vicinity of the site are as follows:

I226	House	15 – 16 South Steyne, Manly
I242	Residential flat building	31 Victoria Parade, Manly
I241	Residential flat building	29 Victoria Parade, Manly
I245	The Drummond Far West Home	22 Wentworth Street, Manly
I174	Beach Reserve	North Steyne and South Steyne
I2	All Stone Kerbs	Manly Municipal area
I246	Street Trees	Wentworth Street
I238	Street Trees	Victoria Parade
I224	Public Shelters	North Steyne and South Steyne

This Heritage Impact Statement has been prepared in accordance with the standard guidelines of the NSW Heritage Office.

Heritage Considerations

The following aspects of the proposal respect or enhance the heritage significance of the adjacent buildings for the following reasons:

- The proposed change of use and associated BCA upgrade works will have no physical or residential amenity impact on any adjoining heritage item in terms of privacy and overshadowing and will not impact on views to and from the items. In this regard, the view corridors down both sides of the property are retained.
- The existing streetscape will be preserved.

The following aspects of the proposal could detrimentally impact on heritage significance.

- Nil

The following sympathetic solutions have been considered and discounted for the following reasons:

- Nil

Having given consideration to the impact of the proposed works on the significance of the adjacent heritage items I have formed the considered opinion that:

- The proposed change of use will have no physical or residential amenity impact on any adjoining heritage item in terms of privacy and overshadowing and will not impact on views to and from the items. In this regard the view corridors down both sides of the property are retained;
- Accordingly, the proposed development will have a neutral impact on the significance of the heritage items and their setting.

Accordingly, there is no statutory impediment to the granting of consent to the proposed works in this instance.

4.2.5 Acid Sulphate Soils

Pursuant to clause 6.1 MLEP 2013 the site is mapped as Class 4 on the Acid Sulfate Soils (ASS) map. As no excavation is proposed no further investigation is required.

4.2.6 Foreshore Scenic Protection Area

Pursuant to clause 6.9(2) the land is identified on the Foreshore Scenic Protection Area Map. Pursuant to clause 6.9(3) development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:

- (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,*
- (b) measures to protect and improve scenic qualities of the coastline,*
- (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,*
- (d) measures to reduce the potential for conflict between land-based and water-based coastal activities.*

As no external works are proposed to the existing building these provisions are satisfied.

4.2.7 Active Street Frontages

Pursuant to clause 6.11 the objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre.

The proposed office use proposed will satisfy this consideration. The objective of the standard is achieved.

4.2.8 Gross Floor Area in Zone B2

Pursuant to clause 6.16 development consent must not be granted to the erection of a building on land in Zone B2 Local Centre unless the consent authority is satisfied that at least 25% of the gross floor area of the building will be used as commercial premises.

We conform that 100% of the existing floor space will be used for commercial purposes in strict accordance with this standard.

4.3 Manly Development Control Plan 2013

4.3.1 General Principles of Development

4.3.1.1 Townscape (Local and Neighbourhood Centres)

We have formed the considered opinion that the proposed change of use responds to the design principles contained at clause 3.1.3.1 of the Manly DCP given that there are no external physical works proposed and accordingly no streetscape or heritage conservation impacts.

4.3.1.2 Car Parking, Vehicular Access and Loading Controls

As previously indicated, there is currently no off-street parking on the subject site nor is there an ability to provide any given the footprint of the existing building.

We note that the Schedule 3 commercial parking rates contained within the DCP is 1 space per 40sqm GFA with the both the existing medical centre/ administration and proposed office uses appropriately described as commercial and therefore requiring the same parking rate. As the long established GFA is maintained the proposed change of use does not generate any additional parking demand for this particular building.

The maintenance of the long established off-street parking circumstance is considered acceptable given the following circumstances:

- there is currently no off-street parking on the subject site nor is there an ability to provide any given the footprint of the existing building;
- As the long established commercial GFA is maintained the proposed change of use does not generate any additional parking demand for this particular building; and
- The site is located within short walking distance of Council owned public car parking stations, time limited kerb side parking and both bus and ferry public transport services.

4.4 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979(as amended):

4.4.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.

Having assessed the detail of the application against the applicable statutory considerations we have formed the opinion that the office use is entirely consistent with the zone objectives and the DCP provisions as they relate to the subject site.

The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.15(1) of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, provides for the orderly and economic use and development of the subject site, succeeds on merit and as such is appropriate for the granting of consent.

4.4.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Context and Setting

i) *What is the relationship to the region and local context on 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 three dimensional form, massing and presentation of the existing building is not altered as a consequence of the change of use proposed.

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?*

The proposed use will not give rise to any residential amenity impacts given the nature of the proposed use and its location within an established business centre.

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?*

This issue has been addressed in detail within this submission.

Public domain

There are no public domain impacts.

Utilities

Existing utility services will adequately service the development.

Waste

Normal private commercial waste collection applies to this development.

Economic impact in the locality

The proposed development will provide full time employment for office workers.

Site design and internal design

i) *Is the development design sensitive to environmental conditions 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?*

All fit-out works will be to future applications as necessary

ii) *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?*

The proposed development will be able comply with the provisions of the Building Code of Australia as detailed within the accompanying Fire Safety Appraisal Report, dated 17th July 2019, prepared by Building Innovations Australia. We anticipate Council imposing a condition of development consent requiring the identified upgrade works to be undertaken prior to issue of an occupation certificate.

Construction

i) *What would be the impacts of construction activities in terms of:*

- *the environmental planning issues listed above?*
- *site safety?*

The proposed physical works are limited to those detailed within the accompanying Fire Safety Appraisal Report, dated 17th July 2019, prepared by Building Innovations Australia.

4.4.3 The suitability of the site for the development.

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments 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?*

The adjacent development does not impose any development constraints. The site is well located with regards to utility services and public transport.

Are the site attributes conducive to development?

The site has no special physical or engineering constraints and is suitable for the proposed development.

4.4.4 Any submissions received in accordance with this Act or the regulations.

It is envisaged that any submissions made in relation to the proposed development will be appropriately assessed by Council.

4.4.5 The public interest.

We note that this building is identified for demolition as a component of the Stage 4 Concept Approval works with the proposed change of use facilitating the orderly and economic use of this building until such time as the Stage 4 works have been design, approved and are ready for construction. As such approval would be in the public interest.

5.0 CONCLUSIONS

Having assessed the detail of the application against the applicable statutory considerations we have formed the considered opinion that the proposed use is permissible with consent, consistent with the zone objectives and in accordance with the statutory considerations applicable to an office premises use. The proposed change of use facilitating the orderly and economic use of this building until such time as the Stage 4 Concept Approval works have been design, approved and are ready for construction.

The proposed physical works are limited to those detailed within the accompanying Fire Safety Appraisal Report, dated 17th July 2019, prepared by Building Innovations Australia. We anticipate Council imposing a condition of development consent requiring the identified upgrade works to be undertaken prior to issue of an occupation certificate. Given the nature of the office use proposed and the predominantly internalised nature of the BCA upgrade works proposed, we have formed the considered opinion that the proposal will not give rise to any adverse environmental, residential amenity, streetscape or heritage conservation impacts.

The maintenance of the long established off-street parking circumstance is considered acceptable given the following circumstances:

- there is currently no off-street parking on the subject site nor is there an ability to provide any given the footprint of the existing building;
- As the long established commercial GFA is maintained the proposed change of use does not generate any additional parking demand for this particular building; and

- The site is located within short walking distance of Council owned public car parking stations, time limited kerb side parking and both bus and ferry public transport services.

The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.15(1) of the Act. It is considered that the application, the subject of this document, succeeds on merit and as such is appropriate for the granting of consent.

Boston Blyth Fleming Pty Limited



Greg Boston

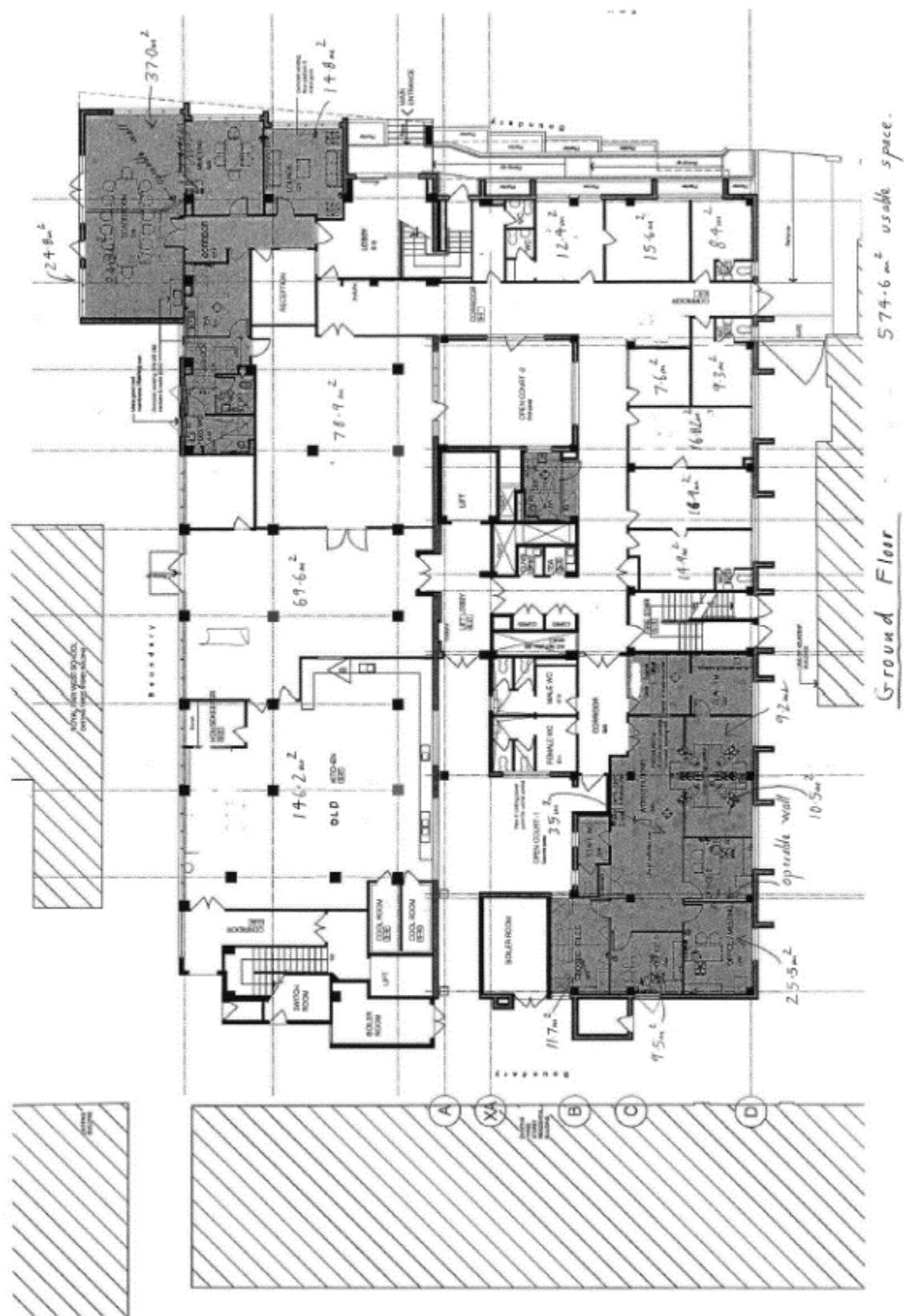
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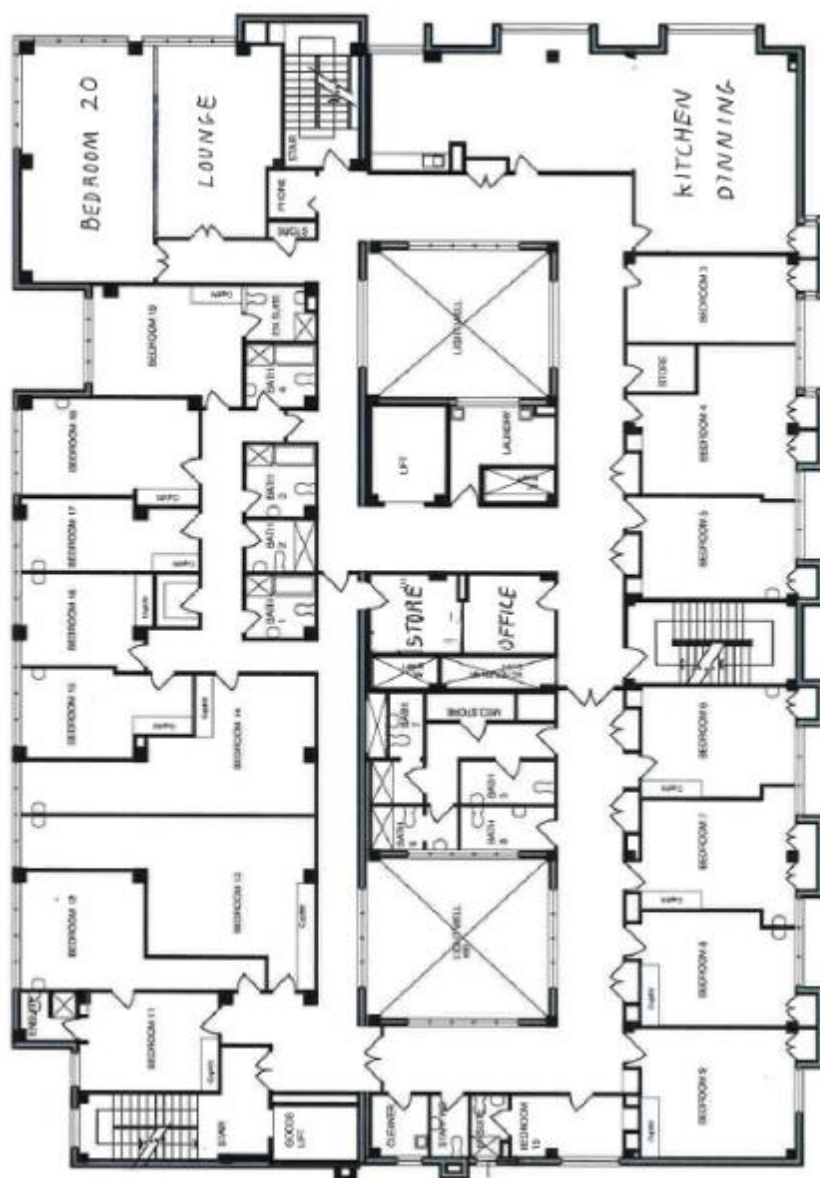
B Env Hlth (UWS)

Director

Attachment 1

Existing floor plans





SECOND FLOOR PLAN

