



**DESIGN COLLABORATIVE**  
Pty Limited

ABN 36 002 126 954  
ACN 002 126 954

**Town Planning & Liquor Licensing  
Consultants**

[www.designcollaborative.com.au](http://www.designcollaborative.com.au)

**Managing  
Director**

J Lidis  
BTP (UNSW)  
MPIA

**Director**

David Rippingill  
BEP (WSU)  
Juris Doctor (UNE)  
RPIA

**Consultant**

G W Smith BSurv(QLD)  
MCP(MIT)  
FPIA MRTPI FAPI  
MIS Aust

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR**

**ALTERATIONS AND ADDITIONS TO EXISTING SHOP TOP  
HOUSING**

**AT**

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

**PREPARED ON BEHALF OF**

**HILROK PROPERTIES PTY LTD**

**MAY 2019  
REF: 181148.1S**

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## 1. INTRODUCTION

This Statement of Environmental Effects accompanies an application for alterations and additions to the existing four (4) storey shop top housing building 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 which is to be the subject of a separate DA to Council.

In summary, the subject proposal involves:

- fire safety and access and egress upgrades to the building;
- works to separate 19-21 from No. 23 at the Ground and First Floors;
- alterations and additions to upgrade and refurbish the ground floor retail, including ground floor shop front;
- alterations and additions to upgrade and improve the amenity of the existing 4 x 1 bedroom and 6 x 2 bedroom units at the First, Second and Third Floors;
- construction of a new 2 bedroom unit on the Third Floor roof top/terrace;
- retention and refurbishment of the façade to The Corso, including the existing awning; and
- refurbishment and alterations to the rear façade to Market Place, including new awning.

A Pre-DA Meeting was held with officers of Northern Beaches Council in relation to the proposed development on 26 June 2018 (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](http://maps.six.nsw.gov.au)

The subject site is generally rectangular in shape and has an area of 523.9m<sup>2</sup> (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 (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 (see **Figure 2**). Access to the residential units is available from both The Corso and Market Place.

No. 23 contains retail space at the Ground Floor and office space at the First Floor. (As noted above, No. 23 is to be the subject of a separate DA to Council.



**Figure 2: View over the site from the Whistler Car Park – showing existing development at the Third Floor/roof of 19-21**  
*Source: DC*



**Figure 3: 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 fire escape access to the units (see **Figure 3**).

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 (see **Appendix 4**).

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 5**) which states in relation to the exterior:

*The subject site comprises a rendered four-storey building extending over the entire lot between the Corso and Market Lane. Above street level, the primary façade fronting The Corso is in a modelled Art Deco style consisting of a central projecting bay containing four double hung windows flanked by paired double hung sash windows at either side which originally contained the porch for each apartment.*

*The central bay has an entablature above the first floor windows and a frieze below. The windows at first floor level are each divided into 3 vertical panes whilst the windows above are all single pane double hung sashes. The canopy over the ground floor shop fronts is suspended by steel rods from fixing points centrally located to either side of the central bay and to the outer edges of the façade.*

*The parapet is topped with restrained ribbon cornice with a cartouche recessed within each pier to either side of the central bay.*

*The ground floor façade to The Corso consist of a contemporary shopfront. Doors to either side of the shopfront access the floors above with the primary entry being located on the southwest side.*

*The rear façade to Market Lane extends three-storey at street level with the fourth storey recessed behind the square and unadorned parapet. The façade is planar with regularly placed double and single aluminium framed double hung sash windows at the first and second floor and a central door flanked by windows at the ground floor.*

*The side elevations extend to the boundary at each street frontage and step back through the central portion of the site to accommodate a narrow light well to either side. These elevations are also rendered and contain timber framed double hung sash windows. The light wells are also punctuated by a later reinforced concrete fire escape stair with walls constructed in painted face brick. The stairs extend to steel framed porches which link to access apartments at the front and rear of the complex.*

*All facades and windows are generally in a poor state of repair. There is evidence of corrosion in concealed lintels above the windows causing significant cracking to the rendered facades (pp. 14-15).*

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 5**):

*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. 23)*

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. 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 (see also **Appendix 4**).

### 3. THE PROPOSAL

#### 3.1 GENERAL DESCRIPTION

It is proposed to undertake alterations and additions to the existing 4 storey shop top housing building 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 2**).

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 which is the subject of a separate DA, however, works are proposed to separate 19-21 from No. 23 as part of the subject proposal. That DA proposes to change the use of that building from a shop to a pub and involves works to separate No. 23 from 19-21 through the provision of a dividing wall at ground floor level and closing existing access points at the First Floor.

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

- fire safety, access and egress upgrades to the building;
- works to separate 19-21 from No. 23 at the Ground and First Floors;
- alterations and additions to upgrade and refurbish the ground floor retail, including ground floor shop front;
- alterations and additions to upgrade and improve the amenity of the existing 4 x 1 bedroom and 6 x 2 bedroom units at the First, Second and Third Floors;
- construction of a new 2 bedroom unit on the Third Floor roof top/terrace;
- retention and refurbishment of the façade to The Corso, including the existing awning; and
- refurbishment and alterations to the rear façade to Market Place, including new awning.

At the Ground Floor (RL 5.575/6.06), alterations are proposed to the existing building to provide:

- a retail tenancy with frontage to The Corso, including new amenities at the rear and upgrade and widening of the shopfront with new glazing and new masonry piers;
- separating wall to No. 23;
- new residential lobby accessible from Market Place with lift and stair access to the upper levels; and
- waste storage and services accessible from Market Place.

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

- alterations and additions to the existing 2 x 1 bedroom (plus study) and 2 x 2 bedroom units (Units 1-4) to provide upgraded residential accommodation;
- the enlargement of the building envelope into part of the existing lightwell for Units 3 and 4, lift and fire stair;
- modification of the internal layout reflecting the proposed new stair and lift locations;
- closure of the existing opening to No. 23 and removal of the access stairs; and
- no changes to the façade to The Corso with existing windows and façade details to be retained and conserved;

- provision of new double glazed windows within the existing and modified openings with awnings over to the Market Place façade.

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

- alterations and additions to the existing 2 x 1 bedroom (plus study) and 2 x 2 bedroom units (Units 5-8) to provide upgraded residential accommodation;
- the enlargement of the building envelope into part of the existing lightwell for Units 7 and 8, lift and fire stair;
- modification of internal layout reflecting the proposed new stair and lift locations;
- no change to the façade to The Corso with existing windows and façade details to be retained and conserved; 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:

- alterations and additions to the existing 2 x 2 bedroom units (Units 9-10) in the southern part of the site to provide upgraded residential accommodation;
- the enlargement of the building envelope into part of the existing lightwell for Unit 9 and 10 as well as to accommodate the extension of the stair and lift. The lift overrun reaches a maximum height of RL 21.03;
- an addition on the existing northern roof terrace to accommodate a new 2 bedroom unit (Unit 11). The addition is set back 3.5m from the Market Place frontage in accordance with Council's Pre-DA advice (see **Appendix 1**), 1.47m from the eastern site boundary and 730mm from the western site boundary behind the existing balustrade to the roof terrace. The roof of the addition reaches a maximum height of RL 20.42. Materials proposed for the addition include zinc standing seam cladding, metal colorbond roofing and aluminium framed glazing;
- a new screened plant deck on the roof the existing building set back from the side and rear boundaries. The top of the screening of the rooftop plant reaches a height of RL 21.645 to match the height of the existing parapet to The Corso; and
- no change to the façade to The Corso with existing windows and façade details to be retained and conserved.

Each of the units contains a combined living/dining/kitchen space, bedroom/s, bathroom/s and laundry. The proposed units range in internal size from 53.4 sqm to 85.3 sqm.

Given the constraints of the existing building footprint, layout and heritage considerations, there is no opportunity to provide private open space for the existing units in the building (Units 1-10) although it is noted that Units 3 and 4 have outdoor access to the base of the lightwell from Bedroom 2.

Proposed Unit 11, the proposed rooftop addition, has access to private open space in the form of the north-facing roof terrace having an area in excess of 40 sqm accessible from the living room.

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

## 3.2 DEVELOPMENT STATISTICS

### Height

Existing height:	15.585m (from top of parapet to ground floor)
Proposed height:	15.585m
Existing maximum height:	RL 21.645 (to top of parapet facing The Corso)
Proposed maximum height:	RL 21.645
Height in storeys (existing and proposed):	4

### Gross Floor Area

Site Area:	523.9 sqm
Existing Gross Floor Area:	1397 sqm
<i>Existing Floor Space Ratio:</i>	<i>2.66:1</i>
Proposed Gross Floor Area:	1456.9 sqm
<i>Proposed Floor Space Ratio:</i>	<i>2.78:1</i>

### Non- Residential Floor Space

19-21 – ground floor	199.4 sqm
23 – ground and first floor	268.9 sqm
<i>Total Non-residential Floor Space:</i>	<i>468.3 sqm</i>

### Residential Units

Unit Types:	4 x 1 bedroom (plus study) units (existing); 7 x 2 bedroom units (6 existing)
Unit Sizes:	1 bedroom – 53.4-54.4 sqm 2 bedroom – 71.4-85.3 sqm
<i>Total residential units:</i>	<i>11 units (10 existing)</i>

## 3.3 TECHNICAL MATTERS

### 3.3.1 ADG ASSESSMENT/SEPP 65 REPORT

An ADG Assessment/SEPP 65 Report and Design Verification Statement prepared by NBRS Architecture is submitted with the application (see **Appendix 6**). The Report describes the proposal and response to the site characteristics, context and controls. It assesses the proposal in the context of the Design Quality principles of SEPP 65 and the objectives in Parts 3 and 4 of the Apartment Design Guide. It demonstrates that the proposal is consistent with the Design Quality Principles and is an appropriate response to the site and context.

### 3.3.2 HERITAGE IMPACT STATEMENT

As noted above, a Heritage Impact Statement prepared by NBR Architecture Heritage is submitted with the application (see **Appendix 5**). The HIS reaches the following conclusions:

#### **7.1 RECOMMENDATIONS**

*To mitigate any potentially adverse impacts from the proposal, we make the following recommendations:*

*R1 - A Photographic Archival Recording of the stair in the residential units should be carried out prior to the proposed partial demolition.*

#### **7.2 CONCLUSION**

*The proposed refurbishment and additions of the property at 19-21 The Corso, will have an acceptable 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 heritage listed Town Centre.*

*The design of the refurbishment and additions has been carefully considered. It aims to retain and reinstate heritage detailing externally and internally and new additions are in contemporary materials, so they can be read as new fabric. The removal of sections of internal walls will not be visible on the exterior of the building and it facilitates the continued use of the building as apartments and the integration of fire life safety and compliance measures. Nibs and downstand walls will be retained to illustrate the previous form and layout of the units.*

*All existing views to and from the heritage items in the vicinity, and the character of Manly Town Centre and The Corso special Character Area and 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 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).*

### 3.3.3 TRAFFIC AND PARKING/CONSTRUCTION TRAFFIC MANAGEMENT

A Traffic and Parking Assessment Report and Construction Traffic Management Plan prepared by Varga Traffic Planning are submitted with the application (see **Appendix 4**).

The findings of the Traffic and Parking assessment are summarised as follows:

- *due to existing site constraints, no off-street car parking can be provided on the site, noting that the existing mixed use building also does not provide any off-street parking (p. 1).*
- *the site is highly accessible to essential services and public transport options, being located within the Manly CBD. It is ideally located to discourage private car ownership and usage, and to encourage greater 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 is located approximately 200m north of the Manly Wharf Ferry (p. 1, 18).*
- *the proposed addition of a two bedroom apartment yields a nett increase in the traffic generation potential of the site of approximately 0.5 vph during the AM and PM weekday peak periods. ... The proposed development will not have any unacceptable traffic implications in terms of road network capacity or traffic-related environmental effects (p. 21).*
- *the provision of zero off-street parking for the proposed two bedroom apartment is considered to be acceptable in this instance, particularly given the site constraints, the high degree of pedestrian activity, and the ready accessibility of the site to essential services and public transport options (p. 24).*
- *deliveries to the existing ground floor retail is expected to remain unchanged and are expected to be undertaken by a variety of light commercial vehicles such as "white vans", utilities and wagons. These vehicles can be accommodated on-street in the existing Loading Zone located along Market Place, in the immediate vicinity of the rear the site frontage (p. 24).*

The submitted Construction Traffic Management Plan details measures proposed to appropriately manage traffic to and from the site during the construction phase.

### 3.3.4 GEOTECHNICAL REPORT

A Geotechnical Report prepared by GeoEnviro Consultancy is submitted with the application (see **Appendix 7**). The purposes of the Report was *to assess the subsurface soil and groundwater condition of the site and based on the information obtained, to present comments and recommendations on the following;*

- *Excavation, shoring and underpinning*
- *Foundation design including allowable bearing capacities (p. 1).*

The Report makes recommendations in relation to the above matters at Section 5 (p. 4) with which the proposed development will comply.

### 3.3.5 BASIX ASSESSMENT

A BASIX Certificate accompanies the application (see **Appendix 8**) which demonstrates that the residential units will meet the required BASIX targets subject to compliance with the stated BASIX commitments.

### 3.3.6 ACOUSTIC ASSESSMENT

An Acoustic Report prepared by Acoustic Logic is submitted with the application (see **Appendix 9**). That Report concludes as follows:

*“This report presents an acoustic assessment of noise impacts associated with the alterations and additions to the residential development located at 19-21 The Corso, Manly.*

*Internal noise criteria for external noise impacts have been formulated with reference to the following documents:*

- *Northern Beaches Council – Manly Development Control Plan 2013; and*
- *Australian and New Zealand AS/NZ 2107:2016 ‘Recommended design sound levels and reverberation times for building interiors’.*

*External noise emissions criteria have been setup in this report to satisfy the requirements from the following documents:*

- *Northern Beaches Council – Manly Development Control Plan 2013; and*
- *NSW Environment Protection Authority (EPA) document – Noise Policy for Industry (NPfI) 2017’.” (p. 19)*

In order to meet the applicable internal noise level criteria for the residential units, the Report recommends the following:

- 10.38mm glazing to all living room and bedroom windows, together with Q-Ion acoustic seals, with a minimum  $R_w$  of 35;
- acoustic upgrading of lightweight external roofs and ceilings and lightweight external walls; and
- provision of ventilation to meet BCA requirements with the windows closed. Any such ventilation system should be acoustically designed to maintain the performance of the recommended acoustic treatment within the building and meet relevant criteria for external emissions.

In order to meet applicable external noise emission criteria, the Report also recommends that detailed acoustic review of plant selections should be undertaken at CC stage to determine appropriate acoustic treatments. The Report states that satisfactory levels will be achievable through plant selection and location and standard acoustic treatments, if required.

The proposed development will comply with the requirements of the Acoustic Report.

### 3.3.7 ACCESS

A BCA-Access Compliance Review prepared by NBRS Architecture Advisory is submitted with the application (see **Appendix 10**). It details the proposal's performance with respect to the accessibility requirements of the BCA and concludes that the proposal will generally be able to meet the relevant Deemed to Satisfy provisions of the BCA 2019, subject to detailed design.

The proposed development seeks to improve the accessibility of the building and the Review describes the accessibility upgrade strategy for the proposal as follows:

*Currently the existing apartments are not accessible as they are on the upper floors and there is not a lift in the building. Additionally the configuration of the existing entry doors to the apartments on each level and the width of the doors, does not enable sufficient circulation space for the main entry doors to the Apartments to be considered to be accessible.*

*The proposed works includes a new shopfront façade to the Corso on the ground floor level, this will include a new entry door to the tenancy that is to be accessible, without a step at the threshold.*

*The proposed works are to upgrade the existing facilities within the apartments as well as improving access and egress to the apartments by the inclusion of the lift and new fire isolated stair.*

*On completion of the proposed works, access will be provided to the central corridor on each level but will not enable access to and through the main entry to each of the existing apartments due to the restrictions of the existing building walls and doorways. The exception to this are existing units 5 & 6, where as part of the works the doors to the units will be relocated and therefore could be made to meet the accessibility requirements. Access will also be provided to the entry door of the new Apartment on the third floor level (Unit 11).*

*As the proposed works are refurbishment of existing apartments, it is considered to be appropriate for access to be provided to only the new apartment and potentially other existing apartments where feasible in the design (pp. 5-6).*

The Review indicates that the proposed new unit, Unit 11, is capable of meeting the Silver Level Liveable Housing Design Guidelines referred to in the ADG (p. 12) with the other existing units capable of meeting of some of those requirements. As noted above, given the constraints of the existing unit entries, it is only possible to provide accessible dwelling entrances to existing Units 5 and 6 (as well as new Unit 11).

### 3.3.8 FIRE SAFETY

A schedule prepared by NBRS Architecture setting out Essential Fire Safety Measures for the proposed development is contained in **Appendix 11**.



### 3.3.9 WASTE MANAGEMENT

The application is accompanied by a Site Waste Minimisation and Management Plan prepared by NBRS Architecture (see **Appendix 12**). 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.

The Plan states that, due to spatial restrictions and structural limitations in the existing building, a combined waste storage room is proposed for use by both retail and residential users:

*There is no current provision for waste storage and collection at 19-21 The Corso, with waste from both residential and retail occupants of the subject building being stored and collected from the rear of 23 The Corso. For the last 13 years waste collection has been managed through a private contractor employed by the owner of the property. United Resource Management collects waste 7 days a week and as such there is minimal requirement for storage of waste.*

*The aim of the proposed development is to upgrade 19-21 The Corso such that all services relevant to the building are contained on site.*

*We have been advised by Northern Beaches Council Waste Services Officer that waste cannot be collected from The Corso frontage and as such the proposed development allows for the provision of a waste storage and collection facility to the Market Lane frontage for both residential and retail waste.*

*In order to achieve Building Code compliance, the 12 metre wide Market Lane elevation must contain compliant access and fire egress to the residential units (approximately 1.5m width) and fire services (5m width). The existing building is a 3 storey high loadbearing masonry structure with approximately 2.1m of masonry across the façade bearing to the ground. The building is also constructed above a 4.5 metre wide sewer main resulting in little opportunity to reallocate existing bearing locations of the structure above. The provision of waste storage in the building requires a separate fire escape door (1.1m width) at the rear of the building.*

*The remaining 2.3m of the elevation is available to accommodate waste storage and collection. The waste provision requires 660L bins of plan dimension 1.34x 0.8m. These bins require door access of approximately 1.5m minimum width to manoeuvre bins for collection. There is inadequate width remaining across the elevation to provide 2 separate rooms and 2 access doors with compliant access to fire egress from both rooms.*

*The storage area and waste bin provision in the proposal exceeds the current provision for residential and retail waste in the adjoining property. The provision of separate residential and retail waste storage and collection areas would result in further unacceptable alterations to the heritage building and a reduction in the already limited residential unit storage area. (p. 6).*

### 3.3.10 EROSION AND SEDIMENT CONTROL

Erosion and Sediment Control plans prepared by JN accompany the application (see **Appendix 13**).

## 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 No. 65 – Design Quality of Residential Apartment Development;
- 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.

### 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 *shop top housing*. *Shop top housing* is 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 5**) 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 – RESIDENTIAL DESIGN QUALITY (SEPP 65)**

SEPP 65, which aims to improve the design quality of residential flat development, applies as the proposed development is a mixed use development with a residential accommodation

component defined as ‘*shop top housing*’ and consists of the substantial refurbishment of an existing building that has at least 3 or more storeys and contains at least 4 or more dwellings.

This Statement, together with the supporting information, provides the additional information required under Clause 2(5) of Schedule 1 to the Environmental Planning and Assessment Regulation 2000. It also allows for the evaluation of the proposal in accordance with Clauses 28(2) and 30(2) of SEPP 65.

A Design Verification Statement and ADG Assessment/SEPP65 Report (a statement prepared by a qualified designer (Clauses 50(1A) and (1AB) of the Environmental Planning and Assessment Regulation 2000)), prepared by NBR Architecture, is submitted with the application (see **Appendix 6**). The Report provides an explanation of the design in the context of the design quality principles of SEPP 65 and demonstrates how the objectives in Parts 3 and 4 of the Apartment Design Guide (ADG) have been achieved, where possible.

The proposed new rooftop unit (Unit 11) complies with all applicable amenity Design Criteria. It is also capable of meeting the Silver Level Liveable Housing Design Guidelines as set out in the submitted Access Review (see **Appendix 10**).

The Report indicates that, due to the constraints of the existing building siting and layout, together with heritage constraints, some of the amenity Design Criteria contained in the ADG are not able to be achieved for the existing units within the building, including private open space and solar access.

The proposed development has sought to improve solar and daylight access, in particular, to living spaces of the existing units through open plan layouts or wider openings. In all cases, the proposed development results in an improved level of daylight access to the internal living spaces of the existing units compared with the existing situation.

### **Standards that cannot be used as grounds to refuse development consent**

The proposal’s performance with regard to the standards contained in Clause 30(1) of SEPP 65, is as follows.

#### ***Car parking***

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

This is considered reasonable given that no parking is provided for the existing units within the building, the heritage significance of the building, the site’s location in a town centre within walking distance of a range of shops, goods, services, public transport and recreational opportunities (see also **Appendix 4**).

#### ***Internal Apartment Area***

The proposal satisfies Clause 30(1)(b) of SEPP 65 as the internal area of each of the apartments is greater than the recommended minimum internal area for the relevant apartment types specified in Part 4D of the ADG (see also **Appendix 6**).

### ***Ceiling Height***

The proposal generally satisfies Clause 30(1)(c) of SEPP 65 as the proposed ceiling heights are greater than the recommended minimum ceiling heights specified in Part 4C of the ADG with the exception of the first floor which has a minimum floor to ceiling height of 3m rather than the recommended 3.3m. This is considered satisfactory given that the residential use of the first floor of the building is existing.

Accordingly, the proposal is considered satisfactory in the context of the requirements of SEPP 65. It will provide for the refurbishment and upgrade of the heritage significant building at 19-21 The Corso, will provide for improved amenity outcomes for the existing residential apartments within the building and will thereby make a positive contribution to the character and public domain of Manly town centre.

The proposed development satisfies the design quality aims of SEPP 65, as follows:

- the proposal contributes to sustainable development of NSW by providing sustainable housing in social and environmental terms by upgrading and refurbishing the existing units within the building, by maintaining the existing mix of smaller units and improving their amenity;
- the proposal achieves a built form and building aesthetics which respond to the heritage significance of the existing building and the streetscape by maintaining and refurbishing the façade to The Corso, by upgrading the façade to Market Place and by proposing additions to the existing building envelope in a manner that will not adversely affect its heritage significance or views of the site from the public domain;
- the proposal satisfies increasing demand, changing community profile and the needs of a wide range of ages by maintaining the existing dwellings and providing an additional unit on the site, by maintaining the existing mix of smaller units and by improving the accessibility of the building;
- the proposal maximises the amenity, safety and security of the existing and proposed units within the constraints of the existing building;
- the proposal minimises energy consumption through the achievement of BASIX requirements and retention and upgrade of the existing building;
- the proposal contributes to the provision of a variety of dwelling types by maintaining the existing dwellings and providing an additional unit and by maintaining the existing mix of smaller units; and
- the proposal supports housing affordability by providing smaller units without parking in a town centre location.

### **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 8**.

#### **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 8**); and
- it achieves a high quality urban environment by undertaking alterations and additions to the existing building at 19-21 The Corso in a manner which responds to its heritage significance and provides for improved internal amenity to the existing units, 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)

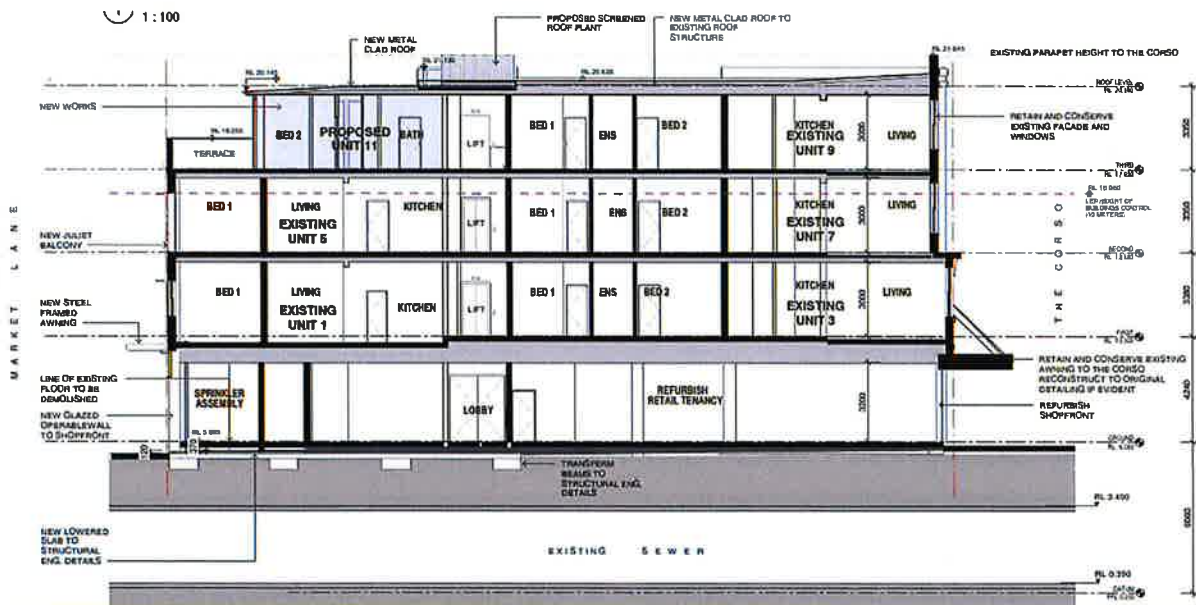
The relevant provisions of the LEP are addressed below.

#### Zoning and Permissibility

The site is zoned B2 Local Centre under the LEP. Under the LEP, the proposal is defined as *shop top housing* which is 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 (see **Figure 4**). No change is proposed to this existing maximum height.



**Figure 4: Long Section showing existing and proposed height breach**

Source: Extract from Dwg No. 17349-A-10, NBR5 Architecture, see Appendix 3

The proposed works increase the height of parts of the building at the rear of the Third Floor to accommodate proposed Unit 11, new lift/lift overrun and fire stair, additions to Units 9 and 10 and plant over the existing roof.

When measured in accordance with the definition in the LEP, the proposed works have a maximum height of 15.585m (from Ground floor level to the top of plant/screen). The proposed works therefore exceed the 10m standard by up to 5.585m (see **Figure 4**).

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

#### FSR

The existing development on the site already exceeds the 2.5:1 FSR standard under the LEP with a FSR of 2.66:1 (1397 sqm GFA), an exceedance of 0.16:1 (84 sqm GFA) (see **Appendix 3**).

(The subject development does not meet the requirements of Cl. 4.4(2) for a 0.5:1 FSR bonus as the proportion of GFA used for *commercial premises* (at 32%) is less than the required 50% of the GFA of the development.)

The proposed development results in an increase in the existing FSR to 2.78:1 (1456.9 sqm GFA), an increase of 0.12:1 (59.9 sqm GFA) compared with the existing situation (see **Appendix 3**). The proposal therefore involves an overall exceedance of the standard by 0.28:1 (143.9 sqm GFA).

The increase in the FSR of the proposed development results from the proposed roof top addition, together with additional floor space within the existing light wells.

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

### **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 requests referred to in Clause 4.6(3) in relation to the breach of the height and FSR development standards are contained in **Appendix 14**. The requests demonstrate 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 requests to vary the standards are 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 5**) 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. 34-48).

That Statement concludes that the proposal will have an acceptable impact:

*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 heritage listed Town Centre.*

*The design of the refurbishment and additions has been carefully considered. It aims to retain and reinstate heritage detailing externally and internally and new additions are in contemporary materials, so they can be read as new fabric. The removal of sections of internal walls will not be visible on the exterior of the building and it facilitates the continued use of the building as apartments and the integration of fire life safety and compliance measures. Nibs and downstand walls will be retained to illustrate the previous form and layout of the units.*

*All existing views to and from the heritage items in the vicinity, and the character of Manly Town Centre and The Corso special Character Area and 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 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 proposed additions will connect to existing stormwater infrastructure on the building which connects to Council's 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 5**);
- 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 shop top housing, does not involve any increase in overall height and

minimises the visual prominence of additional building bulk compared with the existing situation 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 and additions 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 whole of that frontage.

With regard to the frontage to Market Place, an active street frontage is not able to be provided within the subject building due to spatial and structural restrictions and the need to provide all service functions on that frontage.

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 proposed residential lobby/entry, fire services and waste storage. Under Clause 6.11, an active street frontage is not required for *entrances and lobbies* or *access for fire services*.

Waste storage facilities are proposed on the Market Place frontage as set out in the submitted Waste Management Plan (see **Appendix 12**):

*We have been advised by Northern Beaches Council Waste Services Officer that waste cannot be collected from The Corso frontage and as such the proposed development allows for the provision of a waste storage and collection facility to the Market Lane frontage for both residential and retail waste.*

*In order to achieve Building Code compliance, the 12 metre wide Market Lane elevation must contain compliant access and fire egress to the residential units (approximately 1.5m width) and fire services (5m width). The existing building is a 3 storey high loadbearing masonry structure with approximately 2.1m of masonry across the façade bearing to the ground. The building is also constructed above a 4.5 metre wide sewer main resulting in little opportunity to reallocate existing bearing locations of the structure above. The provision of waste storage in the building requires a separate fire escape door (1.1m width) at the rear of the building.*

*The remaining 2.3m of the elevation is available to accommodate waste storage and collection. The waste provision requires 660L bins of plan dimension 1.34x 0.8m. These bins require door access of approximately 1.5m minimum width to manoeuvre bins for collection. There is inadequate width remaining across the elevation to provide*

*2 separate rooms and 2 access doors with compliant access to fire egress from both rooms.*

*The storage area and waste bin provision in the proposal exceeds the current provision for residential and retail waste in the adjoining property. The provision of separate residential and retail waste storage and collection areas would result in further unacceptable alterations to the heritage building and a reduction in the already limited residential unit storage area. (p. 6).*

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:

- siting the residential lobby/entry on that frontage thereby becoming the only access point to the building for future residents and associated activity;
- providing an awning to the Market Place façade to improve pedestrian amenity; and
- upgrading and refurbishing 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 minimal additional overshadowing of public open spaces affecting small areas of Whistler Street and Market Place as shown in the shadow diagrams submitted with the application (see **Appendix 3**). However, it is noted that those areas would already be subject to overshadowing by neighbouring buildings. As the only change to its form, bulk or massing is at the rear of the existing building, the proposal will not result in any additional overshadowing of The Corso;
- 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 5**) indicates that it is sympathetic to its heritage significance as a heritage item, the conservation area and an acceptable 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 alterations and additions to an existing building in a manner which will not involve any increase in height, minimises the visual prominence of

increases in 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 5**);
- 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% (468 sqm) of the GFA of the development on the site will be used as *commercial premises* (which includes a *shop* and a proposed *pub*) exceeding the required 25%;
- the GFA of the *retail premises* on the site is 468.3 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 minimal changes are proposed to the overall form and scale of the building as viewed from The Corso and Market Place. The proposed additions would only be visible from these vantage points in oblique views to the side elevations over the roofs of neighbouring buildings; they would not be visible in direct views from these frontages. The proposal maintains the existing built form relationship with adjoining development and public spaces.

While the proposed rooftop addition (Unit 11) would be visible from higher surrounding vantage points (eg. Whistler car park upper levels), it is considered satisfactory as it is below the existing maximum height of the building, is clearly distinguishable from the original building fabric through its design and materials and its visual bulk and visibility from Market Place is minimised through its setbacks and height.

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 5**) which will enhance the appearance of the building within the heritage item of The Corso. The proposed modifications 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 5**) the proposal is complementary to adjacent buildings and the wider conservation area in terms of the design detailing of the façades. As noted above, no changes are proposed to the façade to The Corso which is to be conserved and refurbished;
- no change is proposed to the overall maximum height of the building which is the existing parapet to The Corso. The proposed additions match or sit below this height. No change is proposed to floor levels within the building, apart from the lowering of the floor levels at the rear Ground Floor in the lobby entry and waste storage area;
- the materials, textures and original colours of the existing building are to be retained or reinstated where there is sufficient available evidence, while the proposed additional unit utilises contemporary design, materials and finishes and darker colours to distinguish it as new work;
- the proposal maintains the architectural style of the existing building fabric. The proposed rooftop addition is distinguishable from the original fabric through its materials, detailing and colours;
- no change is proposed to the existing building footprint;
- the proposal will not give rise to any significant additional overshadowing or adverse wind effects as minimal 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 rationalisation of the light wells and removal of external attachments/infrastructure;
- the Ground Floor has level access from The Corso and Market Place with an internal ramp within the entry from Market Place;
- retail space occupies the full width of the building frontage to The Corso;
- street numbering will be provided as required; and
- new plant and associated installations are proposed over the rear of the existing roof top set well back from the rear and side boundaries. Screening in the form of a minimum

990mm high slatted screen is proposed around the plant to minimise any adverse visual impact on existing outlooks over the rear of the site.

### **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 5**). As noted above, the HIS concludes that the proposed development will have an acceptable 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**

As shown in the submitted shadow diagrams (see **Appendix 3**), the proposal does not give rise to any significant additional overshadowing as minimal change is proposed to the height and form of the building. Additional overshadowing to public streets/spaces would fall within existing shadows cast by neighbouring buildings.

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.

Noise from the mechanical plant is considered in the assessment undertaken in the preparation of the Acoustic Report (see **Appendix 9**). That Report recommends that detailed acoustic review of plant selections be undertaken at CC stage to determine appropriate acoustic treatments to meet the applicable noise emission criteria. The Report states that satisfactory levels will be achievable through plant selection and location and standard acoustic treatments, if required.

The proposal will comply with the recommendations of the Acoustic Report and, therefore, it will not result in a loss of acoustic privacy to surrounding properties.

In addition, the proposal provides for an appropriate acoustic environment within the existing and proposed residential units through compliance with the recommendations of the Acoustic Report with respect to glazing requirements for all living and bedroom windows



and construction requirements for lightweight elements (see **Appendix 9**). Implementation of these measures will ensure that the development meets the applicable internal noise level criteria.

### 3.4.3 Maintenance of Views

The proposal will not result in any significant impact on views. The proposed addition is to the rear of the Third Floor and extends some 3.5m beyond the rear building line of the existing rooftop laundry with a similar height. While there are taller residential developments to the west that may enjoy views over the subject site, the proposed development would have a marginal impact on those views given the limited height and bulk of the proposed additions.

### 3.5 Sustainability

Given that the proposal is for alterations and additions 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 8**);
- 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 Access Review prepared by NBRS Architecture Advisory (see **Appendix 10**).

As noted above, the proposal has sought to improve access to the subject building and the Review describes the accessibility upgrade strategy for the proposal as follows:

*Currently the existing apartments are not accessible as they are on the upper floors and there is not a lift. Additionally the configuration of the existing entry doors to the apartments on each level and the width of the doors, does not enable sufficient circulation space for the main entry doors to the Apartments to be considered to be accessible.*

*The proposed works includes a new shopfront façade to the Corso on the ground floor level, this will include a new entry door to the tenancy that is to be accessible, without a step at the threshold.*

*The proposed works are to upgrade the existing facilities within the apartments as well as improving access and egress to the apartments by the inclusion of the lift and new fire isolated stair.*

*On completion of the proposed works, access will be provided to the central corridor on each level but will not enable access to and through the main entry to each of the existing apartments due to the restrictions of the existing building walls and doorways. The exception to this are existing units 5 & 6, where as part of the works the doors to the units will be relocated and therefore could be made to meet the accessibility*

*requirements. Access will also be provided to the entry door of the new Apartment on the third floor level (Unit 11).*

*As the proposed works are refurbishment of existing apartments, it is considered to be appropriate for access to be provided to only the new apartment and potentially other existing apartments where feasible in the design (p. 5).*

The Review indicates that the proposed new unit, Unit 11, is capable of meeting the Silver Level Liveable Housing Design Guidelines referred to in the ADG (pp. 11-12) with the other existing units capable of meeting of some of those requirements. As noted above, given the constraints of the existing unit entries, it is only possible to provide accessible dwelling entrances to existing Units 5 and 6.

The Review details the proposal's performance with respect to the accessibility requirements of the BCA and concludes that the proposal will generally be able to meet the relevant Deemed to Satisfy provisions of the BCA 2019, subject to detailed design.

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

### **3.7 Stormwater Management**

As noted above, the proposed additions will connect to the existing stormwater infrastructure on the building which drains to Council's stormwater system.

### **3.8 Waste Management**

The application is accompanied by a Site Waste Minimisation and Management Plan prepared by NBR Architecture (see **Appendix 12**).

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.

The Plan states that, due to spatial restrictions and structural limitations in the existing building, a combined waste storage room is proposed for use by both retail and residential users (see p. 6 in **Appendix 12**). This solution is considered satisfactory in these circumstances, and given that there is only one (1) retail space and that the number of residential units is relatively low.

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.

### **3.9 Mechanical Plant Equipment**

Plant is proposed to be accommodated at the ground floor of the building and within a screened plant deck sited over the rear of the existing roof. The proposed plant deck is set

back from the site boundaries (2.5m from the western boundary and 3m from the eastern boundary) and surrounded by minimum 990mm high screening.

Noise from the mechanical plant is considered in the assessment undertaken in the Acoustic Report (see **Appendix 9**). That Report recommends that detailed acoustic review of plant selections be undertaken at CC stage to determine appropriate acoustic treatments to meet the applicable noise emission criteria. The Report states that satisfactory levels will be achievable through plant selection and location and standard acoustic treatments, if required.

### **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**

As noted above, 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 open space and recreational opportunities including Manly Beach, Manly Cove, Gilbert Park, Manly Oval and The Corso.

Private open space is provided for proposed Unit 11 at the Third Floor in the form of a roof terrace with an area in excess of 40 sqm, which exceeds the minimum 10 sqm required under the ADG for 2 bedroom units above ground level.

### **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 generally maintains the existing building setbacks which reflect the DCP requirements being built to the street frontage boundaries and the side boundaries (with a lightwell at the First Floor and above).

At the First, Second and Third Floors, the proposed building envelope extends into part of the existing lightwell to enlarge existing Units 3, 4, 7, 8, 9 and 10 and provide new stair and lift access with a nil setback to the side boundary, consistent with the controls.

At the Third Floor, the proposed addition (Unit 11) is setback from the rear and side boundaries to minimise its visibility from ground level in Market Place. The addition is setback 3.5m from the rear boundary, in accordance with Council advice at the Pre-DA meeting (see **Appendix 1**), 1.47m from the eastern side boundary and 730mm from the western side boundary. As shown in the Street Views in **Appendix 3**, the proposed setbacks limit views from the street level only to the proposed roof form, consistent with Council's Pre-DA advice.

#### 4.2.4 *Car parking, Vehicular Access and Loading*

There is no existing car parking on the site and no car parking is proposed (see also **Appendix 4**).

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 maximum height of the existing building on the site. The proposed works increase the height of the existing development in excess of the height standard in the LEP where the rooftop additions, lift and fire stair and plant and associated screen are proposed over the rear roof as discussed in Section 5.1.5 above and **Appendix 14**.

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

- No change is proposed to the existing maximum building height or its height as viewed from the street frontage. 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 and additions to an existing building with a minor increase in building height at the rear.

- No changes are proposed to the existing floor levels (apart from the lowering of the floor levels at the rear Ground Floor in the lobby entry and waste storage area) 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.

This matter is addressed further in the Traffic and Parking Assessment Report (see **Appendix 4**) which states that *the site is ideally located to discourage private car ownership and usage, and to encourage greater 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. Furthermore, the site is located approximately 200m north of the Manly Wharf Ferry (p. 1).*

In addition, it states that *both frontages of the site are designated as "Active Street Frontages" with a high degree of pedestrian activity, and the provision of a vehicular access driveway to facilitate the movement of vehicles to and from the site would cause unacceptable conflicts with pedestrian movements.*

*As such, the provision of zero off-street parking for the proposed two bedroom apartment is therefore considered to be acceptable in this instance, particularly given the site constraints, the high degree of pedestrian activity, and the ready accessibility of the site to essential services and public transport options. (p. 24)*

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

### **4.4 Other Development**

#### *4.4.2 Alterations and Additions*

The proposed development constitutes 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 retained and conserved. 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 5**) in that it involves alterations and additions 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;
- provides a good level of pedestrian amenity afforded by the existing and proposed footpath awnings; 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 5**), 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 5**);
- the proposed addition is sited to the rear of the building;
- the parapet to The Corso will continue to be read against the sky as the proposed works match or are below the parapet height;
- 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;
- the building height has been determined by site-specific requirements, in particular the height of the existing built elements on the site. As noted above, the proposed development does not result in any increase in the overall maximum height of the existing building;
- there is no existing arcade through the site;
- the existing footpath awning to The Corso façade is to be retained and conserved. A new awning is proposed to the Market Lane façade as required;
- the shopfront to The Corso occupies the width of the frontage (apart from piers) to maximise activity. Roller shutters are not proposed.
- the shop front is existing on the site. Alterations are proposed to provide articulation that relates to the loadbearing masonry above and a solid plinth below the contemporary glazing as described in the submitted HIS (see **Appendix 5**);
- the proposed additional unit at the rooftop has a clear contemporary design idiom;
- 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;

- all of the residential units within the building (including the existing units) will incorporate measures to reduce transmission of noise into the dwellings to meet the applicable internal noise level criteria as set out in the submitted Acoustic Report (see **Appendix 9**). That Report specifies glazing requirements for all living and bedroom windows and construction requirements with which the proposed development will comply;
- 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 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 ground level doors to the upper floors from the front elevation. Access to the upper floors is via the residential lobby accessible from Market Place. The shopfront has been widened accordingly with masonry piers added to provide articulation that responds to the loadbearing masonry above.

#### **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 overall 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 alterations and additions to an existing shop top housing building on the site. 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 overall 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 overall built form and streetscape character of the site and its heritage significance and will not give rise to adverse impacts on the amenity of adjoining properties or the wider locality. The proposal provides for an improved level of amenity for future occupants. The proposed development will provide additional residential accommodation in a convenient location close to retail and transport facilities. 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 alterations and additions to the existing four storey shop top housing building at No. 19-21 The Corso, Manly which forms part of the site at 19-23 The Corso. The proposal involves alterations and additions to the building to upgrade and refurbish the ground floor retail, upgrade and improve the amenity of the existing units, construct a new 2 bedroom unit on the Third Floor roof top/terrace, upgrade fire safety and access and egress to the building, separate 19-21 from No. 23, retain and refurbish the façade to The Corso, including the existing awning, and refurbish and alter the rear façade to Market Place, including a new awning.

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 overall built form and streetscape character of the building and is an appropriate response to its heritage significance, the significance of The Corso and the Town Centre. The proposal maintains neighbour amenity and provides for an improved level of amenity for the future occupants.

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.