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WILLOW TREE
PLANNING

Statement of Environmental Effects

Proposed Alterations and Additions to an Existing
Parking Area

7-9 Marine Parade, Manly
SP12796



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PART A PRELIMINARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd on behalf of Landart and is submitted to Northern Beaches Council to support a Development Application (DA) for the proposed alterations and additions including landscaping and reconfiguration of the existing parking area at 7-9 Marine Parade, Manly (SP12796).

The proposed development is located on land that is zoned B1 Neighbourhood Centre pursuant to the *Manly Local Environmental Plan 2013* (MLEP2013). This SEE provides an assessment of the proposed development against the relevant matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The key considerations relevant to the proposed development are summarised as follows:

- The primary objective of the proposal is to enhance the amenity and safety of the existing mixed use development which includes shop top housing on level one and two and a retail and a food and drink premises on ground level.
- The proposal will be consistent with the zone objectives and the objectives of the specific locality plans.
- The site is located within an established residential and retail precinct and the proposed landscaping and reconfiguration of the parking area are consistent with the intended function of designated residential lands.
- The proposed development is highly compatible with surrounding land uses and will integrate with the residential and retail character of the Manly area.
- The site is suitably separated from any offensive development or other alternate land uses and will not exhibit any adverse amenity impacts.
- The site is highly accessible by the existing regional road network meaning that it is suitably situated.
- The site is zoned B1 Neighbourhood Centre pursuant to MLEP2013 and the proposal is permissible with consent.
- The development of the site is also subject to the Manly Development Control Plan 2013 (MDCP2013). The proposal is generally consistent with the provisions of MDCP2013 and where a minor departure from the numeric controls is proposed, consistency with the objectives is demonstrated.

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

The structure of the SEE is as follows:

- **Part A** Preliminary
- **Part B** Site Analysis
- **Part C** Proposed Development
- **Part D** Legislative and Policy Framework
- **Part E** Environmental Assessment
- **Part F** Conclusion

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PART B SITE ANALYSIS

2.1 SITE LOCATION & EXISTING CHARACTERISTICS

The subject site is identified as 7-9 Marine Parade, Manly, being legally described as SP12796.

The site currently contains an existing mixed use development which comprises shop top housing on level 1 and 2 and a retail and food and drink premises on ground level. With an area of 577m², the site affords a 17m primary frontage to Marine Parade to the north east and a 30m frontage to Bower Lane to south east.

The site is located within an established urban area characterised predominantly by residential development, with a number of cafés and restaurants. Vehicle access to the site is gained from Bower Lane, which offers direct access to Bower Street connecting the vicinity to the wider region.

The site is located within the suburb of Manly which is approximately 17km north-east of the Sydney CBD. The site is also reasonably accessible via public transport including buses and ferries, providing connectivity to the surrounding suburbs and the wider region.

Surrounding land uses in the immediate vicinity include:

- North east – Marine Parade and Cabbage Tree Bay Aquatic Reserve;
- South east – Bower Lane, restaurants and low density residential development;
- West – medium and high density residential development;
- South – Bower Street and low and medium density residential development.

The subject site and the immediate vicinity are illustrated in **Figure 1** and **Figure 2** below.



Figure 1 Aerial view of the subject site (Nearmap 2019)

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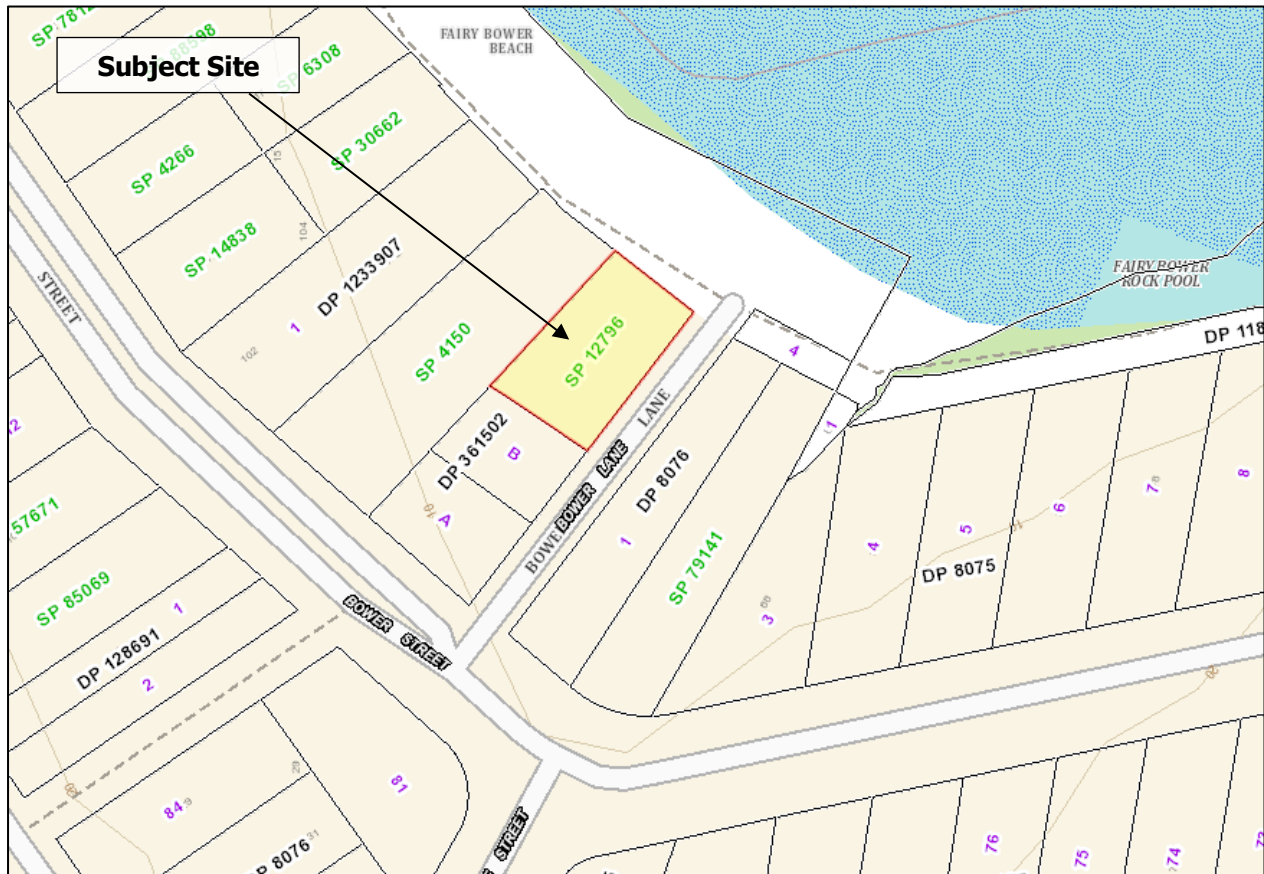


Figure 2 Cadastral Map illustrating the subject site (SIX Maps 2019)

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PART C PROPOSED DEVELOPMENT

3.1 AIMS AND OBJECTIVES OF THE PROPOSAL

This DA seeks to provide landscaping and reconfigure the parking area at the site, which is located in an area with ecological and aesthetic values. The proposal aims to enhance the amenity and safety of the existing mixed use development whilst preserving the scenic landscapes and biodiversity values within the Manly locality.

3.2 DESCRIPTION OF THE PROPOSED WORKS

The proposal seeks development consent for the proposed alterations and additions to the existing parking area within the site. The proposal has been designed to complement the residential streetscape along Marine Parade. Specifically, the proposal entails the following:

Table 1 Development Particulars	
Project Element	Description
Construction	- Reconstruction of the existing driveway/parking area to incorporate long concrete strips with channels of pebbles in between - Paving to the proposed pedestrian path from entry gate
Addition	- Site landscaping - Addition of automatic sliding driveway gate and lockable pedestrian gate with horizontal cladding - Addition of horizontal clad bin hide for seven bins and two skip bins - Addition of horizontally clad screen along the brick wall on the southern boundary - Addition of a new concrete path in the southern portion of the site to facilitate rear access to the existing building
Removal	Removal of existing pedestrian access gate and structure – Replace with new horizontal clad screen and two hidden gates along southern wall

The proposed development would improve the amenity of the existing parking area, enhance the safety of the access point to the site and complement the existing and desired future character of the locality. The proposal would preserve the existing parking and access arrangements.

The proposed works are illustrated within **Figures 3** and **4** and the Site Plan and Elevations prepared by Landart (**Appendices 2** and **3**).

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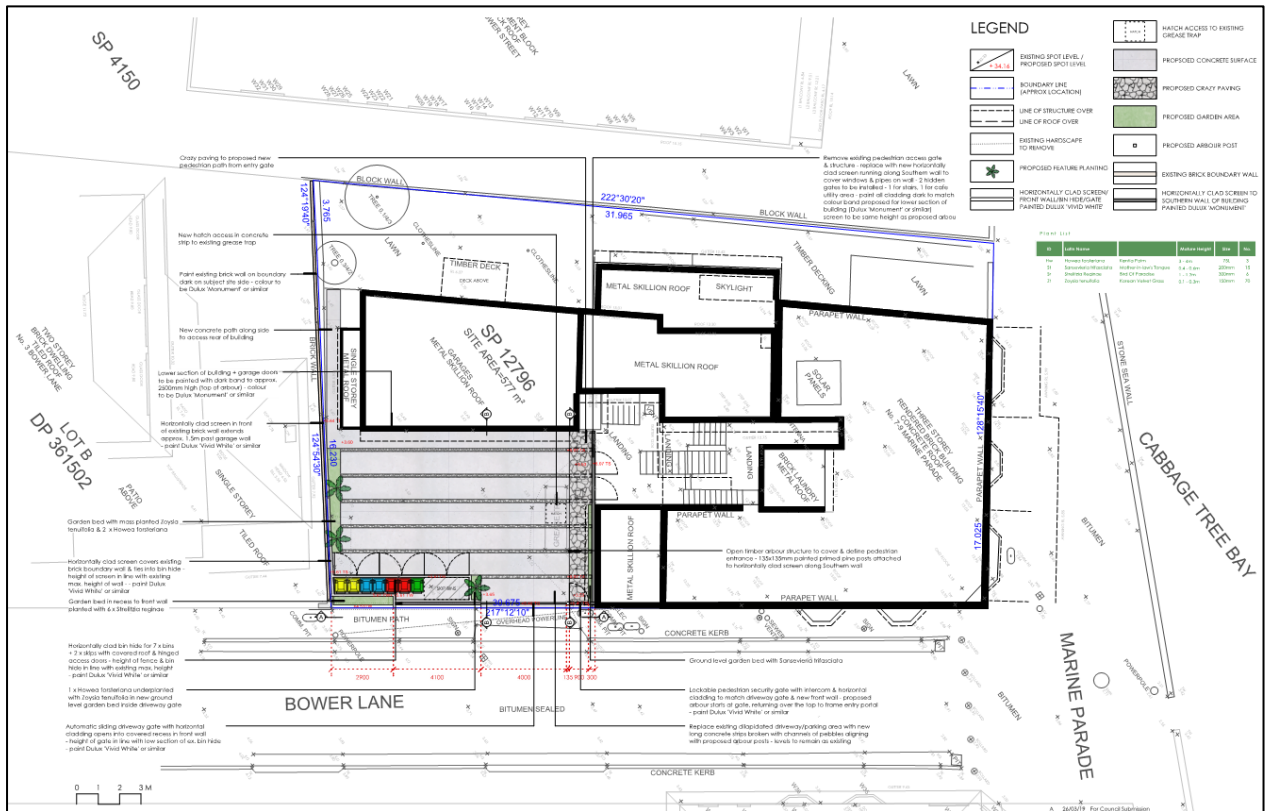


Figure 3 Site Plan (Landart 2019)

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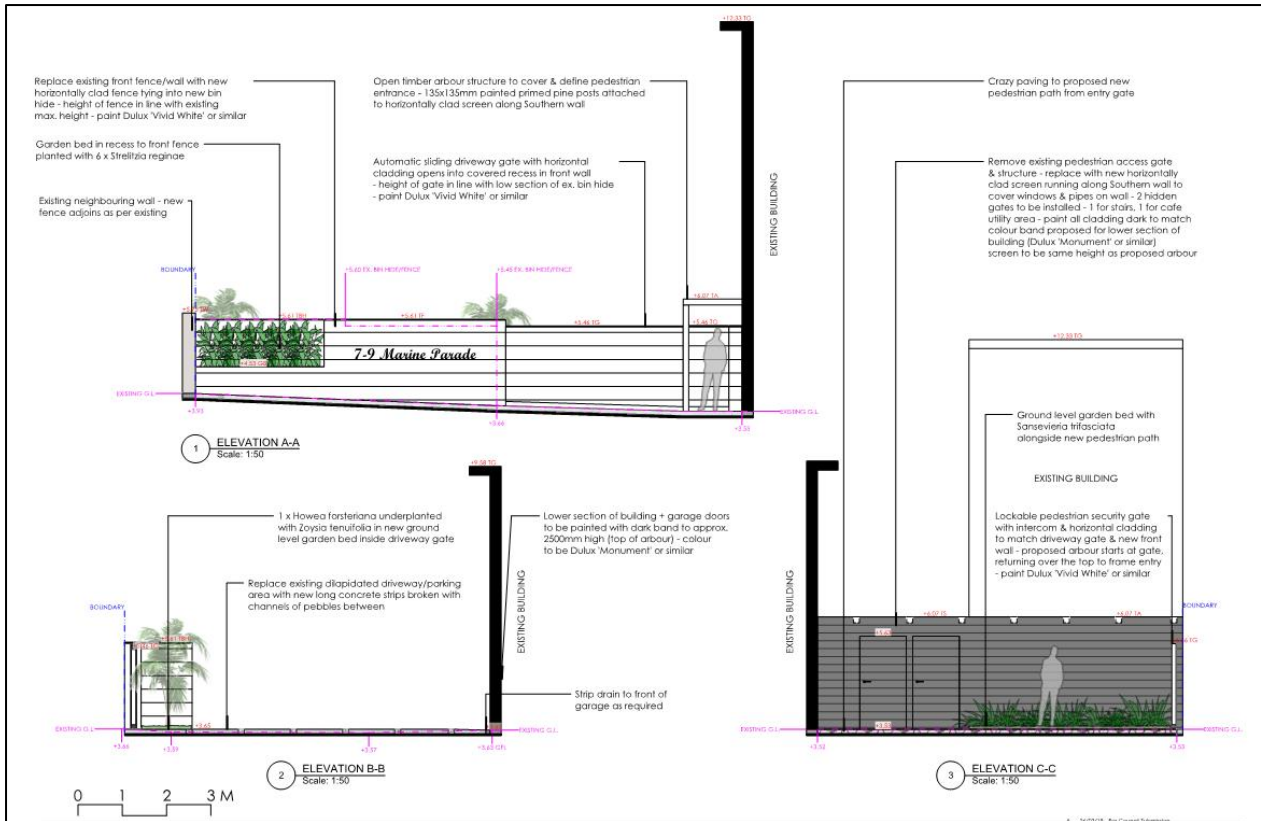


Figure 4 Elevations (Landart 2019)

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PART D LEGISLATIVE AND POLICY FRAMEWORK

Section 4.15(1) of the EP&A Act sets out specific matters that Council is to take into consideration in the assessment and determination of development applications.

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

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Coastal Management Act 2016 No 20*
- *Biodiversity Conservation Act 2016 No 63*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

Local Planning Context

- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*

This planning framework is considered in detail in the ensuing sections.

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The EP&A Act is the overarching governing statute for all development in NSW and pursuant to Part 4, the subject proposal is Local Development.

4.2 COASTAL MANAGEMENT ACT 2016 NO 20

The subject site is identified as being contained within a coastal management area, specifically within the 'Coastal Environment Area' and 'Coastal Use Area' pursuant to the *Coastal Management Act 2016 No 20* (Coastal Management Act).

Clause 10, Subclause (3) of the Coastal Management Act states the following:

A single parcel of land may be identified by a State environmental planning policy as being within different coastal management areas. However, in such a case, if the management objectives of the areas are inconsistent, the management objectives of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

In accordance with Clause 10, the management objectives of a 'coastal environment area' are applicable to the site, as listed below.

(2) The management objectives for the coastal environment area are as follows:

- (a) to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons, and enhance natural character, scenic value, biological diversity and ecosystem integrity,*

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- (b) to reduce threats to and improve the resilience of coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change,*
- (c) to maintain and improve water quality and estuary health,*
- (d) to support the social and cultural values of coastal waters, estuaries, coastal lakes and coastal lagoons,*
- (e) to maintain the presence of beaches, dunes and the natural features of foreshores, taking into account the beach system operating at the relevant place,*
- (f) to maintain and, where practicable, improve public access, amenity and use of beaches, foreshores, headlands and rock platforms.*

The proposed development would protect and enhance the coastal environmental values of the coastal features as listed within 2(a) given the high quality design of the proposed landscaping and parking area. Further, the proposed development would not result in any threat to the coastal waters and would maintain and seek to improve water quality. The social and cultural values of the coastal waters as well as the presence of beaches would be maintained as the proposal relates to the addition of landscaping and reconfiguration of the existing mixed use development within an established residential area.

The proposed development is therefore considered to meet the applicable management objectives of the coastal environment area.

4.3 BIODIVERSITY CONSERVATION ACT 2016 NO 63

The *Biodiversity Conservation Act 2016 No 63* (BC Act) aims to maintain a healthy, productive and resilient environment of the community through supporting biodiversity conservation in nature and establishing a legal framework to avoid, minimise and offset the impacts of proposed development on biodiversity.

The Biodiversity Values Map (BV Map) identifies land with high biodiversity value, as defined by the *Biodiversity Conservation Regulation 2017*. The Biodiversity Offsets Scheme applies to all local developments, major projects or the clearing of native vegetation where the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* applies. Any of these will require entry into the Biodiversity Offsets Scheme if they occur on land mapped on the Biodiversity Values Map.

Upon review of the Biodiversity Values Map, the site is not identified as containing any biodiversity value. Accordingly, the proposal does not trigger the threshold for the Biodiversity Offset Scheme under the BC Act.

In light of the above, the proposal does not warrant further consideration under the BC Act.

4.4 PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is:

"an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)."

The proposal as submitted to Council does not trigger any thresholds in respect of the POEO Act.

4.5 STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

Under the provisions of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55), where a development application is made concerning land that is contaminated, the consent authority must not grant consent unless:

- (a) it has considered whether the land is contaminated, and*

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- (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.*

Given the site has historically been used for residential purposes, the site is suitable for the proposed development and hence further assessment against SEPP 55 is not warranted.

4.6 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS) for concurrence.

Referral may be required for the erection of new premises, or the enlargement or extension of existing premises where their size or capacity satisfy certain thresholds. Schedule 3 lists the types of development that are defined as Traffic Generating Development.

As the proposed development is not listed under Schedule 3, the proposal does not trigger the referral threshold for traffic-generating development. Accordingly, referral to the RMS is not required.

4.7 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The subject site is identified as land within a 'coastal environment area' under the *State Environmental Planning Policy (Coastal Management) 2018* (Coastal Management SEPP).

The Coastal Management SEPP sets out development controls for all coastal management areas.

As shown in the extract from the Coastal Management SEPP maps at **Figures 5 and 6**, the subject site is identified as land within a Coastal Environment Area and a Coastal Use Area.

As demonstrated in **Section 4.2** of this SEE, given that the management objectives of Coastal Environment Areas prevail over that of the Coastal Use Areas, the controls for a Coastal Environment Area are applicable to the site. Pursuant to Part 2 Division 3 of the Coastal Management SEPP, the controls for a Coastal Environment Area are as follows:

13 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*

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(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

It is noted that the entire site is situated within the identified Coastal Environment Area. However, as the proposed works only relate to the reconfiguration of the parking area and landscaping, the works are considered to be of minor nature and would not result in adverse impacts on the surrounding coastal environment.

In addition, the proposed alterations and additions to the existing parking area are not anticipated to impact on the biophysical, hydrological or ecological integrity of the coastal area. The proposed landscaping has also been designed to integrate with the surrounding coastal environment and is not considered to impose adverse impacts on the surrounding marine and native vegetation as well as fauna and their habitats. The reconstruction of the driveway would facilitate safe access to and from the foreshore area and public open space in the vicinity.

In accordance with the Coastal Management SEPP, the proposal will not significantly impact on any coastal management areas.

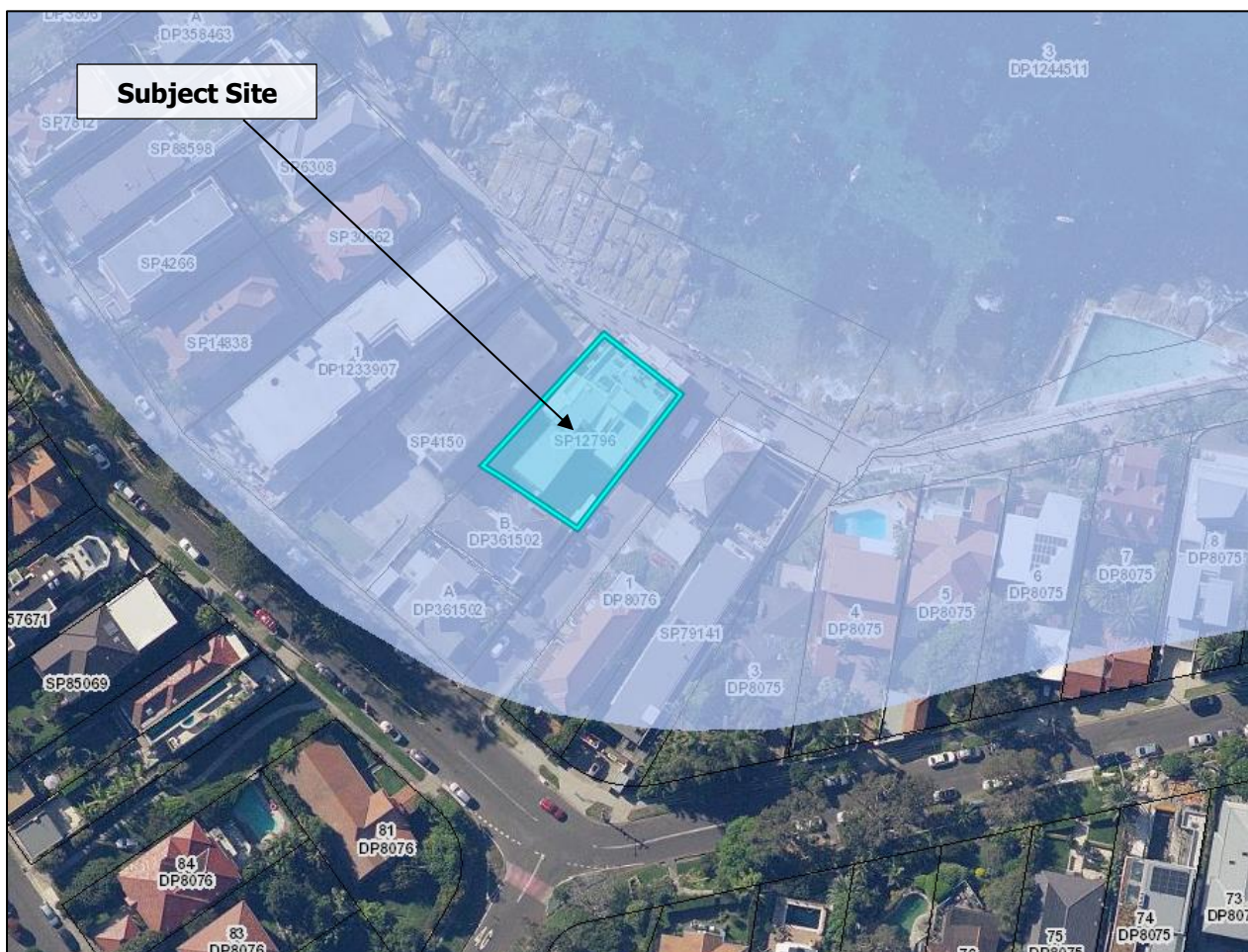


Figure 5 Coastal Environment Area Map (NSW Department of Planning and Environment 2018)

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Figure 6 Coastal Use Area Map (NSW Department of Planning and Environment 2018)

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4.8 MANLY LOCAL ENVIRONMENT PLAN 2013

4.8.1 Zoning and Permissibility

The site is identified within the B1 Neighbourhood Centre zone under the provision of MLEP2013 (**Figure 7**).

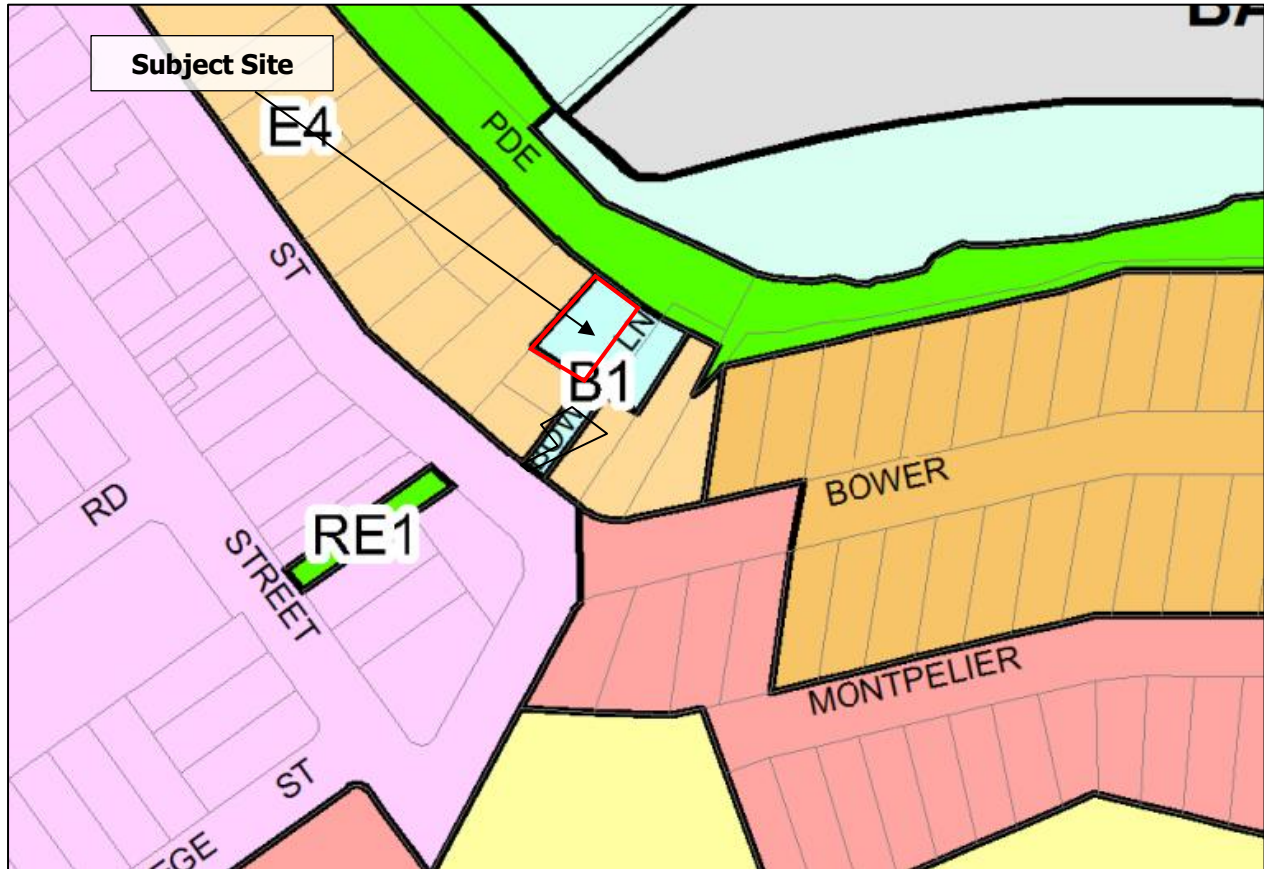


Figure 7 Zoning Map (NSW Legislation 2019)

The objective of the B1 Neighbourhood Centre zone is:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*

The proposal achieves the objectives of the B1 Neighbourhood Centre as it will support the residential and retail uses in an area in which is identified to possess special ecological, scientific or aesthetic values, through the reconstruction of driveway and provision of landscaping. The proposal is considered to enhance the liveability and safety of the residents of the building and visitors of the area.

The following development is permitted with consent in the B1 zone:

*Boarding houses; Business premises; Car parks; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Kiosks; Markets; Neighbourhood supermarkets; Office premises; Places of public worship; Public administration buildings; Medical centres; Neighbourhood shops; Recreation areas; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Service stations; Shops; **Shop top housing**; Signage; Take away food and drink premises; Veterinary hospitals; Water recycling facilities; Water supply systems*

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In light of the above, the proposal is permissible subject to development consent as the works are ancillary to the existing mixed use development and are proposed to support the residential development within the site. Given that the proposal is consistent with the B1 zone objectives, the proposed works are permissible with consent.

4.8.2 Height of Buildings

The site is subject to a maximum building height of 8.5m, pursuant to Clause 4.3 of MLEP2013. While the proposal only relates to landscaping and reconfiguration of the existing parking area, the proposed development would not result in changes to the existing building height. Accordingly, no further assessment is required in this regard.

4.8.3 Floor Space Ratio

The site is subject to a maximum Floor Space Ratio (FSR) of 1:1 under Clause 4.4 of MLEP2013. As the proposal would not increase the existing Gross Floor Area (GFA), the FSR of the site would remain unchanged.

4.8.4 Heritage Conservation

The site is not identified to be of heritage significance or noted to be within a Heritage Conservation Area. The site is also not located in close proximity of any heritage items or heritage conservation areas. Hence further assessment is not required in this regard.

4.8.5 Terrestrial Biodiversity

The subject site is identified to be of biodiversity significance pursuant to Clause 6.5 of MLEP2013. The objectives of Clause 6.5 are as follows:

- (a) *protecting native fauna and flora, and*
- (b) *protecting the ecological processes necessary for their continued existence, and*
- (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*

It is noted that the proposed landscaping has been designed to integrate with the surrounding natural environment. Given the proposal is of minor nature and is entirely contained within the site boundaries, it would not result in any adverse impacts on the native fauna and flora species. The proposed development is considered to satisfactorily meet all objectives and is considered to have no adverse impacts on the biodiversity of the subject site and immediate vicinity.

4.8.6 Acid Sulfate Soils

The subject site is identified as containing Class 5 acid sulfate soils pursuant to Clause 6.1 of MLEP2013. For Class 5 land development consent is required for *works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.*

Since the site is not located within 500m of adjacent Class 1, 2, 3 or 4 land and the proposal does not involve any bulk earthworks or excavation, no further investigation is required.

4.8.7 Foreshore Scenic Protection Area

The site is identified as land within the Foreshore Scenic Protection Area pursuant to Clause 6.9 of MLEP2013. In accordance with Clause 6.9(3), *development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:*

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

Given that the proposal only relates to landscaping and reconfiguration of the parking area, the proposed development would not result in any overshadowing or loss of views from a public place to the foreshore. The proposal has also been designed to enhance the amenity of the site and complement the scenic qualities of the coastline along Marine Parade. The nature and location of the proposal is considered suitable for the site as it is proposed to support the existing shop top housing at the site. While the proposal is located within the site boundaries and is of minor nature, the proposed development would not result in conflicts between land-based and water-based coastal activities. Accordingly, the proposal is considered appropriate and would not result in any detrimental impacts on the foreshore area.

4.9 MANLY DEVELOPMENT CONTROL PLAN 2013

The MDCP2013 provides guidance for the design and operation of development within the Northern Beaches LGA to achieve the aims and objectives of MDCP2013.

An assessment of the proposal against the relevant sections of MDCP2013 is provided in **Table 2** below.

Table 2 DCP Compliance Table	
Control	Application to Site
Manly Development Control Plan 2013 (MDCP2013)	
3 General Principles of Development	
3.1.1 Streetscape (Residential areas) Garbage Areas Buildings with more than 1 dwelling require garbage storage enclosures which are: a) not visible off site; b) integrated into the building design; c) unobtrusive and blend in with the design of front fences and walls when forward of the building; and d) located and designed with consideration given to the amenity of adjoining properties. Front Fences and Gates a) Notwithstanding maximum height provisions for fencing at paragraph 4.1.10; the siting, height and form of boundary fences and walls should reflect 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. b) Boundary fences or walls must not be erected where they would conflict with the local character.	The garbage area is located in the south east corner of the site. The bins would be appropriately screened and would not be visible. The garbage area has also been integrated into the building design with consideration given to the amenity of the adjoining properties. It is noted that the proposal includes the addition of horizontal clad screens within the site as well as the installation of pedestrian and driveway gates at the site's access point. The proposed screens and gates have been designed to complement the overall landscape character of the site and the streetscape. The proposed driveway and parking area have incorporated the use of the long concrete strips with channels of pebbles in between to soften the appearance of the hardstand area. It is noted that the proposal would not alter the existing setback.

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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. d) Gates must not encroach on public land when opening or closing. Garages, Carports and Hardstand Areas a) Garages, carports and hardstand areas must be designed and sited in a manner that does not to dominate the street frontage by: i) its roof form, material choice and detailing by being subservient to the associated dwelling; and ii) being compatible with the streetscape and the location in relation to front setback criteria. b) Exceptions to setback criteria referred to in this paragraph may be considered where parking structures are a positive element of the streetscape.	
3.1.3 Townscape (Local and Neighbourhood Centres) Design Principles Local role of the site a) The local role of the site and existing buildings should be determined, viewed from the following perspectives: (i) from a distance and along routes and from viewpoints leading towards the locality; (see Figure 3a) (ii) in relation to the adjacent spaces it borders and the need to define those spaces; (see Figure 3b) (iii) in relation to the adjacent buildings and the need to be complementary to those buildings in terms of height, scale and design detailing. (see Figure 3c) Townscape Principles Map b) All development involving the erection of a new building or external alterations to an existing building must be consistent with the townscape and streetscape and the principles and opportunities further illustrated in the Townscape Principles Maps at Schedule 2 of this plan.	The proposed landscaping and reconfiguration of the parking area have been designed to integrate with the existing development at the site and the surrounding area. The proposal would also be of appropriate materials, textures and colours. In addition, the proposal has also been designed to complement the existing and desired future character of the locality, which would positively contribute to the streetscape of the surrounding area.

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Having regard to the features located in the Townscape Principles Maps the following guidelines apply: i) Important corner sites shall be maintained, including strongly defined corner buildings. Ensure corner development has strong height and facade elements with building along the street frontage being set by these corner heights. Construct to boundary. Maintain and re-use existing development if it achieves objectives for these corner sites. ii) Important pedestrian links shall be maintained including existing public arcade links and encourage new through-block arcades which in turn should limit the size of parcels and the bulk of large buildings. iii) Important end of vista sites shall be acknowledged. Appearance of the street elevation requires special attention at the end of these vistas.	
3.3.1 Landscaping Design Landscape Character a) The design, quantity and quality of open space should respond to the character of the area. In particular: 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. 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. 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. iv) In areas of habitat for the long-nosed bandicoot: (see paragraph 5.4.2), 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	The proposed landscaping has been designed to enhance the residential amenity. It is noted that the site is identified as the habitat for Long Nosed Bandicoots under MDCP2013. It is noted that the proposed landscaping has been designed to integrate with the surrounding natural environment. Therefore the proposal is not considered to impose any adverse impacts on the habitats for Long Nosed Bandicoots. Details of the proposed landscaping are illustrated within the Site Plan at Appendix 2.

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Gordon' and tussocky native grasses (eg. Kangaroo Grass) b) Planting criteria including Native Plant Species and Amenity i) Landscaped Areas must be capable of supporting new native tree species that are typically expected to reach a mature height of 10m notwithstanding the minimum dimension requirements at paragraph 4.1.5.2 of this plan. ii) The use of locally occurring native plant species is preferred to assist in providing habitat for local fauna; and preserve threatened native plants. iii) Trees should be positioned in locations that minimise significant impacts on neighbours in terms of: blocking winter sunlight to either living rooms, private open space or solar collectors; or where the proposed location of the tree may be otherwise positioned to minimise any significant loss of views.	
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 in accordance with the Waste Management Guidelines to outline the volumes of waste and the waste management measures. Further details are provided within the Waste Management Plan at Appendix 4.
3.10 Safety and Security 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. a) Vehicular Access is to be designed and located to achieve safety by: i) locating car park entry and access on secondary streets or lands where available; ii) minimising the number and width of vehicle access points; iii) providing clear sight lines at pedestrian and vehicular crossings; and 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.	The proposed reconfiguration of the parking area would retain the existing vehicular access point on Bower Lane. The proposal includes the addition of a pedestrian gate and a driveway gate to separate pedestrian and vehicular access. Hence the proposal is considered to enhance the safety and security of the site.
4 Development Controls and Development Types	

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4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas a) The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain the desired character of the locality. b) Garage and carport structures forward of the building line must be designed and sited so as not to dominate the street frontage. In particular: i) garages and carports adjacent to the front property boundary may not be permitted if there is a reasonably alternative onsite location; ii) carports must be open on both sides and at the front; and c) the maximum width of any garage, carport or hardstand area is not to exceed a width equal to 50 percent of the frontage, up to a maximum width of 6.2m. Note: The width of any parking structure considered under this paragraph is to be measured along the elevation of the structure that fronts the street. d) In relation to the provision of parking for dwelling houses, Council may consider the provision of only 1 space where adherence to the requirement for 2 spaces would adversely impact on the streetscape or on any heritage significance identified on the land or in the vicinity.	The proposed paving for the parking area incorporates long concrete strips with channels of pebbles in between. The design of the proposed paving is considered to reduce the visual impact of the built form. The proposal would preserve the width of the existing garage, carport and hardstand area as well as the number of parking spaces.
4.2.8.3 Landscaping a) Minimum area of Private Open Space is 20sqm for each dwelling within a mixed use development or shop top housing with a minimum dimension of 3m and designed to receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter. b) All side and rear setbacks to boundaries adjoining land zoned Residential in the LEP (excluding laneways) are to be developed for deep soil planting to allow for the retention/establishment of a mature tree landscape buffer. Part of this setback may be used for vehicular access, parking or service delivery that is identified in certain localities as provided in this Plan at paragraph 4.2.8.5 and Schedule 2 (Townscape Principles), if the applicant can demonstrate to Council's satisfaction that: the area will be capable of sustaining sufficient deep soil planting to protect the privacy of neighbouring residential properties. c) The provisions of communal open space for development in the Neighbourhood Centres	While the site adjoins residential development to the west, the existing lawn in the western portion of the site is retained to preserve a landscape buffer. Garden beds are also proposed to be provided along the southern and eastern walls near the garbage area.

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Zone are to consider guidelines contained in the NSW Residential Flat Design Code referenced in this plan.	
5 Special Character Areas and Sites	
5.4.1.1 Additional matters for consideration a) Further to matters prescribed in the LEP, the development in the Foreshore Scenic Protection Area must also: i) minimise the contrast between the built environment and the natural environment; ii) maintain the visual dominance of the natural environment; iii) maximise the retention of existing vegetation including tree canopies, street trees, wildlife corridors and habitat; iv) not cause any change, visually, structurally or otherwise, to the existing natural rocky harbour foreshore areas; v) locate rooflines below the tree canopy; vi) consider any effect of the proposal when viewed from the harbour / ocean to ridgelines, tree lines and other natural features; and vii) use building materials of a non-reflective quality and be of colours and textures that blend with the prevailing natural environment in the locality. b) Setbacks in the Foreshore Scenic Protection Area should be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshores in Manly. See also paragraph 4.1.4.5 of this DCP and LEP clause 6.10 in relation to Foreshore Building Lines and limited development in the Foreshore Area	The proposed landscaping and reconfiguration of the parking area has been designed to integrate with the natural environment, thus minimising the contrast between the built environment and the natural environment. As the proposal does not involve the removal of any trees or habitats, the proposal would not result in adverse impacts on the natural environment and vegetation. Given that the proposed works only relate to the existing parking area within the site, the proposal would not impose any visual or structural change to the existing natural rocky harbour foreshore area. Furthermore, the proposal would not result in adverse viewing impacts to and from the harbour. The materials and colours proposed to be used are considered appropriate and would integrate with the prevailing natural environment in the locality. The proposal would not alter the setbacks of the existing development on the site.
5.4.2 Threatened Species and Critical Habitat Lands a) Any DA on land identified in Schedule 1 - Map D, being land generally to the south-east of Ashburner Street, Manly and including North Head must be accompanied by an Assessment of Significance Report ('7 Part Test') under Section 5A Environmental Planning and Assessment Act 1979. Critical habitat for the little penguin (<i>eudyptula minor</i>) and habitat for the long nosed bandicoot (threatened species) is prescribed in the Threatened Species and Conservation Act 1995	The site is identified as habitat for Long Nosed Bandicoots under MDCP2013. It is noted that the proposed landscaping design has been designed to integrate with the natural environment. Furthermore, given that the proposal is of minor nature and that the site is not identified as containing any biodiversity value under the BC Act, the proposed landscaping is considered to be appropriate and would not result in adverse impacts on the native species.

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PART E ENVIRONMENTAL ASSESSMENT

Pursuant to Section 4.15(1) of EP&A Act, the following matters have been addressed.

5.1 CONTEXT AND SETTING

The subject site is located in an established area which is comprised of predominantly residential dwellings, including double storey detached residential dwelling houses and residential flat buildings. The existing site is comprised of mixed use development with a retail and a food and drink premises located on the ground floor and residential units located on the first and second floor of the building. The proposed landscaping and alterations and additions would improve the current level of amenity to meet the needs and requirements for the occupants.

Additionally, the proposal has been designed to be compatible with the existing and desired future character of the locality. Given that the proposal would enhance the amenity and safety of the site, the proposal is considered appropriate and is not anticipated to result in any adverse impacts.

5.2 DESIGN AND APPEARANCE

Through the incorporation of high quality design, the proposal is considered to enhance the amenity and safety of the subject site. As the proposed alterations and additions are of relatively minor nature, the bulk and scale of the proposal are considered to be appropriate to the existing development. In addition, as the proposed works are limited to the existing parking area, the proposal is not anticipated to result in adverse impacts on the surrounding properties regarding privacy, views and solar access.

5.3 PARKING, TRAFFIC AND ACCESS

The proposal does not include additions or changes to the access and parking for the subject site. Sufficient parking is provided, and the proposal is considered unlikely to have adverse impacts on the amenity of the locality.

5.4 HERITAGE

The proposal as submitted to council would have no unacceptable impact in respect of heritage. The site is not identified as containing any heritage item nor is it within proximity of any heritage items or heritage conservation areas.

5.5 FLORA AND FAUNA

While the site is identified to be of biodiversity significance pursuant to MLEP2013, the proposal has been designed to integrate with the surrounding native fauna and flora. Given the minor nature and the high quality design of the proposal, it would not result in adverse impacts on the native flora and fauna species.

5.6 CONSTRUCTION

Construction activities will be undertaken in accordance with the conditions of consent. Appropriate measures will be undertaken to mitigate any potential impacts from the construction including dust, noise, odors, traffic impact and erosion.

5.7 BUILDING CODE OF AUSTRALIA

The proposal is capable of complying with all relevant BCA requirements.

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5.8 SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site is zoned, and utilised, for the purpose of neighbourhood facilities and residential development. The proposal is consistent with the zone and the surrounding context and is therefore suitable for the development.

5.9 WASTE

The waste bins would be appropriately screened and located in the garbage area at the south eastern corner of the site. A total of seven bins and two skip bins are provided on the site. Most waste materials generated from the proposal would be delivered to the Kimbriki Waste Recycling Centre for recycling, while plastic pots from plants would be returned to the nursery. Further details are provided within the Waste Management Plan at **Appendix 4**.

5.10 ANY SUBMISSION MADE IN ACCORDANCE WITH THE ACT

The applicant will be willing to address any submissions if required, should they be received by Council.

5.11 THE PUBLIC INTEREST

No significant environmental impacts are considered to result from the proposal. Rather an improvement in the level of residential amenity for the benefit of the residents. As such, the development is considered to be in the public interest.

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PART F CONCLUSION

The proposed alterations and additions to the existing parking area at 7-9 Marine Parade, Manly, is permissible within the B1 Neighbourhood Centre zone subject to development consent.

This SEE provides an assessment of the proposal against the relevant environmental planning framework, including MLEP2013 and MDCP2013. The assessment finds that the proposal is consistent with the objectives and controls of the relevant instruments and policies.

No significant adverse environmental, economic or social impacts have been identified as likely to arise from the proposed development. Rather, the proposal will enable the development of the site whilst protecting the scenic quality of the area and integrity of the landform through high quality architectural and landscaping design of the development. The proposal therefore embodies sensitive design whilst creating visual interest and providing a high level of amenity for future residents. Nevertheless, the development has been designed with respect to existing development on adjoining sites in order to preserve neighbouring amenity including solar access, views and privacy.

No additional significant adverse impacts have been identified as likely to arise from the proposed development which has been favourably assessed against the relevant provisions of Section 4.15(1) of the EP&A Act.

It is therefore recommended that Council grant development consent to the proposal.

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APPENDIX 1 – Survey Plans

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APPENDIX 2 – Site Plan

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APPENDIX 3 – Elevations

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APPENDIX 4 – Waste Management Plan

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APPENDIX 5 – Cost Summary Report