



DA 2022 / 2256 - 22 Raglan Street, Manly

Demolition works and construction of a mixed use development with basement car parking.

Northern Beaches Local Planning Panel meeting – Wed 6 December 2023

Additional submission to NBLPP

Introduction:

Council's Development Application Assessment Report prepared by Maxwell Duncan states at page 279 of the NBLPP meeting agenda:

"The [Pre-lodgement] application was referred to the Design [and Sustainability] Review Panel on 23 Feb 2023. The panel reviewed the application and concluded that the proposed development was not supported and warranted a re-design with reduced GFA. Recommendations were provided regarding built form, access, landscaping, amenity, façade and sustainability."

With respect, we don't believe this brief description and the DA Assessment Report fairly or adequately describes the recommendations provided by DSAP which were endorsed by council planning officers, adopted in the final DA submission, but then subsequently used by council as reasons for their recommendation for refusal as outlined in this report below.

1. At the Pre-Lodgement Meeting we presented a design with a ground floor retail space along with a total of 14 apartments with a mix of 5x NDIS high physical support purpose built apartments, 5x lower cost New York Loft style studios aimed at the under supplied younger generation and 4x downsizer style larger apartments, all with high end amenity. The Pre DA submission façade is shown below which illustrates the significant investment the owner is willing to make in enhancing the streetscape with many elements derived from the current façade. The illustration shows the recessive roof of the mezzanine loft studios just visible from the street..

4. Furthermore DSAP recommended we delete the mezzanine bedrooms and add an entire additional floor level with two apartments and a communal roof terrace to create a 4-storey building with more north facing apartments, and increased boundary setbacks.

DSAP Recommendation 17 stated:

“On a third floor [ie add a 4th level and] provide a generous communal open space with accessible toilet. This space is to be accessible from the lift and stair core, which may be extended up to this level. Provide 2 apartments opening up to the north... These apartments must be set back a minimum of 4m from the Raglan Street frontage to minimise their visibility from the street. Their roof will be higher than the [Pre-DA] proposal, however the 4m setback will limit their visibility from the street. The proposed street frontage height, relating to the R.L. of the office building to the west, is to be retained.”

5. DSAP also supported full demolition of the façade (ie not retaining any of it), and supported the proposed new façade facing Raglan St:

“The proposed street façade relates well to the character of the existing building on the site and will create a well-proportioned and articulated street façade with depth that will create the desired future character for the street. The streetscape arches are an acceptable way of providing grain and articulation. The proposed height establishes an acceptable relationship with neighbours even though it is higher than the neighbouring street wall. This is the strength of the scheme.”

6. Council planning officers including the head of department did not oppose the recommended additional 4th level in their Pre-DA meeting notes nor at any time before the DA submission. Indeed their conclusion to their Pre-Lodgement Meeting Notes stated:

“Conclusion:

Council generally supports each of the recommendations made by the DSAP, subject to the applicant providing adequate justification for any variations to the building height and FSR development.”

7. We then amended the design and submitted the DA with a building:
 - of four levels with two north facing apartments and a communal roof terrace at the fourth floor as recommended by DSAP,
 - with fewer (10) but larger apartments as recommended by DSAP, and
 - with SEPP 65 compliant setbacks of 6m to the rear boundary and 3m to blank walls at the sides as recommended by council.

ADG setback diagrams are shown below. Noting ADG 2F Building Separation states: “Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary.”

As such and as stated in the ADG 3F, side and rear boundary setbacks controls for buildings up to 4 storeys are:

- 6m for habitable rooms (even if neighbouring buildings are non-compliant with this)
- 3m for non-habitable to blank walls

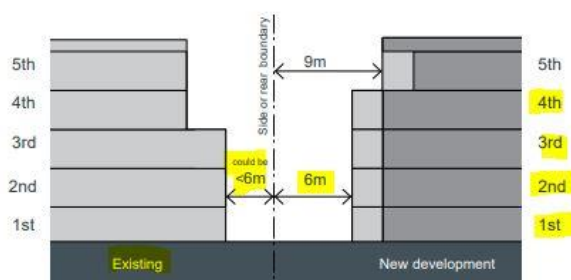


Figure 3F.3 New development adjacent to existing buildings should provide adequate separation distances to the boundary in accordance with the design criteria

Objective 3F-1

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy

Design criteria

1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

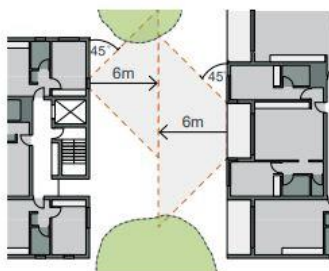
Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

Note: Separation distances between buildings on the same

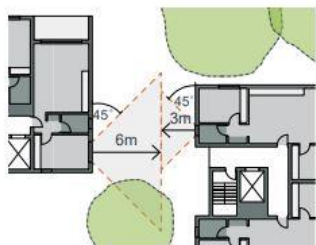
3F Visual privacy

Conditions within a development

Habitable to habitable rooms

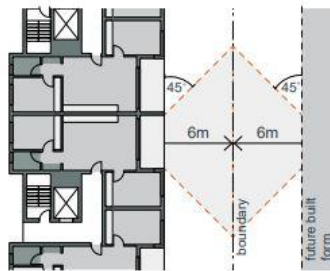


Habitable to non-habitable rooms

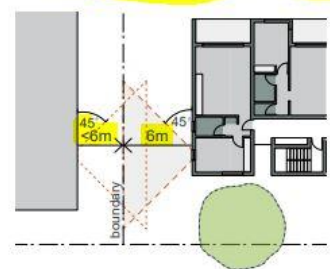


Boundary conditions

Habitable to habitable rooms

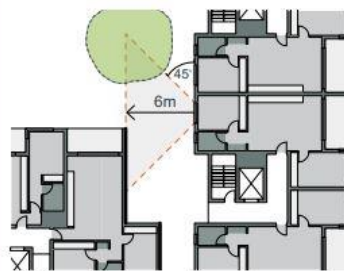


Habitable to non-compliant existing



Blank wall conditions

To habitable rooms



To non-habitable rooms

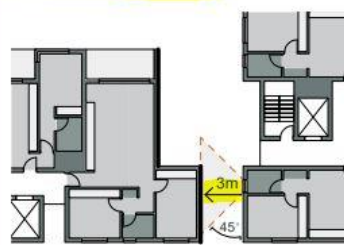


Figure 3F.6 Diagrams showing different privacy interface conditions

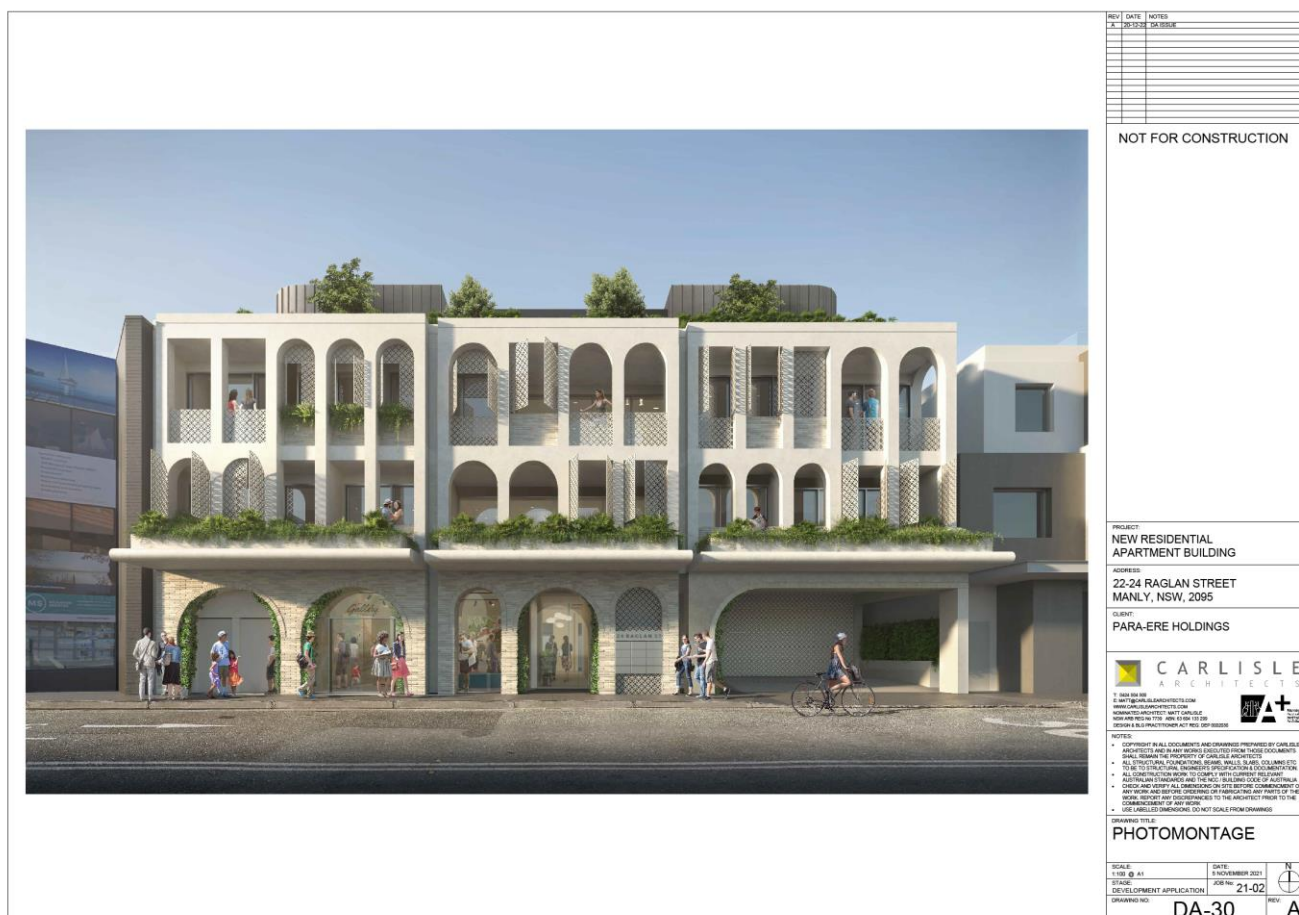
Our DA proposal complied with the SEPP 65 setbacks by providing 6m setbacks from the rear (north) boundary to the proposed rear balcony edges, and 3m to blank walls at the sides

At the street front, both the DSAP and Council planners agreed that a nil side setback and a nil front setback as proposed is desired and appropriate in this location.

8. Providing the additional floor level, nil front and side setbacks at the street, and the SEPP 65 compliant side and rear setbacks at the rear, all as recommended by DSAP and Council, resulted in the FSR, height and bulk presented in the DA submission.

Additionally we provided deep soil and landscape requirements consistent with the SEPP 65 ADG requirements at the rear garden. (Noting that DSAP stated in their comments that the ADG requires the deep soil zone to be 6m wide, whereas the ADG only requires deep soil zone to be 3m wide for a site of this size.)

The DA submitted front façade is shown below:



Above: DA submission – Raglan St façade

9. However, we were very surprised during their DA assessment period when council wrote to us on 17 May 2023 stating:

“The DSAP Panel does not support the proposal in its current form.

“No reasonable justification has been provided for exceeding the current FSR of 1.54:1. A redesign and substantial reduction in the floor area is required.

“Maximisation of the size of the courtyard and rear setback and amenity of units should be a priority.

It should be possible to reduce the floor space further while retaining the number of units and improving their amenity.”

And further:

“The DSAP has raised concerns regarding building bulk and height which is also raised in public submissions. A reduction in the FSR to at least be equal to, or less than the existing building FSR, is strongly encouraged.

“Opportunities to reduce the building height (even marginally along parapet extensions and floor to floor) is also encouraged.”

10. The existing Backpackers covers almost 100% of the site area over 2 ½ levels and has a gross floor area above ground level including carpark of 1270sqm. There are no lifts and minimal stairs, so this results in an existing FSR of around 1.78: 1.

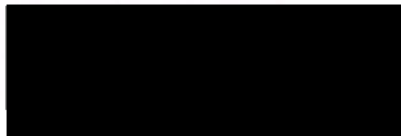
The proposed GFA for the DA submission is around 1260sqm, providing a similar FSR as the existing building on the site.

11. Given we had adopted the Pre-Lodgement recommendations of DSAP and Council planners including adding an extra floor and adopting SEPP 65 setbacks which created the resultant bulk, height, FSR and setbacks then received advice from council during their DA assessment that the bulk, height and FSR was not acceptable, the owner decided that due to council’s inconsistent and confusing advice, and delays to advice, he had no option but to commence proceedings in the Land and Environment Court.
12. As further evidence of council’s inconsistent advice, their LEC Statement of Facts and Contentions state that council does not support the additional 4th floor that their DSAP Panel recommended, despite council planning officers agreeing to it in the Pre-Lodgement Notes where they stated that “Council generally supports each of the recommendations made by the DSAP”.
13. As discussed previously, DSAP have supported the demolition of the existing building entirely and have been supportive of the proposed new façade. The Council Heritage Consultant does not support the demolition of the west side of the façade.
14. As detailed in the HIS accompanying the DA submission prepared by Weir Phillips Heritage consultants, the existing façade has been significantly altered over the years to such an extent to be rendered neutrally contributory in their opinion.

15. We have looked at numerous designs which retained the west side of the Raglan St façade, but they look poor, and result in pastiche “façade-ism” whereby only the façade is retained, with a new building plugged onto the back of it. Façade-ism is no longer regarded as good heritage practice and would not be a good result for the streetscape. The existing building is compromised by years of poorly executed alterations and amendments, and is not regarded by our heritage consultants as worthy of retention. We note that only half of the current façade is being recommended to be retained, which would lead to a fragmented façade, a poor streetscape outcome and compromised internal amenity.
16. Both our Safety Consultant and Structural Engineer have raised concerns that there is significant risk that the existing façade could be damaged and cause a safety risk to the public during construction. At an age nearing 90 years old and without adequate structural footings, there is low confidence that the façade will be fit for purpose for a further 50-100 years as required for a new high quality construction such as this.
17. We feel the submitted DA is a very good long term response to the site and location, provides good amenity for future occupants, does not overshadow or overlook neighbours, retains reinterpreted elements of the old façade whilst enhancing enhances the streetscape and is a well-considered and well-designed proposal. We note there were no objections from anyone in the community in regards to the replacement of the façade.
18. It provides two fully constructed (from the start) fully compliant NDIS high needs accommodation, as well as a good mix of much needed residential accommodation in a central location well served by public transport and it is consistent with the future desired character of the area.
19. We would prefer and would respectfully request to have this DA objectively assessed and approved by the Local Planning Panel rather than enduring more lost time and money for both parties in proceedings in the Land and Environment Court.

We thank the Panel for your consideration.

Yours sincerely



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CARLISLE ARCHITECTS
Nominated architect: Matt Carlisle

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1st December 2023

Attn: Guillaume Gauthier

Re: 22-24 Raglan St, Façade Assessment

Risk Factors undertook a visual inspection of the façade / structure at 22-24 Raglan St, Manly to discuss the risks associated with the retention of the façade during the planned development of the site. It is understood that the façade has been requested to be retained due to heritage requirements.

There are potential risks to both the public and construction workers if the façade is to be retained, these include:

1. Public Safety

There is a risk of falling objects, i.e. concrete, masonry and tiles, that could fall onto the pedestrian footpath on Raglan St. This could impact both pedestrians and motorists.

In order to retain the façade, there is likely to be significant temporary structure installed, this may require some degree of possession of the footpath, potentially overhead protective structures. This may present a risk of trips due to protrusions in this space.

2. Construction Safety

Retaining the façade will increase the risks associated with the development of the building, there will be a risk of potential structural collapse, falling objects (as per point 1) as well as a congested workspace that has potential downstream risks such as interaction with mobile plant.

There are significant safety risks associated with the retaining of facades during construction, SafeWork NSW has published [safety alerts](#) on this topic and there have been numerous incidents around the collapse of walls/facades during construction.

In order to reduce risks to both members of the public and construction workers associated with the development at 22-24 Raglan St, it is my opinion that the façade is not retained.

If you have any questions, please don't hesitate to contact myself.

Regards,



Sam Bourne - Director
B.E (Civil), M.Sc (Safety), CPAIHS

