

STATEMENT OF ENVIRONMENTAL EFFECTS

41 SYDNEY ROAD, MANLY

CHANGE OF USE, FIT OUT AND SIGNAGE

**PREPARED ON BEHALF OF
Ms Melissa Burgess**

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1. INTRODUCTION

This application seeks approval for the change of use from a take away food and drink premises to retail shop on Lot 2 in DP 445942 which is known as **No. 41 Sydney, Manly**.

In preparation of this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Manly Local Environmental Plan 2013.
- Manly Development Control Plan 2013.

The following details and documents have been relied upon in the preparation of this document:

- Architectural Plans prepared by Michael Airey, Revision A and dated November 2024.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

2. SITE DESCRIPTION AND LOCALITY

The site is identified as Lot 2 in DP 445942 which is known as No. 41 Sydney Road, Manly. The site is generally rectangular in shape and is located on the southern side of Sydney Road, to the east of its intersection with Whistler Street. The locality is depicted in the following map:



Site Location Map

This portion of Sydney Road is for pedestrian traffic only and provides access to The Corso. The site currently comprises a two storey attached building. The site was previously occupied by take away food shop, with the most recent Development Consent (DA 55/2010) being for the fit out of a take away food shop and signage.

A Heritage Exemption has been issued by Northern Beaches Council (Ref: 2024/842758) for the fit out of the subject site. A copy of this Exemption is included with the application.

The site is depicted in the following photographs:



View of the site from Sydney

The site is located within the Manly Town Centre with this portion of Sydney Road characterised by predominantly two storey shop top housing style buildings. The site is part of a group of buildings identified as No. 39-47 Sydney Road and which are collectively identified as a local heritage item (Item No. I234). The proposal does not seek to alter the existing front façade (with the exception of signage) nor change the internal walls. The existing surrounding development is depicted in the following aerial photograph:



Aerial Photograph of Locality

3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the change of use, signage and fit out (as per Heritage Exemption) of the existing ground floor level. It proposed to change the approved take away food premises to a retail premises.

The fit out does not alter the existing floor plan nor provide for any structural changes. The fit out is as approved in the Heritage Exemption issued by Council. New lighting and electrical outlets are proposed internally.

The proposal also provides for a new sign to be provided within the existing below awning lightbox. A new non-illuminated sign is also proposed on the existing fascia to replace existing signage.

Hours of operation are as follows:

Monday to Sunday: 9am to 6pm

There will be a maximum of 4 staff members on site at any time.

4 ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Manly Council.

4.1 Planning for Bushfire Protection 2006

The subject site is not identified as bushfire prone land on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2006 do not apply to the proposed development.

4.2 Manly Local Environmental 2013



Extract of Zoning Map

The subject site is zoned E1 Local Centre. The objectives of the E1 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 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.*

It is considered that the proposed development achieves these objectives by providing for retail premises to serve people who live, work or visit the area on the ground floor and which is located in close proximity to public transport.

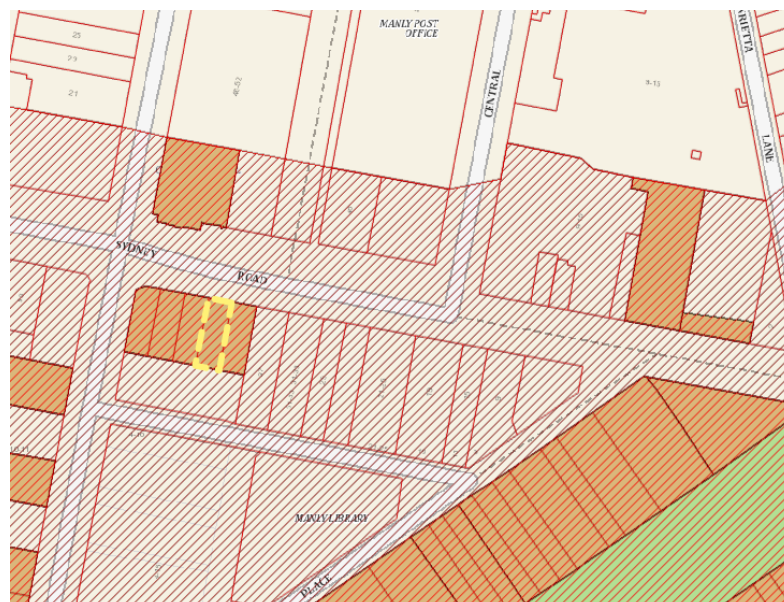
Use of a building for commercial office space is permissible use in the E1 Local Centre zone with the consent of Council.

The following numerical standards are applicable to the proposed development:

Clause	Development Standard	Proposal	Compliance
Clause 4.3 Height of Buildings	12m	No external works, existing height unaltered	N/A
Clause 4.4 Floor Space Ratio	3.0:1	No change to approved FSR	N/A

The following clauses also apply:

Clause 5.10 Heritage Conservation



Extract of Heritage Map

The subject site is located within the Town Centre Conservation Area and is a local heritage item (Item #1234 – 5 Commercial Buildings). The proposal does not require any works to the existing structure, but merely seeks a change of use and fit out with removable items. A new sign will replace the existing signage.

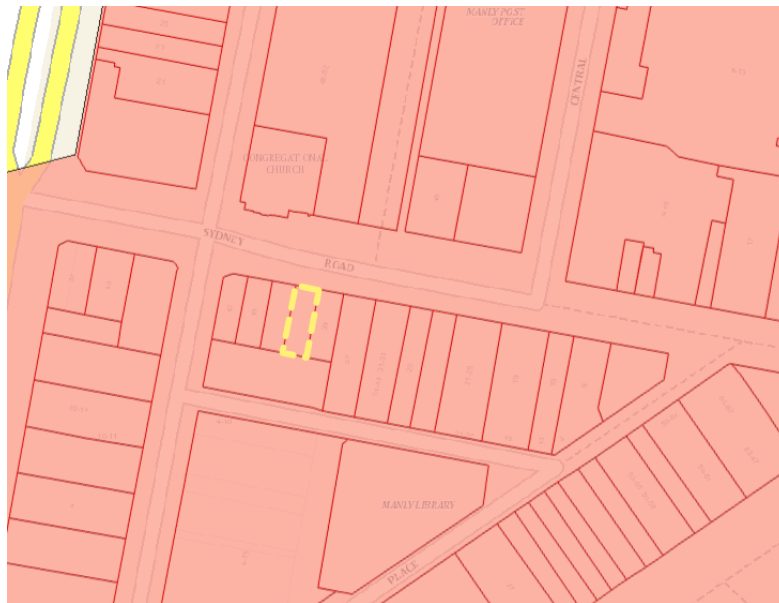
A Statement of Heritage Impact has been prepared and is submitted with the application.

Clause 6.1 Acid Sulfate Soils

The subject site is classified as Class 4 on the acid sulfate soil map. The proposal does not result in any excavation and will not alter the existing water table.

There are no other specific clauses that specifically relate to the proposed development.

Clause 6.9 Foreshore Scenic Protection Area



Extract of Foreshore Scenic Protection Map

The subject site is located within the Foreshore Scenic Protection Area. The proposal does not provide for any external alterations (with the exception of signage to replace existing signage) to the approved built form and therefore achieves the requirements of this clause.

Clause 6.11 Active Street Frontages

The proposal maintains the existing active street frontage to Sydney Road. The proposal complies with this clause.

There are no other provisions of the LEP applicable to the proposed development.

4.3 Manly Development Control Plan 2013

The Manly DCP 2013 applies to all land where the LEP applies. Therefore, the DCP applies to the subject development.

Part 3

Part 3 provides general principles applying to all development and Part 4 outlines development controls for specific forms of development. The relevant provisions of **Part 3** are summarised below:

Clause 3.1.3 – Streetscape (Townscapes)

The proposal provides for internal alterations and does not provide for any external changes, with the exception of the signage. The proposal replaces existing signage with signage of the same size and location. The signage is not offensive and does not provide for any additional lighting. As such there is no alteration to the approved streetscape.

Clause 3.4 - Amenity (Views, Overshadowing, Overlooking/Privacy, Noise)

The objectives of the clause are noted as:

- Objective 1) To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties.*
- Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.*

The use of the site for a retail premises and associated internal alterations, which replaces an existing take away food shop will not have any detrimental impact on the amenity of the adjoining properties or the public domain.

Clause 3.7 - Stormwater Management

All works are internal and do not result in any additional stormwater runoff.

Clause 4.2.5.4 Car Parking and Access

The proposal does not provide any off-street carparking or offstreet loading/unloading facilities therefore maintaining the existing circumstances and the approved Consent.

Clause 4.4.3 Signage

This application merely seeks to replace the existing approved signage, comprising a under awning lightbox and awning fascia sign. The wording is simple and clear and does not cause offence nor result in unreasonable clutter. The proposal does not provide for any new signage.

Clause 5.1 Manly Town Centre Heritage Conservation Area

A Heritage Impact Statement has been prepared and forms part of the submission to Council.

There are no other provisions of the Manly DCP that apply to the proposed development.

5. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013 and the Manly DCP 2013. It is considered that the provisions of these documents have been satisfactorily addressed within this report.

There are no other environmental planning instruments applying to the site.

The Likely Impacts of the Development

It is considered that the development will provide for a change of use to permit a retail premises use only without detrimentally impacting on the character of the area nor having any impact on amenity of the adjoining properties. The proposal does not provide for any physical works on site.

The Suitability of the Site for the Development

The subject site is zoned E1 Local Centre and the use of the site for retail premises is permissible with the consent of Council. The proposal does not provide for any physical works on site.

For these reasons it is considered that the site is suitable for the proposed development.

The Public Interest

It is considered that the proposal is in the public interest in that it will provide for a retail premises with a fit-out and signage and which is compatible with other development in this locality without unreasonably impacting the amenity of the adjoining properties or the public domain.

6. CONCLUSION

This application seeks approval for the change of use to permit a retail premises. As demonstrated in this report the proposal is consistent with the aims and objectives of the Manly Local Environmental Plan 2013 and the Manly DCP 2013. The proposal does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed change of use for a retail premises with associated fit out and signage upon land at **No. 41 Sydney Road, Manly** is worthy of the consent of Council.

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