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STATEMENT OF ENVIRONMENTAL EFFECTS

FOR

**CONSERVATION WORKS, REFURBISHMENT AND ALTERATIONS
TO EXISTING RETAIL PREMISES AND SHOP TOP HOUSING**

AT

**19-21 THE CORSO,
(PART OF 19-23 THE CORSO)
MANLY**

PREPARED ON BEHALF OF

HILROK PROPERTIES PTY LTD

**DECEMBER 2020
REF: 181148.5S**

CONTENTS

1.	INTRODUCTION	3
2.	SITE AND SURROUNDING AREA	4
3.	THE PROPOSAL	7
	3.1 GENERAL DESCRIPTION	7
	3.2 DEVELOPMENT STATISTICS	8
	3.3 TECHNICAL MATTERS	9
4.	STATUTORY AND POLICY CONTEXT	11
	4.1 STATE POLICIES	11
	4.2 LOCAL PLANNING CONTROLS.....	11
5.	ASSESSMENT UNDER SECTION 4.15(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979	13
	5.1 SECTION 4.15(1)(A)(I)– ENVIRONMENTAL PLANNING INSTRUMENTS	13
	5.2 SECTION 4.15(1)(A)(II) – PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS	19
	5.3 SECTION 4.15(1)(A)(III) – DEVELOPMENT CONTROL PLANS.....	19
	5.4 SECTION 4.15(1)(A)(IV) – ANY MATTERS PRESCRIBED BY THE REGULATIONS	26
	5.5 SECTION 4.15(1)(B) – IMPACT OF THE DEVELOPMENT.....	26
	5.6 SECTION 4.15(1)(C) – SUITABILITY OF THE SITE.....	26
	5.7 SECTION 4.15(1)(D) – PUBLIC SUBMISSIONS.....	26
	5.8 SECTION 4.15(1)(E) – THE PUBLIC INTEREST.....	27
6.	CONCLUSIONS.....	28

APPENDICES

Appendix 1	Pre-DA Meeting Notes (PLM2020 0202)
Appendix 2	Survey Plan, DP 590711 and SP 12989
Appendix 3	Plans of the Proposed Development prepared by NBRS Architecture
Appendix 4	Heritage Impact Statement prepared by NBRS Architecture Heritage
Appendix 5	BASIX Certificates
Appendix 6	BCA Report prepared by City Plan
Appendix 7	Accessibility Review Report prepared by ABE Consulting
Appendix 8	Essential Fire Safety Measures Schedule prepared by NBRS Architecture
Appendix 9	Site Waste Management and Minimisation Plan prepared by NBRS Architecture
Appendix 10	Clause 4.6 Variation Request prepared by Design Collaborative

1. INTRODUCTION

This Statement of Environmental Effects accompanies an application for conservation works, refurbishment and alterations to the existing four (4) storey building containing ground floor retail premises and shop top housing at No. 19-21 The Corso, Manly which forms part of the site at 19-23 The Corso. The building currently contains ground floor retail space and 4 x 1 bedroom and 6 x 2 bedroom units at the upper levels. The site also includes the existing two storey shop building at No. 23 The Corso. No works are proposed to that building as part of the subject proposal.

In summary, the subject proposal involves:

- Exterior conservation works to The Corso frontage and side elevations;
- Modifications to the Market Place elevation;
- Re-roofing to top floor and replacement of damp proof membrane and gravel to the open terrace to resolve failed waterproofing;
- Upgrade of the residential entrance from The Corso through to the central stair;
- Provision of separate, dedicated waste storage at the Ground floor for residential and retail;
- Provision of accessible toilet on Ground floor;
- Conservation works to central stair and landings and to original fabric within units;
- New kitchen joinery and bathroom fit-out within units; and
- General paint and new floor coverings throughout.

It is noted that the Ground floor retail area is to be the subject of a separate DA by the new tenant.

The aim of the proposal is to improve building amenity and condition.

A Pre-DA Meeting was held with officers of Northern Beaches Council in relation to the proposed development on 10 September 2020 (see **Appendix 1**). The advice provided at the meeting has been taken into consideration in the preparation of the subject proposal.

This Statement describes the site and surrounding area, the nature of the proposed development and sets out the statutory and policy context. It undertakes an assessment of the proposed development under the heads of consideration in Section 79C(1) of the Environmental Planning and Assessment Act, 1979.

The conclusion is reached that the proposed development is acceptable with respect to all relevant planning matters.

This Statement should be read in conjunction with plans and information submitted with the application which are referred to throughout this Statement.

2. SITE AND SURROUNDING AREA

The site is described as SP 12989 and is known as No. 19-23 The Corso, Manly. It is situated on the northern side of The Corso opposite its intersection with Darley Road (see **Plan 1**). The site also has frontage to Market Place to the rear (north). The subject application relates to part Lot 1, Lots 2-13 and part of the common property within SP 12989 (see **Appendix 2**).



Plan 1: Location – the subject site shown edged red

Source: maps.six.nsw.gov.au

The subject site is generally rectangular in shape and has an area of 523.9m² (see **Appendix 2**). It has a frontage to The Corso of 16.835m, a frontage to Market Place of 16.76m and a depth of some 31.2m. The site is generally flat. A survey plan is included in **Appendix 2**.

The site is occupied by a four storey older style shop top housing building with ground floor retail (No. 19-21) and a two storey retail/commercial building (No. 23) (see **Figure 1**). It contains retail, office and storage space at the Ground Floor. The retail space has its primary frontage to The Corso with access also available from Market Place to the rear.



Figure 1: The existing development on the site – viewed from The Corso (left) and from Market Place (right)
Source: DC

No. 19-21 contains 8 units at the First and Second Floors (4 x 1 bedroom units and 4 x 2 bedroom units) and 2 x 2 bedroom units and shared laundry at the Third Floor sited over the southern part of the building. The remainder of the Third Floor is an open roof terrace surrounded by a balustrade to Market Place. Access to the residential units is available from both The Corso and Market Place.

No. 23 forms part of the Ivanhoe Hotel which adjoins to the east. (As noted above, no changes to No. 23 are proposed as part of this proposal).



Figure 2: East side elevation of 19-21 The Corso – showing existing lightwell to side boundary
Source: DC

The existing building occupies the full site area (with the exception of a small rear setback to No. 23). At the upper levels of No. 19-21, the central part of the building is setback from the side boundaries by around 1.2m to provide a lightwell and rear stairs to the units (see **Figure 2**).

No. 19-21 reaches a maximum height of RL 21.645 to the top of the parapet facing The Corso. The rear elevation reaches a maximum height of RL 18.25 to the top of the balustrade at the Third Floor.

No. 23 reaches a maximum height of RL 13.62 to the rooftop parapet.

The building has a GFA of 1397 sqm, which equates to a FSR of 2.66:1 (see **Appendix 3**).

There is no vehicular access or parking provided on the site. Loading activities are undertaken from Market Place to the rear of the building.

The building at 19-21 The Corso is of masonry and brick construction. A more detailed description of the existing building (exterior and interior) is contained in the submitted Heritage Impact Statement (HIS) (see **Appendix 4**).

The HIS contains the following statement of significance for the locally listed heritage item of which the subject building forms a part (being 'All numbers, The Corso') (see **Appendix 4**):

The streetscape and its special qualities are of major significance to the state. The Corso has important historical links to the development of tourism and recreation which is still present and likely to continue. It's role as the pedestrian link between harbour and ocean, city and sea - for the tourist, is fundamental to Manly's status as a resort. (p. 24)

The subject site is located in Manly Town Centre on The Corso, the main pedestrianised shopping strip in the centre with Manly Beach at its eastern end and Manly Wharf to the west. Development in The Corso generally comprises 2-3 storey retail/commercial development with some taller buildings such as the subject building at 19-21 The Corso.

Market Place to the rear of the site has traditionally provided a service function for premises with their primary frontage to The Corso. To the east of the site it is a shared way (closed to traffic between 8am-5am daily) and there are a number of retail and food and drink premises opening onto the street along its length.

To the east, the site adjoins the Ivanhoe Hotel at 25-31 The Corso (of which No. 23 now forms a part). The Hotel is a 2-3 storey building containing a number of bar areas, dining facilities, gaming facilities and a bottle shop.

To the west, the site adjoins No. 17 The Corso, a two storey retail/commercial building occupied by St George Bank at the ground floor.

To the north of the site, on the northern side of Market Place, is the Council-operated Whistler Street car park (see **Plan 1**), a multi storey (6 level) car park which is open to the public between 6.30am and midnight Monday-Thursday and 24 hours Friday-Sunday. It contains 311 car spaces. Adjoining to the east of the car park is Manly Library.

The site is well-located being within Manly Town Centre in proximity to a range of shops and services and within walking distance of Manly Beach and public transport facilities (ferry and bus) providing links to the Sydney CBD and the northern beaches.

3. THE PROPOSAL

3.1 GENERAL DESCRIPTION

It is proposed to undertake conservation works, refurbishment and alterations to the existing 4 storey building with ground floor retail and shop top housing at 19-21 The Corso which forms part of the site at 19-23 The Corso. The proposed development is illustrated on the drawings prepared by NBR Architecture (see **Appendix 3**).

As noted above, the site also includes the existing two (2) storey shop building at No. 23 The Corso. No works are proposed to that building as part of the subject proposal.

In summary, the subject proposal at 19-21 The Corso involves:

- Exterior conservation works to The Corso frontage and side elevations;
- Modifications to the Market Place elevation;
- Re-roofing to top floor and replacement of damp proof membrane and gravel to the open terrace to resolve failed waterproofing;
- Upgrade of the residential entrance from The Corso through to the central stair;
- Provision of separate dedicated waste storage at the Ground floor for residential and retail;
- Provision of accessible toilet on ground floor;
- Conservation works to central stair and landings and to original fabric within units;
- New kitchen joinery and bathroom fit-out within units; and
- General paint and new floor coverings throughout.

It is noted that the ground floor retail area is to be subject to a separate DA by the new tenant.

The aim of the proposal is to improve the amenity and condition of the building.

At the Ground Floor (RL 5.62/6.06), alterations are proposed to the existing building to provide:

- a retail tenancy with frontage to The Corso, including new accessible wc at the rear;
- demolition of entry and stair access to the First Floor from The Corso and replacement with a new window to front façade to match existing;
- upgrade of the existing residential entry from The Corso with new door and letterboxes;
- waste storage and services accessible from Market Place via new ramps;
- re-painting of the façades; and
- alterations to the Market Place façade including new windows and doors and tiled wall finish.

At the First Floor (RL 10.04/10.3), the proposed works involve:

- refurbishment of the existing awning to The Corso frontage;
- conservation works to The Corso façade including replacement of all timber framed windows with new to match existing;
- replacement of windows and doors to side elevations of all units in aluminium frame to match existing;
- new kitchen joinery and bathroom fit-out within units;
- remedial works in the lightwells;

- minor internal alterations to Unit 4 as a result of removal of stair access to The Corso;
- re-painting of the façades; and
- provision of new double glazed windows within the existing and modified openings with awnings over to the Market Place façade, plus new awning to the Market Place façade.

At the Second Floor (RL 13.68), the proposed works involve:

- conservation works to The Corso façade including replacement of all timber framed windows with new to match existing;
- replacement of windows and doors to side elevations of units;
- new kitchen joinery and bathroom fit-out within units;
- re-painting of the façades; and
- new double glazed French doors and Juliet balconies in modified openings with awnings over to the rear façade facing Market Place.

At the Third Floor (RL 17.03), the proposed works involve:

- conservation works to The Corso façade including replacement of all timber framed windows with new to match existing;
- replacement of windows and doors to side elevations of units, together with hoods over windows of Unit 10;
- new kitchen joinery and bathroom fit-out within units;
- remedial works to the rear roof terrace;
- re-painting of the façades; and
- new roof sheeting, flashing, gutters and downpipes.

No on-site parking is proposed for the development, consistent with the existing situation.

3.2 DEVELOPMENT STATISTICS

Height

Existing height:	15.585m (from ground floor to top of parapet)
Existing maximum height:	RL 21.645 (to top of parapet facing The Corso)
Height of Proposed Works:	14.32m (from ground floor to existing roof level, RL 20.38)
Height in storeys (existing and proposed):	3-4

Gross Floor Area

Site Area:	523.9 sqm
Existing Gross Floor Area:	1397 sqm

Existing Floor Space Ratio: 2.66:1

No change is proposed to the existing GFA/FSR of the building.

Non- Residential Floor Space

19-21 – ground floor	172.5 sqm
23 – ground and first floor	268.9 sqm

Total Non-residential Floor Space: 441.4 sqm

Residential Units

Unit Types: 4 x 1 bedroom (plus study) units (existing);
6 x 2 bedroom units (existing)

Total residential units: 10 existing

3.3 TECHNICAL MATTERS

3.3.1 HERITAGE IMPACT STATEMENT

As noted above, a Heritage Impact Statement prepared by NBR Architecture Heritage is submitted with the application (see **Appendix 4**). The HIS reaches the following conclusions:

7.0 CONCLUSION

The proposed conservation and refurbishment of the property at 19-21 The Corso, will have a positive impact on the heritage significance of the Commercial Buildings – All numbers The Corso, Manly Town Centre Conservation Area and other heritage items in the vicinity.

The primary façade to The Corso will be retained and conserved and will significantly enhance the appearance of the building within the heritage item and Manly Town Centre. It will also positively contribute to heritage items in the vicinity.

The design of the refurbishment has been carefully considered. It aims to retain the historic planning and layout of the units and reinstate heritage detailing both externally and internally.

New minor additions to the Market Place elevation are in contemporary materials, so they can be read as new fabric.

All existing views to and from the heritage item, heritage items in the vicinity, and within the Manly Town Centre Conservation Area will be retained and conserved. The additions will not be visible in critical views as defined in the Townscape Principles. The character of Manly Town Centre and The Corso Special Character Area will be retained and enhanced through conservation of a prominent building.

The proposed refurbishment and additions are consistent with the heritage objectives of the Manly LEP 2013 and the Manly DCP 2013. In our view, the consent authority should have no hesitation, from a heritage perspective, in approving this application. (p. 49)

3.3.2 BASIX ASSESSMENT

BASIX Certificates for each of the existing units accompany the application (see **Appendix 5**) which demonstrate that they will meet the required BASIX targets subject to compliance with the stated BASIX commitments.

3.3.3 BCA REPORT

A BCA Report prepared by City Plan is submitted with the application (see **Appendix 6**). It undertakes a details assessment of the proposed development in the context of the applicable provision of the BCA and concludes that *the proposed development is capable of complying with the BCA and will be subject to construction documentation that will provide appropriate details to demonstrate compliance* (p. 42).

3.3.4 ACCESS REPORT

An Accessibility Review Report prepared by ABE Consulting accompanies the application (see **Appendix 7**). It concludes as follows:

This report has provided a review of the relevant project design documentation to determine the compliance status of the proposed development against Part D3, Clause F2.4 and Clause E3.6 'deemed to satisfy' (DtS) requirements of the Building Code of Australia 2019 Amendment 1 (BCA), The Disability (Access to Premises – Buildings) Standards 2010 and the pertinent Australian Standards.

Following this review and with the adoption of the recommendations/Performance Solutions proposed, ABE Consulting are able to confirm that at the Development Application stage of design, the development can readily achieve compliance with the aforementioned BCA provisions. (p. 13)

3.3.4 FIRE SAFETY

A schedule prepared by NBRS Architecture setting out Essential Fire Safety Measures for the proposed development is contained in **Appendix 8**.

3.3.5 WASTE MANAGEMENT

The application is accompanied by a Site Waste Minimisation and Management Plan prepared by NBRS Architecture (see **Appendix 9**). That Report details proposed waste management measures during demolition and construction and the waste management systems proposed for the residential units and the non-residential part of the proposed development, including details of bin storage and collection arrangements.

Separate waste storage rooms are proposed at the Ground floor for the retail and residential waste storage with collection from the Market Lane frontage. 3 x 240L bins are provided for the retail and 14 x 240L bins for the residential with ramped access to the frontage. In this regard, the Plan states *“as the building is constructed over a main sewer there is no opportunity to provide large openings in the rear wall or to lower the floor of the building to provide ongrade access to waste storage areas. Ramp access is provided from Market Lane as requested by a Northern Beaches Council Waste Services Officer”* (p. 6).

4. STATUTORY AND POLICY CONTEXT

4.1 STATE POLICIES

The application is subject to assessment under the following State policies:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; and
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (deemed SEPP).

The requirements of these instruments are considered in detail in Section 5 of this Statement.

It is noted that State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development does not apply to the proposed as it does not involve *the substantial redevelopment or the substantial refurbishment of an existing building* in accordance with Cl. 4(a)(ii) of the SEPP.

4.2 LOCAL PLANNING CONTROLS

4.2.1 MANLY LOCAL ENVIRONMENTAL PLAN 2013 (THE LEP)

Zoning and Permissibility

The site is zoned B2 Local Centre under the LEP. The Land Use Table for the B2 zone is as follows:

Zone B2 Local Centre

1 Objectives of zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To minimise conflict between land uses in the zone and adjoining zones and ensure amenity for the people who live in the local centre in relation to noise, odour, delivery of materials and use of machinery.*

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Boat sheds; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care

centres; Restricted premises; Roads; Service stations; Shop top housing; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recycling facilities; Water supply systems

4 Prohibited

Water treatment facilities; Any other development not specified in item 2 or 3.

Under the LEP, the premises is defined as *commercial premises* (which includes *retail premises*) and *shop top housing*. *Commercial premises* and *shop top housing* are permissible in the B2 zone.

Height

Under Clause 4.3 of the LEP, the site is subject to a maximum height of 10m.

FSR

Under Clause 4.4(2) of the LEP, the site is subject to a maximum FSR standard of 2.5:1.

However, Clause 4.4(2A) provides that, despite subclause (2), the FSR for a building in the B2 zone may exceed the maximum allowed by up to 0.5:1 if the consent authority is satisfied that at least 50% of the gross floor area (GFA) of the building will be used for the purpose of commercial premises.

Heritage Conservation

The site is listed as a heritage item (I106) under the LEP as part of the *Group of commercial buildings, All numbers, The Corso*. It is also located within the Town Centre Conservation Area (C2) and is in the vicinity of a number of listed heritage items, including:

- I104 – Street trees, The Corso (from Whistler Street to Sydney Road);
- I107 – Commercial building, 36 The Corso;
- I108 – Group of commercial buildings, 41-45 The Corso; and
- I113 – St Matthew’s Church and church hall, 44 The Corso.

Other Relevant Provisions

- Stormwater management – Clause 6.4;
- Foreshore scenic protection area – Clause 6.9;
- Active Street frontages – Clause 6.11;
- Essential services – Clause 6.12;
- Design excellence – Clause 6.13 – applies to development involving external alterations to an existing building in the B2 zone; and
- Gross floor area in Zone B2 – Clause 6.16.

4.2.2 DEVELOPMENT CONTROL PLANS

Manly Development Control Plan 2013

The provisions of the Manly Development Control Plan 2013 (the DCP) are applicable to the proposed development. The relevant provisions are addressed in Section 5.

5. ASSESSMENT UNDER SECTION 4.15(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

The likely impact of the proposal is considered in the context of the heads of consideration set out in Section 4.15(1) of the Environmental Planning and Assessment Act, 1979, as follows:

- (a) *the provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
 - (v) *(Repealed)**that apply to the land to which the development application relates,*
- (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,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are considered in the following paragraphs.

5.1 SECTION 4.15(1)(A)(I)– ENVIRONMENTAL PLANNING INSTRUMENTS

5.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

State Environmental Planning Policy No. 55 (SEPP 55) requires the consent authority to consider whether land is contaminated prior to granting consent to any development. The consent authority must be satisfied that any necessary remediation has occurred before use of the land is permitted.

As set out in the HIS (see **Appendix 4**) the site has been used for retail and residential purposes since it was first developed in around 1924. There is nothing in the history of the site to suggest it may be subject to contamination.

On the basis of the above, it is considered that the site is suitable for the proposed development within the requirements of SEPP 55.

5.1.2 STATE ENVIRONMENTAL PLANNING POLICY NO. 65 –DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT (SEPP 65)

As noted above, SEPP 65, which aims to improve the design quality of residential flat development, does not apply to the proposed development as it does not involve the “*substantial redevelopment or the substantial refurbishment of an existing building*” that has at least 3 or more storeys and contains at least 4 or more dwellings.

The proposed development involves external alterations to only four of the existing 10 units and the refit of all kitchens and bathrooms internally. All other works to the exterior are conservation works related to the retention and maintenance of a heritage building to conserve the existing façades (including replacement of existing windows).

5.1.3 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004 (THE BASIX SEPP)

The Aim of the BASIX SEPP is set out in Clause 3 as follows:

- (1) *Regulations under the Act have established a scheme to encourage sustainable residential development (the **BASIX scheme**) under which:*
 - (a) *an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and*
 - (b) *the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.*
- (2) *The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.*
- (3) *This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.*

Under the Regulations, the proposed development is a “BASIX affected building”. Under Clause 2A to Schedule 1 of the Regulations, a development application for any development that involves the erection of a BASIX affected building must be accompanied by a BASIX certificate, issued no earlier than 3 months before the date on which the application is made.

The required BASIX Certificate is contained in **Appendix 5**.

5.1.4 SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

The subject site is within the boundary of the Sydney Harbour Catchment as defined under the SREP.

Relevant Aims (Clause 2)

The relevant aims of the SREP are:-

- (a) *to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained:*
 - (i) *as an outstanding natural asset, and*
 - (ii) *as a public asset of national and heritage significance, for existing and future generations,*
- (b) *to ensure a healthy, sustainable environment on land and water,*
- (c) *to achieve a high quality urban environment,*

The proposed development is considered to be consistent with the relevant aims in that:

- it provides for a healthy, sustainable environment on the land as it achieves required BASIX water conservation and energy efficiency targets (see **Appendix 5**); and
- it achieves a high quality urban environment by undertaking conservation, refurbishment and alterations to the existing building at 19-21 The Corso in a manner which responds to its heritage significance and provides for improved amenity and building condition, while not resulting in any demonstrable significant adverse impacts on surrounding development, The Corso or the Town Centre.

5.1.5 MANLY LOCAL ENVIRONMENTAL PLAN 2013 (THE LEP)

The relevant provisions of the LEP are addressed below.

Zoning and Permissibility

The site is zoned B2 Local Centre under the LEP. Under the LEP, the proposal is defined as *commercial premises* (which includes *retail premises*) and *shop top housing* which are permissible in the B2 zone.

Height

The existing building already exceeds the 10m height standard with a maximum height of 15.585m to the top of the front parapet to The Corso (RL 21.645). No change is proposed to this existing maximum height.

When measured in accordance with the definition in the LEP, the proposed works have a maximum height of 14.32m (from Ground floor level to existing roof level). The proposed works therefore exceed the 10m standard by up to 4.32m.

The proposed variation of the height standard is addressed in the context of Clause 4.6 (Exceptions to development standards), below.

FSR

As noted above, the proposed development does not involve any change to the existing GFA/FSR of the building.

Exceptions to Development Standards

Clause 4.6 of the LEP provides for the variation of development standards in respect of a particular development proposal. In particular, Clause 4.6(3) provides:

Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The written request referred to in Clause 4.6(3) in relation to the breach of the height development standard is contained in **Appendix 10**. The request demonstrates that the proposal meets the underlying objectives of the standard and that compliance would be unreasonable and unnecessary in the circumstances of the case.

It is noted that the NSW Department of Planning and Environment (DP&E) provides guidance on how to prepare Clause 4.6 variations in the form of *Varying development standards: A Guide* (August 2011). The written request to vary the standard is based on the DP&E's Guide.

Heritage Conservation

As noted above, the application is accompanied by a HIS prepared by NBR Architecture Heritage (see **Appendix 4**) which assesses the impact of the proposed development on the heritage significance of the building listed as part of a heritage item, the Town Centre Conservation Area and heritage items in the vicinity of the site. It contains a detailed assessment of the proposal in the context of the requirements of the LEP and DCP at Sections 6.4 and 6.5 (pp. 35-48).

That Statement concludes that the proposal will have a positive impact:

The proposed conservation and refurbishment of the property at 19-21 The Corso, will have a positive impact on the heritage significance of the Commercial Buildings – All numbers The Corso, Manly Town Centre Conservation Area and other heritage items in the vicinity.

The primary façade to The Corso will be retained and conserved and will significantly enhance the appearance of the building within the heritage item and Manly Town Centre. It will also positively contribute to heritage items in the vicinity.

The design of the refurbishment has been carefully considered. It aims to retain the historic planning and layout of the units and reinstate heritage detailing both externally and internally.

New minor additions to the Market Place elevation are in contemporary materials, so they can be read as new fabric.

All existing views to and from the heritage item, heritage items in the vicinity, and within the Manly Town Centre Conservation Area will be retained and conserved. The additions will not be visible in critical views as defined in the Townscape Principles. The character of Manly Town Centre and The Corso Special Character Area will be retained and enhanced through conservation of a prominent building.

The proposed refurbishment and additions are consistent with the heritage objectives of the Manly LEP 2013 and the Manly DCP 2013. In our view, the consent authority should have no hesitation, from a heritage perspective, in approving this application. (p. 49)

Accordingly, the proposal is satisfactory with regard to the heritage conservation provisions of the LEP.

Stormwater management

The proposal includes the replacement of existing roof gutters and downpipes on the building which are connected to Council's stormwater system.

Foreshore scenic protection area

The subject site would have limited visibility from the foreshore of either Sydney Harbour or the Pacific Ocean given its separation distance from both of those locations.

Nevertheless, the proposal is satisfactory with regard to the matters for consideration in relation to the foreshore scenic protection area, in that:

- the proposal will not result in an adverse impact on the visual amenity of the coastal foreshore. It will not result in any additional overshadowing of or loss of views from a public place to the foreshore. The proposal will improve the external appearance of the building through the refurbishment, conservation and upgrade of the façades as detailed above and in the submitted HIS (see **Appendix 4**);
- the proposal will have no adverse impact on the scenic quality of the coastline. The building would have limited visibility from the coastline given its location some distance along The Corso;
- the proposal is suitable given that it does not involve any change in the existing use of the building as retail premises and shop top housing, does not involve any change in building height or bulk (FSR) and retains and refurbishes or upgrades the street front façades to The Corso and Market Place consistent with their heritage significance. The proposal will not give rise to adverse effects on the foreshore; and
- given the separation of the site from the Beach and Ocean, it will not give rise to any conflict between land-based and water-based coastal activities.

Active Street frontages

Both The Corso and Market Place frontages of the site are identified on the active street frontages map.

The proposal involves alterations to the existing building with no change of use and the requirements of Clause 6.11 are therefore not considered to apply to the subject proposal.

Nevertheless, the proposed development is consistent with the requirements of the clause with respect to The Corso frontage as a retail premises occupies the majority of that frontage with the remainder occupied by the residential entrance.

With regard to the frontage to Market Place, the proposed development has sought to increase activation within the constraints affecting the building. As noted in the submitted HIS, *the ability to open the Market Place façade to street level activation is severely restricted by the location of the main sewer under the building and consequent Sydney Water restrictions on structural modifications. This proposal includes opening the windows of the existing office to ground level to improve integration of the space to street level activities.* (p. 46).

It is noted that an active street frontage is provided to No. 23 The Corso, which forms part of the site, as the ground floor of that building is used for retail premises.

The Market Place frontage of the subject building at 19-21 The Corso accommodates the rear building entry, an office space (part of the Ground floor retail), access to waste storage and an electrical/comms room. Under Clause 6.11, an active street frontage is not required for *entrances and lobbies or access for fire services.*

Compared with the existing situation, the proposed development improves the activation of the Market Place frontage, improves pedestrian amenity and provides for an improved appearance from that frontage by:

- providing increased window area to the existing office (part of the Ground floor retail) and decorative façade finishes at the ground floor;
- retaining access to the building (residential) from the rear;
- providing an awning to the Market Place façade to improve pedestrian amenity; and
- upgrading and refurbishing the upper levels of the rear façade with new windows and Juliet balconies to increase casual surveillance.

Essential services

All essential services are available to the subject site.

Design excellence

The design excellence provisions of the LEP apply to the subject proposal as it involves external alterations to an existing building in the B2 zone.

The proposal is considered satisfactory in relation to the matters for consideration, in that:

- the proposal will result in no additional overshadowing of public open spaces as no change is proposed to the existing height or form of the building;
- the proposal will protect and enhance the streetscape of The Corso and Market Place and the public realm generally, as result of the proposed refurbishment, conservation and upgrade of its façades. The assessment of the proposal undertaken in the HIS (see **Appendix 4**) indicates that it is consistent with its heritage significance as a heritage item, the conservation area and a positive heritage outcome;
- the existing building defines the edge of the street as it is built to the boundaries of The Corso and Market Place;
- the proposal will not result in street clutter or impede pedestrian, cycle vehicular or service

- access or circulation;
- the proposal provides for casual surveillance of The Corso and Market Place from the ground floor retail space and the upper level residential units;
- the proposal is sympathetic to its setting, including neighbouring sites and existing buildings, as it involves the conservation and refurbishment of the existing building, including alterations, in a manner which will not involve any increase in height or bulk, improves its appearance from The Corso and Market Place and does not give rise to adverse amenity impacts on surrounding developments;
- the proposal has no effect on natural topography and vegetation;
- the proposal will not affect any vistas to prominent natural or built landmarks from public places;
- the proposal uses high standards of architectural design, materials and detailing appropriate to the building type and location consistent with its heritage significance (see also **Appendix 4**);
- the proposal responds to environmental factors such as wind and reflectivity; and
- utility infrastructure is already in place for the proposed development and opportunities for sharing are limited.

Accordingly, the proposal is considered to exhibit design excellence.

Gross floor area in Zone B2

The proposed development complies with the requirements of Clause 6.16 in that:

- 32% (441.4 sqm) of the GFA of the development on the site will be used as *commercial premises* (which includes *retail premises*) exceeding the required 25%;
- the GFA of the *retail premises* on the site is 441.1 sqm (including 268.9 sqm in No. 23) less than the maximum 1,000 sqm permitted.

5.2 SECTION 4.15(1)(A)(II) – PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft environmental planning instruments applicable to the subject site or development.

5.3 SECTION 4.15(1)(A)(III) – DEVELOPMENT CONTROL PLANS

5.3.1 MANLY DEVELOPMENT CONTROL PLAN 2013 (THE DCP)

Part 3 – General Principles of Development

3.1.3 Townscape (Local and Neighbourhood Centres)

The proposal is considered to be consistent with the relevant design principles, as set out below.

Local role of the site

The proposal generally maintains the local role of the site as no changes are proposed to the overall form and scale of the building as viewed from The Corso and Market Place. The

proposal maintains the existing built form relationship with adjoining development and public spaces.

No changes are proposed to the street frontage façade to The Corso which is to be retained and conserved in accordance with the HIS (see **Appendix 4**) which will enhance the appearance of the building within the heritage item of The Corso. The proposed alterations to the rear façade will contribute to the presentation of the building to Market Place, will improve the amenity of the rear units and will have a satisfactory heritage impact.

Townscape Principles Map

The proposed development is consistent with the Townscape Principles map as it relates to the subject site by maintaining and improving the existing important vistas along The Corso and from Darley Road towards the site.

Design Details

The proposal is consistent with the relevant design details controls in that:

- as set out in the HIS (see **Appendix 4**) the proposal is complementary to adjacent buildings and the wider conservation area in terms of the design detailing of the façades. As noted above, the façade to The Corso is to be conserved and refurbished;
- no change is proposed to the height of the building and no change is proposed to floor levels within the building, apart from the provision of ramps within the rear Ground Floor;
- the materials, textures and original colours of the existing building are to be retained or reinstated where there is sufficient available evidence;
- the proposal maintains the architectural style of the existing building fabric;
- no change is proposed to the existing building footprint;
- the proposal will not give rise to any additional overshadowing or adverse wind effects as no change is proposed to the height and form of the building;
- the proposal will improve the appearance of the side walls of the building, to the extent that they are visible, through the proposed refurbishment and removal of external services;
- the Ground Floor has level access from The Corso and Market Place with internal ramps within the entries from Market Place;
- retail space occupies the majority of the width of the building frontage to The Corso, with the remainder occupied by the residential entry;
- street numbering will be provided as required; and
- the proposal includes internal ducting for water supply, waste and mechanical exhaust to the existing units. The retail area air-conditioning plant will be housed within a re-purposed terrace level communal laundry rather than reinstated on the roof.

3.2 Heritage Considerations

The application is accompanied by a HIS which provides a detailed response to the relevant requirements of the DCP in relation to general heritage considerations, consideration of heritage significance and alterations and additions to heritage items of conservation areas (see **Appendix 4**). As noted above, the HIS concludes that the proposed development will have a positive impact on the heritage significance of the heritage item, conservation area and nearby heritage items.

Accordingly, the proposed development is satisfactory with regard to the heritage considerations in the DCP.

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

3.4.1 Sunlight Access and Overshadowing

The proposal does not give rise to any additional overshadowing as no change is proposed to the height and form of the building.

The proposal will not result in additional overshadowing of The Corso or any residential development.

3.4.2 Privacy and Security

The proposal will not result in a loss of visual privacy to any neighbouring developments. The units have their primary outlook over The Corso and Market Place. Where they also have windows facing the side boundaries, these either face the side wall enclosing the lightwell or, for those at the Third Floor, are over the roofs of the neighbouring buildings.

The proposal provides for casual surveillance of The Corso and Market Place from all levels of the building, with improved levels of surveillance over Market Place as a result of the larger window openings and introduction of Juliet balconies proposed to that elevation.

3.4.3 Maintenance of Views

The proposal will not result in any impact on views as no change is proposed to the existing form or height of the building.

3.5 Sustainability

Given that the proposal is for alterations to an existing building limited changes are able to be made in relation to building orientation, form and similar matters. The proposal will address sustainability through the following design features:

- compliance with BASIX requirements (see **Appendix 5**);
- existing building materials will be re-used where possible; and
- all selected appliances, fixtures, glazing and lighting will meet the requirements of Council and the BCA.

3.6 Accessibility

The application is accompanied by an Accessibility Review Report prepared by NBRS Architecture Advisory (see **Appendix 7**). That report confirms that the proposed development can readily achieve compliance with the relevant provisions of the BCA.

Accordingly, the proposed development is satisfactory with regard to accessibility.

3.7 Stormwater Management

As noted above, replacement stormwater infrastructure on the building (gutters, downpipes) will drain to Council's stormwater system, consistent with the existing situation.

3.8 Waste Management

The application is accompanied by a Site Waste Minimisation and Management Plan prepared by NBR Architecture (see **Appendix 9**).

That Plan details proposed waste management measures during demolition and construction and the waste management systems proposed for the residential units and the non-residential parts of the proposed development, including details of bin storage and collection arrangements.

The Plan notes that, at present, waste storage facilities are provided only within No. 23 The Corso; there are no existing facilities within the subject building at 19-21.

Separate waste storage rooms are proposed for the retail and residential users at the Ground floor with bin storage in accordance with Council's requirements and ramped access to the Market Place frontage. In this regard, the Plan states *"as the building is constructed over a main sewer there is no opportunity to provide large openings in the rear wall or to lower the floor of the building to provide ongrade access to waste storage areas. Ramp access is provided from Market Lane as requested by a Northern Beaches Council Waste Services Officer"* (p. 6).

The Plan demonstrates that wastes generated on the site are able to be appropriately managed both during the demolition/construction and operational phases of the development taking into account the site constraints.

3.10 Safety and Security

The proposed development provides for casual surveillance of the street frontages of The Corso and Market Place from all levels of the building.

Part 4 – Development Controls and Development Types

4.1 Residential Controls

The majority of the controls in this section of the DCP do not apply to the subject proposal as it is not located in a residential zone. The relevant matter is addressed below.

4.1.5.3 Private Open Space

Given the design and constraints of the existing building, it is not possible to provide private open space for the existing units.

This outcome is considered satisfactory in the circumstances, in particular, that:

- the amenity and condition of the existing units and the building generally will otherwise be improved; and
- the location of the building is within easy walking distance of numerous open space and recreational opportunities including Manly Beach, Manly Cove, Gilbert Park, Manly Oval and The Corso.

4.2 Development in Business Centres

4.2.1 FSR

The FSR of the proposed development is addressed in the context of the LEP development standard in Section 5.1.5, above.

4.2.2 Height

The height of the proposed development is addressed in the context of the LEP development standard in Section 5.1.5, above.

4.2.3 Setback Controls

The proposed development maintains the existing building setbacks which reflect the DCP requirements being built to the street frontage boundaries and the side boundaries (with lightwells at the First Floor and above).

4.2.4 Car parking, Vehicular Access and Loading

There is no existing car parking on the site and no car parking is proposed. The proposed development does not involve any change in the existing level of development on the site so no additional parking is generated by the proposed development.

Nevertheless, it is noted that the site is well located to encourage use of alternate forms of transport such as walking, cycling or public transport. In particular, the site is readily accessible via a significant number of bus routes operating along Belgrave Street and West Esplanade and the site is located approximately 200m north of the Manly Wharf Ferry.

In addition, parking is precluded by the heritage constraints affecting the building/site and would result in adverse townscape impacts and potential safety impacts given that both frontages of the site are designated as “active street frontages” with a high degree of pedestrian activity.

No change is proposed to the existing loading arrangements at the site. Loading will be undertaken from the Market Place frontage of the site with delivery access to the rear of the building.

4.2.5 Manly Town Centre and Surrounds

4.2.5.1 Design for Townscape

The proposal meets the relevant townscape requirements, in that no change is proposed to the existing building width or setbacks to the street frontages.

4.2.5.2 Height of Buildings

As noted above, the proposal does not involve any change in the height of the existing building on the site.

The proposal meets the townscape principles for building height as follows:

- No change is proposed to the existing building height. The proposed development will not adversely dominate the heights of end (corner) buildings in the same street block or that of adjoining buildings.
- No change is proposed in the relationship with the adjoining buildings in terms of building height as viewed from the street.
- The proposal is for alterations to an existing building with no change in building height.
- No changes are proposed to the existing floor levels (apart from the provision of ramps within the rear Ground Floor to facilitate access) or parapet heights relative to adjoining buildings.

4.2.5.3 Security Shutters

Security shutters are not proposed.

4.2.5.4 Car Parking and Access

As noted above, no parking exists on the site and no parking is proposed. The proposed development does not involve any change in the existing level of development on the site so no additional parking is generated by the proposed development.

Nevertheless, it is noted that the site is well located to encourage use of alternate forms of transport such as walking, cycling or public transport. In particular, the site is readily accessible via a significant number of bus routes operating along Belgrave Street and West Esplanade and the site is located approximately 200m north of the Manly Wharf Ferry.

In addition, parking is precluded by the heritage constraints affecting the building/site and would result in adverse townscape impacts and potential safety impacts given that both frontages of the site are designated as “active street frontages” with a high degree of pedestrian activity.

Accordingly, the proposed development is considered satisfactory with regard to parking.

4.4 Other Development

4.4.2 Alterations and Additions

The proposed development is consistent with the definition of alterations and additions as defined in the DCP as it does not involve demolition of more than half of the building. There is minimal demolition proposed of the existing external walls, reflecting the heritage significance of the existing building.

4.4.4 Awnings

The building has an existing awning extending over The Corso which is to be refurbished. A new awning is proposed over the footpath to Market Place, consistent with the requirements.

Part 5 Special Character Areas and Sites

5.1 Manly Town Centre Heritage Conservation Area and The Corso

5.1.1 General Character

The proposal is consistent with the general character of the Town Centre Conservation Area as set out in the DCP (see also **Appendix 4**) in that it involves alterations to an existing building which:

- maintain the existing scale of the street frontage façades;
- is built to the property boundaries to The Corso and Market Place;
- provide a good level of pedestrian amenity afforded by the existing and proposed footpath awnings and upgrade of the building façades; and
- contributes to the range of architectural styles in the area.

5.1.2 The Corso

The proposed development is consistent with the guidelines for The Corso (see also **Appendix 4**), in that:

- the existing building at 19-21 The Corso, which is part of the group heritage item on The Corso, is to be conserved, not redeveloped;
- the importance of internal changes is recognised in the approach to the design of the proposed development as detailed in the submitted HIS (see **Appendix 4**);
- no change is proposed to the existing building height or built form;
- the parapet to The Corso will continue to be read against the sky;
- there are no critical views to be kept open to or through the site;
- no change is proposed to the existing subdivision pattern;
- a new building is not proposed;
- windows and balconies open to the street;
- there is no existing arcade through the site;
- the existing footpath awning to The Corso façade is to be refurbished. A new awning is proposed to the Market Place façade as required;
- the shopfront to The Corso occupies most of the width of the frontage to maximise activity. Roller shutters are not proposed;
- the shop front is existing on the site;
- the proposal will utilise external colours that are appropriate for the type and age of the building. The original external colours will be re-instated if there is sufficient evidence on-site;
- transmission of noise into the dwellings will be controlled through the use of appropriate glazing within replacement windows and doors to the existing units;
- external details for plant, exhausts, ducts etc. are designed to be part of the overall building structure;
- the proposal will contribute to the presentation of the building to Market Place through the upgrade of the rear façade and will improve casual surveillance of Market Place through the proposed changes to the rear façade; and
- the site specific controls in Schedule 6 to the DCP state in relation to 21 The Corso *redesign the two ground level entrance doors to the upper floors to give a more substantial appearance, with transparent glazing (to increase connection with street) and solid*

returns. The proposed development removes the eastern ground level door to the upper floors from the front elevation as that access is redundant due to the separation of the subject building from No. 23, adjoining. That door is converted to a shop window and forms part of the retail frontage of the building. The proposal upgrades the second, western door to the residential lobby with a new glass panelled door and tiled entry surround consistent with the requirements.

5.4 Environmentally Sensitive Lands

5.4.1 Foreshore Scenic Protection Area

The impact of the proposal on the FSPA is addressed above in the context of the LEP requirements. The proposed development does not give rise to any additional issues with respect to the matters set out in the DCP. The site has limited visibility from the foreshore. The proposal maintains the height and form of the existing building and will not affect any existing vegetation or natural areas. Proposed materials are appropriate to the location of the site and its heritage significance.

5.4 SECTION 4.15(1)(A)(IV) – ANY MATTERS PRESCRIBED BY THE REGULATIONS

All relevant matters prescribed by the Regulations would be expected to be included in the consent for the works.

5.5 SECTION 4.15(1)(B) – IMPACT OF THE DEVELOPMENT

All likely or potential impacts associated with the proposed development are considered to have been adequately dealt with through the assessment of the application against the applicable plans and policies. It is concluded that there would be no significant adverse impact on the site or surrounding area as a result of the proposal.

5.6 SECTION 4.15(1)(C) – SUITABILITY OF THE SITE

The proposal involves conservation works, refurbishment and alterations of an existing heritage building containing retail premises and shop top housing to improve the amenity and condition of the building. It is therefore considered to be suitable for the proposed development.

The site is zoned B2 to allow for development of the nature proposed and it is considered that the development responds appropriately to the relevant controls and the context of the site and surrounding area, including its heritage significance. The site is well located in close proximity to public transport, shops and other services and open space/recreational opportunities.

All necessary urban services are available and there are no other site development hazards such as bushfire, land-slip or soil contamination.

Accordingly, the site is considered to be suitable for the development as proposed.

5.7 SECTION 4.15(1)(D) – PUBLIC SUBMISSIONS

Public consultation is expected to be carried out by Northern Beaches Council on the

submitted development application and accompanying documentation during the standard neighbour notification and advertising process. Any submissions received as a result are for the Council's consideration in its assessment of the application against applicable Plans and Policies.

5.8 SECTION 4.15(1)(E) – THE PUBLIC INTEREST

The proposal provides for the retention and upgrade of the existing building on the site in a manner that maintains the existing built form and improves the streetscape character of the site consistent with its heritage significance. It will not give rise to adverse impacts on the amenity of adjoining properties or the wider locality. The proposal will improve the amenity and condition of the building. The application is consistent with the underlying intentions of the relevant controls and the zone requirements. For these reasons, it is considered that the proposed development is in the public interest.

6. CONCLUSIONS

The proposal seeks consent for conservation works, refurbishment and alterations to the existing four storey building containing ground floor retail premises and shop top housing at No. 19-21 The Corso, Manly which forms part of the site at 19-23 The Corso.

The subject proposal is permissible with the consent of Council in the B2 zone under the provisions of Manly LEP 2013. The proposal is consistent with the objectives and underlying intentions of the development standards and other controls applicable to the site. Where there are breaches of those requirements any such breaches are considered to be justified on appropriate environmental planning grounds for the reasons set out in this Statement and supporting documents.

The proposal provides for the retention and upgrade of the existing building at 19-21 The Corso. It maintains the existing built form with no change in its height or FSR, it improves the streetscape character of the building and is a positive response to its heritage significance, the significance of The Corso and the Town Centre. No change is proposed to the existing mix of uses or number of units in the building. The proposal maintains neighbour amenity and provides for the improvement of the amenity and condition of the building.

Under these circumstances, the proposal is considered to be acceptable with regard to all relevant town planning and environmental issues.

It is therefore concluded that the proposal is satisfactory with respect to all planning matters and consent should be granted to the application.