



Planning & Infrastructure

Ms Gabriel Kibble AO
Chairperson
Planning Assessment Commission
Thakral House
Level 13, 301 George Street
SYDNEY NSW 2000

13/05060

Dear Ms Kibble,

**SUBJECT: Part 3A- Concept Plan Application – MP10_0159, Royal Far West
Centre for Excellence, Manly**

Following the Public Meeting held on 18 February 2013 concerning the above Concept Plan Application, the Planning Assessment Commission (PAC) sought clarification from the Department on the following matters:

1. Compliance with the Director General's Requirements (DGR's), particularly with regard to consultation and social Impacts;
2. Need for a Social Impact Assessment (SIA) as part of the environmental assessment process;
3. Adequacy of the justification for the proposal's non-compliance with the "Manly Urban Design Guidelines 2011" (Guidelines); and
4. Status of the Draft Manly Local Environmental Plan.

Each of the matters above has been addressed accordingly in Attachment A to this correspondence. If you have any further questions, Karen Jones, Director, Metropolitan and Regional Projects South is able to assist. Ms Jones can be contacted on 02 9228 6150.

Yours sincerely

13.3.13

Chris Wilson
Executive Director
Development Assessment Systems & Approval

Attachment A

1. Director-General's Requirements

As stated in the Director-General's report the Department is satisfied that the Director-General's Environmental Assessment Requirements (DGRs) have been complied with (Section 3.8).

In regard to consultation, the DGRs required an *appropriate and justified* level of consultation in accordance with the requirements of the "Guidelines for Major Project Community Consultation". The proponent advises that formal consultation consistent with the Guidelines was undertaken via a meeting with major stakeholders on the 31 March 2011, which included representatives of the Department of Education and Training (DET) and Manly Village Public School.

While the Guidelines list stakeholders such as Parents & Citizens Associations (P&C) as potential stakeholders, there was no mandatory requirement to notify the P&C, albeit it would have been desirable at the time. Notwithstanding, both the school and the Department of Education and Training were engaged, as was the Council, through the preparation of the DGRs. The P&C did make a submission to the public exhibition of the EA, and was directly notified of the exhibition of the PPR. The Department is satisfied that sufficient opportunity has been provided for the P&C, and the wider community to have input into the process. This includes the following consultative forums:

- Little Manly Precinct Committee meeting with Proponent on 18 October 2011;
- Open Day for Community by RFW on 2 November 2011;
- Public Meeting organised by concerned Local Residents on 28 November 2011;
- EA public exhibition period of 71 days from 21 September to 30 November 2011;
- Formal PPR notification for 21 days from 30 August to 21 September 2012; and
- PAC public meeting of 18 February 2013.

It should also be noted that the EA was publically exhibited for an extended period of 71 days which exceeded the minimum required statutory period by 26 days. The PPR was also formally exhibited for a period of 21 days from 1-21 September 2012. All submissions received were considered as part of the Department's assessment.

The DGRs were not specific with regards to social impact issues, as the Department was satisfied that adverse social impacts were not a likely key outcome, and therefore, not a key focus for the assessment of the proposal.

Notwithstanding, the social impacts of the proposed development were considered as part of the Department's assessment and are outlined within the Director-General's Environmental Assessment Report. The Department concluded that the proposal would result in a number of positive social benefits including the improved provision of facilities for the Royal Far West Centre for Excellence, the provision for tourist and residential development adjacent to an existing shopping centre, well served by public transport, the preservation of existing local heritage, and contribution to local housing stock.

The assessment further concluded that the proposal would result in minimal negative social impacts and that any residual impacts could be appropriately considered as part of any future development applications.

In conclusion, the Department considers that the Proponent's EA and PPR have adequately responded to the DGRs as part of the application process.

2. Social Impact Assessment

In preparing the DGRs, the Department sought Council's input. Manly Council did not seek the preparation of a Social Impact Assessment (SIA) as part of the EA. Notwithstanding, the Department is satisfied that the EA and PPR have adequately responded, in broad terms (as is normally the case when seeking Concept approval), to the key issues of crime, traffic, noise and servicing. The Department is further satisfied that the conclusions in this regard support the approval of the concept plan. It was concluded that any residual social impacts could be easily addressed with any future development applications considered assessed by Council.

Both the EA and PPR were referred to Manly Council for comment. Manly Council raised concerns with regard to the lack of a SIA and requested that the following matters be addressed:

1. Impact of introducing affective 24 hour alcohol service via the hotel next to the children's area;
2. Council sought consideration of its Development Control Plan for Late Night Venues;
3. Loss of amenity, views and solar access, for children attending the site; and
4. Need to accommodate current residents of Elsie Hill House and a moral obligation to provide affordable housing.

The Proponent responded to these three matters and during its assessment, the Department concluded that a SIA was not required for the following reasons:

1. The Proponent does not seek a 24 hour alcohol license as part of the application but rather, adequate facilities within an accommodation hotel to primarily service its patrons;
2. Royal Far West would not support an open license hotel in such close proximity to their school, hospital and respite accommodation functions;
3. Royal Far West caters for children with behavioural disorders which limit the opportunities for providing upper level useable open space and recreational facilities, as would normally be catered for at traditional schools. The site's location provides a natural setting for passive recreational pursuits for the RFW patients; and
4. Royal Far West has provided documentation to clarify that the site did not previously provide affordable housing on the site in accordance with the SEPP guidelines but has, nevertheless, committed to assisting occupants at the Elsie Hill Building to find suitable affordable accommodation as part of their relocation.

Royal Far West also clarified that the hotel proposal is for accommodation purposes with ancillary restaurant and licensed lounge areas. It is not intended that the licensed area of the facility would be for general public use. Concerns relating to the licensing issue may be resolved with the inclusion of the following Project Commitments:

Licensed Premises:

- *Licensed premises will only be included within the development where they are linked to a restaurant facility as part of the retail or hotel components of the development.*
- *The primary function of any licensed premises is to service restaurant or hotel patrons only.*
- *Details of the licensed premises shall be included as part of any future Development Application for the retail and hotel components.*

3. Manly Urban Design Guidelines 2011:

The Manly Urban Design Guidelines 2011, were created in response the declaration of the Royal Far West Project as a Part 3A project and the Department's authorisation for the submission of a Concept Plan. The Guidelines were adopted by Council during the public exhibition of the EA.

The Department considered the issues and recommendations within Council's Urban Design Guidelines as part of its assessment of the proposal, and in conjunction with other relevant plans policies and guidelines, relating to the site. The Director-General's Environmental Assessment Report specifically details the Department's consideration of the proposal in relation to the recommendations within the Guidelines, providing comparisons between identified building

envelopes and an assessment of resulting environmental impacts such as bulk and scale, overshadowing and views.

The Department has undertaken a merit assessment of the proposal and is satisfied that Council's Urban Design Guidelines have been satisfactorily taken into consideration, as have all other relevant plans, policies and guidelines.

4. Draft Manly Local Environmental Plan

The gazettal of the Draft Manly Local Environmental Plan is now imminent. Under the Draft Plan the Royal Far West site will be rezoned Business – Local Centre with a floor space ratio restriction of 3:1 and a maximum height of 25 metres. A building envelope control is proposed within the Plan which reflects that adopted by Council under their Urban Design Guidelines.

The Concept Plan will not comply with the site specific provisions of the Draft Plan although the variation would be less than 10% for the floor space ratio and between 10-20% for the building height. Such variations are not unreasonable for a unique site, being a large autonomous landholding in a prime location. It is noted that both the Sebel and Peninsula buildings would require a variation of 8% to attain their current heights under the Draft Plan provisions.

It is the Department's view that, having due consideration of the Draft Plan provisions, the proposed building form is an acceptable form of development for this site.



Planning

Contact: Peter McManus
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Our ref: MP10_0159

Ian Cady
Associate Director
Urbis
GPO Box 5278
SYDNEY NSW 2001

Dear Mr Cady

Director General's Requirements for the Royal Far West Concept Plan and Manly (MP10_0159)

Thankyou for your request for Director General's environmental assessment requirements (DGRs) for the above project.

The DGRs were prepared from the information provided within your application and in consultation with relevant government agencies, including Manly City Council, Department of Planning Heritage Branch, Roads and Traffic Authority, Transport NSW, Sydney Water and Department of Environment, Climate Change and Water (DECCW).

Under section 75F(3) of the Environmental Planning and Assessment Act, the Director General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

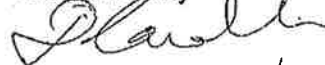
Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGRs. If the Director General considers that the Environmental Assessment does not adequately address the DGRs, the Director General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent.

Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days. Please contact the Department at least two weeks before you propose to submit the Environmental Assessment to determine the fees applicable to the application.

Please also find attached with this letter, a copy of Manly City Council's, Department of Planning Heritage Branch's, Transport NSW's, Road and Traffic Authority's and Sydney Water's submissions addressing their key issues for the proposal. Please note that these responses have been provided to you for information only and do not form part of the DGRs for the Environmental Assessment.

If you have any enquiries about these requirements, please contact Peter McManus on 02 9228 6316 or via e-mail at peter.mcmanus@planning.nsw.gov.au.

Yours sincerely


Daniel Cavallo 23/12/10

A/Director

Government Land & Social Projects

Director-General's Requirements

Section 75F of the Environmental Planning and Assessment Act 1979

Application number	MP10_0159
Project	Royal Far West Concept Plan
Location	12-22 Wentworth Street, 16 South Steyne and 19-21 South Steyne, Manly
Proponent	Royal Far West
Date Issued	23 December 2010
Expiry Date	2 years from the date of issue (above). If the Environmental Assessment is not exhibited within this time, the Proponent must consult further with the Director-General in relation to the preparation of the environmental assessment.
Key Issues	<p>The Environmental Assessment (EA) must address the following key issues:</p> <ol style="list-style-type: none"> 1. Relevant EPI's policies and Guidelines to be Addressed Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including: <ul style="list-style-type: none"> • Objects of the EP&A Act; • State Environmental Planning Policy (Major Development) 2005; • State Environmental Planning Policy No.55 – Remediation of Land; • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development; • NSW State Plan; • Sydney Metropolitan Strategy 'City of Cities'; • Draft North East Subregion Draft Subregional Strategy; • Manly Local Environmental Plan 1988 – Clause 37(3) Master plans; • Manly Comprehensive Local Environmental Plan; • Relevant Development Control Plans; • Manly Town Centre Urban Design Guidelines 2002; • NSW Sea Level Rise Policy Statement (October 2009) and NSW Coastal Planning Guideline: Adapting to Sea Level Rise (August 2010); and • Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance. 2. Built Form and Urban Design <ul style="list-style-type: none"> • Height, bulk and scale of the proposed development within the context of the site and surrounding locality (including Manly Town Centre and Ocean Beach), existing heritage items and adjoining residential, commercial and open space land uses; • Details of proposed urban design, building mass and streetscape controls for future development; • Details of proposed open space and landscaped areas; and • The EA shall provide details on the interface between the proposed uses and public domain, and the relationship to and impact upon the existing public domain and address the provision of linkages with and between other public domain spaces. Particular consideration of the Manly town centre should be documented. 3. Environmental and Residential Amenity <ul style="list-style-type: none"> • Impacts of the proposal on solar access, acoustic privacy, visual privacy, view loss and wind impacts on surrounding development; • Details of the measures to be implemented to achieve a high level of environmental and residential amenity, including the protection of the amenity of the area and its significant function

as a destination for day visitors from within the Sydney Region and beyond; and

- The EA must address the design principles of SEPP 65 and the Residential Flat Design Code.

4. Transport and Accessibility Impacts (Construction and Operational)

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

5. Ecologically Sustainable Development (ESD)

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

6. Contributions

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

7. Contamination

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

8. Heritage

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

9. Aboriginal Heritage

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

10. Drainage

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

11. Flooding

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

12. Utilities

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

13. Staging

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

14. Flora and Fauna

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

15. Noise and Vibration

- Provide a quantitative assessment of the potential demolition, construction, operation and traffic

	<p>noise impacts of the project.</p> <p>16. Waste</p> <ul style="list-style-type: none"> • Identify, quantify and classify the likely waste streams to be generated during construction and operation; • Describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste; • Describe the measures to be implemented to manage the disposal of nuclear waste, if required; and • Describe the measures to be implemented to manage the disposal of contaminated and potentially contaminated biological and sewage waste, if required. <p>17. Hazards</p> <ul style="list-style-type: none"> • An assessment against State Environmental Planning Policy No 33 – Hazardous and offensive Development; and • A description of the proposed storage, use and management of any hazardous material and measures to be implemented to manage hazards and risks associated with the storage. <p>18. Consultation</p> <ul style="list-style-type: none"> • Undertake an appropriate and justified level of consultation in accordance with the Department's Major Project Community Consultation Guidelines October 2007.
Deemed refusal period	60 days

Plans and Documents to accompany the Application

General	<p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. A thorough site analysis including site plans, aerial photographs and a description of the existing and surrounding environment; 3. A thorough description of the proposed development; 4. An assessment of the key issues specified above and a table outlining how these key issues have been addressed; 5. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 6. The plans and documents outlined below; 7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; 8. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project (in accordance with the definition contained in the Major Development SEPP; and 9. A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.
Plans and Documents	<p>The following plans, architectural drawings, diagrams and relevant documentation shall be submitted;</p> <ol style="list-style-type: none"> 1. An existing site survey plan drawn at an appropriate scale illustrating: <ul style="list-style-type: none"> • the location of the land, boundary measurements, area (sq.m) and north point; • the existing levels of the land in relation to buildings and roads; • location and height of existing structures on the site; and • Location and height of adjacent buildings and private open space. • All levels to be to Australian Height Datum. 2. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc). 3. A locality/context plan drawn at an appropriate scale should be submitted indicating: <ul style="list-style-type: none"> • significant local features such as parks, community facilities and open space and heritage items; • the location and uses of existing buildings, shopping and employment areas; • Traffic and road patterns, pedestrian routes and public transport nodes. 4. Architectural drawings at an appropriate scale illustrating: <ul style="list-style-type: none"> • the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land; • location of proposed building envelopes; • indicative elevation plans; • the height (AHD) of the proposed development in relation to the land; and • indicative changes to the level of the land by excavation, filling or otherwise. 5. Other plans (to be required where relevant): <ul style="list-style-type: none"> • Stormwater Concept Plan - illustrating the concept for stormwater management; • Geotechnical Report – prepared by a recognised professional which assesses the risk of

	<p>Geotechnical failure on the site and identifies design solutions and works to be carried out to ensure the stability of the land and structures and safety of persons;</p> <ul style="list-style-type: none"> • View Analysis - Visual aids such as a photomontage must be used to demonstrate visual impacts of the proposed building envelopes in particular having regard to the siting, bulk and scale relationships from key areas; • Landscape plan - illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site; • Shadow diagrams showing solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm; and
Documents to be submitted	<ul style="list-style-type: none"> • 1 copy of the EA, plans and documentation for the Test of Adequacy; • 6 hard copies of the EA (once the EA has been determined adequate); • 6 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and • 6 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size.