



Statement of Environmental Effects

Demolition works and the
construction of multi-dwelling
housing and two residential
flat buildings

95 Bower Street and 29, 31 and 35 Reddall Street,
Manly

Submitted to Northern Beaches Council
On Behalf of mProjects

JUNE 2019

REPORT REVISION HISTORY

Revision	Date Issued	Revision Description	
01	24/06/19	Draft 01	
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02	26/06/19	Final	
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APPENDICES

Appendix	Document	Prepared by
1	DCP Compliance Table	City Plan
2	Site Survey	Chase Burke Harvey
3	Architectural Plans	Squillace Architects
4	ADG Compliance Table and SEPP 65 Design Verification Statement	Squillace Architects
5	Landscape Plans	Jane Irwin Landscape Architects
6	Stormwater Concept Plan and Report	ACOR
7	BCA Report	City Plan Services
8	Operational Waste Management Plan	Elephants Foot
9	Demolition and Construction Waste Management Plan	Squillace Architects
10	BASIX Report and Certificate	ESD Synergy
11	Statement of Heritage Impact	Archnex Designs
12	Access Report	City Plan Services
13	Traffic and Parking Report	Varga Traffic Planning
14	Construction Traffic Management Plan	Varga Traffic Planning
15	Preliminary Geotechnical Assessment	JK Geotechnics
16	Hazardous Building Materials Assessment	Environmental Investigation Services
17	Remediation Action Plan	JK Geotechnics
18	Preliminary Environmental Site Assessment	Environmental Investigation Services
19	Arborist Report - Construction Impact Assessment and Management Plan	Botanics Tree Wise People
20	Bushfire Hazard Assessment	Bushfire Consulting Services
21	Terrestrial Biodiversity Report	SIA Ecological and Environmental Planning
22	Cost Estimate Report	MBM
23	Acoustic Report	The Acoustic Group
24	View Sharing Assessment	Squillace Architects
25	Clause 4.6 Variation Report - Height	City Plan Strategy & Development
26	Clause 4.6 Variation Report - Floor Space Ratio	City Plan Strategy & Development

1. EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared on behalf of mProjects by City Plan Strategy and Development Pty Ltd (City Plan) to accompany a Development Application (DA) to Northern Beaches Council. The subject site is located at 95 Bower Street and 29, 31 and 35 Reddall Street, Manly ("the site").

This SEE has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000. The purpose of this SEE is to:

- describe the proposed development and its context;
- assess the proposal against the applicable planning controls and guidelines; and
- assess the potential environmental impacts and mitigation measures

The proposed works include the demolition of the site's existing improvements and construction of three buildings (Buildings A, B & C). Building A comprises four (4) three storey townhouses and Buildings B and C comprise residential flat buildings containing 9 (nine) and 10 (ten) residential units, respectively. In total, the proposal will deliver 23 dwellings across the four terraces and 19 low rise and garden apartments.

The proposed development seeks to vary two development standards pursuant to the Manly Local Environmental Plan 2013 in relation to Clause 4.3 as a result of the breach of height standard relating to minor extents across the roof and parapet of the buildings and Clause 4.4 as a result of the exceedance in floor space ratio on the site.

The subject site is located within Manly, which has been identified in the North District Plan as an area to increase capacity for housing. This proposal will provide high quality housing in a strategic location close to the centre of Manly, with views to the ocean and supported by nearby beaches, parks, public walkways and a variety of restaurants, cafes, bars, speciality shops and local facilities.

The proposed development is representative of the desired future character of the Manly locality. The proposed development is commensurate with the scale and bulk of dwellings in the locality and has been designed to contribute to the wider public domain through generous landscaping and planting along the site's street boundaries.

A pre-lodgement meeting was held on 2 November 2017 with Council's Development Assessment section. The verbal pre-lodgement discussions raised a number of issues with the proposal as presented at the meeting. These issues related to the overall design of the proposal, setbacks, floorspace, building height, provision of landscaping and potential view loss. Following the meeting the applicant submitted amended plans for consideration in Council's written minutes. In summary, Council noted that the proposal had been amended to reflect the recommendations and advice given at the meeting to satisfy issues relating to building setbacks, floorspace, provision of landscaping and basement excavation/setbacks. Generally, Council were supportive of the proposal subject to a number of issues being addressed in a future development application. A response to these issues is provided in **Section 3.10.1**.

This SEE concludes that the proposal is of a scale and mass appropriate to its location and will assist in contributing to the housing targets set by the North District Plan. Potential view loss from neighbouring properties is consistent with that envisaged by the statutory planning controls guiding redevelopment of this locality and the principles established in *Tenacity Consulting v Warringah [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours*.



In conclusion, the proposed development provides a unique and high-quality architectural design that responds to the site's characteristics and context and provides a high level of internal and external amenity for residents and the surrounding community.

2. SITE ANALYSIS

2.1. The Site

The site is located at 95 Bower Street and 29, 31 and 35 Reddall Street, Manly. The site is located in a block bound by Reddall Street to the south, College Street to the east, Bower Street to the north and a pedestrian right of way to the west.

The site currently consists of the following allotments as shown in **Table 1** and the aerial and cadastral maps at **Figures 1** and **2**.

Table 1: Legal Description of Site

Address	Lot	Deposit Plan
29 Reddall Street	84	DP8076
31 Reddall Street	83	DP8076
35 Reddall Street	82	DP8076
95 Bower Street	81	DP8076

The amalgamated site forms an irregular block with a combined area of 3,162.9m².



Figure 1: Site plan of the subject site, approximate outline of development site outlined in red (Source: SIX Maps)



Figure 2: Cadastral map with subject site outlined red (Source: SIX Maps)

2.2. Site Description

2.2.1. Existing Improvements

The site currently comprises four detached dwelling houses set, ranging from one storey to two-storey in height. A description of each lot is provided in **Table 2** below.

Table 2: Site Descriptions

Address	Site Description
29 Reddall Street	- Two storey brick residence with garage fronting Reddall Street and swimming pool to the rear - One vehicular crossover - Pedestrian access from Reddall Street 

Figure 3: View of 29 Reddall Street (Source: Google Maps)

	 Figure 4: View of 29 Reddall Street and adjacent pedestrian right of way (Source: Google Maps)
31 Reddall Street	▪ Two storey brick residence ▪ No vehicular crossovers ▪ Pedestrian access from Reddall Street  Figure 5: View of 31 Reddall Street (Source: Google Maps)
35 Reddall Street	▪ One and two storey rendered brick residence and garage fronting Reddall Street ▪ Two vehicular crossovers ▪ Vehicular access from Reddall Street and pedestrian access from College Street and Reddall Street



Figure 6: View of 35 Reddall Street (Source: Google Maps)

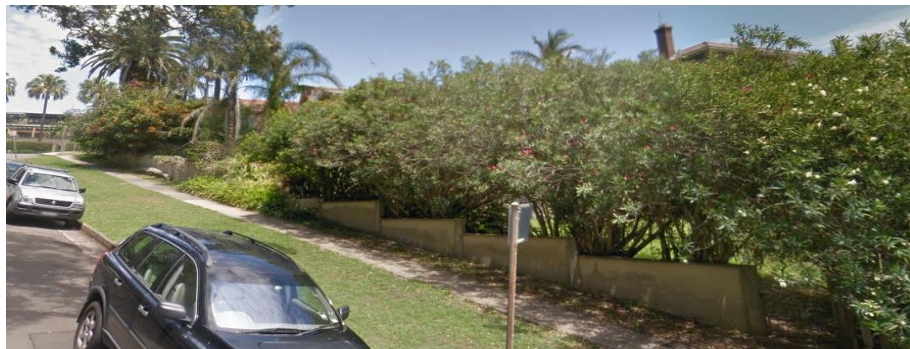


Figure 7: Frontage of 35 Reddall Street along College Street (Source: Google Maps)

95 Bower Street

- Single storey black residence and garage fronting Bower Street
- One vehicular crossover
- Vehicular and pedestrian access from Bower Street

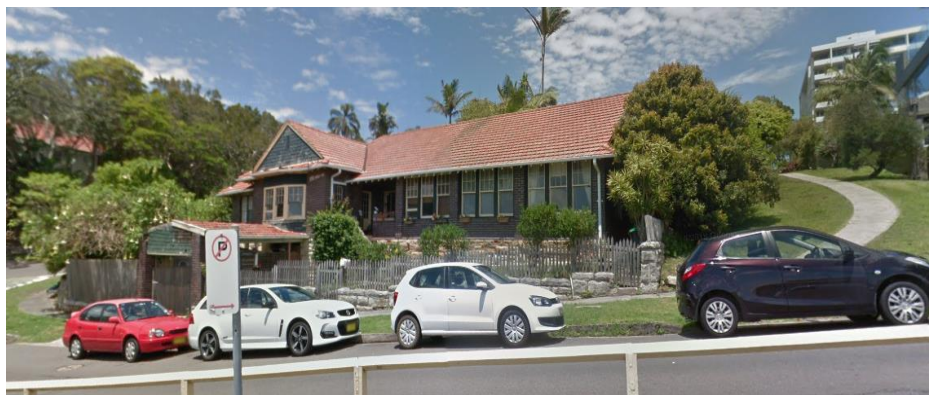


Figure 8: Frontage of 95 Bower Street (Source: Google Maps)



Figure 9: View of site from corner of College Street and Bower Street (Source: Google Maps)

2.2.2. Topography

The site falls from west to east towards Bower Street. The highest point of the site is located along the western site boundary (i.e. Reddall Street) with levels varying along this boundary from RL21.69AHD to RL22.42AHD. The lowest point of the site is located on the eastern site boundary (i.e. Bower Street) with levels varying from RL9.63AHD to RL12.07AHD.

2.2.3. Vegetation

The vegetation on the site comprises a mixture of mostly introduced planted trees, shrubs and groundcover vegetation with small areas of lawn and many weeds.

There is substantial vegetation cover across the site, with a total of fifty-six (56) trees located across the site. The trees are not part of the remnant plant community and have been established since the blocks were originally subdivided less than forty years ago. The tree species comprise mostly introduced plants, but there are some native trees.

2.2.4. Ecology

The vegetation on the site is discontinuous across the properties and interrupted by buildings, pathways, lawns, paved areas, car ports and a swimming pool. The vegetation structure is limited across the properties, mainly because there is no continuous tree canopy, with the existing trees located around the perimeters of the properties. This has greatly reduced the fauna habitat values of the subject properties.

The existing properties on the site provide habitat mainly for invertebrates such as insects, spiders, centipedes, millipedes, slugs and snails. The site also provides potential habitat for a lizards, birds, possums, fruit bats and insectivorous bats.

There is evidence of bandicoot activity around the existing properties on the site. Specifically, the conical diggings within lawns that are typical of the Long-nosed Bandicoot that occurs in the area. Such holes have

been observed on the median strip of College St outside 95 Bower St, in the front lawn of 95 Bower St and along the pedestrian walkway on the north-western side of 29 Reddall St. No Long-nosed Bandicoot shelters or nests were found on the properties.

2.2.5. Hazards

The site is identified as bushfire prone land.

2.2.6. Heritage

The site does not contain any heritage items and is not located within a heritage conservation area. The street trees located along Bower Street to the northeast of the site are identified as a local heritage item. To the southeast of the site, adjoining College Street, is St Patrick's Estate, a state heritage item.

2.2.7. Geotechnical Conditions

Sandstone outcrops are located along the southern site boundary and on neighbouring properties along College Street. Along the upper portion of the southern site boundary (with College Street), a concrete retaining wall of about 1m to 1.5m in height is located, with a visibly significant outward tilt. There are no signs of slope instability or landslip.

2.2.8. Parking & Access

With regards to existing parking and vehicle access, Nos. 95 Bower Street and 29 Reddall Street each have a vehicular crossover off its frontage with on-site parking provided via a garage. No. 35 Reddall Street has two vehicular crossovers off Reddall Street with on-site parking provided via a garage and on the dwelling's driveway. No. 31 Reddall Street does not have any vehicular crossovers or on-site parking.

Bower Street, College Street and Reddall Street are local, unclassified roads that are primarily used to provide vehicular and pedestrian access to frontage properties. Kerbside parking is generally permitted on both sides of these roads.

2.3. Surrounding Development

2.3.1. Overview

The immediate locality is predominantly residential in character, comprising a variety of dwelling houses and residential flat buildings varying in height from single storey to eight storeys. These buildings vary in age and architectural style.

Opposite the site, fronting College Street, is St Patrick's Estate, a collegiate ensemble comprising a seminary, St Patrick's College and Archbishop's Residence.



Figure 10: Mix of residential building typologies opposite the site fronting Reddall Street (Source: Google Maps)



Figure 11: Lower density residential dwelling houses to the west of the site fronting Reddall Street (Source: Google Maps)



Figure 12: Entry to St Patrick's Estate opposite the site fronting College Street (Source: Google Maps)



Figure 13: Lower density dwelling houses to the west of the site fronting Bower Street (Source: Google Maps)

3. DESCRIPTION OF DEVELOPMENT

3.1. Overview

This development application seeks consent from Northern Beaches Council for the demolition of all existing structures on the site and the construction of four three-storey townhouses and two three-storey residential flat buildings containing 19 apartments in total. Vehicle ingress and egress is provided from Bower Street for the townhouses and vehicle ingress and egress is provided from College Street for the residential flat buildings. Refer to the Architectural Drawings at **Appendix 3** for further details.

The proposed residential development provides a valuable improvement to the site and surrounding locality by providing a visually and physically integrated design which activates the streetscape, while providing a sympathetic response to the site's residential locality.

An extract of the Site Plan prepared by Squillace Architects is provided in the Figure below.



Figure 14: Extract of the proposed Site Plan (Source: Squillace Architects)

3.2. Development Statistics

The key statistics and elements of the project are shown in **Table 3** below:

Table 3: Development Statistics

Element	Proposal
Site Area	3,162.9 m ²
Gross Floor Area	3124.6 m ²
Maximum Height	9.3m
Floor Space Ratio	0.987:1
Maximum Extent of Excavation	8.5 metres
Total Dwellings	23 dwellings in total comprising: 4 townhouses 19 apartments
Total Adaptable Apartments	6 adaptable apartments
Total Parking	53 car parking spaces comprising: ▪ 9 car parking spaces for the townhouses ▪ 44 car parking spaces for the residential apartments Bicycle car parking comprises ▪ 15 bicycle parking spaces for the residential apartments ▪ Four garages for the townhouses suitable to accommodate two adult sized bicycles each

3.3. Detailed Description

In detail, the DA consists of the following components:

- Demolition of all existing structures on the site;
- Excavation of the site;
- Construction and occupation of a residential development comprising:
 - Townhouses**
 - A row of four three-storey townhouses on the eastern extent of the site with one level of basement parking providing nine (9) parking spaces;
 - Vehicular access to the basement parking from Bower Street;
 - Residential Flat Buildings**
 - Two three-storey residential flat buildings with one level of basement parking providing 21 parking spaces for Building B and 23 spaces for Building C;

Sections 3.3.1, 3.3.2 and 3.3.3 provide a summary of the proposal per building:

3.3.1. Building A

Building A is located on the eastern portion of the site and consists of the following components:

- Excavation to construct one level of basement which will provide 8 car parking spaces, 1 visitor space, bicycle storage, storage and plant and services; and
- Construction of a three-storey building containing four three-bedroom townhouses.

3.3.2. Building B

Building B is located in the middle of the site and consists of the following components:

- Excavation to construct one level of basement which will provide 14 car parking spaces (including 2 accessible spaces), 4 tandem spaces, 3 visitor spaces, bicycle storage and plant and services; and
- Construction of a three-storey building comprising 9 residential units (including 6 x 3-bedroom apartments and 3 x 2-bedroom apartments).

3.3.3. Building C

Building C is located on the western portion of the site and consists of the following components:

- Excavation to construct one level of basement which will provide 20 car parking spaces (including 2 accessible spaces), 3 visitor spaces, bicycle storage and plant and services;
- Construction of a three-storey building comprising 10 residential units (including 6 x 3-bedroom apartments and 4 x 2-bedroom apartments).

3.4. Demolition

The application seeks approval for the demolition of all existing structures on the site. The extent of demolition is shown in the demolition plan provided at Figure 15.

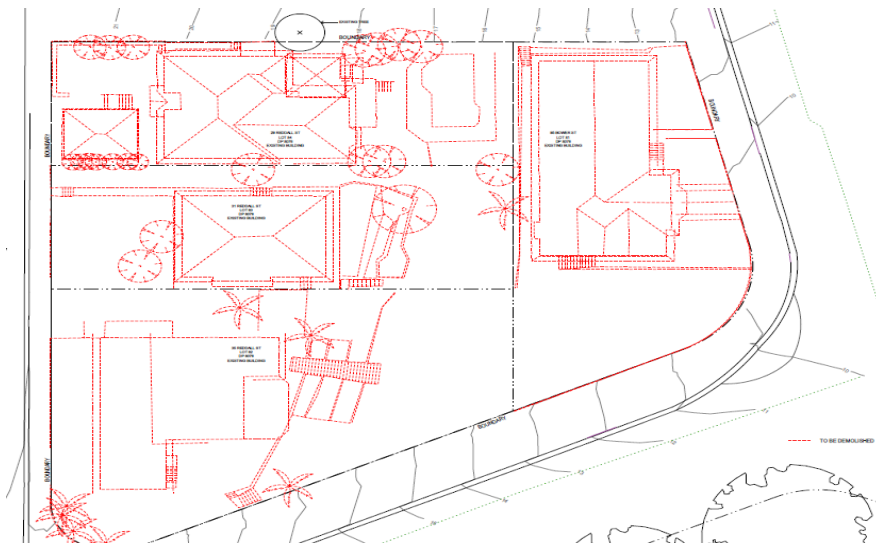


Figure 15: Demolition Plan (Source: Squillace Architects)

3.5. Tree Removal

The majority of existing trees located on site are proposed for removal. The impacts associated with this tree removal are assessed in **Section 6.4.2** of this application. The tree removal plan can be observed on the demolition plan extracted at **Figure 15** above.

3.6. Landscaping and Communal Open Space

Site landscaping will be undertaken in accordance with the landscape plan prepared by Jila and provided at **Appendix 5**.

The merits and impacts of the proposed landscaping design will be considered separately in **Section 6.4.3** of this SEE. However, it is noted that the proposed design includes:

- Extensive native shrub periphery planting along the site's boundaries comprising a mix of locally indigenous shrubs;
- Generous private open spaces provided as roof terraces, decks and balconies which will include a mix of plants with a wide mix of textures, scent and colours;
- Green roofs with mixed swathes of plants indigenous to North Head with hardy succulents; and
- A comprehensive planting schedule and design.

3.7. Access and Parking

3.7.1. Parking

The proposed development makes provision for a total of 9 off-street car parking spaces for the terrace houses and 44 off-street car parking spaces for the residential apartments.

Fifteen (15) bicycle parking spaces are proposed in the basement levels.

Detailed basement plans are included in the architectural package prepared by Squillace Architects at **Appendix 3**. These plans and the proposed parking provisions have also been assessed in the Traffic and Parking Assessment Report prepared by Varga Traffic Planning.

3.7.2. Vehicular Access

Vehicular access to the basement car parking area beneath the terrace houses is proposed to be provided via a single-lane, two-way vehicular entry / exit driveway located towards the eastern end of the Bower Street site frontage.

Vehicular access to the basement car parking areas beneath the residential apartment buildings is proposed to be provided via an entry / exit driveway located towards the southern end of the College Street site frontage.

3.7.3. Pedestrian Access

Pedestrian access to Building A is provided via a pedestrian pathway linking from Bower Street to College Street.

Pedestrian access to Building B is provided via a pedestrian pathway from College Street.

Pedestrian access to Building C is provided via two pedestrian pathways from Reddall Street.

3.7.4. Garbage Collection

Garbage collection will continue to be undertaken by Council's waste contractor, with bins stored on site and brought out onto kerbside locations on collection days as presently occurs.

3.8. Remediation

A Remediation Action Plan (RAP) has been prepared by JK Geotechnics and accompanies this application at **Appendix 17**. The remediation strategy outlined in the RAP is based on the data available from the Preliminary Environmental Site Assessment (ESA) (**Appendix 18**) and it has been assumed that the fill across the entire site is contaminated.

The full extent of the contaminated fill material at the site will be confirmed by completing a Stage 2 ESA following the demolition of the buildings on the site. This will address the data gaps outlined in the Preliminary ESA as well as characterise the contamination at the site and properly define the scope and extent of remediation required. Should additional contaminants be identified during the Stage 2 ESA, the RAP will be amended to reflect the additional information and update the remediation strategies as required.

3.9. Capital Investment Value

The capital investment value (CIV) of the project is estimated at \$33,258,645. Refer to the Cost Estimate Report prepared by MBM which accompanies this application at **Appendix 22**.

3.10. Pre-Lodgement Consultation

3.10.1. Council

On 2 November 2017 a pre-lodgement meeting was undertaken with Northern Beaches Council. The verbal pre-lodgement discussions raised a number of issues with the proposal as presented at the meeting. These issues related to the overall design of the proposal, setbacks, floorspace, building height, provision of landscaping and potential view loss.

Following the meeting the applicant submitted amended plans for consideration in Council's written minutes. In summary, Council noted that the proposal had been amended to reflect the recommendations and advice given at the meeting to satisfy issues relating to building setbacks, floorspace, provision of landscaping and basement excavation/setbacks.

Generally, Council were supportive of the proposal subject to a number of issues being addressed in a future development application. **Table 4** provides a response to the issues raised by Council in their written pre-lodgement minutes.

The below table demonstrated that the proposed works have, where possible, addressed the matters raised by Council. The applicant is confident that the proposed works will deliver a high level of residential amenity for future occupants with no unacceptable impact upon the amenity of adjoining dwellings.

Table 4: Pre-Lodgement issues raised by Council.

Item	Comment
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) & Apartment Design Guide	
SEPP 65 applies to the proposed residential flat buildings. In addition to a statement of environmental effects a development application must include the following: a) an explanation of how: (i) the design quality principles are addressed in the development, and (ii) in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development, (b) drawings of the proposed development in the context of surrounding development, including the streetscape, (c) development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations, (d) drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context, (e) if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts, (f) photomontages of the proposed development in the context of surrounding development, (g) a sample board of the proposed materials and colours of the facade, (h) detailed sections of proposed facades, (i) a model that includes the context. The Statement of Environmental Effects and Design Verification Statement from the architect accompanying the development application is to demonstrate that all of the requirements above have been satisfied.	(a) (i) An ADG Compliance Table and SEPP 65 Design Verification Statement has been prepared by Squillace Architects and is provided at Appendix 4. (ii) This is provided in the ADG Compliance Table and SEPP 65 Design Verification Statement and is provided at Appendix 4. (b) This is provided in the architectural plans provided at Appendix 3. (c) This is provided in the architectural plans provided at Appendix 3. (d) This is provided in the landscape plans provided at Appendix 5. (e) N/A (f) This is provided in the architectural plans provided at Appendix 3. (g) This is provided in the architectural plans provided at Appendix 3. (h) This is provided in the architectural plans provided at Appendix 3. (i) This is provided in the architectural plans provided at Appendix 3.
Manly Local Environmental Plan 2013	
Clause 4.3 Height of Buildings The proposed 10.6m height limit (variation of 2.1m or 24.7%) is not supported.	The proposed development has a maximum height of 9.3m. The proposal exceeds the maximum height limit for the site by 800mm (worst case).

The variation proposed is considered to be significant and excessive given that it relates to a lift overrun. The lift should be relocated within the building footprint to achieve compliance with the development standard.	A Clause 4.6 variation has been prepared by City Plan and is provided at Appendix 25.
Clause 4.4 Floor Space Ratio The revised floor space ratio is 0.96:1 (3023.04 sqm) representing a variation of 60% or 1133.64 sqm. A variation could be supported subject to the proposal demonstrating compliance with the underlying objectives of the R1 General Residential zone and Clause 4.6 Exceptions to Development Standards under MLEP 2013. Further, the floor space ratio variation will only be supported if any proposal clearly demonstrates that the floor space does not result in unreasonable view loss having regard to the Manly Development Control Plan requirements and the Planning Principle established in Tenacity Consulting vs Warringah (2004) NSWLEC 140). Any variation proposed the development standard will require a comprehensive analysis of surrounding development and a written request seeking to justify the contravention in accordance with Clause 4.6. The detail provided at the time of the pre-lodgement should be included with the development application.	The FSR of the proposed development is 0.987:1. A Clause 4.6 variation has been prepared by City Plan and is provided at Appendix 26.
Manly Development Control Plan 2013	
Amenity	
Landscaping The development application should be accompanied by a comprehensive Landscape Plan.	A Landscape Plan has been prepared by Jila and is provided at Appendix 5.
Sunlight Access and Overshadowing The proposal will allow for a reasonable level of sunlight access to adjoining and nearby properties. Shadow diagrams are to be submitted with the development application. The matter of internal sunlight access is to be addressed within the Statement of Environmental Effects and within the assessment against the provisions of SEPP 65 and the Apartment Design Guide.	Shadow diagrams are included in the architectural plans provided at Appendix 3. The impacts of sunlight access and overshadowing are provided in this SEE at Section 6.33 and 6.44 respectively.
Privacy and Security The matter of internal and external privacy and security is to be addressed within the Statement of Environmental Effects and within the assessment against the provisions of SEPP 65 and the Apartment Design Guide.	Refer to Section 6.36 of this SEE as well as the ADG Compliance Table and SEPP 65 Design Verification Statement provided at Appendix 4.
Views	A Visual Impact Assessment has been prepared by Squillace Architects and is

The proposal has the potential to cause view loss. This will be a fundamental assessment issue for any development application. The amendments made by the applicant following the pre lodgement meeting have the potential to reduce the extent of view impact however a full view loss assessment cannot be undertaken until such time as the development application is made. Any development application must be accompanied with a comprehensive view impact assessment (including and an assessment against the Planning Principle established in Tenacity Consulting vs Warringah (2004) NSWLEC 140) from surrounding and nearby affected properties. The floor space ratio variation will only be supported if any proposal clearly demonstrates that the floor space does not result in unreasonable view loss having regard to the Manly Development Control Plan requirements and the Planning Principle established in Tenacity Consulting vs Warringah (2004) NSWLEC 140). If an application is lodged height poles will be required to ensure an accurate view loss assessment can be undertaken. You are strongly encouraged to liaise with surrounding property owners to undertake a view loss assessment prior to lodging a development application.	provided at Appendix 25. A discussion of the view loss impacts is provided at Section 6.3.7 of this SEE.
Part 4: Built Form Controls	
Stormwater No stormwater design has been submitted. The proposed impervious area is over 35 % of the total site areas, so an On-site Stormwater Detention (OSD) system must be provided in the development. The OSD design requirements can be found in section 4 of Manly Specification for On-site Stormwater Management. The applicant may discharge the stormwater into Council's pit/ pipe subject to Council's stormwater drainage approval.	An OSD system is provided on site on the site's south-eastern corner, adjacent to the public reserve and Bower Street. The OSD design has been prepared in accordance with section 4 of Manly Specification for On-site Stormwater Management. It is proposed to discharge the stormwater to the existing stormwater gully pit along Bower Street.
Heritage The site of proposed development is not a listed heritage item in its own right, however, it is located in the heritage conservation area and in vicinity of heritage items, the nearest being trees in Bower Street. Given the nature of the proposal and the separation between sites, and given the favourable topography, the impact on heritage values is assessed as acceptable.	A Statement of Heritage Impact is provided at Appendix 11 and confirms that the proposed development has no potential adverse impact on the significance and setting of the heritage items within the vicinity and is eminently supportable in heritage terms.

Based on the above, there are no objections to this proposal from heritage perspective subject to the submission of a comprehensive Heritage Impact Statement with a development application.	
Traffic Engineer Traffic impact statement including parking requirements should be submitted. ▪ Parking requirements should be analysed and provided according to DCP. Any exemptions should be justified. ▪ Parking facilities should be designed to comply with Australian Standards and DCP relating to access, manoeuvring, ramp grades and dimensions. ▪ Vehicular access should be designed to comply with AS2890.1 requirements in-terms of location, width, sight distance, gradient etc. ▪ Circulating swept paths within the car park and exit / entry manoeuvring paths should be provided. Also any complex manoeuvring should be verified with swept paths. ▪ A detailed Construction Traffic Management Plan (CTMP) for the proposed development is to be prepared to address the overall management of the site and nearby roads during the construction process, including the provision of parking arrangements for all trade vehicles. Any complex manoeuvring should be verified with swept paths. If the work zone will be provided, details need to be included.	In response: ▪ Parking requirements are provided according to the DCP. ▪ Parking facilities have been designed to comply with Australian Standards and DCP relating to access, manoeuvring, ramp grades and dimensions. ▪ Vehicular access has been designed to comply with AS2890.1 requirements in-terms of location, width, sight distance, gradient etc. ▪ Circulating swept paths within the car park and exit / entry manoeuvring paths are provided in the Traffic and Parking Report at Appendix 13. ▪ A detailed Construction Traffic Management Plan (CTMP) for the proposed development is provided at Appendix 14.
Landscape <u>General</u> The extent of excavation / limited deep soil setback will limit the potential to integrate the development with the surrounding landscape character, and the ability to soften the built form by landscape treatment. <u>3.1.1 Streetscape (Residential areas)</u> A balanced streetscape is to be presented to integrate the built form with the streetscape with the provision of landscape elements to soften the built form. The presented plans provide inadequate landscape treatment to the street frontages. It appears that there is insufficient deep soil area proposed to support appropriate tree planting within the site. <u>4.1.5 Open Space and Landscaping</u> The existing stone boundary walling provides an opportunity to retain and augment important historic landscape features within the site.	Compliant with the ADG, the proposed development provides a deep soil zone of 315m², which equates to 13% of the site area. Additional deep soil is provided to other parts of the site that is 3 metres or wider, comprising another 72m² of area and another 3% of deep soil to the site. The boundary planting includes native shrub periphery planting to the streetscape which includes a mix of locally indigenous species with general Australian native shrubs to form a soft, loose hedge. Along the northern site boundary, the proposed planting includes larger shrubs clustered together. Together with the proposed landscaping across the site, the boundary treatment is considered to be appropriate and will assist in softening the built form with the streetscape.

Comment:

The amended plans indicate an increase in the provision of deep soil landscaping which could be supported.

4. STATUTORY PLANNING CONSIDERATIONS

4.1. Overview

The relevant statutory framework considered in the preparation of this report comprises:

- Environmental Planning and Assessment Act, 1979;
- Biodiversity Conservation Act 2016 No 63;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; and
- Manly Local Environmental Plan 2013.

Where relevant, these controls are addressed below.

4.2. Environmental Planning and Assessment Act 1979

4.2.1. Section 1.3 – Objects

The Environmental Planning and Assessment Act, 1979 (the Act) is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act are:

1.3 Objects of Act

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

For the reasons set out below, it is considered that the proposed development satisfies the above stated objects of the Act:

- The proposed development promotes the social and economic welfare of the community by providing the orderly and economic development of land in an appropriate location for a use that is in accordance with the provisions of the relevant environmental planning instrument (EPIs) applying to the land;
- The proposed development will result in the creation of additional jobs during the construction and operational phases of the development;
- Appropriate utility services are capable of being provided to service the development, as set out in the Building Services Report provided at **Appendix 23** and the Civil Plans provided at **Appendix 6**;
- The site will continue to provide habitats for a range of native biodiversity as a result of the proposed landscaping works detailed at **Appendix 5** and discussed in the Terrestrial Biodiversity Report at **Appendix 21**;
- There will be no unreasonable adverse impacts on the environment as discussed in detail at Section 6 of this SEE; and
- The proposed development meets and satisfies the relevant criteria to encourage sustainable residential development as specified within State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and addressed in the BASIX compliance assessment that accompanies this application (**Appendix 10**).

4.2.2. Section 4.15 of EP&A Act 1979

Section 4.15(1) of the Act as amended specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the Act are addressed in the Table below.

Table 5: Section 4.15 of EP&A Act 1979.

Section	Comment
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Section 4.
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	Not relevant to this application.
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in Section 5.
Section 4.15(1)(a)(iiia) Any planning agreement	Not relevant to this application.
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to Section 4.3.
Section 4.15(1)(a)(v) Any coastal zone management plan	Not relevant to this application.

Section 4.15(1)(b) - (e)	Refer to Section 6 of this SEE for consideration of (b), (c) and (e). Matter (d) relates to submissions and is a matter for the consent authority.
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4.2.3. Section 4.46 – Integrated Development

This section of the Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

The application is not nominated as Integrated Development pursuant to Section 4.46 of the EP&A Act.

4.3. Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act) commenced on 25 August 2017 and sets out, among other things, to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change.

Under Section 7.7 of the BC Act, a development application for Part 4 activity is not required to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the development is likely to significantly affect threatened species.

The Terrestrial Biodiversity Report that accompanies this application (**Appendix 21**) provides a summary of the existing terrestrial biodiversity on the site. The vegetation comprises a mixture of mostly introduced planted trees, shrubs and groundcover vegetation with small areas of lawn and many weeds. A small number of native plants and trees are present on the site.

The report identifies there is evidence of bandicoot activity around the site, specifically the conical diggings within lawns that are typical of the Long-nosed Bandicoot that occurs in the area. The Report notes that:

- *"No evidence was found during the site assessment of any shelters or nests on the properties to be demolished. Conical shaped diggings that are evidence of Long-nosed Bandicoots foraging were found on the median strip outside the properties and on the internal lawn of one of the properties";*
- *"A relatively small area of foraging habitat in the form of lawn on the median strips surrounding the development site may be temporarily removed during the construction stage. There would remain relatively large areas of lawns on median strips around the development site and nearby that would provide alternative foraging habitat for Long-nosed Bandicoots in the area"; and*
- *"A small area of foraging habitat in the form of lawns within the properties to be developed would be removed. This would represent a very small proportion of available habitat in the area. Proposed landscaping would restore some areas of better-quality habitat within the setbacks that would be accessible for Long-nosed Bandicoots".*

The report concludes that the proposed works would not have a significant impact on the Long-nosed Bandicoot population at North Head.

Based on the findings of the Terrestrial Biodiversity Report (**Appendix 21**) and the Arborist Report (**Appendix 19**) the development is not likely to have any significant impact on biodiversity values identified in the BC Act and the BC Regulation or trigger entry into any of the Biodiversity Offsets Scheme.

4.4. Environmental Planning and Assessment Regulation 2000

4.4.1. Clause 50 – How must a development application be made

Clause 50 (1A) of the Environmental Planning and Assessment Regulation 2000 (the Regulation) requires that a DA for a residential apartment building must be accompanied by a design verification statement from a qualified designer, which confirms:

- (a) *that he or she designed, or directed the design, of the development, and*
- (b) *provide an explanation that verifies how the development:*
 - (i) *addresses how the design quality principles are achieved, and*
 - (ii) *demonstrates, in terms of the Apartment Design Guide, how the objectives in parts 3 and 4 of the guide have been achieved.*

This Verification Statement as well as the Apartment Design Guide (ADG) compliance table has been prepared by Squillace Architects and accompanies this SEE at **Appendix 4**.

In addition, Clause 50 calls up Schedule 1 of the Regulation, which provides that any DA for residential apartment development to which State Environmental Planning Policy No 65—Design Quality of Residential Flat Development applies, must also be accompanied certain information. These submissions requirements are submitted in support of this application.

4.4.2. Clause 92 – Demolition

All demolition work will be undertaken in accordance with Clause 92 of the Regulation requiring the consent authority to consider AS 2601 - 1991: The Demolition of Structures.

4.4.3. Clause 98 – Compliance with the BCA

Pursuant to the prescribed conditions under Clause 98 of the Regulation, any building work *"must be carried out in accordance with the requirements of the Building Code of Australia"*. For detail refer to the BCA Assessment Report prepared by City Plan Services which accompanies this application at **Appendix 7**.

4.5. State Environmental Planning Policies

4.5.1. State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

This Policy aims to improve the design quality of residential flat development to:

- Ensure such buildings contribute to sustainable development
- Provide sustainable housing in social and environmental terms
- Achieve better built form and aesthetics of buildings, streetscapes and the public spaces they define
- Better satisfy the increasing demand, changing social and demographic profile of the community
- Maximise amenity, safety and security for the benefit of occupants and the wider community
- Minimise the consumption of energy from non-renewable resources

To support these aims the SEPP introduces 9 design quality principles. These principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

An assessment of the two residential flat buildings against these design principles and the Apartment Design Guide (ADG) criteria is contained in the SEPP 65 Design Verification Statement prepared by Squillace Architects and provided at **Appendix 4**.

The proposal is largely consistent with the ADG, but there are variations in relation to the provision of communal open space on this site. The ADG recommends that a minimum area equal to 25% of the site is provided as communal open space but notes that where developments are unable to achieve this, they should provide larger balconies or increased private open space for apartments and demonstrate good proximity to public open space and facilities.

The proposal does not provide any communal space, but this is considered acceptable given generous private open spaces have been provided to each unit, which significantly exceed the minimum requirements stated in the ADG. Given the excess of private open space available to inhabitants it is anticipated that they would use their own private outdoor space in preference over a communal space. Further, the site is within close proximity to usable and accessible public open spaces including Shelly Beach, Manly Beach and its associated parkland, which provide additional opportunities for active and passive recreation.

In summary, the proposed development provides a positive contribution to its locality in terms of its design quality, the internal and external amenity it provides and an increase in housing choice and stock in the area. Furthermore, the proposed development is consistent with the aims and provisions of the ADG as indicated in the Design Verification Statement.

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

State Environmental Planning Policy No. 55 – Remediation of Contaminated Lands (SEPP 55) establishes State-wide provisions to promote the remediation of contaminated land.

SEPP 55 states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires Councils to be notified of all remediation proposals. The Managing Land Contamination: Planning Guidelines were prepared to assist councils and developers to determine when land has been at risk.

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

A Preliminary ESA has been prepared by EIS (**Appendix 18**). Based on historical aerial photographs, the report identifies that the site appears to have been occupied by four residential lots since at least 1943. Soil sampling was undertaken on the site from three locations and samples were collected from the fill. The results from the soil sampling identified that the samples contained contamination concentrations above the site assessment criteria. The likely source of the contamination is considered to be associated with the ash, coal and slag inclusions which are likely to have been as a result of the site having been historically filled to achieve the existing levels on the site. This fill material may have been imported. Provided that this material is removed from site during excavation, the report identifies that it will not present a risk to final site occupiers. The Preliminary ESA concludes that while the site can be made suitable for the proposed development, a Stage 2 ESA should be undertaken, as well as a Hazardous Materials Assessment.

While a Stage 2 ESA would ordinarily accompany a development application, due to the site's topography and existing coverage of buildings on the site, a Stage 2 ESA is unable to practicably be undertaken to meet the EPA sampling requirements until the buildings on site have been demolished. In the absence of the Stage 2 ESA, and on the basis of the findings of the Stage 1 report, a Remediation Action Plan (RAP) has been prepared by JK Environments (**Appendix 17**) which assumes all fill across the entire site is contaminated. The RAP details the requirement for completing further (Stage 2 ESA) investigation once better access is available, together with the remedial approach which is to remove the fill material during the earthworks phase and validate the site once it has been remediated.

The consent authority could condition the RAP, requiring a Stage 2 ESA to be undertaken following demolition of the buildings on the site and the RAP updated in accordance with these findings.

A Hazardous Materials Assessment has been prepared by EIS (**Appendix 16**) which identified asbestos fibre containing construction materials within the interior and exterior of the buildings at the site, deteriorated paint films containing elevated lead levels, elevated levels of lead at 31 Reddall Street and synthetic mineral fibre materials within the insulation of the buildings. The Assessment requires that all materials are removed in accordance with the relevant regulations and codes.

4.5.3. State Environmental Planning Policy (Building Sustainability Index: BASIX) – 2004

The aim of this Policy is to establish a scheme to encourage sustainable residential development (the BASIX scheme). This on-line assessment tool calculates the dwelling's energy and water scores based on a range of design data.

SEPP BASIX requires the submission of a BASIX certificate to accompany an application for development consent for any "BASIX affected building". A BASIX certificate for the residential component of the development is provided at **Appendix 10**.

4.6. Manly Local Environmental Plan 2013

The Manly Local Environmental Plan 2013 (Manly LEP) is the primary environmental planning instrument (EPI) that applies to the site. A summary of the proposal's consistency with the relevant provisions of the Manly LEP is addressed below.

4.6.1. Zoning

The site is zoned R1 General Residential under the provisions of the Manly LEP. Refer to the extract below.

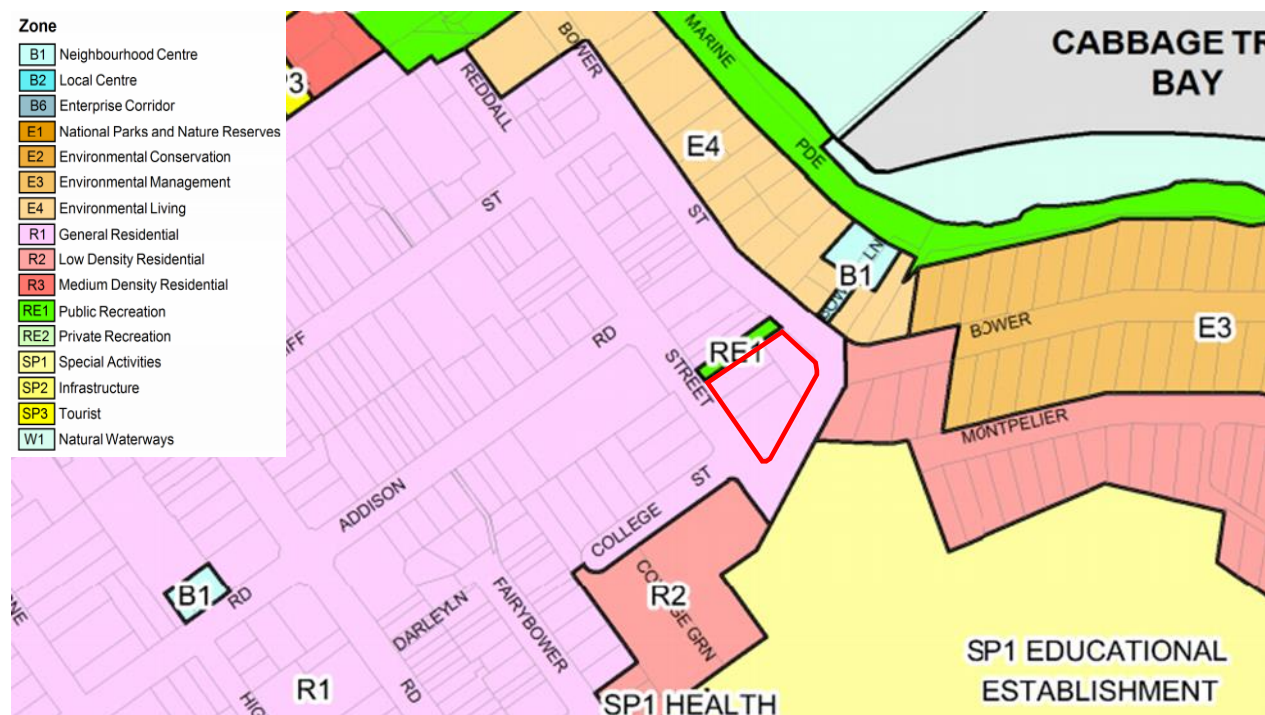


Figure 16: Manly LEP Zoning Map Extract site outlined in red (Source: Sheet LZN_006)

The proposed works are defined as "Multi dwelling housing" and "Residential flat buildings", which are permissible with consent in the R1 General Residential zone.

4.6.2. Zone Objectives

Clause 2.3(2) of the Manly LEP states that a consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the R1 zone are set out in the table below with a response provided where relevant.

Objective	Response
<i>To provide for the housing needs of the community.</i>	The proposed development is comprised of four townhouses and 19 apartments which are to be

	provided in two residential flat buildings. The development will increase the housing stock in the locality and will provide for the housing needs of the community.
<i>To provide for a variety of housing types and densities.</i>	The proposed development is comprised of two- and three-bedroom apartments and three-bedroom townhouses. The proposed mix will add to the variety of housing types throughout the locality and respond to prevailing market trends.
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	The proposed development will be accompanied by ancillary landscaping and infrastructure works to allow for the site to meet the day to day needs of its end users.

Based on the above, the proposed works are considered to be consistent with the objectives of the R1 General Residential Zone.

4.6.3. Height of Buildings

Clause 4.3 of the Manly LEP stipulates an 8.5 metre maximum building height across the site. Refer to Figure below.



Figure 17: Manly LEP Height of Buildings Map Extract site outlined in red (Source: Sheet HOB_006)

As demonstrated on the plans prepared by Squillace Architects, the proposal has a maximum building height of 9.3m, resulting in an 800mm breach of the 8.5m maximum building height. This represents a 9% variation to the standard. The variation to the 8.5 metre maximum height limit relates to minor areas of the development including roofs and awnings on Buildings B and C as well as part of the upper level of Building

A which protrudes up to 800mm above the height plane. The maximum breach of the height plane is situated at the lowest part of the site, on Building A.

A Clause 4.6 Variation has been prepared to vary this development standard and is provided at **Appendix 25**.

4.6.4. Floor Space Ratio

Clause 4.4 of the Manly LEP stipulates a floor space ratio (FSR) of 0.6:1 for the site. Refer Figure below.

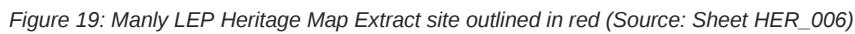


Figure 18: Manly LEP FSR Map Extract site outlined in red (Source: Sheet FSR_006)

The architectural plans prepared by Squillace Architects confirm the proposal has a maximum floor space ratio of 0.987:1. A Clause 4.6 Variation has been prepared to vary this development standard and is provided at **Appendix 26**.

4.6.5. Heritage Conservation

As can be seen in the Figure below, the site does not comprise any heritage items and is not located within a heritage conservation area. The site is, however, within the vicinity of two heritage items including 32 Reddall Street and *Acaucaria heterophylla* trees located along Bower Street.



4.6.6. Acid Sulfate Soils

Acid Sulfate Soils

1	Class 1
2	Class 2
3	Class 3
4	Class 4
5	Class 5

CABBAGE TREE BAY

Streets shown: PARADE, REDDALL, BOYER, MARINE, PDE, BOWER, MONTPELIER, COLLEGE, ADDISON, CLIFF, ASHBURNER, EUPH, ORBLOWER, PART, COLLEGE, PL.

Figure 20: Manly LEP Acid Sulfate Soils Map and Landslide Risk Map Extract site outlined in red (Source: Sheet CL1_006)

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 (AHD) and by which the water table is likely to be lowered below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.

The proposal is not expected to affect the adjoining land and therefore an Acid Sulphate Soils Management Plan is not required.

4.6.7. Earthworks

Pursuant to this clause, before granting development consent for earthworks, the consent authority must consider the following matters:

- "(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development."*

The Preliminary Geotechnical Assessment prepared by JKGeotechnics (**Appendix 15**) details that the development is capable of addressing this clause subject to addressing recommendations.

4.6.8. Stormwater Management

Clause 6.4 requires that the impacts of urban stormwater are minimised on adjoining properties, native bushland and receiving waters. The Clause requires that development consent should not be granted unless the consent authority is satisfied that the development:

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The Stormwater Concept Plan and Report provided at **Appendix 6** confirm how the construction of buildings will incorporate stormwater detention consistent with Council requirements. For detail with respect to stormwater management reference should be made to the documentation prepared by ACOR that accompanies this application.

4.6.9. Terrestrial Biodiversity

Clause 6.5 of the Manly Local Environmental Plan (LEP) 2013 concerns Terrestrial Biodiversity. The land is mapped as containing terrestrial biodiversity. Refer Figure below.



Figure 21: Manly LEP Terrestrial Biodiversity Map Extract site outlined in red (Source: Sheet CL2_006)

A Terrestrial Biodiversity Report which includes a '5-part Test' for the Long-nosed Bandicoot has been prepared by SIA Ecological and Environmental Planning and is provided at **Appendix 21**. The report has been prepared to address Clause 6.5 of the Manly LEP and provides a response to each of the sub-clauses.

The report concludes that:

"The development site currently contains a wide variety of plants, most of which are introduced species. This would provide valuable habitat for a range of native biodiversity mainly in the form of arthropods, small reptiles and birds. However, landscaping proposed as part of the development would restore similar habitat on the property. Consequently there is likely to be no net loss of biodiversity habitat on the property as a result of the proposed development".

The report includes a Test of Significance (5-part test) which confirms there would be no significant impact to the Long-nosed Bandicoot population at North Head as a result of the proposed development.

The report includes a series of recommendations to minimise and ameliorate any impacts from the proposed development on Long-nosed Bandicoots specifically and on biodiversity in general.

4.6.10. Foreshore Scenic Protection Area

Clause 6.9 seeks to protect the visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly. The land is identified as "Foreshore Scenic Protection Area" as identified on the Figure overleaf.



Figure 22: Manly LEP Foreshore Scenic Protection Area Map Extract site outlined in red (Source: Sheet FSR_006)

The Clause requires that development consent is not granted to development on land to which this clause applies unless the consent authority has considered the following matters:

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

The impacts of visual amenity have been assessed in the Visual Impact Assessment provided by Squillace Architects at **Appendix 25**. The impacts of the proposal are not detrimental to the visual amenity of the harbour and coastal foreshore and do not result in any overshadowing to the foreshore. In some instances the proposal will have minor impacts on views from the streetscape, but overall the proposal increases opportunities for view sharing.

The proposal seeks to provide a development with an appropriate scale and mass within the foreshore scenic protection area. The proposal does not result in detrimental view loss from adjoining dwellings and public places and seeks to maintain and enhance views and protect and improve the scenic qualities of the coastline.

The proposal will not reduce the conflict between land-based and water-based coastal activities.

5. OTHER PLANNING CONSIDERATIONS

The relevant planning framework considered in the preparation of this report comprises:

- A Metropolis of Three Cities - the Greater Sydney Region Plan;
- North District Plan; and
- Manly Development Control Plan 2013 (Manly DCP).

5.1. Greater Sydney Region Plan

A Metropolis of Three Cities - the Greater Sydney Region Plan was released in March 2018 and is the first Region Plan prepared by the Greater Sydney Commission. Now adopted, this Plan will replace A Plan for Growing Sydney. The Plan envisages a global metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. It is anticipated that people of Greater Sydney will live within 30 minutes of their jobs, education and health facilities, services and great places.

Relevant sections of the *Greater Sydney Region Plan* are outlined in the table below.

Table 6: Consistency with the Greater Sydney Region Plan

Direction	Comment
Chapter 4 – Liveability A city for the people Housing for the city A city of great places	Greater Sydney is forecast to grow from 4.7 million people to 8 million people by 2056. Housing targets include 750,000 additional homes over the next 20 years and 817,000 new jobs to meet the needs of a changing economy.
Chapter 5 – Productivity A well-connected city Jobs and skills for the city	Integration of land use and transport will mean more people have access to jobs, education, health and other services by public transport within 30 minutes of their homes.
Chapter 6 – Sustainability A city in its landscape An efficient city A resilient city	The draft Plan looks to manage the effects of urban development on the natural environment, as well as to reduce costs, carbon emissions and environmental impacts and contribute to a target towards net-zero emissions by 2050.

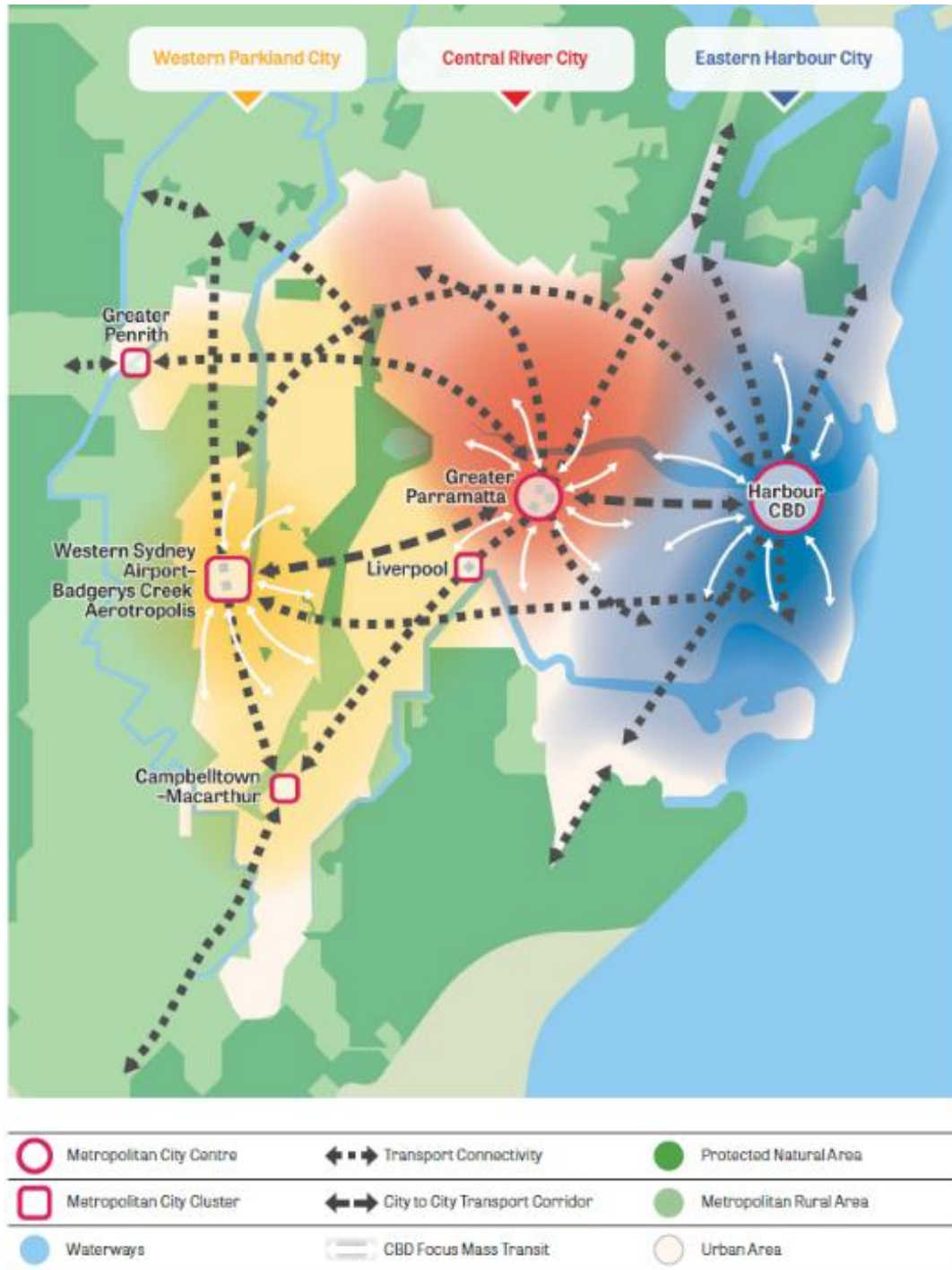


Figure 23: "A Metropolis of Three Cities", subject site identified with a red star (Source: Draft Greater Sydney Region Plan - GSC)

5.2. North District Plan

The North District Plan provides a series of priorities and actions to guide development and accommodate the expected growth across the district. This District Plan has been prepared to give effect to the Greater Sydney Region Plan. An extract of the structure plan for the North District is provided below.

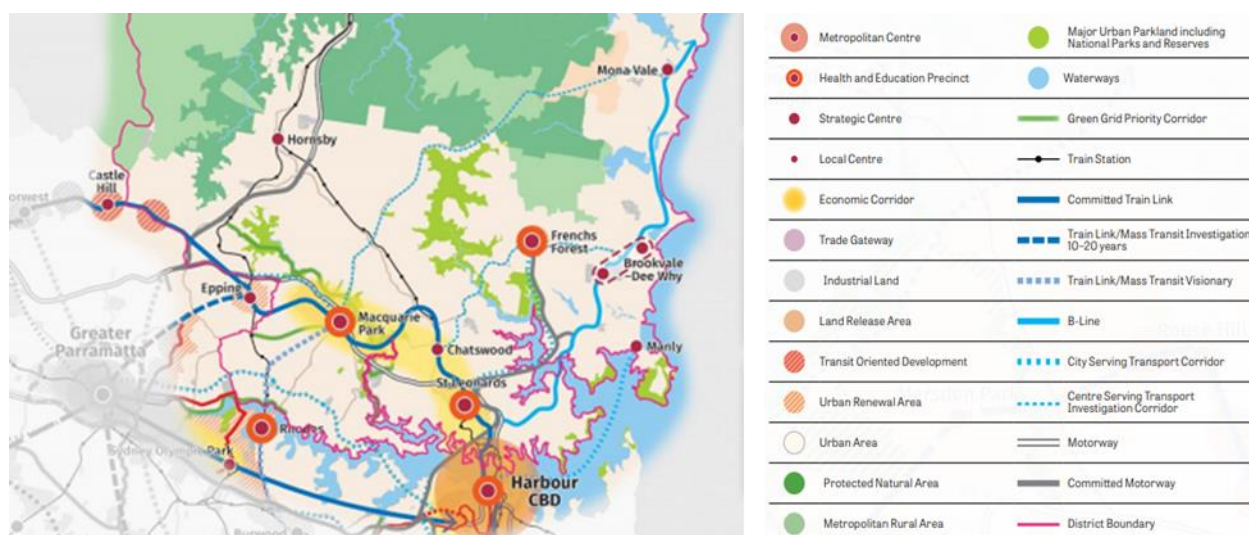


Figure 24: Extract of Structure Plan of North District (Source: GSC)

Responses are provided in the Table below with respect to the relevant planning priorities in the North District Plan.

Table 7: Consistency with the North District Plan

Planning Priority	Comment
Planning Priority N4 Fostering healthy, creative, culturally rich and socially connected communities	The proposed works provide generous landscaping and deep soil landscaping, as well as large private open spaces for each unit. This will allow for a healthy living environment that encourages social cohesion through opportunities for interaction and physical activity.
Planning Priority N5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	The proposed works provide a mix of townhouses and apartments which respond to the prevailing market trends in housing choice and diversity. The site is nearby to the centre of Manly, with ferry and bus services to a range of jobs, services and local facilities.
Planning Priority N6	The proposed works offer a highly resolved architectural form accompanied by a detailed

Creating and renewing great places and local centres, and respecting the District's heritage	landscape plan (Appendix 5) that will renew the existing site, while respecting the nearby heritage items which are in the vicinity of the site. In doing so, the proposed works are able to minimise potential amenity impacts on surrounding sites by achieving a high level of compliance and consistency with the relevant statutory and non-statutory planning considerations.
Planning Priority N12 Delivering integrated land use and transport planning and a 30-minute city	The proposed works will have a positive impact on the economic prosperity and longevity of the North District by providing a diverse mix of housing within close proximity of Manly and other nearby employment locations.
Planning Priority N20 Delivering high quality open space	The proposal includes a detailed landscape plan that will greatly improve the existing condition of the site. The Landscape Plan submitted to accompany this application (Appendix 5) provides 13% of the site for deep soil landscaping.
Planning Priority N21 Reducing carbon emissions and managing energy, water and waste efficiently	The proposed works have been assessed against the relevant BASIX standards for sustainability and will offer a positive contribution in this regard.

5.3. Manly Development Control Plan 2013

Consideration of compliance and/or consistency with the relevant provisions within the Manly DCP 2013 is provided in the Planning Compliance Table prepared by City Plan and provided at **Appendix 1**.

The Table of Compliance demonstrates the proposed development generally demonstrates compliance with the relevant provisions of the Manly DCP 2013, or complies with intent.

6. ENVIRONMENTAL IMPACT ASSESSMENT

6.1. Overview

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15 of the Act.

6.2. Context and Setting

The context and setting of the development site is described in **Section 2** of this SEE and in the SEPP 65 Statement prepared by Squillace Architects.

In general, the proposal provides a built form and massing which is considered to positively contribute to the quality and identity of the locality. The proposed development responds to the topography of the site, which falls from west to east, and steps the respective building envelopes to reflect the ground level. While the proposal results in additional GFA across the site, the careful siting of the buildings minimises view loss to and from the surrounding properties by opening up previously non-existent view corridors between the proposed building envelopes.

The proposed development is compatible with the existing built form, as well as the future built form of the neighbouring sites which are zoned R1 General Residential, R2 Low Density Residential and E4 Environmental Living pursuant to the Manly LEP. In particular, it 'shares' the obligations as specified in SEPP 65 and the ADG with regard to building separation and ensuring neighbouring properties have the opportunity to achieve solar access.

Further consideration of the compatibility of the proposal and its surroundings can be undertaken with regard to the Land Environment Court Planning Principle on "compatibility with context" in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*. In order to test whether a proposal is compatible with its context, the following two questions can be asked:

- **Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.**

The proposed development of the site has been designed and sited considering the impact on surrounding development, including the development potential of neighbouring properties. **Section 6.3** below provides a detailed consideration of privacy, view sharing, and other potential physical impacts resulting from the proposed built form. The proposal does not create any unreasonable physical constraints on the development potential of surrounding sites. Refer to **Section 6.3** for detail.

- **Is the proposal's appearance in harmony with the buildings around it and the character of the street?**

The surrounding locality is not characterised by one particular form of built expression, but the locality varies in design, orientation, scale and materials/finishes. Nonetheless, the proposed development provides a built form that is compatible with the residential forms of development within the locality. The proposed built form provides a contemporary built form that is compatible with the representative characteristics of the existing buildings within the streetscape and wider locality.

6.3. Built Environment

6.3.1. Height, Bulk and Scale

The proposed development is largely compliant with the 8.5 metre maximum building height across the site. A small number of breaches to the maximum building height do occur however and relate to the roof parapet and a small portion of habitable floorspace in Building A. The breaches protrude above the height plane for the site between 150mm to 800mm, as shown on the height plane diagram prepared by Squillace Architects and extracted below.

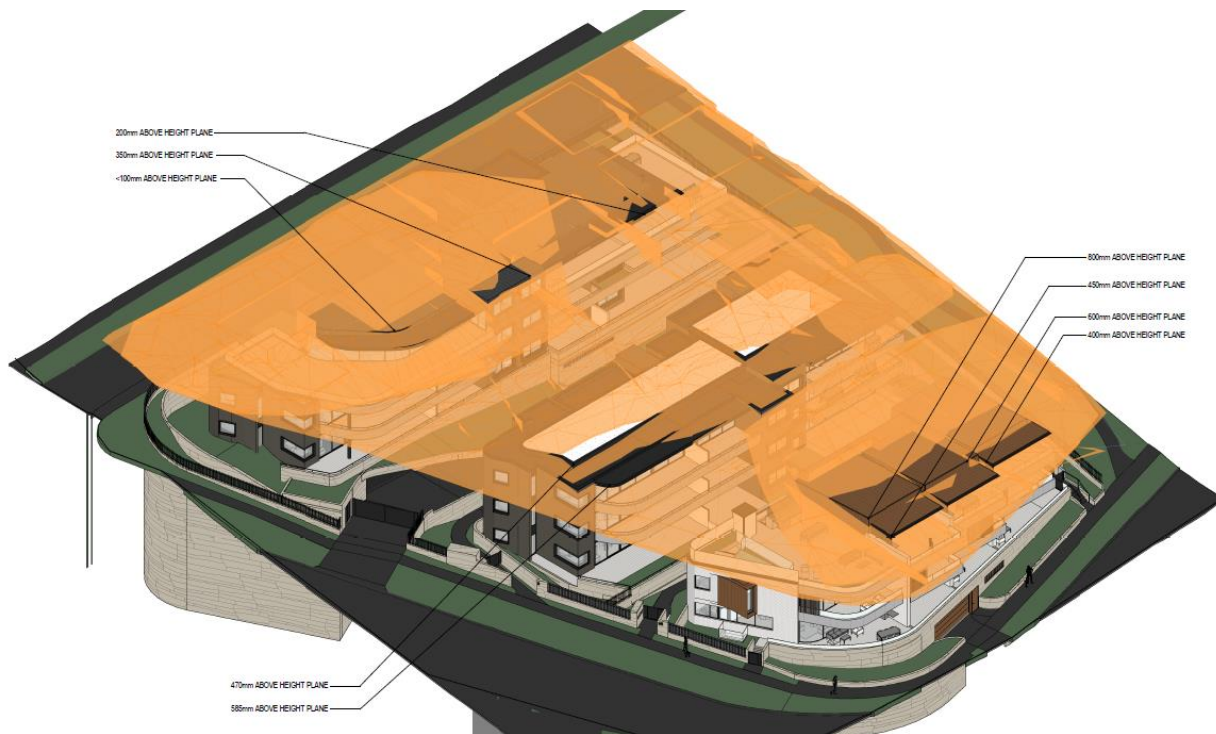


Figure 25: Height Plane Diagram (Source: Squillace Architects)

The breach of the height standard has no detrimental impact on views, massing or streetscape and is simply a consequence of varying site levels.

Clause 4.4 of the Manly LEP provides a maximum FSR of 0.6:1 across the site. The proposal provides an FSR of 0.987:1. The total GFA of the proposal has been scrutinised throughout the design development and for the sake of transparency this application is accompanied by GFA diagrams which illustrate the areas included in accordance with the ALEP "Dictionary" definition of GFA. For detail refer to the architectural plans that accompany this application (**Appendix 3**).

In terms of design, the bulk and scale of the proposed buildings seeks to mitigate any adverse impacts in terms of visual massing, streetscape impacts and overshadowing. The following design elements will ensure that there are no adverse impacts on the surrounding locality:

- The built form has been massed and articulated in a manner that minimises the visual impact of the development;
- The proposed buildings correspond to the topography of the site and have been stepped to reflect the ground level;
- The separation of the buildings into three distinct envelopes enables the proposal to address and engage all street frontages and streetscapes;
- A generous landscaping scheme is incorporated across the site to assist in assimilating the new buildings within the site's context and soften the visual impact of the buildings;
- The proposed building facades as well as the general built form is highly articulated providing visual interest as well as maximising internal amenity; and
- Setbacks have been provided in accordance with the guidance in the Manly DCP and building separation has been provided in accordance with the ADG, these matters are addressed below and are important in reducing the perceived bulk and scale of the proposed buildings.

Many of the design elements described above and applied throughout the design in the mitigation of the building's bulk and scale are visible on the elevations prepared by Squillace Architects and extracted below.



Figure 26: Building A N-E Elevation (Source: Squillace Architects)



Figure 27: Building B N-E Elevation (Source: Squillace Architects)



Figure 28: Building C S-W Elevation (Source: Squillace Architects)



Figure 29: Overall S-E Elevation (Source: Squillace Architects)

As demonstrated above, in the SEPP 65 Report and on the architectural plans, the proposed bulk and scale has been designed to respond to the standards and guidance offered within the applicable planning framework. In doing so, the proposed design has been able to mitigate potential impacts with respect to bulk and scale, ensuring that internal amenity for future residents and that of future development on surrounding site's is prioritised and provided to a high standard. As such, the proposed bulk and scale of the development represents a desirable and meritorious planning outcome for the site.

6.3.2. Setbacks

The subject site has three street frontages (Reddall Street, Bower Street and College Street). The Manly DCP requires that the street front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity. Where the street front building lines of neighbouring properties are variable and there is no prevailing building line in the immediate vicinity i.e. where building lines are neither consistent nor established, a minimum 6m front setback generally applies.

An analysis of the existing building setbacks has been undertaken by Squillace Architects and is provided in the figure below. The analysis identifies that the proposed setback along Reddall Street is 2.4m as per average building setback dimension and along Bower Street 2.65m as per average setback, with a minimum setback of 0.85m.



Figure 30: Existing setback analysis (Source: Squillace Architects)

The following street front setbacks are proposed which have been developed following the analysis of the existing street setback conditions:

- Along Reddall Street, a 3-metre setback is provided which is consistent with the prevailing building lines along Reddall Street to the north.
- Along Bower Street, a minimum 2-metre setback is provided, with an increased average setback. This setback is largely consistent with the prevailing building lines along Bower Street to the north. While this is marginally smaller than the prevailing building line, the projections into this front setback

relate to the balconies of the townhouses and will have no adverse impact on the streetscape or adjoining properties.

- Along College Street, there is no prevailing building line. In accordance with the DCP a 6-metre setback is provided to Buildings C & B (with a small extent of private open space projecting into the setback to Building C) and a 3-metre setback provided to Building A. The setback to Building A will have no adverse impact on the streetscape and adjoining properties and is acceptable.

We further note, the street front setbacks comprise landscaping and new tree planting where possible to ensure a high level of pedestrian comfort and to allow for suitable privacy for ground floor units.

The site is adjacent to a RE1 Public Recreation Zone to the northwest. The Manly DCP requires that buildings with a common boundary to land zoned RE1 must be set back at least 6 metres from the common boundary. Gazebos, barbeques and the like are permitted provided within this setback provided they are designed to complement the natural or landscape character of the adjacent RE1 zone. In accordance with the DCP, the proposal provides a 6-metre setback to the adjoining RE1 zoned land, with a small extent of private open space and general landscaping included within this setback. The proposal is compliant with this setback.

We further note that the proposed building separation for the RFBs has been designed to comply with the ADG and ensure suitable internal amenity whilst avoiding adverse privacy impacts between units. The SEPP 65 Report prepared by Squillace Architects advises that all internal building separation is consistent with that envisaged by the ADG.

The proposed setbacks and building separation have been designed in accordance with the guidance of the ADG and Manly DCP. By designing the built form to meet the specified requirements, potential adverse impacts have been mitigated, contributing further to the quality of design and the residential amenity of the site's end users.

6.3.3. Solar Access

Suitable solar access will be provided to the proposed buildings. In accordance with the design guidance of the ADG, 19 apartments (approximately 73%) receive more than two hours of direct sunlight on the 21 June between 9am and 3pm. This exceeds the ADG design criteria of 70% and will provide a high level of residential amenity for the site's future residents. The proposed development provides a high level of solar access and will facilitate a suitable level of thermal comfort for the site's future occupants.

6.3.4. Overshadowing

The proposed site layout and orientation means that shadows fall predominantly within the southern portion of the site and within the road reserve on Reddall Street and College Street. No adjoining residential dwellings are affected by any overshadowing from the proposed development. The overshadowing to the road reserve is considered to be minor. It is not anticipated that the proposal will have any unacceptable impacts with respect to overshadowing.

Shadow diagrams showing anticipated impacts between 9am and 3pm in mid-winter are extracted overleaf and may be found in the architectural package that accompanies this application (**Appendix 3**).



Figure 31: Overshadowing Diagrams (Source: Squillace Architects)

6.3.5. Amenity

The proposed development has been designed with particular attention to the amenity of their future occupants, neighbouring properties and the public domain. The development is response to the opportunities and constraints of the site and its surrounds with regard to topography, vegetation, noise and physical traffic, solar access and views.

Amenity is addressed in the SEPP 65 Report by Squillace Architects in noting that:

"Apartment amenity is provided through appropriate room dimensions and layouts, access to outlooks from living areas, natural ventilation, visual and acoustic privacy, storage, as well as indoor and outdoor space to all apartments.

Each apartment has storage equal or in excess to the ADG requirements, with at least 50% being provided in the apartments and the remainder in the basement.

The proposal performs well in terms off cross ventilation, solar access, size of balconies, efficient layouts, generous room sizes and compliant ceiling heights".

Not only will future residents have excellent amenity, but the amenity of existing residents is improved by, inter alia, creating additional water views

6.3.6. Privacy

The proposed development has been designed to mitigate any potential adverse privacy impacts. This has been achieved by providing suitable separation distances between the proposed buildings and siting them in a manner than avoids direct sightlines between individual units. The SEPP 65 Report prepared by Squillace Architect describes the design measures applied in the mitigation of privacy impacts by noting:

"Habitable areas are generally located to the north-east of the buildings with non-habitable spaces such as bathrooms, laundries, lobbies to the south-west throughout the site, creating a condition where habitable spaces face non-habitable spaces.

The natural slope of the site means the that height of the three buildings is staggered, further aiding visual privacy.

Balconies and habitable areas are generally located to the north-east of the buildings and face generally blank walls, preventing direct sightlines between adjacent buildings on site and protecting privacy between units.

Blank walls are located on south-west face of buildings and are separated from adjacent buildings by a minimum of 6m".

6.3.7. View Analysis

The proposed development is located within close proximity to the foreshore and is located within the view corridor of surrounding buildings. Therefore, it is pertinent to undertake an assessment of the potential view loss from surrounding properties as a result of the redevelopment of the site.

An assessment has been made of the potential effects on views and the extent of view sharing utilising the guidance provided by Senior Commissioner Roseth of the Land and Environment Court of NSW in the judgement in *Tenacity Consulting v Warringah [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours*. Tenacity is specific to view loss and provides a method of assessment, applying a four-step view sharing analysis. Our assessment has been informed by the View Sharing Assessment undertaken by Squillace Architects which is provided at **Appendix 24**.

The approach to view loss and view sharing assessment that is provided in Tenacity employs a four-step process. Roseth points out that view sharing as a notion is invoked when a property enjoys existing views and a proposed development would share a view by taking some of it away for its own enjoyment. This is a threshold test in Tenacity. The implication is that the loss is more likely to be reasonable if the proposal is designed to share and not to appropriate, or simply block, the view.

An assessment of the proposal on the potentially affected surrounding development utilising each of the four steps in *Tenacity* is summarised below.

- **Step 1:** The view to be affected

"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."

Roseth SC in *Tenacity* points out that water views are valued more highly than land views, as are whole views and those containing iconic features. No iconic views are reduced by the proposed development. The most affected item are the ocean views from adjoining properties to the southwest at Nos. 28, 30 and 32 Reddall Street and 7 College Street (refer **Figure 26**). Although some land/water interface views are reduced, the proposed development provides new land/water interface views that were previously unattainable for adjoining residences. This is consistent with the concept of view sharing, maintaining the existing iconic views of surrounding properties and attempting, through skilful architectural and landscape design, to provide additional land/water interface views to mitigate the view impact at point where views are obscured by proposed structures.

The proposal suitably achieves the principles embodied in *Tenacity Consulting v Warringah*.

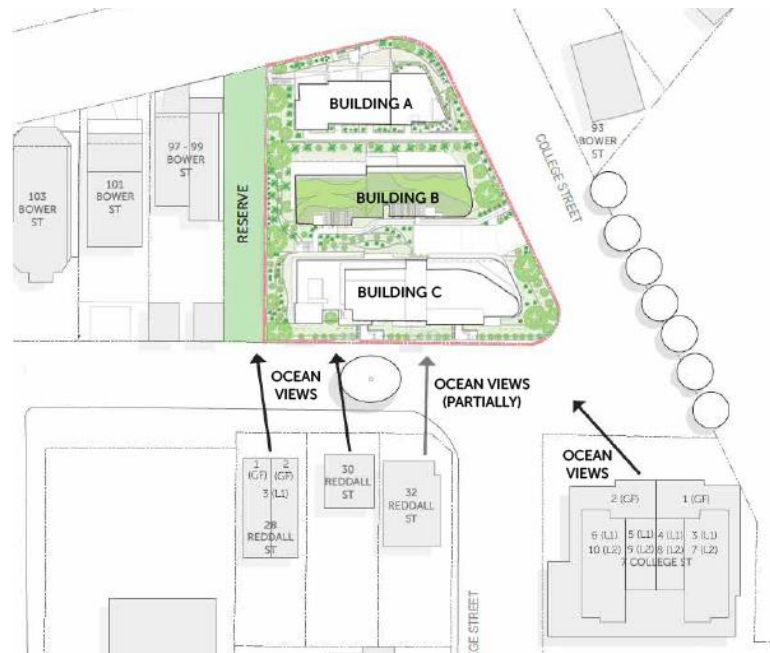


Figure 32: Site Plan identifying ocean views from adjacent properties (Source: Squillace Architects)

- **Step 2:** The part of the property from which views are obtained.

"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."

Tenacity states that it is necessary to consider from which part of the property the views are obtained. This relates to the orientation of the property with regard to its own site. Tenacity states that the protection of views across side boundaries is more difficult than from the front or rear of the property.

Ocean views are visible from the front boundary of the adjoining properties and are primarily provided from the balconies of these units. The views obtained from these units will in some cases, be marginally obstructed as a result of the development, but in most cases, the proposed development will increase opportunities for ocean views.

- **Step 3:** The extent of the impact.

"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.”

Tenacity points out that the view loss should be assessed from the whole building and not only in relation to the view to be affected. The most scenic features are not lost in the views and this adds weight to the merits of the application.

The planning principle also specifies that a qualitative scale of impact be used, which is negligible, minor, moderate, severe or devastating view loss, in the order from least to most impact. Overall, there would be negligible to minor view loss caused by the proposed building on the views of greatest scenic importance (views of the ocean to the north-east) and moderate impacts on views of lesser importance (views of roofs to the east).

The extent of impact that this proposal will have on views throughout the locality is extremely minor when considered in terms of the whole of the affected properties. These properties, by virtue of their location and elevated topography, enjoy ocean views. The proposal does not obscure the views reasonably attained from neighbouring properties, but on the whole, increases opportunities for view sharing. An extract of the view loss and increased opportunity for view sharing is provided in the figures below. The View Sharing Assessment which accompanies this application provides a more extensive analysis from a number of different viewpoints from the adjacent dwellings to the southwest. The areas shaded green illustrate an increase in water views, and those shaded orange represent water view loss affected by the proposal.



Figure 33: Proposed view from Apt 1/28 Reddall Street, Ground Level Balcony (Source: Squillace Architects)



Figure 34: Proposed view from Apt 2/28 Reddall Street, Ground Level Balcony (Source: Squillace Architects)



Figure 35: Proposed view from Apt 3/28 Reddall Street, Leve 11 Balcony (Source: Squillace Architects)



Figure 36: Proposed view from 30 Reddall Street, Ground Level Balcony (Source: Squillace Architects)



Figure 37: Proposed view from 30 Reddall Street, Ground Level Balcony (Source: Squillace Architects)



Figure 38: Proposed view from 30 Reddall Street, Level 1 Balcony (Source: Squillace Architects)



Figure 39: Proposed view from 32 Reddall Street, Ground Level Living (Near Entry) (Source: Squillace Architects)



Figure 40: Proposed View Apt 3/ 7 College Street, Level 1 Balcony View (Source: Squillace Architects)



Figure 41: Proposed View Apt 7/7 College Street, Level 2 Balcony View (Source: Squillace Architects)



Figure 42: Proposed View Apt 10/7 College Street, Level 2 Balcony View (Source: Squillace Architects)

▪ **Step 4:** The reasonableness of the proposal

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.

It would be more reasonable to consider a development which complies with the planning controls than one that breaches them, if an impact on view arises as a result of the development. This is in a sense another threshold test in *Tenacity*.

The applicable development standard is Clause 4.3 Height of Buildings of the Manly LEP and relates to views. The assessment of reasonableness regarding view loss is based on this standard which includes the following objective:

(c) to minimise disruption to the following:

- (i) views to nearby residential development from public spaces (including the harbour and foreshores),
- (ii) views from nearby residential development to public spaces (including the harbour and foreshores),
- (iii) views between public spaces (including the harbour and foreshores),

While the proposed development exceeds the maximum building height in some instances across the site, those areas which breach the maximum height limit are located away from the site's western boundary, and do not result in any impact on views. The proposed development has been carefully designed to take reasonable steps to maximise the sharing of views and has no unreasonable impact on views in the locality. The proposal demonstrates optimum capacity of the site to accommodate a built form that minimises the loss of views from neighbouring buildings, as well as in consideration with the planning controls applicable to the subject site. The proposed development achieves a good balance between minimising views and benefitting from the planning controls applicable to the site, providing a high-quality built form which promotes views.

6.3.8. Heritage

A Statement of Heritage Impact has been prepared by Archnex Designs and is provided at **Appendix 11**. There are heritage items in the broader area of the site including St Patrick's Estate, "Bower Hall" and stone kerbs. These are, however, considered to be sufficiently removed from the site, or are of a nature (such as the portion of St Patrick's Estate to the opposite side of College Street) such that the proposal will not have adverse impacts.

The Statement of Heritage Impact concludes that the proposed development has no potential adverse impact on the significance and setting of the heritage items within the vicinity and is eminently supportable in heritage terms.

6.3.9. Materials and Colour

For detail with respect to materials and colours reference should be made to the schedule of materials and finished by Squillace Architects, as extracted below.

The proposed building form and scale will maintain existing views of neighbouring properties by the use of considered elevation and roof profiles to Reddall Street, and flat roof forms elsewhere to reduce height and massing; and by the use of key architectural language including materials, colour palette and finishes that will ensure the architectural response to this site is consistent with and respectful of the surrounding natural and built environs.

All three buildings incorporate sandstone cladding at podium level which is complementary to and consistent with numerous sandstone clad garages, sub-floor facades and fences in the local context.

Terraces, banding and operable sliding louvres to the Bower Street elevation add visual interest and movement. At the uppermost level, rooftop terraces and the mansard roof provide stepped profiles to articulate the building bulk by providing dynamic form.

Building B incorporates horizontal banding with projecting balconies, and material changes from face brick to render to stimulate the bulk and to provide readable and differing elements of interest. A green roof and green walls provides additional architectural relief and contrasting texture and colour to interplay with the bulk. The introduction of greening has the added benefit of providing a direct visual connection and relationship of the bulk to the adjacent green spaces of the Public Reserve and St Patrick's Estate.

On Reddall Street, Building C employs a carefully considered juxtaposition of materiality, scale and profiles to separate the building mass into 3 distinct components, reflective of the existing

subdivision pattern. Roof terracing and mansard roof forms disrupt the verticality of the bulk, while a variation of setbacks to the street provides articulation and visual relief to the lineal form.

The introduction of a curve to the building form at the intersection of Reddall and College Streets softens the bulk, encourage the eye to follow the façade, and successfully transitions the elevations at this junction.

By the clever interplay of materials, colour, texture, shapes and patterns, this proposal provides an intelligent architectural response to the massing of medium density development.

6.3.10. Building and Construction

The application is accompanied by:

- A BCA Assessment Report (**Appendix 7**) detailing compliance with the BCA;
- An Access Report (**Appendix 12**) demonstrating the proposal's capability of complying with relevant accessibility standards;
- Civil and stormwater documentation (**Appendix 6**);
- A Preliminary Geotechnical Assessment (**Appendix 15**) of the site's existing condition;
- A Preliminary Environmental Site Assessment (**Appendix 18**);
- An Operational Waste Management Plan (**Appendix 8**) and Demolition and Construction Waste Management Plan (**Appendix 9**); and
- Construction Traffic Management Plan (**Appendix 14**).

It is recommended that these reports and the recommendations therein are complied with throughout the construction process. Where relevant, these matters are addressed further below.

A final Construction Management Plan will be prepared by the appointed contractor, once the terms of any approval granted by Council are known. Accordingly, it is anticipated that Council will include appropriate conditions within any consent notice requiring the preparation and approval of a CMP prior to works commencing.

6.4. Natural Environment

6.4.1. Flora and Fauna

A Terrestrial Biodiversity Report which includes a '5-part Test' for the Long-nosed Bandicoot has been prepared by SIA Ecological and Environmental Planning and is provided at **Appendix 21**.

The report concludes that:

"The development site currently contains a wide variety of plants, most of which are introduced species. This would provide valuable habitat for a range of native biodiversity mainly in the form of arthropods, small reptiles and birds. However, landscaping proposed as part of the development would restore similar habitat on the property. Consequently there is likely to be no net loss of biodiversity habitat on the property as a result of the proposed development".

The report includes a Test of Significance (5-part test) which confirms there would be no significant impact to the Long-nosed Bandicoot population at North Head as a result of the proposed development.

The report includes a series of recommendations to minimise and ameliorate any impacts from the proposed development on Long-nosed Bandicoots specifically and on biodiversity in general.

6.4.2. Tree Removal

The demolition plan (provided at **Appendix 3**) prepared by Squillace Architects confirms that all existing trees are proposed for removal. A Construction Impact Assessment and Management Plan has been prepared by Botanics Tree Wise People and is provided at **Appendix 19**. All trees are identified for removal are considered to have a low or moderate tree retention value however are unable to be retained due to the proposed development.

The proposed Landscape Plan details appropriate and sympathetic replacement tree planting across the site to provide maximum benefit to the surrounding properties by screening views to and from the site.

6.4.3. Landscape

Jila have prepared a Landscape Plan which accompanies this application (**Appendix 5**). The detailed landscape scheme provides a high-quality landscaped outcome for the proposed development.

In accordance with the requirement of the ADG, the proposed landscape design includes 315m² of deep soil, equating to 13% of the site area. Additional deep soil is provided to other parts of the site that is 3 metres of wider, constituting another 72m² of area, equating to another 3% of deep soil to the site.

The proposed landscaping includes extensive native shrub planting along the site's boundaries comprising a mix of locally indigenous shrubs. Along the northern boundary, proposed planting includes a range of larger shrubs clustered together to prevent sightlines between the property and the adjoining property. Generous private open spaces are provided as roof terraces, decks and balconies which include a mix of plants with a wide mix of textures, scent and colours. At roof level, green roofs with mixed swathes of plants indigenous to North Head with hardy succulents have been selected for hardiness and visual appeal, as well their low profile to maintain views. A detailed planting schedule accompanies the landscape plans at **Appendix 5**.

For further detail with respect to proposed landscaping and planting, reference should be made to the Landscape Plan.

6.4.4. Water Management

The application is accompanied by Stormwater Plans prepared by ACOR (**Appendix 6**). This documentation details how the construction of buildings will incorporate stormwater detention consistent with Council requirements. The location of the proposed OSD tank is reflected in the extract below.

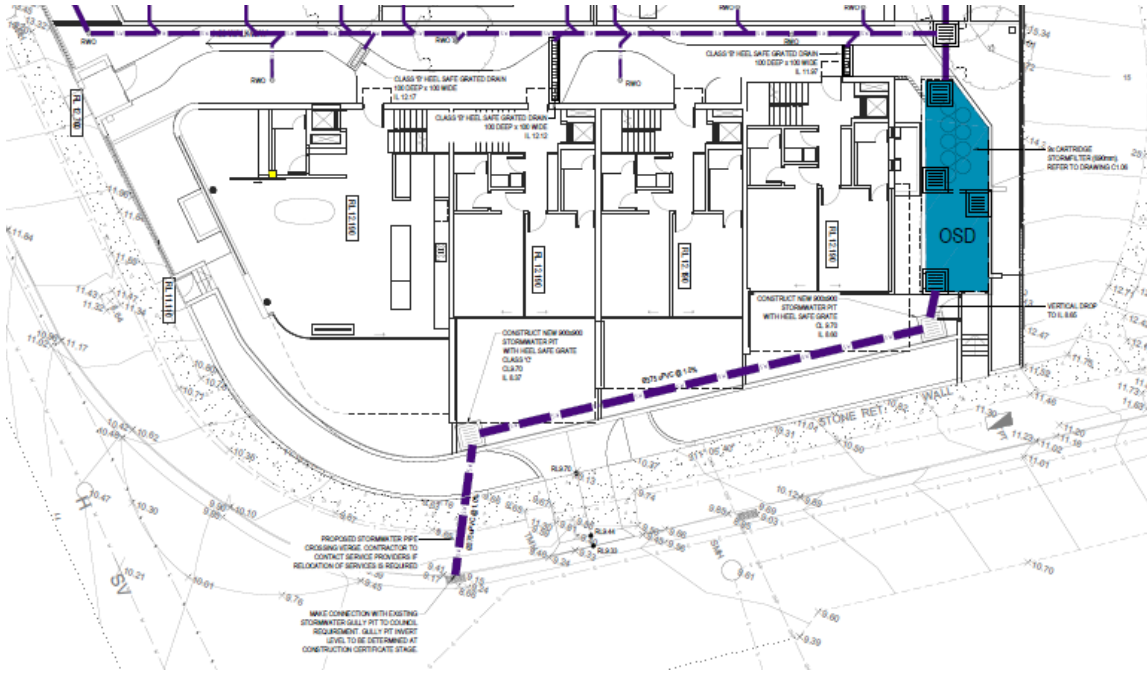


Figure 43: Stormwater Management Plan (Source: ACOR)

For detail with respect to water management reference should be made to the documentation prepared by ACOR that accompanies this application (**Appendix 6**).

6.4.5. Soil Management

Refer to **Section 4.5.2** for the SEPP 55 assessment with regard to potential soil contamination.

Also refer to the Erosion and Sedimentation Control Plan provided at **Appendix 7** which provides measures to ensure the development provides appropriate soil management and sedimentation control.

6.4.6. Air and Microclimate

Some dust is anticipated during the construction period, particularly given demolition and excavation is involved. This impact can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads on all departing trucks and working to weather conditions. The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

A final CMP will be provided by the builder, once appointed, prior to the issue of the Construction Certificate.

The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

6.4.7. Noise and Vibration

An acoustic assessment has been undertaken by the Acoustic Group (**Appendix 23**). The report has assessed the noise intrusion from mechanical plant and existing traffic noise. Unattended noise monitoring was conducted adjacent to the north-eastern, south-eastern and south-western boundaries of the site between Friday 19 May and Thursday 1 June 2017 which was supplemented by attended measurements conducted during the retrieval of the loggers.

The adjoining roads carry a low volume of traffic and the acoustic environment of the site therefore has a relatively low ambient Leq level which will meet the internal Leq noise targets in the AAAC guideline. However, the passage of traffic on the roads adjacent to the site will require the glazing of some bedrooms to be upgraded to meet the maximum noise level target in the AAAC guideline.

All other windows/external doors are subject to further distance attenuation and/or shielding of the noise from local road traffic and can therefore meet the internal noise targets specified in the AAAC guideline with weight per size glazing.

The mechanical plant associated with the development is required to satisfy the EPA's Industrial Noise Policy target of background +5 dB(A) and air conditioners are also required to satisfy the inaudibility criterion in the *Protection of the Environment Operations (Noise Control) Regulation 2008*. Background level have been obtained from the unattended noise logger measurements which are indicative of what will be required for such plant.

At the development application stage, the locations and selection of mechanical plant is unknown. Normally, requirements for the mechanical plant associated with the proposed development to comply with the EPA's criteria occur at the Construction Certificate stage.

A series of recommendations are detailed to ensure that glazing, external walls and are provided to achieve the appropriate internal noise criteria. Provided the recommendations in the acoustic assessment are implemented, it is anticipated that the proposed design will comply with the appropriate criteria and provide a suitable level of acoustic amenity for the future occupants.

6.5. Movement and Access

6.5.1. Parking

The application is accompanied by a Traffic and Parking Report prepared by Varga Traffic Planning (**Appendix 13**). The off-street parking requirements applicable to the development proposal are specified in the Manly DCP, Schedule 3, Part A1, Parking Rates and Requirements for Vehicles.

Application of the parking requirements to the 4 terrace houses and 19 residential apartments outlined in the development proposal yields an off-street parking requirement of 7 car spaces for the terrace houses and 31 car spaces for the residential apartments.

The proposed development makes provision for a total of 9 off-street car parking spaces for the terrace houses and 44 off-street car parking spaces for the residential apartments, thereby satisfying Council's car parking code requirements.

The geometric design layout of the proposed car parking facilities has been designed to comply with the relevant requirements specified in the Standards Australia publication *Parking Facilities Part 1 - Off-Street*

Car Parking AS2890.1 and Parking Facilities Part 6 - Off-Street Parking for People with Disabilities AS2890.6 in respect of parking bay dimensions and aisle widths.

The proposed development makes provision for a total of 15 off-street bicycle parking spaces within the basement car parking area as well as vehicle garages for the terraces that are capable of storing two adult sized bicycles each, thereby satisfying Council's bicycle parking requirements.

The Traffic and Parking Report concludes, *"In summary, the proposed parking facilities satisfy the relevant requirements specified in Council's DCP as well as the Australian Standards and it is therefore concluded that the proposed development will not have any unacceptable parking implications"*.

6.5.2. Traffic

The traffic implications of development proposals primarily concern the effects of the additional traffic flows generated as a result of a development and its impact on the operational performance of the adjacent road network during the AM and PM commuter peak periods.

Application of traffic generating rates to the four terrace houses and 19 residential apartments outlined in the development proposal yields a traffic generation potential of approximately 13 vehicle trips per hour (vph) during both the AM and PM peak hour. The projected future level of traffic generation potential should however, be offset or discounted by the volume of traffic which could reasonably be expected to be generated by the existing uses of the site, in order to determine the nett increase (or decrease) in traffic generation potential expected to occur as a consequence of the development proposal. Application of traffic generation rates for the existing residential dwellings on the site yields a traffic generation potential of approximately 4 vph during both the AM and PM commuter peak periods. Accordingly, it is likely that the proposed development will result in a nett increase in the traffic generation potential of the site of approximately 9 vph during both the AM and PM peak hour.

The Traffic and Parking Report concludes, *"That projected net increase in traffic activity as a consequence of the development proposal is minimal, consistent with the zoning objectives of the site, and will clearly not have any unacceptable traffic implications in terms of road network capacity"*.

6.5.3. Servicing / Waste

Demolition and Construction Waste

A Demolition and Construction Waste Management Plan has been prepared by Squillace Architects (**Appendix 9**). The documentation details the types of waste which are likely to be generated during the demolition and construction phases of the development and the likely reuse, recycling and disposal practices which are likely to be implemented through the various stages of the proposed development.

Operational Waste

An Operational Waste Management Plan has been prepared by Elephants Foot and accompanies this application at **Appendix 8**.

Each building will have a waste room situated on the basement level for the disposal of waste, cardboard recycling and comingle recycling. Residents will be required to dispose of their waste and recycling directly into the appropriate mobile garbage bins (MGB). On collection days, the building caretaker will transfer all MGBs from Building A to the kerbside of Bower Street and all MGBs from Building B and C will be transferred to the kerbside of College Street for Council servicing. Council will service cardboard recycling MGBs on alternating weeks to comingle recycling MGBs.

6.5.4. Accessibility

An Accessibility Assessment Report has been prepared by City Plan Services and accompanies the application at **Appendix 12**. Based on the findings of the access reports, we understand that compliance with the relevant access standards and regulations is achieved.

6.6. Site Suitability

6.6.1. Geotechnical

A Preliminary Geotechnical Assessment has been undertaken by JK Geotechnics and accompanies this application at **Appendix 15**. The results of the site inspection and desktop study infer that the subsurface profile at the site most likely comprises laminite and sandstone bedrocks at shallow to moderate depths below existing ground surface. Groundwater levels are expected to be perched within defects of the mostly rock profile and there is expected to be some seepage into the deeper basement excavations.

The Assessment stipulates that the subsurface profile must be confirmed by detailed geotechnical subsurface investigations involving rock cored boreholes, and standpipe wells for groundwater monitoring, carried out prior to final structural design and issue of the Construction Certificate (CC) and by geotechnical inspections of exposed rock cuts during construction work.

The Assessment concludes, *"Overall, it is considered that construction of the proposed development is viable and practicable, provided detailed geotechnical borehole investigation is carried out prior to detailed final design together with review of the preliminary recommendations provided in this report."*

Subject to the recommendations of the Assessment being implemented throughout construction and detailed design phases, the site is considered suitable and able to accommodate the proposed works.

6.6.2. Contamination

Refer to **Section 4.5.2** for the SEPP 55 assessment.

6.6.3. Acid Sulfate Soils

The Preliminary ESA provided at **Appendix 25** confirms that potential acid sulfate soils are unlikely to be generated at the site for the following reasons:

- *"EIS observed sandstone bedrock outcrops on the surface of the site;*
- *The geological maps illustrate that the majority of the site is underlain by Hawkesbury Sandstone. This was confirmed by site observations;*
- *The sub-surface conditions encountered in the boreholes consisted of sandy fill over very shallow inferred bedrock. ASS are associated with alluvial soil profiles not shallow bedrock; and*
- *The site is located at approximately 9-24m AHD, with excavations to extend to a minimum elevation of approximately 7m AHD. ASS are not usually associated with soil horizons above 5m AHD".*

On this basis, an Acid Sulfate Soils Management Plan has not been prepared as the site is considered to be suitable in this regard.

6.6.4. Bushfire

A Bushfire Hazard Assessment has been prepared by Bushfire Consulting Services and is provided at **Appendix 20**.

The site is identified as "bushfire prone land", with the bushfire threat emanated from vegetation located within the grounds of St Patrick's Estate to the southeast.

The Assessment concludes, "*The proposed development will be constructed to the minimum standards required in accordance with the guidelines of Planning for Bushfire Protection 2006. This report has considered all of the elements of bushfire attached and provided the proposed development is constructed in accordance with the recommendations of this report, it is my opinion that the development satisfies the Objectives and Performance requirements of the Building Code of Australia, Planning for Bushfire Protection 2006 and Australian Standard AS 3959-2009*".

Subject to the recommendations of the report, the site is considered to be suitable in this regard.

6.6.5. Flooding

The subject site is not identified as flood prone land or located within any known flood planning area. As such there are no known flood hazards applying to the proposed development.

6.6.6. Conclusion

The suitability of the land to accommodate a building of this type and scale was established by the analysis completed by Council through the preparation of LEP.

The subject site is not affected by any policy that restricts development because of the likelihood of land slip, tidal inundation, subsidence, acid sulphate soils or any other risk. Any potential risk in relation to bush fire can be managed through compliance with the minimum standards required in accordance with the guidelines of Planning for Bushfire Protection 2006.

An assessment under SEPP 55 has been carried out and is provided at **Section 4.5.2**. The SEPP 55 assessment provides sufficient environmental protection measures and do not indicate that there are any impediments to the proposed residential development. It concludes that the site can be made suitable for the proposed uses subject to undertaking further detailed site investigations, once the buildings have been demolished.

The suitability of the site for this form of development is discussed in detail in the SEPP 65 Statement prepared by Squillace Architects and provided at **Appendix 4**.

6.7. Social and Economic Effects

6.7.1. Crime and Safety

The proposed development is for four townhouses and two residential flat buildings with basement car parking. The proposal will revitalise the existing site and will provide appropriate measures to ensure and enhance the safety of residents and the local community. Specifically, the proposed development has been designed to provide a high level of amenity, casual surveillance and ultimately public safety within the surrounding area.

Crime Prevention through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing CPTED measures within the design of the development, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety. This DA addresses the four principles of CPTED, being:

- Natural surveillance – ensuring that people feel safe in public areas.
- Access Control – minimizing opportunities for crime and increase the effort required to commit crime
- Territoriality – encourage community ownership of public spaces
- Space Management – effective management to govern & care for space.

Principle	Response
Surveillance	This principle provides that crime targets can be reduced by effective surveillance, both natural and technical. In this regard, the development has been designed to directly front the adjoining streets, with direct surveillance of these areas from the lobbies, balconies, habitable rooms and living rooms that address these frontages. The layout of the development also provides lines of sight between public and private spaces which will be maintained during the night by a suitable lighting scheme.
Access Control	This principle provides that barriers to attract/restrict the movement of people minimises opportunities for crime and increases the effort required to commit crime. The proposed development provides good access control and prevents unintended persons from entering the property. The development is provided with two dedicated vehicular access ways with secure basement parking provided, with access via direct lifts to each level and common lobby area. Pedestrian access from the adjoining streets will be secured by gates and fences, with entry lobbies enhanced with lighting, maximising casual surveillance.
Territorial Reinforcement	This principle provides that well-used places reduce opportunities for crime and increase risk to criminals. The design of the building and its presentation represents a clear delineation between the public street, the adjoining public reserve and the private residential areas. The landscaping helps to reinforce the distinction between public and private spaces, through the use of terraces and variation in levels, clearly marking entry points.
Space Management	This principle provides that space which is appropriately utilised and well cared for reduces the risk of crime and antisocial behaviour. Strategies to implement this principle include, site cleanliness, rapid repair of vandalism and graffiti, the quick replacement of broken light fixtures/globes and the removal or refurbishment of decayed physical elements. The Owner/Owners Corporation/Strata will have a management service able to co-ordinate and respond to such matters as necessary for the residential elements of the development.

As set out above, the proposed works will assist in improving the presentation of the premise, which will improve the amenity, casual surveillance and ultimately public safety and sense of security within the site and surrounding area.

6.7.2. Social, Economic and Employment

There are no negative social or economic impacts as a result of the proposed development. The proposed residential building will not have any adverse impacts to the streetscape character or the wider Manly locality.

In the long term, the proposed development will have a positive economic impact by increasing the local resident population, who will in turn frequent the local retail and commercial premises in the local centre. The proposal represents a higher standard of architectural design than the existing built forms at the subject site. The development will also offer a positive contribution to the higher-end of Sydney's property market and the diversity of housing choice throughout Sydney, by providing a high standard of design that is complemented by a prestigious contextual setting.

6.7.3. Public interest

Pursuant to case law of *Ex Gratia P/L v Dungog Council (NSWLEC 148)*, the question that needs to be answered is "Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development".

There are no unreasonable impacts that will result from the proposed development, therefore, the benefits of providing additional housing supply and employment generating uses in a highly accessible and well serviced area outweigh any disadvantage and as such the proposed development will have an overall public benefit.

7. CONCLUSION

This DA seeks approval for the demolition of the site's existing improvements and construction of four (4) three-storey townhouses and two three-storey residential flat buildings containing nineteen (19) apartments at 29, 31-35 Reddall Street and 95 Bower Street, Manly.

This SEE has undertaken an environmental assessment of the proposal and has concluded that the proposal provides a built form which is consistent and compatible with the desired future character of the site and the surrounding locality. The proposal is a suitable development outcome for this site.

In summary, the proposal is considered to:

- be an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the Environmental Planning and Assessment Act, 1979;
- provide a built form consistent with and appropriate to the desired future character of the site. This includes maintaining an appropriate bulk and scale on the site while protecting existing ocean views enjoyed from the adjacent dwellings to the southwest;
- provide an increase in housing choice to meet demand for one, two and three-bedroom units within the area;
- provide high quality residential units which provide a high level of amenity and privacy to the future occupants;
- be an appropriate response to the context, setting, planning instruments and preliminary assessment as required under the heads of consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979*;
- assist in achieving the desired regional objectives and especially contribute to the housing targets set by the North District Plan; and
- have no adverse environmental impacts on adjoining properties and is an innovative and appropriate response to the desired future character of the locality.

The benefits provided by the proposed development outweigh any potential impacts and is it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development and is worthy of approval.