



royal far west

caring for country kids

PREFERRED PROJECT REPORT

Proposed Expansion of Royal Far West, Manly
August 2012

urbis

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Statement of Validity

Submission of Preferred Project Report:

Prepared under Part 3A of the Environmental Planning and Assessment Act 1979.

Preferred Project Report prepared by:

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Qualifications:	Bachelor of Planning (UNSW)	BA Geography and Planning (UNE) Diploma of Urban and Regional Planning (UNE)
Address:	Urbis Pty Ltd. Level 21, 321 Kent Street Sydney NSW 2000	
In respect of:	12-22 Wentworth Street, 16 South Steyne and 19-21 South Steyne, Manly	

Applicant and Land Details

APPLICANT:	ROYAL FAR WEST
Applicant Address:	19-21 South Steyne, Manly NSW 2095
Subject Site / Land to be developed:	12-22 Wentworth Street, 16 South Steyne and 19-21 South Steyne, Manly
Lot and DP	Lot 4 DP65707; Lot 1 DP72699; Lot 1 DP72969; Lot 1 DP979703; Lot 1 DP223468; Lot 2587 DP752038; Lot 1 DP1093126; Lot 2 DP1093126; Lot 12 DP1096038; Lot 1 DP1091717; Lot C DP369972; Lot 2 DP223468; Lot 1 DP435023
Project Summary:	Concept Plan for the redevelopment of the site to create new, purpose built facilities for Royal Far West and the introduction of residential, retail and hotel uses onto the site.

Preferred Project Report

Preferred Project Report is attached.

Declaration

We certify that the contents of the Preferred Project Report to the best of our knowledge, has been prepared as follows:

- In accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000; and
- The information contained in this report is true in all material particulars and is not misleading.

SIGNATURE: 	SIGNATURE: 
Name: Ian Cady	Name: Andrew Harvey
Date: 17 August 2012	Date: 17 August 2012

Executive Summary

OVERVIEW

This report supports a Concept Plan for the mixed use redevelopment of the Royal Far West (RFW) site in Manly. It incorporates the provision of a new, purpose-built health facility, and the introduction of new residential, retail and tourism uses that positively respond to the strategic role and function of Manly.

The Preferred Project includes design modifications and commitments to traffic management measures, and seeks to clarify various other matters raised during the public exhibition period by the public, the Department of Planning & Infrastructure (DPI), Manly Council and government agencies.

The Environmental Assessment (EA) satisfies the DGRs and provides a comprehensive evaluation of the relevant matters related to the project. As demonstrated in Section 9 of the report, the project will have positive impacts on the surrounding environment, residential amenity, built form and design, transport and accessibility, sustainability, heritage and a range of other relevant considerations.

We therefore have no hesitation in recommending that the Minister approve the Concept Plan, subject to the Statement of Commitments contained herein.

PART 3A OF THE EP&A ACT

The Minister declared the project a 'Major Project' under Part 3A of the Environmental Planning and Assessment Act 1979 (the Act) on 4 November 2010. Director General Requirements (DGRs) were subsequently issued on 23 December 2010. A range of professional consultants were engaged by RFW to respond to these requirements, which are summarised within this report. **Appendix A** provides a copy of the Declaration and DGRs.

The NSW Government has recently repealed Part 3A of the *Environmental Planning and Assessment Act 1979*. However, Schedule 6A of the EP&A Act provides transitional provisions for certain projects that were within the Part 3A process. Part 2(1) of Schedule 6A states that projects which have valid DGRs issued on or before 8 April 2011 (where the DGRs are less than two years old as of that date) will remain as Part 3A projects. Therefore, the transitional arrangements confirm that Part 3A still applies to the project.

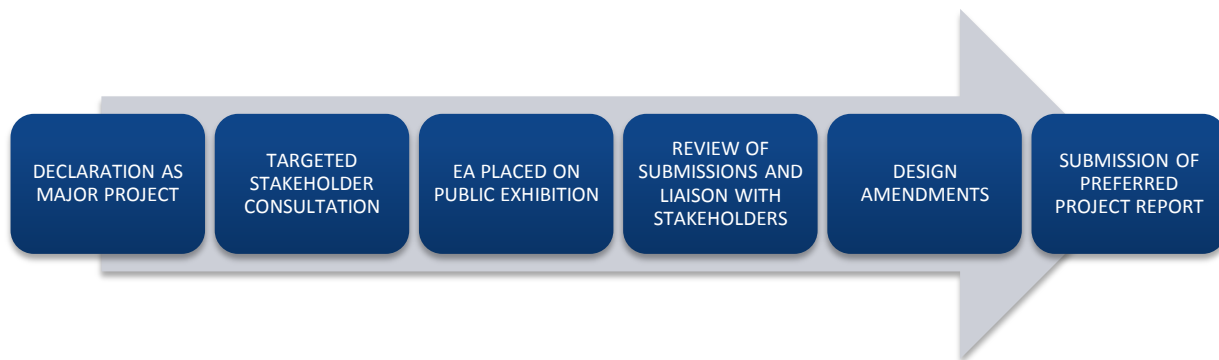
BACKGROUND

An Environmental Assessment (EA) was submitted for 'Test of Adequacy' on 3 June 2011, with the review of adequacy issued by the Department of Planning and Infrastructure (DPI) on 18 July 2011.

The EA was placed on public exhibition between 21 September 2011 to 30 November 2011. The public exhibition period was extended by an additional 30 days in response to feedback from the public and The Hon. (Mike) Michael Bruce Baird MP.

The DPI issued a letter following the exhibition period clarifying key issues raised in submissions, and requiring additional information to be addressed. The Preferred Project has responded to these issues and has incorporated various amendments.

FIGURE 1 – BACKGROUND OF PROJECT



ROYAL FAR WEST

RFW is a not-for-profit organisation based in Manly that has been providing services to enhance the health and wellbeing of country children for more than 85 years.

It was originally set up to provide a respite program for special needs children from country NSW, and their families, to enable them to have a supported "holiday by the sea" in Manly. The service profile has changed over the years in response to the increase of health services available in country NSW and the changing health needs of country children.

Today, RFW provides a comprehensive multi-disciplinary service to children from regional, rural and remote New South Wales with non-acute developmental, behavioural, learning and emotional/mental health disorders, where there are no appropriate local services. The clinical objective of RFW is to provide high quality services for children at risk of poor adult outcomes such as:

- Chronic unemployment;
- Adult literacy issues;
- Social isolation;
- Depression and other mental health difficulties;
- Delinquency and drug use; and
- Detention or early death.

Each year, thousands of children access RFW services and the demand is increasing, with long waiting lists for the services it provides. This has prompted the need to evaluate the suitability of the current facilities on the site, and consider appropriate options to accommodate this additional demand moving into the future.

THE ROYAL FAR WEST 'CENTRE FOR EXCELLENCE'

The current RFW facilities have been incrementally expanded over the years and are now out-dated, poorly coordinated and require upgrading.

In reviewing the various options moving forward, RFW are proposing to introduce new, purpose built facilities which will extensively improve the clinical, education and accommodation services currently offered to children and their families. The new centre will facilitate the development of the 'Centre for Excellence' that will attract health professionals aligned with RFW's core services.

The proposed mix of new tourism, retail and residential uses will assist in funding the provision of the Centre for Excellence and the continued provision of core services and functions that RFW deliver to rural children.

STRATEGIC PLANNING CONTEXT

Manly Town Centre is a major tourism destination in Sydney and includes a mix of retail, tourism and residential uses which are well connected to a range of public transport options. Manly is also formally identified as the “key industry cluster” for health services in the North East Subregion of Sydney.

Strengthening and supporting industry clusters for medical, tourist and visitor purposes in Manly is a strong focus of key strategic policy documents including the NSW State Plan, Metropolitan Plan for Sydney 2036 and Draft North East Subregional Strategy.

To positively respond to this strategic framework, the proponent is seeking to rationalise the overall site arrangement, and introduce a new mix of high quality medical, tourism, retail and residential uses.

LOCAL CONTEXT

The site is situated within Manly Town Centre, predominately a defined business zone, in close proximity to the ‘Corso’, a tourist focused area. Residential buildings surround the site to the west and south. Two heritage listed buildings exist on the site, namely Drummond House and the heritage listed terrace houses situated on the corner of Victoria Parade and South Steyne.

The site is within easy walking distance of a range of services and amenities, including local shops, doctors, schools, employment, public transport, Manly Beach, a regional cycleway and numerous parks.

An evaluation of the local context and built form has been undertaken by the project team in developing the proposed height, bulk and scale of the project.

PUBLIC EXHIBITION OF THE CONCEPT PLAN

Following the public exhibition of the Concept Plan DPI issued a letter to the applicant identifying a number of key issues and additional information to be addressed. The key issues related to the proposed building height and setbacks, traffic management, potential overshadowing of adjoining lands and in particular Manly Village Public School, view loss impacts, potential loss of low cost housing and justification for the proposed commercial/retail/hotel floorspace.

In response, the following matters have been clarified in response to these key issues:

- Consideration has been given to view loss principles established by the NSW Land and Environment Court.
- Modification of the building envelope on the corner of Wentworth Street and South Steyne to assist with view loss impacts and the prominence of Drummond House in the streetscape.
- Commitment to traffic management measures in Wentworth Street to assist with local traffic conditions.
- Additional shadow analysis and examination of impacts on Manly Village Public School and Manly Beach.
- Clarification on the historic use of Elsie Hill with regard to the applicability of State Environmental Planning Policy (Affordable Rental Housing) 2009.

THE PREFERRED PROJECT CONCEPT PLAN

The Preferred Project Concept Plan represents an evolution of the original scheme proposed in the exhibited Environmental Assessment Report. Design evolution has occurred in direct response to issues raised in consultations undertaken by both the applicant and the Department of Planning. It also responds to technical assessments undertaken by the Department of Planning and Infrastructure, Manly Council and various public authorities to which DPI referred the original application.

The Concept Plan proposes demolition of existing structures on the site, excavation of two stepped basement levels, car parking numbers, driveway crossover locations, alterations and adaptive re-use of Drummond House (in addition to Drummond House), and the erection of the following new buildings:

- Royal Far West 'Centre for Excellence' uses (clinical, education, accommodation) to the west of Drummond House.
- Strata apartment development above retail lower levels, including food and tourist retail with ground floor active edge to Wentworth St.
- Strata apartment development above ground floor active edge to South Steyne.
- Hotel/serviced apartment development

However, the Concept Plan does not propose the detailed architectural design. Rather, it proposes the key parameters of height, building envelopes and gross floor area. Detailed design will be the subject of future applications.

PLANNING CONTROLS AND POLICIES

The site is currently zoned 5(a) Special Uses (Children's Home), which only permits the use of the land as a 'children's home', educational establishment or various incidental uses. While the term 'children's home' is not defined, in this context its meaning is relatively clear.

The current LEP contains no height or floor space ratio standards for the site, but includes a site specific provision that purports to require a 'master plan' prior to approval of any development on the site. However, master plans are no longer legally recognised and various provisions of Manly LEP 1988, the EP&A Act and the current round of State Government planning reforms provide alternative means of addressing this requirement.

A Concept Plan generally sets out similar matters as required for the site under the master plan provision of the MLEP 1988. Notably, however, the Minister can approve a concept plan application for uses that would otherwise be prohibited.

Manly Draft LEP was recently placed on public exhibition. This seeks to change the zoning of the site to 'Local Centre' under the Standard LEP Instrument. It proposes heights from 12-15m at the site perimeters and 25m at the mid-block part of the site, and a FSR of 3:1 that generally reflects the surrounding built form characteristics.

BUILT FORM & URBAN DESIGN

The project has been designed to reconcile various competing design considerations and provides a high quality built form outcome that integrates with the surrounding environment.

The bulk, height and scale of the project have been carefully considered to address the surrounding properties and the scale of the street. In response to public submissions, the built form on the corner of Wentworth Street and South Steyne has been setback to assist with view sharing across the RFW site and to provide more of a visual focus on Drummond House.

The Concept Plan provides for optimum amenity for the proposed dwellings. All units are orientated to the north-east and more than 70% of proposed units will receive a minimum of three hours solar access to the living areas and private open spaces during mid-winter.

ENVIRONMENTAL AND RESIDENTIAL AMENITY

The project has been designed to optimise solar access, acoustic and visual privacy and provide for a high level of environmental and residential amenity. The residential components of the project have specifically had regard to the principles and guidance contained within SEPP 65 - Design Quality of Residential Flat Development and the accompanying Residential Flat Design Code (RFDC).

TRANSPORT AND ACCESSIBILITY

The site is ideally located to benefit from a range of transport options including bus, ferry, cycling and walking. The proposed intensification of use is therefore consistent with the principles of transit-oriented development.

The site is serviced by a range of local and regional bus routes. A wide range of parks, tourist attractions, entertainment facilities, shopping services and schools are located within walking distance, and the site has immediate connectivity to the regional bicycle path network.

The Draft Centres Design Guidelines were released by the Department of Planning on 3 March 2011 and provides best practice urban design principles to support the design, urban renewal and growth of centres. These state that 800m is the appropriate walking catchment surrounding 'Town Centres' such as Manly. One of the key fundamental principles of the Guidelines is to:

"Concentrate the highest appropriate densities of housing with jobs, services and public facilities in integrated, mixed use centres within an acceptable walking distance of major public transport nodes, such as rail stations and high-frequency bus routes"

The project is directly consistent with this principle.

TRAFFIC MANAGEMENT AND PARKING

While the site is located in a central location in close proximity to public transport, the project seeks to provide sufficient on-site parking to reduce the reliance on off-street parking in the local area. In addition, the project provides a Statement of Commitment to introduce traffic management measures to positively respond to the traffic conditions in Wentworth Street and South Steyne including the relocation of the pedestrian crossing at the corner of Wentworth Street/South Steyne, and the provision of an additional pedestrian crossing in Wentworth Street. While Royal Far West commits to implement these as part of the project, subject to Council approval, they are not required as a result of the project, and the project does not rely upon their implementation.

Taking this into account these matters, the Traffic and Parking Report prepared by Traffix concludes:

"It is therefore concluded that the proposed development is supportable on traffic planning grounds.

The proposed use of the site as a mixed use development is a moderate traffic-generating use and the assessment undertaken has demonstrated that it is supportable on traffic/transport planning grounds;

The traffic impacts associated with the development have been assessed in detail and the predicted traffic is moderate for such a development. These impacts can be readily accommodated by the road network and future traffic generation as a result of the proposed development have been analysed using aaSidra modelling. The results convey that the critical intersections will remain relatively unchanged;

Parking for the proposed development is generally in accordance with Council's Development Control Plan parking parameters and will assist in reducing car dependency, while providing sufficient parking to ensure that existing on-street parking demands are not exacerbated;

The proposed access driveways and internal design aspects are appropriate from the concept design and will operate satisfactorily. A swept path assessment will be undertaken as permissible under AS2890.1 and AS2890.2 to confirm that all movements can occur safely and efficiently at Project Application stage/s; and

The DGR's have been considered and addressed within this Transport and Accessibility Report with a summary of these matters provided in Section 7."

ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

The proposed development positively responds to the principles of ESD, demonstrates the proposed development's alignment to the Green Star rating tools and provides some detail around specific water and energy initiatives. However, most sustainability measures will be documented at building design stage.

DRAINAGE AND STORMWATER MANAGEMENT

Water quality is to be managed on site with the implementation of Water Sensitive Urban Design best practice principles including rainwater tanks, litter baskets, onsite detention tanks and bio-retention basins.

SUMMARY

The Royal Far West project strategically aligns with and provides the prospect to achieve a range of social, economic and environmental outcomes that are reinforced in the local, sub-regional and state planning controls and guidance.

The project replaces the currently outdated, dilapidated and poorly coordinated facilities on the site with a modern 'Centre for Excellence' which will allow RFW to improve its legacy of caring for country kids. It will also enable a mix of new tourism, retail and residential components to assist in funding the new health facilities.

The built form and development parameters for future development have been designed to in direct response to the established built form controls of the Manly Town Centre, and potential adverse impacts upon surrounding properties. It has also been designed to optimise residential amenity, and respond to relevant policy guidance where appropriate.

The project has been assessed in terms of the requirements issued by the Director General, and has been amended in response to Council and community concerns. While flexibility in the permissibility of commercial land uses is required, the core RFW uses are permissible and the project complies with all relevant standards contained in State and local planning instruments. No unreasonable impacts on adjoining properties or the receiving environment will occur.

We therefore commend the Concept Plan to the Minister for approval, subject to the Statement of Commitments contained therein, and standard conditions of approval.

1 Introduction

The Preferred Project Report (PPR) comprises part of an application for approval of a Preferred Concept Plan pursuant to Section 75M of the Environmental Planning and Assessment Act 1979 (the Act) and responds to the Director General's (DG) Environmental Assessment Requirements (EARs) issued on 23 December 2010 under Section 75F of the Act.

The Concept Plan facilitates mixed use development at 12-22 Wentworth Street, 16 South Steyne and 19-21 South Steyne, Manly and was determined by the Minister to be a project to which Part 3A of the Act applies on 4 November 2010. Submissions received were provided to the proponent and have been addressed in the design evolution of the Concept Plan.

In summary the project incorporates the construction of following built form elements on the site:

- Royal Far West 'Centre of Excellence' Building – A purpose built facility located off Wentworth Street which will accommodate the health, professional consulting and educational functions offered by the organisation. This will have some integration with Drummond House.
- Residential Apartments – Residential apartments located above ground floor retail uses on Wentworth Street and South Steyne.
- Retail – Ground floor retail uses along South Steyne and the corner of Wentworth Street.
- Hotel – A hotel set behind the residential apartments on South Steyne.

This PPR details:

- The Site and Surrounding Development – Details of the site location, existing and surrounding development on the site, and site analysis.
- Stakeholder Consultation – Summary of the findings and outcomes of the stakeholder consultation sessions and public meetings undertaken to date.
- Strategic Context – an overview of how the project positively responds to the underlying strategic context of planning policies.
- Response to Submissions – an overview and response to the submissions received during the public exhibition of the Concept Plan EA.
- Key Changes Proposed as part of PPR – a summary of the key changes to the Concept Plan EA
- The Preferred Concept Plan – details of the Preferred Concept Plan and what approval is being specifically sought for.
- Environmental Assessment and Consideration of Key Issues – the broader assessment of key matters relating to the project.
- Conclusion – a summary of the key conclusions and why the proposal should be approved.

2 Site and Surrounding Development

2.1 SITE DETAILS AND LOCATION

The site is known as 12 - 22 Wentworth Street, 16 South Steyne and 19-21 South Steyne, Manly and includes the following properties:

TABLE 1 – PROPERTY DESCRIPTIONS

PROPERTY	STREET ADDRESS	LOT	DP	AREA M ²
Elsie Hill	12 Wentworth St	4	65707	638.60
Elsie Hill extension	14 Wentworth St	1	72699	632.30
Hostel	16 Wentworth St	1	72969	645.00
Hostel	18 Wentworth St	1	979703	638.60
Garden	20 Wentworth St	1	223468	448.9
Playground	22 Wentworth St	2587	752038	645.00
Playground School over	22 Wentworth St	1	1093126	847.30
Drummond	22 Wentworth St	2	1093126	708.10
Barron	19-21 South Steyne St	12	1096038	714.50
Terrace	16 South Steyne St	1	1091717	202.00
Terrace	16 South Steyne St	C	369972	183.40
School extension	20 Wentworth St	2	223468	82.20
School extension	22 Wentworth St	1	435023	613.00
Total				6,998.9

The site comprises the eastern end of the street block bounded by Wentworth Street, Victoria Parade and South Steyne, Manly. The western end of the street block accommodates Manly Village Public School and between the school and the site are several older style walk up apartment buildings fronting Victoria Parade. To the east across South Steyne is Manly Beach. The site is regularly proportioned, has an area of 6,998.9m² and is quite flat.

The site is located within the Manly Town Centre, one block south of The Corso, and is approximately 300 metres east of the Manly Ferry Wharf.

The map displays a residential area with the following streets and lot details:

- Streets:** Wentworth St, South Steyne, Victoria Pde, and a river/waterway on the right.
- Highlighted Lot (Red Border):** 12 Wentworth St, L4DP65707.
- Other Lots and Addresses:**
 - 11 Wentworth St, SP63767
 - 13 Wentworth St, SP63766
 - 14 Wentworth St, L1DP72689
 - 15 Wentworth St, L1DP72969
 - 16 Wentworth St, L1DP72689
 - 17 Wentworth St, L1DP999137
 - 18 Wentworth St, L1DP72969
 - 19 Wentworth St, L1DP72969
 - 20 Wentworth St, L1DP72969
 - 21 Wentworth St, L1DP72969
 - 22 Wentworth St, L1DP72969
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 - 100 Wentworth St, L1DP72969

2.2 EXISTING DEVELOPMENT

The site currently accommodates a clinical services building, a short stay residential facility for patients and their families, boarding house accommodation facility, an integrated school facility, a playground, a garden and a car park and is located mainly within the 5(a) Special Uses (Children's Home) zone, pursuant to Manly Local Environmental Plan 1988 (MLEP 1988). A survey of the site is included at **Appendix B**.

Four of the existing buildings establish a 4/5 storey street edge form - notwithstanding, the playing court on the corner of Wentworth Street and South Steyne.

The Drummond Far West Home, which forms part of the site is listed as a Heritage Item under MLEP 1988, as well as two terraces located on the corner of South Steyne and Victoria Parade.

PICTURE 1 – AERIAL VIEW INDICATING EXISTING DEVELOPMENT ON THE SITE (SOURCE: NEARMAP)



FIGURE 4 – EXISTING DEVELOPMENT ON THE SITE (SOURCE: ARCHITECTUS)



legend

- Existing heritage item to retain
- Existing building to be demolished
- Existing Soft Landscaping

- Site boundary

AHD levels as indicated

- (A) EXISTING 5 STOREY ROYAL FAR WEST ACCOMODATION BUILDING 'ELSIE HILL'
- (B) EXISTING 3 STOREY ROYAL FAR WEST HERITAGE BUILDING 'DRUMMOND HOUSE'
- (C) EXISTING 3 STOREY ROYAL FAR WEST SCHOOL BUILDING
- (D) EXISTING 4 STOREY ROYAL FAR WEST ADMIN AND CLINICAL BUILDING
- (E) EXISTING 2 STOREY HERITAGE TERRACES (CLINICAL FACILITY)
- (F) EXISTING 3 STOREY ADJOINING RESIDENTIAL FLAT BUILDING (UNDER CONSTRUCTION)
- (G) EXISTING 4 STOREY ADJOINING RESIDENTIAL FLAT BUILDING (UNDER CONSTRUCTION)



PICTURE 2 – EXISTING ROYAL FAR WEST FACILITY WHICH FRONTS ONTO SOUTH STEYNE



PICTURE 3 – EXISTING ROYAL FAR WEST FACILITY AND SCHOOL BUILDING ON THE CORNER OF SOUTH STEYNE AND WENTWORTH STREET



PICTURE 4 – DRUMMOND HOUSE HERITAGE ITEM ON WENTWORTH STREET



PICTURE 5 – DRUMMOND HOUSE HERITAGE ITEM ON WENTWORTH STREET



PICTURE 6 – ELSIE HILL BUILDING ON WENTWORTH STREET



PICTURE 7 – LANDSCAPE SPACE ADJACENT TO ROYAL FAR WEST SCHOOL ON WENTWORTH STREET



PICTURE 8 – HERITAGE TERRACES ON SOUTH STEYNE AND VICTORIA PARADE



PICTURE 9 – HERITAGE TERRACES ON THE CORNER OF SOUTH STEYNE AND VICTORIA PARADE

2.3 SURROUNDING DEVELOPMENT

The site is surrounded by a mix of land uses such as residential, retail, hotel, commercial and community that support role and function of Manly Town Centre. Surrounding development is described in Table 2 below and is illustrated in the photographs below.

TABLE 2 – SURROUNDING DEVELOPMENT

TYPE	
Land Use – North	<p>Directly to the north of the site on Wentworth Street is a range of ground floor retail shops, a public square with a range of restaurants and cafes with residential uses above. These establish a four storey street edge character (with a setback fifth level) to Wentworth Street.</p> <p>Further to the north is 'The Corso' which is the commercial hub of Manly which runs from the harbour side at Manly Wharf to the ocean side at Manly Beach.</p>
Land Use – South	<p>To the south of the site on Victoria Parade is a range of residential inter-war apartment buildings, some of which have been recently upgraded. Immediately to the south of the site the 'Eversham Apartments' (25-29 Victoria Parade) are currently being refurbished. Further to the south along South Steyne is the Sebel Hotel establishes a 4 storey (or equivalent) street edge scale on the southern side of the street block.</p>
Land Use – East	<p>Manly Beach (southern end) and walkway promenade is located to the east of the site. Manly features a long stretch of sand on the ocean side, that runs from Queenscliff Beach to North Steyne Beach and Manly Beach. This is followed by rock pools and sandy beaches called Fairy Bower and Shelly Beach. Large Norfolk Island trees are also symbolic of Manly and are a prominent feature of both the ocean and harbour beaches.</p>
Land Use – West	<p>Directly to the west of the site is the Manly Community Centre, Local Arts Centre and the Manly Village Public School.</p> <p>Further to the west is East Esplanade which is in close proximity to the Manly Wharf retail precinct.</p>



PICTURE 10 – LOOKING SOUTH TOWARDS ‘THE SEBEL’ HOTEL



PICTURE 11 – GROUND FLOOR RETAIL USES AND RESIDENTIAL DEVELOPMENT TO THE NORTH OF THE SITE



PICTURE 12 – RESIDENTIAL DEVELOPMENT TO THE NORTH OF THE SITE



PICTURE 13 – OUTDOOR DINING AREA FRONTING WENTWORTH STREET TO THE NORTH OF THE SITE



PICTURE 14 – DEVELOPMENT ALONG SOUTH STEYNE TO THE NORTH OF THE SITE



PICTURE 15 – RESIDENTIAL DEVELOPMENT ON VICTORIA PARADE TO THE SOUTH OF THE SITE



PICTURE 16 – RESIDENTIAL DEVELOPMENT IMMEDIATELY TO THE SOUTH OF THE SITE ON VICTORIA PARADE

2.4 THE LOCALITY AND REGIONAL CONTEXT

The site is located within Manly Town Centre which is a major tourism and visitor destination in Sydney. Manly provides a mix of retail, tourism and residential uses which are well connected to a range of strategic public transport options at the Manly Wharf & Bus Interchange. The draft North East Subregional Strategy supports “significant investment in regional facilities, within and between subregions” and specifically defines Manly as an existing industry concentration/cluster for medical services.

The site is excellently located to accommodate a higher density mix use development with ready access to transport infrastructure, recreation and employment opportunities.

FIGURE 5 – EXTRACT FROM DRAFT NORTH EAST SUBREGIONAL STRATEGY



2.5 VEGETATION

The site contains limited vegetation within the site boundaries. In close proximity to the site boundaries on Wentworth Street, South Steyne and to the south of the existing Elsie Hill building, there are four Norfolk Island Pine trees of local significance.

A survey of these trees and an Arboricultural Impact Report has been prepared by Landscape Matrix at **Appendix C**.

2.6 SOIL & GROUNDWATER MANAGEMENT

The site is generally level, located on a sand filled plain between the Tasman Sea to the north east and Manly Cove to the south west. The ground surface rises further to the north west and south east of the site to sandstone outcrops. The site is underlain by Quaternary sands comprising coarse quartz sand with varying amounts of shell fragments. The Quaternary sands are expected to be underlain at depth by Hawkesbury Sandstone.

A Phase 1 Contamination Assessment (see **Appendix D**) has been prepared by Douglas Partners to assess the potential for contamination of the site based on past and present site usage, identify the contaminants of concern, if any, and provide recommendations on any requirement for further assessment.

It is probable that the proposed development will intercept the water table at the site given that the proposed basement car parking envelope levels extends below the water table. Dewatering may be required in response to this during excavation works at the Stage 2 phase of development, which could be addressed by modelling the impacts of any dewatering and seeking geotechnical advice on how these effects can be mitigated.

2.7 TRANSPORT

The project will be well serviced by a range of transport options.

The site benefits from excellent access to public transport and is serviced by both bus and ferry. Manly Ferry Wharf is located within 250 metres of the site, as are a number of regional bus routes, which have stops close to the site.

FIGURE 6 – BUS ROUTES SERVICING THE SITE

A - East Esplanade (Manly Warf) Route 136: Frenches Forest, Chatswood Route 139: Harbord (& Diggers), South Curl Curl Route 135: Manly Hospital, Quarantine Station	D - Gilbert Park Routes 143, 144: St Leonards, Chatswood Route 140: Macquarie Uni, Epping (Limited AM peak service) Route E50: North Sydney, Milsons Point (AM peak express)
B - West Esplanade (Manly Warf) Route 155, 156: Warringah Mall, Dee Why, Collaroy, Narrabeen, Mona Vale, Bayview, Church Pt, McCarrs Ck Route 158: Warringah Mall, Dee Why, Middleton Rd Corner (AM Peak only) Route 169: Warringah Mall, Dee Why, Narrabeena, Beacon Hill, Skyline Shops Route 159: Warringah Mall, Wingala, North Curl Curl, Dee Why Beach, Pacific Pde Dee Why	E - Gilbert Park Route 142: Allambie, Skyline Shops
C - West Esplanade (Manly Warf) Routes 131, 132, 133: Balgowlah Heights, Seaforth, North Balgowlah Route 146: Cromer, War Veterans Home Routes 171, E71: Balgowlah Heights, Seaforth, City (peak only)	F - Gilbert Park Charter Services G - Belgrave Street (East) Route 151: Balgowlah, Spit Junction, Neutral Bay Jun, North Sydney, City (Early Mornings) H - Belgrave Street (West) Route 151: Manly Vale, Warringah Mall, Dee Why, Collaroy, Narrabeen, Mona Vale (Early Mornings)

Source: STA Bus Network Map

FIGURE 7 – BIKE PATH NETWORK (SOURCE: MANLY COUNCIL)

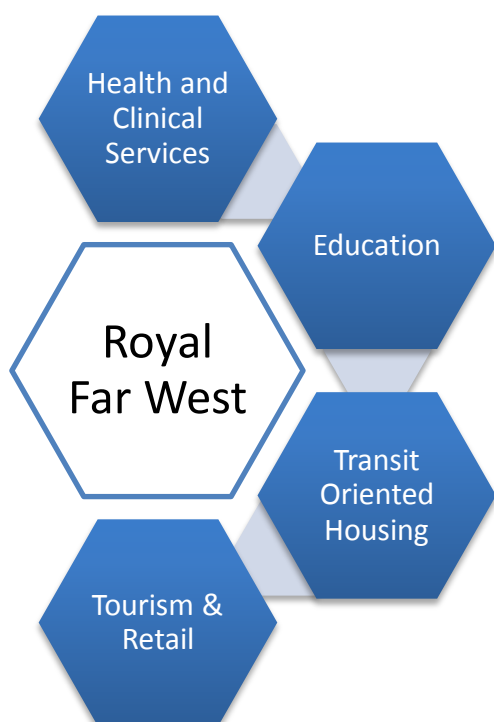


3 Strategic Context

3.1 OVERVIEW

The redevelopment of the Royal Far West site represents a unique opportunity to positively respond to the strategic direction of a range of state and metropolitan wide initiatives and planning policies in relation to matters of health, education, tourism and transit oriented housing. The figure below summarises these proposed functions.

FIGURE 8 – ALIGNMENT OF PROJECT WITH STRATEGIC PLANNING DIRECTIONS



Manly Town Centre is a major tourism and visitor destination in Sydney which provides a mix of retail, tourism and residential uses which are well connected to a range of strategic public transport options at the Manly Wharf & Bus Interchange. The draft North East Subregional Strategy supports “significant investment in regional facilities, within and between subregions” and specifically defines Manly as an existing industry concentration/cluster for medical services. The strategic context of the project is discussed in more detail below.

3.2 NSW STATE PLAN 2010

The NSW State Plan 2010 replaces ‘*The State Plan – A New Direction for NSW 2006*’, as a set of priorities for the NSW Government. The plan presents targets for service improvements across a range of areas. It presents eight key areas of improvements.

The NSW State Plan 2010 sets targets for service improvements across a range of areas which align with the strategic direction of Royal Far West. In particular, one of the key priorities is the provision of a “health system that provides the highest quality care accessible to all” (Strategic Vision No. 4).

Chapter 4 of the State Plan focuses on ‘Healthy Communities’ and one of the key overarching aims is to “improve and maintain access to quality healthcare in the face of increasing demand”. Of particular relevance are also the State’s key priorities and targets for ‘stronger communities’ which seek to “improve child wellbeing, health and safety” and “support for people with disabilities”.

3.3 NSW HEALTH PLAN 2007

The NSW State Health Plan 2007 contains key strategic directions to achieve state government objectives for health care in NSW.

Strategic Direction 1 contains provisions for child health and wellbeing, ensuring that the State will “Invest in health and wellbeing of children and young people, in collaboration with other agencies, to promote health and wellness and assist parents to meet children’s developmental needs”. Also, of particular relevance is Strategic Direction 2 which relates to Rural and remote health, and seeks to make “health services more accessible for people in rural and remote areas by implementing innovative models of service, staffing, networking, rural and remote health professional support, professional development and family support as part of the NSW Rural Health Plan”.

The proposed expansion of Royal Far West positively supports the aims of the NSW Health Plan by the introduction of new purpose built facilities which support the multi-disciplinary services offered by RFW.

3.4 METROPOLITAN PLAN FOR SYDNEY 2036

The Metropolitan Plan for Sydney 2036 (“The Metro Strategy”) is the first comprehensive update of the 2005 Metro Strategy which was released to the public on 16 December 2010. It is an integrated, long-term planning framework that will seek to sustainably manage Sydney’s growth and strengthen its economic development to 2036 while enhancing its unique lifestyle, heritage and environment.

The updated Plan seeks to respond to the key challenges facing Sydney such as a growing and changing population, the need to locate more jobs closer to home, more efficient transport, tackling climate change and enabling a more sustainable city. Central to achieving these challenges is a focus on developing a ‘City of Cities’ structure which is defined by a compact, multi-centred and connected city structure enabling people to spend less time travelling to access work, services, markets or regional facilities.

The Sydney Metropolitan Strategy (the Metro Strategy) sets out the policy guidelines to shape the future of the Sydney region. A number of factors discussed in the Metro Strategy are particularly relevant to the proposed development, and are discussed in detail in Section 9 of the report.

3.5 DRAFT NORTH EAST SUBREGIONAL STRATEGY

The draft North East Subregional Strategy translates objectives of the Metro Strategy and State Plan to the local level.

The draft North East Subregional Strategy supports “significant investment in regional facilities, within and between subregions” and specifically defines Manly as an existing industry concentration/cluster for medical services.

Coupled with this medical clustering, the draft North East Subregional Strategy identifies Manly as a ‘metropolitan attractor’ and ‘town centre’ which supports its role and function as a major tourism and visitor destination in the context of the Sydney Region. To realise the redevelopment aspirations for Royal Far West, the proponent is seeking to rationalise the overall site arrangement, and introduce a new mix of high quality tourism, retail and residential uses which strategically support the regional role of Manly.

In addition to positively responding to State Government strategic planning objectives, the proposed mix of new tourism, retail and residential uses will also enable an additional funding stream for the Royal Far West into the next 50 years. This will allow RFW to remain viable and support the range of high quality services it provides to rural children.

3.6 ROYAL FAR WEST

Royal Far West seeks to achieve the following key strategic objectives:

- Ensure good governance;
- Minimise level of risk exposure;
- Make Royal Far West financially self-sufficient;
- Ensure their services are sustainable; and
- Maximise the number of children to whom they provide care.

The proposed Concept Plan will:

- Provide a new integrated centre of excellence for country kids;
- Reduce rising maintenance spend on existing clinical facility;
- Help attract and retain quality health professionals;
- Unlock value of assets to ensure sustainability of services;
- Improve prospects of accessing national research funding and
- Achieve excellence in design.

4 Part 3A of the Act – Major Projects

The project was declared one to which Part 3A of the *Environmental Planning and Assessment Act* (the Act) applies on 4 November 2010. DGRs were subsequently issued on 27 December 2010.

The Minister authorised the submission of a Concept Plan that outlines key development parameters, such as land use, building envelopes, landscape concept, car parking numbers and vehicular access arrangements for the proposal. Subject to approval of the Concept Plan, separate Project Approval will be sought for the detailed design of the project.

The NSW Government has recently repealed Part 3A of the *Environmental Planning and Assessment Act 1979*. However, Schedule 6A of the EP&A Act provides transitional provisions for certain projects that were within the Part 3A process. Part 2(1) of Schedule 6A states that projects which have valid DGRs issued on or before 8 April 2011 (where the DGRs are less than two years old as of that date) will remain as Part 3A projects. Therefore, the transitional arrangements confirm that Part 3A still applies to the project.

The Minister will delegate his Part 3A determination role for applications made on behalf of private proponents to the Planning Assessment Commission (PAC) or senior officers of the Department of Planning and Infrastructure.

Therefore, while Part 3A projects have been repealed, it remains in force for this application.

5 Stakeholder Consultation

5.1 OVERVIEW

In accordance with DPIs guidelines for consultation, stakeholder consultation has taken place prior to and after the submission of the Environment Assessment. In summary this consultation includes:

- Group briefing sessions – 31 March 2011
- Little Manly Precinct Committee Meeting – 18 October 2011
- Royal Far West Open Day/Consultation on Redevelopment – 2 November 2011

5.2 GROUP BRIEFING SESSIONS

Selected stakeholders and groups potentially impacted by the project were identified and representatives of key stakeholder groups invited to attend group briefing sessions on Thursday 31 March 2011. The sessions were coordinated by Cato Counsel, with a summary report of the consultation provided at **Appendix F**.

The community stakeholder group briefings were held to:

- Provide community stakeholders with an opportunity to gain a greater understanding of the RFW concept plan;
- Provide community stakeholders with an opportunity to raise issues of concern in a face-to-face setting;
- Allow RFW to respond directly to any issues of concern;
- Strengthen important long-term relationships in the local community;
- Assist in shaping the final EA document; and
- Ensure compliance with the Director General's Requirements (No. 18) that 'an appropriate and justified level of consultation' take place in accordance with DPI guidelines.

The briefing sessions incorporated the following elements:

- Evolution of RFW and its connection to the Manly community;
- Overview of RFW services, governance principles and funding streams;
- Key drivers of the redevelopment proposal;
- Step-by-step description of the Major Project planning process;
- Status update of the RFW concept plan in the Major Project planning process;
- Elements of Environmental Assessment and Project Team members;
- Description of existing DCP height controls for Manly; and
- Presentation of the RFW Concept Plan including proposed heights (up to G+11) and floor space ratios for new buildings; built form diagrams including 3D massing, shadow diagrams, architectural impressions of indicative street views and contextual height diagram of the Manly beachfront.

The consultation report identified the following key outcomes were achieved from the community stakeholder briefing sessions:

“The majority of participants seemed to have a high level of satisfaction with the level of information and the responses to questions provided about the concept plan on the day.

There was universal acknowledgement of the need to upgrade Royal Far West’s existing clinical building, and a high degree of in-principle support for the proposed concept plan.

The main issue of contention that was consistently raised throughout the group sessions related to the proposed height (G+11) of the hotel / visitor accommodation building on South Steyne. The chief concern centred on consistency with surrounding developments, and potential shadowing of Manly beach was a secondary concern.

This was the same chief concern raised by the Member for Manly, Mike Baird, in an earlier consultation, despite his general endorsement of greater visitor accommodation in Manly.

It was observed by some attendees that although there are a few examples of buildings of this height and above on the Manly beachfront, it would be preferable if the height of the proposed buildings were more consistent with those on surrounding streets. The height of the residential building above the Council car park in Wentworth St. was raised as a more appropriate benchmark. This was also consistent with the view expressed by Mr Baird.

The majority of other questions and issues raised during the group briefing sessions tended to be of lesser concern and were generally answered to the satisfaction of attendees on the day.

Some issues that were raised, for example the model of project funding and the status of negotiations with the Department of Education over land, are the subject of further deliberation and discussion respectively.

Royal Far West committed to follow-up on a suggestion from the Manly Council briefing session that the Council’s ‘Manly 2015’ plan be referenced prior to the lodgement of the EA with a view to considering the longer-term transport vision for the beachfront precinct.

All attendees were advised of the opportunity to provide further comments or feedback or seek more information about the Concept Plan via the attached feedback form (see Appendix A) which was available.”

Based on the above outcomes from the consultation, the Concept Plan was subsequently updated to reflect the main concern in relation to the height. As indicated in the Concept Plan drawings, the height of the hotel element has been reduced from 11 storeys to 9 storeys.

In addition to the above, the Council also asked whether the applicant had considered approaching Council about building a car park under Wentworth Street that would adjoin the Council’s existing car park. This land is not under the ownership of Royal Far West and the Concept Plan only provides building envelopes with indicative basement level car parking. RFW will consider the details of any proposals the Council may be considering here.

Furthermore, other matters raised within the consultation have been integrated into the EA submission.

5.3 LITTLE MANLY PRECINCT COMMITTEE

Manly Council supports Precinct Community Forums which meet monthly throughout the Manly Local Government Area. At these meetings residents discuss matters referred to them by Council as well as raising matters of community concern. As the Manly Corso Precinct is currently in abeyance, the Little Manly Precinct made the forum available to their residents.

On behalf of Royal Far West, Urbis presented to the Little Manly Precinct Meeting on 18 October 2011, to enable the Committee to make a submission on the publicly exhibited EA. Approximately 55 local residents were in attendance and took the opportunity to ask questions regarding the submission.

A range of matters were raised at the meeting including the following concerns:

- Potential view loss from residents within the 'Peninsular' development to the north of the site.
- Impacts of traffic generation and car parking on the local area.
- Potential that a future application may be made to convert from hotel usage to residential apartments.
- Issues with a potential hotel bar and liquor license.
- Loss of low-cost housing.
- Lack of community consultation.

A number of these matters are articulated further in the submission from the Little Manly Precinct dated 2 November 2011.

5.4 ROYAL FAR WEST OPEN DAY

On 2 November 2011 Royal Far West held an Open Day on the site. The key aims of the Open Day were to allow the public and key stakeholders with an opportunity to:

- Provide feedback on the EA on public exhibition and discuss key issues which local residents feel need further clarification as part of the PPR.
- Ask questions of the professional consultant team working on the project including Architectus, Traffix and Urbis.
- Understand the type of work and services that Royal Far West provides to country kids and why the redevelopment is essential to continuing the work that the organisation does in the future.
- Meet the new CEO, Board Directors and key staff at Royal Far West and discuss their aspirations for the proposed 'Centre for Excellence'.
- Get an understanding of the current premises and site facilities which are unsightly and require ongoing costly maintenance.

The Open Day was well attended, and was a very useful opportunity to listen to the concerns from local residents and stakeholders prior to their formal submissions on the project. The feedback from the day has informed the final form of the PPR.

6 Response to Submissions

The Concept Plan EA was placed on public exhibition between 21 September 2011 to 30 November 2011. This formal timeframe was extended by 30 days due to a request by the public and the Local Member for Manly.

A range of submissions were received, and these are summarised and responded to by category below. Key matters are expanded upon later in this report.

6.1 MANLY COUNCIL

TABLE 3 – OVERVIEW OF SUBMISSION FROM MANLY COUNCIL

THEME	ISSUE	RESPONSE
Building Height, Bulk & Scale	The proposed heights significantly exceed Council's 'Wire Frame maximum envelope control' contained within Council's Urban Design Guidelines.	<p><u>Eastern Portion of the site (Resi/Hotel/Retail)</u></p> <p>Council's wire frame envelope controls propose a street edge height of 12m (4 storeys) along Wentworth Street and South Steyne which steps up to 15m (5 storeys) on the corner as a setback element above the street edge. Separately, a height of 10m (3 storeys) is provided at the southern end of South Steyne adjacent to the heritage terraces). Mid-block heights of 18m – 25m (6- 8 storeys) are setback beyond the street edge height.</p> <p>The proposed building envelopes provide a 13.8m (4 storey) street edge with a 17m (5 storey) element set back above this. The proposed hotel building is 29.8m (nine storey).</p> <p><u>Western Portion of the site (RFW)</u></p> <p>The wire frame envelope controls apply heights of 12m (4 storeys) up to 16m (5 storeys) for built form located between Drummond House and Manly Community Centre setback from the street edge.</p> <p>The project provides a street edge/podium height of 10.5m (3 storeys) that step up to 26.5m (seven storeys) setback by 7.4m from the street edge.</p> <p>In summary, the proposal is consistent with the street edge heights contained within Council's guidelines, but seeks slightly higher mid-block heights with the hotel element by 1 storey, and the RFW building by 2 storeys. This is not a "significant" exceedance of the Council's guidance, and is appropriate with regard to the</p>

THEME	ISSUE	RESPONSE
		local context as described below.
	The height and scale of the development should be significantly reduced to within Council's Urban Design Guidelines 'wire frame' envelope controls.	<p>As discussed above, the difference between Council's Urban Design Guidelines 'wire frame' envelope controls is the height of mid-block elements, notably the hotel and RFW buildings.</p> <p>The appropriate height of such central block buildings requires consideration of:</p> <ul style="list-style-type: none"> ▪ The setback behind lower perimeter buildings. ▪ The heights of surrounding central block buildings. ▪ The visual impact of the central block building. <p>The proposed RFW building has a height of seven storeys and is setback 7.4m metres from Wentworth Street and the proposed nine storey hotel building is setback 21.9 metres from Wentworth Street, 26.7 metres from the Steyne and 21m metres from Victoria Parade. As discussed in Section 9, these are significant setbacks that are comparable to or larger than those of surrounding central block buildings of similar height.</p> <p>Further, Section 6.4 indicates that in Manly clusters of taller buildings are located to the north of the Corso, to the west of the Corso near the ferry wharf and a less intense cluster to the south of the Corso which extends around the beach front towards Shelley Beach. A range of these buildings exceed the height controls contained within relevant Manly DCPs.</p> <p>There are many mid-block buildings in Manly of comparable or greater height than is proposed. With specific regard to the immediate beachfront context, the proposed 9 storey hotel building envelope and the proposed 7 storey RFW envelope will sit comfortably between the 8 storey height of the Peninsular building and the 9 storey height of the Sebel Hotel building.</p>
Pedestrian Links	The Concept Plan should be amended to incorporate appropriate pedestrian links in accordance with Council's Guidelines	The core purpose of the project is to provide a caring environment for "at risk" children. A safe,

THEME	ISSUE	RESPONSE
	and better integrate with other public space elements.	<p>secure environment is key to this purpose.</p> <p>Pedestrian linkages through the site are not proposed. However, RFW commit to fund of a new pedestrian crossing between Rialto Square and the southern side of Wentworth Street to enable better pedestrian connectivity within the local precinct.</p> <p>A 6 metre setback to the eastern end of Wentworth Street has also been introduced to alleviate congestion around the corner of Wentworth Street and South Steyne.</p>
Public Courtyard	The Concept Plan should include activation of public courtyard space within the site on the southern side of Wentworth Street opposite Rialto Square.	<p>Two publically accessible courtyards are proposed as part of the project, including:</p> <ul style="list-style-type: none"> ▪ Opposite Rialto Square ▪ On the corner of Wentworth Street and South Steyne (southern side) <p>While deeper courtyards have been suggested, a depth of 6 metres is proposed to allow a useable courtyard space, without severing the connectivity between ground floor uses and the street.</p>
Social Impacts	A Social Impact Assessment should be included as part of the application.	A Social Impact Assessment was not required by the Director General Requirements for the project. However, the broader social impacts have been considered as part of this Environmental Assessment in Section 9.
	Potential loss of affordable housing on the site.	<p>An assessment in accordance with the provisions of the SEPP Affordable Rental Housing 2009 is included at Appendix T.</p> <p>Part 3 of the SEPP applies to the 'Retention of Affordable Rental Housing' with Clause 49 stating that <i>"This part applies only to those buildings that were low-rental residential buildings as at 28 January 2000, and does not apply to any building that becomes a low-rental residential building after that date"</i>.</p> <p>On-site staff accommodation within Elsie Hill (for approximately 5 staff) was part of the operational model of the facility and was present at 28 January 2000. This accommodation was ancillary to the use of the</p>

THEME	ISSUE	RESPONSE
		<p>Royal Far West uses on the site, and was part of the salary packaging for those staff at the time. Such housing has not been provided for many years.</p> <p>The Elsie Hill building currently accommodates a boarding house for up to 50 people. A letter from Manly Council indicates that the boarding house was proposed after 28 January 2000. Specifically, the letter (dated 26 November 2001) provides that Council resolved to amend the Manly LEP 1988 to permit a boarding house on the site (and is included as an attachment to Appendix T), and stated:</p> <p><i>“That Council congratulate the Royal Far West Children’s Home on their proposal to develop a Boarding House on the site and be advised that Council will be diligent in ensuring compliance with any issued development consent.”</i></p> <p>Subsequently, Manly LEP 1998 was amended (Amendment No. 54) on 22 August 2003 by the Minister for Planning to allow for the use of boarding houses on the site. This is included attached to Appendix T</p> <p>In addition, a Statutory Declaration from a current Director of Royal Far West is provided separately which provides an overview of the historical use of the Elsie Hill Building and indicates that the boarding house was established in 2004.</p>
	There are community concerns about the impact of a 24 hour alcohol service.	<p>The proposed hotel will need to provide full food & beverage services to its clientele and probably a fully licenced restaurant.</p> <p>Any licensing related to these ancillary hotel functions will be subject to a separate license application at a future stage. However, we note that the hotel will exclude a ‘pub’.</p>
Overshadowing	The Concept Design does not adequately consider shadow impacts on the Manly Village Public School and	Additional shadow diagrams have been prepared in response to Council’s submission and are provided at Appendix G . A detailed

THEME	ISSUE	RESPONSE
	surrounding residential properties.	assessment of shadow impacts is included at Section 6.4 and 9.3 that examines impacts on Manly Village Public School, residential apartments at 25-29 Victoria Parade and Manly Beach and Promenade. A summary of the shadow impacts are discussed below.
	Development of the southern corner should not be so large that it overshadows or overwhelms the public school playgrounds. The amount of overshadowing of the school grounds is not conclusively shown in the Concept Plans.	<p><u>Manly Village Public School</u></p> <p>Council's submission draws specific attention to shadow impacts in the morning prior to school starting time. While there is likely to be a negligible increase in the level of overshadowing between 8am and 9.30am, this is not considered unreasonable as:</p> <ul style="list-style-type: none"> ▪ The existing school buildings and surrounding built form cast a shadow over a large proportion of the school yard in the morning period. ▪ As the morning progresses these shadows move quickly throughout the site, with active spaces such as the basketball court receiving generous amounts of sunlight from 8.45am onwards. ▪ The large size and variation of spaces within the school yard ensures that at no point it is entirely overshadowed under the existing or proposed scenario. ▪ The proposed building heights are consistent with the current and future planning controls and the surrounding context. ▪ While the shadow diagrams do not assess the impact of trees and vegetation within MVPS the school yard provides a generous amount of dense trees, shrubs and vegetation which are likely to have an impact on the level of sunlight received in certain parts of the site. <p><u>25-29 Victoria Parade</u></p> <p>The current RFW building overshadows the majority of living spaces within Nos. 25-29 Victoria Parade in the early morning (9am) in mid-winter. While the proposal adds a slight additional degree of shadowing to the rear setback of these properties, this space is used</p>

THEME	ISSUE	RESPONSE
		<p>for at grade car parking and no formal or informal areas of landscaped space. The Concept Plan will therefore retain largely the existing situation in the morning.</p> <p>By Midday in winter, the more slender building (29 Victoria Parade) directly adjacent to the west of the current RFW building is still largely overshadowed in the current and proposed scenarios. However, the majority of primary living areas of Nos. 25-27 Victoria Parade receive direct will receive direct sunlight.</p> <p>As the afternoon progress, the living areas of No. 25-27 will predominantly receive sunlight from Midday until mid-afternoon (up to 3hrs). By this stage the existing building will start to overshadow itself as the sun moves to the west. No 29 will also start receiving sunlight from 12.30pm until late afternoon, when it is out of the shadow of both the existing and proposed built form elements on this boundary.</p> <p><u>Manly Beach and Promenade</u></p> <p>In mid-winter, the existing Royal Far West building largely overshadows the Beach Promenade from 3.30pm, and Manly Beach from 4pm until sunset at approximately 4.50pm. The proposal provides little difference to the current situation.</p> <p>In mid-summer, by 5pm the proposal will cast a shadow over the Beach Promenade in a similar manner to development to the north of the site. By 6pm the proposal will cast a shadow over a portion of Manly Beach in addition to that under the existing development.</p>
Traffic	<p>The implications for parking and ingress and egress for the site for vehicles and pedestrians is not considered to be sufficiently addressed.</p> <p>The environmental capacity of Wentworth Street also needs to be addressed.</p>	<p>The Traffic Study provides the following response with regard to parking, ingress/egress and the environmental capacity of Wentworth Street:</p> <p><u>Parking</u></p> <p><i>Parking for the proposed development is generally in accordance with Council's Development Control Plan parking parameters and will assist in reducing car dependency, while providing sufficient parking to ensure that</i></p>

THEME	ISSUE	RESPONSE
		<p><i>existing on-street parking demands are not exacerbated.</i></p> <p><u>Ingress/Egress</u></p> <p><i>The proposed access driveways and internal design aspects are appropriate from the concept design and will operate satisfactorily. A swept path assessment will be undertaken as permissible under AS2890.1 and AS2890.2 to confirm that all movements can occur safely and efficiently at Project Application stage/s.</i></p> <p><u>Environmental Capacity of Wentworth Street</u></p> <p><i>In summary, the critical intersections as requested by the DGR's have been assessed and it is evident from the results that the existing road network can accommodate the additional traffic generated by the proposed development given that the level of service for each intersection remains generally unchanged.</i></p>
Heritage	Concern that the proposed Concept Plan adversely impacts on the heritage listed items.	<p>Urbis (Heritage) prepared a Heritage Impact Statement (HIS) in August 2011 that assessed impacts of the works in relation to heritage items on the site and in the vicinity. The HIS makes some of the following conclusions:</p> <p><i>Overall, the proposed works do not impact on the site's heritage significance and its heritage listed buildings.</i></p> <p><i>In relation to the new buildings the buildings have been designed to step the height from main roads to be sympathetic to adjacent heritage items and the bulk and scale of development in the vicinity.</i></p> <p><i>The new landscaping proposed on the site should improve the setting and relationship of the retained heritage buildings and new buildings.</i></p> <p><i>The scale of new development on the RFW site is considered to be sympathetic to that of listed retail and residential flat buildings in the vicinity.</i></p>
	Further consideration should be given to the adopted Urban Design Guidelines for the site, which provides for public and	As discussed in Section 6.1 above, the proposal is consistent with the street edge heights contained within Council's guidelines, but seeks

THEME	ISSUE	RESPONSE
	semi-public spaces adjacent to listed buildings while providing a building, which does not challenge the scale of 12 Wentworth Street and Drummond House.	slightly higher mid-block heights with the hotel element by 1 storey, and the RFW building by 2 storeys. This is not a “significant” exceedance of the Council's guidance, and is appropriate with regard to the local context.
	The significance of the terraces is challenged by the contrast between the two storey listed terraces and the adjacent overpowering nine-storey hotel building. Consideration needs to be given to not only direct views to the listed items but also to the oblique views from South Steyne.	<p>The hotel is setback beyond the podium of the residential component when read from Wentworth Street. From the streetscape this reads as a transition of four storeys down to 2 storeys of the terraces (albeit that these have high floor to ceiling heights). This is one storey more than what Council's Urban Design Controls provide for at the street edge.</p> <p>While the mid-block height of the hotel does not step up in the same manner as the Urban Design Controls (i.e. 10m, 18m and 25m) this is still accepted as an appropriate relationship with regard to scale according to the Heritage Impact Statement.</p> <p>The HIS by Urbis (2011) recommends further consideration of the articulation of the façade of the proposed new buildings as part of future design works.</p>

6.2 GOVERNMENT AGENCIES

TABLE 4 – OVERVIEW OF SUBMISSIONS FROM GOVERNMENT AGENCIES

AGENCY SUBMISSION	ISSUES OR COMMENTS	RESPONSE
NSW Health – Northern Sydney Local Health District	<p>Bicycle parking and change room facilities Details of the number and location of bicycle parking/racks and change room facilities should be detailed at the project application stage.</p> <p>Workplace Travel Plan A Workplace Travel Plan and Transport Access Guide should be implemented prior to occupation.</p>	Noted. These matters will be addressed at the Project Application Stage.
State Transit Authority of New South Wales	<p>Construction Traffic Management Plan STA would like a copy and the opportunity to provide input into the Construction Traffic Management Plan.</p>	A Construction Traffic Management Plan will be prepared at the Project Application Stage.

AGENCY SUBMISSION	ISSUES OR COMMENTS	RESPONSE
Transport for New South Wales	<p>Bicycle Parking and end-of-trip facilities Bicycle parking and facilities should be located in a weather protected location, near entrances and subject to casual surveillance.</p> <p>Car Share Facilities Car share facilities should form part of the site's Travel Plan.</p>	Noted. These matters will be addressed at the Project Application Stage.
NSW Heritage Council	<p>The Heritage Branch supports the proposed retention of the two heritage buildings on site.</p> <p>Height Height of the proposal is raised as a concern (however the Heritage Council's submission refers to the height in the PEA scheme which has reduced).</p> <p>Mitigation measures It is noted that the HIS recommends a number of mitigation measures to ameliorate the impacts generated by the new development. These measures are considered appropriate, and should be incorporated as conditions in the final determination should approval be granted.</p> <p>Non aboriginal archaeology With regards to non-Aboriginal archaeology, the Heritage Branch claims that the EA does not include an adequate assessment.</p>	<p>Noted.</p> <p>We note that the Heritage Council's comments on height relate to heights referred to in the PEA scheme (i.e. up to 12 storeys). The PPR scheme now proposes a maximum of 9 storeys.</p> <p>Noted. The proposed mitigation measures will be incorporated as Statement of Commitments.</p> <p>DPI has not requested a non-aboriginal archaeology assessment at this stage. As discussed in the HIS and additional information provided as part of the PPR, it is recommended that an Archaeological Assessment and subsequent archaeological investigations of the subject site be undertaken prior to any excavation works. A Statement of Commitment is provided in this regard.</p>
Roads and Traffic Authority of New South Wales	No Objection raised.	Noted.

6.3 PUBLIC SUBMISSIONS

TABLE 5 – OVERVIEW OF PUBLIC SUBMISSIONS

THEME	ISSUE	RESPONSE
Building Height, Bulk & Scale	A range of public submissions raised concern with the height, bulk and scale of the proposal similar to the matters identified by Council.	As discussed above, the proposed height and scale of the PPR scheme is generally consistent with the surrounding context, Council's Urban Design Guidelines and the Draft LEP. The proposed building envelopes provide a 4 storey street edge with a 5 storey set back above this. Taller elements within the mid-block are setback from this street edge in a consistent manner with these controls.
Traffic & Parking	Numerous public submissions raised concern with regard to traffic generation, lack of on-street car parking and issues associated with festival days in Manly which result in inundation of the local network.	As discussed above, a Traffic report is provided at Appendix J. This report demonstrates that proposed parking and access arrangements are appropriate. As discussed in Section 6.1, the critical intersections as requested by the DGR's have been assessed and it is evident from the results that the existing road network can accommodate the additional traffic generated by the proposed development given that the level of service for each intersection remains generally unchanged.
Residential Amenity	<p>The following amenity concerns were raised within a range of public submissions:</p> <ul style="list-style-type: none"> ▪ Solar access ▪ View loss ▪ Overshadowing ▪ Privacy 	<p>The proposed concept plan has been designed in a manner to minimise any unreasonable amenity impacts. Section 9.4 provides a comprehensive response on the amenity concerns raised in public submissions.</p> <p>The increased setback now proposed to the corner of Wentworth Street and South Steyne will assist in reducing view loss impacts to surrounding properties.</p>
Social Considerations	A range of public submissions considered that the proposal was losing low cost accommodation within the Elsie Hill Building which is integral to the Manly Community.	<p>An assessment in accordance with the provisions of the SEPP Affordable Rental Housing 2009 is included at Appendix T.</p> <p>Part 3 of the SEPP applies to the 'Retention of Affordable Rental Housing' with Clause 49 stating that <i>"This part applies only to those buildings that were low-rental residential buildings as at 28 January 2000, and does not apply to any building that becomes a low-rental residential building after that date"</i>.</p>

THEME	ISSUE	RESPONSE
		<p>On-site staff accommodation within Elsie Hill (for approximately 5 staff) was part of the operational model of the facility and was present at 28 January 2000. This accommodation was ancillary to the use of the Royal Far West uses on the site, and was part of the salary packaging for those staff at the time. Such housing has not been provided for many years.</p> <p>The Elsie Hill building currently accommodates a boarding house for up to 50 people. A letter from Manly Council indicates that the boarding house was proposed after 28 January 2000. Specifically, the letter (dated 26 November 2001) provides that Council resolved to amend the Manly LEP 1988 to permit a boarding house on the site (and is included as an attachment to Appendix T), and stated:</p> <p><i>“That Council congratulate the Royal Far West Children’s Home on their proposal to develop a Boarding House on the site and be advised that Council will be diligent in ensuring compliance with any issued development consent.”</i></p> <p>Subsequently, Manly LEP 1998 was amended (Amendment No. 54) on 22 August 2003 by the Minister for Planning to allow for the use of boarding houses on the site. This is included attached to Appendix T</p> <p>In addition, a Statutory Declaration from a current Director of Royal Far West is provided separately which provides an overview of the historical use of the Elsie Hill Building and indicates that the boarding house was established in 2004.</p>
Community Engagement and Consultation	Numerous public submissions considered that community consultation on the proposal was inadequate and felt that more engagement was needed.	As discussion in Section 5 the applicant has continued to engage after the submission of the EA.

THEME	ISSUE	RESPONSE
Process		

6.4 DEPARTMENT OF PLANNING AND INFRASTRUCTURE

Following the public exhibition of the Environmental Assessment (EA) the Department of Planning issued the applicant with a letter identifying a number of key issues and additional information to be addressed.

Each of the Department's key issues is addressed under the following sub-headings below.

6.4.1 BUILDING HEIGHT, BULK AND SCALE AND SETBACKS

Concern is raised regarding the proposed height, bulk and scale of the development and its relationship with the existing streetscape

There are two distinct height considerations relevant to the site, namely; street edge height and central block height.

Street Edge Height

Both the modern and heritage buildings on and in the vicinity of the site establish a very strong four storey street edge scale, with an additional level sometimes setback above. Noting that many three storey heritage buildings, such as Drummond House, have taller floor to floor heights resulting in a height equivalent to a modern four storey building, a dominant four storey scale to the street is established by the following buildings on the site.

A similar street edge scale is expressed to Victoria Parade by the buildings adjoining the rear of the site, and both heritage and modern buildings on the opposite side of Wentworth Street.

In view of this very dominant four to five storey (equivalent) street edge scale on and around the site, a four storey street edge with a slightly setback fifth storey is proposed to The Steyne and returning down Wentworth Street to the alignment of Rialto Lane. After a short gap to provide a vehicular entry and provide a side curtilage to Drummond House, a similar scale with a small setback is maintained by the retention of Drummond House. To provide a transition down to the two storey Manly Community Centre building a street edge with two tall floors is proposed immediately west of Drummond House.

The Concept Plan thereby provides a contextual infill of the existing street edge scale on and around the site.

Mid-Block Height

As acknowledged in the Manly Town Centre Urban Design Guidelines 2002:

“Redevelopment gives opportunities to allow higher buildings in the centre of street blocks to obtain views and outlook over lower perimeter buildings, and to improve existing unsympathetic buildings”.

The appropriate height of such central block buildings requires consideration of:

- The setback behind lower perimeter buildings.
- The heights of surrounding central block buildings.
- The visual impact of the central block building.

The proposed RFW building has a height of seven storeys and is setback 7.4m metres from Wentworth Street and the proposed nine storey hotel building is setback 21.9 metres from Wentworth Street, 26.7 metres from the Steyne and 21m metres from Victoria Parade. As indicated at Figure 9, these are

significant setbacks that are comparable to or larger than those of surrounding central block buildings of similar height.

Further, Figure 9 indicates that in Manly clusters of taller buildings are located to the north of the Corso, to the west of the Corso near the ferry wharf and a less intense cluster to the south of the Corso which extends around the beach front towards Shelley Beach. A range of these buildings exceed the height controls contained within relevant Manly DCPs.

As shown above, there are manly mid-block buildings of comparable or greater height than is proposed. With specific regard to the immediate beachfront context, the proposed 9 storey hotel building envelope and the proposed 8 storey RFW envelope will sit comfortably between the 8 storey height of the Peninsular building and the 9 storey height of the Sebel Hotel building.

FIGURE 9 – TALLER MID-BLOCK BUILDINGS IN MANLY (SOURCE: ARCHITECTUS)

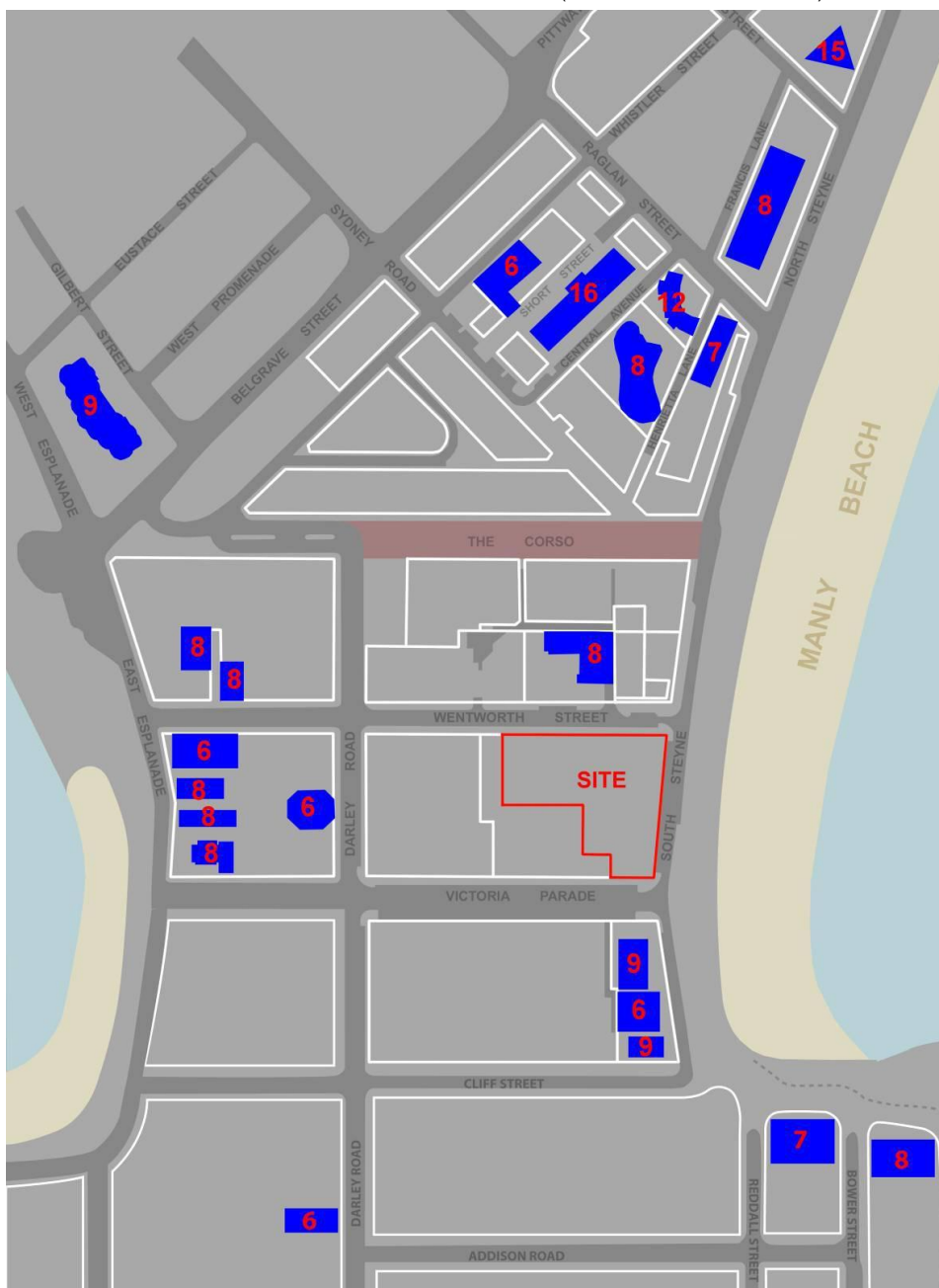
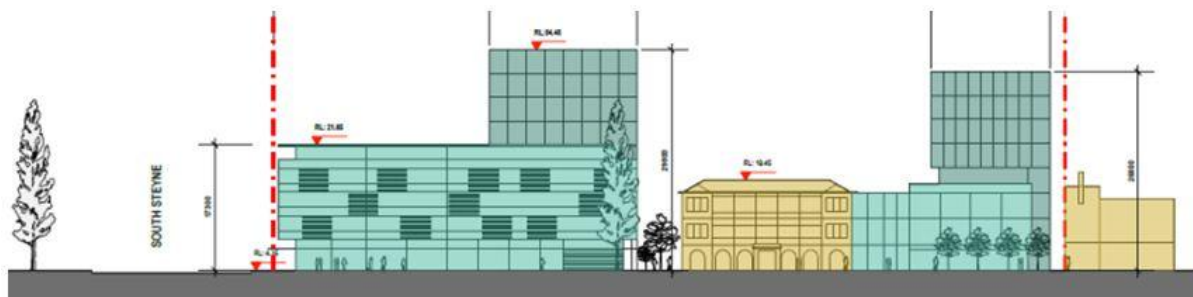


FIGURE 10 – COMPARATIVE BUILDING HEIGHTS ALONG SOUTH STEYNE



FIGURE 11 – STREETScape ELEVATION ALONG WENTWORTH STREET



Council's wire frame envelope controls propose a street edge height of 12m (4 storeys) along Wentworth Street and South Steyne which steps up to 15m (5 storeys) on the corner and as a setback element above the street edge. Separately, a height of 10m (3 storeys) is provided at the southern end of South Steyne adjacent to the heritage terraces). Mid-block heights of 18m – 25m (6- 8 storeys) are setback beyond the street edge height.

The proposed building envelopes provide a 13.8m (4 storey) street edge with a 17m (5 storey) element set back above this. The proposed hotel building is 29.8m (nine storey).

The wire frame envelope controls apply heights of 12m (4 storeys) up to 16m (5 storeys) for built form located between Drummond House and Manly Community Centre setback from the street edge.

The project provides a street edge/podium height of 10.5m (3 storeys) that step up to 26.5m (seven storeys) setback by 7.4m from the street edge.

In summary, the proposal is consistent with the street edge heights contained within Council's guidelines, but seeks slightly higher mid-block heights with the hotel element by 1 storey, and the RFW building by 2

storeys. This is not a “significant” exceedance of the Council’s guidance, and is appropriate with regard to the local context.

The Department also raises concern regarding the proposed setback of buildings from Wentworth Street and impacts on the streetscape along Wentworth Street and South Steyne

In response to a range of public submissions, the applicant has proposed a modification to the building envelope at the corner of Wentworth Street and South Steyne.

As shown in the figure below, the proposed modification seeks to provide a 6 metre setback of the residential/retail element of the proposal further from Wentworth Street to achieve the following outcomes:

- Maximise the views shared across the Royal Far West site from properties to the north in comparison to the EA scheme.
- Allow for a larger quantum of outdoor seating associated with the ground floor retail tenancies on the corner of Wentworth Street and South Steyne.
- Increase the exposure and prominence of Drummond House heritage item when viewed from South Steyne.

FIGURE 12 – ADDITIONAL SPACE CREATED BY REVISED BUILDING MASSING

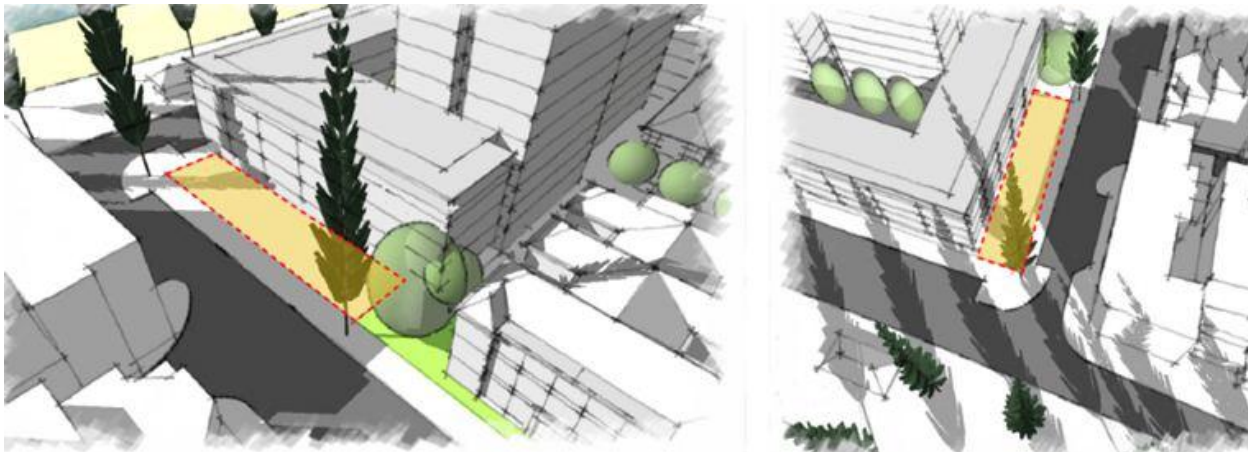
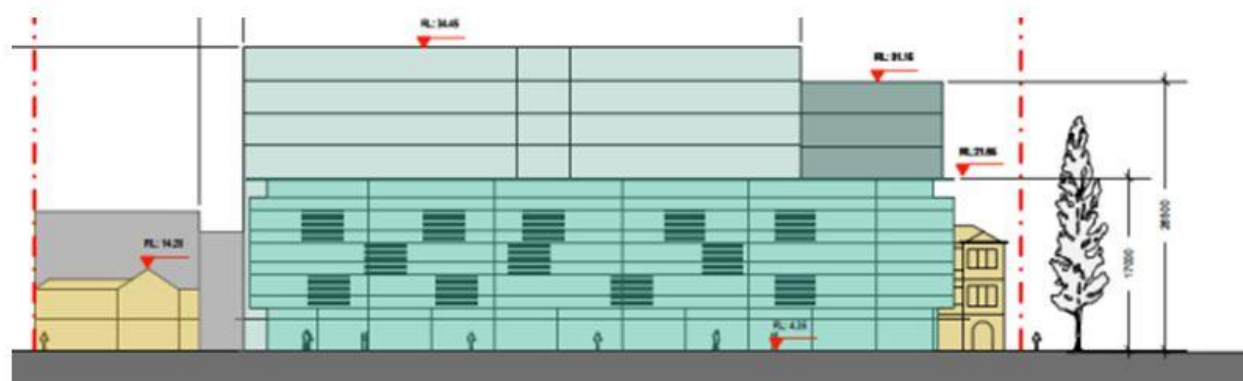


FIGURE 13 – SOUTH STEYNE ELEVATION WHICH NOW EXPOSES THE PROMINENCE OF DRUMMOND HOUSE



Concern is raised regarding the impacts on the amenity of the Manly Village Primary School, particularly with regard to morning shadows to the outdoor areas.

A number of public submissions received during the exhibition of the EA highlighted concerns with overshadowing of Manly Village Public School (MVPS) – particularly the play areas in the morning periods. In response, additional shadow diagrams have been prepared which indicate the degree of morning shadows cast over the playground.

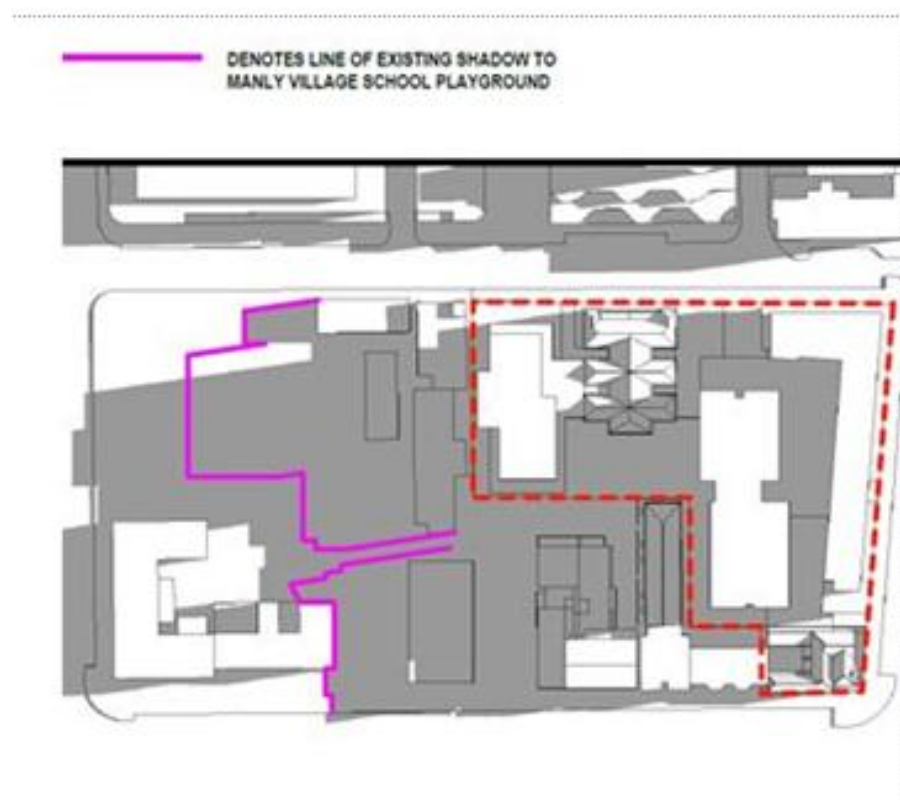
As shown in the shadow diagrams, at 8am in mid-winter the existing built form casts a shadow over a large proportion of the school yard. The additional levels of shadow cast by the proposal is limited to the north-western frontage of the school building on the corner of Darley Road and Victoria Parade, which isn't an active space within the school yard.

By 8.30am the existing built form still casts shadow over a large proportion of the school yard. The additional shadows cast by the proposal extend into part of the basketball court, albeit that almost half of court is still in direct sunlight.

FIGURE 14 – SHADOWS IMPACTS AT 8:00AM IN THE WINTER SOLSTICE (SOURCE: ARCHITECTUS)



FIGURE 15 – SHADOWS IMPACTS AT 8:30AM IN THE WINTER SOLSTICE (SOURCE: ARCHITECTUS)



By 9.00 am the existing shadows cast within the school yard are reduced as well as the proposed developments shadows. The shadows cast by the proposal are subject to a small portion of the basketball court and play area, with this space predominantly in direct sunlight. As the morning progresses, by 9.30am the additional shadowing is subject to a narrower part of the school yard, with the basketball court in full sunlight.

FIGURE 16 – SHADOWS IMPACTS AT 9AM IN THE WINTER SOLSTICE (SOURCE: ARCHITECTUS)



FIGURE 17 – SHADOWS IMPACTS AT 9.30AM IN THE WINTER SOLSTICE (SOURCE: ARCHITECTUS)



In summary, while there is likely to be a negligible increase in the level of overshadowing between 8am and 9.30am, this is not considered unreasonable for the following reasons:

- The existing school buildings and surrounding built form cast a shadow over a large proportion of the school yard in the morning period.
- As the morning progresses these shadows move quickly throughout the site, with active spaces such as the basketball court receiving generous amounts of sunlight from 8.45am onwards.
- The large size and variation of spaces within the school yard ensures that at no point it is entirely overshadowed under the existing or proposed scenario.

- The proposed building heights are consistent with the current and future planning controls and the surrounding context.
- While the shadow diagrams do not assess the impact of trees and vegetation within MVPS the school yard provides a generous amount of dense trees, shrubs and vegetation which are likely to have an impact on the level of sunlight received in certain parts of the site.

We note that DPIs review of the PPR queried the shadow diagrams submitted in comparison to recent photographs provided by the applicant. It is important to note that the date of the shadow analysis and photographs differed, which may have impacted on the consistency between the two. We have provided photographs which were taken on 14 May and 4 July 2012 at 8.14am and provided additional shadow diagrams at these specific times. This analysis indicates that the degree of existing shadows is generally consistent with the photographs provided.

Photographs taken on 14 May 2012 at 8.14am

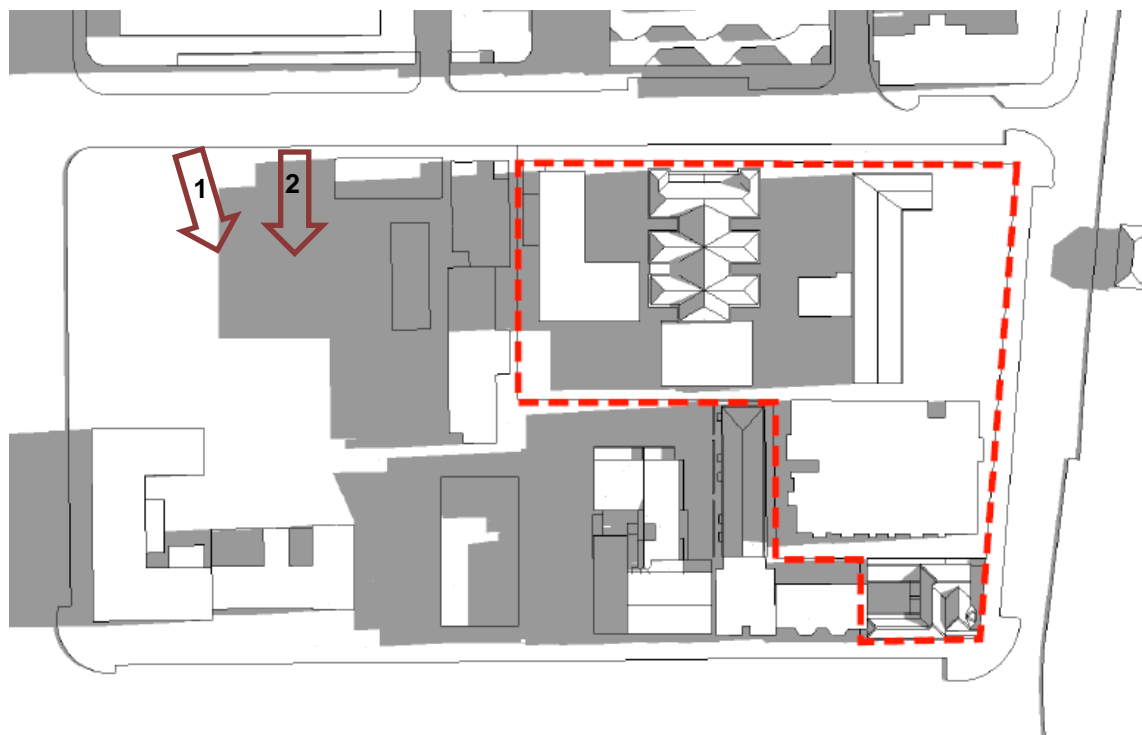


VIEW 1 – LOOKING SOUTH ACROSS THE MVPS PLAY AREA FROM WENTWORTH STREET



VIEW 2 – LOOKING SOUTH ACROSS THE MVPS PLAY AREA FROM WENTWORTH STREET

FIGURE 18 – EXISTING SHADOW ANALYSIS AT 8.14AM ON 14 MAY 2012



Photographs taken on 4 July 2012 at 8.14am



VIEW 3 – PHOTO TAKEN FROM NEAR DARLEY ROAD
LOOKING NORTH WEST ACROSS THE MVPS
SCHOOL YARD

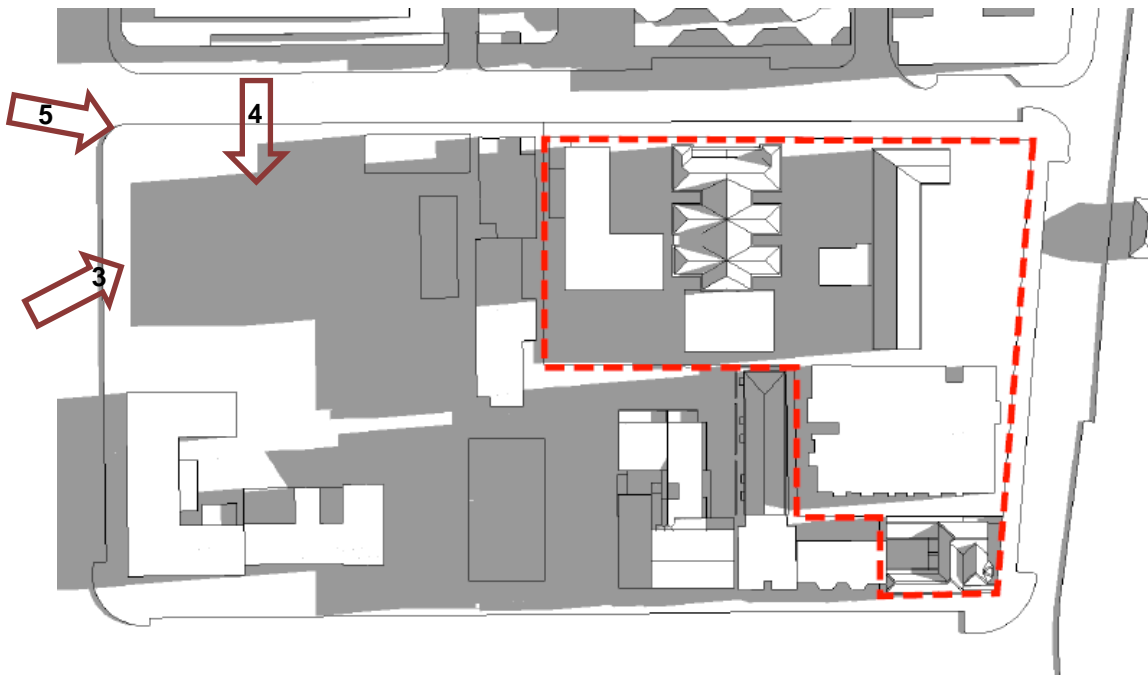


VIEW 4– PHOTO TAKEN FROM NEAR WENTWORTH
STREET LOOKING SOUTH ACROSS THE
MVPS SCHOOL YARD.



VIEW 5 – PHOTO TAKEN FROM NEAR CNR OF
WENTWORTH STREET AND DARLEY ROAD
LOOKING TO THE EAST

FIGURE 19 – EXISTING SHADOW ANALYSIS AT 8.14AM ON 4 JULY 2012



6.4.2 URBAN DESIGN AND PUBLIC DOMAIN WORKS

Consideration should be given to the view loss likely to be experienced by neighbouring properties, particularly taking account of the “view loss analysis” planning principles established by the LEC.

The Land and Environment Court judgement in the matter of *Tenacity Consulting v Warringah* [2004] NSWLEC 140 has been adopted as a ‘Planning Principle’ for ‘View Sharing’ by the court. In his judgement, Commissioner Roseth SC states that:

“The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment”.

The view sharing of the proposed development is assessed in terms of the four steps adopted as a Planning Principle below.

Step 1 - Assessment of views to be affected

The judgement states that:

“Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured”.




The most highly valued views with the local context of the site are the views of Manly Beach and the Pacific Ocean. There are no specific iconic views that require consideration.

In summary, there are three views that require consideration for the purpose of this assessment. Refer to the figure and photographs below. We note that photographs for assessing the view impacts have been provided directly by affected property owners at No. 21 and No. 25 Wentworth Street, and have not been taken by Urbis.

FIGURE 20 – CURRENT PARTIAL VIEWS ACROSS THE RFW SITE TOWARDS SURROUNDING VISUAL ELEMENTS
(SOURCE: URBIS)



TABLE 6 – OVERVIEW OF VIEWS TO BE AFFECTED

NO.	VIEW	PHOTOGRAPH OF VIEW	CURRENT VIEW
1	From Wentworth Street to Ocean Source: Google Street View		A narrow horizontal vista east towards the Pacific Ocean, Manly Beach Promenade, Beach huts and Norfolk Island Palm Trees.
2	From eastern apartment 25 Wentworth Street to ocean and beach Source: Owner of 433/25 Wentworth Street		<p>Partial view east towards Manly Beach, Pacific Ocean, Manly Beach Promenade, Beach huts and Norfolk Island Palm Trees.</p> <p>Filtered distant views of Shelley Beach and Shelley Beach Headland.</p> <p>Views constrained between 21 Wentworth Street and existing unsightly RFW building.</p>
3	From western apartment 21 Wentworth Street to beach Source: Owner of 305/21 Wentworth Street		<p>Partial view south-east towards Manly Beach, Manly Beach Promenade and Norfolk Island Palm Trees.</p> <p>Views of Royal Far West School Building, basketball court and play area to the south.</p>

Step 2 - From what part of the property the views are obtained

The Judgement states that:

“For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic”.

Wentworth Street

Views along Wentworth Street to Manly Beach are obtained from street level in both standing and sitting positions. These views are enjoyed along the majority of Wentworth Street.

PICTURE 17 – VIEWS OBTAINED FROM WENTWORTH STREET (SOURCE: GOOGLE EARTH)



No. 21 Wentworth Street

Apartments at the eastern end of this property contain front balconies that will retain views directly across South Steyne, Manly Beach and the Pacific Ocean. However, apartments fronting Wentworth Street within the western part of this building enjoy oblique views across Wentworth Street and the site to Manly Beach.

PICTURE 18 – VIEWS OBTAINED FROM 21 WENTWORTH STREET TAKEN FROM SOUTHERN SIDE OF WENTWORTH STREET (SOURCE: GOOGLE EARTH)



No. 25 Wentworth Street

Within the 'Peninsular' building at 25 Wentworth Street the best views are obtained from the eastern corner of this building across the Royal Far West site and Wentworth Street. Specifically, apartments located on the corner have balconies served off living rooms in which views across the RFW site are obtained. While views are also obtained from bedrooms and kitchen spaces, the balconies are the principle viewing location, and have hence been the location from which we have undertaken the 'Tenacity' Assessment.

PICTURE 19 – EASTERN APARTMENTS AT NO. 25 WENTWORTH STREET WITH PRIMARY BALCONIES TAKEN FROM THE SOUTHERN SIDE OF WENTWORTH STREET (SOURCE: URBIS)



Step 3 - Extent of the impact

The judgement states that:

The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

In establishing the extent of impact we have considered the current views comparative to those of the Concept Plan that was placed on public exhibition and the PPR scheme.

View 1 – Wentworth Street

Under the original Concept Plan the extent of impact could be described as minor with the building envelope reducing a small portion of the view at the south-eastern end of Wentworth Street. Under the PPR scheme, the proposed building envelope at the corner of Wentworth Street and South Steyne has been setback to the south that allows additional exposure of this view as a result. The resultant impact upon the views obtained along Wentworth Street under the PPR scheme are now negligible.

PICTURE 20 – EXISTING VIEW ALONG WENTWORTH STREET (SOURCE: ARCHITECTUS)



FIGURE 21 – CONCEPT PLAN PHOTOMONTAGE LEFT AND PPR PHOTOMONTAGE RIGHT (SOURCE: ARCHITECTUS)



View 2 – 25 Wentworth Street

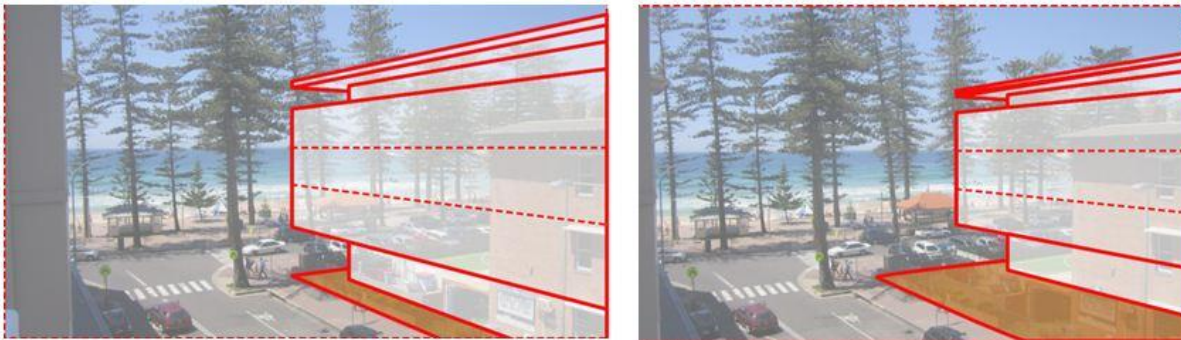
Under the original Concept Plan the extent of impact could be described as moderate to severe with approximately 50% of the significant view lost, including distant views of Shelley Beach, Shelley Beach Headland, a beach hut, and oblique views of Manly Beach and the Pacific Ocean reduced by the proposed building envelope. Under the PPR scheme, the extent of impact is reduced to less than 30% of

the significant views of the beach hut and oblique views of Manly Beach and the Pacific Ocean increased by virtue of the setback built form from the corner of Wentworth Street and South Steyne. The impact upon views obtained from 25 Wentworth Street under the PPR scheme are now only moderate to moderate.

FIGURE 22 – CURRENT VIEW FROM 25 WENTWORTH STREET (SOURCE: ARCHITECTUS)



FIGURE 23 – CONCEPT PLAN PHOTOMONTAGE LEFT AND PPR PHOTOMONTAGE RIGHT (SOURCE: ARCHITECTUS)



View 3 - 21 Wentworth Street

Under the original Concept Plan the extent of impact could be described as severe with current views of Royal Far West and playground Manly Beach and the Pacific Ocean significantly reduced, with only partial views of the Beach and Ocean, and the top points of the Norfolk Island Palm Trees being retained. Under the PPR scheme, with the eastern extent of the building envelope reduced allowing increased partial views of the Beach, Ocean, beach huts and Norfolk Island Palm Trees. We consider the impact on views obtained from 21 Wentworth Street under the PPR scheme is moderate.

FIGURE 24 – CURRENT VIEW OBTAINED FROM 21 WENTWORTH STREET (SOURCE: ARCHITECTUS)

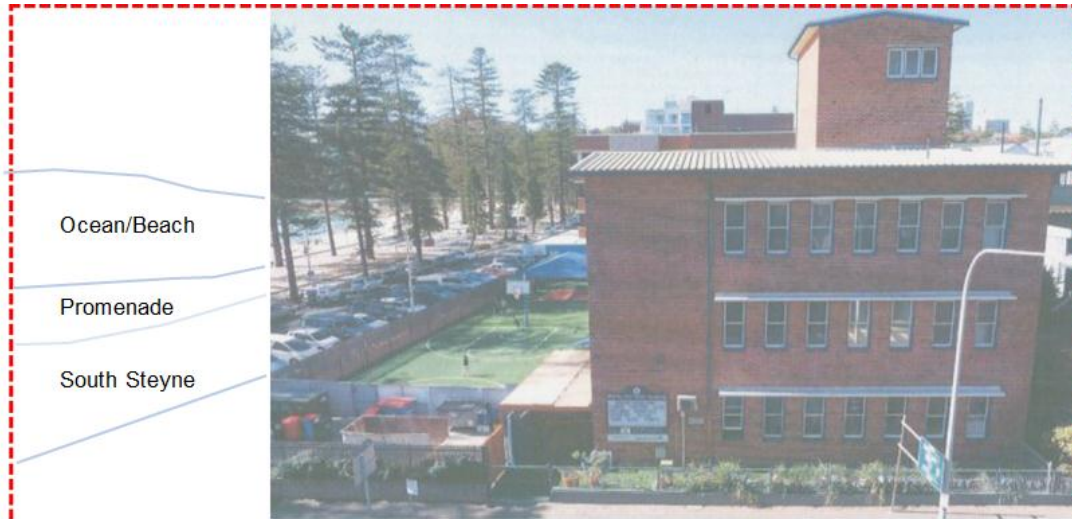
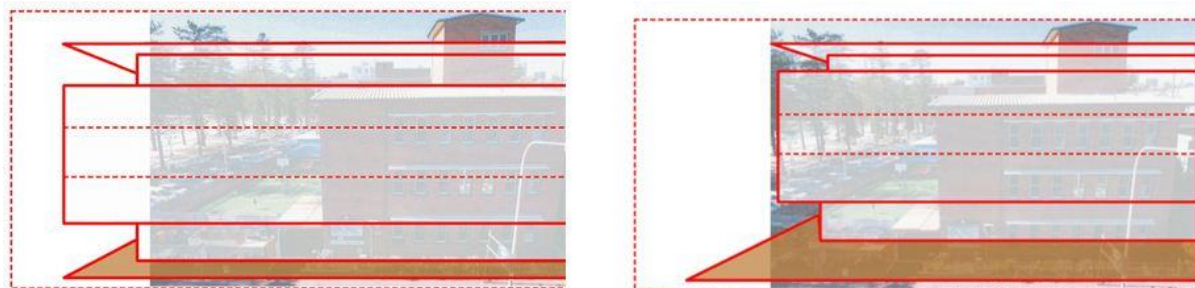


FIGURE 25 – CONCEPT PLAN PHOTOMONTAGE LEFT AND PPR PHOTOMONTAGE RIGHT (SOURCE: ARCHITECTUS)



Step 4 - Reasonableness of the proposal

The judgement states that:

A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

In response to the above test, the proposal is reasonable with regarding to view sharing for the following reasons:

- It is consistent with the current and future planning controls that apply to the site. While some variation is proposed from Council's recent draft controls (prepared in response to submissions of the EA) the variations have no impact whatsoever on the subject loss of views, which would occur as a result of a fully compliant development.
- It is consistent with the surrounding built form context.
- The proposal has been redesigned further to reduce the impact on the views of neighbouring properties

Consistency with current and future planning controls

Manly DCP for the Business Zone 1989 establishes built form controls that apply to development in and adjacent to Manly Town Centre. While there are no numeric controls which apply to the Royal Far West site, development on the northern corner of Wentworth Street and South Steyne has a 12 metre street edge height limit, stepping up to 15 metres (setback 3 metres from the street edge), 18 metres on the corner and then up to 25 metres in the mid-block. These controls reflect the stated objectives of the DCP for the Manly Town Centre that is:

*New development should retain these characteristics: **strongly defined corner buildings;** **building heights along street frontages to be set by these corner heights;** new through-block arcades; shopfronts at street level; footpath awnings; high floor to ceiling heights (potentially incorporating mezzanine levels) and floor plan and access layouts which will allow as wide as possible changes of use during the life of the building.*

Manly Draft LEP proposes street edge heights at the corner of Wentworth Street and South Steyne of 12 to 15 metres and mid-block height of 25 metres that is generally consistent with Manly DCP for the Business Zone 1989. Further, the site specific guidelines *Urban Design Guidelines – Site bounded by Darley Road, South Steyne, Victoria Parade, Wentworth Street* October 2011 prepared by Manly Council allow for a 12 metre street edge height which steps up to 15 metres at the corner of Wentworth Street and South Steyne.

From a planning policy context, there is a consistent reference to a 12-15 metre street edge height at the corner of Wentworth Street and South Steyne. Further, additional height at the corner of up to 18 metres is also acknowledged within the planning controls.

Within the context of the current and future planning controls the proposal is generally consistent with a street edge height of 13.8m, stepping up to 17m above this, but with a 6 metre setback to Wentworth Street. While the proposal has a slightly taller mid-block height of 29.8m, this building element has no bearing at all upon the subject views.

FIGURE 26 – EXTRACT FROM MANLY URBAN DESIGN GUIDELINES WHICH PROVIDES PREFERRED STREETSCAPE, SETBACK AND HEIGHTS AT WENTWORTH STREET (SOURCE: MANLY COUNCIL)

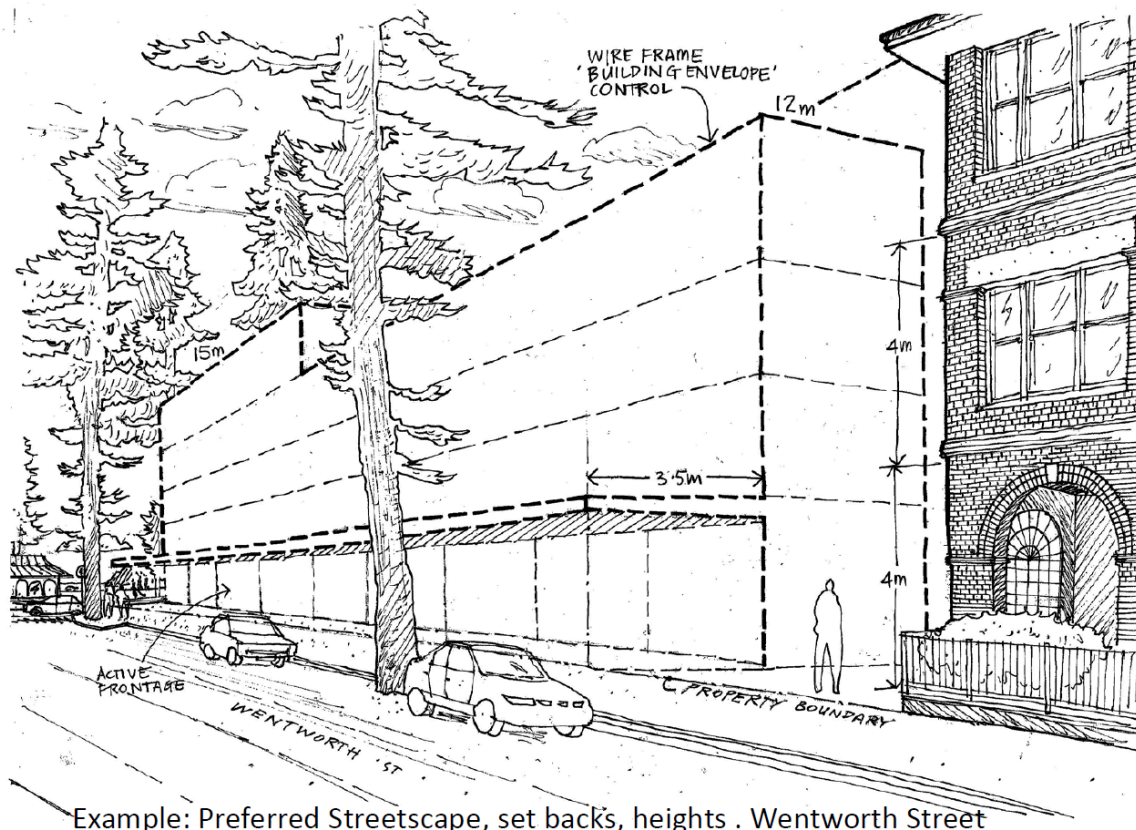
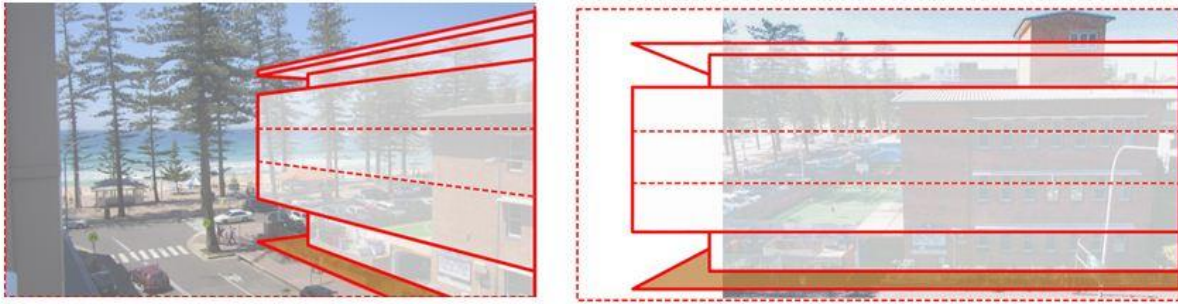


FIGURE 27 – PHOTOMONTAGES OF THE PROJECT WHICH WAS PUBLICLY EXHIBITED (SOURCE: ARCHITECTUS)



Consistency with surrounding built form context

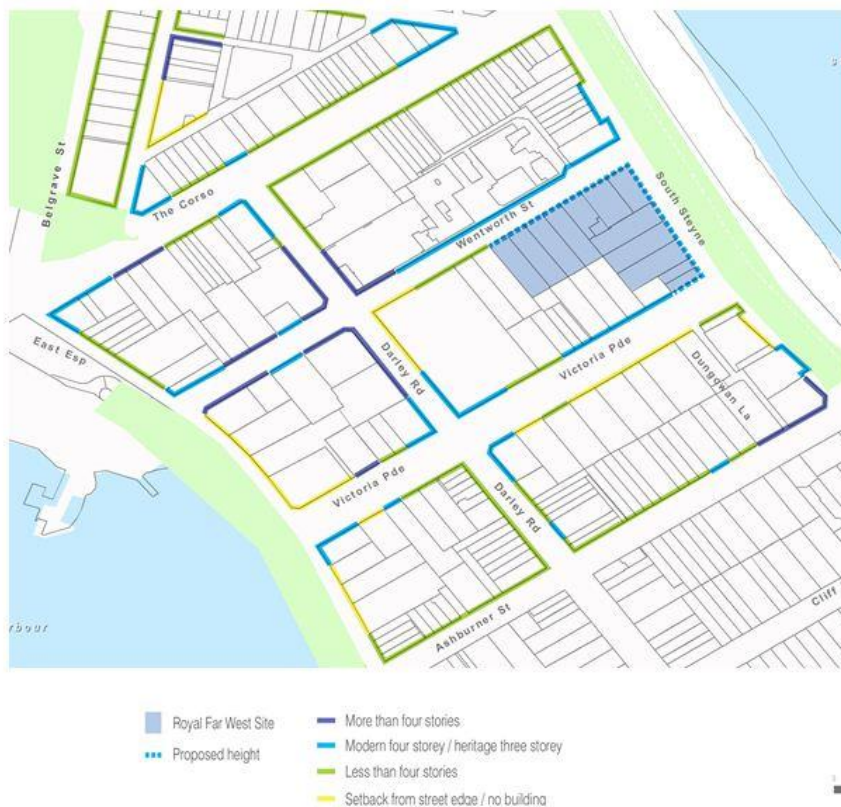
The figure below indicates the height and setbacks in proximity to the Royal Far West site.

Both the modern and heritage buildings on and in the vicinity of the site establish a very strong four storey street edge scale, with an additional level sometimes setback above.

In view of this very dominant four to five storey (equivalent) street edge scale on and around the site, a four storey street edge with a slightly setback fifth storey is proposed to The Steyne and returning down Wentworth Street to the alignment of Rialto Lane, but with a 6 metre setback to Wentworth Street. After a short gap to provide a vehicular entry and provide a side curtilage to Drummond House, a similar scale with a small setback is maintained by the retention of Drummond House.

With regard to the mid-block heights, the proposed 9 storey hotel building envelope and the proposed 8 storey RFW envelope will sit comfortably between the 8 storey height of the Peninsular building and the 9 storey height of the Sebel Hotel building, and will have no bearing at all upon the subject view loss.

FIGURE 28 – OVERVIEW OF SURROUNDING HEIGHT AND STREETScape CHARACTERISTICS (SOURCE: URBIS)

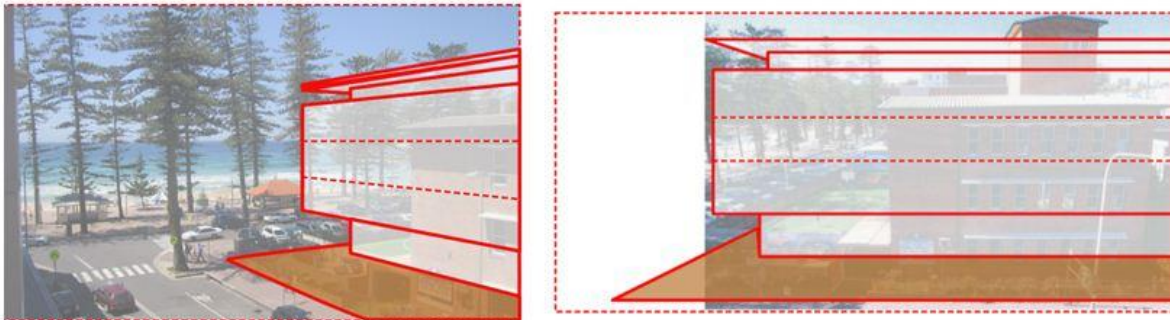


The proposal has been designed in a manner to reduce the impact on views of surrounding properties

Notwithstanding the underlying planning controls, the design of the proposal has had specific regard to the potential view loss impacts of neighbouring properties to the north of the site, specifically 21 and 25 Wentworth Street.

As shown in the figure below, the design of the proposed building envelope has been setback from Wentworth Street to reduce the oblique views shared across the site to the south- east.

FIGURE 29 – PROPOSED BUILDING ENVELOPES (SOURCE: ARCHITECTUS)



Reasonableness

In summary:

- The current views shared across the RFW site (i.e. specifically the basketball court) by the occupants of 21 and 25 Wentworth Street represents an anomaly within the surrounding local context.
- The 'void' created by the basketball court/play area is unique, and differs considerably from the corner marking form of development that could reasonably be expected in Manly Town Centre.
- The project proposes to achieve a built form that is consistent with the current and future planning controls, as well as the established surrounding context.
- The proposal has been designed in a manner to reduce the impacts of view loss beyond what is called for by applicable planning controls and the surrounding built form context.

The project can thereby be seen to reasonably share the views currently enjoyed across the site, notwithstanding that some views from surrounding properties will be reduced.

Consideration should be given to the proposals relationship with the Manly Village Primary School, in particular with regard to cross site connections and appropriate pedestrian access

RFW has never had any cross site connections or pedestrian access.

While MVPS and RFW school are both administered by the Department of Education, they have separate and distinct school controls, separate principals, separate staff and curriculums.

Given that the nature of services offered by RFW relates to children at risk with developmental and behavioural needs, access by the general public is inappropriate given the security sensitivity of these children.

Consideration should be given to the relationship between the hospital functions and the useability of the proposed open space and recreational areas by patients.

As indicated on the concept plans, a large area immediately to the south of the new RFW Centre of Excellence building and Drummond House is proposed as a new children's play area. This area has been designed in accordance with a specific design brief from RFW which provides a secure, screened and specifically tailored recreational area for the RFW patients.

The Concept Plan provides for landscaping and separation between the RFW and commercial components of the site.

We note that DPI have commented that the proposed open space provides limited solar access and that consideration should be given to the provision of higher level/rooftop open space/recreational areas which would attain reasonable winter solar access. In response, opportunities for open space at a higher level were explored as part of the early design stage, but this was not considered appropriate for safety and security reasons of children with developmental needs.

Details should be submitted on any proposed public open space and cross-site linkages.

As discussed above, no public open space or cross site linkages are proposed.

However, RFW seek to commit to the provision of a new pedestrian crossing from Rialto Square which will provide good pedestrian linkage from The Corso. Further, an increased setback at the corner of Wentworth Street and South Steyne will provide for additional retail activation and outdoor seating from retail tenancies.

6.4.3 ROAD INFRASTRUCTURE

Building vehicular access is via Wentworth Street and further consideration should be given to impacts upon traffic management along Wentworth Street and nearby intersections as well as impacts on existing street car parking.

While the RTA and Transport NSW did not raise any objection to the proposal in the EA for public exhibition, further consideration was given to traffic management along Wentworth Street and nearby intersections in response to matters raised in the public submissions.

In response, the traffic consultants (Traffix) have recommended a range of potential infrastructure improvements to provide additional capacity at the intersection of Wentworth Street and South Steyne, as well as improved pedestrian amenity and linkages between the Corso and the southern side of Wentworth Street.

We stress that these improvements would be beneficial regardless of whether or not the project proceeds. While Royal Far West commits to implement these as part of the project, subject to Council approval, they are not required as a result of the project, and the project does not rely upon their implementation.

The measures included in the Statements of Commitments are:

- **Relocation of the pedestrian crossing on South Steyne** – The intersection of Wentworth Street and South Steyne currently operates under Give-Way control and accommodates two pedestrian crossings on the southern and western leg. Should Council (as owner of the road) agree, the proposal commits to relocate this pedestrian crossing (approximately 15-25 metres) to provide additional capacity at the intersection of Wentworth Street and South Steyne. It will allow right turning vehicles from Wentworth Street to undertake the turn and queue on South Steyne. This 'free queue' would provide additional capacity for right turning vehicles and will allow the primary movement for left turning vehicles to move more freely, thereby reducing the queuing potential and traffic management along Wentworth Street. The overall operation of this intersection will be improved as a result.
- **Provision of an additional raised (paved) pedestrian threshold across Wentworth Street** – The provision of a pedestrian crossing located mid-way between the intersections of Darley Road and Wentworth Street and Wentworth Street and South Steyne is another improvement which will aid the traffic management along Wentworth Street. A pedestrian crossing at this point will relieve pedestrian numbers crossing from the northern side of Wentworth Street. Furthermore, it will improve the overall intersection operation by reducing the number of pedestrians at this point, again allowing additional capacity for vehicles to traverse through the intersection. The potential pedestrian crossing would provide a default 'bunching effect' which would provide gaps for vehicles exiting Rialto Lane and the proposed RFW development. It is suggested that this be located adjacent to Rialto Square to link

Rialto Square and the proposed new space on the opposite side of Wentworth Street, in front of the RFW building.

6.4.4 SOCIAL CONSIDERATIONS

Potentially low cost housing is currently, or has been recently, accommodated on site and should be assessed in accordance with the provisions of SEPP Affordable Rental Housing 2009.

An assessment in accordance with the provisions of the SEPP Affordable Rental Housing 2009 is included at **Appendix T**.

Part 3 of the SEPP applies to the 'Retention of Affordable Rental Housing' with Clause 49 stating that *"This part applies only to those buildings that were low-rental residential buildings as at 28 January 2000, and does not apply to any building that becomes a low-rental residential building after that date"*.

On-site staff accommodation within Elsie Hill (for approximately 5 staff) was part of the operational model of the facility and was present at 28 January 2000. This accommodation was ancillary to the use of the Royal Far West uses on the site, and was part of the salary packaging for those staff at the time. Such housing has not been provided for many years.

The Elsie Hill building currently accommodates a boarding house for up to 50 people. A letter from Manly Council indicates that the boarding house was proposed after 28 January 2000. Specifically, the letter (dated 26 November 2001) provides that Council resolved to amend the Manly LEP 1988 to permit a boarding house on the site (and is included as an attachment to Appendix T), and stated:

"That Council congratulate the Royal Far West Children's Home on their proposal to develop a Boarding House on the site and be advised that Council will be diligent in ensuring compliance with any issued development consent."

Subsequently, Manly LEP 1998 was amended (Amendment No. 54) on 22 August 2003 by the Minister for Planning to allow for the use of boarding houses on the site. This is included attached to Appendix T

In addition, a Statutory Declaration from a current Director of Royal Far West is provided separately which provides an overview of the historical use of the Elsie Hill Building and indicates that the boarding house was established in 2004.

6.4.5 PROPOSED NON-HOSPITAL BASED FLOORSPEACE

The PPR should provide suitable justification for the proposed commercial/retail/hotel floorspace and the potential impacts on the Manly centre and community generally.

The current RFW site represents a fragmented and inefficient use of land developed over 70 years ago. A consolidated modern facility will allow for increased services, while releasing surplus land for commercial development to fund the new RFW facility.

The improved RFW facilities on the site will be principally funded by the proposed surplus land. However it is unlikely that the proposed surplus land will fully fund the RFW facilities. Therefore, the proposed commercial component has been optimised within the surrounding environmental context to maximise the financial contribution that this can make towards the improved RFW facility. Any reduction in the yield of the commercial development will require either a reduction in the services offered by RFW or the identification of additional, alternative funding.

The proposed development yield of the commercial component of the project is the outcome of reconciling built form on the site and the surrounding built form context. While all development results in some impact, the proposed development is consistent with the character of surrounding properties and hence its impacts could not be described as unreasonable.

6.4.6 ADDITIONAL INFORMATION REQUIRED

Any mitigation measures proposed to assist in reducing impacts on the existing heritage items on the site should be provided.

The following recommendations (referenced within the Heritage Impact Statement) are made to mitigate potential heritage impacts on the site by the proposed works:

- *Prior to any development of the Royal Far West site the potential archaeological resource should be further assessed by a suitably qualified historical archaeologist*
- *Any link from Drummond House to the new eight storey RFW building should be designed to be light weight in form and should aim to minimise the impact on fabric (brickwork and openings) and the overall built form of the building*
- *If new services or signage are proposed to Drummond House and the Terraces (heritage listed buildings) as part of future design development works, it should include a heritage impact assessment*
- *Any new plantings should not obscure principal façades of Drummond House and the Terraces (heritage listed buildings) or be located directly adjacent to the buildings where they may cause long-term water damage (unless protection measures are in place)*
- *The articulation of the façade of the proposed new buildings (hotel and retail/residential) should be considered as part of future design development works with reference to the South Steyne streetscape and adjacent heritage buildings*
- *Any development of the site should include an interpretation strategy to interpret the social significance of the Royal Far West Scheme, and also earlier phases of the site's history which contribute to the Manly area's greater significance (e.g. refreshment rooms and amusement facilities for seaside visitors)*
- *Prior to any site works an induction of all site workers should be undertaken in relation to cultural heritage and archaeology, so as to be able to identify such remains if they are discovered during works and what actions to take to meet statutory obligations for such findings under the Heritage Act 1977 (historical remains) and National Parks and Wildlife Act 1979 (Aboriginal objects and sites)*
- *An onsite archive for Royal Far West should be established to ensure the retention of significant memorabilia of the Scheme, and potentially assist in the interpreting the site's history.*

In addition to these mitigation measures, conservation policies in the CMP by Urbis were prepared to guide changes at the site. In relation to existing heritage items on the site they included:

- Policy 1. *Prior to any future development of the Royal Far West site, it is recommended that the potential archaeological resource is further assessed by a suitably qualified historical archaeologist.*
- Policy 2. *If archaeological investigations of the Royal Far West site are undertaken and significant relics are discovered, interpretation of these investigations should form part of any future site development.*
- Policy 3. *Painting of the external elevations of the Terraces and Drummond House should be in colour tones and highlights for various elements (e.g. bargeboard and timber balcony of Terraces and concrete lintels and columns on Drummond House) that are appropriate for their age and architectural style.*
- Policy 4. *The Terraces and Drummond House should have repairs to significant fabric undertaken (as necessary) to conserve the overall significance of these buildings, in addition to cyclical maintenance. Original fabric should be repaired rather than replaced with advice from*

qualified heritage consultants and works undertaken by builders with experience working on heritage properties.

- Policy 5. *Changes at the Royal Far West site should consider the significance of and not adversely impact on other heritage items in the vicinity, including but not limited to:*
- *Retail Buildings, 7 and 14 South Steyne;*
 - *Beach Reserve (Promenade), North and South Steyne;*
 - *Public Shelters, North and South Steyne;*
 - *Streetscape Street Trees (Norfolk Island pines), Victoria Parade;*
 - *Streetscape Street Trees (Norfolk Island pines, Port Jackson fig and Brush Box), Wentworth Street;*
 - *Residential Building (The Carlton), 29 Victoria Parade;*
 - *Residential Flat Building, 31 Victoria Parade (Newstead Flats);*
 - *1920s school building, 10 Wentworth Street ; and*
 - *Former School of Arts, 12 Wentworth Street.*
- Policy 6. *Drummond House should retain its heritage curtilage and any new works should be setback from its side elevations. The 3-D form of this building should be read from the street to retain the building's landmark qualities.*
- Policy 7. *There should be no roof additions or dormers on Drummond House.*
- Policy 8. *Any re-roofing of Drummond House should be Marseilles tiles on the same roof profile.*
- Policy 9. *The spaces that form the ground floor entry lobby and open-lounges to the first and second floor balconies should not be further portioned to retain access and views to windows and doors along the building's northern side.*
- Policy 10. *Internal walls and fabric within Drummond House can be changed without impacting on the significance of the place (and with reference to other policies for the building), with the exception of window and door joinery, external openings and the lift and lift cage, which are significant elements that should be retained and conserved.*
- Policy 11. *The rear addition (1960s) of Drummond House can be demolished or added to, however there should be no additions, connections or intrusions into the original building (including the 1945 third storey addition). Any new rear addition to Drummond House should be no more than four-storeys and/or be stepped in relation to new development fronting Victoria Parade, and it should have a separate roof form.*
- Policy 12. *Any connections to Drummond House should be a narrow lightweight link towards the rear of the building or its rear addition (not the original building).*
- Policy 13. *The loggias on the primary elevation (north) and bays on both sides (west and east elevations) should not be infilled.*
- Policy 14. *The Terraces should retain its heritage curtilage and any new works should be setback from the building to allow visibility of its elevations and to retain the building's landmark qualities. The 3-D form of this building should be read from the street.*
- Policy 15. *Any changes to the Terraces should not further reduce the legibility of its original room configuration, and should not include further additions.*
- Policy 16. *There should not be any connections added from the Terraces to any existing or new buildings on the site.*
- Policy 17. *Consideration should be given to reinstatement and reconstruction of missing elements to improve the integrity of the Terraces, such as the tower roof (pitched roof should be reinstated with finials).*
- Policy 18. *The use of the Terraces should remain as a commercial or residential premise to minimise impact upon extant significant fabric and retain a sense of their original spaces.*

Confirmation of any impacts of excavation required for the proposal.

We consider details relating to excavation are relevant to the Project Application Stage. All future applications will be subject to compliance with demolition, excavation and construction management plans. Any excavation works would take place during standard business hours to cause minimal disruption to surrounding residents.

The need for a Construction Traffic Management Plan (CTMP) is also recognised. At this stage it is not possible to provide a detailed CTMP until such time a builder and relevant contractors have been engaged. Once the builder has been engaged the detailed CTMP can be provided to both the RTA and Council for approval and will address all relevant matters as required by the RTA and Australian Standards.

It is proposed that 2 levels of basement will be excavated, equating to approximately 26,928m³ (i.e. 13,464m³ per floor – noting that this is a non-bulked up figure) of excavation spoil. Based on the typical capacity of a single truck (i.e. up to 19m³) approximately 1,417 truck movements will be required to move fill off the site. The CTMP will establish an acceptable timeframe over which these movements will be spaced.

Clarification of any resulting impacts on adjoining lands in terms of stormwater run-off or additional discharge to the drainage system.

A Stormwater Management Plan (SMP) has been prepared in response to the Director General Requirements and is provided at **Appendix K**.

The proposed drainage system for the development comprises of both rainwater harvesting and strategies to capture, mitigate and treat stormwater run-off and discharges into the drainage system. The SMP states:

“A review of the differences between the existing and current impervious areas indicates that there is a slight reduction in the overall site impervious area, the net result of which is a minimal change to the calculated site outflows. However, the implementation of limited site absorption and rainwater harvesting will mitigate the existing flows. Further as the site is slightly elevated it is possible to direct overland flows generated on site toward the surrounding streets”

Page 26 of the SMP provides approximate stormwater run-off calculations and confirms that the amount of existing impervious areas on the site is 95.8%. It is proposed to decrease this to 92.4% under the proposed Concept Plan.

In summary, no net increase is proposed to existing site run-off. Impervious areas are anticipated to decrease and rainwater storage tanks will provide flood attenuation benefits.

Additional details relating stormwater management will be provided at the Project Application stage.

Information regarding to potential façade treatments of buildings fronting South Steyne and Wentworth Street in order to achieve a quality urban design outcome, appropriate for the sites position fronting onto Manly Beach. This could also include an indicative materials and colour schedule providing details of external finishes.

Illustrative montages of the proposed building envelopes are provided with the Concept Plans at **Appendix G**. Approval is not currently sought for façade treatments and external finishes. Once the key development parameters have been established through a Concept Plan approval, facades and finishes will be designed and submitted with a Project Application for separate approval.

Details of the Staging of the proposed works, justification for the commercial/retail/hotel floorspace (including any basis that this floorspace would support the Hospital functions at the Centre) and long term ownership arrangements for the Centre.

Details of staging of the proposed works

Any proposed development of the Royal Far West site will need to maintain the existing RFW uses in continuous operation including the clinical, residential and education groups. In order for Royal Far West to continuously provide its services to rural and remote children on the site, the following staging is proposed:

Stage 1

- Demolish the existing Elsie Hill building
- Demolish the back portion of Drummond House. (The shortfall in accommodation will be in Level 2-3 of the existing clinical building)
- Construct carpark under this portion and Building A, RFW Centre of Excellence (clinical, school & accommodation).
- Decant all RFW services & school into new building.

Stage 2

- Demolish the clinical buildings on South Steyne and the school on Wentworth St.
- Construct the remainder of carpark, retail, residential & hotel buildings.

A separate Project Application is to be made for each stage without one being contingent on the other. It is not anticipated that the Stage 2 Application will be made until construction of Stage 1 is well progressed.

Justification for commercial/retail/hotel floorspace

As discussed above, the current RFW site represents a fragmented and inefficient use of land developed over 70 years ago. A consolidated modern facility will allow for increased services, while releasing surplus land for commercial development to fund the new RFW facility.

The improved RFW facilities on the site will be principally funded by the proposed surplus land. However it is unlikely that the proposed surplus land will fully fund the RFW facilities. Therefore, the proposed commercial component has been optimised within the surrounding environmental context to maximise the financial contribution that this can make towards the improved RFW facility. Any reduction in the yield of the commercial development will require either a reduction in the services offered by RFW or the identification of additional, alternative funding.

The proposed development yield of the commercial component of the project is the outcome of reconciling built form on the site and the surrounding built form context. While all development results in some impact, the proposed development is consistent with the character of surrounding properties and hence its impacts could not be described as unreasonable.

Long term ownership arrangements for the Centre

The RFW Centre for Excellence will remain wholly within the ownership of RFW.

The ownership of the commercial components have yet to be determined and do not require approval. However, these will be negotiated to achieve the optimum financial contribution towards the provision of the RFW facilities.

Additional shadow diagrams illustrating the resulting shadow on the beach during late afternoon/early evening.

A range of public submissions requested additional shadow diagrams illustrating the resulting shadows impacts on Manly Beach during the late afternoon and early evening. Additional shadow diagrams have been provided at **Appendix G** and below for both the winter and summer solstice.

In mid-winter, the existing Royal Far West building largely overshadows the Beach Promenade from 3.30pm, and Manly Beach (i.e. shadows currently extend to the high water mark) from 4.30pm until sunset at approximately 4.50pm. The proposal provides little difference to the current situation.

FIGURE 30 – 3PM WINTER SOLSTICE (SOURCE: ARCHITECTUS)

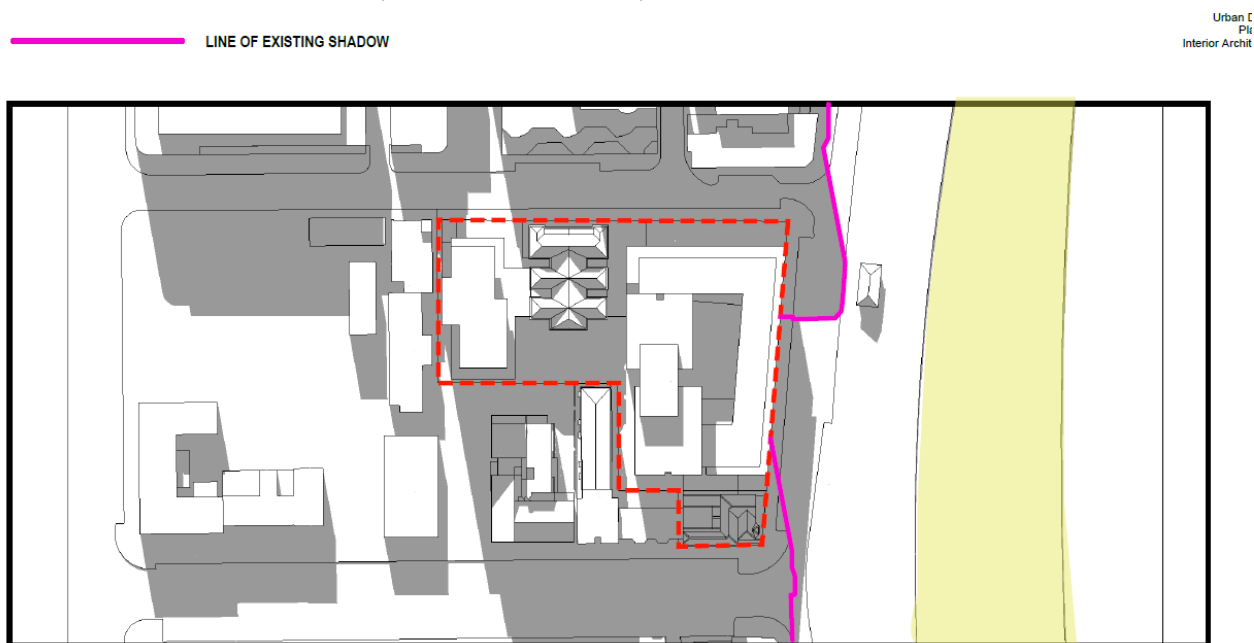


FIGURE 31 – 3.30PM WINTER SOLSTICE (SOURCE: ARCHITECTUS)

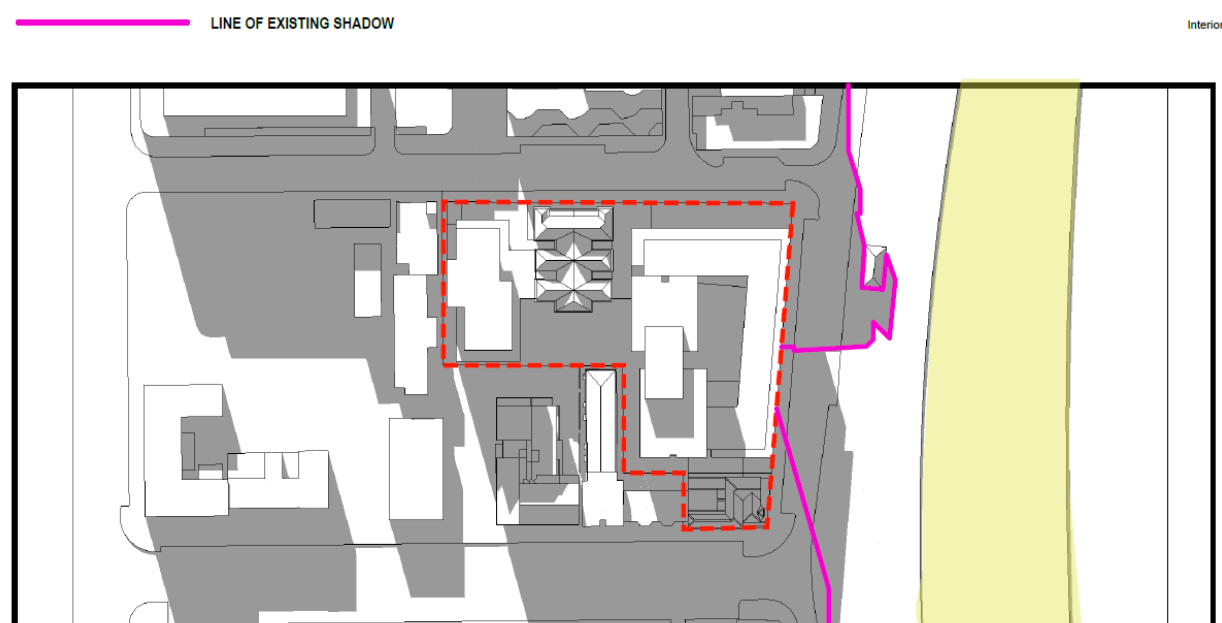


FIGURE 32 – 4PM WINTER SOLSTICE (SOURCE: ARCHITECTUS)

LINE OF EXISTING SHADOW

Urb
Interior Ar



FIGURE 33 – 4.30PM WINTER SOLSTICE (SOURCE: ARCHITECTUS)

LINE OF EXISTING SHADOW

Un
Interior Ar



In mid-summer, by 5pm the proposal will cast a shadow over the Beach Promenade in a similar manner to development to the north of the site. By 6pm the proposal will cast a shadow over a portion of Manly Beach (i.e. the high water mark) in addition to that under the existing development.

FIGURE 34 – 3PM SUMMER SOLSTICE (SOURCE: ARCHITECTUS)

— LINE OF EXISTING SHADOW

Urban
Interior

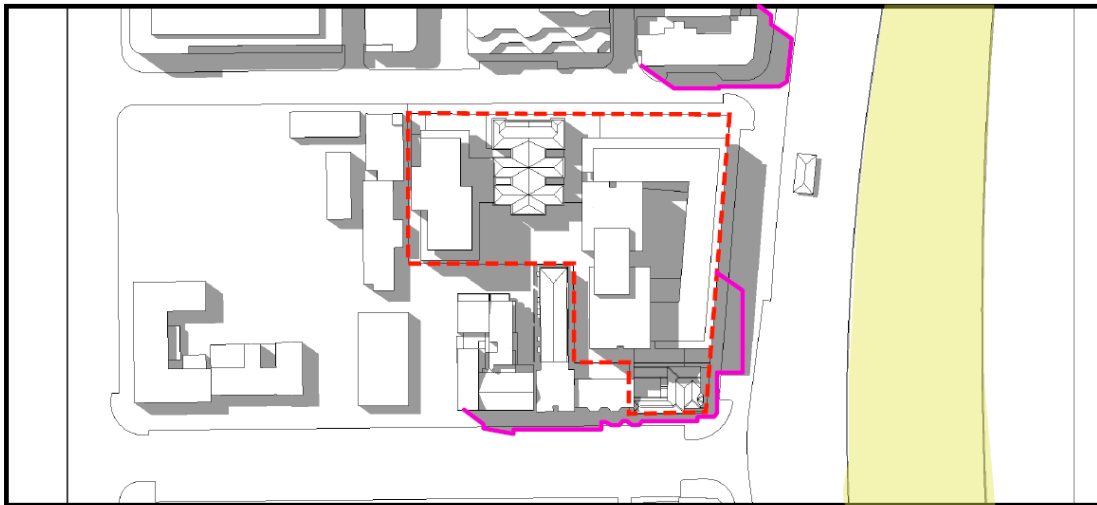


FIGURE 35 – 4PM SUMMER SOLSTICE (SOURCE: ARCHITECTUS)

— LINE OF EXISTING SHADOW

Urban
Interior Architect



FIGURE 36 – 5PM SUMMER SOLSTICE (SOURCE: ARCHITECTUS)

— LINE OF EXISTING SHADOW

Urban
Interior



FIGURE 37 – 6PM SUMMER SOLSTICE (SOURCE: ARCHITECTUS)



7 Key Changes to the Concept Plan in the PPR

7.1 REVISED BUILDING MASSING

In response to a range of public submissions, the applicant has proposed a modification to the building envelope at the corner of Wentworth Street and South Steyne.

As shown in the figure below, the proposed modification seeks to provide a 6 metre setback of the residential/retail element of the proposal further from Wentworth Street to achieve the following outcomes:

- Maximise the views shared across the Royal Far West site from properties to the north in comparison to the EA scheme.
- Allow for a larger quantum of outdoor seating associated with the ground floor retail tenancies on the corner of Wentworth Street and South Steyne.
- Increase the exposure and prominence of Drummond House heritage item when viewed from South Steyne.

FIGURE 38 – ADDITIONAL SPACE CREATED BY REVISED BUILDING MASSING

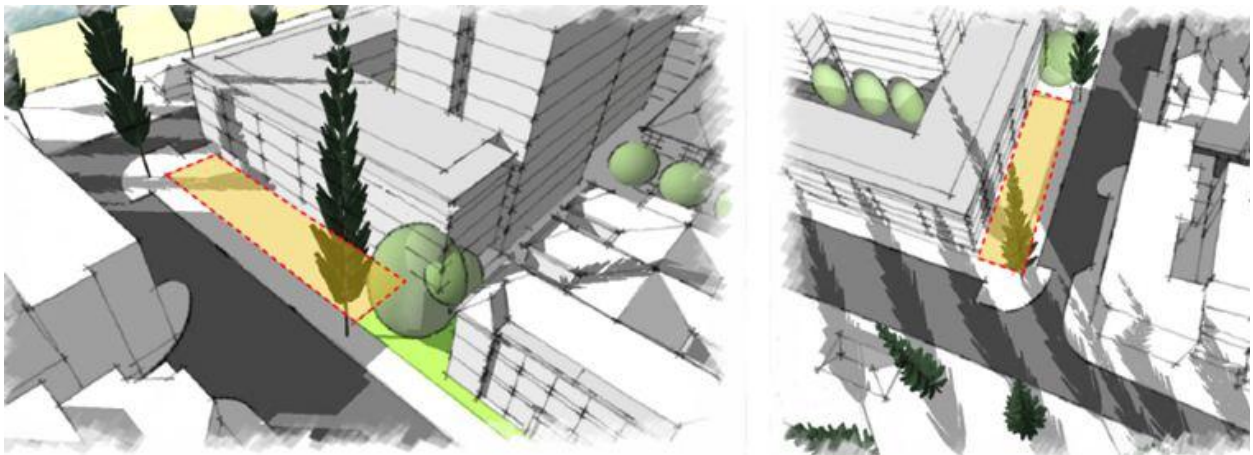
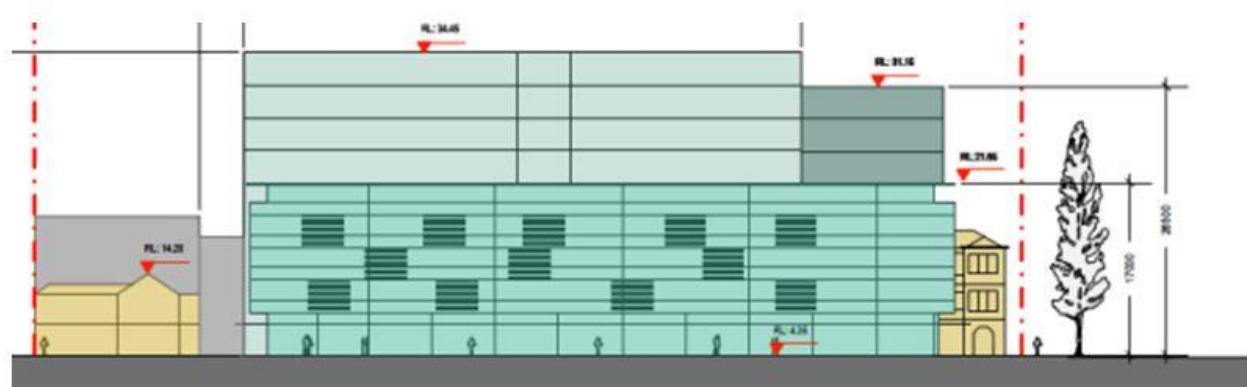


FIGURE 39 – SOUTH STEYNE ELEVATION WHICH NOW EXPOSES THE PROMINENCE OF DRUMMOND HOUSE



7.2 TRAFFIC MANAGEMENT & PEDESTRIAN CONNECTIVITY

While the RTA and Transport NSW did not raise any objection to the proposal in the EA for public exhibition, further consideration was given to traffic management along Wentworth Street and nearby intersections in response to matters raised in the public submissions.

In response, the traffic consultants (Traffix) have recommended a range of potential infrastructure improvements to provide additional capacity at the intersection of Wentworth Street and South Steyne, as well as improved pedestrian amenity and linkages between the Corso and the southern side of Wentworth Street.

As discussed in Section 6.4 of the report, we stress that these improvements would be beneficial regardless of whether or not the project proceeds. While Royal Far West commits to implement these as part of the project, subject to Council approval, they are **not required** as a result of the project, and the project does not rely upon their implementation.

The measures included in the Statements of Commitments are:

- **Relocation of the pedestrian crossing on South Steyne** – The intersection of Wentworth Street and South Steyne currently operates under Give-Way control and accommodates two pedestrian crossings on the southern and western leg. Should Council (as owner of the road) agree, the proposal commits to relocate this pedestrian crossing (approximately 15-25 metres) to provide additional capacity at the intersection of Wentworth Street and South Steyne. It will allow right turning vehicles from Wentworth Street to undertake the turn and queue on South Steyne. This 'free queue' would provide additional capacity for right turning vehicles and will allow the primary movement for left turning vehicles to move more freely, thereby reducing the queuing potential and traffic management along Wentworth Street. The overall operation of this intersection will be improved as a result.
- **Provision of an additional raised (paved) pedestrian threshold across Wentworth Street** – The provision of a pedestrian crossing located mid-way between the intersections of Darley Road and Wentworth Street and Wentworth Street and South Steyne is another improvement which will aid the traffic management along Wentworth Street. A pedestrian crossing at this point will relieve pedestrian numbers crossing from the northern side of Wentworth Street. Furthermore, it will improve the overall intersection operation by reducing the number of pedestrians at this point, again allowing additional capacity for vehicles to traverse through the intersection. The potential pedestrian crossing would provide a default 'bunching effect' which would provide gaps for vehicles exiting Rialto Lane and the proposed RFW development. It is suggested that this be located adjacent to Rialto Square to link Rialto Square and the proposed new space on the opposite side of Wentworth Street, in front of the RFW building.

8 Preferred Concept Plan

8.1 OVERVIEW

The Concept Plan proposes demolition of existing structures on the site, excavation of two stepped basement levels, car parking numbers, driveway crossover locations, alterations and adaptive re-use of Drummond House (in addition to Drummond House), and the erection of the following new buildings:

- Royal Far West 'Centre for Excellence' uses (clinical, education, accommodation) to the west of Drummond House.
- Strata apartment development above retail lower levels, including food and tourist retail with ground floor active edge to Wentworth St.
- Strata apartment development above ground floor active edge to South Steyne.
- Hotel/serviced apartment development

However, the Concept Plan does not propose the detailed architectural design. Rather, it proposes the key parameters of height, building envelopes and gross floor area. Detailed design will be the subject of future applications.

FIGURE 40 – CONCEPT PLAN (SOURCE: ARCHITECTUS)



The drawing consists of two main parts: an elevation view on the left and a section view on the right.

Elevation View (Left):

- Overall height: 26500.
- Section line 1-1 is indicated by a circle with a cross at the top.
- Feature A: A pink rectangular block with a height of 3200 and a top level marker of +31.15.
- Feature B: A pink rectangular block with a height of 3500.
- Feature C: A grey gabled roof structure.
- Feature D: A grey rectangular block with a top level marker of +4.30.
- Feature E: A pink rectangular block with a top level marker of +14.85.

Section View (Right):

- Overall width: 20000.
- Section line 1-1 is indicated by a circle with a cross at the top.
- Feature E: A blue rectangular block with a height of 3200 and a top level marker of +34.45.
- Feature F: A pink rectangular block.
- Feature G: A grey rectangular block with a top level marker of +31.15.
- Feature H: A yellow rectangular block with a top level marker of +21.65.
- Feature I: An orange rectangular block with a height of 4000 and a top level marker of +4.35.
- Other dimensions: 11031, 12780, 2000, 13800, and 17000.

legend

- (A) RFW ACCOMODATION
- (B) RFW SCHOOL
- (C) DRUMMOND HOUSE
- (D) CHILDRENS PLAYGROUND

- (E) HOTEL BUILDING
- (F) RFW CLINICAL SUITES
- (G) COURTYARD
- (H) RESIDENTIAL BUILDING

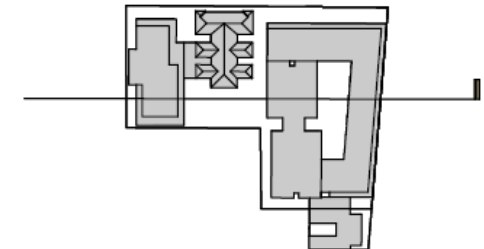
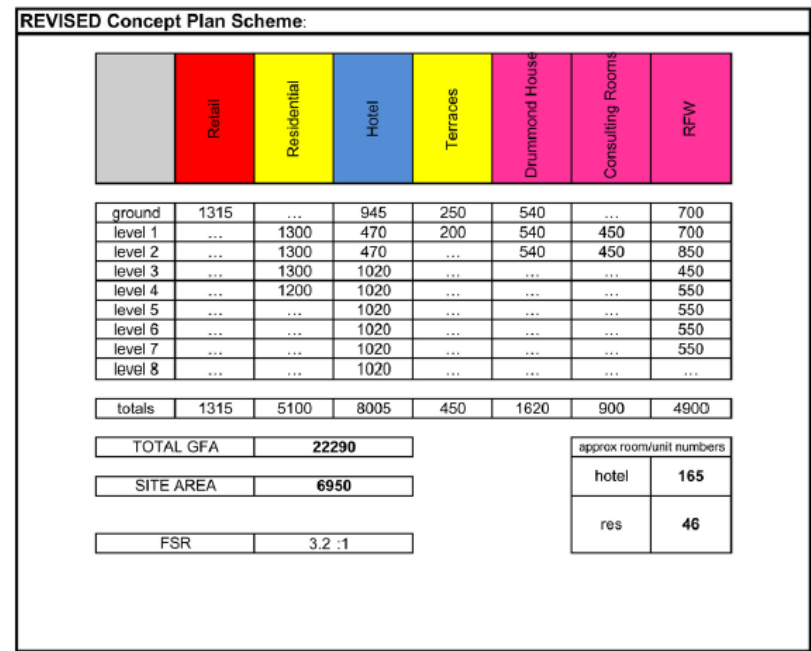
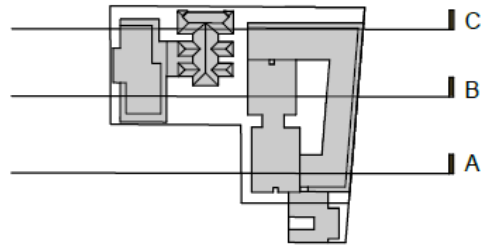


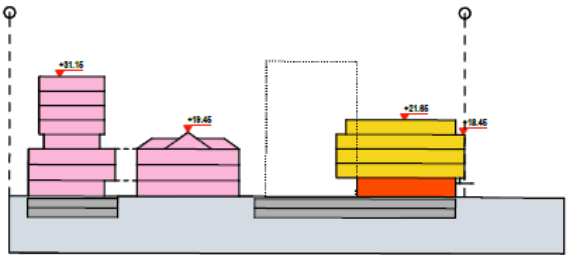
FIGURE 42 – CONCEPT PLAN SECTIONS (SOURCE: ARCHITECTUS)



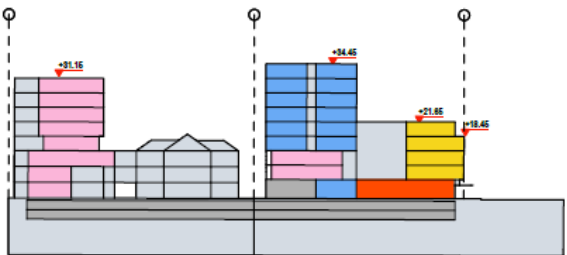
AREA SCHEDULE



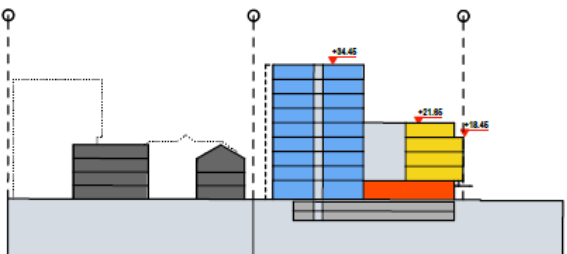
SECTION KEY



SECTION C



SECTION B



SECTION A

architectus™

Architecture
Urban Design
Planning
Interior Architecture

legend

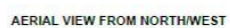
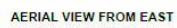
- residential
- royal far west use
- hotel use
- roof below
- retail
- Ground Level Landscaping
- Level 1 courtyard
- Childrens Playground
- Adjoining residential development. (Refer to drawing CP-39 for privacy impact)



CONCEPT PLAN -PROPOSED MIXED USE DEVELOPMENT. MANLY, NSW

REVISED CONCEPT PLAN : PREFERRED PROJECT REPORT

1, Existing 4 storey corner building
 2, Manly beachfront promenade
 3, Victoria Parade
 4, Adjoining multi unit residential building, (under construction)
 5, Manly Village Public School
 6, Rialto Square
 7, building setback to allow outdoor seating and provide curtilage to Drummond House.



8.2 PROPOSED USES

The Concept Plan is seeking consent for a range of land uses indicated in Table 7 below.

TABLE 7 – PROPOSED USES

BUILDING	USE
Building A	Royal Far West Centre for Excellence (clinical, school and accommodation) to the west of Drummond House.
Building B	Strata apartment development above retail lower levels, including food retail, tourist retail– ground floor active edge to Wentworth St
Building C	Strata apartment development above ground floor active edge to South Steyne
Building D	Hotel/serviced apartment development of approximately 165 rooms

8.3 ILLUSTRATIVE DESIGN

While approval is only sought for the key parameters of the project as indicated in the Concept Plan, The figures below illustrate a scheme of the type facilitated by the Concept plan.

FIGURE 44 – INTERFACE BETWEEN DRUMMOND HOUSE AND THE NEW RFW BUILDING ON WENTWORTH STREET (SOURCE: ARCHITECTUS)



FIGURE 45 – BUILT FORM AT THE CORNER OF SOUTH STEYNE AND WENTWORTH STREET (SOURCE: ARCHITECTUS)

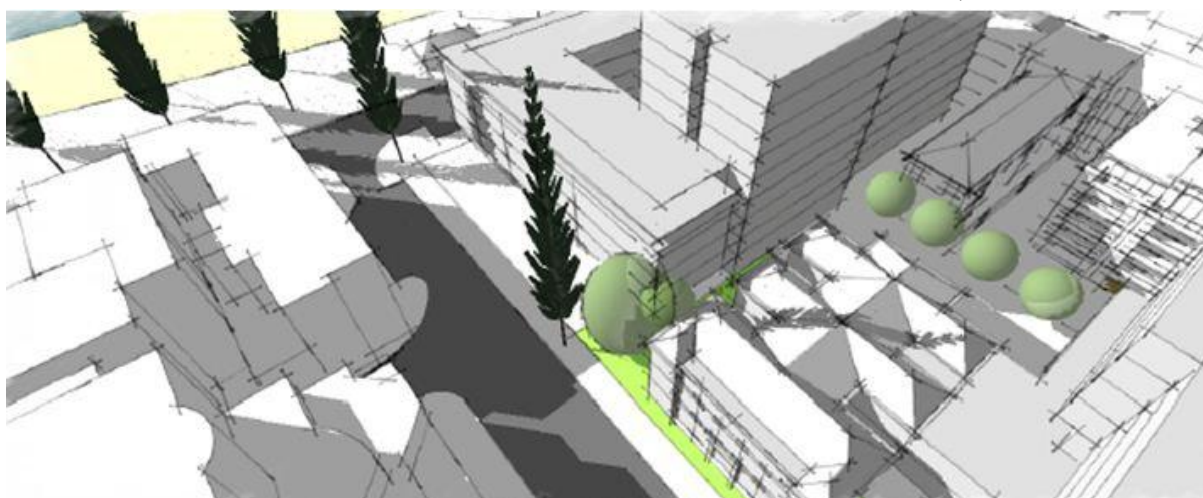


FIGURE 46 – ADDITIONAL SPACE CREATED BY INCREASED SETBACK OF THE RESIDENTIAL COMPONENT (SOURCE: ARCHITECTUS)

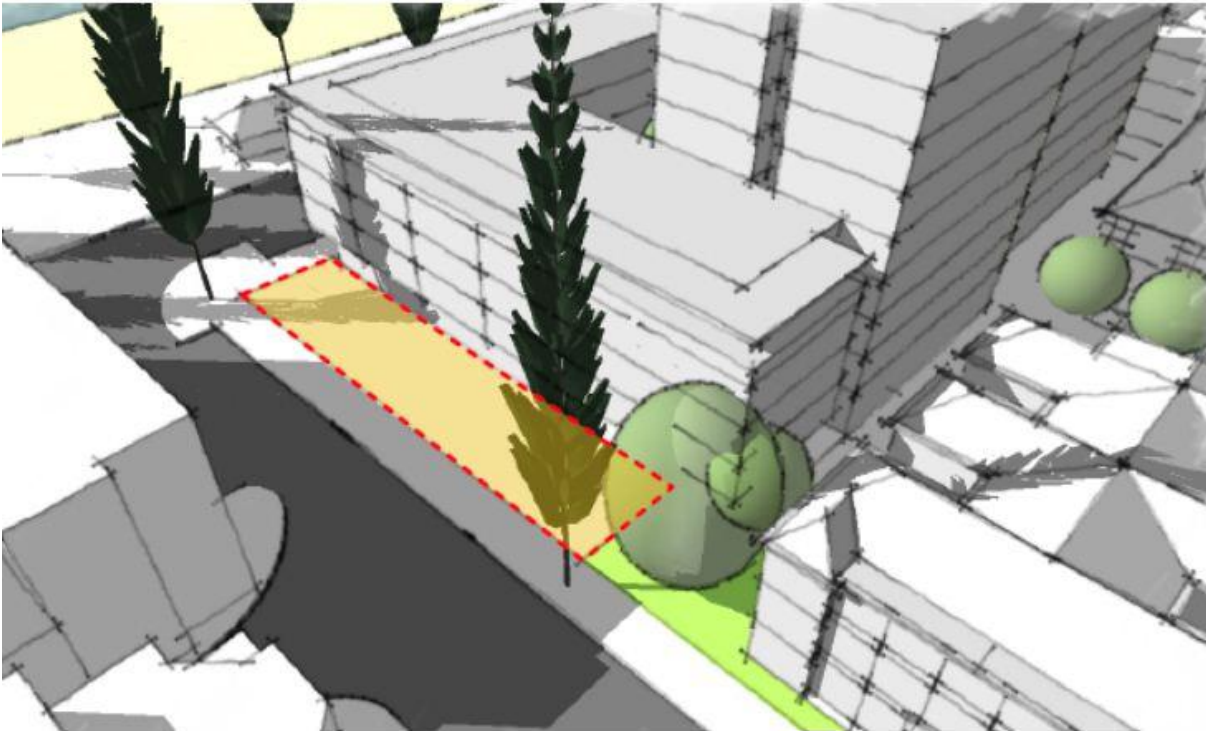


FIGURE 47 – INTERFACE BETWEEN HERITAGE TERRACES AND NEW RESIDENTIAL BUILDING ALONG SOUTH STEYNE (SOURCE: ARCHITECTUS)



8.4 NUMERIC OVERVIEW

A numeric overview of the proposal is provided in the table below.

TABLE 8 – NUMERIC OVERVIEW OF THE PROPOSAL

SITE AREA	
Gross Floor Area¹	Retail – 1,315m ² Residential – 5,100m ² Hotel – 8,005m ² Professional Consulting Rooms – 900m ² Commercial Terrace Houses – 450m ² (existing) Drummond House – 1,620m ² (existing) RFW 'Centre for Excellence' – 4,900m ² Total – 22,290m²
Floor Space Ratio²	3.2:1
Building Height³	RFW: 26.5m (RL31.15) Hotel: 29.8m (RL34.45) Residential: 13.8m (RL18.45) to 17m (RL21.65)
Average 1 Bedroom Unit Size	50-65m ²
Average 2 Bedroom Unit Size	75-91m ²
Average 3 Bedroom Unit Size	100-120m ²
Parking Spaces	184

¹ **gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- a) the area of a mezzanine, and
- b) habitable rooms in a basement or an attic, and
- c) any shop, auditorium, cinema, and the like, in a basement or attic,
- d) but excludes:
- e) any area for common vertical circulation, such as lifts and stairs, and
- f) any basement:
 - i. storage, and
 - ii. vehicular access, loading areas, garbage and services, and
- g) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- h) car parking to meet any requirements of the consent authority (including access to that car parking), and
- i) any space used for the loading or unloading of goods (including access to it), and
- j) terraces and balconies with outer walls less than 1.4 metres high, and
- k) voids above a floor at the level of a storey or storey above.

² **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

³ **building height** (or **height of building**) means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

8.5 LANDSCAPE

A landscape concept has been prepared by Landscape Matrix providing an indicative landscaping scheme for the proposal. The landscape concept and a supporting statement are included at **Appendix H**.

The indicative landscape scheme seeks to:

- Provide for landscape transition areas between Drummond House and new built form elements.
- Create privacy between buildings and improve the amenity of the site.
- Improve the aesthetics of the current streetscape.
- Provide a playground area which will provide a variety of activities for a range of age groups. The overall theme for the playground will be based upon a beach design to reflect the close proximity to Manly Beach and to highlight the historical importance of providing a beach experience for country children.

8.6 ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

An ESD Report has been prepared by Urbis which outlines the ESD strategies and initiatives proposed as part of the concept plan at **Appendix I**. Some of these initiatives include:

- Using building orientation and passive solar design features and maximising opportunities for natural ventilation.
- Maximising land use efficiency through increasing the use and function of the site.
- Shared resources including the car parking, loading, rainwater storage and communal spaces.
- Effective location near significant public transport, cycling and pedestrian infrastructure as well as a large range of community and retail service offers that enables reduced transport by car.
- An integrated rainwater harvesting scheme for non-potable use throughout the development.

8.7 ACCESS AND TRANSPORT

The site has excellent alternative travel modes available other than private car use and is in close proximity to high quality pedestrian and cycle networks which serve the Manly area. Within this context, a Transport and Accessibility Impact Assessment (see **Appendix J**), has been prepared by Traffix Transport Planners which details the proposed access and transport details of the Concept Plan. The key access and transport elements of the proposal are discussed below.

8.7.1 VEHICULAR ACCESS

The main site access is via the western frontage to Wentworth Street to the south of the intersection of Wentworth Street and South Steyne. The access has been designed in accordance with relevant Australian Standards.

Sight lines will be provided at the property line to ensure that adequate visibility between vehicles leaving the car park and pedestrians on the frontage road footpath on Wentworth Street.

8.7.2 PARKING

The project incorporates 2 basement car parking levels comprising 184 car parking spaces. The internal design of the car park will be assessed in more detail at the Project Application stage of the assessment, however in general the principles of AS 2890.1 have been reflected in the proposed concept plans.

8.8 DRAINAGE AND FLOODING

A Stormwater Management and Flood Assessment has been undertaken by Whipps Wood. The report details flooding, stormwater management, hydrology and Water Sensitive Urban Design matters proposed as part of the project and is included at **Appendix K**. In summary:

- The project will adopt standard best practice for managing stormwater quantity, quality and flooding.
- Adequate drainage and appropriately designed overland flow paths will be constructed across the development to ensure stormwater flows are conveyed safely from the site into Council's existing stormwater infrastructure network.
- Stormwater runoff generated across the site will be controlled and reduced with the implementation of on-site detention in accordance with Council's guidance.
- Water quality will be managed on site through the implementation of Water Sensitive Urban Design (WSUD) best practices principles. WSUD initiatives will include rainwater tanks, litter baskets, OSD tanks and bio-retention basins.

8.9 STATEMENT OF COMMITMENTS

A copy of the Draft Statement of Commitments table is included in **Appendix L**. The Statement of Commitments includes the following initiatives:

- Contributions:
 - Section 94 contributions to be made for the commercial component of the project will be in accordance with Manly Section 94 Plan.
Timing: Calculation confirmed at Project Application Stage in accordance with Manly Section 94 Contributions Plan 2004 and paid prior to the commencement of Stage 2 works.
- Car share:
 - Discussions will be undertaken with car share providers and a parking space will be made available for use by shared vehicles.
 - *Timing: Provision of car share space/s to be confirmed in Project Application.*
- Bicycle facilities:
 - The project will provide for bicycle facilities and parking in accordance with Council's relevant standards.
Timing: Bicycle facilities and parking to be confirmed in Project Application.
- Water Sensitive Urban Design:
 - WSUD measures will be implemented in accordance within the Stormwater Management and Flood Assessment prepared by Whipps Wood.
Timing: To be integrated into drawings at the Project Application stage.
- Sustainability:
 - The educational component of the development commits to a minimum 4 Star Green Star Certified Rating under the Education v1 tool.
Timing: These actions are to be further progressed in the project approvals phase.

- The residential component of the development commits to a minimum 4 Star Green Star Certified Rating under the Multi Unit Residential v1 tool.

Timing: The appropriate actions to progress this target rating are to be further progressed in the project approvals phase.

- The residential units will be subject to the Multi Unit BASIX criteria.
- *Timing: The BASIX criteria will be assessed at the Project Application stage.*
- Implementation of Non Green Star portions of the development
- *Timing: The project approval stage will detail an appropriate response to energy, water and transport considerations.*

▪ Heritage:

- Conservation policies and guidelines have been prepared in Section 5 of the CMS to guide the management and maintenance of the site, especially the two heritage buildings. When proposing changes at the site or undertaking maintenance to the heritage buildings, these conservation policies should act as a guide to retain the place's heritage significance.
- The proposed lightweight addition on the western side of Drummond House to the new seven storey Royal Far West (RFW) building should comply with the conservation policies (No. 7 & 13) in the CMS by Urbis, which states the 3-D form of Drummond House to be retained and read from the street. The new connections to Drummond House should therefore be a narrow lightweight link.

Timing: Conservation policies will apply at the time of subsequent detailed design stages of development, and possibly be adopted into Manly Council's relevant DCP controls.

▪ Aboriginal Heritage:

- At the commencement of any earthworks or remediation works on site the excavation workers be provided Cultural Heritage Awareness Induction by a qualified archaeologist and a representative of the Metropolitan Local Aboriginal Land Council. The induction should ensure that workers can identify cultural remains so that they can be managed appropriately.
- An Aboriginal archaeological test excavation be conducted within the areas identified as archaeologically sensitive immediately following demolition of the court surfaces of the Far West School and the concrete slab surface of the rear car park of the Elsie Hill building and across the footprint of the Terrace should it not be retained. These areas should be investigated before neighbouring demolition to avoid contamination of sediments. The test excavations should be co-ordinated with any historical archaeological investigations as may be recommended.

Timing: Following demolition and commencement of earthworks or remediation works.

▪ European Archaeology:

- A European Archaeological Assessment and subsequent archaeological investigations of the subject site be undertaken prior to any excavation works.

Timing: Following demolition and commencement of earthworks or remediation works.

▪ Construction Management Plan:

- The proponent agrees to prepare a Construction Management Plan outlining the methods of construction, traffic management, crane height and location details and the like.

Timing: To be issued as a condition of consent at the Project Application stage.

- Compliance with the Building Code of Australia:

- All buildings will be designed in accordance with the Building Code of Australia.

Timing: A BCA statement can be provided at the Project Application stage, and conditioned as part of subsequent detailed design stages of the development.

- Augmentation of services:

- The approval of all existing utility service providers (e.g. gas, electricity, telephone, water, sewer) will be obtained, and any required augmentation works undertaken.

Timing: At project application stage detailed negotiations and approval from utility provided will be confirmed.

- Noise mitigation:

- An acoustic assessment will be undertaken as part of subsequent Project Applications when detailed design matters are resolved.

Timing: To be provided as part of the Project Application submission

- Wind Impacts:

- The results of the Wind study indicate that adequate wind conditions can be expected for all outdoor trafficable areas within and around the proposed development with the inclusion of the following (at Project Application Stage):

- Strategic planting on the ground level on the site.
- Awnings along the North and Eastern edges of residential Building E, above Wentworth Street and South Steyne.
- Awnings along the Eastern and Western faces of the hotel Building C,
- 3m high screens along the Western and Southern edge of the courtyard
- Retain all wall blade walls on the private balconies.
- Impermeable balustrades on all private balconies.

Timing: Wind measures to be implemented at the Project Application Stage.

- Traffic Management Measures:

- Implement traffic management measures including the relocation of the pedestrian crossing at the corner of South Steyne and Wentworth Street, and the provision of an additional raised (paved) pedestrian threshold across Wentworth Street as described in the Traffic and Car Parking Report, if required by Manly Council under the Roads Act 1993.

Timing: If required, potential traffic management measures to be submitted to Council for approval at the Project Application stage and, subject to Council approval, implemented prior to occupation.

- Boarding House Occupants:

- RFW will assist the current boarding house occupants within Elsie Hill by providing an extended notice of leave period and assisting these occupants where possible.

Timing: Extended notice of leave period to be negotiated prior to demolition of Elsie Hill building.

- Remediation of Land:
 - If necessary, a Remedial Action Plan will be submitted for approval and audited upon implementation.

Timing: RAP to be provided at the Project Application Stage.

9 Environmental Assessment

9.1 OVERVIEW

Director General's Requirements (DGRs) were issued on 23 December 2010, and were addressed in the Environmental Assessment (EA) Report which was placed on public exhibition between 21 September 2011 until 30 November 2011.

The consideration of the DGRs and an evaluation of the key assessment issues have been expanded to reflect the changes proposed as part of the PPR, submissions made on the EA for public exhibition and queries from the Department of Planning and Infrastructure.

In summary, the key issues are:

- Relevant Environmental Planning Instruments (EPIs), Policies and Guidelines
- Built form and design
- Environmental and residential amenity
- Transport and accessibility impacts
- Ecologically Sustainable Development (ESD)
- Heritage (European & Aboriginal)
- Flooding and drainage
- Contamination

9.2 RELEVANT EPI'S, POLICIES AND GUIDELINES TO BE ADDRESSED

Director General's Environmental Assessment Requirement No. 1

Planning provisions applying to the site, including permissibility and the provisions of:

- *Objects of the EP&A Act 1979;*
- *SEPP 55 - Remediation of Land;*
- *SEPP (Infrastructure) 2007*
- *SEPP 65 - Design Quality of Residential Flat Development and the Residential Flat Design Code (RFDC);*
- *NSW State Plan 2010;*
- *Sydney Metropolitan Strategy 'City of Cities'*
- *Draft North East Subregion Draft Subregional Strategy*
- *Manly Local Environmental Plan 1988 – Clause 37(3) Master plans*
- *Manly Comprehensive Local Environmental Plan*
- *Relevant Development Control Plans*
- *Manly Town Centre Urban Design Guidelines 2002;*
- *NSW Sea Level Rise Policy Statement (October 2009) and NSW Coastal Planning Guideline: Adapting to Sea Level Rise (August 2010); and*

- *Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance.*

Section 3 of the EA provides an overview of how the project positively responds to the strategic direction of planning policy documents including the NSW State Plan, NSW Health Plan Sydney Metropolitan Strategy 'City of Cities' and the Draft North East Subregional Strategy. Other planning provisions which apply to the site are listed below.

9.2.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The objects of the Act are provided in Table 9 along with an assessment of the proposal against them:

TABLE 9 – ASSESSMENT OF THE PROPOSAL AGAINST THE OBJECTS OF THE ACT

OBJECT	PROJECT
<i>the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,</i>	The project represents a unique opportunity to carefully manage and promote and revitalise an established health and education facility and introduce a range of other uses which support the strategic role of Manly. The redevelopment will therefore promote social welfare and enhance the tourism, retail and broader economic welfare of the community.
<i>the promotion and co-ordination of the orderly and economic use and development of land,</i>	The project will provide a framework for the orderly and economic revitalisation of the site.
<i>the protection, provision and co-ordination of communication and utility services,</i>	The project is located in an existing urban area and as such will utilise existing services. If necessary, the project will augment these services.
<i>the provision and co-ordination of community services and facilities, and</i>	The project provides for the long term viability of the important RFW community services. Given the site's proximity to a range of local services and facilities including schools, parklands, medical and shopping, the additional population will be adequately catered for.
<i>the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and</i>	The project will not result in any adverse impacts to native animals, plants, populations, ecological communities, or their habitats.
<i>ecologically sustainable development, and</i>	The project will provide ESD measures which are discussed in detail in Section 9.6.
<i>the provision and maintenance of affordable housing, and</i>	The project will contribute to the diversity and availability of housing stock in an accessible and well-connected location.
<i>to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and</i>	The project represents a Major Project and as such is assessed by the Minister. Manly Council will be consulted as part of the community consultation program.
<i>to provide increased opportunity for public involvement and participation in environmental planning and assessment</i>	Stakeholder consultation was undertaken prior to and after the submission of the EA. The PPR will be publically exhibited by the Department of Planning as part of the Minister's consideration of the application.

9.2.2 SEPP 55 - REMEDIATION OF LAND

The key objective of this policy is:

- *To promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment:*
- *by specifying when consent is required for remediation work and when it isn't*
- *by specifying considerations that are relevant in rezoning and development applications for consent to carry out remediation work*
- *by placing certain standards and notification requirements for remediation work.*

The SEPP states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.

A Phase 1 Preliminary Environmental Site Assessment undertaken by Douglas Partners (**Appendix D**). The findings of this assessment are discussed and considered in Section 9.8 of the report.

9.2.3 SEPP (INFRASTRUCTURE) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State of NSW by:

- Providing greater flexibility in the location of infrastructure and service facilities, and
- Identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
- Identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development.

Schedule 3 of the policy relates to traffic generating development to be referred to the RTA. Of relevance to the subject proposal, any development that has capacity for 200 or more motor vehicles must be referred to the RTA. Accordingly the application must be referred to the RTA by the Department of Planning.

9.2.4 SEPP 65 - DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT AND THE RESIDENTIAL FLAT DESIGN CODE (RFDC)

The Concept Plan meets the requirements of SEPP 65 and the Residential Flat Design Code (RFDC) in relation to the residential component of the project as detailed in the SEPP 65 Design Verification Statement and the RFDC compliance table located at **Appendix M**, both prepared by Architectus. In particular, the proposal responds positively to the following key areas of the Code:

- **Building configuration:** Apartment layout, mix, balconies, ceiling heights, flexibility, internal circulation, storage.
- **Residential Amenity:** Solar access and overshadowing, acoustic and visual privacy, natural surveillance.
- **Building Performance:** Energy efficiency, waste management and water conservation.

9.2.5 NSW STATE PLAN 2010

As discussed in Section 3 the NSW State Plan 2010 sets targets for service improvements across a range of areas which align with the strategic direction of Royal Far West. A range of these directions are also consistent with the vision contained within the NSW State Health Plan 2007.

9.2.6 METROPOLITAN PLAN FOR SYDNEY 2036

The project's broad alignment with the strategic direction and key policy settings of the Metropolitan Plan for Sydney 2036 is discussed in Section 3 of the EA. These are discussed in more detail below, specifically in response to the key themes of the Strategy:

- *Strengthening a city of cities* – Manly Town Centre has a multifaceted strategic contribution to the Sydney Metropolitan Area. The project seeks to positively respond to the key roles it has including the promotion of medical/health clustering, education, tourism and shopping.
- *Growing and renewing centres* – The project is located within Manly Town Centre and within easy walking distance of Manly Corso, the main commercial core. A project of this scale and typology provides key opportunities for urban renewal, and will support the medical industry clustering identified within the North East subregional strategy.
- *Growing Sydney's economy* – The proposed RFW 'Centre for Excellence' and additional retail and tourism uses will provide for a range of new job opportunities and local economic growth in Manly which aligns with the Strategy.
- *Tackling climate change and protecting Sydney's natural environment* – The project proposes a range of ESD measures which seek to positively respond to climate change. These measures are detailed in the ESD report at Appendix I.
- *Transport for a connected city* – A range of public transport options are located within easy walking distance of the project including bus and ferry, as well as local opportunities for walking and cycling within the region.
- *Housing Sydney's population* – The project provides for a range of additional dwellings of a range of typologies in response to the subregional housing targets for the North East. This is consistent with the Strategy's aim to locate the majority of new homes in existing suburbs in Sydney.

9.2.7 DRAFT NORTH EAST SUBREGION DRAFT SUBREGIONAL STRATEGY

The draft North East Subregional Strategy translates objectives of the Metro Strategy and State Plan to the local level. Of particular relevance to the project is the acknowledgement and reinforcement of the key role and functions of Manly Town Centre, including:

- *Metropolitan attractor* – The Strategy identifies that Manly is a place which “draws visitors from across the metropolitan region, interstate and internationally which in turn creates transport and other planning needs”.
- *Retail* – The Strategy identifies that a significant retail and hospitality industry defines Manly's local economy.
- *Medical Cluster* – Manly has developed an industry specialisation in medical and health related matters.

The project responds to the Key Directions for the North East Subregion as follows:

- *Plan for employment growth* – The project will generate a range of employment opportunities related to the RFW 'Centre for Excellence', retail and tourism uses proposed.
- *Better access to a variety of housing choice and create liveable and sustainable communities* - As discussed in the Section above, the project provides for a range of additional dwellings of a range of typologies in response to the subregional housing targets for the North East. This is consistent with the Strategy's aim to locate the majority of new homes in existing suburbs in Sydney.
- *Strengthen the major centre* – The proposal provides a range of health, education, retail and tourism uses which will strengthen the role of Manly Town Centre.

9.2.8 MANLY 2015

Manly 2015 is a strategic vision to guide the future rejuvenation of Manly. While it does not specifically apply to the site, it aims to improve and capitalise on Manly as a village and as an international destination for current and future visitors and is therefore worth documenting. The Vision contains improvements to public domain, traffic and streetscape that are necessary to renew the Manly Village for the future, with long-term infrastructure benefits for the local environment, economy and community.

The Manly 2015 Masterplan is made up of seven key elements:

1. Gateway Plaza (current intersection of Sydney Road and Belgrave Street): A space which will welcome locals and visitors parking in a new 800 place car park under Manly Oval and emerging via an underground entrance / exit point into the Plaza.
2. Grand Boulevard (Belgrave Street): Extending landscaping elements along Belgrave Street and promoting sustainable transport options within this key arterial road of Manly CBD. Envisaged are a cycleway, additional landscaping and the reinstatement of an electric tram supporting 'Park n' Ride' services in and around Manly and beyond.
3. Village Centre (Market Place / Manly Library and Whistler Street): Redevelopment of a new larger, state of the art Library and multipurpose community space. Commercial components within the development are also incorporated.
4. North Quarter (incorporating Raglan Street, Central Avenue, Short Street and Henrietta Lane): Radically improved urban design and incentivising private public partnerships to reactivate business along Short Street, Central Avenue and Henrietta Lane.
5. High Street (Sydney Road): Manly 2015 aims to transform Sydney Road at Manly CBD into a new 'High Street' featuring retail establishments which provide services aimed more at locals.
6. Beach Terrace (Ocean end of The Corso): Traffic will be controlled and opportunities created for good quality outdoor dining, community events and festivals and for licensed retail activities. A Shared Zone will be introduced at North and South Steyne between Raglan and Wentworth Streets.
7. Manly Oval (Incorporating a new underground car park): A central component of Manly 2015 is a new, purpose built 800 Place Car Park under Manly Oval.

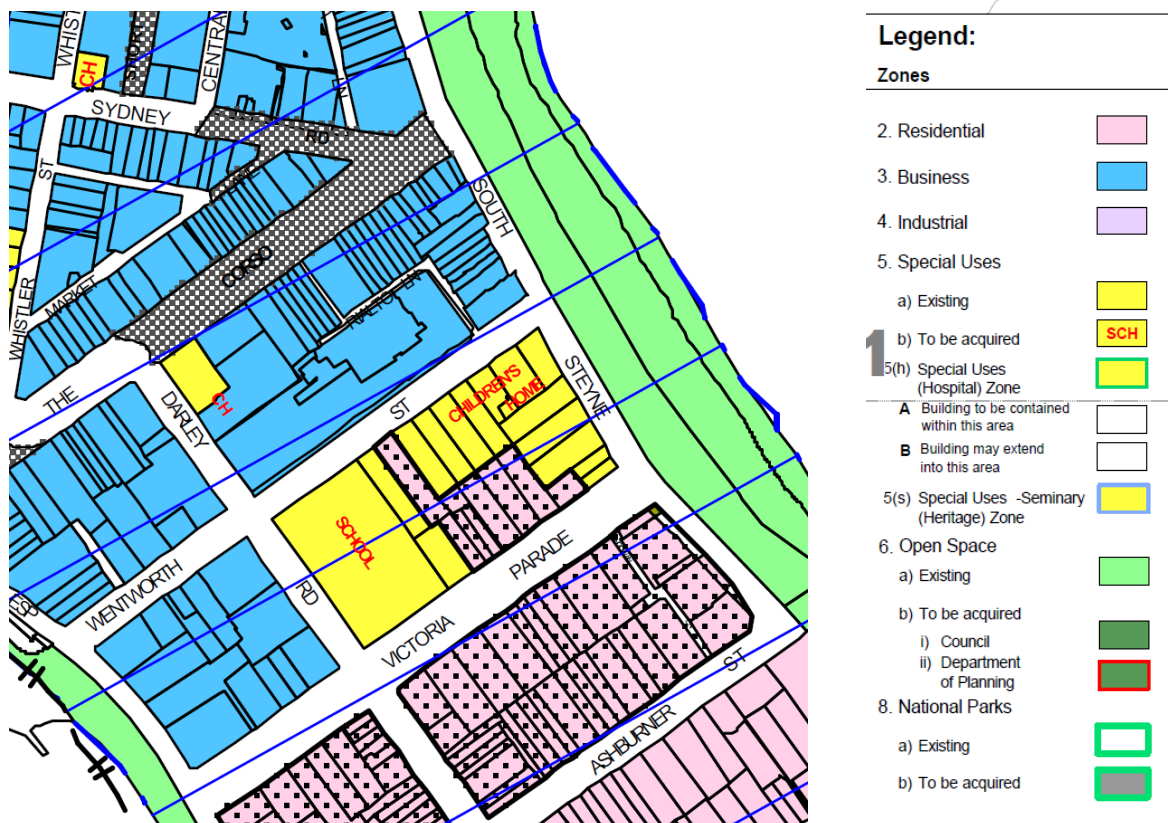
Manly 2015 was placed on public exhibition from April through to the middle of September 2011 to allow Council to receive a further report on the exhibition and consultation process in October 2011. At this stage we are unaware of the current status of the strategy, but consider that the proposed level of parking in the proposal will seek to significantly reduce the reliance on on-street parking, and will commit to broader traffic management measures which are consistent with the aims and objectives of the strategy.

9.2.9 MANLY LOCAL ENVIRONMENTAL PLAN 1988

ZONING

Manly Local Environmental Plan 1988 (LEP 1988) is the comprehensive planning instrument for the Manly LGA. The site is currently zoned 'Special Use – Children's Home' and part of the site is identified as an 'item of environmental heritage'.

FIGURE 48 – MANLY LEP 1988 ZONING MAP



ZONE OBJECTIVES & PERMISSIBILITY

The objective of this zone is to identify and set aside land required for essential services to the public or the community which:

- (a) in the case of land shown unhatched on the map, is now owned or used for public or community purposes, or
- (b) in the case of land shown hatched on the map, will be acquired by a public authority for the particular public or community purpose shown on the map.

Under the current zoning, the following uses are permitted:

“The particular purpose indicated by red lettering on the map; child care centres and other child care facilities; drainage; educational establishments; landscaping; roads; telecommunications facilities; utility installations other than generating works or gas holders.”

The existing Royal Far West facility is permissible under the current zoning, however the proposed residential, retail, hotel/commercial uses are prohibited uses. Notwithstanding, the Minister has authorised the preparation of a Concept Plan to resolve these permissibility issues. Justification is provided within the proceeding sections, and will be addressed in more detail in the Environmental Assessment.

The Manly LEP contains general aims and objectives – the following of which are particularly relevant to the project:

- (d) to encourage further development of the commercial centres to cater for the retail, commercial, entertainment, welfare and recreational needs of residents and visitors,
- (e) to increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of the Municipality,

- (f) to recognise that tourism is a major industry and employer in Manly and to endeavour to encourage its growth and continuing viability,

The project will respond positively to these aims and objectives by encouraging a range of new uses which reinforce Manly's diverse roles and functions.

DEVELOPMENT STANDARDS

Manly Local Environmental Plan 1988 (LEP 1988) contains no height or floor space ratio controls for the site, but includes a site specific provision that purports to require a 'master plan' prior to approval of any development on the site. However, master plans are no longer legally recognised and various provisions of Manly LEP 1988, the EP&A Act and the current round of State Government planning reforms provide alternative means of addressing this requirement. Notwithstanding, the Concept Plan will fulfil a similar role to the masterplan envisaged in LEP 1988.

MANLY DEVELOPMENT CONTROL PLANS & GUIDELINES

9.2.10 MANLY TOWN CENTRE URBAN DESIGN GUIDELINES 2002

The Manly Town Centre Urban Design Guidelines were adopted in March 2002 and apply to all land within Manly Town Centre, within which the subject site is located. The objectives of the guidelines are to ensure that development is of a high architectural and urban design standard.

The site is located within Precinct 1 'Harbour/ Ocean Grid', which provides commentary on the underlying streetscape character, views and vistas, building expression and materials and other matters which contribute to the design quality of individual areas within Manly Town Centre. Relevant aspects of the Guidelines are addressed below.

TABLE 10 – OVERVIEW OF MANLY TOWN CENTRE URBAN DESIGN GUIDELINES 2002

GENERAL BUILT FORM GUIDELINES FOR PRECINCT 1 AND WENTWORTH STREET	
<ul style="list-style-type: none"> It is preferable to provide any key access from secondary streets or laneways to help protect the amenity of the public domain 	<ul style="list-style-type: none"> Vehicular access options are provided from Wentworth Street which is considered a secondary street to South Steyne. This allows for opportunities to have continued active retail uses along the Steyne and protects the amenity of the public domain.
<ul style="list-style-type: none"> Underground parking is preferred. 	<ul style="list-style-type: none"> Underground parking is proposed as part of the concept plan.
<ul style="list-style-type: none"> No driveway crossover should be less than 10 metres from a major street intersection. 	<ul style="list-style-type: none"> The driveway crossover on Wentworth Street is approximately 40m from South Steyne (the nearest major street intersection).
<ul style="list-style-type: none"> At street corners the higher street wall is permitted to return along the adjoining street for a distance up to 12 metres 	<ul style="list-style-type: none"> The proposed built form on the corner of Wentworth Street and South Steyne is consistent with the 4/5 storey street edge scale on the southern side of the street block.
<ul style="list-style-type: none"> Asymmetry should be reinforced along Wentworth Street (i.e. defined wall on north side, open on south side) 	<ul style="list-style-type: none"> This guideline reflects the existing character of Wentworth Street which has derived from incremental changes in the built form over time. The Concept Plan responds to the opportunity to reinforce a strong street edge along Wentworth Street. This will contain a variety of varying streetscape presentation elements which include Drummond House.
<ul style="list-style-type: none"> The street tree planting and buildings of the Manly 	<ul style="list-style-type: none"> The proposal retains Drummond House and integrates it

Village Primary School, RFW Complex and the Manly Community Centre contribute to the heritage of the street. The significant buildings must be retained and curtilage to them respected.	into the new RFW Centre for Excellence building. This reinforces the social and historical themes of Drummond House, and carefully manages the relationship of new built form with the older building style of the heritage item.
<ul style="list-style-type: none"> ▪ New uses should complement the existing variety on Wentworth Street. 	<ul style="list-style-type: none"> ▪ New residential uses (and ground floor retail) will activate the eastern end of Wentworth Street, and repositioning of the RFW building will connect and compliment the other retail, community and educational uses along the western end of the street.
<ul style="list-style-type: none"> ▪ Buildings on the south side of Wentworth Street (except at street corners) are to be setback from the street alignment. 	<ul style="list-style-type: none"> ▪ The only relevant element of the proposal to which this applies is the RFW building. This is set back an appropriate distance to create variety in the streetscape.

9.2.11 MANLY DEVELOPMENT CONTROL PLAN FOR THE BUSINESS ZONE 1989 (AMENDMENT 7)

Manly DCP for the Business Zone (Amendment 7) was adopted in November 2009 and provides controls, considerations and requirements for development in the Business Zone of Manly LEP 1988. Whilst the site is not zoned for Business uses, properties directly adjacent to the site are, and commercial uses are to be introduced to the site as part of the project. It is therefore relevant to consider the provisions of particular sections of this DCP.

‘Part 1 – Manly Town Centre General Provisions’ provides the most relevant guidance in relation to the concept plan proposal:

New development should retain these characteristics:

<ul style="list-style-type: none"> ▪ Strongly defined corner buildings; 	<ul style="list-style-type: none"> ▪ The proposal incorporates a strongly defined corner building of 4/5 storeys in a consistent manner with surrounding development, and provides active retail uses with higher ground floor ceiling heights to reinforce the streetscape quality here.
<ul style="list-style-type: none"> ▪ Shopfronts at street level; 	<ul style="list-style-type: none"> ▪ Active retail uses are proposed along the South Steyne frontage, and continue into the eastern end of Wentworth Street to the alignment of Rialto Lane.
<ul style="list-style-type: none"> ▪ Redevelopment gives opportunities to allow higher buildings in the centre of street blocks to obtain views and outlook over lower perimeter buildings, and to improve existing unsympathetic buildings. 	<ul style="list-style-type: none"> ▪ As discussed in Section 9.3 the proposed redevelopment positively responds to this context.

9.2.12 MANLY DEVELOPMENT CONTROL PLAN FOR THE RESIDENTIAL ZONE 2007 (AMENDMENT 1)

The Manly DCP for the Residential Zone 2007 was adopted in December 2007 and provides controls, considerations and requirements for development in the Residential Zone under Manly LEP 1988. Whilst the site is not zoned for residential uses, properties directly adjacent to the site are, and residential uses

are to be introduced to the site as part of the project. It is therefore relevant to consider the provisions of the DCP.

The DCP is broken up into five key parts. A number of the guidelines contained therein mirror those contained within the Residential Flat Development Code and general accepted industry standards in relation to residential development. To avoid duplication, we have therefore responded to the RFDC for guidance on these matters.

The Manly LEP does not contain development standards, therefore the DCP provides principal controls relating to height and FSR on the 'Residential Density and Height Sub-Zone Map'. The subject site does not contain a height or FSR control. However, surrounding properties to the south are located within Density Sub-Zone 1 which has a maximum FSR of 1.5:1 and maximum building height of 12 metres. The Concept Plan reflects this on the street edge, with an additional setback level to transition to the taller buildings of the commercial zone.

The existing FSR and height controls for the Town Centre are shown in the figure below and include controls taken from the Manly Business Zone DCP and the Manly Residential Zone DCP. The Royal Far West Site is located at the junction where the Manly Business Zone and the Manly Residential Zone meet and we believe that consideration needs to be given to the contextual relationship of the surrounding existing built form and planning controls in determining appropriate controls for this site.

FIGURE 49 – MANLY RESIDENTIAL AND BUSINESS DCP HEIGHT CONTROLS (SOURCE: ARCHITECTUS)



9.2.13 NATURE AND EXTENT OF ANY NON-COMPLIANCE WITH RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS, PLANS AND GUIDELINES AND JUSTIFICATION FOR ANY NON-COMPLIANCE

As discussed above, the current zoning of the site reflects its historical use as a 'Children's Home'. While the role and function of RFW has evolved into more than just this, Manly Council's planning instruments and guidelines reflect this as an ongoing land use and provide little guidance on future built form controls. No height, FSR and other controls apply to the site.

However, the Concept Plan incorporates a range of uses which are not currently permissible in the 5(a) Special Uses Zone. While the above LEP prohibition must be 'considered', it is not strictly applicable to the proposed Concept Plan. Pursuant to Section 75O and 75R of the Act, in deciding whether or not to give approval for a Concept Plan, the Minister may (but is not required to) take into account the provisions of an environmental planning instrument, other than State Environmental Planning Policies (SEPPs).

9.2.14 OTHER PLANNING DOCUMENTS

Manly Draft LEP

On 31 March 2006, the NSW Government gazetted a standard instrument for preparing new LEPs, also known as the 'LEP template'. Local plans across NSW will now use the same planning language, making it easier for communities to understand what is proposed for their local area. Councils are able to include localised planning objectives and provisions specific to their area, as well as determine zoning, additional land uses, heritage items, and development standards such as height and minimum lot sizes.

Manly Draft LEP recently was placed on public exhibition on 30 April 2012.

Zoning

The Draft LEP seeks to rezone the site to 'Local Centre', which permits the following uses 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

Whilst the proposed zoning does not represent the full range of uses that are proposed under the Concept Plan the Minister is not constrained by the provisions of the Draft LEP, or indeed gazetted LEPs.

Zone Objectives

The objectives of the Local Centre zone are:

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.

The mix of uses of the project responds positively to these objectives by the provision of a mix of land uses which strategically align with the growth of Manly Town Centre. The proposal will encourage employment opportunities in health, education and other elements of the RFW, and is centrally located in close proximity to bus and ferry services.

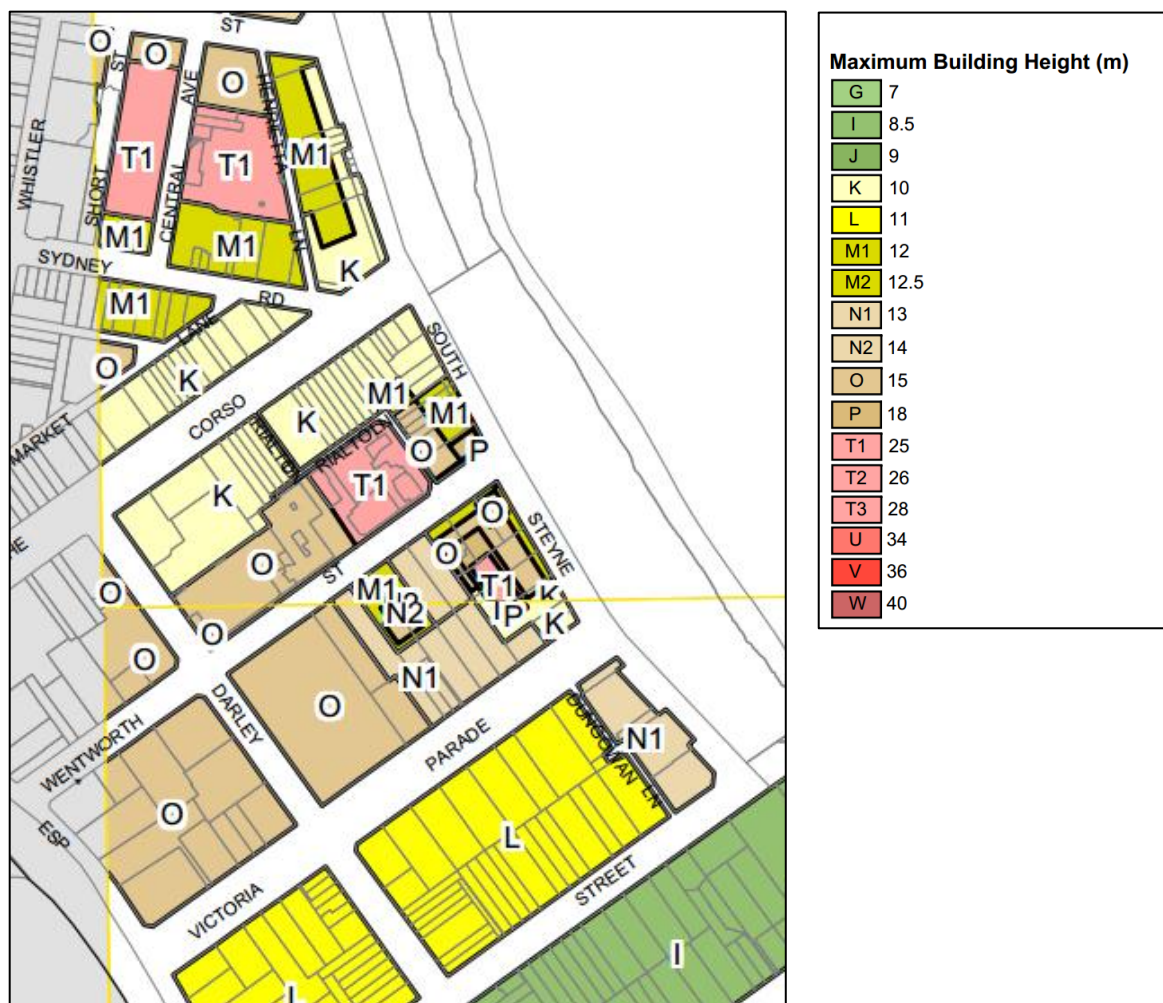
Height and FSR

As indicated in the extract of the Height Map to Manly Draft LEP included below, the Local Centre zoning proposes a street edge height at the corner of Wentworth Street and South Steyne of 12 to 15 metres and a generous set back mid-block height of 25 metres. Also, a maximum floor space ratio of 3:1 is provided in the DLEP.

At the eastern portion of the site, the proposed building envelopes provide a 13.8m (4 storey) street edge with a 17m (5 storey) element set back above this. The proposed hotel building is 29.8m (nine storey). At the western portion of the site, the project provides a street edge/podium height of 10.5m (3 storeys) that step up to 26.5m (seven storeys) setback by 7.4m from the street edge. A FSR of 3.2:1 is proposed.

In summary, while the project does not strictly comply with the DLEP, it is consistent with the underlying principles with regard to street edge heights but seeks slightly higher mid-block heights with the hotel and RFW buildings. As discussed in Section 9.3.1 the proposed height and bulk is appropriate with regard to the local context.

FIGURE 50 – MANLY DRAFT LEP HEIGHT MAP (SOURCE: MANLY COUNCIL)



Manly Urban Design Guidelines – Site Bounded by Darley Road, South Steyne, Victoria Parade and Wentworth Street (October 2011)

Site specific urban design guidance was adopted after the submission of the Environmental Assessment without consultation with Royal Far West. The Guidelines provide site-specific controls in relation to the built form, massing and height on the Royal Far West site. In particular Council provide 'Wire Frame maximum envelope controls' to guide these elements. These are discussed below.

Eastern Portion of the site (Resi/Hotel/Retail)

Council's wire frame envelope controls propose a street edge height of 12m (4 storeys) along Wentworth Street and South Steyne which steps up to 15m (5 storeys) on the corner and as a setback element above the street edge. Separately, a height of 10m (3 storeys) is provided at the southern end of South Steyne adjacent to the heritage terraces). Mid-block heights of 18m – 25m (6- 8 storeys) are setback beyond the street edge height.

The proposed building envelopes provide a 13.8m (4 storey) street edge with a 17m (5 storey) element set back above this. The proposed hotel building is 29.8m (nine storey).

Western Portion of the site (RFW)

The wire frame envelope controls apply heights of 12m (4 storeys) up to 16m (5 storeys) for built form located between Drummond House and Manly Community Centre setback from the street edge.

The project provides a street edge/podium height of 10.5m (3 storeys) that step up to 26.5m (seven storeys) setback by 7.4m from the street edge.

In summary, the proposal is consistent with the street edge heights contained within Council's guidelines, but seeks slightly higher mid-block heights with the hotel element by 1 storey, and the RFW building by 2 storeys. This is not a "significant" exceedance of the Council's guidance, and is appropriate with regard to the local context as described in Section 9.3 of the report.

9.3 BUILT FORM AND URBAN DESIGN

Director General's Environmental Assessment Requirement No. 2

- *Height, bulk and scale of the proposed development within the context of the site and surrounding locality (including Manly Town Centre and Ocean Beach), existing heritage items and adjoining residential, commercial and open space land uses.*
- *Details of proposed urban design, building mass and streetscape controls for future development;*
- *Details of the proposed open space and landscaped areas; and*
- *The EA shall provide details on the interface between the proposed uses and public domain, and the relationship to and impact upon the existing public domain and address the provisions of linkages with and between other public domain spaces. Particular consideration of the Manly town centre should be documented.*

9.3.1 BUILDING MASSING (HEIGHT, BULK & SCALE)

The proposed building massing was derived through analysis of:

- The built form context established by surrounding development.
- Visual impact
- Potential sunlight access and overshadowing impacts

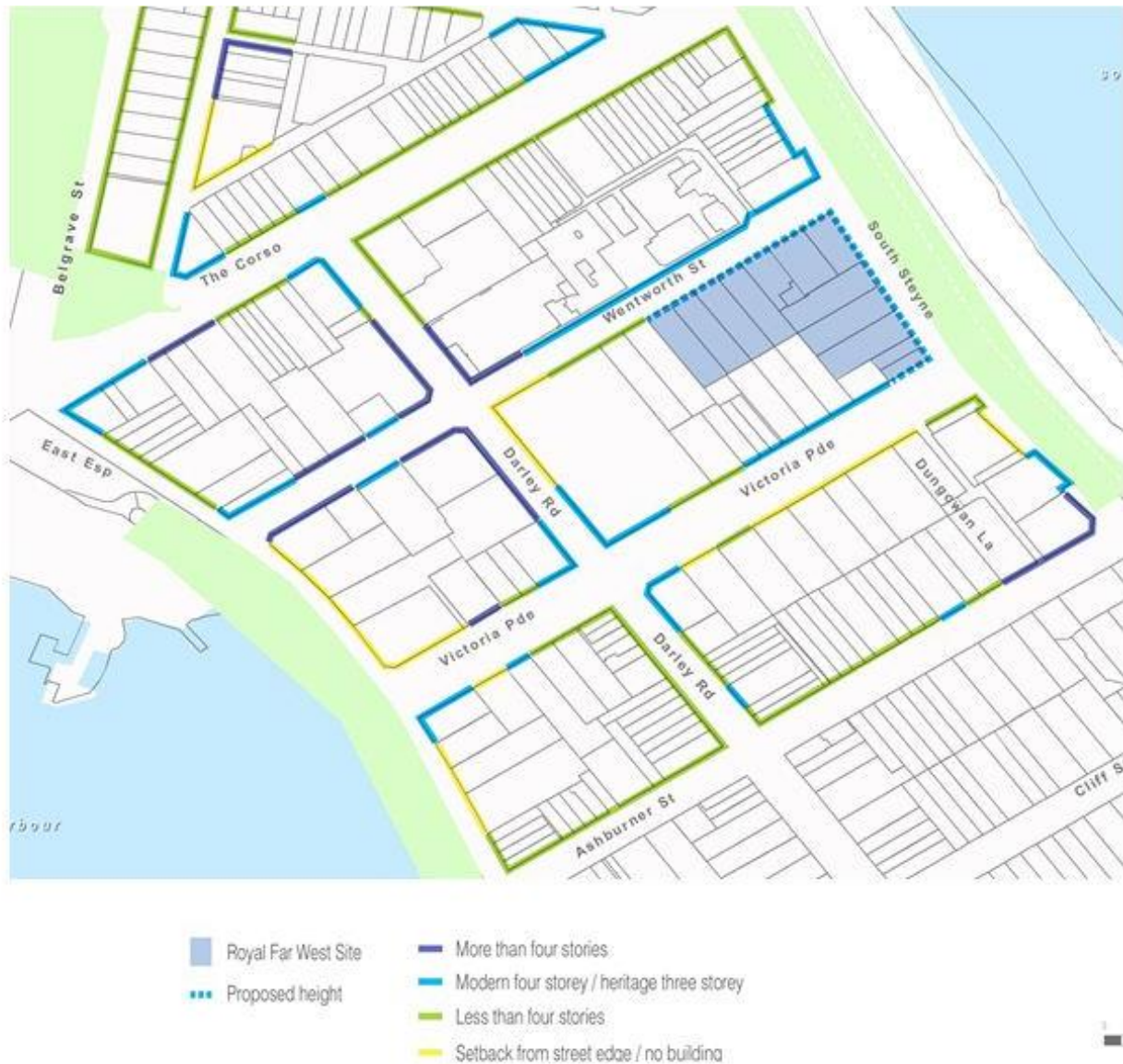
Built Form Context

There are two distinct height considerations relevant to the site, namely; street edge height and central block height.

Street Edge Height

Both the modern and heritage buildings on and in the vicinity of the site establish a very strong four storey street edge scale, with an additional level sometimes setback above. Noting that many three storey heritage buildings, such as Drummond House, have taller floor to floor heights resulting in a height equivalent to a modern four storey building, a dominant four storey scale to the street is established by the following buildings on the site:

FIGURE 51 – SURROUNDING BUILT FORM CONTEXT (SOURCE: URBIS)





PICTURE 21 – ROYAL FAR WEST BUILDING TO SOUTH STEYNE



PICTURE 22 – DRUMMOND HOUSE TO WENTWORTH STREET



PICTURE 23 – ELSIE HILL BUILDING TO WENTWORTH STREET

A similar street edge scale is expressed to Victoria Parade by the buildings adjoining the rear of the site, and both heritage and modern buildings on the opposite side of Wentworth Street.



PICTURE 24 – 'EVERSHAM' AND ADJOINING APARTMENTS TO VICTORIA PARADE



PICTURE 25 – THE 'PENINSULA' TO WENTWORTH STREET



PICTURE 26 – WESTERN CORNER WENTWORTH STREET AND SOUTH STEYNE

In view of this very dominant four to five storey (equivalent) street edge scale on and around the site, a four storey street edge with a slightly setback fifth storey is proposed to The Steyne and returning down Wentworth Street to the alignment of Rialto Lane. After a short gap to provide a vehicular entry and provide a side curtilage to Drummond House, a similar scale with a small setback is maintained by the retention of Drummond House. To provide a transition down to the two storey Manly Community Centre building a street edge with two tall floors is proposed immediately west of Drummond House.

The Concept Plan thereby provides a contextual infill of the existing street edge scale on and around the site.

Mid-Block Height

As acknowledged in the Manly Town Centre Urban Design Guidelines 2002:

“Redevelopment gives opportunities to allow higher buildings in the centre of street blocks to obtain views and outlook over lower perimeter buildings, and to improve existing unsympathetic buildings”.

The appropriate height of such central block buildings requires consideration of:

- The setback behind lower perimeter buildings.
- The heights of surrounding central block buildings.
- The visual impact of the central block building.

The proposed RFW building has a height of seven storeys and is setback 7.4m metres from Wentworth Street and the proposed nine storey hotel building is setback 21.9 metres from Wentworth Street, 26.7

metres from the Steyne and 21m metres from Victoria Parade. As indicated at Figure 52, these are significant setbacks that are comparable to or larger than those of surrounding central block buildings of similar height.

Further, the figure below indicates that in Manly clusters of taller buildings are located to the north of the Corso, to the west of the Corso near the ferry wharf and a less intense cluster to the south of the Corso which extends around the beach front towards Shelley Beach. A range of these buildings exceed the height controls contained within relevant Manly DCPs.

FIGURE 52 – TALLER MID-BLOCK BUILDINGS IN MANLY (SOURCE: ARCHITECTUS)



As shown above, there are many mid-block buildings of comparable or greater height than is proposed. With specific regard to the immediate beachfront context, the proposed 9 storey hotel building envelope and the proposed 8 storey RFW envelope will sit comfortably between the 8 storey height of the Peninsular building and the 9 storey height of the Sebel Hotel building.

The diagram shows a cross-section of a coastal area. The top part is an aerial photograph of a beach and buildings. A red rectangular area is labeled 'site'. Several other buildings are highlighted in yellow. Below the photograph is a cross-section diagram showing building footprints and heights. The diagram is divided into sections by vertical lines corresponding to the aerial view. The sections are labeled: VICTORIA PARADE, WENTWORTH AVE, and THE CORSO. Building heights are indicated by red arrows and numbers: 9, 9, 8, and 8.

This architectural elevation drawing shows a building facade with various height markers. On the left, a vertical dimension line indicates a height of 22000. A small yellow building with a red roof is labeled 'PL. 14.25'. The main building has a light blue upper section and a teal lower section. Height markers on the main building include 'PL. 20.00' at the top, 'PL. 19.10' on the upper right, 'PL. 17.00' on the lower right, and 'PL. 4.70' at the base. To the right of the main building is a tall, thin tree with a height dimension of 17000. Further right, another building is shown with a height of 20000. The drawing includes dashed red vertical lines and arrows pointing to specific levels.

Visual Impact

A Visual Impact Assessment (**Appendix N**) has been undertaken by Architectus which provides an overview of the extent of view impacts within the surrounding context. Local view loss impacts are discussed separately in Section 9.4.1.

The VIA specifically examines the visual impacts of the proposed building envelopes having regard to the siting, bulk and scale and relationships to key areas of the proposed development.

The findings of the Assessment are:

“Overall, the proposed development is likely to have a low visual impact from all but the closest vantage points, where clearly, a high visual impact will result.

In locations close to the proposal, the potential high visual impact is likely to be mitigated by an overall improvement to the urban quality of the site and street frontage areas. In this respect, the existing Royal Far West building is of relatively poor quality and detracts from the quality of the streetscape. The creation of a new building within the envelope proposed, where appropriately managed, can have a significant beneficial impact on streetscape quality through the provision of active and interesting facades and street front activities.

From distance views, the visual impact of the proposal is extensively absorbed by the context in which it sits. This has been achieved through keeping the building heights to similar levels as surrounding properties and by ensuring the silhouette height of the beachfront Norfolk Island Pines is not penetrated or broken. In summary, the visual impact of the proposal is considered acceptable.

Where visual impact is identified to be significant, such impact may be adequately ameliorated by detailed design and placement of activities and by appropriate selection of colours and materials, both of which will also contribute to improved urban quality and streetscape.”

The pictures below provide an indication of how the building envelopes will positively respond to the surrounding streetscape and visual environment.



PICTURE 27 – LOOKING NORTH FROM THE SEBEL
ALONG SOUTH STEYNE



PICTURE 28 – LOOKING EAST ALONG WENTWORTH
STREET TOWARDS THE RFW SITE



PICTURE 29 – LOOKING SOUTH TOWARDS
WENTWORTH STREET FROM EIAL TO
SQUARE – INDICATING THE RFW ENVELOPE

Sunlight and Daylight Access

Shadow diagrams prepared by Architectus are provided with the Concept Plan drawings at **Appendix G** for the winter and summer solstice. These provide an indication of the shadow impacts both within the site and on neighbouring properties.

There are no single aspect, south facing units within the site, and 70% of the living rooms and private open space areas of apartments receive between 2 and 3 hours of direct living areas and private open spaces during mid-winter. This is consistent with the guidance stipulated in the RFDC.

Potential overshadowing impacts which have been considered below are:

- Manly Village Public School
- 25 – 29 Victoria Parade
- Manly Beach & Promenade

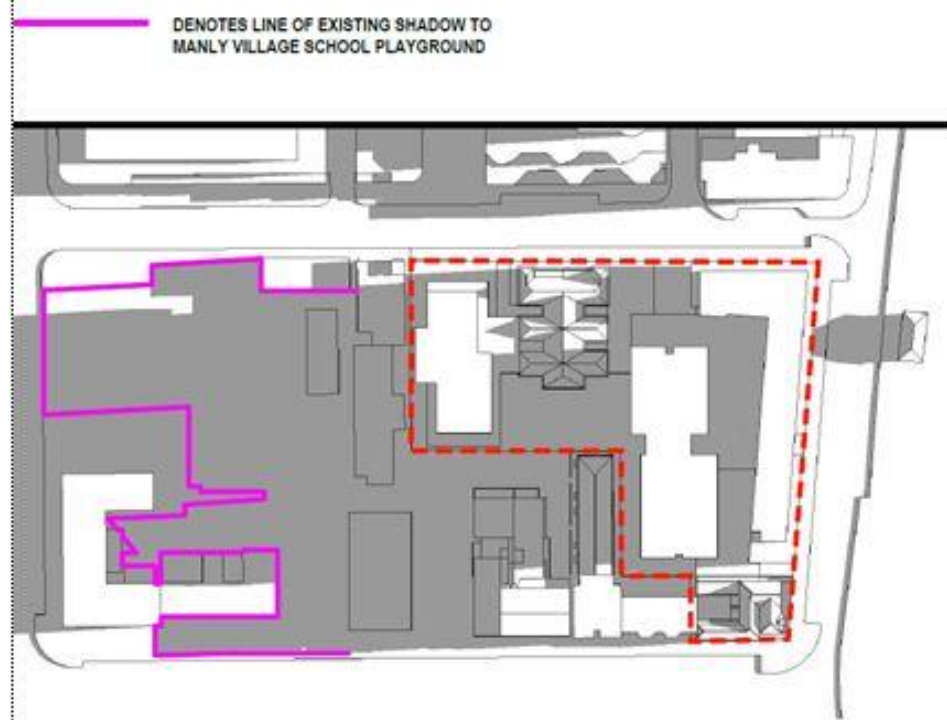
Manly Village Public School

A number of public submissions received during the exhibition of the EA highlighted concerns with overshadowing of Manly Village Public School (MVPS) – particularly the play areas in the morning periods. In response, additional shadow diagrams have been prepared (see **Appendix G**) which indicate the degree of morning shadows cast over the playground.

As shown in the shadow diagrams, at 8am in mid-winter the existing built form casts a shadow over a large proportion of the school yard. The additional levels of shadow cast by the proposal is limited to the

north-western frontage of the school building on the corner of Darley Road and Victoria Parade, which isn't an active space within the school yard.

FIGURE 56 – SHADOWS IMPACTS AT 8:00AM IN THE WINTER SOLSTICE (SOURCE: ARCHITECTUS)



By 8.30am the existing built form still casts shadow over a large proportion of the school yard. The additional shadows cast by the proposal extend into part of the basketball court, albeit that almost half of court is still in direct sunlight.

FIGURE 57 – SHADOWS IMPACTS AT 8:30AM IN THE WINTER SOLSTICE (SOURCE: ARCHITECTUS)



By 9.00 am the existing shadows cast within the school yard are reduced as well as the proposed developments shadows. The shadows cast by the proposal are subject to a small portion of the basketball court and play area, with this space predominantly in direct sunlight. As the morning progresses, by 9.30am the additional shadowing is subject to a narrower part of the school yard, with the basketball court in full sunlight.

FIGURE 58 – SHADOWS IMPACTS AT 9AM IN THE WINTER SOLSTICE (SOURCE: ARCHITECTUS)



FIGURE 59 – SHADOWS IMPACTS AT 9.30AM IN THE WINTER SOLSTICE (SOURCE: ARCHITECTUS)



In summary, while there is likely to be a negligible increase in the level of overshadowing between 8am and 9.30am, this is not considered unreasonable for the following reasons:

- The existing school buildings and surrounding built form cast a shadow over a large proportion of the school yard in the morning period.
- As the morning progresses these shadows move quickly throughout the site, with active spaces such as the basketball court receiving generous amounts of sunlight from 8.45am onwards.
- The large size and variation of spaces within the school yard ensures that at no point it is entirely overshadowed under the existing or proposed scenario.
- The proposed building heights are consistent with the current and future planning controls and the surrounding context.
- While the shadow diagrams do not assess the impact of trees and vegetation within MVPS the school yard provides a generous amount of dense trees, shrubs and vegetation which are likely to have an impact on the level of sunlight received in certain parts of the site.



PICTURE 30 – AERIAL PHOTOGRAPH SHOWING EXISTING LEVEL OF VEGETATION AND TREES ON THE SITE
25-29 Victoria Parade

We have identified 25-29 Victoria Parade as potentially being affected by the proposal (see Picture 31 below). This photo shows that these properties are undergoing construction and information on the internal spaces within these properties has been based on currently available information. Elevational shadow diagrams for these properties have been provided as additional information.



PICTURE 31 – RESIDENTIAL PROPERTIES AT 25-29 VICTORIA PARADE TO THE SOUTH OF THE SITE (SOURCE: NEARMAP)

The current RFW building overshadows the majority of living spaces within Nos. 25-29 Victoria Parade in the early morning (9am) in mid-winter as indicated in the figure below. While the proposal adds a slight additional degree of shadowing to the rear setback of these properties, this space is used for at grade car parking and no formal or informal areas of landscaped space. The Concept Plan will therefore retain largely the existing situation in the morning.

FIGURE 60 – EXISTING AND PROPOSED SHADOW DIAGRAMS AT 9AM IN MID WINTER (SOURCE: ARCHITECTUS)



By Midday in winter, the more slender building (29 Victoria Parade) directly adjacent to the west of the current RFW building is still largely overshadowed in the current and proposed scenarios. However, the majority of primary living areas of Nos. 25-27 Victoria Parade receive direct will receive direct sunlight.

FIGURE 61 – EXISTING AND PROPOSED SHADOW DIAGRAMS AT 12 NOON IN MID WINTER (SOURCE: ARCHITECTUS)



As shown in the figure below, as the afternoon progress, the living areas of No. 25-27 will predominantly receive sunlight from Midday until mid-afternoon (up to 3hrs). By this stage the existing building will start to overshadow itself as the sun moves to the west. No 29 will also start receiving sunlight from 12.30pm until late afternoon, when it is out of the shadow of both the existing and proposed built form elements on this boundary.

FIGURE 62 – EXISTING AND PROPOSED SHADOW DIAGRAMS AT 3PM IN WINTER (SOURCE: ARCHITECTUS)

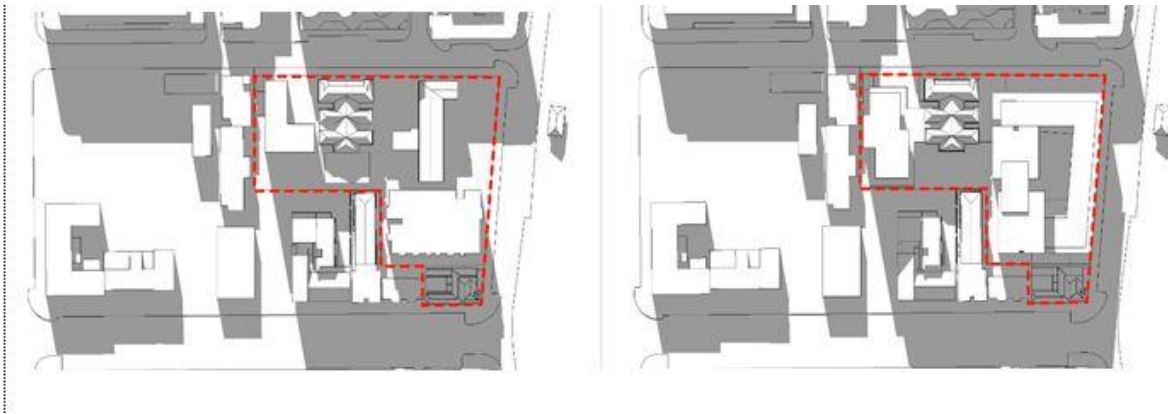
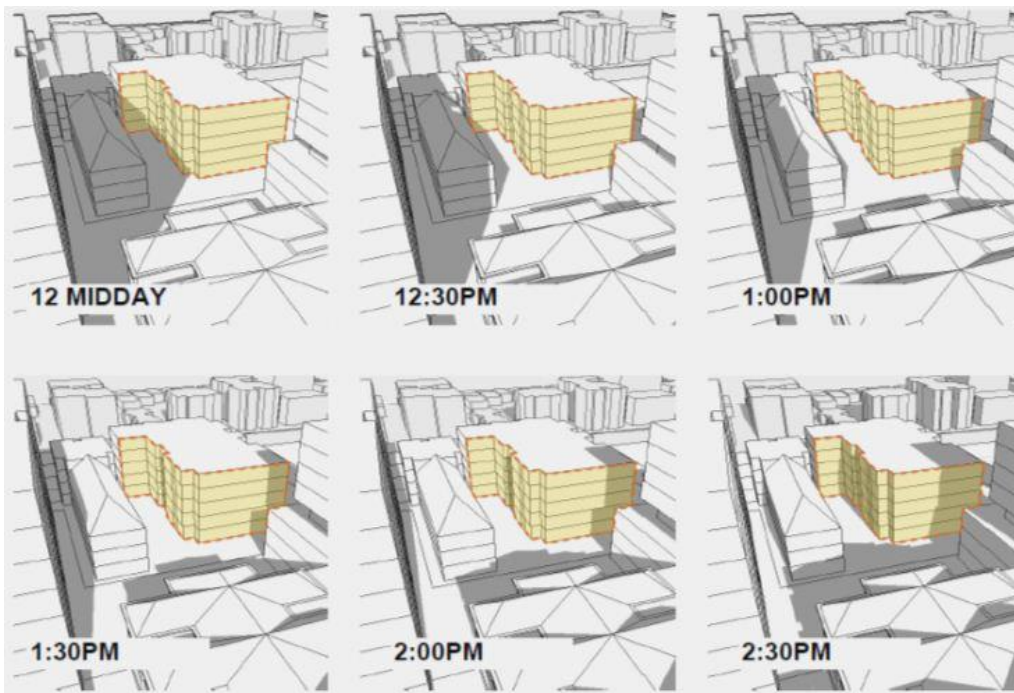


FIGURE 63 – ELEVATIONAL SHADOW DIAGRAMS FROM MIDDAY TO 2:30PM IN MID WINTER (SOURCE: ARCHITECTUS)



Manly Beach & Promenade

A range of public submissions requested additional shadow diagrams illustrating the resulting shadows impacts on Manly Beach during the late afternoon and early evening. Additional shadow diagrams have been provided at **Appendix G** and below for both the winter and summer solstice.

In mid-winter, the existing Royal Far West building largely overshadows the Beach Promenade from 3.30pm, and Manly Beach (i.e. shadows currently extend to the high water mark) from 4.30pm until sunset at approximately 4.50pm. The proposal provides little difference to the current situation.

FIGURE 64 – 3PM WINTER SOLSTICE (SOURCE: ARCHITECTUS)

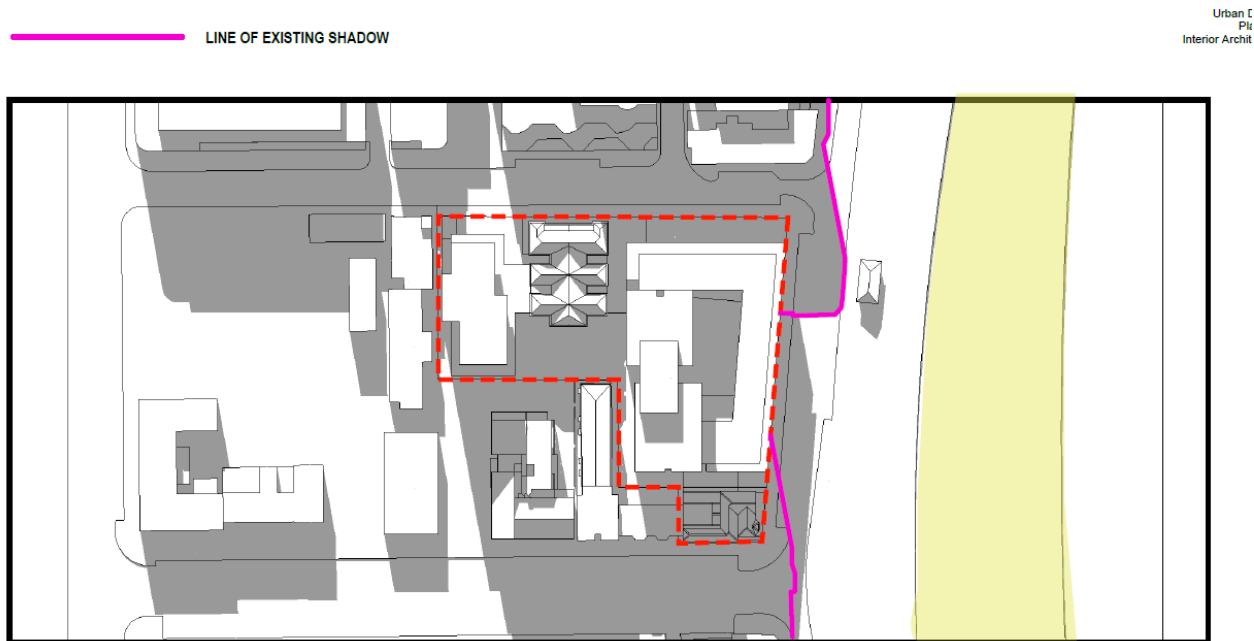


FIGURE 65 – 3.30PM WINTER SOLSTICE (SOURCE: ARCHITECTUS)

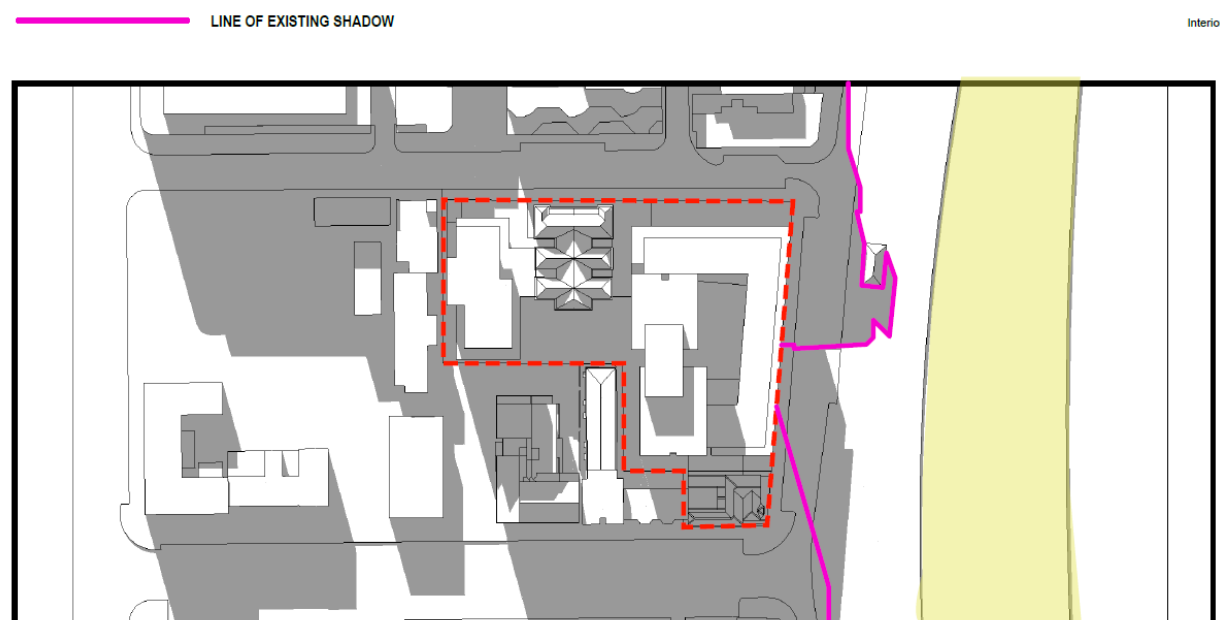


FIGURE 66 – 4PM WINTER SOLSTICE (SOURCE: ARCHITECTUS)



FIGURE 67 – 4.30PM WINTER SOLSTICE (SOURCE: ARCHITECTUS)



In mid-summer, by 5pm the proposal will cast a shadow over the Beach Promenade in a similar manner to development to the north of the site. By 6pm the proposal will cast a shadow over a portion of Manly Beach (i.e. the high water mark) in addition to that under the existing development.

FIGURE 68 – 3PM SUMMER SOLSTICE (SOURCE: ARCHITECTUS)

LINE OF EXISTING SHADOW

Urban
Interior

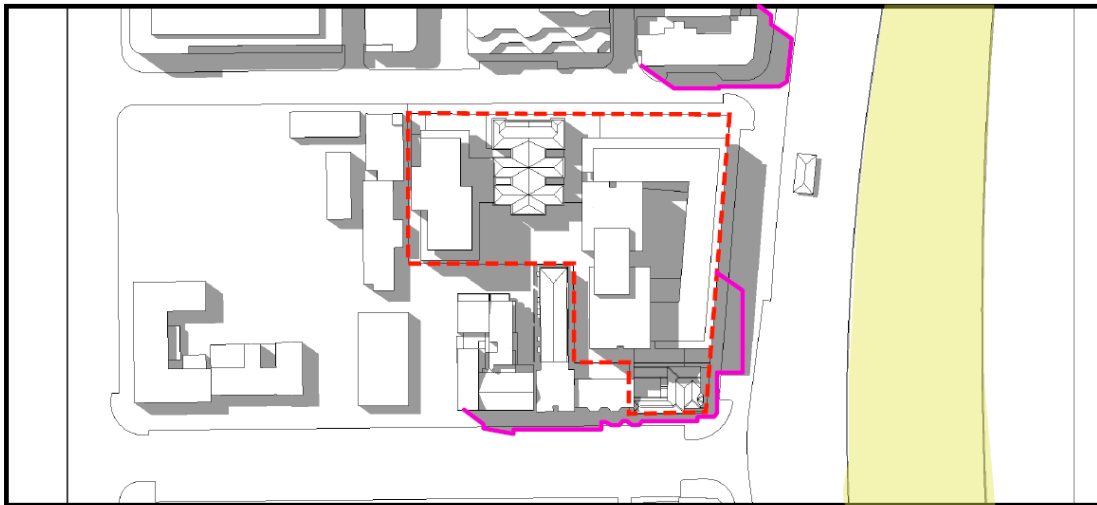


FIGURE 69 – 4PM SUMMER SOLSTICE (SOURCE: ARCHITECTUS)

LINE OF EXISTING SHADOW

Urban
Interior Architect



FIGURE 70 – 5PM SUMMER SOLSTICE (SOURCE: ARCHITECTUS)

LINE OF EXISTING SHADOW

Urban
Interior



FIGURE 71 – 6PM SUMMER SOLSTICE (SOURCE: ARCHITECTUS)



9.3.2 URBAN DESIGN, BUILDING MASS AND STREETScape CONTROLS FOR FUTURE DEVELOPMENT

The Manly Urban Design Guidelines 2002 provide an evaluation of the key urban design themes in and around Manly Town Centre. In particular, specific guidance is provided in relation to Wentworth Street, South Steyne and Victoria Parade. The Concept Plan seeks to positively respond to this framework and work undertaken by the Council to establish it.

The project sets building envelopes (see **Appendix G**) which provides a three dimensional zone that limits the extent of a building in any direction. It defines the extent of the overall building zone in plan and section within which a future building can be located. These envelopes will set the appropriate scale of future development in terms of bulk and height in relation to the street layout and block and lot sizes. The envelopes will set the following primary controls which will define the future built layout at the Project or Development Application stage, including:

- building height
- building depth
- building separation
- street setbacks
- side and rear setbacks
- floor space

The Concept Plan provides an active streetscape that follows the street alignment along South Steyne, and at the eastern end of Wentworth Street. The building envelopes enable flexibility for façade articulation and enhancements to the streetscape. Continuous awnings will be provided along the entire South Steyne and Wentworth Street (with the exception of Drummond House).

9.3.3 KEY INTERFACES BETWEEN PROPOSED USES AND PUBLIC DOMAIN

The project has two key interfaces with the public domain along Wentworth Street and South Steyne.

Along South Steyne active ground floor uses are proposed, with opportunities for new shops, stores, outdoor dining and other facilities that are unavailable by virtue of the current uses along this frontage. This will allow a continuous retail edge from the Corso to the southern end of Manly to respond to both tourist and local needs in Manly. Both the retail and residential uses above will allow passive surveillance along the beach and South Steyne, and encourage night time activity here.

In Wentworth Street, there will be some limited retail ground floor uses around the corner of South Steyne. Further to the west, the new RFW building and Drummond House will be setback to create a new informal space to mirror Rialto Square on the northern side of the street. This will allow easy pedestrian linkages from the RFW site into the Corso, a notion supported in the Manly Urban Design Guidelines.

9.4 ENVIRONMENTAL AND RESIDENTIAL AMENITY

Director General's Environmental Assessment Requirement No. 3

- *Impacts of the proposal on solar access, acoustic privacy, visual privacy, view loss and wind impacts on surrounding development;*
- *Details of the measures to be implemented to achieve a high level of environmental and residential amenity, including the protection of the amenity of the area and its significant function as a destination for day visitors from within the Sydney Region and beyond; and*
- *The EA must address the design principles of SEPP 65 and the associated Residential Flat Design Code.*

9.4.1 ANALYSIS OF POTENTIAL AMENITY IMPACTS ON SURROUNDING DEVELOPMENT

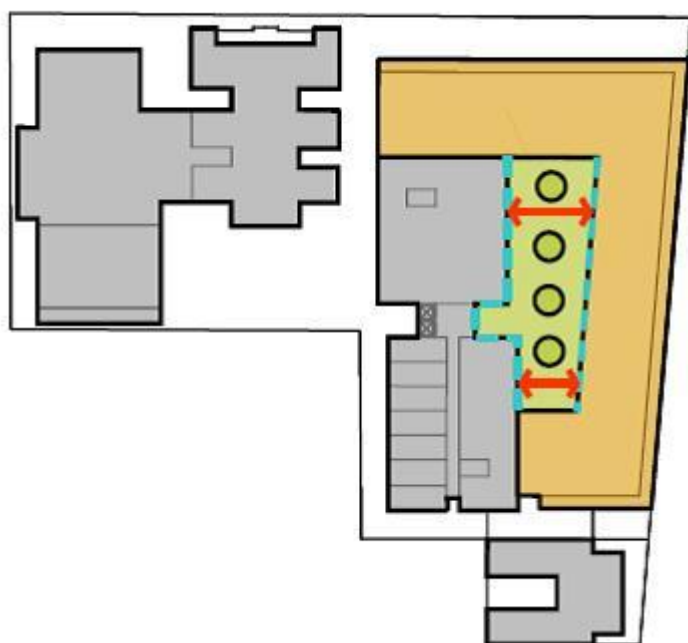
Privacy

The Concept Plan has been designed to ensure visual and acoustic privacy both within the proposed development and on adjoining sites, based on an understanding of the adjacent context, site configuration, topography, the scale of development and the layout of development.

The site is surrounded by a variety of key interfaces with adjacent residential properties which require an appropriate design response to ensure that privacy and other potential amenity impacts are minimised.

Within the development, the level 1 courtyard (see figure below) consists of approximately 600m² of communal open landscaped space. Any privacy concerns from the hotel tower are again mitigated via the implementation of fixed privacy screens to the lower portion of the tower. In addition, it is proposed to integrate deep soil planting zones that will allow for mature trees to act as a further privacy barrier and enhance the overall amenity of the courtyard.

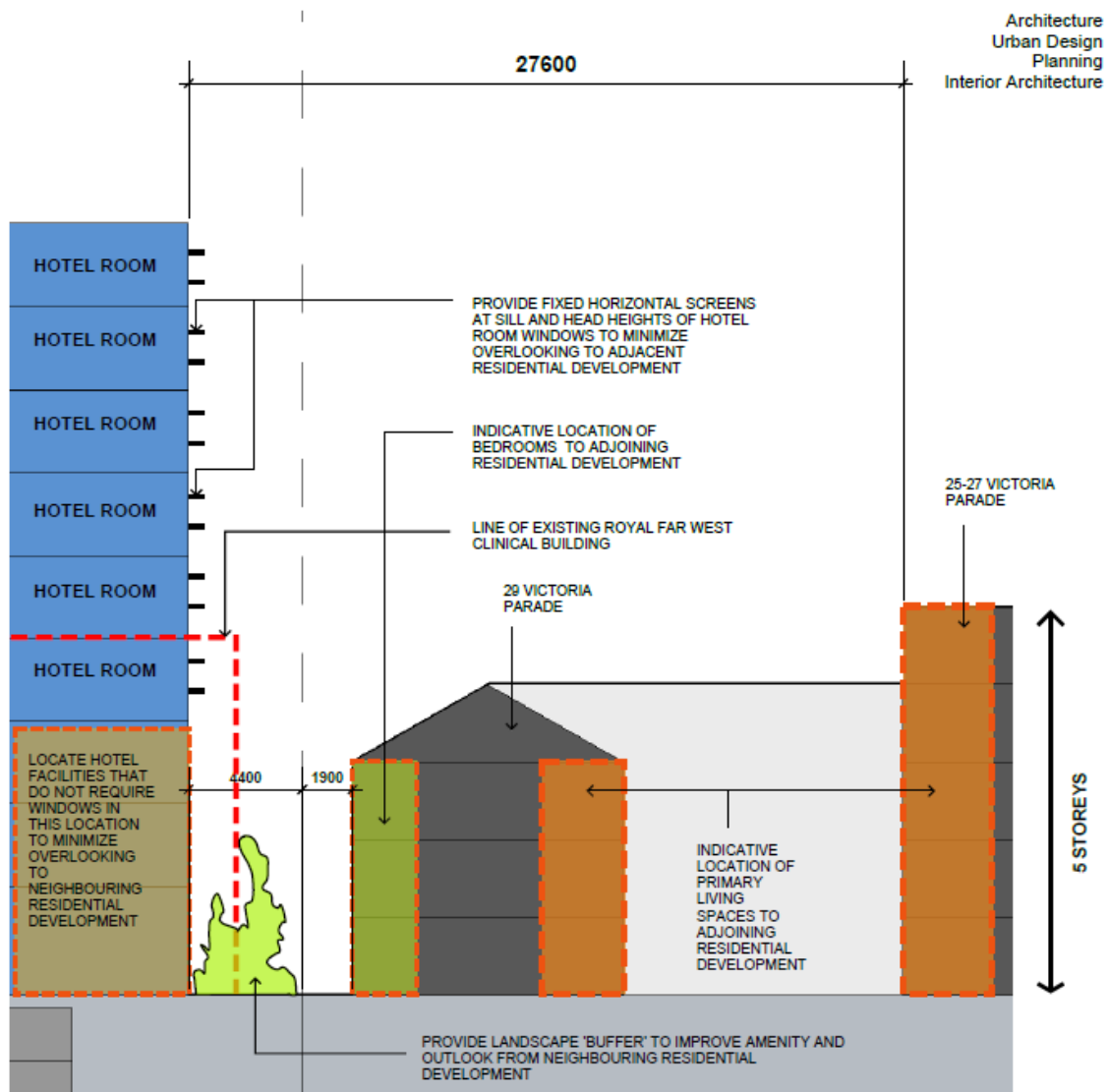
FIGURE 72 – PRIVACY MEASURES CONTAINED WITHIN THE CONCEPT PLAN (SOURCE: ARCHITECTUS)



In terms of privacy impact on neighbouring properties, the building envelopes have been positioned in a manner to ensure adequate separation distance to neighbouring properties, in accordance with the guidelines contained within the RFDC. These guidelines recommend increasing separation between buildings as they get taller, which the Concept Plan positively responds to. At the interface with 29 Victoria Parade, the Concept Plan seeks to increase the current setback that the existing RFW built form has at this boundary, and provides a separation of 6.3m, with generous landscaping along this boundary.

In addition to building separation, the proposed development seeks to protect privacy by the skewed arrangement of windows and the use of devices such as fixed louvres, high and deep sills and planter boxes. Figure 73 below provides that the location and orientation of the proposed Concept Plan has been designed in a manner to maximise visual privacy on site and to adjacent buildings.

FIGURE 73 – PRIVACY MEASURES CONTAINED WITHIN THE CONCEPT PLAN AT THE INTERFACE WITH 29 VICTORIA PARADE (SOURCE: ARCHITECTUS)



DETAIL SECTION

View loss

The Land and Environment Court judgement in the matter of *Tenacity Consulting v Warringah* [2004] NSWLEC 140 has been adopted as a 'Planning Principle' for 'View Sharing' by the court. In his judgement, Commissioner Roseth SC states that:

"The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment"

The view sharing of the proposed development is assessed in terms of the four steps adopted as a Planning Principle below.

Step 1 - Assessment of views to be affected

The judgement states that:

"Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured"




The most highly valued views with the local context of the site are the views of Manly Beach and the Pacific Ocean. There are no specific iconic views that require consideration.

In summary, there are three views that require consideration for the purpose of this assessment. Refer to the figure and photographs below. We note that photographs for assessing the view impacts have been provided directly by affected property owners at No. 21 and No. 25 Wentworth Street, and have not been taken by Urbis.

FIGURE 74 – CURRENT PARTIAL VIEWS ACROSS THE RFW SITE TOWARDS SURROUNDING VISUAL ELEMENTS



TABLE 11 – OVERVIEW OF VIEWS TO BE AFFECTED

NO.	VIEW	PHOTOGRAPH OF VIEW	CURRENT VIEW
1	From Wentworth Street to Ocean Source: Google Street View		A narrow horizontal vista east towards the Pacific Ocean, Manly Beach Promenade, Beach huts and Norfolk Island Palm Trees.
2	From eastern apartment 25 Wentworth Street to ocean and beach Source: Owner of 433/25 Wentworth Street		Partial view east towards Manly Beach, Pacific Ocean, Manly Beach Promenade, Beach huts and Norfolk Island Palm Trees. Filtered distant views of Shelley Beach and Shelley Beach Headland. Views constrained between 21 Wentworth Street and existing unsightly RFW building.
3	From western apartment 21 Wentworth Street to beach Source: Owner of 305/21 Wentworth Street		Partial view south-east towards Manly Beach, Manly Beach Promenade and Norfolk Island Palm Trees. Views of Royal Far West School Building, basketball court and play area to the south.

Step 2 - From what part of the property the views are obtained

The Judgement states that:

“For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic”.

Wentworth Street

Views along Wentworth Street to Manly Beach are obtained from street level in both standing and sitting positions. These views are enjoyed along the majority of Wentworth Street.

PICTURE 32 – VIEWS OBTAINED FROM WENTWORTH STREET



No. 21 Wentworth Street

Apartments at the eastern end of this property contain front balconies that will retain views directly across South Steyne, Manly Beach and the Pacific Ocean. However, apartments fronting Wentworth Street within the western part of this building enjoy oblique views across Wentworth Street and the site to Manly Beach.

PICTURE 33 – VIEWS OBTAINED FROM 21 WENTWORTH STREET TAKEN FROM SOUTHERN SIDE OF WENTWORTH STREET



Source: Google Streetview

No. 25 Wentworth Street

Within the 'Peninsular' building at 25 Wentworth Street the best views are obtained from the eastern corner of this building across the Royal Far West site and Wentworth Street. Specifically, apartments located on the corner have balconies served off living rooms in which views across the RFW site are obtained. While views are also obtained from bedrooms and kitchen spaces, the balconies are the principle viewing location, and have hence been the location from which we have undertaken the 'Tenacity' Assessment.

PICTURE 34 – EASTERN APARTMENTS AT NO. 25 WENTWORTH STREET WITH PRIMARY BALCONIES TAKEN FROM THE SOUTHERN SIDE OF WENTWORTH STREET



Step 3 - Extent of the impact

The judgement states that:

The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

In establishing the extent of impact we have considered the current views comparative to those of the Concept Plan that was placed on public exhibition and the PPR scheme.

View 1 – Wentworth Street

Under the original Concept Plan the extent of impact could be described as minor with the building envelope reducing a small portion of the view at the south-eastern end of Wentworth Street. Under the PPR scheme, the proposed building envelope at the corner of Wentworth Street and South Steyne has been setback to the south that allows additional exposure of this view as a result. The resultant impact upon the views obtained along Wentworth Street under the PPR scheme are now negligible.

PICTURE 35 – EXISTING VIEW ALONG WENTWORTH STREET



FIGURE 75 – CONCEPT PLAN PHOTOMONTAGE LEFT AND PPR PHOTOMONTAGE RIGHT



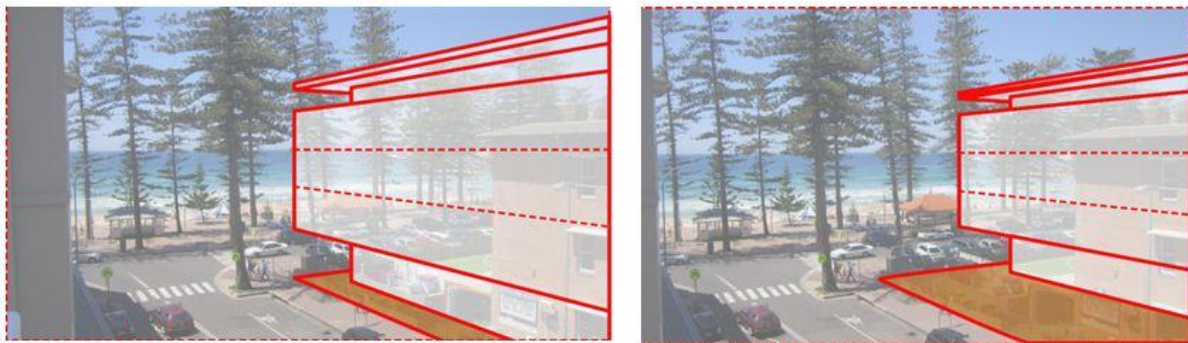
View 2 – 25 Wentworth Street

Under the original Concept Plan the extent of impact could be described as moderate to severe with approximately 50% of the significant view lost, including distant views of Shelley Beach, Shelley Beach Headland, a beach hut, and oblique views of Manly Beach and the Pacific Ocean reduced by the proposed building envelope. Under the PPR scheme, the extent of impact is reduced to less than 30% of the significant views of the beach hut and oblique views of Manly Beach and the Pacific Ocean increased by virtue of the setback built form from the corner of Wentworth Street and South Steyne. The impact upon views obtained from 25 Wentworth Street under the PPR scheme are now only moderate to moderate.

FIGURE 76 – CURRENT VIEW FROM 25 WENTWORTH STREET



FIGURE 77 – CONCEPT PLAN PHOTOMONTAGE LEFT AND PPR PHOTOMONTAGE RIGHT



View 3 - 21 Wentworth Street

Under the original Concept Plan the extent of impact could be described as severe with current views of Royal Far West and playground Manly Beach and the Pacific Ocean significantly reduced, with only partial views of the Beach and Ocean, and the top points of the Norfolk Island Palm Trees being retained. Under the PPR scheme, with the eastern extent of the building envelope reduced allowing increased partial views of the Beach, Ocean, beach huts and Norfolk Island Palm Trees. We consider the impact on views obtained from 21 Wentworth Street under the PPR scheme is moderate.

FIGURE 78 – CURRENT VIEW OBTAINED FROM 21 WENTWORTH STREET

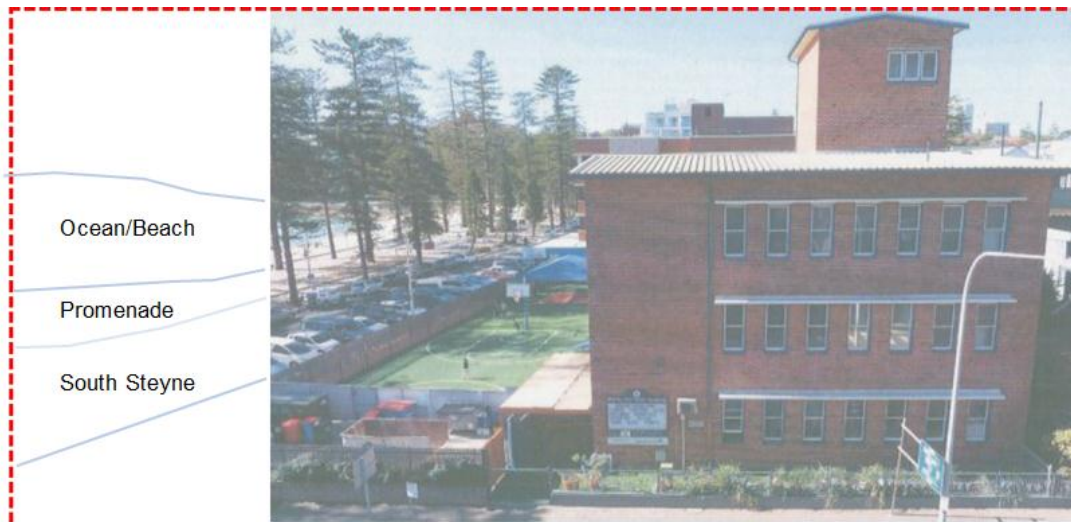
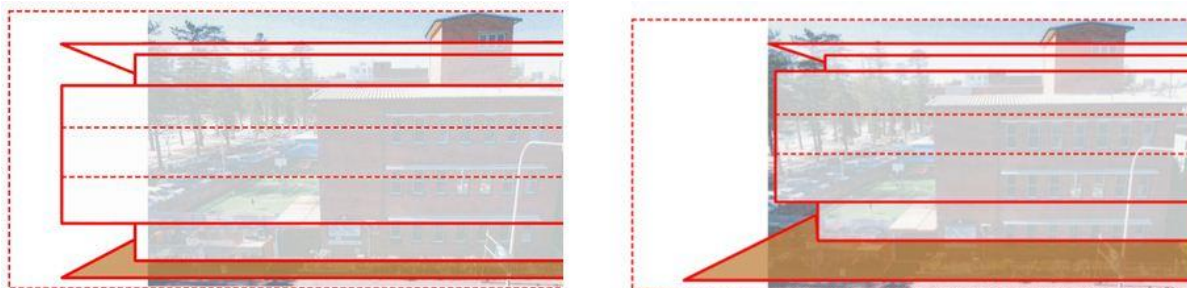


FIGURE 79 – CONCEPT PLAN PHOTOMONTAGE LEFT AND PPR PHOTOMONTAGE RIGHT



Step 4 - Reasonableness of the proposal

The judgement states that:

A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

In response to the above test, the proposal is reasonable with regarding to view sharing for the following reasons:

- It is consistent with the current and future planning controls that apply to the site. While some variation is proposed from Council's recent draft controls (prepared in response to submissions of the EA) the variations have no impact whatsoever on the subject loss of views, which would occur as a result of a fully compliant development.
- It is consistent with the surrounding built form context.
- The proposal has been redesigned further to reduce the impact on the views of neighbouring properties

Consistency with current and future planning controls

Manly DCP for the Business Zone 1989 establishes built form controls that apply to development in and adjacent to Manly Town Centre. While there is no numeric controls which apply to the Royal Far West site, development on the northern corner of Wentworth Street and South Steyne has a 12 metre street edge height limit, stepping up to 15 metres (setback 3 metres from the street edge), 18 metres on the corner and then up to 25 metres in the mid-block. These controls reflect the stated objectives of the DCP for the Manly Town Centre that is:

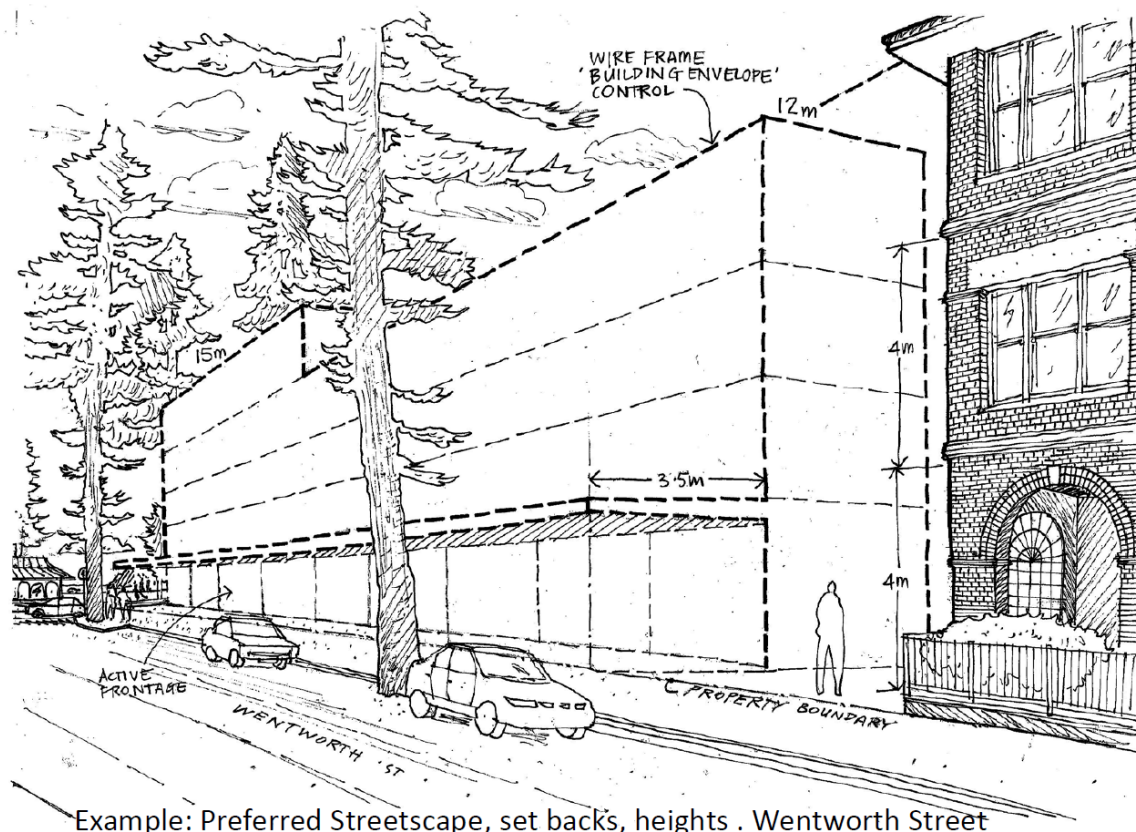
*New development should retain these characteristics: **strongly defined corner buildings;** **building heights along street frontages to be set by these corner heights;** new through-block arcades; shopfronts at street level; footpath awnings; high floor to ceiling heights (potentially incorporating mezzanine levels) and floor plan and access layouts which will allow as wide as possible changes of use during the life of the building.*

Manly Draft LEP proposes street edge heights at the corner of Wentworth Street and South Steyne of 12 to 15 metres and mid-block height of 25 metres that is generally consistent with Manly DCP for the Business Zone 1989. Further, the site specific guidelines *Urban Design Guidelines – Site bounded by Darley Road, South Steyne, Victoria Parade, Wentworth Street* October 2011 prepared by Manly Council allow for a 12 metre street edge height which steps up to 15 metres at the corner of Wentworth Street and South Steyne.

From a planning policy context, there is a consistent reference to a 12-15 metre street edge height at the corner of Wentworth Street and South Steyne. Further, additional height at the corner of up to 18 metres is also acknowledged within the planning controls.

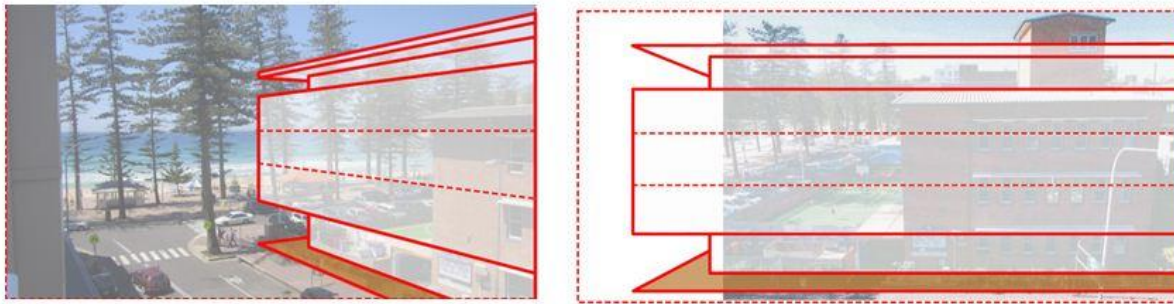
Within the context of the current and future planning controls the proposal is generally consistent with a street edge height of 13.8m, stepping up to 17m above this, but with a 6 metre setback to Wentworth Street. While the proposal has a slightly taller mid-block height of 29.8m, this building element has no bearing at all upon the subject views.

FIGURE 80 – EXTRACT FROM MANLY URBAN DESIGN GUIDELINES WHICH PROVIDES PREFERRED STREETScape, SETBACK AND HEIGHTS AT WENTWORTH STREET (SOURCE: MANLY COUNCIL)



Example: Preferred Streetscape, set backs, heights . Wentworth Street

FIGURE 81 – PHOTOMONTAGES OF THE PROJECT WHICH WAS PUBLICLY EXHIBITED



Consistency with surrounding built form context

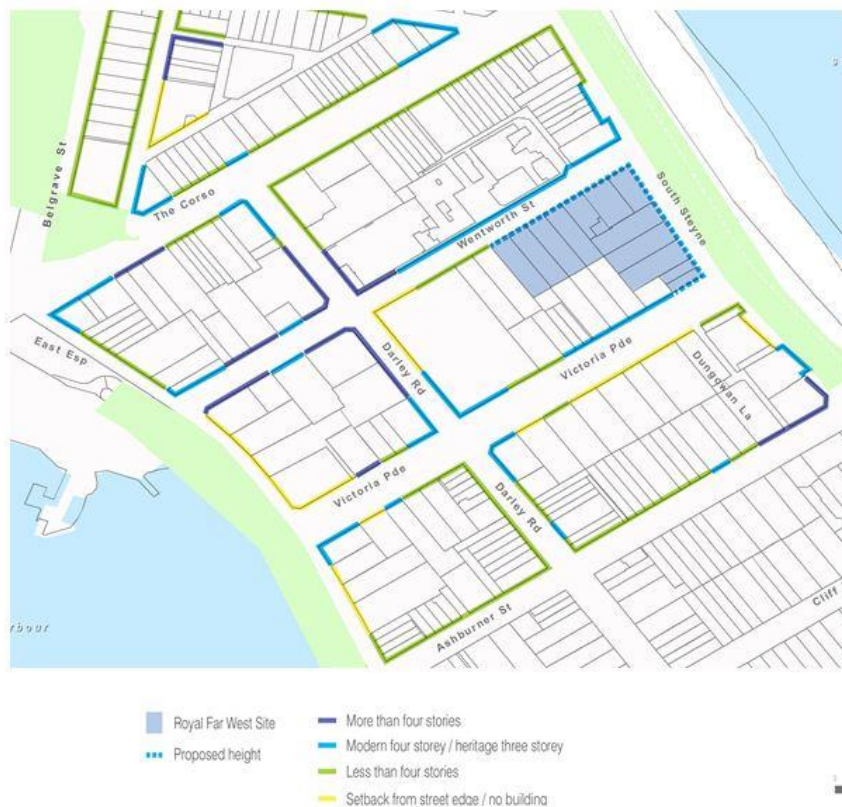
The figure below indicates the height and setbacks in proximity to the Royal Far West site.

Both the modern and heritage buildings on and in the vicinity of the site establish a very strong four storey street edge scale, with an additional level sometimes setback above.

In view of this very dominant four to five storey (equivalent) street edge scale on and around the site, a four storey street edge with a slightly setback fifth storey is proposed to The Steyne and returning down Wentworth Street to the alignment of Rialto Lane, but with a 6 metre setback to Wentworth Street. After a short gap to provide a vehicular entry and provide a side curtilage to Drummond House, a similar scale with a small setback is maintained by the retention of Drummond House.

With regard to the mid-block heights, the proposed 9 storey hotel building envelope and the proposed 8 storey RFW envelope will sit comfortably between the 8 storey height of the Peninsular building and the 9 storey height of the Sebel Hotel building, and will have no bearing at all upon the subject view loss.

FIGURE 82 – OVERVIEW OF SURROUNDING HEIGHT AND STREETScape CHARACTERISTICS (SOURCE: URBIS)

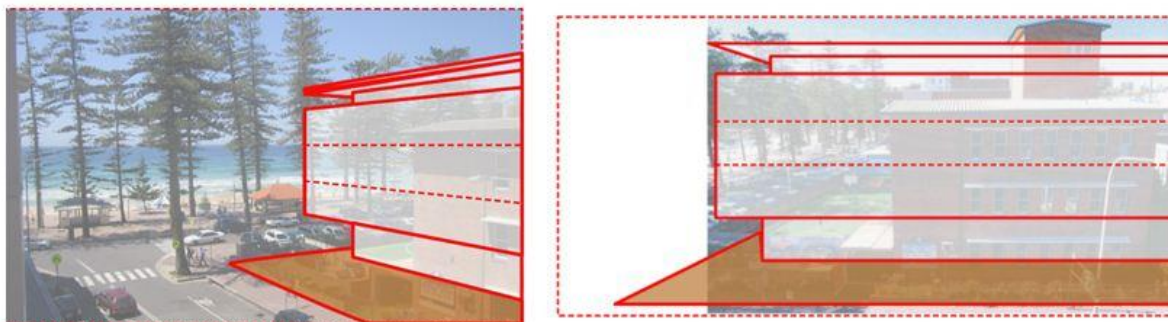


The proposal has been designed in a manner to reduce the impact on views of surrounding properties

Notwithstanding the underlying planning controls, the design of the proposal has had specific regard to the potential view loss impacts of neighbouring properties to the north of the site, specifically 21 and 25 Wentworth Street.

As shown in the figure below, the design of the proposed building envelope has been setback from Wentworth Street to reduce the oblique views shared across the site to the south-east.

FIGURE 83 – PROPOSED BUILDING ENVELOPES



Reasonableness

In summary:

- The current views shared across the RFW site (i.e. specifically the basketball court) by the occupants of 21 and 25 Wentworth Street represents an anomaly within the surrounding local context.
- The 'void' created by the basketball court/play area is unique, and differs considerably from the corner marking form of development that could reasonably be expected in Manly Town Centre.
- The project proposes to achieve a built form that is consistent with the current and future planning controls, as well as the established surrounding context.
- The proposal has been designed in a manner to reduce the impacts of view loss beyond what is called for by applicable planning controls and the surrounding built form context.

The project can thereby be seen to reasonably share the views currently enjoyed across the site, notwithstanding that some views from surrounding properties will be reduced.

Wind impacts on surrounding development

A wind impact assessment (see **Appendix O**) has been prepared by Windtech Consultants. The report presents an opinion on the likely impact of the proposed design on the local wind environment of the critical outdoor areas within and around the development. It examines the effect of wind activity within and around the proposed development for the three predominant wind directions for the Sydney region; north-easterly, southerly and westerly winds. The analysis of the wind effects relating to the proposal was carried out in the context of the local wind climate, building morphology and land topography.

The report makes the following conclusions and recommendations:

“Adequate wind conditions can be expected for all outdoor trafficable areas within and around the proposed development with the inclusion of the following:

- *Strategic planting on the ground level on the site.*
- *Awnings along the North and Eastern edges of residential Building E, above Wentworth Street and South Steyne.*

- Awnings along the Eastern and Western faces of the hotel Building C,
- 3m high screens along the Western and Southern edge of the courtyard
- Retain all wall blade walls on the private balconies.
- Impermeable balustrades on all private balconies.”

9.5 TRANSPORT AND ACCESSIBILITY (CONSTRUCTION AND OPERATIONAL)

Director General’s Environmental Assessment Requirement No. 4

- Provide a Transport & Accessibility Study prepared with reference to the Metropolitan Transport Plan – Connecting the City of Cities, the NSW State Plan, the NSW Planning Guidelines for Walking and Cycling, NSW Bike Plan, NSW Health’s Healthy Urban Development Checklist, the Integrated Land Use and Transport policy package and the RTA’s Guide to Traffic Generating Development, considering the following:
 - Demonstrate how users of the development will be able to make travel choices that support the achievement of relevant NSW State Plan targets;
 - Detail the existing public transport provision, pedestrian and cycle movements within the vicinity of the site and determine the adequacy of the proposal to meet the likely future demand for increased public transport and pedestrian and cycle access;
 - Identify potential traffic impacts during the construction stage of the project, and measures to mitigate these impacts.
 - Describe the measures to be implemented to promote sustainable means of transport including public transport usage and pedestrian and bicycle linkages in addition to addressing the potential for implementing a location specific sustainable travel plan (e.g. Workplace Travel Plan);
 - Daily and peak traffic movements likely to be generated by the proposed development, including the impact on nearby intersections and the need/associated funding for upgrading or road improvement works (if required). The traffic impact assessment should consider base models with future traffic generated by the proposed expansions and redevelopment of Royal Far West. Key intersections to be examined/modelled include:
 - Darley Road and Wentworth Street;
 - East Esplanade and Wentworth Street;
 - East Esplanade and Belgrave Street; and
 - Sydney Road and Pittwater Road.
- Details of the proposed access, parking provisions and service vehicle movements associated with the proposed development; and
- Details of proposed car parking provisions. Minimal levels of on site car parking for the proposed development having regard to the high public transport accessibility of the site, opportunities for car sharing, local planning controls and RTA guidelines (note: The Department supports reduced parking provisions, if adequate public transport is available to access the site).

The Transport and Accessibility study addresses the matters raised in this DGR. As a summary, the analysis demonstrates that:

Public Transport

- The development is located in an area with excellent alternative travel modes available other than private car use.
- The development links into the existing pedestrian and bicycle network and therefore follows the target of increasing active transport as a means of connecting into the transport network as proposed by the NSW State Plan targets in reducing car dependency.
- There are excellent pedestrian and cycle networks which serve the Manly area. The development site is situated in a location where it has access to on road cycle routes as well as an extensive footpath system which exists within Manly and particularly along South Steyne with connections to the south and in particular Manly bus/ferry terminal.

Traffic Generation

- The site is conveniently located with respect to the arterial and local road systems serving the region. It is therefore able to effectively distribute traffic onto the wider road network, minimising traffic impacts.
- The existing intersections in proximity to the site, surveyed and modelled as part of the traffic study, operate above satisfactory in terms of delays and levels of service.
- The combined traffic generation of the RFW, retail, residential and hotel components of the project generate an additional 103 trips/hr in the morning (during 8-9am) and 121 trips/hr during the afternoon peak (5-6pm).
- This traffic generation will result in negligible impacts given that the level of service (or capacity) at key intersections will remain higher than satisfactory as a result of the proposed development. The impacts on queuing will also be minimal.

Access

- Having regard for the internal design aspects embodied in the Concept Plan, the proposal is considered acceptable and will operate satisfactorily and is supportable on traffic grounds.
- A more detailed assessment will be required at the Project Application stage, based on adopted traffic planning principles outlined in the Concept Plan.

Parking

- The parking provision is provided to meet the minimum requirements of Manly Council's DCPs which already embody rates that are intended to encourage the use of alternative transport modes and will result in reduced car dependency which is consistent with the objectives of State Government policy more generally.

Commitment to Traffic Management Measures

- The applicant is willing to commit to the provision of traffic management measures that seek to improve the traffic in the local area. As discussed in Section 6.4 of the report, we stress that these improvements would be beneficial regardless of whether or not the project proceeds. While Royal Far West commits to implement these as part of the project, subject to Council approval, they are not required as a result of the project, and the project does not rely upon their implementation.

Overall, the Transport and Accessibility Study concludes that the proposed use of the site is a moderate traffic-generating use and is supportable on traffic/transport planning grounds.

9.6 ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

Director General's Environmental Assessment Requirement No. 5

- *Detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development;*
- *Include a description of the measures that would be implemented to minimise consumption of resources, water and energy, including an Integrated Water Management Plan which details any proposed alternative water supplies, proposed end uses of potable and non-potable water, and water sensitive urban design; and*
- *Demonstrate that the development can achieve a minimum 4 Green Star rating, or any other suitably accredited rating scheme.*

Sustainability has been an important consideration in the preparation of the concept plan.

The ESD report documents the sustainability initiatives being considered for the site as part of the Part 3A Concept Plan and provides an overview of initiatives being considered for the next phase of the development. It demonstrates progress and commitment towards achieving more sustainable outcomes for the development.

The report demonstrates the incorporation of the principles of ESD, provides a description of the measures undertaken as part of the concept plan in relation to water, energy and transport and provides a demonstration of the elements of the concept plan relevant to appropriate environmental ratings.

The report uses the principles of the Green Building Councils Green Star Communities Framework to reflect the developments response to the principles of ESD. This considers principles of enhanced liveability, opportunities for economic prosperity, environmental responsibility, design excellence and strong governance.

In detailing the measures to be implemented around resource efficiency the development is proposing a number of elements at concept plan phase. These measures will be further advanced during project approvals and construction documentation. Some of the key sustainability measures detailed at the concept plan phase includes:

- Using building orientation and passive solar design features and maximising opportunities for natural ventilation.
- Maximising land use efficiency through increasing the use and function of the site.
- Shared resources including the car parking, loading, rainwater storage and communal spaces.
- Effective location near significant public transport, cycling and pedestrian infrastructure as well as a large range of community and retail service offers that enables reduced transport by car.
- An integrated rainwater harvesting scheme for non potable use throughout the development.

At an individual building scale the report commits to a minimum 4 Star Green Star Certified Rating under the Multi Unit Residential v1 tool and the Education v1 tool for the respective buildings. For all other uses on the site there is a commitment to the preparation or an appropriate response to energy, water and transport at project approval phase.

9.7 CONTRIBUTIONS

Director General's Environmental Assessment Requirement No. 6

- *Address Council's Section 94 Contribution Plan and/or details of any Voluntary Planning Agreement*

Mainly Section 94 Contributions Plan 2004 contains the Council's policy regarding contributions levied on development. It includes details of anticipated increased demand as a result of new development and links this to an increased demand for public services and amenities for which developer contributions will be sought.

Voluntary planning agreements (VPAs) are useful for large scale developments that have longer time frames, are likely to be developed in stages, and in situations where the developer has a key interest in delivering public infrastructure. RFW will liaise with the Department of Planning on the appropriate manner to provide contributions in relation to the project.

9.8 CONTAMINATION

Director General's Environmental Assessment Requirement No. 7

- *Demonstrate compliance that the site is suitable for the proposed use in accordance with SEPP 55.*

In accordance with the requirements of SEPP 55, a consent authority must not consent to the carrying out of development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Phase 1 Contamination Assessment (see **Appendix D**) has been prepared by Douglas Partners to assess the potential for contamination of the site based on past and present site usage, identify the contaminants of concern, if any, and provide recommendations on any requirement for further assessment. The assessment included a desktop review of site topography, geology and hydrogeology, obtaining and reviewing site history information and a site inspection.

The site history indicates that the primary site use prior to RFW was residential, including boarding houses. Exceptions to this comprise the use of the corner of Wentworth Street and South Steyne for amusement parks, and potential for storage/commercial use of 12 to 14 Wentworth Street associated with a 'general carrier' business. Since RFW has operated at the site, activities have included residential, medical services and education.

The Phase 1 Assessment considers that the site can be rendered suitable for the proposed development subject to:

- Intrusive investigation to obtain data on the contaminant concentrations at the areas of potential environmental concern;
- Based on the results of the intrusive investigations, if required, remediation of the site to meet the requirements of the proposed land use.

Noting that the project is currently in a conceptual stage, it is understood that an intrusive investigation report (and if necessary, a Remedial Action Plan) will be prepared and submitted to the appropriate planning approval authority (i.e. NSW Department of Planning and Infrastructure (DoPI) or Manly Council) at the Project Application stage and prior to the issue of the Construction Certificate. It is further understood that any potential remedial works will be implemented and validated prior to commencement of the proposed development.

9.9 HERITAGE

Director General's Environmental Assessment Requirement No. 8

- *A Conservation Management Strategy (CMS) shall be prepared to provide a broad overview of conservation approaches and management guidance. This should be prepared in accordance with the NSW Heritage Council templates which are available at www.heritage.nsw.gov.au;*
- *A Statement of Heritage Impact (SoHI) shall be prepared according to the NSW Heritage Council publication "Statements of Heritage Impact" available at www.heritage.nsw.gov.au. The Statement should include discussion of impacts to all heritage buildings, including the Drummond House, at 22 Wentworth Street, landscape areas and archaeology that will be affected by the proposed Concept Plan; and*
- *In preparing the above documentation, the following matters should be addressed:*
 - *Details of the location of all heritage items, statutory items and conservation areas within, and adjacent to the site should clearly be shown on a heritage context map, with Lot/DPs confirmed:*
 - *Details of how the Concept Plan addresses the heritage significance of the site and how it will deal with the results of a detail heritage assessment.;*
 - *Details of how the proposed Concept Plan addresses the local heritage provisions of MLEP 1988, including:*
 - *Clause 18 Items of the environmental heritage;*
 - *Clause 19 Development in the vicinity of an item of environmental heritage;*
 - *Clause 21 Conservation area; and*
 - *Clause 25 Conservation incentive relating to heritage items.*
 - *Preparation of baseline archaeological assessment as part of the preparation of the above.*

9.9.1 CONSERVATION MANAGEMENT STRATEGY (CMS)

A Conservation Management Strategy (CMS) has been prepared by Urbis to assist RFW in its management of the diverse and important heritage values of the site. A copy is provided at **Appendix P**.

The report provides a description, history, significance assessment, analysis of issues, constraints and opportunities and conservation policies and guidelines to manage the site's significance, balanced against other management considerations, such as development, maintenance and use of the place.

The outcome of the CMS is to provide an assessment of the heritage significance of the site and also to guide the management and maintenance of the site.

Heritage Significance

- *There are two heritage listed items within the site boundary under the Manly Local Environmental Plan 1988: Drummond House built in 1935 (22 Wentworth Street); and the Terraces built c.1885 (15 and 16 South Steyne). These buildings are principally significant for their architectural style and their association with the Royal Far West Scheme.*
- *RFW has strong associations with the greater Manly area where it was established and operated from various locations from 1925. The site has historical and social significance being the location of the first purpose built building for the Scheme in 1935 (Drummond House).*
- *The site is associated with important persons in the establishment and development of the Scheme, such as Stanley Drummond and Dr. Moncrieff Barron, and with various architects who designed buildings for the Scheme at the site.*
- *The Terraces on South Steyne may be rare in Manly, being the only surviving 19th century villa to survive on Manly's beachfront, and the last surviving works of the Blacket family in Manly.*
- *Parts of the site have medium archaeological potential, which may contribute further knowledge about the site's former uses, including various late 19th century dwellings and their occupants, and the early 20th century entertainment venues on the corner of South Steyne and Wentworth Street.*

Site Management and Ongoing Maintenance

- *Conservation policies and guidelines have been prepared in Section 5 of this CMS to guide the management and maintenance of the site, especially the two heritage buildings. Background discussion is given to the issues, opportunities and constraints that have produced the policies.*
- *When proposing changes at the site or undertaking maintenance to the heritage buildings, these conservation policies should act as a guide to retain the place's heritage significance.*
- *There are guidelines for compliance with heritage legislation, and conservation policies in relation to managing the site's archaeology resource, heritage significance, development potential, interpretation of the site's heritage significance and implementation and review for this CMS.*

9.9.2 HERITAGE IMPACT STATEMENT (HIS)

A Heritage Impact Statement (HIS) has been prepared by Urbis to assess the heritage impacts of proposed works at the site. A copy is provided at **Appendix Q**.

As the works form part of a Part 3A concept proposal, the heritage impacts of the proposed works have been assessed with reference to the heritage provisions in the Manly LEP 1988 and Heritage Branch's 'Statements of Heritage Impact' guidelines, and the following comments are made:

- *Overall, the proposed works do not impact on the site's heritage significance and its heritage listed buildings.*
- *Retention of the two heritage listed buildings and the siting of the new development along South Steyne are positive aspects of this proposal. New development is setback and not directly adjacent to the primary façades of these heritage buildings to retain significant views. The new development along South Steyne reinforces the street wall and responds sympathetically to the scale of surrounding development.*
- *The proposed lightweight addition on the western side of Drummond House to the new seven storey Royal Far West (RFW) building should comply with the conservation policies (No. 7 & 13) in the CMS by Urbis, which states the 3-D form of Drummond House to be retained and read from the street. The new connections to Drummond House should therefore be a narrow lightweight link.*

- *There are no objections on heritage grounds to the demolition of the four RFW buildings or the 1960s rear addition to Drummond House. The four RFW buildings are mid-late 20th century buildings that do not individually meet the threshold for local heritage listing. They do contribute to the site's overall historical and associative significance, however this can be retained through other means, such as interpretation. The 1960s rear addition to Drummond House was assessed as having neutral heritage significance as they are not aesthetically significant and its demolition will not adversely impact on the significance of Drummond House.*
- *In relation to the new buildings, the buildings have been designed to step the height from main roads to be sympathetic to adjacent heritage items and the bulk and scale of development in the vicinity. The scale of the new hotel to the scale of the Terraces on the corner of Victoria Parade and South Steyne, whilst large, is setback from the street behind the retail/residential building which should minimise impacts.*
- *The new landscaping proposed on the site should improve the setting and relationship of the retained heritage buildings and new buildings. The historical archaeological potential of the site is considered to be medium to low and may require further investigation. Mary Dallas Consulting Archaeologists separately undertook a cultural heritage and Aboriginal archaeology assessment, which provided additional recommendations to those in this report.*
- *The scale of new development on the RFW site is considered to be sympathetic to that of listed retail and residential flat buildings in the vicinity. Soft landscaping on the RFW site should complement the landscape significance of the Victoria Parade and Wentworth Street street-trees. Activation of retail on the ground floor of the new building to South Steyne and the recessed bays on its primary elevation are considered to positively contribute to the public connectivity of adjacent development and the Promenade.*

A range of recommendations are made by Urbis to mitigate potential heritage impacts on the site by the proposed works. With reference to those recommendations, the proposed concept proposal for the Royal Far West site is supported on heritage grounds.

9.10 ABORIGINAL HERITAGE

Director General's Environmental Assessment Requirement No. 9

- *The EA shall address Aboriginal Heritage in accordance with the Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation 2005.*

A Cultural Heritage Assessment and Aboriginal Archaeological Assessment has been prepared by Mary Dallas Consulting Archaeologists (refer to **Appendix R**) to provide an overview of Aboriginal archaeological sites and Aboriginal historical association with the Manly area in general and the RFW Health Scheme.

The Assessment makes the following conclusions:

- *The Aboriginal cultural heritage of the RFW site is strongly linked to the Aboriginal association with the operation of the RFW Children's Health Scheme. While it unlikely their will be specific attachments to the physical nature of the place it is likely Aboriginal values will be focussed on the care and respite they received.*
- *The Aboriginal archaeological heritage is currently not known. Archaeological sensitivity of the subject land is related to the likelihood of Aboriginal sites remaining on the land given the high degree of disturbance resulting from past construction activities.*
- *The study has identified three areas which appear to have sustained fewer disturbances from construction and related activities. The remainder of the site has been subject to deep excavation for 3-5 storey buildings and is unlikely to retain undisturbed substantial archaeological deposit. However*

there can be no definitive assessment at this stage that the subject land does not contain any Aboriginal archaeological remains.

The Assessment makes the following recommendations

- *While the work of the Royal Far West scheme is celebrated for its vision and humanitarianism, it can be especially celebrated that the scheme was non-discriminatory. Consideration should be given to commemorating the work with Aboriginal communities, mothers and children throughout its history.*
- *At the commencement of any earthworks or remediation works on site the excavation workers be provided Cultural Heritage Awareness Induction by a qualified archaeologist and a representative of the Metropolitan Local Aboriginal Land Council. The induction should ensure that workers can identify cultural remains so that they can be managed appropriately.*
- *An Aboriginal archaeological test excavation be conducted within the areas identified as archaeologically sensitive immediately following demolition of the court surfaces of the Far West School and the concrete slab surface of the rear car park of the Elsie Hill building and across the footprint of the Terrace should it not be retained. These areas should be investigated before neighbouring demolition to avoid contamination of sediments. The test excavations should be co-ordinated with any historical archaeological investigations as may be recommended.*

9.11 DRAINAGE & FLOODING

Director General's Environmental Assessment Requirement No. 10

- *The EA shall address drainage issues associated with the proposal, including stormwater and drainage infrastructure; and*
- *Detailed plans of the proposed erosion and sediment control measures during demolition, construction and operation.*

Director General's Environmental Assessment Requirement No. 11

- *An assessment of any flood risk on site and consideration of any relevant provisions of the NSW Floodplain Development Manual (2005) include the potential effects of climate change, sea level rise and an increase in rainfall intensity.*

Whipps-Wood Consulting has prepared a response to the above DGRs at **Appendix K**. A summary of the key recommendations are provided under the below sub-headings.

9.11.1 STORMWATER AND DRAINAGE

A conceptual stormwater plan has been prepared based on the building envelopes proposed in the Concept Plan.

It is proposed that roof water shall be collected and directed to one or more rainwater harvesting tanks via a gross pollutant trap (GPT). Excess water from the tanks would be directed to Council's drainage infrastructure system in Wentworth Street or South Steyne. Surface water will either be collected through porous paving systems to absorption zones or directly to landscaped swales incorporating an infiltration system.

A range of Water Sensitive Urban Design (WSUD) measures have been incorporated into the conceptual stormwater design to reduce the impact of the development on the surrounding environment, including:

- *Incorporation of Gross Pollutant Traps (GPT) to reduce the volume and percentage of suspended pollutants from the stormwater flows which discharge from the site.*

- *Provision of onsite absorption systems to cater for minor storm events which provides a first flush capability, to remove pollutants such as salt and other chemicals which are collected from roof and surface areas in the first minutes of a storm event.*
- *Harvesting of rainwater for the purpose of reuse in sanitary flushing, irrigation systems and other non-potable water uses.*
- *Electronic Monitoring of water demand for defined areas to enable the detection of spikes which may indicate leakage from the system*
- *Reuse of fire water from testing procedures to reduce the consumption of potable water and minimise the discharge from the site to the authorities' drainage infrastructure.*
- *Reduction in the site outflows.*

9.11.2 EROSION AND SEDIMENT

Soil and Water Management Plans (SWMPs) are required for sites greater than 2,500m² prior to the construction stage of development. While construction works are not subject to the Concept Plan stage, a detailed SWMP will be completed at the Project Application stage when consent for such works is being sought.

The SWMP will provide a control strategy for each sub-catchment to ensure appropriate run-off quality. These controls would consist of filter fences, run-off diversion mounds and stabilised site access.

9.11.3 FLOOD RISK AND SEA-LEVEL RISE

Matters relating to flood risk and sea-level rise are a key consideration when sites are being rezoned from non-urban land uses to urban land uses. Ideally, non-urban land uses should not be released for urban purposes, as they create opportunities for of increased incidence of flood risk.

The Concept Plan is seeking to redevelop the site from an urban purpose for new urban purposes. As discussed in more detail in the Flood Risk Assessment, we consider this proposal will not exacerbate matters in relation to flood risk and sea level rise.

9.12 UTILITIES

Director General's Environmental Assessment Requirement No. 12

- *In consultation with relevant agencies, the EA shall address the existing capacity and any augmentation requirements of the development for the provision of utilities, including the staging of infrastructure works and the preparation of an infrastructure management plan.*

The site is located within a highly urban area with all services available. Augmentation of these services will be detailed at construction certificate phase of the process if required.

9.13 STAGING

Director General's Environmental Assessment Requirement No. 13

- *Details regarding the staging of the proposed development (if proposed).*

Any proposed development of the Royal Far West site will need to maintain the existing RFW uses in continuous operation including the clinical, residential and education groups. In order for Royal Far West to continuously provide its services to rural and remote children on the site, the following staging is proposed:

Stage 1

- Demolish the existing Elsie Hill building

- Demolish the back portion of Drummond House. (The shortfall in accommodation will be in Level 2-3 of the existing clinical building)
- Construct carpark under this portion and Building A, RFW Centre of Excellence (clinical, school & accommodation).
- Decant all RFW services & school into new building.

Stage 2

- Demolish the clinical buildings on South Steyne and the school on Wentworth St.
- Construct the remainder of carpark, retail, residential & hotel buildings.

A separate Project Application is to be made for each stage without one being contingent on the other. It is not anticipated that the Stage 2 Application will be made until construction of Stage 1 is well progressed.

9.14 FLORA AND FAUNA

Director General's Environmental Assessment Requirement No. 14

- *Address impacts on flora and fauna, including threatened species, populations and endangered ecological communities and their habitats and steps taken to mitigate any identified impacts to protect the environment.*

A Flora and Fauna Assessment has been undertaken by Eco Logical Australia (ELA) in response to the above DGR (see **Appendix S**). Given the highly developed nature of the site, ELA undertook a desktop approach which assessed threatened species, populations and communities known or likely to occur on the site, evaluated potential impacts to such species, and developed measures to manage impacts to both threatened species and the environment more generally.

In summary, the report considers that the site located in a heavily urbanised town centre with minimal habitat values, and makes the following key conclusions:

"Potential habitat features of the study site are four street trees and two other trees surrounded by the development. The busy streets and abundant lighting would currently deter most native fauna from inhabiting this area for lengthy periods."

The study site does not lie within areas identified as requiring an "8-part test" under Section 5A of the EP&A Act for Long-nosed Bandicoots or Little Penguin.

Only two species were considered to potentially occur in the habitat on site. These were both birds of prey that roost and/or nest in tall trees near water bodies: White-bellied Sea Eagle and Osprey. Other mobile species such as birds and bats may fly over the study area, but are unlikely to utilise the site due to inappropriate habitat and on-going disturbance from light and noise i.e. associated with the urban setting.

Assessments of significance were conducted for the White-bellied Sea Eagle and Osprey. These birds use similar habitats, by favouring tall trees near open water for roosting and nesting. In summary, no significant impact to these species is likely due to the limited suitable habitat (only four tall trees); small number of potentially impacted trees in locality; and the highly mobile nature of these fauna species.

The following mitigation measures are recommended for the proposed re-development:

- *Minimise tree removal as far as possible;*
- *Landscape with species that are indigenous to the Manly area, including tall growing species; and*

- *Ensure a construction environmental management plan (CEMP) is prepared prior to construction that addresses the following issues: flora and fauna management, weed control, air quality/dust, noise, vibration, soil, water and waste (as required)."*

In this regard:

- Tree removal is minimised as part of the Concept Plan;
- The Landscape Plan provides a range of indigenous species that are indigenous to the Manly area, including tall growing species.
- A CEMP will be a condition of consent at the Project Application/DA stage.

9.15 NOISE AND VIBRATION

Director General's Environmental Assessment Requirement No. 15

- *Provide a quantitative assessment of the potential demolition, construction, operation and traffic noise impacts of the project.*

As the project is at a Concept Plan stage it is difficult to accurately undertake a quantitative assessment of the potential noise impacts. It was agreed that a full noise impact assessment would be provided at the Project Application stage, when there is more detailed built form design.

The location and separation of buildings in the Concept Plan have been designed to ensure a high level of amenity by protecting the acoustic privacy of internal and surrounding properties, by utilising the site and building layout to create building separation within the development and from neighbouring buildings.

Residential apartments have been designed within the development to minimise noise transition between flats and locating living rooms and storage or circulation zones to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas. Similarly, the amount of party (shared) walls are minimised, and the internal apartment layout separates noisier spaces from quieter spaces.

At the Project Application stage, design measures including glazing, operable screened balconies and other measures will be used to minimise noise impacts on residents.

9.16 WASTE MANAGEMENT

Director General's Environmental Assessment Requirement No. 16

- *Identify, quantify and classify the likely waste streams to be generated during construction and operation;*
- *Describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste;*
- *Describe the measures to be implemented to manage the disposal of nuclear waste, if required;*
- *Describe the measures to be implemented to manage the disposal of contaminated and potentially contaminated biological and sewage waste, if required.*

RFW aims to operate the site in accordance with the principles of ecologically sustainable development and as such, there is a desire to reduce the amount of waste disposed of at landfill, through waste minimisation and recycling.

The project will provide a detailed Waste Management Plan (in accordance with the controls contained within the Manly Development Control Plan for Waste Minimisation and Management 2000) at the Project Application stage of development, when there are more defined details of the type and quantity of waste

products from the development. The Concept Plan design provides flexibility for the adoption of adherence to waste management principles at the construction and operation phases as follows:

Construction Phase - Measures for waste avoidance will be incorporated into the design, material purchasing and construction techniques of the development:

- Excess masonry products, such as bricks and concrete, will be re-used for fill on-site or forwarded to a crushing and recycling company, as appropriate.
- Surplus timber products will be chipped for landscaping on-site or forwarded to landscape suppliers for chipping and composting.
- Any excess metal products will be forwarded to a metal recycling facility wherever possible, with any surplus to be forwarded to a licensed landfill site.

Operational & Ongoing Management of Waste – The Waste Management Plan will provide details on:

- Location of temporary storage space within each dwelling unit;
- Location of Waste Storage and recycling Area(s), per dwelling unit or located communally on site. In the latter case this could be a Garbage & Recycling Room;
- Details of design for Waste Storage and Recycling Area(s) or Garbage and Recycling Room(s) and any conveyance or volume reduction equipment; and
- Location of communal composting area.
- Access for garbage vehicles.

9.17 HAZARDS

Director General's Environmental Assessment Requirement No. 17

- *An assessment against SEPP 33 – Hazardous and Offensive Development; and*
- *A description of the proposed storage, use and management of any hazardous material and measures to be implemented to manage hazards and risks associated with the storage.*

SEPP 33 aims to ensure that the merits of proposal are properly assessed in relation to off-site risk and offence before being determined. It provides definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment' and requires applicants to carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out.

As discussed earlier within the report, the role of RFW has evolved over the years with more of a focus on health care for developmental, behavioural and learning disorders. The storage and use of hazardous materials and chemicals associated with major hospital facilities (i.e. such as Westmead Hospital) will not be necessary in the service offering that RFW currently offer. Therefore, no hazardous materials will be proposed as part of the project.

9.18 CONSULTATION

Director General's Environmental Assessment Requirement No. 18

- *Undertake an appropriate and justified level of consultation in accordance with the Department's Major Project Community Consultation Guidelines (October 2007).*

In accordance with the Department's guidelines for consultation, key stakeholders and groups have been engaged prior to and after the submission of the EA for public exhibition. This is discussed in detail in Section 5.

10 Conclusions

The Royal Far West project strategically aligns with and provides the prospect to achieve a range of social, economic and environmental outcomes that are reinforced in the local, sub-regional and state planning controls and guidance.

The project replaces the currently outdated, dilapidated and poorly coordinated facilities on the site with a modern 'Centre for Excellence' which will allow RFW to improve its legacy of caring for country kids. It will also enable a mix of new tourism, retail and residential components to assist in funding the new health facilities.

The built form and development parameters for future development have been designed to in direct response to the established built form controls of the Manly Town Centre, and potential adverse impacts upon surrounding properties. It has also been designed to optimise residential amenity, and respond to relevant policy guidance where appropriate.

The project has been assessed in terms of the requirements issued by the Director General, and has been amended in response to Council and community concerns. While flexibility in the permissibility of commercial land uses is required, the core RFW uses are permissible and the project complies with all relevant standards contained in State and local planning instruments. No unreasonable impacts on adjoining properties or the receiving environment will occur.

We therefore commend the Concept Plan to the Minister for approval, subject to the Statement of Commitments contained therein, and standard conditions of approval.

Appendix A

Project Declaration & DGRs

Appendix B

Site Survey

Appendix C

Arboricultural Report

Appendix D

Phase 1 Contamination Report

Appendix E

Cost Assessment (QS Report)

Appendix F

Consultation Report

Appendix G

Concept Plan Drawings

Appendix H

Landscape Concept Plan

Appendix I

ESD Report

Appendix J

Transport Assessment

Appendix K

Stormwater Management Plan

Appendix L

Statement of Commitments

Appendix M

SEPP 65 Documentation

Appendix N

Visual Impact Assessment

Appendix O

Wind Report

Appendix P

Conservation Management Strategy

Appendix Q

Heritage Impact Statement

Appendix R

Aboriginal Report

Appendix S

Flora & Fauna Assessment

Appendix T

Affordable Housing Assessment

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