

5. ASSESSMENT

The key environmental issues to be assessed as part of the project are:

- bulk and scale;
- shadow impacts;
- view loss;
- visual impacts;
- traffic management;
- commercial and retail use;
- heritage buildings; and
- affordable housing.

All other issues are considered to be satisfactorily addressed in the EA, PPR and recommended modification and future assessment requirements.

5.1. Bulk and Scale

The amended Manly Urban Design Guidelines (the Guidelines) were adopted in October 2011 by Council after consideration of an earlier concept plan for the subject site. The Guidelines restrict the scale of development to a maximum of 7 storeys and 3:1 FSR to be constructed within an identified building envelope.

The height of the Concept Plan has been amended from the originally proposed 11 storeys to the current 9 storeys. **Figure 8** provides an approximate comparison between envelopes provided in the PPR, Council's Urban Design Guidelines and the built form as currently exists on site.

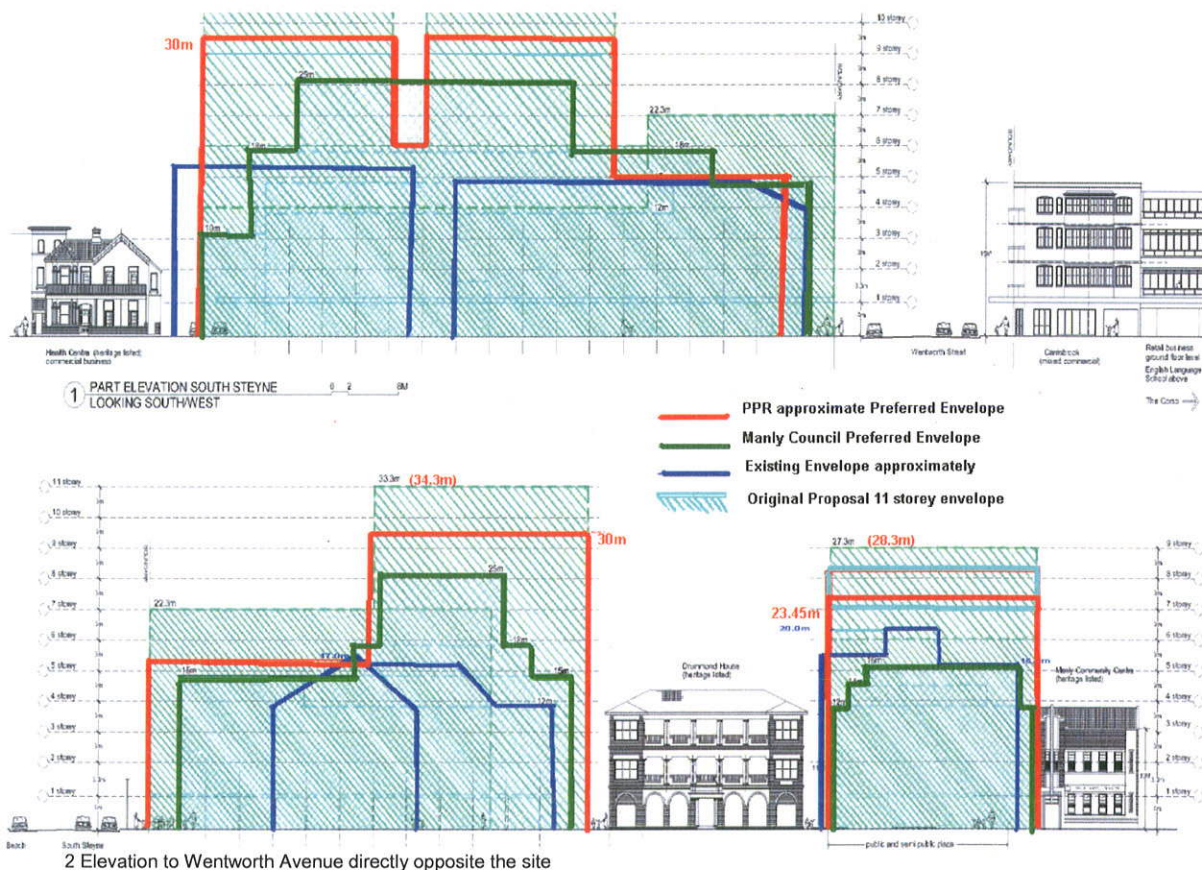


Figure 8: Building Envelope Comparison

SOURCE : Manly Council, Urban Design RFW Guidelines, October 2011

The buildings depicted in the PPR will be larger in scale than that proposed by Council. Along the eastern frontage of the site (South Steyne) the scale difference is between 1-2 storeys in height and the built form is greater in width for the upper storeys.

For the proposed northern frontage (Wentworth Avenue) the built form is shown as approximately three storeys higher than that permitted under Council's Guidelines. This height has been amended with a further reduction in height by one storey. The differences associated with the proposed built form are addressed in the following sections.

Maximum Height

The basis upon which Manly Council has adopted a 25 metre height restriction is unclear. The Guidelines identified that both the Sebel and Peninsula Buildings have maximum heights of 27 metres and the solar access angle, even though the accuracy of the Guidelines shadow angle remains questionable, also would accommodate a 27 metre height. On this basis the restriction to a 25 metre height control does not appear to be adequately justified. The Proponent contends that the proposed height is acceptable for this large site considering the scale of other buildings on the Manly peninsula and the setback the proposed higher elements would have to the street, being 21 metres or more.

Height of the RFW Building

The Proponent seeks a height of seven storeys (approximately 23.45 metres) for the new RFW (western) building. The additional 3.45 metres height above the existing Elsie Hill building will result in additional overshadowing of the Manly Village Public School during the early morning period through until 9:15am (when classes commence). This overshadowing issue is addressed in detail in **Section 5.2** of this report.

The additional height also results in additional bulk when viewing the building from the school grounds.

The building is unlikely to result in privacy issues as the RFW caters for child patients and medical teaching services only. In order to alleviate any privacy concerns, it is recommended that fixed louvres, or similar screening measures, be required over any window/balcony openings along the buildings western façade.

Building Setbacks

Council's Guidelines provide for a stepped building form towards a central higher position on the site. This form of design attempts to reduce streetscape bulk as well as minimise amenity impacts, particularly overshadowing and overlooking. In this instance the existing streetscape is 4–5 storeys in scale at the Wentworth Street and South Steyne intersection with no street setbacks provided.

The proposal now provides a 6 metre setback along Wentworth Street. This setback is in addition to the existing footpath. The proposal seeks to construct to the boundary along South Steyne and it is noted that the Sebel Hotel to the southeast and "Carrisbrook" Apartments to the north front South Steyne are generally constructed to the boundaries.

Along the Wentworth Street and South Steyne street frontages the proposal provides for a stepped back design at the upper levels. The reduced bulk through increased setbacks and resultant reduced scale overall, is consistent with the intent of the Council's Guidelines.

Surrounding Context

The heights are comparable to other building heights in the locality including the Sebel Hotel at 8-9 storeys and Peninsula Apartments at 8-9 storeys (**Figures 9 & 10**). The PPR built form will be approximately 3m, or one storey, higher than the Sebel Hotel and Peninsula Buildings.



Figure 9: Sebel Hotel to Southeast of Site

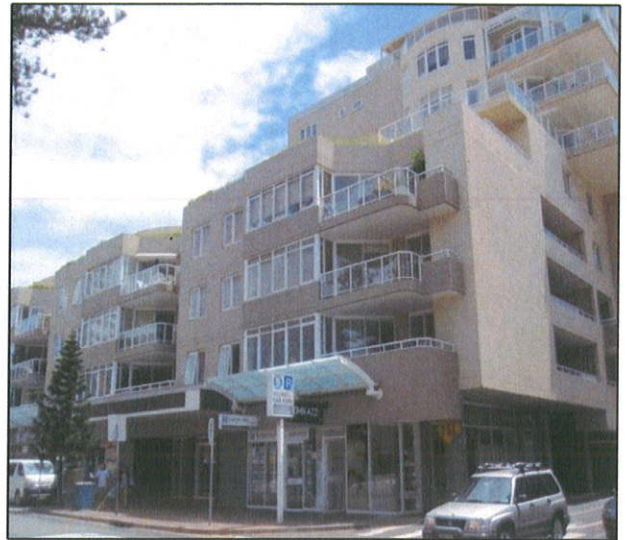


Figure 10: Peninsula Apartments to north

The scale of the complex at the boundary alignment is also similar to the surrounding context, with one storey of retail and four storeys of residential apartments above. This compares with existing four and five storey built form along Wentworth Street and South Steyne.

Department's Position

The proposed built form of the Centre has been reduced from an original 11 storeys to 7-9 storeys and increased setbacks have been provided along Wentworth Street. These modifications reduce the scale of the building envelopes making the form more comparable to the Council Guidelines. The reduction in scale and form is more consistent with the existing building scale of the locality.

East

The form of the proposed eastern building, fronting South Steyne, is an acceptable scale and form taking into consideration the setbacks provided by the nearby Sebel Hotel and Carrisbrook Apartment building. Considering the existing built form in the Manly Centre, the department concludes that the proposed built form complements the existing character and scale of the locality.

West

It is noted that the RFW currently has a building of 16-20 metres in height in this location, which will be replaced by a building with a height of 23.45 metres. Issues relating to privacy as a result of the additional height are not of primary concern due to the nature of the use and can be appropriately controlled through the provision of fixed louvers or tinted/frosted window design (see **Modification Condition B2**). Issues relating to overshadowing and visual impact are addressed in detail in **Sections 5.2 and 5.4** of this report. However, the Proponent has responded to the overshadowing issue with a further modification to the west building.

The modification removes the top floor and provides façade articulation along the western elevation. The floor space lost as part of this modification is offset by redesigning the remaining floor plates. The modification is depicted at **Figures 11 and 12** where the original PPR concept is identified as broken lines and additional floor space of the modified plans are indicated by "red" outline.

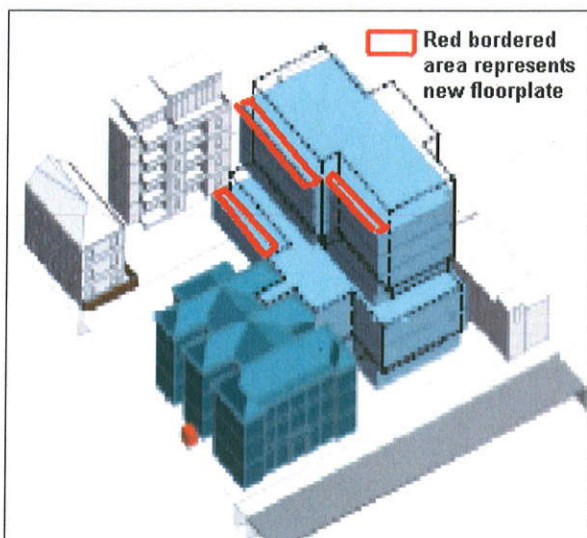


Fig 11: Aerial 3D view of Modified Proposal
 Source: PPR, as modified 15 November 2012.

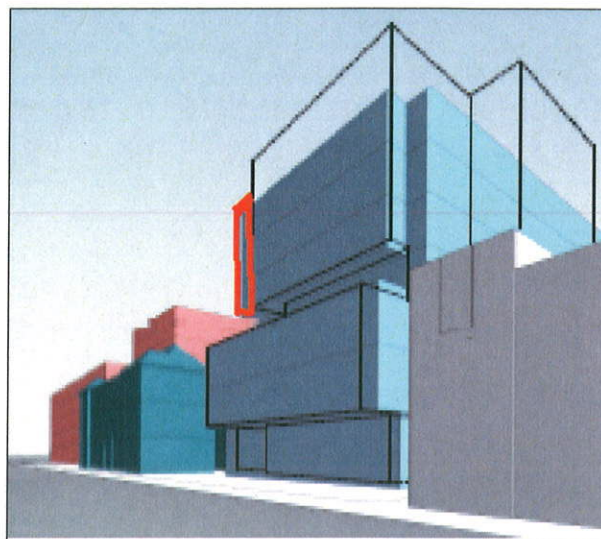


Fig 12: Wentworth Street 3D view.

The modification reduces the bulk and form of the proposed building when viewed from the school grounds and overshadowing of the school grounds prior to 9am. It is estimated that the modification will result in approximately a 33% reduction in the additional shadow impact.

Alternatives to this modification would be to step back the top floors along the western façade or to delete the top floor. The stepped design was not supported by the Proponent as the floor plates would be of an undesirable size to support RFW operations and would result in the RFW services being provided across a number of buildings which may result in safety issues.

The operation of the RFW is to be accommodated in three buildings. The RFW building will provide core services, Drummond House is to be used for accommodation purposes and two floors of the eastern building will be used as professional consulting rooms. This provides the RFW with sufficient floor space to carry out its functions in a relatively consolidated fashion. On this basis, the modification to the building form is acceptable as it will provide a practical and consolidated facility for the RFW whilst responding effectively to potential impacts on the neighbouring school amenity.

5.2. Overshadowing

The main amenity issue associated with the proposed building height is the overshadowing of the neighbouring school playground during morning periods. The Proponent has provided detailed shadow diagrams indicating there will be additional shadows during the early mornings. Overshadowing impacts are limited to the periods before school commences, prior to 9:15am.

The subject site has a predominantly northern orientation. The layout of the proposed structures on the site was designed to achieve:

- a consolidated RFW Centre;
- a building form which takes advantage of solar access and views; and
- acceptable amenity impacts within the development and on neighbouring properties.

The Proponent's consultants have lodged shadow diagrams in support of the proposed development and no submissions have been lodged disputing the validity of these diagrams.

The primary overshadowing issues associated with the proposal are:

- potential shadows over Manly Beach;
- potential shadows in mornings on Manly Village Public School grounds; and
- overshadowing of existing residential flat buildings at 25-31 Victoria Parade.

MANLY BEACH

Shadow diagrams submitted with the PPR indicate the following impacts on Manly Beach:

- during mid-winter, both the existing and proposed buildings do not cast shadows onto the beach promenade until after 3pm and onto the beach proper after 4pm. Sunset during mid-winter is approximately 5pm;
- during mid-summer, both the existing and proposed buildings would cast shadows onto the beach promenade after 3pm and onto the beach proper after 5pm. Sunset mid-summer is 8pm; and
- at the Equinox (March/September), the existing and proposed buildings would overshadow the beach promenade after 4pm and the beach proper after 4:30pm.

Manly Beach foreshore is a heritage item with local significance under the Manly LEP. It is acknowledged that under Council's Urban Design Guidelines the beach is likely to be impacted due to the recommended permissible height and form for the buildings. The proposed hotel has a taller and wider form than that recommended under the Guidelines resulting in greater impacts upon the beach.

The mid-winter impacts are acceptable as the shadows do not impact the promenade until after 3:30pm or the beach until after 4pm whilst the sun sets at approximately 5pm.

In mid-summer the shadows that impact upon the promenade are evident between 3pm – 4pm whilst the beach is not impacted until after 5pm. The beach is currently overshadowed to a similar extent by various buildings along South Steyne including the Sebel Hotel and Peninsula Apartment buildings.

During mid-winter the beach and promenade are generally unaffected by the proposal.

MANLY VILLAGE PUBLIC SCHOOL

The Manly Village Public School is located directly west of the subject site. The proposed RFW Administration and Services building is proposed to be up to 23.45 metres in height, being approximately 3.45 metres higher than the existing building in this location. The additional height of the proposed building results in additional overshadowing of the school grounds in morning periods prior to commencement of classes. After 10am in mid-winter the majority of the school grounds would be in direct sunlight.



FIGURE 13: Aerial view of Manly Village Public School
SOURCE : Google Earth 2012

The Manly Village Public School P & C Association has objected to the proposal and raised the issue of overshadowing. The School and the Department of Education and Communities have not lodged any submission on the proposal. The Department of Health – Northern Sydney Local Health District has requested that no additional overshadowing of the school occur as a result of the proposed development.

The overshadowing of the school grounds is experienced during midwinter prior to 9:15am. Shadow diagrams prepared by the Proponent indicate that a major portion of the school grounds would be overshadowed prior to 9:00am by the existing and the proposed buildings and by existing substantial vegetation. (**Figures 14**).

Council's Urban Design Guidelines restrict the height of any building in this location to 16 metres above ground level. This height appears to have been determined by adopting the main roof element height of the existing Elsie Hill building. However, the surveyed maximum height of the Elsie Hill building is 20 metres above ground level including a lift overrun and plant room on the roof (see **Appendix B** of the PPR). Notwithstanding this, the construction of a complying building form would effectively reduce the existing overshadowing of the school grounds.

The proposed RfW building is approximately 7.45 metres higher than the form adopted by Council's Guidelines for the site and 3.45 metres higher than the existing Elsie Hill building height. Existing mid-winter shadows from the "Elsie Hill" building currently fall on the school open play area between 8am to 9:15am. (**Figure 14**).



FIGURE 14: Manly Village School Shadow Impacts at 9:00 am Winter Solstice
SOURCE: Urbis, Environmental Assessment Report 2012.

NOTE: Grey shaded area represents shadows from Notified PPR proposal.
 Green Line represents approximate shadows from PPR with one less floor.
 Pink Line represents existing shadows from "Elsie Hill" building.
 Red broken line represents extent of RFW site.

The relevant areas of the school include the school building and forecourt/courtyard, active play area including the basketball court, and the general play area being open court and seating. The shadow diagrams indicate that:

- the school buildings are currently overshadowed by the Elsie Hill building until after 9:00am and appear to be also over shadowed by the existing trees;
- the active play area is partially overshadowed by both the existing and proposed buildings prior to 9:00am but is mostly in direct sunlight from 9:00am onwards; and
- the general play area is overshadowed by both the existing and proposed buildings. This would also occur should the building comply with the 16 metre height control although to a lesser extent than currently occurs due to the reduced height.

The Proponent responded to the overshadowing impact by modifying the proposal to remove the top floor. The overshadowing outcome resulting from this amendment is depicted in **Figure 14**, as shown by the green line. This modification is estimated to reduce potential overshadowing impacts by approximately 33%.

25-31 VICTORIA PARADE

The proposed development, including the hotel to the east and mid-rise development to the north and northwest will result in additional overshadowing of the neighbouring lands. The adjoining buildings are currently being renovated and no objections to the proposal have been lodged by the landowners during the public notification periods.



FIGURE 15: 25-31 Victoria Parade and Royal Far West
SOURCE : Google Earth 2012

The extent of overshadowing of the neighbouring properties at 25-27 Victoria Parade is such that the existing building receives direct sunlight to most units from 10am to 2pm, approximately 4 hours, before being primarily overshadowed. The proposed development will result in sunlight access to the majority of apartments from 11am to 2pm, being 3 hours, resulting in a net loss of approximately one hours solar access, being 25% of that currently achieved.

The extent of overshadowing of the neighbouring properties at 29-31 Victoria Parade is such that the existing building receives direct solar access to the north and some east facing apartments from 9am to 3pm daily (being 6 hours). The number of apartments receiving this direct solar access is limited to approximately 6 due to the north-south orientation of the building. With the erection of the proposed buildings, the building would only receive light from 1pm to 3pm (being 2 hours) during the core solar access period, being a 66% reduction.

It is evident that the buildings will be impacted by the proposed development. It is also noted that the properties would be adversely impacted by a form of development that is consistent with Council's Urban Design Guidelines. Any multi-level building form to the east or north of these properties would result in additional overshadowing of No.'s 29-31 and No.'s 25-27 Victoria Parade.

The Proponent contends that the extent of overshadowing of these properties is unavoidable due to their orientation and proximity to the subject land. To a degree this argument is valid, however, had the hotel tower been located closer to South Steyne then the overshadowing would not be as pronounced as predicted. However, such a design change would then create a more prominent built form, with bulk/scale and streetscape value issues along South Steyne.

Department's Position:

The proposal has three primary overshadowing impacts being Manly Beach, Manly Village Public School and residential apartments at 25-31 Victoria Parade.

The analysis by the Proponent contends that the shadows are acceptable with the School and beach impacts being outside the accepted period for consideration of 9am-3pm. It is noted that the owners of 25-31 Victoria Parade and the School, or Department of Education, have raised no formal concerns with the proposal. The Department's consideration of the issues is as follows.

Manly Beach will be overshadowed during late afternoon periods, after 4:00pm and the promenade/foreshore area will be impacted by shadows from approximately 3:15pm. The extent of overshadowing of the beach and the promenade is acceptable considering:

- the existing building impacts on the beach/promenade in this locality;
- the potential impacts due to recommended building forms in Council's Guidelines;
- shadows do not impact until late afternoon during winter, summer and equinox periods;
- the proposed building form is comparable with other building forms in the locality.

Manly Village Public School is partially overshadowed in the early morning by the existing Elsie Hill building. Due to the scale of the proposed modified building, being 3.45 metres above the Elsie Hill building and 7.45 metres above that recommended by Council's Guidelines, the development will result in additional overshadowing impacts. These impacts will occur prior to the commencement of classes up until 9:15am. However, the morning period solar access impacts resulting from the modified PPR proposal are considered to be acceptable given that:

- the removal of the top floor level of the proposed building will reduce the extent of potential overshadowing by approximately 33%;
- the playground will retain direct solar access to the basketball area during the whole morning period, from 8:30am to 9:15am;
- by 8:45am there will be areas of the playground in direct sunlight that are suitable for both active (basketball court) and passive (yard/seating) recreational use; and
- no objection to the proposal has been raised by the school or the Department for Education and Communities.

The buildings at 25-31 Victoria Parade are identified as being overshadowed for the majority of the day. Based upon the envelope in Council's Guidelines overshadowing of these neighbouring residential properties would occur to a lesser although still to a significant degree. There is little opportunity to modify the building design in a fashion that would significantly improve the likely overshadowing conditions, without significantly impacting on the proposed building form and the financial viability of the project.

On the basis of the above assessment, and subject to the discussed design modifications, the shadow impacts of the modified PPR are acceptable.

5.3. View Loss

The original EA proposal provided for a corner podium development 15 metres high, built to the boundaries of both Wentworth Street and South Steyne. During exhibition approximately 27% of submissions objected to the proposal on the basis of view loss of the water and beach.

The views currently available to the affected apartments are along Wentworth Street to Manly Beach or part views over the existing RFW property. The views are provided in a sharing arrangement over the existing basketball area fronting South Steyne.

The Council's Urban Design Guidelines adopt a building envelope with a 12 metre high street frontage stepping up to a 15 metre high corner element, (**Figure 16**), with a fifth storey element setback from the street alignment. This includes a 3.5 metre setback to both South Steyne and Wentworth Streets. As shown in **Figure 16**, the proposed building alignment along Wentworth Street would significantly impact the existing view corridor from the residential apartments in Wentworth Street towards Manly Beach.

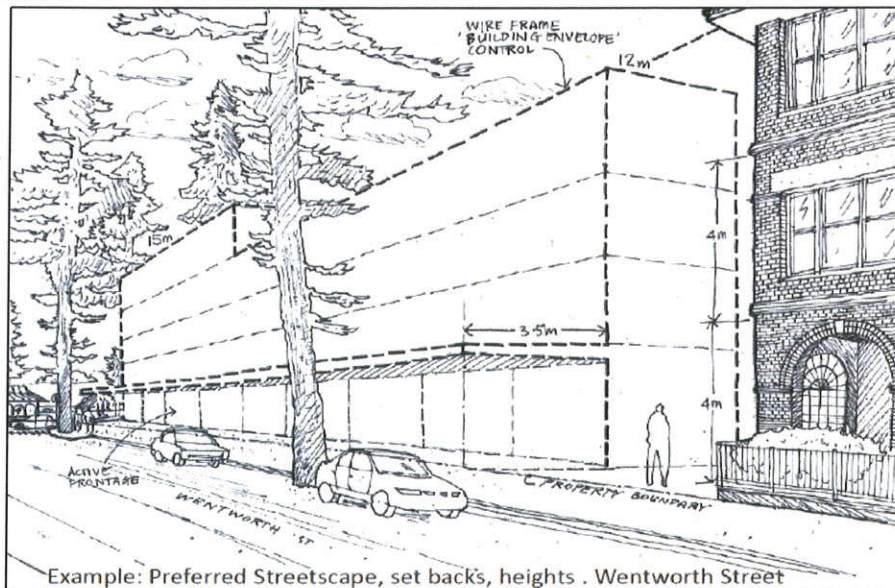


FIGURE 16: Council's Guideline

The modified PPR proposal provides a 6 metre setback to Wentworth Street and now has a similar bulk and scale appearance to that which is proposed under the Guidelines. The Proponent has provided photographic comparisons of potential view loss impacts through the Wentworth Street corridor to Manly Beach. This is shown in the following.



FIGURE 17: Existing Built Form taken from the Peninsula Apartments

Figure 17 illustrates the existing situation where a wide vista of Manly Beach is available due to the positioning of the open basketball court at the intersection of Wentworth Street and South Steyne. Approximately 33% of these views would be assessed as "borrowed", referring to views that are attained over privately owned land. Borrowed views are often over

side boundaries, rather than across public land corridors, such as roads, parks, or the like. This privately owned land is identified for future redevelopment in accordance with the Manly LEP and the Draft LEP.

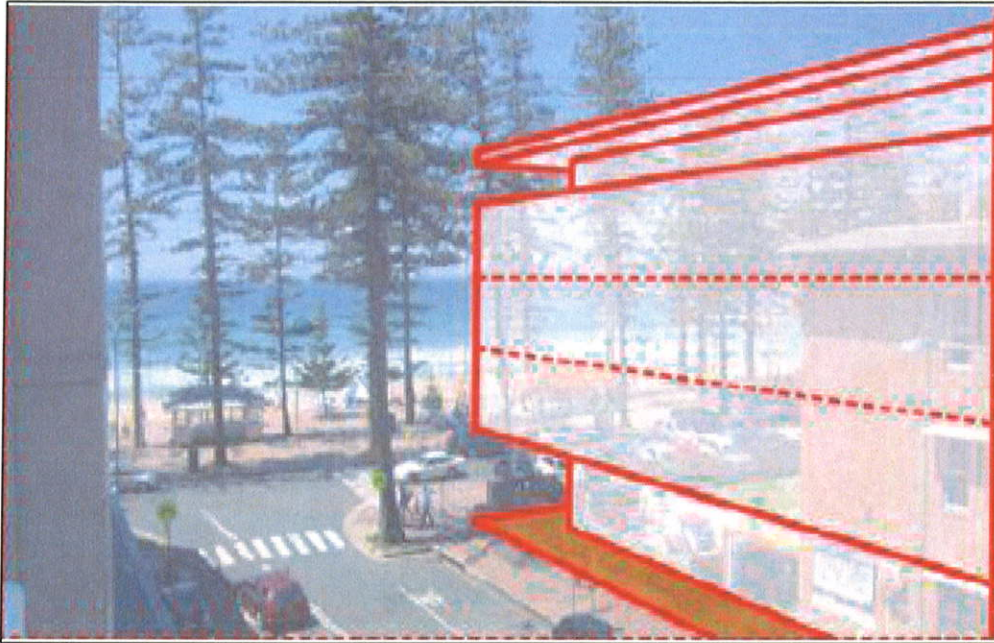


FIGURE 18: EA Proposal built to boundary

Figure 18 illustrates the original EA proposal in terms of built form. This proposal generated strong objections to view loss along the Wentworth Street corridor.



FIGURE 19: PPR Proposal with 6m setback.

Figure 19 illustrates the current PPR proposal with a 6 metre setback which retains more of the existing view corridor to the water/beach. In response to submissions, the Proponent modified the Concept Plan by setting the building back 6 metres from the Wentworth Street frontage. This modification assists in retaining views along the Wentworth Street corridor to the water/beach for the existing residential apartments to the northeast of the site. Submissions received in response to the notification of the PPR acknowledge that the 6 metre setback modification improves the view loss impacts.

Figures 17, 18 and 19 are reflective of the views that would be attained from mid-level apartments within the Peninsula Apartment complex in Wentworth Street, from which a number of objections relating to view loss were submitted. The assessment of likely building position appears to be accurate and clearly illustrates that the modified concept under the PPR would be an improved outcome. It is acknowledged that any outcome would impact the existing views from these apartments due to the existing absence of built form at the intersection.

When assessing view loss impacts for properties it is appropriate to have regard to the view loss principles utilised by the NSW Land and Environment Court formulated in the decision on *Tenacity Consulting –v- Warringah Council* (Case 10996 of 2003). These principles are expressed as follows:

1. *Assessment of the views:* Determine whether the views are whole or partial, iconic in nature or seascape or landscape in value;
2. *Position where views are obtained:* Determine whether views are attained in standing or sitting positions and whether across front/rear boundaries or over adjoining boundaries. Retention of side views (also referred to as “*borrowed*” views) and sitting views is often unrealistic;
3. *Assessment of extent of view loss impacts:* View loss should be assessed over the whole site and not just the view impacted. View loss from living areas is more important than view loss from bedrooms and service rooms. The extent of the loss should be expressed in qualitative terms ranging from negligible to devastating; and
4. *Assess reasonableness of the development:* Determine if the development complies with development standards and where a non-complying development results in a “moderate” view loss impact then it may be unacceptable.

The PPR proposal does not comply with the Council’s Urban Design Guidelines with regard to maximum height. However, the proposal exceeds the setback requirements along Wentworth Street. The view loss impact is orientated towards the Manly Beach/Promenade along the Wentworth Street corridor. Therefore the PPR design modification to introduce a 6 metre setback along Wentworth Street results in a wider view corridor being achieved when compared to the original proposal and that under Council’s Guidelines. **Figure 20**, below, illustrates the changes in the view corridor along Wentworth Street from the existing situation, to the EA and finally proposed with the PPR.

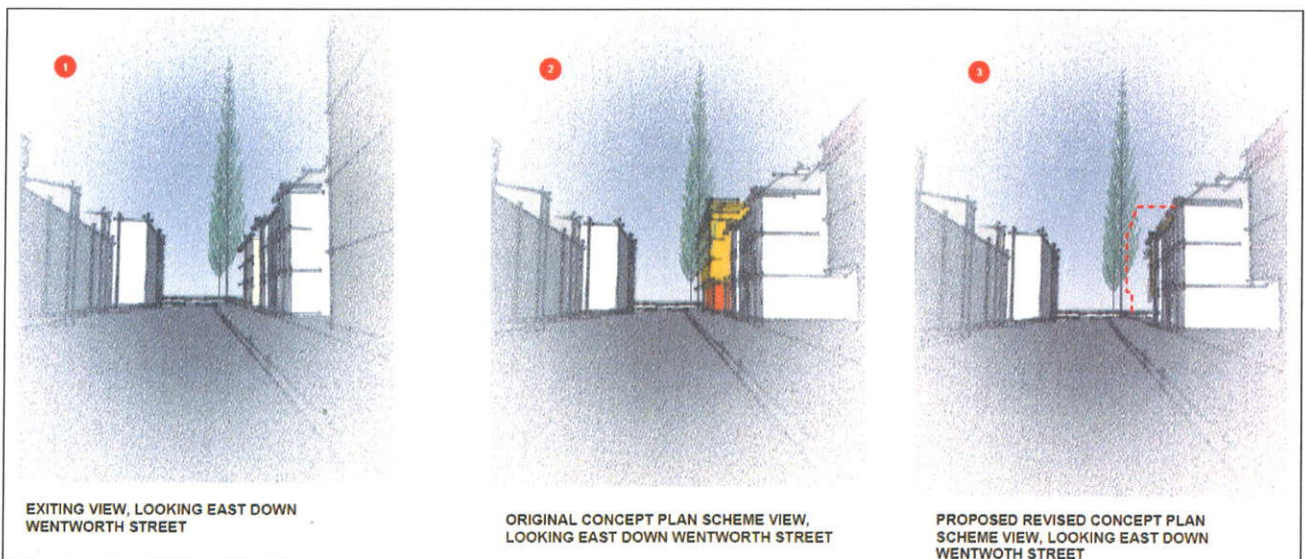


FIGURE 20: Comparative Analysis of Built Form.

Source: Preferred Project Report Plans, 30 November 2012, Architectus