

STATEMENT OF ENVIRONMENTAL EFFECTS

TO ACCOMPANY A

DEVELOPMENT APPLICATION

FOR

PROPOSED YOGA/PILATES STUDIO

AT

**TENANCY 137-138, 54 WEST ESPLANADE,
MANLY**

LOT 45 SP53211

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1. INTRODUCTION

1.1 Summary

I have been commissioned to prepare a Statement of Environmental Effects in relation to a development application seeking consent for use of an existing tenancy for the purposes of a Yoga/Pilates Studio at land described as Lot 45 SP 53211, Tenancy 137-138, 54 West Esplanade, Manly (The site).

The proposed development is subject to assessment under Part 4 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). The following Statement of Environmental Effects will consider the potential environmental impacts of that development, having regard to the matters for consideration under Section 4.15(1) of the *EP&A Act 1979*.

This Statement of Environmental Effects also addresses relevant matters under the *Manly Local Environmental Plan 2013* and the *Manly Development Control Plan 2013*.

In the preparation of this SEE consideration has been given to the following documents:

- a) Plans of the proposed development prepared by Harrison Architecture dated 17.02.2021 and 05.03.2021;
- b) Environmental Planning and Assessment Act 1979 ("EPAA 1979");
- c) State Environmental Planning Policy (Infrastructure) 2007
- d) Manly Local Environmental Plan 2013 ("SLEP 2013");
- e) Development Control Plan 2013 ("DCP");
- f) Planning Principles of the NSW Land and Environment Court;

1.2 Site Description



Figure 1.2.1 – Subject Site

The site comprises land described as Lot 45 SP 53211, Tenancy 137-138, 54 West Esplanade, Manly. The site is bounded by Gilbert Street to the north, Belgrave Street to the west, West Esplanade to the south and Eustace Street to the west. Manly Cove is located immediately to the south. A site locality map is provided at Figure 1.1.1.

The site is located within a main commercial precinct and the predominant land uses surrounding the site consist of a variety of residential apartments, general retail and commercial enterprise.

The site is an existing 'disturbed site' and is clear of any significant vegetation and is occupied by a large multi storey mixed use development incorporating a mix of accommodation, residential apartments and commercial uses.

The land within the site is generally flat.



Figure 1.2.2 – Site Locality Map

Statement of Environmental Effects
Tenancy 137-138, 54 West Esplanade, Manly

1.3 The Proposed Development

The proposed change of use involves use of an existing ground floor commercial space for the purposes of a recreation facility (indoor), being a Yoga/Pilates Studio. The proposed development will be confined to the ground floor of the existing Mixed Use Development presently occupying the land accessed by West Esplanade.

The ground level tenancy has is an irregular shaped tenancy with a Gross Floor Area of approximately 270m².

Existing toilets and showers are located within the north-eastern portion of the tenancy.

Minor internal fit-out works that would generally meet the requirements of exempt development are proposed such as;

- Polished concrete and laminate flooring.
- Mounted TVs.
- Internal Signage.
- Seating and furniture.

Business Identification signage is installed to the West Esplanade street frontage.

The estimated maximum occupation associated with the proposed development is twenty-seven (27) people.

The gym will employ two (2) trainers and the hours of operation will be:

Monday- Friday: 5:00am – 8:00pm; and

Saturday & Sunday: 6:00am – 2:00pm.

The proposed development is shown on plans prepared Harrison (dated 17.02.2021 and 03.05.2021).

2. PLANNING INSTRUMENTS

2.1 Manly Local Environmental Plan 2013

The site is zoned 'B2 Commercial Core' under the provisions of the *Manly Local Environmental Plan 2013* (LEP). An extract of the zoning map can be observed in Figure 2.1.1



Figure 2.1.1 – Land Zoning Map Extract [Source – NSW Planning Portal]

The proposed development is for the purposes of a yoga/pilates studio, which is defined as a recreation facility (indoor) under the LEP. Recreation facilities (indoor) are permitted with the consent of Council in the B2 Zone.

Clause 2.3(2) of the LEP states Council must have regard to the objectives when determining a Development Application. The objectives of the B2 Zone are:

- *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.*

Regarding the applicable zone objectives, the proposed development will contribute to the wide range of land uses which serve the needs of the people who live in, work in and visit the local area.

The proposed development will contribute to the employment opportunities within an accessible location, with the site well serviced by public transport.

Furthermore, the proposed development will promote a healthy lifestyle which will encourage not only the use of the surrounding public transport network but will also encourage the use of other modes of sustainable transport such as cycling and walking.

Finally, the proposed yoga/Pilates studio will minimise conflict between land uses in the zone and adjoining zones and ensure amenity for the people who live in the local centre due to the fact that noise generation will be minimal as associated with a Yoga/Pilates Studio. No odour will be produced, no deliveries are required and no machinery will be used.

The proposed development is consistent with the relevant objectives of the B2 Zone, without undermining the achievement of the remaining objectives.

Table 2.1.1 below provides a summary of the relevant provisions of the LEP and outlines their relationship to the proposed development.

Table 2.1.1 – LEP Compliance Summary

Clause	Control	Comment
4.3 Height of Buildings	<20 metres	The development proposes no increase in the height of the existing building on the land.
4.4 Floor Space Ratio	3: 1 maximum	The development proposes no increase in the floor area of the existing building on the land.
6.1 Acid Sulfate Soils	Potential Class 4 Soils	The proposed development necessitates no works likely to disturb potential acid sulfate soils.

2.2 Manly Development Control Plan 2013

The *Manly Development Control Plan 2013* (DCP) applies to all forms of development within the Manly locality.

3.1.3 Townscape (Local and Neighbourhood Centres)

Table 2.2.1.1 details the applicable controls contained within Chapter 3 of the DCP and outlines their relationship to the proposed development.

Table 2.2.1.1 – DCP Part 3 Compliance Summary

Control	Comment
3.1.3.1 Design Principles	The proposed development maintains and enhances the townscape of the former Manly Council area's LEP Business Zones, achieves the townscape objectives of the DCP primarily due to the fact that the proposed works are contained within the existing building with the only external works are relating to minor signage.

	<p>The proposed development will not inhibit the achievement of the remaining aims of the Neighbourhood Centre.</p> <p>The local role of the site will be maintained as the external façade of the tenancy will generally remain unchanged (except for signage) when viewed from a distance, along routes and from view points leading to the locality.</p> <p>The tenancy will remain unchanged in its relation to the adjacent spaces it borders and similarly, will remain unchanged in terms of height, scale and design detailing.</p> <p>The proposed works under this DA will not impact the following;</p> <ul style="list-style-type: none"> (i) the scale, proportion and line of visible facades; (ii) the pattern of openings and the visual pattern of solids to voids on facades; (iii) both the overall wall and parapet height and the height of individual floors in relation to adjoining development and important corner buildings and the height of awnings. See also paragraph 4.4.4; and <p>The proposed colours and materials of the external signage will present as an attractive feature and is in keeping with similar signage in the area.</p>
3.3.1 Landscaping Design	<p>The existing premises do not contain an opportunity for any landscaping.</p> <p>Therefore, the proposed development is not inconsistent with, nor will it inhibit the implementation of, Council's Landscape Strategy. The proposal is contained within the existing tenancy.</p>

3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	<p>The proposed yoga/pilates studio is not a significant noise generating development and is contained within the existing premises.</p> <p>The amenity of existing and future residents of adjoining tenancies will be maintained whilst potential impact on privacy, views, solar access will not occur.</p> <p>The general amenity of adjoining and nearby properties in relation to noise and vibration is considered to be unlikely to the use of the premises as a yoga/pilates studio located at ground floor. Furthermore, a Plan of management accompanies this DA outlining precautions to be taken in order to ensure even the potential for impact is minimised.</p>
3.4.2 Privacy and Security	<p>The proposed development does not require the creation of any additional openings.</p> <p>The proposed use as a yoga/pilates studio is not considered to be a significant noise generating operation. Furthermore, a Plan of Management accompanies this DA outlining how the proposed use will minimise the potential for loss of privacy to adjacent and nearby development by incorporating operational measures.</p> <p>Movement of garbage from the premises will not occur after 10:00pm or before 8:00am. The proposed use does not generate a high level of waste. Most items will be removed by users.</p> <p>The premises will not require frequent loading and unloading of goods. Should goods be required on-site, this will occur after 7:00pm and before 8:00am.</p> <p>No heavy weights or loud music are to be used on the premises.</p>

	Signage will be installed as required advising patrons to leave quickly and quietly outside base hours.
3.6 Accessibility	The proposed use does not necessitate any changes to existing access and facilities. For further comment, please refer to the BCA Report which accompanies this DA.
3.8 Waste Management	The proposed use does not generate significant waste and will be easily accommodated in the existing waste facilities on-site. Please refer to the Waste Management Plan which accompanies this DA.
3.9 Mechanical Plant Equipment	No plant or equipment is required.
3.10 Safety and Security	The proposed use will not seek to cover existing passive surveillance. The proposed hours of operation and presence of staff on-site will assist in improving safety and security in the area.

Part 4 – Development Controls and Development Types

4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres)

Table 2.2.1.2 details the applicable controls contained within Part 4 of the DCP and outlines their relationship to the proposed development.

Table 2.2.1.1 – DCP Part 3 Compliance Summary

4.2.1 FSR (Consideration of Exceptions including Arcades)	N/A
4.2.2 Height of Buildings (Consideration of	N/A

exceptions to Building Height in LEP Business Zones B1 and B2)	
4.2.3 Setbacks Controls in LEP Zones B1 and B2	N/A
4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor	Please refer to further comment later in this SEE.

4.2.5 Manly Town Centre and Surrounds

4.2.5.1 Design for Townscape

The proposed indoor recreational facility will service the employees and patrons of immediately surrounding existing commercial and retail development. Additionally, the proposed development will service existing residential development located within proximity to the site which is connected via an existing network of pedestrian pathways.

The proposed development is in keeping with all relevant objectives of this clause.

4.2.5.4 Car Parking and Access

The proposed development is taking over an existing commercial/retail space and as such, no opportunity to provide additional parking is available.

The site is conveniently located within proximity to both the bus interchange and the Ferry Service.

The subject site is also located near primary cycle routes and main pedestrian links. The proposed development encourages alternate and active forms of transport by providing a conveniently located indoor recreational facility situated along a main pedestrian and bicycle links and public transport hubs, therefore, the reliance on vehicles and the need for off-street car parking associated with the proposed development is significantly reduced.

3. LIKELY ENVIRONMENTAL, SOCIAL & ECONOMIC IMPACTS.

The potential environmental impacts of the proposed development are considered in Table 3.1.

Table 0.1: Potential Environmental Impact Summary

Matter	Potential Impact?
Acid Sulfate Soils	The site is shown on the Acid Sulfate Soils Map as being Class 4 land. The proposed development will not to disturb or expose acid sulphate soils or result in the lowering of the water table on adjacent Class 1, 2, 3 or 4 land.
Flooding	The site is not subject to flooding.
Bushfire	The site is not mapped as bushfire prone land.
Drainage	N/A
Flora & Fauna	The development necessitates no removal of vegetation.
Aboriginal Cultural Heritage	<p>The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (the Code) (DECCW, 2010) assists individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an Aboriginal Heritage Impact Permit (AHIP).</p> <p>A search of the AHIMS concludes that there are no known records of Aboriginal sites or places within the immediate vicinity of the subject site. Based on the disturbed nature of the site, and having regard to the considerations in the Code, it is considered that the presence of artefacts and or sites of Aboriginal heritage value would be highly unlikely.</p>
Environmental Heritage	The site does not contain any known items of environmental heritage.

Matter	Potential Impact?
Traffic	Traffic generation will not be significant and will be easily accommodated within the existing road network.

4. SUITABILITY OF THE SITE & THE PUBLIC INTEREST

The proposed development benefits from existing essential infrastructure servicing the site. Furthermore, the proposed development necessitates no significant alterations or additions to the existing building.

The development proposes a permissible use within an ideally located site, which is serviced by existing public transport routes and pedestrian pathways.

The proposed development will contribute to the employment opportunity within the area, with the surrounding community benefitting from the economic overflow that ensues. Approval of the development does not raise any issues contrary to the public interest.

5. CONCLUSION

The proposed development involves the change of use, extension of hours of operation and minor fitout works to the existing commercial/retail premise.

The proposal is consistent with the relevant objectives of the B2 Zone and is compliant with the relevant provisions of the *Manly Local Environmental Plan 2013*. Furthermore, the proposal is compliant with the relevant controls contained within the *Manly Development Control Plan*.

The proposed development will not result in unacceptable ecological impacts or amenity impacts to adjoining properties.

As stipulated previously in this report, the matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* have been satisfactorily addressed demonstrating the proposed development is compatible with the surrounding environment.

A handwritten signature in black ink, appearing to read 'DMU' with a long, sweeping underline.

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