



# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Change of Use and Internal  
Fit Out for Office Premises**

**3 / 7 Raglan Street, Manly  
NSW 2095**

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**This report has been prepared to support a Development Application under the *Environmental Planning and Assessment Act 1979*.**

**Report prepared by:**

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**Report prepared for:**

Basiq

**7 November 2021**

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## 1. Introduction and Background Information

### 1.1 Introduction

This report has been prepared as supporting documentation for a Development Application for a change of use and internal fit out works for office premises at Suite 3, 7 Raglan Street, Manly, being Lot 3 in Strata Plan 67753.

This report has been prepared following instructions from the client, Basiq. In preparing this application consideration has been given to the following:

- *Environmental Planning and Assessment Act, 1979* (as amended) (EP&A Act);
- Environmental Planning and Assessment Regulation 2000;
- Relevant State Environmental Planning Policies;
- Manly Local Environmental Plan 2013(MLEP 2013);
- Manly Development Control Plan (MDCP);
- Architectural Plans;
- BCA Report;
- Waste Management Plan.

This Statement of Environmental Effects describes the proposed development having particular regard to the provisions of Section 4.15 of the EP&A Act 1979 and examines any potential environmental impacts with regard to the relevant sections of the Act, State policies and requirements of Northern Beaches Council's WDCP.

The conclusions of the Statement of Environmental Effects are that the proposed development, being a change of use for office premises is permissible with development consent and is consistent with the relevant statutory planning instruments including the Manly Local Environmental Plan 2013 and planning policies of the Manly Development Control Plan.

Accordingly, the Development Application succeeds on its merits and should be approved by Council as submitted.

## 1.2 Background Information

The site has various approvals over the years relating to the entire building. It is noted that the subject premises were used as a “college” / educational establishment (refer to DA452/2000), therefore approval from Northern Beaches Council is required to change the use to office premises. An excerpt of the approvals granted to the site is listed below:

[Principal Certifying Authority FOC2019/0961](#)  
Internal Office Fitout - CF18249CD01 (Submitted: 29/01/2019)  
[Complying Development Certificate CDC2018/1121](#)  
Internal Office Fitout - CF18249CD01 (Submitted: 13/11/2018)  
[Principal Certifying Authority NOC2018/1662](#)  
Internal Office Fitout - CF18249CD01 (Submitted: 13/11/2018)  
[Principal Certifying Authority 12.2013.127.2](#)  
Shop front alteration and shop fitout. (Submitted: 12/08/2014)  
[Principal Certifying Authority 127/2013](#)  
Shop front alteration and shop fitout. (Submitted: 16/06/2014)  
[Complying Development Certificate CC 127/2013](#)  
Shop front alteration and shop fitout. (Submitted: 09/12/2013)  
[Principal Certifying Authority 31/2011](#)  
Office (Submitted: 23/04/2012)  
[Complying Development Certificate CC 31/2011](#)  
Office (Submitted: 04/07/2011)  
[Complying Development Certificate CC 17/2011](#)  
Internal fitout for commercial office space (Submitted: 05/05/2011)  
[Development Application DA 220/2003](#)  
Alteration and/or Additions to existing Change of Use/New Use (Submitted: 16/05/2003)  
[Development Application DA 467/2000](#)  
DA0467/00 Strata Subdivision (Submitted: 13/10/2000)  
[Development Application DA 452/2000](#)  
DA0452/00 Levels 2 & 3 -increase student numbers at college (Submitted: 06/10/2000)

## 2. Site Profile

### 2.1 Property Description

The subject allotment is described as Unit 3, 7 Raglan Street, Manly, being Lot 3 in Strata Plan 67753. The site is zoned B2 Local Centre under Manly Local Environmental Plan 2013.

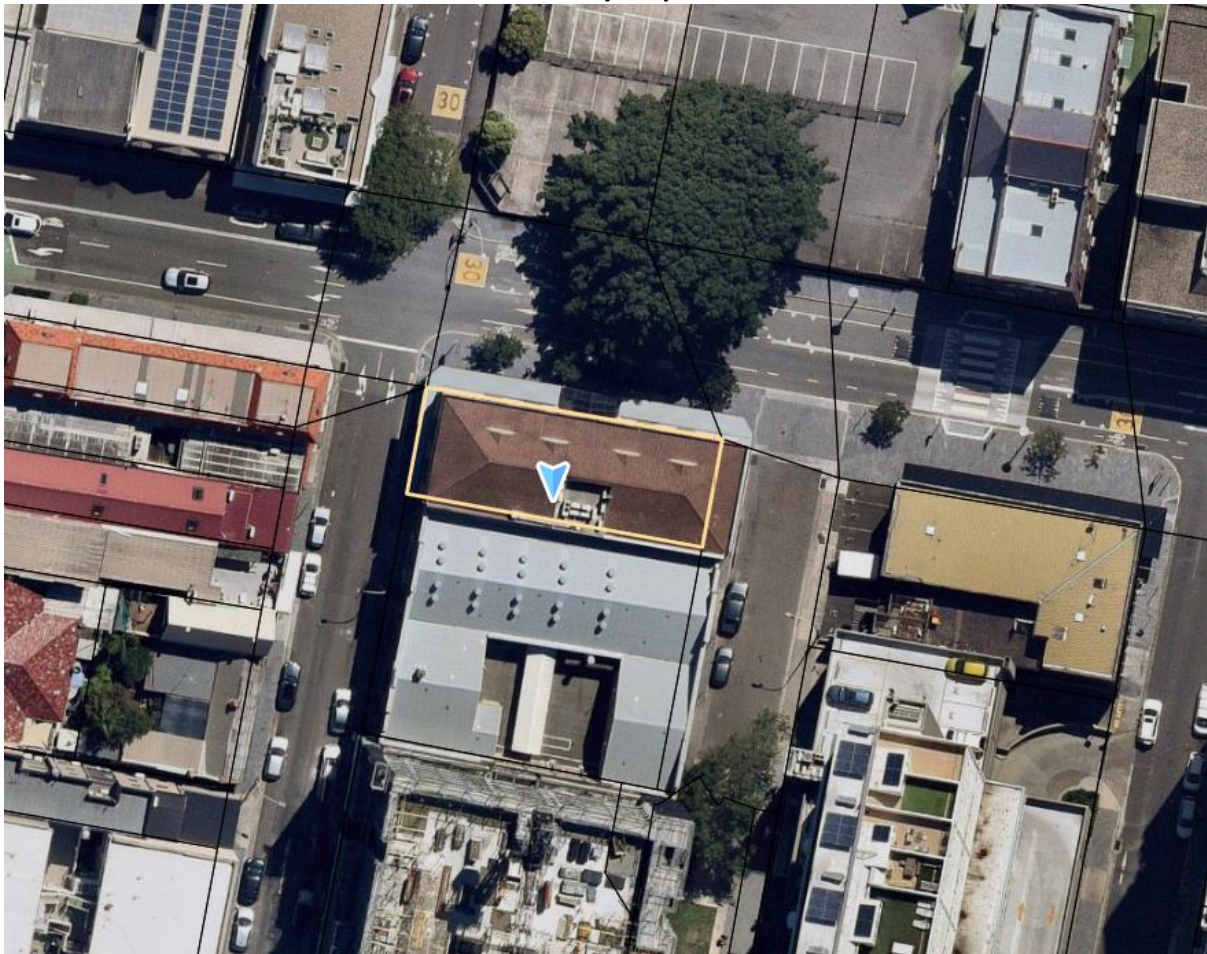
The site is not listed as a heritage item, nor is it located within a heritage conservation area.

### 2.2 Site and Locality Description

The site is located on the southern side of Raglan Street, in between the intersections with Whistler Street to the west and Short Street to the east. The site is rectangular in shape with three frontages. The main entrance to the building is off Raglan Street with loading facilities off Short Street. The property has no off-street car parking.

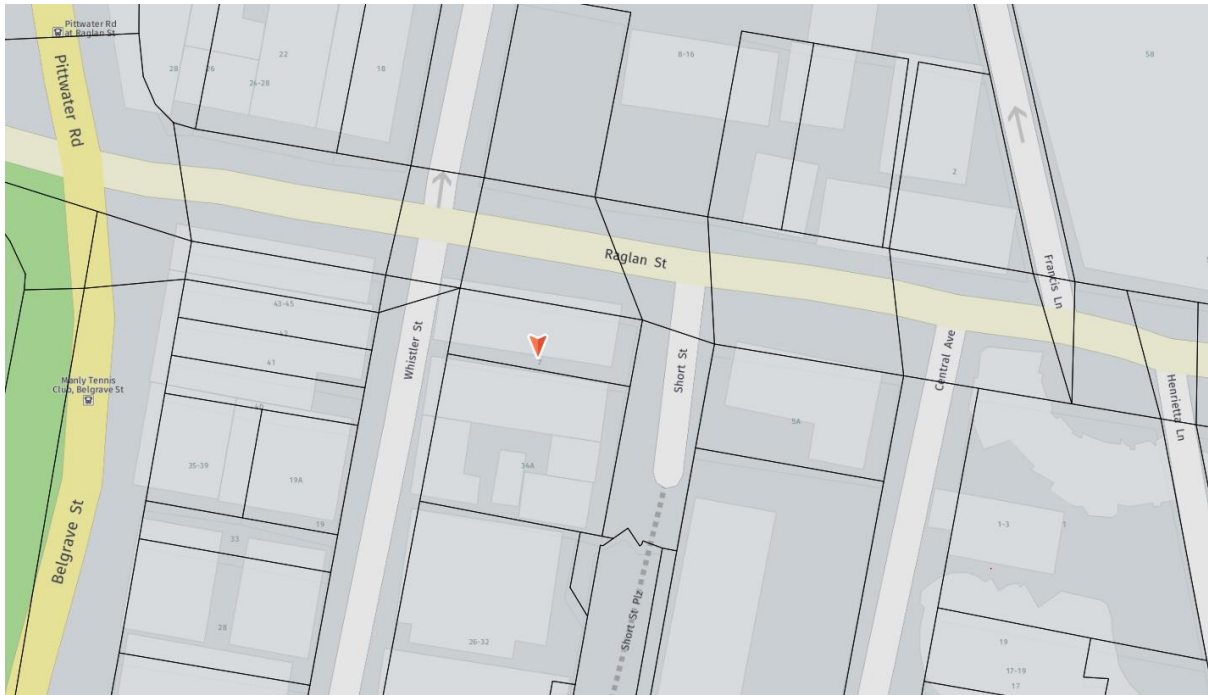
The building has three tenancies in total and is three storeys in height. The locality maps below show the location and area of the site:

**Locality Maps**



Source: Near Maps 2021





Source: Near Maps 2021

The locality has a variety of property types and sizes. The existing surrounding development comprises a mix of commercial and mixed-use developments. The site is located within the Manly Town Centre precinct. The site is located with access to a major public transport network with links to the City CBD, North Shore, Warringah Mall and other parts of the Northern Beaches.

The photos below and on the following pages show the site:



*Photograph of the site*





*Photograph of the site – corner of Raglan Street and Short Street*



*Photograph of loading dock and waste room – located off Short Street*



### 3. Proposal

The proposed development is for a change of use and internal fit out works for office premises at Suite 3, 7 Raglan Street, Manly, being Lot 3 in Strata Plan 67753. The proposal is compatible with the uses within the building and is consistent with the objectives of the locality.

#### **Use**

The proposed development is for a change of use from an educational establishment to an office premises. The tenancy will be leased by Basiq which is a financial technology business. Basiq provide the platform that enables companies to leverage the power of financial data to build intelligent financial applications.

#### **Internal Fit Out Works**

New internal fit out as per plans prepared by Quattro Architecture.

#### **Hours of Operation**

Proposed hours of operation:

24 hours access to be provided. Main business hours will be:

Monday to Sunday: 8am-8pm

#### **Staff**

Twenty-Five (25) full time employees with future growth for forty-eight (48) employees.

#### **Loading/Unloading**

Existing loading and unloading facilities through the loading area located off Short Street.

#### **Carparking**

Nil – the site does not have access to off-street carparking. As per the existing tenancy, employees and visitors will either utilise public car parks, on-street car parking or the public transport network (ferries and buses).

#### **Waste Management**

The building has a shared designated waste area within the loading area. Waste will be separated, stored and recycled where possible. The waste will be collected as required by a commercial contractor.

## 4. Statutory Planning Controls

The proposal has been assessed in accordance with the following instruments and controls:

- *Environmental Planning and Assessment Act 1979*, and Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policies;
- Manly Local Environmental Plan 2013; and
- Manly Development Control Plan.

### 4.1 *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)

The EP&A Act 1979 governs all environmental planning instruments within New South Wales. The proposal has been reviewed pursuant to the matters for consideration within Section 4.15 of the EP&A Act 1979.

The proposal is not Designated Development under Section 4.10 of the EP&A Act 1979 or Schedule 3 of the EPA Assessment Regulation 2000, therefore Northern Beaches Council is the Consent Authority. In addition, the proposal does not constitute an Integrated Development under the EP&A Act 1979, Section 4.46 with no further approvals from other Government agencies required.

### 4.2 State Environmental Planning Policies (SEPPs)

#### **SEPP (Infrastructure) 2007**

It is submitted that the proposal does not fall under the provisions of SEPP (Infrastructure) 2007 and therefore no assessment is required.

#### **BASIX and Energy Efficiency (SEPP Building Sustainability Index: BASIX) 2004**

Not applicable.

#### **SEPP No. 55 Remediation of Land**

Clause 7 of SEPP No. 55 Remediation of Land requires the consent authority to consider whether land is contaminated prior to granting of consent to the carrying out of any development on that land. The proposal is for a change of use with no contamination expected.

#### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of the standard instrument LEP relating to the preservation of trees and vegetation. The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The development remains consistent with the provisions of the SEPP as it does not propose the removal of any significant vegetation.

## 4.3 Manly Local Environmental Plan 2013 (MLEP2013)

The relevant matters to be considered under the MLEP2013 are outlined below in the LEP summary compliance table.

| Part 4: Principal Development Standards                                                  |           |          |                                                                                                                               |
|------------------------------------------------------------------------------------------|-----------|----------|-------------------------------------------------------------------------------------------------------------------------------|
| Standard                                                                                 | Permitted | Proposed | Comments                                                                                                                      |
| 4.1 Minimum subdivision lot size                                                         | N/A       | N/A      | N/A                                                                                                                           |
| 4.1AA Minimum subdivision lot size for community title scheme                            | N/A       | N/A      | N/A                                                                                                                           |
| 4.1A Minimum lot sizes for manor houses and multi dwelling housing (terraces) in Zone R2 | N/A       | N/A      | N/A                                                                                                                           |
| 4.2 Rural subdivision                                                                    | N/A       | N/A      | N/A                                                                                                                           |
| 4.3 Height of buildings                                                                  | 15m       | N/A      | Complies – no change to existing building height. The proposal is for a change of use and internal fit out to existing Lot 3. |
| 4.3A Special height provisions                                                           | N/A       | N/A      | N/A                                                                                                                           |
| 4.4 Floor space ratio                                                                    | 3:1       | 3:1      | Complies - no change to existing FSR. The proposal is for a change of use and internal fit out to existing Lot 3.             |
| 4.5 Calculation of floor space ratio and site area                                       | Noted     | N/A      | Noted                                                                                                                         |
| 4.6 Exceptions to development standards                                                  | Noted     | N/A      | N/A                                                                                                                           |

| Part 5: Miscellaneous Provisions                        |          |
|---------------------------------------------------------|----------|
| Provisions                                              | Comments |
| 5.1 Relevant acquisition authority                      | N/A      |
| 5.2 Classification and reclassification of public land  | N/A      |
| 5.3 Development near zone boundaries                    | N/A      |
| 5.4 Controls relating to miscellaneous permissible uses | N/A      |
| 5.5 (Repealed)                                          | N/A      |
| 5.6 Architectural roof features                         | N/A      |
| 5.7 Development below mean high water mark              | N/A      |
| 5.8 Conversion of fire alarms                           | N/A      |
| 5.9, 5.9AA (Repealed)                                   | N/A      |
| 5.10 Heritage conservation                              | N/A      |
| 5.11 Bush fire hazard reduction                         | N/A      |

|                                                                                                                 |                                                                    |
|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| 5.12 Infrastructure development and use of existing buildings of the Crown                                      | N/A                                                                |
| 5.13 Eco-tourist facilities                                                                                     | N/A                                                                |
| 5.14 Siding Spring Observatory – maintaining dark sky                                                           | N/A                                                                |
| 5.15 Defence communications facility                                                                            | N/A                                                                |
| 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones      | N/A                                                                |
| 5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations | N/A                                                                |
| 5.18 Intensive livestock agriculture                                                                            | N/A                                                                |
| 5.19 Pond-based, tank-based and oyster aquaculture                                                              | N/A                                                                |
| 5.20 Standards that cannot be used to refuse consent—playing and performing music                               | N/A                                                                |
| 5.21 Flood planning                                                                                             | A portion of the site is identified as low-medium risk flood land. |
| 5.22 Special flood considerations                                                                               | N/A                                                                |

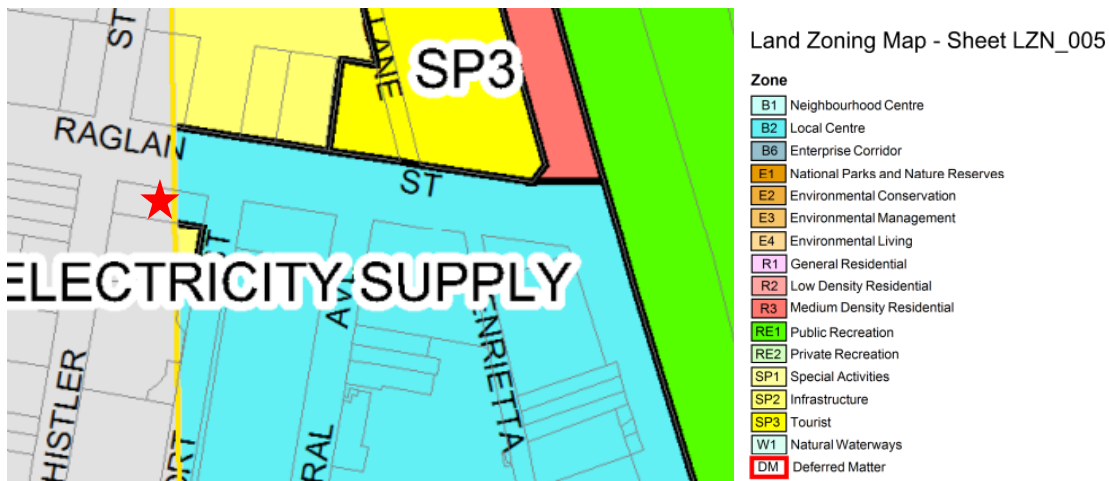
| Part 6: Relevant Additional Local Provisions   |                                                                                                                                                                      |
|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provisions                                     | Comments                                                                                                                                                             |
| 6.1 Acid sulfate soils                         | The site is identified as a Class 4 acid sulfate soils site.                                                                                                         |
| 6.2 Earthworks                                 | N/A - internal fit out of existing tenancy only.                                                                                                                     |
| 6.3 (Repealed)                                 | N/A                                                                                                                                                                  |
| 6.4 Stormwater management                      | N/A - internal fit out of existing tenancy only.                                                                                                                     |
| 6.5 Terrestrial biodiversity                   | N/A                                                                                                                                                                  |
| 6.6 Riparian land and watercourses             | N/A                                                                                                                                                                  |
| 6.7 Wetlands                                   | N/A                                                                                                                                                                  |
| 6.8 Landslip risk                              | N/A                                                                                                                                                                  |
| 6.9 Foreshore scenic protection area           | The site is located within the foreshore scenic protection area map. The proposal is for a change of use and internal fit out with no impact to the foreshore area.  |
| 6.10 Limited development on foreshore area     | N/A                                                                                                                                                                  |
| 6.11 Active street frontages                   | The site is located within the active street frontages map. The proposal is for a change of use and internal fit out with no impact to the existing street frontage. |
| 6.12 Essential services                        | Complies – no change to existing services on-site.                                                                                                                   |
| 6.13 Design excellence                         | N/A                                                                                                                                                                  |
| 6.14 Requirement for development control plans | N/A                                                                                                                                                                  |
| 6.15 Tourist and visitor accommodation         | N/A                                                                                                                                                                  |
| 6.16 Gross floor area in Zone B2               | N/A                                                                                                                                                                  |



|                                                                                                                    |     |
|--------------------------------------------------------------------------------------------------------------------|-----|
| 6.17 Health consulting rooms in Zones E3 and E4                                                                    | N/A |
| 6.18 (Repealed)                                                                                                    | N/A |
| 6.19 Development in St Patrick's Estate                                                                            | N/A |
| 6.20 Location of sex service premises                                                                              | N/A |
| 6.21 Noise impacts – licensed premises                                                                             | N/A |
| 6.22 Development for the purposes of secondary dwellings in certain residential and environmental protection zones | N/A |

| Relevant Schedules                                              |          |
|-----------------------------------------------------------------|----------|
| Schedule                                                        | Comments |
| Schedule 1 – Additional permitted uses                          | N/A      |
| Schedule 2 – Exempt development                                 | N/A      |
| Schedule 3 – Complying development                              | N/A      |
| Schedule 4 – Classification and reclassification of public land | N/A      |
| Schedule 5 – Environmental heritage                             | N/A      |
| Schedule 6 – Pond-based and tank-based aquaculture              | N/A      |

## Zoning Provisions



## Zone B2 Local Centre

### 1 Objectives of zone

- 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.

## 2 Permitted without consent

Home-based child care; Home occupations

## 3 Permitted with consent

Amusement centres; Boarding houses; Boat sheds; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water recycling facilities; Water supply systems

## 4 Prohibited

Pond-based aquaculture Water treatment facilities; Any other development not specified in item 2 or 3

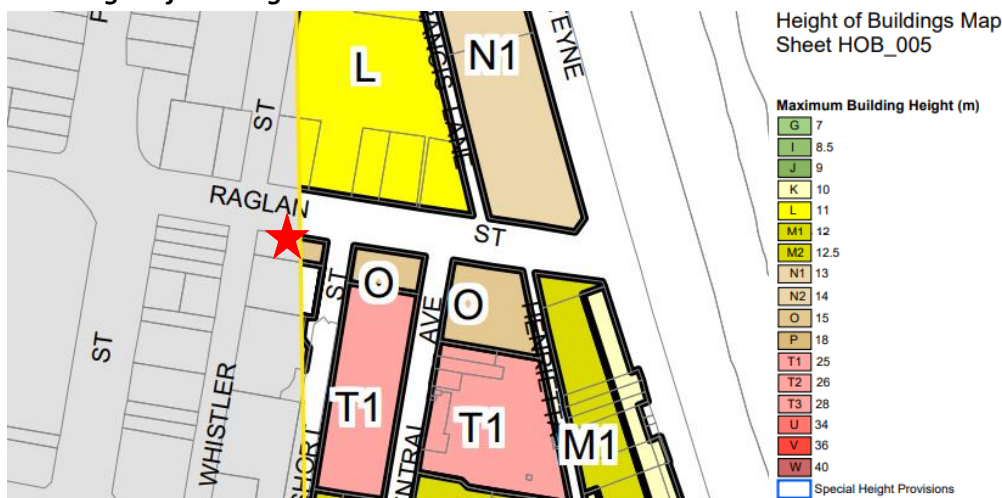
### Comment:

The site is zoned B2 Local Centre. An office premises is a permissible land use and subsequent internal works are permissible with Council's consent. The proposed use as an office premises is consistent with the objectives of the zone, as supported below:

- The proposal provides a use that serves the needs of people who live, work and visit the local area.
- The proposal provides office premises for employment in an accessible location within Manly Town Centre.
- The proposal encourages public transport and encourages walking and cycling.
- The proposal is for a change of use from an educational establishment to office premises which ensures there will be no amenity impacts to the existing zone and adjoining zones.

## Part 4 Principal development standards

### 4.3 Height of buildings



(1) *The objectives of this clause are as follows—*

- (a) *to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*
- (b) *to control the bulk and scale of buildings,*
- (c) *to minimise disruption to the following—*
  - (i) *views to nearby residential development from public spaces (including the harbour and foreshores),*
  - (ii) *views from nearby residential development to public spaces (including the harbour and foreshores),*
  - (iii) *views between public spaces (including the harbour and foreshores),*
- (d) *to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,*
- (e) *to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.*

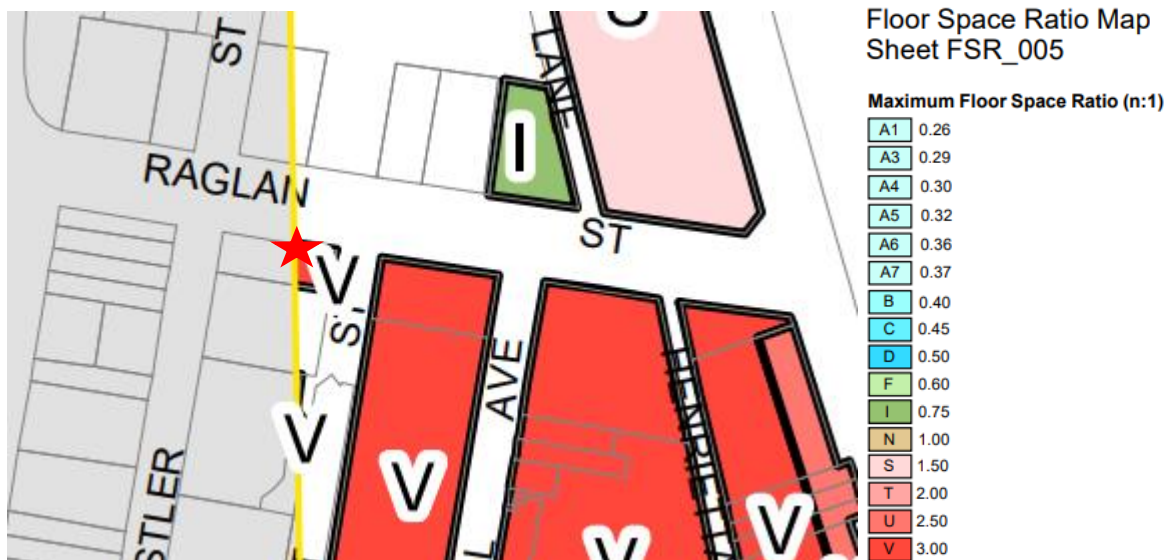
(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

**Comment:**

The site has a maximum building height provision of 15m.

Complies – the proposal is for a change of use and internal fit out with no change to the existing building height.

**4.4 Floor space ratio**



(1) *The objectives of this clause are as follows—*

- (a) *to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*
- (b) *to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,*
- (c) *to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*
- (d) *to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,*

*(e) to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.*

*(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).*

*(2A) Despite subclause (2), the floor space ratio for a building on land in Zone B2 Local Centre may exceed the maximum floor space ratio allowed under that subclause by up to 0.5:1 if the consent authority is satisfied that at least 50% of the gross floor area of the building will be used for the purpose of commercial premises.*

**Comment:**

The site is identified 'V' with a maximum FSR control of 3:1.

Complies – the proposal is for a change of use and internal fit out with no change to the existing FSR within the building.

**4.6 Exceptions to development standards**

*(1) The objectives of this clause are as follows—*

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

*(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

*(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

*(4) Development consent must not be granted for development that contravenes a development standard unless—*

- (a) the consent authority is satisfied that—*
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Planning Secretary has been obtained.*

*(5) In deciding whether to grant concurrence, the Planning Secretary must consider—*

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*

*(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—*

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

**Note.** When this Plan was made, it did not include land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition or Zone R5 Large Lot Residential.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(ca) clause 6.15,

(cb) a development standard on land to which clause 6.19 applies.

**Comment:**

Not applicable – the proposal is for a change of use and internal fit out with no change to the existing development standards.

## **5.21 Flood planning**

(1) The objectives of this clause are as follows—

(a) to minimise the flood risk to life and property associated with the use of land,

(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,

(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,

(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

(a) is compatible with the flood function and behaviour on the land, and

(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and

(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and

(d) incorporates appropriate measures to manage risk to life in the event of a flood, and

(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

(a) the impact of the development on projected changes to flood behaviour as a result of climate change,

(b) the intended design and scale of buildings resulting from the development,



(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,

(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.

(5) In this clause—

**Considering Flooding in Land Use Planning Guideline** means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021.

**flood planning area** has the same meaning as it has in the Floodplain Development Manual.

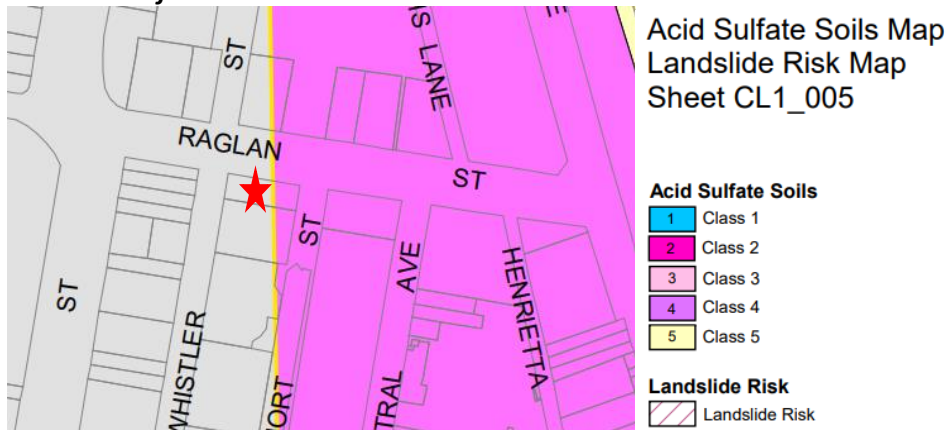
**Floodplain Development Manual** means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

#### Comment:

Not applicable – the proposal is for a change of use and internal fit out of Lot 3 located on levels 1 and 2 with no change to the ground floor level.

### Part 6 Additional local provisions

#### 6.1 Acid sulfate soils



(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

| Class of land | Works                                                                                                                                                                                                                                     |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1             | Any works.                                                                                                                                                                                                                                |
| 2             | Works below the natural ground surface.<br>Works by which the watertable is likely to be lowered.                                                                                                                                         |
| 3             | Works more than 1 metre below the natural ground surface.<br>Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.                                                                    |
| 4             | Works more than 2 metres below the natural ground surface.<br>Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.                                                                  |
| 5             | Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. |

*(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.*

*(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—*

*(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and*

*(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.*

*(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—*

*(a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,*

*(b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),*

*(c) minor work, being work that costs less than \$20,000 (other than drainage work).*

*(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—*

*(a) the works involve the disturbance of less than 1 tonne of soil, and*

*(b) the works are not likely to lower the watertable.*

**Comment:**

The site is identified as Class 4 Acid Sulfate Soils. The proposal is for a change of use and internal fit out works only. The proposal does not require a review of Clause 6.1.

**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,*

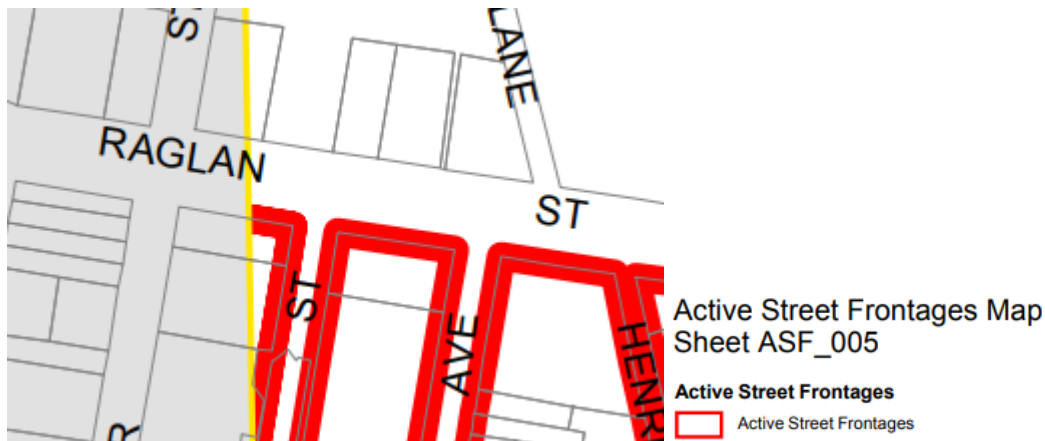
*(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,*

*(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.*

**Comment:**

The site is identified within the foreshore scenic protection area. The proposal is for a change of use and internal fit out works only. The proposal does not impact the foreshore area, therefore no further review of Clause 6.9 is required.

### 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 B2 Local Centre.
- (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 is identified within the active street frontages map. The proposal is for a change of use and internal fit out works only to levels 1 and 2 (being Lot 3) of the building. The proposal does not change the existing ground floor uses which activate the street frontage. Therefore, a review of Clause 6.11 is not required.

### 6.12 Essential services

- (1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—
  - (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the disposal and management of sewage,
  - (d) stormwater drainage or on-site conservation,
  - (e) suitable vehicular access.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.

#### Comment:

The site currently has access to the listed essential services under Clause 6.12.

#### **6.16 Gross floor area in Zone B2**

*(1) The objective of this clause is to provide for the viability of Zone B2 Local Centre and encourage the development, expansion and diversity of business activities, that will contribute to economic growth, retention of local services and employment opportunities in local centres.*

*(2) This clause applies to land in Zone B2 Local Centre.*

*(3) Development consent must not be granted to the erection of a building on land in Zone B2 Local Centre unless the consent authority is satisfied that at least 25% of the gross floor area of the building will be used as commercial premises.*

*(4) Development consent must not be granted for development on land to which this clause applies if the gross floor area of any retail premises on the land would exceed 1,000 square metres.*

#### **Comment:**

The proposal is for a change of use from an educational establishment to office premises, therefore retaining the business diversity of the B2 Local Centre zone. The proposal increases the commercial viability of the site through the provision of office space.

#### **General**

The site is not identified on the following maps:

- Heritage Map
- Heritage Conservation Map
- Land Reservation Acquisition Map
- Terrestrial Biodiversity Map, Wetlands Map, Watercourse Map
- Foreshore Building Line Map
- Key Sites Map
- Minimum Lot Size Map
- Landslip Risk Map

## 4.4 Manly Development Control Plan (MDCP)

In designing the proposed changes to the built form, due consideration has been given to the respective sections and objectives of MDCP2013, in particular:

- Part 3: General Principles of Development
- Part 4: Development Controls and Development Types

Key components of the DCP have been detailed below. The proposal is compliant with relevant provisions of the MDCP2013.

### **Part 3: General Principles of Development**

#### **3.1 Streetscapes and Townscapes**

##### *3.1 Streetscapes and Townscapes*

*Relevant DCP objectives to be met include the following:*

##### *Streetscape*

*Objective 1) To minimise any negative visual impact of walls, fences and carparking on the street frontage.*

*Objective 2) To ensure development generally viewed from the street complements the identified streetscape.*

*Objective 3) To encourage soft landscape alternatives when front fences and walls may not be appropriate.*

##### *Townscape*

*Objective 4) To ensure that all parking provision is designed and sited to respond to and respect the prevailing townscape.*

*Objective 5) To assist in maintaining the character of the locality.*

*Objective 6) To recognise the importance of pedestrian movements and townscape design in the strengthening and promotion of retail centres.*

*Objective 7) To minimise negative visual impact, in particular at the arterial road entry points into the Council area and the former Manly Council area, so as to promote townscape qualities.*

#### **Comment:**

The proposal is for a change of use and internal fit out to an existing commercial building. The proposal does not change the existing streetscape or townscape of Manly and therefore complies with Clause 3.1: Streetscape and Townscape within the Manly Development Control Plan 2013.

#### **3.1.3 Townscape (Local and Neighbourhood Centres)**

**Notes:** *The development controls in Part 4 of this plan place a particular emphasis on townscape considerations detailed in these paragraphs, requiring the design of development to have regard to townscape principles i.e. how it will appear when viewed from and in conjunction with surrounding buildings, spaces and streets.*

*Many areas of the former Manly Council area have a particularly important townscape character with an essentially unified townscape, giving rise to a particular individual character which should be maintained. This townscape character is derived as a result of the general scale and interest of the buildings and surrounds. This scale and interest exists even in areas with a limited number of heritage listed buildings with individual importance.*



*The determination of the townscape of a locality should examine this sense of place and the sense of unity from a variety of perspectives identified in the following design principles.*

### **3.1.3.1 Design Principles**

*The following design principles and requirements at paragraphs 3.1.3.1.a) to i) should be achieved in all development involving the erection of a new building or external alterations to an existing building in order to:*

- maintain and enhance the townscape of the former Manly Council area's LEP Business Zones;*
- achieve the townscape objectives of this plan; and*
- consider that the development exhibits design excellence in accordance with considerations of LEP clause 6.13(4) (as a statutory consideration for land in Zone B2 Local Centre and as a DCP consideration in other zones)*

*A scale and design of building appropriate to this local role should then be achieved.*

#### *Townscape Principles Map*

*b) All development involving the erection of a new building or external alterations to an existing building must be consistent with the townscape and streetscape and the principles and opportunities further illustrated in the Townscape Principles Maps at Schedule 2 of this plan.*

*Having regard to the features located in the Townscape Principles Maps the following guidelines apply:*

- i) Important corner sites shall be maintained, including strongly defined corner buildings. Ensure corner development has strong height and facade elements with building along the street frontage being set by these corner heights. Construct to boundary. Maintain and re-use existing development if it achieves objectives for these corner sites.*
- ii) Important pedestrian links shall be maintained including existing public arcade links and encourage new through-block arcades which in turn should limit the size of parcels and the bulk of large buildings.*
- iii) Important end of vista sites shall be acknowledged. Appearance of the street elevation requires special attention at the end of these vistas.*

#### *Design Details*

*c) Design details of proposed developments must complement adjacent building in the locality with particular reference to:*

- (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*
- (iv) materials, textures and colours;*

#### **Comment:**

The proposal is for a change of use and internal fit out to an existing commercial building. The proposal does not change the existing streetscape or townscape of Manly and therefore complies with Clause 3.1.3: Townscape (local and Neighbourhood Centres).

## **3.2 Heritage**

#### **Comment:**

Not applicable.

### **3.3 Landscaping**

#### **3.3.1 Landscape Design**

*Objective 1) To encourage appropriate tree planting and maintenance of existing vegetation.*

*Objective 2) To retain and augment important landscape features and vegetation remnant populations of native flora and fauna.*

#### **3.3.2 Preservation of Trees or Bushland Vegetation**

*Objective 1) To protect and enhance the urban forest of the Northern Beaches.*

*Objective 2) To effectively manage the risks that come with an established urban forest through professional management of trees.*

*Objective 3) To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*

*Objective 4) To protect and enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.*

*Objective 5) To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long term.*

*Objective 6) To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.*

#### **Comment:**

Not applicable – the proposal is for a change of use and internal fit out works only.

### **3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)**

*Relevant DCP objectives to be met in relation to these paragraphs include the following:*

*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 including noise and vibration impacts.*

*Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.*

#### *Designing for Amenity*

*a) Careful design consideration should be given to minimise loss of sunlight, privacy, views, noise and vibration impacts and other nuisance (odour, fumes etc.) for neighbouring properties and the development property. This is especially relevant in higher density areas, development adjacent to smaller developments and development types that may potentially impact on neighbour's amenity such as licensed premises.*

*b) Development should not detract from the scenic amenity of the area. In particular, the apparent bulk and design of a development should be considered and assessed from surrounding public and private viewpoints.*

*c) The use of material and finishes is to protect amenity for neighbours in terms of reflectivity. The reflectivity of roofs and glass used on external walls will be minimal in accordance with industry standards. See also Council's Administrative Guidelines regards DA lodgement requirements for materials and finishes.*

#### **Comment:**

Not applicable – the proposal is for a change of use and internal fit out works only.

### **3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)**

*Relevant objectives in relation to this part include the following:*

*Objective 1) To ensure the principles of ecologically sustainable development are taken into consideration within a consistent and integrated planning framework that achieves environmental, economic and social sustainability in the short, medium and long term.*

*Objective 2) To encourage the retention and adaptation of existing dwellings including a preference for adaptive reuse of buildings rather than total demolition. Where retention and adaption is not possible, Council encourages the use of building materials and techniques that are energy efficient, non-harmful and environmentally sustainable.*

*Objective 3) To minimise waste generated by development and embodied in the building materials and processes through demolition.*

*Objective 4) To encourage the use of recycled materials in landscape construction works.*

*Objective 5) To encourage the establishment of vegetable gardens and the planting of fruit trees.*

*Objective 6) To encourage energy efficient building design, construction and practices, that reduce energy consumption (primarily for heating and cooling), reduce the use of non-renewable fossil fuels, minimise air pollution, greenhouse gas emissions and reduce energy bills.*

*Objective 7) To require that residential site planning and building design optimise solar access to land and buildings.*

*Objective 8) To site and design development to optimise energy conservation and sustainability in accordance with BASIX legislation and encourage development to exceed requirement particularly to ensure energy efficient use of energy for internal heating and cooling.*

*See also Council's Administrative Guidelines*

*Objective 9) To site and design development to optimise energy conservation (in accordance with the energy hierarchy) and sustainability to which BASIX does not apply.*

*Objective 10) To ensure non-residential development involving a gross total floor area of greater than 500 sqm set and meet criteria for energy efficiency/conservation through an Energy Performance Report.*

*Objective 11) To ensure non-residential development complies with the Building Code of Australia energy efficiency provisions.*

#### **Comment:**

Complies – the proposed internal fit out works have been designed to meet relevant BCA requirements. The proposal will also utilise sustainable building products and energy/water efficient products.

### **3.6 Accessibility**

*Objective 1) To ensure equitable access within all new developments and ensure that any refurbishments to existing buildings provide improved levels of access and facilities for people with disabilities.*

*Objective 2) To provide a reasonable proportion of residential units that should be designed to be adaptable and easily modified to promote 'ageing in place' and for people with disabilities.*

*Objective 3) To highlight consideration of access issues early in the development design process.*

*Objective 4) To continue improving understanding and awareness of access issues for people with disabilities through a commitment to implementation of best practice.*

*Objective 5) To ensure that the public domain, including public domain in new developments provides connectivity, legibility, flexibility and consistency to allow for equitable and safe access for all people.*

**Comment:**

The application is supported by a BCA Capability Assessment. The proposed fit out of Lot 3 has been designed to accommodate accessibility where relevant, with no works to the common areas of the building proposed.

**3.7 Stormwater Management**

*Relevant objectives to satisfy relation to this part include the following:*

*Objective 1) To manage urban stormwater within its natural catchments and within the development site without degrading water quality of the catchments or cause erosion and sedimentation.*

*Objective 2) To manage construction sites to prevent environmental impacts from stormwater and protect downstream properties from flooding and stormwater inundation.*

*Objective 3) To promote ground infiltration of stormwater where there will be no negative (environmental) impacts and to encourage on-site stormwater detention, collection and recycling.*

*Objective 4) To make adequate arrangements for the ongoing maintenance of stormwater facilities.*

**Comment:**

Not applicable – change of use and internal alterations only.

**3.8 Waste Management**

*Relevant objectives to satisfy in relation to this paragraph include the following:*

*Objective 1) To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).*

*Objective 2) Encourage environmentally protective waste management practices on construction and demolition sites which include:*

- sorting of waste into appropriate receptors (source separation, reuse and recycling) and ensure appropriate storage and collection of waste and to promote quality design of waste facilities;*
- adoption of design standards that complement waste collection and management services offered by Council and private service providers;*
- building designs and demolition and construction management techniques which maximises avoidance, reuse and recycling of building materials and which will minimise disposal of waste to landfill; and*
- appropriately designed waste and recycling receptors are located so as to avoid impact upon surrounding and adjoining neighbours and enclosed in a screened off area.*

*Objective 3) Encourage the ongoing minimisation and management of waste handling in the future use of premises.*

*Objective 4) To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.*

*Objective 5) To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.*

*Objective 6) To minimise any adverse environmental impacts associated with the storage and collection of waste.*

*Objective 7) To discourage illegal dumping.*

**Comment:**

The proposed fit out works will be completed as per the requirements of Council's Waste Management policies. A Waste Management Plan has been submitted to the Northern Beaches Council with respect to the construction waste that is associated with the proposed works. All waste

generated during the construction of the building will be reuse, recycle and dispose of waste in an environmentally friendly and sustainable manner. The day to day needs of the tenancy will utilise the shared waste room within the loading area of the building.

### **3.9 Mechanical Plant Equipment**

**Comment:** Not applicable.

### **3.10 Safety and Security**

*Relevant DCP objectives to be met in relation to these paragraphs include the following:*

*Objective 1) To ensure all development are safe and secure for all residents, occupants and visitors of various ages and abilities.*

*Objective 2) To ensure that the design process for all development integrate principles of 'Safety in Design' to eliminate or minimise risk to safety and security.*

*Objective 3) To contribute to the safety and security of the public domain.*

**Comment:**

The proposal has been designed with due regard to safety and security for both the occupants of the tenancy and the ground floor tenancies.

## **Part 4: Development Controls and Development Types**

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

*Relevant DCP objectives to be met in relation to these paragraphs include:*

*Objective 1) To introduce guidelines for the assessment of building heights, setback and other controls relating to building form and height in order to achieve a consistent and coherent townscape appropriate to the locality.*

**Comment:**

Not applicable – the proposal is for a change of use and internal fit out only.

#### **4.2.1 FSR (Consideration of Exceptions including Arcades)**

*In additional to LEP Objectives at clause 4.4(1) this plan further details the control of FSR in the following objective:*

*Objective 1) To provide firm guidelines as to the potential development of a centre and an individual site.*

##### **4.2.1.1 Exceptions to FSR for Arcades**

*Arcades and other types of thoroughfares which are available for public use at all times may be excluded from the calculation of gross floor area for the purpose of determining the FSR.*

##### **4.2.1.2 Exceptions to FSR for Plant Rooms**

*In determining the exclusion of plant rooms in accordance with the LEP meaning of gross floor area, consideration must be given to paragraph 3.9 Plant Equipment of this plan with regard to the design and maximum area of plant and plant rooms when calculating the gross floor area for the purpose of calculating FSR.*



**Comment:**

Not applicable – the proposal is for a change of use and internal fit out only.

**4.2.2 Height of Buildings (Consideration of exceptions to Building Height in LEP Business Zones B1 and B2)**

*Note: Height of Building is a development standard contained under LEP clause 4.3 and applies to land shown on the LEP Height of Building Map. This DCP details certain considerations to townscape principles \* in determining whether to grant an exception to the LEP standard concerning whether ‘compliance with the standard is unreasonable or unnecessary in the circumstances of the case’ and whether ‘there is sufficient environment planning grounds to justify contravening the development standard’ (LEP clause 4.6(3)).*

*\*See also paragraph 3.1.3.1 Design Principles and Figure 39 - Consideration of Height Exceptions.*

**4.2.2.1 Exceptions to Height for Design Excellence**

*In determining whether to grant an exception to the LEP height standard, the environmental planning grounds to justify contravening the development standard (LEP clause 4.6(3)) may include consideration of the design principles at paragraph 3.1.3.1 Design Principles in this DCP.*

**Comment:**

Not applicable – the proposal is for a change of use and internal fit out only.

**4.2.3 Setbacks Controls in LEP Zones B1 and B2**

*Relevant DCP objectives in this plan to be met in relation to this paragraph include the following:*

*Objective 1) To ensure unobstructed access between the private and public domain.*

*Objective 2) To maintain the existing streetscape of building to the boundary.*

*All buildings must be constructed to the public road and side boundaries of the allotment except where:*

- a) an alternative setback is identified on the townscape and opportunities maps or having regard to established building lines and whether they contribute positively to the streetscape; or*
- b) the applicant can demonstrate to the satisfaction of the Council that an alternative setback will not conflict with overall townscape objectives, reduce the general availability of retail frontage or remove weather protection for pedestrians; or*
- c) the stipulated setback would be undesirable in terms of the amenity of any residential uses existing on adjoining land or proposed for inclusion in the development. In such cases the planning principles in this plan for residential development at paragraph 3.1.1 will also apply. In relation to setbacks in Neighbourhood Centres, see also paragraph 4.2.8.2 which includes guidance for when development adjoins land zoned residential in the LEP.*
- d) Council considers the need for building works to be setback at corner lots/street intersections to provide for an unobstructed splay for the purpose of improved traffic visibility. The maximum dimension of this triangular shaped splay would be typically up to 3m along the length of the site boundaries either side of the site corner.*

*See also paragraph 5.5 Road Widening and Realignment and the former Manly Council’s Corner Splay Policy for instances where the corner splay may be acquired by Council at intersections in the public interest and in the circumstances of the particular case.*

**Comment:**

Not applicable – the proposal is for a change of use and internal fit out only.

#### **4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor**

*Relevant DCP objectives in this plan to be met in addition to LEP clause 1.2(2)(d) and relevant LEP Zone Objectives in the Land Use Table include the following:*

*Objective 1) To ensure there is adequate provisions for car parking access and loading in future development and redevelopment in all business zones.*

*Objective 2) To minimise conflicts between pedestrian and vehicular movement systems within the business areas.*

*See also paragraphs 4.2.5 to 4.2.8 for other related provisions in specific business centres.*

*See also Schedule 3 for minimum requirement for carparking and for the design of parking, access and loading.*

##### **4.2.4.1 Car Parking**

*a) The Council may be prepared to allow exceptions to the parking rate/requirements required in this DCP in the following circumstances:*

*(i) where it can be demonstrated that particular activities in mixed use developments have car parking demands which peak at different times;*

*(ii) where visitors are likely to use more than one facility per trip;*

*(iii) considering available car parking in the surrounding area, except in relation to Manly Town Centre where more particular exceptions are provided at paragraph 4.2.5.4 of this plan; or*

*(iv) 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).*

*See also paragraph 4.2.5.4.b. regarding section 94 Contributions for onsite parking requirements in Manly Town Centre.*

##### **4.2.4.2 Vehicular Access**

*Vehicular Access is to be provided for all new buildings in such a manner that all vehicles enter and leave the site in a forward direction.*

*Note: State Environmental Planning Policy - Infrastructure 2007 states that Council must not grant consent to development on land that has frontage to a classified road unless it is satisfied that where practicable, vehicular access to the land is provided by a road other than a classified road.*

##### **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.*

*b) The minimum dimensions for a loading bay are 7.6m length, 3m width and 3.4m height.*

*c) Access is to be provided to and from the loading bay areas in such a manner that there is sufficient room for trucks to manoeuvre. Greater head-height may be required, in consultation with NSW Roads Services (previously RTA) Guidelines, should this seem warranted by the nature of the development. Council will also have regard to the NSW Roads Services guidelines when assessing the required number and dimensions of loading bay facilities.*

*d) Off street loading facilities are to be provided to service the entire development in the LEP Business Zones considering the uses proposed on the site and to overall townscape considerations and in other LEP zones where the use requires regular servicing by commercial vehicles.*

*e) Where a residential building may require regular servicing by commercial vehicles, off street loading facilities must be provided with least 1 complying loading bay.*

**Comment:**

The proposal will utilise the existing shared loading area off Short Street. The site does not have any off-street parking spaces. The proposal is for a change of use and internal fit out. Refer to Heading *Schedule 3 - Part A1 - Parking Rates and Requirements for Vehicles* for a review of car parking rates and requirements. It is submitted that the proposed change of use will reduced impact to the requirements of parking on the area.

**4.2.5 Manly Town Centre and Surrounds**

*Relevant DCP objectives to be met in relation to these paragraphs include:*

*Objective 1) To consolidate, promote and strengthen both retail activity in the Manly Town Centre as well as townscape in accordance with the townscape requirements of this plan.*

**Comment:**

Complies – the proposed change of use reinforces the commercial viability of the Manly Town Centre through a new office tenant taking up 564sqm of GLA within an existing commercial building.

**4.2.5.1 Design for Townscape**

*Council must be satisfied that the design of any development (not just heritage listed buildings) has given due attention to the site's position within, and the developments contribution to the overall existing and future townscape quality of the Manly Town Centre and surrounds.*

*In addition to the townscape principles at paragraph 3.1.3 which apply to all Centres including the Townscape Principles Map A for Manly Town Centre at Schedule 2 of this plan, additional townscape requirements for Manly Town Centre and Surrounds apply as follows:*

- a) Maintain the predominant pattern of narrow fronted buildings within the town centre with new buildings incorporating modulation of the street wall such as recesses or modulation in the building facade to visually reduce the length and perceived bulk of the street wall.*
- b) Maintain existing setbacks.*
- c) New development to enhance townscape characteristics, disregarding existing unsympathetic buildings.*
- d) Step back development around the intersection of Sydney Road and Whistler Street to reveal the historic building (church) at this intersection.*
- e) Develop new facade line in North Steyne to avoid unattractive end walls and sharp transitions in the vicinity of 46-48 North Steyne, Manly.*
- f) Height and setback of development must cause no undue affectation to properties to the south in terms of loss of sunlight or privacy (Pittwater Road, Manly).*

**Comment:**

Not applicable – the proposal is for a change of use and internal fit out only.

**4.2.5.2 Height of Buildings: Consideration of Townscape Principles in determining exceptions to height in LEP Zone B2 in Manly Town Centre**

*Consideration of the appropriate heights within the maximum Building Height development standard and exceptions to the standard in the LEP includes the following:*

- a) Whether the final building height including any architectural embellishments adversely dominate the heights of end (corner) buildings in the same street block or that of adjoining buildings.*

b) *Whether the proposed development successfully demonstrates the most appropriate relationship to adjoining development in terms of fulfilling the Council's townscape objectives. New development provides opportunities to achieve the maximum height of building in the centre of the street blocks to obtain views and outlook over buildings on the block edge at a lower height.*

c) *Whether new development should be constructed to the same building envelope as existing buildings on a site in order to maintain interest and variety, provided the other objectives and requirements (including FSR) of this plan are achieved.*

d) *Whether new buildings equate with both the overall height as well as the level of each floor of adjoining buildings and in relation to particular architectural details like parapet details and with particular regard to important end-buildings in the particular street block.*

*Note: The height relationship of particular architectural details with adjoining buildings may often require particular consideration of floor to ceiling heights. The creation of an additional storey by reducing the typical floor to ceiling height in a manner inconsistent with adjoining buildings will not be permitted. The use of internal mezzanine levels may be considered in order to achieve the desired height levels, where necessary, within the total height of the building.*

**Comment:**

Not applicable – the proposal is for a change of use and internal fit out only.

**4.2.5.3 Security Shutters**

*Shop window security roller shutters are not permitted on the external face of the building. Such screens may only be used behind the window display.*

**Comment:**

Not applicable – the proposal is for a change of use and internal fit out only.

**4.2.5.4 Car Parking and Access**

*Exceptions to parking rates/ requirements in Manly Town Centre*

a) *In exceptional circumstances and having regard to the merits of the application, Council may be prepared to allow a reduction in the any parking rate/ requirements in Manly Town Centre (including residential and commercial) where the applicant has demonstrated that:*

*(i) in the case of all uses other than dwellings, the dimensions or topography of the site would physically prevent the provision of some or all of the required spaces;*

*(ii) the required access interferes with the continuity of retail frontage or interrupts the frontage of the property in other ways such that there would be a conflict with any other provisions of this DCP in particular the townscape objectives; or*

*(iii) the movement of vehicles to and from the site would cause unacceptable conflict with pedestrian movements, special servicing arrangements for pedestrianised areas or contribute to congestion at key intersections.*

*Application of Manly Section 94 Contributions Plan*

b) *In respect of onsite parking requirements generated by development under this plan in Manly Town Centre (other than dwellings, tourist accommodation and backpackers' accommodation), no more than 50 percent of the required car parking spaces is permitted to be provided onsite, with the remainder being provided by way of monetary contribution in accordance with the former Manly Council's Section 94 Contributions Plan.*

*Note: This provision supports parking in conjunction with development in accordance with long held standards, at the same time limiting the number of cars brought into Manly Town Centre with ready access to public transport as well as existing and future public carparking stations.*

*Location of Driveways*

*c) No driveway crossover should be less than 10m from a major street intersection and vehicular crossovers should be minimal in size.*

**Comment:**

The subject premises do not have access to off-street car parking spaces. It is submitted that the existing use “Educational Establishment” has a higher parking rate than “office premises”, therefore the proposal will have a net decrease in parking requirements to the building, with no further requirements or contributions required.

#### **4.2.5.5 Backpackers’ Accommodation**

*Relevant DCP objectives to be met in relation to these paragraphs include:*

*Objective 1) To ensure that any building that has been developed or adapted as backpackers’ accommodation:*

- protects or enhances the character and amenity of an area;*
- provides a high standard of amenity for the users of that facility.*

*Objective 2) To provide for good relationships with neighbours and ensure that their amenity is maintained and protected from detrimental impacts including privacy, overshadowing, noise, antisocial behaviour, and personal safety.*

*Objective 3) To ensure that backpacker facilities are designed and operated in a manner which ensures the safety and wellbeing of all potential users.*

**Comment:**

Not applicable.

#### **4.2.5.6 Late Night Venues**

*This paragraph regulates the activities and design of late night venues in the “Manly Town Centre Entertainment Precinct”.*

*For the purposes of this paragraph the “Manly Town Centre Entertainment Precinct” is defined as land which includes the following:*

- Land in LEP Zone B2 Local Centres that is within the Manly Town Centre (excluding land zoned B2 elsewhere in the LEP i.e. Seaforth and Balgowlah);*
- Land within the Scope and Study Area of the Council’s Manly After Midnight Policy (former Manly Council Policy Reference M61) being ‘Manly Central Business District’;*
- Licensed Liquor Premises that are a signatory to the Manly Liquor Accord;*
- Land identified in a current Manly Alcohol Free Zone or Manly Alcohol Restricted Zone; and*
- Manly Wharf Precinct.*

*Relevant DCP objectives to be met in relation to these paragraphs include:*

*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.*

**Comment:**

Not applicable – the proposal is for office premises which do not fall under the requirements of a late night venue.

#### **Part 4.4 Other Development (all LEP Zones)**

##### **4.4.1 Demolition**

*Relevant DCP objectives in this plan in relation to these paragraphs include:*

*Objective 1)*

*To protect the environment during demolition, site works, and construction phases of development.*

*Where development involves demolition, the applicant is to demonstrate that the degree of demolition considers any existing building on the land that should be retained and appropriately adapted in order to:*

- a) Meet ecologically sustainable development principles by conserving resources and energy and reducing waste from any demolition process; and*
- b) Conserve the cultural heritage of the existing building and that of the locality. An appropriate assessment of potential heritage significance must accompany any DA in relation to demolition. If the property has merit as a potential heritage item, the heritage controls and considerations in this plan apply, and*
- c) Comply with the requirements of the Northern Beaches Waste Management Policy*

**Comment:**

The proposal is for a change of use and internal fit out only with only minor demolition works involved with the fit out.

##### **4.4.5 Earthworks (Excavation and Filling)**

**Note:** *Before granting development consent for earthworks, consideration must be given to the matters listed in LEP clause 6.2(3)(a)-(h).*

*Relevant DCP objectives in this plan in relation to these paragraphs include:*

- Objective 1) To retain the existing landscape character and limit change to the topography and vegetation of the Manly Local Government Area by:*
- *Limiting excavation, "cut and fill" and other earthworks;*
  - *Discouraging the alteration of the natural flow of ground and surface water;*
  - *Ensuring that development not cause sedimentation to enter drainage lines (natural or otherwise) and waterways; and*
  - *Limiting the height of retaining walls and encouraging the planting of native plant species to soften their impact.*

*See also paragraph 4.1.8 Development on Sloping Sites (Planning Principles).*

*See also paragraph 3.3.2 Preservation of Trees and Bushland V.*

**Comment:**

Not applicable – the proposal is for a change of use and internal fit out only.

**Part 5 – Special Character Precincts, Areas and Sites**

**Comment:**

Not applicable – the site is not identified in any special character precincts, areas or sites.

**Schedule 3 - Part A1 - Parking Rates and Requirements for Vehicles**

*Note: For other development types not identified in this Schedule, parking shall be provided in accordance with the Roads and Maritime Services (RMS) Design Reference Documents located at [www.rta.nsw.gov.au/doingbusinesswithus](http://www.rta.nsw.gov.au/doingbusinesswithus). This site is a one-stop-shop to access a large range of information and programs to assist in the management of the NSW road network. It includes RMS's technical directions, updated survey data, specifications, guidelines, and information fact sheets*

**Commercial Premises (including business, offices and retail premises) not elsewhere referred to in this Schedule \*:**

- *1 parking space for every 40sqm of gross floor area. Note: Where Commercial Premises that are subject to this rate are located in Manly Town Centre, paragraph 4.2.5.4 Car Parking and Access also applies (particularly in relation to section 94 Contributions).*

*\*Note: Commercial Premises elsewhere specifically referred to in this schedule and subject to a different requirement to that of the standard rate for commercial premises includes Pubs and Supermarkets. Restaurant or Cafes and Take Away Food and Drink Premises are subject to a similar rate but are only calculated on the basis of the serviced area for the development.*

**Comment:**

The existing use is an educational establishment. It is noted that Manly DCP does not provide a parking rate for educational establishments. Further, the RMS (RTA Guidelines) do not provide criteria for educational establishments. As a result, we have reviewed previous consents granted in the Manly LGA and also reviewed a comparable Council of Willoughby Council DCP which highlights the following car parking rates for educational establishments:

|                                                                                     |
|-------------------------------------------------------------------------------------|
| 1 space / 2 staff                                                                   |
| + 1 space / 10 tertiary students                                                    |
| + 1 space / 10 seats in assembly hall (may be inclusive of all other requirements). |

Spaces for sports fields or educational establishments in residential zones will be determined by Council in each case.

Without knowing the details of staff numbers and class sizes, we have made assumptions based on the net GLA of the tenancy – 564sqm. We have approximated the existing use with 10 staff and 200 students, therefore an existing car parking requirement of 25 car spaces.

The proposal changes the use to office premises, therefore, requiring car parking for 14 car spaces, and a nett reduction of 11 car spaces.

## 5. Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

### ***(a) The provisions of:***

#### ***(i) The provision of any Environmental Planning Instrument***

**Comment:** The proposed use is permissible and consistent with the intent of the Manly Local Environmental Plan and Development Control Plan as they are reasonably applied to the proposed works.

#### ***(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***

**Comment:** Not applicable.

#### ***(iii) Any development control plan***

**Comment:** The proposal has been reviewed and assessed under Manly Development Control Plan.

#### ***(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***

**Comment:** Not applicable.

#### ***(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and***

**Comment:** Complies – the proposal has been assessed under the relevant Regulations.

#### ***(v) (repealed)***

### ***(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,***

#### ***Context and Setting:***

##### ***i. What is the relationship to the region and local context in terms of:***

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

**Comment:** The proposal is for the change of use and internal fitout for an office premises within an existing multi-tenancy commercial building. The site is zoned B2 Local Centre and the proposed use is permissible on the site.

##### ***ii. What are the potential impacts on adjacent properties in terms of:***

- *Relationship and compatibility of adjacent land uses?*

- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

**Comment:** The proposal is for the use as an office premises with no adverse amenity impacts to neighbouring tenancies or properties. The development is surrounded by commercial land uses and proposes reasonable hours of operation and is a land use that is suitable for the locality. The development involves an internal fitout only and will not impact solar access, views, or visual privacy.

***Access, transport and traffic:***

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

**Comment:** The proposal is for the use as an office premises within an existing commercial building. No changes to existing access and traffic requirements to the site. The proposal has a reduction to the existing land use in the number of car spaces required.

***Public Domain***

**Comment:** The proposed development will have no adverse impact on the public domain.

***Utilities***

**Comment:** Existing utility services will connect to service the premises.

***Flora and Fauna***

**Comment:** The proposal is for a change of use and internal fitout and will not have an adverse impact to flora or fauna.

***Waste Collection***

**Comment:** Normal waste collection applies to the existing site.

***Natural hazards***

**Comment:** A minor portion of the site is located within flood prone land. The proposal relates to the change of use and fit out of Lot 3 located on levels 1 and 2 of the building.

***Economic Impact in the locality***

**Comment:** The proposed development will not have any significant impact on economic factors within the area.

***Site Design and Internal Design***

*i) Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*

- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

**Comment:** The proposal is for the use and internal fitout of the premises for an office premises within an existing commercial building. The development will not impact the position of buildings, the bulk and scale or the existing communal and private open space of the site.

*ii) How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

**Comment:** The proposal is for a change of use and internal fitout. The proposal can comply with the relevant standards pertaining to health, safety and BCA requirements and will not have any detrimental effect on the occupants.

#### **Construction**

*i) What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

**Comment:** Not applicable.

#### **(c) The suitability of the site for the development**

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

**Comment:** The site is located within the Manly Town Centre. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause unmanageable levels of transport demand to the site and the development will have no adverse impact on acoustic amenity.

#### **(d) Any submissions received in accordance with this act or regulations**

**Comment:** No submissions are available at this time.

#### **(e) The public interest**

**Comment:** The proposal is permissible and consistent with the intent of MLEP2013 and MDCP controls as they are reasonably applied. The development would not be contrary to the public interest. In our opinion, the development satisfies the planning regime applicable to development on this particular site, having regards to the considerations arising from its context.



The proposal is acceptable when assessed against the heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (as amended), and is appropriate for the granting of consent and accordingly, is in the public interest.

## 6. Summary and Conclusion

The proposal for a change of use and an internal fit out works for office premises at Suite 3, 7 Raglan Street, Manly, being Lot 3 in Strata Plan 67753, is permissible and consistent with the intent of the controls as they are reasonably applied for the subject development. It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The merits of the application have been assessed in accordance with the provisions of the relevant requirements of MLEP 2013 and the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). There is no evidence that the impacts of the development would warrant amendment to the subject proposal or justify refusal.

Accordingly, the proposal for a change of use and internal fit out works for office premises at Suite 3, 7 Raglan Street, Manly, being Lot 3 in Strata Plan 67753, is acceptable from environmental, social, and planning perspectives and approval should therefore be granted by Council.