

Concept Approval


Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, we the Planning Assessment Commission of New South Wales (the Commission) determine:

- (a) to approve the Concept Plan referred to in Schedule 1, subject to the terms and modifications in Schedule 2, and the Statement of Commitments in Schedule 4 pursuant to section 75O of the *Environmental Planning and Assessment Act 1979*;
- (b) pursuant to section 75P(1)(a) and 75P(2)(c) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the mixed use development as set out in Schedule 3; and
- (c) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that all future stages of the Concept Plan approval are to be subject to Part 4 of the *Environmental Planning and Assessment Act, 1979*.



Member of the Commission



Member of the Commission



Member of the Commission

Sydney

18 April 2013

SCHEDULE 1

PART A : PARTICULARS

- Application No.:** MP10_0159
- Proponent:** Royal Far West
- Approval Authority:** Minister for Planning and Infrastructure.
- Land:** 14-22 Wentworth Street, 16 and 19-21 South Steyne in Manly
- Project:** Mixed use development, including:
- (a) Use of the site for a mixed use development with associated hospital facility, "Centre for Excellence";
 - (b) Indicative building envelopes for buildings to a maximum height of 8 Storeys (RL 31.15);
 - (c) Tourist and visitor accommodation, residential, retail/commercial and hospital / medical uses to a maximum FSR of 3:1;
 - (d) Basement car parking for 184 car spaces; and
 - (e) Landscaping areas throughout the site.

PART B : NOTES RELATING TO THE DETERMINATION OF MP No. 10_0159

Responsibility for other approvals/ agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

PART C : DEFINITIONS

Act	means the Environmental Planning and Assessment Act, 1979 (as amended).
Advisory Notes	means advisory information in relation to the approved development.
BCA	means the Building Code of Australia.
Certifying Authority	has the same meaning as Part 4A of the Act.
Council	means Manly Council.
Department	means the Department of Planning & Infrastructure or its successors.
Director General	means the Director General of the Department or his nominee.
Environmental Assessment (EA)	means the Environmental Assessment prepared by Urbis Pty Ltd dated 24 August 2011.
Minister	means the Minister for Planning & Infrastructure.
MP No. 10_0159	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
PCA	means a Principal Certifying Authority and has the same meaning as Part 4A of the Act
Preferred Project Report (PPR)	means the Preferred Project Report / Response to Submissions prepared by Urbis Pty Ltd dated 17 August 2012.
Proponent	means Royal Far West or any party acting upon this approval.
Regulation	means the Environmental Planning and Assessment Regulation, 2000 (as amended).
RMS	NSW Department of Transport – Roads and Maritime Services
Tourist and visitor accommodation	Means a building or place that provides a temporary or short-term accommodation on a commercial basis, and includes any of the following: <ul style="list-style-type: none"> (a) backpackers' accommodation, (b) bed and breakfast accommodation, (c) farm stay accommodation, (d) hotel or motel accommodation, (e) serviced apartments, but does not include: <ul style="list-style-type: none"> (f) camping grounds, or (g) caravan parks, or (h) eco-tourist facilities.
STA	NSW Department of Transport – State Transit Authority
VPA	means a Voluntary Planning Agreement

SCHEDULE 2

PART A - TERMS OF APPROVAL

A1 DEVELOPMENT DESCRIPTION

Concept Plan approval is granted to the development as described below:

- (a) Use of the site for a mixed use development with associated hospital facility, "Centre for Excellence";
- (b) Indicative building envelopes for buildings to a maximum height of 8 storeys (RL 31.15);
- (c) Tourist and visitor accommodation, residential, retail/commercial and hospital / medical uses to a maximum FSR of 3:1;
- (d) Basement car parking for 184 car spaces; and
- (e) Landscaping areas throughout the site.

subject to compliance with the modifications of this approval.

A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION

The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated 24 August 2011 prepared by Urbis Pty Ltd, except where amended by the Preferred Project Report dated 17 August 2012 including all associated documents and reports;
- the Revised Statement of Commitments prepared by Urbis Pty Ltd;
- landscape plans prepared by IScape and dated March 2011; and
- the following drawings:

Architectural Drawings prepared by Architectus			
Drawing No.	Revision	Name of Plan	Date
CP-04	J	Site Analysis Plan	4Dec2012
CP-05	J	Proposed Built Form Analysis	4Dec2012
CP-06	J	Proposed Ground Floor Analysis	4Dec2012
CP-07	J	Indicative Building Envelope Section	4Dec2012
CP-08a	J	3D Massing View	4Dec2012
CP-08b	J	Indicative 3D Massing Sketches	4Dec2012
CP-9a	J	Indicative 3D Sketch Views	4Dec2012
CP-9b	J	Indicative 3D Sketch Views	4Dec2012
CP-9c	J	Indicative 3D Sketch Views	4Dec2012
CP-10	J	Building Height Context Diagram	4Dec2012
CP-11	J	Preliminary SEPP65 Analysis	4Dec2012
CP-12	J	Indicative Section and Area Table	4Dec2012
CP-13	J	Indicative Floor Plans: B2, B1, GF, L1	4Dec2012
CP-14	J	Indicative Floor Plans: L2, L3, L4, L5	4Dec2012
CP-15	J	Indicative Floor Plans: L6, L7, L8 Roof	4Dec2012
CP-16	J	Indicative Street Elevations (South Steyne)	4Dec2012
CP-17	J	Indicative Street Elevations (Wentworth Street)	4Dec2012

CP-49	J	Privacy Study	June2012
SK-101	A	Building Edge Treatment_South Steyne Road	undated
SK-102	A	Landscape Edge Treatment_Wentworth Street	undated
SK-103	A	Indicative Development Staging	undated

except for as modified by the following pursuant to Section 75O(4) of the Act.

A3 DEVELOPMENT SITE AREA

The development site area is the area defined in the Preferred Project Report prepared by Urbis Pty Ltd, dated 17 August 2012.

A4 MAXIMUM FLOOR SPACE RATIO

The development of the site for a mixed use development shall have a maximum floor space ratio of 3:1.

A5 BUILDING HEIGHT

Roof heights on the site shall not exceed the levels (RL's) as identified on Concept Plan Drawings CP-07, CP-08a, CP-12, CP-16 and CP-17 prepared by Architectus, dated 4 December 2012 with the exception of Building E (Tourist and Visitor Accommodation Building) which shall not exceed a maximum height of RL 31.15.

No structures including parapets, vents, plant rooms, chimney, aerials and the like are to exceed the maximum height limit as identified on the above plans as amended. Lift overrun structures may exceed the maximum height but only where integrated into the built form, located to ensure minimal visibility from the public domain and where they will not result in any additional shadow impacts to Manly Beach or the Manly Village Public School and its grounds.

A6 BUILDING ENVELOPES, FORM AND SEPARATION

Building footprints and setbacks are to be generally consistent with the Concept Plan diagrams, except where amended by the Department of Planning and Infrastructure's Modifications in Part B. Future development should be consistent with the provisions of the Residential Flat Design Code except where amended by the Department of Planning and Infrastructure's Modifications in Part B.

A7 PUBLIC DOMAIN

All public domain areas are to be provided with 24 hour, 7 day a week public access. Details of any Rights of Ways and Easements providing public access over privately owned publicly accessible land shall be submitted with future development applications.

A8 LAPSING OF APPROVAL

Approval of the Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1, unless an application is submitted to carry out a project or development for which concept approval has been granted.

A9 INCONSISTENCY BETWEEN DOCUMENTATION

In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings / documents, including Revised Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.

PART B – MODIFICATIONS

B1 BUILDING ENVELOPE AND SEPARATION MODIFICATIONS

The plans, as described in A2, shall be modified so that the building separation between residential portions of the buildings complies with the minimum requirements of the Residential Flat Design Code. Future development applications shall demonstrate compliance with this requirement.

Any future development application shall illustrate that residential amenity can be achieved in accordance with the standards under the Residential Flat Development Code of NSW and the principles of State Environmental Planning Policy No.65 Design Quality of Residential Flat Development.

B2 DEVELOPMENT DESIGN

Future applications shall demonstrate design excellence in accordance with the Director General's Design Excellence Guidelines. Future applications shall incorporate treatment of all openings, windows/balconies, proposed above the third floor level of the western façade of the Royal Far West Centre for Excellence Building (west building) with fixed louvre screening to a height of 2 metres above floor level at a 45° angle plane to the floor level.

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

1. LANDSCAPING

Future applications shall include detailed landscape plans demonstrating landscaping along street frontages and over podium/basement levels.

2. CONSTRUCTION AND OPERATIONAL IMPACTS

Any future application shall address any potential contamination on the site and implement the recommendation of the Phase 1: Contamination Assessment Report, dated July 2011.

This should be addressed as part of a Construction Management Plan prepared for the site.

3. ESD

Future applications shall demonstrate that any future development will incorporate ESD principles in the design, construction and ongoing operation phases of the development, including water sensitive urban design measures, energy efficiency, recycling and water disposal.

4. CONTRIBUTIONS

Development contributions may be required to be paid to Council towards the provision or improvement of public amenities and services and may be required as a condition of consent for each detailed stage of the development. The amount of the contribution will be determined in accordance with the requirements of a Planning Agreement or, if no Planning Agreement is entered into, in accordance with the development contributions plan current at the time of approval for each stage.

5. PRIVACY

Future applications shall demonstrate that adequate privacy screening/treatment and/or balcony/window orientation has been provided to minimise privacy impacts between buildings located on the site and also address privacy concerns of adjoining developments.

6. GROUND FLOOR USAGE

Final design of the ground floor should include an active street frontage of non-residential uses such as retail shops, resident's communal facilities and or servicing areas.

7. TRANSPORT AND TRAFFIC

Future applications shall:

- a) include a Construction Traffic Management Plan (CTMP) prepared in consultation with the Council, RMS and STA;
- b) detail the number and location of sheltered and secure bicycle racks or bicycle parking stations, shower/change room and lockers to ensure they meet the needs of residents, staff and visitors;
- c) include a Workplace Travel Plan (WTP) for the commercial development, including a Travel Access Guide (TAG) and provision for car-share, be developed and implemented prior to occupation of the development; and
- d) include an assessment, undertaken in association with advice from Council, the RMS and STA, of the intersections between:
 - Sydney Road and Belgrave Street

- South Steyne and Wentworth Street, and
- The entry / exit to the basement car park off Wentworth Street (opposite entry to the Council car park)

and which identifies any improvements requires at the relevant intersections as a result of the subject development.

8. SYDNEY WATER REQUIREMENTS

Future development applications shall demonstrate that the Sydney Water requirements have been met in relation to:

- **Water servicing:** To service the proposed development the existing 150mm potable water main is required to be upgraded to a 200mm main. The proposed potable water infrastructure must be designed and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002).
- **Wastewater servicing:** The site has access to a 300mm wastewater main in Wentworth Street and a connection/extension to this main, for a minimum 225mm main, is acceptable at the developer's cost. The developer is required to design and construct a wastewater main (connecting to the 300mm main in Wentworth Street), which provides a point of connection at least 1m inside the property's boundary.
- **Trade waste:** All customers discharging trade waste must have written permission from Sydney Water. A permit or agreement must be obtained from Sydney Water before discharging any trade waste into Sydney Water's wastewater system.
- Submitted infrastructure designs should be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).
- The Proponent should engage the services of a Water Servicing Coordinator to attain a Section 73 Certificate and to manage the servicing aspects of the development.

Documentation relating to the above, can be submitted to Sydney Water via the following email address : urbangrowth@sydneywater.com.au

9. FLOODING

Future applications shall ensure that:

- a) A flood evacuation plan is to be prepared for relevant stages. The plan is to include warning alarms and evacuation routes.
- b) Underground car parking areas are to be flood proofed upon completion of the development and are to incorporate flood warning alarms and designated evacuation routes. The flood proofing system is to be independent of the stormwater drainage system.
- c) All local services (power, water, gas, telephone) within the sub-podium levels must be flood protected to the 0.5% AEP level.

10. CAR PARKING

Future applications shall include:

- a) Details of the total amount of car parking to be provided as part of the development which shall be not less than 184 spaces.
- b) An updated schedule of parking allocations.
- c) Details of parking facilities (public, commercial and bicycle) designed in accordance with relevant Australian Standards.
- d) The design of the parking and commercial vehicle facilities that will enable all vehicles, including commercial vehicles, to enter and exit the development in a forward direction.
- e) The provision and implementation of a car share scheme.
- f) Details of all loading and unloading associated with the use of the development which is to take place wholly within the site from designated loading bays as identified in the

Concept Plan. Loadings bays shall not be used for storage or any other purpose that would restrict their use for the purposes of loading and unloading.

11. STORMWATER AND DRAINAGE

Future applications shall address the following:

- a) The design of stormwater drainage facilities shall be detailed in future applications and will generally be consistent with Manly Council technical specifications for the design of stormwater management facilities, and the principles of Water Sensitive Urban Design (WSUD). Water recycling facilities may be considered in lieu of any Council rainwater tank requirements.
- b) A stormwater drainage system shall be designed and implemented through the site and shall comprise pipe or culvert underground.
- c) A Positive Covenant is required, binding all present and future owners of the property to the following:
 - i. submission to Manly Council of a structural check of any pipeline/culvert every ten (10) years; and
 - ii. responsibility for maintenance of any pipes/culverts in perpetuity and their replacement when required.

12. GROUNDWATER AND CONTAMINATION

Future applications are to demonstrate that the development does not impact upon the health of any groundwater dependant ecosystems and that where basements intercept groundwater, the basements are to be tanked. Monitoring of ground water levels is to commence prior to basement design and continued throughout the construction.

Site contamination is to be monitored and controlled in accordance with the findings and recommendations of the Phase 1 – Contamination Assessment Report prepared by Douglas Partners, dated July 2011.

13. STAGING OF DEVELOPMENT

Future applications shall provide details of the final form of staging of the development generally in accordance with the indicative staging plan and are to be submitted with the first application to ensure the orderly and coordinated development of the site.

Each stage described shall provide full details of inclusions in respect of:

- a) demolition;
- b) earthworks;
- c) buildings and all other structures (including basements);
- d) any elements of the overall public domain plan to be dedicated or embellished;
- e) any site remediation works;
- f) stormwater management works;
- g) any vehicular or pedestrian access to the site;
- h) measures to mitigate and manage nuisance caused by stages, under construction through to completed stages, including vehicle access, noise, parking and safety; and
- i) waste and Construction Management.

An access application shall be made to Council to obtain footpath crossing and boundary alignment levels before commencing the detailed design of internal driveways, paths and car park area.

14. DEVELOPMENT DESIGN GUIDELINES

Future applications for the site shall be generally consistent with the Modifications in Part B and Future Assessment Requirements in Schedule 3 and shall:

- a) Ensure the built form complies with the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002, except where modified by this Concept Plan approval;

- b) Provide for sufficient building modulation/articulation to achieve an acceptable built form;
- c) ensure future apartments achieve compliance with the requirements of the Residential Flat Design Code in terms of solar access; and
- d) ensure that the internal residential amenity of the proposed apartments are not unduly affected by the noise and vibration impacts from surrounding traffic and should comply with the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning and Infrastructure's 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'.

15. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Future applications shall ensure that design and treatments of the proposed buildings have due regard to the principles of the Crime Prevention Through Environmental Design (CPTED) Guidelines, 2001 and incorporate these principles into the relevant design Stage, and should include:

- a) The location of street furniture on streets or in thoroughfares being identified on the plans for each stage. Street furniture shall be positioned to take advantage of well lit and open areas to minimise crime.
- b) The landscape design shall provide adequate sight lines and avoid creation of places of concealment within the open space areas.
- c) Lighting of areas adjacent to public spaces shall be provided in accordance with the AS/NZS 1158.3.1:2005 Lighting for Roads and Public Spaces.

17 HERITAGE

Future applications shall demonstrate consistency with the recommendations of:

- the Conservation Management Plan (May 2011), Heritage Impact Statement (June 2012) and the "*Preferred Project Report Submission: Response to Heritage Matters*" (7 June 2012) prepared by URBIS Pty Ltd; and
- the "*Cultural Heritage Assessment and Aboriginal Archaeological Assessment*" (2011) prepared by Mary Dallas and Dan Tuck

that have been prepared in support of the Concept Plan.

18 WASTE MANAGEMENT

Future applications shall include a waste management plan in accordance with Council's requirements.

19 SALE OF LIQUOR

Future applications shall not provide for the sale of liquor other than to service venues located on the site.

SCHEDULE 4

STATEMENT OF COMMITMENTS

- The Statement of Commitments includes the following initiatives: Contributions:

Section 94 contributions to be made for the commercial component of the project will be in accordance with Manly Section 94 Plan.

Timing: Calculation confirmed at Project Application Stage in accordance with Manly Section 94 Contributions Plan 2004 and paid prior to the commencement of Stage 2 works.

- **Car share:**

Discussions will be undertaken with car share providers and a parking space will be made available for use by shared vehicles.

Timing: Provision of car share space/s to be confirmed in Project Application.

- **Bicycle facilities:**

The project will provide for bicycle facilities and parking in accordance with Council's relevant standards.

Timing: Bicycle facilities and parking to be confirmed in Project Application.

- **Water Sensitive Urban Design:**

WSUD measures will be implemented in accordance within the Stormwater Management and Flood Assessment prepared by Whipps Wood.

Timing: To be integrated into drawings at the Project Application stage.

- **Sustainability:**

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

Timing: These actions are to be further progressed in the project approvals phase.

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

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

The residential units will be subject to the Multi Unit BASIX criteria.

Timing: The BASIX criteria will be assessed at the Project Application stage.

Implementation of Non Green Star portions of the development

Timing: The project approval stage will detail an appropriate response to energy, water and transport considerations.

- **Heritage:**

Conservation policies and guidelines have been prepared in Section 5 of the CMS to guide the management and maintenance of the site, especially the two heritage buildings. When proposing changes at the site or undertaking maintenance to the heritage buildings, these conservation policies should act as a guide to retain the place's heritage significance.

The proposed lightweight addition on the western side of Drummond House to the new seven storey Royal Far West (RFW) building should comply with the conservation policies (No. 7 & 13) in the CMS by Urbis, which states the 3-D form of Drummond House to be retained and read from the street. The new connections to Drummond House should therefore be a narrow lightweight link.

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

- **Aboriginal Heritage:**

At the commencement of any earthworks or remediation works on site the excavation workers be provided Cultural Heritage Awareness Induction by a qualified archaeologist and a representative of the Metropolitan Local Aboriginal Land Council. The induction should ensure that workers can identify cultural remains so that they can be managed appropriately.

An Aboriginal archaeological test excavation be conducted within the areas identified as archaeologically sensitive immediately following demolition of the court surfaces of the Far West School and the concrete slab surface of the rear car park of the Elsie Hill building and across the footprint of the Terrace should it not be retained. These areas should be investigated before neighbouring demolition to avoid contamination of sediments. The test excavations should be co-ordinated with any historical archaeological investigations as may be recommended.

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

- **European Archaeology:**

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

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

- **Construction Management Plan:**

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

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

- **Compliance with the Building Code of Australia:**

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

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

- **Augmentation of services:**

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

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

- **Noise mitigation:**

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

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

- **Wind Impacts:**

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

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

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

- **Traffic Management Measures:**

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

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

- **Boarding House Occupants:**

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

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

- **Remediation of Land:**

If necessary, a Remedial Action Plan will be submitted for approval and audited upon implementation.

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