

Construction of a new mixed-use building (revised proposal)

2 West Promenade, Manly

Addendum Statement of Environmental Effects

Submitted to Northern Beaches Council

Prepared on behalf of Manly Civic Club

16 March 2017 | 16017

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1.0 Introduction

1.1 Overview

This Addendum Statement of Environmental Effects (**SEE**) is submitted to Northern Beaches Council (the **Council**) in support of Development Application (**DA**) DA0176/2016 which proposes the construction of a new six storey mixed-use development comprising a registered club at ground level and residential accommodation above and two levels of basement car parking at 2 West Promenade, Manly (the **site**).

The Addendum SEE has been prepared by Robinson Urban Planning Pty Ltd on behalf of Manly Civic Club (the applicant and landowner) and should be read in conjunction with the Original SEE also prepared by Robinson Urban Planning (dated 30 June 2016) submitted as part of the original DA.

The Addendum SEE describes and assesses a revised proposal prepared in response to Council's letter dated 6 December 2016.

The revised proposal described in this Addendum SEE comprises of the following:

1. **Construction** of a new six (6) storey mixed use building with two levels of basement car parking, comprising:
 - Ground Floor: Registered club and building services
 - Level 1 – 5: Residential accommodation comprising 38 apartments (*reduction of 7 apartments*)
 - Basement B1 – B2: Car parking comprising 71 car parking spaces and 25 bicycle racks (*an increase of one (1) car space and (1) bicycle space*)
2. **Landscaping** of the site (ground floor, northern boundary setback and residential apartment terraces)
3. **Use** of the ground floor as a *registered club*.

1.2 Consent authority and type of application

The revised capital investment value (**CIV**) exceeds \$20 million (see Revised Cost Report, attached), the Greater Sydney Commission is the consent authority (pursuant to the *Environmental Planning and Assessment Act, 1979 (EP&A Act)*, section 23G and Schedule 4A for general development with a CIV over \$20 million).

Pursuant to Section 91 of the EP&A Act, the DA is integrated development and will require referral to the NSW Office of Water under Section 91(3) of the *Water Management Act 2000*.

1.3 Scope of report

The Addendum SEE is set out as follows:

- Summary of Council concerns (as detailed within letter dated 6 December 2016)
- Description of revised proposal
- Compliance of revised proposal with relevant standards and controls (as identified by Council)
- Assessment of the environmental effects of the revised proposal where not already addressed within the Original SEE
- Conclusion.

This Addendum SEE should be read in conjunction with the following supporting documentation also prepared by Robinson Urban Planning:

Appendix A Clause 4.6 Exception to Development Standard in Manly Local Environmental Plan 2013 (**Manly LEP 2013**) Clause 4.3 – Height.

The following additional documentation in support of the revised proposal is submitted under separate cover.

- Quantity Surveyors Report prepared by Napier and Blakely (17.3.2017)
- Architectural Plans, by Mijollo International (14.3.2017)
- Design Report, by Mijollo International (9.3.2017)
- SEPP 65 Design Verification Statement, by Mijollo International (3.3.2017)
- Apartment Design Code Compliance Table, by Mijollo International (3.3.2017)
- Landscape Plans, by Taylor Brammer Landscape Architects (3.3.2017)
- Statement of Heritage Impact (**SoHI**), by NBRS and Partners (1.3.2017)
- Heritage Conservation Management Plan (**CMP**), by NBRS and Partners (1.3.2017)
- Traffic and Parking Assessment Report, by Traffix (17.3.2017)
- Building Code of Australia Compliance Report, by PCA Services (17.2.2017)
- Access Report, by PCA Services (15.3.2017)
- Stormwater Plans, by Vos Group Consulting Engineers (24.6.2016)
- Waste Management Plan (Residential), by Mijollo International (27.2.2017)
- Acoustic Report, by the Wood & Grieve Engineers (15.3.2017)

2.0 Summary of Council issues and applicant responses

Table 1 summarises Council's issues (as detailed in its letter dated 6 December 2016) and outlines the applicant's responses to the matters raised.

Table 1 – Summary of Council's concerns and applicant's response

Control	Council issue	Applicant response
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)		
Context and Neighbourhood Character (Principle 1)	Development is inconsistent with the design principle	<ul style="list-style-type: none"> • Refer to Section 4.1.2 • Refer to: <ul style="list-style-type: none"> – Revised Architectural Plans (Mijollo International)
Built Form and Scale (Principle 2)	Development is inconsistent with the design principle	<ul style="list-style-type: none"> – SEPP 65 Design Verification Statement (Mijollo International).
Amenity (Principle 6)	Development is inconsistent with the design principle	
Safety (Principle 7)	Development is inconsistent with the design principle	
Apartment Design Code (ADG)		
Visual Privacy (cl. 3F)	<p>The development achieves an overall height of 21m (i.e. 6 storeys) which requires the northern elevation to be incrementally setback to comply with the relevant criteria</p> <p>Notwithstanding the above, the nil northern setback of the ground floor component of the development is considered to be acceptable but the floors above are to be setback in accordance with the ADG.</p>	<ul style="list-style-type: none"> • Refer to Section 4.1.3 • Refer to: <ul style="list-style-type: none"> – Architectural Plans (Mijollo International) – SEPP 65 Design Verification Statement (Mijollo International)
Vehicle Access (cl. 3H)	<p>The two access/egress points on Eustace Street and Gilbert Street do not include any sightline truncations to afford safety for pedestrians.</p> <p>Given the high density of the local area, pedestrian safety is critical and adequate sightlines with dimensions of 1.5m x 1.5m are to be provided at the property boundary line of each crossing.</p>	<ul style="list-style-type: none"> – ADG Assessment Report (Mijollo International) – Traffic Impact Assessment Report (Traffix) – Acoustic Report (Wood & Grieve Engineers).
Natural Ventilation (cl. 4B)	A minimum of 60% (i.e. 27 apartments) are to be naturally cross ventilated. The development proposes approximately 46.6% (i.e. 21 apartments) naturally cross ventilated apartments.	
Ceiling Heights (cl. 4C)	<p>Clause 4C requires the development to achieve the following minimum floor-to-ceiling heights:</p> <p>Ground Floor</p>	

Control	Council issue	Applicant response
	<ul style="list-style-type: none"> • Cafe/Restaurant: 4.4m 4m (Council error only 4m required for café/restaurant Figure 4C.1 ADG) <p>The development provides for a 3.5m floor-to-ceiling height throughout this use which results in a 0.9m reduction and is therefore not acceptable</p> <p>First Floor and above</p> <ul style="list-style-type: none"> • Residential: 2.7m. <p>The sections provided with the plans indicate that the floor-to-ceiling heights for habitable rooms (see definition above) are 2.7m and therefore comply. However, the following non-compliances are noted:</p> <ul style="list-style-type: none"> • Apt 1.06 Study (2.4m) • Apt 1.11 Study (2.4m) • Apt 2.06 Study (2.4m) • Apt 2.11 Study (2.4m) • Apt 3.06 Study (2.4m) • Apt 3.11 Study (2.4m); and • Apt 5.02 Bedroom (2.4m). 	
Acoustic Privacy (cl. 4H)	<p>The development includes windows (and balconies) to habitable rooms and bedrooms of separate apartments, which are in close proximity to each other.</p> <p>The affected apartments are</p> <ul style="list-style-type: none"> • 1.11 (balcony)/1.01 (bedroom windows) & 1.06 (bedroom windows); • 2.11 (balcony)/2.01 (bedroom windows) & 2.06 (bedroom windows); • 3.11 (balcony)/3.01 (bedroom windows) & 3.06 (bedroom windows); and • 4.08 (balcony)/4.01 (bedroom windows) & 4.04 (bedroom windows). <p>Because of the location and contained nature of the balconies within the recess, noise generated by users of the balconies will resonate upwards to impact on the bedrooms of Apartments 5.01, 5.02 and 5.04.</p> <p>The above listed apartments are impacted by the private courtyards situated at Level 1 for the same reason as detailed above.</p> <p>Proximities are to be addressed to avoid acoustic impact and the potential whereby a bedroom window cannot be opened as a result.</p>	

Control	Council issue	Applicant response
Manly Local Environmental Plan 2013 (Manly LEP 2013)		
Permissibility / Heritage Incentive Provisions	<p>In order to qualify for conservation incentives under Clause 5.10(10), Council must be satisfied that the proposed development is in accordance with a heritage management document that has been approved by the consent authority.</p> <p>Therefore, as the application does not satisfy the requirements of Council, the proposed residential use remains prohibited.</p> <p>It is recommended that, in order to qualify for the incentives provided for under Clause 5.10(10), a Conservation Management Plan is to be prepared by a suitably qualified person and submitted to Council for its consideration</p>	<ul style="list-style-type: none"> • Refer to Section 4.2.1 • Refer to: <ul style="list-style-type: none"> – CMP (NBRS Partners)
	<p>Clause 5.10 requires development to not have any significant adverse effect on the amenity of the surrounding area, which must be considered in relation to the ADG issues and the proposed building height.</p>	<ul style="list-style-type: none"> • Refer to Section 4.2.2 • Refer to: <ul style="list-style-type: none"> – CMP (NBRS Partners) – SoHI (NBRS Partners)
Building Height (cl. 4.3)	<p>Council raises concern with regards to the proposed height in context to the height of other buildings in the vicinity, most notably the 3 to 4 storey predominant height within which the building would relate.</p> <p>It is considered that a reduction of the building height by 1 storey (i.e. to 18.3m) would achieve an acceptable transition from the Quest apartment building to the remainder of the B2 Local Centre zone (i.e. 15m) and the R1 General Residential zone (i.e. 11m).</p>	<ul style="list-style-type: none"> • Refer to Section 4.2.3 • Refer to: <ul style="list-style-type: none"> – Clause 4.6 Request to vary a development standard: height (Appendix A)
Design Excellence (cl. 6.13)	<p>The proposal should address the provisions of Clause 6.13 to provide design excellence.</p>	<ul style="list-style-type: none"> • Refer to: <ul style="list-style-type: none"> – Architectural Plans (Mijollo International) – Design Report (Mijollo International)
Manly Development Control Plan 2013 (Manly DCP 2013)		
Streetscape and Townscapes (cl. 3.1)	<p>The proposed building height is not consistent with the scale of adjacent development to the north and west (i.e. in the R1 General Residential zone). It is considered that a reduction of the overall building height by 1 storey, together with increased setbacks of the northern wall to comply with the ADG, will mitigate the bulk and scale of the development and reduce overbearing visual impact.</p>	<ul style="list-style-type: none"> • Refer to Section 4.3 • Refer to : <ul style="list-style-type: none"> – Architectural Plans (Mijollo International) – Design Report (Mijollo International) – Clause 4.6 Request to vary a development standard: height (Appendix A)

3.0 Description of Revised Proposal

3.1 Overview

As shown on the attached Architectural Plans and Photomontages, the revised proposal comprises:

1. **Construction** of a new six (6) storey mixed use building with two levels of basement car parking, comprising of:
 - Ground Floor (Registered Club and Building Services):
 - Retention of the existing heritage listed Auckland Garage and incorporation into the new building
 - New Registered Club (Manly Civic Club) comprising lounge, bistro, sports lounge, gaming, bar and kitchen as well as outdoor terrace
 - Separate pedestrian entries for Manly Civic Club and Residential Apartments (which are located on West Promenade)
 - Vehicular entry to the basement car park off Eustace Street, and separate vehicular entry off Gilbert Street to access the loading dock
 - Waste storage room and building services
 - Levels 1 – 5 (Residential Accommodation – total of 38 apartments):
 - Level 1: Nine (9) apartments (comprising two (2) x 1-bed, six (6) x 2-bed and one (1) x 3-bed)
 - Level 2: Nine (9) apartments (comprising two (2) x 1-bed, six (6) x 2-bed and one (1) x 3-bed)
 - Level 3: Nine (9) apartments (comprising two (2) x 1-bed, six (6) x 2-bed and one (1) x 3-bed)
 - Level 4: Seven (7) apartments (comprising one (1) x 1-bed, four (4) x 2-bed and two (2) x 3-bed)
 - Level 5: Four (4) apartments (comprising one (1) x 2-bed and three (3) x 3-bed)
 - Basement (Car Parking and Services –71 car parking spaces and 25 bicycle racks):
 - Street Level: On-site loading dock and five (5) bicycle racks
 - B1: 20 club parking spaces (including one (1) accessible spaces) and five (5) visitor car spaces plus eighteen (18) bicycle racks
 - B2: 46 residential car parks (including four (4) accessible spaces) and two (2) bicycle racks
2. **Landscaping** of the site (ground floor, northern boundary setback, and residential terraces).
3. **Use** of the ground floor as a *registered club* as follows:
 - Hours of operation
 - Indoors: Monday to Wednesday: 10.30 am to 11.00 pm, Thursday to Saturday: 10.30 am to 12 midnight and Sunday: 10.30 am to 10.00 pm
 - Outdoors: Monday to Wednesday: 10.30 am to 10.00 pm, Thursday to Saturday: 10.30 am to 10.30 p and Sunday: 10.30 am to 9.00 pm
 - Capacity
 - Total 300 patrons at any one time.

Table 2 details the revised proposal summary (and compares it with the original proposal noting the extent of change). Photomontages at **Figures 1 and 2** show the revised proposal in comparison to the original proposal as viewed from Gilbert Park.



Figure 1 – Photomontage of revised proposal – West Promenade



Figure 2 – Photomontage of original proposal – West Promenade

Table 2 – Development summary (revised proposal and original proposal)

	Revised proposal	Original proposal	Change
Site area	1,562m ²	1,562m ²	
Height (max)			
• Building height ¹ (Manly LEP 2013)	22 metres	21.4 metres	+0.6m
• Storeys	6 storeys (+2 basements)	6 storeys (+2 basements)	
• RL	RL 26.25 (plant screen)	RL 25.65 (lift over run)	+0.6m
Gross Floor Area (GFA)	4,463m ²	4,567.5m ²	-104m ²
Floor Space Ratio (FSR)	2.85:1	2.92:1	- 0.07:1
Setbacks			
• Auckland Garage	No change	No change	
• West Promenade (east)	3 metres	3 metres	
• Gilbert Street (south)	Nil boundary setback to Level 4	Nil boundary setback to Level 4	
• Eustace Street (west)	Nil boundary setback to Level 4	Nil boundary setback to Level 4	
• Side boundary (north)			
– Ground Floor	Nil boundary setback	Nil boundary setback	
– Level 1 - 3	6 metres	Nil boundary setback	+ 6m
– Level 4 - 5	9 metres	Nil boundary setback	+ 9m
Deep soil	33m ² (2%)	47m ² (3%)	-14m ²
Number of car spaces (total)	71	70	+ 1 space
• Manly Civic Club	20 car spaces	20 car spaces	
• Residential	51 car spaces (Inc. 5 visitor)	50 car spaces (Inc. 5 visitor)	+ 1 space
• Bicycle racks	25	24	+ 1 space
Number of apartments (total)	38	45	-7
• 1 bedroom	7 (18.4%)	20 (44.5%)	
• 2 bedroom	23 (60.5%)	20 (44.5%)	
• 3 bedroom	8 (21.1%)	5 (11%)	
Manly Civic Club GFA	837.5m ²	765m ²	+72.5m ²

¹ Pursuant to Manly LEP 2013

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

ground level (existing) means the existing level of a site at any point.

3.2 Building design

As illustrated on the attached Architectural Plans and Design Report by Mijollo International, the revised proposal will have a contemporary design. It will present to the street as a six storey mixed use building, setback from the heritage listed Auckland Garage located on the south-east corner of the site. This setback ensures that the significant views of the building from across Gilbert Park, along West Promenade and to a lesser degree, Gilbert Street are preserved as the significant setting of the item. The recessive design of the new building also ensures that the Auckland Garage retains its significant features to allow for its historical interpretation as a service station.

The proposed materials and finishes (as shown on the accompany materials and sample board) complement the heritage significant finishes of the Auckland Garage and the buildings along West Promenade and Eustace Street.

The revised proposal is respectful of the existing form and scale of development along West Promenade to the north (by way of increased side boundary setbacks) and is similar in height to the modern development on the corner of Sydney Road and West Promenade to the south (known as the Grand Esplanade).

3.3 Height

Table 3 outlines the proposed maximum height of the revised and original proposals.

The revised proposal results in a very minor increase to the building's maximum height (0.6m). This is a result of design changes requiring Manly Civic Club's plant (air-conditioning units) to be relocated from the basement level to the roof.

The commercial air-conditioning units are slightly taller in comparison to the residential air-conditioning units which were originally located on the roof.

As a result, the plant screen has been increased in height (600mm). This very minor increase to maximum height relates to a very small portion of the building (as shown at **Figures 3 and 4**)

The main roof form and podium level do not change.

Table 3 – Maximum height (revised proposal and original proposal)

Height (max)	Revised proposal	Original proposal	Change
Manly LEP2013	22 metres	21.4 metres	+0.6m
RL	RL 26.25 (plant screen)	RL 25.65 (lift over run)	+0.6m
Main roof	RL 24.45	RL 24.45	-
Podium level	RL 18.20	RL 18.20	-
Storeys	6 storeys (+2 basement)	6 storeys (+2 basement)	-



Figure 3 – Maximum building height of revised proposal (raised plant screen shown in green)



Figure 4 – Maximum building height of original proposal (lift overrun and services shown in blue). Red dashed line shows current DA approval on the site (DA 149/2008)

3.4 Gross floor area (GFA) and floor space ratio (FSR)

As calculated by Mijollo International (Drawing A104-A, attached), the GFA of the revised proposal is 4,463m² (using the definition contained in Manly LEP 2013) which results in a FSR of 2.85:1. This is a reduction of 105m² of GFA (or 0.43%) compared to the original proposal.

3.5 Setbacks

Figure 5 highlights the proposed street frontage setbacks and curtilage around the heritage listed Auckland Garage.

The new building is built to the boundary on both Gilbert and Eustace Street providing a street wall that responds to the adjacent development and proposed club use.

A small recess has been incorporated to the northern end of the Eustace Street elevation to match the adjacent fabric to the north.

A larger 3 metre setback has then been incorporated on the West Promenade elevation to align with *Don Junee*, the adjacent heritage apartment building to the north.

The fanning of the building facades, perpendicular with Gilbert Street and West Promenade, provides curtilage to the Auckland Garage, preserving its setting.



Figure 5 – Proposed street frontage setbacks and curtilage around the heritage listed Auckland Garage

In response to Council concerns about the amenity of adjoining residential development to the north, an increased side boundary setback has been incorporated into the design along this shared boundary.

Figure 6 highlights the proposed increase to the northern side boundary setback. The original proposal had a nil boundary setback to this shared boundary, however in response to Council concerns, the setback has been increased to 6 metres (at Level 1 – 3) and 9 metres (at Level 4 – 5). This will ensure that adequate building separation is provided and that the amenity of the two residential flat buildings (RFB) to the north is preserved.

The proposed tiered setback to the northern shared boundary also improves the transitions in building bulk between the proposal and lower development to the north.

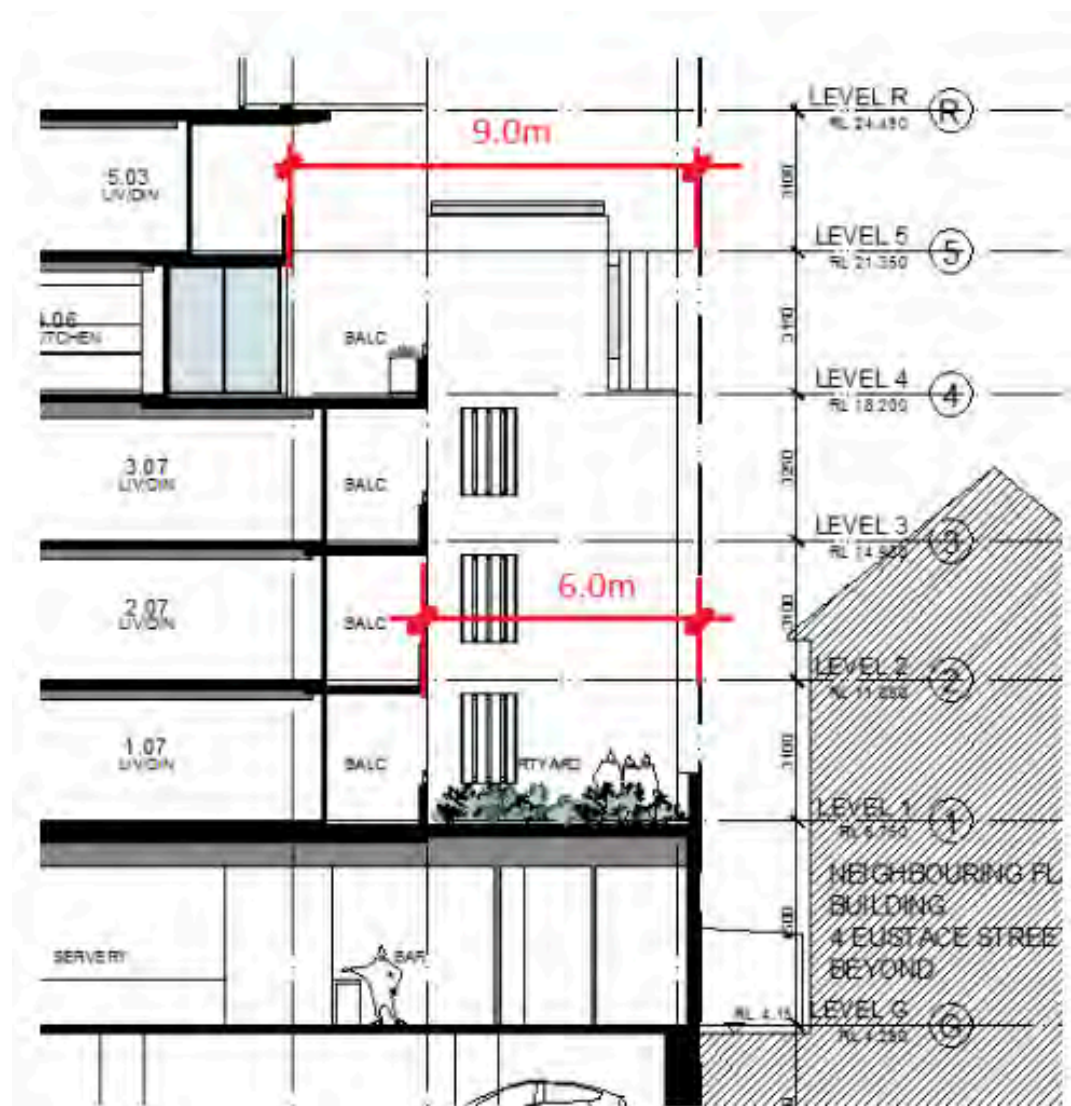


Figure 6 – Proposed side setback to the northern shared boundary

Table 4 outlines the proposed setbacks of the revised proposal (in accordance with Council's recommendation) against the original proposal.

Table 4 – Proposed setbacks compared to the original proposal

Boundary	Revised proposal	Original proposal
Auckland Garage	No change	No change
West Promenade (east)	3 metres	3 metres
Gilbert Street (south)		
• Ground Floor - Level 3	Nil	Nil
• Level 4 - 5	> 1m	> 1 m
Eustace Street (west)		
• Ground Floor - Level 3	Nil	Nil
• Level 4 - 5	> 1m	> 1m
Side boundary (north)		
• Ground Floor (Manly Civic Club)	Nil	Nil
• Level 1 - 3	6 metres	Nil
• Level 4 - 5	9 metres	Nil

3.6 Apartment layout and configuration

The revised proposal comprises a mixture of one, two and three bedroom apartments. **Table 5** outlines the internal and external sizes of the proposed apartments as well as allocated storage spaces. As noted above in **Table 2** above, the revised proposal accommodates 38 apartments compared with 45 apartments in the original proposal (a reduction of seven (7) apartments).

Table 5 – Size of the proposed apartments

Apartment Type	Number	Internal size (m ²)	Private open space (m ²)	Storage (m ³)	
				Internal	Basement
1 bedroom	7	50 - 57	8 - 10	3 - 6	2 - 12
2 bedroom	23	70 - 105	10 - 22	4 - 7	2 - 12
3 bedroom	8	94 - 139	12 - 63	5 - 13	2 - 7
Total apartments	38				

3.7 Adaptable units

The revised proposal has four (4) adaptable apartments (1.06, 2.06, 3.02 and 3.06) and four (4) adaptable parking spaces located on Level B2 in accordance with Council controls.

3.8 Access, car parking and loading

As discussed in the Revised Traffic Impact Assessment by Traffix (attached), the revised proposal provides the following access, parking and loading arrangements.

3.8.1 Access

The Manly Civic Club and residential apartments are accessed via separate pedestrian entries off West Promenade. Vehicular entry to the basement car park is provided off Eustace Street and a separate vehicular entry off Gilbert Street is provided to access the loading dock.

3.8.2 Car parking

The revised proposal includes a total of 71 car parking spaces across two basement levels as follows:

- Level B1: 20 club car parking spaces (including one (1) accessible car space) plus five (5) residential visitor spaces
- Level B2: 46 residential car parking spaces (including four (4) accessible spaces).

The development provides four (4) adaptable parking spaces for the four (4) adaptable apartments located on Level B2. One (1) adaptable parking space has been provided on basement level B1 for use by visitors and club patrons.

3.8.3 Bicycle parking

The revised proposal includes 25 bicycle racks, five (5) at the street level, 18 within basement Level B1 and two (2) bicycle racks on Level B2. These racks are to be utilised by club patrons and residents to take advantage of the site's proximity to the cycle network surrounding Manly CBD.

3.8.4 Loading

A separate loading dock is to be provided on site, accessed via a vehicle crossing off Gilbert Street. All servicing and garbage collection activities will take place via the ground floor loading dock and will be restricted to vehicles with maximum dimensions of an SRV.

Given that the site was historically used as a service station, the site's frontage to Gilbert Street is not kerbed. As part of the proposed development, the kerb will be re-instated where necessary along this frontage.

3.9 Landscaping

The site is clear of any vegetation as it has been completely built upon.

As detailed on the attached Revised Landscape Plans by Taylor Brammer Landscape Architects, planting is provided throughout the site where possible to provide a balance between the natural and built features on site.

As shown at **Figure 7**, the revised proposal has incorporated additional planting around the Auckland Garage to improve the setting of the heritage item within the streetscape.

Additional planting is also proposed to maximise privacy between the residential apartments within the complex and those adjoining the north (**Figure 8**).

In response to Council feedback, seven (7) tuckeroo street trees have also been provided along the site's three street frontages improving the amenity of the public domain and improving the presentation of the development at street level.



Figure 7 – Proposed Ground Floor Level landscaping



Figure 8 – Proposed Level 1 landscaping

3.10 Demolition

As part of the approved development (DA 149/2008), Manly Civic Club and its associated structures were demolished. The site has been cleared, apart from the Auckland Garage. As such, this DA does not include any demolition works.

3.11 Excavation

To service the proposed apartments and club (in accordance with Council controls), only two levels of basement car parking is required.

The lowest basement level will require excavation to depths ranging from 5 to 7.5 metres (in comparison to the previously approved 12m depths). The basement will extend to the site boundaries, apart from the south-eastern corner of the site due to the heritage listed building.

No change is proposed to the location or depth of the proposed basement levels as originally proposed. As such the geotechnical and hydrological conditions of the site and impacts of the proposal are discussed in Section 5.2.12 of the Original SEE and further detailed within the previously submitted Geotechnical Report prepared by JK Geotechnics dated 24 May 2016

3.12 Waste management

An updated Waste Management Plan (WMP) has been prepared in accordance with Council's requirements. A designated waste storage room has been provided on the Ground

Floor, capable of accommodating the expected waste generated by the day-to-day needs of the residents. The waste storage room is positioned in a convenient and easily accessible location for regular collection by Council.

During construction, the required WMP will be put into place to ensure minimal impact on the surrounding site. This will record and document the removal and or re-use of demolished materials and waste generated during demolition and construction.

3.13 Manly Civic Club

Manly Civic Club is an experienced club operator, having run Manly Civic Club from this location since 23 October 1959. They have a reputation for good management, quality service and have an unblemished history with both the Northern Beaches Council (former Manly Council) and the NSW Office of Liquor, Gaming and Racing. (OLGR).

The proposed Manly Civic Club is to continue to operate as it previously did, and in accordance with the current approval (no change to hours or capacity).

To ensure the new premise is managed responsibly, a Plan of Management was submitted as part of the original application (no change proposed to operating conditions).

3.13.1 Registered club use size

As a result of the proposed design changes, the size of the Manly Civic has been increased slightly resulting in a *registered club* GFA of 837.5m² (increase of 72.5m² or 11.6%).

This is considered a good outcome for the community with additional space available to club members and the community.

3.13.2 Hours of operation

The Manly Civic Club, located on the ground floor of the building, will operate as follows:

- Indoors
 - Monday to Wednesday: 10.30 am to 11.00 pm
 - Thursday to Saturday: 10.30 am to 12 midnight
 - Sunday: 10.30 am to 10.00 pm
- Outdoors
 - Monday to Wednesday: 10.30 am to 10.00 pm
 - Thursday to Saturday: 10.30 am to 10.30 pm
 - Sunday: 10.30 am to 9.00 pm

3.13.3 Capacity

- Total 300 patrons at any one time
 - Maximum 80 patrons within the outdoor gaming room (adjacent Gilbert Street)
 - Maximum 50 patrons within the outdoor dining area (corner of West Promenade and Gilbert Street).

3.13.4 Access, deliveries and parking

Entrance to Manly Civic Club is to be via West Promenade only.

All servicing and garbage collection activities will take place via the ground floor loading dock accessed from Gilbert Street, and will be restricted to vehicles with maximum dimensions of an SRV.

All deliveries for the club would occur between the hours of 7.00 am and 10.00 pm.

For club patrons, a total of twenty (20) car parking spaces (including one (1) accessible space) and eighteen (18) bicycle racks are proposed within the basement (Level B1) which is accessed off Eustace Street.

3.13.5 Food preparation

The construction and fitout of the kitchen has been designed in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 – Design, Construction and Fitout of a Food Premises.

3.13.6 Sanitary facilities

The club includes the following sanitary facilities within the tenancy:

- Male - Six (6) pans and three (3) toilets plus three (3) basin
- Female - Six (6) female toilets and three (3) basins
- Accessible- One (1) unisex accessible toilet and basin

PCA Services has provided correspondence (attached) that demonstrates that the proposed sanitary facilities satisfy BCA requirements.

3.13.7 Waste Management

A separate waste and recycling room for the club is provided on the Ground Floor. The waste storage room is in an easily accessible location for staff and is also positioned adjacent the loading dock for easy collection. All rubbish from the Manly Civic Club will be managed internally, minimising noise impacts.

A private waste contractor will be engaged to manage the commercial waste.

3.14 Signage

No signage is proposed as part of this DA.

3.15 Project staging

The construction and occupation of the development is to be staged into two parts. With the residential units occupied first, followed by the club.

Two Construction Certificates (CC) and two Occupation Certificates (OC) will be sought.

The conditions within the development consent should reflect this.

3.16 Stratum subdivision

The site is to be stratum subdivided to separate ownership of the Manly Civic Club from the residential component of the building.

The site will contain one stratum for Manly Civic Club comprising the Ground Floor Level, single club lift and Level B1 basement car park and another stratum for the residential component, comprising Levels 1 – 5, the single residential lift and Level B2 basement car park.

A separate DA will be lodged for the stratum subdivision of the site/building.

4.0 Compliance with Relevant Controls (as identified by Council)

The following section addresses and responds to specific issues identified by Council in its letter dated 6th December 2016 where not already addressed within the Original SEE.

4.1 SEPP 65/ADG

Schedule 1 of the Policy sets out the nine (9) 'Design Quality Principles' and Clause 28(2) requires that the consent authority, in determining a DA take into consideration:

1. The advice (if any) of a relevant design review panel
2. The design quality of the residential flat development when evaluated in accordance with the design quality principles
3. The Apartment Design Guide.

4.1.1 Design Panel

Northern Beaches Council does not have a design review panel in place.

4.1.2 Design Principles

Compliance of the proposal (as revised) against the nine (9) Design Quality Principles is addressed within the accompanying SEPP 65 Design Certification Report prepared by Mijolli International.

4.1.3 Apartment Design Guide (ADG)

Compliance with the applicable Design Criteria contained within the ADG is provided in the accompanying ADG Compliance Table also prepared by Mijolli International.

The compliance table identifies that the proposal is generally consistent with the relevant design criteria or is acceptable on merit for the reasons detailed in the compliance table, and as summarised below.

Ceiling Heights

Table 6 outlines the proposed floor to ceiling heights for the development against the applicable ADG criteria.

Table 6 – Compliance of the proposed ceiling heights against ADG criteria

ADG	Compliance
2.7m habitable space 2.4m non-habitable areas	✓ The proposed floor to floor heights achieve the minimum standard, being 2.7m for habitable space and 2.4m for non-habitable areas.
3.3m for ground and first floor mixed use areas	✓ The ground floor Registered Club has a 3.6m ceiling height. X The first floor has been provided with a 3.1m ceiling height. This minor shortfall is considered appropriate for its intended residential use whilst also ensuring flexibility of building use in the future.
4m for café/restaurant	✓ The proposed location of the club's main dining area is located within the redeveloped heritage listed Auckland Garage which has a varied ceiling height but generally satisfies the suggested 4m clearance for a restaurant use.

Solar Access

The proposal complies with the solar access requirements of the ADG as it achieves a minimum 2 hours of solar access to living room windows and living areas for 27 of the 38 apartments (71%) between 9.00am and 3.00pm during mid-winter.

Natural Cross Ventilation

The proposal complies with the naturally cross ventilated requirements of the ADG as it achieves a minimum 60% of apartments cross ventilated (23 of 38 apartments).

4.2 Manly LEP 2013

As set out in **Table 4** within the Original SEE, the proposal is consistent with Manly LEP 2013.

The following key (relevant) provisions apply to the site.

4.2.1 Zoning/Permissibility

The site is Zoned B2 – Local Centre, the following land uses are permitted with consent:

Manly Civic Club

- *Registered club*²

The use and operation of the ground floor level of the building as a *registered club*, is permitted with consent in Zone B2.

Residential accommodation

- *Shop top housing*³

Residential accommodation located above a ground floor *Commercial*⁴/*Retail Premise*⁵ or *Business Premise*⁶ is permitted with consent in the zone. The proposed ground floor use of

² Pursuant to Manly LEP 2013:

registered club means a club that holds a club licence under the Liquor Act 2007.

³ Pursuant to Manly LEP 2013:

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

⁴ Pursuant to Manly LEP 2013:

commercial premises means any of the following:

(a) business premises,

(b) office premises,

(c) retail premises.

⁵ Pursuant to Manly LEP 2013:

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

(a) bulky goods premises,

(b) cellar door premises,

(c) food and drink premises,

(d) garden centres,

(e) hardware and building supplies,

(f) kiosks,

(g) landscaping material supplies,

(h) markets,

(i) plant nurseries,

(j) roadside stalls,

(k) rural supplies,

(l) shops,

(m) timber yards,

(n) vehicle sales or hire premises,

the building as a *Registered Club* however, falls outside the general land use group term *Commercial Premises*.

Given the limitations of *shop top housing* (which is a permitted use in the zone), the proposed development cannot be defined as such and is therefore classified as a *residential flat building*⁷ above a *registered club*.

- *Residential flat building*

Whilst *registered clubs* are a permitted use (with consent), within the zone, *residential flat building* are a prohibited use.

In accordance with cl. 5.10(10) of Manly LEP 2013, the proposed *residential flat building* above a *Registered Club*, is permissible with consent in the zone subject to satisfying the Heritage Incentive Provisions.

Consistent with this control, the proposed development satisfies the conservation incentive provisions, which permits development for any purpose on land on which a heritage item is erected.

Compliance with the provisions of cl. 5.10(10) is detailed below under the Heritage Conservation Incentives Clause (see Section 4.2.2 Heritage Incentive Provision).

Objectives of the zone

Whilst a *residential flat building* is not permissible within the Zone B2 – Local Centre, the proposed land uses comprising ground floor *registered club* with *residential flat building* above are in keeping with the character of the area and are also entirely consistent with the zone objectives, as demonstrated below.

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

Response – Manly Civic Club is a NSW registered club, a not-for-profit organisation owned by and run for the community. The proposed ground floor use of the site as Manly Civic Club will therefore deliver a wide range services to its members and local community through the provision of a new clubhouse, as well supporting local sporting and charity groups through donations.

- *To encourage employment opportunities in accessible locations.*

Response – Undertaking the construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects. Further, given the site's proximity to the Manly Bus Interchange and Wharf, the day-to-day operation of Manly Civic Club, will create employment opportunities in a highly accessible location.

- *To maximise public transport patronage and encourage walking and cycling.*

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

⁶ Pursuant to Manly LEP 2013:

business premises means a building or place at or on which:

(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or

(b) a service is provided directly to members of the public on a regular basis,

⁷ Pursuant to Manly LEP 2013:

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Response – The Manly Civic Club will adopt a house policy of encouraging patrons to utilise public transport given the site's proximity to such services. In addition, residents will be able to take advantage of local bicycle paths as a result of the 25 secure bicycle racks provided onsite and public transport options in the immediate area.

- *To minimise conflict between land uses in the zone and adjoining zones and ensure amenity for the people who live in the local centre in relation to noise, odour, delivery of materials and use of machinery.*

Response – The Manly Civic Club opened on 23 October 1959 and has occupied the site up until 2013, when it was demolished as part of the current approval. As detailed within this Addendum SEE and the Original SEE, the new Manly Civic Club will not have a detrimental impact on the RFB located above and residential development within the surrounding area by way of noise, odour and deliveries.

All loading is to take place on site, during the hours of 7.00 am and 10.00 pm ensuring the day-to-day operation of the premises does not impact the surrounding area.

An Acoustic Report has been prepared (attached) which concluded that the proposed operations of the club (visitor vehicles, site servicing, plant and club use) will not cause a nuisance to the nearest sensitive receivers (onsite and adjoining), ensuring the amenity of the surrounding area is preserved as a result of the development.

A Plan of Management will also be adopted by the club, ensuring the premises is managed responsibly.

4.2.2 Heritage Incentive Provision

Land Use Permissibility

The site accommodates a local heritage item known as *Auckland Garage* (I156) (former service station), which is located on the corner of Gilbert Street and West Promenade.

Conservation Incentives Clause 5.10(10)

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan

As detailed below and within the revised SoHI and CMP by NBRS and Partners (attached), the proposed *residential flat building* above a *registered club* satisfies the conservation incentive provisions at cl. 5.10(10) of Manly LEP 2013, and is therefore permissible with consent within the zone.

- a) *The conservation of the heritage item is facilitated by the granting of consent*

Response – A DA for the demolition of the heritage listed Auckland Garage was refused by Council in December 2002, with Council deeming the building worthy of preservation.

The applicant appealed the determination to the Court, whereby the appeal was dismissed. The key reasons in the judgment stating the building was reasonably well preserved, could be re-adapted and its removal would have an adverse impact on the heritage significance of the precinct.

Consistent with Council and the Court's decision, the Auckland Garage is to be retained on site. The preservation of this heritage item however can only be achieved by providing a financially viable development on the site.

A recent market analysis of the approved scheme (DA 149/2008) which comprises a five (5) storey building (accommodating the Manly Civic Club on the ground and first floor and the remaining levels as commercial office space) with three (3) levels of basement car parking

was undertaken. The findings determined the proposal financially unviable given the cost associated with providing three (3) levels of basement car parking coupled with the limited demand for commercial office space of this size, in this location. As a result, building works on site have stopped, hampered by the ability to securing bank funding as a result of the poor commercial viability of the project.

At present, all structures on the site have been demolished, except for the Auckland Garage, which now sits vacant and in deteriorating state.

Given the high demand for quality residential development in the area, the proposed development, which largely sees residential accommodation provided in lieu of commercial office space, facilitates a commercially viable option for the site, ensuring the retention and preservation of the heritage listed building on site.

By providing market tested, high quality residential accommodation in a variety of forms (1, 2 and 3 bedroom), the proposal facilitates the preservation of the heritage listed building for the benefit of the local community. The proposed residential accommodation also funds the construction of a new registered club (Manly Civic Club), one of the sites other well known historic uses.

- b) *The proposed development is in accordance with a heritage management document that has been approved by the consent authority*

Response – The proposal will be carried out in accordance with the CMP as well as any conditions of development consent imposed by Council.

- c) *The consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out*

Response – In accordance with any future approval, all necessary conservation works identified within the CMP as well as any conditions of development consent imposed by Council will be carried out.

- d) *The proposed development would not adversely affect the heritage significance of the heritage item, including its setting*

Response – The proposed *residential flat building* use will not adversely affect the heritage significance of the heritage item or adjoining items as detailed within the accompanying SoHI and CMP.

- e) *The proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

Response - Most development in the vicinity of the site is either residential or has a large residential component (in the form of ground floor retail/business with residential accommodation above) as shown at **Figure 9**, below.

The proposed *residential flat building* located above the ground floor *registered club*, is therefore consistent with the predominate form of development in the area (active ground floor with residential above). As such there will be very little impact on the amenity of the area as a result of the proposed RFB use.

Further, *shop top housing* is permissible with consent in Zone B2, which permits one or more dwellings located above a ground floor commercial use.

The proposal is therefore consistent with the predominate character of the area and the site's B2 zoning and will not result in any adverse impacts to the amenity of the area as a result of the proposed land uses.

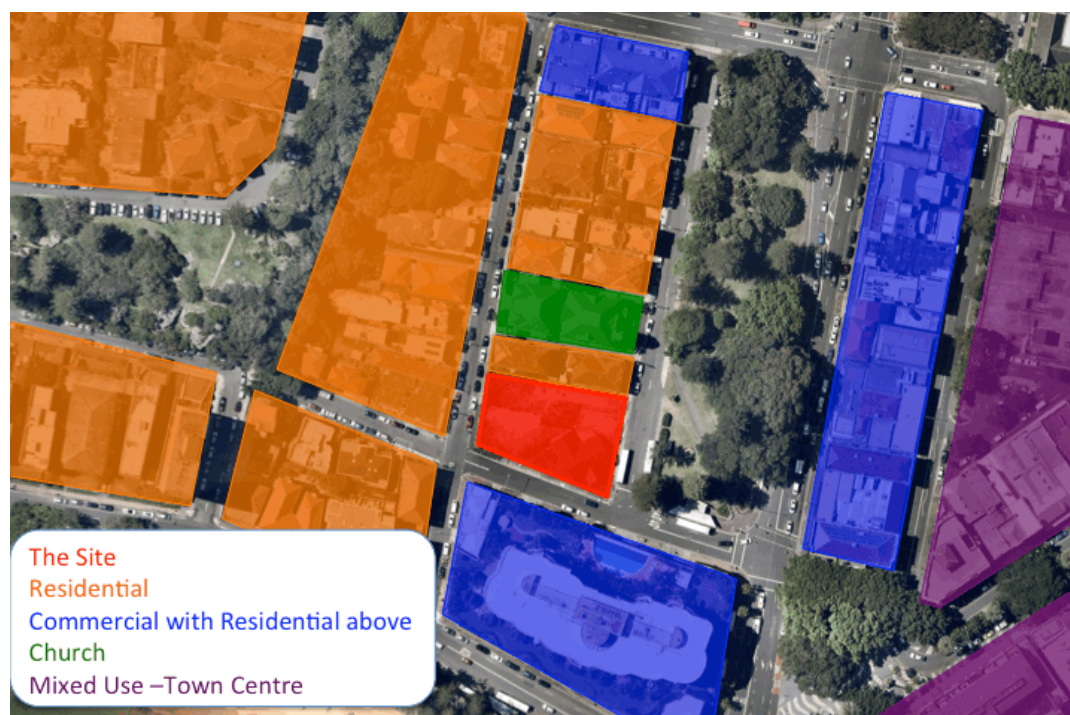


Figure 9 – Land use type in the surrounding area

Height non-compliance

A Clause 4.6 Request to Vary a Development Standard has been prepared in support of the proposed breach to height standard (attached). However, to further support the conservation of the heritage item, and the historic Manly Civic Club use of the site, the reliance on the Heritage Incentive Provision to further support the proposed height non-compliance is discussed below.

Conservation Incentives Clause 5.10(10)

As detailed below and within the revised SoHI and CMP prepared by NBRS and Partners, the proposed non-compliance with the height standard satisfies the heritage conservation incentive provisions at cl. 5.10(10) of Manly LEP 2013.

a) The conservation of the heritage item is facilitated by the granting of consent

Response – As detailed above, the site accommodates a local heritage item known as *Auckland Garage* (1156) (former service station), which is located on the corner of Gilbert Street and West Promenade and occupies approximately 25% of site, as shown at **Figure 10**.

As a result of conserving the single storey garage onsite, and appropriate curtilage around the item to ensure its setting is also preserved a significant portion of the site is precluded from any future development (both above and below ground).

As such, to retain and activate the single storey heritage item on site for the benefit of the wider community, Manly Civic Club (the applicant and landowner) is required to put forward a financially viable option to not only support the retention and activation of the heritage item, but also the construction of a new club house for its 1000 members.



Figure 10 – Portion of site precluded from any future development as a result of conserving the heritage item on site

To achieve these two aims, the GFA which would normally be distributed across the entire site, has been transferred from the portion of the site that is precluded from any future development to the remaining portion of the site.

As a result of this transfer of permissible GFA, the resulting design breaches the height standard. The proposed breach to the height standard is therefore a direct response to preserving the heritage item onsite as the development supports an appropriate density.

- b) *The proposed development is in accordance with a heritage management document that has been approved by the consent authority*

Response – The proposal will be carried out in accordance with the CMP as well as any conditions of development consent imposed by Council.

- c) *The consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out*

Response – In accordance with any future approval, all necessary conservation works identified within the CMP as well as any conditions of development consent imposed by Council will be carried out.

- d) *The proposed development would not adversely affect the heritage significance of the heritage item, including its setting*

Response - As detailed within the SoHI and CMP, the heritage impact of the proposal will be minimal and positive.

By providing a clear setback around the Auckland Garage, and redistributing the buildings permissible GFA to the upper levels, ensures significant views of the building from across Gilbert Park, along West Promenade and to a lesser degree, Gilbert Street are preserved. The recessive design of the building also ensures the garage retains its significant features to allow for its historical interpretation as a service station for the benefit of the community.

- e) *The proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

Response - As detailed in Section 5.0 below and Section 5.2 of the Original SEE, the proposal will not give rise to any unreasonable or unexpected adverse amenity impacts for surrounding properties (in terms of overshadowing, views/outlook, privacy and acoustic impacts).

As discussed in Section 4.3 below, the revised proposal is also respectful of the existing form and scale of development along West Promenade to the north (by way of increased side boundary setbacks) and to the west ensuring the building sits comfortably within the streetscape.

4.2.3 Building height standard

The site is subject to a 15 metre height standard. The development proposes a maximum height of 22m (RL 26.25) and a Clause 4.6 Request to Vary the Development Standard is provided at **Appendix A**.

4.2.4 FSR standard

The site is subject to a 3.0:1 FSR standard. Consistent with the standard, a total GFA of 4,567.5m² is proposed, which equates to a FSR of 2.92:1.

4.2.5 Active street frontage standard

West Promenade and Gilbert Street are identified as Active Street frontages.

The proposed ground floor *registered club*, falls outside the general land use group term *commercial/retail premises* or *business premises*. Therefore, the proposed ground floor use of the building as a *registered club* facing an active street is not being used for the purpose of a *business* or *retail premises*.

Flexibility is appropriate in this instance and compliance is unreasonable or unnecessary as follows:

- Manly Civic Club was constructed in 1959 and has occupied the site up until 2013, when it was demolished as part of the current approval (over 55 years).
- Manly Civic Club is a NSW registered club, a not-for-profit organisation owned by and run for the community. The proposed ground floor use of the site as Manly Civic Club will therefore deliver a wide range of services to its members and local community through the provision of a new clubhouse, as well supporting local sporting and charity groups.
- The ground floor of the building will comprise of a lounge, bistro, sports lounge, gaming area, bar and kitchen as well as an outdoor terrace fronting West Promenade and Gilbert Street, activating the street frontages.
- Whilst the proposed registered club is not defined as a commercial premise under the standard instrument, it is a commercial enterprise providing a service to the community in exchange for money.
- The proposed ground floor use, facing an active street in the form of indoor and outdoor dining is consistent with other development in the area.

A Clause 4.6 Request to Vary a Development Standard – Active Street Frontages was submitted as part of the original DA. As the revised proposal does not alter the proposed ground floor registered club use the Clause 4.6 Request to Vary a Development Standard – Active Street Frontages that was submitted as part of the original DA is adequate in support of this departure from the standard.

4.2.6 GFA in Zone B2 standard

At least 25% of the GFA of the building is to be used as *commercial premises*. The intent of this clause is to ensure development in the zone provides retail, business, entertainment and community uses that serve the needs of the local community.

As discussed above the proposed *registered club*, falls outside the general land use group term *commercial premises*. Therefore, the proposal does not provide 25% of the GFA of the building as commercial development.

Flexibility is appropriate in this instance and compliance is unreasonable or unnecessary as follows:

- Manly Civic Club is a NSW registered club, a not-for-profit organisation owned by and run for the community. The proposed use of the site as the Manly Civic Club will therefore deliver a wide range of services to its members and local community through the provision of a new clubhouse, as well supporting local sporting and charity groups.
- Manly Civic Club was constructed in 1959 and has occupied the site up until 2013, when it was demolished as part of the current approval (over 55 years).
- Manly Civic Club will occupy the entire ground floor of the building (except for building services and vehicle and pedestrian entries) which equates to approximately 19% of the sites overall GFA. Given the site contains the heritage listed Auckland Garage, the development potential at the ground floor level is significantly constrained, to ensure its significance and setting is preserved. If the Registered Club was to be defined as a commercial premise the minor short fall in the numerical provision of commercial GFA is considered reasonable in this case.
- Whilst the proposed registered club is not defined as a commercial premise under the standard instrument, it is however a commercial enterprise providing a service to the community in exchange for money.
- The proposed use of the site as the Manly Civic Club, supports the retention of an existing local service, to the benefit of its members and the local community.
- Manly Civic Club will create employment opportunities within the B2 Zone, in a highly accessible location.
- Manly Civic Club will add to the diversity of venues within the B2 Zone, supporting the viability of the local centre.

A Clause 4.6 Request to Vary a Development Standard – commercial GFA in the B2 Zone was submitted as part of the original DA. As the revised proposal increases the amount of registered club GFA from 17% to 19% the Clause 4.6 Request to Vary a Development Standard – GFA in the Zone B2 that was submitted as part of the original DA is adequate in support of this departure from the standard.

4.3 Manly DCP 2013

The relevant provisions of Manly DCP 2013 are detailed at **Table 5** within the Original SEE. As indicated in the compliance table, the proposal has been designed to comply with the requirements of Manly DCP 2013 where they are relevant to the site and the proposal.

The following streetscape provisions have been identified by Council and the revised proposals compliance with these provisions is detailed below.

4.3.1 Streetscape (Residential Areas)

Control 3.1.1 Streetscapes and Townscapes

As detailed in Council's correspondence (dated 6th December 2016) consideration was to be given to Control 3.1.1.1 Complementary Design and Visual Improvements. which states:

(a)(iii) maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment

Council correspondence stated:

The proposed building height is not consistent with the scale of adjacent development to the north and west (i.e in the R1 General Residential Zone). It is considered that a reduction of the overall building height by one storey, together with increased setbacks of the northern wall to comply with the ADG will mitigate the bulk and scale of the development and further reduce the visual impact

As shown at **Figure 11**, the site is located within Zone B2 – Local Centre and forms part of the western edge of the Manly Town Centre (**Figure 12**), as does the entire length of West Promenade Street (to the north) and development to the south and east of the site.

As such, the site, and surrounding development to the north, south and east is Zoned B2 – Local Centre not R1 – General Residential.

As such the desired future character for the site and surrounding area (to the north, south and east) is Mixed-Use which supports a higher density in terms of permissible height and FSR to support the viability of the Town Centre in comparison to the General Residential Zone R1.

The western side of Eustace Street, is in Zone R1 – General Residential. This lower density zone is separated from the development site and the Manly Town Centre by Eustace Street, which forms a clear delineation between the residential zone and town centre. As such, the proposed bulk and scale of the development is appropriate for its B2 zoning, and important corner setting within the townscape.

However, as detailed within the accompanying Design Report by Mojillo International, the proposed development has been specifically designed to respond to the scale of adjacent development (in particular to the north and west), as follows:

- The design has been carefully considered in relation to the grain and fabric of its context. A human scale is provided by an articulated street-wall podium form that relates to the West Promenade and Eustace Street residential buildings. The design responds to this by incorporating a four storey podium. The podium is then broken down into smaller portions to provide a finer grain which provides a scaled relationship and dialog with the adjacent development.
- The building's podium height corresponds with the 15m height standard, with the upper levels setback and tiered from the site's boundaries. The upper levels are also lightly coloured to appear recessive. As a result, the proposed development at the street levels reads as a 15metre high building (consistent with the controls).
- The upper level setbacks (Level 4 – 5) provide an appropriate transition in height between the Grand Esplanade (to the south) when read from afar.
- The proposed increase to the northern side boundary setback again improves the transition in building bulk between the proposed development and slightly lower development to the north.

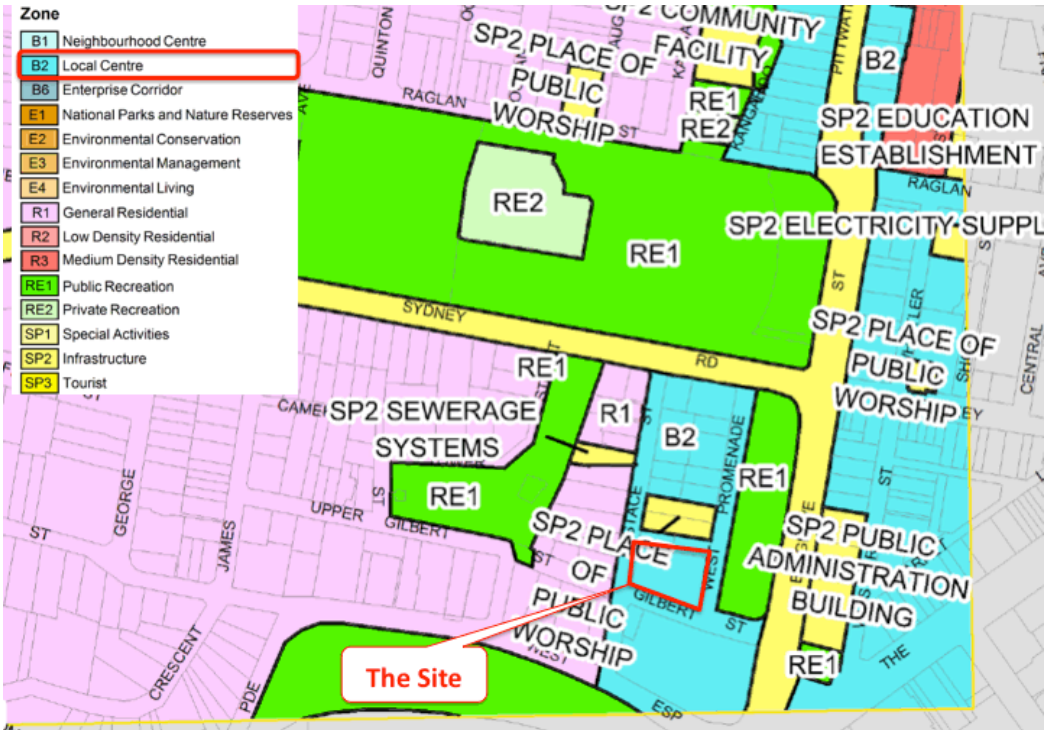


Figure 11 – Extract of Manly LEP 2013 – Zoning Map



Figure 12 – Extract of Manly DCP 2013 – Townscape Principles

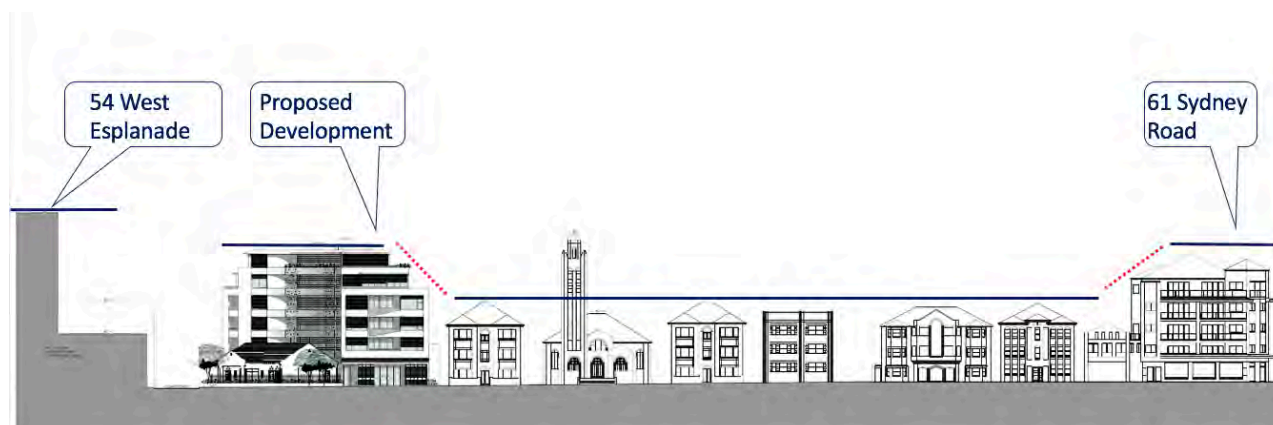


Figure 13 – Streetscape Analysis – West Promenade Street

4.3.2 Townscape Requirements (Manly Town Centre)

Control 4.2.5.1 Design for Townscapes

In accordance with Control 4.2.5.1 – Design for Townscapes, the site's three street frontages West Promenade, Gilbert Street and Eustace Street are identified as an "Important Corner" within the Manly Town Centre (refer to **Figure 16** an extract of the Manly Town Centre Townscape Principles Maps).

As required by the provisions of this clause, development on site is to be built to the boundary, and have a strong height and façade to establish itself as an important corner site within the townscape.

Consistent with the control, the proposal:

- Displays a strong relationship to each of the site's street frontages, as illustrated on the attached Architectural Plans and Photomontage (**Figure 1**).
- Is built to the boundary, except where appropriate setbacks are required to maintain the setting of the heritage listed building on site and to the north.
- Has a building height that anchors the site and assists in visually defining the boundary of the Manly Town Centre, around Gilbert Park to the east.
- Has a façade design, along with the proposed materials and finishes that promote a relationship with the adjoining RFBs that complement the heritage item on site and to the north.
- Has a proposed height that defines the end corner site along West Promenade, consistent in bulk and scale with 61 Sydney Road at its northern end forming a clear "bookend" to the streetscape (**Figure 13**).

Control 4.2.5.2 Height of Buildings – Considerations in determining exceptions to the height standard in Manly LEP Zone B2 in Manly Town Centre

In accordance with Manly LEP 2013, the site is subject to a 15 metre height standard. The development proposes a maximum height of 22m (RL 26.25) and a Clause 4.6 Request to Vary the Development Standard is provided at **Appendix A**.

In accordance with Control 4.2.5.2, the proposed variation in height complies with the provisions as follows:

- The site occupies an end corner, which has been identified as an “Important Corner” on the Manly Townscape Map. The proposed height, in this prominent location is therefore acceptable as it establishes, and defines the end corner site within the streetscape.
- As stated above the proposed building height anchors the site, and assists in visually defining the boundary of the Manly Town Centre, around Gilbert Park to the east.
- The proposed development, and its height form a strong visual connection with development to the south (the Grand Esplanade building which reaches a height of 25 metres). This improved visual connection in built form, will increase pedestrian activity at the street level, by visually linking the currently disconnected and isolated West Promenade with the town centre, consistent with the objectives of Zone B2.
- The departure from the height standard is driven by the need to preserve the heritage listed building on site. By providing a clear setback around the Auckland Garage, and redistributing the buildings permissible GFA to the upper levels, ensures significant views of the building from across Gilbert Park, along West Promenade and to a lesser degree, Gilbert Street are preserved. The recessive design of the building ensures the garage retains its significant features to allow for its historical interpretation as a service station.
- The proposal complies with the FSR standard of 3:1, and therefore supports an appropriate density on site.
- The building facades are layered and broken up to read as a juxtaposition of various scaled horizontal elements. This gives the building the appearance of a smaller scale at the street level, consistent with the adjacent RFBs and the heritage-listed item on site.

5.0 Environmental effects

The following section addresses the environmental effects of the revised proposal where not addressed in the Original SEE or where the effects have changed as a result of the proposed amendments. It should be read in conjunction with the Original SEE.

5.1.1 Overshadowing

Revised shadow diagrams for midwinter have been prepared by Mijollo International (attached). Due to the location and orientation of the site, the revised proposal does not reduce solar access to more than one third of the existing sunlight access of the adjacent properties, consistent with Clause 3.4.1.1 of Manly DCP.

North

- 3 West Promenade and 4 Eustace Street, Manly
 - The site shares a boundary with two properties to the north, 3 West Promenade (a three (3) storey RFB) and 4 Eustace Street (also a three (3) storey RFB) located directly to the north of the development site. The amended proposed will therefore not overshadow these properties or block sunlight to their openings located on the southern façade.
 - The revised proposal includes a northern side boundary setback of 6m (at Level 1 – 3) and 9 metres (at Level 4 – 5) along this shared boundary. This amendment increases sky views and outlook currently enjoyed from the adjoining RFBs therefore improving their internal amenity compared with the original proposal.

South

- 54 West Esplanade, Manly
 - As shown on the Shadow Analysis Drawings (Drawing A615-A), the swimming pool and associated communal open space (located on Level 5) of this building is not overshadowed by the revised proposal at any point of time.
- 7 – 9 Gilbert Street, Manly
 - As shown on the Shadow Analysis Drawings (Drawing A620-A) by 12.30 pm, all the windows on the northern facade of this building will no longer be impacted by the proposal.
 - The proposal therefore complies with Clause 3.4.1.2 of Manly DCP, which requires solar access to windows of living rooms to adjacent buildings be maintained for at least 2 hours between 9.00 am and 3.00 pm.
- 1 – 3 Eustace Street, Manly
 - As shown on the Shadow Analysis Drawings (Drawing A615-A), the site to the southwest, on the corner of Eustace and Gilbert Street, is overshadowed at 9.00 am as a result of the proposal, however by 10.00 am the building is no longer impacted by the revised proposal.
 - The revised proposal therefore complies with Clause 3.4.1.2 of Manly DCP, which requires solar access to windows of living rooms to adjacent buildings be maintained for at least 2 hours between 9.00 am and 3.00 pm.

East

- Gilbert Park
 - Adjacent the site to the east on the opposite side of West Promenade is Gilbert Park, and beyond that Belgrave Street. The revised proposal will overshadow a small portion of the park (south-west corner) from 2.00 pm onwards.

- This minor additional overshadowing occurs for a limited period and will not result in a perceivable difference therefore the revised proposal will not significantly reduce the amenity or usability of the park.

5.1.2 Privacy

The potential privacy impacts of the revised proposal are considered below:

- East: Adjacent the site to the east on the opposite side of West Promenade is Gilbert Park, and beyond that Belgrave Street. The revised proposal is not expected to generate any privacy impacts in regards to the public's use and enjoyment of the adjacent park. In fact, the revised proposal will increase casual surveillance of the park, improving surveillance and safety.
- South: Adjacent the site to the south on the opposite side of Gilbert Street are two properties, the Grand Esplanade at 54A West Esplanade (a nine (9) storey mixed use building) and 7 – 9 Gilbert Street (a four (4) storey mixed use building). The revised proposal is not expected to result in any detrimental privacy impacts to these properties due to the distance separating the residential components of each site (50m and 20m respectively).
- West: Adjacent the site to the west on the opposite side of Eustace Street are two residential properties. One is currently under construction (with approval to construct a three (3) storey RFB) and the other, a three (3) storey redbrick walk up. The revised proposal is separated from the adjacent sites by Eustace Street, and appropriate privacy screens are proposed were necessary, the upper level terraces are also set back to reduce the potential for overlooking.
- North: The site shares a boundary with two properties to the north, 3 West Promenade (a three (3) storey RFB) and 4 Eustace Street (also a three (3) storey RFB). The revised proposal is built to the boundary at the ground floor level with minimal openings along this façade at the upper levels. Where new openings are proposed, they are setback from the shared boundary (in accordance with ADG criteria), ensuring the privacy of the adjoining properties are preserved. Landscaping and privacy screens are also incorporated into the design to further preserve the amenity of both sites.

5.1.3 Noise

Wood & Grieve Engineers have prepared an Acoustic Report (attached) which assesses the likely noise impacts from the proposed development on the potentially affected receivers of the development as well as the operational noise associated with the licensed premises.

Potential acoustic issues relating to the revised proposal have been identified as follows:

- Noise intrusion from vehicle movements on Eustace Street, Gilbert Street, West Promenade and Belgrave Street
- Noise emissions from mechanical plant within the proposed development to the surrounding receivers
- Traffic generation noise for residents on Eustace Street from increased number of vehicles entering and exiting proposed carpark
- Noise emissions from proposed licensed premises onto nearby receivers
- Noise emissions from proposed licensed premises onto residential spaces directly above within the same proposed development.

The Acoustic Report provides criteria and in-principle treatment and design requirements which aim to achieve the statutory criteria. With regards to noise criteria, the revised proposal satisfies the following noise standards:

- Maximum internal noise levels in accordance with AS/NZS 2107:2000

- Noise criteria for emissions from the proposed development to sensitive receivers in accordance with the Manly Development Control Plan 2013 and the NSW Industrial Noise Policy
- Traffic noise criteria in accordance with the NSW Road Noise Policy
- Construction noise and vibration criteria respectively.

5.1.4 Traffic

As discussed within the revised Traffic Impact Assessment prepared by Traffix, the proposed 38 residential apartments and club are expected to generate a combined total of seven (7) vehicle trips per hour during AM peak periods and 52 vehicle trips per hour during PM peak periods.

Traffic note that this represents a moderate increase in traffic generation that will be distributed onto the external road network making use of all possible access routes, with minimal impacts on the performance of the external road network.

Traffix conclude that the revised proposal is supportable on traffic planning grounds and will operate satisfactorily.

5.1.5 Building Code of Australia

The revised BCA Compliance Statement by PCA Services concludes that the revised proposal is capable of complying with the BCA.

5.1.6 Accessibility

The revised Accessibility Review by PCA Services concludes that the revised proposal has the capacity to satisfy the relevant accessibility provisions.

5.1.7 Stormwater

The revised Stormwater Management Report prepared by Vos Group Consulting Engineers concludes that the proposed stormwater management strategy will ensure that the revised proposal will not unacceptably increase peak runoff from the site during rainfall events up to the 1 in 100 year ARI event, by providing sufficient on-site absorption.

The system will be designed in accordance with the requirements of the controls and will meet the relevant legislative requirements and best practice guidelines.

From a stormwater management perspective, the site is considered to be suitable for the proposal as any impacts of the proposal on the existing water quantity and quality are capable of being ameliorated.

6.0 Conclusion

The revised proposal to construct a new six storey mixed-use development comprising a registered club at ground level and residential accommodation above with two levels of basement car parking at 2 West Promenade, Manly is reasonable and offers the following benefits:

- Compliance with the relevant provisions of SEPP 65/ADG, Manly LEP 2013 and Manly DCP 2013 with the exception of the height, active street frontages and commercial GFA within Zone B2 standards, which have all been addressed within the accompanying Clause 4.6 Reports
- Appropriate use of the heritage incentive clause in Manly LEP 2013 to support the proposed *RFB* use above a *Registered Club* given that the proposed development satisfies the conservation incentive provisions, which permits development for any purpose on land on which a heritage item is erected
- Acceptable heritage impacts as the proposal respects and improves the relationship with the existing heritage listed structure on site, whilst facilitating its conservation and activation for the benefit of the wider community
- Traffic and parking impacts of the proposal will be negligible and acceptable as a result of the development
- No unreasonable or unexpected adverse amenity impacts for surrounding properties (in terms of overshadowing, views/outlook, privacy and acoustic impacts)
- Development of an underutilised and vacant site that currently detracts from the townscape and street activation
- Compliance with Council's vision that encourages a range of uses to service the needs of the local community
- Activation of the streetscape adding character to the precinct surrounding Gilbert Park
- Appropriate club management practices that will ensure that it will not result in any detrimental amenity impacts to the adjoining properties or surrounding area
- A well-designed development that sits comfortably in the context
- Will not adversely impact on the natural, built and social environments.

In view of its merits and the absence of any significant adverse effects, the revised proposal is considered worthy of approval.

Appendix A

Clause 4.6 Exception to Development Standard Manly LEP 2013 Clause 4.3 – Height