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Statement of Environmental Effects



Demolition of the existing structures on site and construction of a new part four/part five storey hotel accommodation comprising 49 rooms, communal rooftop area including spa, ground floor café/restaurant, basement car parking with 22 car spaces and associated site and landscape works

DEVELOPMENT APPLICATION:

22 Victoria Parade, Manly NSW 2095

Lot 3 in DP 86034

Northern Beaches Council

NOVEMBER 2019

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DEVELOPMENT DOCUMENTATION:

The accompanying documentation that has been submitted as part of the development application is as follows:

Document:	Author:
Statement of Environmental Effects	Tomasy Planning
Survey Plan	SurvCorp
Architectural Plans	Morson Group
Landscape Plan	Ground Ink Landscape Architects
Stormwater Concept Plan	Lam Consulting
Geotechnical Report	JK Geotechnics
Acid Sulfate Soils Report	Environmental Investigation Services
Acoustic Report	TTM Consulting
Arboricultural Report	Arboricultural Report
BCA Report	Kudos Building Certification
Accessibility Report	Vista Access Architects
Heritage Impact Assessment	GBA Heritage
Traffic and Parking Impact Assessment	TTM Consulting
Waste Report	TTM Consulting
Quantity Surveyors Report	RICQS

1. INTRODUCTION

Tomasy Planning Pty. Ltd. has been instructed to prepare a Statement of Environmental Effects on behalf of the applicant, the Morson Group, to accompany a Development Application which seeks development consent for the demolition of the existing structures and construction of a new part four/part five storey hotel accommodation comprising 49 rooms, rooftop terrace, ground floor café/restaurant and associated site and landscape works. The Statement of Environmental Effects must be read in conjunction with the architectural plans prepared by the project architects, The Morson Group.

In preparing this document, consideration has been given to the following legislative requirements including:

- *Environmental Planning and Assessment Act, 1979;*
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 64 – Outdoor Advertising and Signage;
- Manly Local Environmental Plan 2013;
- Manly Development Control Plan 2013 (amendment 11).

The subject site ('the site') has a recent development approval on the site (167/2015) for the demolition of the existing structures and construction of a three storey hotel comprising 36 rooms, basement car parking for 22 car spaces and landscaping. The previous works were approved by the Manly Independent Assessment Panel on 17 March 2016. The proposed works involve the provision of an additional one to two storeys than the current development approval including an additional 17 rooms to the site. The proposal does not aim to provide any additional car parking to the original development approval. A Clause 4.6: Exceptions to Development Standards has been submitted as part of this Development Application which seeks consent from the consent authority relating to the provisions of Clause 4.3: Height of Buildings and Clause 4.4: Floor Space Ratio as the Manly Local Environmental Plan 2013 (MLEP2013).

In considering the immediate local site context along Victoria Parade, the characteristics of the site consists of residential flat buildings all of which consists of a range between four to six storeys in height. The number of storeys of the existing buildings within the street, along the southern side of Victoria Parade, is as follows:

Address	No. of storeys
14-16 Victoria Parade	5 storeys
18-20 Victoria Parade	4 storeys
22 Victoria Parade (subject site)	Existing: 2 storeys; proposed: part 4/part 5 storeys
28 Victoria Parade	4 storeys
34-38 Victoria Parade	5 storeys
40 Victoria Parade	4 storeys
42 Victoria Parade	6 storeys
46 Victoria Parade	5 storeys

While the development proposal involves an exceedance to the maximum height of buildings and floor space ratio requirements of the MLEP2013, the infill nature of the site and the proposed works will be entirely compatible with the scale and character of the existing developments along Victoria Parade. The proposed number of storeys of the adjoining residential flat developments will be consistent with the building height planes of the neighbouring buildings within the street and the upper floor level of the building has been appropriately treated to alleviate the visual bulk and scale including an increased setback from the front façade of the building. An increase to the side setbacks has also been provided to minimise the perceivable visual bulk of the upper floor level when viewed from the adjoining neighbours at nos. 18-20 and 28 Victoria Parade. A Clause 4.6: Exceptions to Development Standards has been prepared to accompany this Statement of Environmental Effects

with a detailed assessment regarding the compatibility of the existing streetscape and the visual bulk and scale of the development.

In terms of environmental amenity, the proposal will not contribute to any adverse impacts to the neighbouring dwellings within the street. Overshadowing diagrams prepared by Morson Architects illustrates that the ground and first floor levels will not receive any reduced solar access than the current development approval (167/2015) and the first and second floor levels will receive two hours of direct solar access to the southern neighbour (18-20 Victoria Parade). The neighbours at the rear (east) at nos. 17, 19 and 21 Ashburner Street will not overshadow the private open space by more than one third of the approved development will continue to receive more than two hours of direct solar access between 9am – 3pm, 21 June. The extent of the solar access impacts will comply with the provisions of MDCP2013. In respect to visual privacy, a combination of narrow window openings, articulated bay windows and windows off-set from adjoining living areas will mitigate visual privacy impacts between the neighbouring buildings. The new rooftop terrace is co-located adjacent to a communal rooftop terrace to the adjoining neighbour at no. 28 Victoria Parade and is adjacent to the gable roof element at no. 18-20 Victoria Street and will not result in direct overlooking to the neighbour.

In addition to the above, the proposal will generate a minimum of 52 off-street parking spaces (51 spaces for hotel accommodation and one space for café/restaurant). The proposed 22 off-street parking spaces will result in a shortfall of 30 off-street parking spaces. The Parking and Traffic Report prepared by TTM Consulting prescribes that while the proposed parking provisions for the hotel accommodation use do not strictly comply with Manly Development Control Plan 2013 (MDCP2013) it is noted that the numerical parking requirement for hotel accommodation use is for Hotels and Motels outside Manly Town Centre in general, whereas the proposed development is adjacent to the defined Manly Town Centre. In addition, the parking provision can be further reduced due to the availability and convenient public transport facilities located within 400 metres of the proposed site. Based on the above, it is appropriate to investigate a more realistic parking rate with particular regard being given to the RMS Parking Supply Requirement. The RMS Parking prescribes a minimum of one space per four bedrooms in a 3 or 4 star hotel, which is equivalent to the proposed development undertaken in his study. The RMS parking rate of 49 rooms for the proposed development results in a off-street parking requirement of 12.3 spaces for the hotel use. The proposal will comply with the RMS Parking Supply Requirement and is suitable for the proposed development.

This Statement of Environmental Effects describes the proposed development having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* and closely examines the potential environmental impacts with regard to the relevant sections of the Act, State Policies and relevant requirements of Council's DCP.

The Development Application should be approved by Northern Beaches Council subject to conditions as may be deemed appropriate.

2. DEVELOPMENT APPLICATION HISTORY

A recent Development Application (167/2015) was approved on 17 March 2016 for the demolition of the existing structures and construction of a three storey hotel comprising 36 rooms, basement car parking for 22 car spaces and landscaping. The application was approved by the Manly Independent Hearing and Assessment Panel.

3. SITE CHARACTERISTICS

The site is formally described as Lot 3 in DP 86034 and is also known as no. 22 Victoria Parade, Manly NSW 2095.

The allotment is characterised by a regular-shaped, rectangular-sized allotment with a single street frontage to Victoria Parade. The site consists of a frontage of 20.29m along Victoria Parade and a rear boundary of 20.265m. The length of the side boundary adjacent to no. 28 Victoria Parade is 47.69m and the length of the side boundary adjacent to no. 18-20 Victoria Parade is 47.585m. The total site area of the allotment is 965sqm. The site dimensions and area are consistent with those shown on the detailed site survey plan prepared by SurvCorp Consulting Surveyors.

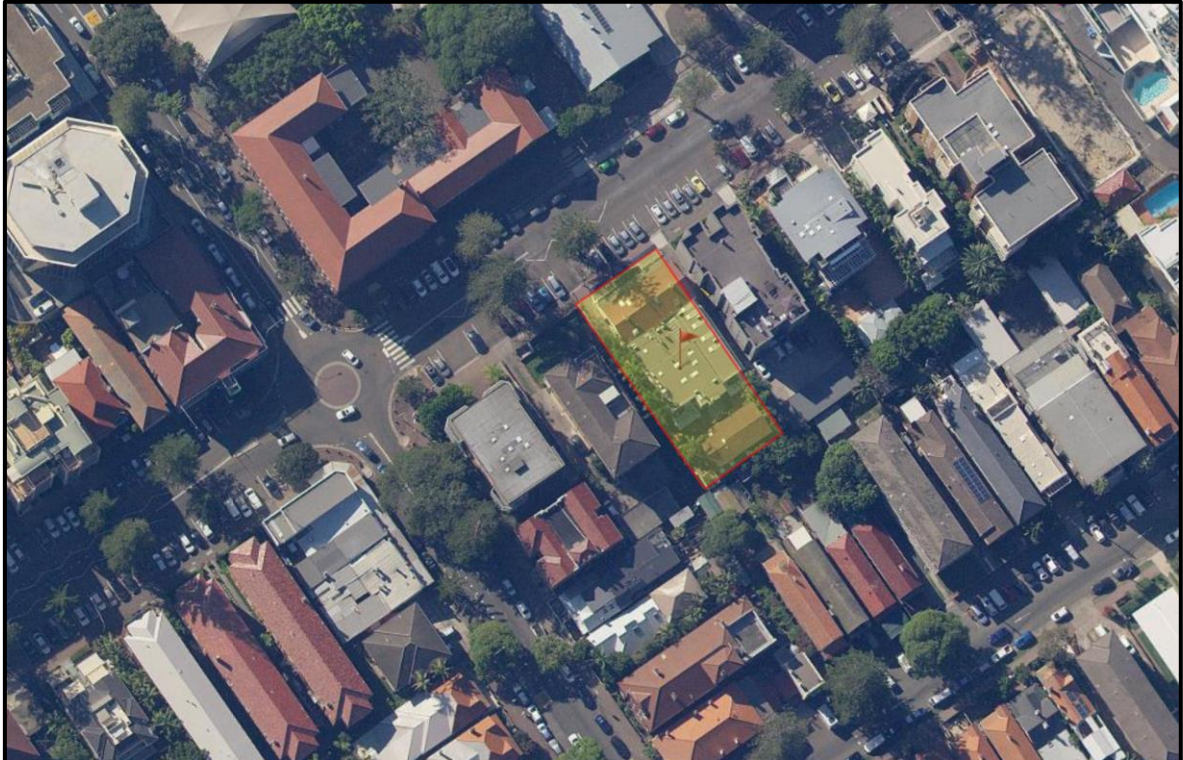


Figure 1: Aerial imagery of the subject site (22 Victoria Parade, Manly)

The site is considered to be relatively flat with a nominal fall from west to east along the site frontage in Victoria Parade and from the front to the rear of the site. Therefore the crossfall of the site is negligible.

The immediately adjoining neighbours vary between low- to medium-density scaled residential development.

To the west, on the opposite side of Victoria Parade, is an existing two storey and three storey educational establishment known as Manly Village Public School.



Figure 2: Manly Village Public School (Darley Road, Manly)

To the east is a pair of two x two storey detached dwelling houses (17 and 19 Victoria Parade) and one single storey dwelling house (21 Victoria Parade).



Figure 3: The eastern neighbours at no. 17, 19 and 21 Ashburner Street

To the south is an existing four-storey residential flat building with on-grade car parking.



Figure 4: The southern neighbour at no. 18-20 Victoria Parade, Manly

To the north is an existing four storey residential flat building with on-grade car parking.



Figure 5: The northern neighbour at no. 28 Victoria Parade, Manly

The existing streetscape of the buildings within the urban block all contain residential flat buildings which range between four to six storeys in height.

- 14-16 Victoria Parade – 5 storeys
- 18-20 Victoria Parade – 4 storeys
- 28 Victoria Parade – 4 storeys
- 34-38 Victoria Parade – 5 storeys
- 40 Victoria Parade – 4 storeys
- 42 Victoria Parade – 6 storeys
- 46 Victoria Parade – 5 storeys



Figure 6: Existing streetscape setting (including recently approved developments) along the southern side of Victoria Parade

The existing improvements on the site comprise an existing two-storey hotel accommodation with a two-storey outbuilding to the rear. The existing building envelope is set nil to the eastern boundary of the site. The ground floor use of the building consists of a café/restaurant fronting Victoria Parade with an outdoor dining area located on the Council footpath.

The site is located immediately adjacent to an existing heritage conservation area identified as 'The Town Conservation Area' as well as existing heritage items including no. 11 Darley Road (item no. I120) described as a 'semi-detached cottage' and no. 15 Darley Road (item no. I122) described as 'a residential cottage', the Manly Village Public School (item no. I247) located on the corner Victoria Parade and Darley Road and the existing street trees along Victoria Parade (item no. I238), all of which are also identified as existing heritage items.

4. THE PROPOSAL

The proposal involves the demolition of the existing structures and construction of a new part four/part five storey hotel accommodation comprising 49 rooms, rooftop terrace, ground floor café/restaurant and associated site and landscape works.

The ground floor level of the building consists of a café/restaurant which fronts Victoria Parade with a fixed translucent shopfront façade to the premises and the hotel lobby into the building. A restaurant is provided at the rear of the ground floor café/restaurant which is strictly to accommodate hotel guests and is considered to be ancillary to the use of the premises for the hotel accommodation. A single lift core provides direct access between the hotel rooms at the upper floor levels (including rooftop level) as well as off-street car parking at the basement level of the building. The rear of the existing building provides for six accommodation rooms with bicycle parking adjacent to the western boundary of the site. A communal landscaped terrace area is provided at the rear and is directly accessible to the occupants within the building. A single width vehicle access ramp is located along the eastern side of the building.

The first-floor to the third-floor level is a typical unit layout comprising 14 x one bedroom rooms on each respective level of the building. The building envelope configuration consists of a U-shaped arrangement with an increased setback to the western boundary to ensure the building separation to the western building. A common circulation core is provided centrally through the room layout which receives direct natural light and ventilation through the west-facing window openings of the building. Articulated bay windows are provided along the northern and southern (side) elevations of the building. The third-floor level of the building provides for an increased front and rear setback by an additional 1.2m and 900mm, respectively. The proposed services including the fire stairs and lift access core are located along the eastern edge of the circulation core.

The upper-most level (fourth-floor) contains two x one bedroom units and is limited to the northern end of the site. The bedrooms provide an increased setback of 4.9m and 5.7m from the front and side setbacks, respectively. The southern end of the rooftop level consists of a spa and open articulated pergola structure over the spa. A landscaping plant truss is provided over the pergola frame to provide shade and weather protection to the occupants of the roof level of the building. The lift core and fire stairs extend above the roof level of the building to provide direct access to the communal areas in the building.

The basement car parking level provides for a single car width access ramp at 4.5m along the eastern end of the site. Off-street car parking spaces are provided on both eastern and western ends of the car parking level with motor cycle spaces to the northern corner of the building. A maximum of 2 accessible parking spaces are provided to comply with relevant Australian Standards. A waste room, storeroom and laundry are also provided in the basement level of the building.



Figure 7: Photomontage of the proposed development as viewed from the north of Victoria Parade



Figure 8: Photomontage of the proposed development as viewed from the west of Victoria Parade



Figure 9: Photomontage of the ground and first-floor facade of the proposed building

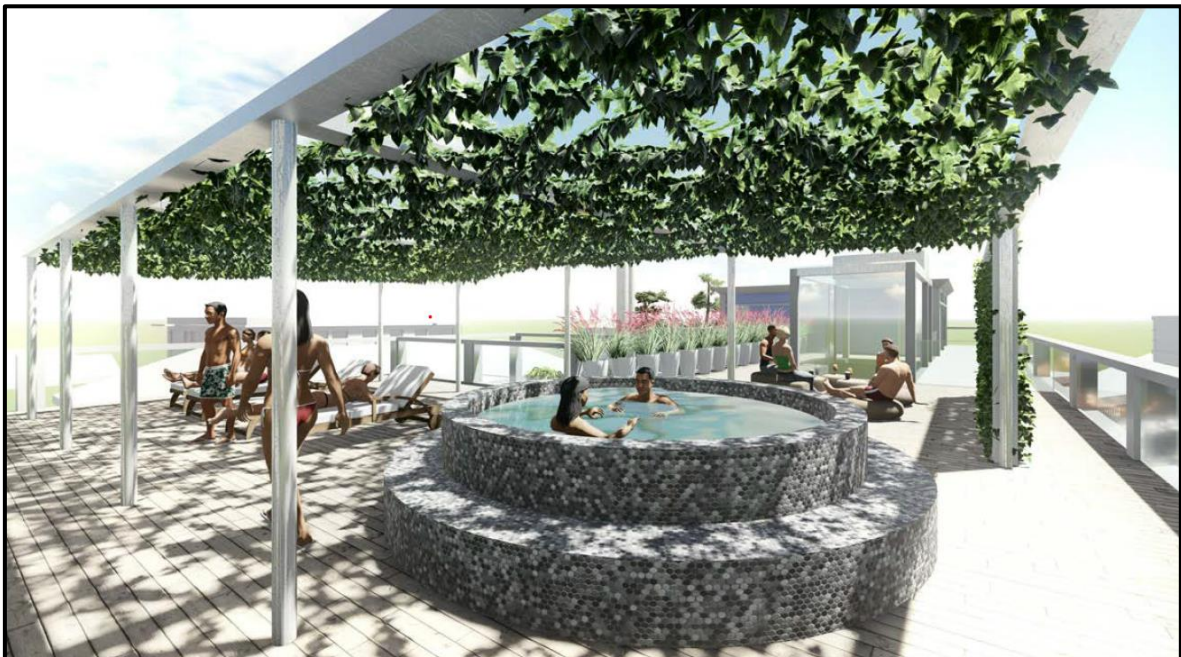


Figure 10: Photomontage of the rooftop terrace of the proposed building

5. STATUTORY PLANNING REQUIREMENTS

The Statutory planning controls relevant to the proposed development are as follows:

- *Environmental Planning and Assessment Act, 1979;*
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 64 – Outdoor Advertising and Signage;
- Manly Local Environmental Plan 2013;
- Manly Development Control Plan 2013 (amendment 11).

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

The object of this Policy is to provide for a State-wide planning approach to the remediation of contaminated land. The purposes of the policy are to promote the remediation of contaminated land to reduce the risk of harm to human health or any other aspect of the environment. Clause 7(1) of State Environmental Planning Policy No. 55 – Remediation of Land prescribes the following:

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

According to Council's online DA Tracking system, the site has an extensive history in being used only for the purposes of hotel/motel accommodation only. There is no record the site has previous contaminated uses nor is it identified as being used for a purpose that has been subject to an investigation or is located on land on which development for a purpose referred to in Table 1 of the Contaminated Land Planning Guidelines is being, or is known to have been, carried out. In considering the above, no additional preliminary or detailed site investigations are required to carry out the proposed works.

5.2 State Environmental Planning Policy No. 64 – Advertising and Signage

The Aims and Objectives of the Policy are to regulate signage to ensure it is compatible with the desired amenity and visual character of an area, provide effective communication and is of a high-quality design and finish.

State Environmental Planning Policy No. 64 – Outdoor Advertising and Signage is applicable to all development involving signage that can be displayed with or without development consent and is visible from any public place or public reserve; however, it excludes signage that is exempt development under another environmental planning instrument.

All outdoor advertising and signage will be provided by either exempt development or a separate development application.

5.3 Manly Local Environmental Plan 2013

Relevant clauses of Manly Local Environmental Plan 2013 (MLEP2013) that are applicable to the proposed development are as follows:

5.3.1 Land Use Zoning

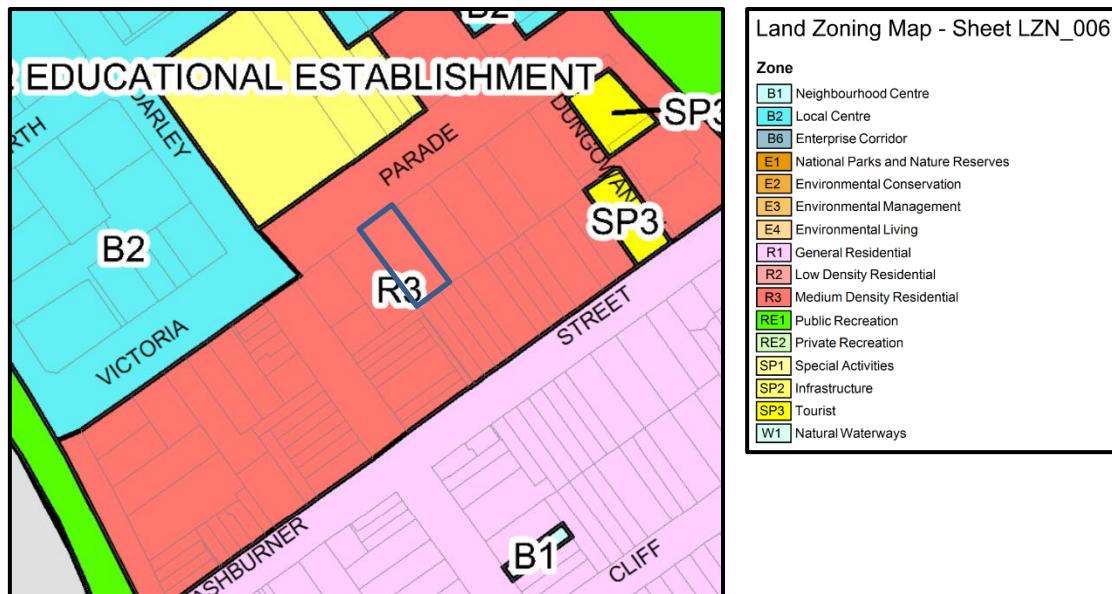


Figure 11: Land Use Zoning Map of the Manly Local Environmental Plan 2013

The subject site is zoned within the R3: Medium Density Residential Zone as shown within the zoning map of the MLEP2013. The objectives, permitted without consent, permissible with consent and the prohibited forms of development are described as below:

1 Objectives of zone

- 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.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

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

4 **Prohibited**

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

The proposed development involves the construction of a 'hotel or motel accommodation' inclusive of 49 rooms and ground floor 'restaurants or cafes'.

The MLEP2013 defines a 'tourist and visitor accommodation' and 'hotel or motel accommodation' within the Dictionary Section as follows:

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

The proposed development is for the purposes of a 'hotel or motel accommodation' and fits under the group term definition of 'tourist and visitor accommodation'. The proposed use consists of temporary or short-term accommodation comprising self-contained suites. All suites offer combined living/bedroom areas and include their own bathroom facilities. The ancillary use of a restaurant area at the ground floor level accommodates guests and patrons of the 'hotel or motel accommodation'. The 'hotel or motel accommodation' is a permissible form of development within the R3: Medium Density Residential Zone, subject to Council consent.

In addition to the above, 'restaurants or cafes' is defined within the Dictionary Section of the MLEP2013 as:

"restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided".

The proposed development is for the purposes of a 'restaurant or café'. The proposed use consists of a ground floor restaurant or café which allows for the on-site consumption of food and drink. It is anticipated that the use of the premises will also cater for take-away food and drinks from the site as required. The 'restaurant or café' is a permissible form of development within the R3: Medium Density Residential Zone, subject to Council consent.

5.3.2 Height of Buildings

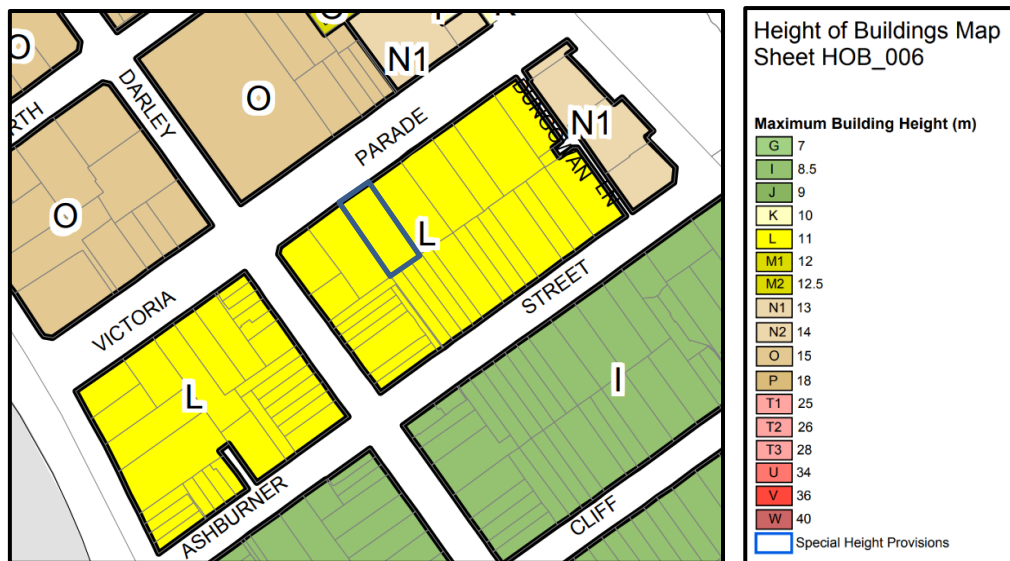


Figure 12: Height of Buildings Map of the Manly Local Environmental Plan 2013

In accordance with the Height of Buildings Map, the site is identified as being within a site 'L' area and contains a maximum building height of 11m.

Clause 4.3(2) prescribes that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The area of non-compliance to the maximum height of buildings requirement is limited to the following areas:

Areas of non-compliance	Proposed RL	Breach of Height
Proposed lift overrun	RL20.65	4.92m (44%)
Proposed roof of the fifth-floor level	RL20.05	4.32m (39%)
Proposed fire stairs	RL19.90	4.17m (37%)
Proposed roof pergola structure	RL19.55	3.82m (34%)
Proposed roof parapet of fourth floor level	RL18.05	3.32m (30%)

Refer to Appendix 2: Clause 4.6 – Exceptions to Development Standards for detailed assessment.

5.3.3 Floor Space Ratio

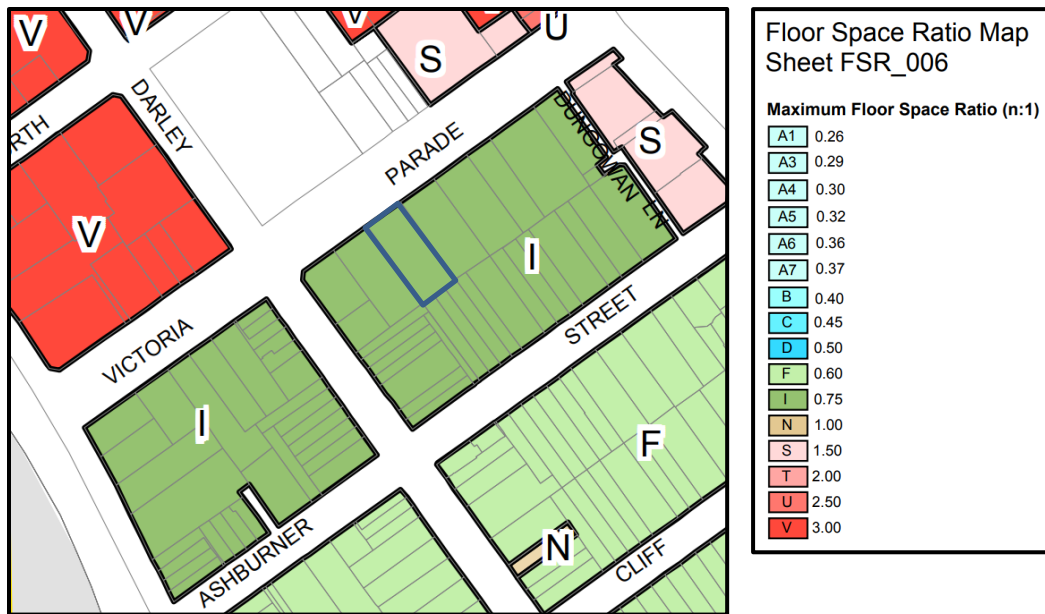


Figure 13: Floor Space Ratio Map of the Manly Local Environmental Plan 2012

In accordance with the Floor Space Ratio Map, the site is identified as being within a site 'I' area and contains a maximum floor space ratio map 0.75:1 (724.5sqm).

Clause 4.4(2) prescribes the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The proposal will result in a maximum gross floor area of 1674.4sqm which equates to a floor space ratio of 1.73:1. The proposal will exceed the maximum gross floor area by 949.9sqm.

Refer to Appendix 3: Clause 4.6: Exceptions to Development Standards for detailed assessment.

5.3.4 Heritage Conservation



Figure 14: Heritage Conservation of the Manly Local Environmental Plan 2013

In accordance the Heritage Map, the site is not identified as being a heritage item or identified as being located within a heritage conservation area. Notwithstanding this, the site is located immediately adjacent to the following items of heritage significance:

- Area 'C2' Heritage Conservation Area – Town Centre Heritage Conservation Area (HCA);
- Heritage Item no. I120 – 11 Darley Road, A semi-detached cottage;
- Heritage Item no. I122 – 15 Darley Road, A residential cottage;
- Landscape Item – Street Trees.

Clause 5.10(5) prescribes 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”.

In addressing Clause 5.10(5) above, a Heritage Impact Assessment has been prepared by Graham Brooks and Associates (GBA) Heritage to accompany the Development Application. The Heritage Impact Assessment concludes that the additional height of the proposed building compared with the building approved under DA167/2015 will have no additional heritage impact on any heritage item or the Town Centre Conservation Area. In addition, the high degree of articulation of the proposed facades, the division of the mass into two sections separated by a courtyard and the subdivision of the facades into single-storey visual units reduce the perceived mass of the building.

In considering the above, the proposed development is consistent with the heritage requirements and guidelines of MLEP2013, MDCP2013 and the guidelines of the Heritage Division DPC.

Refer to the Heritage Impact Assessment prepared by Graham Brooks and Associates for further details.

5.3.5 Acid Sulfate Soils

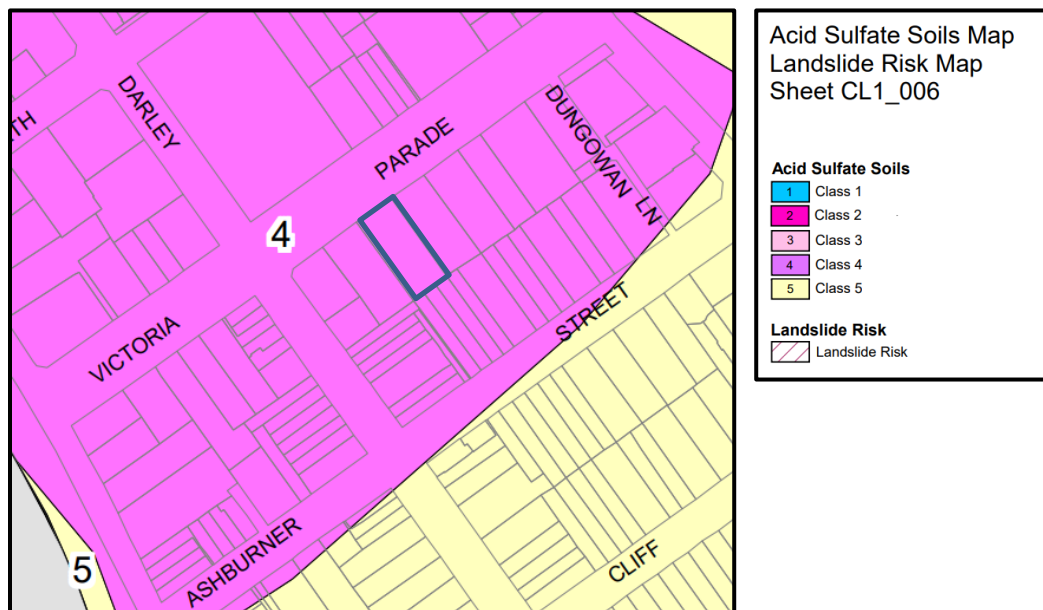


Figure 15: Acid Sulfate Soils Map & Land Risk Map of the Manly Local Environmental Plan 2012

In accordance with the Acid Sulfate Soils Map, the site is identified as being located within a 'Class 4 Acid Sulfate Soil' area.

Clause 6.1(2) prescribes that development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of Land	Works
4	<p>Works more than 2 metres below the natural ground surface.</p> <p>Works by which the watertable is likely to be lowered more than 2 metres below the natural surface.</p>

In addition to the above, Clause 6.1(3) prescribes that development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

The proposed development involves carrying out excavation works more than 2m below the natural ground surface to accommodate a basement car park. To address the above, an Acid Sulfate Soils Management Plan has been prepared by Environmental Investigation Services, which advises that the soil samples analysed for this investigation encountered results which indicate potential acid sulfate soils at depths greater than 3m. However, these samples have been neutralised by a large quantity of calcium (the source of calcium generally can be associated by the presence of shell fragments). At this stage, an Acid Sulfate Soil Management Plan is not considered necessary for the basement excavation to a depth of 3m.

Environmental Investigation Services recommends excavated soils for footing and shoring systems should be sampled and analysed for Suspension Peroxide Oxide Combined Acidity and Sulphar (SPOCAS) to confirm an acid sulfate soil management plan is not required. As a contingency plan during these works, any soils excavated for footings and services should be stockpiled and separated by a bund wall or a sediment control fence prior to testing for acid sulfate soils. Alternatively, this material could be placed into skip bins prior to testing.

Refer to Acid Sulfate Soil Assessment prepared by Environmental Investigation Services for further details.

5.3.6 Foreshore Scenic Protection Area

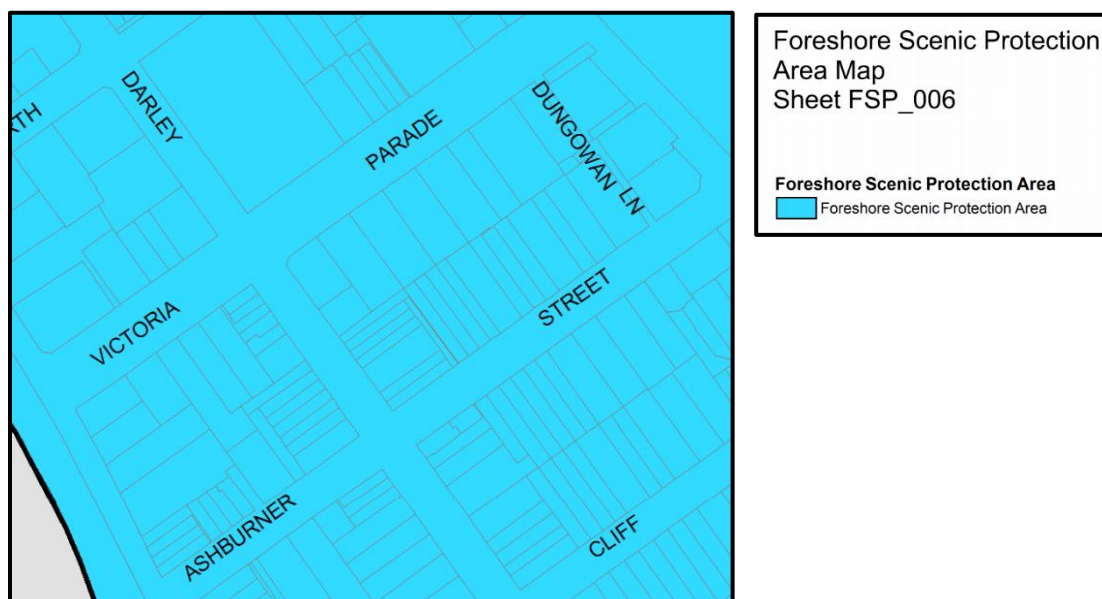


Figure 16: Acid Sulfate Soils Map of the Manly Local Environmental Plan 2013

In accordance with the Foreshore Scenic Protection Area Map, the site is identified as being located within an area identified as 'Foreshore Scenic Protection Area'.

Clause 6.9(3) prescribes that 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,*

The proposed development will not contribute to any adverse impacts from the existing coastal foreshore area. To the east of the site, at the end of Victoria Parade and the intersection of South Steyne, is the coastal foreshore area of Manly Beach. The western view corridor from the foreshore area to the proposed development will not contribute to any adverse visual amenity impacts. The proposed development maintains a consistent building height plane and is of a size and scale that is compatible with the neighbouring buildings within the street. In addition, the development does not contribute to any overshadowing impacts to the coastal foreshore area or minimise views from the existing streetscape setting. The increased front setback of the existing building which maintains a similar front setback alignment of the neighbouring buildings will improve the view corridor to the foreshore area to the east. The proposal will comply with the above provision.

- (b) measures to protect and improve scenic qualities of the coastline,*

The proposed development will continue to protect and improve the scenic qualities of the coastline in that the building envelope of the residential flat development has been modelled to ensure it remains sympathetic in bulk, scale and massing of the neighbouring buildings within the street. The building block incorporates increased front and side setbacks to the existing development, which improve the visual bulk and scale of the development to that which exists. In addition, the upper floor level incorporates additional setbacks which recess the top floor level behind the front façade and the side elevations of the building to further ameliorate the massing of the building when viewed from the coastal foreshore area. The use of a predominately face brick finish to the façade of the building ensures the external colours, materials and finishes of the building will remain compatible with the appearance of the neighbouring buildings within the street.

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

The proposed development is suitable for the site. The proposed use of the building for the purposes of a ground floor café or restaurant and hotel accommodation is suitable in that the proposal is a permissible form of development within the R3: Medium Density Residential Zone. The development will have a negligible impact to the existing foreshore area and the built form is sympathetic in form, size and scale to the neighbouring buildings within the street.

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

The proposed development will not contribute to any adverse impacts or conflicts between land-based and water-based coastal activities.

5.3.7 Tourist and Visitor Accommodation

Clause 6.15(2) prescribes that development consent must not be granted to development for tourist and visitor accommodation unless the consent authority is satisfied that the development will not provide accommodation to the same person for a period of more than three consecutive months.

The proposed development involves the demolition of the existing structures and construction of a hotel or motel accommodation which falls under the group term of 'tourist and visitor accommodation'. All accommodation within the premises will be let out for a maximum period of

three months and it is requested that this be enforced by way of a condition to any development consent.

5.4 Manly Development Control Plan 2013 (Amendment 11)

Refer to Appendix 2 for a detailed assessment of Manly Development Control Plan 2013 (Amendment no. 11).

6. SECTION 4.15 OF THE *ENVIRONMENTAL PLANNING AND ASSESMENT ACT 1979* - MATTERS OF CONSIDERATION

In assessing the Development Application, the consent authority is required to consider the relevant planning criteria in Section 4.15 (formerly Section 79C) of the *Environmental Planning and Assessment Act, 1979* (as amended). Section 4.15 is addressed as follows:

6.1 Statutory Policy and Compliance – S4.15(1)(a)

Relevant statutory planning policies have been assessed with respect to relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans as addressed within Section 6 of this Statement of Environmental Effects.

Planning provisions that are relevant to the proposed development include the following:

- *Environmental Planning and Assessment Act, 1979*;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy No. 55 – (Remediation of Land);
- State Environmental Planning Policy No. 64 – Outdoor Advertising and Signage;
- Manly Local Environment Plan 2012;
- Manly Development Control Plan 2013 (Amendment 11).

Refer to Section 6 of this Statement of Environmental Effects for a full assessment of the above planning policies.

6.2 The Natural Environment – S4.15(1)(b)

The proposal will not result in any adverse impacts to the existing natural environment within the site. An arboricultural report has been prepared by NSW Tree Services Pty. Ltd. and has been submitted as part of the Development Application documentation relating to the existing trees on the site as well as the existing trees located along the road verge of Victoria Parade. The arboricultural report identifies that the majority of the existing trees located on site are either exempt from the Tree Preservation Order or are an exotic species. It is concluded that a number of these existing trees are also obscured from street level and are not worthy of retention. As such, it is recommended that these trees be removed.

In addition, an existing Norfolk Island Pine Tree is located along the road verge of Victoria Parade, to the west of the site. The Norfolk Island Pine Tree is identified as being a significant tree with a high life expectancy as well as a high retention value. The tree also forms part of a group of trees along Victoria Parade which are identified within the Heritage Conservation Map as containing heritage significance and subsequently consists of both significant heritage and landscape values to the streetscape. The arboricultural report advises that the existing Norfolk Island Pine Tree is not located within the bounds of the site and is adequately set back from the proposed development. Therefore, it is not directly affected by way of a tree protection zone encroachment from the proposed works. It is recommended that a tree protection plan be prepared, stipulating guidelines for the retention of the Norfolk Island Pine Tree in accordance with the AS4970 – 2009 and to include detailed measures to minimise any construction impacts for this tree. Furthermore, it is recommended that a Level 5 Arborist be instructed to oversee the critical stages of the development to ensure the Norfolk Island Pine Tree is suitably retained.



Figure 17: Existing Norfolk Island Pine Tree located along the road verge of Victoria Parade, Manly

Notwithstanding this, the proposal will significantly improve the amount of soft landscaping that is provided on site compared with the existing situation. The site is limited to two small soft landscape strips along its northern and southern boundaries. These areas measure approximately 9sqm and 5.4sqm, respectively, with a total area of 14.4sqm. The proposed development will provide a landscape zone along the north-eastern corner and the entire length of the eastern boundary of the site with a total area of 51.36sqm. The proposed development will more than triple the amount of existing soft landscaping on the site and will provide adequate areas along the site boundaries which will improve stormwater run-off to the neighbouring dwellings. The increase in the areas of deep soil and the provision of significant tree planting along the north-eastern corner will soften the appearance of the building when viewed from the adjoining neighbours, in particular at the rear, and result in a greater visual balance between the built form and the natural vegetation on the site.

The proposal also includes the preparation of a landscape plan prepared by Ground Ink Landscape Architects. The proposed landscape design incorporates a combination of trees, shrubs, ground covers and grasses along the rear (western portion) of the site. The works include the provision of four native trees with low native coastal species incorporated within the shrub and groundcover planting. The landscaping will be maintained through a low volume drip irrigation system to support healthy plant growth. In addition, the proposal also includes the provision of landscaping through a series of planter boxes comprising a 650mm planter depth with planting along the southern boundary of the site. The proposed landscape plan is a significant improvement to the existing landscape design of the site and will provide a visual balance between the hard and soft textures to the building.

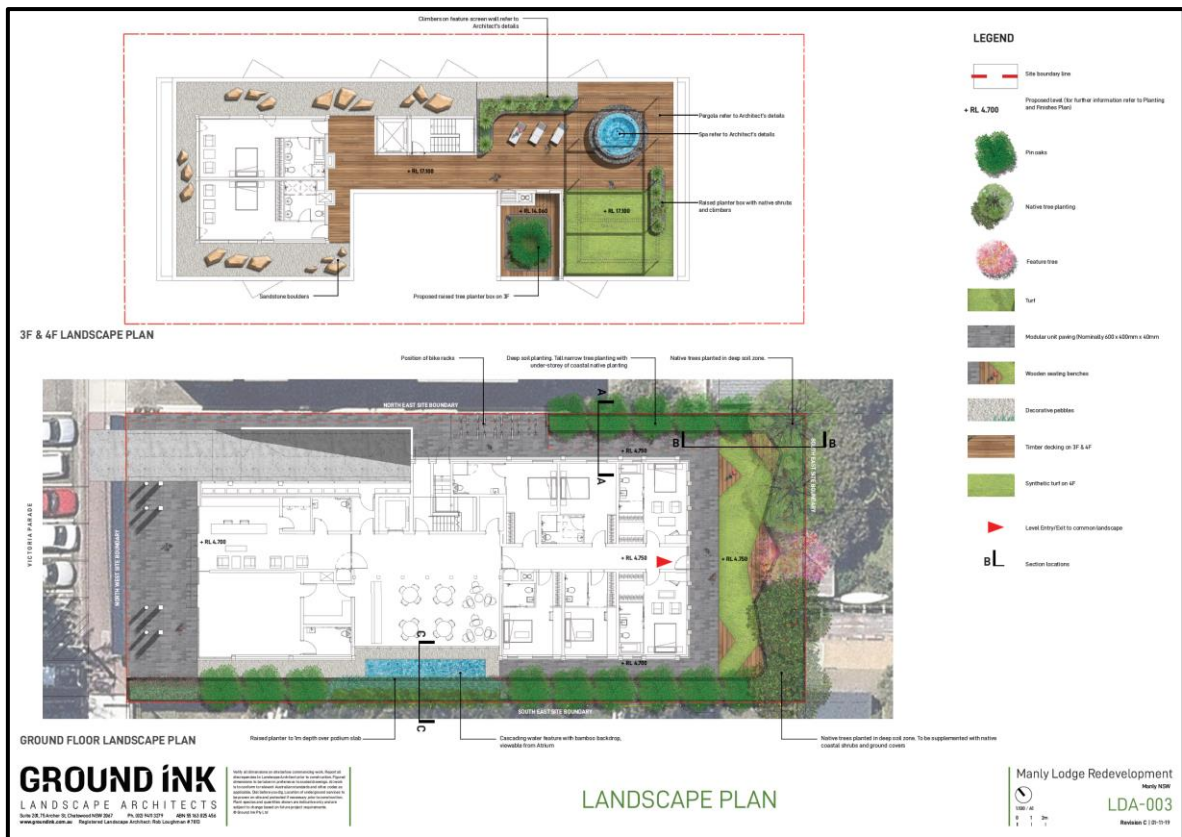


Figure 18: Landscape Plan prepared by Ground Ink Landscape Architects

6.3 The Built Environment – S4.15(1)(b)

Consideration of the built environment impacts to the neighbouring buildings and the streetscape is as follows:

6.3.1 Solar Access

The immediate adjoining neighbours to the site include an existing four-storey residential flat building to both the north and south and a pair of two-storey dwelling houses as well as a single storey dwelling house to the east (rear). The solar access impacts to each adjoining neighbour are as follows:

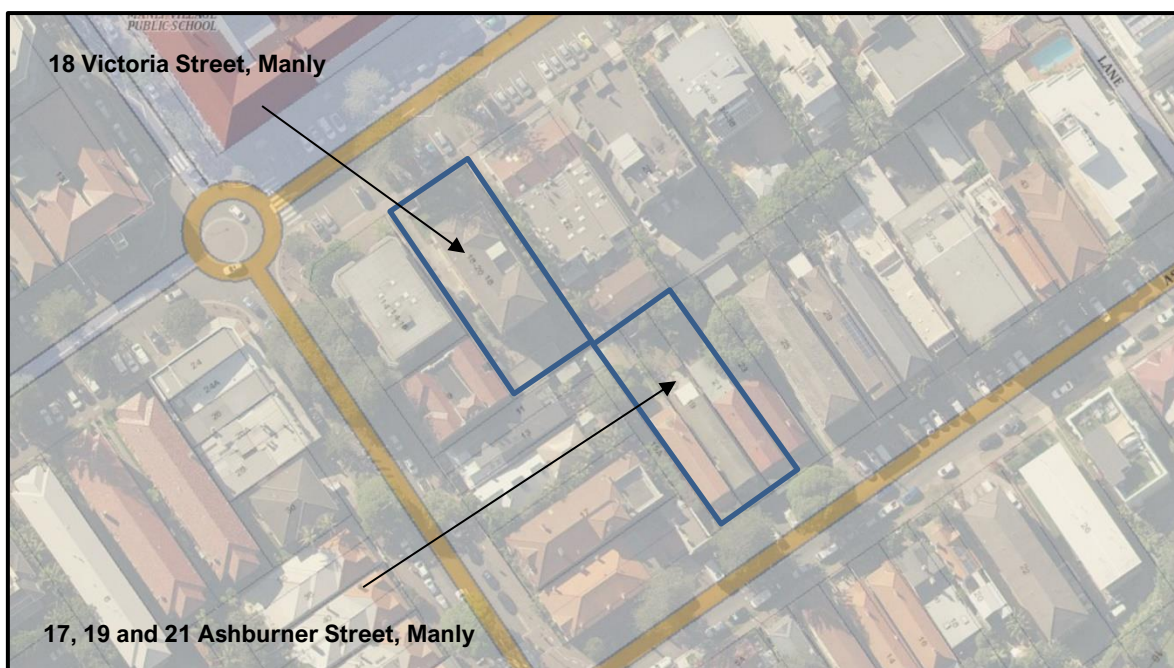


Figure 19: Solar access affected neighbouring dwellings

17, 19 and 21 Ashburner Street (Private Open Space):

MDCP2013 (amendment 11) prescribes that new development (including alterations and additions) must not eliminate more than one-third of the existing sunlight accessing the private open space of adjacent properties from 9am – 3pm, 21 June.

The proposed development in its current form will reduce the amount of direct solar access to the private open space of the immediate adjoining neighbours at nos. 17 and 19 Ashburner Street by more than one-third between the hours of 1pm – 3pm (two hours) and no. 21 Ashburner Street by more than one-third between 2pm – 3pm (one hour) only. The extent of the solar access impacts is limited to the late afternoon periods and is acceptable in complying with Council's controls in that, between the hours of 9am – 12pm, the adjoining neighbours to the rear will continue to receive more than one-third of direct solar access to the areas of private open space.

Solar Compliance (reduction of solar access to private open space by more than one third)							
Adjoining Neighbour	9am	10am	11am	12pm	1pm	2pm	3pm
17 Ashburner							
19 Ashburner							
21 Ashburner							

Figure 20: Solar compliance table to private open space areas of 17, 19 and 21 Ashburner Street

Notwithstanding, it should be noted that the relevant objectives of the solar access provisions prescribe the following:

Objective 1) To provide equitable access to light and sunshine

Objective 2) To allow adequate sunlight to penetrate:

- Private open spaces within the development site; and
- Private open spaces and windows to the living spaces/habitable rooms of both the development and the adjoining properties.

The adjoining development will comply with the objectives of these provisions in that for more than four hours (between the hours of 9am – 1pm) the neighbouring dwellings to the rear will continue to receive more than two-thirds of direct solar access to the rear private open space areas. The extent of the solar access received at nos. 17, 19, and 21 Ashburner will continue to be of a reasonable level at the neighbouring dwellings consistent with the controls contained within the MDCP2013 and will be compatible with the objectives in ensuring equiable access to light and sunlight is provided as well as penetration of sunlight into the rear private open spaces of adjoining properties.

17, 19 and 21 Ashburner Street (Living Areas):

In terms of maintaining solar access into living rooms of adjacent properties, MDCP2013 (amendment 11) prescribes that the level of solar access presently enjoyed must be maintained at windows or glazed doors to living rooms for a period of at least two hours from 9am to 3pm to adjacent buildings with an east-west orientation. The solar compliance to the glazed doors and living room windows is as follows:

Solar Compliance (solar access to living areas)							
Adjoining Neighbour	9am	10am	11am	12pm	1pm	2pm	3pm
17 Ashburner							
19 Ashburner							
21 Ashburner							

Figure 21: Solar compliance table to living areas of 17, 19 and 21 Ashburner Street

The adjoining neighbours will continue to receive more than the required two hours of direct solar access with more than four hours between 9am – 1pm, 21 June. The proposal will only reduce the amount of direct solar access for two hours between 1pm – 3pm (17 and 19 Ashburner St) and one-hour only at 3pm (21 Ashburner St).

18-20 Victoria Street (Private Open Space):

The southern neighbour at no. 18-20 Victoria Street consists of a four storey residential flat building with an open plan living adjacent to the balconies fronting the street alignment of Victoria Parade, as well as the northern/rear façade of the building. As raised above, in applying MDCP2013 (amendment 11), the controls prescribe that new development (including alterations and additions) must not eliminate more than one-third of the existing sunlight accessing the private open space of adjacent properties from 9am – 3pm, 21 June.

It is also important to note that the Apartment Design Guide under State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development) prescribes a minimum of two hours of direct solar access be provided between the hours of 9am – 3pm, 21 June to the private open spaces of adjoining neighbours.

The shadow diagrams prepared by Morson Group indicate that the proposed development will continue to provide a reasonable level of direct solar access to the private open spaces of the southern neighbour. The west-facing balconies, for apartments to the west, will continue to receive uninterrupted direct solar access to the balconies between 11am – 3pm, 21 June.

The north-facing balconies, for apartments to the east, are acceptable in providing a reasonable level of direct solar access for the following reasons:

- Level 2 will not contribute to any additional overshadowing than the original development approval (167/2015).
- Level 3 will not contribute to any additional overshadowing than the original development approval (167/2015).

- Level 1 is no longer a balcony and has since been fully enclosed and is not considered to be an area of private open space as per the definition of 'private open space' of the MLEP2013 (amendment 11).

18-20 Victoria Street (Living Areas):

The living areas of the adjoining units at no. 18-20 Victoria Street will also continue to receive the required two hours of direct solar access between the hours of 9am – 3pm, 21 June.

The west-facing living room windows, of the apartments to the west, will receive uninterrupted direct solar access to the living areas between 11am – 3pm, 21 June and comply with Council's controls.

The elevational shadow diagrams prepared by Morson Group illustrate that the north-facing living room windows, of the apartments to the east, will also comply in receiving the required two hours between the hours of 9am – 3pm, 21 June as follows:

- Level 3 will receive direct solar access between 9am – 11am (2 hours).
- Level 2 will receive direct solar access between 10am – 12pm (2 hours).
- Level 1 will receive direct solar access between 11am – 1pm (2 hours).

In considering the above, the solar access is considered reasonable in this instance and will comply with the requirements of both MDCP2013 (amendment 11) and the Apartment Design Guide.

6.3.2 Visual Privacy

Visual privacy impacts of the proposed development are as follows:

Habitable Room Windows:

The relevant objectives for visual privacy and security as per MDCP2013 prescribe to minimise loss of privacy to adjacent and nearby development by:

- *Appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings;*
- *Mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.*

A number of measures have been recommended to ameliorate potential cross-viewing between properties including the provision of narrow, translucent or obscured glass windows to maximise privacy or, when close to boundaries, windows be off-set from those in adjacent buildings to restrict direct viewing and to mitigate impacts on privacy. The proposed location and positioning of the window openings will be of a similar arrangement as the current development approval (167/2015) to the fourth- and fifth-floor levels of the building. The proposal will provide a similar window treatment with the provision of bay windows which re-direct outlook opportunities of the neighbour away from the existing window openings directly opposite and window openings to the rooms to be off-set from the neighbouring habitable room windows. In considering the above, the proposal will provide a reasonable level of visual privacy from the new hotel accommodation rooms to the neighbouring dwellings.

Communal Rooftop Terrace

The proposal includes the provision of a communal rooftop terrace area which is directly accessible via the proposed fire stairs and lift. MDCP2013 prescribes that architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties and architectural screens must be fixed in position and suitably angled to protect visual privacy. To the north, it is worthwhile noting that the location of the proposed communal rooftop terrace is directly opposite an existing communal rooftop terrace at no. 28 Victoria Parade. Subsequently, it is expected that any overlooking between the two buildings will be mutual, given the similarities and functions of each space within the rooftop area. Further, these areas are not considered to be 'private open spaces' and therefore do not require the same privacy considerations as areas in which are shared by the occupants within the building.

To the south, it is expected that the communal rooftop terrace will be directly adjacent to the hipped roof level of the neighbouring building and not located directly opposite any habitable windows openings to that respective level of the building. While there may be some potential overlooking opportunities to the habitable room windows at the level below, it is largely considered that these views are oblique given the differences in levels between the communal rooftop terrace level and the neighbouring development. The potential for overlooking is also reciprocated to the rear neighbours. Given the substantial level differences between the rooftop level and the rear private open space of the neighbours at nos. 17, 19 and 21 Ashburner Street, it is not expected to contribute to any direct visual privacy impacts to the neighbouring dwellings within the street.

In considering the relationship between the proposed rooftop terrace and the neighbouring buildings, in this instance it is not recommended that additional visual privacy screening devices be provided on the rooftop level of the building. The provision of additional privacy measures does not contribute to a better planning outcome in that it will not significantly enhance the visual privacy of the adjoining neighbours and will further exacerbate the visual bulk and scale of the building through the installation of screens along the edge of the rooftop terrace levels of the building.

In considering the above, the proposal will be generally consistent with the objectives for visual privacy and will continue to provide a balance between minimising the appreciable bulk and scale of the building and an acceptable level of visual privacy.

6.3.3 Bulk and Scale

The proposed demolition of the existing structures and construction of a new part-four/part-five storey hotel accommodation will not contribute to any unreasonable visual bulk and scale impacts to the existing streetscape setting along Victoria Parade. In considering the existing street context within the urban block on Victoria Parade it is noted that the buildings generally vary between four to six storeys in height all of which exceed the maximum permitted building height provisions of 11m.

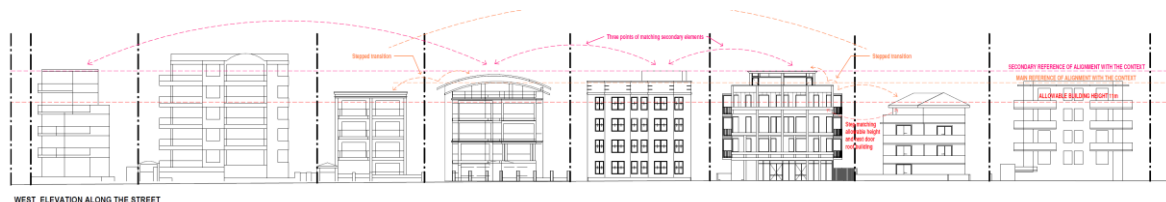


Figure 22: Streetscape elevation of the existing and approved buildings along the Victoria Parade streetscape

The bulk and scale of the development are considered acceptable for the following reasons:

- The proposal will retain a similar building height plane as the existing residential flat buildings within the street. The height of the roof parapet will be similar in height as the recently approved residential flat building at no. 46 Victoria Parade, the curved roof element of the no. 34 Victoria Parade and the lift overrun of no. 28 Victoria Parade.
- The fifth-floor level of the building provides an increased setback at 4.9m from the street alignment which articulates the front façade of the building and minimises the perceivable visual bulk and scale of the building when viewed from the street.
- The fifth-floor level of the building provides an increased setback at 5.7m from the southern side boundary which allows the building to appropriately transition in scale between the lower four-storey scaled building to the south (18-20 Victoria Parade), to the taller four-storey scale building to the north (28 Victoria Parade).

- The proposal incorporates a lower building height plane as it steps down from five-storeys at the street alignment to four storeys to the rear. The reduction in the number of storeys ensures that the four-storey scale is compatible with the scale of the neighbouring residential flat buildings when viewed from the private open spaces of the rear neighbours.
- The proposed U-shaped building envelope configuration provides a large central void within the building with a substantial setback of 9m to the southern side boundary. The increased setback within the built form will minimise the appreciable visual bulk and scale when viewed from the adjoining neighbour and appropriately modulates the western elevation.
- The proposal will maintain the existing side setbacks of the building and will complement the established setbacks along the existing streetscape setting.

6.3.4 View Loss

In accordance with the planning principles of *Tenacity Consulting v Warringah* [2004] NSWLEC 140, consideration must be given on the potential view loss impacts that may arise from the proposed development to the adjoining neighbours and the public domain. The view loss assessment considers potential views from both an easterly and westerly aspect.

The proposed first and second floor levels of the new hotel accommodation are identical in terms of setbacks and building envelope configuration to the previously approved development (167/2015). Subsequently, the first and second floor levels will not contribute to any additional view loss impacts of the immediate southern neighbour of the existing development.

At the time of preparing this Statement of Environmental Effects, Tomasy Planning Pty. Ltd. did not have the benefit of inspecting the top level, west-facing apartment of the southern neighbour at no. 18-20 Victoria Parade to determine the quality of views appreciable from the balcony and living areas of the dwelling. Nevertheless, an assessment has been carried out against the view loss planning principles of *Tenacity Consulting v Warringah* [2004] NSWLEC 140 to determine the potential views. It is recommended that a site inspection be arranged between the consent authority and the adjoining neighbour to determine whether the quality of views may be impacted.

Views at no. 18-20 Victoria Parade

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The existing view, is directly to the east, of Victoria Parade. It is expected to largely consist of a water view. It is unlikely that the view will consist of any visible transitions between land and water. The view corridor is considered to be a partial view given it is largely interrupted by the existing buildings located on either side of Victoria Parade and the existing Norfolk Island Pine Trees which are located along the road verge which further impacts any potential water view.

The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

It is possible that a view may be appreciable from both the balcony and a north/west facing window opening which adjoins a living room window from either a sitting or standing position. However, the view is a side view and is across the side boundaries of the adjoining neighbours. As described within the principles of *Tenacity Consulting v Warringah* [2004] NSWLEC 140 side views are more difficult

to retain and considered to be an unrealistic view for protection. There is also a likelihood that the southern elevation of no. 28 Victoria Road will obscure potential water views from the impacted apartment.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The proposed views are likely to be obtained from both a private open space area and a living room adjoining the balcony. However, in considering the items raised within both step 1 and step 2 it is likely that the extent of the impact is either negligible or minor.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The development proposal results in a non-compliance to the maximum permissible building height above the third-floor level and may impact any existing view corridor from the west-facing balcony and living room area. In order to determine whether the potential view loss impact is a result of the increase to the maximum building height, further consideration must be given on conducting a site inspection to the view-impacted apartment to determine whether the proposal will result in a view loss impact and if so, whether a more sensitive and skilful design could address the view loss concerns of the impacted apartment.

Views at no. 28 Victoria Parade

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The existing view is directly to the south-west. The view is likely to be partially impacted by the existing residential flat buildings at nos. 18-20 Victoria Parade and no. 14 Victoria Parade (located on the intersection of Victoria Parade and Darley Road). The view may comprise partial transitioning between land and water.

The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The proposed view is visible from an existing side elevation and is only obtainable across the side boundaries of the building. The views may be appreciable from either a standing or sitting view from the adjoining neighbour. In accordance with the Planning Principles of Tenacity Consulting v. Warringah [2004] NSWLEC140 the retention of side views is unreasonable.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The proposed views are obtained from the south-west facing bedroom windows. In considering the items raised within both step 1 and step 2 it is likely that the extent of the impact is either negligible or minor.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The development proposal results in a non-compliance to the maximum permissible building height above the third-floor level and may impact any existing view corridor from the south-west facing window openings. In order to determine whether the potential view loss impacts are a result of the increase to the maximum building height and floor space ratio further consideration must be given to conducting a site inspection to the view-impacted apartment to determine whether the proposal will result in a view loss impact and, if so, whether a more sensitive and skilful design could address the view loss concerns of the impacted apartment.

6.3.5 Noise

An acoustic impact assessment has been prepared by TTM Consultants in respect to the proposed part-four/part-five storey hotel accommodation and the new rooftop terrace above. To demonstrate that the proposed development does not unreasonably compromise the acoustic amenity of the adjoining neighbours, noise receivers were installed to the adjoining neighbours including nos. 18-20 and 28 Victoria Parade and no. 19 Ashburner Street at the rear. The submitted acoustic impact assessment reports assess the projected noise impacts against relevant noise policies including MDCP2013 (amendment 11) and the Noise for Industrial Policy.



Figure 23: Installation of noise receivers as per Acoustic Report prepared by TTM Consultants

In summary the following recommendations are provided within the acoustic impact assessment report as follows:

- *The noise emissions of individual mechanical plant, including corrections for tonal and impulsive noise characteristics, must not exceed 66 dB(A) measured at one metre from the source.*
- *A detailed noise assessment of the mechanical plant during the detailed design stage is recommended. The noise assessment should include noise source levels of plant, location, adjustments for plant noise characteristics, the cumulative noise effect of all plant noise, and practical effective noise control where required to verify compliance with the criteria.*
- *The effectiveness and performance of the acoustic louvres should be reviewed and investigated to ensure compliance with the relevant noise criteria as part of the detailed mechanical plant noise assessment.*
- *The rooftop communal area is to be suitable for recreational use by the guests, with the implementation a noise management plan.*
- *The noise management plan is recommended to be reviewed on a regular basis.*
- *Noise from additional road traffic generated from the development is predicted to be insignificant.*

Notwithstanding this, in order to demonstrate full compliance with the noise criteria of the Manly DCP 2013 and the NSW Noise Policy for Industry 2017 it is recommended that the following measures be applied to the use of the communal rooftop terrace area:

- Restrict use of terrace to the day-time and evening assessment periods only, which is from 7am to 10pm, Monday to Saturday or 8am to 10pm on Sundays and public holidays.
- Display signs to ensure noise is kept to a minimum of the adjacent properties.
- Position outdoor speakers away from any window of the adjacent properties.

6.3.6 Parking and Traffic

In accordance with MDCP2013 (amendment 11) the following Council car parking rates are applicable to the proposed development:

Type	Council Requirement Rates	No. of units, staff etc.	Requirement	Provision
Hotel use	1 parking space for each room or single occupancy unit	49 units	49 parking spaces	19 car parking spaces
Staff Parking (Hotels and Motels)	1 staff parking space for every two employees, for premises at peak times	Maximum of 4 staff at peak times	2 staff parking spaces (refer to Section 4.3)	2 staff car parking spaces
Shop Use	1 parking space for every 40sqm of gross floor area	42.1m ²	1 parking space	1 car parking space
Bicycle Parking	1 stand for every 3 car parking spaces with a minimum provision of one stand for each premise	22 parking spaces	8 bicycle parking spaces	10 bicycle parking spaces

Figure 24: Off-street car parking requirements in accordance with the MDCP2013 (amendment 11)

The proposed development generates a required 52 off-street car parking spaces with 22 off-street car parking spaces (inclusive of two accessible parking spaces) at the basement level of the building. The proposal will result in a shortfall of 30 car parking spaces. A parking and traffic assessment report prepared by TTM Consultants prescribes that while the proposed parking provisions for the hotel use does not strictly comply with Council's DCP, it is noted that the hotel use requirement is for hotels and motels outside Manly Town Centre in general. The proposed development is adjacent to the defined town centre and the proposed use is not similar to a motel where a guest parking rate of one per room might be considered reasonable. In addition, the parking provisions can be significantly reduced due to the convenient and widely available public transport facilities located within 400m, which can service the site.

Notwithstanding the above, the RMS Guide to Traffic Generating Developments 2002 recommends provision of parking at a rate of one space per four bedrooms in a three- or four-star hotel, which is equivalent to the proposed development in this particular Development Application. The application of the RMS parking rate to the 49 rooms for the proposed development results in a requirement for 12.3 spaces for the hotel use. When providing one additional car space for the café/restaurant, it is expected that the parking requirement will result in a maximum of 14 car parking spaces. Subsequently, the provision of 22 parking spaces will comply with the RMS parking requirement and is suitable for the proposed development.

6.4 Social and Economic Impacts – S4.15(1)(b)

The proposal involving the demolition of the existing structures and construction of a new part-four/part-five storey hotel accommodation including one level of basement car parking will provide temporary accommodation to visitors to the local area. The provision of a new hotel will attract visitors and further enhance the local tourism of the Manly Town Centre. The proposal will continue to strengthen the local economy and sustain local employment.

6.5 Suitability of the Site – S4.15(1)(c)

The proposed 'hotel or motel accommodation' and 'café or restaurant' are both permissible forms of development within the R3: Medium Density Residential Zone.

6.6 Submissions made in accordance with the Act – S4.15(1)(d)

The proposal will be notified to the adjoining neighbours in accordance with Chapter 2: Exhibition, Advertising and Notification of Applications as per MDCP2013 (amendment 11) and prescribes that all developments will have the following minimum standards for notification:

- a) *A notification letter will be sent to adjoining property owners and occupiers, and property owners and occupiers directly across a street or road. Council will rely on its property system on the day of compiling the notice to identify the owners of the land. An example of the extent of the notification area is shown in Figure 1.*
- b) *A notification sign is to be placed in a prominent position on the site for the duration of the notification period.*
- c) *In cases where the property to be notified is a strata titled building, Council will notify all owners and occupiers of the property.*
- d) *The exhibition period is 14 days (unless legislation requires otherwise) except for any application to be determined by the Sydney North Planning Panel, which will be exhibited for 21 days.*
- e) *The notification letter will include the following advice:*
 - i. *Identification of the relevant parcel of land, including the complete address of all street frontages and lot numbers;*
 - ii. *A description of the development;*
 - iii. *The place and times the application can be inspected;*
 - iv. *The closing date for submissions, and;*
 - v. *A statement that submissions will be disclosed to any person requesting information under the applicable legislation.*

Submissions received from neighbouring dwellings and the wider local community will be considered by the consent authority as part of the development application process in accordance with the *Environmental Planning and Assessment Act, 1979*.

In addition to the above, the application is considered to be 'Advertised Development'. The proposed works involve the construction of a new 'hotel or motel accommodation' and subsequently must be advertised within a local newspaper.

Any submissions received as part of the development proposal will be reviewed by the applicant during the course of the notification process.

6.7 The Public Interest – S4.15(1)(e)

The proposed development will not contribute to any adverse amenity impacts to the neighbouring dwellings and will not compromise the appearance of the existing building within the existing streetscape setting. The proposal is considered to be within the public interest.

7. CONCLUSION

The proposal has been considered under the provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979 (as amended)* and is considered a development that can be supported by Northern Beaches Council for the following reasons:

The bulk and scale of the development is compatible with the existing along Victoria Parade.

The proposed part four/part five storey hotel accommodation will be commensurate in bulk and scale as the existing buildings within the streetscape setting. The buildings along Victoria Parade consists of a range of buildings which vary between four and six storeys in height, all of which exceeds the maximum building height of 11m as set by the Height of Buildings Map of the Manly Local Environmental Plan 2012. The new hotel accommodation will maintain the established building height plane that is set by the existing four and six storey residential flat developments and is sympathetic in that the massing and scale of the buildings within the street. In addition, the proposed development provides a number of design cues to sensitively and skillfully further reduce the apparent massing of the building within the street. Levels 3 and 4 incorporate an increased setback from the front building alignment which alleviates the visual bulk from the front building façade and the upper floor level consists of a much reduced building footprint which creates a stepped envelope to transition to the three-storey residential flat building to the south of the site. The proposed development incorporates a lower building height with four storeys at the rear to ameliorate the appreciable bulk and scale of the neighbours at the rear along Ashburner Street. The proposal represents an infill development that comfortably fits within the site and will remain compatible with the appearance of the existing buildings within the street.

The development will not contribute to any adverse amenity impacts to the adjoining neighbours.

The proposal does not give rise to any appreciable environmental amenity impacts to the immediate adjoining neighbours. The proposal will maintain a similar configuration of the window openings as the approved development (167/2015) and incorporates a number of privacy measures including narrow window openings and windows offset from the adjoining windows of the neighbouring buildings. The new communal rooftop terrace does not provide any direct overlooking into the habitable room windows of the adjoining neighbour and the use of the rooftop will be largely restricted in its use as recommended by the proponents Acoustic Consultants, TTM Consultants. In terms of direct solar access, the overshadowing plans prepared by The Morson Group illustrates that the proposal will not result in any further solar access impacts to the northern elevation of the southern neighbour at no. 18-20 Victoria Parade. The building footprint considers the adjoining neighbours and incorporates a substantial recess through the central portion of the building which aims to maximise the amount of natural light and solar access into the neighbouring apartments. Finally, any view loss impacts from the adjoining neighbours is acceptable given any water views will be visible only through the side boundary. The Planning Principles of Tenacity Consulting vs. Warringah City Council prescribe that side boundary views are unrealistic to be obtained.

The proposal is within the public interest.

The proposal is considered to be within the public interest having regard to the land use zoning in that 'hotel or motel accommodation' are a permissible form of development within the R3: Medium Density Residential Zone and having regard to the minimal amenity impacts to the adjoining neighbours.

The proposed development will comply with the relevant matters of consideration under Section 4.15 and the development will positively respond to the site conditions and the surrounding built and natural environment. In considering the above, the development should be supported by the Northern Beaches Council.

APPENDIX 1: MANLY DEVELOPMENT CONTROL PLAN 2013 (AMENDMENT 1)

The Manly Development Control Plan (MDCP2013) provisions are structured into two components: Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternate solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in the table below. (Note: a number of control provisions that are not related to the proposal have been deliberately omitted.)

Clause	Requirement	Provision	Complies (Y/N)
PART 3: General Principles of Development			
3.1.1.1 Complementary Design and Visual Improvement	Development in the streetscape (including buildings, fences and landscaping) should be designed to:		
	i) complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;	The external colours, materials and finishes to the building incorporates a face brick finish to the lower levels of the building and a metal cladding to the upper floor levels. The face brick finish will be compatible with the finishes to the adjoining building and the metal clad will articulate the built form with a more lightweight finish to the upper floor level of the building.	Yes.
	ii) ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed from surrounding public and private land;	The bulk and scale of the proposed development will remain compatible in the height and scale as the neighbouring buildings along the streetscape of Victoria Street.	Yes.
	iii) maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys;	The proposed five storey scale of the proposed development will be compatible in the height and scale of the existing buildings along Victoria Parade. The existing building located along the corner at no. 16-18 Victoria Street, no. 34 and 40 Victoria Street all consist of a similar bulk and scale all of which comprise of a 5 storey scale visible from the existing street alignment. A Clause 4.6: Exceptions to Development Standards has been included within this Statement of Environmental Effects. Refer to Appendix 3 for further details.	Yes.
	iv) avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like.	A spa structure has been included on the rooftop of the building, however, will not contribute to any adverse visual bulk and scale when viewed from the neighbouring properties or the existing streetscape.	Yes.

Clause	Requirement	Provision	Complies (Y/N)
	<p>See also paragraph 4.1.8 Development on Sloping Sites and paragraph 4.1.9 Swimming Pools, Spas and Water Features;</p> <p>v) address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also paragraph 3.2 Heritage Considerations;</p> <p>vi) visually improve existing streetscapes through innovative design solutions; and</p> <p>vii) incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged. See also paragraph 3.5.7 Building Construction and Design.</p>	<p>A Heritage Impact Statement has been prepared by GBA Heritage. Refer to Heritage Impact Statement for detailed assessment.</p> <p>The proposal includes an increased recess of the fifth-floor level from the existing building alignment to minimise the scale of the building from the street and incorporates a variety of materials and finishes to the existing façade of the building.</p> <p>The external materials and finishes of the building incorporate a face brick finish to the lower levels of the building which will be commensurate to the external finishes to the existing residential flat buildings within the street.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
	<p><u>Setback Principles in Low Density Areas</u></p> <p>In lower density areas including LEP Zones R2, E3 & E4, setbacks should be maximised to enable open space to dominate buildings, especially on the foreshore. See also paragraph 3.3 Landscaping and paragraph 4.1.5 Open Space and Landscaping.</p>	NA.	NA.
	<p><u>Setback Principles in Higher Density Areas</u></p> <p>In higher density areas (including LEP Zones R1 & R3), careful consideration should be given to minimising any loss of sunlight, privacy and views of neighbours. This is especially relevant in the design of new residential flat buildings adjacent to smaller developments. See also paragraph 3.4 Amenity.</p>	The proposal will continue to provide a reasonable level of amenity to the immediately adjoining neighbours and will continue to provide a compliant amount of direct solar access, visual privacy and the building envelope has been designed to maintain significant views from the adjoining neighbours.	Yes.
3.1.1.2 Front Fences and Gates	<p>See also paragraph 3.2.3 Fencing for Heritage Items and Conservation Areas. See also paragraph 4.1.10 Fencing for height controls.</p> <p>a) Notwithstanding maximum height provisions for fencing at paragraph 4.1.10; the siting, height and form of boundary fences and walls should reflect</p>	NA.	NA.

Clause	Requirement	Provision	Complies (Y/N)
	<p>the fencing characteristic of the locality, particularly those of adjacent properties. All fencing and wall materials must be compatible with the overall landscape character and the general appearance of the building and the streetscape.</p> <p>b) Boundary fences or walls must not be erected where they would conflict with the local character.</p> <p>c) Front fences and gates must be constructed in materials that complement the architectural style and period of the dwelling and improve the streetscape. In particular, fencing adjacent to a public road or place must not be constructed in metal cladding, powder coated or otherwise.</p> <p>d) Gates must not encroach on public land when opening or closing.</p>		
3.1.1.3 Roofs and Dormer Windows	<p>See also paragraph 4.1.7.2 Habitable Rooms in the Roof Structure. See also paragraph 3.4.3 Views regarding roof forms to minimise view loss.</p> <p>a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.</p> <p>b) Roofs should be designed to avoid or minimise view loss and reflectivity.</p> <p>c) Dormer windows and windows in the roof must be designed and placed to compliment the roof structure and reflect the character of the building. In particular, such windows are not permitted on the street frontage of the building where there is no precedent in the streetscape, especially on adjoining dwellings.</p>	<p>The proposal involves the provision of a skillion low profile roof element to the existing building and will be compatible with the roof profiles of the existing buildings within the street including nos. 14-16, 28-32, 40 and 42 Victoria Parade, Manly.</p> <p>The proposed skillion roof profile will not adversely impact views to the neighbouring properties.</p> <p>NA.</p>	<p>Yes.</p> <p>Yes.</p> <p>NA.</p>

Clause	Requirement	Provision	Complies (Y/N)
3.1.1.4 Garages, Carports and Hardstand Areas	<p>a) Garages, carports and hardstand areas must be designed and sited in a manner that does not to dominate the street frontage by:</p> <p>i) its roof form, material choice and detailing by being subservient to the associated dwelling; and</p> <p>ii) being compatible with the streetscape and the location in relation to front setback criteria.</p> <p>b) Exceptions to setback criteria referred to in this paragraph may be considered where parking structures are a positive element of the streetscape.</p>	NA.	NA.
3.1.1.5 Garbage Areas	<p>Buildings with more than 1 dwelling require garbage storage enclosures which are:</p> <p>a) not visible off site;</p> <p>b) integrated into the building design;</p> <p>c) unobtrusive and blend in with the design of front fences and walls when forward of the building; and</p> <p>d) located and designed with consideration given to the amenity of adjoining properties.</p>	All waste storage areas are located at the basement level and will not be visible from the existing streetscape along Victoria Parade.	Yes.
3.2.1.1 Consideration of Heritage Significance	<p>a) In addition to LEP listings of Environmental Heritage (LEP Schedule 5), this DCP requires consideration of the effect on heritage significance for any other development in the vicinity of a heritage item or conservation area.</p> <p>b) Proposed development in the vicinity of a heritage item or conservation area must ensure that:</p> <p>i) it does not detract or significantly alter the heritage significance of any heritage items, conservation area or place;</p> <p>ii) the heritage values or character of the locality are retained or enhanced; and</p> <p>iii) any contemporary response may not necessarily seek to replicate heritage details or character of heritage buildings in the vicinity, but must preserve heritage significance and integrity with complementary and</p>	<p>The subject site is located immediately adjacent to an existing heritage conservation area. Refer to Section 6.3.4: Heritage Conservation for detailed assessment.</p> <p>The proposed building is separated from the existing contributory heritage items and the heritage conservation area including the Manly Village Public School and the cottages at 11 and 15 Darley Street. The significant building separation and existing development will not dominate or compete visually with them.</p> <p>In addition, its distance from the heritage listed street trees in Victoria Parade is similar to that of the existing building and its highly articulated and partly set back façade avoids competition with their form and height. Refer to the Heritage Impact Assessment Prepared by GBA Heritage for detailed assessment.</p>	<p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provision	Complies (Y/N)
	<p>respectful building form, proportions, scale, style, materials, colours and finishes and building/street alignments.</p> <p>The impact on the setting of a heritage item or conservation area is to be minimised by:</p> <p>i) providing an adequate area around the building to allow interpretation of the heritage item;</p> <p>ii) retaining original or significant landscaping (including plantings with direct links or association with the heritage item);</p> <p>iii) protecting (where possible) and allowing the interpretation of any archaeological features; and</p> <p>iv) retaining and respecting significant views to and from the heritage item.</p>	<p>Adequate building separation has been provided to ensure the curtilage of the neighbouring heritage buildings are retained.</p> <p>The proposal is adequately setback from the existing heritage listed street trees in Victoria Parade and will not impact its streetscape quality.</p> <p>No impact to existing archaeological features.</p> <p>The proposal will retain existing views to the heritage buildings including the Manly Village Public School and the existing cottages at 11 and 15 Darley Street.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
3.3.1 Landscaping Design	<p>Landscape Character</p> <p>a) The design, quantity and quality of open space should respond to the character of the area. In particular:</p> <p>i) In low density areas: (including LEP Zones R2 Low Density, E3 Environmental Management and E4 Environmental Living) open space should dominate the site. Setbacks of buildings from open space should also be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshore.</p> <p>ii) In higher density areas: the provision of adequate private open space and landscaped areas are to maximise residential amenity. Site works must be minimised to protect natural features.</p> <p>iii) In areas adjacent to native vegetation: the design of development should be sympathetic to the natural environment in order to protect and enhance the area as habitat for native fauna.</p> <p>iv) In areas of habitat for the long-nosed bandicoot: (see paragraph 5.4.2),</p>	<p>NA.</p> <p>The subject site is not for the purposes of residential accommodation. The proposal will be used for the purposes of hotel accommodation. The site provides for private open space areas located at the ground floor level and the rooftop levels of the building.</p> <p>The subject site is not located adjacent to native vegetation.</p>	<p>NA.</p> <p>Yes.</p> <p>NA.</p> <p>NA.</p>

Clause	Requirement	Provision	Complies (Y/N)
	landscape design must include native plant species to provide new and/or improved low dense clumping habitat to provide for potential foraging and nesting. The planting schedule should comprise species such as Lomandra sp., Dianella sp., Banksia spinulosa, Caustis sp., Xanthorrhoea sp., Isolepis sp., Juncus sp., Adiantum sp., Calochlaena sp., Callistemon sp., Grevillea juniperina, Gleichenia sp., Grevillea 'Robyn Gordon' and tussocky native grasses (eg. Kangaroo Grass)	The subject site is not located in close proximity to the long-nosed bandicoot.	
3.4 Amenity (Views, Overshadowing/ Privacy, Noise)			
3.4 Amenity (Views, Overshadowing, Overlooking/Privacy, Noise)	Careful design consideration should be given to minimise loss of sunlight, privacy, views, noise and vibration impacts and other nuisance (odour, fumes etc.) for neighbouring properties and the development property. This is especially relevant in higher density areas, development adjacent to smaller developments and development types that may potentially impact on neighbour's amenity such as licensed premises.	The proposed development has been carefully designed to minimise any appreciable environmental impacts to the neighbouring properties.	Yes.
	Development should not detract from the scenic amenity of the area. In particular, the apparent bulk and design of a development should be considered and assessed from surrounding public and private viewpoints.	The proposal will not impact the foreshore scenic amenity of the immediate locality. The five storey hotel accommodation building will be compatible in scale as the neighbouring buildings within the street.	Yes.
	The use of material and finishes is to protect amenity for neighbours in terms of reflectivity. The reflectivity of roofs and glass used on external walls will be minimal in accordance with industry standards. See also Council's Administrative Guidelines regards DA lodgement requirements for materials and finishes.	The external, colours, materials and finishes to the building will not contribute to an adverse level of reflectivity that would unreasonably impact the amenity of the neighbouring properties. An external, colours, materials and finishes schedule will be submitted with the subject application.	Yes.
3.4.1 Sunlight Access and Overshadowing	In relation to sunlight to private open space of adjacent properties: a) New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June) ; or b) Where there is no winter sunlight available to open space of adjacent properties from 9am to 3pm, the calculations for the purposes of sunlight will relate to the equinox in March and September from 9am to 3pm.	Refer to Section 7.31 for detailed assessment.	Yes.

Clause	Requirement	Provision	Complies (Y/N)
	See LEP definition of private open space and paragraph 4.1.5.3 Principle Private Open Space.		
	<p>In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties:</p> <p>a) for adjacent buildings with an east-west orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at least 2 hours from 9am to 3pm on the winter solstice (21 June);</p> <p>b) for adjacent buildings with a north-south orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 4 hours from 9am to 3pm on the winter solstice (21 June);</p> <p>c) for all adjacent buildings (with either orientation) no reduction in solar access is permitted to any window where existing windows enjoy less than the minimum number of sunlight hours specified above.</p>	Refer to Section 7.31 for detailed assessment.	Yes.
3.4.2 Privacy and Security	Use narrow, translucent or obscured glass windows to maximise privacy where necessary.	The proposal provides a combination of articulated bay window elements, narrow window openings and window openings that are off-set from the adjoining neighbours.	Yes.
3.4.2.1 Window Design and Orientation	When building close to boundaries, windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy.	The proposal includes a number of bay windows which re-orientates the window openings to ensure they are largely off-set from the window openings of the neighbouring buildings.	Yes.
3.4.2.2 Balconies and Terraces	Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties. Architectural screens must be fixed in position and suitably angled to protect visual privacy.	The proposed rooftop terrace will be compatible in terms of siting, size and scale as the rooftop terrace of the immediate northern neighbour which provides a trafficable communal terrace to the entirety of the existing building envelope.	Yes.
	Recessed design of balconies and terraces can also be used to limit overlooking and maintain privacy.	The configuration of the existing terrace will be compatible with the immediate northern neighbour and will reciprocate privacy levels between the two buildings.	Yes.
3.4.2.3 Acoustical Privacy (Noise Nuisance)	<p>See also Noise Guide for Local Government prepared by NSW Department of Environment, Climate Change and Water in 2010.</p> <p>a) Consideration must be given to the protection of acoustical privacy in the design and management of development.</p>	An acoustic report has been submitted as part of the development application and addresses the relevant requirements for Noise for Industrial Policy to the proposed hotel accommodation and rooftop terrace above.	Yes.

Clause	Requirement	Provision	Complies (Y/N)
	<p>b) Proposed development and activities likely to generate noise including certain outdoor living areas like communal areas in Boarding Houses, outdoor open space, driveways, plant equipment including pool pumps and the like should be located in a manner which considers the acoustical privacy of neighbours including neighbouring bedrooms and living areas.</p> <p>c) Council may require a report to be prepared by a Noise Consultant that would assess likely noise and vibration impacts and may include noise and vibration mitigation strategies and measures.</p>		
3.4.3 Maintenance of Views	<p>a) The design of any development, including the footprint and form of the roof is to minimise the loss of views from neighbouring and nearby dwellings and from public spaces.</p> <p>b) Views between and over buildings are to be maximised and exceptions to side boundary setbacks, including zero setback will not be considered if they contribute to loss of primary views from living areas.</p> <p>c) Templates may be required to indicate the height, bulk and positioning of the proposed development and to assist Council in determining that view sharing is maximised and loss of views is minimised. The templates are to remain in place until the application is determined. A registered surveyor will certify the height and positioning of the templates.</p> <p>d) The ultimate assessment of views and view loss in this plan must be in accordance the following planning principle established by the NSW Land and Environment Court</p>	Refer to Section 7 of this Statement of Environmental Effects with a detailed assessment relating to view loss impacts.	Yes.
3.5 Sustainability (Greenhouse Energy Efficiency, Thermal Performance and Water Sensitive Urban Design)			
3.5.1.1 Building Form, Design and Orientation.	The building and site layout is to maximise northern orientation to optimise solar access. Achieving passive solar energy efficiency is an important consideration in design, but it must be balanced with responding to desired streetscape character; promoting amenity for both the proposed development and neighbouring properties (including views, overshadowing and noise considerations), retaining trees and responding to topography.	The site is considered to be an infill site with a northern orientation that fronts the side boundary of the site. The east/west orientation of the allotment results in each neighbouring building within the urban block overshadowing each other. The proposed development for the purposes of hotel accommodation does not require a minimum for direct solar access to the site. There are no existing trees on the site that require retention.	Yes.

Clause	Requirement	Provision	Complies (Y/N)
3.5.1.2 Solar Shading Devices	<p>a) The design of buildings may reduce summer sun penetration to north, east and west facing walls of buildings incorporated by the use of external solar shading devices, such as; awnings, external venetians, balconies, pergolas, eaves, overhangs, sails and the like.</p> <p>b) The minimum projection width for north facing overhangs, or shading devices, should be a width equivalent to at least 45 percent of the height of the shaded opening, measured from the bottom of the glass, to be shaded.</p>	<p>The external façade of the building incorporates a number of external louvers adjacent to the window openings of the building to minimise the heat load impact of the western sun.</p> <p>All minimum projects will equate to 45 percent of the height of the shaded opening.</p>	<p>Yes.</p> <p>Yes.</p>
3.5.2.1 Photovoltaic Solar Cells	<p>Electricity from solar power is an environmentally friendly alternative to electricity produced by other sources, such as coal, that produce greenhouse gases. Photovoltaic solar cells can be used with mains electricity to provide household electricity and pump surplus power back into the electricity grid. Where a development application is for multi-storey apartment buildings, a centralised system, with separate meters for each unit is encouraged.</p> <p>The solar panels are typically mounted on the roof and face towards the sun (north) to absorb the energy from sunlight. There is an industry standard for the connection of rooftop photovoltaic systems to the grid. The use, location and placement of photovoltaic solar panels should take into account the potential permissible building form of adjacent properties.</p> <p>Salt corrosion resistant panels are recommended for areas which are exposed to the sea air.</p>	<p>The proposal does not involve the provision of any new photovoltaic solar cells on the rooftop of the building.</p>	NA.
3.5.2.2 Solar Hot Water Systems	<p>Residential electric hot water systems typically comprise up to a third of overall residential energy use. Changing from an electric hot water system to solar hot water systems is likely to be the single most effective action a residence can take to save energy and produce no greenhouse gas emissions. A solar hot water system can provide between 50 and 90 percent of your hot water needs (and with electric or gas boosters to provide the rest of your hot water needs).</p> <p>a) A solar hot water system is to be installed in all new residential buildings and in major renovations that require a new hot water system, except in situations where the applicant can demonstrate that a solar water heater is</p>	<p>The provision of solar hot water units to the proposed development will comply with the relevant provisions of (b) and (c) in that all solar hot water systems will achieve a minimum energy performance of 60 percent solar gain as measured by the AS 4234-1994. In addition, hot water systems must have thermostatic controls and tanks and pipes should be insulated.</p>	Yes.

Clause	Requirement	Provision	Complies (Y/N)
	<p>unsuitable. Where considerable difficulty is experienced Council will consider the use of a heat pump system in lieu of a solar water heater or a combination of both.</p> <p>b) Solar hot water systems must achieve a minimum energy performance of 60 percent solar gain as measured by the Australian Standard for solar hot water systems AS 4234-1994 "Solar water heaters - Domestic and heat pump - Calculation of energy consumption".</p> <p>c) Hot water systems must have thermostatic controls and tanks and pipes should be insulated.</p>		
3.5.3 Ventilation	<p>a) Buildings are to be orientated to benefit from cooling summer breezes (generally easterly/north easterly in Manly) where possible.</p> <p>b) Buildings are to provide for cross ventilation by locating windows and openings in line with both each other and the prevailing breezes.</p>	<p>The proposed development provides for window openings along the eastern and north-eastern elevation of the building.</p> <p>The proposed development provides for a large central void along the southern elevation of the building which will provide natural ventilation into the common circulation areas of the building.</p>	<p>Yes.</p> <p>Yes.</p>
3.5.5 Landscaping	<p>a) Matters to consider in selecting trees and vegetation best suited to conserving energy in buildings include:</p> <p>i) adaptability to site conditions i.e. size of block, soils, microclimate (wind, sun and shade pattern, slope, proximity to existing vegetation, building services, water requirements);</p> <p>ii) canopy density for shading/cooling;</p> <p>iii) seasonal character i.e. deciduous species;</p> <p>iv) growth patterns - height and spread of canopy and root spread. Make sure you find out the heights of trees when buying from nurseries and try to choose trees that grow to approximately 6m to 10m in height and that have low maintenance requirements;</p> <p>v) choosing plant material with low water requirements, and plants that are fire retardant if you live in a fire hazard area;</p> <p>vi) weed invasion - near bushland can be prevented by choosing plant and landscaping materials carefully; and</p> <p>vii) the relationship between the building and the garden landscaping needs to be considered at an early stage in the design process. Where possible provide direct access from the principal indoor living areas to those</p>	<p>A landscape plan has been prepared by Ground Ink Landscape Architects and submitted as part of this Development Application.</p> <p>The proposal includes the planting of four native trees along the rear boundary of the site. In addition, low water use native coastal species are incorporated within shrub and groundcover planting.</p>	Yes.

Clause	Requirement	Provision	Complies (Y/N)
	outside. These considerations need to be carried out in conjunction with the architect/ builder.		
	<p>b) Landscaping should generally contribute to energy efficiency by:</p> <p>i) controlling sun to reduce summer heat gain, by shading the house and outdoor spaces, without reducing solar access in winter;</p> <p>ii) controlling winds to reduce both heat loss, (by providing protection from unfavourable winds) and heat gain (by funnelling cooling summer breezes);</p> <p>iii) improving outdoor comfort levels in summer, through shading, absorbing heat and funnelling breezes.</p>	<p>A landscape plan has been prepared by Ground Ink Landscape Architects and submitted as part of this Development Application.</p> <p>The northern elevation of the building will be largely shadowed by the building to the immediate northern neighbour at no. 28 Victoria Parade. In addition, significant planting has been provided along the north-eastern/eastern boundary to the communal open space area at the rear which will provide shade to the occupants within the building.</p>	Yes.
3.5.6 Energy efficiency/conservation requirements for non-residential developments.	<p>New or replacement hot water systems of domestic/ residential scale must be solar hot water in accordance with paragraph 3.5.2.</p> <p>Energy star rated electrical appliances must be rated and supplied in accordance with and paragraph 3.5.4.</p> <p>Air conditioning in new hotels must operate on a demand or room occupation basis only.</p>	The submitted Statement of Environmental Effects addresses the items raised within Section 3.5: Sustainability (Greenhouse Energy Efficiency, Thermal Performance and Water Sensitive Urban Design) in accordance with the Manly Development Control Plan.	Yes.
3.5.7 Building Construction and Design	<p>a) Where possible, reuse existing site materials and materials that have a low embodied energy. That is, materials that have the least impact on the environment in production.</p> <p>b) Building materials should be selected to increase the energy efficiency of the building, and to minimise damage to the environment. In particular, the use of plantation and recycled timber is encouraged and no rainforest timbers or timbers cut from old growth forests are to be used in Manly. Building Specification for timber should specify plantation or regrowth timbers, or timbers grown on Australian farms or State Forest plantations, or recycled timbers. Recommended building timbers are located at Schedule 8 of this plan.</p> <p>Note: Whilst the commercial considerations of choice of building materials are generally influenced by availability, economy and market considerations, greater energy efficiency and environmental sustainability can be achieved by careful choice of building materials.</p>	<p>The proposal aims to reuse existing site materials where possible.</p> <p>Building materials include a masonry finish to the building to ensure the building minimises the amount of energy consumption and improves upon existing energy efficiencies.</p>	<p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provision	Complies (Y/N)
	<p>c) Material choice should also take account of environmental considerations, namely:</p> <ul style="list-style-type: none"> i) abundant or renewable resources; ii) energy efficient materials, with low embodied energy; iii) recycled materials; iv) non-polluting materials; v) environmentally acceptable production methods; vi) durable materials, with low maintenance; and vii) recyclable and reusable materials. 	Material choices will be accountable for environmental considerations by incorporating recyclable and energy efficient materials, where possible.	Yes.
	<p>d) Wood certified by the Forest Stewardship Council known as 'Good Wood' must be utilised where possible. The Forest Stewardship Council sets the international standard for credible forest management and chain of custody certification and remains the most widely recognised and best regarded in the world.</p>	The application of any wood certified by the Forest Stewardship Council known as 'Good Wood' will be utilised to the proposed building, where possible.	Yes.
	<p>e) 'Good Wood' is certified by the Forest Stewardship Council and comes from ethically and ecologically sustainable sources. Buying Good Wood tells companies there is no market for illegal and destructive timber and forces them to act responsibly. See www.goodwoodguide.org.au.</p>	The use of 'Good Wood' to the proposed building will be certified by the Forest Stewardship Council, where possible.	Yes.
3.5.8 Water Sensitive Urban Design	<p>Under LEP clause 6.4 Stormwater Management, the principles of Water Sensitive Urban Design to be considered in granting development consent for any development in residential, business and industrial zones are summarised as follows:</p> <ul style="list-style-type: none"> a) protection and enhancement of natural water systems (including creeks, rivers, lakes, wetlands, estuaries, lagoons, groundwater systems) and riparian land; b) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments; c) minimisation of harmful impacts of urban development by mimicking natural water runoff regimes where possible and appropriate; d) integration of vegetated stormwater treatment and harvesting systems into the landscape in a manner that maximise visual and recreational 	<p>The proposal will not have any impact to existing natural water systems including creeks, rivers, lakes, wetlands, estuaries, lagoons, groundwater and riparian land.</p> <p>The proposal will not compromise the quality of existing stormwater runoff.</p> <p>The proposal will contribute to any harmful impacts of urban development by mimicking natural water runoff regimes.</p> <p>Soft landscaping is provided at the rear of the site and along the northern boundary which will allow stormwater to infiltrate into the ground.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provision	Complies (Y/N)
	amenity of urban development and also provides water quality benefits; e) reduction in potable water demand through water efficiency and rainwater and stormwater harvesting; and f) location of water quality and stormwater treatment measures outside riparian land.	Potable water to be used where required. The proposal will provide adequate stormwater treatment to the site.	Yes. Yes.
3.6 Accessibility			
3.6.1.1 The Disability (Access to Premises – Buildings) Standards 2010	<p>a) The purpose of the Disability (Access to Premises - Buildings) Standards 2010 referred to as the 'Premises Standards' is to:</p> <p>i) ensure that reasonable, achievable, equitable and cost effective access to buildings, and facilities and services within buildings, is provided for people with disabilities; and</p> <p>ii) give certainty to building certifiers, building developers and building managers that access to buildings is provided in accordance with the Premises Standards, to the extent covered by the Standards, it will not be unlawful under the Disability Discrimination Act 1992.</p> <p>b) Development requiring a construction certificate or complying development certificate needs to comply with the Premises Standards, unless an exception or concession under the Premises Standards applies. Furthermore it is a statutory condition of development consent and of complying development certificates that work be carried out in accordance with the access provisions in the Building Code of Australia, as per clauses 98 and 136A of the Environmental Planning and Assessment Regulation.</p>	<p>An accessibility report has been prepared Vista Access Architects. The accessibility report reviews the submitted architectural plans prepared by Morson Group to demonstrate full compliance with the relevant Disability (Access to Premises – Buildings) Standards 2010.</p> <p>All construction certificate documentation will demonstrate full compliance with the premises standards.</p>	<p>Yes.</p> <p>Yes.</p>
3.6.1.2 The Building Code of Australia and Australian Standards	<p>a) In relation to new development, the building classes required to comply with the provisions of the Building Code of Australia and Australian Standards AS1428.2 & AS1428.3 are at Schedule 5 of this plan. Other development that increases the public usage of the premises must also comply with the same requirements as new development such as for a building where a new service is provided to the public such as a restaurant, hotel, and retail or health services.</p> <p>b) In relation to development involving alterations and additions, development, compliance with the provisions of the</p>	<p>A Building Code of Australia (BCA) Report has been prepared by Kudos Building Certification and has been submitted with this Development Application. The BCA Report reviews the submitted architectural plans prepared by Morson Group to demonstrate full compliance with the Building Code of Australia and relevant Australian Standards.</p> <p>The proposal does not involve alterations and additions to the existing building.</p>	<p>Yes.</p> <p>NA.</p>

Clause	Requirement	Provision	Complies (Y/N)
	<p>Building Code of Australia and Australian Standards AS1428.2 & AS1428.3 is required:</p> <p>i) where an applicant proposes substantial changes or alterations to over 50 percent of an existing building; or</p> <p>ii) if an applicant is able to demonstrate an alternative design solution. See paragraph 3.6.2.</p> <p>c) The provisions of this plan do not apply to development that:</p> <p>i) does not require a DA and approval under the Building Code of Australia;</p> <p>ii) is a Class 1a or Class 4 buildings; and</p> <p>iii) is building work where there is no identified barriers to access such as maintenance, repair and replacement works.</p>	<p>The proposal does not involve development that does not require a Development Application.</p>	NA.
3.6.1.3 The Disability Discrimination Act 1992	<p>Note: The Disability Discrimination Act 1992 is a legislation which aims to eliminate as far as possible, discrimination against person on the ground of disability in areas of: Work, accommodation, education, access to premises, clubs and sport, the provision of goods, facilities, services and land, existing laws; and the administration of Commonwealth laws and programs.</p> <p>Under the Disability Discrimination Act, where the public can legally access, then it must be accessible to people with disabilities. The Disability Discrimination Act applies to both new and existing buildings as well as places under construction. Applicants who propose to carry out development are to be aware of the requirements of the Disability Discrimination Act, the Environmental Planning and Assessment Act and the Building Code of Australia.</p>	<p>An accessibility report has been prepared Vista Access Architects. The accessibility report reviews the submitted architectural plans prepared by Morson Group to demonstrate full compliance with the requirements of the Disability Discrimination Act 1992.</p>	Yes.
3.7 Stormwater Management			
	<p>a) In support of the purposes of LEP clause 6.4(3), all developments must comply with the Council's 'Stormwater Control Policy' (see Council Policy Reference S190). The standards to achieve the controls contained in the Stormwater Control Policy are provided in Council's "Specification for On-site Stormwater Management 2003" and "Specification for Stormwater Drainage". Stormwater management measures are to be implemented and maintained in accordance with the Specification for Stormwater Management;</p>	<p>Stormwater concept plans have been prepared by LAM Consulting and has been submitted as part of the Development Application Documentation.</p>	Yes.

Clause	Requirement	Provision	Complies (Y/N)
	b) Stormwater disposal systems must provide for natural drainage flows to be maintained;	Stormwater disposal will provide for natural drainage flows.	Yes.
	c) Pervious surfaces and paving will be used for driveways, pathways and courtyards where practical;	Pervious surfaces will be provided adjacent to the northern and eastern boundaries of the site which will minimise the impact of stormwater run off to the neighbouring properties.	Yes.
	d) Notwithstanding the prevailing BASIX water conservation targets, the collection of rainwater/run-off for non-potable uses exceeding the target is encouraged; and	The proposed development is not subject to BASIX requirements.	NA.
	e) A qualified drainage/hydraulic engineer will design all stormwater controls, devices and water storage systems; and	All stormwater concept plans prepared by LAM Consulting have been prepared by a qualified drainage and hydraulic engineer.	Yes.
	f) In relation to development in the LEP Zone B6 Enterprise Corridor, Burnt Bridge Creek runs through this land. Land in this locality is also generally low-lying. In this regard stormwater runoff from new developments in these LEP zones must be limited to that currently existing for the site for a 1 in 5 year storm or 40 litres per second whichever is the least, unless the drainage system is demonstrated to be sufficient for unimpeded discharge for a fully developed catchment area. Developers should assess whether their land warrants additional drainage considerations because of its location. The NSW Government Floodplain Development Manual may be useful in this assessment.	NA.	NA.
3.8 Waste Management			
	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	A waste management plan has been prepared by TTM Consulting and submitted as part of this Development Application which reviews both demolition and construction waste and ongoing waste arrangements to the site.	Yes.
3.9 Mechanical Plant and Equipment			
3.9.1 Plant Rooms	Plant rooms are generally required to accommodate mechanical plant systems for commercial buildings or major residential development and used exclusively for that purpose. The design and size of these rooms will vary depending on the technical specifications of the systems and other factors such as access and ventilation.	The proposed plant rooms are located at the ground floor level of the building adjacent to the driveway access.	Yes.
3.10 Safety and Security			

Clause	Requirement	Provision	Complies (Y/N)
3.10.1 Safety	<p>The principle of 'safety in design', is to be considered for all development in relation to the design and assessment of DAs to ensure developments are safe and secure for residents, all other occupants and visitors.</p> <p>a) Vehicular Access is to be designed and located to achieve safety by:</p> <p>i) locating car park entry and access on secondary streets or lands where available;</p> <p>ii) minimising the number and width of vehicle access points;</p> <p>iii) providing clear sight lines at pedestrian and vehicular crossings; and</p> <p>iv) separating pedestrian and vehicular access. This separation is to be distinguishable and design solutions in this regard may include changes in surface materials, level changes and use of landscaping for separation.</p>	<p>The site does not enjoy a secondary street frontage.</p> <p>The number and width of vehicle access points is limited to a single street access via Victoria Parade.</p> <p>The site will provide clear sightlines at the intersection of the site and Victoria Parade.</p> <p>Pedestrian and vehicular access has been appropriately separated and is distinguishable from the street elevation of the building.</p>	<p>NA.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
3.10.2 Security (Casual Surveillance)	<p>In order to promote safety and security, all development is to be designed to maximise opportunities for passive surveillance of public and communal areas by:</p> <p>a) orientating some rooms to the street;</p> <p>b) providing sight lines to the street frontage from the window(s) of at least one habitable room unobscured by trees or any other object;</p> <p>c) ensuring the design of fences, walls and landscaping minimise opportunities for concealment and encourage social interaction; and</p> <p>d) preferring double glazing on windows in areas of high street noise rather than the high fences or walls as a sound attenuation measure.</p>	<p>The proposed development includes rooms which fronts Victoria Parade.</p> <p>The proposed development provides for a number of rooms which are capable of overlooking Victoria Parade comprising of an unobstructed view.</p> <p>The proposed development does not include fences, walls or landscaping that will result in concealment spaces in the built form. A rooftop terrace is provided to encourage social interaction.</p> <p>Double glazing will be provided where required.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>