WILLOWTREE PLANNING

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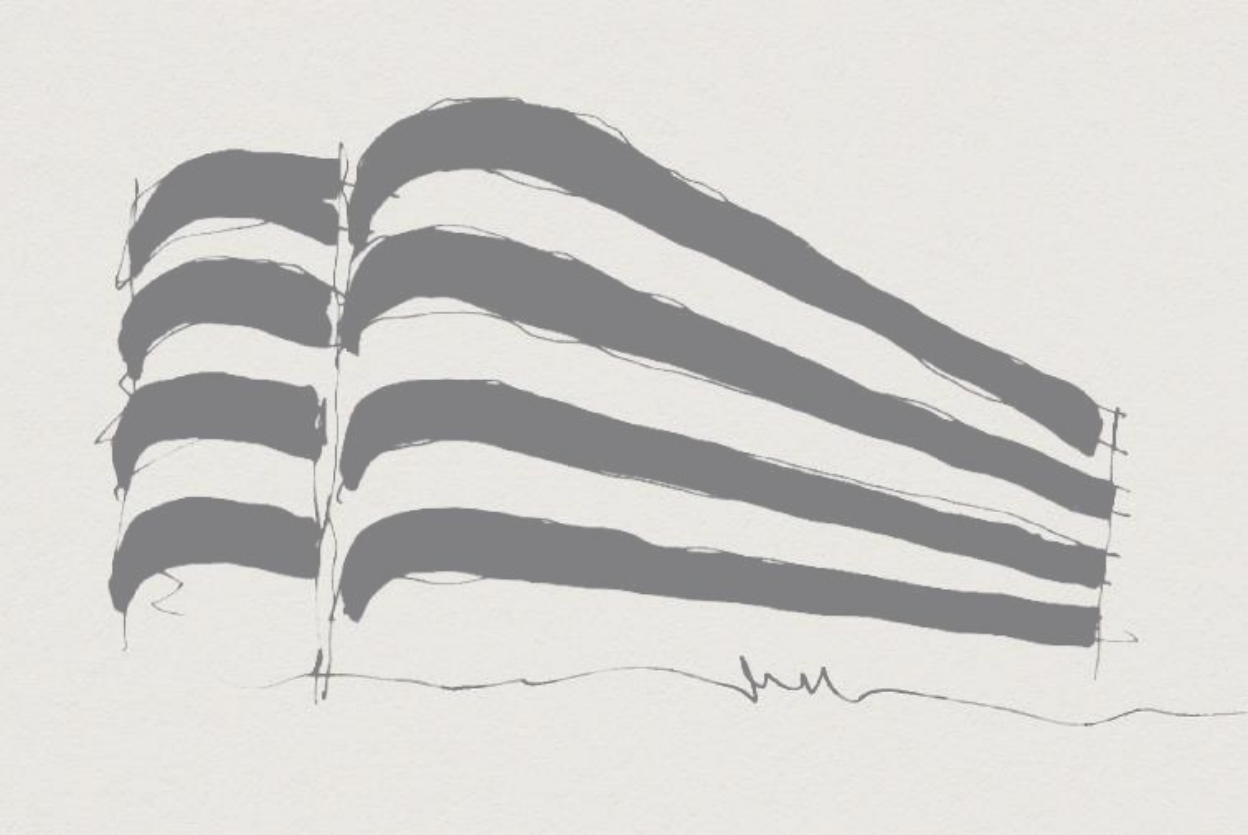

STATEMENT OF ENVIRONMENTAL EFFECTS:

RESIDENTIAL FLAT BUILDING

101 North Steyne, Manly
SP 4518
—
Prepared by Willowtree Planning Pty Ltd
on behalf of Manly Land 101 Pty Ltd c/o Time and Place

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In the spirit of reconciliation and recognition, Willowtree Planning acknowledges the Traditional Owners of this Country throughout Australia and their continuing and ongoing connections to land, waters and community. We show our respect to Elders – past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands in this Local Government Area, belonging to the local Aboriginal People, where this proposal is located upon.

DOCUMENT CONTROL TABLE			
Document Reference:	WTJ24-187		
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Version No. 1 – 18/12/2024	Tim Gleeson Town Planner	Cameron Gray Senior Associate	Chris Wilson Managing Director
			

TABLE OF CONTENTS

APPENDICES LIST

Appendix 1	Manly DCP 2013 Assessment
Appendix 2	Clause 4.6 Variation Request – Building Height
Appendix 3	Clause 4.6 Variation Request – Floor Space Ratio
Appendix 4	Estimated Development Cost Report
Appendix 5	Architectural Plans
Appendix 6	Survey Plan
Appendix 7	Waste Management Plan
Appendix 8	BASIX Certificate
Appendix 9	Flood Risk Assessment
Appendix 10	Stormwater Management Plan
Appendix 11	Geotechnical Report
Appendix 12	View Impact Assessment
Appendix 13	Coastal Risk Hazard Assessment
Appendix 14	Traffic Report
Appendix 15	Architectural Design Report
Appendix 16	Landscape Plan
Appendix 17	Accessibility Report
Appendix 18	BCA Report
Appendix 19	Owners Consent
Appendix 20	Ecologically Sustainable Development Report
Appendix 21	Landscape Design Report
Appendix 22	Preliminary Site Investigation
Appendix 23	Noise and Vibration Impact Assessment
Appendix 24	BASIX Assessment Report

FIGURES LIST

TABLES LIST

PART A SUMMARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of Manly Land 101 Pty Ltd c/o Time and Place (the Applicant) and is submitted to Northern Beaches Council (Council) in support of a Development Application (DA) at 101 North Steyne, Manly (subject site), which captures the following land parcel:

- SP 4518

This DA seeks development consent for the construction of a residential flat building at the subject site, including other necessary works, as described in **PART C** of this SEE.

The subject site is zoned R3 Medium Density Residential pursuant to the *Manly Local Environmental Plan 2013* (MLEP2013), which is intended to:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.*
- *To encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination.*

The proposal seeks to provide a residential flat building, which is permitted within the R3 zone and aligns with the zone objectives.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 3 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). Assessment against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been carried out under **PART D** of this SEE.

This SEE describes the subject site and proposed development, provides relevant background information and responds to the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies.

The structure of the SEE is as follows:

- **PART A SUMMARY**
- **PART B SITE ANALYSIS**
- **PART C PROPOSED DEVELOPMENT**
- **PART D LEGISLATIVE AND POLICY FRAMEWORK**
- **PART E ENVIRONMENTAL ASSESSMENT**
- **PART F CONCLUSION**

Based on the assessment undertaken, it is recommended that favourable consideration to the approval of the DA be given.

1.2 CONSULTATION

1.2.1 Design and Sustainability Advisory Panel

Design and Sustainability Advisory Panel (DSAP) undertook a review of the proposed development on 22 August 2024. The DSAP comments are set out in **TABLE 1** below, in addition to the responses to the recommendations raised.

TABLE 1. DESIGN AND SUSTAINABILITY ADVISORY PANEL NOTES	
DSAP Recommendations	**Applicant Response**
<u>Strategic context, urban context: surrounding area character</u> The response to Country and understanding of water flows across the site is however unclear and the Panel believes a greater consideration of this would help refine the approach.	Since the DSAP notes were issued, more detailed assessments have been undertaken on the subject site and the resulting understanding of the subject site has grown. In particular, a Flood Assessment Report has been prepared by GRC Hydro and provided as **Appendix 9** which notes that the subject site has limited flood affectation with only shallow overland flooding in the 1% AEP event, at the western boundary of the site in Pine Lane. The east of the subject site is effectively flood-free, in the 1% AEP. There is therefore a flat, shallow area of ponding at the rear of the property. There is no indication of a flow path in the mapping of the depths and velocities. There is minimal scaling in the Probable Maximum Flood, which reaches 6.20 mAHD at the same location. Flood behaviour is typical of an urban area with limited catchment where shallow runoff accumulates on roadways when the pit and pipe capacity is exceeded during exceptionally heavy rainfall. Therefore, a more developed understanding of water flows across the subject site has assisted with proposing suitable measures to address water flows.
The Applicant also proposes a large non-compliance in height and FSR. Before it can consider the merits of such a design, the Panel is of the view that the development needs to demonstrate excellence in all other aspects. This not only includes the architectural form, which seems to have been the principle point of focus to date, but also needs to demonstrate high levels of	It is considered that the proposed development demonstrates excellence in sustainability, contribution to the public domain, adequate deep soil and excellent access to light and air for all habitable spaces. An Ecologically Sustainable Development Report (**Appendix 20**) has been prepared which demonstrates the sustainable design response which includes the following measures:

sustainability, a positive contribution to the public domain, provide adequate deep soil and excellent access to light and air for all habitable spaces.	▪ Photovoltaic array on rooftop to reduce operational energy consumption and carbon emissions. ▪ Fully electrified and powered by renewables. ▪ High Star NatHERS Average: High-performance facades with optimised window to wall ratio. ▪ Low Embodied Carbon structure and materials. ▪ Efficient Potable water conservation through efficient fixtures and rainwater collection. ▪ Heat island effect mitigation through green areas and light coloured surfaces. ▪ Responsible finishes with low emissions. The proposed development's contribution to the public domain relates to its design and efforts to harmonise with the existing and anticipated built environment. It draws on its environment, enhancing the qualities of the area through good design, the choice of light-coloured warm tones and coastal character. The design responds to the distinct scales, material palettes and architectural forms typical of Manly.
<u>Scale, built form and articulation</u> *Recommendations:* 1. Side setbacks should be reviewed and likely increased to improve amenity to the apartments and the public space. 2. Analysis to demonstrate the impacts of any reduction from the existing setbacks needs to be provided. 3. The development of the architectural expression should be informed with embodied carbon calculations, demonstrating how design excellence can be shaped by structural intelligence. 4. Further consideration of how the side walls might potentially be re-designed to provide better views, air, sunlight and privacy (for example, with pop-out bay windows).	As part of the concept architectural plans submitted to the DSAP, side setbacks were approximately 1.6m. The side setbacks have been increased having regard for DSAP recommendations and the following side setbacks are proposed at ground floor level: ▪ Minimum of 1.82m to northern side boundary. ▪ Zero side setback to southern side boundary. At Level 3, the following side setbacks are proposed: ▪ Minimum of 1.9m to northern side boundary. ▪ Minimum of 2.17m to southern side boundary. These side setbacks increase further at Level 4 to ensure this level is less visible from the streetscape and thus, achieving consistency with the streetscape. The proposed non-compliant side setbacks are proposed following an assessment of neighbouring side setbacks. The two (2) buildings to the south of the

	subject site have an existing zero-side setback to one (1) side boundary. The three (3) buildings to the north have an average side setback of 1.56m. It is considered that the proposed development will achieve compliance with neighbouring development and will therefore have regard for the existing pattern of development and maintain the existing streetscape. In addition, and as detailed above, an Ecologically Sustainable Development Report (**Appendix 20**) has been prepared which demonstrates how the architectural expression has been informed with embodied carbon calculations. The side walls have been redesigned to provide better views, air, sunlight and privacy. In particular, the provision of louvres along the side elevations ensures there is a directional outlook in addition to living spaces orientated towards the front or rear of the subject site. Amendments have also been made to the roof design with a clerestory structure now proposed which gives a lower refined edge, reduces perceived height and brings light into the plan.
<u>Access, vehicular movement and car parking</u> To address the flood concerns, a flood gate has been included in the driveway. The Applicant is encouraged to seek guidance from council as to whether the flood gate will be supported.	Council supported the use of a flood gate as part of the first pre-lodgement meeting (discussed below), which provides protection from basement inundation.
Recommendations: 5. As the basement carpark is developed, seek advice from Council about the best flood mitigation approaches. 6. Consider double stack carpark and car lifts to help to reduce basement footprint and increase deep soil.	As set out above, Council supported use of a flood gate as part of the first pre-lodgement meeting which provides protection from basement inundation. Some six (6) car stackers are proposed at basement level which has allowed for a compliant provision of deep soil when assessed against the Apartment Design Guide (ADG).
<u>Landscape</u> *Recommendations:* 7. The site should allow for at least 7% deep soil as recommended under the ADG and this deep soil area should be utilised for planting of landscape and at least one large tree. The dimensions of the deep	The 7% (44.5m^2) deep soil set out by the ADG is achieved as part of the proposed development where 7.5% (48m^2) is proposed. At least one (1) large tree and suitable deep soil area is proposed as part of the subject DA. Refer to the landscape design provided as part of the Landscape Plan (**Appendix 16**).

soil must be suitable (6m as per ADG) to support a healthy large tree(s). 8. A low water, fully native landscape design should be developed for the next review. Consideration should be given to the practicality of how the landscape will be maintained for future success.	
<u>Amenity</u> *Recommendations:* 9. Development of the architecture of the front balconies should consider privacy between them and their neighbours, along with embodied carbon. 10. Consideration of façade breaks into the current plan that can give improved outlook and articulation to rooms along the sides should be investigated.	The front balconies have been redesigned to reduce the bulk and scale of the proposed development when viewed from the public domain. The following design measures have been implemented since the concept architectural plans were provided to the DSAP: ▪ Balcony depth reduced (650mm back). ▪ Balcony geometry has been adjusted and leading edge thinned to reduce visual massing. The above measures will reduce the building's embodied carbon. In addition, the apartment split is now east to west which addresses privacy between neighbours whose balconies previously would've been located adjacent to each other. The side elevations have been amended and visually broken up to provide better views, air, sunlight and privacy. In particular, the provision of louvres along the side elevations ensures there is a directional outlook thus, providing improved outlook.
<u>Façade treatment/Aesthetics</u> *Recommendations:* 11. Reconsider the design parti to include a more articulated side boundary approach and low carbon structure.	As set out above, the side elevations have been amended and visually broken up to provide better views, air, sunlight and privacy. In addition, the following bulk and scale measures have been implemented in light of the DSAP recommendations: ▪ Building moved 150mm west to reduce visual massing. ▪ Balcony depth reduced (650mm back). ▪ Balcony geometry has been adjusted and leading edge thinned to reduce visual massing. In particular, measures such as the thinning of the leading edge of the balconies will assist with providing a low carbon structure.

Sustainability *Recommendations:* The following additional ideas can be easily and cost effectively considered for inclusion: 12. The efficacy of the PV panels can be greatly enhanced when placed over a green roof, which has additional ecological benefits. 13. Provide EV charging points for each unit (Min 15 amp) to suit level 1 charging. Also consider charging and storage for E Bikes. 14. The inclusion of ceiling fans to all bedrooms and living rooms will provide comfort with minimal energy while reducing the need and energy required for air-conditioning. 15. While Materials is a new area of BASIX, it would be good to understand your approach to minimising this score and see how this can shape the design.	Consent is sought for the provision of PV panels and a non-trafficable green roof as part of the subject DA. The Ecologically Sustainable Development Report (**Appendix 20**) details that the car park can accommodate EV charging infrastructure powered by renewable energy from photovoltaic installation on the building's roof and additional electrical infrastructure to aim for the provision of EV charging points for future uptake wherever possible. In addition, the Ecologically Sustainable Development Report (**Appendix 20**) details that construction materials are chosen to be low impact in their manufacture, including best practice Polyvinyl chloride (PVC) and Forest Stewardship Council (FSC) or Programme for the Endorsement of Forest Certification (PeFC) timber throughout, where possible. This impacts waste both created at the subject site, as well as upstream and downstream waste categories. Ceiling fans can be accommodated within the bedrooms and living rooms of each unit.

1.2.2 Northern Beaches Council

First Pre-Lodgement Meeting

Pre-lodgement meetings were held with Northern Beaches Council on two (2) occasions. The first meeting was held on 17 October 2024 and the second meeting was held on 4 December 2024. Meeting notes were circulated by Northern Beaches Council following the first pre-lodgement meeting which have been addressed in **TABLE 2** below.

TABLE 2. COUNCIL NOTES	
Council Comments	**Applicant Response**
Landscaping The site must provide 44.5sqm (7%) of deep soil area pursuant to the Apartment Design Guide. Ideally this might be toward the street setbacks, corners of the site and beside any large blank side walls. Given the ground level pathways, rear access stairs and driveway it appears the only deep soil area will be a small	The proposed development will provide 7.5% (48m^2) of deep soil area, achieving compliance with the ADG. This provision of deep soil has been significantly increased as part of the design process with deep soil planting now located to the front and rear of the subject site, ensuring landscaping is evenly distributed. In addition, landscaping is proposed at Level 4 which

narrow section across the middle part of the front setback. The front setback forward of the building above the basement appears to have limited landscape depth due to the basement roof area with no soil depth for grass and garden since it is shown as GFL at 6.27 based on the section diagram 3/DA450. At present the landscaping provided is insufficient and needs to be better distributed across the ground floor and with some landscaping to each floor level where appropriate.	will assist with visually softening the proposed development when viewed from the public domain.
<u>Height</u> The building height on the top floor must be substantially altered to minimise impacts on the streetscape and FSR. It is noted that the flood planning level will raise the ground floor (this is a supportable reason under Cl4.6) and overall (apartment design guide) ADG floor to floor heights are mostly used but some additional floor slab thickness that adds height is symptomatic of not minimising the non-compliance. For the clause 4.6 to be "well founded" any non-compliance should be minimised without unnecessarily adding floor height / roof height. At present the PLM scheme is not minimising the height non-compliance and the reshaping of the building top floors (including the roof) as well as floor to floor heights adjusted to demonstrate that the height breach is genuinely minimised.	Since the first pre-lodgement meeting with Northern beaches Council, the proposed design has been revised to ensure the building height variation has been minimised. These amendments have been set out below: ▪ The extent of the variations has been reduced through the floor-to-floor levels being minimised: 3.1m for Level 1 to Level 3 and 3.2m for Level 4. ▪ Amendments to the roof design which now proposes a clerestory structure which gives a lower refined edge, reduces perceived height and brings light into plan. These amendments will assist with minimising impacts on the streetscape.
<u>Floor Space Ratio</u> The variation is significantly above the maximum allowed. This can be attributed to the expansive floor plates and excessive internal room dimensions, inefficient layouts and the additional storey added. Apartments need to prioritise floor efficiency in an effort to minimise any non-compliance or to achieve compliant FSR. Additionally, non-compliant FSR commonly increases amenity impacts on adjacent land in terms of reduced spatial separation, more overshadowing, view impacts, privacy and building bulk. For example, the adjacent buildings have used	Since the first pre-lodgement meeting with Northern Beaches Council, the proposed design has been revised to ensure the floor space ratio variation has been minimised. These amendments have resulted in the FSR being reduced from 1.95:1 to 1.93:1 and amenity impacts have been considered as part of the subject DA. It is noted that adjacent developments have utilised loft style curved roof forms that assist with solar access. The fifth-floor level of the proposed development has greater setbacks than the lower levels to ensure efforts

loft style curved roof forms that assist solar access over the upper storey shape and compress the top-level floor plate and demonstrate reduced bulk (forward elements also use thin framing and lightweight elements). In the proposal, the narrow side setbacks with vertical wall spans and flat roof form creates a much larger upper bulk and increases building profile (including the shadow profile). Other concerns include the use of expansive master bedroom spaces, very wide living spaces and dual corridors on the upper level that add to the FSR non-compliance.	have been made to address overshadowing, view impacts, privacy and building bulk. Further discussion on overshadowing, view impacts, privacy and building bulk are provided within this Statement of Environmental Effects.
<u>General Elements – Bins</u> A revised bin arrangement will be needed, and this may require a change to the basement and rear (western) ground floor to comply with Waste Service requirements. See PLM specialist advice below.	The bin arrangement has been revised since the first pre-lodgement meeting with Northern Beaches Council. The bins will be located at basement level and brought to ground level for collection from Pine Lane.
<u>General Elements – Car parking</u> Detailed advice regarding the car parking arrangement and layout for the building are provided below by Council's Traffic Engineer. Development engineering and BCA requirements for the carparking area also apply to ensure appropriate gradients, swept paths, safety and ventilation of the basement.	Refer to the BCA Report provided as **Appendix 18**.
<u>General Elements – Bulk and Scale</u> The proposed building scale design should be further refined to change and remove the upper bulky appearance created by the solid balcony fronts (L1 to L4) and the side wall plans. Building articulation, increased setbacks and the introduction of some landscape element for the residential levels is required. See detailed advice provided in these notes for recommended changes to the facades and elevations including setbacks. Generally, a principle objective of the zone is to maintain continuity in the streetscape and this should take cues from buildings immediately adjacent and not "call out"	Alternative design options including the use of glass for the upper-level balconies were considered as part of the design process following feedback from Northern Beaches Council. However, the location of the proposed development proximate to the ocean meant sea spray would require regular cleaning of these glass balconies and thus, this approach was not deemed to be suitable. Instead, the following bulk and scale measures have been implemented: ▪ Building moved 150mm west to reduce visual massing. ▪ Balcony depth reduced (650mm back). ▪ Penthouse glazing shifted east by 550mm. ▪ Balcony geometry has been adjusted and leading edge thinned to reduce visual massing.

obvious historical development that is not relevant to the current LEP/DCP.	The above measures have also resulted in an overall reduction in embodied carbon.
General Elements – Streetscape The proposal does not create a good fit at present with the adjacent properties. More lightweight and thinner framing elements is required for the balconies and along sections of the side setbacks. Additionally, landscaped element and a reduction in FSR is necessary to achieve the DFC. The use of solid balustrade at GFL is suitable as this level is slightly raised but create a defined foundation level for the building and visual privacy from the public domain / beachside reserve / street / footpath.	It is considered that the amendments to the design since the first pre-lodgement meeting with Council ensure it now represents a good fit with adjacent properties. These amendments include alterations to the roof design where a clerestory structure is now proposed which gives a lower refined edge, reduces perceived height and brings light into plan. In addition, and as set out above, the balcony depth has been reduced and the leading edge of the balconies also adjusted and thinned to reduce visual massing. Therefore, the proposed residential flat building will provide building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality. The proposed development is five (5) storeys which is generally consistent with the prevailing building height of surrounding development.
The building has a limited mix of apartment configurations suitable for the site. Rooms that are a "TV" room or the like, that are also capable of being a bedroom, should be identified in the parking assessment or have an "open-plan" side wall (e.g. L04 (L03 Upper) arrangement for that "TV room").	The "TV room" in question has been identified as a living space as part of the Architectural Plans (**Appendix 5**) and therefore has not been included as a bedroom with the Transport Impact Assessment.
The FSR is recommended to be reduced. It is unlikely that compliance can be achieved however significant reduction in the FSR is possible with revised internal changes and increase setbacks for the upper 3 storeys.	The FSR of the proposed development has been reduced from 1.95:1 to 1.93:1 since the first pre-lodgement meeting with Northern Beaches Council.
Non-Compliances with the Manly DCP 2013 Side setback variations provided by Clause 4.1.4.3 do not apply to area D1.	The following side setbacks are proposed at ground floor level: ▪ Minimum of 1.82m to northern side boundary. ▪ Zero side setback to southern side boundary. At Level 3, the following side setbacks are proposed: ▪ Minimum of 1.9m to northern side boundary. ▪ Minimum of 2.17m to southern side boundary.

	These side setbacks increase further at Level 4 to ensure this level is less visible from the streetscape and thus, achieving consistency with the streetscape. The proposed non-compliant side setbacks are proposed following an assessment of neighbouring side setbacks. The two (2) buildings to the south of the subject site have an existing zero-side setback to one (1) side boundary. The three (3) buildings to the north have an average side setback of 1.56m. It is considered that the proposed development will achieve compliance with neighbouring development and will therefore have regard for the existing pattern of development and maintain the existing streetscape.
Additional landscaping planting needs to be achieved the scheme.	The proposed landscaping is central to creating an engaging and harmonious environment, enhancing aesthetics and sustainability. The landscaping design offers a welcoming, green retreat for ground floor residents, whilst creating a verdant street frontage to North Steyne, improving the public domain. Deep soil zones to the front and rear of the property allow for extensive greening of the subject site, while pockets of greenery exist at higher levels of the building via balcony planters to improve outlook, assist with privacy and green the building. Appropriately sized trees line the rear of the property, visually enhancing this area whilst providing wind buffering and shading to the lower floors and ground floor gardens.
Setbacks in the Foreshore Scenic Protection Area should be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshores in Manly. At present the scheme is inconsistent with these objectives and refinement of the scheme is required. This will need to increase the side setbacks and make design changes to the plans and elevations.	The front street setback has been increased when compared against the existing built form on the subject site. The increased front setback is provided in order to achieve consistency with the building line of neighbouring properties. A comprehensive view loss assessment has been undertaken within **Section 5.3** of the Statement of Environmental Effects and within the View Impact Assessment (**Appendix 12**).
In higher density areas (including LEP Zones R1 & R3), careful consideration should be given to minimising any loss of sunlight, privacy and views of neighbours. This is especially relevant in the design of new	Shadow studies have been undertaken and are included within the Architectural Plans provided as **Appendix 1**. The shadow studies demonstrate that the overshadowing resulting from the proposed residential flat building will impact a portion of the

residential flat buildings adjacent to smaller developments.	private open space of No. 98-100 North Steyne, Manly. This non-compliance is considered acceptable given these areas only receive sunlight as a result of the subject site's existing rear setback, which is inconsistent with neighbouring development. The proposed rear setback has been designed to appropriately relate to the prevailing pattern of setbacks in the immediate vicinity. Significant efforts have been made to ensure no adverse environmental impacts arise from the proposed development. Measures such as louvres along the side elevations ensures there is a directional outlook in addition to living spaces orientated towards the front and rear of the subject site. This ensures the use or enjoyment of adjoining land, and the public domain is not compromised. The proposed increased front setback results in improvements to views across the subject site for the neighbours to the north and south of the subject site.
The zero setback and 3 storey elements on the southern side boundary and ground floor arrangement is compromised by a number of elements that also impact amenity of neighbours and the building. Additionally, there are 2 service exits to Pine Lane when these could be combined and include appropriate bin storage at GFL, including more efficient basement to GFL connections.	The side setbacks have been discussed above and privacy impacts have also been addressed. In particular, the provision of louvres along the side elevations ensures there is a directional outlook in addition to living spaces orientated towards the front or rear of the subject site.
Freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point (use of low sandstone wall is suitable). Fences must be setback at least 1m from the lip of any retaining wall and use of open style (picket) with landscape planting is encouraged so that a "walled-out" appearance is not created.	The front fence to North Steyne has a solid portion (sandblasted concrete) to 1.1m from street level and a permeable fence line which is 250mm above that the 1.1m solid portion. The minor non-compliance is considered acceptable given the proposed height is to provide for the level change from street level to the ground floor, given the ground floor is approximately 300mm above street level.
<u>SEPP (Housing) 2021 and the Apartment Design Guide</u> The provisions of *Apartment Design Guide* should be overlaid or outlined on the floor plans and addressed in the Statement of Environmental Effects.	The provisions of the ADG have been addressed in the ADG Design Statement provided as part of the Architectural Design Report (**Appendix 15**).

Design & Sustainability Advisory Panel The DSAP has made a number of recommendations that will require annotations on the plans (such as for EV connection points) and design amendments (building façade, reduced FSR and other building changes), DSAP advice is given considerable weight in the context of an overall DA assessment. If the proposal is required to be determined by the *Northern Beaches Local Planning Panel*, they will be aware of the PLM and DSAP advice given for the application.	Refer to the responses to the DSAP recommendations within **Section 1.2.1** above.
Traffic Engineering The apartment mix is 1 x 4 bedroom apartment and 6 x 3 bedroom apartments. Under the Manly DCP this would generate a parking requirement of 1.5 residential parking spaces for each unit i.e. 10.5 spaces (rounded up to 11) and 0.25 visitor spaces per unit i.e. 1.75 spaces (rounded up to 2). The PLM proposal is for 14 parking spaces 8 of which are shown in mechanical car stackers and 4 of which are shown in a tandem arrangement. There is also one disabled parking bay. While the quantum of parking is satisfactory the proposed parking arrangement is problematic. The reliance upon car stackers and tandem parking will tend to lead to inconvenience for residents and congested conditions within the carpark as vehicles will frequently need to manoeuvre in and out of car stackers and tandem parking bays in order to access buried bays. It is however noted that pit style car stackers are proposed which will assist with ease of access to and from those spaces. The two bays which are not in stackers or in a tandem configuration will need to be allocated for visitors with each car stacker pair and each tandem car space pair allocated to the one residential unit. This will then result in 6 units having two car spaces and one unit having none. Given the	The proposed development will provide 14 resident car spaces, one (1) visitor car space and one (1) accessible car space. Car stackers are proposed to be used for a portion of the resident car spaces and visitor car spaces will not be provided as car stacker spaces. A total of 13 bicycle spaces are proposed to be provided and although this is one (1) bicycle space below the *Manly Development Control Plan 2013* (MDCP2013) requirements, it is considered that this provision of bicycle parking is sufficient to facilitate the use of bicycles.

proximity of the site to the Manly Town Centre, shops, services and recreational facilities, the presence of good walking and cycling facilities and good public transport by bus and Ferry from Manly Wharf and Town Centre the absence of parking for one unit could be supported particularly if adequate bicycle parking is provided.	
The Manly DCP requires 2 bicycle parking spaces for each dwelling. The site is in close proximity to good bike routes and the Manly area is conducive to cycling and compliant levels of bicycle parking should be provided i.e. bike racks to accommodate 14 bicycles.	A total of 13 bicycle spaces are proposed to be provided at basement level. Although, this is one (1) bicycle space below the MDCP2013 reequipments, it is considered that this provision of bicycle parking is sufficient to facilitate the use of bicycles.
The removal of two existing vehicle crossings from North Steyne and consolidation of access to one driveway off Pine Lane is supported. Redundant vehicle crossings are to be removed and kerb and gutter reinstated in their place to allow kerbside parking to be reinstated. The footpath will also need to be reconstructed and paved to match adjacent footpath areas.	The proposed development will allow for the reinstatement of the kerb along North Steyne identified as 'all stone kerbs' and listed as a Local Heritage Item (Item No. I2) pursuant to the MLEP2013.
The retention of pedestrian access to North Steyne is also supported and encouraged.	Noted.
The use of a single width driveway off Pine Lane is not ideal particularly as the driveway is proposed to have grades of 1 in 4 for most of its length with a significant rise near the property boundary for flooding prevention, this will limit intervisibility between inbound and outbound vehicles and lead to the potential for vehicle-to-vehicle conflict. A double width driveway of min 5.5m in width would therefore be preferred to cater for passing of inbound and outbound vehicles. If that is not feasible consideration should be given to widening the driveway to 5.5m for the first 6m inside the property to allow an inbound vehicle to pull off the road to allow an exiting vehicle to pass. Traffic signal control of access to and from the carpark will be required to ensure vehicles are not having	Due to site constraints, the provision of a double width driveway or widening of a portion of the driveway has not been deemed to be feasible. The widening of the driveway would significantly reduce the extent of deep soil and planting that could be provided on the subject site. A Traffic Report (**Appendix 14**) has been prepared which details that the current design can safely manage vehicle movements. This can be achieved through the proposed use of a traffic signal which will facilitate the safe entry and exit of vehicles from the basement.

to reverse up or down the steep driveway to allow opposing vehicles to pass.	
Adequate overhead clearance along the full length of the driveway for a B99 vehicle will be required. i.e. 2.2m along the length of the driveway and 2.5m min over the disabled parking space and shared area as per the requirements of AS2890.6	Refer to the Transport Impact Assessment provided as **Appendix 15** which details that the "car park has been designed in accordance with AS2890.1 with respect to ramp gradients, circulation aisle widths and car space dimensions."
DA Plans should be fully dimensioned with swept path plots for critically located parking spaces and access to/from the driveway demonstrated to confirm that AS2890.1 requirements are met.	The Architectural Plans (**Appendix 5**) are fully dimensioned, and the swept paths have been prepared for critically located parking. Refer to the swept paths provided as part of the Traffic Report (**Appendix 14**).
There is an existing high wall at the northern boundary of the site which inhibits sight lines and it is noted that convex mirrors have been installed both at the existing vehicle crossing for No. 101 & also for No.102 North Steyne. Clearly, sightlines to pedestrians and oncoming traffic are an existing issue. To improve this, pedestrian sight line triangles consistent with AS2890.1 for visibility to pedestrians and allow for better visibility to oncoming traffic should be provided. This may require shifting of the driveway to the south slightly.	Refer to the Transport Impact Assessment provided as **Appendix 15** which details that the "car park has been designed in accordance with AS2890.1 with respect to ramp gradients, circulation aisle widths and car space dimensions."
<u>Coast and Catchments</u> Coastal hazards are shown to affect the subject site (including beach erosion and recession as well as coastal inundation) under certain scenarios. To enable Council to determine if the proposed development is likely to cause increased risk from coastal hazards on the land or on other land a coastal risk management report should be lodged in support of the DA. The coastal risk management report should address as to whether the building and other works (including existing works to be retained) are engineered to withstand current and projected coastal hazards for the design life of the development and whether the proposed development is likely to alter	Coastal engineering advice has been prepared by Horton Coastal Engineering and is provided as **Appendix 13**. The coastal engineering advice has been prepared to determine the potential risk of the subject site from coastal hazards. The coastal engineering advice concludes that the proposed development is at an acceptably low risk of being impacted by erosion or recession over an acceptably long life exceeding 60 years, even if the Manly Ocean Beach seawall fails and is not reinstated, which is highly unlikely. The proposed development is at an acceptably low risk of being impacted by coastal inundation and wave run up over an acceptably long life exceeding 60 years, including consideration of projected sea level rise. Therefore, the proposed development satisfies the requirements of the *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and

coastal processes to the detriment of the natural environment or other land. The report should also recommend measures that should be in place to ensure that there are appropriate responses to, and management of risks associated with, anticipated coastal processes and current and future coastal hazards. It should be prepared by a specialist coastal engineer who is a registered professional engineer with chartered professional status (CPEng) and with coastal engineering as a core competency and who has an appropriate level of professional indemnity insurance. A report, titled *Identification of Coastal Hazard Risk Areas to Sea Level Rise for the Manly Local Government Area* (2012) prepared by the Water Research Laboratory of UNSW (WRL) was adopted by the former Manly Council. The report maps coastal hazard areas for the present, 2050 and 2100 planning horizons. Demonstrated compliance with the *Coastal Management Act 2016* and *State Environmental Planning Policy (Resilience and Hazards) 2021*. This can be done in the Statement of Environmental Effects.	Hazards SEPP) and the *Coastal Management Act 2016*.
<u>Water Quality</u> The project is to be demonstrating compliance with LEP clause 6.4(3) to "maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water" and is to provide alternatives water quality management strategy to improve the water quality (DCP 2013 3.7 Stormwater Management objectives 1).	A Stormwater Management Plan (**Appendix 10**) has been prepared by NDY. As per the Northern Beaches Council Water sensitive urban design (WSUD) Technical Guide MUSIC Modelling Section 2.2.1, development on site urban, already developed lands, must undertake a stormwater quality assessment to demonstrate that the development will achieve the post-development pollutant load standards indicated below: a) reduce the baseline annual pollutant load for gross pollutants by 90% b) reduce the baseline annual pollutant load for total suspended solids by 85%;

	c) reduce the baseline annual pollutant load for total phosphorous by 65%; and d) reduce the baseline annual pollutant load for total nitrogen by 45%. The stormwater quality treatment water filter cartridges and litter baskets will form part of the water quality treatment train, removing pollutants and nutrients that are detrimental to downstream waterways. The results from the investigations and modelling for this project that have been summarised in the Stormwater Management Plan (**Appendix 10**) indicate that the proposed development, with the proposed WSUD strategy and management, can provide a safe and ecologically sustainable environment.
The proposal includes a basement. Excavation for building basements that receive groundwater inflows, or seepage, are an aquifer interference activity. Excavation for building basements is subject to the *Water Management Act 2000*, relevant water sharing plans and the NSW Aquifer Interference Policy. The NSW Aquifer Interference Policy contains further information about what constitutes aquifer interference. With the proposed basement it is likely that the development is integrated development for construction dewatering and is to be referred to WaterNSW. The geotechnical assessment is to confirm if WaterNSW approvals for construction dewatering are required. To undertake construction dewatering, the following approvals must be obtained from WaterNSW. ▪ water supply work approval. ▪ water access licence (WAL) - unless the project qualifies for an exemption, please refer to the fact sheets for more information. ▪ water use approval.	The construction of the basement will require construction dewatering. Therefore, the proposed development is integrated development, pursuant to Section 89 and Section 90 of the *Water Management Act 2000* and the following approvals must be obtained from WaterNSW: ▪ Water supply work approval. ▪ Water access licence (WAL) - unless the project qualifies for an exemption, please refer to the fact sheets for more information. ▪ Water use approval.
Council will also require a groundwater dewatering permit as part of the WaterNSW approval process. The permit will indicate the	Noted.

point of discharge, maximum flow rate and basic water quality as well as other conditions. Manly is a very public space with environmental constraints, specific attention to water quality management is required. Water management to meet the ANZ guidelines for freshwater and marine water quality.	
By experience in the Manly area the applicant is to consider location of the pumping station (private) and associated noise, flow rate extraction to the stormwater pipe to mitigate unreasonable flooding risk/frequency of the public space.	A Geotechnical Investigation has been prepared by EI Australia and provided as **Appendix 11**. The Geotechnical Investigation recommends measuring groundwater levels twice a day during the first two (2) days of dewatering, then daily during the first week of dewatering and then twice weekly until decommissioning of the dewatering pumps, or until a lesser frequency is advised by the geotechnical engineer.
Council will need all relevant information to support your dewatering application to catchment@northernbeaches.nsw.gov.au. ▪ Any Geotechnical or hydrogeological report if relevant ▪ A drawing showing the foundations and excavation levels. ▪ Proposed dewatering methodology (duration of works and staging, discharge rate, water quality, …) included in a dewatering management plan (DMP)	Noted.
Based on recent local experience we recommend the dewatering management plan to consider DPE 'Minimum requirements for building site groundwater investigations and reporting' including Appendix A— Routine water quality monitoring lists. Pollutants identified in the Dewatering Management Plan document are to be at or below levels stipulated in the Australian and New Zealand Guidelines for Marine Waters prior to discharge of ground water into Councils stormwater assets.	Refer to the Geotechnical Investigation prepared by EI Australia and provided as **Appendix 11**.
Environmental Health The site is identified as Class 4 Acid Sulphate Soils:	The Preliminary Site Investigation (**Appendix 22**) details that the subject site "presents a low risk of the presence of Acid Sulfate Soils and the potential for

▪ Works more than 2 metres below the natural ground surface ▪ Works by which the water table is likely to be lowered more than 2 metres below the natural ground surface. The concept plans provided with the PLM documentation indicate excavation for the construction of basement level car parking. As such, an acid sulphate soils management plan will be required to be submitted with this proposal in accordance with the *Acid Sulfate Soils Manual 1998*.	generation of acid sulfate soil conditions during the proposed development was regarded as negligible. The preparation of an acid sulfate soil management plan was considered as being unwarranted".
<u>Landscape Architect</u> Concern is raised that the proposed residential apartment development does not satisfy the Apartment Design Guide (ADG) for deep soil, and this deficiency results in the delivery of a suitable landscape setting amongst the North Steyne beachfront precinct. It is noted that other similar development along North Steyne provide front setback treatment with a landscape setting to the streetscape, and this proposal deviates from this common streetscape theme.	Refer to the ADG Assessment provided as part of the Architectural Design Report (**Appendix 15**) which details that 48m^2 of deep soil area will be provided as part of the proposed development. Therefore, the provision of deep soil on the subject site satisfies the ADG.
The basement extent excludes capacity to deliver a 7% deep soil area for the development in consideration of ADG part 3E Deep soil zones, including minimum dimensions. The ground floor apartment proposes structures to support outdoor living within the front area that negates any opportunity for a landscape transition to the streetscape and thus the development-built form is located in close proximity to the front boundary, eliminating the provision of an adequate landscape buffer to the streetscape.	Since the first pre-lodgement meeting with Northern Beaches Council, the proposed front setback has been increased which has allowed for the provision of an adequate landscape buffer to the streetscape. Refer to the Landscape Plan provided as **Appendix 16**.
Any updated plans shall also consider the requirements of ADG part 4) Landscape design, to establish a suitable landscape	Refer to the ADG Assessment provided as part of the Architectural Design Report (**Appendix 15**).

setting and transition to the North Steyne streetscape, and part 4P Planting on structures, including soil depth and soil volume requirements.	
<u>Development Engineering</u> <u>Access:</u> 1. Currently there are three vehicles crossings, two on North Steyne and one on Pine Lane. The proposal involves the removal of the two existing vehicle crossovers on North Steyne, with all car access directed to the rear off Pine Lane into a basement carpark. Pedestrian access is also proposed from the Steyne. The internal driveway access grades, driveway crossing widths must be in accordance with AS2890.1. 2. All proposed works within road reserve (Pine Lane & North Steyne) are to be shown on the plans including all existing services. 3. Long section and cross sections for the proposed driveway with chainage, grades and existing & proposed levels are to be included in the submission. Long-section to be generated from street gutter to parking facility and to be compliant with Australian standards and Council's standard vehicle crossing profiles.	Refer to the Transport Impact Assessment (**Appendix 14**) which details that the internal driveway access grades, driveway crossing widths are in accordance with AS2890.1. The proposed works within the road reserve and sections of the proposed driveways have been provided as part of the Architectural Plans (**Appendix 5**).
<u>Stormwater:</u> 1. Site is located on Region 3 – Zone 2, Stormwater to be designed in accordance with the section 9.3.3.3 of Council's Water Management for Development Policy.	Refer to the Stormwater Management Plan (**Appendix 10**) prepared by NDY.
<u>Waste Management</u> Waste and recycle bins will be collected from the kerbside on Pine Lane. As this is a multiple occupancy proposal, Council will provide a "wheel out / wheel in" service for the bins. The owner's corporation / building occupants are not to place the bins at the kerbside outside the building for collection.	A bin collection point is provided at the Pine Lane frontage. Bins will not be placed at the kerbside for collection.
<u>Bin allocation</u>	As shown on the Architectural Plans (**Appendix 5**), nine (9) bins can be accommodated at basement level

Council will provide the following waste and recycling bins for the proposed 7 residential units: ▪ 3 x 240 litre garbage bins ▪ 2 x 240 litre paper recycle bins. ▪ 2 x 240 litre container recycle bin. ▪ 2 x 240 litre vegetation bin Total 9 x 240 litre bins to be accommodated. Each bin is 600mm wide and 750mm deep.	and also at the bin collection point at ground floor level.
<u>Bin storage</u> The plans provided show bins stored in the basement with access via the vehicular driveway. This is unacceptable. A bin storage area must be provided at street level that complies with Councils' design requirements.	A bin collection point is provided at street level, allowing bin collection from Pine Lane.
<u>Access to Street Level Bin Bays</u> ▪ Access to the bin storage area must be within 6.5 metres of the property boundary with the street. ▪ Service access for Council waste collection staff must be via a pathway that is separate to the vehicular driveway. ▪ Service access pathway is to have a flat, smooth non-slip surface with a maximum gradient of 1 in 8 and contain no steps. ▪ Service pathway is to be a minimum of 1200mm wide.	The bin collection point is located within 6.5m of the property boundary via a pathway that is separate from the vehicular driveway. This pathway is also a smooth, non-slip surface and is a minimum of 1.2m in width.
Any doors/gates fitted on the bin storage area and access pathway must be: ▪ able to be latched in an open position for servicing without obstructing access to, and manoeuvring of, bins. ▪ unobstructed (externally) by any locks and security devices. Any doors requiring to be secured must be fitted with a timer lock programmed to be unlocked from 6.00am to 6.00pm on the scheduled day of collection. ▪ a minimum 1200mm wide, and ▪ openable (to be latched) in an outward direction only and away from (not in the	There are no doors or gates proposed to be fitted to the bin collection point.

way of) the direction of travel between the bin storage area and the street.	
<u>Flood Engineering</u> Site within the medium flood risk precinct. Original FPL at rear of property is 6.47m AHD, however NBC will accept a 300mm freeboard due to the low velocity and depths in the area. Therefore, FPL is 6.27m AHD, and proposed FFL are 6.27m AHD. The reduced freeboard needs to be justified in a Flood Risk Management Report. Basement car park is subject to prescriptive control D6, however flood study and subsequent review indicates there is sufficient sensitivity analysis within the 1% AEP level, and thus the driveway crest is not required to be at or above the FPL. As a result, if the basement driveway crest level is at the 1% AEP level(5.97m AHD) then a floodgate can be used to protect up to the 6.27 FPL level.	A Flood Assessment Report has been prepared by GRC Hydro and provided as **Appendix 9**. The Flood Planning Level (FPL) applicable to the subject site is set out in the MDCP2013. As previously described, the FPL for the subject site is the 1% AEP+ 0.3 m freeboard. This applies to all building entrances, basement car park entrances, and any other openings such as vents that connect to the basement. The Flood Assessment Report details that all liveable floors and their accesses are above the FPL. For the basement vehicle entrance, an automatic flood gate would provide protection to basement inundation. At the subject site, development does not have the potential to impact flood behaviour. There is no floodway or flood storage area and the inundation of the actual site is minimal. Model assessment was not deemed necessary and this approach was confirmed with Council's engineer
<u>Heritage Comments</u> The subject site is not heritage listed, however it is located within the vicinity of a number of heritage items. The proposal is for demolition works and the construction of a five-storey residential flat building with seven apartments, over a single level basement carpark. The existing building is a residential flat building dating back to 1960s. Concern is raised to the proposed bulk and scale, which is considered to be excessive within the existing context as it exceeds the permissible FSR and height limits. The floor to ceiling height to the top level can be reduced and the setbacks to this level should be increased from both the side boundaries and front to minimise its visibility from the street and from the public domain, specifically from the significant promenade. The front fence	The proposed bulk and scale has been reduced since the first pre-lodgement meeting with Northern Beaches Council. Measures including a reduction in the floor to ceiling heights. In addition, the following bulk and scale measures have been implemented: ▪ Building moved 150mm west to reduce visual massing. ▪ Balcony depth reduced (650mm back). ▪ Penthouse glazing shifted East by 550mm. ▪ Balcony geometry has been adjusted and leading edge thinned to reduce visual massing. ▪ The extent of the variations has been reduced through the floor-to-floor levels being minimised: 3.1m for Level 1 to Level 3 and 3.2m for Level 4. In addition, the front fence to North Steyne has a solid portion (sandblasted concrete) to 1.1m from street level and a permeable fence line which is 250mm above that the 1.1m solid portion. The minor non-compliance is considered acceptable given the proposed height is to provide for the level change from street level to the

should be consistent with the surrounding sites within the streetscape and should comply with the front fence controls of Manly DCP 2013 Section 3.1.1 Streetscape and Townscapes - 3.1.1.2 Front Fences and Gates and Section 4.1.10 "*Fencing In relation to open/ transparent fences, height may be increased up to 1.5m where at least 30 percent of the fence is open/ transparent for at least that part of the fence higher than 1m.*"	ground floor, which is approximately 300mm above street level.
Any future application will need to be accompanied with the details of proposed materials and colour scheme that is compatible with the surrounding heritage context. A Heritage Impact Statement would not be required, but the potential impact on Heritage would need to be referenced in any Statement of Environmental Effects.	Refer to **Section 5.5** of this SEE which provides an assessment of the surrounding heritage context.
<u>Documentation to accompany the Development Application</u> ▪ Lodge Application via NSW Planning Portal ▪ Statement of Environmental Effects (including clause 4.6 variation requests proposed. Height plane diagram, envelope / setback diagram and FSR diagram) ▪ Site Analysis Plan (overlaid with relevant built form controls and design requirements) ▪ Scaled and dimensioned plans: o Site Plan; o Floor Plans (including separate floor space plan calculation areas); (Basement plan should show storage, parking allocation, ventilation) (Ground floor show bin area, fire booster, basement vents, fencing and landscaping) o Elevations; and o Sections (north-south and east-west). ▪ Certified Shadow Diagrams (depicting shadows cast at 9am to 3pm hourly intervals on 21 June) Shadow details to include wall diagram of shadow line cast	Noted.

toward windows / balcony areas on No.98 North Steyne. Include existing and proposed shadow lines and fence line. ▪ Landscape plan and calculation of area. ▪ External Colours and materials schedule. (note heritage comments) ▪ BCA Report demonstrating fire, accessibility, basement ventilation. ▪ Photomontage ▪ Design verification statement addressing the SEPP Housing Design Principles and the relevant components of the ADG. Compliance with the ADG should be demonstrated. ▪ Cost of works estimate/ Quote ▪ Survey Plan (Boundary Identification Survey) ▪ Demolition Plan ▪ Geotechnical report in including any dewatering (integrated development) likely and acid sulphate soils management considerations. ▪ Excavation and Fill Plan ▪ Draft construction management plan, including addressing dilapidation risk considerations for neighbours, phases of work and traffic management. ▪ Waste Management Plan (Construction & Demolition) ▪ Driveway Design Plan and profile for gradients and sight lines at street entry. ▪ Erosion and Sediment Control Plan / Soil and Water Management Plan ▪ Stormwater Management Plan.	

Second Pre-Lodgement Meeting

A second pre-lodgement meeting was held with Northern Beaches Council on 4 December 2024 to obtain feedback on the amendments made to the proposed design following the first pre-lodgement meeting and DSAP feedback. Meeting notes were circulated by Northern Beaches Council following the second pre-lodgement meeting which have been addressed in **TABLE 3** below.

TABLE 3. COUNCIL NOTES	
Council Comments	**Applicant Response**
Landscaping Minor changes have been made to landscaping. The building will need to	Refer to the ADG Assessment provided as part of the Architectural Design Report (**Appendix 15**) which demonstrates that minimum deep soil set out in the

allocate the minimum deep soil as per the ADG as shown (or as redesigned). Additional landscape can be included that involves planter boxes and garden space over basement or on balcony terraces as per the Manly DCP to enhance the building setting. (These would not be "deep soil" however do assist is 'softening' the building and improving visual amenity.	ADG is achieved. The Landscape Plan (**Appendix 16**) also details that cascade landscaping at the edge of the building is proposed at Level 4.
Height The building height has been marginally reduced. The building still includes a significant height and storey non-compliance. In terms of Clause 4.6 is it not concurred that Council has 'abandoned' the height control since the implementation of Manly LEP 2013. Difference between a compliant height and storey scheme will need to be included to address whether impacts on overshadowing, privacy and the like will be unreasonably exacerbated.	Refer to the Clause 4.6 Variation Request prepared having regard to the building height variation (**Appendix 2**). Within this Clause 4.6 Variation Request, the abandoning of the development standard has not been relied upon to justify the proposed variation.
Floor Space Ratio The FSR for the building is still significant and as with height of buildings it is not concurred that Council has 'abandoned' the FSR control since the implementation of Manly LEP 2013.	As set out above, the abandoning of the development standard has not been relied upon to justify the proposed variation to the floor space ratio development standard. Refer to the Clause 4.6 Variation Request prepared having regard to the floor space ratio variation (Appendix 3).
General Elements Bins: A revised bin location and storage handling has been provided however it is still questionable in terms of safety, long term ease of access, routine and convenient servicing. It would be better to locate the bins in an alcove outside at ground level adjacent Bed 3 of the ground floor unit and removed the side door access corridor. This will enable the bins to be accessed (in a single row) from the main side path entry and a ramped bin path to the rear laneway. Security to the rear yard can therefore the better managed with a separating fence and simplified layout for the rear fire exit steps. (The board rack and condenser cupboard would have to be turned	Refer to the Operational Waste Management Plan prepared by Elephants Foot Consulting and provided as **Appendix 7**. The Operational Waste Management Plan supports the proposed location of the bins within the basement.

to integrate into the side wall or relocated to the basement). (Hanging barn door style rails may be more suitable rather than sliding ground rails that will jam / catch debris, or if using swing doors - must open to enable free movement of bin wheeling out toward the bin truck collection).	
Car Parking Rationalization of the carparking area and basement has occurred however there appears to be two mezzanine spaces for building equipment to be detailed. It may be more suitable to have a single basement fire exit to the rear lane from beside the 3 bike spaces out and use lightweight structures for the mezzanine stairs and equipment racks. Note that bins cannot be double stacked and therefore it is recommended to have the bin store along the southern elevation, so they never need to be double handled and transferred up and down the ramp and out to the street and then back into the site holding pen.	It is considered that the proposed bin location and fire exit are suitable for the proposed development.
Bulk and Scale The proposed has marginally changes the building bulk however the overall non-compliance with the side boundary envelope / side setback is still severe at the upper level. The use of double glazed – enclose louvres on the top floor and specialised ceiling / roof integration has been proposed to give the appearance of lightweight semi-transparent shell around the top floor apartment. Concern remains with the setting of the building partly against the side boundary across 3 storeys on the southern side and the thick solid front balustrade appearance across all 5 levels. A thinner balustrade (in elevation view) would assist to refine the building bulk and it is noted that this has been marginally done.	It is considered that the alterations to the design will provide better views, air, sunlight and privacy. In particular, the changes to the roof design, with a clerestory structure now proposed, gives a lower refined edge, reduces perceived height and brings light into the plan.
Streetscape The proposal has refined the appearance of	It is considered that the existing location of the bin area and building equipotent at basement level

the front balcony and side wall elements. Variation in colours and materials (e.g. screens, balustrades, texture and pattern to CSB finish to the building will assist to breach up the building massing. The addition of more landscape planter box elements to each balcony level front and rear would be included as originally advised. The amendments show more consistent front and rear setback alignment. Overall, the changes are relatively minor refinements however it is acknowledged that the applicant has invested time and effort into a merit based approach for the top floor design, consideration of FSR, height, landscaping and basement refinements. It is considered that further practical changes need to be made to the design, particularly for building elements of bin areas, building equipment and maximising landscaping integration prior to preparing the final DA package for submission via the NSW Planning portal.	represent the suitable use of the subject site and assist with achieving consistency with the streetscape. As previously detailed, the Landscape Plan (**Appendix 16**) details that cascade landscaping at the edge of the building is proposed at Level 4 which will assist to break up the building mass and provide landscape integration.

1.3 REQUIREMENTS FOR CONCURRENCE / OTHER APPROVALS

The proposal is determined the require the concurrence of the following authorities:

- WaterNSW
- Northern Beaches Council

PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The subject site is identified a 101 North Steyne, Manly, containing the following land holding:

TABLE 4. SITE IDENTIFICATION		
Site Address	**Legal Description(s)**	**Land Area (approx.)**
101 North Steyne, Manly	SP 4518	636m^2

The subject site is located at 101 North Steyne, Manly and is legally described as SP 4518. It has a primary frontage to North Steyne of approximately 16m and a secondary frontage to Pine Lane of approximately 15m. The subject site is 636m^2 in area and is generally rectangular in shape.

In its current state, the subject site comprises an existing brick residential flat building, which is three (3) storeys in height. A small garden is located at the front boundary and aside from this, the remainder of the subject site is paved. There are no existing trees located on the subject site.

The subject site has two (2) vehicle crossings at the North Steyne frontage and one (1) vehicle crossing at the Pine Lane frontage, which provides a through site link for vehicles. Car parking is located beneath the building, as well as in the paved area at the rear of the subject site.

Refer to **Figure 1** and **Figure 2** below.

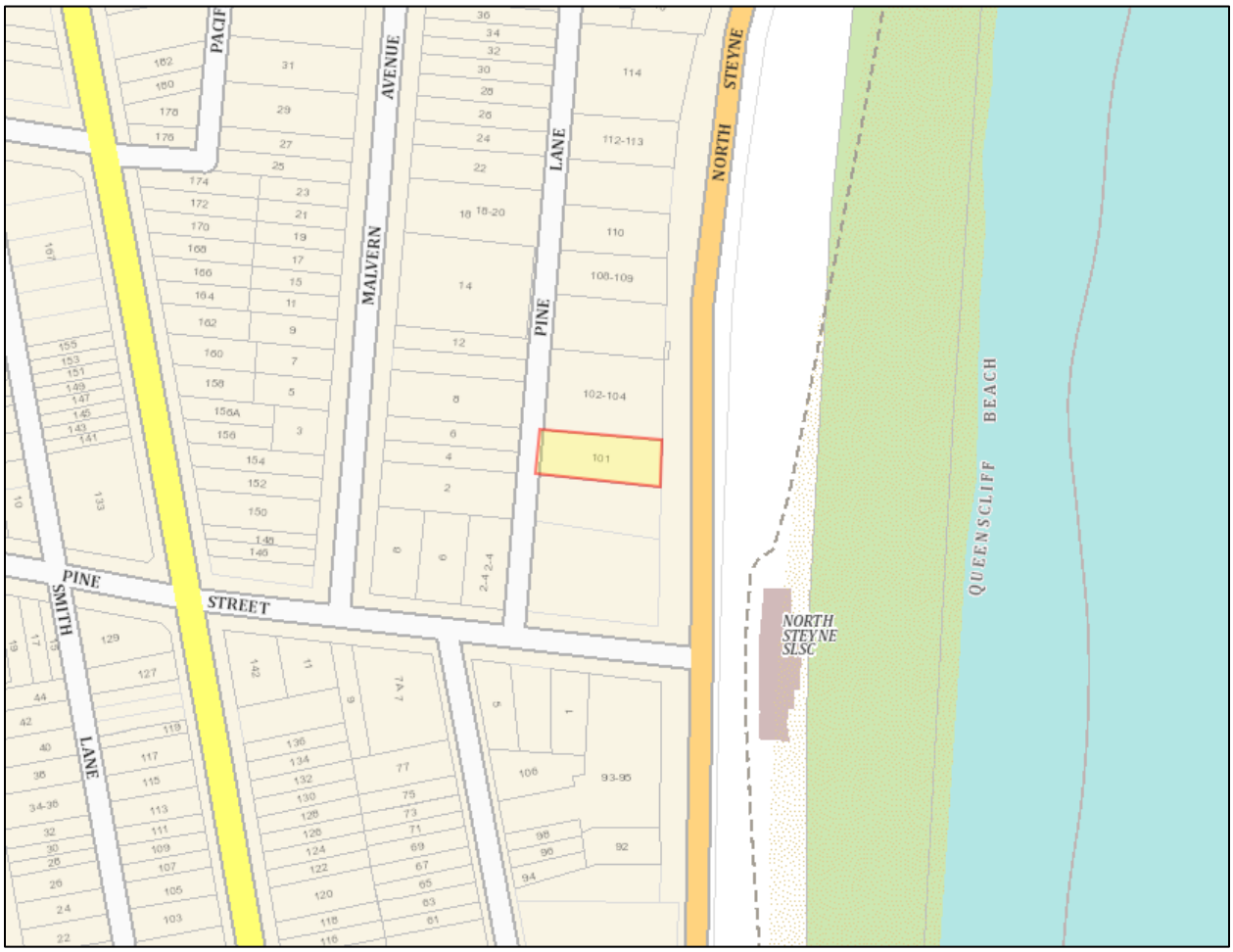

Figure 1. Cadastral Map (Source: SIX Maps, 2024)

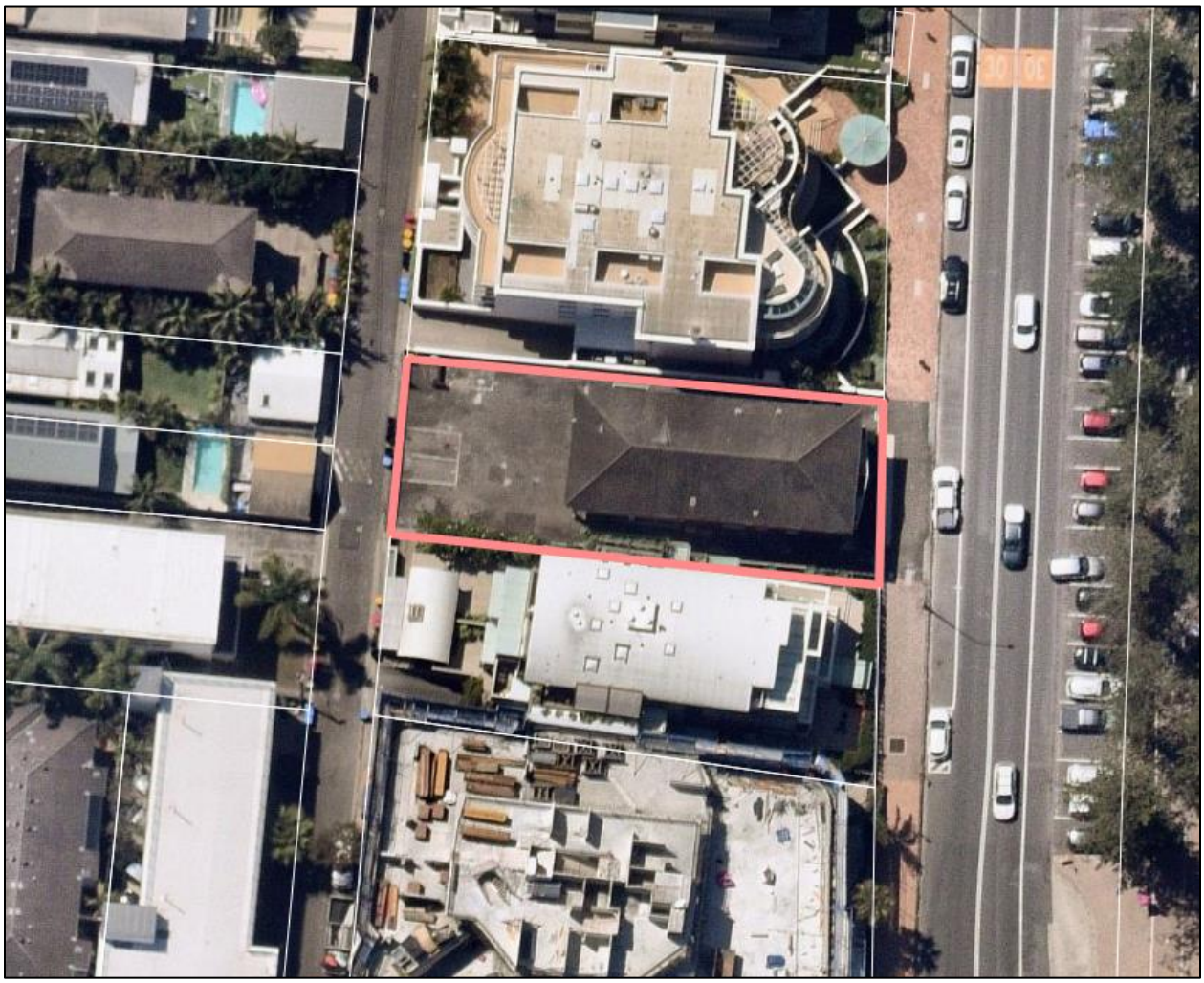

Figure 2. Aerial Map (Source: Near Map, 2024)

2.2 SITE CONTEXT

The subject site is located within the Northern Beaches Local Government Area (LGA). Existing development surrounding the subject site consists of the following:

- **North:** Directly adjoining the subject site to the north is a five (5) storey residential flat building. Similar development is located further north along North Steyne.
- **South:** Directly adjoining the subject site to the south is a five (5) storey residential flat building. Similar development is located further south along North Steyne, with some commercial uses (restaurants, shops, hotel) located closer to the town centre.
- **East:** Directly east of the subject site on the adjacent side of the road is the North Steyne Reserve and the Manly beachfront.

- **West:** Directly west of the subject site on the adjacent side of Pine Line is further residential development, typically between two (2) to four (4) storeys.

The subject site is positioned approximately 365m north of Manly town centre and approximately 10km north of Sydney CBD. The subject site is identified under the MLEP2013 as being located within the 'Foreshore Scenic Protection Area'. Refer to **Figure 3** below.

Figure 3. Site Context and Zoning (Source: MLEP2013, 2024)

2.3 DEVELOPMENT HISTORY

There are no DAs pertaining to the subject site of relevance to the proposed development that have been determined or are under assessment.

PART C PROPOSED DEVELOPMENT

3.1 DEVELOPMENT OVERVIEW

This DA seeks development consent for the demolition of the existing structures and construction of a five (5) storey residential flat building with basement parking and associated landscaping. The development particulars are as follows:

- Demolition of existing residential flat building;
- Construction of a five-storey (5) residential flat building containing seven (7) apartments;
- Basement car park, comprising 16 parking spaces including;
    - 14 residential car parking spaces;
    - One (1) visitor car parking spaces; and
    - One (1) accessible car parking space.
- Provision of deep soil landscaping;
- Provision of private open space in the form of balconies; and
- Vehicular access and egress provided via Pine Lane.

3.2 DEVELOPMENT STATISTICS

The proposed residential flat building includes those works as identified in **TABLE 5** below.

TABLE 5. DEVELOPMENT PARTICULARS	
Component	**Proposed**
Site Area	636m^2
Primary Land Use	Residential
Maximum Building Height	16.4m
Goss Floor Area	1,227m^2
Floor Space Ratio	1.93:1
Number of Storeys	Five (5) storeys
Number of Tenancies/Units	Seven (7) units
Deep Soil Landscaping	47.6m^2 (7.6%)
Private Open Space	359m^2
Car Parking	16 car parking spaces
Tree Removal / Planting	No tree removal proposed
Estimated Development Cost	$16,890,000 plus GST

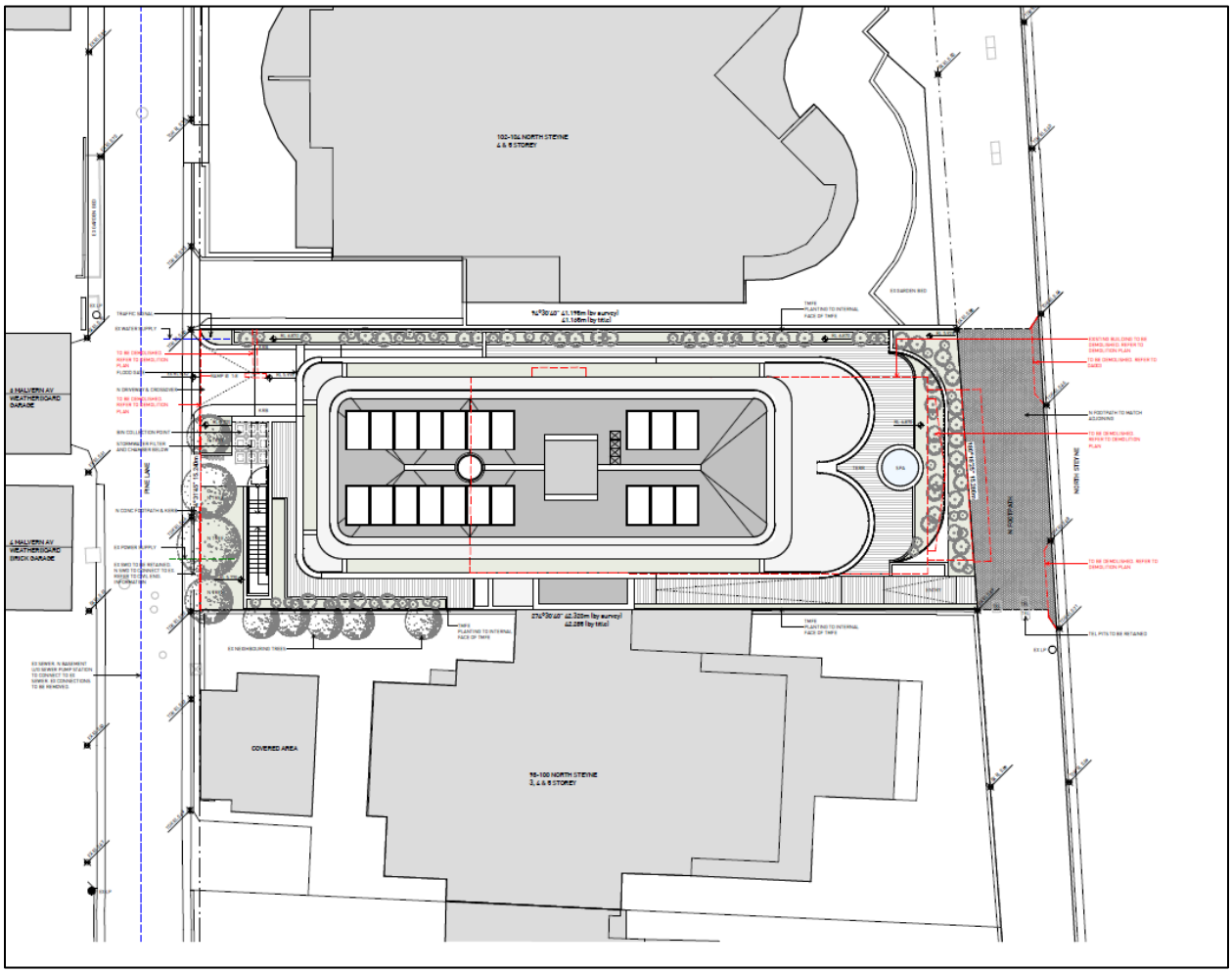

Figure 4. Site Plan (Source: Smart Design Studio, 2024)

Figure 5. Perspective (Source: Smart Design Studio, 2024)

PART D LEGISLATIVE AND POLICY FRAMEWORK

4.1 CONTROLS AND POLICY OVERVIEW

This Part of the SEE addresses and responds to the legislative and policy requirements relevant to the proposed development at the subject site in accordance with the EP&A Act.

The following current and draft Commonwealth, State, Regional and Local planning controls and policies have been considered in the preparation of this DA.

Commonwealth Planning Context

- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

Local Planning Context

- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*
- *Northern Beaches Section 7.12 Contributions Plan 2024*
- *Housing and Productivity Contribution*

Strategic Context

- *Greater Sydney Region Plan: A Metropolis of Three Cities*
- *The North District Plan*
- *Towards 2040: Northern Beaches Council's Local Strategy Planning Statement*

4.2 COMMONWEALTH PLANNING CONTEXT

4.2.1 Environment Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the

Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval on a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a "controlled action" and formal Commonwealth approval is required. The subject site is not identified as containing any MNES. The proposal does not warrant significant impacts on MNES, therefore no further consideration of the EPBC Act is required.

4.3 STATE PLANNING CONTEXT

4.3.1 Environmental Planning and Assessment Act 1979

The EP&A Act is the principal planning and development legislation in NSW.

4.3.1.1 Section 4.15(1) of the EP&A Act – Considerations

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **TABLE 6** below.

TABLE 6. SECTION 4.15(1)(A) CONSIDERATIONS

Section	Response
Section 4.15(1)(a)(i) any environmental planning instrument, and	The MLEP2013 is the relevant Environmental Planning Instrument (EPI) applying to the subject site, which is assessed in **Section 4.5** of this SEE.
Section 4.15(1)(a)(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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	There are no draft instruments applicable to the subject site.
Section 4.15(1)(a)(iii) any development control plan, and	The MDCP2013 applies to the subject site and is addressed in **Section 4.5.2** and **Appendix 1** of this SEE.
Section 4.15(1)(a)(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	There are no planning agreements currently on the subject site.
Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The EP&A Regulation is addressed in **Section 4.3.2** of this SEE.
Section 4.15(1)(b)-(c)	These matters are addressed in **PART E** of this SEE.

Pursuant to Section 4.5 of the EP&A Act, the consent authority for the proposed development is the Northern Beaches Local Planning Panel given the proposed development contravenes a development standard imposed by the MLEP2013 by more than 10%.

4.3.1.2 Section 4.46 of EP&A Act – Integrated Development

Section 4.46 of the EP&A Act defines 'integrated development' as matters that require consent from the consent authority and one (1) or more authorities under related legislation. In these circumstances, prior to granting consent, the consent authority must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development, pursuant to Clause 42 of the EP&A Regulation.

The proposed construction of a basement will require a water supply work approval, water access licence and a water use approval under Section 89 and Section 90 of the *Water Management Act 2000* (WM Act). Therefore, the proposed development is integrated development and is to be referred to WaterNSW.

4.3.2 Environmental Planning and Assessment Regulation 2021

The proposal has been prepared in accordance with the provisions of the EP&A Regulation. Division 1 of Part 3 of the EP&A Regulation stipulates how a DA must be "made". This DA satisfies the relevant criteria of the Regulation as follows:

TABLE 7. HOW THE DA IS MADE

Considerations	**Response**
Division 1 – Making development applications	
Section 23 – Persons who may make development applications	
(1) A development application may be made by— *(a) the owner of the land to which the development application relates, or* *(b) another person, with the consent of the owner of the land.*	This DA is made by Manly Land 101 Pty Ltd c/o Time and Place. The owner of the land has provided consent in accordance with Clause 23(1) of the EP&A Regulation to allow for the DA to be made.
Section 24 – Content of development applications	
(1) A development application must— *(a) be in the approved form, and* *(b) contain all the information and documents required by—* *(i) the approved form, and* *(ii) the Act or this Regulation, and* *(c) be submitted on the NSW planning portal.*	The DA includes all relevant information including details of the development, address and formal particulars, estimated cost of development, owner's consent, supporting documents including detailed plans and SEE. This DA is submitted via the NSW planning portal.
Section 25 – Information about concurrence or approvals	

A development application must contain the following information— *(a) a list of the authorities —* *(i) from which concurrence must be obtained before the development may lawfully be carried out, and* *(ii) from which concurrence would have been required but for the Act, section 4.13(2A) or 4.41,* *(b) a list of the approvals of the kind referred to in the Act, section 4.46(1) that must be obtained before the development may lawfully be carried out.*	A Section 138B certificate would be required under the *Roads Act 1993* for the new road connection to Pine Lane. An approval under Section 89 and Section 90 of the *Water Management Act 2000* for the excavation of the basement. This is discussed further in **Section 4.3.1.2**.
Section 35B – Additional requirements for development applications involving contravention of development standards	
(1) This section applies to a development application that proposes, in accordance with a relevant EPI provision, development that contravenes a development standard imposed by any environmental planning instrument. *(2) The development application must be accompanied by a document that sets out the grounds on which the applicant seeks to demonstrate that—* *(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and* *(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.* *(3) In this section— relevant EPI provision means—* *(a) clause 4.6 of a local environmental plan that adopts the provisions of the Standard Instrument, or* *(b) an equivalent provision of another environmental planning instrument.*	The proposal contravenes the building height and floor space ratio development standard under Clause 4.3 and Clause 4.4 of the MLEP2013. Clause 4.6 variation requests have been prepared to support this variation and are attached as **Appendix 2** and **Appendix 3.**

4.3.3 Water Management Act 2000

The objective of the WM Act is the sustainable and integrated management of the state's water for the benefit of both present and future generations. The proposed construction of a basement will require a water supply work approval, water access licence and a water use approval under Section 89 and Section 90 of the WM Act. Therefore, the proposed development is integrated development and is to be referred

to WaterNSW.

4.3.4 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) is the key piece of legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greater well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The BC Act is supported by a number of regulations, including the *Biodiversity Conservation Regulation 2017* (BC Regulation).

Under Section 7.7 of the BC Act, a DA for Part 4 activity is not required to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the development is likely to significantly affect threatened species.

No further assessment is required under the BC Act as the subject site is not identified as being within a biodiversity area or likely to significantly affect threatened species.

4.3.5 State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) contains planning provisions relating to:

- land use planning within the coastal zone, in a manner consistent with the objects of the *Coastal Management Act 2016*.
- management of hazardous and offensive development.
- remediation of contaminated land and to minimise the risk of harm.

In relation to the subject site, the following matters are highlighted.

Chapter 2 – Coastal management

Chapter 2 of the Resilience and Hazards SEPP aims to promote an integrated and coordinated approach to land use planning in the coastal zone. The subject site is located within the Coastal Use Area and therefore, Division 4 is applicable to the proposal.

Division 4 – Coastal use area:

The subject site is located within the coastal use area, as identified in **Figure 6** below.

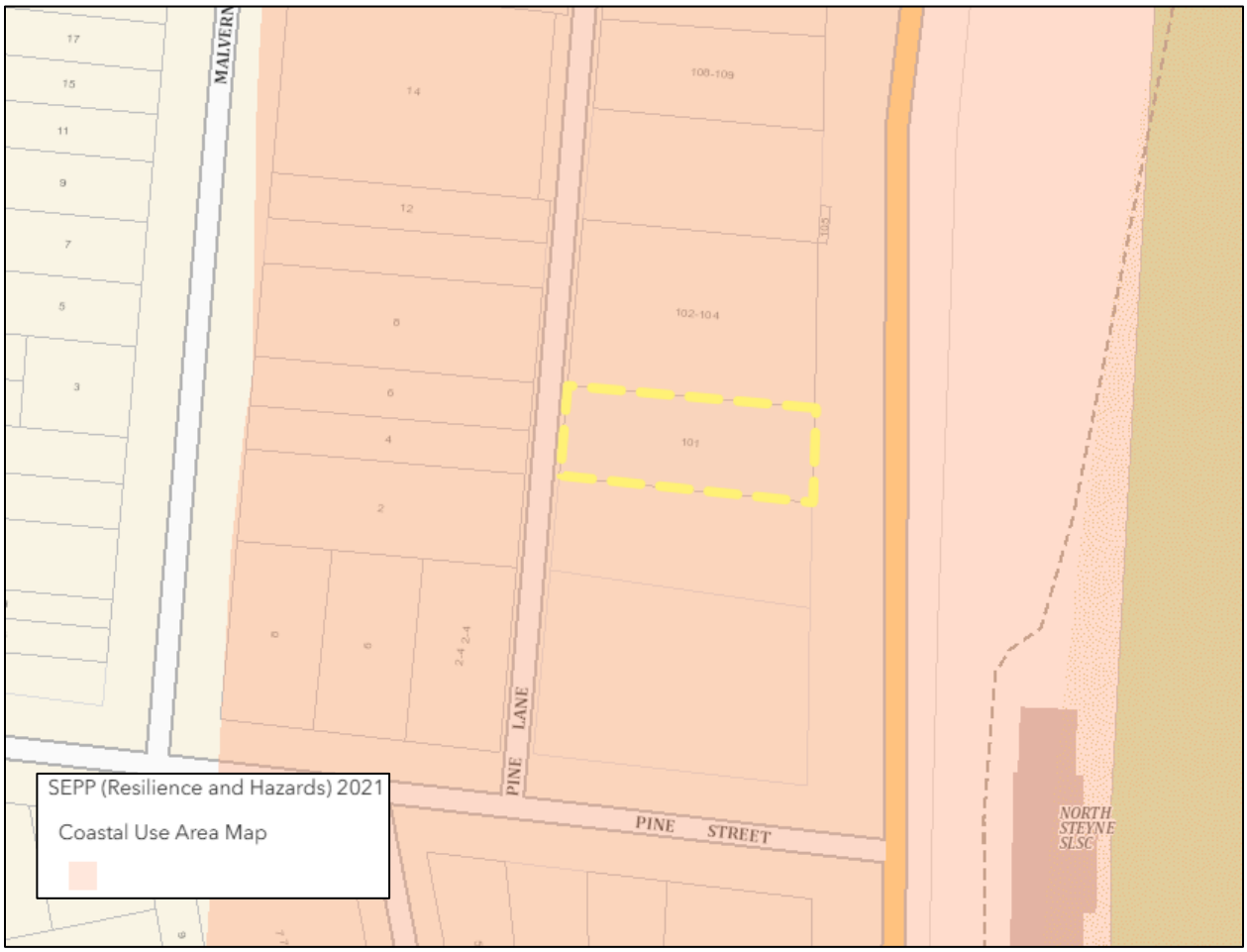

Figure 6. Coastal Mapping (Source: NSW Legislation, 2024)

Compliance with the relevant provisions of the Resilience and Hazards SEPP, with regards to Coastal use areas is considered within **TABLE 8** below. In addition, coastal engineering advice has been prepared by Horton Coastal Engineering and is provided as **Appendix 13**.

TABLE 8. COASTAL MANAGEMENT AREAS	
Clause	**Comment**
Division 4, Clause 2.11 – Development on land within the coastal use area	
1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority— a) has considered whether the proposed development is likely to	The proposed development: ▪ will not have an adverse impact on access to the beaches or headland; ▪ will not result in overshadowing or wind funnelling or loss of views for or from any public places;

cause an adverse impact on the following— i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, ii) overshadowing, wind funnelling and the loss of views from public places to foreshores, iii) the visual amenity and scenic qualities of the coast, including coastal headlands, iv) Aboriginal cultural heritage, practices and places, v) cultural and built environment heritage, and	▪ will not negatively impact on the visual amenity and scenic qualities of the coast as it is in keeping with the surrounding character and not visible from the beach or headland; and ▪ will not result in any impacts on Aboriginal cultural heritage, practices and place or any other cultural or built environmental heritage. The proposed development is entirely on private property and about 45m to 48m landward of the Manly Ocean Beach seawall, so will not affect public beach access. The proposed development has considered amenity impacts and measures have been implemented to ensure the loss of views has been mitigated. This includes the increased setback to North Steyne when compared against the existing built form on the subject site. Refer to the View Impact assessment provided in **Section 5.3** of this SEE.
b) is satisfied that— i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	The proposed development has been designed and sited to avoid any adverse impacts on the coast, headlands, views or scenic qualities of the coast. In particular, built environment heritage has been prioritised given the 'all stone kerbs' along the site frontage that are listed as a Local Heritage Item (Item No. I2) pursuant to the MLEP2013 will be reinstated. The proposed development will decommission the vehicle crossings in this location, which would allow for the full length of kerb to be reinstated.
c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	The proposal is five (5) storeys over basement and is considered to be in keeping with the surrounding built environment, especially along North Steyne.
Division 5 General	
<u>Clause 2.12 Development in coastal zone generally—development not to increase risk of coastal hazards</u> Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that	The proposed development is unlikely to have a significant impact on coastal hazards or increase the risk of coastal hazards in relation to any other land. The proposed development is at an acceptably low risk of being damaged by coastal erosion or recession and wave run up over an acceptably long life exceeding 60

the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	years, and sufficiently landward or elevated to be beyond expected erosion/recession and wave run up coastal processes for an acceptably rare storm over an acceptably long life exceeding 60 years.
Clause 2.13 Development in coastal zone generally—coastal management programs to be considered Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.	The proposed development is not subject to a coastal management program.
Clause 2.14 Other development controls not affected Subject to section 2.5, for the avoidance of doubt, nothing in this Part— a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.	Noted. The proposed development is permissible with consent.
Clause 2.15 Hierarchy of development controls if overlapping If a single parcel of land is identified by this Chapter as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency— a) the coastal wetlands and littoral rainforests area, b) the coastal vulnerability area,	Noted. The proposed development is located within the coastal use area only.

c) the coastal environment area, d) the coastal use area.	

Chapter 4 – Remediation of land

Under the provisions of Chapter 4 of the Resilience and Hazards SEPP, where a DA is made concerning land that is contaminated, the consent authority must not grant consent unless (as stipulated by Clause 4.6 of the SEPP):

(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The subject site has been utilised for residential purposes and there is no evidence of uses which may have resulted in contamination of the subject site. A Preliminary Site Investigation has been prepared by EI Australia and provided as **Appendix 22**. The Preliminary Site Investigation concluded that the potential for widespread site contamination is low within the areas investigated, however data gap remains. Following demolition works, a Detailed Site Investigation (DSI) will be undertaken to assess the nature and extent of any soil and/or ground water contamination after demolition of the current residential building. A Hazardous Materials Survey will be prepared prior to the commencement of demolition works, the validation of material proposed to be imported and classification of surplus site soil prior to disposal off-site. These recommendations can be managed through the development application process.

4.3.6 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The *State environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP) provides various development controls and policies associated with vegetation clearing, koala habitat management, bushland and catchment management across NSW. The following chapter is of relevance to the proposed development.

Chapter 2 – Vegetation in non-rural areas

Pursuant to Clause 2.10(2) of the Biodiversity and Conservation SEPP, a permit cannot be granted to clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold. The proposed development is unlikely to result in a significant impact on any listed species or communities. The subject site has minimal amounts of planted vegetation, and its removal is considered acceptable given the substantial benefits associated with the project and the extent of proposed landscaping, as well as the wider benefits of the proposed development.

4.3.7 State Environmental Planning Policy (Housing) 2021

With the changing needs of housing across NSW, the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) intends to provide for more affordable homes, more choice of homes and new types of homes to meet these changing needs. The following chapter is of relevance to the proposed development:

Chapter 4 Design of residential apartment development

In accordance with Clause 144, the provisions of the Housing SEPP are applicable, as the development involves the construction of a residential flat building exceeding three (3) storeys in height and contains four (4) or more dwellings.

Pursuant to Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—

- The quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9.
- The Apartment Design Guide (ADG).
- Any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

As discussed, the DA has been referred to the DSAP and the recommendations have been addressed in **Section 1.2.1**. The application is also accompanied by an ADG Verification Statement provided as part of the Architectural Design Report (**Appendix 15**) which demonstrates the development complies with the requirements of this Policy and the ADG.

An assessment of Schedule of the Housing SEPP is provided in **TABLE 9** below.

TABLE 9. DESIGN PRINCIPLES FOR RESIDENTIAL APARTMENT DEVELOPMENT (SCHEDULE 9)

Clause	Comment
1 Context and neighbourhood character 1) Good design responds and contributes to its context, which is the key natural and built features of an area, their relationship and the character they create when combined and also includes social, economic, health and environmental conditions. 2) Responding to context involves identifying the desirable elements of an area's existing or future character. 3) Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.	The subject site is situated within the Manly precinct, a coastal community in the Northern beaches of Sydney. The proposal is designed to harmonise with the existing and anticipated built environment. It draws on its environment, enhancing the qualities of the area through good design, the choice of light coloured warm tones and coastal character. The design responds to the distinct scales, material palettes and architectural forms typical of Manly.

4) Consideration of local context is important for all sites, including sites in the following areas— a) established areas, b) areas undergoing change, c) areas identified for change.	
2 Built form and scale 1) Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. 2) Good design also achieves an appropriate built form for a site and the building's purpose in terms of the following— a) building alignments and proportions, b) building type, c) building articulation, d) the manipulation of building elements. 3) Appropriate built form— a) defines the public domain, and b) contributes to the character of streetscapes and parks, including their views and vistas, and c) provides internal amenity and outlook.	The proposed design responds to the existing and desired future character of the precinct. It takes into account the scale, bulk, and height of nearby buildings and applies the same principles to modern design practice standards. The design recognises a pattern of development within the area and responds in kind with a form that steps back as the building rises. The form has also been shaped in such a way as to protect and enhance existing views for the neighbours whilst creating new residences with good outlook and internal amenity.
3 Density 1) Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. 2) Appropriate densities are consistent with the area's existing or projected population. 3) Appropriate densities are sustained by the following— a) existing or proposed infrastructure, b) public transport, c) access to jobs, d) community facilities, e) the environment.	The proposed design aims to achieve a high level of amenity for residents within each apartment through the use of generous indoor and outdoor spaces that are light filled, naturally ventilated with good outlook to natural surroundings. The inclusion of appealing private open spaces further enhances the sustainability and desirability of the proposal. The design aligns with local government targets for increased housing supply and diversity. The subject site is very well served by existing public transport. Residents will also enjoy close proximity to beaches, restaurants, public parks and recreational amenities.
4 Sustainability 1) Good design combines positive environmental, social and economic outcomes. 2) Good sustainable design includes— a) use of natural cross ventilation and sunlight for the amenity and liveability of residents, and	The building design prioritises sustainability and incorporates features that lead to positive environmental, social, and economic outcomes. The design aims to enhance resident amenity whilst reducing running costs. Natural cross-ventilation and good solar access coupled with shading and efficient

b) passive thermal design for ventilation, heating and cooling, which reduces reliance on technology and operation costs. 3) Good sustainable design also includes the following— a) recycling and reuse of materials and waste, b) use of sustainable materials, c) deep soil zones for groundwater recharge and vegetation.	services optimises thermal comfort for residents and reduces the need for artificial heating and cooling systems. The orientation of the building allows 85% of the dwellings to receive a minimum of two (2) hours of sunlight during the winter solstice between 9am-3pm, reducing heating needs. A fin screening system provides effective protection from the summer sun and 100% of the apartments are naturally cross-ventilated. Together, this allows residents to maintain a comfortable indoor environment and reducing reliance on air-conditioning. The light-coloured sandblasted concrete exterior combined with other low-maintenance materials have been selected for longevity to prolong the life of the building. The thermal mass properties of the concrete shell construction helps regulate indoor temperatures, reducing heating and cooling costs. Additionally, the building incorporates roof-mounted PV panels to generate sustainable energy. Low-energy and low-water use plants, appliances, lights, and fittings have been selected for the building to promote sustainability. The building's convenient location near public transport and the Manly beachfront encourages walking or cycling, reducing reliance on cars and promoting sustainable transportation. Ample bicycle parking, as well as EV charging points, will be provided for residents and visitors, promoting sustainable transport.
5 Landscape 1) Good design recognises that landscape and buildings operate together as an integrated and sustainable system, resulting in development with good amenity. 2) A positive image and contextual fit of well designed development is achieved by contributing to the landscape character of the streetscape and neighbourhood. 3) Good landscape design enhances the development's environmental performance by	The proposed landscaping is central to creating an engaging and harmonious environment, enhancing aesthetics and sustainability. The landscaping design offers a welcoming, green retreat for ground floor residents, whilst creating a verdant street frontage to North Steyne, improving the public domain. Deep soil zones to the front and rear of the property allow for extensive greening of the subject site, while pockets of greenery exist at higher levels of the building

retaining positive natural features that contribute to the following— a) the local context, b) co-ordinating water and soil management, c) solar access, d) micro-climate, e) tree canopy, f) habitat values, g) preserving green networks. 4) Good landscape design optimises the following— a) usability, b) privacy and opportunities for social interaction, c) equitable access, d) respect for neighbours' amenity. 5) Good landscape design provides for practical establishment and long term management.	via balcony planters to improve outlook, assist with privacy and green the building. Appropriately sized trees line the rear of the property, visually enhancing this area whilst providing wind buffering and shading to the lower floors and ground floor gardens.
6 Amenity 1) Good design positively influences internal and external amenity for residents and neighbours. 2) Good amenity contributes to positive living environments and resident well-being. 3) Good amenity combines the following— a) appropriate room dimensions and shapes, b) access to sunlight, c) natural ventilation, d) outlook, e) visual and acoustic privacy, f) storage, g) indoor and outdoor space, h) efficient layouts and service areas, i) ease of access for all age groups and degrees of mobility.	A high level of amenity is achieved in the design through: ▪ 85% of the dwellings receive a minimum of two (2) hours sun mid-winter between 9am-3pm. ▪ 100% of the apartments are north-facing. ▪ The design minimises overshadowing to neighbouring properties. ▪ 100% of the apartments are naturally cross ventilated providing fresh air to occupants. ▪ Generously sized apartments typically exceed the minimum ADG requirements. ▪ Layouts are well-considered and carefully planned with good storage provided. ▪ High quality materials are proposed.
7 Safety 1) Good design optimises safety and security within the development and the public domain. 2) Good design provides for quality public and private spaces that are clearly defined and fit for the intended purpose. 3) Opportunities to maximise passive surveillance of public and communal areas promote safety. 4) A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are	Clear lines of sight and passive surveillance are maintained at all interfaces between the building and the public realm. The residential entry point is clearly defined and is accessed via a secure glass door. The rear stairway is secured by a locked gate and external areas, lobbies, circulation areas and the basement car park level will all be well-lit and maintained.

easily maintained and appropriate to the location and purpose.	
8 Housing diversity and social interaction 1) Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. 2) Well designed residential apartment development responds to social context by providing housing and facilities to suit the existing and future social mix. 3) Good design involves practical and flexible features, including— a) different types of communal spaces for a broad range of people, and b) opportunities for social interaction among residents.	The development features a thoughtfully designed mix of three (3) and four (4) bedroom apartments, all with well-resolved floor plans and generous living spaces. Some apartments are oriented both towards the beach outlook to the east, with other apartments facing the western district outlook. This provides a range of dwelling types and sizes, appealing to diverse household compositions including families, owner occupiers, downsizers and professionals, who will be drawn to the benefits of the Manly location. The central core offers a high quality of finish and a common circulation stair with opportunities for social interaction. Generous, oversized terraces and balconies for each unit, coupled with the park, bike paths and beach across the road render dedicated communal open space unnecessary, with ample opportunities for social engagement and relaxation for residents.
9 Aesthetics 1) Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. 2) Good design uses a variety of materials, colours and textures. 3) The visual appearance of well designed residential apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	The proposal seeks to achieve a calm and coherent form that sits comfortably in its coastal location site. A careful composition of curved and arched forms offers visual variety, interest and articulation and draws on the shapes and volumes of buildings in the local context. In response to its surroundings, a light colour palette of pale sandblasted concrete, terrazzo and metal louvres and subtle accents of colour to the window framing and boundary fencing is intended to harmonise with the materials prevalent in the local context.

4.3.8 State Environmental Planning Policy (Sustainable Buildings) 2022

The proposed development is for residential units and as such the *State Environmental Planning Policy (Sustainable Buildings) 2022* (Sustainable Buildings SEPP) is applicable. A BASIX certificate for the residential units has been provided at **Appendix 8**, demonstrating compliance with the Sustainable

Buildings SEPP. The proposed residential units will incorporate appropriate insultation, energy and water saving fittings as some of the measures to improve building sustainability.

4.4 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No Draft Environmental Planning Instruments apply to the subject site.

4.5 LOCAL PLANNING CONTEXT

4.5.1 Manly Local Environmental Plan 2013

The MLEP2013 is the primary Environmental Planning Instrument that applies to the subject site.

The relevant provisions of MLEP2013 as they relate to the subject site are considered in the following subsections.

4.5.1.1 Zoning and Permissibility

The subject site is located within the R3 Medium Density Residential zone under the MLEP2013 as shown in **Figure 7.**

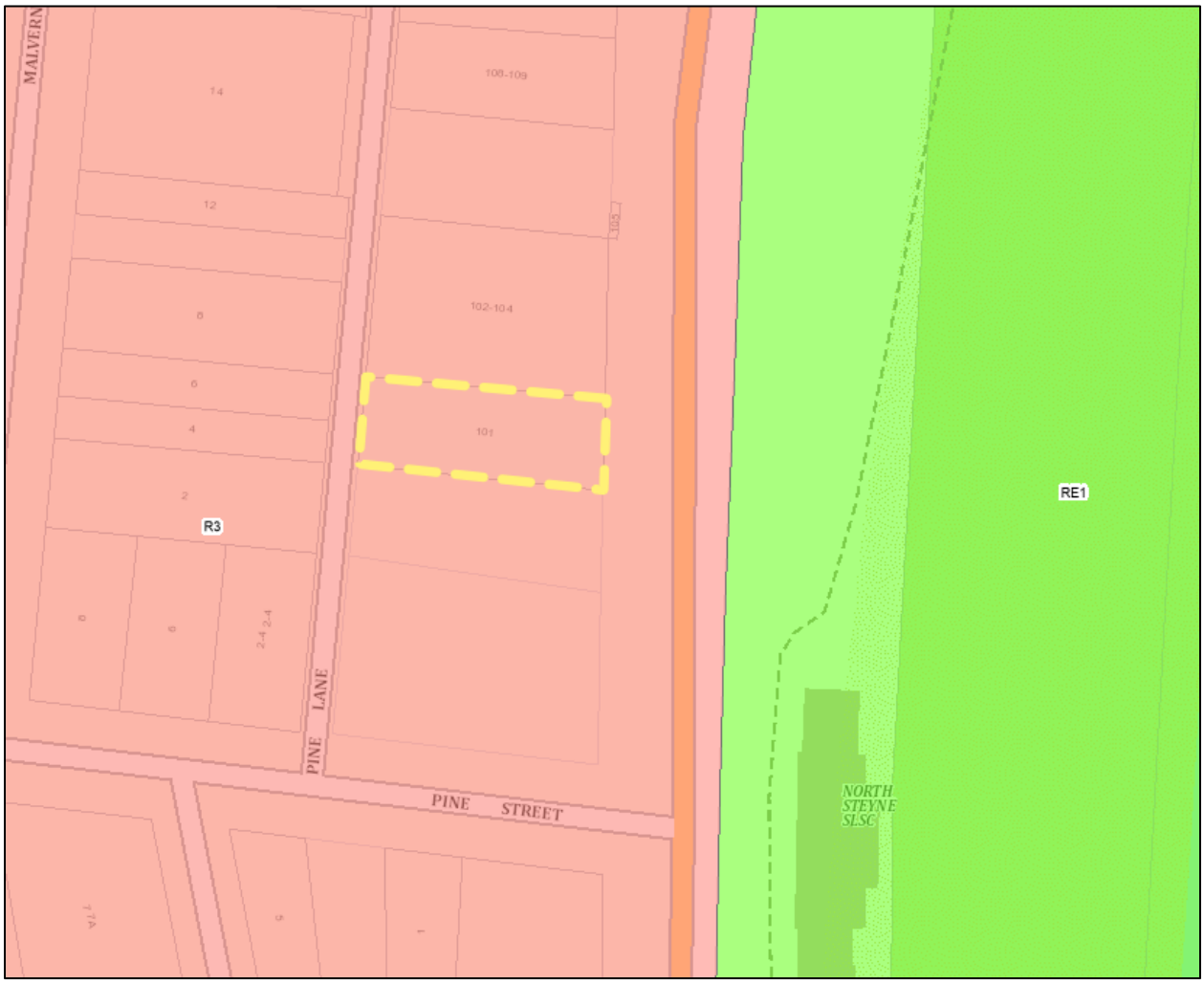

Figure 7. MLEP2013 Zoning Map (Source: NSW Legislation, 2024)

The objectives of the R3 zone include:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.*
- *To encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination.*

Within the R3 zone, the following development is permitted without consent:

- *Home-based child care; Home occupations*

Within the R3 zone, the following development is permitted with consent:

- *Attached dwellings; Boarding houses; Boat sheds; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Home businesses; Home industries; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor);* ***Residential flat buildings****; Respite day care centres; Restaurants or cafes; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Shop top housing; Signage; Take away food and drink premises; Tank-based aquaculture; Tourist and visitor accommodation; Water recycling facilities; Water supply systems*

Within the R3 zone, the following development is prohibited:

- *Advertising structures; Farm stay accommodation; Water treatment facilities; Any other development not specified in item 2 or 3*

The proposed development relates to the construction of a residential flat building which is permissible with consent within the R3 zone and would assist in achieving the objectives of the zone. The proposed development would a variety of housing types housing to meet the current and future needs of the community in a medium density residential environment.

4.5.1.2 Development Standards

TABLE 10 outlines the developments consistency and compliance with the relevant development standards and controls under KLEP2013.

TABLE 10. DEVELOPMENT STANDARDS	
Clause	**Comment**
Clause 4.3 – Height of Buildings	The subject site is subject to a 13m maximum building height. The proposed residential flat building will have a maximum height of 16.4m. A Clause 4.6 Variation Request with regard to building height has been prepared and provided as **Appendix 2**.
Clause 4.4 – Floor Space Ratio	The subject site is subject to a 1.5:1 maximum floor space ratio (FSR) and the proposed FSR is 1.93:1.

	A Clause 4.6 Variation Request with regard to floor space ratio has been prepared and provided as **Appendix 3**.
Clause 4.6 – Exceptions to Development Standards	The proposal contravenes the building height and floor space ratio development standard under Clause 4.3 and Clause 4.4 of the MLEP2013. Clause 4.6 variation requests have been prepared to support this variation and are attached as **Appendix 2** and **Appendix 3.**
Clause 5.10 – Heritage	The subject site is not located within a heritage conservation area and there are no heritage items located on the subject site. However, 'all stone kerbs' along the site frontage are listed as a Local Heritage Item (Item No. I2) pursuant to the MLEP2013. The proposal seeks to decommission the vehicle crossings in this location, which would allow for the full length of kerb to be reinstated. This is considered to be an improvement for the heritage item.
Clause 5.21 – Flood Planning	The western portion of the subject site is located within a Medium Risk Flood Precinct, as per Council's Flood Hazard Map. A Flood Assessment Report has been prepared by GRC Hydro and provided as **Appendix 9**. The Flood Assessment Report concludes that the proposed development will have no impact on existing flood behaviour. It also found that entry levels are sufficiently high to meet the Flood Planning Level and that other flood planning controls have been met by the design.
Clause 6.1 – Acid sulfate soils	The subject site is identified as containing class 4 acid sulfate soils. The Preliminary Site Investigation (**Appendix 22**) details that the subject site "presents a low risk of the presence of Acid Sulfate Soils and the potential for generation of acid sulfate soil conditions during the proposed development was regarded as negligible. The preparation of an acid sulfate soil management plan was considered as being unwarranted".
Clause 6.2 – Earthworks	It is considered that the proposed development will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land and is supported by a Stormwater Management Plan (**Appendix 10**) and Geotechnical Report (**Appendix 11**) in support of this.
Clause 6.4 – Stormwater	It is considered that the proposed development will minimise the impacts of urban stormwater on adjoining properties, native bushland and receiving waters. A Stormwater Management Plan

	(**Appendix 10**) has been prepared and provided as part of the subject DA in support of this.
Clause 6.9 – Foreshore scenic protection area	The site is located within the Foreshore Scenic Protection Area. The objective of this area is to protect the visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly. It is considered that the proposed development is consistent with the surrounding character and will not impact upon the scenic qualities of the foreshore.
Clause 6.12 – Essential services	The subject site will be connected to all the relevant infrastructure and services including water, sewer, stormwater, electricity and telecommunications.

4.5.2 Manly Development Control Plan 2013

The MDCP2013 provides detailed planning and design guidelines to support the planning controls of the MLEP2013.

An assessment of the proposal against the relevant sections of the MDCP2013 is provided at **Appendix 1**.

4.5.3 Development Contributions

It is noted that relevant contributions are payable as per Section 7.12 of the EP&A Act, and as such the Northern Beaches Section 7.12 Contributions Plan 2024 would apply to the proposed development. In addition, the Housing and Productivity Contribution applies to the subject site. It is understood that the relevant payable contributions would be conditioned as part of any development consent.

4.6 STRATEGIC PLANNING CONTEXT

4.6.1 Greater Sydney Region Plan: A Metropolis of Three Cities

The *Greater Sydney Region Plan, A Metropolis of Three Cities* (the Region Plan) sets a 40-year vision (to 2056) for growing Greater Sydney with a focus on the regional significance of central and western Sydney in order to contribute to a more productive, liveable and sustainable city. The Region Plan has been prepared concurrently with *Future Transport 2056* and *State Infrastructure Strategy 2018-2038* to align land use, transport and infrastructure outcomes for Greater Sydney. The key directions that are most relevant to the proposed development are considered below.

- *Objective 4: Infrastructure use is optimised*

The proposed development is located close to several modes of existing public transport connections. The subject site's location will encourage future residents to utilise the existing infrastructure assets. This transport infrastructure provides services to key destinations, including Sydney CBD and the greater Sydney region.

- *Objective 10: Greater housing supply*

The proposed development will increase the diversity of housing types for seniors within the Northern Beaches LGA by providing additional high quality residential units within proximity to a range of services and infrastructure.

4.6.2 North District Plan

The Greater Sydney's three cities discussed above reaches across five (5) districts. *The Greater Sydney Region Plan* identifies the subject site as being located in the North District. The North District Plan (the District Plan) is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The District Plan informs local strategic planning statements and local environmental plans, the assessment of planning proposals, as well as community strategic plans and policies. The key directions that are most relevant to the proposed development are considered below.

- *Planning Priority N5: Providing housing supply, choice and affordability, with access to jobs, services and public transport*

The proposed development provides residential units in close proximity to public transport infrastructure and commercial services. The proposed development is consistent with the aims of the District Plan as it provides for greater housing diversity and added housing choice at a suitable location.

- *Planning Priority N6: Creating and renewing great places and local centres, and respecting the District's heritage*

The proposed development will respect the District's heritage. In particular, 'all stone kerbs' along the site frontage are listed as a Local Heritage Item (Item No. I2) pursuant to the MLEP2013. The proposal seeks to decommission the vehicle crossings in this location, which would allow for the full length of kerb to be reinstated. This is considered to be an improvement for the heritage item and the District's heritage more broadly.

4.6.3 Towards 2040: Northern Beaches Council's Local Strategy Planning Statement

The Northern Beaches Council's Local Strategy Planning Statement (Local Statement) applies to the subject site. The Local Statement reflects local values and aspirations, building on the 10-year vision set out in the Community Strategic Plan, Shape 2028 and applies to the whole Northern Beaches LGA. The Local Statement aims to guide local land use planning and includes measures of success and an implementation program to determine whether priorities have been achieved. The priorities that are most relevant to the proposed development are considered below.

- *Priority 9: Infrastructure delivered with employment and housing growth*

The proposed development will provide much needed residential units and will contribute to the availability and diversity of housing within Manly and the Northern Beaches LGA. It is also considered that the proposed development will assist in meeting the diverse housing needs of the local community through the provision of adaptable units.

- *Priority 17: Centres and neighbourhoods designed to reflect local character, lifestyle and demographic changes*

The proposed development has been designed to achieve consistency with the streetscape and the mix of residential units proposed will assist with catering to demographic changes. The proposed development will replace the existing building on the subject site, which is outdated compared to the more recent developments located along North Steyne.

PART E LIKELY IMPACTS OF THE DEVELOPMENT

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15(1) of the EP&A Act.

5.1 CONTEXT AND SETTING

The proposed development seeks to replace a typical 1960's 'walk-up' apartment block in Manly where these 'walk-up' apartment blocks are typically being replaced by more contemporary residential flat buildings. As such, the proposed development is seen to be in keeping with the desired future character of Manly whilst also being sympathetic to the existing surrounding development.

The proposed development is considered to be of a high-quality design which is appropriate for the surrounding existing context. The proposed development considers the future context and setting of Manly and delivers an appropriate density to support the growing demand for housing whilst having regard for the surrounding context and setting.

The proposal will satisfy the objectives of the R3 Medium Density Residential zone through the provision of a variety of housing types to meet housing needs of the community within a medium-density residential environment. Overall, the proposed development is considered to be contextually appropriate to subject site and its surrounds.

5.2 BUILT FORM

The built form, height and scale of the proposed development has been resolved by a thorough evaluation of the subject site's surrounding contexts, with an emphasis on design excellence and residential amenity for future residents. An ADG Design Statement outlining the design intent and considerations of the development is provided as part of the Architectural Design Report (**Appendix 15**). The proposed development is generally consistent with the built form controls contained in the ADG. Appropriate privacy measures have been employed where appropriate to mitigate any visual privacy impacts.

The proposed development has been a result of an extensive, collaborative design process. The proposed development proposes a variation to the height of buildings and floor space ratio development standards contained within the MLEP2013. The proposed variations are supported by Clause 4.6 Variation Requests provided as **Appendix 2** and **Appendix 3**. An assessment of nearby development along North Steyne has found that variations to the height of buildings and floor space ratio development standard are prevalent. The proposed development has sought to achieve consistency with proximate development whilst minimising impacts on neighbouring properties and the foreshore scenic protection area.

5.2.1 Landscaping

A Landscape Plan has been prepared by Land and Form Studios and provided as **Appendix 16**. The proposed residential flat building has been designed to deliver an increased provision of landscaping on the subject site, including through the provision of mature tree planting at the rear of the subject site within the deep soil planting zone. These native trees will reach a maximum mature height of 10m and will assist with privacy and screening to adjacent properties. In addition, raised planters with a landscape buffer will be provided around a portion of the front and side boundaries. Cascading landscaping to the edge of the building at Level 4 is proposed in addition to a non-trafficable green roof. It is considered that the proposed landscaping will assist with visually softening the proposed development which is considered to be important considering the location of the proposed development within the foreshore scenic protection area.

5.3 VIEW IMPACT

The application is accompanied by a detailed View Impact Assessment prepared by Urbaine Design Group and provided as **Appendix 12**. The View Impact Assessment provides an assessment of the proposed development from 12 viewpoints in accordance with the Tenacity view loss principle. Of the 12 viewpoints assessed, the proposed development is deemed to have a negligible to minor impact on nine (9) viewpoints. The three (3) remaining viewpoints are deemed to be subject to a moderate impact and are included within this section.

The matter of 'view sharing' is pertinent to evaluate the FSR and height variations and is discussed within the judgement of *Tenacity Consulting v Waringah [2004] NSWLEC 140* (Tenacity). Within Tenacity it was identified that view sharing is invoked when a property would enjoy existing views and the proposed development would share that view by taking some of it away for its own enjoyment. The four (4) step approach was found within the case as follows:

1. *The first step is the assessment of views to be affected.*
2. *The second step is to consider from what part of the property the views are obtained.*
3. *The third step is to assess the extent of the impact; and*
4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact.*

Detailed assessment of the views impact planning principle is provided below.

1. Assessment of views to be affected:

Views from the Public Domain:

The proposed development will result in an improvement of views generally as a result of the increased setback from North Steyne and as a result of the proposed building envelope. There are limited views across the subject site, from the eastern side of North Steyne however, a view which is expected to be affected is the view from ground level adjacent to the North Steyne Surf Life Saving Club. This viewpoint is identified as 'Viewpoint 13' in the View Impact Assessment prepared by Urbaine Design Group (**Appendix 12**) and the existing view is provided in **Figure 8** below.

Figure 8. Existing Views from Viewpoint 13 (Urbaine Design Group, 2024)

Views from Neighbouring Properties:

Furthermore, views enjoyed across the subject site from neighbouring properties (98-100 North Steyne, Manly and 102-104 North Steyne, Manly) will generally be improved as a result of the proposed development which will benefit from land/water interface views that currently do not exist. However, the two (2) impacted viewpoints will be discussed as part of the view impact analysis relate to fifth floor level views from the neighbouring properties (98-100 North Steyne, Manly and 102-104 North Steyne, Manly). These viewpoints is identified as 'Viewpoint 04' and 'Viewpoint 07' in the View Impact Assessment prepared by Urbaine Design Group (**Appendix 12**) and the existing views are provided in **Figure 9** below.


Figure 9. Existing Views from Viewpoint 04 (Left) and Viewpoint 07 (Right) (Urbaine Design Group, 2024)

2. The second step is to consider from what part of the property the views are obtained

Views from the Public Domain:

As demonstrated within **Figure 8** above, Viewpoint 13 is from a public viewing location at ground level adjacent to the North Steyne Surf Life Saving Club.

Views from Neighbouring Properties:

Viewpoint 04 in **Figure 9** above is a static, private view from a standing height of the level 4 bedroom balcony of No. 102 North Steyne, looking south, across the balustrade, across the hipped, tiled roof, towards the northeastern corner of the existing residential flat building at the subject site, at a distance of approximately 4m from the site boundary. The existing building partially impacts upon the pavement and road to the east and beyond this to the lower two (2) levels of the neighbouring property to the south of the subject site. Views further to the south are only impacted by distant buildings on the western side of North Steyne.

Viewpoint 07 in **Figure 9** above is a is a static private view, from the northeastern corner of the level 4 balcony of the residential flat building at 98-100 North Steyne, facing due north and capturing the hipped, tiled roof of the subject site. It is located approximately one (1) level higher than the ridgeline of the existing building and looks across the roof to the upper two (2) levels of the property at the northern side of the subject site, at 102-104, North Steyne. Several other residential flat buildings are observed, further north along the western side of North Steyne, with the continuous row of mature Norfolk Island Pines bordering the pavement on the east of the road. Glimpses of the beach, ocean and Queenscliff Headland are obtained through the branches of the pine trees to the northeast.

3. The third step is to assess the extent of the impact

Views from the Public Domain:

From Viewpoint 13, the extent of the impact is expected to be moderate given the expected view loss (including buildings), sky view loss and the amount of new development visible from this viewpoint.

Figure 10. Photomontage from Viewpoint 13 (Urbaine Design Group, 2024)

Views from Neighbouring Properties:

From Viewpoint 04, the proposed development's visual impact would result in a partial amount of view gain to the front of the subject site (road and pavement only). Above this, the view loss occurs to the south, as a result of the new proposal's upper floor and balcony. The view loss is to the line of Norfolk Pine Trees on the eastern side of North Steyne, parts of the distant ocean view at South Steyne and to the distant buildings along the western side of the road.

From Viewpoint 07, the proposed development will result in both view loss and view gain. The view loss, due to the elevated vertical aspect of the proposal, will obstruct the open vista of the taller residential apartment towers to the north, including aspect of the sky and far distant Queenscliff views. The view gain, at the eastern perimeter of the subject site, from removing the hipped roof, will open views to the ground level at the east, but does not significantly enhance the overall view quality at this height. The visual impact is assessed as low-medium, as the view loss partially impedes upon the previously open vista, while the view gain provides only minimal enhancement.


Figure 11. Photomontage from Viewpoint 04 (Left) and Viewpoint 07 (Right) (Urbaine Design Group, 2024)

4. The fourth step is to assess the reasonableness of the proposal that is causing the impact

Views from the Public Domain:

From Viewpoint 13, the proposal can be deemed acceptable, since the highest value components of the view remain and views to the south and west are not impacted.

Views from Neighbouring Properties:

From Viewpoint 04, the proposal can be deemed acceptable, since the highest value components of the view are increased, and view loss is limited to lower value elements of the existing view.

From Viewpoint 07, the proposal can be deemed acceptable, since various components of the view are increased, and view loss is limited to sky view and buildings only

Notwithstanding, this step is established to understand if the development, in the circumstances of its case, is reasonable. In this instance, a compliant scheme would result in a development which does not appropriately integrate within the existing streetscape and results in poor urban design outcomes to North Steyne. Further, it should be noted that any future development at this subject site would result in some view loss, importantly, the development seeks to **minimise** its visual intrusion to neighbouring properties. The function of Clause 4.6 is therefore considered reasonable in the circumstances of the case.

5.4 RESIDENTIAL AMENITY

The built form of the proposed development facilitates the highest standard of design and ensures that the future development can continue to achieve an equally high standard of residential amenity. The proposed development has been designed in accordance with the objectives of both the ADG and the MDCP2013, including solar access, natural ventilation, landscaping and visual/acoustic privacy.

5.5 HERITAGE

As previously detailed, the proposed development will allow for the reinstatement of the kerb along North Steyne identified as 'all stone kerbs' and listed as a Local Heritage Item (Item No. I2) pursuant to the MLEP2013. In addition, it is considered that the proposed development has regard for the surrounding heritage context. The proposed development is designed to harmonise with the existing and anticipated built environment and the design draws on its environment, enhancing the qualities of the area through the choice of light-coloured warm tones and coastal character. The design responds to the distinct scales, material palettes and architectural forms typical of Manly and will successfully respond to the subject site's heritage context.

5.6 TRAFFIC & TRANSPORT

A Transport Impact Assessment has been prepared by JMT Consulting and provided as **Appendix 14**. purpose of the Transport Impact Assessment is to summarise the transport implications of the proposed development of the site.

5.3.1 Traffic Generation

The forecast traffic generation for the proposal has been determined based on the Sydney wide average traffic generation rates for residential uses as published by TfNSW. The following generation rates were adopted:

- 0.5 peak hour trips per unit in the AM and PM peak.

The forecast traffic generation demonstrates that the proposed development would, on average, increase traffic on the road network by two (2) to three (3) vehicles per hour during peak periods. Taking into consideration the likely activity generated by the existing site uses the net traffic generation would be less than two (2) vehicles per hour. This level of traffic generation is considered negligible in the context of the surrounding road network and would not impact its operation.

5.3.2 Parking

Resident Parking

The off-street parking provisions permitted on the subject site as part of the development proposal are specified in MDCP2013. The MDCP2013 requires 1.2 car parking spaces for every two (2) bedroom dwelling and 1.5 car parking spaces for every three (3) bedroom (or more) dwelling and therefore, requiring a minimum of nine (9) resident car parking spaces for the proposal based on the dwelling mix. The proposal exceeds this requirement by providing for 14 car parking spaces for residents and one (1) accessible parking space. This parking allocation allows for six (6) of the seven (7) units to be allocated two (2) parking spaces.

Visitor Parking

Given that car stackers will for the most part be used for resident parking, the use of the basement car park will largely be for residents only and one (1) visitor parking will be permitted. Although strictly under the

DCP, two (2) visitor car parking spaces would be required for the seven (7) dwellings, the arrangement whereby one (1) visitor car parking is provided is considered suitable for the following reasons:

- The removal of the existing driveway crossovers on North Steyne will create the potential for two (2) additional on-street parking spaces to be created by the proposal, resulting in a net benefit with respect to car parking.
- Alternate short-term parking is available immediately outside the site on Pine Street and North Steyne, with multiple commercial parking stations available in the Manly CBD.
- There is no visitor car parking is available on the existing site servicing the residential dwellings currently occupying the subject site.
- The provision of one (1) car parking space to allow most residential apartments to be allocated two (2) parking spaces each is consistent with Council's recent determination of a similar residential building at 61 North Steyne (**DA2022/1910**).

5.3.3 Access and Internal Circulation

Access

Given North Steyne's classification as a regional road all vehicle access in future would be provided via Pine Lane at the rear of the subject site. Access to the basement car parking area will be via a single lane ramp with a traffic light system provided to manage movements. The proposed access arrangements provide a significant improvement when compared to current conditions in that it redirects all traffic movements to the rear lane, removing conflicts with general traffic and pedestrians on North Steyne.

Internal Circulation

Vehicle swept path analysis has been undertaken to confirm the suitability of the proposed access arrangements from Pine Lane. The swept path analysis indicates there is sufficient space for a vehicle to enter and exit the subject site.

5.7 STORMWATER MANAGEMENT

A Stormwater Management Plan (**Appendix 10**) has been prepared by NDY.

Stormwater Quantity

On-site detention is not required as per the On-site detention requirements checklist in Appendix 16 of the Water Management for Development Policy, 2020. This is due to the development being located within an established Flood Prone Land as referred to in Council's Local Environmental Plans.

The proposed stormwater management system for the development includes:

- A pipe network to collect minor storm runoff from areas.
- Spoon drains discharging to subsoil drains under the slab in the basement level.

Stormwater Quality Treatment

As per the Northern Beaches Council Water sensitive urban design (WSUD) Technical Guide MUSIC Modelling Section 2.2.1, development on site urban, already developed lands, must undertake a stormwater quality assessment to demonstrate that the development will achieve the post-development pollutant load standards indicated below:

e) reduce the baseline annual pollutant load for gross pollutants by 90%;
f) reduce the baseline annual pollutant load for total suspended solids by 85%;
g) reduce the baseline annual pollutant load for total phosphorous by 65%; and
h) reduce the baseline annual pollutant load for total nitrogen by 45%.

The stormwater quality treatment water filter cartridges and litter baskets will form part of the water quality treatment train, removing pollutants and nutrients that are detrimental to downstream waterways. The results from the investigations and modelling for this project that have been summarised in the Stormwater Management Plan (**Appendix 10**) indicate that the proposed development, with the proposed WSUD strategy and management, can provide a safe and ecologically sustainable environment.

5.8 COASTAL ENGINEERING

Coastal engineering advice has been prepared by Horton Coastal Engineering and is provided as **Appendix 13**. The coastal engineering advice has been prepared to determine the potential risk of the subject site from coastal hazards. The coastal engineering advice concludes that the proposed development is at an acceptably low risk of being impacted by erosion or recession over an acceptably long life exceeding 60 years, even if the Manly Ocean Beach seawall fails and is not reinstated, which is highly unlikely. The proposed development is at an acceptably low risk of being impacted by coastal inundation and wave run up over an acceptably long life exceeding 60 years, including consideration of projected sea level rise.

Therefore, the proposed development satisfies the requirements of the Resilience and Hazards SEPP and the *Coastal Management Act 2016*.

5.9 NOISE

A Noise and Vibration Impact Assessment has been prepared by E-LAB Consulting in support of the proposed development and attached in **Appendix 23** of this SEE. This assessment identifies surrounding noise-sensitive receivers, identifies relevant standards and guidelines and to establish noise and vibration project requirements for the use of the development, provides a noise and vibration assessment for the occupation of the subject site and outlines mitigation measures and recommendations to ensure project noise and vibration requirements are satisfied.

The noise assessment was conducted in accordance with Lane Cove Council planning policies, the *AS/NZS 2107:2016 "Acoustics-Recommended design sound levels and reverberation times for building interiors"* and *NSW EPA's Noise Policy for Industry 2017*. To facilitate the assessment, noise monitoring was conducted to determine road traffic noise, noise impacts from the proposed development and noise and vibration impacts of mechanical plant and equipment serving the proposed development.

Based on the outcomes of the assessment, recommendations for acoustic treatments have been made and include the following:

- Positioning mechanical plant away from nearby noise sensitive receivers;
- Acoustic attenuators fitted to duct work;
- Screening around mechanical plant;
- Acoustic insulation within duct work;
- Acoustically insulated bends fitted to duct work;
- Reselection of mechanical plant; and
- Suitable external sound isolation including façade glazing.

These recommendations will be implemented throughout the relevant phases of the development.

5.10 FLOODING

A Flood Assessment Report has been prepared by GRC Hydro and provided as **Appendix 9**. The Flood Assessment Report describes flood behaviour in the vicinity of the subject site, before assessing the development's compliance with MDCP2013.

Existing Flood Behaviour

The subject site has limited flood affectation with only shallow overland flooding in the 1% AEP event, at the western boundary of the site in Pine Lane. The east of the subject site is effectively flood-free, in the 1% AEP. There is therefore a flat, shallow area of ponding at the rear of the property. There is no indication of a flow path in the mapping of the depths and velocities. There is minimal scaling in the Probable Maximum Flood, which reaches 6.20 mAHD at the same location. Flood behaviour is typical of an urban area with limited catchment where shallow runoff accumulates on roadways when the pit and pipe capacity is exceeded during exceptionally heavy rainfall.

Based on the assessment of the flood behaviour, the reduced freeboard is justified at this site. Council agreed with the reduced freeboard being appropriate in the pre-lodgement meeting. Consequently, the FPL for the site is 6.27 mAHD, which is equal to 1% AEP water level plus 0.3 m freeboard.

Proposed Development

The Flood Planning Level (FPL) applicable to the subject site is set out in the MDCP2013. As previously described, the FPL for the site is the 1% AEP+ 0.3 m freeboard. This applies to all building entrances, basement car park entrances, and any other openings such as vents that connect to the basement. The Flood Assessment Report details that all liveable floors and their accesses are above the FPL. For the basement vehicle entrance, an automatic flood gate would provide protection to basement inundation. Council supported use of a flood gate as part of the pre-lodgement meeting.

At the subject site, development does not have the potential to impact flood behaviour. There is no floodway or flood storage area and the inundation of the actual site is minimal. Model assessment was not deemed necessary and this approach was confirmed with Council's engineer.

5.11 GEOTECHNICAL

A Geotechnical Investigation has been prepared by EI Australia and provided as **Appendix 11**. The objective of the Geotechnical Investigation was to assess site surface and subsurface conditions at two (2) boreholes and one (1) Cone Penetrometer Test (CPT) locations, and to provide preliminary geotechnical advice and recommendations to assist in the design of the proposed development.

The Geotechnical Investigation has confirmed that very loose to loose sands above the groundwater are expected to be exposed at bulk earthworks level in the western portion of the subject site. The central and eastern portion of the subject site is expected to expose medium dense sand in the near vicinity of the groundwater table.

The Geotechnical Investigation recommends that groundwater levels outside the excavation in the vicinity of the adjacent properties be monitored and kept to less than 1m below the normal groundwater levels. The following general procedure is recommended to monitor groundwater drawdown levels.

- Install standpipes in accessible areas on the adjacent properties to monitor groundwater drawdown levels during dewatering;
- Measure ground levels on a weekly basis for three (3) weeks prior to the operation of the dewatering system to establish baseline pre-development levels;
- Measure groundwater levels twice a day during the first two (2) days of dewatering, then daily during the first week of dewatering and then twice weekly until decommissioning of the dewatering pumps, or until a lesser frequency is advised by the geotechnical engineer;
- The measured values are to be provided to the geotechnical engineer on the day of measurement for review; and,
- Where drawdown levels exceed 1m (trigger level) below pre-development ground water levels, the change in groundwater level should be investigated and measures put in place to rectify the exceedance. These measures could include reducing of pumping rates or the suspension of dewatering.

5.12 CONTAMINATION

A Preliminary Site Investigation has been prepared by EI Australia and provided as **Appendix 22**. The aim of the Preliminary Site Investigation to appraise the environmental (potential contamination) condition of the land. The Preliminary Site Investigation concluded that the potential for widespread site contamination is low within the areas investigated, however data gap remains. Following demolition works, a Detailed Site Investigation (DSI) will be undertaken to assess the nature and extent of any soil and/or ground water contamination after demolition of the current residential building. A Hazardous Materials Survey will be prepared prior to the commencement of demolition works, the validation of material proposed to be imported and classification of surplus site soil prior to disposal off-site. These recommendations can be managed through the development application process.

5.13 WASTE

An Operational Waste Management Plan has been prepared by Elephants Foot Consulting and provided as **Appendix 7**. The Operational Waste Management Plan aims to identify waste streams expected to be generated onsite and anticipated volumes, suitable bin sizes and quantities, waste and recycling disposal procedures, bin room size estimations and equipment recommendations and waste collection strategies, locations and frequencies.

Based on the estimated volumes of general waste, recycling and Food Organics and Garden Organics (FOGO) generated by the development, the recommended bin quantities and collection frequencies are as follows:

- Red bin – General Waste: three (3) x 240L bins collected weekly;
- Yellow bin – Recycling: two (2) x 240L bins collected weekly;
- Blue bin – Recycling: two (2) x 240L bins collected weekly; and
- Green bin – Vegetation (FOGO): two (2) x 240L bins collected fortnightly.

During operation, it is the responsibility of the building manager to monitor the number of bins required for the residential component of the development. Volumes may change according to residents' attitudes to waste disposal, building occupancy levels or the development's management. Any requirements for adjusting the capacity of the waste facilities may be achieved by changing the number of bins, the bin sizes or collection frequencies. Building management will be required to negotiate any changes to bins or collections with the collection service provider.

The Operational Waste Management Plan also includes measures around signage and education to support best practice waste management including resource recovery, source separation, and diversion of waste from landfill.

5.14 CONSTRUCTION

Construction will be undertaken in accordance with Council's conditions of consent. Appropriate measures will be undertaken to mitigate any potential impacts from construction including dust, noise, odours, traffic impacts and erosion.

5.15 BUILDING CODE OF AUSTRALIA

The proposal has been designed to achieve compliance with Building Code of Australia (BCA), subject to further consideration during design development. Refer to the BCA Report provided as **Appendix 18**.

5.16 ACCESSIBILITY

An Access Assessment Report has been prepared and provided as **Appendix 17** of this SEE. The objective of this report is to ensure compliance with statutory requirements and where compliance is not achieved, recommendations are provided to achieve compliance.

5.17 SAFETY AND SECURITY

The principles of Crime Prevention Through Environmental Design (CPTED) have been considered in the design of the proposed development.

The CPTED guidelines were prepared by the NSW Police in conjunction with the Department of Planning. CPTED provides a clear approach to crime prevention and focuses on the 'planning, design and structure of cities and neighbourhoods. The main aim of the policy is to:

- Limit opportunities for crime;
- Manage space to create a safe environment through common ownership and the encouraging the general public to become active guardians; and,
- Increase the perceived risk involved in committing crime.

The guidelines provide four (4) key principles to limit crime, including:

- Natural Surveillance;
- Access Control;
- Territorial Reinforcement; and,
- Space Management.

Principle 1 - Surveillance:

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical.

- The proposed development would orientate active areas such as building entrances to ensure they are visible from both street frontages;
- The proposed development would utilise low lying landscaping in appropriate locations to ensure there would be no obstruction of surveillance opportunities; and,
- External lighting would enable the maintenance of sight-lines and surveillance after dark.

Principle 2 – Access Control

Access Control can be defined as physical and symbolic barriers that are used to 'attract, channel or restrict the movement of people'.

- Entry to the residential lobby would be a secured entry to deter unauthorised access to the subject site; and,
- Directional signage to car parking, pedestrian paths and building entries would define the various areas of the subject site providing legibility and minimising vehicular and pedestrian conflict within the subject site.

Principle 3 - Territorial Reinforcement

Territorial Reinforcement can be described as creating a sense of ownership to a public space or vicinity, encouraging the usage of that space. By increasing the usage capability, this also deters crimes and, further increases the chances of a crime being witnessed and reported in a timely manner.

- The provision of a secured entrance to the building would emphasise the separation between the private and public domain; and,
- Well maintained landscape design would indicate the development is well-used and cared for to reduce criminal activity.

Principle 4 - Space Management

Space Management is intuitive of Principle 3 – Territorial Reinforcement – and refers to ensuring a space is utilised and cared for appropriately.

- Pathways and planters would be well maintained;
- Continued repairs and maintenance would discourage vandalism; and,
- High quality materials, varied façade treatments and landscaping along boundaries would assist in discouraging vandalism and graffiti.

The proposed development would successfully integrate the four (4) principles outlined to limit crime outlined in the CPTED guidelines.

5.18 CUMULATIVE IMPACTS

No foreseeable cumulative impacts are to result from the proposed development. Rather the proposed development provides further residential development on land that has been historically used for residential and that is located within an established residential area.

5.19 SUITABILITY OF SITE FOR DEVELOPMENT

The subject site is located within an established residential area and is zoned R3 Medium Density Residential pursuant to the MLEP2013. The proposed development supports the use of the subject site for the purpose of a residential flat building which is consistent with the zoning of the subject site and the surrounding context.

Having regard to the characteristics of the subject site, context and locality, the subject site is considered suitable in accommodating the proposed redevelopment for the following reasons:

- The development of the subject site for residential purposes will assist in achieving housing targets and housing diversity;
- The subject site is capable of being developed in a manner that will minimise impact to the natural, artificial, and environmental qualities of the subject site and neighbouring sites, with any impacts appropriately managed and mitigated; and

- The proposed development includes the provision of high-quality landscaping, public domain, and is within close proximity to public open space.

Accordingly, the subject site is considered to be suitable for the proposed development and is consistent with the aims and objectives of the R3 zone. The subject site is therefore considered to be suitable for the proposed development.

5.20 SUBMISSIONS

The public exhibition of the proposal will occur in accordance EP&A Act and the relevant Council planning provisions. Any submissions received by Council during the public exhibition period will need to be reviewed and considered within the assessment of the development application.

5.21 THE PUBLIC INTEREST

The proposed development is considered to be in the public interest as it will increase the supply and choice of housing in the locality and will result in an overall improvement in the residential housing stock in the locality.

Overall, the proposed is in the public interest as it will achieve the following:

- Provide opportunities of greater housing choice in the Northern Beaches LGA; and
- Provide a development outcome that is compatible with the existing and emerging residential developments and that is a permissible land use and consistent with the land use zone objectives.

The proposal will have no adverse impact on the public interest and is in accordance with the aims and objectives of the MLEP2013 and MDCP2013. Therefore, the development is considered to be in the public interest.

PART F CONCLUSION

The purpose of this SEE has been to present the proposed residential flat building at 101 North Steyne, Manly and to assess its potential impacts having regard to Section 4.15(1) of the EP&A Act

The proposed development includes the construction of a residential flat building which is permissible with consent under the MLEP2013 and supports the provision of additional housing supply for the community.

The proposal has been prepared after taking into consideration the following key issues:

- The development history of the subject site;
- The context of the site and locality;
- The relevant heads of consideration under Section 4.15(1) of the EP&A Act;
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments;
- The pre-lodgment advice received by Council

The proposed development is considered to warrant a favourable determination for the following reasons:

- The proposal meets the provisions of the MLEP2013;
- The proposal would provide additional housing and increase housing diversity within Manly;
- The proposed development is generally in accordance with the requirements of the MDCP2013;
- The proposed design is of a high quality and in keeping with the surrounding character of the local area; and
- The proposed development is considered to assist in delivering the strategic aims of the relevant regional and local plans and policies.

The proposed development is permissible within the zone and is compatible with the zone objectives. As stipulated previously in this SEE, the matters for consideration under Section 4.15(1) of the EP&A Act have been satisfactorily addressed.

In light of the merits of the proposed development and in absence of any significant environmental impact, the proposed development warrants support by Council.