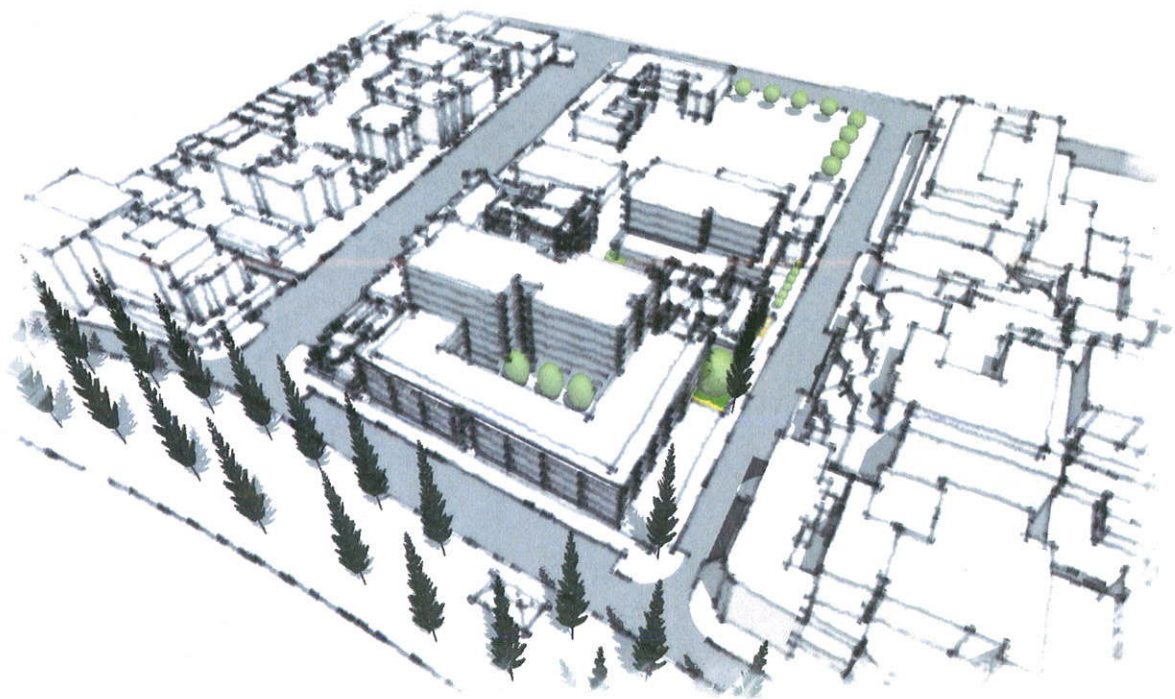




Planning &  
Infrastructure

**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

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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 348m<sup>2</sup>.

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

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### *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 6950m<sup>2</sup> 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.

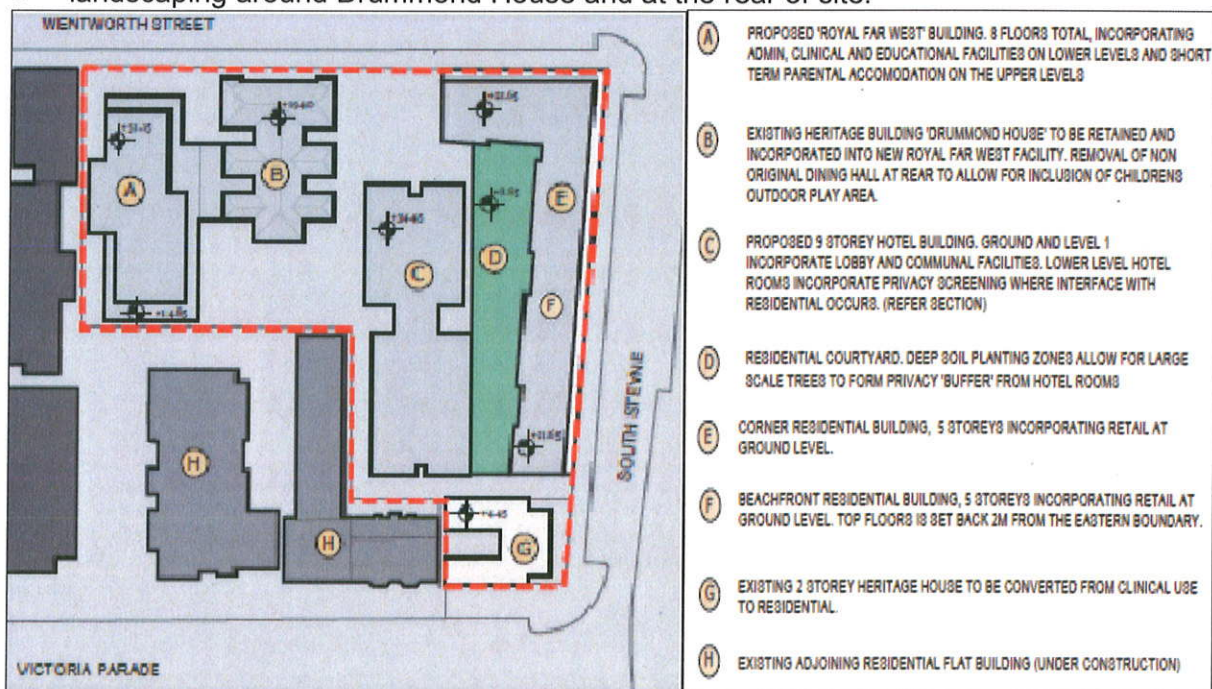
The Proponent has suggested that the proposed commercial, retail, tourism and residential developments will assist in funding the continued operation and provision of core RFW services. It has also been suggested that the proposal will assist in attracting health professionals consistent with the RFW's 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 21,942m<sup>2</sup> 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 4,900m<sup>2</sup>) up to 8 storeys in height;
- provision of medical professional consulting rooms (GFA 800m<sup>2</sup>);
- construction of a residential flat development (GFA 4,700m<sup>2</sup>) providing 32 dwellings;
- retail uses accessed from Wentworth Street and South Steyne (GFA 1,327m<sup>2</sup>);
- basement car park accommodating 184 spaces over 2 levels;
- construction of a 9 storey hotel providing 165 rooms (GFA 8,145m<sup>2</sup>);
- 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>
<b>Project Summary</b>	<ul style="list-style-type: none"><li>• <b>Demolition of existing structures, apart from Drummond House and the Victoria Parade Terraces;</b></li><li>• <b>Construction of a new Centre for Excellence;</b></li><li>• <b>Construction of a 9 storey hotel/retail/residential complex;</b></li><li>• <b>Construction of a retail level to Wentworth St and South Steyne;</b></li><li>• <b>Construction of a 4 storey residential flat building above the retail podium level; and</b></li><li>• <b>Provision of on-site basement car parking.</b></li></ul>
<i>GFA</i>	Total projected GFA of 22,290m <sup>2</sup> 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 <sup>2</sup> comprising 4,900m <sup>2</sup> of RFW associated floor space over 7 levels in the western building, 1,620m <sup>2</sup> in "Drummond House" and 900m <sup>2</sup> of professional suites within the eastern building.
<i>Residential</i>	46 residential apartments over 4 levels, equivalent of 5,100m <sup>2</sup> floor space.
<i>Hotel Function</i>	Hotel with 165 rooms over nine levels, equivalent of 8,005m <sup>2</sup> of floor space.
<i>Retail GFA</i>	1,315m <sup>2</sup> 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 <sup>2</sup> of floor space and 2 terraces off Victoria Parade, totalling 450m <sup>2</sup> 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 348m<sup>2</sup>;
- 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 promote 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

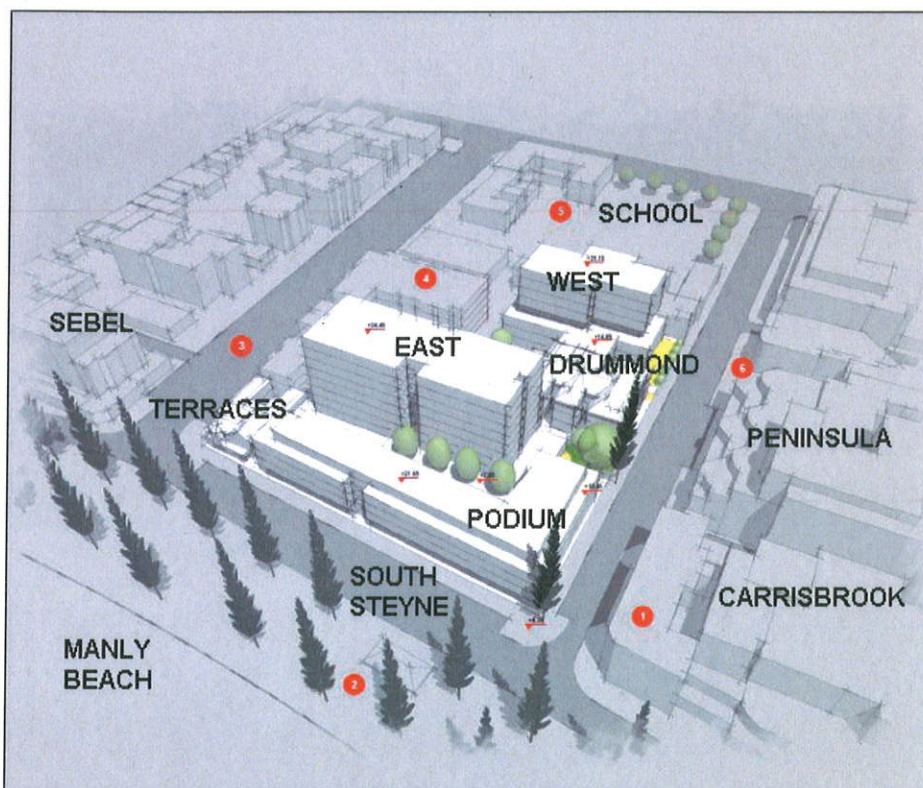
A comparison of the key components of the original EA and the modified project as outlined in the PPR are listed in **Table 2** below.

**TABLE 2 : Comparison between EA and PPR.**

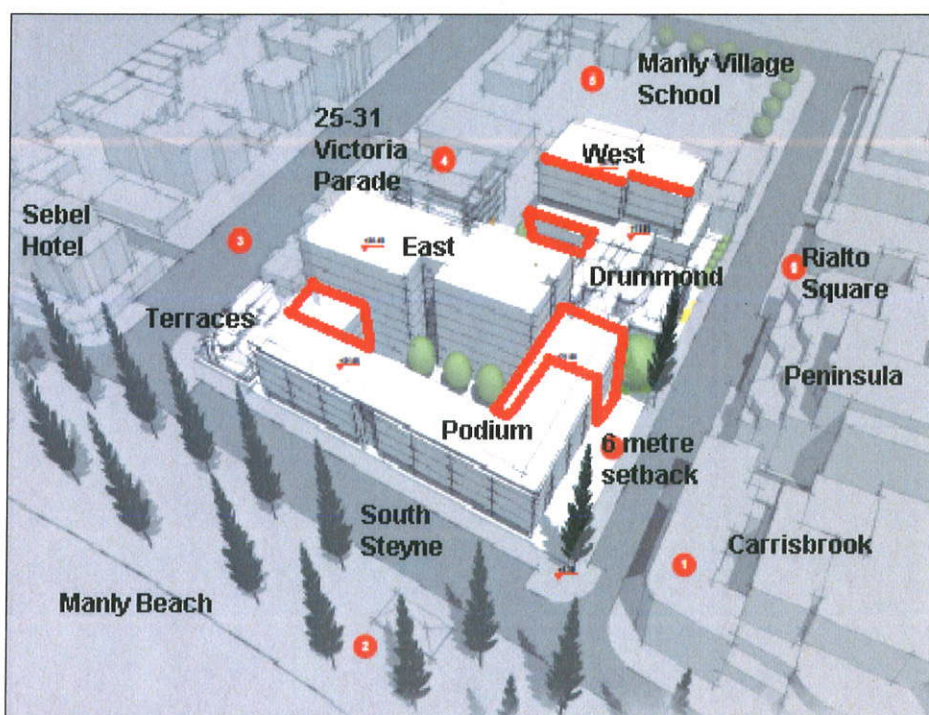
Development Statistics	EA Proposal	PPR Proposal	Difference
GFA	21,942m <sup>2</sup>	22,290m <sup>2</sup>	+ 348m <sup>2</sup>
FSR	3.16:1	3:2:1	+ 0.04:1
Building Height	2 to 9 Storeys	2 to 9 storeys	Unchanged
Total RFW Floor space	4900m <sup>2</sup>	4900m <sup>2</sup>	Unchanged
Drummond House	1620m <sup>2</sup>	1620m <sup>2</sup>	Unchanged
Professional Consult Rooms	800m <sup>2</sup>	900m <sup>2</sup>	+ 100m <sup>2</sup>
Hotel Floor Space	8145m <sup>2</sup>	8005m <sup>2</sup>	- 140m <sup>2</sup>
Hotel Rooms	164	165	+ 1
Retail Floor Space	1327m <sup>2</sup>	1315m <sup>2</sup>	- 12m <sup>2</sup>
Residential floor Space	4700m <sup>2</sup>	5100m <sup>2</sup>	+ 400m <sup>2</sup>
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 75(2)(d) and 75(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

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### 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 348m<sup>2</sup>;
- 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.