

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED CONSTRUCTION OF ALTERATIONS AND ADDITIONS
TO AN EXISTING MIXED USE DEVELOPMENT**

LOCATED AT

29-33 PITTWATER ROAD, MANLY

FOR

JSALT PTY LTD



**Prepared
February 2020**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of JSALT Pty Ltd by Alastair Robb Chartered Architect dated October 2019 and November 2019 to detail proposed additions and alterations to an existing mixed use development at **29-33 Pittwater Road, Manly**.

The site was recently the subject of Development Application – DA20919/0083, with Notice of Determination dated 17 July 2019 providing development consent for “*Alterations and Additions to an existing Mixed Use Development*”.

The development consent was subsequently modified under s4.55 (1) of the Environmental Planning & Assessment Act 1979 on 1 August 2019 & 12 August 2019 to correct issues within the original Notice of Determination.

The consent has not commenced and no works under DA2019/0083 as modified, have commenced.

The subject proposal will seek consent for a generally similar proposal, with minor alterations to the approved form of the development. Additionally, Northern Beaches Council have introduced the Northern Beaches Section 7.12 Contribution Plan 2019, which provides for an alternate method for the imposition of development contributions.

For clarity with the proposed revised design and to address the requirements of the Northern Beaches Section 7.12 Contribution Plan 2019, the subject proposal is presented to Council in the form of new Development Application.

This Statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, (as amended) including:

- *The Environmental Planning and Assessment Act, 1979 as amended.*
- *The Environmental Planning and Assessment Regulation 2000.*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy – 65 Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*
- *Northern Beaches Section 7.12 Contribution Plan 2019*

This statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. The construction of alterations and additions to the existing mixed use development is considered to be consistent with the aims and provisions of Council’s Codes and Policies.

The original proposal was the subject of pre-lodgment discussions with Council’s staff and the recommendations of the staff were considered in the design. The subject proposal seeks to revise the approved design detailed under DA2019/0083 as modified and as a result of this assessment

it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

1.1 List of Consultant Reports and other supporting documentation

The preparation of this Statement has had regard for the following documents which accompany the Development Application:

- Architectural plans prepared by Alastair Robb Chartered Architect, Plot date October 2019 & November 2019, comprising:

<i>PR-01</i>	<i>Rev C</i>	<i>Floor Plans</i>
<i>PR-02</i>	<i>Rev B</i>	<i>Floor Plans (2) & South Elevation</i>
<i>PR-03</i>	<i>Rev C</i>	<i>Elevations</i>
<i>PR-04</i>	<i>Rev B</i>	<i>Roof Plan & Finishes</i>
<i>PR-05</i>	<i>Rev B</i>	<i>Cross Section</i>
<i>PR-06</i>	<i>Rev -</i>	<i>Long Section</i>
<i>PR-S1</i>	<i>Rev A</i>	<i>Shadow Diagrams</i>
<i>PR-SA1</i>	<i>Rev B</i>	<i>Site Analysis Plan</i>

- Statement of Heritage Impact prepared by Hector Abrahams Architects (V.1.4.1), dated August 2018.
- Survey Plan prepared by W. Buxton Pty Ltd, Reference No 200724 dated 22 February 2002.
- Traffic and Parking Assessment prepared by Ray Dowsett Traffic and Transport Planning Pty Ltd, Reference No. 1758, dated 25 June 2018 and as reviewed by Transport and Traffic Planning Associates dated 16 December 2019, Reference No 372/2019, Rev B.
- Building Code of Australia – Design Compliance Report prepared by Private Certifiers Australia, dated 22 August 2018
- Part J BCA Report prepared by Frys Energy Wise
- Annual Fire Safety Statement prepared by Betta Fire Protection dated 11 May 2017

2.0 Property Description

The site is described as **29-33 Pittwater Road, Manly**, being Lot 1 within DP 76807 and is zoned B2 Local Centre under the Manly Local Environmental Plan 2013.

The site is not heritage listed, however it is located within the Pittwater Road Conservation Area. In addition, the site is within the vicinity of a number of heritage items, comprising:

- Item No. I134 26 Denison Street Row house
- Item No. I135 28 Denison Street Row house
- Item No. I136 30 Denison Street Row house
- Item No. I137 32 Denison Street Row house
- Item No. I138 34 Denison Street Row house
- Item No. I139 36 Denison Street Row house
- Item No. I140 38 Denison Street Row house
- Item No. I164 Kangaroo Reserve Park Natural escarpment
- Item No. I198 25-27 Pittwater Road Pair of houses

The site is identified as being within the Class 5 Acid Sulfate Soils area. This issue is discussed further within this submission.

3.0 Site Description

The site is located on the south-western corner of the intersection of Pittwater Road and Denison Street, and the rear boundary adjoins Kangaroo Lane.

The site has a total frontage of 14.02m to Pittwater Road, with a secondary frontage of 50.98m to Denison Street. The southern boundary is 45.72m in length, with the rear boundary facing Kangaroo Lane measuring 14.325m. The site has a total area of 665.3m².

The site is currently developed with a three storey mixed use development, comprising a range of commercial uses at the ground floor and first floor level, with existing short term rental accommodation at the second floor level.

The details of the site are indicated within the survey plan prepared by W. Buxton Pty Ltd, Reference No 200724 dated 22 February 2002, which accompanies the DA submission.

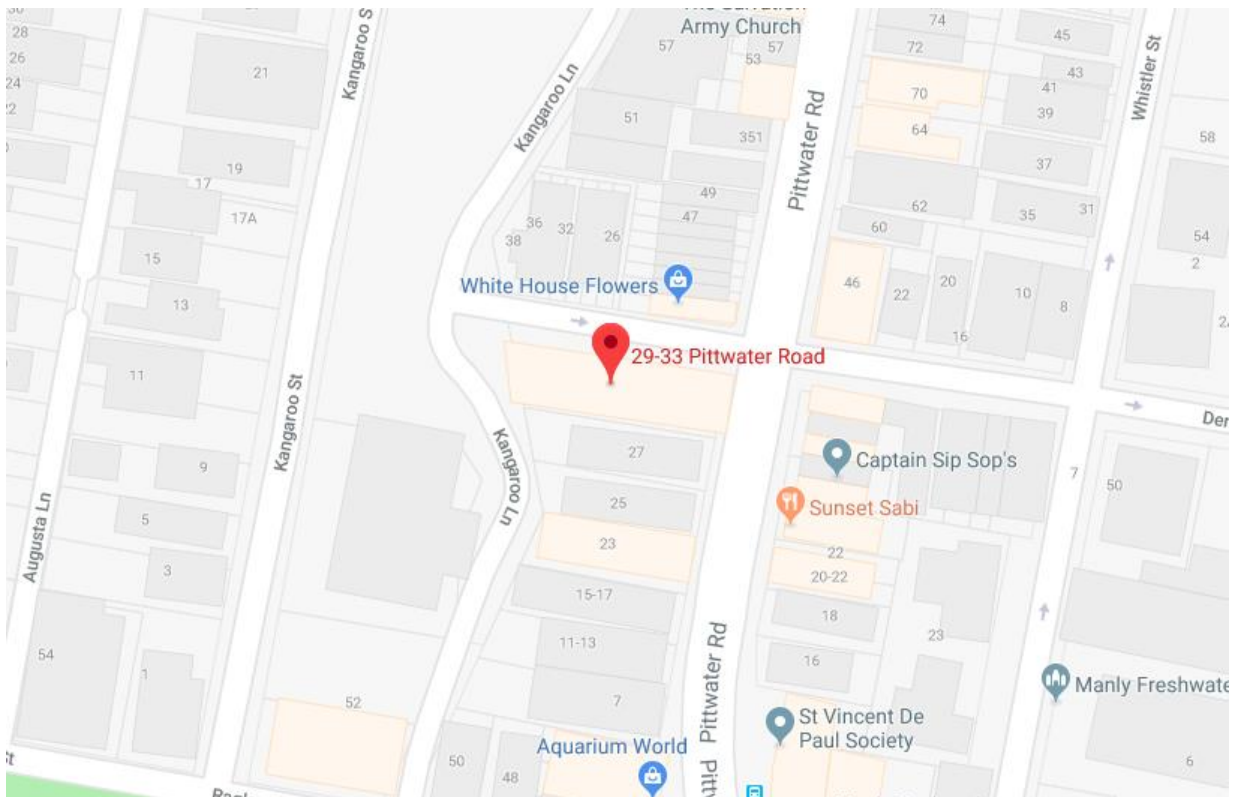


Fig 1: Location map
(Source: Google Maps)



Fig 2: View of subject site looking south from Pittwater Road



Fig 3: View of subject site and northern façade facing Denison Street, looking south-west from Pittwater Road



Fig 4: View of subject site and southern façade facing Denison Street, looking north-west from Pittwater Road



Fig 5: View of subject site and adjoining heritage listed dwelling at No 27 Pittwater Road, looking west from Pittwater Road



Fig 6: View of streetscape of Pittwater Road to the south of the site, looking south-west



Fig 7: View of subject site and looking west along Denison Street



Fig 8: View of subject site and looking east along Denison Street



Fig 9: View of northern side of Denison Street opposite subject site, looking north-east



Fig 9: View of north-western corner of subject site and rear frontage facing Kangaroo Lane, looking south-east



Fig 10: View of rear elevation of subject site and rear frontage facing Kangaroo Lane, looking south



Fig 11: View of existing streetscape to the south of the subject site within Kangaroo Lane, looking south-east

4.0 Surrounding Environment

The area surrounding the site along Pittwater Road is represented by a mix of residential and commercial development.

The adjoining properties to the north contain a mix of single and two storey commercial & residential development, and the adjoining property to the south currently comprises a heritage listed dwelling and a one and two storey commercial development (approved Yoga Studio and current Development Application No 2017/1229 sought to provide for five storey residential flat development under Council's heritage conservation incentive provisions - see site sketch below. DA2017/1229 was issued as a Deferred Commencement Consent by NBLPP in December 2018 and the terms of the deferred commencement schedule were subsequently modified on 21 August 2019.

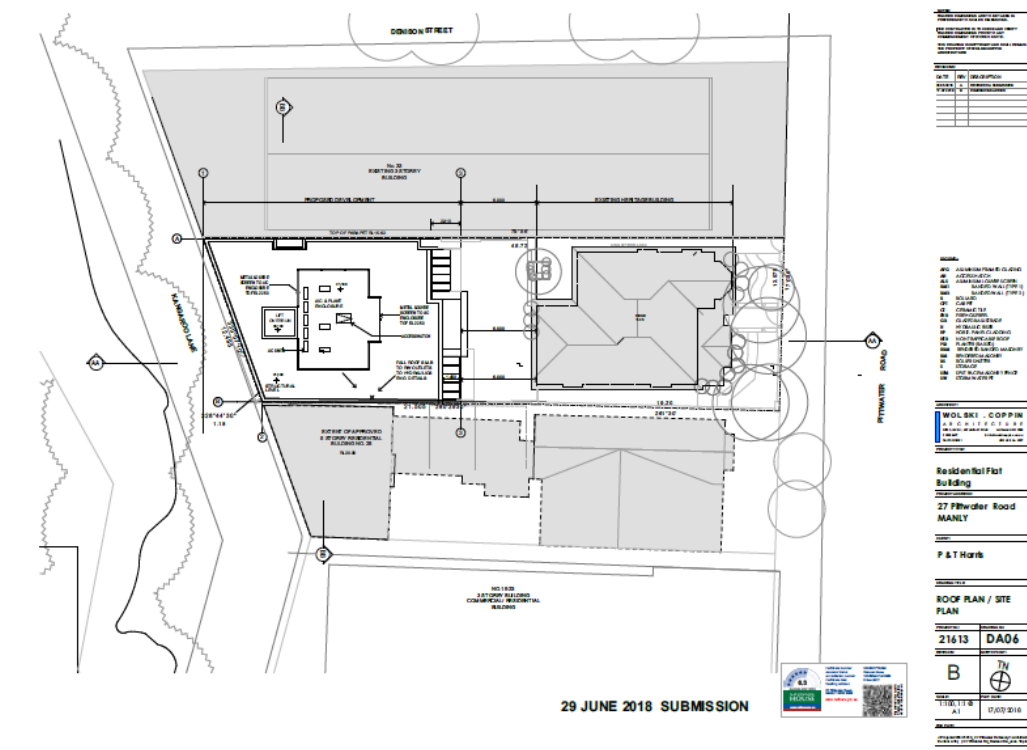


Fig 12: Extract of approved site layout – DA No 2017/1229

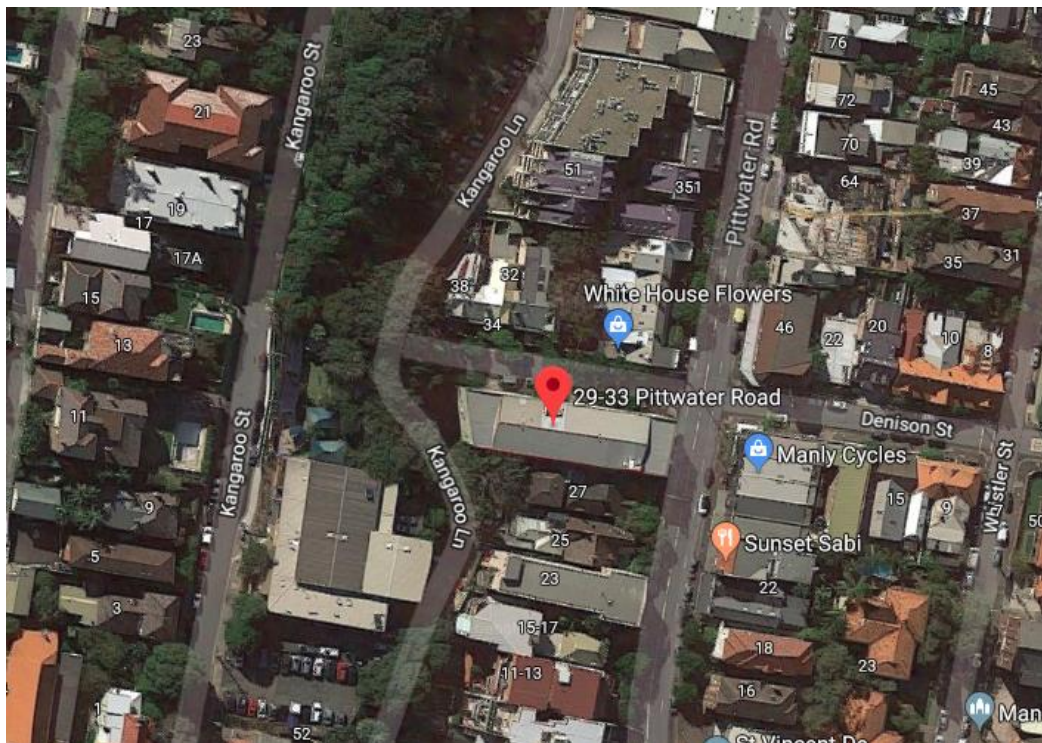
Development opposite the site on the eastern side of Pittwater Road comprises commercial development at the ground floor level, with shop top housing above.

A photomontage of the immediate vicinity of the site and its location in the streetscape of Pittwater Road has been prepared and is included as Figure 15 (see over).

The montage demonstrates that the upper level addition will not detract from the rhythm of larger buildings which are evenly spaced along the west side of Pittwater Road.



Fig 13: Photomontage looking north along Pittwater Road to demonstrate that the proposed development will retain a consistent rhythm with the existing larger buildings, which are evenly spaced along the western side of Pittwater Road



**Fig 14: Aerial view of subject site
(Source: Google Maps)**

5.0 Proposed Development

As detailed within the accompanying architectural plans it is proposed to provide for alterations and additions to an existing mixed use development.

The proposal will provide for a new third floor level, comprising 4 x commercial suites each with a bathroom and kitchenette. The commercial suites will have a floor area between 55m² and 79m².

The proposed works will comprise the following changes from the previously approved works:

Ground Floor

- Disabled toilet relocated to sit next to the new passenger lift (which has been located closer to the position of the old lift).
- Passenger lift has door facing east at this level.
- The awning on Denison Street has been extended west to encompass the new door to the lift lobby.
- The large shop has been extended and a dedicated toilet & sink added under the new stair up to the Gym.
- There is now a platform lift and steps up to the parking exit, which now discharges to Denison Street.
- The electrical room has been relocated to sit behind the disabled toilet (accessible off the delivery bay).
- The shop area at the front of the property has increased from 128m² to 133m² and the commercial space has also increased from 105m² to 109m².
- A garbage store area is provided at the north-western corner with access to Denison Street.

First Floor

- The passenger lift opens on the south side, directly into the general Gym area.
- A small plant room has been provided at first floor level (south west corner).
- The Gross Floor Area (GFA) at this level has reduced slightly from 601m² to 594m². This is due to the 'new' stair in the south east corner which provides access directly into the Gym.

Second Floor

- The lift is now on the north side of the central hallway – Bedrooms B9 & B10 are now unaffected.
- Bedrooms B3 & B4 are now to have skylights added as these rooms will effectively lose all natural light as a result of the approved development to the south.
- A common kitchen has been reinstated next to the common laundry.
- The GFA at this level has increased from 536m² to 548m². This is due to the removal of one lift and the more efficient arrangement of the stairs & new lift.

Third Floor

- The new lift is now between Suite 3 & Suite 4.
- There is still no disabled toilet at this level, as there is an accessible toilet adjacent to the lift at the ground floor level.
- All of the toilets in the commercial suites now have a shower included (which has made these amenities larger) and the planning of the commercial suites has been revised to accommodate the overall changes.
- The skylights to the bedrooms below are shown (nominal size).

South Elevation

- This has been revised to show the new 'exit' door towards the front of the building (at roof terrace level).
- The windows which will be impacted by the approved development on No. 27 Pittwater Road have been shown removed / blocked up.
- A note has been added to the elevation in relation to the demolition and re-building to rectify the boundary alignment.

Extent of Previously Approved works and which form the basis of this submission

Ground Floor

- New entry from Pittwater Road
- Remove existing stair to gym
- Remove existing north-eastern stairs to provide new shop with new shopfront window
- New stairs to serve upper levels
- Widen 2 x garage doors to Denison Street frontage
- New pedestrian entry from Denison Street and recommission existing lift
- New garbage storage
- New OSD

First Floor

- New stairs and gym entry
- Re-furbishment of the first and second floor levels of the northern façade, including re-configuration of the window openings seeking to completely tidy up this elevation to present a better considered and ordered façade to the residential property's opposite. This refurbishment will involve new finishes & materials being used in the construction as well as the rationalisation of the external pipework which currently runs all over the north elevation.

Second Floor

- Reconfigure window openings and rationalise the northern façade (as noted above)
- Replace common kitchen with Bedroom 16
- New stairs
- Extend fire stairs to third floor

Third Floor

- 4 x commercial suites with kitchenette and WC
- 2 x stairs

The proposed external finishes will comprise a mix of face brickwork elements with rendered masonry construction, with a low pitched colorbond roof. The external finishes are detailed within Drawing PR-04.

In order to reduce the overall bulk and scale of the new works, the proposed new third storey provides an additional setback from all boundaries, and will therefore not be prominently visible at street level.

These new works are sympathetic to the existing building and the conservation area.

Pedestrian access to the commercial tenancies is available from both Pittwater Road to the east and Denison Street to the north.

The development indices for the site are:

Site Area	665.3m ²
Allowable FSR	2.5:1 or 1663.25m ² *
Proposed total floor area	1644m ² or 2.48:1

**Note:*

Manly LEP 2013 Clause 4.4 (2A) allows for an additional 0.5:1 FSR provided at least 50% of the GFA will be used for commercial purposes.

The proposal provides for a total Gross Floor Area of 1644m².

The proposed GFA presents a commercial component comprising:

<i>Ground Floor Level</i>	<i>242m²</i>
<i>First Floor Level</i>	<i>594m²</i>
<i>Third Floor Level</i>	<i>260m²</i>

Total Commercial GFA 1096m² or 66.6% of the total area is utilised for commercial purposes.

Therefore the permissible FSR can be up to 2.5:1 and on this basis, the proposal complies with the FSR control.

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

6.2 State Environmental Planning Policy – 65 Design Quality of Residential Apartment Development

The subject site comprises commercial development and short term accommodation only, with no dwellings and therefore provisions of SEPP 65 therefore do not apply.

6.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal is not subject to the provisions of SEPP BASIX.

6.4 Manly Local Environmental Plan 2013

The land is zoned B2 Local Centre under the provisions of the MLEP 2013.

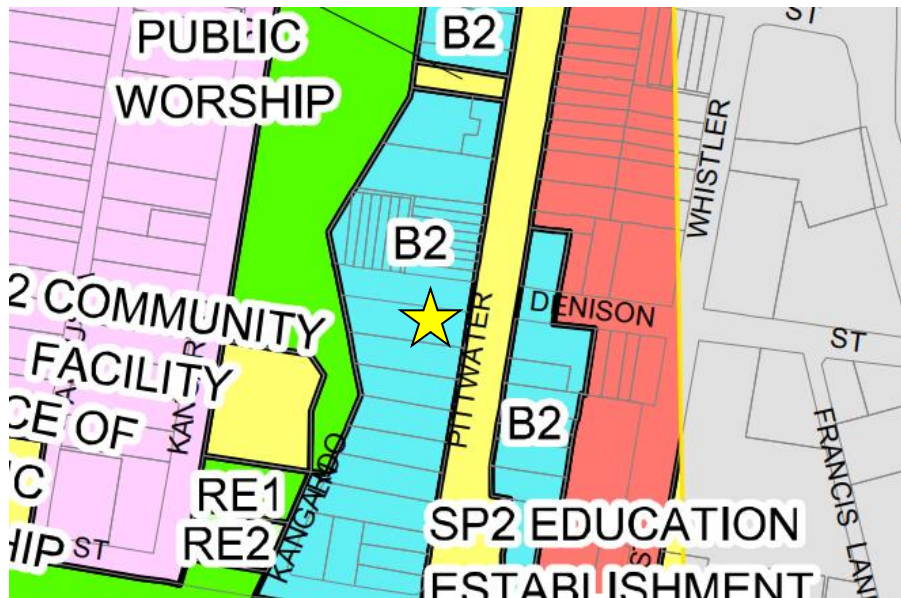


Fig 15: Extract of Manly Local Environmental Plan 2013

The development of and use of the land for commercial purposes is consistent with the B2 Local Centre objectives, which are noted (over) as:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To minimise conflict between land uses in the zone and adjoining zones and ensure amenity for the people who live in the local centre in relation to noise, odour, delivery of materials and use of machinery.*

It is considered that the proposed additions and alterations to the existing mixed use development will achieve the zone objectives and are consistent with the established character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing varied commercial and residential development within the locality.
- The proposed development respects the general scale and form of the surrounding dwellings in the vicinity and therefore complements the locality.
- The setbacks are compatible with the existing surrounding development, together with the siting of the existing development.
- The proposal does not have any unreasonable impact on long distance views for the neighbouring properties.
- The works will provide for alterations to an existing mixed use development which will maintain consistency with the existing scale and character of the locality.
- The works will retain an appropriate level of amenity to the adjoining properties.
- The proposal does not unreasonably obstruct any significant views from private property or the public domain.
- As detailed in this report the proposal maintains appropriate solar access to the surrounding properties.

Clause 4.3 – Height of buildings

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The building height limit for development in this portion of Manly is 15m. The proposed new works will provide a maximum building height of 13.42m above the ground floor level and therefore readily complies with this control.

Clause 4.4 – Floor space ratio

The maximum floor space ratio for development in the B2 Local Zone is 0.2:1. A variation provision within Clause (2A) is available and provides for the following:

(2A) Despite subclause (2), the floor space ratio for a building on land in Zone B2 Local Centre may exceed the maximum floor space ratio allowed under that subclause by up to 0.5:1 if the consent

authority is satisfied that at least 50% of the gross floor area of the building will be used for the purpose of commercial premises.

The proposal provides for a total Gross Floor Area of 1644m².

The proposed GFA presents a commercial component comprising:

Ground Floor Level	242m ²
First Floor Level	594m ²
Third Floor Level	260m ²

Total Commercial GFA 1096m² or 66.6% of the total area is utilised for commercial purposes.

Therefore the permissible FSR can be up to 2.5:1 and on this basis, the proposal complies with the FSR control.

Clause 5.9 – Preservation of trees or vegetation

The proposal will not see the loss of any significant native vegetation.

Clause 5.10 – Heritage conservation

The site is not heritage listed, however it is located within the Pittwater Road Conservation Area. In addition, the site is within the vicinity of a number of heritage items, comprising:

- Item No. I134 26 Denison Street Row house
- Item No. I135 28 Denison Street Row house
- Item No. I136 30 Denison Street Row house
- Item No. I137 32 Denison Street Row house
- Item No. I138 34 Denison Street Row house
- Item No. I139 36 Denison Street Row house
- Item No. I140 38 Denison Street Row house
- Item No. I164 Kangaroo Reserve Park Natural escarpment
- Item No. I198 25-27 Pittwater Road Pair of houses

It is assumed that the area has been identified for its contribution to the local heritage significance due to the largely intact street appearance of the existing development, particularly in this instance as the property faces Pittwater Road.

The proposal is supported by a Statement of Heritage Impact prepared by Hector Abrahams Architects, dated August 2018.

The SOHI includes the following assessment:

Conclusion

The proposal has been assessed against the criteria of the NSW Office of Environment & Heritage and the Manly DCP. Proposed additions and alterations are sympathetic to the building itself and

to the conservation area, retaining the aesthetically significant original fabric on the Pittwater Road façade and continuing the historic mixed-commercial use of the building.

The addition of a third-floor space is the most significant alteration. It will have minimal impact on the form or appearance of the building as it is set-back from the edge of the roof with low visibility from the street. It is of a form generally sympathetic to the existing building and it will not negatively impact the heritage significance of the item.

Other substantial alterations to the north façade, including the removal and replacement of windows, will only effect fabric of little significance or fabric that is intrusive. The only exception to this is the need to widen the garage doors, which is required for compliance reasons.

All original fabric is to be retained, and all other additions and alterations including to interiors concern fabric of little significance.

In heritage terms, the proposed development is supportable.

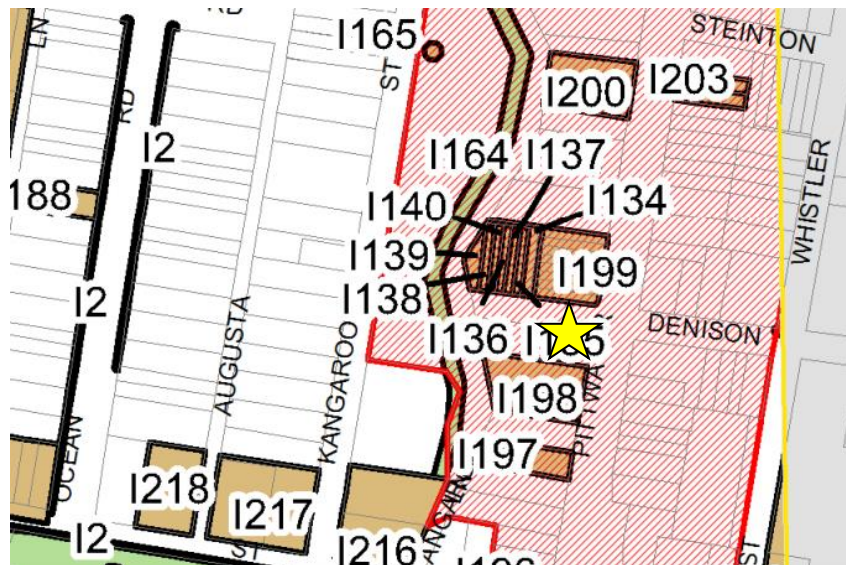


Fig 16: Heritage Map Extract (MLEP 2013)

The objectives of the clause are noted as:

- (a) to conserve the environmental heritage of Manly,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The proposed works seek to provide for alterations and additions to an existing mixed use development, including a third floor addition. The proposed third floor addition presents an additional setback from the front, rear and side boundaries, and will therefore not be prominently visible from the public domain.

A photomontage of the immediate vicinity of the site and its location in the streetscape of Pittwater Road has been prepared and is included as Figure 19 below.

The proposal will readily comply with the statutory height limit and maximum floor space ratio and as a result, is considered to maintain consistency with the bulk and scale of the existing surrounding development.



Fig 17: Photomontage looking north along Pittwater Road to demonstrate that the proposed development will retain a consistent rhythm with the existing larger buildings, which are evenly spaced along the western side of Pittwater Road

The proposed works have been designed to reflect the styling and form of the front of the existing building and other similar additions to the surrounding area, and will not detract from the significance of the Pittwater Road Heritage Conservation Area.

The proposed new floor area has been designed in a form which matches the style and scale of the existing building and by integrating the new works with the existing building, will maintain the scenic quality of the area.

Given the modest size of the third floor addition, it is considered that the massing and form of the new works will not adversely affect the conservation area.

Clause 6.1 – Acid sulfate soils

The area is noted as being within the Class 4 Acid Sulfate Soils. No excavation is required to accommodate the proposed works, and as such, no further investigation is considered to be necessary.

Clause 6.2 – Earthworks

The proposal will not require any disturbance to the site. All works will be carried out under the supervision and direction of a Structural Engineer and will be managed to ensure that the amenity and safety of the subject and neighbouring buildings will be protected.

Clause 6.4 – Stormwater management

The stormwater from the development will be connected to the existing system which discharges to the street gutter, with details of the system to be provided with the Construction Certificate documentation.

Clause 6.11 – Active street frontages

The Pittwater Road frontage of the site is noted within the Active Street Frontages area on Council's mapping. The site will maintain and enhance the existing active street frontage of the site to Pittwater Road.

Clause 6.13 – Design excellence

This clause provides the following:

- (4) *In considering whether development exhibits design excellence, the consent authority must give consideration to whether the development:*
- (a) *contains buildings that consist of a form, bulk, massing and modulation that are likely to overshadow public open spaces, and*
 - (b) *is likely to protect and enhance the streetscape and quality of the public realm, and*
 - (c) *clearly defines the edge of public places, streets, lanes and plazas through separation, setbacks, amenity, and boundary treatments, and*
 - (d) *minimises street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access, and*
 - (e) *encourages casual surveillance and social activity in public places, streets, laneways and plazas, and*
 - (f) *is sympathetic to its setting, including neighbouring sites and existing or proposed buildings, and*
 - (g) *protects and enhances the natural topography and vegetation including trees, escarpments or other significant natural features, and*
 - (h) *promotes vistas from public places to prominent natural and built landmarks, and*
 - (i) *uses high standards of architectural design, materials and detailing appropriate to the building type and location, and*

- (j) responds to environmental factors such as wind, reflectivity and permeability of surfaces, and*
- (k) coordinates shared utility infrastructure to minimise disruption at street level in public spaces.*

The proposal largely maintains the general form of the existing building, with the proposed new upper level to provide an increased setback to all boundaries, and is therefore not prominently visible from street level.

The proposed new works comprise quality external finishes which will enhance the streetscape appearance of the building, and ensure that the development complements the heritage conservation area and nearby heritage items.

The proposed alterations and additions to the existing mixed use development are considered to facilitate design excellence, and the proposal is therefore considered to be in keeping with the provisions of this clause.

Clause 6.15 – Tourist and visitor accommodation

This control seeks to maintain the supply and availability of tourist and visitor accommodation in Manly. The proposal will maintain the existing serviced apartments, with only minor internal layout changes proposed to accommodate the new stair and lift access points. The proposal will therefore maintain compliance with the provisions of this clause.

Clause 6.16 – Gross floor area in Zone B2

The development comprises commercial premises only and therefore will comfortably comply with the requirement for a minimum of 25% of the gross floor area to be used for commercial premises.

There are no other clauses of the MLEP 2013 that are considered to be relevant to the proposed development.

It is considered that the proposal achieves the requirements of the MLEP.

6.5 Manly Development Control Plan 2013 – Amendment 11

Councils DCP Development Control Plan 2013 – Amendment 11 provides the primary control for development within the area.

The DA submission will address the Council's submission requirements outlined in Part 2 – Process.

The primary areas which are applicable to the proposed works are detailed within Part 3 – General Principles of Development & Part 4 – Development Controls and Development Types.

Clause 3.1.3 Townscape (Local and Neighbourhood Centres)

The proposed additions and alterations to the existing building will see the introduction of a new third floor level. The proposed third floor level is set back from the front, rear and side boundaries and will not be prominently visible from street level and in this regard, the development will respect the established character.

The new works are complementary to the existing locality and will not introduce a dominant or uncharacteristic element within the local streetscape.

Clause 3.2 Heritage Considerations

As discussed, the proposed works have been designed to reflect the existing styling and form of the existing building, together with the subject conservation area and nearby heritage items.

The proposed new floor area has been designed in a form which matches the style and scale of the existing building and by integrating the new works with the existing building, will maintain the scenic quality of the area.

The proposed third floor addition is well set back from the front, rear and side boundaries, and it is considered that the massing and form of the new works will not adversely affect the integrity and amenity of the conservation area.

A Statement of Heritage Impact has been prepared by Hector Abrahams Architect, dated June 2018, which concludes that the proposed development is supportable in heritage terms. The proposal is therefore considered to satisfy the provisions of this clause.

Clause 3.3 Landscaping

The new works do not alter the existing footprint, and no native planting is to be removed to accommodate the new works.

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

The objectives of the clause are noted as:

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

It is suggested that the works will achieve these objectives as:

- The proposal will not see any loss of privacy for surrounding residential development. The revised fenestration along the northern façade will not all be clear / transparent glazing, with the lower portions of the openings (which are designed to appear as 'faux' balconies) being treated with fixed, obscure / opaque glazing to ensure that the privacy both to and from the residences opposite is maintained.
- As noted in the submitted shadow diagrams, the proposed additions will not see any unreasonable diminution of the solar access enjoyed by the neighbouring properties.
- The proposed additions to the existing building will retain equitable access to the available views for the surrounding dwellings.

Clause 3.5 Sustainability

The proposed third floor has been designed to maximise solar access in keeping with the principles of ecologically sustainable development.

Clause 3.7 Stormwater Management

The stormwater from the development will be connected to the existing system which discharges to the street gutter, with details of the system to be provided with the Construction Certificate documentation.

Clause 3.6 Accessibility

The proposal will see the substantial improvement of the site access, with a new lift and new internal access stairs. The proposal is therefore considered to satisfy the provisions of this clause.

Clause 3.8 Waste Management

The proposal seeks to achieve the relevant objectives, which state:

- 1) *Minimise overall environmental impacts of waste in accordance with regional waste plans and Federal and State Government waste minimisation targets.*
- 2) *Encourage environmentally protective waste management practices on construction and demolition sites which include:*

- *sorting of waste into appropriate receptors (source separation, reuse and recycling) and ensure appropriate storage and collection of waste and to promote quality design of waste facilities;*
 - *provision of design standards that complement waste collection and management services offered by Council and private service providers;*
 - *building designs and demolition and construction management techniques which maximises avoidance, reuse and recycling of building materials and which will minimise disposal of waste to landfill; and*
 - *appropriately designed waste and recycling receptors are located so as to avoid impact upon surrounding and adjoining neighbours and enclosed in a screened off area.*
- 3) *Encourage the ongoing minimisation and management of waste handling in the future use of premises.*
- 4) *Provide advice to intending applicants on:*
- *matters to be considered when assessing the waste implications of DAs;*
 - *sound waste management practices and requirements for the preparation of waste management plans; and*
 - *the reduction and handling of waste during the demolition and construction phase.*

Construction waste will be minimised, with waste materials to be recycled off site and re-used where possible.

Part 4 – Residential Development Controls

Compliance Table

Control	Required	Proposed	Compliance
Clause 4.2.1 FSR	Maximum FSR – 2.5:1 (including additional 0.5:1 FSR available when commercial gross floor area component exceeds 50% of total GFA. Proposed commercial GFA - 1096m ² or 66.6% of the total area is utilised for commercial purposes.	Maximum FSR – 2.48:1 or 1644m ²	Yes
Clause 4.2.2 Height of Buildings	Maximum height – 15m	Maximum height – 13.42m	Yes
Clause 4.2.3 Setback controls in LEP Zones B1 and B2	Nil setback unless otherwise specified	Existing nil setback at lower levels maintained. Additional setback provided from front, rear and side boundaries for the new third floor level to minimise the visual impact of the development.	Yes
Clause 4.2.4 Car parking, vehicular access and loading controls for all LEP business zones including B6 Enterprise Corridor	Vehicular Access is to be provided for all new buildings in such a manner that all vehicles enter and leave the site in a forward direction.	Forward entry and exit is not available due to the siting of existing development. The proposal will improve the existing access by widening	N/A – existing building

Control	Required	Proposed	Compliance
	Parking for new commercial tenancies = 1 car space/40sqm (8 additional spaces)	<p>two garage doors to Denison Street.</p> <p>It is noted that Clause 4.2.5.4 of Manly DCP 2013 requires that no more than 50% of the required car parking spaces can be provided on site, with the remainder being provided by way of monetary contribution in accordance with Northern Beaches Council's s7.12 Contributions Plan.</p> <p>In accordance with the requirements of Clause 4.2.5.5 (b), the proposal is seeking to provide 50% of the required parking on site.</p> <p>The architectural plans includes 'Parking Notes' and as discussed in the Traffic and Parking Assessment prepared by Ray Dowsett Traffic and Transport Planning Pty Ltd, Reference No. 1758, dated 25 June 2018 and as further considered by Transport and Traffic Planning Associates under Report Reference 372/2019 Rev B dated 16 December 2019,</p>	Yes

Control	Required	Proposed	Compliance
		<p>which confirms that the existing, approved uses have 8 parking spaces on site, plus 3 spaces by way of contribution, plus one delivery space.</p> <p>The proposed additional commercial floor space will require an additional 8 parking spaces, which gives a total parking requirement of 11 (existing) + 8 (new) = 19 spaces (plus one delivery space).</p> <p>On the basis of the limitation to restrict on-site parking to no more than 50% of the required total, the proposal would require 9.5 spaces which would be rounded up to 10 spaces. With 8 spaces currently available on site, the shortfall is 2 spaces.</p> <p>As the immediate locality has limited on street parking opportunity, the development can accommodate an additional three spaces, to be provided via car stackers (total 11) which will marginally</p>	

Control	Required	Proposed	Compliance
		<p>exceed the 50% requirement. The opportunity for additional parking within the site will provide a benefit to the development and the immediate neighbourhood.</p> <p>The resulting on-site parking provision will be 11 parking spaces on site, with the additional 8 spaces generally addressed via Northern Beaches Council's s7.12 Contributions Plan. As 3 of the required spaces are provided on site, the shortfall of 5 spaces is to be met with the development contributions under the Northern Beaches s7.12 Contributions Plan.</p>	
Clause 4.2.5.1 Design for Townscape	<p>Maintain narrow frontage</p> <p>Maintain existing setbacks</p>	<p>Existing frontage remains unchanged</p> <p>Existing setbacks at lower levels remains unchanged. The proposed upper level provides additional setbacks to all boundaries to minimise the impact on the streetscape and surrounding properties.</p>	<p>N/A</p> <p>Yes</p>

Control	Required	Proposed	Compliance
	New development to enhance townscape characteristics	The proposal has been designed to retain and enhance the character of the existing building, which complements the locality.	Yes
	Height and setback of development must not affect properties to south in terms of solar access or privacy	The proposed new upper level complies with Council's statutory height limit and is well set back from the front, rear and side boundaries. The proposal will not result in any unreasonable impacts on surrounding properties in terms of solar access or privacy, and is therefore considered to satisfy the provisions of this clause.	Yes
Clause 4.4.3 Signage	Council must not grant development consent for signage unless it is satisfied that that the development is consistent and meets the objectives and assessment criteria of State Environmental Planning Policy No 64 - Advertising and Signage.	Signage will form part of future applications.	N/A

Clause 4.4.4 Awnings	Continuous footpath awnings must be provided on all street frontages generally consistent with the streetscape. The width, fascia height and method of support of all awnings in any street block must be consistent with entrances to public lands and through-site links allowed to be accentuated and generally in accordance with given dimensions	<p>The existing awning to Pittwater Road will be maintained and refurbished.</p> <p>The proposal seeks to provide for new awnings along the Denison Street frontage. The proposed new awnings will provide suitable shelter for pedestrian entry and exit to the subject building, which providing modulation and visual interest.</p>	Yes
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7.0 Matter for Consideration under the Under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

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

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to comply as far as possible with the requirements of the Manly Development Control Plan 2013.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

7.4 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

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks approval for construction of additions and alterations to the existing mixed use development including a new third floor level, will not

unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

The development will maintain a favourable bulk and scale relationship with other development in the vicinity. It is considered that the resultant development is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's LEP and Council's Codes and Policies.

7.7 The suitability of the site for the development

The subject land is currently zoned B2 Local Centre under the Manly Local Environmental Plan 2013 and is considered suitable for the proposed development.

The subject site does not exhibit any significant constraint to the construction of the proposed development, with the works being located over the existing building footprint.

7.8 Any submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The Public Interest

The proposal will not unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The principal objective of this development is to support the design of additions and alterations to the existing mixed use development, which satisfy the stated objectives of Council's Development Controls.

By maintaining our neighbour's amenity and by complimenting the scale and form of other development in the immediate locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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