
STATEMENT OF ENVIRONMENTAL EFFECTS

To accompany a Section 4.55 Application to modify the
Development Consent in DA2023/1293

For the modification of Condition 12

at No. 19 Sydney Road, Manly

Issue A – January 2024

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1.0 INTRODUCTION

This statement has been prepared to accompany a Section 4.55 Application for the modification of Condition 12 within DA2023/1293 at No. 19 Sydney Road, Manly.

The purpose of this report is to describe the proposed modification and review the relevant planning controls relating to the proposal. It provides an assessment of the proposed modification in light of the provisions of Section 4.55 of the Environmental Planning and Assessment Act, 1979.

This report aims to demonstrate that the proposed modification 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.

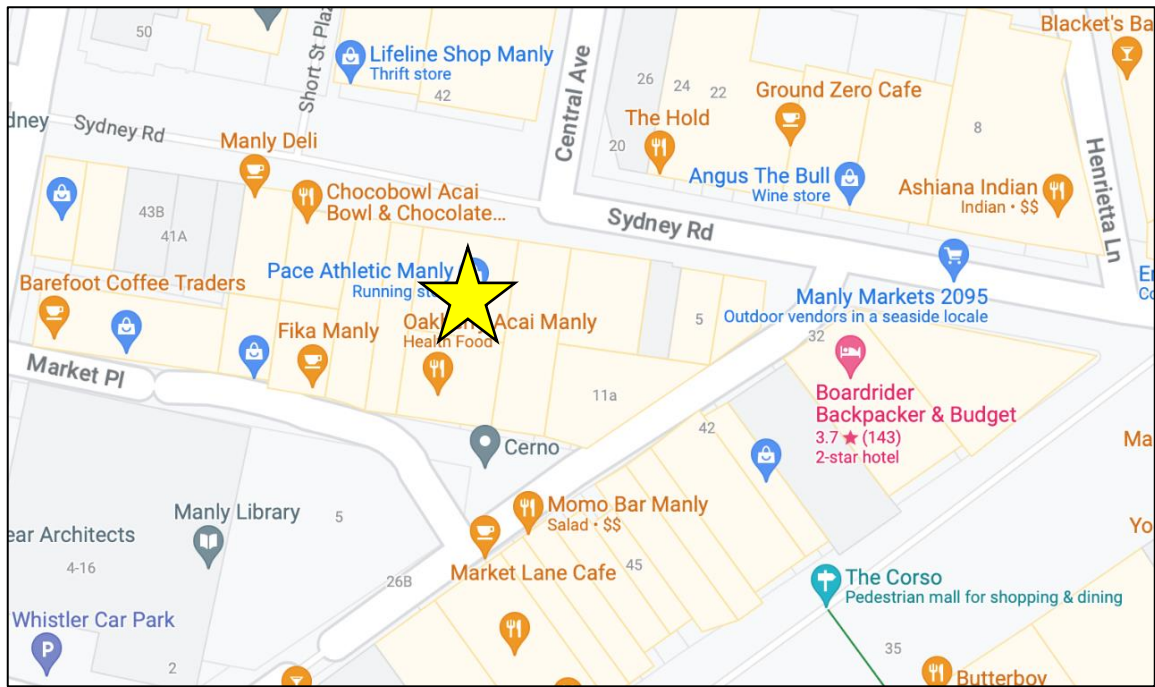


Figure 01: Map of site location (Google Maps, accessed 2024)

2.2 EXISTING BUILDINGS AND ASSOCIATED STRUCTURES

The subject site was approved for the change of use to an educational establishment on 8th January 2024 by DA2023/1293.

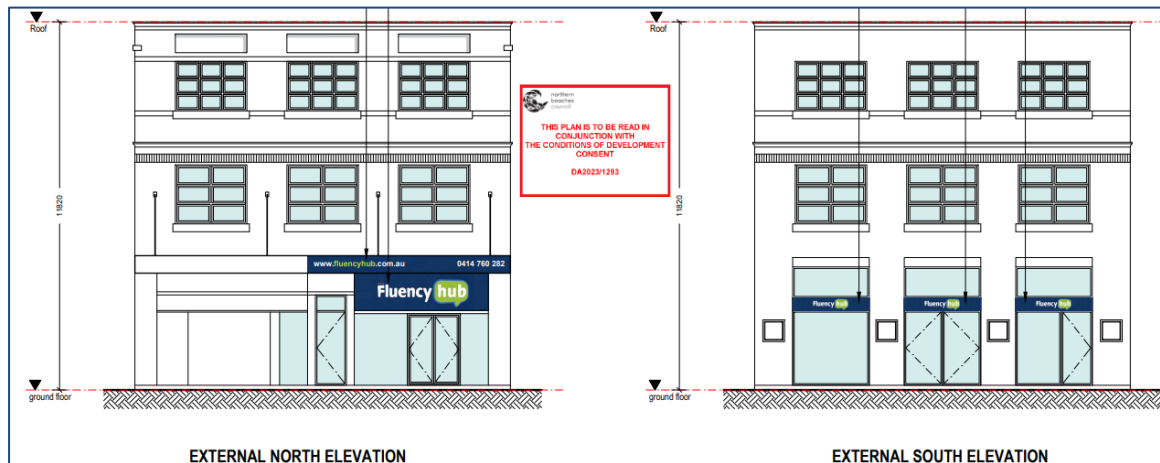


Figure 02: Approved development at No. 19 Sydney Road, Manly

3.0 THE DEVELOPMENT PROPOSAL

3.1 OVERVIEW

This Section 4.55 Application proposes to modify Condition 12 within DA2023/1293 to extend the approved operating hours.

The proposed operating hours are Monday to Friday 7:00am to 10:00pm and Saturday to Sunday 7:00am to 6:00pm. The proposed operating hours and class times are detailed in the table below.

Day	Operating hours	Class times
Monday	7:00am – 10:00pm	7:30am – 12:30pm 12:45pm – 4:45pm 5:00pm – 9:30pm
Tuesday	7:00am – 10:00pm	7:30am – 12:30pm 12:45pm – 4:45pm 5:00pm – 9:30pm
Wednesday	7:00am – 10:00pm	7:30am – 12:30pm 12:45pm – 4:45pm 5:00pm – 9:30pm
Thursday	7:00am – 10:00pm	7:30am – 12:30pm 12:45pm – 4:45pm 5:00pm – 9:30pm
Friday	7:00am – 10:00pm	7:30am – 12:30pm 12:45pm – 4:45pm 5:00pm – 9:30pm
Saturday	7:00am – 6:00pm	8:00am – 1:00pm 1:30pm – 5:30pm
Sunday	7:00am – 6:00pm	8:00am – 1:00pm 1:30pm – 5:30pm

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.

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

The proposed modifications, which are associated with an approved educational establishment, meet the objectives of the zone and are permitted with consent.

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.*

(2) Requirement for consent

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,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land—*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land—*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

Comment

The subject site is located within the Town Centre Heritage Conservation Area (C2) in accordance with Schedule 5 of the Manly Local Environmental Plan 2013. As this application does not propose any physical modifications, there is not

considered to be any impact on the heritage conservation area, and a heritage impact statement has therefore not been prepared.

4.2 MANLY DEVELOPMENT CONTROL PLAN 2013

Part 4 Development controls and development types

Chapter 4.2 Development in business centres

Clause 4.2.5 Manly Town Centre and surrounds

Sub-clause 4.2.5.6 Late night venues

Objective 1) To achieve for Manly's entertainment precinct as a place of excellence in which all people can use and enjoy Manly's highly valued natural amenity qualities as a place:

- for leisure and entertainment;
- in which late night venues can safely entertain and provide for the enjoyment of social and recreational pursuits; without disturbing the peace of the community in terms of safety and security.

Objective 2) To regulate the activities and design of late night venues to minimize late night disturbances to the public and promote Manly as a safe place for all the community late at night such that:

- frontages to public spaces must be designed to minimize conflict between customers within the establishments and public using the public spaces;
- the applicant demonstrate (see lodgement requirements at Council's Administrative Guidelines) that the premises will not detract from the safety and security of the Entertainment Precinct and as a place which is acceptable for families; and
- obligations of any current Accord are addressed in minimizing anti-social behaviour and adverse effects of excessive alcohol consumption.

Intensity of Development

a) In order to provide diversity, it is proposed to limit the number of patrons which attend late-night licensed venues within the Entertainment Precinct. Within the Entertainment Precinct the total number of patrons capable of being accommodated within Late Night Venues must not exceed 8000 persons. Exceptions to this will only be granted where Council is satisfied that the existing levels of adverse impact will not be added to nor detract from opportunities to provide a diverse range of alternative entertainment activities.

Hours of Operating (maximum)

b) The maximum hours for hotels, nightclubs, restaurants & food outlets are as follows:
i) Hotels & Nightclubs: from 5am up to 2am (next day) and with a restricted entry policy for Nightclubs after 12.30am; and
ii) Restaurants & Food Outlets: from 5am up to 1am (next day).

Noise Control

c) Requirement of this plan in relation to licenced premises at paragraph 3.4.2.4 d - g apply to licensed Late Night Venues under this paragraph.

Security

d) Proprietors of Late Night Venues must enter into arrangements with Council for the provision of late night security of the premises and the adjacent public areas.

Access to Public spaces

e) Frontages to public spaces must be designed to minimise conflict between customers within the establishments and public using the public spaces.

Decks, Balconies & Roof Top Area

f) Balconies, verandahs, any roof top areas and any external access thereto must be closed to patrons between the hours of 10pm to 8am daily.

Liquor Accord

g) Proprietors of the licensed premises must be a financial member of any applicable Liquor Accord and conform to the obligations of that Accord in minimizing anti-social behaviour and adverse effects of excessive alcohol consumption.




Design

h) Applications must demonstrate how the design and operation of licensed venues take into account best practice outlined in the document titled "Alcohol & Licensed Premises: Best Practice in Policing" S Doherty and A Roche 2003.

Comment

This application proposes maximum operating hours between Monday to Friday 7:00am to 10:00pm and Saturday to Sunday 7:00am to 6:00pm, which complies with the maximum operating hours permitted for the E1 zone.

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 Development Control Plan 2013	Sub-clause 4.2.5.6 Late night venues	

6.0 CONCLUSION

The proposed modification of Condition 12 within DA2023/1293 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 modification provides a higher 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 modification 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.