

Reference: MC/16/159091
Enquiries: Planning and Community

Mr Peter Skerrett
Sangrow Pty Ltd
63 The Corso
MANLY NSW 2095

Dear Mr Skerrett,

Re: Pre-Lodgement Meeting

Property: 63 The Corso, Manly

Proposal: Conversion of backpackers' accommodation into shop top housing, including a fifth floor addition

Thank you for arranging a meeting with Council on 6 December 2016 concerning your development proposal. Council's Planning Officer has viewed the site and surrounding area and has completed a preliminary assessment of the documentation you submitted. Assessment has been undertaken having regard to relevant Planning Instruments and Development Control Plans.

The site is within:

- The Zone, B2 Local Centre
- Building Height: 10m
- Floor Space Ratio: 2.5:1
- Class 4 of Acid Sulphate Soils
- Foreshore Scenic Protection Area
- Heritage Listed Property: Item 106
- Heritage in Vicinity: Item 101, Item 111, Item 232, Item 233
- Town Centre Conservation Area
- Landslip & Subsidence: Zone G3
- Sydney Harbour Foreshores Waterway area

Plan No. / Title	Issue/ Revision & Date
Ground Floor Plan	23 November 2016
Mezzanine Level	23 November 2016
Level 1 Plan	23 November 2016
Level 2 Plan	23 November 2016
Level 3 Plan	23 November 2016
Roof Level Plan	23 November 2016
Elevation, The Corso	23 November 2016
Rear Elevation	23 November 2016
Section AA	23 November 2016
Locality/Site Plan	23 November 2016

Manly LEP 2013 - Part 4 Principal Development Standards

Issues raised:

4.3 Building Height: The maximum height of building for the subject site is 10m. The proposal indicates a non-compliant maximum building height of 14.3m, which is a 43% variation on the Height of Building Development Standard of Clause 4.3 of the Manly LEP 2013 and a 19.1% variation on the existing non-compliance. An Application Form to Vary a Development Standard would be required, justifying the variation on the height of building development standard. Variation to the Height of Building development standard can be supported subject to revisions being made to better comply with the heritage comments below, the Apartment Design Guideline and the State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development, the Manly LEP 2013 and the Manly DCP 2013. Such revisions include setting back the level 3 addition in order to be visually subservient to the New Brighton Hotel and the existing facades, both front and rear.

4.4 FSR [see also *Manly DCP 2013* Clause 4.1.3]: The maximum floor space ratio for the subject site is 2.5:1. The proposal indicates a non-compliant floor space ratio of 3.58:1 (1753sqm), which is a 43.4% variation on the Floor Space Ratio Development Standard of Clause 4.4 of the Manly LEP 2013. An Application Form to Vary a Development Standard would be required, justifying the variation on the floor space ratio development standard. A lesser variation to the Floor Space Ratio development standard as a result of setting back the third level addition and reconfiguration of the proposed apartments (as detailed below in response to the Apartment Design Guide controls) can be supported.

Manly LEP 2013 – Part 5 Miscellaneous Provisions

Issues raised:

5.10 Heritage Conservation: Comments from Council's Heritage Advisor are as follows:

In reviewing this development application consideration is given to the Manly LEP 2013, Manly DCP 2013, and the guidance documentation prepared by the Department of Environment and Heritage. The following clauses and objectives from the Manly DCP 2013 were considered to be of relevance to the proposed development:

3.1 Heritage Consideration

It is considered that the proposed development has the potential to result in a negative impact to the setting of the New Brighton Hotel and the Manly Town Centre Conservation Area. The iconic imagery of the New Brighton Hotel as a dominant corner element has not been considered as part of this development. Furthermore the building already exceeds the predominate two storey height within the Corso and the additional floor level would be excessive, intrusive and out of character

3.1.2.1 Streetscape

The proposed development, particularly the additional floor level, challenges the dominant corner imagery displayed by the New Brighton Hotel.

3.1.3.1 Design Principles

The proposed development does not respect the unified appearance of the townscape. The other non- corner buildings within the area, particularly those fronting the Corso, express a two storey imagery. Third storey additions are generally set behind the parapets. It is considered that the proposed development would further deteriorate the contribution made by the subject property to the Manly Town Centre Conservation Area and would result in a negative or intrusive impact on the conservation area.

3.2.1.1 Development within the vicinity of heritage items, or conservation areas

The proposed development has not been designed in consideration of this clause or the heritage significance of the building, neighbouring buildings, streetscape or wider conservation area. It will detract from the heritage significance of the building, neighbouring buildings, streetscape and wider conservation area. It will constitute an overdevelopment of the building that fails to retain or enhance the character of the locality. The proposal does not seek to promote and enhance the heritage significance and integrity of the building, neighbouring building, streetscape or conservation area. It will not complement the predominant building form, proportions, scale, or style. No information has been forwarded with regards to the colour and finishes. The height alignments of the building will not be respected.

3.2.2.1 Complementary Form and Scale that Distinguishes Heritage Significance

It is considered that an additional level to this building will ruin the appearance of the existing building the neighbouring New Brighton Hotel, and will result in an intrusive addition to the Manly Town Centre Conservation Area.

3.2.2.2 Retaining Significant Features and Landscape Setting

The increase of the windows to the upper level of the Market place façade is not compatible with the intent of this clause as windows in traditional building decreased in size as they neared the roof. However it is noted that this section of the building was extensively redeveloped in the 1990s.

It is considered that the proposed development has not been designed in consideration of the following clauses:

4.1.7.1 First Floor Additions

4.2.5.1 Design for Townscape

5.1.1 General Character

5.1.2.4 Parapets to be read against the sky

5.1.2.9 Building heights determined by site-specific requirements in addition to the established numerical requirements

5.1.2.18 The impact of new development on rear lane-ways and on adjacent development is important

5.1.2.15 External building colours are important to the overall presentation of The Corso

5.1.2.17 External details for plant, exhausts, ducts and other services as part of the overall building structure

A colour and fabric board will need to accompany any Development Application.

Furthermore, Schedule 6 of the DCP provides site specific controls for The Corso. It states that:

63-67 The Corso requires:

- *Repaint façade to highlight the art deco features*
- *Reconstruct ground floor shops as opportunity arises*

The Department of Environment and Heritage has prepared a document titled *Assessing Heritage Impact*. The following questions must be considered:

Major Additions (see also major partial demolition)

- How is the impact of the addition on the heritage significance of the item to be minimised?
- Can the additional area be located within an existing structure? If not, why not?
- Will the additions tend to visually dominate the heritage item?
- Are the additions sited on any known, or potentially significant archaeological deposits? If so, have alternative positions for the additions been considered?
- Are the additions sympathetic to the heritage item? In what way (e.g. form, proportions, design)?

New development adjacent to a heritage item (including additional buildings and dual occupancies)

Note: Most planning instruments (such as local and regional environmental plans) require the approval authority to take into account the impact of new development on adjacent heritage items or conservation areas.

- How is the impact of the new development on the heritage significance of the item or area to be minimised?
- Why is the new development required to be adjacent to a heritage item?
- How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?
- How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?
- Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?
- Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?
- Will the additions visually dominate the heritage item? How has this been minimised?
- Will the public, and users of the item, still be able to view and appreciate its significance?

Conclusion

Based on the above analysis it is considered that the proposed development constitutes an overdevelopment of the site that will physically overwhelm and dominate the neighbouring heritage listed items and will result in a negative impact to its setting. It is further considered the proposed development is out of character with the conservation area and will result in a negative impact to the visual amenity and characteristics of the Manly Town Centre Conservation Area. The proposed development would result in the introduction of an intrusive development within the Conservation Area and does not meet its desired future outcomes. The proposed development would not be acceptable on heritage grounds.

Development Assessment Officer Comments

Based on the advice above, the proposed development can only be supported if the additional third level is reduced in size so as to generally not be seen from street level, at either elevation. Such a reduction in the top level (and a subsequent reconfiguration of the apartments) will better respond to the issues raised in relation to the Manly LEP 2013, Manly DCP 2013, State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and Apartment Design Guide.

Manly LEP 2013 – Part 6 Local Provisions

No issues raised.

Manly Development Control Plan 2013

Issues to be addressed:

3.2 Heritage Considerations: As above.

3.5 Amenity:

Privacy [*Manly DCP 2013* Clause 3.4.2] – Privacy is to be maintained for adjoining dwellings, especially regarding decks, balconies and stairs or for significant changes of use to the existing use. In this regard, roof decks are not regarded favourably by Council.

View loss [*Manly DCP 2013* Clause 3.4.3]: It is recommended that neighbouring and nearby properties be approached and a full view loss assessment be undertaken to establish the extent to which the proposed development obscures their view, if any).

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

The proposed development should be reconfigured/redesigned in order to better respond to the following principles of SEPP 65:

- Principle 1: Context and Neighbourhood Character
- Principle 2: Built Form and Scale
- Principle 6: Amenity

Apartment Design Guideline:

Issues to be addressed:

2C Building Height

The proposed building height is not considered to satisfactorily respond to the desired future scale and character of the street and local area. The proposed building height does not adequately consider the height of existing buildings that are unlikely to change, including the New Brighton Hotel.

2D Floor Space Ratio

The proposed development should be redesigned to better respond to the constraints of the site, thus better align with the optimum capacity of the site and the desired density of the local area. The proposed development must better provide opportunities for building articulation and creativity within the building envelope to allow for greater open space provisions (see Clause 4E below).

2F Building Separation

This clause requires adequate building separations be provided. The proposed development, located immediately adjacent to the New Brighton Hotel (i.e. no building separation) must consider the relationship between the residential apartments and the pub in order to support the desired future character and provide adequate residential amenity. Roof top communal space should not be provided in this regard, given the close proximity to the New Brighton Hotel (and the potential for interaction with users of the hotel).

3C Public Domain Interface

Clause 3C requires that upper level balconies overlook the public domain and that opportunities for people to be concealed should be minimised (i.e. in the fire escape, lobby or service area).

3F Visual Privacy

This clause requires certain building separations be provided. Given the existing nil setback on site, required building separations cannot be met. In this case, consideration should be given to the configuration of apartments in relation to the New Brighton Hotel in order to maximize visual privacy.

4A Solar and Daylight Access

This clause requires that development to provide a minimum of 70% apartments receive a minimum of two hours direct sunlight to living rooms and private open spaces between 9am and 3pm at mid-winter. The proposal demonstrates compliance with this control. However, consideration should be given to the reconfiguration of apartments to better respond to private open space and balconies (see Clause 4E below).

4B Natural Ventilation

This clause requires developments to provide a minimum of 60% naturally cross-ventilated apartments (13 apartments). The proposal demonstrates compliance with this clause.

4E Private Open Space and Balconies

Clause 4E requires that all apartments are required to have primary balconies with minimum dimensions as follows:

- Studio: 4sqm
- 1-Bedroom: 8sqm with minimum depth of 2m

The proposed development does not provide balconies or appropriate open space alternatives (i.e. winter gardens) for all apartments. Consideration should be given to reconfiguring apartments in order to comply with this clause.

4H Acoustic Privacy

This clause requires adequate building separations be provided.

Of concern are the following open spaces:

- Courtyards outside 6, 7 and the voids above
- Terraces of 14 and 21

Noise generated by users of the above courtyards and terraces will impact upon the bedrooms of apartment nos. 5, 7, 8, 10, 13 and 14. The proximity of balconies to bedrooms should be addressed in order to avoid the potential whereby a bedroom window cannot be opened as a result of the noise, affecting natural cross ventilation.

4R Adaptive Reuse

Adaptive reuse should acknowledge and respect the original character of the building. Additions must complement the existing character, siting, scale, proportion and detailing of the original building. The level 3 addition should be visually separated from the existing front and rear elevations.

Other

S94 Contributions will be due on this proposal in relation to the creation of 21 residential apartments. No contribution will be payable in relation to car parking, as there is no applicable car parking rate for residential uses.

SUBMISSION

Refer to Part 2 of the Manly DCP 2013 for detailed information on requirements.

DRAWINGS:

- **Plans, sections and elevations** at 1:100 showing all proposed levels (RLs) and including existing levels and extent and location of adjoining properties. Please show boundaries and adjoining buildings, with window/door openings, on all levels of plans. The location of any **solar hot water service** should be shown on roof plans and elevations (if proposed or required by BASIX). *Ensure all drawings are **printed to scale** as errors occur when “shrink to fit” is activated.*
- **Site Analysis Plan** required (refer to Clause 2.1.2).
- **A Survey plan** prepared by a registered Surveyor with levels to Australian Height Datum is required noting existing buildings, ridge and gutter heights, spot levels, boundaries, services etc. Boundaries being ‘located’ are useful for when construction commences and essential where works are proposed close or on boundaries (Refer to Clause 2.1.1.2).
- **A colour board** showing proposed materials and indicative colours, taking care when selecting roofing materials to reduce impacts for properties overlooking the site. Generally ‘Very Light’ in the BCA solar absorptance scale of colours in metal roofing cause glare issues – therefore colours should be selected from ‘Light’ onwards. Appropriate colours for the heritage streetscape/Foreshore Scenic Protection Area should be shown.

REPORTS & INFORMATION

- **Owners’ Consent** of all owners of the subject site.
- **Statement of Environmental Effects** is required. This is to explain and justify (in terms of meeting the DCP Objectives) *minor* non-compliances and explain the design intent.

- **A Statement of Heritage Impact** prepared by a suitably qualified person considering the Conservation Area and neighbouring heritage listed items.
- **Comprehensive Signage Strategy** showing the location and styles of all signage to be utilised within the development.
- **SEPP65 Report** prepared by a suitably qualified person
- **Electronic Lodgement CD** (or Council charges a minimum \$100 to do one on your behalf)

Reference made (but not limited) to the following:

- Building Code of Australia
- *Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulations 2000*
- SREP (Sydney Harbour Catchment) 2005
- State Environmental Planning Policy [SEPP 65] Residential Flat Buildings
- Sydney Harbour Foreshores & Waterways Area DCP (2005)
- Manly Local Environment Plan 2013
- Manly Development Control Plan 2013
- Relevant Australian Standards
- *RTA Guide to Traffic Generating Developments*

Please refer to Development Application and Checklist for more information

The proposal as it has been submitted **could not be recommended for approval** and **requires revisions / clarifications** before it is submitted. Please feel free to contact the writer again should you wish to have a quick discussion about amended plans.

It is suggested that you meet with Council's Duty Planner when lodging the formal development application to ensure all documentation is complete to enable efficient processing of the application.

If you have any questions please contact telephone Environmental Services Division on 9976 1500, Option 4, during business hours.

Yours Faithfully

Claire Downie

Development Assessment Officer

Land Use & Sustainability Division

Disclaimer

Council provides this service for guidance purposes only, and any comments contained in this letter or made at the meeting may and can only be used for assistance only during the design phase. Matters discussed and comments offered by Council will in no way fetter Councils discretion as the Consent Authority.