



Development Assessment Unit Report Residential Zone

DA #	196/08
Site Address	19 -23 (part), 25, 27 & 31(part) The Corso. Manly
Proposal	Alterations and additions to the Ivanhoe Hotel and extend to adjoining premises including new façade, coffee shop, poker machine area, bottle shop and TAB
Officer	

<u>Application Lodged:</u>	20 June 2008
<u>Applicant:</u>	Hilrock Properties Pty Ltd & TW & FT Peterson
<u>Owner:</u>	Hilrock Properties Pty Ltd & TW & FT Peterson and London Fashions P/L & Henry R Roth Charitable Foundation P/L
<u>Estimated Cost:</u>	\$3.3M
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential And within the Foreshore Scenic Protection Area
<u>Surrounding Development:</u>	Retail, Commercial and Residential Developments
<u>Heritage:</u>	Within The Town Centre Conservation Area and in the vicinity of Items of Environmental Heritage.

SUMMARY:

1. Development consent is sought for alterations and additions to extend the hotel use from No. 27, The Corso into the adjoining building at Nos. 19 - 23 (part), 25 and 31 (part), The Corso.
2. The application was notified to all adjoining and nearby property owners and six (6) individual submissions and one (1) joint submission, signed by six (6) residents, received.
3. The application was referred to all the Precinct Community Forums for comments.
4. Site inspection is recommended.
5. The applicant has appealed to the NSW Land & Environment Court under deemed refusal on 20 August 2008.
6. The first call-over for the appeal was on the 18 September 2008. The matter is listed for hearing on 25 and 26 November 2008.
7. The application is recommended for Conditional Approval.

LOCALITY PLAN

Shaded area is subject site. (for LUM reports only – provided by Administration)

RECOMMENDATION

That Development Application No. 196/08 for alterations and additions to extend the hotel use from No. 27, The Corso into the adjoining buildings at Nos. 19 - 23 (part), 25, 27 and 31 (part), The Corso be approved subject to the following conditions:-

DA1

This approval relates to drawings/plans Nos. 08007 – DA02-A dated 13 June 2008; 03-A, 04-A and 05-A all dated 2 May 2008 prepared by NBRS & Partners and received by Council on the 20 June 2008.

- Statement of Environmental Effects prepared by Design Collaborative Pty Limited, dated June 2008 and received by Council on 20 June 2008.
- Peer Review of the Statement of Environmental Effects prepared by Urbis, dated May 2008 and received by Council on 20 June 2008.

The submitted Statement of Environmental Effects includes the following documents:-

- Statement of Heritage Impacts prepared by NBRIS + Partners dated April 2008 and received by Council on 20 June 2008.
- Traffic and Parking Assessment prepared by Michael Grosvenor Consulting dated May 2008 and received by Council on 20 June 2008.
- Acoustic Assessment prepared by The Acoustic Group dated 28 May 2008 and received by Council on 20 June 2008.
- Social Impact Statement prepared by Design Collaborative Pty Limited dated May 2008 and received by Council on 20 June 2008.
- Plan of Management for the operation of the Ivanhoe Hotel prepared by Design Collaborative dated June 2008 and received by Council on 20 June 2008.
- Building Code of Australia 2007 Assessment Report (draft) prepared by Dix Gardner Pty Ltd dated 23 April 2008 and received by Council on 20 June 2008.

ANS01

The expressed columns of No 29 The Corso and the style, character and materials of the building are to be retained to ensure that the architectural integrity of the building is maintained. Plans are to be amended accordingly prior to the issue of Construction Certificate.

ANS02

The applicant is to retain the existing awning design (including awning fascia dimensions) and location across the entire length of current Commonwealth Bank building (No. 31 The Corso) to retain the existing symmetry and horizontal lines of the building. This is to ensure the integrity of the building is retained as a whole. Plans are to be notated accordingly prior to the issue of Construction Certificate.

ANS03

The existing material around the new openings to No. 31 The Corso are to be retained to ensure the building is read as part of the existing building and separate from No 27 The Corso. This is to maintain the integrity of the existing Commonwealth Bank building. Plans are to be amended accordingly prior to the issue of Construction Certificate.

ANS04

Details of the treatment to the rear façade of No. 27 The Corso are to be submitted prior to the issue of Construction Certificate. The façade is to have details which will enhance the pedestrian environment. Plans are to be amended accordingly prior to the issue of Construction Certificate.

ANS05

The wrought iron balustrades to the first floor of No. 27 The Corso are to be deleted and the existing timber balustrades retained. The reason for this is that the wrought iron balustrades will detract from the architectural style of the building. Plans are to be notated accordingly prior to the issue of Construction Certificate.

ANS06

The proposed timber framed windows to the sides of the balcony over The Corso are to be deleted. The reason for this is that the enclosed sides to the balcony will increase the bulk of the section of the building cantilevered over the pedestrian area of The Corso. Further, it is to be noted that no owners consent has been obtained for the proposed works.

ANS07

Details of the treatment to the ground floor façade of No 25 The Corso is to be submitted to the Council/Accredited Certifier prior to the issue of Construction Certificate. This is to ensure that the detailing below the awning reflects the front façade 'screen' and that the subdivision can be interpreted and read as separate from No. 27 and No. 31 The Corso.

ANS08

The applicant is to submit a copy of the Social Impact Assessment (SIA) submitted to Liquor Administration Board, if any, to Council. The reason for this is that the submitted Statement of Environmental Effects includes a SIA for a proposed hotel at Rydges World Square, Sydney and not for the subject sites.

ANS09

The final Plan of Management is to include the following issues:-

- Sound levels generated by the new outdoor smoking areas after 10 pm should be monitored and a response plan developed if acceptable levels are exceeded.
- Consideration should be given to a special bin for pizza boxes and related waste placed and serviced by the hotel in the area adjacent to the pizza kitchen.
- While approved patron levels are unchanged in the current proposal, service capacity is increased substantially. Methods of monitoring actual capacity on an ongoing basis should be described and assurances received.
- To provide enough security staff and measures adequate to address the potential increase in patronage.
- To ensure the toilets in the basement are well lit, maintained clean and monitored by security.
- To ensure the pizza retail outlet does not become place for congregation of intoxicated people.

A copy of the Final Plan of Management is to be submitted to Council prior to the occupation of the premises.

ANS10

Plans are to be amended, prior to the issue of Construction Certificate, to include either an internal pass or service door between the pizza kitchen and the adjacent bar.

ANS11

The expanded bottle shop is to post a *prominent and very visible* signage emphasizing that the consumption of alcohol in the Alcohol Free Zone (AFZ) is prohibited, that this prohibition is enforced and displaying a map of the Zone. Plans are to be notated accordingly, prior to the issue of Construction Certificate.

ANS12

The proposed outdoor eating areas on the rooftop and balcony are to be closed to patrons from 10:00pm (each night) until 8:00am (each morning). The proposed outdoor smoking areas are to be used for smoking purposes only between the hours of 10:00pm and 8:00am with no service of food or alcohol during that period. This is to maintain the amenity of the adjoining residential premises and comply with the requirements of Development Control Plan for Late Night Venues 2005.

ANS13

The proposed outdoor smoking areas are not to be enclosed, without the prior consent of Council. This is to comply with the Smoke-free Environment Act 2000.

ANS14

An additional accessible toilet is to be provided at the first floor level of the existing hotel (No. 27 The Corso). The reason for the condition is to provide adequate facilities for people with disabilities and noting the fact that the toilet facilities provided at the basement level is not accessible. Plans are to be amended accordingly prior to the issue of Construction Certificate.

ANS15

The following hours of operation for the proposed uses shall not exceed the following, **without the prior consent of Council**:

- Coffee Shop: 7:00am to 1:00am (following day) - everyday
- Poker Machine Area: 7:00am to 1:00am (following day) - everyday
- TAB: 9:00am to 10:00pm -everyday

- Pizza Retail: 7:00am to 1:00am (following day) - everyday
- Bottle Shop: 9:00am to 10:00pm - everyday

ANS16

A separate waste and recycling service shall be engaged/contracted by businesses operating from the premises.

ANS17

Plastic bags shall not be issued to customers for the purpose of carrying items purchased from the premises.

ANS18

The business shall not provide prepared foods/drinks to its customers in any nonrecyclable or non-biodegradable plastic or foam.

ANS19

With the application for a Construction Certificate, the developer must submit to Council/Accredited Certifier an acoustic report covering the issues listed below. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants). The building plans are to be endorsed to comply with the required acoustical measures.

Mechanical Noise and Vibration

The report must:

- identify each item of plant and equipment;
- include the measurements, and calculations made for each piece of equipment;
- certify that the method of treating the mechanical plant or equipment will ensure that it meets the following criteria:
 1. a sound pressure (L_{Aeq} period) at any noise sensitive position of any other premises or occupancy shall not exceed the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.
 2. a sound pressure (L_{Aeq} 15min) at any noise sensitive position shall not exceed the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1
 3. Australian Standard AS 2670.2-1990 Evaluation of human exposure to whole-body vibration - Continuous and shock-induced vibration in buildings (1 to 80 Hz)
 4. The following additional criteria adopted by City of Botany Bay Council:
 - (a) The operation of all plant and equipment shall not give rise to an equivalent continuous (L_{Aeq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).
 - (b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds L_{Aeq} 50dB(A) day time and L_{Aeq} 40 dB(A) night time.
 - (c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds L_{Aeq} 65dB(A) day time/night time.

For assessment purposes, the above L_{Aeq} sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

Note “sensitive” positions should be selected to reflect the typical use of a property (i.e. any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

Noise requirements:

Installation and Commissioning

The Development is to be constructed to meet the requirements detailed in the approved acoustic report, and the following construction noise requirements:

Construction Noise:

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority’s Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.

Level Restrictions

Construction period of 4 weeks and under:

- the L_{10} sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks and not exceeding 26 weeks:

- the L_{10} sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

Silencing

All possible steps should be taken to silence construction site equipment.

Prior to the issue of any Occupation Certificate

Acoustic validation report

After completion of the works, the developer must submit to the principal certifying authority, a report from a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants) certifying that the works have been undertaken to meet the above design criteria.

Ongoing Operation

Noise from mechanical plant or equipment

The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property:

- ‘Offensive noise’ as defined in the Protection of the Environment Operations Act 1997;
- Transmission of vibration to any place of different occupancy above the requirements of AS2670;
- a sound pressure $L_{Aeq,period}$ at any noise sensitive position of any other premises or occupancy greater than the recommended **amenity noise criteria** detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy;
- a sound pressure $L_{Aeq,15min}$ at any noise sensitive position greater than **the intrusiveness criteria** determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.
- the following additional criteria when assessed on any residential property:
 - (a) The operation of all plant and equipment shall not give rise to an equivalent continuous (L_{Aeq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).

- (b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds L_{Aeq} 50dB(A) day time and L_{Aeq} 40 dB(A) night time.
- The following additional criteria when assessed on any neighbouring commercial/industrial premises:
 - (a) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds L_{Aeq} 65dB(A) day time/night time.

For assessment purposes, the above L_{Aeq} sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

Offensive Noise is defined in the Protection of the Environment *Operations Act 1997* as noise:

- (a) That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) Is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) Interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

General Noise Condition

- (a) The operation of all plant and equipment shall not give rise to an equivalent continuous (L_{Aeq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA_{90} level (in the absence of the noise under consideration).
- (b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds L_{Aeq} 50dB(A) day time and L_{Aeq} 40 dB(A) night time.
- (c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds L_{Aeq} 65dB(A) day time/night time.

For assessment purposes, the above L_{Aeq} sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

1. Noise from Mechanical Plant or Equipment Ongoing Operation

Noise from mechanical plant or equipment

The use of the premises shall not give rise to any of the following when measured or assessed at “sensitive” positions within any other property. These “sensitive” positions should be selected to reflect the typical use of a property (ie any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

- ‘offensive noise’ as defined in the Protection of the Environment Operations Act 1997.
- transmission of vibration to any place of different occupancy above the requirements of AS2670.
- a sound pressure $L_{Aeq,period}$ at any noise sensitive position of any other premises or occupancy greater than the recommended **amenity noise criteria** detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.
- a sound pressure $L_{Aeq,15min}$ at any noise sensitive position greater than **the intrusiveness criteria** determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low

frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1

- the following additional criteria:

- (a) The operation of all plant and equipment shall not give rise to an equivalent continuous (L_{Aeq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).
- (b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds L_{Aeq} 50dB(A) day time and L_{Aeq} 40 dB(A) night time.
- (c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds L_{Aeq} 65dB(A) day time/night time.

For assessment purposes, the above L_{Aeq} sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

2. Compliance with Submitted Acoustic Report

Ongoing operation

Compliance with Submitted Acoustic Report

The noise reduction measures specified in the acoustic report prepared by the acoustic group report dated 28 May 2008 report 38.4341 R8.4341 R:ZSC shall be installed prior to the issuing of the occupation certificate. All noise reduction measures specified in the above acoustic report shall be complied with at all times during the operation of the premises.

3. Noise Compliance Report 3 months

Noise Compliance Report

Within three months of occupation of the premises, a noise compliance report shall be submitted to Council. The report shall state that the noise abatement measures detailed in the acoustic group report dated 28 May 2008 report 38.4341 R8.4341 R:ZSC Report prepared by the acoustic group report dated 28 May 2008 report 38.4341 R8.4341 R:ZSC have been implemented, and confirm that the noise emissions from the premises complies with Council's noise criteria specified in this consent.

4. *Vibration EPA*

Installation and Commissioning

Vibration

The construction of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW Department of Environment and Conservation publication "Assessing vibration; a technical guideline" February 2006.

5. *Vibration EPA*

Ongoing Operation

Vibration

The use of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW Department of Environment and Conservation publication "Assessing vibration; a technical guideline" February 2006.

6. *Vibration – Housing of Machinery*

Ongoing Operation

Vibration – Housing of Machinery

All machinery shall be installed and/or housed in such a manner as to minimise the emission of noise and transmission of vibration outside the premises.

ANS20

The following nine (9) conditions apply to the proposed to coffee and food shops. Prior to the release of the Construction Certificate premises must be inspected to the satisfaction of Council's Environmental Health Officer.

- A hand basin with a common spout is to be provided within the premises in an approved and conveniently located position with a supply of hot and cold water under pressure.
- Adequate efficient glass washing and/or dish washing machines or double bowl sinks or two-compartment tubs shall be provided for the washing and rinsing of drinking and eating utensils.
- All glass and/or washing machines, double bowl sinks and two - compartment tubs shall be supplied with hot water at a temperature of not less than 75 degrees Celsius (sinks/tubs) and 82 degrees Celsius (dishwashing machines) unless the machine(s) clean by chemical sanitising.
- The dishwashing and glasswashing machine(s) shall be fitted with (a) thermometer(s) which is/are visible to the operator indicating the temperature of the water in the wash tank and the rinse tank.
- A cleaner's sink shall be provided in a room or space away from any food preparation area.
- Adequate dressing room accommodations shall be provided for male and female staff with sufficient lockers for all clothing and personal items.
- Adequate facilities shall be made available for the storage of cleaning equipment and material.
- A garbage room or garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council.
- The applicant must contact Sydney Water on tel. 131110 to determine whether a Trade Waste Permit is required before discharging any trade waste to the sewerage system.

DA274 Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, may be required for this development. If required the amount will be in accordance with Councils Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate.

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

Plus standard conditions

Introduction

Ivanhoe Hotel is located on the northwestern side of The Corso, approximately 20m east of its junction with Darley Road. The Ivanhoe Hotel, at No. 27 The Corso, is a three storey building with a basement level, and is legally known as Lot 1 DP 87793. The area of the site is 383m². The hotel site is a rectangular allotment and has a frontage of 12.47 m to The Corso and has access to Market lane at the rear. The depth of the site is approximately 31.2 m.

The Commonwealth Bank building at No 31 The Corso is a three storey building that adjoins the Ivanhoe Hotel to the east. The legal description of this site is Lot 910 in DP 875567 and has a site area of 726m². The current application proposes to use only part of this site.

The existing St. George Bank building at No. 25 The Corso is a single storey building and is legally known as Lot 2 DP 877793. The site has a frontage of 7.58 m and site area of 237m².

The Soul Pattinson Chemist is located at Nos. 19 – 23 The Corso and adjoins the St George building to the west. Its legal description is SP 12989. The proposal is to incorporate only the two storey section of the site (having a frontage of 4.64m) and not the four (4) storey building. The two storey building has a site area of 136m².

The area in and around The Corso forms the Manly Town Centre. The Corso is the main retail street, comprising of mixed use developments (retail shops, commercial premises, cafes, restaurants, take away food outlets, and dwellings). The Corso is flanked by water on both ends and provides a pedestrian promenade that links the Manly Wharf, ferry, bus and taxi terminals at the south western end to the Manly Ocean Beach at the north eastern end. The buildings in the immediate area in The Corso consist predominantly of a mixture of two and three storey buildings. The Corso is closed to vehicular traffic to the east of its intersection with Darley Road. Opposite the subject site is the historic St Mathews Church.

The whole of The Corso is in The Corso Conservation Area and all the buildings on The Corso are identified as Items of Environmental Heritage in the Manly Local Environmental Plan (LEP) 1988.

Background

On 8 July 2005, Council approved a Development Application DA 92/05 for alterations and additions to Ivanhoe Hotel, including the conversion of the bottle shop into a pizza kitchen, relocation of the ground floor gaming room to the basement and to replace existing gaming room with expanded bar area and a new stage.

On 31 September 2005, Council received an application from Bovis Lend Lease for alterations and additions to the existing building including new ground floor sub-tenancy at No. 31 The Corso

On 25 January 2006, Council refused a Section 96 application to amend Condition 5 of the consent to permit the number of patrons on the ground floor from 250 persons to 350 persons and to amend Condition 9 of the consent (DA 92/05) to enable the sale of takeaway food from 9am to 3am Monday to Saturday and 9am to 12 midnight on Sundays.

The applicant appealed against the refusal of the Section 96 application. On 1 May 2006, the NSW Land & Environment Court upheld the appeal by increasing the number of patrons on the ground floor to 300 persons and allowing the pizza kitchen to sell take away food until 11pm. The Court also allowed trading for a trial period of twelve months for up to midnight on Sunday night and up to 1am on other nights.

On 6 June 2006, Council received an application (DA 231/06) for Alterations to the Ivanhoe Hotel and expand to the adjoining building to the east to part 31 The Corso. The applicant lodged an appeal under deemed refusal and on 2 April 2007, the NSW Land & Environment Court upheld the appeal.

On 16 March 2007, Council received an application for the alterations and additions to extend the Hotel use at No. 27 The Corso (Ivanhoe Hotel) into the adjoining St George Bank building at No. 25 and No. 23 (containing part of the existing Soul Pattinson Chemist at Nos. 19 – 21 The Corso). Final determination on this application was not issued.

Current Proposal

Development consent is sought for the alterations and additions to extend the Hotel use at no. 27 The Corso (Ivanhoe Hotel) into the adjoining St George Bank building at No. 25, Bottle Shop at No. 23 (containing part of the existing Soul Pattinson Chemist at 19 – 23 The Corso) and new TAB at part No. 31 The Corso.

The proposed changes include the following:-

Basement Level (RL 2.87)

- Removal of the existing nightclub use, bar and toilets within the existing basement of the Hotel at No. 27 The Corso.
- The new basement at No. 27 The Corso is to provide for Keg room, office, hoist, beer package room, empty keg storage, storage/ cellar, storage area, BOH storage, garbage room, new steps and landing and lift.

Basement Level (RL 3.17)

- Retain existing audio room
- New male and female WC.

Ground Floor Level (RL 6.01)

No. 23 The Corso (Part Existing Soul Pattinson Pharmacy)

- New wall to separate the building from the existing pharmacy located on Nos. 19-23 The Corso.
- Internal fit-out for relocated Ivanhoe Hotel bottle shop.
- New cool room and garbage room to the rear
- Existing garbage room and MSB retained

No. 25 The Corso (Existing St George Bank)

- Demolition of existing front and rear facades
- New Coffee shop adjoining the existing Ivanhoe hotel with seating for twelve customers.
- New opening on the side wall to connect to No. 27 The Corso.
- New front facade and new entry to proposed Poker Machine area.
- New Poker machine area with open smoking area at the rear.
- New internal dividing wall with sliding doors to separate the poker machine area with the open smoking area.
- Demolish wall and create opening for new side door to the poker machine area to connect to the existing hotel at No. 27 The Corso.
- Demolish wall and create new opening to install side door and windows to the smoking area to connect with the existing hotel at No. 27 The Corso.
- New stair to upper level and new door to Market Lane.

No.27 The Corso (Existing Ivanhoe Hotel)

- Replacement of existing bottle shop with new Pizza kitchen and associated servery with direct access from The Corso
- New egress door to The Corso to connect the existing stairs from the basement.
- Relocation of existing column.
- New accessible WC
- New openings on the eastern and western walls to connect the existing hotel to the adjoining buildings at Nos. 25 and 29 The Corso.
- Widening of the existing opening to Market Lane and provision of bi-fold doors.
- New stackable windows to Market Lane frontage.

No. 31 The Corso (part existing Commonwealth Bank)

- Erection of a new fire rated wall to separate the premises from the existing bank (remainder of the building)
- Relocation of the existing TAB, currently operating at No. 41 The Corso to the subject site.
- Demolish existing shop front and provide new walls to create new entry.
- New stackable windows to The Corso frontage.
- New opening on the western wall to connect with existing Ivanhoe Hotel
- New bar, plasma screen and counter, open smoking area with sliding door to Market Place.

- New stackable windows to the Market Place frontage.
- New door to Market Lane.

Level 1 (RL 9.59)

No. 25 The Corso (Existing St George Bank)

- New outdoor Bistro and smoking terrace
- New dishwashing area and cold room with roof over
- New walls, piers and windows to The Corso façade
- New sliding doors to connect to existing bistro and pool table area of the existing hotel at No. 27 The Corso.
- New glazed panels and zinc cladding on rear façade
- New stair at the rear to connect to ground level.

No. 27 The Corso (Existing Hotel)

- New timber and wrought iron balustrades to the existing balcony over The Corso.
- New timber framed windows to the eastern and western ends of the balcony over The Corso.
- Replacement of existing roof over balcony with a new metal roof.
- Three (3 new openings, with sliding doors, on the western wall to connect with No. 25 The Corso.
- Renovations to the existing kitchen
- Refurbishment of existing male and female toilets,
- New sliding door to existing balcony fronting The Corso.

Level 1 (RL 10.02)

No. 23 The Corso

- No change is proposed to the existing office space with direct access to The Corso.

Level 2 (RL 13.22)

No.25 The Corso

- No building works are proposed to this level, except for repairs and repainting.

Applicant's Supporting Statement

In support of the application the applicant has submitted the following:-

- Statement of Environmental Effects prepared by Design Collaborative Pty Limited, dated June 2008 and received by Council on 20 June 2008.
- Peer Review of the Statement of Environmental Effects prepared by Urbis, dated May 2008 and received by Council on 20 June 2008.

The submitted Statement of Environmental Effects includes the following documents:-

- Statement of Heritage Impacts prepared by NBRSP+Partners dated April 2008 and received by Council on 20 June 2008.
- Traffic and Parking Assessment prepared by Michael Grosvenor Consulting dated May 2008 and received by Council on 20 June 2008.
- Acoustic Assessment prepared by The Acoustic Group dated 28 May 2008 and received by Council on 20 June 2008.
- Social Impact Statement prepared by Design Collaborative Pty Limited dated May 2008 and received by Council on 20 June 2008. This Statement includes a Category B Social Impact Assessment (SIA) in respect of a proposed hotel at Rydges World Square, Sydney.

- Plan of Management for the operation of the Ivanhoe Hotel prepared by Design Collaborative dated June 2008 and received by Council on 20 June 2008.
- Building Code of Australia 2007 Assessment Report (draft) prepared by Dix Gardner Pty Ltd dated 23 April 2008 and received by Council on 20 June 2008.

Precinct Community Forum Comments

The application was referred to all the Precinct Committee Forums and response has been received from the following precincts:-

Clontarf Precinct Community Forum

Motion: "The Precinct is opposed to the expansion of this hotel facility in The Corso."

Proposed: John Bergman Seconded: Carlo Bongarzone Votes: In favour : 16, Against: 2 Abstain: 2.

Fairy Bower Precinct Community Forum

Expansion of Ivanhoe Hotel on to site currently occupied by St George Bank and into the ground floor of the Commonwealth Bank. Note that Dr Macdonald and Barbara Aird were present for this discussion.

Motion: That Fairy Bower Precinct has discussed this application and advises Council that:

- It supports changes to the environment leading to improved social situation with less anti-social drinking, gambling and other behaviour.
- It supports changes to building to improve façade on to The Corso.
- It opposes any increase in the total capacity.
- The closing hours should be brought back from 2:30am to midnight.
- It opposes the increase in the number of poker machines at the hotel.

Proposed by: Robyn Hall, Seconded by: Julie Beagley. For: All, Against: 0, Abstentions: 0.

Ivanhoe Park Precinct Community Forum

Motion: The Precinct does not approve the expansion of licensed premises, even though proposal includes coffee shop. The Precinct considers Manly has surplus of coffee shops already.

For: 11, Against: 0, Abstain: 1.

Building Comments

No objection from a Building point of view to the proposed additions and alterations to a Class 5, 6, & 9b hotel/POPE/office building requiring Type A construction in accordance with the Building Code of Australia subject to conditions included within the Recommendation.

Health Comments

No objection subject to conditions contained within the Recommendation.

Heritage Comments

I refer to the following documents received for this report

Drawing set by: Noel Bell Ridley Smith & Partners Architects

Dated: 02-05-08

Heritage report by: Noel Bell Ridley Smith & Partners Architects

Dated: April 2008

Heritage Status:

Heritage Item: Yes

(an item of environmental heritage in Manly Local Environmental Plan 1998 Schedule 4)

Conservation Area: Yes

Proposal

It is proposed to incorporate supporting uses for the Ivanhoe Hotel, No 27 The Corso, into three adjoining buildings, No 23, 25, 27 & 29 The Corso. The proposal includes: change of use; internal alterations; and altering the façades to The Corso and to Market Lane

Compliance with Heritage Controls

Manly Local Environmental Plan 1988 cl 18, & 19
Manly Development Control for the Business Zone 1989
Australian ICOMOS, The Burra Charter
Development Control Plan for The Corso
Manly Town Centre Urban Design Guidelines 2002

Assessment of Heritage Impact

Comment

Change of use

Any change of use should enhance the amenity of the public domain and maintain the traditional grain of smaller buildings. The proposal incorporates four buildings along the heritage listed Corso consolidating the supporting uses of The Ivanhoe into two gaming areas, a liquor outlet and drinking establishment. This is contrary to the aims and objectives for The Corso and will radically and adversely impact on significance of The Corso which relates to the traditional grain of smaller building parcels and variation of uses. Therefore the proposal as a whole is not supported.

No 29 (Commonwealth Bank)

The Corso Elevation – ground floor

The proposed alterations to the front façade of No 29 The Corso which include incorporating the expressed columns into the building and matching the curved glass frontage of No 25 & 27 will destroy the integrity of No 29 building as a whole. All new work should be in sympathy with, and not detract from the style and character of the building. As outlined in the Urban Design Guidelines for the Manly Town centre 'shop-fronts should reflect the external building design rather than the internal configuration'

Market Lane Elevation – ground floor

Similarly while a rear elevation may be considered of less importance the rear elevation of No 29 reflects the architectural style of the building. There are no objections to the introduction of the new openings into the rear elevation however it is essential the surrounding material is preserved to ensure that the integrity of the architectural style of the building is retained

Market Lane Elevation – first floor

The proposal is to refurbish the existing façade by removing the existing triangular parapet and horizontal moulding leaving a relatively blank façade. Further consideration to the façade is required to enhance the pedestrian environment.

No 27 (The Ivanhoe Hotel)

The Corso Elevation – first floor

It is proposed to replace the balustrade to the first floor balcony with wrought iron. Wrought iron balustrades are usually supported on slender columns. Besides not complementing the architectural style of the building the existing columns supporting the balcony are relatively substantial therefore the proposal to replace the balustrades is not supported.

There are no objections to the removal of the middle bay section and the fixing of balustrade that match the existing balustrade. The proposal to enclose the sides of the balcony is not supported. The proposal will increase the bulk of the section of the building cantilevered over the pedestrian area of The Corso.

No 25 (St. George)

The Corso Elevation – ground floor

While there are no objections to the proposed first floor façade to No 25 it is recommended that the materials and details to the ground floor that are similar to No 27 & 29 be reconsidered. It is essential that the subdivision pattern be recognised and interpreted and that the detailing below the awning reflects the front façade 'screen'.

Recommendation

- It is recommended that the application to consolidate uses that support the operation of The Ivanhoe Hotel be refused as it will adversely impact on the historic subdivision pattern of The Corso which reflected a variation of uses and the traditional grain of smaller building parcels

If council approves the application the following conditions should be attached to the approval:

- Retain the expressed columns of No 29 The Corso and the style, character and materials of the building to ensure that the architectural integrity of the building is maintained. Submit amended plans to Council for approval
- The awning height of No 29 is to remain the same height for the entire length of the former and current bank building to ensure the integrity of the building is retained as a whole.
- Retain the existing material around the new openings to No 29 The Corso to ensure the building is read as part of the existing building and separate from No 27
- Submit to Council for approval details of the treatment to the rear façade of No 27 The Corso which will enhance the pedestrian environment
- Delete the wrought iron balustrades to the first floor of No 27 The Corso as it will detract from the architectural style of the building
- Delete the enclosed sides of the balcony to the first floor of No 27 The Corso as it will increase the bulk of the section of the building cantilevered over the pedestrian area of The Corso.
- Submit to Council for approval details of the treatment to the ground floor façade of No 25 The Corso so that the detailing below the awning reflects the front façade 'screen' and that the subdivision can be interpreted and read as separate from No 27 and No 29.

Social Planners Comments

The new proposal for alterations and additions of Ivanhoe Hotel has addressed some of the concerns raised with the previous DAs. The removal of the existing night club in the basement and the proposed pizza kitchen are complimented, as well as, the provision of accessible toilet facility on the ground floor.

However, it is unsatisfactory, that the proposal does not offer any alternative entertainment plan for late night patrons, so the drinking and gambling remain the main attraction. It appears the pizza retail outlet to be a take-away and not a sit-in family oriented pizzeria.

The Social Impact Statement is lacking, as in the past Social Impact Statements, some important components: demographics of the area, description of the issues, listing of other hotels, bottle shops and other relevant facilities in the immediate vicinity identified by police as problem area.

It is noted that the SIA Category B attached to the SIS appears to be a wrong document re: Rydges World Square Sydney. It is not clear if the applicant has provided SIA as per the Liquor and Gaming legislation.

Issues of social concern:

- The claim that patronage will not increase is highly unlikely, as several more bar areas are proposed within the hotel premises. Expansion of floor area, consolidation of gaming

facilities within the hotel premises and provision of new bars in those areas will inevitably increase total patronage.

- The proposed pizza kitchen at the main hotel entrance may compromise safety. It is found that late night food outlets are hot-spots for assault. The proximity of retail outlet and access/exit point of licensed premises creates mix of intoxicated and sober people. The hours of operation of the pizza kitchen are not specified in SIS.
- Provision of new larger bottle shop (one of four existing in the vicinity) will increase risk of conflict and create demand for parking. The hours of operation of the new bottle shop are not specified too.
- The proposed new toilets in the basement are not visible from bar staff and security. Areas around toilets have been found to be a key location for disorder. Public toilets provide an environment where people affected by alcohol may be susceptible to victimisation, particularly if facilities are not well lit, monitored or in a very visible area.
- Also, stair access to bathrooms in licensed venues create physical hazard and is not recommended (Doherty & Roche, 2003).

Recommendations:

- To require a copy of the SIA submitted to Liquor Administration Board if there is any.
- To provide enough security staff and measures adequate to address the potential increase in patronage.
- To ensure the toilets in the basement are well lit, maintained clean and monitored by security.
- To ensure the pizza retail outlet does not become place for congregation of intoxicated people.
- To limit the hours of operation of the bottle shop to match the other bottle shops on the Corso.
- To provide entertainment (apart from drinking and gambling) appealing to a broader cross-section of the population.

Reference:

Doherty, S & Roche, A. (2003). Alcohol and Licensed Premises: Best Practice in Policing: A Monograph for Police and Policy Makers.

Access Committee Comments

There is only one accessible toilet to service the whole hotel, situated on the ground level of the proposed redevelopment. This is inadequate, particularly as the lift requires a staff member to operate it.

Furthermore, given the number of clients that can be catered for in the redeveloped hotel, and the current pressure on the Whistler Street accessible parking spaces, it is requested that another accessible parking space be provided as close as possible to the Hotel on The Corso.

Safety Co-ordinator's Comments

The applicant seeks consent for a redevelopment of the Ivanhoe Hotel, Manly. The proposal involves internal alterations to the existing Hotel building located at No. 27 The Corso, and extensions of the Hotel use into the adjoining St. George Bank premises at No. 25 The Corso as well as into parts of the ground floor levels of both the Soul Pattinson Chemist and the Commonwealth Bank buildings at Nos. 23 and 29 The Corso, respectively.

The current application has adapted to some of the concerns presented in regard to previous submissions, in terms of both environmental and social impacts. Some of the positive aspects of the current DA include the following.

- A potential reduction in antisocial activity by maintaining the current patronage level at 910 persons, and closing the night club in the basement.

- The addition of several discrete on-premise smoking areas, screened from the public domain and consistent with the *Smoke-Free Environment Act 2000*, reduces the impact on security by patrons repeatedly leaving and re-entering the premises, loitering within the public domain and increasing the potential for conflict with non-Hotel patrons.
- The increased focus on food provision (a pizza kitchen and coffee shop) and increased dining areas broadens the appeal of the hotel and contributes to a more diverse patron mix, consistent with both the current DCP for Late Night Venues and the Venue Management Plan currently being trialled.
- Security is to be maintained at current levels despite the closing of the nightclub, which could provide supplemental coverage for expanded space.
- Safety is potentially enhanced by the presence of new passageways to Market Lane at the rear of the premises.

Areas of concern remain, however, include the following.

- The proposal calls for shutting outside windows after 10 pm to limit noise. This cannot apply, however, to the new smoking areas, which are open by design. Although acoustic materials are specified, it remains unclear how much noise will escape from these areas into the public domain late at night.
- A curved doorway leads into the new pizza kitchen. The ordering area is very small, with minimal space for patrons to wait for service. Current police crime mapping in The Corso shows that areas in front of late night food outlets are “hotspots” accounting for the greatest numbers of assaults in the area. Food litter is currently a major problem for the Corso, and this service could make it even worse, as pizza boxes are markedly larger than containers/wrappings for other fast food products. It is not clear than the design of the pizza kitchen contains a pass into the adjacent [existing] bar. If that is not the case, pizza patrons would have to exit the hotel with their pizza and re-enter through the main doors to consume the product inside.
- While security needs may be marginally reduced by elimination of the basement nightclub, the three new doors adding access to Market Lane will require monitoring. In addition, two new doors providing both access and egress from areas where alcohol is served onto The Corso frontage are added [not including the pizza kitchen and bottle shops]. These are critical portals which require some type of guardian presence.
- The new bottle shop has excess capacity to the present operation and can be expected to provide more take out service of alcohol. The point of sale is in the Alcohol Free Zone, the enforcement of which continues to stretch public resources.

Recommendations:

- Sound levels generated by the new outdoor smoking areas after 10 pm should be monitored and a response plan developed if acceptable levels are exceeded.
- Construction plans must include either an internal pass or service door between the pizza kitchen and the adjacent bar.
- Consideration should be given to a special bin for pizza boxes and related waste placed and serviced by the hotel in the area adjacent to the pizza kitchen.
- While approved patron levels are unchanged in the current proposal, service capacity is increased substantially. Methods of monitoring actual capacity on an ongoing basis should be described and assurances received.

- The expanded bottle shop should post *prominent and very visible* signage emphasizing that the consumption of alcohol in the AFZ is prohibited, that this prohibition is enforced and displaying a map of the Zone.

If these issues are satisfactorily addressed, I recommend that consent be granted.

Heritage Council of NSW Comments

It is noted that The Corso Streetscape is identified in the heritage schedule of the Manly Local Environmental Plan 1988 and that Manly Council has assessed the property as having local heritage significance. It is further noted that Manly Council has referred the application to the Heritage Council in accordance with the provisions of Clause 22 of the Manly Local Environmental Plan 1988.

The Corso Streetscape is not currently listed on the State Heritage Register. Notwithstanding that the requirement exists to notify the Heritage Council of the proposed partial demolition of the buildings at 19 - 31 The Corso, Manly, the Heritage Council is not the consent authority for this Development Application.

The following comments are provided to assist Manly council in its determination of the application.

It is requested that Council assesses the impact of proposal on the significance of The Corso Streetscape with particular consideration for the following issues:

- retention of original features and other significant characteristics
- retention of characteristic setting;
- restoration works to remove unsympathetic alterations;
- architectural style and character of the existing and the proposed;
- building height of the existing and the proposed;
- bulk, scale and massing of the existing and the proposed;
- roof forms of the existing and the proposed;
- exterior materials, finishes and colour schemes of the existing and the proposed;
- signage of the and the proposed;
- site cartilage of the existing and the proposed.

Heritage DA Sub Committee Comments

- 1) This major proposal to expand gaming, late night drinking and late night entertainment on The Corso adversely impacts the heritage values and associated amenity of Manly's most important heritage precinct;
- 2) The proposed creation of an enlarged open air smoking zone at roof top level will adversely affect The Corso's natural heritage qualities and create major noise and contaminated air impacts;
- 3) The proposal will, in effect, create a 'Casino on The Corso' directly opposite the heritage listed St. Mathews Church and by its over concentration of drinkers and gamers adversely affect The Corso's heritage qualities and the balance and variety of uses of its heritage listed buildings;
- 4) The proposal for relocation of the indoor music stage, combined with stacking windows at the rear of the hotel will have major adverse impacts on Manly Library, especially at lunch times and evening extended library hours;
- 5) The proposal will also adversely impact on major plans for the rejuvenation and revitalisation of Market Lane, an important heritage precinct neglected to date, but now the subject of a major review and redesign by Council and its consultants.

Planning Comments

The proposed development generally complies with the requirements of the Development Control Plan for the Business Zone, 1989, Amendment 5.

Environmental Planning & Assessment Act 1979 – Section 79C(1)

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

Section 79 C (1)(a) the provisions of:

- (i) any environmental planning instrument,**

Manly Local Environmental Plan 1988:

The site is in Zone No 3 – The Business Zone which permits retail, commercial and residential flat buildings with the consent of Council.

The proposal is for alterations and additions to extend the Hotel use from the existing Hotel at No. 27 the Corso, into the adjoining St George Bank building at No.25 on the western side and into No. 31 The Corso on the eastern side (Commonwealth Bank building). The proposal also includes the incorporation of the TAB into the ground floor level of No. 31 The Corso and a coffee shop at No. 25 The Corso. A new bottle shop is proposed to be at part No. 19 – 23 The Corso. The proposed uses are permissible with Council consent.

Manly Local Environmental Plan 1988 Clause 10 Objectives

The following comments are made in regard to the objectives for the Business Zone as stated in Clause 10 of the Manly Local Environmental Plan 1988;

- (a) to provide for and encourage the development and expansion of business activities which will contribute to the economic growth and employment opportunities within the Manly Council area;*

The proposed redevelopment of the sites includes existing hotel, new pizza retail, new pizza kitchen, bar, relocated TAB, poker machine area, coffee shop, bistro and relocated bottle shop. It is considered that with the new bistro and smoking areas, the development will contribute to the economic growth and provide employment opportunities within the Manly Council area.

- (b) to accommodate retail, commercial and professional services in established locations in the residential neighbourhoods where such development is compatible with the amenity of the surrounding areas;*

The subject site is located on land that is zoned Business where mixed business, as proposed, is compatible with the amenity of the surrounding area.

- (c) to ensure there is adequate provision for car parking in future development in the business areas; and*

The proposal does not provide for any parking on the site. No change is proposed to the ground, first and second floors of the existing Ivanhoe Hotel at No. 27 The Corso, except for the replacement of the current bottle shop with a pizza kitchen and pizza retail area. The changes to the two adjoining properties of the hotel relate to the property at No. 25 The Corso, currently used as St. George Bank being converted to a new poker machine area and part No. 31 The Corso, currently used as part of Commonwealth Bank, being converted to TAB. As the current sites are used for business purposes the number of parking spaces required would not change. Currently there are no carparking spaces on site and therefore it is concluded that no additional carparking would be required. It is to be noted that the proposed development deletes the basement night club and replaces with additional toilets and storage area. This would help in the decrease in the

number of customer numbers. The applicant has submitted a Traffic and Parking Report with the application.

Any further increase on the floor area would however, require Section 94 Contributions to be paid.

(d) *to minimize conflicts between pedestrians and vehicular movement systems within the business areas.*

The proposed modification will lead to some conflict between pedestrians and vehicular movement systems, as no loading/unloading bays are proposed and all loading/unloading is proposed to be carried out on the rear lane. It is to be noted that currently the Ivanhoe Hotel gets its deliveries through Market Lane and carries out loading/unloading on Market Lane. With the proposed redevelopment and intensification of business use the conflict between pedestrians and vehicular movement will exacerbate. The proposal has not indicated any loading/unloading area within the site. Pedestrian conflict could arise as a result of the new openings to the Market Lane from the premises.

79C(1)(a)(ii) - any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and

There is no draft environmental planning instrument that is or placed on exhibition applicable to the sites.

Section 79C(1)(a)(iii) - any development control plan,

Manly Development Control Plan for the Business Zone 1989 Amendment 5:

The following is an assessment of the proposal's compliance with the numerical standards of the D.C.P. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

Total Site Area= 1110.00m ²	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Floor space ratio	2.5:1 (2775m ²)	No change	No
Wall height	10.0m	7.59m (No. 23 The Corso) 9.11m (No. 25 The Corso) 12.45m (No. 27 The Corso) 11.70m (No. 31 The Corso)	Yes-existing Yes-existing No-existing No-existing
Setback	0 setback	Built to the boundary	Yes
Car Parking	1 space/40m ² - commercial 15 spaces/100m ² - restaurant	0 spaces 0 spaces	No-existing No-existing

Comment:

The subject sites are located within the 10m height zone under the Manly Development Control Plan (DCP) 1989, Amendment 5. The current proposal is a re-arrangement of various activities approved under previous Development Applications. The proposal's compliance with the requirements of the DCP is stated as follows:-

Floor Space Ratio:

The maximum floor space ratio for the subject sites is 2.5: 1. The proposal does not alter the existing floor area and involves only the use of the existing premises. The property described as No. 23 The Corso is currently tied with the SP 12989 which includes the properties known as Nos. 19 – 21 The Corso. The proposal is to reinstate the boundary wall that was opened up to extend the pharmacy on the ground floor level and establish the new premise. The new premise (described as No. 23 The Corso in the proposal) is proposed to be used as the new bottle shop for Ivanhoe hotel. No change is proposed to the existing upper level offices, which are accessed directly by a set of stairs from The Corso.

The whole of the ground floor at No. 25 The Corso is currently occupied by St George Bank. The proposal is to create a small coffee shop with twelve (12) seats at the front of the premises and create a new enclosed area for poker machines. The coffee shop is proposed to be connected to the proposed Pizza Retail, on the adjoining hotel at No. 27 The Corso through a sliding door.

No change is proposed to the existing Ivanhoe Hotel at No. 27 The Corso, except for the conversion of the existing night club at the basement level to storage, cellar, garbage room and new male and female toilets.

The ground floor of part No. 31, The Corso was originally approved as a gaming area with a coffee shop at the front facing The Corso. This ground floor area has been partitioned from the current use of the Commonwealth Bank to separate tenancies, as per previous Land & Environment Court decision. The current application is to use this area for a TAB, which currently operates at No. 41 The Corso.

Building Height

The subject sites are located within The Town Centre Conservation Area and the maximum building height permissible for the area is 10 metres above the existing ground level, under the Manly Development Control Plan for the Business Zone, 1989, Amendment 5. The DCP for The Corso, however, states that the desirable new building at Nos. 23 & 25 The Corso is to be approximately 600mm below the sill height of the top floor windows of No. 21 The Corso and also should not dominate the parapet of No. 27, The Corso.

The proposed height of the new in-fill façade at No. 25 is proposed to be 9.11m (Parapet RL 15.12) to The Corso frontage and 8.31m (max) to the Market Lane frontage. The proposed height of the façade complies with the DCP requirement. No change is proposed to the existing building heights of Nos. 23, 27 and 31 The Corso. The existing parapet level of No. 27 The Corso exceeds the 10m building height limit.

Carparking

No. 23 The Corso is currently a two storey building, the ground floor of this building is currently used as part of the Soul Pattison pharmacy at Nos. 19 – 21 The Corso. The proposal is to use the ground floor for the purpose of a new bottle shop for the Ivanhoe Hotel. Since the proposed use is for retail, no additional parking will arise as the DCP requires 1 space per 40m² of floor area for all business uses.

No. 25 The Corso is currently used as St George Bank. The building is single storey with a two storey façade to The Corso frontage. The proposal is for the front section to contain a small coffee shop and the middle section as poker machine area and the rear section to be used as open smoking area. A new slab is proposed and the upper level is to be used as open bistro and smoking area (without roof). The floor area, as defined in the DCP, will not increase and therefore will not contribute to the requirement of additional carparking.

No. 27 The Corso is currently used as a Hotel and no major changes are proposed to the premises, except for the deletion of the existing night club at the basement level. This area is to be converted to amenities area incorporating new male and female toilets and storage. The existing floor area will not change and therefore no additional carparking required.

The existing ground floor area of No. 31 The Corso is currently used as the Commonwealth Bank. Part of this area was originally approved (by the NSW Land & Environment Court) as Gaming Room with a coffee shop in the front. The current proposal is for the area to be used as the new TAB with an open smoking area facing the Market Lane. This area is currently a business use and the proposal is also a business use, with no increase in the floor area and therefore no additional car parking required.

The proposed use of the premises will not generate additional carparking requirement.

Development Control Plan for Late Night Venues 2005

Intensity of Development

The DCP states that within the Entertainment Precinct, as indicated on the map in Appendix One of the DCP, the total number of patrons capable of being accommodated within Late Night Venues is not to exceed 8000 persons. The applicant states that there is to no increase to the maximum patronage of 900 persons in the current proposal. The applicant further states that "this has been a conscious decision by the owner to alleviate those social impact issues associated with The Corso and to provide a more relaxed and friendly environment within the Hotel". It should be noted that the current proposal involves the removal of the night club from the existing basement level.

Hours of operation

The DCP for Late Night Venues stipulates the hours of operation for (i) Hotels: 5:00am to 2:00am, with a 12:30am restricted entry policy; (ii) Nightclubs: 5:00am to 2:00am; (iii) Restaurants: to 1:00am and (iv) Food Outlets: to 1:00am.

The submitted Statement of Environmental Effects states that the proposal does not include any changes to the Hotel's existing hours of operation. It is agreed that there is no change to the existing hotel at No. 27 The Corso but the other buildings propose various other uses. No hours of operation has been stated for the other uses in the adjoining buildings. It is considered that the following hours of operation be considered and conditioned for the various operations proposed on the sites:

- Coffee Shop: 7:00am to 1:00am (following day) - everyday
- Poker Machine Area: 7:00am to 1:00am (following day) - everyday
- TAB: 9:00am to 10:00pm - everyday
- Pizza Retail: 7:00am to 1:00am (following day) - everyday
- Bottle Shop: 9:00am to 10:00pm - everyday

The DCP for Late Night Venues 2005 also states that all balconies and outside roof top areas are to be closed to patrons from 10pm until 8:00am. The proposal involves smoking open areas at the rear and top of No. 25 The Corso and also at the rear of No. 31 The Corso. It is considered that these areas should be closed to patrons after 10:00pm to protect the amenity of the residential developments in the vicinity. A condition to this effect is included within the Recommendation.

Noise Control:

The Development Control Plan for Late Night Venues 2005 requires that all applications are to be accompanied by evidence that the application meets the following requirements:-

- The La10* noise level emitted from the licensed premises shall not exceed the background of noise level in any Octaves Band Centre Frequency (31.5Hz - 8k Hz inclusive) by more than 5dB between 7 a.m. and 12 midnight at the boundary of any affected residence.
- The La 10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8k Hz inclusive) between 12 midnight and 7 a.m. at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise level from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7 a.m.

(For the purposes of condition, the La10 can be taken as the average maximum deflection of the noise emission from the licensed premises).

With regards to the above the applicant has submitted an Acoustic assessment report prepared by Acoustic Group Ltd, Acoustic Consultants dated 28 May 2008. The applicant will be required to comply with the recommendations of the Acoustic Report. Conditions to this effect are included within the Recommendation.

Security

The DCP for Late Night Venues 2005 requires that a proprietor of a Late Night Venue is to enter into arrangements with Council for the provision of late night security of the premises and the adjacent public area.

The applicant in the submitted Statement of Environmental Effects under Draft Plan of Management states the following:

- *At least one (1) licensed security guard from 6:00pm on Friday, Saturday and Sunday and from 8:00pm on all other nights to monitor the safety and security of the patrons and premises;*
- *One (1) additional guard to attend from 10:00pm on Thursday and from 8:00pm on Friday and Saturday, with a further four (4) guards to attend from 10:00pm and additional two (2) guards from 11:00pm on Friday and Saturday;*
- *Guards shall be positioned on The Corso and also patrol inside the premises. Additional licensed security personnel shall attend the premises, as required, and remain in attendance at the rate of 1 per 100 patrons;*
- *All licensed security personnel shall remain on duty until half an hour after closing time and all patrons have left the premises;*
- *Security staff are to monitor the doors to The Corso with routine patrols every 15-30 minutes through the premises.*

It also states that a log book shall be kept to record all incidents and also install and maintain digital closed circuit television cameras (CCTV) to provide surveillance of the interior of the hotel as well as entries to the hotel and the vicinity of the premises.

Council's Community Safety Coordinator commends the application in terms of its potential reduction in anti-social activity by maintaining the current patronage level at 910 persons and closing the night club in the basement. Also provision of the internal smoking areas reduces the impact on security by patrons repeatedly leaving and re-entering premises. Safety Co-ordinator raises concern regarding the sound levels generated by the new outdoor smoking areas after 10:00pm and recommends that these should be monitored and a response developed if acceptable levels are exceeded. The outside areas should however be closed to patrons after 10:00pm as required by the DCP for Late Night Venues 2005 – a condition to this effect is included within the Recommendation.

The applicant proposes to retain the existing number of security personnel, although it is taking away the night-club from the development. New CCTV cameras would be required to cover the new areas proposed to be added to the hotel. Council's Safety Co-ordinator expresses satisfaction at the number of security personnel currently employed.

Liquor Accord

The applicant states in the submitted Statement of Environmental Effects that the proprietors of the licensed premises (No. 27, The Corso) are financial members of the Manly Liquor Accord and will conform to that Accord in minimising anti-social behaviour and adverse effects of excessive alcohol consumption.

Manly Development Control Plan for Access 1996

The proposal includes a new accessible toilet at the Ground Floor level of the Ivanhoe Hotel (No. 27 The Corso). The applicant in the submitted Statement of Environmental Effects states that the existing hotel building provides a lift facility and all proposed connections between the buildings at the ground and first floor levels would be at grade with generous widths to accommodate persons within wheelchairs. Council's Access Committee raises the concern that a single accessible toilet is inadequate; especially as the lift connecting the levels requires a staff member to operate it. It is also to be noted that the new male and female toilet facilities proposed at the basement level of the existing hotel at No. 27 The Corso is not accessible.

It is considered that another accessible toilet be provided at the first floor level considering the amount of patrons to be accommodated in the new open bistro and the existing lounge/bistro of the hotel. A condition to this effect is included within the Recommendation.

Section 79C(1)(a)(iia)- any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F,

There is no planning agreement applicable to this development.

Section 79C(1)(a) (iv)- the regulations

The application has been considered in terms of the regulations.

Section 79C(1) (b)- the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposed development is unlikely to have an adverse impact on the natural and built environment. The applicant has indicated that there will be no change to the maximum patronage of 900 persons. Council's Social Planner is of the opinion that with the expansion of floor area, consolidation of gaming facilities within the hotel premises and provision of new bars would inevitably increase total patronage. However, it should be noted that the existing night club at the basement level of No. 27 The Corso has been deleted from the proposal and this would help in the reducing the number of patrons.

Council's Social Planner is also of the opinion that the applicant should submit a copy of the Social Impact Assessment (if any) submitted to the Liquor Administration Board. The reason for this is the fact that the applicant has submitted a SIA Category B relating to Rydges World Square Sydney with the submitted Statement of Environmental Effects.

Concern has also been raised regarding pizza kitchen at the main hotel entrance which may compromise safety as the late night food outlets have been the hot spots for assaults in recent times. It is therefore considered that the pizza retail should cease to operate at 1:00am conforming to the requirements of the Development Control Plan for Late Night Venues 2005. It should be noted that with the proposed security guards, as detailed in the submitted draft Plan of Management, would control the situation much better than other late night food premises which do not have security guards.

Section 79C(1) (c)- the suitability of the site for the development,

The proposed development is considered to be suitable for the site, as it is located in The Corso Business area and the subject uses are permissible with Council consent.

Section 79C(1) (d)- any submissions made in accordance with this Act or the regulations

The application was notified to nearby and adjoining property owners in accordance with Council's Notification Policy with seven (7) submissions received from V Treloar & family of 11 Wentworth Street; M & P Lanser of 7 Cohen Street, B J Neville of 19 Woolrych Crescent, Davidson; D E & F E Glading of Unit 507, 9-15 Central Avenue, Manly; J & M Legaz of Unit 803, 9-15 Central Avenue, Manly; B J Neville of 19 Woolrych Crescent Davidson and a joint submission from J M O'Dea of 10/23 Commonwealth Pde. Manly, Mrs Pazov of 159 Sydney Road Manly, D Robinson of 12 Angle Street Balgowlah, L Slobin of 25 Truman Avenue Cromer Heights and P M Long of 2/23 Commonwealth Parade Manly, raising the following concerns:

Objector	Issues raised
V Treloar & family of 11 Wentworth Street	<ul style="list-style-type: none">Manly is already serviced with too many liquor outlets.The size of this development with the bank, chemist and other shops being

	<p>eliminated makes that side of The Corso over 50% liquor premises. This is absurd and unprecedented in any suburb.</p> <ul style="list-style-type: none"> • The fabric of our seaside society has been broken down with each new development. • The name of Manly is now synonymous in newspaper and police reports of violence and alcohol abuse, not a fun family place. • The publican and owners are only interested in the big profit from selling alcohol and gambling, which destroys young lives, family lives and our once safe neighbourhood. • The cost to taxpayers and ratepayers is unacceptable: for the police force needed to control the drunken patrons, the Council workers needed to clean up each morning after the alcohol rages and the medical staff needed to stitch the slashed faces and set the broken bones. None of these costs will be paid by the Petersons making the profits from the liquor and gambling sales. • Family counselling costs from loss of the family budget through to a far too easy accessible and larger gambling venue will also increase. • Manly is known as a place you do not go after 6:00pm and will soon become a place that even family day trippers will be reluctant to go to as they have to walk past a huge block full of pubs. • The New Brighton hotel is also planning further expansion to its premises. How about we link all three hotels and just close down The Corso altogether! • We need to develop a culture of good eating venues and responsible drinking and not copy the UK culture of binge pub drinking. Don't give us that crap, Petersons, that it is legal and would happen anyway. What happened to having a mature and responsible social attitude. • If more good restaurants were developed then they would attract a different evening visitor to Manly which is exactly what the Petersons and other pub owners do not want! • The next concern is what happens after the development is either approved by the Council or the Land & Environment Court and then as usual the Petersons change the rules of having arbitrary 900 patrons to a few thousand, revert back to a 24/7 operating hours and close the "coffee shop" to allow more alcohol
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	<p>selling.</p> <ul style="list-style-type: none"> • The pubs only have the “trial” in winter due to the reduced patronage and savings in staff costs. • Other small business holders open through the daylight hours will lose their livelihood due to the bad name of Manly and the increased number of pub customers and less day trippers. • We do not need a larger bottle shop in the Ivanhoe which further exacerbates the availability of alcohol before and after the “close down”. • St Mathews is a place of worship and will now be right in the middle of pub rage city with blood, vomit, urine and defecation on its door step.
M & P Lanser of 7 Cohen Street	<ul style="list-style-type: none"> • We are convinced, along with the authors of these publications and researchers, that the last thing Manly needs is a larger pub/hotel to exacerbate the problem • This proposal does not address the State Government and Manly Council's Policy for the opening up and diversity of the Market lanes around Manly CBD and appears not to have 'shopfronts' opening onto the library precinct. • There is a real and current problem for both commercial and residential bodies of urinating, vomiting, bottles (often broken) strewn around after alcohol bingeing, destruction of Parks, gardens and surrounding neighbours and properties. I would recommend an early-morning walk around some of Manly's parks to see the evidence first-hand. • The consequences of this behaviour are borne chiefly by the Manly residents and the Council, with little responsibility, it appears, taken by publicans or their staff. • The idea that families might be attracted to this type of venue is flawed, socially irresponsible, and ludicrous, as it only confirms the hotel's desire to sell as much alcohol as possible to make their business viable and growing, by capturing an under-age market: not in any way socially responsible. It does not seem sensible that 'families' would go to a known 'difficult' area at night. • The poker machine and TAB areas will only exacerbate what is already a current problem with gambling and, combined with alcohol, are more than likely to contribute to further social breakdowns.

	<ul style="list-style-type: none"> In short, the proposal flies in the face of current community attitudes and a strong push by the federal government, in particular, to lessen the effects of alcohol and binge drinking on the community at large.
B J Neville of 19 Woolrych Crescent, Davidson	<ul style="list-style-type: none"> We approve of the DA but would ask if the project could include a maximum of beautification and suitable land/streetscaping at the Market Lane side of the building. Market Lane could be and should be a tourist and local attraction as we see in most European tourist Mecca's. It does not have to be a rear garbage and graffiti truck turning circle. At minimal cost, with tasteful and practical box plantings this development can help change the atmosphere and the ambience and attract the type of visitor we all look for to improve our tourist trade.
Joint submission from J M O'Dea of 10/23 Commonwealth Pde. Manly, Mrs Pazov of 159 Sydney Road Manly, D Robinson of 12 Angle Street Balgowlah, L Slobin of 25 Truman Avenue Cromer Heights and P M Long of 2/23 Commonwealth Parade Manly	<ul style="list-style-type: none"> I have read many articles (in particular the Manly Daily, the Sydney Morning Herald and other publications) that Manly, specifically the Manly Corso area, has one of the worst records for drunken, abusive and dangerous behaviour in the state of NSW. While Manly Council, the Metropolitan Police and other concerned bodies are trying to reduce these problems, we now receive a proposal from one of the local hotels to increase their stakehold on The Corso, and thus contribute more alcohol and drunkenness to an already serious problem. I am convinced, along with the authors of these publications and researchers, that the last thing Manly needs is a larger pub/hotel to exacerbate the problem.
D E & F E Glading of Unit 507, 9-15 Central Avenue, Manly NSW 2095	<ul style="list-style-type: none"> Overdevelopment of the drinking and gambling facilities already available in Manly The culture of binge drinking is now out of control causing enormous on costs to rate payers, police and hospitals. The Corso Precinct has already rejected this proposal and we ask that the October meetings voting on the proposal also be considered.
J & M Legaz of Unit 803, 9-15 Central Avenue, Manly NSW 2095	<ul style="list-style-type: none"> This is the first time I have ever submitted an objection and I do so after great deliberation as I am a businessman. However I feel the need to object as I personally feel that there is no further need to increase alcohol and

	<p>gambling outlets in our precinct and patrons are more than suitably catered for.</p> <ul style="list-style-type: none"> • I plead with the newly elected members of Manly Council that they do not pass in favour of this development. This is only going to further add to the misery that alcohol and gambling is already bringing to Manly. • Manly is becoming what Kings Cross used to be, the only thing missing are the working girls on the street.
B J Neville of 19 Woolrych Crescent Davidson 2085	<ul style="list-style-type: none"> • We approve of the DA but would ask if the project could include a maximum of beautification and suitable land /streetscaping at the Market Lane side of the building. • Market Lane could be and should be a tourist and local attraction as we see in most European tourist Mecca's. It does not have to be a rear garbage and graffiti truck turning circle. • At a minimal cost, with tasteful and practical box plantings this development can help change the atmosphere and the ambience and attract the type of visitor we all look for to improve our tourist trade.

Comment on submissions:

The proposal is mainly to consolidate various services which have either already been approved previously or already existing in another premise in the vicinity. The TAB currently operates at 41 The Corso and is being moved to part No. 31 The Corso. The proposed Gaming Room (Poker Machine Area) and Coffee Shop was approved at part No.31 The Corso by the NSW Land & Environment Court and is being moved to No. 25 The Corso. The new bottle shop currently is part of the premises at No. 27 The Corso and is moved to No. 23 The Corso. It is considered that the proposed uses, in a managed situation would provide the security and confidence in the businesses.

The concern that the bank and chemist have been eliminated to provide for drinking alcohol and gambling is not correct. Only a section of the chemist is being taken for the bottle shop and the bank is being moved to another location as approved under a previous development application. Suggestion that there should be more eating areas is valid; the application does increase the number of seats to the bistro and provides smoking areas. The deletion of the night club at the basement level is considered to be positive.

Most of the concerns raised above relate to the expansion of the activities in The Corso, but in reality the proposal is consolidation of activities that already exist in The Corso. Concerns relating to social issues have been addressed by Council's Social Planner elsewhere in the report.

Section 79C(1) (e) the public interest.

The proposal is in the public interest in that it will provide a safer and controlled environment. The proposal as conditioned would provide a better outcome for the community.

CONCLUSION:

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 1988; Development Control Plan

for the Business Zone 1989 Amendment 5; Development Control Plan for The Corso 2005; Development Control Plan for Late Night Venues 2005 and Development Control Plan for Access. The proposal is considered to be satisfactory and recommended for conditional approval.

ATTACHMENTS

Please list any attachments for this report.

Assessment Planner:

Date: 30 September 2008