

18 April 2013

**CONCEPT PLAN APPLICATION FOR MIXED USE DEVELOPMENT AT 14-22  
WENTWORTH STREET AND 16 AND 19-21 SOUTH STEYNE, MANLY  
(MP10\_0159)**

**EXECUTIVE SUMMARY:**

On 7 January 2013, the Department of Planning and Infrastructure (the Department) referred a concept plan application to the Planning Assessment Commission for determination under Ministerial delegation.

The concept plan was for the site to be redeveloped for mixed use development comprising: a new 'Centre for Excellence' for the Royal Far West; commercial; retail; tourism uses; and residential apartments with underground car parking. The proposal included 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 concept plan application was lodged in June 2011.

The Preferred Project Report (PPR) submitted 22 August 2012 by the proponent shows a number of changes to the above concept plan including: a reduction in the retail/hotel footprint; a 6 metre setback to the corner on Wentworth Street; an increase in FSR of 348sq metres; and a reduction of one storey to the RFW centre.

The proponent is the Royal Far West (RFW), a non-profit organisation which has been operating from the 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 new 'Centre for Excellence' will be a purpose built complex that will provide clinical, educational and accommodation services for children and their families.

The Director General's Assessment Report recommends approval subject to modifications and further assessment requirements.

The Commission members visited the site and its surroundings and held public meetings to hear community views on the Department's report and recommendation. The Commission also met with the proponent and Manly Council to hear their views.

The Commission in balancing and carefully considering all relevant matters has concluded that the project should be approved subject to further plan modifications and strengthened conditions. These changes are required to ensure that the development does not result in unacceptable shadow impacts on Manly Beach in summer or other unacceptable social and environmental impacts.

Accordingly the Commission has determined the concept plan as shown in the PPR is to be further modified and this includes:

- Reducing the height of the tower (hotel) component of the to a maximum RL 31.15 to ensure that the proposal does not result in unacceptable shadow impacts on Manly Beach (this equates to approximately one storey);
- Reducing the FSR of the proposal to a maximum of 3:1. (concept plan 3.2:1)
- Defining ‘visitor and tourist accommodation’ as a permissible use with consent instead of the nominated use of ‘hotel’ as in the concept plan. (A further condition of consent requires “future applications for the site shall not provide for the sale of liquor other than to service venues located on the site”.)

The Commission requires that the concept plan be modified and that any future development applications for the site incorporate the above modifications. Additional ‘future assessment requirements’ are also to be included in the approval (as set out in Clause 7).

## 1. INTRODUCTION

The proponent seeks approval of a concept plan, as amended in the Preferred Project Report and shown in Figure 1. This comprises:

- Demolition of existing structures on site with the exception of Drummond House and Victoria Parade Terraces
- Construction of a new Centre for Excellence for the RFW
- Construction of a 9 storey hotel/retail/residential complex
- Construction of a 4 storey residential flat building above the retail podium level
- Provision of on-site basement car parking for 184 cars, and
- Associated landscaping including around Drummond House, at the rear of the site and on Wentworth Street,

The site shown edged red at Figure 2 is known as 14 - 22 Wentworth Street, 15-16 South Steyne and 19 - 21 South Steyne, Manly and has an area of 6,998.9m<sup>2</sup>.

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

The site incorporates land currently owned by the Department of Education and Communities (shown in blue). This portion of land currently accommodates part of the existing Royal Far West facilities.

The concept plan PPR seeks approval for a total GFA of 22,290m<sup>2</sup> (FSR of 3.2:1) as set out below:

RFW Centre for Excellence	4,900m <sup>2</sup>
Drummond House	1,620m <sup>2</sup>
Professional Consulting Rooms	900m <sup>2</sup>
Hotel	8,005m <sup>2</sup> (165 rooms)
Retail	1,315m <sup>2</sup>
Residential	4,700m <sup>2</sup> (46 apartments)
Commercial Terrace Houses (existing)	450m <sup>2</sup>
<b>TOTAL</b>	<b>22,290m<sup>2</sup></b>

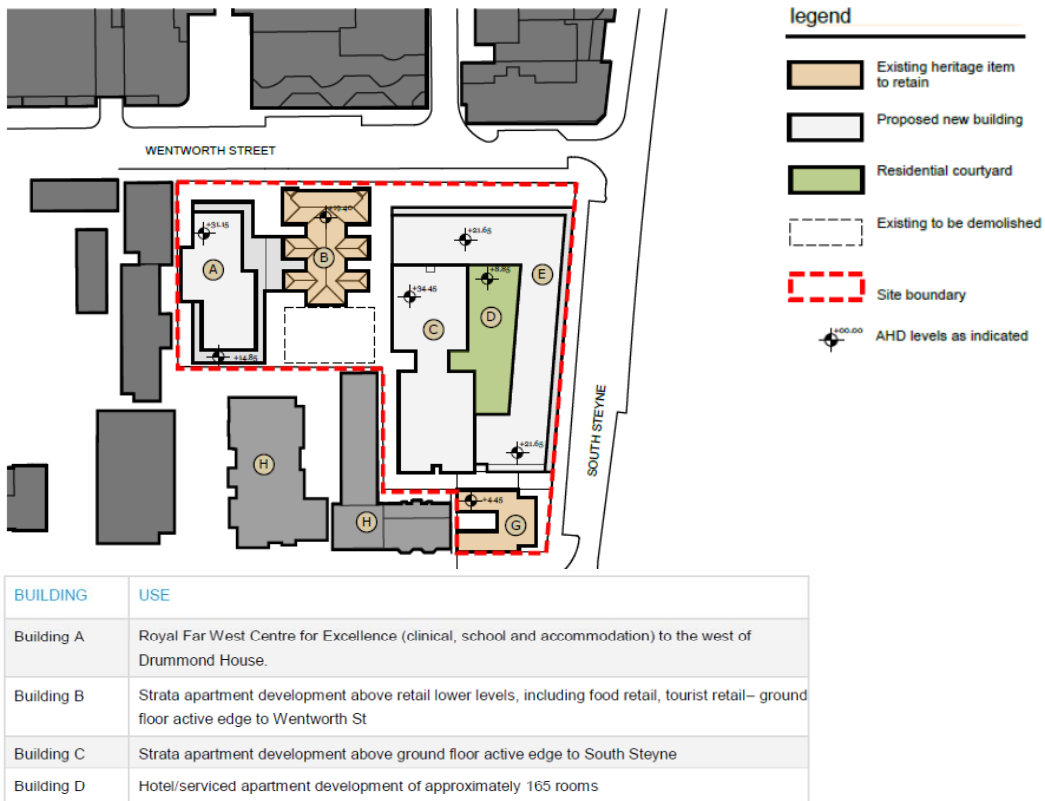


Figure 1: Site plan (Source: PPR, Urbis, Aug. 2012)

The PPR application is required to be determined in accordance with Part 3A of the *Environmental Planning and Assessment Act 1979*. The capital investment value of the concept plan proposal is about \$200 million and is estimated to create up to 500 direct design / construction jobs and up to 650 operational jobs including 150 at the proposed ‘Centre for Excellence’.

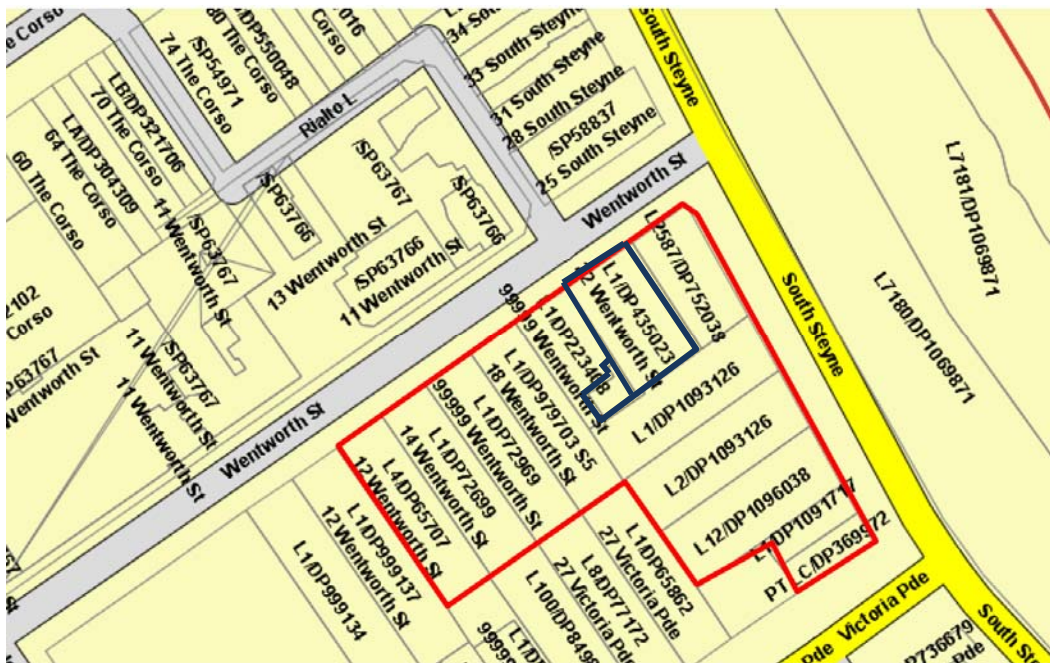


Figure 2: Site – land owned by Department of Education and Communities shown blue (EA Report, Urbis, Aug. 2011)

## **2. DELEGATION TO THE COMMISSION**

The application falls within the general terms of delegation issued to the Commission by the Minister on 14 September 2011 being applications:

- Objected to by the relevant council; and
- Where more than 25 objections received.

The Acting Director General of the Department referred the Assessment Report on the concept plan application to the Commission on 7 January 2013 for consideration and determination.

The Commission for the purposes of this application consisted of Ms Jan Murrell (Chair), Ms Annabelle Pegrum and Mr David Furlong.

## **3. INFORMATION AVAILABLE TO THE COMMISSION**

### **3.1 Documents**

The referral to the Commission included the following documents:

- The Director General's environmental assessment report (DG's report)
- The proponent's environmental assessment report (EA)
- Submissions received by the Department including 9 submissions received from public authorities and 117 public submissions on the EA
- The proponent's preferred project report (PPR), and
- Recommended conditions of approval.

In response to issues raised at the public meeting sessions further information was sought by the Commission and provided by the proponent on 27 February 2013 and 11 March 2013 in the form of:

- Additional shadow diagrams including longitudinal shadows at half hourly intervals for critical periods (afternoon for Manly Beach and morning in relation to Manly Village Public School)
- An overlay of the proposal and the Council's Urban Design Guidelines Envelope Drawing
- A section illustrating the South Steyne frontage treatment
- A site plan showing the edge treatment on Wentworth Street in front of proposed connection between RFW building and Drummond House
- An indicative staging plan, and
- Comments on draft conditions of consent.

Further advice was also provided by the Department on 13 March 2013 in respect of issues raised at the public meeting sessions including: compliance with the Director General's Requirements (including consultation); social impact assessment;

assessment of justification for non-compliances with Manly Urban Design Guidelines 2011; and the status of Draft Manly Local Environmental Plan 2012.

### **3.2 Site visit**

The Commission members visited the site and the surrounding area in February 2013. .

## **4. DIRECTOR- GENERAL'S ASSESSMENT REPORT**

### **4.1 Key issues**

The DG's report identified the key issues with the concept plan proposal as:

- Traffic generation
- Proposed hotel use
- Height, bulk and scale of the built form, and
- Environmental and amenity impacts.

### **4.2 Council's objections**

The DG's report notes that Manly Council objected to the application primarily on the grounds of:

- inconsistency with the site specific Manly Urban Design Guidelines 2011 (including building envelopes, height, linkages, public domain treatment etc.)
- relationship to heritage buildings
- social impacts
- overshadowing
- parking and traffic management
- impacts on Manly Village Public School, and
- overdevelopment of the site.

### **4.3 Public submissions**

117 public submissions were received in response to the exhibition. The DG's report identifies the key issues raised in the submissions in order of frequency as:

- Traffic generation, parking and vehicular access
- Site overdevelopment (height, bulk and floor space)
- Hotel – licensed premises – patron behaviour
- Lack of adequate public consultation
- Apartment view loss
- Impacts on Manly Village Public School
- Overshadowing and solar access (particularly to the beach and school )
- Construction impacts, and
- Loss of low income housing.

#### **4.4 Recommendations**

The Department's report recommends approval of the concept plan subject to modifications and future assessment requirements. Key changes that have occurred as a result of the Department's assessment and that have been incorporated into the PPR are identified as:

- 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 RFW (western) building to reduce 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 Requirements.

The report concludes that the proposal will provide 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. It notes that relevant matters have been considered and that the proposed concept plan is appropriate for the following reasons:

- *“The redevelopment and preservation of, the functions of the Royal Far West Centre for Excellence hospital in a modern and functional new hospital;*
- *The preservation of the existing local heritage items on the site through their integration into the overall development;*
- *The proposal will provide for a mixed community, tourist, residential, retail and commercial complex in a recognised commercial centre;*
- *The proposal will contribute to housing stock in the Manly LGA, in a location which is highly accessible to transport, services, facilities and employment opportunities; and*
- *The proposed will deliver a new and modern hospital facility to service the wider community needs.”*

The report further notes that the concept plan provides sufficient detail to establish that the future staged development will have a bulk and scale that is appropriate for the locality and will result in a high quality modern design. Overall it concludes that the benefits of the scheme (construction of a new hospital and educational facility), outweigh any impacts that may occur during the construction and operational phases of the development and that the works and final development form and land use mix are considered to be in the public interest.

#### **5. MEETINGS WITH STAKEHOLDERS**

The Commission met separately with senior officers of Manly Council and representatives of Royal Far West on the morning of 18 February 2013, prior to the public meeting sessions, to discuss the application. In the afternoon two sessions of

the public meeting were held, the first commencing at 4pm and the second at 7pm. The Commission also met with the Department subsequent to the public meetings.

### **5.1 Meeting with Manly Council**

Senior officers of Manly Council reiterated the Council's objections to the proposed concept plan and identified its main concern as non-compliance with the Council's Urban Design Guidelines for the site. They advised that Council had consistently applied the 25m height limit to other development in the area and that higher buildings in the area predated the Guidelines.

Council officers also identified concerns regarding:

- Overshadowing of Manly Beach particularly in summer in the late afternoon
- Lack of pedestrian access through the site to South Steyne and 'extension' of Rialto Square across Wentworth Street into the site
- Their preference for commercial uses on the first floor level of the South Steyne development as a 'noise' buffer between the proposed retail at ground level and upper level residential accommodation
- Proof of owner's consent from Department of Education and Communities (DEC)
- Flood management for the proposed two levels of car parking given climate change and sea level rise considerations, and
- Adequacy of the proponent's public consultation.

### **5.2 Meeting with Proponent**

The Commission met with representatives of Royal Far West (the proponent) who advised the Commission on the role of the RFW and the objectives of the project to provide a state of the art facility having regard to its changing needs. The RFW mission is to facilitate access to services that enhance the health and well being of country children. Services include speech pathology, paediatrics, child and adolescent psychiatry, psychology, nursing, social work, dental and outreach programs. The RFW has research partnerships with the University of NSW and Macquarie University and assists in the latest research on child developmental disorders. In treating children the RFW provides a medical centre with access to health care professionals; on-site accommodation for children and their families; and access to the RFW school.

The proponent advised that the Council's Urban Design Guidelines had been prepared in response to, and not prior to, the lodgement of the application. On the question of consultation the proponent stated that it had endeavoured to initiate consultation with the Council on a number of occasions prior to lodgement of the application but that Council had been non responsive.

The proponent outlined its rationale for the proposed height including analysis of the surrounding built form. They noted the range of buildings in the locality with a similar height to that proposed including the Peninsula Apartments tower and the Sebel. They also noted that submissions had been lodged in support of the application from the residential buildings on Victoria Parade.

The Commission asked a number of questions of the proponent including issues raised by Manly Council.

The Commission required the proponent to provide additional information relating to shadowing impacts on: Manly Beach; Manly Village Public School; and on the built form on South Steyne and the potential building and/or the balcony encroachment into the proposed 2m setback. The proponent advised that acoustic treatment would provide the necessary noise isolation between floors to address mixed uses. The proponent also advised that the provision of public access through the site was inappropriate due to the complex social and other issues related to the care of the children attending the Centre.

### **5.3 Public Meeting**

A public meeting was held over two sessions on 18 February 2013 at Manly Bowling Club (commencing at 4pm and 7pm). Members of the public, interest groups, Manly Council, the Department of Education and Communities (DEC) and the State Member, for Manly, the Hon. Michael Baird MP made representations to the Commission concerning the application.

About 200 citizens attended the first session. A total of 31 people addressed the Commission with the issues raised being similar to those in the submissions as outlined above. A full list of persons who made representations to the Commission is provided at Appendix 1.

A number of written submissions and a petition were also tabled at the public meeting.

### **5.4 Meeting with the Department of Planning and Infrastructure**

The Commission also met with representatives of the Department and requested that additional information be provided in relation to the following issues raised in submissions and at the public meeting sessions:

- Compliance with the DGR's in particular in relation to consultation requirements and social impact
- Need for a social impact assessment
- Adequacy of the justification for the proposal's non-compliance with the "Manly Urban Design Guidelines 2011, and
- Status of Draft Manly Local Environmental Plan.

This additional information was provided by the Department on 13 March 2013.

## **6. KEY ISSUES**

The Commission has identified the following key issues in relation to the subject concept plan application:

- Owner's consent



- Shadow impacts on Manly Beach and Manly Village Public School
- Compliance with Manly Council's Urban Design Guidelines
- Space for expansion of Manly Village Public School
- Traffic and parking impacts
- Stormwater and flooding
- Waste management
- View Loss and other issues, and
- Manly Local Environmental Plan 2012

These issues are discussed below.

### **6.1 Owner's consent**

Members of the public and the Council have noted that part of the subject site is owned by the DEC and have queried whether owner's consent has been provided for the lodgement of the application. The Commission has been provided with a copy of the letter of owner's consent provided by the DEC (dated 16 May 2011) for the lodgement of the application. The Commission was advised that the Council was also provided with a copy of owner's consent on 18 February 2013.

The Commission is satisfied that the application has been validly made and that owner's consent from DEC has been provided to allow the concept plan application to be lodged.

DEC advised at the second public meeting session that although preliminary discussions have been held with the Royal Far West, no agreement has been reached on the sale of land. The DEC further stated that it would not sell its land unless the outcomes for both the RFW and the Manly Village Public Schools are favourable and do not compromise educational quality.

The Commission notes that future project applications for the DEC land will require owner's consent to proceed irrespective of and separate to the determination of the concept plan.

### **6.2 Shadow impacts**

The Commission has carefully considered the shadow impacts of the proposed development. Since the public meetings, additional shadow diagrams have been prepared at the request of the Commission, to review in more detail the extent of shadowing on the beach (including across the water) and on the adjacent Manly Village Public School. The diagrams confirm that there will be overshadowing additional to that which would result from the "wire frame building envelope" provided for in the Urban Design Guidelines prepared by Manly Council.

An analysis of the shadow impacts identifies that the proposal will cast additional shadow over Manly Beach from 5pm onwards in mid-summer (21 December). Prior to 5pm the shadow will be contained to over the road or within the shadow cast by

the Council's envelope. At 5pm the additional shadow is minor and contained largely within the shadow cast by the existing seawall. However at 5.30pm the additional shadow on the beach is substantial with the top of the hotel tower being causing the impact. By 6.00pm the shadow is in the water as is the case for the Council's "wire frame building envelope". Appendix 2 are the shadow diagrams over the beach for the heights of the PPR and Council's Guidelines at the critical times.

The Commission has determined that the shadow impact of the proposed hotel tower on the public domain of Manly Beach is not acceptable and would result in a material impact on the heritage listed beach. Accordingly the Commission has determined that the height of the tower be reduced from the proposed RL 34.45 to a maximum of RL 31.15 (26.8m above ground, a reduction of 3.3m - equivalent to about one floor). This reduction in maximum height will result in a shadow impact generally consistent with that which would result from Council's envelope. Further the Commission requires that a condition be included to ensure that no plant or other similar structure (with the sole exception of lift overruns) shall exceed the maximum permissible height. Where lift overruns exceed the maximum height these shall be:

- integrated into the design
- ensure minimal visibility from the public domain, and
- be located to ensure that they do not result in any additional shadow impacts on Manly Beach or the Manly Village Public School.

In relation to shadow impacts on Manly Village Public School, the proposal will result in additional overshadowing to the Council's envelope in mid-winter (21 June) in the morning. Prior to 8am the shadow will be over the road or contained within the shadow cast by the Council envelope. Additional shadow will however be cast over the playground from approximately 8.15am. However by 9am a substantial area of the playground will be in the sun. This shadow impact is caused by the RFW building rather than the hotel tower and is limited to  $\frac{3}{4}$  of an hour in mid-winter prior to school commencing. The shadow impact will reduce from this worst case situation over the remainder of the year.

The Commission considers that on balance, the shadow impact of the RFW facility proposal on Manly Village Public School is acceptable given the limited period of the year and the time of day that this will occur and having regard to school hours and the broader community benefits.

### **6.3 Compliance with Council's Urban Design Guidelines**

As noted above Manly Council has prepared Urban Design Guidelines for the subject site. The Commission notes that the Guidelines were prepared post lodgement of the subject application<sup>1</sup> and that essentially they form a critique of the submitted RFW scheme rather than representing a comprehensive urban design analysis of the site.

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<sup>1</sup> *Urban Design Guidelines exhibited from Aug.-Sept 2011 and adopted 10 October 2011 where concept plan application lodged 3 June 2011*

The Guidelines provide a “wire frame building envelope” control with a maximum height generally of 15m on South Steyne and 25m in the centre of the site above ground level that is RL 4.35. Street wall heights are also identified as are setbacks. Generally the Guidelines provide for a prescriptive stepped built form with any proposed buildings to step back from South Steyne and Wentworth Street with a higher corner element. A public plaza, as an extension of Rialto Square, is also identified on the Wentworth Street frontage.

Council argues that the proposal should be redesigned to comply with the “wire frame building envelope” control contained in the Guidelines. The Commission notes that the Guidelines do not include any performance intention criteria or objectives for the numeric controls. The Commission considers that notwithstanding non-compliance with the numeric controls, the proposal on merit will provide an appropriate design response subject to the Commission’s height modification.

An overlay of the proposal on the Council’s wire frame building envelope” (refer Figure 3 and 4 below) indicates that the maximum height of the proposed hotel tower is 5.1m above that allowed under the envelope (RL 34.450 compared to RL 29.350). The Commission’s condition (refer section 6.3) will result in one level of the tower (hotel) being deleted. This modification will reduce the height to RL 31.15 equating to a difference of 1.8m over the Council envelope. The Commission considers this to be acceptable in the context of the Manly Town Centre area and surrounding built form. Further the Commission considers that the proposed building configuration is appropriate and that the street wall heights on both Wentworth Street and South Steyne are consistent with the scale and form of development within the vicinity.

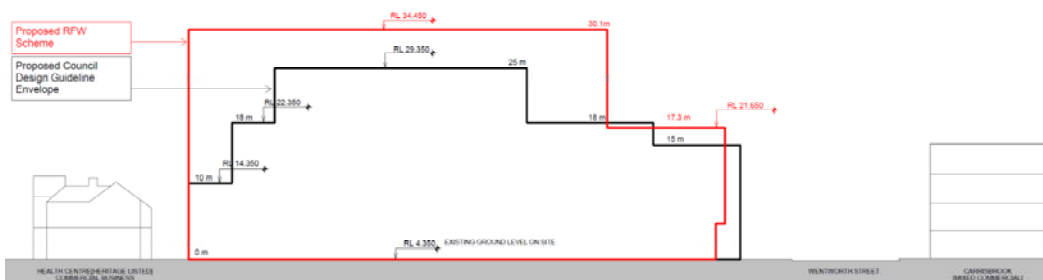


Figure 3: Overlay of South Steyne Elevation (Source: Architectus, SK-100)

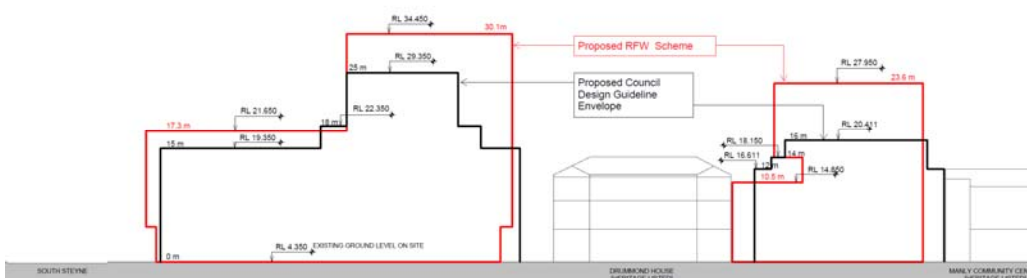


Figure 4: Overlay of Wentworth Street Elevation (Source: Architectus, SK-100)

The deletion of one storey from the maximum height of the tower will also result in a reduction in the maximum FSR achievable under the concept plan. As currently proposed the concept plan represents an FSR of 3.2:1. The Commission considers that together with the height reduction to reduce overshadowing of the beach, the maximum FSR should also be reduced to a maximum FSR of 3:1. This would also be consistent with the former Draft LEP (refer section 6.8 below).

In general terms the Commission also considers that the bulk of the development is appropriate subject to future design detail. It considers that the 6m setback on the Wentworth Street frontage to allow an improved view corridor to the beach for a number of existing residential apartments in Wentworth Street is appropriate and will also result in a good urban design outcome providing public amenity and activating this frontage with outdoor seating and the like.

On the South Steyne frontage the proposed height of 5 storeys with the top level setback 3m from the site boundary is similarly considered appropriate in bulk and scale. A 2m building setback from the site boundary on this frontage will be free from encroachments other than balconies / façade projections.

The form of the RFW Centre for Excellence building is also considered to be appropriate as is the lightweight connection between the new building and Drummond House.

Council's Guidelines also require a pedestrian link through the site. The Commission accepts that given the nature of the RFW activities on site this is not appropriate. In addition the Commission considers that the major pedestrian desire line in the area is along Wentworth Street rather than through the RFW site. It also notes that a pedestrian site link has not been required by Council of recently developed sites to the south on Victoria Parade preventing any meaningful connection between Wentworth Street and Victoria Parade.

Council's Guidelines further require that a 'public domain' be created on the subject site opposite the Rialto across Wentworth Street. The RFW have advised that this would be detrimental to their work given the nature of the care they provide for children. The Commission considers that the proposed courtyard between the Centre for Excellence and Drummond House is appropriate and will provide a good visual urban outcome.

#### **6.4 Expansion of Manly Village Public School**

Numerous submissions and speakers at the public meeting sessions raised concerns that the proposed development would limit opportunities for the future expansion of Manly Village Public School. However, the role of the Commission is to determine the concept plan. The Commission notes that DEC advised the public meeting that it is in the process of preparing a master plan for the school. The Commission understands that this process will consider the future of the adjoining community centre building next to the school and options for expanding the school facilities.

## 6.5 Traffic and parking

The Commission notes the concerns of both local residents and the Council in relation to the traffic and parking impacts of the proposal. The Commission has determined that the basement car parking for 184 spaces should be retained regardless of the reduction of one floor in the tower. The Commission considers the parking provision that exceeds Council's rate is appropriate in the circumstances.

The Commission also notes that the Department has concluded that the surrounding road network is capable of accommodating the traffic generated by the proposed development subject to road upgrade works. These will be determined by Council at the DA stage. However the Commission considers that detailed modelling should be required of the intersection of South Steyne and Wentworth Street and the entry / exit off Wentworth Street (opposite entry to the Council car park) as part of any future application. A condition of consent to this effect is to be imposed. In addition the Department has recommended additional conditions to ensure the transport and traffic (including construction) impacts of the proposal are acceptable and these are also imposed.

## 6.6 Flooding

Council has raised concern that a flood study is required to determine the feasibility of the proposed 2 level basement car park on site. The Commission is satisfied that proposed condition 10 will ensure that this issue is adequately addressed at the DA stage.

## 6.7 View loss and other issues

A number of other issues have also been considered by the Commission including:

- View loss – A significant number of submissions, particularly from the Peninsula development on Wentworth Street, raised concerns that the development would result in view loss. The Commission concurs with the Department's assessment that the modified PPR proposal (which incorporates a 6m setback on Wentworth Street to widen the view corridor) achieves on balance an acceptable level of view sharing.
- Licensed Premises - A number of submissions and speakers to the public meeting sessions raised concerns regarding the proposed hotel use on the site. The proponent has advised that it is not its intention for a hotel to be included in the development and that it would accept the proposed use being categorised as *'tourist and visitor accommodation'* rather than 'hotel'. The Commission considers that this is appropriate and accordingly has included this definition in the Instrument. In addition a further condition has been included that "future applications shall not provide for the sale of liquor other than to service venues located on the site".

- Social Impact - As clarified by the Department, it is considered that the social impact of the proposed development has been adequately assessed and that on balance the proposal will be positive. With the inclusion of the definition of 'visitor and tourist accommodation' to more clearly define 'hotel' and the condition to limit the general sale of alcohol the Commission in the circumstances considers the social impact can be mitigated. With respect to the Elsie Hill building, it is noted in the Statement of Commitments that form part of the conditions, the Royal Far West has committed to assisting occupants to find suitable accommodation as part of their re-location.
- Consultation - The Commission concurs with the Department that adequate consultation has occurred to meet the Director General's requirements. Apart from the exhibition of the concept plan EA and later the PPR, consultations occurred with major stakeholders in March 2011 and this included representatives of the Manly Village Public School and Department of education.
- Waste - A condition of consent is proposed to require a waste management plan with any future development application for the site.

## **6.8 Manly Local Environmental Plan**

At the time the matter was referred to the Commission the circumstances are that prior to this Manly Council had forwarded its draft LEP to the Department for making. This draft plan proposed to rezone the subject site to 'Local Business Centre' - Zone B2, with a maximum floor space ratio of 3:1 and maximum height of 25m for the site. The proposed uses are permissible with consent in Zone B2 . The draft Manly LEP was exhibited by the Council from 30 April to 29 June 2012.

A number of submissions and speakers at the public meeting sessions argued that the proposed development is not currently permissible in the existing 5(a) Special Uses (Children's Home) zone. The concept plan EA was on public exhibition 21 September to 30 November 2011 and the PPR notified 1 - 21 September 2012. However members of the community appeared to be unaware that Part 3A provides for concept plan approval where uses not normally permissible in the zone can be undertaken in conjunction with other permissible uses. The RFW school and associated hospital facilities are permissible within the existing 5(a) Special Uses zone. Thereby making the otherwise prohibited uses in the concept plan permissible with consent.

The Commission has been made aware that representations were made by the State Member for Manly to the General Manager of Manly Council seeking that the Council request the Minister for Planning and Infrastructure defer the Royal Far West site from the draft Manly LEP to allow the future zoning to be reconsidered. This and other land was subsequently deferred when the Manly LEP was gazetted 5 April 2013.

While a request was made to the Commission to defer determination of the RFW application, the Commission's role is to independently make a determination, based on merit, after consideration of the Department's report, submissions, and relevant information before it.

## **6.9 Conditions**

The Commission has considered the proposed conditions of consent and in particular the Department's recommended design modifications. It considers that these are generally appropriate with the exception of Conditions B2 vi and vii which required setting back of the western and southern façade of the 'mixed use building east' at a 45° angle above the 4<sup>th</sup> floor where adjacent to "Drummond House". The Commission considers that the final form of the building should be determined at the DA stage having regard to the need to achieve design excellence and to ensure an appropriate relationship with the adjacent Drummond House. Accordingly these proposed conditions have been deleted.

In Schedule 3, 'future environmental assessment requirement' No. 7 this has been amended to delete the reference to commercial offices. This use is not considered to provide an 'active' use and is not appropriate on the ground floor level of the development.

Other minor amendments to conditions have been made or deleted where necessary.

## **7. CONCLUSION**

The Commission has carefully considered all relevant information in relation to the proposed concept plan. Whilst it agrees generally with the Department's recommendation for approval, (including modifications and environmental assessment requirements), the Commission has determined that additional plan modifications and conditions are required.

It is important to note the Commission has not considered the concept plan in a vacuum. Rather the concept has been considered in its proper context having regard to an appropriate fit with surrounding built form and uses and importantly the need to mitigate adverse impacts. This has been undertaken having regard to the concerns of the community and an appropriate outcome for the site.

Manly Council adopted Guidelines for the Site in response to the original concept plan and the Commission has considered these together with the context of what performance criteria could be achieved and an acceptable outcome having regard to mitigating adverse impacts. The Commission's changes to the PPR also mean the proposal would generally comply with the Council's Guidelines.

The Commission in its deliberations on the merits of the application has carefully considered the concerns and objections of the local community as well as the overall public benefits. We have concluded on balance that subject to changes as discussed in this report, in particular to limit the height to reduce overshadowing of the beach, a consequent reduction in the FSR, and deletion of hotel as a nominated use, that on merit the concept plan should be approved.

Accordingly the concept plan as shown in the PPR is to be modified to include:

- Reducing the height of the tower component of the proposal to a maximum RL 31.15 (approximately one storey removed)
- Limiting the FSR of the proposal to a maximum of 3:1.
- Deleting reference to 'hotel' and replacing with 'visitor and tourist accommodation'.

The Commission requires that the concept plan be modified in accordance with the above requirements and submitted to the Department for approval prior to the determination of any future development applications for the site.

The following additional 'future assessment requirements' are also included in the approval:

- No plant or other similar elements (with the sole exception of lift overruns) shall exceed the maximum permissible height. Where lift overruns do exceed the maximum height these shall be:
  - integrated into the design
  - ensure minimal visibility from the public domain, and
  - be located to ensure that they do not result in any additional shadow impacts on Manly Beach or the Manly Village Public School.
- Modelling of the intersection of South Steyne and Wentworth Street and the entry / exit off Wentworth Street (opposite the entry to the Council car park) is to be submitted as part of any future application.
- The proposed hotel use is to be amended to 'tourist and visitor accommodation' and the sale of liquor is not to be allowed on the site with the exception of facilities to service the venue.
- A waste management plan is to be submitted with any future development application for the site.

Accordingly, subject to the above requirements and modifications to the PPR, the Commission has determined that approval be granted.

Jan Murrell  
**Commission Chair**

Annabelle Pegrum AM  
**Commission Member**

David Furlong  
**Commission Member**



## Appendix 1 List of Speakers

### Planning Assessment Commission Meeting Concept Plan Application for a mixed use development at the Royal Far West Site 14-22 Wentworth Street and 16 and 19-21 South Steyne, Manly

**Session 1: 4pm, Monday 18 February 2013**

**Place: Manly Bowling Club, Ivanhoe Park Raglan Street, Manly**

1. Manly Council Officer
  - Mr Stephen Clements
2. Good for Manly Association
  - C'llor Candy Bingham, President
3. Manly Community Reference Group
  - Mr Henry Wong
  - Mr Eric Armstrong, Consultant Planner
4. Fairlight Community Precinct
  - Mr Gary O'Brien, Chairman
5. Peninsula Resident Alliance
  - Ms Hania Norman (DVD)
  - Ms Jane Nicholls
6. Ms Lucy Flanagan
7. Ms Lilly Kovacs
8. Ms Vivienne James
9. Ms Beth Gallate
10. Mr Bruce Kitson
11. Mr Tim Abbott
12. Mr John Shean
13. Save Manly Village Group
  - Ms Sue Sacker
14. Manly Community Centre
  - Ms Julia Lever, President
15. Manly Village Public School P&C Association
  - Mr Paul O'Brien
16. Department of Education
  - Ms Jane Simmons, A/Executive Director Learning and Leadership
  - Ms Dail NcGilchrist, R/Regional Director, Northern Sydney Region

**Session 2: 7pm, Monday 18 February 2013**

**Place: Manly Bowling Club, Ivanhoe Park Raglan Street, Manly**

17. Corso Precinct Committee
  - Ms Hania Norman (DVD)
  - Mr Steve Bailey
  - Ms Jane Nicholls
18. Fairy Bower Precinct
  - Ms Penny Verdich, Chair
19. Peninsula Owners Corporation (Strata Plan # 63767)
  - Mr Roderick West AM
20. C'llor Steve Pickering
21. C'llor Cathy Griffin
22. Mr Digby Hughes
23. Dr Nina Burridge
24. Mr Paul Stokes
25. Mr Terry Le Roux
26. Dr Patrick Morrissey
27. Ms Anne Knowles
28. Mr Kevin Andrews
29. Ms Karen Pitt
30. Ms Angelika Treichler
31. The Hon. Mike Baird, MP, Member for Manly

## **APPENDIX 2**

### **KEY SHADOW PLANS**

