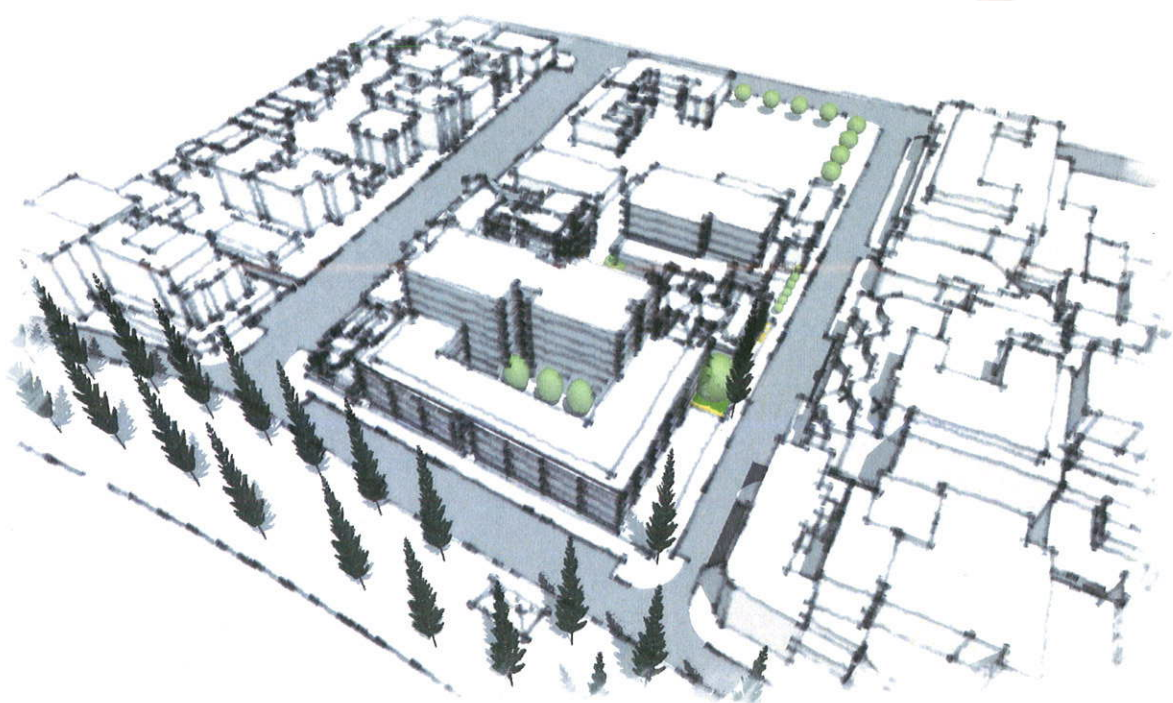




Planning &
Infrastructure

MAJOR PROJECT ASSESSMENT:
Royal Far West School for Excellence
Concept Plan
14-22 Wentworth Street and 15-16 & 19-21
South Steyne, Manly
MP10_0159



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

January 2013

ABBREVIATIONS

| | |
|------------------|--|
| Act | Environmental Planning and Assessment Act, 1979 |
| CIV | Capital Investment Value |
| CP | Concept Plan |
| Council | Manly Council |
| Department | Department of Planning & Infrastructure |
| DGRs | Director-General's Requirements |
| Director-General | Director-General of the Department of Planning & Infrastructure |
| EA | Environmental Assessment |
| EPI | Environmental Planning Instrument |
| Guidelines | Urban Design Royal Far West Guidelines |
| MD SEPP | State Environmental Planning Policy (Major Development) 2005 |
| Minister | Minister for Planning and Infrastructure |
| PAC | Planning Assessment Commission |
| Part 3A | Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> |
| Plan | Manly Local Environmental Plan 1988 |
| PEA | Preliminary Environmental Assessment |
| PFM | Planning Focus Meeting |
| PPR | Preferred Project Report |
| Proponent | Royal Far West Centre for Excellence |
| Regulation | Environmental Planning and Assessment Regulation 2000 |
| RtS | Response to Submissions |

Cover Photograph: Perspective of Development Concept, Urbis, 2012

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EXECUTIVE SUMMARY

This is a report on a Major Project application pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* (the EP&A Act). The site is located within the Manly Local Government Area, approximately 20 km north of the Sydney CBD. The application seeks the approval of a Concept Plan for the redevelopment of the site for a mixed use development comprising a hospital, commercial, retail and tourism uses and residential apartments with underground car parking in a complex including two residential towers of nine (east) and seven (west) storeys respectively and the retention of various existing smaller heritage buildings of three to four storeys in height.

The Proponent is the Royal Far West (RFW), a non-profit organisation which has been operating from the subject site for 85 years. The RFW provides services to enhance the health and well-being of children who normally reside in country and regional areas.

The Environmental Assessment (EA) was exhibited for a 71 day period from 21 September 2011 until 30 November 2011. The Department received nine submissions from public authorities and 117 submissions from the public, 102 objecting to the development.

Under the Manly Local Environmental Plan 1988 the site is zoned 5A Special Use (Children's Home). The project is partially permissible under the Plan where it relates to the RFW facility redevelopment. Under a Concept Plan the remainder of the proposal can be considered on its merits and approved despite the underlying prohibition.

On 22 August 2012, the Proponent submitted a Preferred Project Report (PPR). Key changes made to the proposal within the PPR included:

- a reduction of the retail/hotel building footprint and overall bulk;
- improved access and view lines across the site through provision of a 6m setback to Wentworth Street;
- the residential portion of the development now wraps around the site along Wentworth Street and also down Victoria Parade; and
- modifications resulting in an overall increase in floorspace of 348m².

The Preferred Project has a Capital Investment Value of \$185.7 million and will create up to 500 direct design/construction jobs and up to 650 operational jobs, including 150 at the Centre for Excellence.

Key issues considered in the Department's assessment include impact on traffic generation, the hotel use, height, bulk and scale of the built form and environmental and amenity impacts. The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposal have been satisfactorily addressed within the EA, the PPR and the Department's recommended modifications of approval and future assessment requirements.

Key changes which have occurred as a result of the Department's assessment include:

- Provision of a 6m setback to Wentworth Street to retain more of the existing view corridor down Wentworth Street towards Manly Beach;
- A one storey reduction to the RFW (western) building to reduce the overshadowing impact to Manly Village Public School;
- A requirement to further articulate the hotel tower to minimise the scale and form of the tower when viewed from the public domain; and
- A requirement for future applications to demonstrate design excellence in accordance with the Director General's Design Excellence Guidelines.

The proposed development provides for renewal of the existing Royal Far West site and achieves an appropriate level of design that will satisfactorily maintain the amenity of future residents, the existing locality and surrounding development. For the above reasons, the

project is supported subject to recommended modifications and future assessment requirements.

Any further development of the site will require separate development applications to be submitted to Manly Council and these applications are to be consistent with the Concept Plan.

The Minister for Planning and Infrastructure is the approval authority for the proposal. However, the Planning Assessment Commission may determine the application on the Minister's behalf under delegation dated 14 September 2011 as the proposal has received more than 25 public submissions objecting to the development, including Manly Council.

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1. BACKGROUND

Royal Far West Centre for Excellence

The Royal Far West Centre for Excellence (RFW) was established in 1924 and is a non-government organisation which provides health services to children living in rural and remote areas of New South Wales. The RFW has been operating from the subject site in Manly for over 85 years. The RFW mission is to facilitate access to services that enhance the health and well being of country children.

In achieving this mission, the RFW provides comprehensive and multi-disciplinary services to children from regional, rural and remote New South Wales. Such services include speech pathology, paediatrics, child and adolescent psychiatry, psychology, nursing, occupational therapy, social work, dietetics, physiotherapy, dental services and outreach programs. Children referred to the RFW often present problems such as delayed development, difficult behaviours, learning difficulties, social problems and anxious behaviour and it is often that the children have been diagnosed with conditions such as autism, intellectual disabilities, learning disabilities or attention deficit hyperactivity disorder.

In treating children, the RFW provides a medical centre with access to health care professionals; on-site accommodation for the children and their families; and access to the RFW school. The RFW school provides classes that cater for children between preschool age and Year 12. Classes are also provided for students with severe disabilities.

The children which benefit from the RFW services include those with non-acute developmental, behavioural, learning and emotional or mental health disorders and where access to local services is limited. In particular, the RFW aims to provide high quality services for children at risk of poor adult outcomes, including:

- Chronic unemployment;
- Adult literacy issues;
- Social isolation;
- Depression and other mental health problems; and
- Delinquency and drug abuse.

The RFW currently operates as a not-for-profit organisation that receives limited government support. The RFW has research partnerships with the University of New South Wales and Macquarie University and assists in the latest research on child developmental disorders.

Subject Site

The subject site is known as 14-22 Wentworth Street, 15-16 and 19-21 South Steyne, Manly and incorporates land currently owned by the Department of Education and Communities. This portion of the site accommodates the existing RFW building. The site has a total area of approximately 6950m² and the location of the site in relation to Manly Beach, Manly Wharf and The Corso is shown in **Figure 1**.



FIGURE 1 : Locality Plan for Royal Far West Centre of Excellence
Source: Google Earth 2012

As shown in **Figure 2** below, the site is located adjacent to the Manly Village Public School and is in close proximity to existing residential and commercial developments. The existing structures on the site include the RFW accommodation, RFW school, RFW administration, Victoria Parade terraces used as a clinical facility and the heritage listed “Drummond House.”



FIGURE 2: Grounds of Royal Far West Centre of Excellence
SOURCE : Google Earth 2012

The expansion of the RFW services and facilities has resulted in incremental development of the site over the years and the site is now at a stage where the majority of facilities are outdated and require significant upgrading.

The proposed Concept Plan seeks to demolish the existing structures on the site and construct a new RFW facility along with a new development that accommodates commercial, retail and tourism uses, residential apartments and basement car parking. The new RFW facility rationalises the existing services and associated floor space so that greater efficiency is achieved and the quality of services is improved.

The Proponent has suggested that the proposed commercial, retail, tourism and residential developments will assist in funding the continued operation and provision of core RFW services. It has also been suggested that the proposal will assist in attracting health professionals consistent with the RFW's core services.

2. PROPOSED PROJECT

2.1. Project Description

The Concept Plan Environmental Assessment (EA) as originally submitted and as exhibited, was for the redevelopment of the site and included a floor space ratio of 3.16:1 and an overall maximum height of 9 storeys. This equated to a proposed gross floor area (GFA) of 21,942m² and a maximum height to RL34.45. The Concept Plan is depicted in **Figure 3** and includes:

- demolition of all buildings (aside from Drummond House and Victoria Parade terraces);
- site works and basement excavation;
- construction of a new RFW facility (GFA 4,900m²) up to 8 storeys in height;
- provision of medical professional consulting rooms (GFA 800m²);
- construction of a residential flat development (GFA 4,700m²) providing 32 dwellings;
- retail uses accessed from Wentworth Street and South Steyne (GFA 1,327m²);
- basement car park accommodating 184 spaces over 2 levels;
- construction of a 9 storey hotel providing 165 rooms (GFA 8,145m²);
- landscaping around Drummond House and at the rear of site.

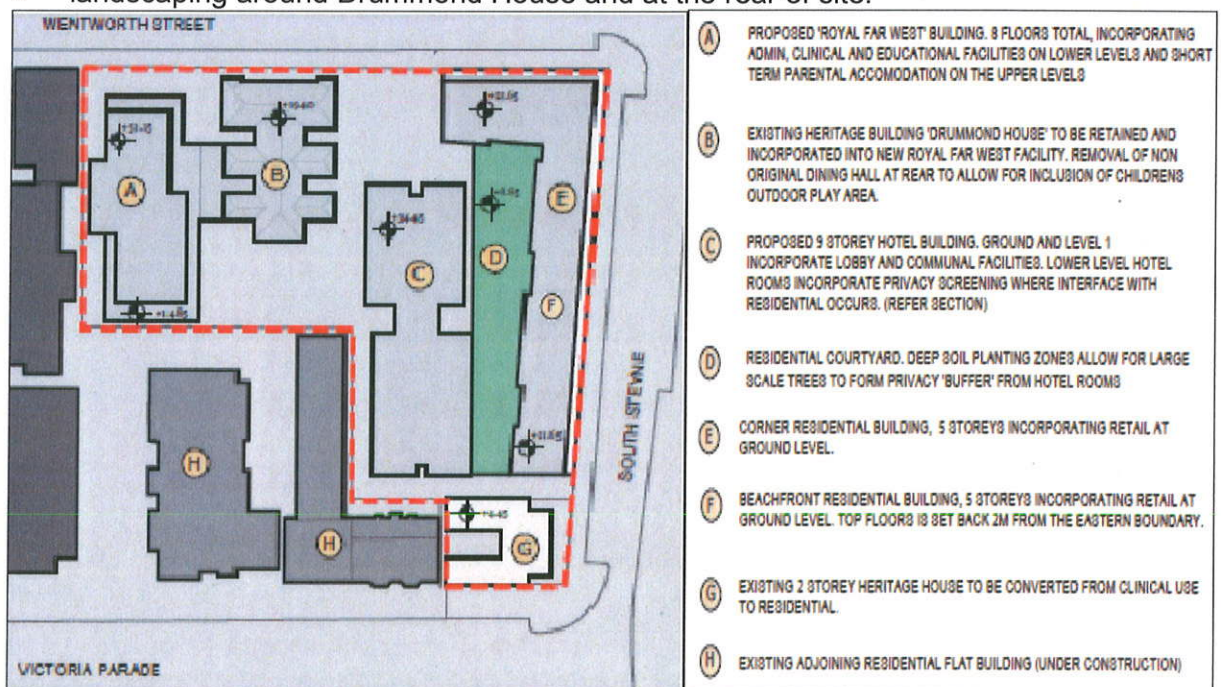


FIGURE 3: EA Original Building Layout

Source: EA Documentation by Urbis, August 2011

2.2. Preferred Project Report

Following the public exhibition of the EA, the Department advised the Proponent of a number of issues which required further consideration, and requested the submission of a Preferred Project Report (PPR).

On 22 August 2012, the Proponent responded to the issues raised in submissions and the Departments issues and submitted a PPR (refer **Appendix B**). In addressing some of the issues raised, a modified development plan which provided a 6 metre setback from Wentworth Street was provided. This setback assisted in the partial retention of view corridors to Manly Beach from apartments in neighbouring properties and established a view corridor to Drummond House.

The PPR seeks approval for the redevelopment of the subject site in order to accommodate a development as summarised in **Table 1** below:

TABLE 1: Key Project Components

| <i>Aspect</i> | <i>Description</i> |
|---------------------------------|---|
| Project Summary | <ul style="list-style-type: none"> • Demolition of existing structures, apart from Drummond House and the Victoria Parade Terraces; • Construction of a new Centre for Excellence; • Construction of a 9 storey hotel/retail/residential complex; • Construction of a retail level to Wentworth St and South Steyne; • Construction of a 4 storey residential flat building above the retail podium level; and • Provision of on-site basement car parking. |
| <i>GFA</i> | Total projected GFA of 22,290m ² equivalent to an FSR of 3.2:1. |
| <i>Height</i> | Maximum building height of RL34.45, approximately 30m above existing ground level. |
| <i>Centre of Excellence GFA</i> | 7,420m ² comprising 4,900m ² of RFW associated floor space over 7 levels in the western building, 1,620m ² in "Drummond House" and 900m ² of professional suites within the eastern building. |
| <i>Residential</i> | 46 residential apartments over 4 levels, equivalent of 5,100m ² floor space. |
| <i>Hotel Function</i> | Hotel with 165 rooms over nine levels, equivalent of 8,005m ² of floor space. |
| <i>Retail GFA</i> | 1,315m ² of retail floor space at ground level and a 6 metre wide alfresco seating/dining area from Wentworth St. |
| <i>Heritage Building</i> | Retention of Drummond House, totalling 1,620m ² of floor space and 2 terraces off Victoria Parade, totalling 450m ² of floor space. |
| <i>Car parking</i> | 184 spaces to be provided in a basement car park accessed from Wentworth Street. |
| <i>Open Space</i> | Landscaped area provided for RFW users and as a buffer around Drummond House. Alfresco dining area proposed along the Wentworth St. |

The design changes made in response to the issues raised in the submissions and the Departments issues included:

- an increase in GFA of 348m²;
- reduce the retail/hotel building footprint and reduce overall bulk;
- improve access points and view lines across the site with the provision of a 6m setback to Wentworth Street. This setback assists in retaining a shared water view for neighbouring residential apartments; promotes public views to Drummond House; and provides an alfresco seating area;
- the residential portion of the development wraps around the site along Wentworth Street and along Victoria Parade;

- the relocation of the pedestrian crossing on South Steyne to improve queuing capacity at the intersection with Wentworth Street for the left turning vehicles; and
- provision of a raised pedestrian crossing across Wentworth Street to promotes safe vehicle and pedestrian movements, and safe exit from Rialto Lane and the RFW with regular breaks in the traffic.

The PPR project layout is illustrated in **Figure 4** below:



FIGURE 4: PPR Project Layout
Source: Urbis PPR Report August 2012

A comparison of the key components of the original EA and the modified project as outlined in the PPR are listed in **Table 2** below.

TABLE 2 : Comparison between EA and PPR.

| Development Statistics | EA Proposal | PPR Proposal | Difference |
|-----------------------------------|----------------------|----------------------|---------------------|
| GFA | 21,942m ² | 22,290m ² | + 348m ² |
| FSR | 3.16:1 | 3:2:1 | + 0.04:1 |
| Building Height | 2 to 9 Storeys | 2 to 9 storeys | Unchanged |
| Total RFW Floor space | 4900m ² | 4900m ² | Unchanged |
| Drummond House | 1620m ² | 1620m ² | Unchanged |
| Professional Consult Rooms | 800m ² | 900m ² | + 100m ² |
| Hotel Floor Space | 8145m ² | 8005m ² | - 140m ² |
| Hotel Rooms | 164 | 165 | + 1 |
| Retail Floor Space | 1327m ² | 1315m ² | - 12m ² |
| Residential floor Space | 4700m ² | 5100m ² | + 400m ² |
| Residential Apartments | 32 | 46 | + 14 |
| Vehicle Parking | 184 | 184 | Unchanged |

The PPR modifications are illustrated through the aerial model presentations for the EA and PPR as illustrated in **Figures 5 and 6** below:

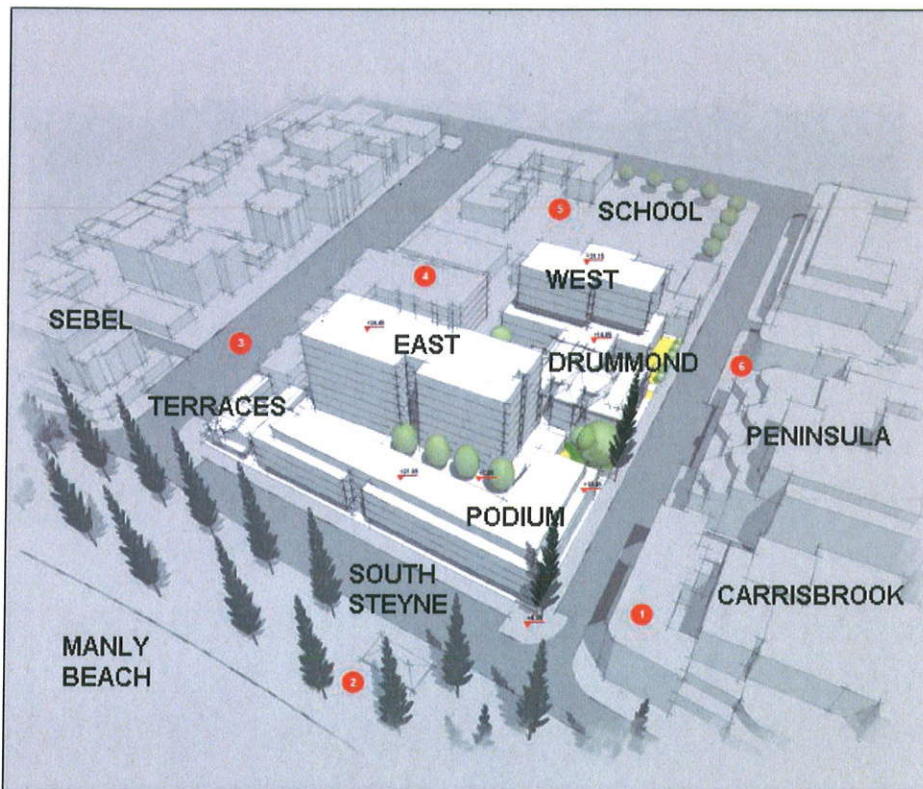


FIGURE 5: EA original Project Aerial Presentation
SOURCE: Environmental Assessment Report, Urbis, May 2011

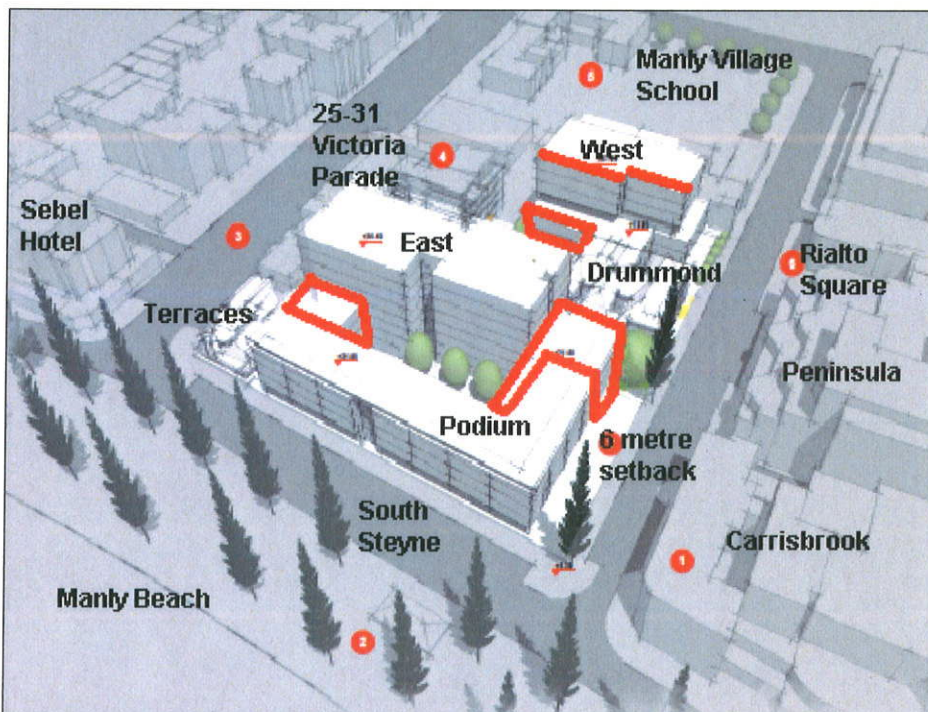


FIGURE 6: PPR Project Aerial Presentation
SOURCE: Preferred Project Report Plans, Urbis, 30 November 2012
NOTE: Additional building footprints proposed under the PPR are outlined in "red".

In response to concerns raised by the Department and the submissions received, the Proponent has lodged further modifications to the western building. The modifications provide a greater setback and reduction in height to the western boundary aiming to reduce the building bulk to Manly Village Public School. This amendment results in minor changes to the width of the building to offset the loss of floor space with the removal of the eighth floor.

The increase in width results in a reduced setback to Drummond House (by 2-3 metres) but a satisfactory separation distance between 5 and 8 metres is retained. The amendments also reduce the building bulk and shadow impacts on the adjoining school grounds.

The proponent has advised that the development is to be undertaken in two stages:

Stage 1: Demolition at the rear of the site, adjacent to the Manly Village Public School, and construct RFW facilities.

Stage 2: Demolition at the front of site and construct the commercial, retail and residential complex and relocate RFW functions into the new Stage 1 facilities.

2.3. Project Need and Justification

The Proponent has provided the following as justification for the type and form of development proposed.

Royal Far West Centre for Excellence

The Royal Far West Centre for Excellence 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 in health services available in country NSW and the changing health needs of country children.

RFW provides a comprehensive multi-disciplinary service to children from regional, rural and remote NSW with non-acute developmental, behavioural, learning and emotional/mental health disorders, where there are no appropriate local services.

The Centre advises that each year, thousands of children access RFW services and the demand is increasing, with the existence of long waiting lists for RFW services. 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 Centre has operated from this consolidated site at Manly for over 85 years as a not-for-profit organisation providing a respite program for special needs children from country NSW and their families. The expansion of the services offered and the aging of facilities on site over the years has resulted in a now out-dated, poorly coordinated complex which requires extensive and expensive upgrades.

The proposal includes a purpose built complex which will improve the clinical, educational and accommodation services offered by RFW to children and their families. The proposed tourism, retail and residential uses will assist in funding the on-going provision of the facilities. Current funding is provided through donations and government grants. The proposed commercial component potentially provides a long term leasing cash flow to finance RFW operations.

NSW 2021

NSW 2021 aims to achieve an improved urban environment and ensure sustainable development through reductions in greenhouse gas emissions and development in close proximity to existing centres, services and transport.

The project includes environmentally sustainable practices including grey water recycling and use of energy efficient devices, contributing positively to reducing the production of greenhouse emissions within the site.

The site is located on the Manly peninsula which is linked to Sydney CBD via ferry services and to surrounding localities via regular bus services.

Chapter 4 of NSW 2021 focuses on *Healthy Communities* with an overarching aim being to "improve and maintain access to quality healthcare in the face of increasing demand". Of particular relevance are the State key priorities and targets for "stronger communities" which seek to "improve child wellbeing, health and safety" and "support for people with disabilities."

NSW Health Plan 2007

The NSW 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".

Strategic Direction 2 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 redevelopment and expansion of RFW supports these aims and directions of the NSW Health Plan.

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036, is a strategic plan for the development of the Sydney metropolitan area. The Metropolitan Plan outlines housing and employment targets for the Sydney region at 769,000 additional dwellings and 760,000 new jobs, by 2036.

The proposal is consistent with the aims of the Metropolitan Plan and will contribute towards meeting new dwelling and employment targets for the metropolitan area. The proposal redevelops the existing RFW site and proposes 46 residential units, 165 hotel rooms and commercial and retail development. The proposal will provide a significant number of construction jobs and on-going employment opportunities as part of the hotel, retail and commercial components.

Draft North East Sub-Regional Strategy

The Draft North East Subregional Strategy identifies Manly as a "Town Centre." The Royal Far West site is on the fringe of the Manly CBD and is located within 200 metres of the Manly Ferry wharf and the associated bus terminal. Hence, the site is well serviced by public transport and has good accessibility.

Manly Council has not included the site as part of the business centre growth area as the land is zoned "Special Uses." It appears that Manly Council have assumed that the land would continue to be solely utilised for school or hospital purposes. The site is ideally located adjacent to the primary business zone and has direct access through to the Corso via Rialto Lane.

The site is a unique, large land holding, with access to transport and other services which provides opportunity for a major urban renewal development that justifies the scale of the development proposed. In addition, the proposed mix of new commercial, retail, tourism and residential uses will enable an additional funding stream for the RFW into the next 50 years. This will allow the RFW to remain viable and support the range of high quality services it provides to rural children.

Manly Local Environmental Plan 1988

The aim of the Manly Local Environmental Plan 1988 (LEP) is to promote the further economic revitalisation of Manly. The LEP also aims to protect and enhance the vitality, identity and diversity of the local government area and promote it as a pre-eminent centre in Sydney by promoting employment, residential, recreational, arts, social, cultural and tourism opportunities in an appropriate and sustainable manner. The LEP encourages building design excellence, improved quality of urban design, the enhancement of the public domain and public transport, the protection of Manly's heritage and the implementation of more sustainable social, economic and environmental outcomes. The subject land is zoned Special Uses (Children's Home).

Draft Manly Local Environmental Plan 2011

The Draft Manly Local Environmental Plan 2011 has been publicly exhibited and has been referred to the Department for gazettal. The Draft LEP proposes to zone the subject land Business B2 "Local Centre." The Draft Plan also sets down a maximum floor space ratio of 3.0:1 and a height envelope control similar in nature to Council's adopted RFW Urban Design Guidelines 2011.

Manly Urban Design Guidelines 2002 & Amendment October 2011

The amended Manly Urban Design Guidelines (the Guidelines) were adopted in October 2011 by Council after consideration of an earlier concept plan for the subject site. The Plan identifies the site as part of the Manly centre precinct.

The Guidelines provide for 5-8 storey scale with maximum height of 25m. The Concept Plan proposes a 5-9 storey height with maximum height of 30m. A larger building footprint is also proposed. Therefore, proposal is inconsistent with the Guidelines as it relates to scale and form of development. However, the Concept Plan as modified with the PPR is partly consistent with the setback requirements.

The final Concept Plan is of a reduced scale when compared to that originally submitted. The building adjacent to the primary school boundary has been reduced by one storey in height and the facades are better articulated. The commercial/retail/residential complex fronting South Steyne has been reduced by two storeys along the South Steyne and Wentworth Street facades.

The PPR modifications have reduced the overall height to within 1.5 storeys of the proposed height for the commercial building (east building) and to within 3 storeys of the proposed RFW building (west building) as recommended in the Guidelines.

The final maximum height will be approximately 1 floor or 2.8m higher than the upper levels of the Peninsular Apartments to the north and the Sebel Hotel to the southwest.

2.4. Concept Plan

The RFW has applied for Concept Plan approval in accordance with section 75M of the EP&A Act. The Concept Plan proposes that the site be rebuilt in two stages. The first stage includes the demolition of the rear buildings and construction of the new RFW complex. The RFW operations will be retained in the remaining buildings while the new facility is constructed. Upon completion of Stage 1, the remaining buildings will be demolished and the hotel, retail and residential component is to be constructed. This forms Stage 2 of the Concept Plan.

The Proponent has not applied for Project Approval concurrently with the Concept Plan. Future approvals for this development are likely to be determined by Manly Council, or the Joint Regional Planning Panel.

3. STATUTORY CONTEXT

3.1. Major Project

Part 3A of the *EP&A Act 1979*, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, applies to transitional Part 3A projects. Director-General's environmental assessment requirements (DGRs) were issued on 23 December 2010 in respect of this project and the project is a transitional Part 3A project. This report has been prepared in accordance with the requirements of Part 3A and associated regulations.

The proposal is a major project under Part 3A of the EP&A Act because it is development for the purpose of a hospital under clause 18 and for residential, commercial or retail under clause 13 of Schedule 1 of the then *State Environmental Planning Policy (Major Development) 2005*. Therefore the Minister for Planning and Infrastructure is the approval authority.

Under section 75J of the EP&A Act the Minister for Planning & Infrastructure (or his delegate) is the approval authority for the proposal. The Minister has delegated his functions to determine Part 3A applications to the Planning Assessment Commission (PAC) where:

- the local council has made an objection,
- a political disclosure statement has been made, or
- there are 25 or more public submissions received in the nature of objections.

The application is referred to the PAC for determination as Manly Council objects to the proposal and there have been more than 25 submissions by way of objection received from the public during exhibition of the Concept Plan.

3.2. Permissibility

Under the Manly LEP the site is zoned 5A Special Uses (Children's Home). The land zonings are depicted in the Plan extract within **Figure 7**.



FIGURE 7: Land Use Zoning Extract of Manly Local Environmental Plan 1988

Source: Manly Local Environmental Plan 1988

Land uses including school and associated hospital activities are permissible on the site with the remaining proposed land uses being prohibited.

The Draft Manly Local Environmental Plan 2011 has been exhibited and is now lodged with the department, in accordance with the provisions of Section 68 of the Act, to await gazettal. The subject land is proposed to be zoned Business "Local Centre" and the proposed development is consistent with the following objectives of this zone:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area;*
- *To encourage employment opportunities in accessible location; and.*
- *To maximize public transport patronage and encourage walking and cycling.*

Permitted uses within the B2 zone include commercial premises, community facilities, educational establishments, entertainment facilities, function centres, health consulting rooms, medical centres, respite day care centres, tourist and visitor accommodation. These land uses are applicable to the proposed development. Hospital land uses are prohibited on the site.

The authorisation of a Concept Plan for the site allows the Minister, or delegate, to consider a proposal on its merits and give approval for prohibited land uses where the land is not in a defined *sensitive coastal area* or a defined *environmentally sensitive area of State significance*. The department has reviewed the definitions of "sensitive coastal location" and "environmentally sensitive area of State significance" and considers that the site is not in within any of these defined areas.

In addition, the proposed land uses including hotel, residential, retail and commercial activities are compatible with surrounding land uses within the Manly business precinct, including the nearby Corso precinct to the north and the Sebel Hotel to the south.

3.3. Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project, and that have been taken into consideration in the assessment of the project.

The Department's consideration of relevant SEPPs and EPIs is provided in **Appendix D**.

The proposal is considered to be generally consistent with the business activities undertaken on surrounding lands and the aims and objectives of the EPIs which apply to the site as discussed within **Section 5** of this report.

3.4. Objects of the Act

Decisions made under the Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) to encourage:
 - (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,
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
 - (iii) the protection, provision and co-ordination of communication and utility services,
 - (iv) the provision of land for public purposes,
 - (v) the provision and co-ordination of community services and facilities, and
 - (vi) 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
 - (vii) ecologically sustainable development, and
 - (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The Concept Plan is consistent with the objectives of the Act on the following basis:

- the proposed redevelopment of the site will increase housing densities;
- the site is unconstrained, close to open space, community facilities and public transport;
- the redevelopment will renew a large under-utilised urban infill site;
- the redevelopment will implement ecologically sustainable technologies;
- the commercial/retail/hotel/residential uses are compatible uses within the Manly centre;
- the proposal contributes to housing choice.

3.5. Ecologically Sustainable Development

The Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) the precautionary principle,
- (b) inter-generational equity,
- (c) conservation of biological diversity and ecological integrity,
- (d) improved valuation, pricing and incentive mechanisms.

The ESD principles as they apply to this proposal are addressed in the department's assessment in **Appendix D** and the Proponent's EA and PPR reports, as well as part of the Proponent's statement of commitments. The draft commitments include:

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

- The residential units will be subject to the Multi Unit BASIX criteria; and
- The development approval phase of the non Green Star portions of the development will respond to energy, water and transport appropriately.

The proposal is consistent with the principles for ecologically sustainable development.

3.6. Statement of Compliance

In accordance with section 75I of the Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under section 75H(3) of the Act, the Director-General is required to make the EA of an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it for an extended period from 21 September 2011 until 30 November 2011 (71 days) on the Department's website, at the Department's offices in Bridge Street, Sydney and at Manly Council, Belgrave Street, Manly. The Department also advertised the public exhibition in the Sydney Morning Herald, Daily Telegraph and Manly Daily on 21 September 2011 and notified landholders, local community groups and relevant State and local government authorities in writing.

The Department received 126 submissions during the exhibition of the EA including 9 submissions from public authorities and 117 submissions from the general public and special interest groups.

A summary of the issues raised in submissions is provided below.

4.2. Public Authority Submissions

Nine submissions were received from public authorities. Manly Council made a submission objecting to the proposal. Five submissions were received from the following public authorities: Heritage Branch of the Heritage Council, Transport for NSW (State Transit), Sydney Water, Transport for NSW, NSW Health (Northern Sydney Local Health District). Three submissions raising no objection to the proposal were received from the Office of Environment & Heritage, Department of Education and Communities and Transport for NSW (Roads and Maritime Authority).

Manly Council objects to the Concept Plan and raised the following issues:

- inconsistency with the Manly Urban Design Guidelines (2011) with regards to:
 - non-compliance with the building envelope control;
 - non-compliance with the maximum height controls;
 - lack of public through site linkages;
 - lack of common public space/courtyard; and
 - lack of acceptable level of public domain;
- poor consideration of relationship with heritage buildings to be retained;
- social impacts due to loss of views and solar access to children's playgrounds;
- social and moral obligation for the provision of affordable housing in this location;
- impacts due to overshadowing of the school, residential properties and the oceanfront;
- parking and traffic management within and around the site is inadequately addressed;
- adverse impacts on Manly Village Public School due to bulk/scale, overlooking and overshadowing; and
- the proposal is an overdevelopment of the site.

Transport for NSW raised no objection to the project subject to consideration being given to bicycle parking and car share arrangements and active transport facilities being provided and the preparation of a Workplace Travel Plan (WTP) and/or Travel Access Guide (TAG).

Transport for NSW (State Transit) raised no objection to the project but required further consideration of primary intersection upgrades including (Sydney Road/Belgrave Street) and sought input into the final Construction Traffic Management Plan.

Sydney Water raised no objection to the project but required upgrade treatment of the existing water and wastewater services on the site.

NSW Health (Northern Sydney Local Health District) raised no objection to the proposal subject to no additional overshadowing occurring on the grounds of the Manly Village Public School, provision being made available on site for bicycle storage and associated facilities and the preparation of a WTP and/or TAG.

Heritage Branch for the Heritage Council raised no objection to the project subject to consideration of the following matters:

- adoption of the Heritage Impact Statement's recommended mitigation measures; and
- submission of an archaeological assessment report to assess the impacts of the proposed development on potential archaeological relics on site.

The Proponent has submitted a PPR which modifies the Concept Plan in response to these issues.

4.3. Public Submissions

A total of 117 submissions were received from the public. This included submissions from the following special interest groups:

- Manly Village Public School P & C Association;
- Corso Precinct Committee;
- Peninsula Owners Corporation;
- Little Manly Precinct Community Forum; and
- Peninsula Residents Alliance.

Of the 117 public submissions, 102 (87%) objected to the project, 1 (<1%) supported the project and 14 (12%) did not specifically object but raised concerns. The key issues raised in public submissions are listed in **Table 3**.

TABLE 3: Summary of Issues Raised in Public Submissions

| Issue | Proportion of submissions (%) |
|---|-------------------------------|
| Traffic generation impacts, parking provision and vehicular access | 62% |
| Site overdevelopment – height, bulk and floor space | 34% |
| Hotel – licensed premises – patron behaviour | 30% |
| Lack of adequate public consultation | 23% |
| Apartment view loss | 27% |
| Impacts on Manly Village Primary School and inclusion of Department of Education land in proposal | 23% |
| Overshadowing and solar access, particularly to school and beach | 21% |
| Construction impacts – noise, dust, traffic | 20% |
| Loss of low income housing | 12% |

Other issues raised by the public included:

- adverse impacts on streetscape and local village character;
- lack of justification for retail/commercial floor space;
- precedent for commercial/retail uses on school/hospital zoned land;
- lack of public open space and pedestrian linkages; and
- viability of hotel accommodation in the locality.

The Department has carefully considered the issues raised in its assessment of the project at **Section 5** of this Report.

4.4. Proponent's Response to Submissions

The Proponent provided a response to the issues raised in submissions (see **Appendix C**). The response included a PPR which modified the building design in the following way:

- the proposed retail/residential building fronting Wentworth Street and South Steyne is setback 6 metres from Wentworth Street;
- building E is to be extended along Wentworth Street towards Drummond House, by approximately 17 metres;
- building F is to be extended around into Victoria Parade, adjacent to existing Terraces;
- the top floors of Buildings E and F are set back an additional 2 metres to street fronts;
- the floor space is proposed to be increased by approximately 348m²;
- the retail/hotel floor space is reduced and the residential/professional consulting rooms floor space increased; and
- traffic management improvements proposed through:
 - the relocation of the proposed pedestrian crossing on South Steyne; and
 - the provision of a raised and relocated pedestrian crossing in Wentworth Street.

4.5. Preferred Project Report Notification

The PPR was lodged with the Department on 22 August 2012 and notified to Council, Government Agencies and original EA submitters. The PPR was also placed on public exhibition for a period of 21 days from 1 - 21 September 2012. At the completion of this notification period 24 submissions had been received including 21 public submissions and a further submission from Manly Council. These submissions were forwarded to the proponent for consideration. Subsequently, a further eight late submissions were received and have been forwarded to the Proponent.

The submissions received generally conceded that the provision of a 6 metre setback along Wentworth Street is desirable; however they pursued their objection against the proposed development. In particular the submissions raised the following additional matters:

- amenity impacts on Manly Beach and promenade due to shadows and bulk/scale; and
- bulk/scale issues impacting on the retained heritage items on site.

These issues have been addressed at **Section 5** of this Report.

5. ASSESSMENT

The key environmental issues to be assessed as part of the project are:

- bulk and scale;
- shadow impacts;
- view loss;
- visual impacts;
- traffic management;
- commercial and retail use;
- heritage buildings; and
- affordable housing.

All other issues are considered to be satisfactorily addressed in the EA, PPR and recommended modification and future assessment requirements.

5.1. Bulk and Scale

The amended Manly Urban Design Guidelines (the Guidelines) were adopted in October 2011 by Council after consideration of an earlier concept plan for the subject site. The Guidelines restrict the scale of development to a maximum of 7 storeys and 3:1 FSR to be constructed within an identified building envelope.

The height of the Concept Plan has been amended from the originally proposed 11 storeys to the current 9 storeys. **Figure 8** provides an approximate comparison between envelopes provided in the PPR, Council's Urban Design Guidelines and the built form as currently exists on site.

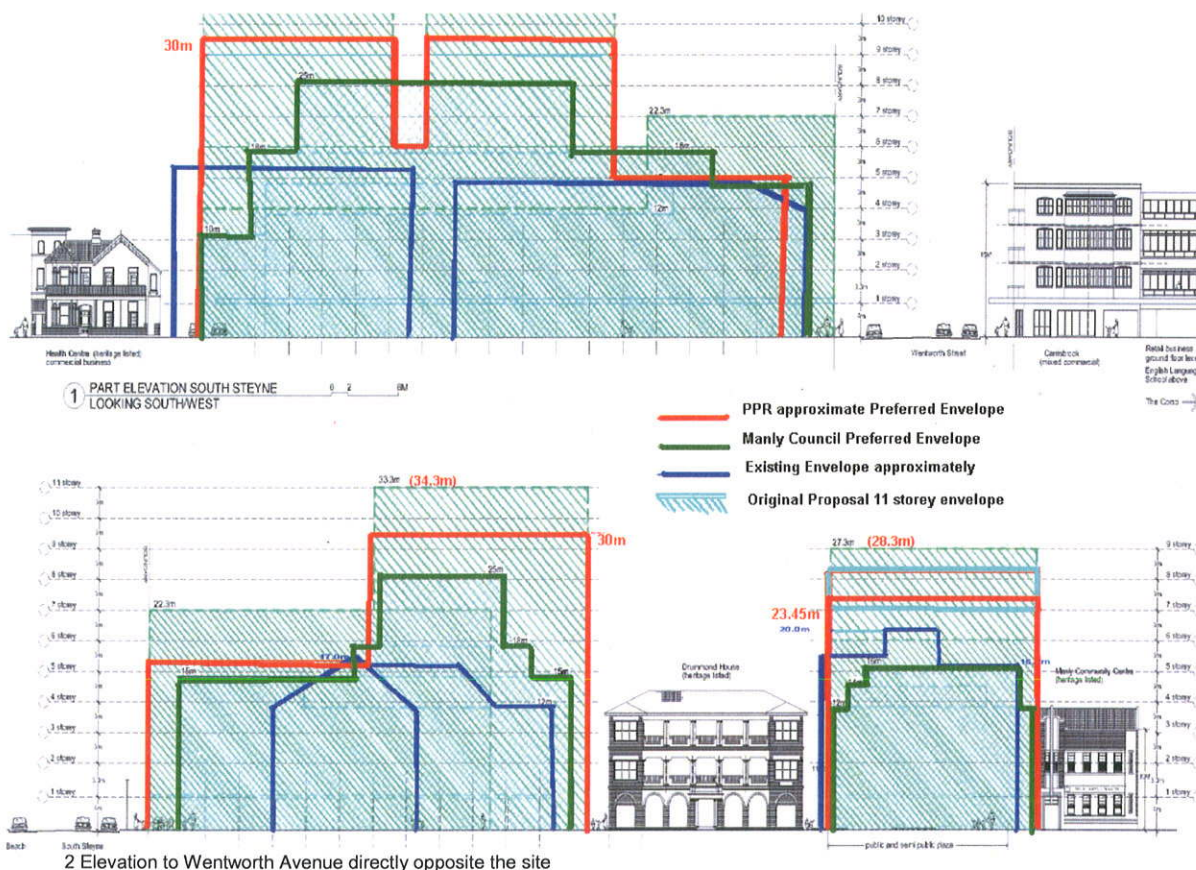


Figure 8: Building Envelope Comparison

SOURCE : Manly Council, Urban Design RFW Guidelines, October 2011

The buildings depicted in the PPR will be larger in scale than that proposed by Council. Along the eastern frontage of the site (South Steyne) the scale difference is between 1-2 storeys in height and the built form is greater in width for the upper storeys.

For the proposed northern frontage (Wentworth Avenue) the built form is shown as approximately three storeys higher than that permitted under Council's Guidelines. This height has been amended with a further reduction in height by one storey. The differences associated with the proposed built form are addressed in the following sections.

Maximum Height

The basis upon which Manly Council has adopted a 25 metre height restriction is unclear. The Guidelines identified that both the Sebel and Peninsula Buildings have maximum heights of 27 metres and the solar access angle, even though the accuracy of the Guidelines shadow angle remains questionable, also would accommodate a 27 metre height. On this basis the restriction to a 25 metre height control does not appear to be adequately justified. The Proponent contends that the proposed height is acceptable for this large site considering the scale of other buildings on the Manly peninsula and the setback the proposed higher elements would have to the street, being 21 metres or more.

Height of the RFW Building

The Proponent seeks a height of seven storeys (approximately 23.45 metres) for the new RFW (western) building. The additional 3.45 metres height above the existing Elsie Hill building will result in additional overshadowing of the Manly Village Public School during the early morning period through until 9:15am (when classes commence). This overshadowing issue is addressed in detail in **Section 5.2** of this report.

The additional height also results in additional bulk when viewing the building from the school grounds.

The building is unlikely to result in privacy issues as the RFW caters for child patients and medical teaching services only. In order to alleviate any privacy concerns, it is recommended that fixed louvres, or similar screening measures, be required over any window/balcony openings along the buildings western façade.

Building Setbacks

Council's Guidelines provide for a stepped building form towards a central higher position on the site. This form of design attempts to reduce streetscape bulk as well as minimise amenity impacts, particularly overshadowing and overlooking. In this instance the existing streetscape is 4-5 storeys in scale at the Wentworth Street and South Steyne intersection with no street setbacks provided.

The proposal now provides a 6 metre setback along Wentworth Street. This setback is in addition to the existing footpath. The proposal seeks to construct to the boundary along South Steyne and it is noted that the Sebel Hotel to the southeast and "Carrisbrook" Apartments to the north front South Steyne are generally constructed to the boundaries.

Along the Wentworth Street and South Steyne street frontages the proposal provides for a stepped back design at the upper levels. The reduced bulk through increased setbacks and resultant reduced scale overall, is consistent with the intent of the Council's Guidelines.

Surrounding Context

The heights are comparable to other building heights in the locality including the Sebel Hotel at 8-9 storeys and Peninsula Apartments at 8-9 storeys (**Figures 9 & 10**). The PPR built form will be approximately 3m, or one storey, higher than the Sebel Hotel and Peninsula Buildings.



Figure 9: Sebel Hotel to Southeast of Site



Figure 10: Peninsula Apartments to north

The scale of the complex at the boundary alignment is also similar to the surrounding context, with one storey of retail and four storeys of residential apartments above. This compares with existing four and five storey built form along Wentworth Street and South Steyne.

Department's Position

The proposed built form of the Centre has been reduced from an original 11 storeys to 7-9 storeys and increased setbacks have been provided along Wentworth Street. These modifications reduce the scale of the building envelopes making the form more comparable to the Council Guidelines. The reduction in scale and form is more consistent with the existing building scale of the locality.

East

The form of the proposed eastern building, fronting South Steyne, is an acceptable scale and form taking into consideration the setbacks provided by the nearby Sebel Hotel and Carrisbrook Apartment building. Considering the existing built form in the Manly Centre, the department concludes that the proposed built form complements the existing character and scale of the locality.

West

It is noted that the RFW currently has a building of 16-20 metres in height in this location, which will be replaced by a building with a height of 23.45 metres. Issues relating to privacy as a result of the additional height are not of primary concern due to the nature of the use and can be appropriately controlled through the provision of fixed louvers or tinted/frosted window design (see **Modification Condition B2**). Issues relating to overshadowing and visual impact are addressed in detail in **Sections 5.2 and 5.4** of this report. However, the Proponent has responded to the overshadowing issue with a further modification to the west building.

The modification removes the top floor and provides façade articulation along the western elevation. The floor space lost as part of this modification is offset by redesigning the remaining floor plates. The modification is depicted at **Figures 11 and 12** where the original PPR concept is identified as broken lines and additional floor space of the modified plans are indicated by "red" outline.

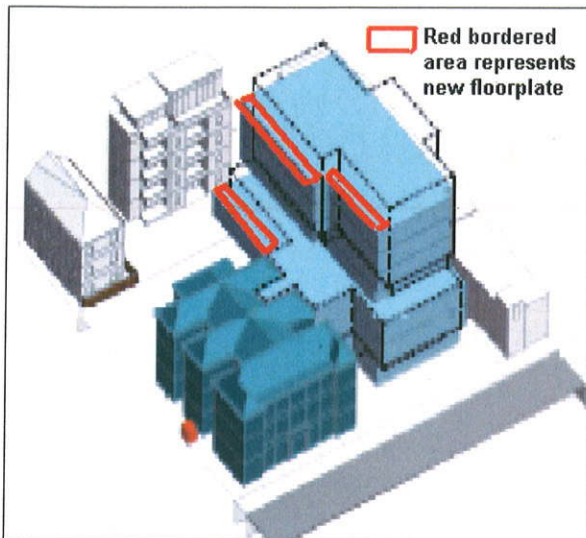


Fig 11: Aerial 3D view of Modified Proposal
 Source: PPR, as modified 15 November 2012.

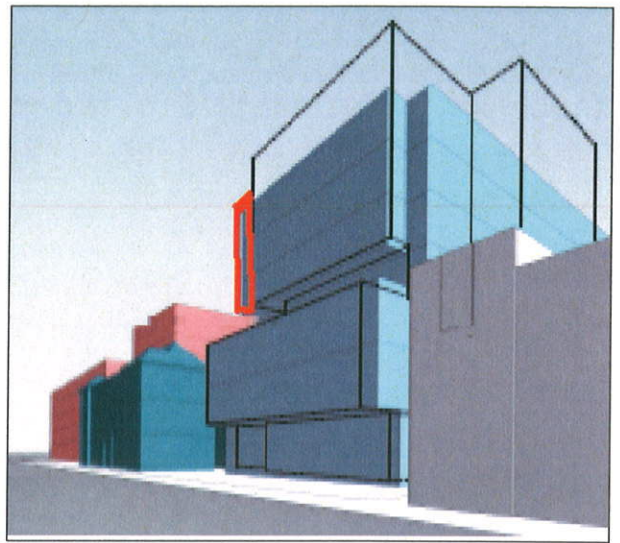


Fig 12: Wentworth Street 3D view.

The modification reduces the bulk and form of the proposed building when viewed from the school grounds and overshadowing of the school grounds prior to 9am. It is estimated that the modification will result in approximately a 33% reduction in the additional shadow impact.

Alternatives to this modification would be to step back the top floors along the western façade or to delete the top floor. The stepped design was not supported by the Proponent as the floor plates would be of an undesirable size to support RFW operations and would result in the RFW services being provided across a number of buildings which may result in safety issues.

The operation of the RFW is to be accommodated in three buildings. The RFW building will provide core services, Drummond House is to be used for accommodation purposes and two floors of the eastern building will be used as professional consulting rooms. This provides the RFW with sufficient floor space to carry out its functions in a relatively consolidated fashion. On this basis, the modification to the building form is acceptable as it will provide a practical and consolidated facility for the RFW whilst responding effectively to potential impacts on the neighbouring school amenity.

5.2. Overshadowing

The main amenity issue associated with the proposed building height is the overshadowing of the neighbouring school playground during morning periods. The Proponent has provided detailed shadow diagrams indicating there will be additional shadows during the early mornings. Overshadowing impacts are limited to the periods before school commences, prior to 9:15am.

The subject site has a predominantly northern orientation. The layout of the proposed structures on the site was designed to achieve:

- a consolidated RFW Centre;
- a building form which takes advantage of solar access and views; and
- acceptable amenity impacts within the development and on neighbouring properties.

The Proponent's consultants have lodged shadow diagrams in support of the proposed development and no submissions have been lodged disputing the validity of these diagrams.

The primary overshadowing issues associated with the proposal are:

- potential shadows over Manly Beach;
- potential shadows in mornings on Manly Village Public School grounds; and
- overshadowing of existing residential flat buildings at 25-31 Victoria Parade.

MANLY BEACH

Shadow diagrams submitted with the PPR indicate the following impacts on Manly Beach:

- during mid-winter, both the existing and proposed buildings do not cast shadows onto the beach promenade until after 3pm and onto the beach proper after 4pm. Sunset during mid-winter is approximately 5pm;
- during mid-summer, both the existing and proposed buildings would cast shadows onto the beach promenade after 3pm and onto the beach proper after 5pm. Sunset mid-summer is 8pm; and
- at the Equinox (March/September), the existing and proposed buildings would overshadow the beach promenade after 4pm and the beach proper after 4:30pm.

Manly Beach foreshore is a heritage item with local significance under the Manly LEP. It is acknowledged that under Council's Urban Design Guidelines the beach is likely to be impacted due to the recommended permissible height and form for the buildings. The proposed hotel has a taller and wider form than that recommended under the Guidelines resulting in greater impacts upon the beach.

The mid-winter impacts are acceptable as the shadows do not impact the promenade until after 3:30pm or the beach until after 4pm whilst the sun sets at approximately 5pm.

In mid-summer the shadows that impact upon the promenade are evident between 3pm – 4pm whilst the beach is not impacted until after 5pm. The beach is currently overshadowed to a similar extent by various buildings along South Steyne including the Sebel Hotel and Peninsula Apartment buildings.

During mid-winter the beach and promenade are generally unaffected by the proposal.

MANLY VILLAGE PUBLIC SCHOOL

The Manly Village Public School is located directly west of the subject site. The proposed RFW Administration and Services building is proposed to be up to 23.45 metres in height, being approximately 3.45 metres higher than the existing building in this location. The additional height of the proposed building results in additional overshadowing of the school grounds in morning periods prior to commencement of classes. After 10am in mid-winter the majority of the school grounds would be in direct sunlight.



FIGURE 13: Aerial view of Manly Village Public School
SOURCE : Google Earth 2012

The Manly Village Public School P & C Association has objected to the proposal and raised the issue of overshadowing. The School and the Department of Education and Communities have not lodged any submission on the proposal. The Department of Health – Northern Sydney Local Health District has requested that no additional overshadowing of the school occur as a result of the proposed development.

The overshadowing of the school grounds is experienced during midwinter prior to 9:15am. Shadow diagrams prepared by the Proponent indicate that a major portion of the school grounds would be overshadowed prior to 9:00am by the existing and the proposed buildings and by existing substantial vegetation. (**Figures 14**).

Council's Urban Design Guidelines restrict the height of any building in this location to 16 metres above ground level. This height appears to have been determined by adopting the main roof element height of the existing Elsie Hill building. However, the surveyed maximum height of the Elsie Hill building is 20 metres above ground level including a lift overrun and plant room on the roof (see **Appendix B** of the PPR). Notwithstanding this, the construction of a complying building form would effectively reduce the existing overshadowing of the school grounds.

The proposed RFW building is approximately 7.45 metres higher than the form adopted by Council's Guidelines for the site and 3.45 metres higher than the existing Elsie Hill building height. Existing mid-winter shadows from the "Elsie Hill" building currently fall on the school open play area between 8am to 9:15am. (**Figure 14**).

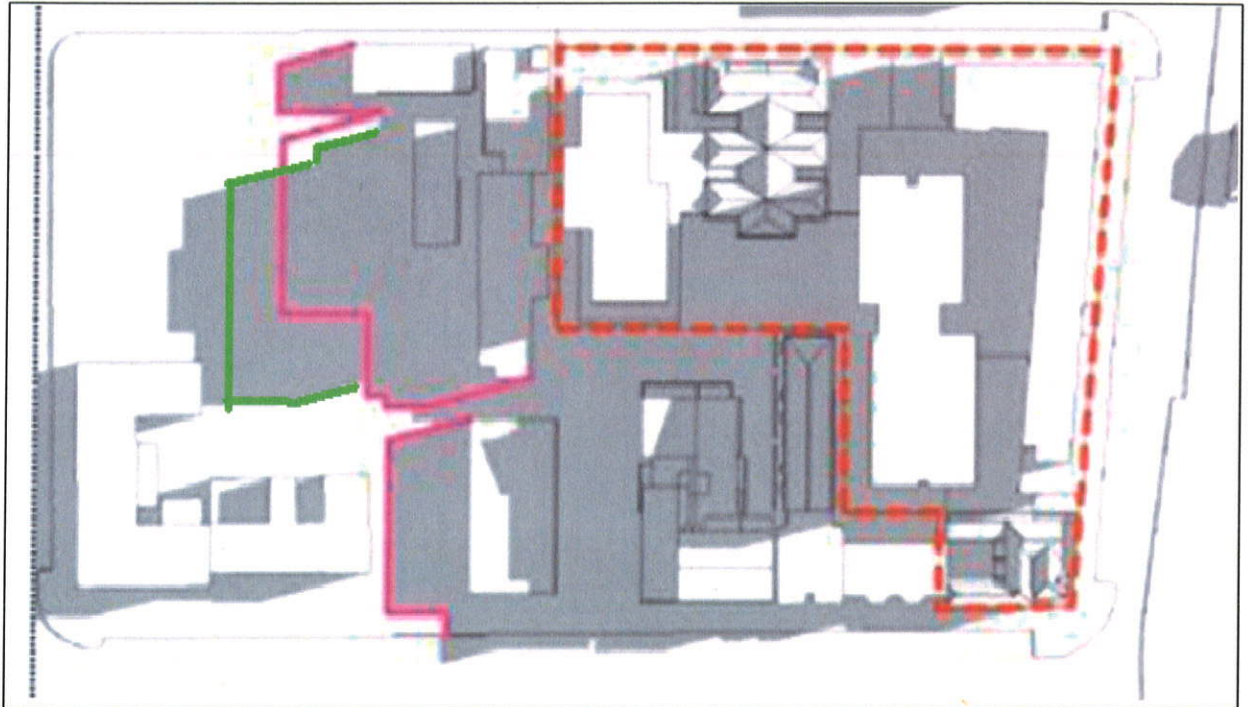


FIGURE 14: Manly Village School Shadow Impacts at 9:00 am Winter Solstice
SOURCE: Urbis, Environmental Assessment Report 2012.

NOTE: Grey shaded area represents shadows from Notified PPR proposal.
 Green Line represents approximate shadows from PPR with one less floor.
 Pink Line represents existing shadows from "Elsie Hill" building.
 Red broken line represents extent of RFW site.

The relevant areas of the school include the school building and forecourt/courtyard, active play area including the basketball court, and the general play area being open court and seating. The shadow diagrams indicate that:

- the school buildings are currently overshadowed by the Elsie Hill building until after 9:00am and appear to be also over shadowed by the existing trees;
- the active play area is partially overshadowed by both the existing and proposed buildings prior to 9:00am but is mostly in direct sunlight from 9:00am onwards; and
- the general play area is overshadowed by both the existing and proposed buildings. This would also occur should the building comply with the 16 metre height control although to a lesser extent than currently occurs due to the reduced height.

The Proponent responded to the overshadowing impact by modifying the proposal to remove the top floor. The overshadowing outcome resulting from this amendment is depicted in **Figure 14**, as shown by the green line. This modification is estimated to reduce potential overshadowing impacts by approximately 33%.

25-31 VICTORIA PARADE

The proposed development, including the hotel to the east and mid-rise development to the north and northwest will result in additional overshadowing of the neighbouring lands. The adjoining buildings are currently being renovated and no objections to the proposal have been lodged by the landowners during the public notification periods.

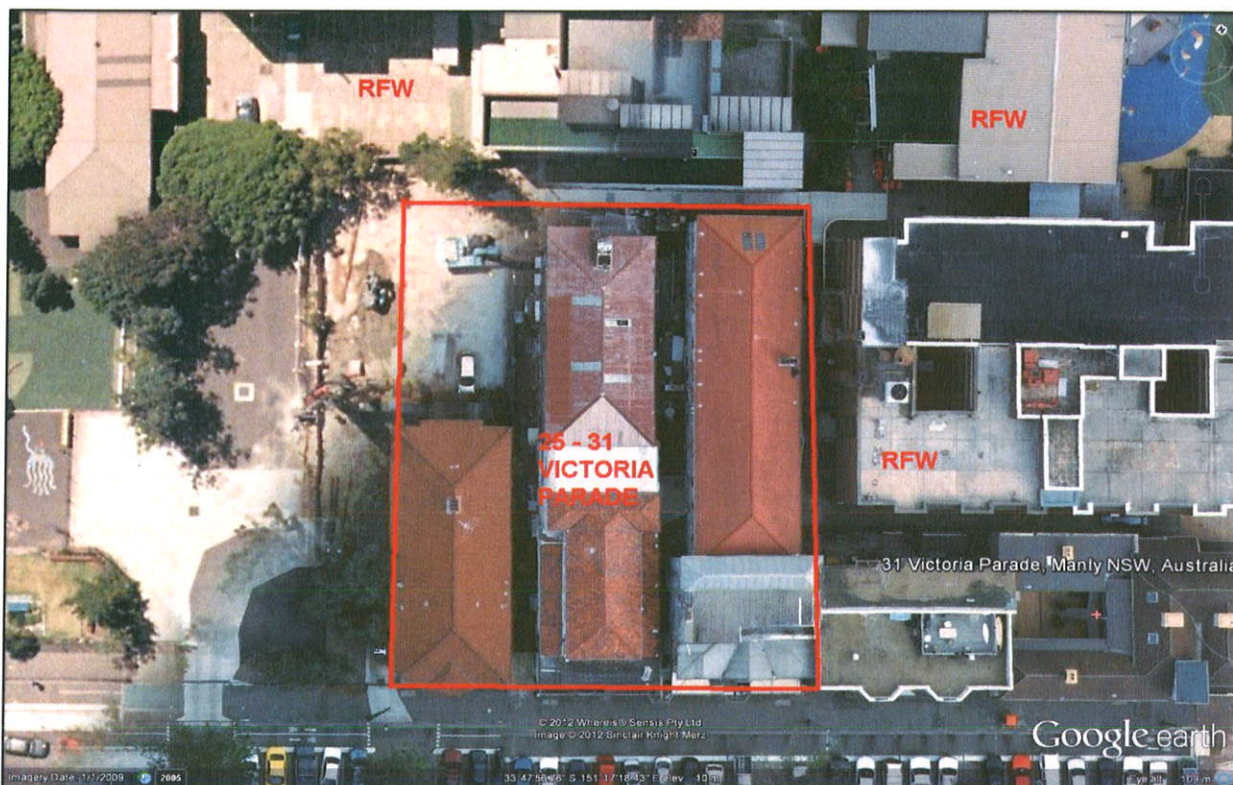


FIGURE 15: 25-31 Victoria Parade and Royal Far West
SOURCE : Google Earth 2012

The extent of overshadowing of the neighbouring properties at 25-27 Victoria Parade is such that the existing building receives direct sunlight to most units from 10am to 2pm, approximately 4 hours, before being primarily overshadowed. The proposed development will result in sunlight access to the majority of apartments from 11am to 2pm, being 3 hours, resulting in a net loss of approximately one hours solar access, being 25% of that currently achieved.

The extent of overshadowing of the neighbouring properties at 29-31 Victoria Parade is such that the existing building receives direct solar access to the north and some east facing apartments from 9am to 3pm daily (being 6 hours). The number of apartments receiving this direct solar access is limited to approximately 6 due to the north-south orientation of the building. With the erection of the proposed buildings, the building would only receive light from 1pm to 3pm (being 2 hours) during the core solar access period, being a 66% reduction.

It is evident that the buildings will be impacted by the proposed development. It is also noted that the properties would be adversely impacted by a form of development that is consistent with Council's Urban Design Guidelines. Any multi-level building form to the east or north of these properties would result in additional overshadowing of No.'s 29-31 and No.'s 25-27 Victoria Parade.

The Proponent contends that the extent of overshadowing of these properties is unavoidable due to their orientation and proximity to the subject land. To a degree this argument is valid, however, had the hotel tower been located closer to South Steyne then the overshadowing would not be as pronounced as predicted. However, such a design change would then create a more prominent built form, with bulk/scale and streetscape value issues along South Steyne.

Department's Position:

The proposal has three primary overshadowing impacts being Manly Beach, Manly Village Public School and residential apartments at 25-31 Victoria Parade.

The analysis by the Proponent contends that the shadows are acceptable with the School and beach impacts being outside the accepted period for consideration of 9am-3pm. It is noted that the owners of 25-31 Victoria Parade and the School, or Department of Education, have raised no formal concerns with the proposal. The Department's consideration of the issues is as follows.

Manly Beach will be overshadowed during late afternoon periods, after 4:00pm and the promenade/foreshore area will be impacted by shadows from approximately 3:15pm. The extent of overshadowing of the beach and the promenade is acceptable considering:

- the existing building impacts on the beach/promenade in this locality;
- the potential impacts due to recommended building forms in Council's Guidelines;
- shadows do not impact until late afternoon during winter, summer and equinox periods;
- the proposed building form is comparable with other building forms in the locality.

Manly Village Public School is partially overshadowed in the early morning by the existing Elsie Hill building. Due to the scale of the proposed modified building, being 3.45 metres above the Elsie Hill building and 7.45 metres above that recommended by Council's Guidelines, the development will result in additional overshadowing impacts. These impacts will occur prior to the commencement of classes up until 9:15am. However, the morning period solar access impacts resulting from the modified PPR proposal are considered to be acceptable given that:

- the removal of the top floor level of the proposed building will reduce the extent of potential overshadowing by approximately 33%;
- the playground will retain direct solar access to the basketball area during the whole morning period, from 8:30am to 9:15am;
- by 8:45am there will be areas of the playground in direct sunlight that are suitable for both active (basketball court) and passive (yard/seating) recreational use; and
- no objection to the proposal has been raised by the school or the Department for Education and Communities.

The buildings at 25-31 Victoria Parade are identified as being overshadowed for the majority of the day. Based upon the envelope in Council's Guidelines overshadowing of these neighbouring residential properties would occur to a lesser although still to a significant degree. There is little opportunity to modify the building design in a fashion that would significantly improve the likely overshadowing conditions, without significantly impacting on the proposed building form and the financial viability of the project.

On the basis of the above assessment, and subject to the discussed design modifications, the shadow impacts of the modified PPR are acceptable.

5.3. View Loss

The original EA proposal provided for a corner podium development 15 metres high, built to the boundaries of both Wentworth Street and South Steyne. During exhibition approximately 27% of submissions objected to the proposal on the basis of view loss of the water and beach.

The views currently available to the affected apartments are along Wentworth Street to Manly Beach or part views over the existing RFW property. The views are provided in a sharing arrangement over the existing basketball area fronting South Steyne.

The Council's Urban Design Guidelines adopt a building envelope with a 12 metre high street frontage stepping up to a 15 metre high corner element, (**Figure 16**), with a fifth storey element setback from the street alignment. This includes a 3.5 metre setback to both South Steyne and Wentworth Streets. As shown in **Figure 16**, the proposed building alignment along Wentworth Street would significantly impact the existing view corridor from the residential apartments in Wentworth Street towards Manly Beach.

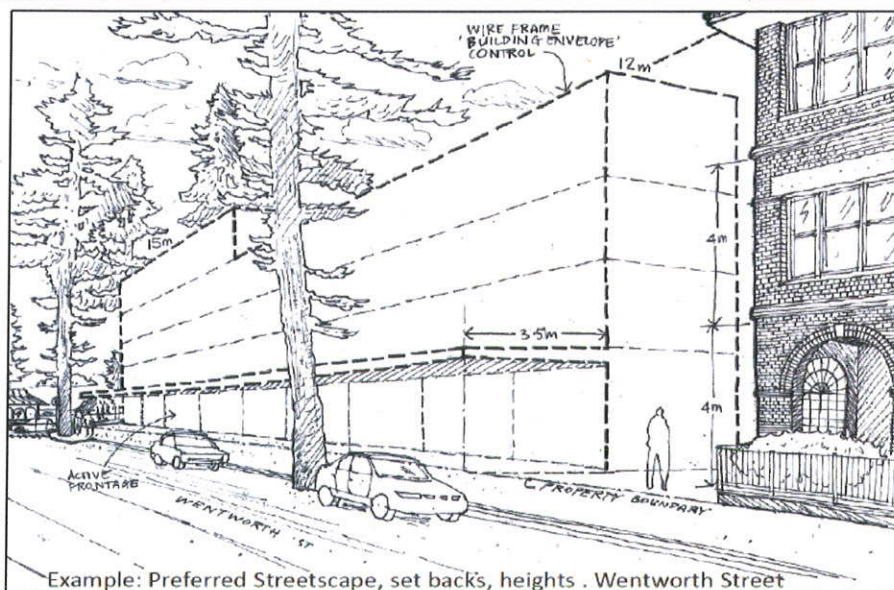


FIGURE 16: Council's Guideline

The modified PPR proposal provides a 6 metre setback to Wentworth Street and now has a similar bulk and scale appearance to that which is proposed under the Guidelines. The Proponent has provided photographic comparisons of potential view loss impacts through the Wentworth Street corridor to Manly Beach. This is shown in the following.



FIGURE 17: Existing Built Form taken from the Peninsula Apartments

Figure 17 illustrates the existing situation where a wide vista of Manly Beach is available due to the positioning of the open basketball court at the intersection of Wentworth Street and South Steyne. Approximately 33% of these views would be assessed as "borrowed", referring to views that are attained over privately owned land. Borrowed views are often over

side boundaries, rather than across public land corridors, such as roads, parks, or the like. This privately owned land is identified for future redevelopment in accordance with the Manly LEP and the Draft LEP.



FIGURE 18: EA Proposal built to boundary

Figure 18 illustrates the original EA proposal in terms of built form. This proposal generated strong objections to view loss along the Wentworth Street corridor.



FIGURE 19: PPR Proposal with 6m setback.

Figure 19 illustrates the current PPR proposal with a 6 metre setback which retains more of the existing view corridor to the water/beach. In response to submissions, the Proponent modified the Concept Plan by setting the building back 6 metres from the Wentworth Street frontage. This modification assists in retaining views along the Wentworth Street corridor to the water/beach for the existing residential apartments to the northeast of the site. Submissions received in response to the notification of the PPR acknowledge that the 6 metre setback modification improves the view loss impacts.

Figures 17, 18 and 19 are reflective of the views that would be attained from mid-level apartments within the Peninsula Apartment complex in Wentworth Street, from which a number of objections relating to view loss were submitted. The assessment of likely building position appears to be accurate and clearly illustrates that the modified concept under the PPR would be an improved outcome. It is acknowledged that any outcome would impact the existing views from these apartments due to the existing absence of built form at the intersection.

When assessing view loss impacts for properties it is appropriate to have regard to the view loss principles utilised by the NSW Land and Environment Court formulated in the decision on *Tenacity Consulting –v- Warringah Council* (Case 10996 of 2003). These principles are expressed as follows:

1. *Assessment of the views:* Determine whether the views are whole or partial, iconic in nature or seascape or landscape in value;
2. *Position where views are obtained:* Determine whether views are attained in standing or sitting positions and whether across front/rear boundaries or over adjoining boundaries. Retention of side views (also referred to as “*borrowed*” views) and sitting views is often unrealistic;
3. *Assessment of extent of view loss impacts:* View loss should be assessed over the whole site and not just the view impacted. View loss from living areas is more important than view loss from bedrooms and service rooms. The extent of the loss should be expressed in qualitative terms ranging from negligible to devastating; and
4. *Assess reasonableness of the development:* Determine if the development complies with development standards and where a non-complying development results in a “moderate” view loss impact then it may be unacceptable.

The PPR proposal does not comply with the Council’s Urban Design Guidelines with regard to maximum height. However, the proposal exceeds the setback requirements along Wentworth Street. The view loss impact is orientated towards the Manly Beach/Promenade along the Wentworth Street corridor. Therefore the PPR design modification to introduce a 6 metre setback along Wentworth Street results in a wider view corridor being achieved when compared to the original proposal and that under Council’s Guidelines. **Figure 20**, below, illustrates the changes in the view corridor along Wentworth Street from the existing situation, to the EA and finally proposed with the PPR.

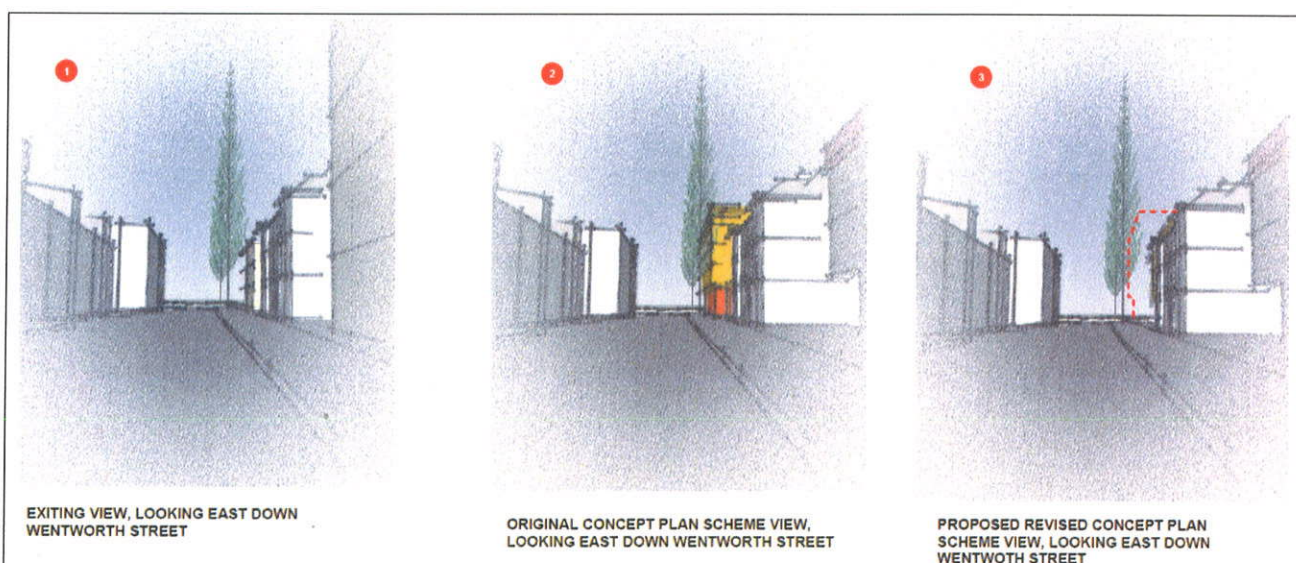


FIGURE 20: Comparative Analysis of Built Form.

Source: Preferred Project Report Plans, 30 November 2012, Architectus

Residents at the upper level of nearby neighbouring apartments benefit from existing views over the RFW basketball courts to Manly Beach. These views will be adversely impacted should any building with a 3.5 metre setback be erected on the site. The impact would only be marginally improved where the proposal adopts the recommended 3.5 metre setback to South Steyne.

The Proponent has undertaken a view loss analysis of various submitters properties and assessed the impacts against the principles set down by the NSW Land & Environment Court. This analysis determined that, although in some instances the view loss is adverse, it is acceptable considering:

- the site's location on a commercial promenade on the fringe of a business precinct;
- the level of retained views is a reasonable outcome considering the location;
- the site always has had prime development potential considering its location; and
- the principles of a "sharing views" philosophy is achieved in this development proposal.

On this basis the findings of the analysis are supported as the likely impacts are acceptable for a shared viewing situation, particularly where the proposal has responded to concerns by increasing the proposed view corridor to retain a greater percentage of the existing views.

Department's Position:

Department officers inspected a number of the objectors premises fronting South Steyne ("Carrisbrook" Apartments) and Wentworth Street ("Peninsula" Apartments) to undertake a visual analysis of the existing situation and potential view loss for these properties.

Figures 21, 23 and 25 illustrate the current views available to the inspected premises whilst the modified photographs at **Figures 22, 24, 26 and 27** illustrate the approximate view loss attributable to the EA design (green and red combined) and the PPR design (red). These figures clearly illustrate that the view loss outcome will range from minor to severe depending upon the different apartment layouts and level positions, particularly as these views are unimpeded where they are across the existing basketball court area.

The apartments illustrated in the below figures provide a reasonable cross-section of the likely impacts on existing apartments and general view loss for residents. These photos have been taken from the living areas, kitchen or balcony/terrace areas of the apartments from seated and standing positions.

It is noted that some apartments, such as the one illustrated in **Figures 25 and 26** are positioned or orientated in such a manner that they will be adversely impacted regardless of the development that occurs in the South Steyne portion of the site. The illustrated apartment will lose the existing beachfront views but retain water and distant foreshore views. The only alternative would be to prohibit any form of reasonable development in the eastern portion of the site in order to retain those views. This would be an unreasonable outcome as the Council's Design Guidelines for the site also recommend 4-5 storey structures in this portion of the site. The majority of apartments impacted by the proposed development will have minor to moderate view loss impacts and this is considered a reasonable outcome opposite a recognised development site.

Apartments shown in **Figures 22, 24 & 27** will be impacted by the proposed building. However, due to their positioning within the existing apartment complex, at mid-level or rooftop levels, this view loss is unlikely to be significantly improved by any form of complying development occurring on the subject land as the bulk of the built form would be in a similar location. The orientation of these apartments towards the beach/water relies on the existing Wentworth Street view corridor which would be reduced by any form of reasonable development on the land that complies with the Guidelines.

The PPR proposal now provides for an improved outcome from that originally proposed under the EA concept. Further, the stepping in of the building façade along Wentworth Street generally conforms with Manly Council's DCP Guidelines for view sharing by achieving a similar total setback and a wide viewing corridor along the street.



FIGURE 21: View from "Carrisbrook" upper level



FIGURE 22: View loss after PPR Proposal.

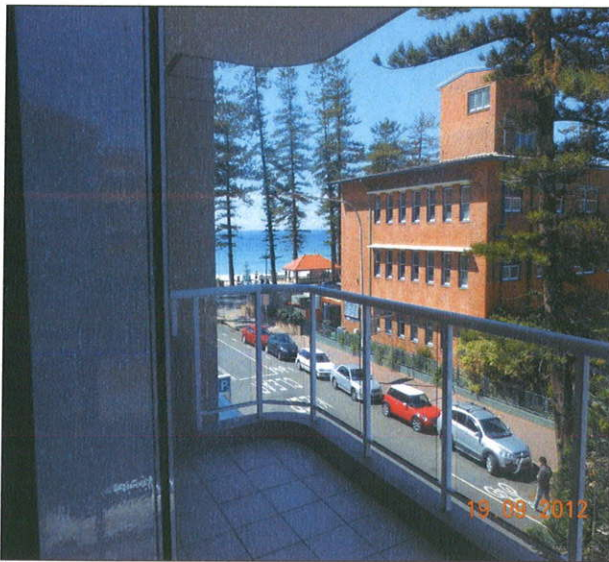


FIGURE 23: View at Mid-Level "Peninsula"

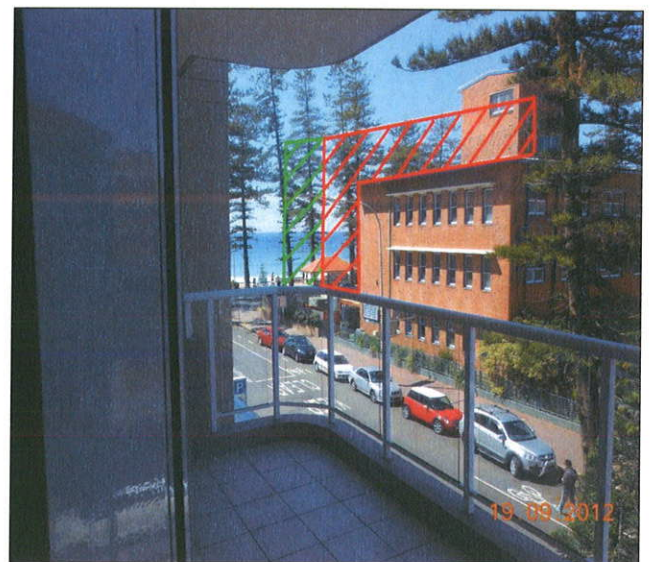


FIGURE 24: View loss after PPR Proposal

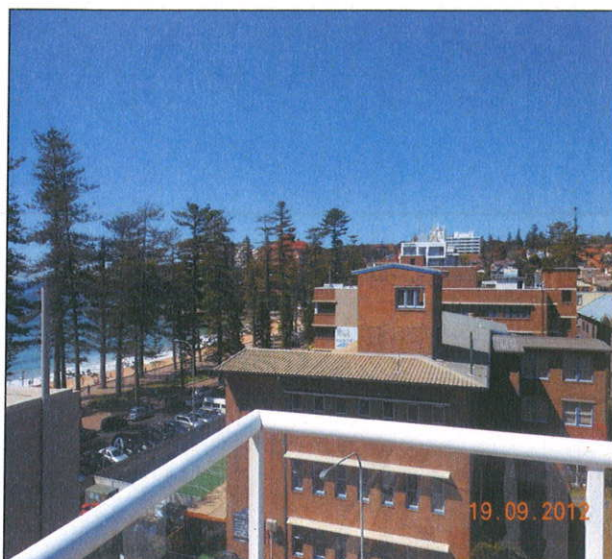


FIGURE 25: View at Upper Level "Peninsula"

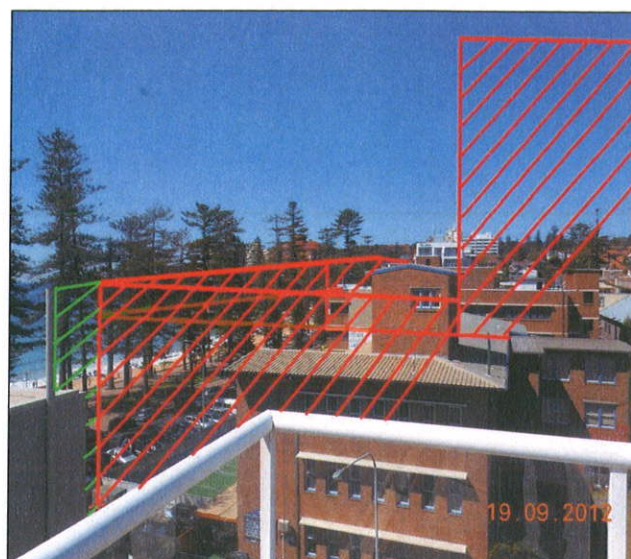


FIGURE 26: View Loss after PPR Proposal.



FIGURE 27: View loss from second floor level position of the "Peninsula" apartments

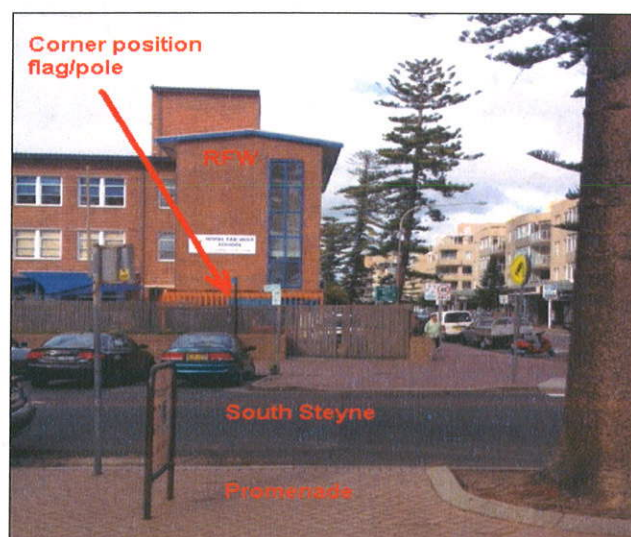


FIGURE 28: PPR facade corner pole

This form of development, although setback at the upper level under the Guidelines, would have a similar impact upon views as that proposed by the modified PPR proposal.

Figure 28 illustrates the location of a corner flag erected by the Proponent which identifies the proposed corner of the development at the South Steyne and Wentworth Street intersection, being six metres south of the Wentworth Street boundary alignment.

In general terms the building element at the corner of Wentworth Street and South Steyne is consistent with the overall building form proposed under Council's Guidelines which provides for a 15 metre high element on the corner that joins with an upper level recessed floor above the 12 metre high street element, as illustrated in **Figure 29** below:

Figure 29 is extracted from Manly Council's Guidelines for development of the Royal Far West site. It illustrates that although the presentation to the street will be a wall height of 12m the primary podium level would be 15m in height when assessing view loss from elevated neighbouring apartments opposite the site.

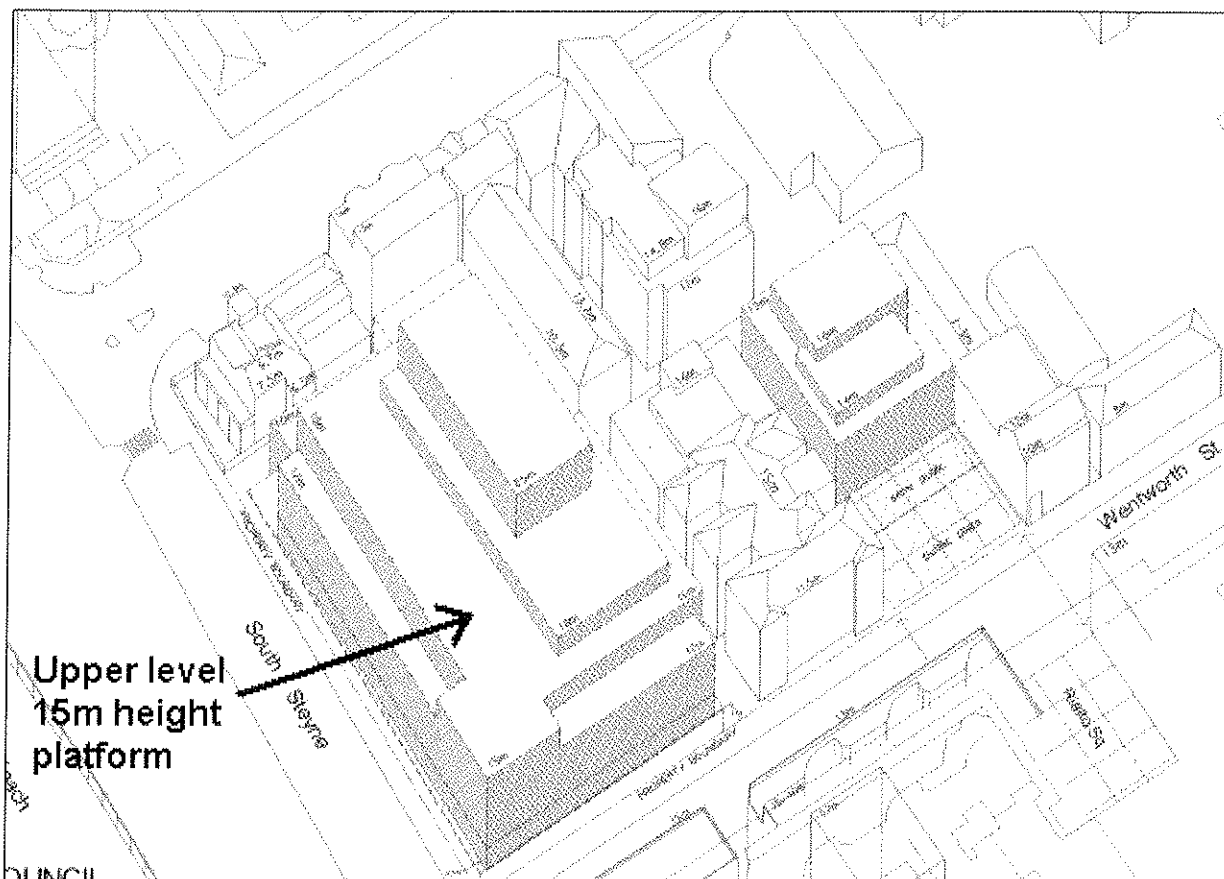


FIGURE 29: Upper Level 15m Platform in Council Guidelines
SOURCE: Manly Council Urban Design RFW Guidelines, October 2011

Having regard to the View Analysis submitted with the PPR and based on the above assessment, the Department is satisfied that:

- the modified PPR Concept Plan would have, in general, an improved outcome for residents concerned with water and beach view loss (particularly for lower level apartments), as the 6m setback along Wentworth Street would widen the existing view corridor;
- the PPR modifications to the original EA design generally improve the potential view loss outcomes; and
- the assessment of view loss under the Land and Environment Court principles indicate that the view sharing arrangement, particularly when considered against Council's Guidelines controls, are reasonable and acceptable.

It is acknowledged that in some instances this view loss impact may be assessed as severe where existing elevated views along the beach are lost. **Figures 25 and 26** illustrate the potential reduction in view loss from the originally submitted EA (Green and Red outline) to the PPR proposal (Red outline). However, this outcome is comparable to the view loss impact of development that would generally comply with Council's Guidelines for development of the site.

The modified PPR Concept Plan satisfactorily addresses the potential view losses and achieves an acceptable level of view sharing outcomes.

5.4. Visual Impacts

Visual Impacts relate to:

- Visual intrusiveness of the built form when viewed from water and other foreshore positions;
- Visual impact on the beach and promenade from building bulk and form; and
- Visual impact when viewed from the public domain of Wentworth Street and South Steyne.

Visual Impact when Viewed from the Waterway and Foreshore:

The Proponent has submitted a visual impact analysis report which provides photographic representations of the proposed development when viewed from various positions across the water and at vantage points along the foreshore.

Considering the scale of existing structures along South Steyne and the height of the existing Norfolk Island Pines along the foreshore, the proposed development would have a minimal impact when viewed from a distance.

Within the Manly beachfront locality the site will be highly prominent due to its South Steyne orientation. The Proponent's photographic assessment of the locality, and site assessment by Departmental officers, support the Proponent's contention that the proposed form of building development is unlikely to significantly detract from the existing foreshore built form along South Steyne. The South Steyne locality has a variety of built form, and the proposed building positioning is considered to be complementary to the existing building envelopes. The fine detail on building design and articulation, including final setbacks and corner and balcony treatments, will be addressed in greater detail as part of any future development application.

Visual Impact when Viewed from Manly Beach and the Promenade:

When the proposal is viewed directly from the promenade and beach, the development will have a more dominant presence compared to the existing low level scale of development on the site. The five storey podium style front section of the development will generally be consistent with the height of other structures along the waterfront. The hotel tower at nine storeys is a more dominant feature, even though it will be setback 21 metres from the street alignment.

The Concept Plan provides a building form that introduces similar podium and tower positioning as that proposed in Council's Guidelines for the site. The primary differences is the additional five metres in height and the 54 metre width of the tower building proposed by the Proponent. The current Concept Plan building form sets this tower structure back some 21 metres from South Steyne and this would have the effect of softening the scale and presence of the building when viewed from the public domain. Further, a proposed modification to the Concept Plan to articulate and/or create tower separation would also have positive impacts on the visual presence of the tower form, see **Modification B2**.

Figure 30 provides an aerial presentation of the project fronting onto South Steyne and Manly Beach. The beach front setback of the hotel tower is designed to be consistent with the existing setback provided by the "Peninsula" Apartments tower. **Figure 30** also illustrates that the tower, with the setback of 21 metres to South Steyne, will have an acceptable appearance at the promenade/beach level, subject to appropriate modification dealing with façade appearance and modulation

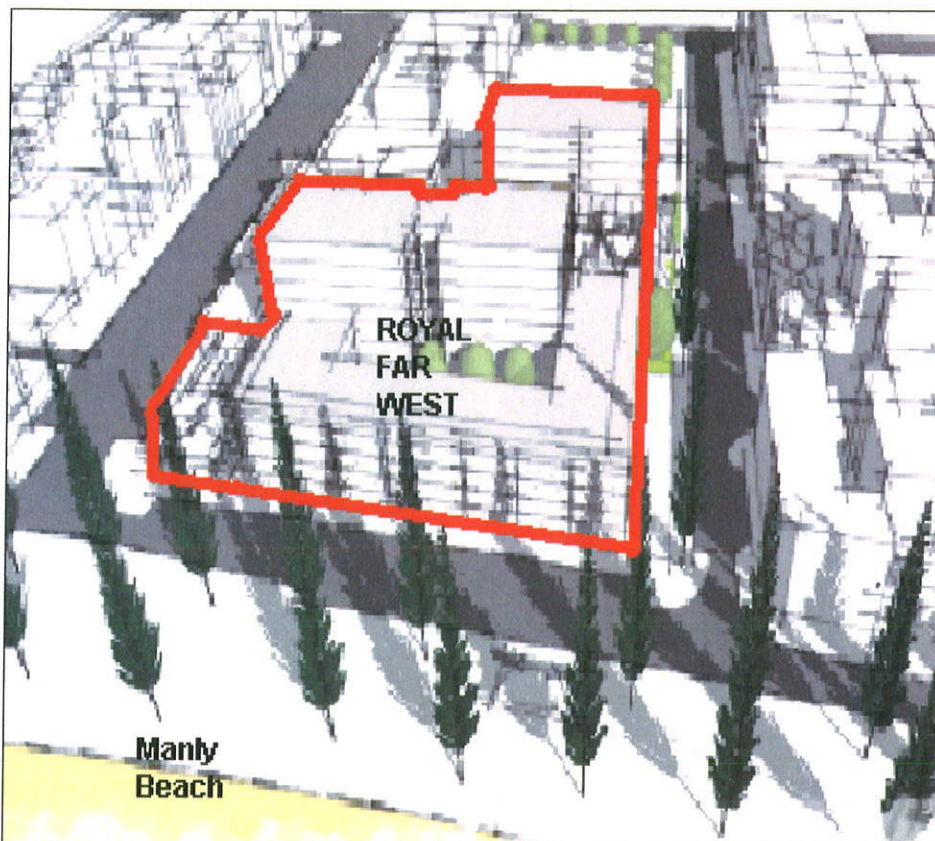


FIGURE 30 – Model presentation to Manly Beach
SOURCE: Preferred Project Report, Urbis, August 2012

Visual Impact when viewed from Public Domain – Wentworth Street & South Steyne:

The proposal's presentation to South Steyne will be a five storey podium with a further four storey tower beyond which is setback approximately 21 metres from the street alignment. The five storey podium is consistent with the scale and positioning of development north along South Steyne (**Figures 31-34**). The tower, being setback within the site, would not be visible from the western side of the roadway but would become more visible further towards the beach.

The proposed height is 4.8 metres above the Council's Guidelines and 2 metres above the height of the "Peninsula" and "Sebel" Hotel developments. This equates to a 2/3 floor difference in height. The more dominant feature is the bulk and 54 metre width of the proposed tower. This bulk can be softened through articulation of the structure or by providing a more pronounced division of the structure.

The proposal's modified presentation to Wentworth Street, providing a 6 metre setback is a positive response to public concerns regarding the scale of the proposal and achieves an acceptable view sharing outcome. The tower elements, being the eastern and western buildings, are setback from the street alignment and will appear as a stepped building design. The 6 metre setback opens up the view corridor along the street and promotes Drummond House as it is located forward of the new building alignments.

The PPR proposal includes a further wrapping around of the five storey podium adjacent to Drummond House. This may have the effect of creating an enclosure around the heritage item. On this basis it is recommended that the building be modified to step back the fourth and fifth floors at a 45° angle from Drummond House to preserve the curtilage of the local heritage item, as discussed further below.

FIGURES 31- 34: Streetscapes and Building Alignments in Locality.

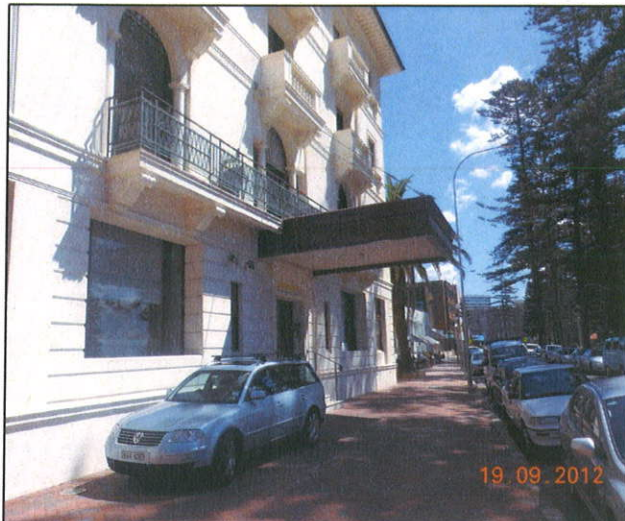


FIGURE 31: Sebel Hotel

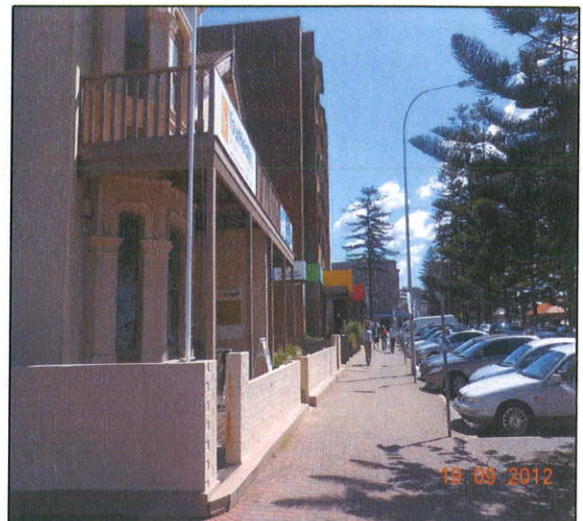


FIGURE 32: South Steyne/Victoria Parade



FIGURE 33: Victoria Pde/South Steyne corner

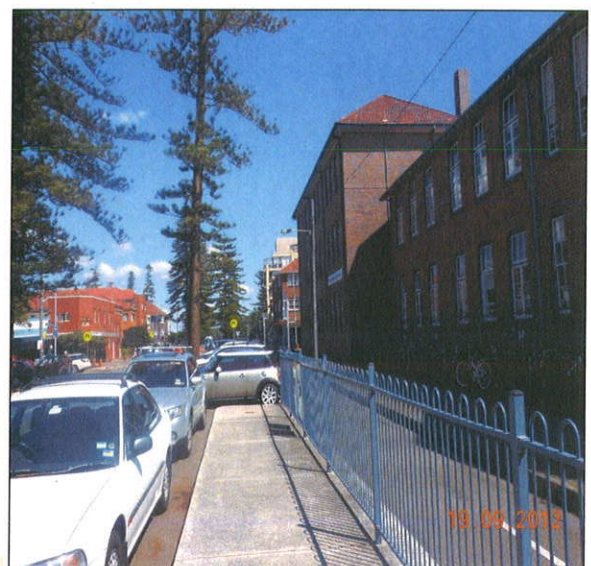


FIGURE 34: Victoria Pde/Manly Village School

Department's Position:

The basic concept of a 4-5 storey podium with a central tower element is evident in both the Guidelines and the Concept Plan design. The Concept Plan design provides a form of development that is comparable to that adopted by the Manly Council Guidelines for this site, notwithstanding that the towers are taller and wider than recommended by Council.

The proposal is a Concept Plan and the final detailed design will further articulate the development to reflect the design principles that State Environmental Planning Policy No.65, the Residential Flat Design Code and Council's Design Guidelines rely upon to achieve a quality design outcome. The Concept Plan provides a simple envelope format which will be further refined as part of the final application. These principles are reflected in the requirements of **Modification B2** which requires the proposal to achieve design excellence as part of future applications approved for each stage of the proposal.

In order to achieve an acceptable outcome for this site it is recommended that the concept be modified to include the following design modifications:

- Levels 4 & 5 of the podium level of the eastern building fronting Drummond House in Wentworth Street to be stepped back at a 45° angle to Drummond House commencing at the floor level of the fourth floor on the western façade;
- The hotel tower element of the eastern building to be designed to reduce its overall bulk by one or any combination of the following measures:
 - use of appropriate colours/materials;
 - use of open balconies at the extremities; and
 - suitable articulation by stepping back the upper levels.

5.5. Traffic Management

The subject site currently has three vehicular crossings including one via South Steyne and two via Wentworth Street. Car parking for approximately 20 vehicles is available onsite and is accessed off Wentworth Street. Service vehicle access is via South Steyne.

The proposal will accommodate 184 car park spaces in two basement levels. The basement car parks are proposed to be serviced by two street crossings:

- one at the north-western corner off Wentworth Street servicing the RFW and residential portions of the complex; and
- one to the north-east along Wentworth Street servicing the remainder of the complex.

It is noted that with the closure of existing vehicular crossings there will be a net increase of two on street car parking spaces as part of the proposed development.

The total onsite car parking exceeds the requirements of Manly Council DCP. The Proponent has determined the total on-site car parking as outlined in **Table 4**.

| Type | GFA/Yield | Manly DCP | Spaces Required | Spaces Provided |
|----------------|--------------------|---|-----------------|-----------------|
| Residential | 46 units | 1 space per dwelling +0.2 per 2 bed unit +0.5 per 3 bed unit +0.25 visitors per dwelling | 71 | 71 |
| Hotel | 164 rooms | 1 space per 4 rooms | 41 | 41 |
| Retail | 1327m ² | 1 space per 40m ² | 33 | 11 |
| Royal Far West | | n/a | n/a | 61 |
| Totals | | | 145 | 184 |

TABLE 4: Manly Parking Rate and RFW Provisions

Source: TRAFFIX “Transport and Accessibility Study: June 2012

The parking requirement for the RFW facility has been determined on the basis of one space per two employees and 16 visitor spaces. This results in a total of 61 spaces.

The only variance to Manly Council's DCP relates to the car parking proposed for the retail component of the development. Based upon standard floor space generated numbers the DCP requires 33 spaces to be provided whereas the Proponent's consultants contend that 11 spaces, servicing the tenants and staff only, is more appropriate considering:

- retail patrons are likely to be predominately pedestrians rather than arriving by car;

- the majority of persons visiting this locality will arrive via public transport (buses or ferries);
- the shops are likely to be linked to the Hotel or RFW activities, which will be suitably serviced with basement car parking; and
- observed actions in this area indicate that patrons would generally prefer to park at street level, if available.

Traffic generation concerns were raised by the general public and Manly Council with regard to the capacity of Wentworth Street and preferred access/egress points for the basement carpark. The TRAFFIX report concludes that the Wentworth Street capacity is acceptable:

"It is evident that the traffic impacts from the proposed development have a minimal effect on the road network and the additional trips are readily accommodated. The additional modelling undertaken for the intersection of Wentworth Street and South Steyne demonstrates that there is a minor increase in delay by 2.3 seconds in the AM peak period and 0.3 seconds in the PM peak. This minor increase is negligible and it is evident that the intersection will continue to operate satisfactorily."

The TRAFFIX report relied on data collected during the Wednesday, Thursday and Friday peak periods. Public submissions raised concerns that the data does not include Saturdays, which at certain times can result in grid-lock situations along Wentworth Street and at the South Steyne intersection. In response to the Department's letter of 30 January 2012 a further study was undertaken of weekend traffic generation impacts along Wentworth Street. The study found that:

".... Rialto Lane (intersection with Wentworth Street) experiences its peaks during the weekend period. At this time, the subject development generates significantly reduced activity that is spread over the day, with no evident peaks occurring. Accordingly, conditions on weekends will remain essentially unchanged. Conversely, the proposed development generates its maximum traffic generation during the weekday AM and PM peak periods."

On the basis of this report it is agreed that the Wentworth Street system should adequately accommodate the proposed development traffic generation.

The general findings of the TRAFFIX report were that:

Parking for the proposed development is generally in accordance with Council's Development Control Plan.....

The proposed access driveways and internal design aspects are appropriate from the concept design and will operate satisfactorily.....

In addition to these findings the Proponent modified the proposed traffic control measures in the following manner:

- relocation of the pedestrian crossing on South Steyne and Wentworth Street some 15-25 metres to improve queuing capacity at the intersection for the left turning vehicles;
- provision of a raised pedestrian crossing across Wentworth Street at mid-block for benefit of vehicle and pedestrian flow to:
 - provide additional safe pedestrian crossing along Wentworth Street; and
 - promote safe exit from Rialto Lane and the RFW complex via regular traffic flow stops at this crossing.

The Proponent considers that the above traffic management modifications are not necessary to accommodate traffic generated by the proposed development at RFW but would be of assistance to the general traffic flow along Wentworth Street.

Manly Council has raised concern with the adequacy of the traffic assessment for the proposal and considers that the proposed development will adversely impact traffic management and car parking in the Wentworth Street and South Steyne locality.

Additionally, Council has concerns with the environmental amenity impacts that may result from increased traffic along Wentworth Street. The Proponent contends that the predicted traffic generation will be adequately catered for within the capacity of the existing road network and thus would not result in unacceptable environmental and amenity impacts.

Department's Position:

As the locality generally does not provide off-street car parking, apart from Council's public car park under the "Peninsula" apartments, the Department agrees with the TRAFFIX report contained within the EA, that the predominant mode of travel would be via public transport and pedestrian movements. The on-site parking proposed of 184 spaces exceeds that required by 39 spaces and is considered acceptable.

The TRAFFIX report states that Wentworth Street and the intersection with South Steyne are operating near peak capacity during the peak periods, however, the subject proposal will not significantly impact operation of these facilities. Although there would be minor delays at the intersection this was considered acceptable. The department is satisfied that the proposal will have negligible impact on the operation of the surrounding road network.

Wentworth Street and South Steyne intersection is of a design width and construction type to adequately accommodate the expected traffic generated by the proposal. The intersection is likely to be impacted most during normal weekday peak periods, however, the projected added traffic delay of 2.3 seconds is considered to be acceptable.

The Proponent's proposed traffic management modifications are supported. As the local road network is operated and managed by Manly Council (as the local traffic authority) the road works would need to be considered as part of any future development application for the site.

5.6. Commercial & Retail Use

The proposal seeks a combination of the following commercial/retail/tourism land uses as part of the development:

- 1,315m² of retail floor space provided at ground level in the proposed eastern building;
- 450m² of commercial floor space within the original Terrace Houses; and
- 8,005m² of hotel floor space in the tower structure of the eastern building.

These land uses equate to 44% of the total proposed 22,290m² of floor space, with the remainder being allocated to the RFW, residential apartments and associated works.

The inclusion of these particular land uses on the RFW site has been disputed in submissions as unnecessary and inappropriate for a site which has operated as a not-for profit organisation for 85 years. Public submissions on the proposed development further dispute the need for the RFW to sell off land or portions of the site in order to refurbish the RFW buildings.

The RFW argues, however, that the existing buildings are generally in a poor condition and require significant capital (exceeding \$100 million) to upgrade them to a suitable standard in order to guarantee long term functions. The proposed commercial development is an essential ingredient in the redevelopment of the site as it assures the long term operation of the centre. In support of the mixed use development proposal the RFW states that:

"The intent of the RFW proposal is, and always has been, to realise the best commercial value for the surplus assets of the RFW. The value realised will be used for the development of a new "Centre for Excellence" and any surplus funds will be used for the ongoing delivery of services as part of the RFW's long term commitment to country children and to Manly.

Even if the RFW invested in major renovations, that investment would not address the inefficiencies inherent in the existing buildings and they could not cope with the Centre of Excellence concept. The only way to achieve the Centre of Excellence is a major redevelopment."

An additional issue with the alternative land uses is the potential social issues associated with the hotel operation, providing for the service of alcoholic beverages particularly, where the facility is open to the general public and trades late in the evenings. The Concept Plan does not provide specific details on how the hotel would operate, but its primary function is as an accommodation venue and the hotel function would primarily provide services for the hotel patrons rather than the general public. This situation would be similar in nature to the operation of the Sebel Hotel in South Steyne or any other quality hotel chain which may operate the facility in the long term. Control of this situation could be achieved via an appropriate condition for any future development application.

In support of the proposed mixed use development, Draft Manly LEP seeks to rezone the site to Business B2 (Local Centre). Within this zoning the school, commercial, hotel and residential aspects of the proposal would be permissible. Hence, it is evident that Council is providing for a mixed use development potential for the subject land.

Department's Position:

The primary issues for the land uses proposed with the Concept Plan relate to the resultant height, scale and floor space proposed. The scale of retail proposed (1,315m²) is considered appropriate to a development of this scale and not one which will negatively impact on the Manly retail centre.

The final proposal has an FSR of 3.2:1, while Council had envisaged an FSR for the site of 3.0:1. The variation from this standard equates to 0.2:1 or 7%. This scale of variation is reasonable given the substantial community benefit provided with the retention of the RFW on the site. As demonstrated earlier in this report, the scale and form of the proposed buildings is compatible with the surrounding locality and the Manly town centre. Also, the amenity impacts on the adjoining properties is reasonable.

On this basis it is considered that the total amount of commercial, retail and hotel floor space in the proposal is acceptable for a site of this size and location.

5.7. Heritage Buildings

The site accommodates two local heritage items in:

- Drummond House; and
- Terraces at 15-16 South Steyne.

In addition, the land adjoins local heritage items at:

- 29-31 Victoria Parade (The Carlton and Newstead Flats);
- 12 Wentworth Street (former School of Arts); and
- 10 Wentworth Street (old School building).

Also in the immediate vicinity are the following local heritage items

- 7-14 South Steyne (retail buildings);
- Beach reserve of South Steyne (the Promenade);
- Public shelters on South Steyne; and
- Streetscape Trees along Victoria Parade and Wentworth Street.

The Proponent engaged Urbis Pty Ltd to undertake a Heritage Impact Assessment (HIA) and a Conservation Management Plan (CMP) for the proposal. The Urbis reports acknowledge the local significance of the existing local heritage items.

The findings of the HIA and CMP are that the development can be undertaken on the land subject to suitable protection of the items and safeguard measures being implemented. Both the HIA and CMP have provided guidelines for the protection and preservation of the identified heritage items. The primary recommendations under these documents are addressed below.

The final recommendations of the HIA included:

- *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; and*
- *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 final recommendations of the CMP included:

- *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 places heritage significance; and*
- *There are guidelines for compliance with heritage legislation, and conservation policies in relation to managing the sites archaeology resource, heritage significance, development potential, interpretation of the sites heritage significance and implementation and review for this CMS.*

The Proposal was referred to the Heritage Branch of the Department of Environment and Heritage for comments. The Heritage Branch advised it concurred with the HIA and CMP recommendations and noted as follows:

The scale and bulk of the proposed multi-storeyed (seven, eight and twelve-storey) buildings adjacent the three-storey and two-storey heritage buildings on site will have an adverse impact on the setting and streetscape views of the heritage buildings. It is, however, noted that the design of the buildings in terms of siting, and setbacks follow the Conservation Management Policies for 'New Development' and mitigate the impacts to some extent. The new building adjoining 'Drummond House' to the west has been set back to retain significant streetscape views of the building, while development along South Steyne reinforces the built form along the street.

The Heritage Branch further concluded that the Proponent should submit:

- an archaeological assessment report as part of any future application;
- conservation/restoration works as part of any future application; and
- revised plans addressing the bulk and scale as part of the PPR submission.

As mentioned previously, the Proponent has provided modified plans as part of the PPR submission which proposes to step back the buildings along Wentworth Street to preserve

public domain views to the beach and to enhance views along the street to Drummond House.

The Heritage Branch provided further comments as part of the PPR exhibition. This included recommending conditions relating to archaeological impact mitigation, which are recommended to be attached as 'Advisings' for any future application. In addition, concerns were raised over potential impacts on the Manly Beach Precinct, as follows:

..... give consideration to the cumulative impact of this development on the significance of the broader precinct of Manly Beach in terms of:

- the bulk, scale and massing of the development's presentation to the promenade, beach, South Steyne and associated public domain;*
- views to and from the promenade, beach, and South Steyne and all heritage items in the vicinity of the development, including oblique views as noted by council;*
- overshadowing of the beach, promenade and associated public domain in all daylight hours; and*
- retaining and reinforcing positive characteristics of this streetscape which contribute to the significant setting of the beach and promenade.*

These issues were discussed with the Heritage Branch and it is acknowledged that a reduction in mass of the building form would reduce the potential dominance of the proposal when viewed from the street. This issue has been discussed previously in this report and the department is satisfied that it can be resolved through appropriate modifications and future assessment requirements dealing with separation and articulation.

Department's Position:

The Proponent has adequately addressed the heritage values of the site and mitigation measures to protect retained heritage buildings through the HIA, CMP and the Archaeological Assessment. Further, the Proponent has provided Statements of Commitments, see **Appendix G**, which provide commitments for the preservation of the heritage items and mitigation measures to offset residual impacts.

The Heritage Branch's primary concerns relates to the visual and amenity impacts the proposed development would have on local heritage items, particularly with regard to bulk and scale. These concerns are addressed through the imposition of suitable modifications and future assessment requirements to reduce the proposal's bulk and scale when viewed from the public domain, as was recommended under Section 5.5 of this Report and as reflected in **Modifications B1 and B2 of Appendix F**.

These modifications would require that any future application for the proposal provide for suitable articulation, building separation and extremity treatments (e.g. balconies on corners) to be introduced in order to soften the bulk, improve articulation and provide suitable separation from the heritage items. These modifications will enable a suitably modified building form to be submitted at the development application stage and will ensure the final outcome will be a development that is responsive to its local context.

5.8. Affordable Housing Removal

Public submissions raised concerns that the demolition of the Elsie Hill Building would remove affordable housing from the site as it had been used as a boarding house for many years. The RFW Board advised that the premises had only been used as a boarding house during recent years. Initially, Elsie Hill House was used as a nursing dormitory and offices up until 2001-2002. The Board contends that the premises are not affordable housing. This issue is addressed in further detail by the proponent as part of the assessment at **Appendix T** of the PPR.

Under State Environmental Planning Policy (Affordable Rental Housing) 2009 any use started after 28 January 2000 for affordable housing is excluded from the provisions of the Policy.

Department's Position:

An Affidavit has been provided by the Proponent relating to the manner in which the Elsie Hill Building had begun being used as an affordable housing facility. That statement is further supported by RFW Board documents which indicate that the building was not being utilised for affordable housing as at the relevant date of 28 January 2000. On this basis it is agreed with the Proponent that the facility would not have provided affordable housing as of the relevant date and therefore no further consideration of this issue is required. It is noted that the RFW operation provides a significant public benefit and therefore no additional impost through a requirement for affordable housing should be imposed.

6. CONCLUSION

The department has assessed the merits of the proposal, taking into consideration the issues raised in government authority, special interest group and public submissions, and is satisfied that the impacts have been addressed in the EA and PPR and related documentation (including the Statement of Commitments), recommended modifications to the Concept Plan and future assessment requirements. The department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the locality and region.

The key issues considered in the assessment of the proposal relate to:

- Height, bulk and scale and finished form of the proposal;
- Traffic management and car parking on site; and
- Amenity impacts including minimising overshadowing and view loss.

The key changes which have occurred as a result of the Department's assessment include:

- Provision of a 6m setback to Wentworth Street to retain more of the existing view corridor down Wentworth Street towards Manly Beach;
- A one storey reduction to the RFW (western) building to reduce the overshadowing impact to Manly Village Public School;
- A requirement to further articulate the hotel tower to minimise the scale and form of the tower when viewed from the public domain; and
- A requirement for future applications to demonstrate design excellence in accordance with the Director General's Design Excellence Guidelines.

The department acknowledges that the Royal Far West Centre for Excellence provides a desirable and essential community service for NSW and in order to provide that service requires modern and efficient facilities. It is further acknowledged that the mixed use development proposal will provide the necessary capital for the redevelopment of the site, to construct modern facilities and to potentially provide a long term income stream for the RFW in order to ensure its continued viability.

The department considers that the proposal also offers an opportunity to provide tourist and residential development adjacent to an existing shopping centre suitably serviced with public transport. The proposal meets the objectives of the Metropolitan Plan 2036 and draft Northeast Sub-Regional Strategy.

The height and bulk of the proposed buildings, as modified, are acceptable given the unique opportunities for urban renewal and increased residential densities whilst providing for surety in the future operation of the Royal Far West Centre for Excellence. The modifications to increase the building setback along Wentworth Street will assist in preserving a major portion of the beach/ocean view corridor currently existing along Wentworth Street for existing apartment buildings.

The department is satisfied that the projected dwelling yield of approximately 46 units is an acceptable housing accommodation outcome for this particular site. The department also considers that the limited retail portion of the proposal will not result in unacceptable impact upon the existing retail centres in this locality in the long term.

The proposed Concept Plan is considered appropriate for the following reasons:

- The redevelopment and preservation of, the functions of the Royal Far West Centre for Excellence hospital in a modern and functional new hospital;
- The preservation of the existing local heritage items on the site through their integration into the overall development;
- The proposal will provide for a mixed community, tourist, residential, retail and commercial complex in a recognised commercial centre;

- The proposal will contribute to housing stock in the Manly LGA, in a location which is highly accessible to transport, services, facilities and employment opportunities; and
- The proposal will deliver a new and modern hospital facility to service the wider community needs.

The submitted Concept Plan provides sufficient detail to establish that the future staged development will have a bulk and scale that is appropriate for the locality. The modified development, together with the Proponent's Statement of Commitments, will ensure that the final form of the project will achieve a high quality modern design providing efficient and environmentally sustainable accommodation for Sydney's growing tourist and residential population.

Overall, the benefits of the scheme, construction of a new hospital and educational facility, outweigh any impacts that may occur during the construction and operational phases of the development. The works and final development form and land use mix are considered to be in the public interest.

The Department recommends that the Concept Plan be approved, subject to the modifications and future assessment requirements set out in the attached instrument.

7. RECOMMENDATION

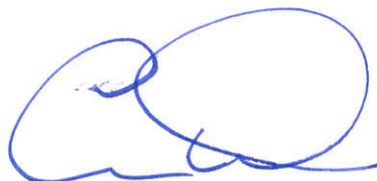
It is recommended that the Planning Assessment Commission, as delegate for the Minister for Planning and Infrastructure:

- consider the recommendations of this Report;
- Approve** the Concept Plan application under the repealed Section 75O of part 3A of the *Environmental Planning and Assessment Act. 1979*, and
- Sign** the attached Instrument of Approval (**Appendix F**).

Endorsed by:



Director 21/12/12
Metropolitan & Regional Projects South



7.1.13

Acting Deputy Director-General
Development Assessment & Systems Performance

APPENDIX A ENVIRONMENTAL ASSESSMENT

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4258

APPENDIX B SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4258

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4258

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

SECTION 5 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Minister's consideration and determination of an application under Part 3A must be informed by the relevant provisions of the Act, consistent with the objects of the Act. The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the application. The project does not raise significant issues with regards to the Objects under the Act.

Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The Department has considered the proposed development in relation to ESD principles and has made the following conclusions:

Precautionary Principle –The site currently occupies the existing RFW buildings and has no evidence of accommodating any habitat.

Inter-Generational Principle – The proposal represents a sustainable use of the site as the redevelopment will utilise existing infrastructure and make more efficient use of the site. The redevelopment of this site will also have positive social, economic and environmental impacts. The location of new residential development on a site with excellent access to public transport will enable residents to make sustainable travel choices which will protect the environment for future generations.

Biodiversity Principle – Following an assessment of the proponent's EA and Preferred Project Report (PPR) document it is considered with appropriate certainty that there is no threat of serious or irreversible environmental damage as a result of the proposal.

Valuation Principle – The valuation principle is more appropriately applied to broader strategic planning decisions and not at the scale of this application. The principle is not considered to be relevant to this particular Concept Plan application.

The Proponent submitted an assessment of the ESD initiatives available to the development, including building materials, methods of heating and cooling, renewable energy and water conservation. It is recommended that a future assessment requirement be imposed which requires the development to incorporate best practice ESD measures. On this basis, the Department is satisfied that the proposal is consistent with the principles of ESD.

SECTION 75I(2) OF THE ACT & CLAUSE 8B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The Royal Far West Centre for Excellence Major Project is detailed at the Departments website as follows:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4258

The DG's report to the Minister for the proposed project satisfies the relevant criteria under Section 75I of the Act as follows:

| Section 75I(2) criteria | Response |
|---|--|
| Copy of the proponent's environmental assessment and any preferred project report. | The Proponent's EA and Preferred Project Report are located on the Department's website address for this project as detailed above. |
| Any advice provided by public authorities on the project. | A summary of the advice provided by public authorities for the Minister's consideration is set out in Section 4 of this report. |
| A copy of any report of the Planning Assessment Commission in respect of the project. | No report by the Commission has been required at this time. |
| A copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project. | Each relevant SEPP that substantially governs the carrying out of the project is identified within this Appendix below. |
| Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division. | An assessment of the development relative to the prevailing environmental planning instrument is provided below in this Appendix. |
| Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate. | The environmental assessment of the project application is this report in its entirety. |
| A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project. | In accordance with section 75I of the EP&A Act, the department is satisfied that the Director-General's environmental assessment requirements have been complied with. |

The DG's report to the Planning Assessment Commission (Delegate of the Minister for Planning and Infrastructure) for the proposed project satisfied the relevant criteria under Clause 8B of the EP&A Regulation as follows:

| Clause 8B criteria | Response |
|---|--|
| An assessment of the environmental impact of the project. | An assessment of the environmental impact of the proposal is discussed in Section 5 of this report. |
| Any aspect of the public interest that the Director- | The public interest is discussed in |

| | |
|---|--|
| General considers relevant to the project. | Section 5 of this report. |
| The suitability of the site for the project. | The site is considered to be suitable for this redevelopment for the reasons set out in Section 5 of this Report. |
| Copies of submissions received by the Director-General in connection with public consultation under Section 75H or a summary of the issues raised in those submissions. | A summary of the issues raised in the submissions is provided in Section 4 of this report and the public submissions are available at Appendix B . |

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of Section 75(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The primary controls guiding the assessment of the proposal are:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy (Major Development) 2005 and
- Manly Local Environmental Plan 1988.

Other controls to be considered in the assessment of the proposal are:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 55- Remediation of Land

The provisions of development standards of local environmental plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the Act. Notwithstanding, the objectives of the above EPIs, relevant development standards and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP - BASIX aims to establish a scheme to encourage sustainable residential development across New South Wales. The current targets of BASIX for Residential Flat Buildings commenced on 1 July 2006 and require all new residential dwellings in NSW to meet targets of a 20% reduction in energy use and 40% reduction in potable water.

It is noted that the proposal is a Concept Plan only and that fine detail analysis of BASIX requirements would normally be undertaken at a future project application stage. Hence, the Proponent has not provided BASIX certificate documentation but a report prepared by Urbis Pty Ltd, a member of Green Building Council Australia, on ecological sustainability of the concept proposal has concluded that:

"Although the legislation does not apply at the concept stage, many of the concepts and principles of multi unit BASIX have been considered in the plans and this ESD report and the proposed GBCA Green Star target should exceed the requirements of BASIX"

On the basis of this advice it is considered that the subject proposal is likely to comply with BASIX requirements.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the Residential Flat Design Code

SEPP 65 seeks to improve the design quality of residential flat development through the application of a series of 10 design principles. An assessment against these principles is given in the below table.

Although only a concept plan, a SEPP 65 Architectural Design Statement have been provided by Architectus Group Pty Ltd. The Statement outlines that the proposal has been designed having respect to the design quality principles.

| Key Principles of SEPP 65 | Department Response |
|--|---|
| Principle 1: Context | The site is located within an established area. Although buildings proposed are taller and bulkier than those in the immediate area, the buildings have been designed and setback in a manner that respects the context of its surrounds. The proposed buildings would not have unreasonable impacts on the amenity of surrounding development or the natural features of the locality. |
| Principle 2: Scale | The proposed buildings will be slightly higher than immediately surrounding development, i.e Sebel Hotel and Peninsula Apartments. To minimise impacts on the character of the locality, the scheme has been designed to incorporate a range of heights between 5 and 9 storeys with the highest element positioned centrally on the site for the hotel. The size of the subject site together, with the transition of building heights across the site, will ensure that the overall development scale does not directly conflict with the established built character of this locality. The majority of the surrounding lands are residential or commercial/retail in nature. |
| Principle 3: Built Form | The scale of the buildings are similar to that of the surrounding built form of Manly Village. The proposed redevelopment of the site will not significantly alter the overall character of the village. The new building envelopes allow for a variety in building articulation to provide high levels of amenity for future residents and maintain reasonable view corridors for neighbouring properties. |
| Principle 4: Density | The site is located within an established commercial village precinct with mid-rise residential housing. The development has been designed to accommodate a mix of uses commensurate with the village style zoning. The density of the development will be slightly greater than that envisaged for the site by Manly Council, however, the building layout and proposed traffic/parking arrangements ensures that the additional density will have minimal impact upon the locality. Additionally, the residential housing will have excellent access to infrastructure, public transport, community facilities and environmental quality along the beachfront. |
| Principle 5: Resource, Energy and Water Efficiency | The Proponent has designed the Concept Plan to maximise solar access and natural ventilation opportunities to reduce reliance on artificial heating and cooling. A future assessment requirement has also been recommended to require ESD measures be incorporated into the future design, construction and operation of the development. |
| Principle 6: Landscape | The Concept Plan landscaping proposal accepts that the site proximity to public open space, including the Manly Beach/promenade and Manly Village Public School grounds provide additional landscaped outlooks from the complex. Internally landscaped areas have been provided as outdoor play area for the Centre for Excellence as well as between the proposed residential apartments and the hotel complex. The level of landscaping proposed is considered to be acceptable for this form of development in a locality with great public domain benefits. |
| Principle 7: Amenity | The development would not result in any loss of solar access to surrounding residential development and will not result in unreasonable privacy or view loss impacts, see section 5 of the |

| | |
|--|---|
| | main report. The new development will be able to comply with SEPP 65 Design Quality of Residential Flat Development principles and the Residential Flat Design Code guidelines. The Concept Plan demonstrates that a range of unit sizes are proposed. All units are capable of attaining appropriate room dimensions and layouts to comply with the RFDC. |
| Principle 8: Safety and Security | The proposal has been designed to activate the street frontages along Wentworth Street and South Steyne. The retail component along South Steyne and residential apartments above, will all provide passive surveillance to the street and communal open areas, including Manly Beach/Promenade. The generous 6 metre setback along Wentworth Street provides opportunity for active recreational/dining operations to occur which will enliven this street and provide for open surveillance of the locality. External lighting will be required to ensure adequate pedestrian safety is achieved. The residences will have secure access arrangements in place and buildings are designed in a manner to minimise potential dark non visible areas. |
| Principle 9: Social Dimensions and Housing Affordability | The redevelopment of the Royal Far West site will provide additional diversity of housing mix within the Manly LGA. The introduction of various sized units will provide increased housing choice for the local population. |
| Principle 10: Aesthetics | The building envelopes have been designed to include a range of varied and complimentary materials. |

An assessment of the proposal against the Residential Flat Design Code can be found at **Section 5** of the DG report. This assessment indicated that there are minor non-compliances with building separation and building/dwelling depth which are achievable through minor design modifications as part of any future development application.

State Environmental Planning Policy (Major Development) 2005

The *Major Development SEPP* applies to the project as discussed in **Section 3** of this report.

Manly Local Environmental Plan 1988

The MLEP1988 applies to the project as discussed in **Section 3** of this report. The mixed use form of development proposed is partly prohibited on the subject land which is zoned Special Uses 5A although any works associated with the Centre for Excellence hospital/education functions would be permissible. No other provisions of the MLEP1988 directly relate to the subject development

The MLEP1988 has no height or floor space controls relating to the Special Uses 5A zoning. Manly Council has, however, adopted Development Design Guidelines for this particular site in October 2011. The proposal does not conform with these guidelines with a greater FSR and height than that recommended, as discussed in section 3 and 5 of the main report.

The issues of FSR and height are addressed in the consideration of the overall bulk and scale of the proposal and the appropriateness of the development within the context of the surrounding area is discussed in **Section 5.5** of this report.

Draft Manly Local Environmental Plan 2011

Draft Manly Local Environmental Plan 2011 finished public exhibition on the 29 June 2012. At the time of preparation of this report the Draft Plan has been forwarded to the Department for final determination under section 68 of the Act. It is noted that the subject land is proposed to be zoned B2 "Local Centre" and the proposed mixed use development would be generally consistent with the objectives of the zoning:

- *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 maximize public transport patronage and encourage walking and cycling.*

The Local Centre zoning would prohibit the majority of the land uses associated with the Concept Plan, including “*business premises*”, “*restaurants or cafes*”, “*hotels*”, and “*residential accommodation*”. It is also noted that the existing “*hospital*” operation would be a prohibited use under the Draft Plan whilst “*medical centres*”, “*veterinary hospitals*” and “*health consulting rooms*” would be permitted. In some instances land uses may be contended to be part of alternative land use definitions permitted under the Local Centre zoning, including “*commercial premises*”, and “*shop top housing*”.

In order to operate the proposed land uses the Proponent would rely on the land uses identified at section 8.2 of the Preferred Project Report, dated August 2012, as part of any approval for the Concept Plan proposal, although, this list is not exhaustive for a site which is within a prime seafront location. Any approval of the Concept Plan would provide for development of the site in accordance with the building envelope form proposed, subject to any design modifications recommended conditionally, and to accommodate the proposed land uses identified within the Concept Plan and PPR.

The Draft Plan also sets down a maximum floor space ratio of 3.0:1 and a height envelope control similar in nature to Council's adopted RFW Urban Design Guidelines 2011.

Notwithstanding that the proposal would have prohibited uses and exceed the FSR and height controls, the proposal may be considered under the transitional Part 3A provisions of the Act.

COMPLIANCE WITH OTHER CONTROLS

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP requires referral of applications for traffic generating development to the Roads and Traffic Authority (now the Roads and Maritime Services- RMS) for concurrence. The proposed works are not defined as traffic generating development. The proposal was referred to the RMS who raised no concern with proposal subject to the provision on site of bicycle parking and share car arrangements which would be reflected in a Workplace Travel Plan (WTP) and/or Travel Access Guide (TAG).

The preferred proposal adequately responds to the issues raised by the RMS and will be further responded to as part of the final Construction Traffic Management Plan and Travel Access Guide to be required as part of any future development application (see **Future Assessment Requirement 3, 8 and 15**). These Plans are to be finalised prior to the issuing of any development consent for any future stage of the development.

State Environmental Planning Policy 55- Remediation of Land

The SEPP requires the preparation of a report that specifies the findings of a preliminary investigation of the land concerned. The EA was accompanied by a *Phase 1 – Contamination Report* prepared by Douglas Partners.

The Report general findings were:

“Whilst most of the identified potential contamination issues are only likely to have resulted in localised and/or easily remediated impacts (e.g. off-site disposal of any impacted soils), USTs that have leaked can have more significant impacts..... The impact may be limited by time and the expected tidal flushing of groundwater.

..... As the proposal is in its conceptual stage, it is considered appropriate for the intrusive investigation to be undertaken at the project application stage.”

The Report concluded that the site is considered to be suitable for the proposed development subject to:

- Intrusive investigation to obtain data on the contaminant concentrations at the areas of potential environmental concern identified in Section 7 (of their report); and
- Based on the results of the intrusive investigation, if required, remediation of the site to meet the requirements of the proposed land use.

A future assessment requirement has therefore been imposed, requiring compliance with the recommendations as stated within the report (see **Future Assessment Requirement 13**).

APPENDIX E POLITICAL DONATION DISCLOSURES

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4258

APPENDIX F RECOMMENDED CONDITIONS OF APPROVAL
