
STATEMENT OF ENVIRONMENTAL EFFECTS

To accompany a Development Application

For the change of use to a college

at No. 19 Sydney Road, Manly

Issue B – December 2023

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1.0 INTRODUCTION

This statement has been prepared to accompany a Development Application for the change of use to a college at No. 19 Sydney Road, Manly.

The purpose of this report is to describe the proposed change of use and review the relevant planning controls relating to the proposal. It provides an assessment of the proposed development in light of the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979.

This report aims to demonstrate that the proposed development is appropriate within its context and within the framework of the relevant planning policies.

This statement addresses issues arising from the proposed development in light of the following planning controls:

- Manly Local Environmental Plan 2013
- Manly Development Control Plan 2013
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021

The assessment relies upon the following information:

- The subject land is zoned E1 Local Centre under the Manly Local Environmental Plan 2013
- The immediate context of the site and surrounding commercial character

2.0 SITE & CONTEXT ANALYSIS

2.1 SUBJECT SITE DESCRIPTION

The subject site is located at No. 19 Sydney Road, Manly and is legally identified as Lot 20 within DP 235980. The area of the subject site is 379.28m² by survey.

The subject site is located on the southern side of Sydney Road, near the intersection of Sydney Road and Central Avenue. The site has a secondary frontage to Market Place. Figure 01 illustrates the context of the site within the locality.

The site is a rectangular allotment with an approximately 12-metre frontage to Sydney Road, and a 12-metre secondary frontage to Market Place. The site is oriented approximately north to south, and is relatively flat.

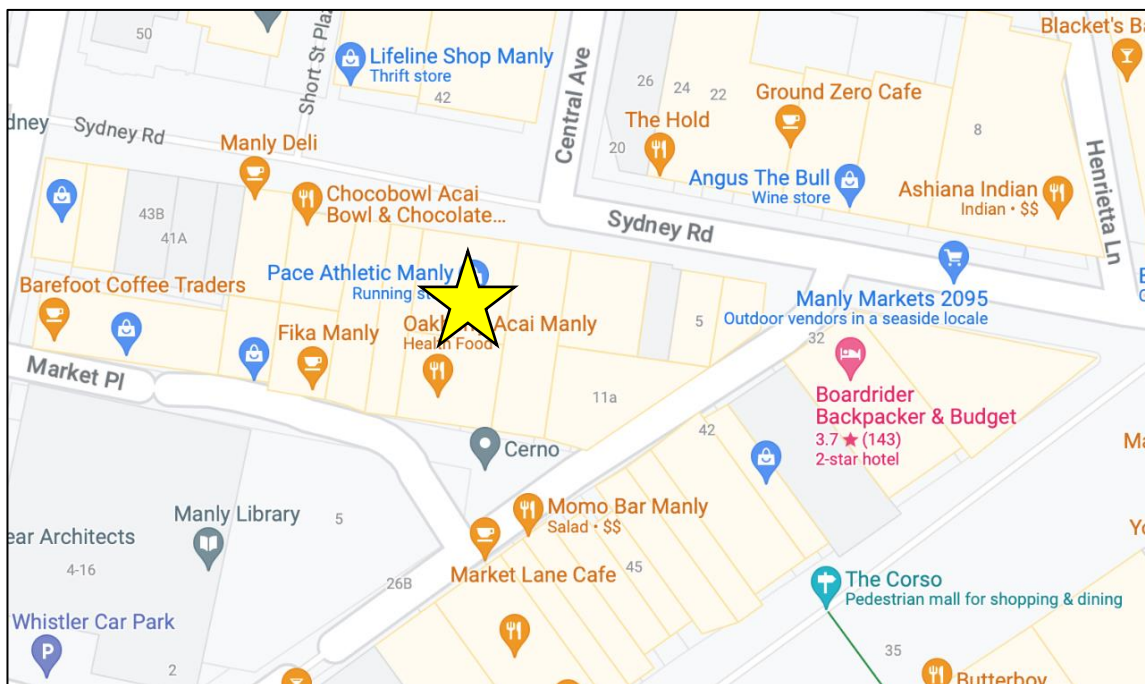


Figure 01: Map of site location (Google Maps, accessed 2023)

2.2 EXISTING BUILDINGS AND ASSOCIATED STRUCTURES

The subject site currently contains a three-storey commercial building, attached on either side.

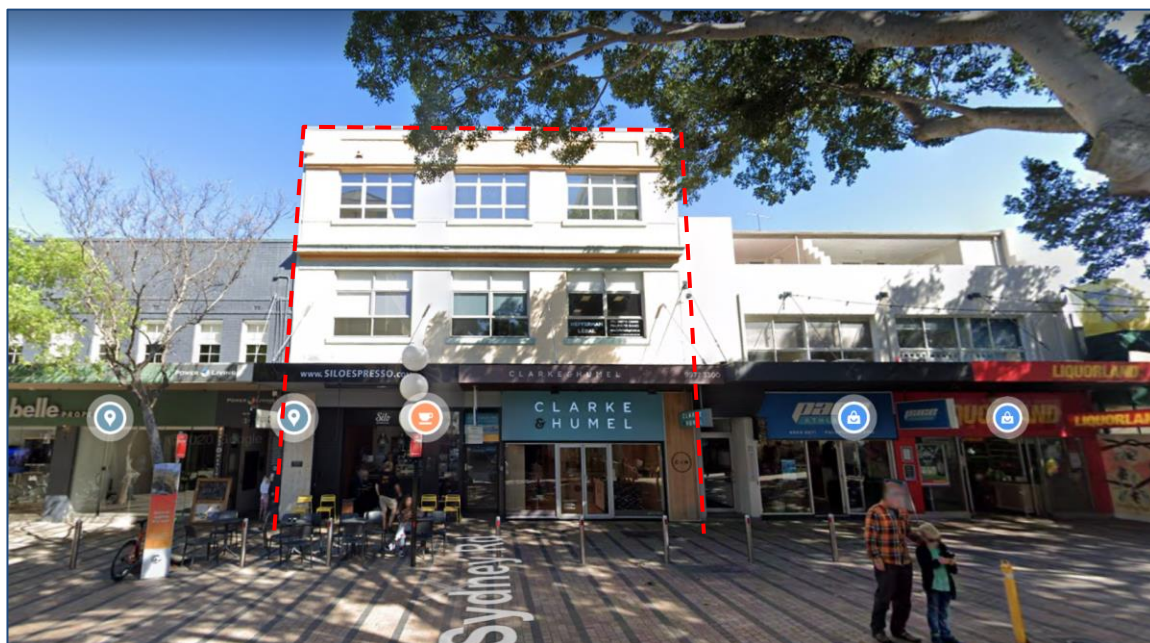


Figure 02: Existing site as viewed from the street (Google Maps, accessed 2023)

3.0 THE DEVELOPMENT PROPOSAL

3.1 OVERVIEW

This Development Application proposes a change of use to a college known as Fluency Hub, owned by Batool International Pty Ltd; CRICOS provider code 03830D.

The college will offer tertiary education to international students, comprising of English Language Intensive Courses for Overseas Students (ELICOS) with proficiency levels comprising of elementary, pre-intermediate, intermediate, upper-intermediate, and advanced.

The proposed college will operate in accordance with the table below, with a maximum capacity of 75 people at any one time; comprising of 70 students and 5 staff members. The premises will operate strictly for staff members 30 minutes before and after classes are held in order to complete administrative tasks and necessary class preparation. Each class will contain two 15-minute breaks.

Day	Operating hours	Class times
Monday	8:00am – 1:30pm 4:00pm – 10:00pm	8:30pm – 1:00pm 4:30pm – 9:30pm
Tuesday	8:00am – 1:30pm 4:00pm – 10:00pm	8:30pm – 1:00pm 4:30pm – 9:30pm
Wednesday	8:00am – 1:30pm 4:00pm – 10:00pm	8:30pm – 1:00pm 4:30pm – 9:30pm
Thursday	8:00am – 1:30pm 4:00pm – 10:00pm	8:30pm – 1:00pm 4:30pm – 9:30pm
Friday	8:00am – 1:30pm	8:30am – 1:00pm
Saturday	8:30am – 1:30pm	9:00pm – 1:00pm
Sunday	Closed	

4.0 EVALUATION PURSUANT TO PLANNING INSTRUMENTS

This application has taken into consideration relevant provisions of the Manly Local Environmental Plan 2013 and the Manly Development Control Plan 2013, and applicable State Environmental Planning Policies.

4.1 MANLY LOCAL ENVIRONMENTAL PLAN 2013

Part 2 Permitted or prohibited development

Clause 2.1 Land use zones

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.

Comment

According to the Manly LEP 2013, an 'educational establishment' means a building or place used for education (including teaching), being—

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

Whilst the 'educational establishment' land use is prohibited under the E1 Local Centre zone, it was permissible under the previous B2 Local centre zone which applied to the site prior to the Employment Zones Reform being implemented on 26th April 2023. Therefore, the 'educational establishment' land use is permitted at No. 19 Sydney Road, Manly until 26th April 2025.

The proposed college aligns with the applicable objectives of the E1 zone by providing employment through the on-going operational stages of the premises, with a reasonable scale and complementary physical external appearance. The amenity of neighbouring sites and the public domain surrounding the site is protected by the new use as the proposed activities on site will not produce odour, noise or other adverse operational impacts.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

(1) Objectives

The 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.

Comment

The site is located within the Town Centre Heritage Conservation Area. Refer to the Heritage Impact Statement submitted with this Development Application for further heritage consideration, confirming the suitability of the proposal due to the relatively minor and internal nature of proposed changes.

Part 6 Additional local provisions

Clause 6.9 Foreshore scenic protection area

(1) The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly.

(2) This clause applies to land that is shown as "Foreshore Scenic Protection Area" on the Foreshore Scenic Protection Area Map.

(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.

Comment

The site has been identified to be subject to this clause. The proposal is considered to satisfy the requirements of this clause as the visual aesthetic amenity and views to and from the foreshore in Manly is protected.

Clause 6.11 Active street frontages

(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone E1.

(2) This clause applies to land identified as "Active street frontages" on the Active Street Frontages Map.

(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—

(a) entrances and lobbies (including as part of mixed use development),

(b) access for fire services,

(c) vehicular access.

(5) In this clause, a building has 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.

Comment

The site has been identified to be subject to this clause. The proposal is considered to meet the requirements of this clause as it comprises of transparent glazing on the ground floor facing both Sydney Road and Market Place, which reduces the divide between the public and private space, creating interest and encouraging an interactive area along both frontages. Door openings to both frontages will also attract pedestrian traffic, as users of the site will use such openings to enter and exit the premises.

4.2 MANLY DEVELOPMENT CONTROL PLAN 2013

The development achieves a high level of compliance with the provisions of Manly Development Control Plan 2013.

Control	Comment	Compliance	
PART 3			
3.1.3 Townscape (Local and Neighbourhood Centres)			
The relevant townscape principles, see discussion of schedule 2 below, are satisfied by the proposal.			
3.2.2.2 Retaining Significant Features and Landscape Setting			
The proposed change of use is not considered to place any significant features at risk. The existing Sydney Road and Market Place streetscapes, and nearby landscape setting will be protected.			
3.8 Waste Management			
Refer to the waste management plan submitted with this application for waste details, confirming the suitability of the proposal.			
4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor			
4.2.4.1 Car Parking			
a	<p>The Council may be prepared to allow exceptions to the parking rate/requirements required in this DCP in the following circumstances:</p> <p>(i) where it can be demonstrated that particular activities in mixed use developments have car parking demands which peak at different times;</p> <p>(ii) where visitors are likely to use more than one facility per trip;</p> <p>(iii) considering available car parking in the surrounding area, except in relation to Manly Town Centre where more particular</p>	<p>The reasonable scale of operations on site render the proposed college to be one of multiple destinations that a student may visit in one trip. Facilitating parking on site would result in major demolition, at the risk of disrupting the established Sydney Road and Market Place streetscapes, and their subsequent character and heritage significance.</p> <p>Nearby street parking and Council parking lots are available for users of the site who need to drive, however, public transport and the location of the site within walking distance of residential dwellings means that users can easily access the business without a private car.</p>	Yes

Control	Comment	Compliance
(iv) exceptions are provided at paragraph 4.2.5.4 of this plan; or where it is satisfied that reduced number of parking spaces will facilitate conservation of an item of the environmental heritage in accordance with LEP clause 5(10).	Staff members will be made aware of public transport availability in the locality, so as to be able to provide relevant information to students when necessary. In this circumstance, a Green Travel Plan is not required. Additionally, there are several on-street bicycle parking spaces within close proximity to the subject site as demonstrated on the architectural plans. As a result, there are no on-site bicycle parking spaces required. Students and staff will be encouraged to travel to the site via bicycle and public transport, in which case a parking assessment is not required.	

4.2.4.3 Loading Bays

a	Loading bays must be provided in sufficient number to meet anticipated demand. This demand is related to the total amount of floor space, the intensity of use and the nature of the activity.	The college is not expected to require deliveries in large quantities, rendering an exclusive loading bay unnecessary. Any rare deliveries can use timed 5-minute loading bays nearby the site.	Yes
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PART 5 – 5.1 Manly Town Centre Heritage Conservation Area and The Corso

5.1.1 General Character

1	<i>Statement of Significance: The Manly Town Centre Conservation Area is of local heritage significance as a reflection of the early development of Manly as a peripheral harbor and beachside village in the fledgling colony of New South Wales. This significance is enhanced by its role as a day-trip and holiday destination during those early years, continuing up to the present time, and its association with H G Smith, the original designer and developer of the Manly Town Centre Conservation Area as it is today. The physical elements of the Manly Town Centre</i>	Yes
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Control	Comment	Compliance
	<p><i>Conservation Area reflect this early development and its continued use for recreational purposes, most notably the intact promenade quality of The Corso and its turn of the century streetscape, as well as key built elements such as hotels, and remaining original commercial and small scale residential buildings.</i></p> <p><i>The beautiful natural setting of the Manly Town Centre Conservation Area has provided a solid foundation for its picturesque qualities. The cultural landscape, including plantings, monuments and open spaces, reflects the continued enhancement of the Manly Town Centre Conservation Area over time, in order to attract and sustain visitors to the area, which in turn has provided great support to the local economy. The many historic vistas which remain to this day enhance the visitor experience of the Manly Town Centre Conservation Area and assist with providing an interpretation of the Manly Town Centre Conservation Area as it has changed over time.</i></p> <p><i>The Manly Town Centre Conservation Area maintains a high level of social significance, as a popular destination for local, national and international tourists, as well as through its encapsulation of the Australian beach culture.</i></p> <p><u>Comment</u></p> <p>The proposed college use is consistent with the stated Statement of Significance. Key features of the Sydney Road and Market Place facades are retained, as is the natural setting of the area, as the proposal does not result in any reduction of landscaping or other natural features. Historic vistas are unchanged, and the premises will serve local residents, as well as national and international tourists.</p>	

SCHEDULE 2 – TOWNSCAPE PRINCIPLES

Map 2A	Retain important vistas along The Corso	Views to Manly Beach and along The Corso are unchanged by this proposal.	Yes
Map 2A	Retain pedestrian links within arcades	Existing arcades are retained by this proposal.	Yes

4.3 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

This Policy is to provide for a state-wide planning approach to the remediation of contaminated land. Subject to the SEPP, considerations should be given to the suitability of land in terms of contamination.

The subject site has a long history of being used for a commercial purpose, without any indication of industrial or commercial activities that may result in the

contamination of land. Thus, there is no further consideration required under this SEPP.

4.4 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The provisions of this SEPP have been considered against this proposal.

Chapter 2 Infrastructure

Clause 2.119 Development with frontage to classified road

The application does not have a frontage to a classified road.






Clause 2.122 Traffic-generating development

It is up to Council to action a referral to Transport for NSW as per this Clause.

Chapter 3 Education Establishments and Childcare Facilities

An educational establishment, defined as a school or tertiary education site is not proposed.

5.0 COMPLIANCE TABLE

Planning Instrument	Clause	Complies
Manly Local Environmental Plan 2013	Clause 2.1 Land use zones	
Manly Local Environmental Plan 2013	Clause 5.10 Heritage conservation	
Manly Local Environmental Plan 2013	Clause 6.11 Active street frontages	
Manly Development Control Plan 2013	Part 3.8 Waste Management	
Manly Development Control Plan 2013	Part 4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor	
Manly Development Control Plan 2013	Part 5.1 Manly Town Centre Heritage Conservation Area and The Corso	

6.0 CONCLUSION

The proposed change of use to a college at No. 19 Sydney Road, Manly is consistent with the objectives and relevant provisions of Northern Beaches Council's planning instruments.

From this statement it is concluded that the development provides a high standard of education for the community and surrounding local centre which is compatible with the existing and desired future character of the area surrounding the subject site. There are no additional impacts that can be attributed to the development that will adversely affect the amenity of neighbouring properties nor deter from the streetscape or foreshore.

In this regard the Council is requested to review the application favourably and grant the development consent.