

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Clause	Comment	Compliance
Clause 7 Contamination and remediation to be considered in determining development application		
(1) A consent authority must not consent to the carrying out of any development on land unless:		
(a) it has considered whether the land is contaminated, and	<p>The site at 42 North Steyne is already approved for, in part, residential land use. The proposed development proposes adaptive reuse of existing structural improvements on this site.</p> <p>The change of land use only relates to the Steyne Hotel Café Building of 75 The Corso (being 41 North Steyne).</p> <p>A Preliminary Site Investigation (PSI) accompanies this DA, the findings of which evidence previous uses of concern which may have resulted in a level of contamination on the site. In addition, there is also concern related to the potential for imported fill that is of unknown quantity or origin, car parking areas where leaks or spills may have occurred from vehicles and degrading building features.</p> <p>Based on these elements, the PSI indicates that there is a moderate level of contamination risk.</p>	Yes
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	<p>The conclusions of the PSI indicate that the 41 North Steyne site can be made suitable for the proposed development, subject to a series of recommendations, as follows:</p> <ul style="list-style-type: none"> ○ Preparation of a detailed site investigation 	Yes

Clause	Comment	Compliance
	<ul style="list-style-type: none"> ○ Preparation of a hazardous materials assessment ○ Adequate classification of soil being removed from the site, in accordance with NSW Environment Protection Authority (EPA) requirements 	
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land is capable of being remediated, should this be required, prior to the intended use.	Yes
(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.	As the land is to be used for a residential purpose, a PSI accompanies this DA.	Yes
(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.	It is open to the consent authority to request a detailed site investigation.	Yes
(4) The land concerned is:		
(a) land that is within an investigation area,	The land is not nominated as being within an investigation area.	NA



Clause	Comment	Compliance
(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,	There is no evidence to suggest that the land has been used for a purpose contained in the contaminated land planning guidelines.	NA
(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:	The land is to be used for residential purposes.	NA
(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and		NA
(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).		NA



STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

Assessment Criteria	Assessment	Compliance
Clause 4 Application of Policy		
<p>(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if—</p> <p>(a) the development consists of any of the following—</p> <p>(i) the erection of a new building,</p> <p>(ii) the substantial redevelopment or the substantial refurbishment of an existing building,</p> <p>(iii) the conversion of an existing building, and</p> <p>(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and</p> <p>(c) the building concerned contains at least 4 or more dwellings.</p>	<p>The proposed development involves both the erection of a new building and the substantial redevelopment/adaptive reuse of an existing building.</p> <p>The building is also more than three storeys and contains more than four dwellings.</p> <p>As such, SEPP 65 applies to this application.</p>	Yes
Clause 28 Determination of development applications		
<p>1) After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development.</p>	This is the responsibility of the consent authority.	Note
<p>2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other</p>		



Assessment Criteria	Assessment	Compliance
matters that are required to be, or may be, taken into consideration)—		
a) the advice (if any) obtained from the design review panel, and	<p>The application was the subject of a design review panel meeting prior to lodgement of the DA on 23 September 2021.</p> <p>It is assumed that the DA will be forwarded to the Council's Design Sustainability Advisory Panel during assessment of this DA.</p>	Yes
b) the design quality of the development when evaluated in accordance with the design quality principles, and	An evaluation of the design quality principles has been undertaken by Squillace Architects and may be found at Appendix 4.	Yes
c) the Apartment Design Guide.	The compliance of the proposed development with the Apartment Design Guide (ADG) is addressed at Appendix 5.	Yes
3) However, if the relevant design review panel fails to inform the consent authority of its advice concerning the design quality of the development to which this Policy applies within 14 days after its first meeting to deal with the application concerned, the consent authority may determine the development application without considering any such advice and a development consent so granted is not voidable on that ground.		Note
(4) The 14-day period referred to in subclause (3) does not increase or otherwise affect the period within which a development application is required to be determined by a consent authority.		Note
(5) A consent authority is not required to obtain the advice of a relevant design review panel under subclause (1) if an architectural design		NA



Assessment Criteria	Assessment	Compliance
competition that is consistent with the Design Excellence Guidelines has been held in relation to the proposed development.		
30 Standards that cannot be used as grounds to refuse development consent or modification of development consent		
(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters—		
(a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,	As the site is located in a B2 Local Centre zone, and is not within the vicinity of a higher order commercial zone, this is not applicable.	NA
(b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,	All apartments exceed the minimum internal area requirements.	Yes
(c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide	In some cases, the ceiling heights are less than that specified in the ADG as a result of existing floor levels noting that the proposal, in part, encompasses the adaptive reuse of existing structure at 42 North Steyne and thus retains existing floor levels.	No
(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to—	These matters are addressed at Appendix 4 and 5.	Yes
(a) the design quality principles, and		



Assessment Criteria	Assessment	Compliance
(b) the objectives specified in the Apartment Design Guide for the relevant design criteria.		
(3) To remove doubt—		
(a) subclause (1) does not prevent a consent authority from refusing an application in relation to a matter not specified in subclause (1), including on the basis of subclause (2), and		Noted
(b) the design criteria specified in subclause (1) are standards to which section 4.15(2) of the Act applies.		Noted



STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause No.	Title/Clause	Comment	Compliance
Division 5 Electricity transmission or distribution			
Subdivision 2 Development likely to affect an electricity transmission or distribution network			
45	(1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:		
	(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,	The proposal will involve works that are within 2m of electricity power lines that are underground	Yes
	(b) development carried out: <ul style="list-style-type: none"> (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or (ii) immediately adjacent to an electricity substation, or (iii) within 5m of an exposed overhead electricity power line, 	The site contains an existing electricity substation on Henrietta Lane, which will be retained.	Yes
			NA
	(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between	No exposed power lines currently exist along North Steyne or Henrietta Lane that would require underground relocation.	NA



Clause No.	Title/Clause	Comment	Compliance
	the electricity supply authority and the council for the land concerned.		
	(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:		
	(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and	It is assumed that the consent authority will exercise its function, such that compliance is achieved.	Yes
	(b) take into consideration any response to the notice that is received within 21 days after the notice is given.	It is assumed that the consent authority will exercise its function, such that compliance is achieved.	Yes

Division 17 Roads and Traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

101	Development with frontage to a classified road		
	(1) The objectives of this clause are:		
	a) to ensure that new development does not comprise the effective and ongoing operation and function of classified roads, and	Refer to Traffic & Parking Assessment	Yes
	b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.	Refer to Acoustic Impact Assessment	Yes
	(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:		



Clause No.	Title/Clause	Comment	Compliance
	a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and	The site has vehicular access to North Steyne and Henrietta Lane.	NA
	b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:		
	i. the design of the vehicular access to the land, or		NA
	ii. the emission of smoke or dust from the development, or		NA
	iii. the nature, volume or frequency of vehicles using the classified road to gain access to the land, and		NA
	c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.		NA
102	Impact of road noise or vibration on non-road development		
	(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration:	The site is not located on a road that has greater than 20,000 vehicles per day.	NA
	(a) residential accommodation		
	(b) a place of public worship		
	(c) a hospital		



Clause No.	Title/Clause	Comment	Compliance
	(d) an educational establishment or centre-based child care facility		
104	Traffic Generating Development		
	(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:	While the proposed development includes a <i>food and drink premises</i> greater than 300m ² in area the site is not located within 90m of a connection to a classified road being North Steyne.	NA
	(a) new premises of the relevant size or capacity, or		NA
	(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.		NA



STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

Clause No.	Title/Clause	Comment	Compliance
Division 3 Coastal Vulnerability			
13	Development on land within the coastal environment area		
	1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—		
	a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	No adverse conditions are anticipated. Surface and groundwater conditions are addressed in the Geotechnical Assessment.	Yes
	b) coastal environmental values and natural coastal processes,	No adverse conditions are anticipated.	Yes
	c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,		NA
	d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,		NA



Clause No.	Title/Clause	Comment	Compliance
	e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,		NA
	f) Aboriginal cultural heritage, practices and places,		NA
	g) the use of the surf zone.		NA
	2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that		
	a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or		Yes
	b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or		NA
	c) if that impact cannot be minimised—the development will be managed to mitigate that impact.		NA
	3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.		

Division 4 Coastal use area



Clause No.	Title/Clause	Comment	Compliance
14	1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—		
	a) has considered whether the proposed development is likely to cause an adverse impact on the following—		
	(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	The proposed development will have no such impacts.	Yes
	(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The proposed development will have no such impacts.	Yes
	(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	Matters of visual amenity are address in the view sharing assessment at Appendix 6.	Yes
	(iv) Aboriginal cultural heritage, practices and places,	The proposed development will have no such impacts.	Yes
	(v) cultural and built environment heritage, and	Refer to Heritage Impact Assessment.	Yes
	b) is satisfied that—		
	i. the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	No such adverse impacts are likely.	Yes
	ii. if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or		NA



Clause No.	Title/Clause	Comment	Compliance
	iii. if that impact cannot be minimised—the development will be managed to mitigate that impact, and		NA
	c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	These matters are addressed in the Statement of Environmental Effects and are appropriate to the coastal and built environmental surrounding the site.	Yes
	2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.		NA
	Division 5 General		
15	Development in coastal zone generally—development not to increase risk of coastal hazards		
	Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	No increased risk of coastal hazard would arise from this DA. Refer to Geotechnical Desktop Study	Yes
16	Development in coastal zone generally—coastal management programs to be considered		
	Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.	There is no coastal zone management plan for this location.	NA
17	Other development controls not affected		



Clause No.	Title/Clause	Comment	Compliance
	Subject to clause 7, for the avoidance of doubt, nothing in this Part—		
	a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or	The proposed development is permitted with development consent under the relevant environmental planning instruments.	NA
	b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent		NA
18	Hierarchy of development controls if overlapping		
	<p>If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency—</p> <p>(a) the coastal wetlands and littoral rainforests area, (b) the coastal vulnerability area, (c) the coastal environment area, (d) the coastal use area.</p>	The site is located in the coastal environment area and the coastal use area.	Note



MANLY LOCAL ENVIRONMENTAL PLAN 2013

Development Standard	Control	Comment	Compliance
Part 2 Permitted or prohibited development			
2.1 Land use zones	B2 Local Centre	Shop top housing is permissible with development consent.	Yes
Zone Objectives	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.	The proposed development will provide for a range of retail and business uses that will serve the needs of people who live in, work in and visit the local area and retain the required floor space that is desired for development within the Manly Town Centre in the B2 Local Centre zone.	Yes
	To encourage employment opportunities in accessible locations.	The proposed uses will continue to provide local employment within the area.	Yes
	To maximise public transport patronage and encourage walking and cycling.	The proposed parking provision is less than that required under the relevant planning controls, thus encouraging the both walking and cycling.	Yes
	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.	The proposal provides for a mixed-use development comprising of a food and drink premises on the ground floor level and residential accommodation on Level 1-4. These issues of amenity are addressed in the Acoustic Impact Assessment and the Traffic and Parking Report.	Yes
2.6 Subdivision—consent requirements	Land to which this Plan applies may be subdivided, but only with development consent.	Consent is sought for subdivision with 41 North Steyne proposed to form part of 42 North Steyne, with a revised boundary with 75 The Corso. Stratum and strata subdivision will also be required. Development consent is sought for these purposes.	Yes



2.7 Demolition	The demolition of a building or work may be carried out only with development consent.	Consent is sought for demolition works as shown on the Demolition Plans prepared by Squillace (DA-018-DA-25).	Yes
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Part 4 Principal development standards

4.1	1) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan	The land is not subject to a minimum allotment size.	NA
	4) This clause does not apply in relation to the subdivision of any land— a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or b) by any kind of subdivision under the Community Land Development Act 1989.		NA
4.3 Height of buildings	Maximum building height as per LEP map is: Area K = 10m Area M = 12m	Refer to Clause 4.6 Report	No
4.4 Floor space ratio	Maximum FSR as per LEP map is: Area U = 2.5:1 Area V = 3:1	Refer to Clause 4.6 Report	No

Part 5 Miscellaneous provisions

5.10 Heritage conservation	2) Requirement for consent Development consent is required for any of the following—	Development consent is sought for demolition of a heritage item and for external changes to a building located in a heritage conservation area (41 North Steyne).	Yes
	a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—		



	<ul style="list-style-type: none"> i. a heritage item, ii. an Aboriginal object, iii. a building, work, relic or tree within a heritage conservation area, 		
	b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,	Development consent is also sought for works to the interior of the heritage item (75 The Corso).	Yes
	c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,		NA
	d) disturbing or excavating an Aboriginal place of heritage significance,		NA
	e) erecting a building on land— <ul style="list-style-type: none"> i. on which a heritage item is located or that is within a heritage conservation area, or ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, 	The proposal involves erecting a building on a heritage conservation area.	Yes
	f) subdividing land— <ul style="list-style-type: none"> i. on which a heritage item is located or that is within a heritage conservation area, or ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance. 	Subdivision will form part of a subsequent application.	Yes



	<p>4) Effect of proposed development on heritage significance</p> <p>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. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	This is addressed in the Heritage Impact Assessment.	Yes
	<p>5) Heritage assessment</p> <p>The consent authority may, before granting consent to any development—</p> <ul style="list-style-type: none"> 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), <p>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.</p>	This is addressed in the Heritage Impact Assessment.	Yes
5.21 Flood Planning	<p>2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p>	The site is located in a flood planning area. The flood levels advised by the Council have been relied upon in the design outcome as set out in the Statement of Environmental Effects.	Yes
	<ul style="list-style-type: none"> a) is compatible with the flood function and behaviour on the land, and 	In relying upon the advice provided by the Council for the appropriate design levels, the design is not anticipated to alter the flood function and/or behaviour on the land.	Yes



	b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and	In relying upon the advice provided by the Council for the appropriate design levels, the design is not anticipated to adversely affect flood behaviour by way of detrimental increases on other developments or properties.	Yes
	c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and	The integrated design principles which include the provision of flood gates and areas within retail premises above the flood planning level will not compromise, nor place undue pressure on evacuation routes.	Yes
	d) incorporates appropriate measures to manage risk to life in the event of a flood, and	The use of flood gates, along with areas within the ground floor of that are elevated above the flood level ensure that appropriate measures to manage risk to life are incorporated into the development.	Yes
	e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	No such impacts are anticipated.	Yes
	3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—		
	a) the impact of the development on projected changes to flood behaviour as a result of climate change,	Given that it is proposed to replace existing built form, no significant adverse changes are anticipated that would otherwise affect flood behaviour.	Yes
	b) the intended design and scale of buildings resulting from the development,	The design and scale of buildings is appropriate having regard to flooding constraints,	Yes
	c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,	Flood gates and elevated floor levels are utilised in the design to ensure that there is limited risk in the event of a flood. In terms of evacuation on levels above the ground floor, sheltering in place would be the most effective solution.	Yes



	d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.	Such impacts are not anticipated.	Yes
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Part 6 Additional local provisions

6.1 Acid Sulfate Soils	<p>2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <table><tr><th>Class</th><th>Works</th></tr><tr><td>4</td><td>Works more than 2m below the natural ground surface. Works by which the watertable is likely to be lowered more than 2m below the natural ground surface.</td></tr></table>	Class	Works	4	Works more than 2m below the natural ground surface. Works by which the watertable is likely to be lowered more than 2m below the natural ground surface.	Refer to Acid Sulfate Soil Assessment.	Yes
Class	Works						
4	Works more than 2m below the natural ground surface. Works by which the watertable is likely to be lowered more than 2m below the natural ground surface.						
6.2 Earthworks	<p>Development consent is required for earthworks unless -</p> <p>a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>b) the earthworks are ancillary to other development for which development consent has been given.</p>	<p>The proposed earthworks are ancillary to the proposed development.</p> <p>Refer to the Building & Construction Method Report and the Geotechnical Desktop Study.</p>	Yes				
6.4 Stormwater management	<p>2) This clause applies to all land in residential, business, industrial and environmental protection zones.</p>	Stormwater services will be in accordance with the stormwater management plan accompanying this application.	Yes				
	<p>3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>a) is designed to maximise the use of water permeable surfaces on the land having</p>	Stormwater services will be in accordance with the stormwater management plan accompanying this application.	Yes				



		<p>regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact</p>		
6.8 Salinity		<p>Before determining a development application for development on land to which this clause applies, the consent authority must consider the following –</p> <p>a) whether the development is likely to have any adverse impact on salinity processes on the land,</p> <p>b) whether salinity is likely to have an impact on the development,</p> <p>c) and appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>This is addressed in the Geotechnical Desktop Study. Mitigation measures are addressed in the Building & Construction Method Report.</p>	Yes
6.9 Foreshore Scenic Protection Area		<p>1) The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly.</p>		
		<p>2) This clause applies to land that is shown as “Foreshore Scenic Protection Area” on the Foreshore Scenic Protection Area Map.</p> <p>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—</p>	<p>The site is located in the Foreshore Scenic Protection Area</p>	Yes



	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,	The proposed development will not result in any loss of views from a public place to the foreshore.	Yes
	b) measures to protect and improve scenic qualities of the coastline,	The proposed development will not adversely impact the scenic qualities of the coastline.	Yes
	c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,	The proposed development, for mixed use purposes is consistent with similar land uses facing the foreshore area and provides a high quality design outcome that is respectful of its foreshore location and heritage attributes.	Yes
	d) measures to reduce the potential for conflict between land-based and water-based coastal activities.		NA
6.11 Active Street Frontage	3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.	An active frontage is required to both the eastern and western sides of the site, aside from those areas which contain entrances/lobbies, access for fire services and vehicular access. The proposal continues the existing degree of activation at 41 and 42 North Steyne, with ground floor food and drink premises. The character of Henrietta Lane will be transformed to an active frontage over the current situation, which otherwise limits this frontage to a service laneway. The proposal will provide a new commercial premises, with glass frontage that will overlook the laneway along with a new pedestrian entry through 75 The Corso, connecting through to North Steyne.	Yes



		These outcomes provide material improvements to the otherwise, service-oriented use of this part of the site, which will be significantly improved as a result of this application.	
	4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following— a) entrances and lobbies (including as part of mixed use development), b) access for fire services, c) vehicular access.	Refer above.	Yes
	5) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.	Refer to Architectural Plans	Yes
6.13 Design Excellence	2) This clause applies to development involving the erection of a new building or external alterations to an existing building— a) on land in Zone B2 Local Centre, and b) on land to which clause 6.19 applies.		
	4) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.		
	a) contains buildings that consist of a form, bulk, massing and modulation that are likely to overshadow public open spaces, and	The proposed development will result in a very minor increase in shadow across the footpath of North Steyne between 12 noon and 2pm. At three pm, there will be a minor increase to shadow along Ocean Promenade; however, there will be a reduction in shadow across the footpath area directly in front of the site. The latter, additional impact is across a small section of footpath only and does not compromise the design quality of the proposed development.	Yes



	<p>b) is likely to protect and enhance the streetscape and quality of the public realm, and</p>	<p>The proposal will provide an enhanced streetscape appearance fronting both streets. While 41 North Steyne is being demolished, the new façade element over 41 provides an increased proportion of openings that will enhance the quality of the public realm with increased opportunities for passive surveillance. In addition, the openings have a greater physical presence, providing a sense of life to the building. The materials, which utilises a dark brick provide a complementary relationship with the form and vertical proportion of the Hotel Steyne, with the large openings for windows projecting a lightweight, unobtrusive element to the façade.</p> <p>The detailing of the façade of 42 provides a recessive connection with 41, before setting itself forward to regularise the alignment with 41 and providing a complementary material pallet with darker elements picked up with screen elements, while the building itself takes on lighter tones to provide a subtle appearance in colour, while being bold in feature as it presents to the street. The use of curved elements is reflective of the beachside context and reflects movement associated with beachside elements that allow the built form to fold into the adjoining buildings.</p> <p>These features ensure that the expression of built form responds to the heritage elements of 75 The Corso, while correlating with more contemporary forms that present to North Steyne.</p> <p>There are significant improvements proposed to the Henrietta Lane streetscape both at the ground level (discussed above) and for the upper floors.</p> <p>The design provides a moderated form, with strong horizontal expression that is picked up from Hotel Steyne and transcends this frontage.</p> <p>The introduction of holistic landscape elements both in consolidated and fragmented forms provides a further layer within this context, to soften the edges of the building, while taking on a</p>	<p>Yes</p>
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		<p>lesser regimented form to create a more inviting space in what is otherwise very much apparent as a service laneway.</p> <p>In all cases, the proposed appearance to the streetscape provides a high quality response to the public realm that is significantly improved over the existing situation.</p>	
	c) (c) clearly defines the edge of public places, streets, lanes and plazas through separation, setbacks, amenity, and boundary treatments, and	As demonstrated by the photomontages, the proposal provides very clear definition between public and private spaces. Those that are public are inviting, well lit and with glass frontages that encourage people into these spaces, while providing continuity in setbacks to ensure that the building line to each frontage is not compromised.	Yes
	d) minimises street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access, and	Each of these elements is clearly discernible as part of the proposal.	Yes
	e) encourages casual surveillance and social activity in public places, streets, laneways and plazas, and	<p>The degree of openings to both street frontages are increased and maximised to each of the building elevations, particularly to the rear frontage of the site at the ground level.</p> <p>The opportunity in demolishing 41 North Steyne also allows for larger openings that are closer to the street and provides increased opportunities for casual surveillance</p>	Yes
	f) is sympathetic to its setting, including neighbouring sites and existing or proposed buildings, and	<p>The Heritage Impact Statement also provides the following in terms of the design response:</p> <ul style="list-style-type: none"> - <i>The proposal retains a brick building that visually separates the existing levels of the Steyne Hotel from the different proposed levels that do not align with the façade of the hotel.</i> - <i>The expressed slab detail creates a horizontal treatment that creates a new typology relevant to the apartment buildings on the Steyne.</i> 	



		<ul style="list-style-type: none"> - The proposal has the potential to form a new typology for future apartment buildings within the Steyne streetscape to create some cohesion in the streetscape. - The vertical brick building explores the decorative qualities of brickwork. - The built form is articulated into two bays to reduce its bulk and reflect the subdivision pattern. - One of the built forms interprets the 1902 built form. - The new building interprets the former face brick of the 1902 buildings. - The curved terraces relate to the existing and adjacent buildings further north along the Steyne. 	
	g) protects and enhances the natural topography and vegetation including trees, escarpments or other significant natural features, and	No natural features are compromised by the proposed development and the existing topography of the land is relied upon.	Yes
	h) promotes vistas from public places to prominent natural and built landmarks, and	The proposal has no impact on vistas from public places that are inconsistent with the existing situation.	Yes
	i) uses high standards of architectural design, materials and detailing appropriate to the building type and location, and	As detailed previously, the proposal provides a high standard of architectural design, materials and detailing that is responsive to the streetscape contexts and immediate locality, which is interspersed with both heritage fabric and more contemporary composition of built form.	Yes
	j) responds to environmental factors such as wind, reflectivity and permeability of surfaces, and	These aspects have been carefully considered in the design.	Yes



	k) coordinates shared utility infrastructure to minimise disruption at street level in public spaces.	Shared utility infrastructure has been maximised through the whole development.	Yes
6.16 Gross Floor Area in B2	1) The objective of this clause is to provide for the viability of Zone B2 Local Centre and encourage the development, expansion and diversity of business activities, that will contribute to economic growth, retention of local services and employment opportunities in local centres.	The proposed development retains and enhances the viability of the B2 Local Centre zone by enhancing diverse business opportunities that will provide a modest increase to economic growth and employment opportunity, while also enhancing the use of local services within the vicinity of the site.	Yes
	2) This clause applies to land in Zone B2 Local Centre.		Noted
	3) Development consent must not be granted to the erection of a building on land in Zone B2 Local Centre unless the consent authority is satisfied that at least 25% of the gross floor area of the building will be used as commercial premises	The proposed development provides 664m ² of commercial gross floor area, which is 25.1% of the total gross floor area which comprises 41 and 42 North Steyne.	Yes
	4) Development consent must not be granted for development on land to which this clause applies if the gross floor area of any retail premises on the land would exceed 1,000m ² .	The gross floor area of retail premises falls well short of this maximum provision.	Yes

