

Construction of a new mixed-use building

2 West Promenade, Manly

Development Application

Northern Beaches Council

Prepared on behalf of Manly Civic Club

30 June 2016 | 16017

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1.0 Introduction

This Statement of Environmental Effects (**SEE**) is submitted to the Northern Beaches Council (the **Council**) on behalf of Manly Civic Club (the **landowner**), a registered club of NSW. It describes a Development Application (**DA**) relating to 2 West Promenade, Manly (the **site**).

On the 18th December 2008, Manly Independent Assessment Panel (**MIAP**) approved development consent DA/149/2008 (as modified) for the demolition of the existing club building (Manly Civic Club) and part demolition of the existing heritage listed garage (Auckland Garage) to make way for the construction of a new five (5) storey building (plus plant room level), comprising three levels of basement car parking, two levels of registered club use and commercial office space above.

Construction of the approved development however, has been hampered by difficulties securing bank funding as a result of the poor commercial viability of the project. This is a result of the cost associated with the retention of the heritage listed building, the provision of three (3) levels of basement car parking (below the water table), coupled with the limited demand for commercial office space, of this size, in this location.

At present the site is currently vacant, with the Manly Civic Club building having been demolished in 2013 and the heritage listed Auckland Garage, sitting vacant in a deteriorating state.

The proposal described in this SEE largely sees residential accommodation provided in lieu of the approved commercial office space. Providing a commercially viable option for the site, that will support the retention of the heritage listed building and fund the construction of the new Manly Civic Club.

Consistent in built form, this proposal has been designed to generally fall within and below the approved building envelope. As such, the impacts of the proposal have largely been considered by Council and determined to be acceptable.

The proposal described in this 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 45 apartments
 - Basement B1 – B2: Car parking comprising 70 car parking spaces and 24 bicycle racks
2. **Landscaping** of the site (ground floor, internal courtyard and residential apartment terraces)
3. **Use** of the ground floor as a *Registered Club*.

This SEE has been prepared by Robinson Urban Planning Pty Ltd on behalf of Manly Civic Club (the landowner).

It describes the site, its locality and the proposal. It includes an assessment of the proposal under the heads of consideration at section 79C(1) of the *Environmental Planning and Assessment Act, 1979 (EP&A Act)*.

The proposal does not constitute integrated development pursuant to Section 91 of the EP&A Act.

The *capital investment value (CIV)* of the proposal is \$22,478,559 (Quantity Surveyors Report, attached). Therefore, in accordance with Schedule 4(A)(3) of the EPA Act, the DA is to be determined by the Joint Regional Planning Panel (**JRPP**) (*General development over \$20,000,000*).

This 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 Manly Local Environmental Plan 2013 (**Manly LEP 2013**) Clause 4.3 - Height

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

- Quantity Surveyors Report prepared by Napier and Blakely (17.6.16)
- Site Survey prepared by Hill & Hume Consulting Surveyors (6.8.07)
- Architectural Plans prepared by Mijollo International (30.5.16)
- Landscape Plans prepared by Taylor Brammer Landscape Architects (9.6.16)
- SEPP 65 Design Report prepared by Mijollo International (20.6.16)
- Apartment Design Code Compliance Table prepared by Mijollo International (20.6.16)
- Statement of Heritage Impact prepared by NBRS and Partners (1.6.16)
- Traffic and Parking Assessment Report prepared by Traffix (14.6.16)
- Contamination Report prepared by SESL Australia (1.6.16)
- Acid Sulphate Soils prepared by SESL Australia (1.6.16)
- BASIX Certificate No. 729217m (23.6.16)
- Building Code of Australia Compliance Report prepared by PCA Services (16.6.16)
- Access Report prepared by PCA Services (27.6.16)
- Stormwater Plans prepared by Vos Group Consulting Engineers (24.6.16)
- Waste Management Plan (Manly Civic Club & Residential) prepared by Hospitality Solutions and Mijollo International (14.6.16)
- Electrical Services Report prepared by Vos Group Consulting Engineers (14.6.16)
- Geotechnical Report prepared by JK Consultants (24.5.16)
- Security Management Plan prepared by Manly Civic Club (14.6.16)
- Acoustic Report prepared by the Acoustic Group (28.4.08)

2.0 Site Location and Description

The key characteristics of the site are summarised below:

Location	<p>The site is regular in shape with three street frontages, West Promenade to the east, Gilbert Street to the south and Eustace Street to the west.</p> <p>Gilbert Park is located adjacent the site to the east, with Manly Town Centre beyond that. Manly Wharf is located approximately 125m to the south of the site (as shown at Figure 1 and 2).</p>
Legal description	Lot 1 DP 859455 (see Site Survey Plan, attached).
Site area	1,562m ²
Zoning	Zone B2 – Local Centre under Manly Local Environmental Plan 2013 (Manly LEP 2013) (see Zone Map, Figure 11 , Section 5.1.6)
Frontages	<p>The site has the following street frontages:</p> <ul style="list-style-type: none"> • West Promenade (33.35m) (east) • Gilbert Street (43.98m) (south) • Eustace Street (24.59m) (west)
Heritage	<p>The site accommodates the following local heritage item pursuant to Manly LEP 2013 (see Heritage Map, Figure 14, Section 5.1.6):</p> <ul style="list-style-type: none"> • Auckland Garage (former service station): Gilbert Street (corner of West Promenade and Gilbert street, opposite Gilbert Park) (I156) <p>The site is located in the vicinity of the following local heritage items:</p> <ul style="list-style-type: none"> • Residential Flat Buildings - 3,5,6,7 and 8 West Promenade (I252) • Uniting Church – 4 West Promenade (I253) • Gilbert Park – Bounded by Gilbert Street, Sydney Road, Belgrave Street and West Promenade (I157). <p>NBRS and Partners have prepared a Statement of Heritage Impact (SoHI), which accompanies this report.</p>
Topography	The site is generally flat, with a slight fall towards the corner of Gilbert and Eustace Street to the south west.
Vegetation	The site is clear of vegetation
Existing improvements	<p>A part three (3), part four (4) storey, masonry building with flat roof previously occupied the northern portion of the site known as the Manly Civic Club (Figure 5).</p> <p>The building was orientated towards West Promenade with views across Gilbert Park to the east and vehicular access via Eustace Street to the west. The Manly Civic Club accommodated a total of twenty-seven (27) car parking spaces, twelve (12) spaces beneath the existing building and fifteen (15) in an open parking area behind the Auckland Garage.</p>

The Manly Civic Club and its associated structures were demolished in 2013 as part of the approved development (DA/149/2008).

A single storey brick building with white stucco walls and gabled tiled roof (in the interwar Spanish Mission-style), dating from the 1930s, occupies the south-east corner of the site (fronting Gilbert Street and West Promenade). The building was originally used as a service station known as the Auckland Garage, which was later converted into a retail shop.

Since 2013, the garage has been vacant (**Figure 3**).

Development
consents (relevant to
the proposal)

Auckland Garage

DA/122/2002

A DA for the demolition of the existing heritage listed garage “Auckland Garage” was refused by Council in December 2002 for the following reasons:

1. The building is an Item of Environmental Heritage in the Manly Local Environmental Plan 1988 (**Manly LEP 1988**) and is worthy of preservation
2. The proposal does not meet the objectives of the Business Zone of Manly LEP 1988
3. The proposal is contrary to Clause 3 Aims and Objectives – (1)(g) and (h), Clause 4, Policies and Strategies – (f)(i), Clauses 18 and 19, of Manly LEP 1988
4. The demolition will result in the loss of a local and State significant Item, pursuant to Clause 18 of the Manly LEP 1988.

The applicant appealed the determination to the Land and Environment Court (**Court**). The Court dismissed the appeal on 16 December 2003. The key reasons in the judgment are summarised as follows:

- It would be possible to adapt the building in such a way that there would be little difficulty in interpreting it as a former service station
- The building is reasonably well preserved and in all circumstances is in relatively good condition. The building is not in such a state of disrepair that demolition is necessary
- The removal of the Auckland Garage would have an adverse impact on the heritage significance of the precinct.

DA/117/2006

A DA for the change of use of the Auckland Garage to office and showroom for surfing clothes, footwear and accessories was approved by Council on the 5 July 2006.

Manly Civic Club

BA/61/1997

A Building Application (**BA**) for alterations and additions to the Manly Civic Club was approved by Council on 20 May 1997.

DA/48/1996

A DA for the extension and refurbishment of the Manly Civic Club was approved by Council on 29 April 1996.

DA/149/2008 (as modified)

On the 18th December 2008, MIAP granted a deferred commencement consent for the demolition of the existing club building and part demolition of the existing garage for the construction of a five storey building (plus plant room level) with three levels of basement car parking to be used as the Manly Civic Club and commercial office space. The consent has been activated with physical commencement works taking place on site.

A detailed description of the current approval is provided at Section 3.1

Surrounding
development

- North* To the north of the site are two properties known as 3 West Promenade, facing east and No 4 Eustace Street, facing west. 3 West Promenade accommodates a three (3) storey brick residential flat building (**RFB**) with tile roof and open parking area at the rear and is an item of environmental heritage. 4 Eustace Street accommodates a three (3) storey brick RFB with tile roof.
- South* To the south of the site on the opposite side of Gilbert Street are two properties. A large nine (9) storey, mixed use building, known as the Grand Esplanade (54A West Esplanade), with the ground level consisting of retail with frontages facing Belgrave Street to the east and West Esplanade to the south. Public and private car parking is also provided, accessed from Gilbert Street. The upper levels of the development consist of residential units with a raised communal open space area. 7 – 9 Gilbert Street is located on the corner of Gilbert Street and Eustace Street. A four (4) storey mixed use building with commercial offices located on the ground floor and residential units located above.
- East* To the east of the site is Gilbert Park, with Manly Bus Interchange along its eastern boundary, and on the opposite side of Belgrave Street Manly Town Centre.
- West* To the west of the site on the opposite side of Eustace Street is 3 Eustace Street, which has development approval to construct a new three (3) storey RFB (currently under construction).

Photographs of the site and surrounding area follow at **Figures 3 and 4**.



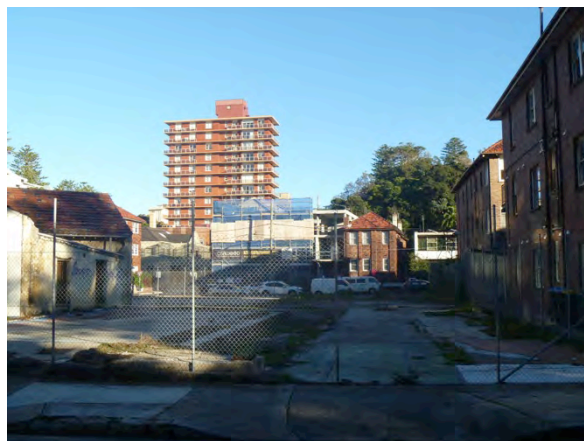
Figure 1 – Site Location Plan – 2 West Promenade, Manly



Figure 2 – Aerial view of the site – 2 West Promenade, Manly



(a) The Site: Auckland Garage (corner of Gilbert Street and West Promenade)



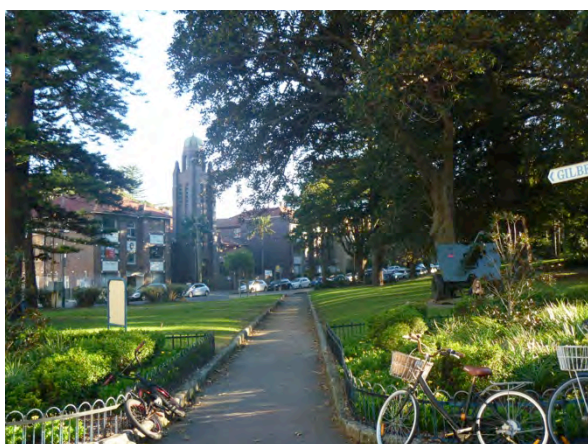
(b) The Site: West Promenade (looking west, location of club building recently demolished)



(c) The Site: Vacant site with Auckland Garage (Eustace Street looking east)



(d) The Site: West Promenade (Looking northwest towards adjoining RFBs)



(e) Gilbert Park with Uniting Church in distance



(f) Bus Interchange Belgrave Street (eastern edge of Gilbert Park)

Figure 3 – Photographs of the site and surrounding area



(a) The Grand Esplanade (adjacent the site to the south)



(b) 7 – 9 Gilbert Street (adjacent the site to the south)



(c) 3 West Promenade (adjacent the site to the north)



(d) 4 West Promenade (Uniting Church)



(e) 4 Eustace Street (adjacent the site to the north)



(f) 3 and 5 Eustace Street (adjacent the site to the west)

Figure 4 – Photographs of the surrounding area

3.0 Background to the proposal

3.1 Current approval

DA/149/2008 (as modified)

On the 18th December 2008, MIAP granted deferred commencement consent for the demolition of the existing club building and part demolition of the existing garage to facilitate the construction of a five (5) storey building (plus plant room level) with three (3) levels of basement car parking to be used as the Manly Civic Club and commercial office space (Figure 5 and 6).

A summary of the approved development is detailed in Table 1 below.

Table 1 – Approved development summary (DA/149/2008)

	Approved
Site area	1,562m ²
Height (max)	
• Building height	22.4m (18.5m wall height)
• Storeys	6 storeys (5 storey + plant room level), and 3 basement levels
• RL	RL 26.65
Gross Floor Area (GFA)	4,420m ²
Floor Space Ratio (FSR)	2.83:1
Setbacks	
• West Promenade (east)	Nil boundary setback
• Gilbert Street (south)	Nil boundary setback
• Eustace Street (west)	Nil boundary setback
• Side boundary (north)	Nil boundary setback
Manly Civic Club GFA	1,225m ² (approximate)
Commercial Office GFA	3,195m ² (approximate)
Number of car spaces	92

The consent has been activated with physical commencement works taking place on site.



Figure 5 – Manly Civic Club building - West Promenade and Eustace Street frontage (*demolished in 2013*)



Figure 6 – Perspective of the approved development (DA/149/2008)

3.2 Project need

A recent market analysis of the approved development (DA/149/2008) was undertaken. The findings determined that the development is financially unviable given the cost associated with the retention of the heritage listed item, providing three levels of basement car parking (below the water table) 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 proposal, which largely sees residential accommodation provided in lieu of the approved commercial office space, facilitates a commercially viable option for the site, ensuring the retention and preservation of the heritage listed building.

By providing market tested, high quality residential accommodation in a variety of housing types (1, 2 and 3 bedroom) the proposal addresses the current housing shortage in the area, whilst also facilitating the preservation of the heritage listed building (Auckland Garage). 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.

3.3 Consultation

In designing the proposal, Manly Civic Club and its consultant team have consulted the following stakeholders:

- Northern Beaches Council (formerly known as Manly Council):
 - Jean Hay, Interim Council Member of the Northern Beaches Council (former Mayor of Manly Council)
 - Stephen Clements, Deputy General Manager of the Northern Beaches Council (former Deputy General Manager of Land use and Sustainability, Manly Council)
 - Philippa Frecklington, Manager Land Use Assessments, Northern Beaches Council (former Manly Council)
- Local residents
- Manly Civic Club patrons
- Relevant utilities providers.

During design development, a number of meetings were held with Council including a pre-DA meeting with Council on 3 December 2015 and follow up meeting on 21 March 2016. During these meetings the following matters were discussed:

- Manly LEP 2013 “Active Street Frontage”, “Commercial Floor Space” and “Building Height” requirements
- Understanding the above in the context of the approved development and the amended proposals reduced FSR and building height, and the imperative to proceed with a commercially viable development to ensure the conservation and restoration of the heritage listed Auckland Garage
- Application of the Heritage Incentive Provisions in Manly LEP 2013, to facilitate the proposed residential accommodation
- Confirmation of proposed parking and access arrangements

- Confirmation of the credit for Section 94 Contributions payments already made by Manly Civic Club.

During these discussions, Council generally supported the proposal in the context of the existing approved development. The use of the Heritage Incentive Provisions to facilitate the proposed residential accommodation was also confirmed as a suitable approval pathway for the scheme, given the nature of the use and compatibility with the surrounding area.

4.0 Description of Proposal

4.1 Overview

As shown on the Architectural Plans and Photomontages (attached), the 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 the Manly Civic Club (which is located on West Promenade) and Residential Apartments (off West Promenade and Eustace Street)
 - 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 45 apartments):
 - Level 1: Eleven (11) apartments (comprising six (6) x 1-bed and five (5) x 2-bed)
 - Level 2: Eleven (11) apartments (comprising six (6) x 1-bed and five (5) x 2-bed)
 - Level 3: Eleven (11) apartments (comprising seven (7) x 1-bed and four (4) x 2-bed)
 - Level 4: Eight (8) apartments (comprising one (1) x 1-bed, six (6) x 2-bed and one (1) x 3-bed)
 - Level 5: Four (4) apartments (comprising four (4) x 3-bed)
 - Basement (Car Parking and Services – total of 70 car parking spaces and 24 bicycle racks):
 - Street Level: Six (6) bicycle racks
 - B1: Twenty five (25) club and visitor parking spaces plus fourteen (14) bicycle racks
 - B2: Forty five (45) residential car parks (including three (3) visitor car spaces) and four (4) bicycle racks
2. **Landscaping** of the site (ground floor, internal courtyard and residential terraces).
3. **Use** of the ground floor as a *Registered Club* as follows:
 - Operating hours of:
 - 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

Table 2 below details the proposal development summary (and compares it with the approved development).

Table 2 – Proposed development summary (compared with approved development)

	Proposed	Approved development (DA/149/2008)
Site area	1,562m ²	1,562m ²
Height (max)		
• Building height ¹ (Manly LEP 2013)	21.4m	22.4m (18.5m wall height)
• Storeys	6 storeys (+2 basement)	6 storeys (+3 basement)
• RL	RL 25.65 (lift over run)	RL 26.65
Gross Floor Area (GFA)	4,567.5m ²	4,420m ²
Floor Space Ratio (FSR)	2.92:1	2.83:1
Setbacks		
• Auckland Garage	No change	
• West Promenade (east)	2.7m	Nil boundary setback
• Gilbert Street (south)	Nil boundary setback to Level 4	Nil boundary setback
• Eustace Street (west)	Nil boundary setback to Level 4	Nil boundary setback
• Side boundary (north)	Nil boundary setback to Level 5	Nil boundary setback
Deep soil	47m ² (3%)	
Number of car spaces (total)	70	92
• Manly Civic Club and visitors	25 car spaces	
• Residential	45 car spaces	
• Bicycle racks	24	
Number of apartments (total)	45	
• 1 bedroom	20 (44.5%)	
• 2 bedroom	20 (44.5%)	
• 3 bedroom	5 (11%)	
Manly Civic Club GFA	765m ²	1,225m ² (approximate)

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.

4.2 Height

The site has an existing (commenced) development consent, which provides for the construction of a five storey building (plus plant room level) reaching a maximum height of 22.4m (RL 26.65).

The proposal reduces the maximum height on site by 1m, with a maximum height of 21.4m (RL 25.65) measured from *ground level (existing)* to the top of the lift overrun (refer to Architectural Plans, attached separately).

4.3 GFA and FSR

As calculated by Mijollo International Architects (attached), the proposed GFA is 4,567.5m², (using the definition contained in Manly LEP 2013), which results in a FSR of 2.92:1.

4.4 Apartment layout and configuration

The proposal comprises a mixture of one, two and three bedroom apartments. **Table 3** outlines the internal and external sizes of the proposed apartments as well as allocated storage spaces.

Table 3 – Size of the proposed apartments

Apartment Type	Number	Internal size (m ²)	Private open space (m ²)	Storage (m ³)
1 bedroom	20	50-55	8-14	6
2 bedroom	20	71-95	10-20	8
3 bedroom	5	100-109	25-70	10
Total	45			

4.5 Building design

As illustrated on the attached Architectural Plans and Photomontage (**Figure 7**), the proposal will have a contemporary design. Presenting 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 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 building also ensures 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 significant finishes of the Auckland Garage and the buildings along West Promenade and Eustace Street.

The proposed is respectful of the existing form and scale along West Promenade 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. The additional height is appropriate for the site, as it does not result in any unreasonable impacts on the amenity enjoyed by the surrounding residential properties.

The proposal is also entirely consistent in bulk and scale with the approved development on the site (DA/149/2008). With the current scheme actually reducing its maximum height, increasing its upper level setbacks and improving its relationship with the heritage listed buildings on site and in the surrounding area.



Figure 7 – Photomontage of proposed development – West Promenade

4.6 Access, car parking and loading

4.6.1 Access

The proposal provides separate pedestrian entries for the club and residential development. The Manly Civic Club will be accessed via the pedestrian entry off West Promenade and the residential apartments via West Promenade or Eustace Street.

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.

4.6.2 Car parking

The proposal provides for a total of seventy (70) car parking spaces across two basement levels as follows:

- Level B1: 25 club and visitor car parking spaces
- Level B2: 45 residential car parking spaces (including three (3) visitor spaces)

As the building will be stratum subdivided, the club will own and control the Ground Floor Level and Level B1, car spaces located on level B1 will therefore be allocated to the club (25 in total)

The residential parking will be located on Level B2, with 4) spaces allocated to residents and three (3) spaces for visitors (45 in total).

The development provides five (5) adaptable parking spaces for the five (5) 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.

4.6.3 Bicycle parking

The proposal includes the provision of 24 bicycle racks, six (6) at the street level, 14 within basement Level B1 and four (4) 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.

4.6.4 Loading

A separate loading dock is to be provided on site, accessed via a vehicle crossing off Gilbert Street. All of the site's servicing and garbage collection activities will take place via the loading dock, which is of adequate size to accommodate a 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.

4.7 Landscaping

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

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

Landscaping is also configured to maximise privacy between the residential apartments.

4.8 Demolition

As part of the approved development, 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.

4.9 Excavation

The proposal reduces the number of basement levels in comparison to the approved development. To service the residential development and club (in accordance with Council controls), only two levels of basement car parking is required, compared to the previously required three levels. As such, excavation and groundwork of the site has been significantly reduced.

The lowest basement level will require excavation to depths ranging from 5 metres 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 (as per previous approval).

The geotechnical and hydrological conditions of the site are discussed in Section 5.2.12 below and contained within the Geotechnical Report attached.

4.10 Waste management

A Waste Management Plan (**WMP**) has been prepared in accordance with Council's requirements (attached under separate cover). 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.

4.11 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 however, a Plan of Management has been prepared (attached).

4.11.1 Hours of operation

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

- 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

4.11.2 Access, deliveries and parking

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

The proposed loading dock accessed from Gilbert Street can accommodate a large rigid truck, adequately accommodating the type of vehicles that will service the club

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

A total of twenty (25) car parking spaces and twelve (12) bicycle racks are provided within the basement (Level B1) which is accessed off Eustace Street, to service patrons.

4.11.3 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.

4.11.4 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.

4.11.5 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.

4.12 Signage

No signage is proposed as part of this DA.

4.13 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.

In order to receive two Occupation Certificates (**OC**), two Construction Certificates (**CC**) will be required.

The conditions within the development consent will need reflect this.

4.14 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 of the Ground Floor Level including the single lift and Level B1 basement car park and another stratum for the residential component, comprising Levels 1 – 5, the two (2) lifts and Level B2 basement car park.

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

5.0 Statement of Environmental Effects

5.1 S.79C(1)(a) Statutory considerations

The following environmental planning instruments (EPI) and development control plans (DCP) are relevant to the proposal:

- SEPPs
 - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (**SREP Sydney Harbour Catchment**) (gazetted 28 September 2005) (deemed SEPP)
 - State Environmental Planning Policy No. 55 – Remediation of Land (**SEPP 55**) (gazetted 28 August 1998)
 - State Environmental Planning Policy (Infrastructure) 2007 (**Infrastructure SEPP**) (gazetted 21 December 2007)
 - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (**SEPP BASIX**) (gazetted 25 June 2004)
 - State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (**SEPP 65**) (gazetted 26 July 2002)
- LEP
 - Manly Local Environmental Plan 2013 (**Manly LEP 2013**) (gazetted 19 April 2013)
- DCP
 - Manly Development Control Plan 2013 (**Manly DCP 2013**) (effective 19 April 2013)
 - Manly Section 94 Development Contribution Plan 2004 (**Contributions Plan 2004**) (adopted 11 April 2005)

An assessment of compliance with these plans follows.

5.1.1 SREP Sydney Harbour Catchment

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the SREP.

The site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.

The proposal is therefore consistent with the controls contained within the deemed SEPP.

5.1.2 SEPP 55 - Remediation of Land

Given the long term use of the southern corner of the site as a service station there is the potential that the site has some level of contamination. A Preliminary Site Investigation (PSI) was submitted as part of DA/117/2006 (approved 5 July 2006) which sought consent to change the use of the Auckland Garage to office and showroom. The conclusions of the PSI are summarised as follows:

- The site is suitable for continued commercial use
- Should material be excavated from the site as part of redevelopment, the layer of fill materials should be assessed against the relevant NSW EPA guidelines to determine disposal options
- Upon redevelopment the underground fuel tanks and fuel system should be removed and disposed off site and excavations validated as per the relevant NSW EPA guideline

- Should dewatering of the site be required as part of any development, an assessment of groundwater conditions is warranted to determine disposal options.

As part of that approval, Council imposed a condition of consent with regard to the removal of the underground fuel tanks as follows:

ANS04 The underground fuel tank and fuel system must be removed and disposed off site to an approved facility and excavations validated as per the NSW EPA (1994) Guidelines for Assessing Service Station Sites.

The fuel tanks and associated system were subsequently removed as part of compliance with this development consent.

No additional site investigation information was submitted as part of DA/149/2008, which approved a five storey building (plus plant room level), with three levels of basement car parking to be used as the Manly Civic Club and commercial office space across the wider site.

To ensure that the proposal the subject of this DA satisfies the provisions of clause 7(1)(A) of SEPP 55, a PSI for the whole site was recently carried out and its findings detailed within the accompany report prepared by SESL Australia (attached).

Based on the findings of this site investigation, SESL concludes that the site can be made suitable for the proposed redevelopment, subject to the following:

- A remedial action plan be developed for the management of contaminated fill material and asbestos containing materials on the surface. Further controls on groundwater will be determined following the results of the low flow sampling event. It is possible this remediation can be conducted during future development of the site, and SESL do not consider it necessary to have remediation completed prior to redevelopment.

5.1.3 Infrastructure SEPP

The Infrastructure SEPP is a detailed policy that addresses a multitude of approval and referral processes for development. The following matters are relevant to the proposal:

- **Development with a frontage to a classified road** (cl 101): The nearest state classified road is Sydney Road, which adjoins West Promenade approximately 120m to the north. Therefore, the site does not have a frontage to a classified road.
- **Traffic-generating development** (cl. 104): As the proposal contains 45 dwellings, and the site does not front a classified road or is it located within 90m of a classified road connection, the DA is not of a size to be considered traffic generating development.

5.1.4 SEPP (BASIX)

The proposal is identified under the *Environmental Planning and Assessment Regulation 2000* (EPA Reg) as a BASIX affected building. As such, a BASIX Certificate has been prepared (attached). An appropriate condition should be imposed on the consent requiring compliance with the BASIX commitments.

5.1.5 SEPP 65

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.

Compliance with the applicable Design Criteria contained within the Apartment Design Guide (ADG) is provided (attached). 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.

Solar Access

The proposal mostly 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 31 of the 45 apartments (69%) between 9.00am and 3.00pm during mid-winter.

The shortfall of one apartment to achieve 70% compliance is considered reasonable in this instance, as the development site is south facing.

Communal Open Space

The proposed residential apartments are located above a club use, which is to occupy the entire ground floor (in accordance with Council controls). As such, opportunities to provide communal open space are limited.

The departure from the guideline is considered reasonable in this instance, given the sites proximity to open space and public recreational areas. The site is located directly adjacent Gilbert Park and is also in close proximity to Manly Cove. The residents will also be able to utilise the sites club facilities. Residents of the site will therefore have easy access to range of open space and recreational activities to meet their day-to-day needs.

Deep Soil

The site is clear of vegetation and completely built upon.

As stated above, a commercial use, will occupy the entire ground floor (in accordance with Council controls), activating the street frontage.

Consistent with the previous approval small deep soil zones are provided where possible around the heritage listed building.

Given the sites current condition (with limitted deep soil provided), consistency with the current approval and proposed ground floor commercial use. The departure from the deep soil requirement is considered reasonable in this case.

Design Verification

A Design Verification statement has been provided with the application detailing compliance with the nine design quality principles and in satisfaction of Clause 50 of the EP&A Act.

Furthermore, Clause 6A of the SEPP states that DCPs cannot be inconsistent with the ADG in relation to:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

In addition, Clause 30(1) of the SEPP states that a DA cannot be refused if it complies with the prescribed criteria of the ADG in relation to ceiling heights, parking and internal apartment sizes of which the proposal is fully compliant.

5.1.6 Manly LEP 2013

As set out in **Table 4**, the proposal is consistent with Manly LEP 2013. The following key (relevant) provisions apply to the site.

- **Zoning/Permissibility (Figure 11)** – The site is Zoned B2 – Local Centre, the following land uses are permitted with consent:

Manly Civic Club

– *Registered clubs*²

The use and operation of the ground floor level of the building as a *Registered Club*, is permitted with consent in the zone.

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 the building as a *Registered Club* however, falls outside the general land use group term *Commercial Premises*. As such the residential accommodation proposed above the Manly Civic Club is not permissible within the zone.

However, in accordance with cl. 5.10(10) of Manly LEP 2013 the proposed residential accommodation is permissible with consent in the zone under the Heritage Incentive Provisions.

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,
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,

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 Conservation Incentives Clause

Objectives of the zone

Whilst the residential accommodation located above the registered club is not permissible under cl. 2.3 of Manly LEP 2013, the proposed land uses are in keeping with the character of the area and are also entirely consistent with the zones 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 – The 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 the 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 sites close proximity to the Manly Bus Interchange and Wharf, the day-to-day operation of the Manly Civic Club, will create employment opportunities in a highly accessible location.

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

Response – The Manly Civic Club will adopt a house policy of encouraging patrons to utilise public transport given the sites close proximity to such services. In addition, residents will be able to take advantage of local bicycle paths as a result of the twenty four (24) 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 report, the new Manly Civic Club will not have a detrimental impact on 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. A Plan of Management will also be adopted by the club, ensuring the premise is managed responsibly.

- **Heritage (Figure 14)** - 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 SoHI prepared by NBRS and Partners (attached), the proposed residential accommodation satisfies the conservation incentive provisions, and is therefore permissible 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 current scheme (DA 149/2008) which approved 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 – As part of the previous approval for the site Council imposed various conditions of consent relating to the preservation and adaption of the heritage item. These conditions have been satisfied as a result of works commencing on site. The proposal the subject of this application will be carried out in accordance with the updated SoHI (submitted under separate cover) 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 – Consistent with the previous development approval, all works detailed within the approved SoHI have been undertaken. In accordance with any future approvals, all necessary conservation works will be carried out.

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

Response - As shown on the accompanying architectural plans and consistent with the previous approval, the proposal provides an appropriate curtilage around the Auckland Garage by retaining the ridgeline of the garage and the side elevations. The setback ensures 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 building ensures the garage retains the significant features to allow for its historical interpretation as a service station.

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

Response - The majority of 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 8**, below.

The proposed residential accommodation 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 residential accommodation.

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.

Consultation with Council

The reliance on cl .5.10(10) to permit the residential component of the development was discussed with Council during the pre-DA meeting held on 3 December 2015.

During that meeting Council confirmed that the Heritage Incentive Provision could be used to facilitate the residential land use on the site, given the nature of the proposed use and compatibility with the surrounding area.

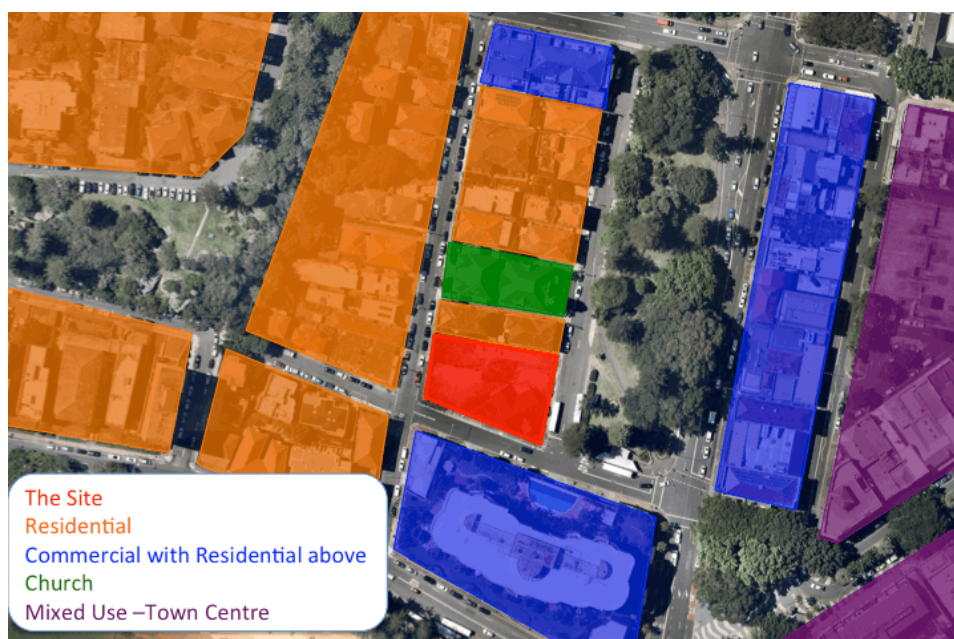


Figure 8 – Land use type in the surrounding area

- **Building height standard (Figure 12)** –The site is subject to a (commenced) development consent (DA/149/2008) which permits the construction of a five (5) storey building (plus plant room level) reaching a maximum height of 22.4m (RL 26.65).

The proposal reduces the maximum height on site by 1m, with a maximum height of 21.4m (RL 25.65) measured from *ground level (existing)* to the top of the lift overrun proposed (as shown at **Figure 9** and **10** below).

As the site is subject to a 15m height standard, a Clause 4.6 Request to vary the building height development standard has been prepared (**Appendix A**).

- **FSR standard (Figure 13)** - 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.
- **Active street frontages (Figure 15)** – West Promenade and Gilbert Street are identified as Active Street frontages. Consistent with the provisions, the proposed ground floor use of the site as a *Registered Club* will activate the site at street level. The clubs main entry is proposed off West Promenade and a dining area with outdoor terrace on the corner of West Promenade and Gilbert Street is proposed, consistent with the provisions.
- **GFA in Zone B2** - 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*. In accordance with this clause however, the registered club is permitted with consent in the zone, and provides a long-standing community use in a suitable location and therefore satisfies the intent of the clause.

The Manly Club will occupy the entire ground floor of the building (except for building services and vehicle and pedestrian entries) which equates to approximately 17% 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. As such the minor short fall in the numerical provision of commercial GFA is considered reasonable in this case.

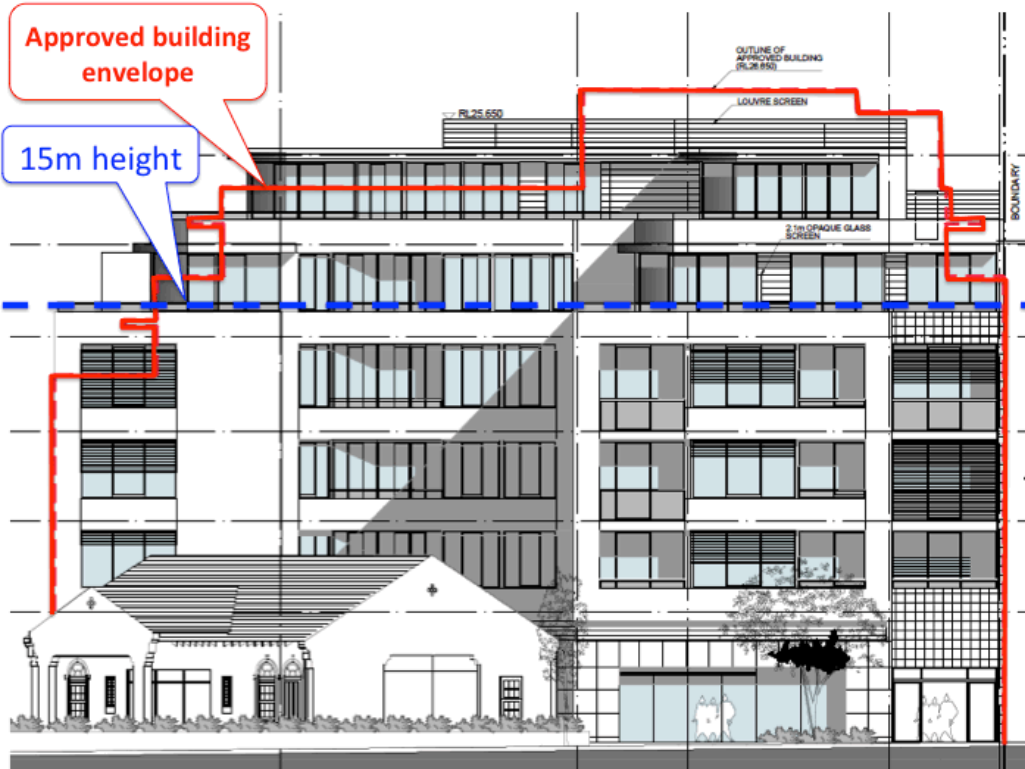


Figure 9 – West Promenade Elevation – approved building envelope shown in red



Figure 10 – Gilbert Street elevation – approved building envelope shown in red

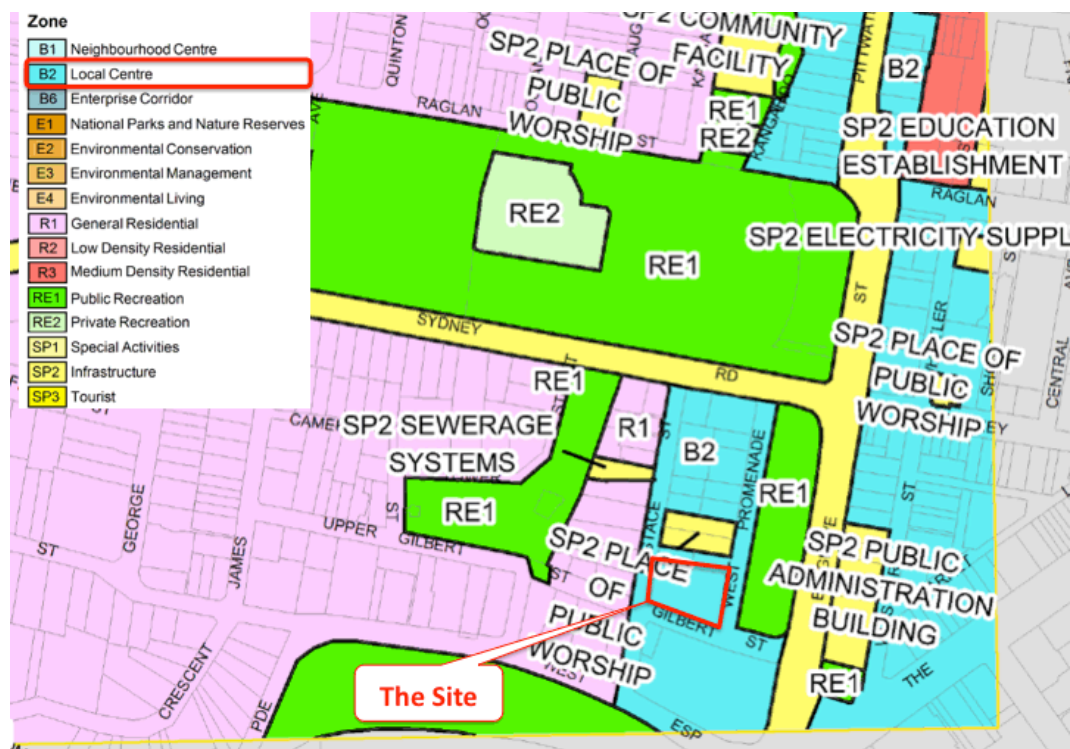


Figure 11 – Extract of Manly LEP 2013 – Zoning Map



Figure 12 – Extract of Manly LEP 2013 – Height Map



Figure 13 – Extract of Manly LEP 2013 – Floor Space Ratio Map



Figure 14 – Extract of Manly LEP 2013 – Heritage Map

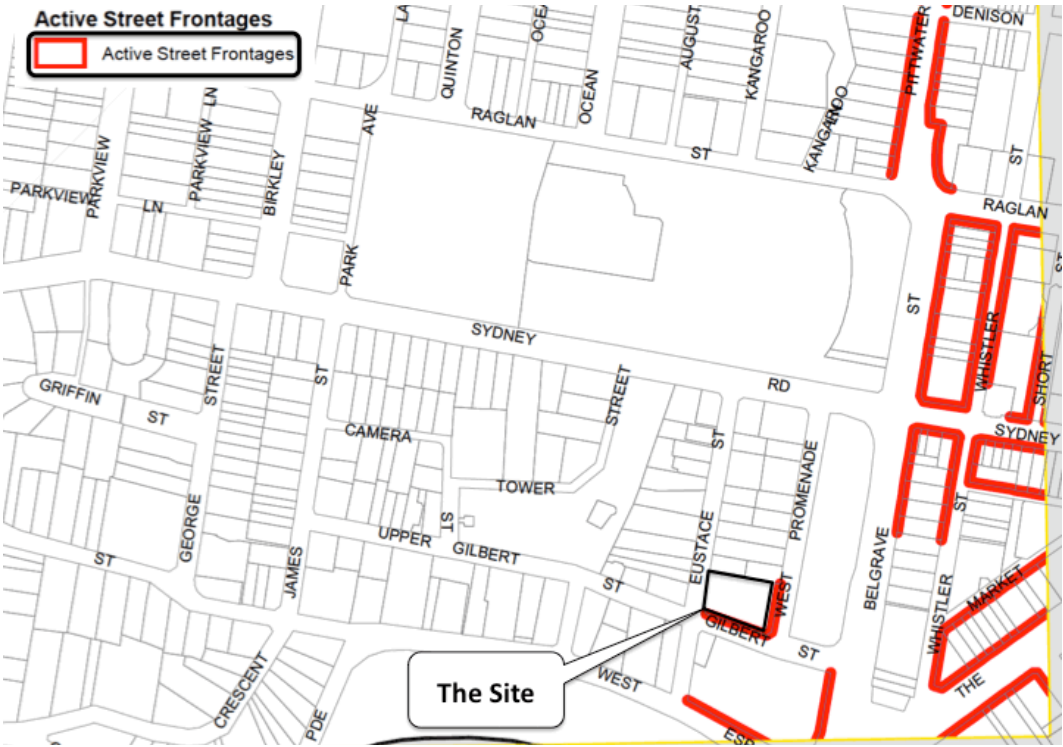


Figure 15 – Extract of Manly LEP 2013 – Active Street Frontage Map

Table 4 – Compliance with the relevant provisions of Manly LEP 2013

Manly LEP 2013	Control	Proposal/compliance
Zones objectives and land use table (cl. 2.2 - 2.3(2))	<p>The site is zoned B2 – Local Centre</p> <p>Objectives of zone</p> <ul style="list-style-type: none"> 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. To encourage employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling. 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 <p>Permitted with consent</p> <p><i>Amusement centres; Boarding houses; Boat sheds; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recycling facilities; Water supply systems</i></p> <p>Prohibited</p> <p><i>Any other development not specified in item 2 or 3</i></p>	<p>✓ Consistent with the Zone B2 objectives:</p> <ul style="list-style-type: none"> The proposed ground floor use of the site as the Manly Civic Club will 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. The Manly Civic Club will adopt a house policy of encouraging patrons to utilise public transport given the sites close proximity to such services. In addition, residents will be able to take advantage of local bicycle paths as a result of the 24 secure bicycle racks provided onsite and public transport options in the immediate area. Given the sites close proximity to the Manly Bus Interchange and Wharf, the day-to-day operation of the Manly Civic Club, will create employment opportunities in a highly accessible location. <p>x/✓ Refer to Section 5.1.6 above</p> <p><u>Manly Civic Club</u></p> <ul style="list-style-type: none"> <i>Registered Clubs</i> are permitted with consent <p><u>Residential accommodation</u></p> <ul style="list-style-type: none"> <i>Shop Top Housing</i> is permitted with consent. However, a <i>Registered Club</i>, does not form part of the general land use group term <i>Commercial Premises</i>. As such the proposed residential accommodation is to rely on the Heritage Incentive Provisions contained in cl 5.10(10). The proposals compliance with these provisions is addressed in Section 5.1.6 above.
Height of buildings (cl. 4.3)	Maximum height standard of 15m	<p>✗ The proposal has a maximum height of 21.4m (25.65 RL)</p> <ul style="list-style-type: none"> The site has an existing (commenced) development consent (DA/149/2008), which permits the construction of a five (5) storey building (plus plant room level) reaching a maximum height of 22.4m (RL 26.65). The proposed development, the subject of this DA reduces the maximum height on site by 1000mm A Clause 4.6 Request to Vary the Building Height Development Standard has been prepared (Appendix A).
Floor space ratio (cl. 4.4)	Maximum FSR of 3.0:1	✓ 2.92:1 FSR proposed.

Manly LEP 2013 Control	Proposal/compliance
Exception to development standards (cl. 4.6)	✓ See Clause 4.6 Request to Vary a Standard – Height (Appendix A).
Heritage Conservation (cl. 5.10)	✓ As detailed within the SoHI attached, the proposal will conserve the significance of the heritage item located on site as well as the heritage items in the vicinity. No known archaeological sites or items of Aboriginal significance are located on site.
Objectives <ul style="list-style-type: none"> To conserve the environmental heritage of Manly, To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, To conserve archaeological sites, To conserve Aboriginal objects and Aboriginal places of heritage significance. 	
Heritage Incentive Provisions The consent authority may grant consent for any purpose of a building that is a heritage item or of the land on which such a building is erected, if the consent authority is satisfied that: <ul style="list-style-type: none"> The conservation of the heritage item is facilitated The proposed development is in accordance with a heritage management document The consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out The proposed development would not adversely affect the heritage significance of the heritage item, including its setting The proposed development would not have any significant adverse effect on the amenity of the surrounding area. 	✓ The proposed residential accommodation is to rely on the Heritage Incentive Provisions contained in cl 5.10(10). The proposals compliance with these provisions is addressed in Section 5.1.6 above.
Acid sulfate (cl. 6.1)	✓ SESL Australia tested the soil conditions and found that the site can be made suitable for the proposal (attached).
The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Class 4: <ul style="list-style-type: none"> Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. 	
Earthworks (cl. 6.2)	✓ A detailed Construction Management Plan will be prepared prior to the issuing of the Construction Certificate, setting out measures to minimise the impacts of construction (including earthworks).
Foreshore scenic protection area (cl. 6.9)	✓ Consistent with the foreshore provisions, the proposal: <ul style="list-style-type: none"> Does not overshadow the foreshore Does not obscure any views of the foreshore from surrounding properties or public spaces Has a contemporary design that will discreetly enhance the scenic qualities of the foreshore.
Active street frontages	✓ Refer to Section 5.1.6 above.
<ul style="list-style-type: none"> Development consent must not be granted to the erection of a building, unless the consent authority is satisfied that the 	

Manly LEP 2013	Control	Proposal/compliance
(cl. 6.11)	<p>building will have an active street frontage</p> <ul style="list-style-type: none"> A building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises. 	
Design excellence (cl. 6.13)	<p>The consent authority must give consideration to whether the development:</p> <ul style="list-style-type: none"> Contains buildings that consist of a form, bulk, massing and modulation that are likely to overshadow public open spaces. Is likely to protect and enhance the streetscape. Is sympathetic to its setting, including neighbouring sites and existing or proposed buildings. Protects and enhances the natural topography and vegetation including trees, escarpments or other significant natural features. Promotes vistas from public places to prominent natural and built landmarks. Uses high standards of architectural design, materials and detailing appropriate to the building type and location. 	<p>✓ The proposal is consistent with the design excellence provisions:</p> <ul style="list-style-type: none"> Views towards the garage are preserved The proposal uses materials and finishes that are sympathetic to existing heritage structures on site Mijollo International Architects have prepared a Design Statement (attached) NBRS and Partners prepared a SoHI (attached), which found the proposal to have an acceptable impact on the heritage items located on site.
Gross Floor Area in Zone B2 (cl. 6.16)	<ul style="list-style-type: none"> Development consent must not be granted to the erection of a building on land in Zone B2 Local Centre unless the consent authority is satisfied that at least 25% of the gross floor area of the building will be used as commercial premises. Development consent must not be granted for development on land to which this clause applies if the gross floor area of any retail premises on the land would exceed 1,000 square metres. 	<p>x/v Refer to Section 5.1.6 above</p>
Noise Impacts – Licensed premises (cl. 6.21)	<ul style="list-style-type: none"> Before granting development consent for development involving the use of land as licensed premises under the <i>Liquor Act 2007</i>, the consent authority must consider the impact of any noise nuisance likely to be generated by the proposed development on residential accommodation in the vicinity of the proposed development. 	<p>✓ An Acoustic Report was prepared as part of the original approval, which determined the club would not cause a nuisance to the nearest adjoining residential receivers (a copy of which, has been provided).</p> <ul style="list-style-type: none"> Potential noise impacts for the residential apartments located above will be subject to further acoustic assessment, ensuring the operation of the club does not disturb the residents on site.

5.1.7 Manly DCP 2013

The relevant provisions of Manly DCP 2013 are detailed at **Table 5**. 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.

Table 5 notes the following:

Townscape Requirements

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" (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 7**)
- Is built to the boundary, except where appropriate setbacks are required to maintain the setting of the heritage listed building on site
- 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 and compliment the heritage item on site.

Exceptions to Height in Manly LEP 2013 within the B2 Zone - Manly Town Centre

Exceptions to the height standard are permitted within the B2 Zone – Manly Town Centre if the proposal is consistent with the following provisions:

- Whether the height adversely dominates the heights of end (corner) buildings or adjoining buildings
- Whether the proposed development demonstrates an appropriate relationship to adjoining development in terms of fulfilling the townscape objectives
- Whether new development should be constructed to the same building envelope as existing buildings on a site, provided the other objectives and requirements (including FSR) of this plan are achieved
- Whether new buildings equate with both the overall height as well as the level of each floor of adjoining buildings, in particular architectural details and with particular regard to important end-buildings in the street block.

In accordance with Manly LEP 2013, the site is subject to a 15 metre height standard. The development proposes a maximum height of 21.4m (RL 25.65) and a Clause 4.6 Request to Vary the Development Standard is provided at **Appendix A**. In accordance with Control 4.2.5.2 of Manly DCP 2013, the proposed variation in height complies with the provisions as follows:

- The site occupies an end corner, which has also 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). 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 the B2 Zone.
- The site has an existing (commenced) development consent, which permits the construction of a five (5) storey building (plus plant room level) reaching a maximum height of 22.4m. The proposed development the subject of this DA, has been designed to generally fall within and below the existing approved building envelope.
- 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 bulk 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, consistent with the adjacent RFBs and the heritage-listed item on site.



Figure 16 – Extract of Manly DCP 2013 – Townscape Principles

Table 5 – Compliance with Manly DCP 2013

Controls	Compliance
3.0 GENERAL PRINCIPLES	
3.1 Streetscapes and Townscapes	
<p>Design and visual improvement</p> <p>Development in the streetscape should be designed to:</p> <ul style="list-style-type: none"> • Complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality. • Ensure the bulk and design of development does not detract from the scenic amenity of the area. • Maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment. • Address and compliment the built form and style of any heritage property in the vicinity. • Visually improve existing streetscapes through innovative design solutions. 	<ul style="list-style-type: none"> ✓ The Photomontage shown at Figure 7 demonstrate that the proposal sits comfortably within the streetscape and surrounding area – The proposal occupies a portion of the site that already has a commenced development consent to construct a new five storey building. – The bulk of the approved development as viewed from West Promenade, Gilbert Street and Eustace Street is comparable to the proposed works the subject of this application – The proposal uses materials and finishes that are sympathetic to existing heritage structure on site – Mijollo International Architects has prepared a Design Statement (attached) – NBRS and Partners prepared a SoHI (attached), which found the proposal to have an acceptable impact on the heritage items located on site.
3.2 Heritage considerations	
<p>Development in the vicinity of a heritage item or conservation area</p> <ul style="list-style-type: none"> • Development in the vicinity of a heritage item is to ensure that it does not detract or significantly alter the significance of the item. • The impact on the setting of a heritage item is to be minimised by: providing an adequate area around the building to allow interpretation; retaining original or significant landscaping. 	<ul style="list-style-type: none"> ✓ The SoHI (attached) considers the LEP and DCP heritage provisions and concludes that the proposal is acceptable.
<p>Alterations and additions to Heritage items</p> <p>Alterations or additions to heritage items or buildings within a conservation area will not necessarily seek to replicate, the character of the building. However, a contemporary response, which complements the original buildings may be considered.</p>	
<p>Retaining significant features</p> <p>Alterations or additions to heritage items or buildings within a conservation area must retain original architectural detailing, retain original wall treatments, not render or paint original face brickwork, and avoid removal of original fabric in order to retain the integrity of the heritage item or conservation area.</p>	
3.3 Landscaping	
<ul style="list-style-type: none"> • The design of open space should respond to the character of the area. • Landscaped Areas must be capable of supporting new native tree species that are typically 	<ul style="list-style-type: none"> ✓ A Landscape Plan has been prepared in accordance with the DCP 2013 and is attached.

Controls	Compliance
<p>expected to reach a mature height of 10m.</p> <ul style="list-style-type: none"> Trees should not be positioned in locations that may significantly affect neighbouring properties in terms of: blocking winter sunlight. Undercroft areas must be presented as a positive space and integrated into the design of the building. 	
3.4 Amenity (Views, Overshadowing, Overlooking, Privacy, Noise)	
<p>Solar access</p> <ul style="list-style-type: none"> New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties Where there is no winter sunlight available to open space of adjacent properties, the calculations for the purposes of sunlight will relate to the equinox in March and September. <p>Maintaining solar access into living rooms of adjacent properties</p> <p>In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties:</p> <ul style="list-style-type: none"> For adjacent buildings, the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at least 2 hours from 9am to 3pm on the winter solstice (21 June); 	<p>✓ Shadow diagrams for midwinter have been prepared (attached) and are discussed in detail below at Section 5.2.2.</p>
<p>Privacy and security</p> <ul style="list-style-type: none"> Use narrow, translucent or obscured glass windows to maximise privacy where necessary. When building close to boundaries, windows must be off-set from those in the adjacent building. Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties. To provide casual surveillance of the street and to provide a sense of security sight lines to the street frontage should not be obscured by trees or any other object; fences, walls and landscaping should minimise opportunities for concealment. 	<p>✓ Consistent with the provisions:</p> <ul style="list-style-type: none"> Windows are offset and a large building setback in the form of an internal courtyard preserves the privacy of adjoining RFBs open space to the north Planting is proposed to apartment terraces to provide privacy between dwellings Design provides casual surveillance of adjacent public spaces (in particular Gilbert Park) Appropriate security arrangements will be implemented for the day-to-day operation of the club.
<p>Acoustic privacy</p> <ul style="list-style-type: none"> Consideration must be given to the protection of acoustical privacy in the design. Development likely to generate noise should be located in a manner, which considers the acoustical privacy of neighbours. <p>Licensed Premises</p> <ul style="list-style-type: none"> Noise Control reports are to be submitted with DAs for licensed premises. The Noise Control report is to demonstrate to the satisfaction of Council that the activities carried out and related to the operation of the premises will meet the relevant standards.. The noise level from the licensed premises must not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am or as otherwise required under conditions of development consent. Balconies, verandahs, any roof top areas and any external access thereto must be closed to patrons between the hours of 10pm to 8am daily to minimise noise nuisance. 	<p>✓ An Acoustic Report was prepared as part of the original approval, which determined the club would not cause a nuisance to the nearest adjoining residential receivers (a copy of which, has been provided).</p> <p>– Potential noise impacts for the residential apartments located above will be subject to further acoustic assessment, ensuring the operation of the club does not disturb residents on site.</p>
<p>Views</p> <ul style="list-style-type: none"> The design of any development, including the footprint and form of the roof is to minimise 	<p>✓ The proposal will not adversely affect any public or private views over and</p>

Controls	Compliance
<p>the loss of views.</p> <ul style="list-style-type: none"> Views between and over buildings are to be maximised and exceptions to side boundary setbacks, including zero setback will not be considered if they contribute to loss of primary views from living areas. 	<p>above the existing consent (DA/149/2008).</p>
3.5 Sustainability	
<p>Energy efficiency/conservation requirements for non-residential developments</p> <ul style="list-style-type: none"> New or replacement air conditioning units are to have a minimum 4 star energy rating for cooling only. Reverse cycle air conditioning units are to have a minimum of 4 star rating on one cycle and 3 star rating on the alternate cycle. New gas heaters must be rated no less than one star energy rating below the maximum available at the time of installation. Demand reduction lighting technologies and energy efficient lighting must be used. 	<p>✓ Able to comply.</p>
<p>Environmentally sound building materials</p> <ul style="list-style-type: none"> Where possible, reuse existing site materials. Building materials should be selected to increase the energy efficiency of the building, and to minimise damage to the environment. Material choice should also take account of environmental considerations. Wood certified by the Forest Stewardship Council known as 'Good Wood' must be utilised where possible. 	<p>✓ Able to comply</p> <ul style="list-style-type: none"> Where possible materials will be reused or recycled Appropriate building materials will be selected to increase energy efficiency.
3.6 Accessibility	
<p>The Disability (Access to Premises - Buildings) Standards 2010</p> <ul style="list-style-type: none"> Comply with the Disability (Access to Premises - Buildings) Standards 2010. <p>The Building Code of Australia and Australian Standards</p> <ul style="list-style-type: none"> Comply with the provisions of the Building Code of Australia and Australian Standards AS1428.2 & AS1428.3 	<p>✓ Proposal is capable of complying with the Access to Premise Standard and BCA</p> <ul style="list-style-type: none"> A BCA Assessment Report and Accessibility Review have been prepared and are attached separately.
3.7 Stormwater management	
<ul style="list-style-type: none"> All developments must comply with the "Council's Policy for Stormwater Control", "Specification for On-site Stormwater Management 2003" and "Specification for Stormwater Drainage". Stormwater disposal systems must provide for natural drainage flows to be maintained. Pervious surfaces and paving will be used where practical; A qualified drainage/hydraulic engineer will design all stormwater controls, devices and water storage systems 	<p>✓ Proposed stormwater management for the site (attached) has been prepared in accordance with the LEP and DCP provisions.</p>
3.8 Waste management	
<p>Demolition and construction waste management</p> <p>Requirements for the management of wastes in relation to the demolition:</p> <ul style="list-style-type: none"> Footpaths, public reserves, street gutters are not used as places to store demolition waste. Any material moved off-site is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1998. Demolition and construction waste dockets demonstrating lawful disposal of waste must be retained onsite and kept readily accessible. 	<p>✓ A demolition and construction management plan will be prepared and submitted to Council for approval prior to the issuing of the CC.</p>

Controls	Compliance
<ul style="list-style-type: none"> Waste is only to be disposed of at an appropriately licensed facility. Production, storage and disposal of hazardous waste are only conducted in accordance with any applicable Environmental Planning Authority guidelines. 	
Management of commercial waste <ul style="list-style-type: none"> Council does not provide a waste collection service for commercial developments. Businesses operating from the premises must engage a contractor to collect their waste and recycling separately. 	<ul style="list-style-type: none"> ✓ Complies <ul style="list-style-type: none"> – A private contractor will manage generated waste from the club – Operational Waste Management Plan provided (attached).
3.9 Mechanical plant and equipment	
Rooftop plant <ul style="list-style-type: none"> Roof-top plant and lift towers must be inconspicuous and /or designed as an integral part of the building in such a way as to appear as an appropriate part of the overall townscape. External mechanical plant systems must be acoustically enclosed and located centrally away from neighbours living areas and side and rear boundaries. 	<ul style="list-style-type: none"> ✓ Proposed rooftop plant and lift tower have been carefully designed to form an integral part of the building (Architectural drawings, attached) – Mechanical plant will be enclosed and acoustically treated to minimise noise disturbance.
3.10 Safety and Security	
<ul style="list-style-type: none"> The principle of ‘safety in design’, is to be considered for all development in relation to the design and assessment of DAs to ensure developments are safe and secure for residents, all other occupants and visitors. 	<ul style="list-style-type: none"> ✓ Complies. Refer to Section 5.2.7 below.
4.0 DEVELOPMENT CONTROLS FOR DEVELOPMENT TYPES	
4.2 Development in Business Centres Manly LEP B2 Zone	
Setback controls in Manly LEP B2 Zone <ul style="list-style-type: none"> All buildings must be constructed to the public road and side boundaries of the allotment 	<ul style="list-style-type: none"> ✓ Complies. Proposed new building is built to the boundary, except where separation from the heritage item on site is required to preserve its setting.
Manly Town Centre – Townscape Design <ul style="list-style-type: none"> Maintain important corners identified at <i>Schedule 2</i>, including strongly defined corner buildings. Ensure corner development has strong height and facade elements with building along the street frontage being set by these corner heights. Construct to boundary. Maintain and re-use existing development if it achieves objectives. New development to enhance townscape characteristics, disregarding existing unsympathetic buildings. 	<ul style="list-style-type: none"> ✓ The site is identified as an important corner on the Townscape Map. Refer to Section 5.1.7 for details.
Exceptions to Height in Manly LEP 2013 B2 zone in Manly Town Centre <p>Consideration of the appropriate heights within the maximum Building Height development standard and exceptions to the standard in the LEP includes the following:</p> <ul style="list-style-type: none"> Whether the final building height adversely dominate the heights of end (corner) buildings in the same street block or that of adjoining buildings. Whether the proposed development successfully demonstrates the most appropriate relationship to adjoining development in terms of fulfilling the townscape objectives Whether new development should be constructed to the same building envelope as existing buildings on a site in order to maintain interest and variety, provided the other objectives 	<ul style="list-style-type: none"> ✓ Complies. Refer to Section 5.1.7 above.

Controls	Compliance
<p>and requirements (including FSR) of this plan are achieved.</p> <ul style="list-style-type: none"> Whether new buildings equate with both the overall height as well as the level of each floor of adjoining buildings and in relation to particular architectural details like parapet details and with particular regard to important end-buildings in the particular street block 	
<p>Late Night Venues</p> <ul style="list-style-type: none"> In order to provide diversity, it is proposed to limit the number of patrons which attend late-night licensed venues within the Entertainment Precinct. Exceptions to this will only be granted where Council is satisfied that the existing levels of adverse impact will not be added to nor detract from opportunities to provide a diverse range of alternative entertainment activities. The maximum hours for hotels, nightclubs, restaurants & food outlets are as follows: Hotels & Nightclubs: from 5am up to 2am (next day) and with a restricted entry policy for Nightclubs after 12.30am Proprietors must enter into arrangements with Council for the provision of late night security of the premises and the adjacent public areas. Frontages to public spaces must be designed to minimise conflict between customers within the establishments and public using the public spaces. Balconies, verandahs, any roof top areas and any external access thereto must be closed to patrons between the hours of 10pm to 8am daily. Proprietors of the licensed premises must be a financial member of any applicable Liquor Accord and conform to the obligations of that Accord in minimizing anti-social behaviour and adverse effects of excessive alcohol consumption. Applications must demonstrate how the design and operation of licensed venues take into account best practice outlined in the document titled "Alcohol & Licensed Premises: Best Practice in Policing" S Doherty and A Roche 2003. 	<ul style="list-style-type: none"> ✓ Consistent with the provisions, the proposed club: <ul style="list-style-type: none"> – Will not increase the number of patron's entering the Entertainment Precinct. The Manly Civic has been operating from this location for over 55 years. Further the proposed club, the subject of this DA is smaller in size and scale when compared to the current approved consent – Proposed hours of operation comply with the prescribed hours – Appropriate arrangements will be made with Council, regarding the provision of security – The design of the club does not result in any areas where there is the potential for conflict with the public – Manly Civic Club is a member of the applicable liquor accord – Consistent with the Plan of Management (attached), management will adopt 'best practise in policing' in regards to the design and operation of the licensed venue.

5.1.8 Contributions Plan 2004

Manly Section 94 Development Contribution Plan 2004 applies to the site and proposal.

As shown in **Table 6** below, the contribution required to be paid is \$1,442,521.73 using Council's 2015/2016 rates.

As part of the previous development approval (DA/149/2008), Manly Civic Club was required to pay a \$475,000 contribution, plus a \$150,000 building damages bond.

Subject to development approval for the proposal, Manly Civic Club no longer intends to proceed with the previous development consent. As such, a credit for the amount of contributions already paid is sought (the contribution credit must be indexed to 2015/2016 rates). A transfer of the building damages bond, is also required

A condition of development consent can be imposed requiring the landowner to surrender the previous development consent DA/149/2008.

Table 6 – Manly Section 94 Contributions Plan 2004 (2015/2016 Rates)

Manly Precinct	2015/2016 Rate	Application	Proposal	Total
Retail/Commercial	\$26,378.20	Per 100m ² GFA	765m ²	\$201,793.23
Residential	\$16,009.40	1 bed = 1.4 person	20 x 1 bed (28)	\$448,263.20
High Density	Per additional person	2 bed = 1.9 person 3 bed = 2.3 person	20 x 2-bed (38) 5 x 3-bed (11.5)	\$608,357.20 \$184,108.10
Car Parking	\$35,181.20	Per car space	0 (complies)	0
Total Contribution				\$1,442,521.73
Less Contribution already paid for DA/149/2008 (this amount must be indexed to 2015/2016 rates)				-\$475,000.00
Approximate contribution (to be adjusted to reflect credit indexing)				\$967,521.7

5.2 S. 79C(1)(b) and S. 79C(1)(c) Impact on the environment and suitability of the site

Potential environmental effects not already addressed in early sections of the SEE are considered below.

5.2.1 Heritage

In accordance with the Manly LEP 2013, part of the site is identified as a heritage item (Auckland Garage). NBRIS and Partners has prepared a SoHI which assesses the impacts of the proposal. The SODI determined that the proposal could be supported as the proposal does not result in any adverse impacts to the heritage significance of the item located on site or on any other heritage items in the vicinity than those which have already been assessed and determined as satisfactory (DA/149/2008).

5.2.2 Overshadowing

Shadow diagrams for midwinter have been prepared by Mijollo International Architects (attached). Due to the location and orientation of the site, the 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.

In addition, when compared to the approved (commenced) development (DA/149/2008) the solar access diagrams illustrate the proposal has comparable impacts.

Northern facade of 7 – 9 Gilbert Street, Manly

As detailed below, the proposal results in improved solar access to the northern facade of 7 – 9 Gilbert Street, when compared to the approved development (DA/149/2002). This improved outcome has been achieved by increasing the upper level setbacks to the building at the corner of Gilbert and Eustace Street. The shadow diagrams show that:

- Between 9.00 am and 10.00 am midwinter, the building will cast a shadow over the entire northern facade of the property to the south (similar to the current approved scheme)
- By 11.00 am the proposal results in improved solar access to the building, with an additional window gaining full sun
- By 12.00 noon the proposal again improves solar access to the building, with an additional window and partial window gaining sunlight
- By 12.45 pm, all the windows (and balconies) on the northern facade will be in full sun and no longer 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.

5.2.3 Privacy

The potential privacy impacts of the proposal have been 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 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 proposed development will increase casual surveillance of the park, improving its 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 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 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 proposal is largely built to the boundary with minimal openings along this facade, consistent with the building demolished on the site, and current approval. Where new openings are proposed they are setback 12m from the shared boundary, ensuring the privacy of the adjoining properties are preserved. Privacy screens are also incorporated into the design to further preserve the amenity of both sites.

5.2.4 Views

As shown on the Architectural Plans and Photomontages that accompany this SEE, the proposal will not adversely affect any public or private views over that resulting from the approved development (DA/149/2008). The proposal actually results in an improved outcome due to the 1m building height reduction.

5.2.5 Traffic

As discussed within the Traffic Impact Assessment prepared by Traffix (attached), the proposed 45 residential apartment and club are expected to generate a combined total of 53 vehicle trips per hour during PM peak periods. This represents a moderate increase in traffic generation, and 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.

It is therefore concluded that the proposal is supportable on traffic planning grounds and will operate satisfactorily.

5.2.6 Noise

The volume of music within the club will be low and controlled in order to encourage conversation and maintain a healthy environment within the premise and surrounding areas.

Patrons visiting the premises will not be permitted to queue outside.

The Manly Civic Club will adopt a House Policy of directing patrons towards Belgrave Street, away from nearby residential areas during the evening hours.

All waste will be managed internally, including collection; as such noise impacts associated with the proposed club will be kept to a minimum.

An Acoustic Report was prepared as part of the original approval, which determined the club would not cause a nuisance to the nearest adjoining residential receivers (a copy of which, has been provided).

Potential noise impacts for the residential apartments located above will be subject to further acoustic assessment, ensuring the operation of the club does not disturb the residents on site.

5.2.7 Crime Prevention Through Environmental Design

The new building has considered crime prevention through environmental design (**CPTED**) principles, with the following measures incorporated to provide a safe environment and minimise opportunities for criminal and anti-social behavior:

- Active spaces and windows of habitable rooms are located to maximise casual surveillance of street, parking areas, public spaces and communal courtyard spaces
- Blind-corners, recesses and other external areas that have the potential for concealment or entrapment have been minimised with suitable sensory lighting where necessary
- The building entries is clearly visible, unobstructed and easily identifiable
- The lift lobbies, stairwells, hallways and corridors are visible from the public domain and from within the facility
- Pedestrian routes from the car park to the lift lobbies are direct with clear lines of sight.

5.2.8 Environmentally Sustainable Development

To ensure that the proposal is ecologically sustainable, the following initiatives are to be adopted:

- Waste management to ensure construction waste is recycled
- Increased outside air rates for air conditioning, plus well designed supply and return air locations and CO² monitoring and control
- Design to provide high levels of daylight and external views
- Good acoustic design
- Selection of materials with low toxicity (carpet, paint, adhesives, composite wood products)

- Lighting design with appropriate light levels, well zoned, efficient external lighting and high frequency ballasts
- Detailed energy and water sub-metering system
- Sensors for all back of house areas
- Proximity to public transport
- Low flow amenity fittings
- Concrete and steel with high-recycled content from appropriate sources
- Flooring, joinery and loose furniture with good environmental attributes.

5.2.9 Building Code of Australia

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

5.2.10 Accessibility

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

5.2.11 Stormwater

The Stormwater Management Report prepared by Vos Group Consulting Engineers (attached) concludes that the proposed stormwater management strategy will ensure that the development 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.

5.2.12 Geotechnical

The proposal reduced the number of basement levels in comparison to the approved development. To service the residential development and Club (in accordance with Council controls), only two levels of basement parking is required compared to the previously approved three levels, as such excavation and groundwork of the site has been significantly reduced.

JK Consulting investigated the geotechnical and hydrological conditions of the site and found that (attached):

- Proposal: The lowest basement level will require excavation to depths ranging from 5 metres to 7.5 metres. The basement will extend to the site boundaries, apart from the south-eastern corner of the site due to the existing service station building (as per previous approval).
- Conditions:
 - Concrete covers the entire site ranging in thickness of 60mm to 170mm
 - Fill was encountered to depths of 2 metres, made up of gravelly sand, clayey sand and silty sand with igneous sandstone gravel along with traces of sandstone cobbles and brick and tile fragments
 - Natural soils comprised of sand, but some thin clay and silty sand bands were encountered between depths of about 6.2 metres and 9.9 metres.
 - Sandstone depth increases from the western end of the site to the eastern end, from about 16 metres to about 30 metres

- Ground water: Groundwater seepage was encountered during drilling at depths between 3 metres and 4 metres below ground surface. As excavations are proposed to depths of about 5 metres to 7.5 metres temporary dewatering will be required to allow construction of the basement
- Earthworks: Prior to the start of excavation, detailed dilapidation surveys should be carried out on the adjacent buildings to the north of the site. Excavations to the expected depths of 5 metres to 7.5 metres will encounter surface fill and natural sands and such soils will be able to be excavated using conventional earthmoving equipment, such as the buckets of hydraulic excavators. However, the sands will not be self-supporting and full depth retention systems will be required.

The main issues for this proposal are associated with groundwater and the construction of basement levels below the groundwater table, which will be difficult and costly. Detailed design of the retention system, raft slab, dewatering system and the tanked basement will be required, including detailed geotechnical analysis.

5.2.13 Acid sulfate soils

SESL Australia reviewed the previous acid sulfate soil investigation and management plan prepared as part of the previous DA (DA/149/2008) (attached).

The initial analysis indicated that natural soils are potential acid sulfate soils, due to the soil tests exceeding the action criteria.

As such, all natural site soils will be treated as potential acid sulfate soils. Fill material above natural sands will be handled in accordance with the recommendations contained within the report to manage the generation of acidic leachate during excavation and redevelopment works.

5.2.14 Electrical services

As detailed within the accompanying Electrical Services Statement prepared by Vos Group Consulting Engineers, the following additional infrastructure is required to service the site.

Connection

A Connection Application and maximum demand calculation was submitted to Ausgrid. Ausgrid advised that the development requires a one (1) transformer chamber substation.

The spatial planning for a ground floor chamber substation has been provided and is shown on the accompanying architectural plans. The proposed chamber substation is to be located on the Ground Floor Level, at the Eustace Street corner.

The chamber substation will be designed to comply with Ausgrid Network Standards and AS/NZS3000: Wiring Rules.

Power Supply

The power supply to the development will be provided from the on site chamber substation.

The site main switchroom will be located on Basement B1 near the chamber substation.

A 730A per phase low voltage feeder will be connected to the development.

Communications Infrastructure

The development has been registered with the Telstra Smart Community.

Telstra has acknowledged the registration of the development into their database.

A dedicated communications room and cable pathways to the street network will be included in the development to allow future connection to the Network.

Communications riser cupboards, conduits and cables will be provided in the development for the connection of the residential apartments to the Communications Network.

The communications room and riser cupboards are shown on the accompanying architectural plans.

5.3 S.79C(1)(d) Any submissions made in accordance with the Act or Regulations

It is expected that the consent authority will consider submissions (if any) in its assessment of the DA. No other issues of public interest arise.

5.4 S.79C(1)(e) The public interest

The DA will be notified/advertised in accordance with Council policy and submissions received will be considered in the DA assessment.

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

6.0 Conclusion

The proposed redevelopment of 2 West Promenade, Manly is reasonable and offers the following benefits:

- It complies with Council's vision that encourages a range of uses to service the needs of the local community
- Will activate the streetscape adding character to the precinct surrounding Gilbert Park
- Appropriate club management practices 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
- Compliance with all relevant provisions of the Manly LEP 2013 and Manly DCP 2013 with the exception of height, which has been addressed in the attached Clause 4.6 Report.
- Acceptable heritage impacts as the proposal respects and improves the relationship with the existing heritage listed structure on site
- Will not adversely impact on the natural, built and social environments
- Traffic and parking impacts of the proposal will be negligible and acceptable as a result of the development.
- The site has an existing development consent, which permits the construction of a building reaching a maximum height of 22.4m. The proposed development has been designed to generally fall within and below the existing approved building envelope with a reduced maximum height of 21.4m. This proposal also reduces site excavation works as a result of only having to provide two (2) levels of basement car parking compared to the previous approved three (3).
- Development of an underutilised and vacant site, the currently detracts from the townscape.

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

Appendix A

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