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STATEMENT OF ENVIRONMENTAL EFFECTS

Local Government Authority	Northern Beaches Council - Manly
Project Description	Change of use to a skin penetration business (nail salon) and associated minor internal fit-out for a nail salon
Project Address	210 Pittwater Road, Manly 2095
Applicant	Tightknit PTY LTD Agent for Nailsbyluuce (Lucy Brownhill)
Date	17 May 2024

INTRODUCTION

This Statement of Environmental Effects (SEE) describes the site, its surroundings and describes how the proposal addresses and satisfies the objectives and standards 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).

210 - 212 and 214 Pittwater road are two attached buildings containing ground floor shops facing Pittwater Road and residential units above, accessible from Ruby Lane. At the rear, facing and accessible from Ruby Lane, the building extends in a combination of single and two-story residential units. The proposed development is within a heritage listed building in which the heritage significance of the property is not to be altered.

Until recently, 210 was a retail shop and is now being leased by the project owner Nailsbyluuce (Lucy Brownhill) who proposes to install two treatment rooms with drawers and nail desks suitable for beauty treatment and to offer a new service to tourists and local residents.

THE SUBJECT PROPERTY

The proposed fit out is limited to the shop unit on the ground floor known as No. 210, shown below, which is part of 210-212 Pittwater Road. It has a floor area of approximately 81 sqm.



Existing unit storefront



Former tenant signage



Figure 1. Site location and existing unit.

HISTORY

On 27 Nov 2007 Manly Council approved DA 563/06 for the alterations and additions to an existing mixed commercial /residential development to include awning and two (2) shops and four (4) units to 210-214 Pittwater Rd. Manly.
The approved development is fully constructed.

CHANGE OF USE

The existing building will undergo a change of use to a business premise for skin penetration (Nail Salon). The proposed use is permissible in the zone and consistent with the character of the locality.

THE PROPOSED ALTERATIONS

The existing building (210 to 214) is heritage listed and all external architectural elements would be kept intact with no changes.

The subject shop will change from a retail shop (previous tenant) to a Nail Salon (new tenant). Internally the subject shop is a vacant space with an existing accessible toilet, pantry area with a sink and cupboards, exit door and a storage room; these existing rooms and walls are not subject to any changes, and therefore there is no proposed demolition. No changes are proposed for the top floor or any other shops/areas.

The proposed work involves the construction of stud walls within the vacant area to create two treatment rooms, with drawers suitable for beauty treatment. The treatment room walls stop short of the ceiling to provide good lighting and ventilation. The heritage ceiling and existing flooring will remain intact and undisturbed.

DEMOLITION

There is no proposed demolition in this project.

WASTE MANAGEMENT

Refer to the Waste Management Plan of this application.

During Demolition: Not applicable

During Construction: The amount of construction waste for this project is limited, and therefore waste bins inside the property will be sufficient. Waste is to be taken away outside of parking restriction hours.

On-Going: There is no increase in the amount of waste for the new property's use, and therefore the current waste disposal arrangement at Ruby Lane remains.

ACCESSIBILITY

There is an existing accessible toilet at the property; this toilet will remain. Sufficient allowances in passages for toilets and exit to retain their compliance on accessibility.

SAFETY DURING CONSTRUCTION

All construction works are to occur within the property. Contractors are to follow OH&S policies.

HOURS OF OPERATION

6:00am – 9:00pm Daily

NUMBER OF STAFF

1-2 staff during hours of operation

SIGNAGE

The new business logo will be displayed using the existing shopfront awning signage. Only the logo/ lettering will be changed and the existing signage structure will be reused and remain unchanged.

CAR PARKING

Unchanged, as per the original consent. Refer to Table 3 for more information regarding compliance.

ENVIRONMENTAL PLANNING ASSESSMENT

The proposal is consistent with the objectives 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 of 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"> There are no relevant state environmental planning instruments. The relevant provisions of Manly Local Environmental Plan 2013.
(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 at Section 4.2.
(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.
(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,	Given that the proposal is for a change of use, the environmental impacts of the proposal are negligible.
(c) the suitability of the site for the development,	The proposed change of use to a nail salon is suitable for the site which is in an established business area with a traditional shop frontage.
(d) any submissions made in accordance with this Act or the regulations,	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) the public interest.	The proposal is in the public interest as it allows for an appropriate and positive addition to Manly business area.

Table 1: Section 4.15(1) assessment

MANLY LOCAL ENVIRONMENTAL PLAN 2013

The applicable Clauses of the MLEP are:

- Clause 2.3 – Zone objectives and land use table
- Clause 5.10 – Heritage conservation
- Clause 6.9 - Foreshore scenic protection area
- Clause 6.11 - Active street frontages

An assessment of the development application against the above relevant Clauses of the MLEP is provided in the following sections of this SEE.

Clause 2.3 - Land use zoning and permissibility

The site is zoned B1 Neighborhood Centre pursuant to the MLEP, as shown in the zoning map excerpt at Figure 2. The provisions of the zone are stated below:

Zone B1 Neighborhood Centre
1. Objectives of zone
<i>To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.</i>
2. Permitted without consent
<i>Home-based child care; Home occupations</i>
3. Permitted with consent
<i>Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Kiosks; Markets; Office premises; Places of public worship; Public administration buildings; Medical centres; Neighbourhood shops; Recreation areas; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Service stations; Shops; Shop top housing; Signage; Take away food and drink premises; Veterinary hospitals; Water recycling facilities; Water supply systems</i>
4. Prohibited
<i>Water treatment facilities; Any other development not specified in item 2 or 3</i>

Table 2. Provisions of the MLEP 2013 - B1 Neighborhood Centre (source: MLEP)

THE SITE

Legend:

- B1 Neighbourhood Centre
- B2 Local Centre
- B6 Enterprise Corridor
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist
- W1 Natural Waterways

The proposed use as a Nail Salon is consistent with the definition of a business premises which is defined in MLEP as:

(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Business premises are a type of commercial premises—see the definition of that term in this Dictionary.

Clause 5.10 - Heritage Conservation

The site is listed as a General Heritage item within a conservation area known as the Pittwater Road Conservation Area.

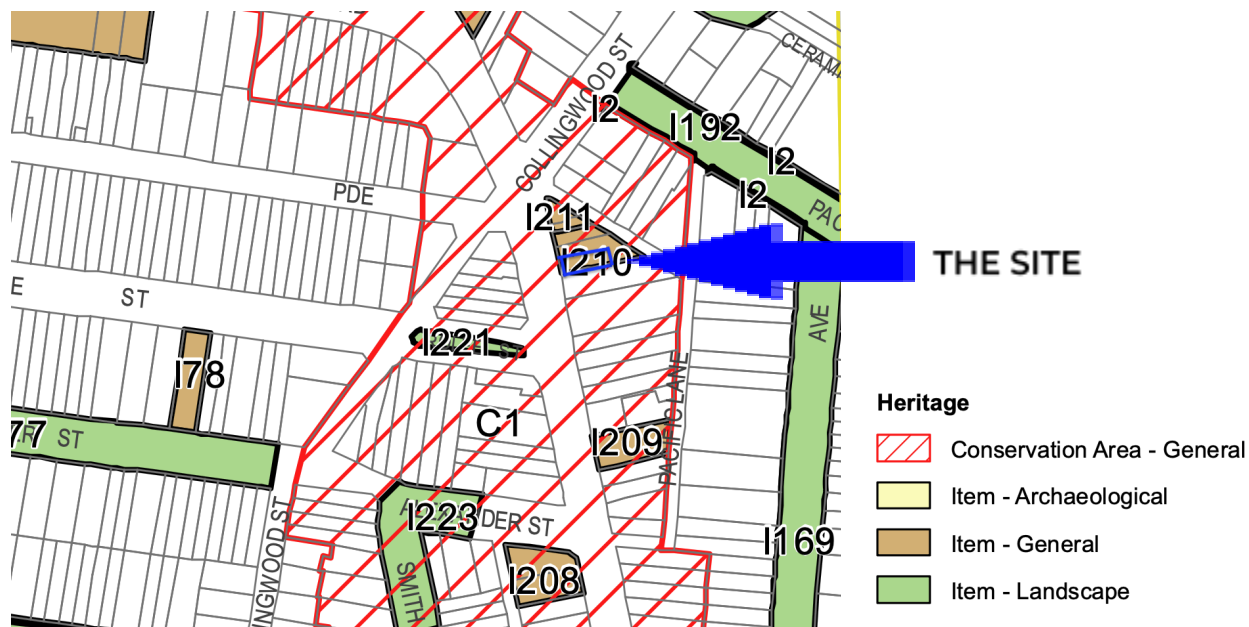


Figure 3. MLEP Heritage Map excerpt (source: Planning Portal, Environmental Planning Instruments)

STATEMENT OF HERITAGE IMPACT

The heritage significance of the property is not to be altered. All works will be contained to the interior of the vacant shop and all existing walls, ceiling, floors, etc. will remain untouched, other than new paint. Some small service penetrations through existing walls will be necessary. There will be no impact on the Pittwater Road streetscape and the proposed use will not detract from the neighbouring heritage buildings. The shop signage will be reused to display the new business logo while preserving the heritage streetscape.

Previous heritage statements and approvals remain applicable, following are links to previous documents.

December 2006 - a heritage impact statement was prepared by Clive Lucas, Stapleton & Partners Pty Ltd

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/LoadAppPropDoc.ashx?id=YpAUM518sPk%253d>

15 October 2007 - the following letter from Innovative Building Design

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/LoadAppPropDoc.ashx?id=Sh33OeEemfg%253d>

Clause 6.9 - Foreshore Scenic Protection Area

The objective of this clause is to protect the visual amenity of the area 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

The site is NOT identified on the Active Street Frontages Map.

MANLY DEVELOPMENT CONTROL PLAN 2013 (MDCP)

Below are statements of our compliance to the sections from the Manly DCP relevant to this application.

MDCP	Control objective	Comply	Comment
PART 3 - GENERAL PRINCIPLES OF DEVELOPMENT			
3.1 Streetscapes and Townscapes	<ol style="list-style-type: none"> 1. Minimise visual impact 2. Ensure development generally viewed from the street complements the identified streetscape. 	YES	<p>There is no change proposed to the existing building exterior or shopfront.</p> <p>The use as a nail salon is consistent with the character of the locality.</p>
3.2.5.1 Exceptions to parking requirements	<ol style="list-style-type: none"> 1. Council may allow exceptions to providing the required onsite car parking where Council is satisfied with the conservation of the item. 	YES	<p>The proposed change of use does not have any adverse effects on the conservation of the site, streetscape and its surroundings.</p>
3.6 Accessibility	<p>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.</p>	YES	<p>As the proposal is for a change of use only, building upgrades are not required.</p> <p>The proposed development will meet the relevant Building Code of Australia requirements.</p>
3.10 Safety and Security	<p>To ensure all development is safe and secure for all residents, occupants and visitors of various ages and abilities.</p> <p>To contribute to the safety and security of the public domain.</p>	YES	<p>No changes will be made on the traditional glass shopfront maintaining the casual surveillance of Pittwater Rd.</p>

PART 4 - 4.2 DEVELOPMENT CONTROLS IN BUSINESS CENTRES			
4.2.1 Floor Space Ratio		N/A	There will be no demolition works and changes to the existing building.
4.2.2 Height of buildings		N/A	
4.2.3 Setbacks		N/A	
4.2.4 Car parking	<p>Schedule 3 of MDCP requires 1/40m² for commercial/retail.</p> <p>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.</p>	YES	<p>There is no specific car parking rate given in MDCP for nail salons, rather the MDCP provides a car parking rate of 1 space per 40m² for commercial premises. Given the proposed nail salon has a GFA of 81m² this translates to a requirement for 2.0 spaces.</p> <p>As the previous use as a retail shop (clothing store) required the same amount of car spaces, the previous parking acts as a credit for the new use, resulting in no change. Given the proposal is for a change of use, s94 contributions are not payable in this instance.</p>

Table 3. Relevant MDCP controls (Source: MDCP)

CONCLUSION

This report has identified all key factors associated with the proposal and demonstrated that the proposal can be developed appropriately with respect to these factors. The proposal is consistent with the planning provisions in place and will make a positive contribution to the area.

The proposal is considered acceptable and should be approved because:

- The site is suitable for the proposal
- There will be no detrimental impacts on surrounding properties.
- The proposal will generate positive and economic impacts.

This assessment has found that the proposed unit is under the zone of development of a permissible land use. The proposal has been assessed in accordance with S.4.15 of the EP&A Act of 1979, Manly LEP 2013 & Manly DCP 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.