

Statement of Environmental Effects and Heritage Impact Assessment

Proposed Residential Flat Building

**92 North Steyne
Manly**



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Statement of Environmental Effects and Heritage Impact Assessment

Proposed Residential Flat Building

92 North Syene, Manly

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1.0 INTRODUCTION

This document has been prepared as a component of a development application proposing the demolition of the existing four (4) storey Strata subdivided residential flat building containing six (6) apartments over at-grade garage parking and the construction of a five (5) storey residential flat building containing three (3) apartments over a combination of ground floor and basement level carparking for a total of seven (7) vehicles. The application also proposes the implementation of an enhanced site landscape regime.

This application is made pursuant to the Chapter 6 Low and Mid-Rise Housing (LMR) provisions of *State Environmental Planning Policy (Housing) 2021* (SEPP Housing) which came into effect on 28th February 2025.

The architect has responded to the client brief to provide a site-specific design response which takes advantage of the properties superior locational attributes whilst respecting the environmental characteristics of the site and the amenity of adjoining development. The outcome is a building of exceptional design quality which displays a highly articulated building form which appropriately responds to the sites size and geometry and the constraints imposed by the siting and design of adjoining development in relation to privacy, solar access and views.

The final design has been developed through detailed site and context analysis with the resultant building displaying a complimentary and compatible building form compared to other residential flat development along this section of North Steyne. The development will provide diversity in housing choice on a site ideally suited to medium density housing given its R3 Medium Density Residential zoning, its proximity to the Manly Town Centre and in circumstances where the recently commenced LMR provisions identify the suitability of land within 800 metres walking distance of town centres for increased residential densities.

The building façades have been appropriately articulated and modulated with this submission demonstrating that the proposal will not give rise to inappropriate or jarring streetscape, heritage conservation, residential amenity or broader environmental consequences. In preparation of the document consideration has been given to the following statutory planning regime:

- Environmental Planning and Assessment Act, 1979 (the Act),
- Manly Local Environmental Plan 2013 (MLEP),
- Manly Development Control Plan 2013 (MDCP),
- State Environmental Planning Policy (Housing) 2021,
- State Environmental Planning Policy (Resilience and Hazards) 2021, and
- State Environmental Planning Policy (Sustainable Buildings) 2022.

Architectural drawings including floor plans, elevations and sections have been prepared in relation to the development proposed. The application is also accompanied by a boundary survey, Architect design verification, parking and traffic impact assessment, landscape plans, arborist report, accessibility report, geotechnical investigation report, BCA report, acoustic report, acid sulfate soil report, stormwater management plans, schedule of finishes, BASIX Certificate, waste management plan, QS report and montage.

The proposal is permissible and compliant with the nondiscretionary LMR development standards applicable to this form of development on this particular site and generally compliant with the built form and environmental outcomes anticipated by Manly Development Control Plan as reasonably applied.

In this regard the proposed side boundary setbacks maintain the rhythm of development and building setbacks within the street and provide appropriately for spatial separation, landscape opportunity, privacy, solar access and view sharing. The building appropriately addresses the street frontage and will contribute positively to streetscape character of this section of North Steyne. The internal design and apartment arrangement will afford exceptional amenity to future occupants.

The variations to the side and rear boundary setback and total open space controls succeed pursuant to section 4.15(3A) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development. We also confirm that the subject property is surrounded by established residential flat and mixed-use development such that there is no opportunity to consolidate.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the Act. It is considered that the application, the subject of this document succeeds on merit and is worthy of the granting of development consent.

2.0 SITE DESCRIPTION, LOCATION AND CONTEXT

The site is legally described as SP478, No 92 North Steyne, Manly. The subject property is located directly opposite Manly Beach and within 340m walking distance of the LMR mapped Manly Town Centre and a range of foreshore recreational areas. The allotment is irregular in shape having frontage and address to North Syene of 12.19 metres, variable and irregular depth of between 26.75 and 24.365 metres and a site area of 310.9m². The property is generally flat with a slight fall towards the rear boundary and does not contain any trees or landscape features.

The subject property is currently occupied by a four (4) storey brick apartment building with pitched and tiled roof containing six (6) apartments over three levels above at-grade garage parking. The building is in advanced state of structural decline. The entire allotment is hard paved with vehicular access to the street facing garages via a series of driveway wheel strips. These are depicted on the following survey extract and site photographs.

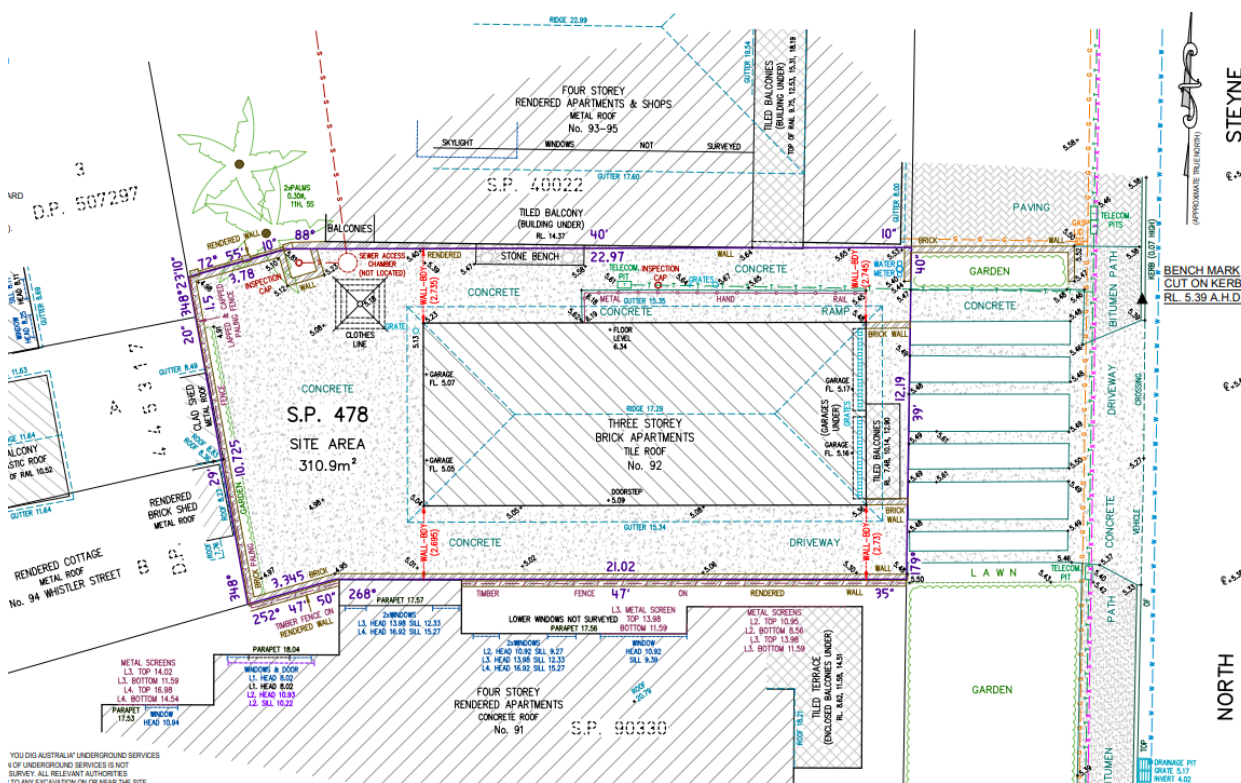
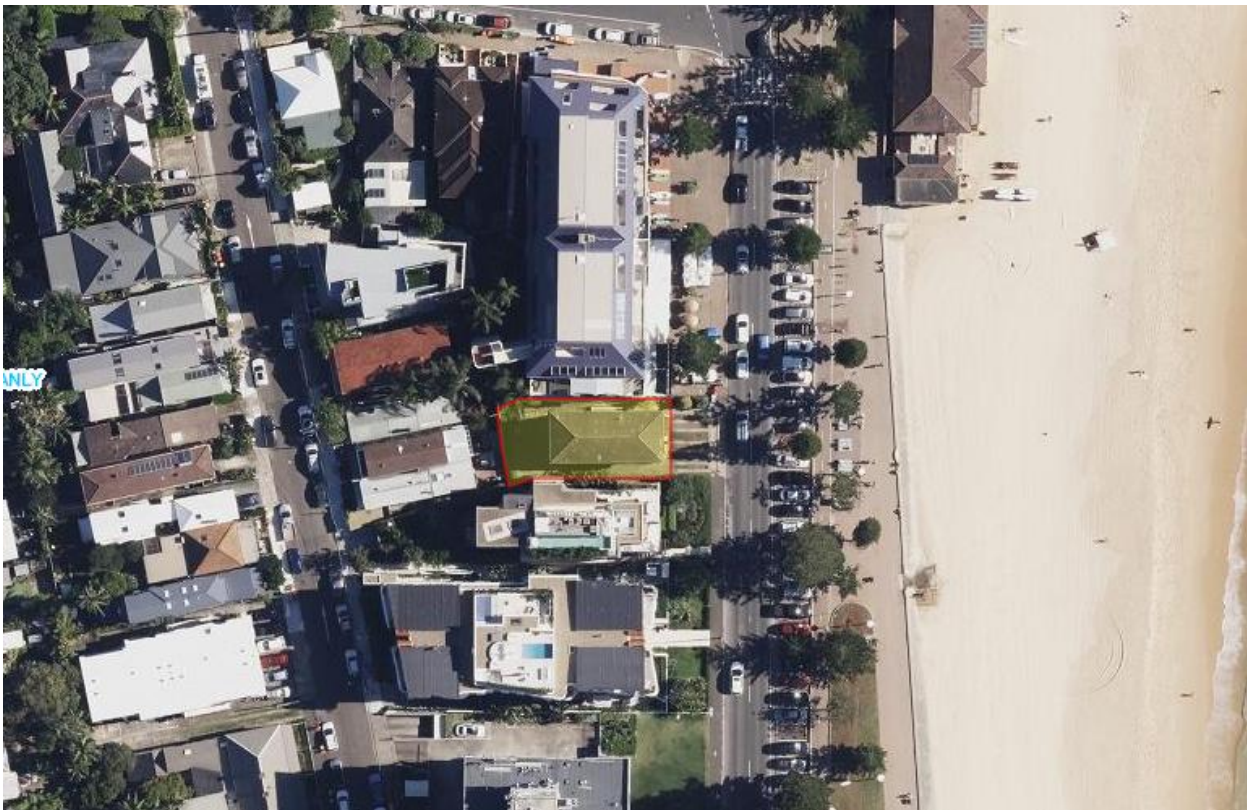
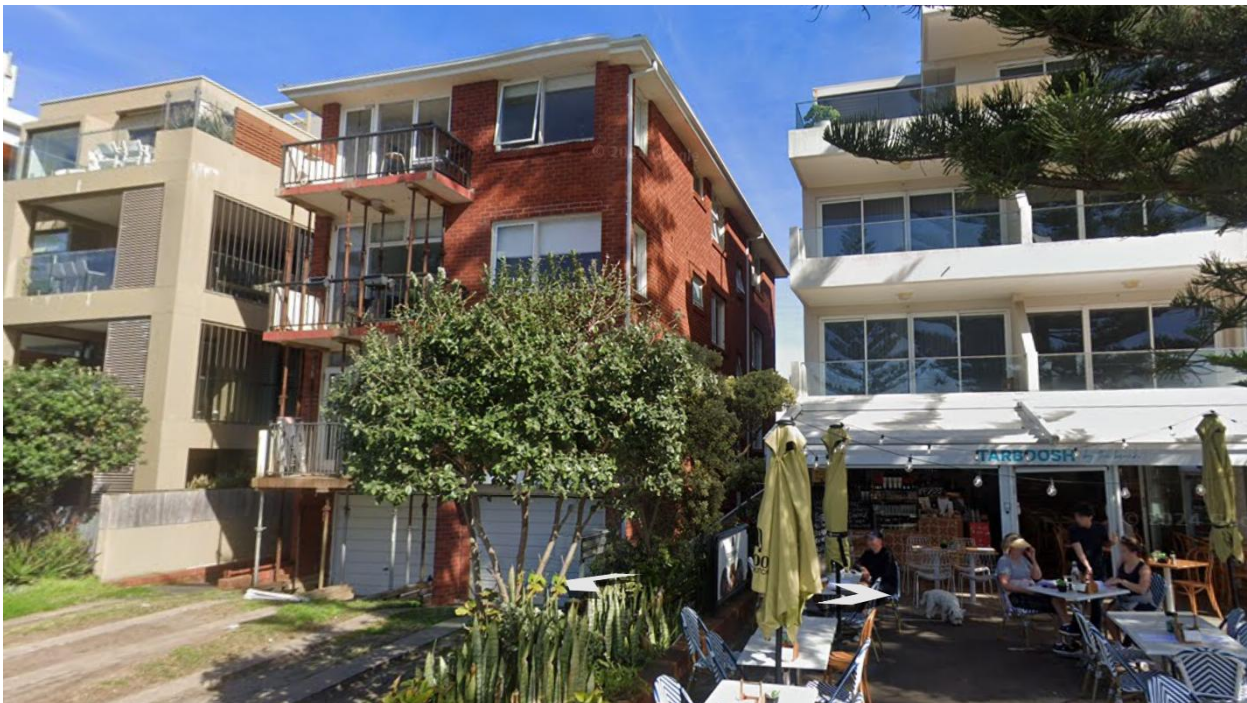


Figure 1 – Site Survey



Source: SIX Maps

Figure 2 – Aerial location/ context photograph



Source: Google Maps

Figure 3 - Subject property (with temporary balcony supports) as viewed from North Steyne

To the south, the property shares full length boundary with No. 91 North Steyne, a 4-storey residential flat building consisting of 5 units, completed around 10 years ago. This building features a private rooftop terrace that includes an entertainment and BBQ area, as well as a lap pool situated to the south end of the rooftop area.

To west of the site the property shares the rear boundary with three lots: No. 94 is a single storey semi-detached dwelling built in 1930, with access and carport off Whistler St, a deck and brick shed hard on the shared boundary. The other semi, No. 96 Whistler Street has been renovated and now presents as a two-storey building, with a brick shed on the boundary, along with a ground floor deck and a covered alfresco area on the first floor. No. 98, a single-storey cottage built in 1920, also features a deck at the rear.

To the north, directly neighbouring the site with nil setback for the first 3 storeys, is a 6-storey shop-top building known as 93-95 North Steyne. It presents a strong street alignment to North Steyne, with 2 cafes/restaurants and a surf shop to the ground floor and 4 residential floors above, two of which sit within its vast mansard roof envelope. The south-west corner of the lot is occupied by a rendered external stair tower that provides direct access to all floors. As we continue north up North Steyne, the buildings are of varying heights of between 2 and 9 storeys with a predominant 5 storey character established by more recently constructed development. The majority of development exceeds the current height standard.

It is important to note that the recently implemented LMR provisions apply to the land which provides a non-discretionary building height development standard of 22 metres and an FSR of 2.2:1. The subject property is located directly opposite Manly Beach with surrounding built form depicted in the following images.



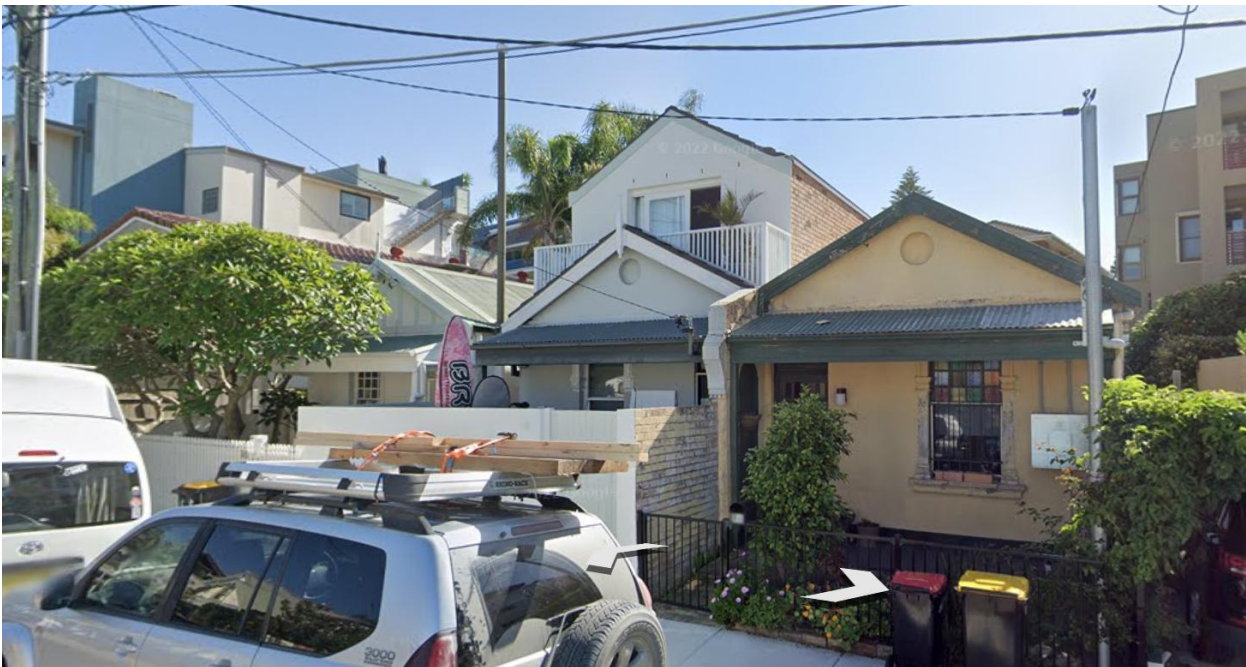
Source: Google Maps

Figure 4 – View looking south past subject property along North Steyne.



Source: Google Maps

Figure 5 – Property to the north No. 93-95 North Syene is occupied by a 6 storey mixed-use building with the upper levels contained within a steeply pitched roof form



Source: Google Maps

Figure 6 – Properties to the rear of the subject property have frontage and address to Whistler Street.



Source: Google Maps

Figure 7 – View looking north from the subject property site down North Steyne.



Figure 8 – Aerial view looking towards North Steyne with the site shown by a red arrow.

3.0 PROPOSED DEVELOPMENT

The subject application proposes the demolition of the existing four (4) storey Strata subdivided residential flat building containing six (6) apartments over at-grade garage parking and the construction of a five (5) storey residential flat building containing three (3) apartments over a combination of ground floor and basement level carparking for a total of seven (7) vehicles. The application also proposes the implementation of an enhanced site landscape regime.

The proposed works are depicted on the following architectural plans prepared by Platform Architects:

NO.	DRAWING TITLE	DATE	REVISION
DA0000	Cover Page	17/04/25	DA1
DA0050	Site Analysis	17/04/25	DA1
DA0100	Site Plan	17/04/25	DA1
DA0120	Street Analysis - Existing	17/04/25	DA1
DA0121	Street Analysis - Proposed	17/04/25	DA1
DA0122	Street Analysis - Existing 1.500	17/04/25	DA1
DA0123	Street Analysis - Proposed 1.500	17/04/25	DA1
DA0400	Demolition Plan	17/04/25	DA1
DA0500	Excavation Plan	17/04/25	DA1
DA1000	Basement Floor Plan	17/04/25	DA1
DA1001	Ground Floor Plan	17/04/25	DA1
DA1002	Level 1 Floor Plan	17/04/25	DA1
DA1003	Level 2 Floor Plan	17/04/25	DA1
DA1004	Level 3 Floor Plan	17/04/25	DA1
DA1005	Level 4 Floor Plan	17/04/25	DA1
DA1006	Roof Floor Plan	17/04/25	DA1
DA2000	North Elevation	17/04/25	DA1
DA2001	South Elevation	17/04/25	DA1
DA2002	East Elevation	17/04/25	DA1
DA2003	West Elevation	17/04/25	DA1
DA3000	Sections AA	17/04/25	DA1
DA3001	Sections BB	17/04/25	DA1
DA3002	Sections CC	17/04/25	DA1
DA3003	Sections 1-1	17/04/25	DA1
DA4000	Window Schedule	17/04/25	DA1
DA5000	External Finishes Schedule	17/04/25	DA1
DA5100	GFA Summary	17/04/25	DA1
DA5200	Open Space Summary	17/04/25	DA1
DA5201	Landscaping Summary	17/04/25	DA1
DA5300	Shadow Diagrams 9am-11am	17/04/25	DA1
DA5301	Shadow Diagrams 12pm-2pm	17/04/25	DA1
DA5302	Shadow Diagrams 3pm	17/04/25	DA1
DA5310	Sun Views 9am, 9.30am & 10am	17/04/25	DA1
DA5311	Sun Views 11am, 12pm & 1pm	17/04/25	DA1
DA5312	Sun Views 2pm & 3pm	17/04/25	DA1
DA5400	Building Envelope Analysis	17/04/25	DA1
DA5401	Building Envelope Analysis	17/04/25	DA1
DA5500	Height Breach Analysis	17/04/25	DA1
DA-T	Transmittal	17/04/25	DA1

Specifically, the development provides for the following floor plates:

Basement Plan – RL 2.51m AHD

This basement level is accessed via a car lift from North Steyne and contains a total of 3 residential car spaces. This level also includes bicycle storage, a plant room, storage, bin room and a car turntable ensuring that all vehicles are able to enter and exit the site in a forward direction. Lift and stair access is provided to the levels above.

Ground Floor Plan – RL 5.66m AHD

Both vehicular and pedestrian access is provided from the North Steyne frontage with a drive through car lift providing access to an additional 4 ground level residential car spaces, bike storage and residential storage. A fire hydrant booster assembly is integrated into the front façade of the development. Pedestrian access to the residential apartments is provided via a pathway and entry lobby on the southern side of the building with lift and fire egress stair access to the levels above and below.

Level 1 and 2 Floor Plans – RL 9.01m and 12.51m AHD

These floorplates each contain 1 x 3 bedroom apartment with open plan kitchen, living and dining areas opening onto east facing balconies orientated to the street frontage and available views. Each apartment contains a secondary street facing balcony accessed from the master bedroom with separate bathroom and laundry facilities.

Level 3 Floor Plan – RL 16.01m AHD

This floorplate contains the lower floor of a 2 storey townhouse style apartment. This floor plate contains an open plan kitchen living and dining area opening onto an east facing balcony with a bedroom with ensuite, separate laundry and powder room located on the western side of the building. Internal spiral staircase access is provided to the level above.

Level 4 Floor Plan - RL 19.51m AHD

This floorplate contains the upper floor of a 2 storey townhouse style apartment. This floor plate contains three bedrooms, the main with walk in robe and ensuite and a separate bathroom. The master bedroom has access to an east facing balcony with internal stair and lift access connects each floor plate.

Roof Level

The roof level contains PV panels, the car park exhaust duct and a skylight over the spiral staircase.

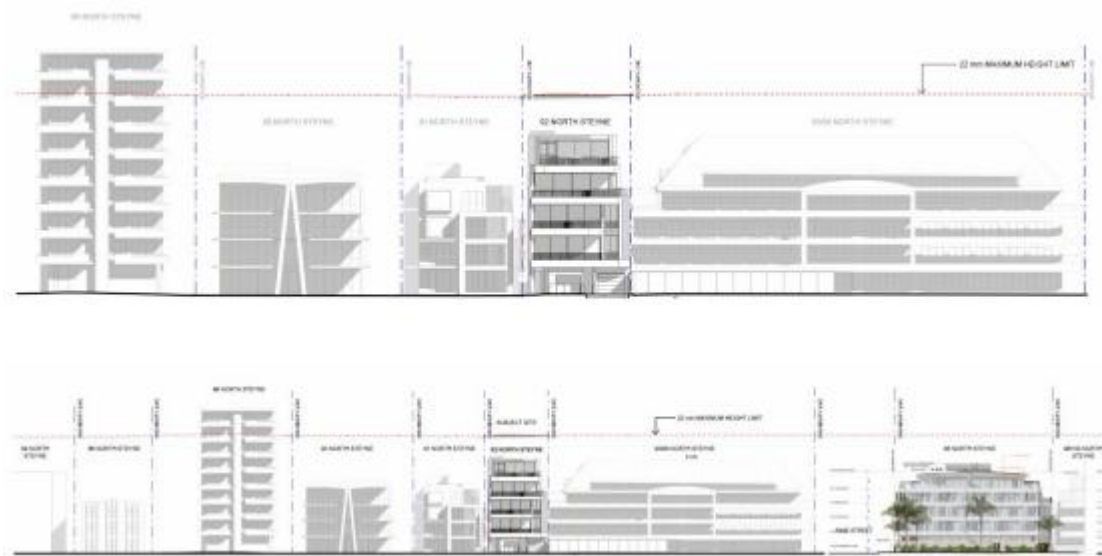
The application is accompanied by a schedule of materials and finishes prepared by the project Architect which has been informed by site location and context. The accompanying landscape plans prepared by Paul Scrivener show appropriate ground level deep soil and upper-level planter box plantings to ensure the building sits within a landscape setting and appropriate visual privacy is maintained between adjoining development. We note that the site currently contains no landscaping and that the proposed landscape regime provides for a significant betterment in this regard. The application also proposes landscaping within the road reserve which is relatively wide in this location.

Acoustics are dealt with in the accompanying Noise Impact Assessment prepared by PWMA with accessibility addressed in the accompanying report prepared by Accessible Building Solutions. All stormwater will be disposed of to the street drainage system as detailed on the accompanying stormwater management plans prepared by JN Engineering with excavation and acid sulfate soils addressed in the accompanying reports prepared by JK Geotechnical and JK Environments. Finally, the acceptability of the carparking design arrangement and the development's level of accessibility are detailed in the accompanying Parking and Traffic Impact Assessment prepared by Stanbury Traffic Planning.

In relation to the overall design an extract from the Architectural Design Statement prepared by the project Architect is as follows:

Given the modest width of the site, a curved feature wall has been thoughtfully incorporated into the design to enhance privacy for neighboring properties. The curved balconies are carefully positioned to maintain unobstructed views while ensuring a sense of openness and connection to the surrounding environment. These elements not only provide a visually interesting and dynamic facade, but also create articulation and softness to the built form, ensuring the building is not imposing or overwhelming in the context of its surroundings. The careful attention to these details serves both functional and aesthetic purposes, balancing privacy with the desire for expansive views and an integrated connection with the environment.

The proposed front setback is generally aligned with the average building lines of the street, maintaining a cohesive streetscape. This alignment ensures that the building is consistent with the prevailing urban fabric, enhancing the sense of continuity and cohesion within the streetscape. At the rear, the setback is slightly reduced to accommodate the necessary fire stairs and lift, ensuring the functionality and safety of the development without compromising the overall design integrity. The design of the rear setback ensures that it is appropriate for both the building's functional requirements and the character of the site, balancing regulatory compliance with architectural quality.



This diagram shows the relationship of building heights along North Steyne.

In line with the principle that “Good design achieves a scale, bulk, and height appropriate to the existing or desired future character of the street and surrounding buildings,” the design of the building carefully responds to the context in which it sits, ensuring the development complements the character of the street without overwhelming the surrounding buildings and is aligned with the future character of the area – being 6 storey buildings. The building’s height is consistent with that of the adjacent structure, 93-95 North Steyne, while being considerably lower than the residential tower on 88 North Steyne. This ensures the building integrates seamlessly into the existing urban fabric and contributes positively to the character of the streetscape.

The building’s design also prioritizes the manipulation of building elements to enhance the internal amenity and the experience of the public domain. The building envelope at level 4 is stepped in from the floors below, reducing its visibility from the street and minimizing any potential impact on the views and amenity of surrounding properties.

In keeping with the principle that “Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas,” the design of the building reflects an understanding of how it contributes to both the public domain and the private experience. The building respects the views and vistas of the surrounding area while providing ample internal amenity and outlook for residents. By ensuring that each apartment is oriented to maximize natural light, ventilation, and views, the design provides a high quality of living while contributing positively to the streetscape and the broader context of North Steyne.

Ultimately, the design of the building represents an appropriate built form that responds sensitively to the surrounding streetscape and the site's unique characteristics. It successfully integrates elements of privacy, solar amenity, and visual interest, ensuring that the development enhances the public domain, contributes to the aesthetic and functional quality of the streetscape, and offers a high level of internal amenity for its residents.

4.0 STATUTORY PLANNING FRAMEWORK

4.1 State Environmental Planning Policy (Housing) 2021

4.1.1 Chapter 4 - Design of residential apartment development

Pursuant to Section 144(3) of the Housing SEPP the provisions of Chapter 4 applies to development only if:

- (a) the development consists of -
 - (i) the erection of a new building, or*
 - (ii) the substantial redevelopment or substantial refurbishment of an existing building, or*
 - (iii) the conversion of an existing building, and**
- (b) the building is at least 3 storeys, not including underground car parking storeys, and*
- (c) the building contains at least 4 dwellings.*

The application proposes the construction of a 5 storey building incorporating 3 dwellings and accordingly these provisions do not apply.

That said, the application is accompanied by a design statement prepared by the project up architect confirming that the development has been designed in accordance with design quality principles contained within Schedule 9 of the SEPP and the Apartment Design Guide (ADG).

The accompanying design statement prepared by Platform Architects confirms that the building design will:

- Achieve the design principles set out within Schedule 9 of the Housing SEPP, and
- Satisfies relevant design objectives, guidance, and criteria within the ADG.

In relation to the setbacks to the adjoining properties we note that the 2 immediately adjoining properties are already developed for medium density housing and are identified on the indicative mapping to which the Chapter 6 Low and Mid-Rise Housing provisions of the Housing SEPP apply (refer to Figure 9). The accompanying shadow diagrams confirm that compliant levels of solar access are maintained to all surrounding residential properties.

In this regard, these properties can be developed for low rise residential flat development and to that extent the side boundary setbacks proposed satisfy objective 3F – 1 of the ADG by providing adequate building separation between neighbouring sites to achieve reasonable levels of external and internal visual privacy. Although strict compliance with the “deemed to comply” setback provisions is not strictly achieved to certain elements of the development.

Based on this, it is requested that the consent authority apply flexibility in the application of design guidance outcomes, noting that NSW Planning Circular PS 17-001 provides that “*..the ADG is not intended to be and should not be applied as a set of strict development standards*”. To summarise, the development will generally satisfy relevant design principles and outcomes as prescribed by both the Housing SEPP and the ADG. Where compliance is not attained, we submit that the building has been designed to satisfy relevant design objectives including the maintenance of reasonable external and internal visual privacy.

4.1.2 Chapter 6 – Low and mid rise housing

This application is made pursuant to Chapter 6 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) which came into effect on 28th February 2025.

Pursuant to clause 164(1) of the Housing SEPP, the Northern Beaches LGA is one to which Chapter 6 applies. Further, pursuant to clause 174 of the Housing SEPP, development for the purpose of a residential flat building is permitted with consent on the site, as it is located within:

- A low and mid rise housing area (refer to Figure 9)
- An R3 Medium Density Residential zone.

An assessment of the development against other applicable provisions within Chapter 6 of the Housing SEPP is contained within Table 1 over page.

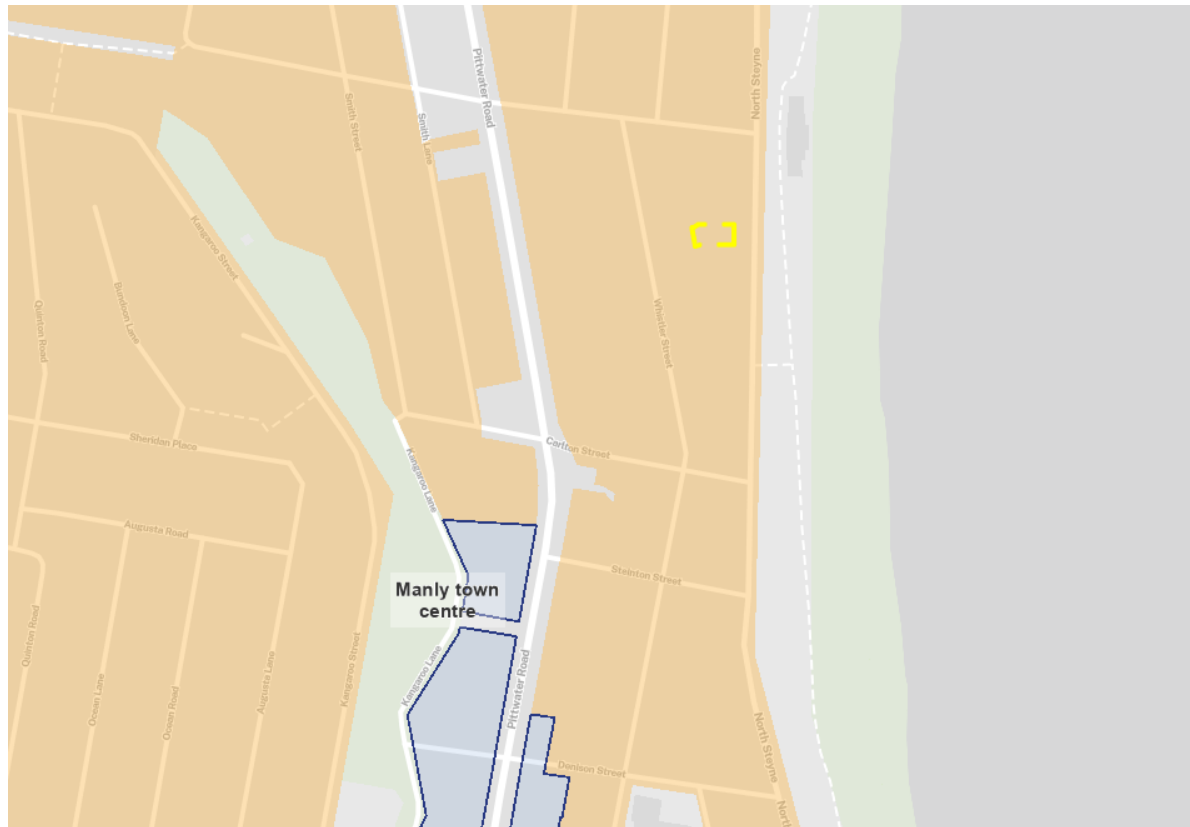


Figure 9 – LMR indicative mapping extract showing subject site in yellow.

Table 1 - Assessment of relevant SEPP Housing Chapter 6 provisions

Clause	Requirement	Assessment	Compliance
175 Development standards - low and mid rise housing inner area	(1) This section applies to land in a low and mid rise housing inner area in Zone R3 Medium Density Residential or R4 High Density Residential.	<p>low and mid rise housing inner area means land within 400m walking distance of—</p> <p>(a) land identified as “Town Centre” on the Town Centres Map, or</p> <p>(b) a public entrance to a railway, metro or light rail station listed in Schedule 11, or</p> <p>(c) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station.</p> <p>The subject property is located 340m walking distance from land identified as manly town centre on the inductive LMR map as depicted in Figure 9.</p> <p>Accordingly, the subject property is located within the low and mid rise housing inner area.</p>	Applicable
	(2) Development consent must not be granted for development for the purposes of residential flat buildings with a building height of up to 22m unless the consent authority is satisfied the building will have 6 storeys or fewer.	<p>The subject residential flat building is 5 storeys above ground level as defined.</p> <p>The development has a maximum building height of 17.85 metres well below the 22 metre standard.</p>	Yes

Clause	Requirement	Assessment	Compliance
	(3) Development consent must not be granted for development for the purposes of a building containing shop top housing with a building height of up to 24m unless the consent authority is satisfied the building will have 6 storeys or fewer.	N/A	N/A
177 Landscaping - residential flat buildings or shop top housing	<p>(1) This section applies to land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.</p> <p>(2) Development consent must not be granted for development for the purposes of residential flat buildings or shop top housing unless the consent authority has considered the Tree Canopy Guide for Low and Mid Rise Housing, published by the Department in February 2025.</p>	<p>Noted and applies</p> <p>Pursuant to the Tree Canopy Guide a minimum tree canopy of 15% of the site area and a deep soil area of at least 7% of the site area are to be provided.</p> <p>The accompanying landscape plans provide for a 15% tree canopy outcome with 82m² or well in excess of 26.3% deep soil area provided as depicted on plan DA5201(DA1).</p>	<p>Noted</p> <p>Yes</p>
178 Minimum lot size for residential flat buildings or shop top housing	(1) This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.	Noted	Noted

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Clause	Requirement	Assessment	Compliance
	(c) for a building containing shop top housing—a maximum building height of 24m.	N/A	N/A
	(3) The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing outer area— (a) a maximum floor space ratio of 1.5:1, (b) a maximum building height of 17.5m.	N/A	N/A

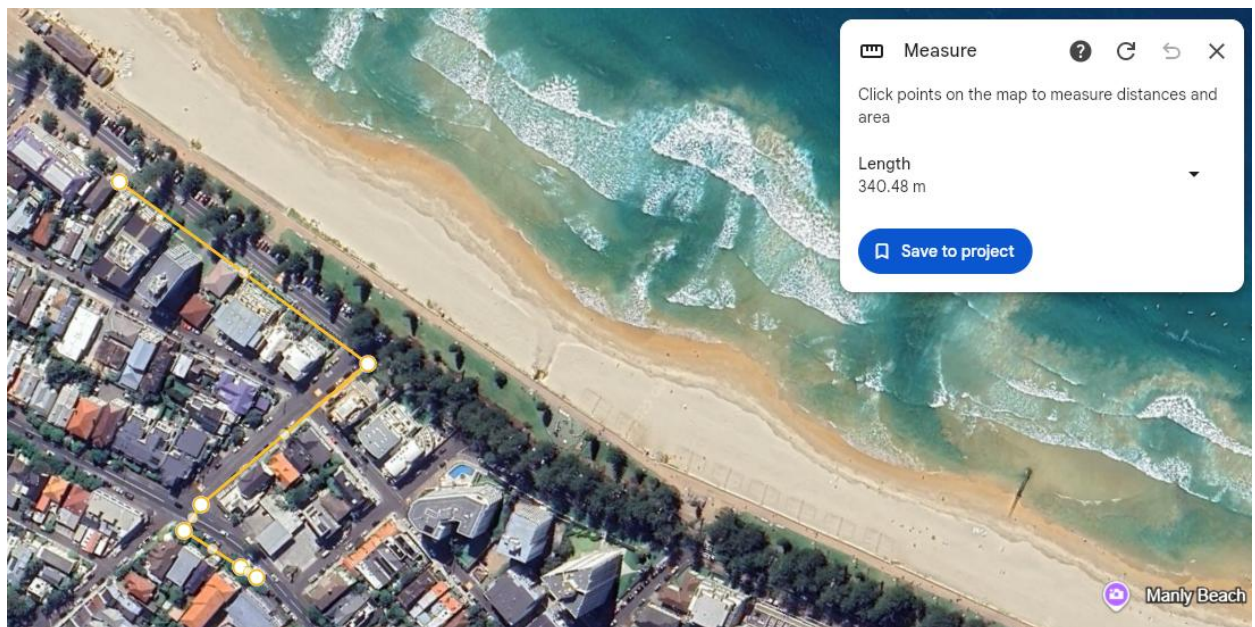


Figure 10 – Google maps extract confirming that the site is located within 400m of the LMR mapped Manly town centre and accordingly located within the low and mid rise housing inner area.

4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The site has been used for residential purposes for an extended period of time with no known prior land uses. In this regard, the potential for contamination is considered to be extremely unlikely.

The site is not identified as a contaminated site on the NSW EPA's list of notified sites, nor is it in the vicinity of any listed sites. The consent authority can be satisfied that the subject site is suitable for the proposed development.

As such, the proposed development is consistent with the provisions of Chapter 4 of this policy.

4.3 State Environmental Planning Policy (Sustainable Buildings) 2022

This SEPP applies to the residential component of the development and aims to encourage sustainable residential development.

A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

The accompanying Architect design statement also provides the following commentary as to the sustainability credentials of the building:

The proposed building incorporates sustainable design principles to ensure positive environmental, social, and economic outcomes. The design maximizes natural cross ventilation and sunlight, enhancing the amenity and liveability of the apartments. Each apartment is oriented to benefit from natural light, with open layouts that allow airflow through the building. Most apartments open on three sides, facilitating natural ventilation and reducing the need for mechanical cooling during warmer months. This thoughtful approach to design ensures that the building performs well thermally, enhancing comfort for residents while minimizing energy consumption.

The development also prioritizes passive thermal design, using materials and architectural features that help regulate the internal temperature of the building. Concrete and masonry have been selected for the facades of the building due to their ability to act as thermal mass. This helps reduce heating demands during colder months, thus lowering operational energy costs and enhancing overall sustainability.

The thermal envelope of the building is insulated, further contributing to its efficiency by minimizing heat loss in winter and preventing heat gain in summer. Sustainability is also addressed through the use of sustainable materials and a careful selection of finishes that are durable and long-lasting, particularly in the harsh marine environment of Manly. The finish on the facades is both environmentally friendly and resilient, ensuring the longevity of the building while reducing maintenance needs.

Water conservation has been integrated into the design through the collection of rainwater from the roofs and terraces. This rainwater will be repurposed for irrigating the landscaped areas and balcony planters, ensuring that the surrounding vegetation thrives while minimizing the use of potable water for landscape maintenance.

The building's western facade has been carefully designed with limited openings to reduce excessive solar heat gain from the afternoon sun. Where openings do exist, they are shaded by operable privacy screens and deep planter boxes that not only provide sun shading but also help cool the air through the natural processes of the plants. This thoughtful integration of green spaces enhances the building's environmental performance, providing residents with a comfortable and sustainable living environment while also contributing positively to the broader urban ecosystem.

Furthermore, the development includes the installation of six photovoltaic (PV) panels on the roof. This feature enhances the building's sustainability by generating renewable energy, decreasing dependence on grid power, and reducing ongoing operational costs. By incorporating solar energy into the design, the project aligns with contemporary sustainability standards and contributes to a lower overall carbon footprint for the building.

4.1 Manly Local Environmental Plan 2013

4.1.1 Zone and Objectives

The subject property is zoned R3 Medium Density Residential pursuant to Manly Local Environmental Plan 2013 (MLEP 2013) with residential flat buildings permissible in the zone with consent. The stated objectives of the R3 zone are as follows:

- *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.*

A residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing. The proposed 5 storey development contains 3 dwellings and to that extent is appropriately defined as a residential flat building and permissible with consent in the zone.

The proposed development meets the relevant zone objectives as it provides for the housing needs of the community within a medium density residential environment, and encourages the revitalisation of the subject site through suitable redevelopment. The development is not antipathetic to the balance of the zone objectives as outlined.

Accordingly, there are no statutory zoning or zone objective impediment to the granting of approval to the proposed development.

4.1.2 Height of Buildings

Pursuant to Clause 4.3 of MLEP 2013 the height of a building on the subject land is not to exceed 13 metres in height. The objectives of this control are as follows:

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

These provisions derogate from the Chapter 6 provisions of the Housing SEPP and accordingly do not apply.

4.1.3 Floor Space Ratio

Pursuant to Clause 4.4 MLEP 2013 the maximum FSR for development on the site is 1.5:1. The stated objectives of this clause are:

- (a) *to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*
- (b) *to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,*

- (c) *to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*
- (d) *to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,*
- (e) *to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.*

These provisions derogate from the Chapter 6 provisions of the Housing SEPP and accordingly do not apply.

4.1.4 Heritage Conservation – Heritage Impact Assessment

Pursuant to clause 5.10(4) of MLEP 2013 the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

Further, pursuant to clause 5.10(5) the consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The subject property is not heritage listed or located within a heritage conservation area however is located within the vicinity of the heritage listed Manly Beach Reserve.

This Heritage Impact Statement has been prepared in accordance with the standard guidelines of the NSW Heritage Office.

Heritage Considerations

The following aspects of the proposal respect or enhance the heritage significance of the adjacent buildings for the following reasons:

- The proposed development will have no amenity impact on the adjacent Beach Reserve in terms of privacy and overshadowing and will not impact on views to and from the item.
- The proposed building will contribute positively to the streetscape character and design quality of development located within the sites visual catchment.

The following aspects of the proposal could detrimentally impact on heritage significance.

- Nil

The following sympathetic solutions have been considered and discounted for the following reasons:

- Nil

Having given consideration to the impact of the proposed works on the significance of the adjacent heritage items I have formed the considered opinion that:

- The proposed development will have no amenity impact on the adjacent Beach Reserve in terms of privacy and overshadowing and will not impact on views to and from the item.
- The proposed building will contribute positively to the streetscape character and design quality of development located within the sites visual catchment.
- Accordingly, the proposed development will have a neutral impact on the significance of the Beach Reserve heritage item and its setting.

Accordingly, there is no statutory impediment to the granting of consent to the proposed works in this instance.

4.1.5 Acid Sulphate Soils

Pursuant to clause 6.1 MLEP 2013 the site is mapped as Class 4 on the Acid Sulfate soils map.

The accompanying Preliminary Acid Sulfate Assessment prepared by JK Environments contains the following conclusions:

Based on the weight of evidence collected and evaluated for this assessment, there is considered to be a low potential for ASS materials (AASS or PASS) to be disturbed to a maximum depth of approximately 6mBGL during the proposed development. On this basis, an ASSMP is not considered necessary for the proposed development described in Section 1.2 of this report to a maximum depth of approximately 6mBGL.

4.1.6 Earthworks

Having regard to the clause 6.2 MLEP 2013 Earthworks considerations the application is accompanied by a geotechnical investigation, dated 4th March 2025, prepared by JK Geotechnics.

Such report identifies excavation to a depth of approximately 3.5 metres and confirms that the development will not give rise to adverse environmental consequences subject to a number of construction recommendations. Compliance with the recommendations of this report should form a condition of development consent.

4.1.7 Foreshore Scenic Protection Area

Pursuant to clause 6.9(2) the land is identified on the Foreshore Scenic Protection Area Map. Pursuant to clause 6.9(3) development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:

- (a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,*
- (b) measures to protect and improve scenic qualities of the coastline,*
- (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,*
- (d) measures to reduce the potential for conflict between land-based and water-based coastal activities.*

Having regard to these provisions we have formed the considered opinion that the proposed development will not result in any actual or perceivable impact on the Foreshore Scenic Protection Area in that:

- The height, scale and architectural presentation of the development are contextually appropriate having regard to the built form characteristics established by adjoining development and that anticipated by the recently gazetted LMR provisions.

- Having regards to the Land and Environment Court of NSW planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed building offensive, jarring or unsympathetic to its context or surrounds.
- The development will not give rise to any adverse physical or amenity impacts on the foreshore areas and will enhance the visual amenity of the area generally.

For these reasons, Council can be satisfied that the development will not give rise to any actual or perceived impact on the Foreshore Scenic Protection Area having regard to the Clause 6.9 considerations.

4.1.8 Essential Services

Pursuant to clause 6.12 development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

We confirm that essential services and access are available to the proposed development without the need for augmentation.

4.2 Manly Development Control Plan 2013

4.2.1 General Principles of Development

4.2.1.1 Streetscape Townscape

We have formed the considered opinion that the development appropriately responds to the design principles contained at clause 3.1.1 of the Manly DCP as follows:

- The design quality and visual aesthetic of development on this site is significantly enhanced as a consequence of the contemporary building design proposed.
- The landscape quality of the development on this site is significantly enhanced as a consequence of the integrated landscape regime proposed.
- The height, form and massing of the development is complimentary and compatible with that established by adjoining medium density development generally within the sites visual catchment and that anticipated by the LMR provisions.
- The height, bulk and scale of the development will not give rise to any adverse streetscape impacts and will in fact enhance the scenic amenity of the area when viewed from surrounding public and private land.
- The proposed front and side boundary setbacks are consistent with those established by recently approved and constructed development along North Steyne.
- Development incorporates a varied palette of materials and finishes providing for a visually interesting building presentation in the round.
- Bin storage is integrated into the design of the development and appropriately screened such that it will not be discernible as viewed from the street.
- The development maintains appropriate levels of privacy, sunlight and view sharing to surrounding development as detailed in this report.

Council can be satisfied that the development responds appropriately to the Design Principles contained at clause 3.1.1 of the Manly DCP.

4.2.1.2 Landscaping

In accordance with the provisions of clause 3.3 of Manly DCP the application is accompanied by a landscape plan prepared by Paul Scrivener which shows appropriate ground level deep soil planting and upper-level planter box plantings to ensure the building sits within a landscape setting and appropriate visual privacy is maintained between adjoining development. We note that the site currently contains no landscaping and that the proposed landscape regime provides for a significant betterment in this regard. The application also proposes landscaping within the road reserve which is relatively wide in this location.

Such landscaping will provide for a significantly enhanced landscape outcome for the site and will soften the edges of the building form as viewed from the street frontage and the immediately adjoining residential properties. These provisions are satisfied.

4.2.1.3 Amenity (Views, Overshadowing, Overlooking/ Privacy, Noise)

The scheme has been developed through detailed site and contextual analysis to identify the constraints and opportunities associated with the site having regard to the height, proximity, and orientation of adjoining residential development. Particular attention has been given to ensuring that the development not only responds to its immediate existing and future built form context, and the form of development anticipated within the zone, but importantly, to ensure that appropriate residential amenity is maintained to the immediately adjoining residential properties in relation to solar access, views and privacy.

In relation to overshadowing, the accompanied shadow diagrams demonstrate that the proposal will not give rise to additional shadowing impact on the western adjoining properties fronting Whistler Street between 9am and 3pm on 21 June. In relation to the southern adjoining residential flat building 91 North Steyne we note that existing levels of solar access obtained to the east facing living room glazing and adjacent balconies of the lower level apartments are maintained with the minor reduction in sunlight to the living room windows within the uppermost level apartment not preventing the maintenance of at least two hours of solar access between 9am and 3pm on 21 June reduce to below 2 hours of sunlight in accordance with the ADG requirements.

Existing compliant levels of solar access to the balance of surrounding properties is not compromised due to the maintenance of established spatial separation and allotment orientation.

In relation to privacy we confirm that all balconies have been orientated to the street with the majority of habitable windows also orientated to the front and rear of the site. Planter boxes have been provided to afford additional privacy attenuation adjoining properties together with integrated privacy attenuation measures to the western rear boundary facing fenestration to prevent direct and immediate overlooking into the adjoining properties.

Whilst it is inevitable that some view impact will arise due to the increased height of development on the site the overall building height is below that anticipated for development within the inner LMR area and accordingly such impacts are reasonably anticipated. That said, all primary views currently available in an easterly direction towards Manly Beach from both immediately adjoining North Steyne properties will not be impacted with view sharing outcome achieved. We confirm that view impacts are limited to views currently available directly across the side boundaries of the subject site and which are only available as a result of the underdeveloped nature of the property. Views available across the front and rear boundaries of both adjoining properties are preserved. As view impacts are not caused by any non-compliant building height element view impacts are appropriately described as minor.

Under such circumstances we have formed the considered opinion that the identified view loss impacts arise from built form elements that are consistent with/ reasonably anticipated by the applicable controls and that the final design outcome achieved represents the more skilful design anticipated by the Court adopted planning principle. In this regard, we are satisfied that the development provides for a view sharing outcome is consistent with the principles outlined in the matter of *Tenacity Consulting Pty Ltd v Warringah Council* [2004] NSWLEC140.

4.2.1.4 Sustainability

The design provides for sustainable development, utilising passive solar design principles, thermal massing and achieves cross ventilation to a complying number of dwellings within the development.

A BASIX Certificate accompanies this application which confirms that development will exceed the NSW Government's requirements for sustainability.

4.2.1.5 Accessibility

Whilst the application is accompanied by a Statement of Compliance – Access for People with a Disability we note that the DCP requires adaptable housing in development with 4 or more dwellings. As there are only 3 dwellings proposed no adaptable units are required.

4.2.1.6 Stormwater Management

All stormwater will be disposed of to the street drainage system as detailed on the accompanying stormwater management plans prepared by JN Engineering.

4.2.1.7 Waste Management

The application is accompanied by a Waste Management Plan prepared by Senica Consultancy Group. The report confirms that waste facilities and equipment have been designed in accordance with Councils waste management policy. Waste storage and bulky good areas are located in the basement whilst a temporary bin collection area is nominated at the front of the site.

4.2.1.8 Mechanical Plant Equipment

The application does propose the installation of integrated mechanical plant. In this regard, the plant will not be readily discernible as viewed from outside the site and will not give rise to any adverse residential amenity impacts subject to the adoption of the noise attenuation measures detailed in the accompanying acoustic assessment prepared by PWNA.

4.2.2 Residential Development Controls

4.2.2.1 Dwelling Density and Subdivision

The subject site is located within Residential Density – Area D1 which prescribes a maximum density of 1 dwelling per 50m² of site area. This equates to a maximum density of 6.2 dwellings on the site. The stated objectives of this control are as follows:

- 1) *To promote a variety of dwelling types and residential environments in the LGA.*
- 2) *To limit the impact of residential development on existing vegetation, waterways, riparian land and the topography.*
- 3) *To promote a variety of allotments sizes, residential environments and housing density.*
- 4) *To maintain character of the locality and streetscape.*
- 5) *To maximise the use of existing infrastructure.*

The application proposes the demolition of the existing 6 dwellings located on the subject site and their replacement with 3 apartments of varying size. This equates to a density of 1 dwelling per 1013m² of site area is strict accordance with the control.

4.2.2.2 Height of Buildings

These provisions derogate from the LMR non-discretionary height of buildings development standard and accordingly do not apply.

4.2.2.3 Floor Space Ratio

These provisions derogate from the LMR non-discretionary FSR development standard and accordingly do not apply.

4.2.2.4 Setbacks

Having regard to the clause 4.1.4 setback provisions we note that the proposed development maintains complimentary and compatible front and rear setbacks having regard to the setbacks established by adjoining development. We have formed the considered opinion that the proposed development by virtue of its front and rear setbacks will not be perceived as inappropriate or jarring in a streetscape context.

The side boundary setback provisions require a setback equal to 1/3rd the wall height with the objectives of such control as follows:

- 1) *To maintain and enhance the existing streetscape;*
- 2) *To ensure and enhance local amenity by:*
 - *providing privacy;*
 - *providing equitable access to light, sunshine and air movement; and*
 - *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- 3) *To promote flexibility in the sighting of buildings;*
- 4) *To enhance and maintain natural features by:*
 - *accommodating planting, including native vegetation and native trees;*
 - *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining open space lands and National Parks; and*
 - *ensuring the provision of State Environmental Planning Policy number 19 – Urban Bushland are satisfied.*
- 5) *To assist in appropriate bushfire asset protection zones.*

The proposed building maintains a variable setback of between nil and 1 metre at ground, first and second floor level increasing at third floor level to between 1 metre and 2.075 metres. These setbacks are further increased at fourth floor level. Both the northern and southern building facades are highly articulated and modulated providing visual interest and ensuring exceptional design quality as viewed in the round. Having regard to the stated objectives of the controls we note the following:

- Although the setback reduces to nil adjacent to the northern boundary these parts of the building are well setback from the street frontage and are in locations where such setbacks do not give rise adverse streetscape, view loss, overshadowing or unacceptable privacy impacts. The adjoining building also has a nil setback to this boundary but for a much larger extent.
- The North Steyne precinct is characterised by residential flat development having intimate side boundary setbacks to adjoining development significantly less than anticipated by the DCP. Both immediately adjoining properties have building elements constructed to a nil side boundary setback with the setbacks proposed complementary and compatible with those established by development within the sites visual catchment. This is depicted in the following image.



Figure 11 – Diagram showing comparative side boundary setbacks established by adjoining development.

- The highly articulated side boundary setbacks maintain the rhythm of development and building setbacks within the street and provide appropriately for spatial separation, landscape opportunity, privacy, solar access and view sharing. The building appropriately addresses the street frontage and will contribute positively to streetscape character of this section of North Steyne.
- The proposed development will enhance the existing streetscape through the provision of a contemporary 5 storey building form which maintains complimentary and compatible front and side setbacks. Such setbacks will not be perceived as inappropriate or jarring in their context
- The proposed development, by virtue of its front and side setbacks and building design, will maintain appropriate levels of visual and aural privacy to adjoining development as previously detailed in this report.
- The proposed development, by virtue of its front, side and rear setbacks and building design, will provide appropriate access for adjoining development to light, sunshine and air movement.
- The proposed development, by virtue of its front, side and rear setbacks and building design, will achieve a view sharing outcome with adjoining development as previously detailed within this report. The proposal will not give rise to any adverse public view affectation.
- The proposed front, side and rear boundary setbacks provide appropriately for landscaping around the perimeter of the development.
- A variation to the control will promote flexibility in the siting of buildings with the development not giving rise to any adverse natural environmental impacts. We note that the subject site is not bushfire prone.

Consistent with the provisions of section 4.15(3A)(b) of the Act that prescribe that Council must apply some flexibility in applying DCP provisions particularly in circumstances where it can be demonstrated that the objectives of the control are achieved we are satisfied that strict compliance is both unreasonable and unnecessary under the circumstances.

Accordingly, the site specific and contextually responsive setbacks are considered entirely appropriate under the circumstances.

4.2.2.5 Open Space and Landscaping

Pursuant to clause 4.1.5 development on the land shall provide a minimum open space of 45% of the site area of which 25% shall be landscaped area. A maximum of 40% of the required open space can be above ground level. A minimum of 12m² of private open space must be provided for each apartment with a minimum dimension of 2 metres.

Based on a site area of 310.9m² a minimum total open space of 139.9m² is required as a landscaped area of 34.9m².

It has been determined that the development provides for approximately 35m² of total open space at the rear of the property having the required 3 metre dimension representing 8.8% of the site. This is primarily a function of the site geometry. Notwithstanding, the proposal provides for a total of 34.55m² of deep soil landscaping with an additional 73.99m² available in the form of on-slab planting treatments. The overall area available to be landscaped far exceeds the minimum 34.9m² requirement.

In relation to private open space we note that all apartments have well in excess of the 12sqm minimum requirement affording superior levels of amenity for all apartments.

Under such circumstances, a variation to the total open space requirement is considered acceptable. Consistent with the provisions of section 4.15(3A)(b) of the Act that prescribe that Council must apply some flexibility in applying DCP provisions particularly in circumstances where it can be demonstrated that the objectives of the control are achieved we are satisfied that strict compliance is both unreasonable and unnecessary under the circumstances.

4.2.2.6 Parking, Vehicular Access and Loading

These provisions are addressed in the Traffic Impact Assessment prepared by Stanbury Traffic Planning. Such report contains the following conclusions:

This report assesses the potential traffic and parking implications associated with a residential development containing three dwellings at 92 North Steyne, Manly. Based on this assessment, the following conclusions are now made:

- *The existing site development, comprising six dwellings, which is serviced by six on-site parking spaces, results in a reliance on surrounding public infrastructure to accommodate a car parking demand of up to three spaces, based on established parking requirements of MDCP;*

- *The proposed off-street vehicular parking provision exceeds minimum established parking requirements of MDCP;*
- *The proposal is accordingly expected to considerably reduce the existing potential reliance on the surrounding public car parking infrastructure, thereby improving general parking amenity of the precinct;*
- *The proposed off-street bicycle parking provision complies, or is capable of complying, with the established parking requirements of MDCP;*
- *The existing site access and internal circulation arrangements result in some motorists being required to either enter or exit the site via a reverse movement; • The proposed altered site access and internal circulation arrangements facilitate forward site entry and exit movements, thereby considerably improving the existing level of safety and efficiency;*
- *The implementation of the proposed internal traffic signal and vehicle lift management system to govern the internal circulation arrangements and the mechanical vehicle lift is expected to effectively facilitate safe and efficient internal passenger vehicle circulation arrangements, compliant with the relevant requirements of AS2890.1:2004;*
- *The existing site development is projected to generate three vehicle movements to and from the site during weekday commuter peak periods;*
- *The surrounding road network operates with a reasonable level of service during peak periods;*
- *The subject development has been projected to generate up to two peak hour vehicle trips to and from the subject site, being one trip fewer than being capable of being generated by the existing site development; and*
- *The proposal is accordingly expected to result in a reduced extent of impacts on the surrounding public road network in comparison to the existing site development; and*
- *The impacts of construction activities on adjoining traffic and pedestrian traffic are not anticipated to be unreasonable or exceed that which could be expected associated with the future operation of the proposed development.*

It is considered, based on the contents of this report and the conclusions contained herein, there are no traffic or parking related issues that should prevent approval of the subject application. This action is therefore recommended to Council.

4.5 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (*in italics*) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning. The relevant issues are:

The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.

The proposal is permissible and compliant with the nondiscretionary LMR development standards applicable to this form of development on this particular site and generally compliant with the built form and environmental outcomes anticipated by Manly Development Control Plan as reasonably applied.

In this regard the proposed side boundary setbacks maintain the rhythm of development and building setbacks within the street and provide appropriately for spatial separation, landscape opportunity, privacy, solar access and view sharing. The building appropriately addresses the street frontage and will contribute positively to streetscape character of this section of North Steyne. The internal design and apartment arrangement will afford exceptional amenity to future occupants.

The variation to the side boundary setback control succeeds pursuant to section 4.15(3A) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development. We also confirm that the subject property is surrounded by established residential flat and mixed-use development such that there is no opportunity to consolidate.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality.

Context and Setting

- i) *What is the relationship to the region and local context in terms of:***
- *the scenic qualities and features of the landscape?***
 - *the character and amenity of the locality and streetscape?***
 - *the scale, bulk, height, mass, form, character, density and design of development in the locality?***

- ***the previous and existing land uses and activities in the locality?***

The proposed development is of high architectural quality and will significantly improve the streetscape. The development provides an appropriate response to the form and character anticipated by the LMR in the R3 Medium Density Residential zone whilst ensuring that the development does not result in any unacceptable impacts on adjoining residential development in terms of loss of solar access, views, acoustic or visual privacy.

ii) What are the potential impacts on adjacent properties in terms of:

- ***relationship and compatibility of adjacent land uses?***
- ***sunlight access (overshadowing)?***
- ***visual and acoustic privacy?***
- ***views and vistas?***
- ***edge conditions such as boundary treatments and fencing?***

These matters have been discussed in detail throughout this report. In summary, the development will not result in any unreasonable loss of solar access to the adjoining residential properties nor will it result in any acoustic, privacy or visual privacy impacts that are beyond that which can reasonably be expected within a medium density urban environment.

Access, transport and traffic

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

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

The building is conveniently located within walking distance of the Manly Wharf bus terminus and ferry services. The immediate proximity to public transport will assist in minimising traffic generation and dependency on motor vehicles.

The development provides appropriately for car parking as detailed within this report.

Public domain

The development will contribute positively to the public domain.

Utilities

Existing utility services will adequately service the development.

Flora and fauna

The site does not contain any significant flora or fauna with landscaping enhanced as a component of the works proposed.

Waste

Residential waste collection is required for the proposed development. In this regard appropriate provision has been made for the waste storage and collection as detailed in the accompanying Waste Management Report prepared by Senica Consultancy Group.

Natural hazards

The site is not affected by any known hazards.

Economic impact in the locality

The proposed development will generate temporary employment during construction and through the employment of building and strata managers for the building.

Site design and internal design

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

- ***size, shape and design of allotments?***
- ***the proportion of site covered by buildings?***
- ***the position of buildings?***
- ***the size (bulk, height, mass), form, appearance and design of buildings?***
- ***the amount, location, design, use and management of private and communal open space?***
- ***landscaping?***

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the policy controls.

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

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

The building will comply with the provisions of the Building Code of Australia as detailed in the Building Code of Australia compliance report prepared by Concise Certification.

Construction

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

- **the environmental planning issues listed above?**
- **site safety?**

Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

The suitability of the site for the development.

Does the proposal fit in the locality?

- **are the constraints posed by adjacent developments prohibitive?**
- **would development lead to unmanageable transport demands and are there adequate transport facilities in the area?**
- **are utilities and services available to the site adequate for the development?**

The adjoining development does not impose any unusual or impossible development constraints. The site is well located with regard to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

Are the site attributes conducive to development?

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed development.

Any submissions received in accordance with this Act or the regulations.

It is envisaged that council will take into consideration any submissions made in relation to the proposed development.

The public interest.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the desired built form outcomes as reflected through the reasonable application of the adopted legislative framework.

The development is of high quality architectural design that provides a positive contribution to the streetscape and is compatible with the form and character established by development within the sites visual catchment. For these reasons the development is considered to be in the public interest.

The proposal is consistent with the aim of Chapter 6 of the Housing SEPP being to encourage the development of low and mid rise housing in areas that are well located with regard to goods, services and public transport.

5.0 CONCLUSION

This application is made pursuant to the Chapter 6 Low and Mid-Rise Housing (LMR) provisions of *State Environmental Planning Policy (Housing) 2021* (SEPP Housing) which came into effect on 28th February 2025.

The proposal is permissible and compliant with the nondiscretionary LMR development standards applicable to this form of development on this particular site and generally compliant with the built form and environmental outcomes anticipated by Manly Development Control Plan as reasonably applied.

The architect has responded to the client brief to provide a site-specific design response which takes advantage of the properties superior locational attributes whilst respecting the environmental characteristics of the site and the amenity of adjoining development. The outcome is a building of exceptional design quality which displays a highly articulated building form which appropriately responds to the sites size and geometry and the constraints imposed by the siting and design of adjoining development in relation to privacy, solar access and views.

The final design has been developed through detailed site and context analysis with the resultant building displaying a complimentary and compatible building form compared to other residential flat development along this section of North Steyne. The development will provide diversity in housing choice on a site ideally suited to medium density housing given its R3 Medium Density Residential zoning, its proximity to the Manly Town Centre and in circumstances where the recently commenced LMR provisions identify the suitability of land within 800 metres walking distance of town centres for increased residential densities.

The building façades have been appropriately articulated and modulated with this submission demonstrating that the proposal will not give rise to inappropriate or jarring streetscape, heritage conservation, residential amenity or broader environmental consequences.

In this regard the proposed side boundary setbacks maintain the rhythm of development and building setbacks within the street and provide appropriately for spatial separation, landscape opportunity, privacy, solar access and view sharing. The building appropriately addresses the street frontage and will contribute positively to streetscape character of this section of North Steyne. The internal design and apartment arrangement will afford exceptional amenity to future occupants.

The variations to the side and rear boundary setback and total open space controls succeed pursuant to section 4.15(3A) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development. We also confirm that the subject property is surrounded by established residential flat and mixed-use development such that there is no opportunity to consolidate.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the Act. It is considered that the application, the subject of this document succeeds on merit and is worthy of the granting of development consent.

Boston Blyth Fleming Pty Limited

A handwritten signature in black ink, appearing to read 'Greg Boston', is positioned above the printed name.

Greg Boston
B Urb & Reg Plan (UNE) MPIA
Director