

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|   |  |
|---|--|
| <b>Application Number:</b>                | DA2019/1011  |
| <b>Responsible Officer:</b>               | Sarah McNeilly (External Consultant)   |
| <b>Land to be developed (Address):</b>    | Lot 2077 DP 752038, 52 Raglan Street MANLY NSW 2095<br>Lot 2810 DP 726668, 52 Raglan Street MANLY NSW 2095 |
| <b>Proposed Development:</b>              | Use of part of premises as a Community Facility with associated alterations                                |
| <b>Zoning:</b>                            | Manly LEP2013 - Land zoned RE1 Public Recreation   |
| <b>Development Permissible:</b>           | Yes  |
| <b>Existing Use Rights:</b>               | No   |
| <b>Consent Authority:</b>                 | Northern Beaches Council   |
| <b>Delegation Level:</b>                  | NBLPP  |
| <b>Land and Environment Court Action:</b> | No   |
| <b>Owner:</b>                             | Crown  |
| <b>Applicant:</b>                         | Northern Beaches Council   |
| <b>Application Lodged:</b>                | 13/09/2019   |
| <b>Integrated Development:</b>            | No   |
| <b>Designated Development:</b>            | No   |
| <b>State Reporting Category:</b>          | Community facility   |
| <b>Notified:</b>                          | 27/09/2019 to 11/10/2019   |
| <b>Advertised:</b>                        | Not Advertised   |
| <b>Submissions Received:</b>              | 0  |
| <b>Clause 4.6 Variation:</b>              | Nil  |
| <b>Recommendation:</b>                    | Approval   |
| <b>Estimated Cost of Works:</b>           | \$ 876,288.00  |

### EXECUTIVE SUMMARY

The application seeks consent for the change of use and internal fit out of the lower ground floor of Manly Soldier's Memorial Hall from a registered club to a community facility.

The need for a Northern Beaches community services hub was identified during the development of the Northern Beaches Community Centre Strategy and staff accommodation plan, with the lower ground floor of the Manly Soldiers Memorial Hall identified as a suitable location.

The change of use of Manly Soldiers Memorial Hall to a community facility will allow for specific community and not-for-profit organisations to access subsidised accommodation to enable them to provide direct community services to our local population.

The Manly Soldiers Memorial Hall central location in Manly town center is vital for the community and not-for-profit organisations to promote, and build connectivity to the local population leading to improved access and relationships to their clients.

The proposed works to the site are internal reconfigurations to create new office spaces, meeting rooms, breakout areas and associated facilities.

The application has been assessed against the planning controls of the Manly Local Environment Plan and the Manly Development Control Plan, and whilst there are some minor variations to parking and safety and security controls as a result of the proposal, the Planning Consultants independent assessment report has found these variations to be generally consistent with the relevant requirements, subject to conditions of consent.

The proposed development was notified and no submissions were received.

The independent Planning Consultant recommends that consent be granted to this application in accordance with recommended conditions.

## **PROPOSED DEVELOPMENT IN DETAIL**

The proposal is for the change of use and fit out of the lower ground floor of Manly Soldiers' Memorial Hall from a registered club to a community facility. The community facility will provide general assistance and advice on a range of programs, counselling services, homeless outreach, along with group meetings for a variety of community groups.

### **Hours of Operation**

The community use will operate from 8am to 10.30 pm (seven days per week) with individual meeting and community group meetings proposed.

### **Staff**

Staff of 45 will be employed with no more than 30 to be on site at any time.

### **Clients/ Visitors**

A maximum of 20 clients will be on site at any time.

The proposal seeks internal alterations to the premises as follows:

The lower ground floor will be altered to:

- Demolish the stage on the western side and the partitions forming rooms/offices.
- Demolish the kitchen and cool room on the eastern side and the lobby area.
- New office partitioning will be constructed on the western side.
- New meeting rooms/breakout area and a new kitchenette on the eastern side.
- New lobby area and ramp/steps to provide accessible entry.
- Block the stairs to the upper level.
- New bathroom on the western side and some renovation to existing bathrooms including accessible bathroom.
- New floor coverings.

The upper ground floor, which is public administration, will be altered to:

- Demolish balustrade and handrails adjacent to the front entrance.
- Replace and repair the floor in this area.
- Provide secure entry within the building.

## ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

- Manly Local Environmental Plan 2013 - Zone RE1 Public Recreation Manly Local Environmental Plan 2013 - 5.10 Heritage conservation Manly Development Control Plan - 3.2 Heritage Considerations
- Manly Development Control Plan - 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise) Manly Development Control Plan - 3.6 Accessibility
- Manly Development Control Plan - 3.10 Safety and Security
- Manly Development Control Plan - Schedule 3 - Parking and Access

## SITE DESCRIPTION

|                                   |   |
|-----------------------------------|---|
| <b>Property Description:</b>      | Lot 2077 DP 752038 , 52 Raglan Street MANLY NSW 2095<br>Lot 2810 DP 726668 , 52 Raglan Street MANLY NSW 2095  |
| <b>Detailed Site Description:</b> | <p>The subject site is located on the northern side of Raglan Street in Manly and is known as the Soldiers' Memorial Hall.</p> <p>The site is made up of 2 lots, with the northern lot comprising of a carport and the southern lot (fronting Raglan Street) occupied by the existing building. The sites western boundary fronts Kangaroo Street, the eastern boundary fronts Kangaroo Lane, and the rear boundary abuts the Kangaroo Street Youth Centre.</p> |

The site is irregular in shape with a total area of 1524.1 m<sup>2</sup>. The northern boundary measures 42.14 metres, the front boundary (Raglan Street) measures 31.995 metres, and the side boundaries measure 41.16 metres (Kangaroo Street) and 42.39 metres (Kangaroo Lane). The site slopes from the rear to the street front (from north to south).

The site is zoned RE1 Public Recreation and is currently developed with a two-storey building and a lower ground floor constructed of stone and brick with a tiled roof and car parking is at the rear. The building fronts directly onto the footpath of Raglan Street.

Adjoining and surrounding development is characterised by a mix of residential, commercial and community buildings. Manly Beach is located to the east of the site and the Manly Oval complex is directly opposite.

The site is listed as an Item of Environmental Heritage under the provisions of Manly Local Environment Plan 2013 (Heritage Item I216) and is also located within the vicinity of several other items.



Figure 1: Site Plan

## SITE HISTORY

A search of Council's records has revealed the follow relevant applications over the history of the site.

The Soldiers' Memorial Hall construction was completed in 1926 and officially opened in 1927.

In 1953 an extension to the eastern side of the building was constructed.

Development Consent (**DA268/70**) for internal alterations was approved by Manly Council on 21 May 1971.

Building Application (**BA0462/1983**) was approved in 1983 for the fit-out of the dining room on the eastern side of the upper level of the existing building.

Building Application (**BA0644/1994**) was approved on 8 February 1995, for internal alterations to both levels of the existing building. It is understood that only the lower level internal alterations were carried out.

In 2002 the building was listed as a Local Heritage Item in the Manly LEP amendment 2002. Development Consent (**DA22/08**) was granted on 10 April 2008, for the use of the ground floor level as an educational establishment. This consent was not activated and has since lapsed.

In 2010, when Manly Rugby Club vacated the premises, Manly Fisho's Club occupied the building. However, this arrangement lasted less than 2 years.

A Building Certificate was issued to rectify the unauthorised fit out works to the kitchen and bar of the building in 2011.

In 2015 the Department of Primary Industries acquired the site, and on 8 September 2017, a notice appeared in the Government Gazette advising that Northern Beaches Council had been appointed as Trust Manager of the Kangaroo Street Community Centre Reserve Trust, which incorporates both parcels of land known as 52 Raglan St, for community purposes and government purposes.

Development Application (**DA2018/0951**) for the use of the upper floor of the existing building as public administration (Northern Beaches Council) was granted by the Northern Beaches Local Planning Panel on the 5 September 2018.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

| Section 4.15 Matters for Consideration'   | Comments   |
|---|--|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument   | See discussion on "Environmental Planning Instruments" in this report.   |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument                                      | None applicable.   |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan  | Manly Development Control Plan applies to this proposal.   |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement   | None applicable.   |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) | <p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> |



| Section 4.15 Matters for Consideration'  | Comments  |
|--|---|
|  | <p>Clause 92 of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p>Clauses 93 and/or 94 of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p>Clause 98 of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p><b>(i) Environmental Impact</b><br/>The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p><b>(ii) Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p><b>(iii) Economic Impact</b><br/>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>  |
| Section 4.15 (1) (c) – the suitability of the site for the development   | The site is considered suitable for the proposed development.   |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs   | The application was notified for a period of 14 days from 27/9/2019 to 11/10/2019. The public notification resulted in no objections.   |
| Section 4.15 (1) (e) – the public interest   | No matters have arisen in this assessment that would justify the refusal of the application in the public interest.   |

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

## REFERRALS

| Internal Referral Body                             | Comments  |
|--|---|
| Building Assessment - Fire and Disability upgrades | <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of conditions and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>  |
| Environmental Health (Industrial)                  | There is no objection to the proposed change of use, and internal works subject to conditions of consent.   |
| Waste (Council Building)                           | There are no objections to the proposal subject to a condition requiring the occupants to engage an external waste service provider for the removal of their generated waste.   |
| Heritage officer                                   | <p>This application has been referred as it proposes works to a listed heritage item - <b>Item I216 - Memorial Club - 52 Raglan Street, Manly</b>, which is listed in Schedule 5 of Manly Local Environmental Plan 2013.</p> <p>The subject site is also within the vicinity of a number of other local heritage items, the closest being St Andrew's Hall and Manse (54 Raglan Street), St Andrew's Presbyterian Church (56 Raglan Street) and Ivanhoe Park (opposite), which is also listed on the State Heritage Register. The subject site also adjoins the Pittwater Road Conservation Area.</p> <p>Details of this heritage item as outlined in the Manly Heritage Inventory, are:</p> <p><b>Item I216 - Memorial Club - 52 Raglan Street, Manly</b></p> <p><u>Statement of Significance</u></p> <p>The Soldiers' Memorial Hall, 52 Raglan Street, Manly, is of heritage significance for the people of Manly for historic, aesthetic, associative and reasons of rarity and representativeness. The building was created in 1927 as a Soldiers Memorial Hall, following an arduous effort to raise funds and attain the land. the building is an important design by the significant local architect Frederick Trenchard-Smith, also known for his activities in local civic affairs. The building commemorates the First World War and the Soldiers Imperial League of Australia, while the addition on the corner of Raglan Street and Pittwater Lane commemorates the Second World War. The design of the building exemplifies taste of the Interwar period through the Classical Revival architectural style.</p> <p>This application is for proposed works to the Soldiers Memorial Hall at 52 Raglan Street. These works involve the change of use of the ground floor of this building from a registered club to community uses, along with the fit-out of the ground floor and associated minor buildings works.</p> <p>The proposed works include fit-out of the ground floor to create offices, meeting rooms, kitchenette etc, along with the creation of an accessible toilet and the blocking off of internal stairs between the ground floor and the upper level. These works are not affecting any original building fabric, as the ground floor has been extensively altered over the years. They are also largely reversible as the fit-out will be creating spaces with petitions rather than new walls. It is considered that these fit-out works will not impact upon the heritage significance of the building. It is understood that</p> |

these fit-out works will not remove the original remaining elements of the Memorial Club, including the Eternal Flame light and the Honour Board, which are both located on the ground floor.

Other proposed works, including external works to the building, have the potential to impact upon original fabric and the aesthetic significance of the building. These include changes to the front entrance on Raglan Street to create an accessible entry and provision of a retractable security screen. The exterior works also include repair of sandstone and the replacement of the lower ground floor exterior doors on Kangaroo Street with like for like replacement.

The plans have been reviewed along with the Statement of Heritage Impact, by *Extent Heritage Advisors*, dated September 2019. The proposed works have also been assessed in relation to the heritage provisions contained within Manly DCP 2013.

The main changes involve works to the ground floor entrance onto Raglan Street, which is being altered to make the ground floor accessible and secure. Details of these changes, as shown on the plans and described in the SHI have been reviewed and it is considered that the works will not have an adverse impact upon the heritage significance of the Memorial Club. The installation of a concealed roller grille is considered acceptable, as it will be in a recessive colour matching the new Raglan Street balustrade and steel frame. However, installation of this security screen should not involve any penetration into existing sandstone.

Overall, it is considered that these works will have a negligible impact upon the heritage significance of the building, as exterior works are limited to repair and like for like replacement, with the exception of the main entrance on Raglan Street where minor changes to non-original building elements are proposed. Making the building accessible will ensure it can be used in the future by all members of the community and while the proposed use is not for a registered club, these changes will not prohibit the building being used for that purpose in the future.

It is considered that the minor nature of these proposed works will not impact upon the significance of heritage items located in the vicinity nor impact upon the Pittwater Road Conservation Area.

Therefore, having considered the application and assessing it in relation to the heritage provisions contained within Manly DCP 2013, **no objection is raised to this application on heritage grounds, subject to a number of conditions:**

- all re-pointing of sandstone is to be done with a traditional lime mortar recipe, to match the colour and composition of original mortar in the vicinity of the repair;
- all original building fabric in the vicinity of the works to the Raglan Street entrance (e.g. stone columns, light fittings and other fabric including surrounding sandstone) is to be protected from damage at all times during construction;
- the Eternal Flame light and the Manly Soldiers Memorial Hall Honour Board, located on the ground floor, should be retained in-situ and considered for interpretation;
- Colours, materials and finishes are to be as specified in the Heritage Impact Statement by Extent Heritage Advisors, dated September 2019; and
- an archival photographic record is to be prepared documenting the exterior of the building and the ground floor area, prior to any works commencing.



|                              |  |
|------------------------------|--|
| Traffic Engineer             | It is noted that the adequacy of the parking associated with the use of this building was previously assessed in conjunction with the assessment of DA2018/0951. The shortfall of two parking spaces is noted however as the application is for re-use of an existing building with limitations on the ability to provide additional parking, no concerns are raised with regard to approval of the application subject to the provision of bicycle parking spaces to meet DCP requirements. |
| Waste Officer (Council Land) | No objection subject to conditions.  |

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

## State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

### SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

### SEPP (Infrastructure) 2007

#### Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

**Manly Local Environmental Plan 2013**

|  |     |
|--|-----|
| Is the development permissible?  | Yes |
| After consideration of the merits of the proposal, is the development consistent with: |     |
| aims of the LEP?   | Yes |
| zone objectives of the LEP?  | Yes |

Principal Development Standards

Only internal changes are proposed and accordingly no changes result to any principle development standards including height and floor space ratio.

Compliance Assessment

| Clause                            | Compliance with Requirements |
|-----------------------------------|------------------------------|
| Part 1 Preliminary                | Yes                          |
| Part 5 Miscellaneous provisions   | Yes                          |
| 5.10 Heritage conservation        | Yes                          |
| 6.12 Essential services           | Yes                          |
| Schedule 5 Environmental heritage | Yes                          |

Detailed Assessment

**Zone RE1 Public Recreation**

The proposed use fits the definition for a community facility which is permissible within the RE1 Public Recreation zone.

***community facility means*** a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**5.10 Heritage conservation**

The site is nominated as an item of heritage under the provisions of Schedule 5 of the LEP, being Item No. I216, Soldiers' Memorial Hall. The site is also located within the immediate vicinity of several other heritage items (listed below) and abuts the Pittwater Road Conservation Area.

- Manly St Andrew's Hall and manse 54 Raglan Street Lots 1 and 2, DP 1134642 Local I217
- Manly St Andrew's Presbyterian Church 56 Raglan Street Lot 1, DP 1045408 Local I218
- Manly House 15–17 Pittwater Road Lots 1–5, SP 64980 Local I197
- Manly Baby health care centre building 1 Pittwater Road Lot 1, DP 933364 Local I196
- Manly Ivanhoe Park Ivanhoe Park (bounded by Sydney Road, Belgrave Street and Raglan Street) Lot 2502, DP 1143032; Lots 2424, 2661 and 2726, DP 752038; Lot 7379, DP 1164856 Local I162
- Manly Natural escarpment Kangaroo Reserve Park Local I164

Following detailed assessment of the proposed development, the consent authority can be satisfied of the following:

- A Statement of Heritage Impact was submitted as part of the proposal. The Statement of Heritage Impact concludes that there is unlikely to be unreasonable impacts to the heritage significance of the heritage building or the heritage items within the area of the subject site, therefore, satisfying the matters as listed in clause 5(a)(b) & (c).

Council's Heritage officer has provided support for the proposed change of works and fit out, which will not impact the heritage fabric of the building and are not to the detriment of the significance of the site or that of the neighbouring items. Conditions of consent are proposed to ensure that the proposed works do not impact upon the significance of the heritage item or those surrounding.

## 6.12 Essential services

The proposal will provide essential services as part of the proposal.

Following detailed assessment of the proposed development, the consent authority can be satisfied of the following:

- The proposal has been designed to provide the services listed in clause 1(a)(b) & (c)
- The proposal has been designed, sited and will be managed stormwater matters listed in clause 3(d)
- The proposal has been designed, sited to provide reasonable vehicle access as listed in clause 3(e)

As such, the proposal is considered to be consistent with the matters prescribed by clauses 1 and 2 of 6.12 Essential Services, within Manly Local Environment Plan 2013.

## Manly Development Control Plan

### Built Form Controls

The site is zoned RE1 and accordingly due to the proposed changes being internal only, the Manly Development Control Plan 2013 does not include any built form controls that apply to the proposed development.

### Compliance Assessment

| Clause  | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| Part 3  | Yes                          | Yes                         |
| 3.2 Heritage Considerations                                     | Yes                          | Yes                         |
| 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise) | Yes                          | Yes                         |
| 3.4.2 Privacy and Security                                      | Yes                          | Yes                         |

|  |     |     |
|--|-----|-----|
| 3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design) | Yes | Yes |
| 3.6 Accessibility  | Yes | Yes |
| 3.8 Waste Management   | Yes | Yes |
| 3.10 Safety and Security   | Yes | Yes |
| 4.4.1 Demolition   | Yes | Yes |
| Schedule 3 - Parking and Access  | No  | Yes |

### Detailed Assessment

### **3.2 Heritage Considerations**

The proposal is for a change of use and internal alterations and fit out. The heritage significance of the site is unaffected with external structure of the site unchanged. Council's heritage officer is supportive of the proposed development and no additional consideration is required.

### **3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)**

The change of use and fit out will be for an appropriate community use, which is considered to have a lesser impact, with regard to noise and hours of operation than the previous approved use as a registered club.

### **3.6 Accessibility**

The revisions to improve access to the heritage building as detailed in the BCA report and plans are supported by Council's Building and Heritage officers. No further consideration is required.

### **3.10 Safety and Security**

The proposed community users currently operates from an alternate location on Wentworth Street in Manly. The relocation to the Manly Soldiers Memorial Hall is supported by the Northern Beaches Police Command and Council's Community Safety Coordinator subject to conditions of consent.

Recommendations from the Councils Community Safety Co-ordinator include:

- An additional CCTV camera to be placed at the Kangaroo Lane side of the building
- The access door onto Kangaroo Lane to operate as an emergency access door
- Duress alarms are fitted in appropriate locations within the service
- A shutter door to be installed at the front entrance, to be pulled down after closing time.

Once the fit out has been completed another CPTED inspection can be undertaken to review the completed site.

Therefore, there is no objection to the proposal subject to conditions of consent.

### **Schedule 3 - Parking and Access**

Schedule 3 of the DCP does not include provisions for community facilities. The RMS Guidelines for Traffic Generating Development also provides no parking schedule for community uses. The site has 24 car spaces which are shared between the upper floor and the ground floor which is the subject of this application. The number of staff and visitors to the community facility is considered to be less than would have been permitted for the previously approved club use. As there is no ability to provide additional parking in any location and the close proximity to public transport and the village centre of Manly, the existing parking is considered appropriate based on a merit assessment.

Additionally, we note that the traffic report provided with DA20198/0951 for the change of use of the upper floor to public administration also considered the change of use of the lower floor. The conclusion of this report was that there was a shortfall of only 2 spaces which is justifiable due to the site-specific circumstances as discussed above. It is considered that this provides further validation the change of use as proposed.

Further we note that Council's Traffic Engineer supports the application in its current form subject to a condition of consent requiring 8 bicycle spaces.

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2019**

S7.12 levies are not applicable to this application as they were subject to the original development application relating to the whole site.

## **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

This report provides a detailed assessment of the change of use and internal fitout of the Manly Soldiers Memorial Hall at 52 Raglan Street, Manly.

### Public Exhibition

The public exhibition of the application resulted in no submissions.

### Referrals

The application was referred to five (5) internal departments and no objections were raised, subject to conditions.

### Assessment of the Proposal

The application has been assessed against the planning controls of the Manly Local Environment Plan



and the Manly Development Control Plan. Whilst there are some minor variations to the parking, heritage and safety and security controls as a result of the proposal, the Planning Consultants independent assessment report has found these variation to be generally consistent with the relevant requirements, subject to conditions of consent.

#### Recommendation - Approval

In summary, the external consultant has recommended the proposal for approval as the change of use of Manly Soldiers Memorial Hall to a community facility will not impact upon the environment, or the character of the locality and is considered to be within the public interest.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

### **RECOMMENDATION**

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2019/1011 for Use of part of premises as a Community Facility with associated alterations on land at Lot 2077 DP 752038, 52 Raglan Street, MANLY, Lot 2810 DP 726668, 52 Raglan Street, MANLY, subject to the conditions printed below:

#### **DEVELOPMENT CONSENT OPERATIONAL CONDITIONS**

##### **1. Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

##### **a) Approved Plans**

| <b>Architectural Plans - Endorsed with Council's stamp</b> |              |   |
|--|--------------|---|
| <b>Drawing No.</b>   | <b>Dated</b> | <b>Prepared By</b>  |
| Lower Ground Floor Plan – Existing A01 Rev A               | August 2019  | Building Assets Planning<br>Design and Delivery<br>Northern Beaches Council |
| Site Plan, Drawing List and Project Numbers A00 Rev A      | August 2019  | Building Assets Planning<br>Design and Delivery<br>Northern Beaches Council |
| Upper Ground Floor - Existing A02 Rev A                    | August 2019  | Building Assets Planning<br>Design and Delivery<br>Northern Beaches Council |
| Lower Ground Floor Plan - Demolition A03 Rev A             | August 2019  | Building Assets Planning<br>Design and Delivery<br>Northern Beaches Council |
| Upper Ground Floor - Demolition A04 Rev A                  | August 2019  | Building Assets Planning<br>Design and Delivery<br>Northern Beaches Council |
| Lower Ground Floor - Proposed A05 Rev A                    | August 2019  | Building Assets Planning<br>Design and Delivery<br>Northern Beaches Council |
| Upper Ground Floor - Proposed A06 Rev A                    | August 2019  | Building Assets Planning<br>Design and Delivery<br>Northern Beaches Council |
| South Elevation - Existing A07 Rev A                       | August 2019  | Building Assets Planning  |

|                                      |             |   |
|--------------------------------------|-------------|---|
|                                      |             | Design and Delivery<br>Northern Beaches<br>Council                          |
| West Elevation - Existing A08 Rev A  | August 2019 | Building Assets Planning<br>Design and Delivery<br>Northern Beaches Council |
| North Elevation - Existing A09 Rev A | August 2019 | Building Assets Planning<br>Design and Delivery<br>Northern Beaches Council |
| East Elevation - Existing A10 Rev A  | August 2019 | Building Assets Planning<br>Design and Delivery<br>Northern Beaches Council |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |                |                             |
|---|----------------|-----------------------------|
| <b>Report No. / Page No. / Section No.</b>  | <b>Dated</b>   | <b>Prepared By</b>          |
| Statement of Heritage Impact  | September 2019 | Extent Heritage<br>Advisers |
| Access Report   | August 2019    | Code Performance            |
| Building Code Audit Report  | 30 August 2019 | DPC                         |

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

## 2. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
 Any such sign is to be maintained while the building work, subdivision work or

demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

### 3. General Requirements

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

Reason: To ensure that works do not interfere with reasonable amenity expectations of

residents and the community.

**4. Waste Removal**

The lease agreement for the tenancies of the ground floor are to stipulate that occupants engage a waste collection service that provides daily removal of all waste from the premises for appropriate disposal. Waste may not be stored within the property or deposited in Council bins.

Reason: To ensure efficient waste management and the amenity of the area.

## **FEES / CHARGES / CONTRIBUTIONS**

**5. Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

Reason: To ensure adequate protection of Council's infrastructure.

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

**6. Amendments to the approved plans for Security and Safety**

The following amendments are to be made to the approved plans:

- (a) An additional CCTV camera is to be placed at the Kangaroo Lane side of the building
- (b) The access door onto Kangaroo Lane is to operate as an emergency access door
- (c) Duress alarms are fitted in appropriate locations within the service
- (d) A shutter door is to be installed at the front entrance, to be pulled down after closing

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure a safe environment for staff, clients and the local community.

**7. Building Code of Australia Upgrade requirements**

The recommendations made in the Building Code Audit Report prepared by DP Property Consulting, dated 30 August 2019, Report Ref No. J3002 are to be carried out in full to the building.

Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.



Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

**8. Building Code of Australia Access Upgrade requirements**

The Building Code of Australia works and access upgrading measures to upgrade the building as detailed and recommended in the Access Report prepared by Code Performance, dated August 2019, Report Ref No. 17403 - R1.1 are to be carried out to the building.

Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for Access for building occupant safety.

**9. Colours, materials and finishes**

Colours, materials and finishes are to be generally as specified in the Heritage Impact Statement by Extent Heritage Advisors, dated September 2019

Reason: To ensure materials and colours are appropriate for the heritage building

**10. Archival Photographic Record**

A simple archival photographic record is to be prepared, which documents the exterior of the building and the ground floor, prior to any works. This record can be in digital form and is to be submitted to Council's Heritage Advisor for approval.

Reason: To ensure there is a record of this heritage building prior to changes being made.

**11. Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

**12. Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**13. Re-pointing and repair of sandstone**

Any re-pointing of sandstone is to be done with a traditional lime mortar recipe, to match the colour and consistency of original mortar in the vicinity of the repair.

Reason: To ensure that original sandstone fabric is appropriately repaired in accordance with best heritage practice. (DACHEEDW1)

**14. Protection of original fabric - Raglan Street entrance works**

All original building fabric in the vicinity of the works to the Raglan Street entrance (e.g. stone columns, light fittings and other fabric including surrounding sandstone) is to be protected from damage at all times during construction;

Reason: To ensure original fabric is not damaged during construction works. (DACHEEDW2)

**15. Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE  
OCCUPATION CERTIFICATE**

**16. Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

**17. Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Interim or Final Occupation Certificate.

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

**18. Bicycle Parking**

That bicycle parking capable of accommodating no less than 8 bicycles be provided in a publicly accessible area in the environs of the site.

Reason: <to provide for active travel to/from the location> (DACTRFPOC1)

---

## **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

### **19. Retention of Eternal Flame and Honour Board**

The Eternal Flame light and the Manly Soldiers Memorial Hall Honour Board, located on the ground floor, should be retained in-situ and considered for interpretation

Reason: To retain original elements of movable heritage in-situ. (DACHEGOG1)

### **20. Noise**

The use of the premise must be controlled so that any emitted noise is at a level so as not to create an “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.

Reason: To comply with Noise Legislation.

### **21. Hours of Operation**

The hours of operation are to be restricted to:

Monday to Friday – 8.00am – 10.30pm

Saturday – 8.00am – 10.30pm

Sunday and Public Holidays – 8.00am – 10.30pm

Upon expiration of the permitted hours, all services (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.