

**75W Modification of Part 3A Concept
Plan Approval**

MP10_0159

Mixed Use Development

Royal Far West, Manly



01 APPROVED 3A ENVELOPE
ARCHITECTURAL SITE VIEW

02 APPROVED 3A ENVELOPE VIEW
ARCHITECTURAL SITE VIEW

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75W Modification of Part 3A Concept Plan Approval

MP10_0159

Mixed Use Development

Royal Far West

14 – 22 Wentworth Street &
19 – 21 South Steyne, Manly

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1.0 Introduction

We begin by acknowledging the Traditional Custodians and Owners of the land to which this application relates and pay our respects to Elders past, present and emerging.

This document has been prepared on behalf of Royal Far West (RFW) as a component of an application made pursuant to section 75W of the *Environmental Planning and Assessment Act 1979 (the Act)* seeking the modification of the Part 3A Concept Approval (Application # MP10_0159) (the Concept Approval) granted by the Planning Assessment Commission of New South Wales (PAC) as a delegate of the Minister for Planning and Infrastructure on the 18th April 2013. The Concept Approval provides for a mixed use development, described as follows:

- (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 (RL31.15);
- (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.

We note that the Concept Plan approval relates to 14 - 22 Wentworth Street, 16 and 19 - 21 South Steyne, Manly.

The approved Concept Plans and associated Approval Instrument are attached at **Appendix A** and **Appendix B** respectively. The Concept Approval also included an indicative Development Staging Plan (SK-103(A)) which provided for the implementation of the Concept Approval over 4 stages.

We have also attached at **Appendix C** a copy of the PAC report which details the key issues and associated considerations in its assessment and determination of the Concept Plan namely:

- Owner’s consent
- Shadowing 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 Impact

- Stormwater and flooding
- Waste management
- View loss
- Licensed premises
- Social impact
- Consultation, and
- Waste

We confirm that on the 6th May 2015, a development application (DA253/2014) involving Stages 1 and 2 of the Concept Plan was approved by the former Manly Council with such works described as follows:

Demolition of existing “Elsie Hill Building”, construction of a six (6) story building “Centre for Child Health and Learning” over two (2) levels of basement car parking for (53) cars and the use of the building as clinical, educational and office facilities, alterations to Drummond House to connect to the new centre and landscape works.

This consent has been fully implemented with an Occupation Certificate issued for the associated works. This modification request relates to the remaining Stages 3 and 4 of the Concept Plan.

We note that Part B of the Concept Approval requires modifications to the approved Concept Plans in relation to the preparation of any future development application as follows:

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.

We confirm that RFW has engaged Murcutt Candalepas to design the remaining stages of the Concept Approval having regard to an operational specific design brief from RFW and the modifications prescribed at Part B of the Concept Approval which collectively seek to ensure compliance with *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65)* and the attainment of design excellence.

In this regard, it has become evident that the outcomes sought by the RFW design brief together with the modification requirements at Part B of the Concept Approval cannot be achieved without modifying the arrangement of approved uses, the approved building envelopes in terms of heights and setbacks, the scope of works to Drummond House and the associated Heritage Conservation Management Plan (CMP). Further, since the granting of the Concept Approval, No. 16 South Steyne has been sold and no longer forms part of the Concept Approval development site.

Accordingly, this application seeks to modify the Concept Approval pursuant to Section 75W of the Act to reflect the land use, built form and heritage conservation outcomes reflected in the accompanying modified concept plans prepared by Murcutt Candalepas Architects which will ultimately inform the fine grain architectural design and detailing of the development application involving the remaining stages of the Concept Approval.

Clauses 3BA(5) and 3C(1) of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (Transitional Regulations)* prescribe the provisions relating to Section 75W modification applications made after the cut-of date of 1st March 2018 namely:

- (5) *A concept plan may continue to be modified under section 75W pursuant to a request lodged on or after the cut-off date (whether or not the project is or has ceased to be a transitional Part 3A project), but only if the Minister is satisfied that—*
- (a) *the proposed modification is to correct a minor error, misdescription or miscalculation, or*
 - (b) *the proposed modification is of minimal environmental impact, or*
 - (c) *the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).*

3C Modification of concept plans

- (1) *Section 75W continues to apply (subject to clause 3BA) for the purpose of the modification of a concept plan approved before or after the repeal of Part 3A, whether or not the project or any stage of the project is or was a transitional Part 3A project.*
- (2) *This clause applies despite anything to the contrary in this Schedule (other than provisions relating to approval for the carrying out of a project or stage of a project that is given in connection with an approval to modify a concept plan).*

The modifications proposed to the Concept Approval are in direct response to the client brief and the Part B – Modifications required by the Concept Approval and primarily relate to the redistribution of the previously approved height, as expressed by storeys, and floor space across the site in a manner which responds to the unique operational requirements of RFW, the design quality principles at Schedule 1 of SEPP 65, the objectives at Parts 3 and 4 of the Apartment Design Guide (ADG) and the attainment of design excellence.

Careful consideration has also been given to the key issues identified in the PAC report and feedback obtained from formal pre-lodgement engagement with Northern Beaches Council, NSW Planning, Industry and Environment and the State Design Review Panel (SDRP). This submission represents a highly considered response to the issues raised. In the preparation of this submission, consideration has been given to the following statutory planning documents:

- The Environmental Planning and Assessment Act, 1979.
- Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017.
- Manly Local Environmental Plan 2013.
- Manly Development Control Plan 2013.
- State Environmental Planning Policy No. 55 – Contaminated Lands.
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- State Environmental Planning Policy (Coastal Management) 2018.
- State Environmental Planning Policy (Infrastructure) 2007.

This statement has been prepared having regard to the following accompanying documentation:

- Response to Country prepared by Royal Far West
- Modified Concept Plans prepared by Murcutt Candalepas
- SDRP Architectural response prepared by Murcutt Candalepas
- Community Engagement Report prepared by Polymer Studios
- Architectural Design Excellence Statement prepared by Murcutt Candalepas
- Visual Impact Assessment prepared by Murcutt Candalepas
- Landscape Design Statement prepared by Jane Irwin Landscape Architecture
- Heritage Impact Statement prepared by URBIS
- Heritage Conservation Management Plan prepared by URBIS
- Crime Risk and Prevention Through Environmental Design (CPTED) report prepared by Harris Crime Prevention Services
- Traffic Impact Assessment prepared by TRAFFIX
- ESD Report prepared by JHA
- Wind Impact Assessment prepared by ARUP
- Arborist report prepared by Rain Tree Consulting
- Shadow diagram certification prepared by Deneb Design
- Site survey prepared by Veris

This submission demonstrates that the Concept Approval as modified does not compromise the outcomes sought by the PAC in its consideration and determination of the original application, is substantially the same as the project to which the Concept Approval currently relates, and accordingly the application is appropriately determined pursuant to clause 3BA(5)(c) of the Transitional Regulations.

2.0 Background

2.1 About Royal Far West

Royal Far West (RFW) is an independent, not-for-profit charitable organisation, governed by a Board of Directors and managed by a skilled and experienced Executive team. It is a unique and special charity that has been operating for nearly 100 years, serving disadvantaged and vulnerable rural families and children and communities, who are isolated by geography and cannot access essential care and services. Royal Far West's Manly campus is the only dedicated residential health campus in Australia for country kids with complex health needs and now more than ever, the need to support rural Australia is paramount.

Established in 1924, RFW works in partnership with families, schools, health care providers, Local and State government and community groups to provide services and solutions at the Centre for Country Kids (CCK) in Manly, as well as virtually via telecare, and in local communities. The purpose of this redevelopment is to future-proof the charity and offer accommodation and services to the local community. Renovating Drummond House is essential as the existing Drummond House is no longer 'fit for purpose' and activating the site will be beneficial for the whole community. The proceeds of the project will be invested back into the charity to enable the services to be expanded to reach a greater number of vulnerable country kids.

RFW has had a presence in Manly since the mid-1920's when the founder Reverend Stanley Drummond visited Manly to recuperate from a procedure. It was during that trip with his wife that he first envisaged bringing children from his congregation in Cobar and surrounds to Manly for much needed respite from the harsh outback conditions. It was during this summer camp to Manly in 1925 that Reverend Stanley Drummond met a local Doctor, George Moncrieff Barron. When Dr Barron became aware of the children's medical needs and lack of access to health services, he offered his services free-of-charge, attending to a wide range of medical problems. Dr Barron went on to become the co-founder of the Far West Children's Health Scheme.

Since that time, children from all over NSW, and more recently from other areas of Australia, have come to Manly every year, to receive vital medical services. During RFW's 96 years operating from its base on the corner of Wentworth Street and South Steyne, it has treated children with a wide variety of ailments, including congenital deformities to polio and in more recent years developmental health, mental health and behavioural issues.

Throughout its history, RFW has been deeply embedded in the Manly community, with thousands of local volunteers supporting the work the charity does with children, donating to the cause and bequeathing property and other gifts. Today RFW is one of Manly's largest employers and generates income for local businesses through its 220 staff and the 30-35 families per week that stay at the RFW guest house whilst receiving services in the Centre for Country Kids.

As a 97-year-old charitable organisation that has been serving and supporting Aboriginal and non-Aboriginal families, clients and communities across rural and remote NSW including the very remote areas of Fitzroy Crossing and Yiyili in Western Australia and Woorabinda, Cloncurry and Wide Bay in Queensland to mention a few – it is at RFW's core to co-design our services in consultation with Aboriginal people. RFW are custodians of Aboriginal land while they occupy it for RFW purposes and to that extent they seek to honor and respect the development of the subject waterfront land in the same way RFW has honored and shown respect to all Aboriginal people and Traditional Owners over the past 97 years. In this regard, response to Country forms a fundamental component of this Section 75W modification.

2.2 Client Brief

We confirm that RFW provided Murcutt Candalepas Architects with a clear operational specific design brief a copy of which is at **Appendix D**. RFW as a charitable organisation has the following Vision, Mission and Values that governs and guides its work:

Vision: Healthy Country Kids

Mission: To improve the health and wellbeing of children who live in rural and remote communities.

Values: Integrity, Care, Respect, Energy

The client brief provides a clear articulation of RFW's business and charitable requirements, to inform the design and outcomes of this project. The design objectives and considerations for the site have been developed with the above as guiding principles namely:

Design Objectives

As detailed in the client brief, the proposal should aim to meet the following design objectives and considerations:

Response to Country – The design shall reflect RFW's longstanding and deep connection to Country and Aboriginal people, and in particular, the local Aboriginal history paying respect to the traditional owners of the land.

Design – All work should be of the highest quality and contemporary in design while respecting the heritage values of the existing buildings. The design should be compelling, providing design excellence whilst meeting relevant regulations. The overall environment should be engaging, rich, vibrant, safe and secure.

Heritage – Aim to respectfully design and integrate heritage conservation with contemporary architecture. The design shall carefully balance building form, mass and setbacks to preserve the visual aesthetic of Drummond House whilst taking into consideration the overall masterplan scheme.

Public Domain – The site plan will need to actively engage with the surrounding community precinct and provide a safe and vibrant public domain within the development site. Create clear and safe pedestrian and vehicle access.

Quality – RFW aims for excellence in all aspects of planning, design, development, management and construction. The buildings will be exemplars of design excellence; and be appropriate to their urban context.

Detailing – The level of detailing should be appropriate to the brief for submission of the Development Application. The detail should be flexible enough to accommodate the use requirements of future tenants and owners, yet prohibitive enough to ensure that the architecturally important elements of the design are upheld.

Value for money – The project is to demonstrate best value for money. Design proposals and selection of building systems and materials shall take into account capital and lifecycle costs. Constant review and monitoring of project costs will be undertaken with the project team, Client and Quantity Surveyor.

Public Art – The consultant team is to propose public art opportunities, if appropriate.

Statutory Requirements – Design and documentation is required to be compliant with all Statutory Requirements.

Design Safety – The proposed works should be designed to comply with WHS Legislation, Australian Standards, relevant Codes of Practice and the RFW's WHS Policy. Designs should meet the obligations outlined in the work health and safety (WHS) laws effective from 1 January 2012.

Design Considerations

- The Centre for Country Kids (CCK) and the residential/family accommodation (currently located in Drummond House) form a safe environment for families and the children. The current setup is working well as there is a physical separation between the accommodation and the administration/RFW school buildings and the public domain. Inside these spaces the people aren't judged, there is no concern for injury, there is room for respite, for learning and for improving
- Drummond House as residential accommodation: Drummond House was not designed or built with the primary purpose of accommodating RFW families with their complex needs. The building feels like a hospital or the old people's home that it once was, rather than a purpose built, therapeutic rest place and "home away from home".
- The outdoor space for children to play is currently limited and will decrease more if the CCK ground floor rose garden disappears because of the development. Therefore, new therapeutic spaces are required for play and engagement e.g., sensory garden.
- Growing need for more adjunct services such as therapeutic yoga and drama spaces, theatrette and conference centre. Games rooms, loungerooms and sensory rooms.

- *Use of roof top spaces for recreation/ gardening – RFW history – centenary celebration in 2024.*
- *Aboriginal heritage is very important to RFW and the community. The design shall reflect the local and national Indigenous connections of RFW, through the various surfaces e.g., walkways, rockwalls, landscapes, textures and materials, artworks and sculptures. Opportunities with landscaping design shall be thoroughly explored to provide a deep and respectful connection to Country.*
- *The fence along Drummond house and CCK was part of the heritage interpretation plan and was installed during the construction of CCK. Future stages will be mindful of the cultural heritage significance and opportunities for relocating the original fence will be considered.*
- *Manly Community involvement e.g., co-working space, child and family health services, local businesses.*
- *Visual amenity of neighbouring properties and minimising impacts of view loss.*
- *Materials selection and consideration of wind impacts given the marine environment.*
- *The placement of building services shall be carefully developed to minimise impact to the surrounding environment.*
- *Responsibility to enhance and connect with the waterfront.*
- *Need to avoid the “fortress” look of the old Medical Centre – Staging of the works: re-purposing of Drummond House needs to align with the ongoing need for residential accommodation.*
- *Limit number of stages of construction works.*
- *Understanding directional/wayfinding signage: in creating a campus use directional signage to encourage flow and separation of people. Separation is important for safety reasons.*
- *Infrastructure and power: the existing substation in the north east corner of the site will need to be relocated. CCK and Drummond House are live environments and continuity of power and other services is essential*

These objectives and design considerations are reflected in the accompanying clinical support letter prepared by Professor Elizabeth Elliott AM - Director and Clinical Specialist on the Royal Far West Board - a copy of which is at **Appendix E**. In this correspondence Professor Elliot states:

Developmental vulnerability and the need for associated services and supports, is increasing across rural and remote communities. In particular, mental health and behavioural issues are rising, due to factors such as drought, bushfires and COVID-19. This has been reflected in year on year growth in the number of families seeking services from Royal Far West. The number of children we work with has tripled over the last decade, and this year, we will support close to 10,000 people through our programs.

.....

The proposed campus design is based on considerable consultation with our clinical, school, recreation and accommodation staff with respect to the needs of our children and families and the services we are seeking to provide, now and in the future. The new design will provide a safe, secure environment that is comfortable, secure and supportive for families, with generous play spaces, visual and acoustic security, and responds to the particular risk factors associated with our client population (for example, tendencies to climb, heightened anxiety). It also will provide additional space and flexibility in how we work with families. Together, this will allow us to better support more families and further enhance the health and well-being of our country children and their carers.

Further, the accompanying support letter prepared by Rebecca Wark, Chief Executive of Health Infrastructure, in her capacity as a mother of a child who attends and receives the unique services of RFW, and who lives more than 500 km from Manly, reflects the general feedback from regular users of the existing facilities a copy of which is at **Appendix F**. The following observations contained within Ms Wark's support letter has guided the design of the accommodation services:

When we stay at Drummond House, it is for one week at a time. This is our home away from home and an important place for my children to feel comfortable, at ease and safe. While we are deeply appreciative of the accommodation service, the age, layout and condition of Drummond House facilities can cause stress and fatigue.

From a planning perspective, I see so many opportunities to improve the health and hygiene of this important amenity, to make it more calming, receptive, well ventilated, up to date and fit for purpose. This will improve timely wellbeing outcomes for all Royal Far West families.

2.3 Engagement Strategy

Since 2015 RFW has been working in earnest to engage the Manly community to share its vision and mission, and to listen in order to better understand community interests and concerns. There have been numerous activities undertaken which have allowed RFW to engage around a specific initiative whilst providing an opportunity to build ongoing relationships and seek feedback on the planned redevelopment.

Polymer Studios was engaged to facilitate a range of community engagement sessions to introduce the proposed development and seek community feedback and sentiment which could be used to inform the final design outcome.

In the preparation of this application direct and indirect consultation has occurred with Federal and Local Members of Parliament, NSW Government authorities and agencies, the Chamber of Commerce, local newspapers and Community groups including schools and local business owners. Broader community engagement also occurred via the project microsite, community newsletters and the "Zoom" video conferencing platform. The final design and detailing of the proposal have been informed by the community and stakeholder consultation undertaken.

As a result of this extensive community consultation, feedback has now been incorporated into the design and development of the new campus, including, but not limited to:

- Commercial space for local businesses,
- An open, activated and engaging ground plane,
- A publicly accessible internal courtyard to connect the campus to the community,
- Revitalisation of the existing site through a high-quality architectural design,
- Health focused retailers supports and fills key community needs,
- The creation of an architectural statement on the corner of South Steyne and Wentworth Street,
- The design of a campus that complements the local area rather than just juxtaposing against it,
- The refurbishment of Drummond House into a guesthouse that services the needs of RFW clients and their children as well as the local community, rather than a large commercial hotel,

- Sustainability inclusions such as a 4-star Green Star benchmark target for the residential component of the project, and
- The ownership of the land holdings as freehold, by RFW in perpetuity.

A summary of the engagement program's results is contained within the accompanying Community Engagement Report prepared by Polymer Studios a copy of which is at **Appendix G**.

Careful consideration has also been given to the feedback obtained from formal pre-lodgement engagement with Northern Beaches Council, NSW Department of Planning, Industry and Environment and the SDRP.

2.4 Concept Plan Approval and Proposed Section 75W Modifications Overview

2.4.1 Concept Plan Approval

The Concept Plan approval was granted by the Planning Assessment Commission of New South Wales (PAC) as a delegate of the Minister for Planning and Infrastructure on the 18th April 2013 subject to conditions. The Concept plan approval provides for a mixed use development described as follows:

- 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 (RL31.15);;
- 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.

The approved Concept Plans and associated Approval Instrument are provided at **Appendix A** and **Appendix B**, respectively.

We note that on the 6th May 2015, development application DA253/2014 involving Stages 1 and 2 of the Concept Plan was approved by the former Manly Council with such works described as follows:

Demolition of existing “Elsie Hill Building”, construction of a six (6) story building “Centre for Child Health and Learning” over two (2) levels of basement car parking for (53) cars and the use of the building as clinical, educational and office facilities, alterations to Drummond House to connect to the new centre and landscape works.

This consent has been fully implemented with an Occupation Certificate issued for the associated works. This application proposes the implementation of Stages 3 and 4 of the Concept Plan approval being the final stages of the approval.

2.4.2 Proposed Section 75W Modifications Overview

We confirm that RFW has engaged Murcutt Candalepas Architects to design the remaining stages of the Concept Approval having regard to an operational specific design brief from RFW and the modifications prescribed at Part B of the approval which collectively seek to ensure compliance with *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65)* and the attainment of design excellence.

In this regard, it has become evident that the outcomes required by the RFW design brief together with the modification requirements at Part B of the Concept Approval cannot be achieved without modifying the arrangement of approved uses, the approved building envelopes in terms of heights and setbacks, the scope of works to Drummond House and the associated Heritage Conservation Management Plan (CMP). Further, since the granting of the Concept Approval, No. 16 South Steyne has been sold and no longer forms part of the Concept Approval development site.

Accordingly, this application seeks to modify the Concept Plan approval pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979 (the Act)* to reflect the land use, built form and heritage conservation outcomes reflected in the Murcutt Candalepas modified Concept Plans at **Appendix H**. The extent and nature of the modifications sought are detailed in section 4.0 of this submission together with the modifications proposed to the Approval Instrument.

3.0 Site Analysis

3.1 Location and Context

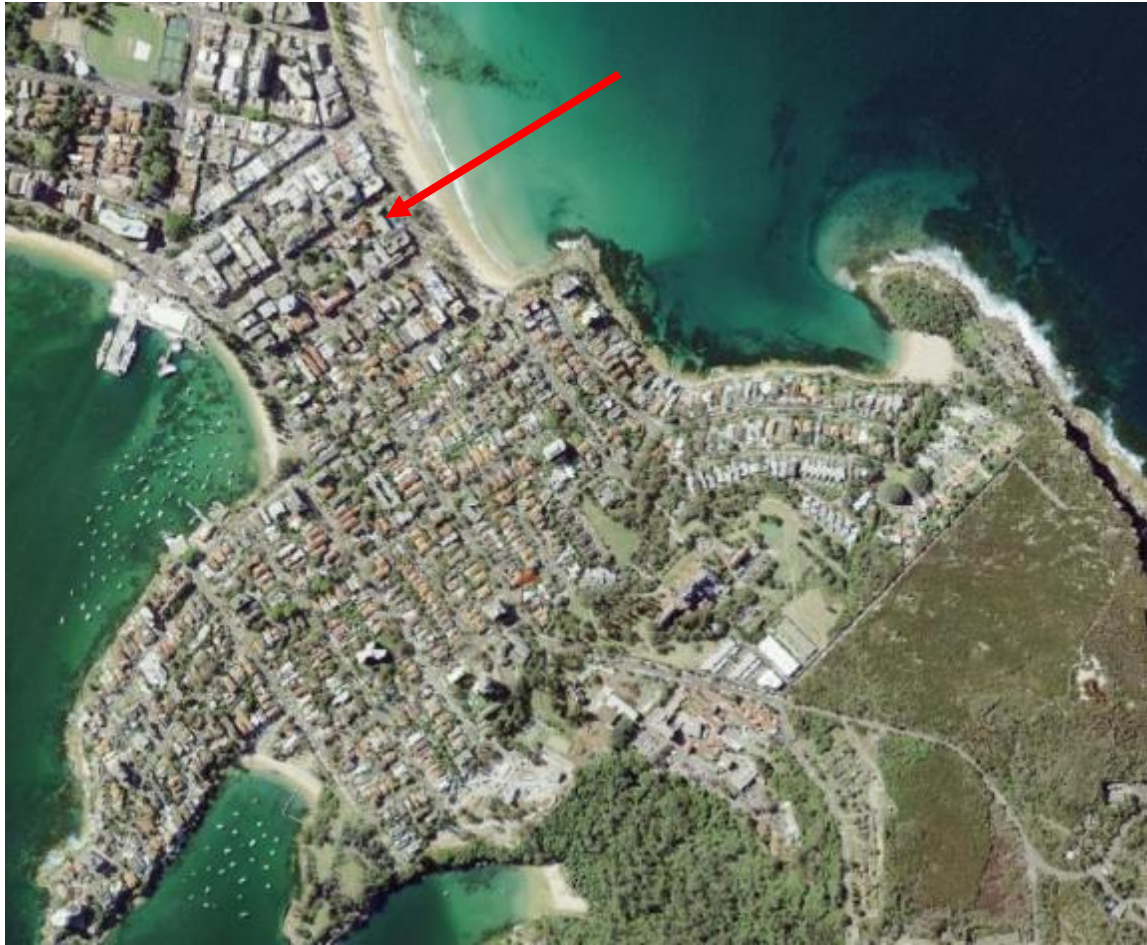
The subject property is located within the Manly Town Centre with the recently adopted Northern Beaches Local Strategic Planning Statement (LSPS) identifying Manly as Sydney's premier seaside destination. The LSPS describes the Town Centre as follows:

The town centre is bordered by popular foreshore areas that connect to Sydney Harbour National Park at North Head and Cabbage Tree Bay Aquatic Reserve. These elements are evidence of Manly's historic and social significance.

The town centre offers cultural, tourist, retail and entertainment uses. It is also a residential and economic centre, supporting the highest population density and the highest proportion of health and education and knowledge – intensive jobs of all the LGA's centres. Manly has the youngest demographic and is the most culturally diverse of the LGA's centres.

Manly provides a mix of retail, tourism and residential uses which are well connected to a range of strategic public transport options at the Manly Wharf and Bus Interchange. The draft North East Subregional Strategy supports "significant investment in regional facilities, within and between subregions" and specifically defines Manly as an existing industry concentration/cluster for medical services.

An aerial location/ context plan is at Figure 1 over page.



Source (SIX Maps)

Figure 1 – Aerial location/ context photograph of Manly with site shown by red arrow

3.2 Site Description

The development site comprises the following allotments:

- Lot 101, DP1247422
- Lots 1 and 2, DP 223468,
- Lot 1, DP 435023
- Lot PT2587, DP752038
- Lots 1 and 2, DP 1093126
- Lot 12, DP 1096038

No's 14 – 22 Wentworth Street and 19 – 21 South Steyne, Manly

The consolidated development site has an area of 6,398.4 square metres.



Source: Murcutt Candalepas

Figure 2 – Aerial photograph of subject site

The development site is located at the corner of Wentworth Street and South Steyne, Manly NSW. The site is opposite Manly Beach and promenade, is located in the Manly Town Centre and in close proximity to the 'the Corso'. The beach environment creates a strong visual and sensory focus for the site and its surrounds. Significant proportions of activities in the local area make a direct link to this beach environment. The topography of the site is that of a relatively flat beach side site with a slight fall towards the south east. The northern site boundary (parallel with Wentworth Street) is approximately 105 metres long with the South Steyne frontage approximately 79 metres long. The surrounding immediate public domain is primarily paved with bitumen finished roadways.

Forming a strong visual and spatial element in the immediate context is the avenue of Norfolk Island pine trees running along a number of streets in Manly include both South Steyne and Wentworth Street. Between South Steyne and the beach is a paved public promenade with a sea wall immediately adjacent to the beach.

The RFW site is currently occupied by a clinical services and school building known as CCK, a short stay residential facility for children and their families located within Drummond House, boarding house accommodation, a redundant school facility, a co-working office facility (WOTSO) and a car parking area. Drummond House is listed as a local heritage item pursuant to *Manly Local Environmental Plan 2013* (MLEP) and contains short term family accommodation as well as kitchen, lounge and breakout spaces.

The site geometry and establish built form circumstance is depicted in the survey at Figure 3 below and in the photographs on the following pages.



Figure 3 – Site survey



Source: Google Earth

Figure 4 – View looking south east down Wentworth Street past subject site



Source: Google Earth

Figure 5 – View looking south west from intersection of Wentworth Street and South Steyne towards subject site



Source: Google Earth

Figure 6 – View of Drummond House



Source: Google Earth

Figure 7 – View of George Moncrieff Barron Wing

3.3 Surrounding Development

Surrounding development comprises a variety of building forms ranging in heights and uses. To the north is a number of mixed use and residential apartment buildings, directly opposite the site is the 5 - 8 storey mixed use (residential, retail, supermarket etc) development which occupies a significant portion of the adjacent northern frontage to the site.

To the west is Manly Village Public School and between the school and the site is the 2 storey 'art deco' No. 12 Wentworth Street (now operating as a Community Centre). To the east is South Steyne and then the beach promenade and Manly beach itself. To the south of the site (on Victoria Parade) is a range of predominately masonry, 4-5 storey residential apartment buildings, some of which have been recently extended and modified. The sites immediate built form context is depicted in Figures 8, 9, 10 and 11 below and over page.



Source: Google Earth

Figure 8 – View of development generally to the north of the subject site



Source: Google Earth

Figure 9 – View of development generally to the west of the subject site



Source: Google Earth

Figure 10 – View of development generally to the south east of the subject site



Source: Google Earth

Figure 11 – View of development generally to the south of the subject site

4.0 Proposed Concept Approval Modifications

4.1 Land to Which the Concept Approval Relates

Since the granting of the Concept Approval, No. 16 South Steyne has been sold and no longer forms part of the Concept Approval development site. The Concept Approval is to be modified accordingly.

4.2 Building Envelope and Land Use Modifications

This application seeks to modify the Concept Approval pursuant to Section 75W of the Act to reflect the land use, built form and heritage conservation outcomes reflected in the modified concept plans as listed below prepared by Murcutt Candalepas Architects which will ultimately inform the fine grain architectural design and detailing of the future development application involving the remaining stages of the Concept Approval. A copy of these plans is at **Appendix H**.

S75W	0001	COVER SHEET
S75W	0150	SITE ANALYSIS PLAN
S75W	1001	BASEMENT LEVEL 2 ENVELOPE PLANS
S75W	1002	BASEMENT LEVEL 1 ENVELOPE PLANS
S75W	1003	GROUND FLOOR ENVELOPE PLANS
S75W	1004	LEVEL 1 ENVELOPE PLANS
S75W	1005	LEVEL 2 ENVELOPE PLANS
S75W	1006	LEVEL 3 ENVELOPE PLANS
S75W	1007	LEVEL 4 ENVELOPE PLANS
S75W	1008	LEVEL 5 ENVELOPE PLANS
S75W	1009	LEVEL 6 ENVELOPE PLANS
S75W	1010	LEVEL 7 ENVELOPE PLANS
S75W	1011	LEVEL 8 ENVELOPE PLANS
S75W	1012	ROOF PLAN ENVELOPE PLANS
S75W	1060	SITE PLAN
S75W	1070	GROUND FLOOR LANDSCAPE PLANS
S75W	1080	MASSING DIAGRAM
S75W	1101	ENVELOPE SECTIONS SHEET 1
S75W	1102	ENVELOPE SECTIONS SHEET 2
S75W	1201	ENVELOPE ELEVATIONS (NORTH & EAST)
S75W	1351	ENVELOPE PERSPECTIVE VIEWS SHEET 1
S75W	1352	ENVELOPE PERSPECTIVE VIEWS SHEET 2
S75W	1353	ENVELOPE PERSPECTIVE VIEWS SHEET 3
S75W	1354	ENVELOPE AXONOMETRIC VIEW
S75W	1651	SHADOW ANALYSIS SHEET 1
S75W	1652	SHADOW ANALYSIS SHEET 2
S75W	1653	SHADOW ANALYSIS SHEET 3
S75W	1654	SHADOW ANALYSIS SHEET 4
S75W	1655	SHADOW ANALYSIS SHEET 5
S75W	1801	DEVELOPMENT CALCULATIONS
S75W	1851	SEPP65 AMMENITY DIAGRAMS
S75W	1852	BUILDING HEIGHT ANALYSIS
S75W	1853	DRUMMOND HOUSE AMENITY DIAGRAMS

The modifications can be summarised as follows.

4.2.1 Building Envelope and Massing Modifications

This application seeks to modify the approved building envelope and massing distribution as depicted in Figure 12 below.

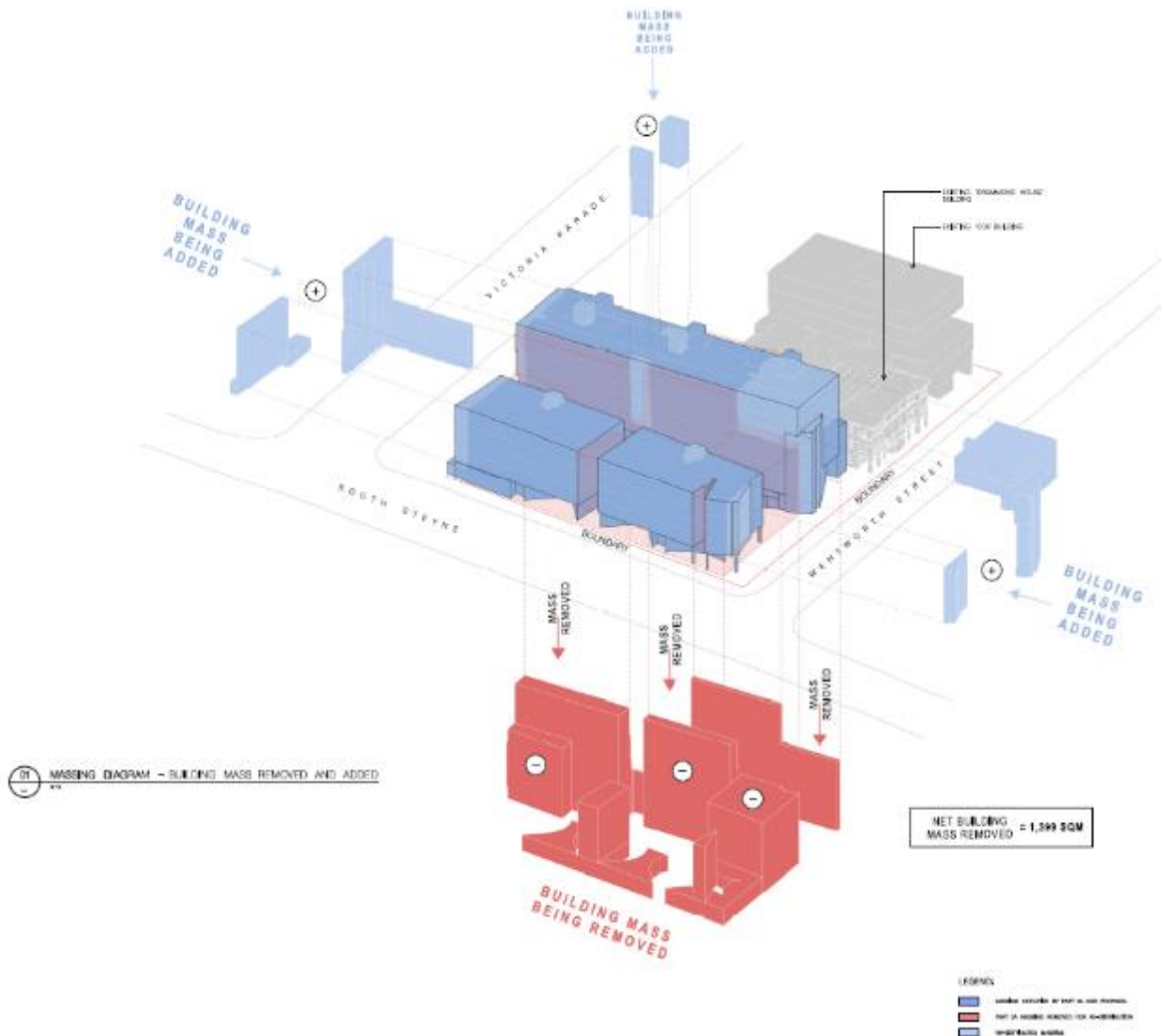


Figure 12 – Building envelope and massing redistribution diagram (plan extract S75W – 1080)

These modifications can be broadly summarised as follows:

- The previously approved 5 storey street wall to Wentworth Street, the adjacent vehicular driveway and associated forecourt/ service area and the privatised podium level courtyard beyond are replaced with a publicly accessible landscaped forecourt accessed from both the Wentworth Street and South Steyne frontages.

- The previously approved 5 storey street wall to South Steyne is articulated through the creation of a partially open street level undercroft providing views and access to/ from the public forecourt, the provision of a central break in the facade and the introduction of a building envelope articulation zone at the intersection of South Steyne and Wentworth Street.
- The previously approved ground level retail floor space is redistributed around the publicly accessible forecourt whilst maintaining retail activation of both the Wentworth Street and South Steyne frontages as depicted in Figure 13 below.



Figure 13 – Building envelope and massing redistribution streetscape diagram (plan extract S75W – 1353)

- The floor space removed as a consequence of the above modifications is redistributed to the southern and northern edges of the approved building envelope and to the rear of Drummond House the rear portion of which is proposed to be demolished. A comparison of the approved and modified building envelope and massing is depicted at Figure 14 below.

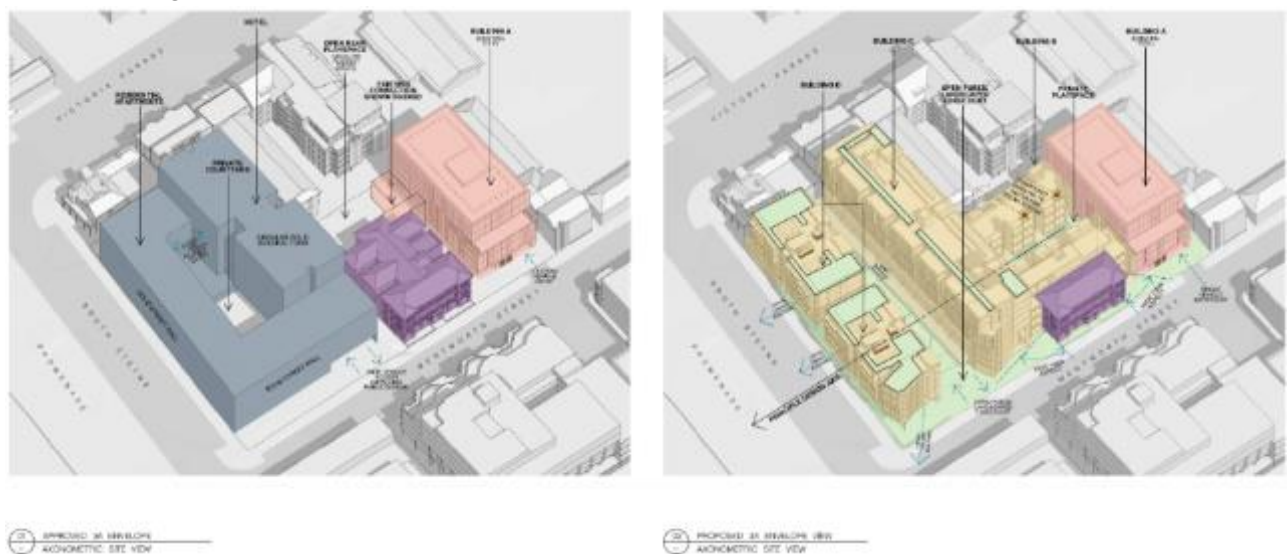


Figure 14 – Building envelope and massing redistribution streetscape diagram (plan extract S75W – 1354)

- The previously approved part 5/ part 8 storey building height envelope and massing outcome for the site is maintained with the modified envelope accommodating an FSR below 3:1 as required by the Concept Approval.
- Overall building heights are modified to reflect compliance with the minimum floor to floor heights contained within the ADG, the introduction of landscaped roof top communal and private open space areas on Buildings C and D, associated shading structures and the provision of sufficient height allowance to accommodate associated lift and stair access and mechanical plant enclosures.
- Careful consideration has been given to ensuring that the modified building envelope and associated heights maintain the solar access outcomes achieved to Manly Beach and Manly Village Public School through approval of the original Concept Plans as detailed within the PAC report with ADG compliant solar access also maintained to surrounding residential properties.
- The previously approved and modified overall building heights are depicted in Figures 15 and 16 below and over page.

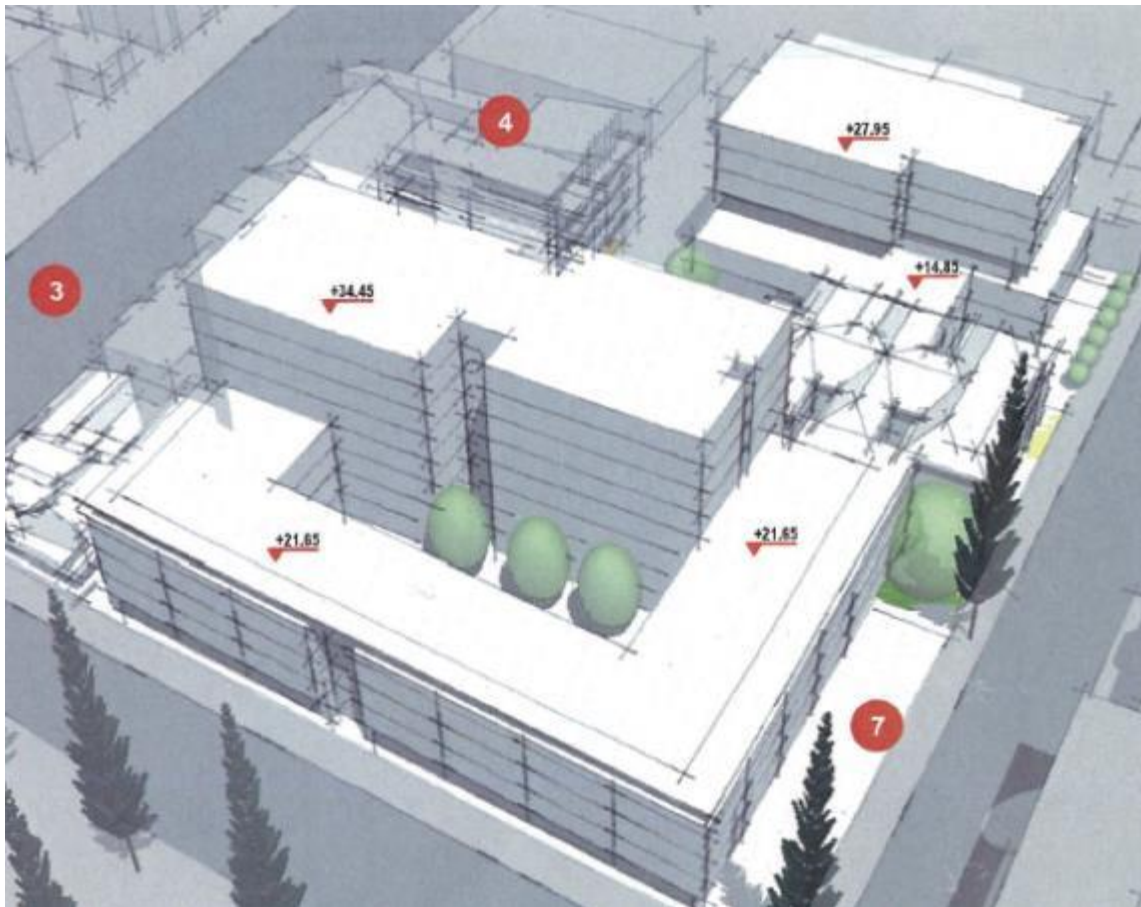


Figure 15 – Approved Concept Plan showing approved building heights (Note: RL 34.45 was reduced to RL 31.15 by the PAC (plan extract CP-08a(J))

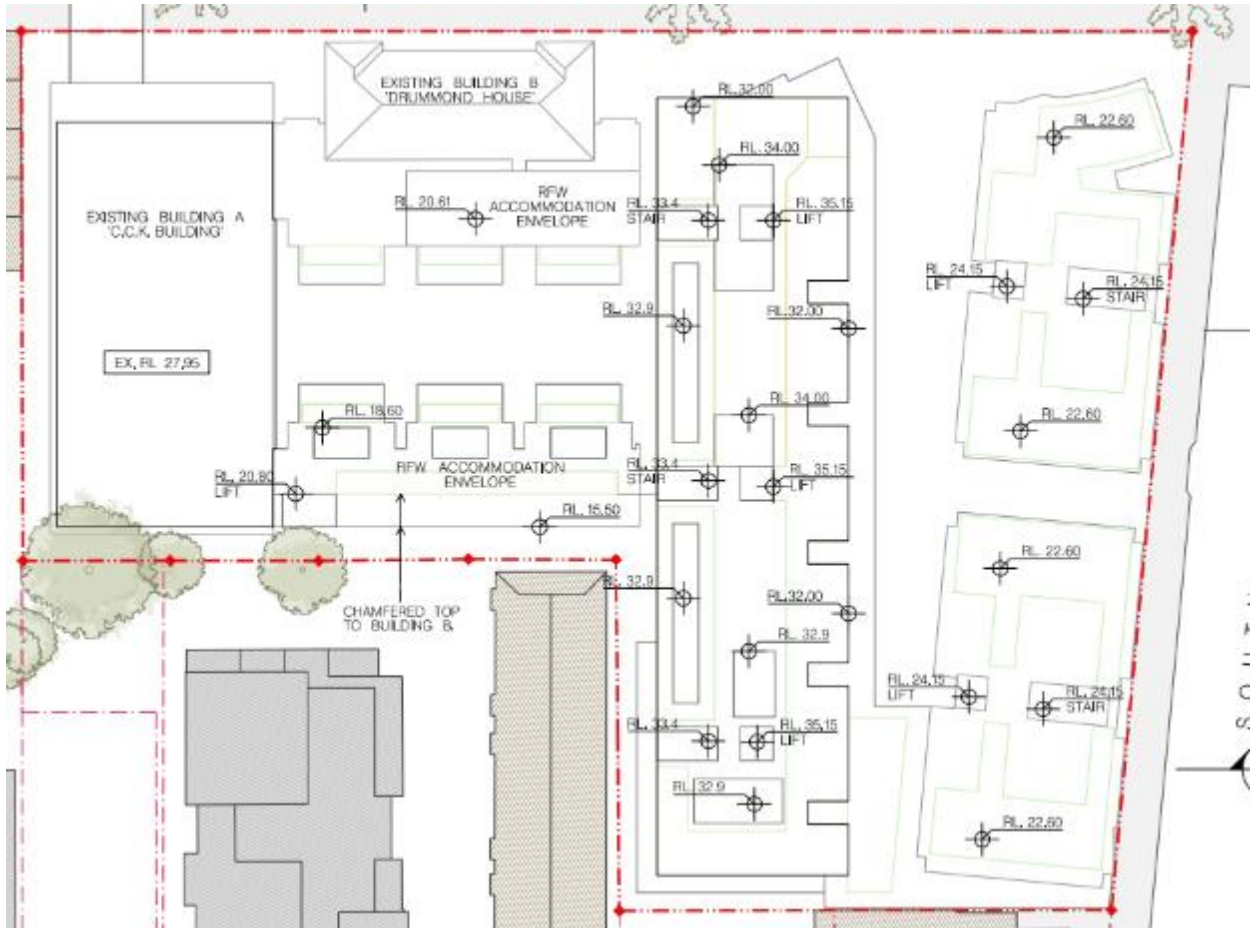


Figure 16 – Proposed building heights (plan extract S75W – 1012)

- The comparative building heights are depicted in Table 1 below.

	Approved Heights	Modified Heights
Existing CCK Building	RL 27.95	As existing
Drummond House	RL 14.85	RL 15.50 (southern roof edge of rear additions), RL 17.85 (proposed Level 2 roof), RL 18.6 (top of roof mounted plant enclosures), RL 20.61 (proposed Level 3 RFW accommodation roof) and RL 20.9 (lift overrun)
8 Storey Building Form	RL 31.15	RL 32.00 (top of landscape planters), RL 32.9 (top of roof mounted plant enclosures), RL 33.4 (top of access stairs), RL 34.00 (top of communal open space shade structures) and RL35.15 (top of lift overrun)
5 Storey Building Form	RL 21.65	RL 22.60 (top of landscape planters) and RL 24.15 (top of lift overrun and access stairs)
<p>NOTE: The approved heights were determined through detailed performance-based shadow analysis the outcomes of which are not compromised. Lift overruns were an anticipated encroachment.</p>		

Table 1 - Comparative Height Analysis noting that the modified heights make allowance for the introduction of landscaped roof top communal and private open space areas on Buildings C and D, associated shading structures and the provision of sufficient height allowance to accommodate associated lift and stair access and mechanical plant enclosures.

4.2.2 Land Use and Indicative Floor Plate Modifications

This application seeks to modify the approved land use and indicative floor plate outcomes which can be broadly summarised as follows:

Basement 2

Figure 17 below provides a comparison between the Concept Plan approved Basement 2 arrangement and the section 75W modified arrangement.

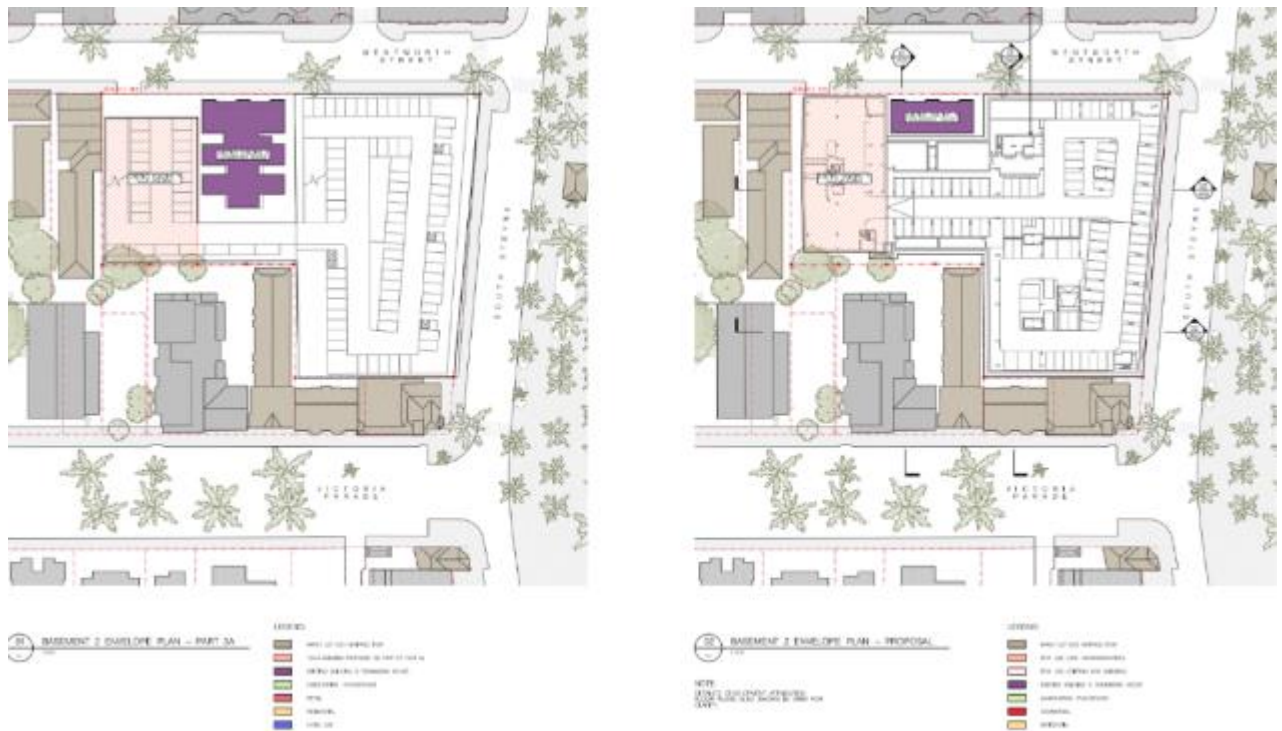


Figure 17 – Basement 2 comparative diagrams (plan extract S75W – 1001)

The modifications at this level can be broadly summarised as follows:

- The PAC required the previously nominated hotel use to be replaced with tourist and visitor accommodation. Such accommodation is nominated as “RFW Use (New Accommodation)”,
- The basement below the constructed CCK building is depicted “as built”,
- The basement is reconfigured to reflect the modified Drummond House building footprint,
- The basement is extended to the western boundary of the site where it adjoins No. 25 – 29 Victoria Parade to improve basement layout efficiencies. The basement geometry and the extent of approved excavation is otherwise unaltered, and

- An indicative basement arrangement has been nominated although we note that the final layout will be detailed at Development Application (DA) stage it being noted that both basement levels provide for not less than 184 car spaces as required by Condition 10 at Schedule 3 of the Approval Instrument.

Basement 1

Figure 18 below provides a comparison between the Concept Plan approved Basement 1 arrangement and the section 75W modified arrangement.

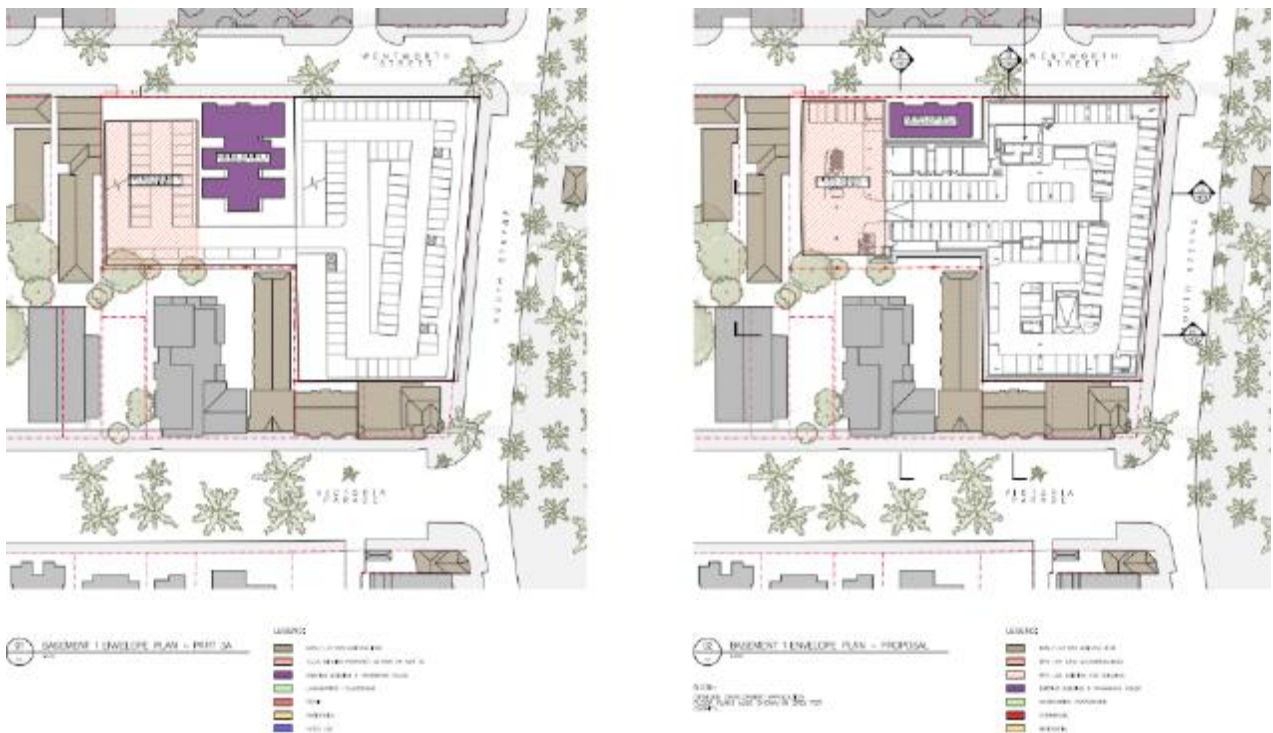


Figure 18 – Basement 1 comparative diagrams (plan extract S75W – 1002)

The modifications at this level can be broadly summarised as follows:

- The basement below the constructed CKK building is depicted “as built”,
- The basement is reconfigured to reflect the modified Drummond House building footprint,
- The basement is extended to the western boundary of the site where it adjoins No. 25 – 29 Victoria Parade to improve basement layout efficiencies. The basement geometry and the extent of approved excavation is otherwise unaltered, and

- An indicative basement arrangement has been nominated although we note that the final layout will be detailed at Development Application (DA) stage it being noted that both basement levels provide for not less than 184 car spaces as required by Condition 10 at Schedule 3 of the Approval Instrument.

Ground Level

Figure 19 below provides a comparison between the Concept Plan approved Ground Level arrangement and the section 75W modified arrangement.

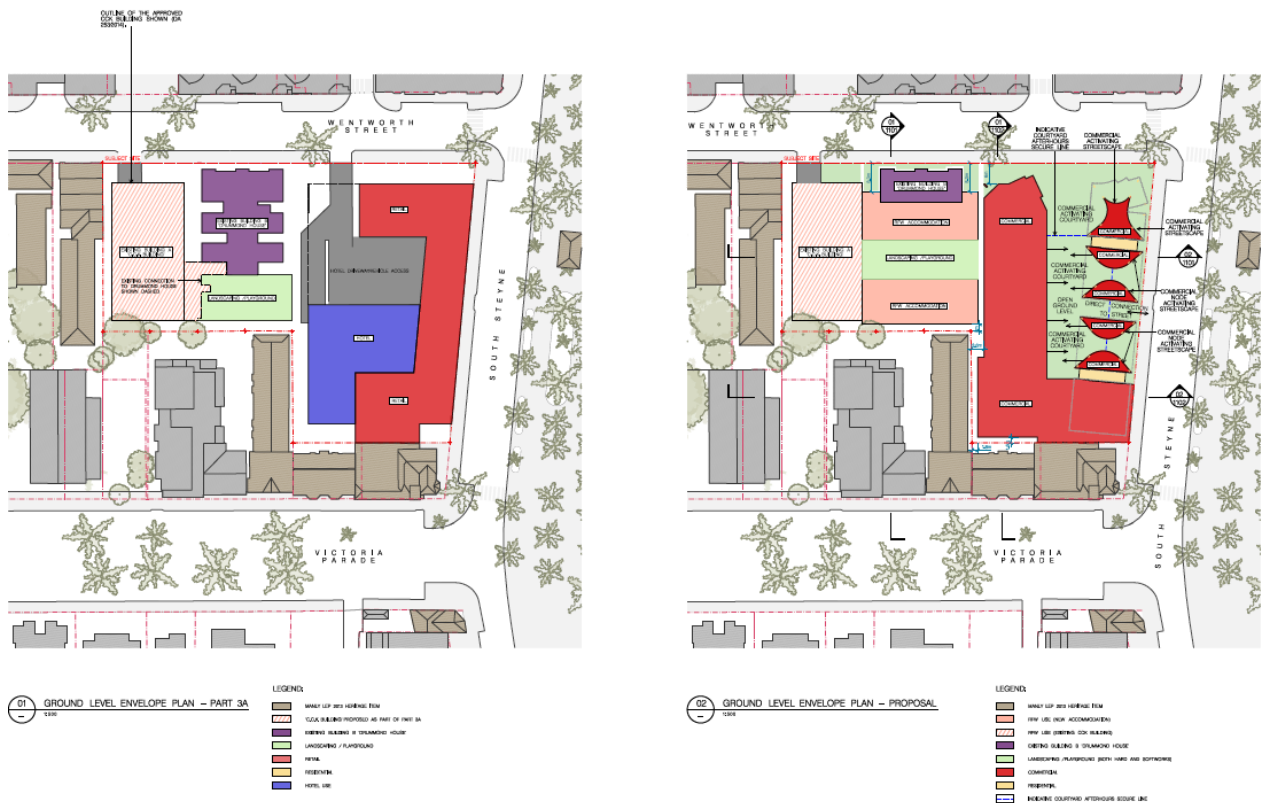


Figure 19 – Ground Level comparative diagrams (plan extract S75W – 1003)

The modifications at this level can be broadly summarised as follows:

- The previously proposed Hotel, associated driveway and forecourt areas accessed from Wentworth Street are replaced with a publicly accessible landscaped forecourt accessed from both the Wentworth Street and South Steyne frontages,
- The approved “retail” floor space is nominated as “commercial” to facilitate future ground floor retail and business uses both of which are permissible with consent in the zone,

- The previously approved ground level retail floor space is redistributed around the publicly accessible forecourt whilst maintaining retail activation of both the Wentworth Street and South Steyne frontages. The overall quantum of retail/ commercial floor space at this level is generally maintained,
- An open undercroft is provided to the South Steyne facing building envelope to further enhance the visual permeability of the site with commercial nodes maintaining an appropriate level of activation to both street frontages,
- The rear portion of Drummond House is demolished and replaced with RFW guest accommodation with the previously approved playground area relocated to create a centrally located private and secure play space for RFW families and guests,
- The publicly accessible forecourt will be secured outside normal business hours with an indicative secure line nominated on the plan.
- The previously approved setbacks to Wentworth Street and South Steyne are generally maintained with a 6 metre setback maintained to Wentworth Street where the commercial floor plate adjoins Drummond House and an 8.3 metre front setback maintained to the new RFW accommodation to the rear of Drummond House, and
- The floor plate is extended into the south-western corner of the site whilst maintaining a minimum setback of 1.6 metres to both boundaries.

Level 1

Figure 20 over page provides a comparison between the Concept Plan approved Level 1 arrangement and the section 75W modified arrangement.

The modifications at this level can be broadly summarised as follows:

- The previously approved podium level communal open space is relocated to the roof of Building C,
- The previously nominated hotel and RFW uses are consolidated into a single commercial floor plate to the west of the publicly accessible forecourt area,

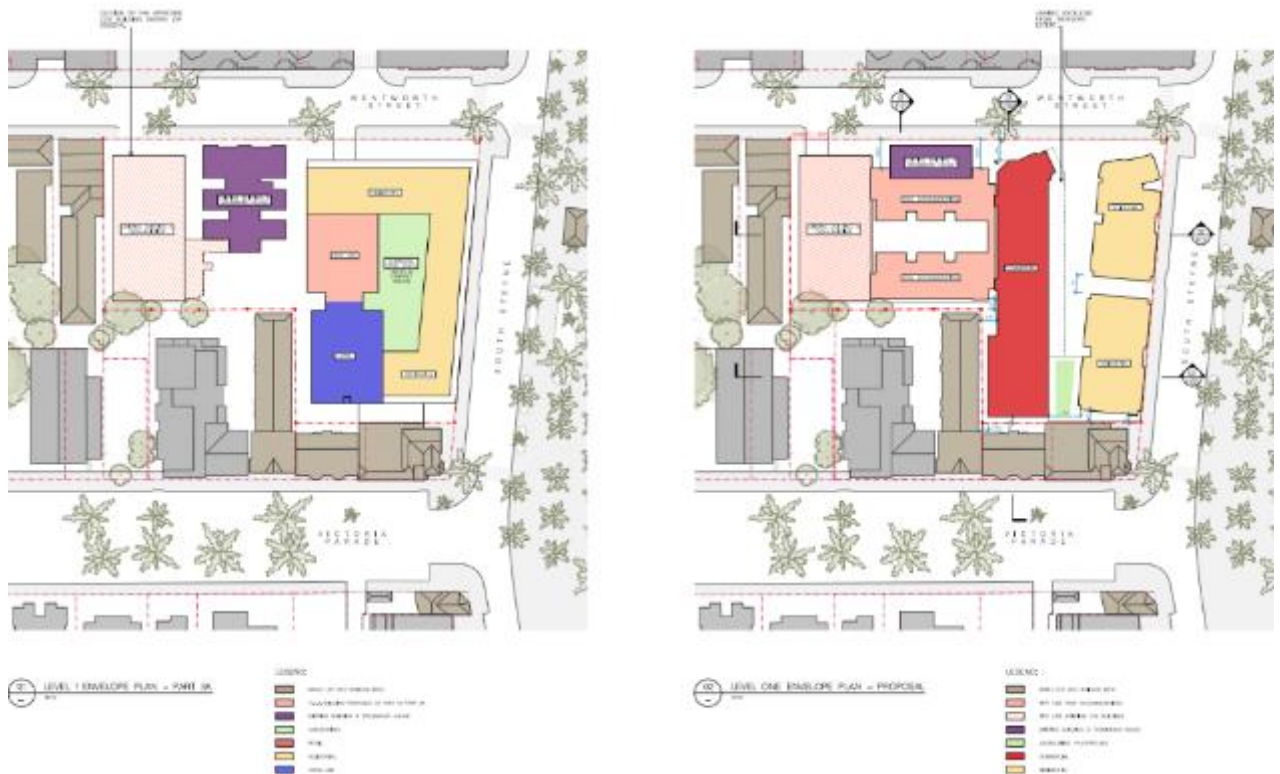


Figure 20 – Level 1 comparative diagrams (plan extract S75W – 1004)

- The residential floor space is redistributed and broken into 2 pavillions located adjacent to the South Steyne frontage,
- The rear portion of Drummond House is demolished and replaced with RFW guest accommodation orientated towards a centrally located private and secure courtyard.
- The previously approved setbacks to Wentworth Street and South Steyne are generally maintained with a 6 metre setback maintained to Wentworth Street where the commercial floor plate adjoins Drummond House and an 8.3 metre front setback maintained to the new RFW accommodation to the rear of Drummond House, and
- The residential and commercial floor plates are extended towards the southern and western boundaries of the properties with the previously approved building envelope, where it adjoins the southern boundary, broken to provide for a continuation of the central forecourt space.

Level 2

Figure 21 below provides a comparison between the Concept Plan approved Level 2 arrangement and the section 75W modified arrangement.

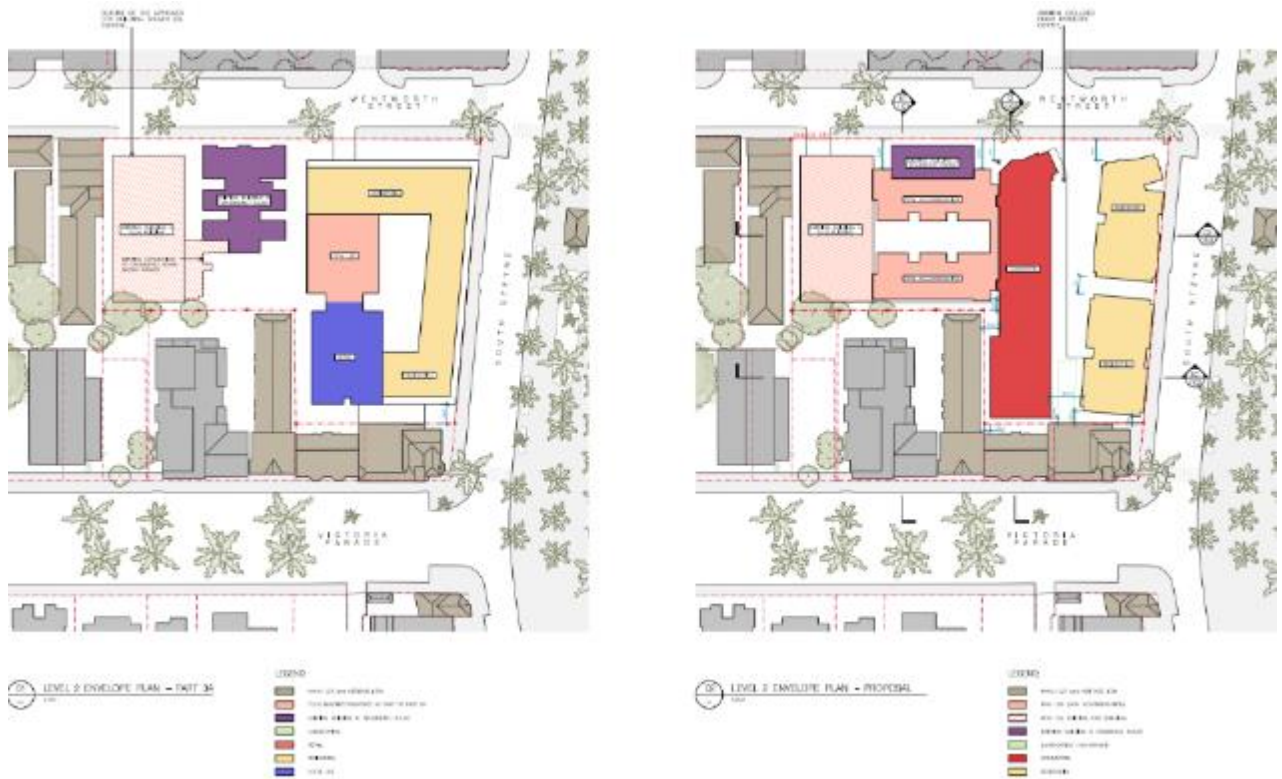


Figure 21 – Level 2 comparative diagrams (plan extract S75W – 1005)

The modifications at this level are the same as those associated with Level 1.

Level 3

Figure 22 over page provides a comparison between the Concept Plan approved Level 3 arrangement and the section 75W modified arrangement.

The modifications at this level can be broadly summarised as follows:

- The previously nominated hotel use is changed to residential at this level with the residential floor space redistributed and broken into 3 pavillions located around the central forecourt area,
- A small area of RFW guest accommodation is provided to the rear of the retained Drummond House roof form.
- The previously approved setbacks to Wentworth Street and South Steyne are generally maintained although both street facing facades provide for significantly greater visual articulation and relief through the introduction of the publicly accessible forecourt to Wentworth Street and the pavilion style building forms to South Steyne, and

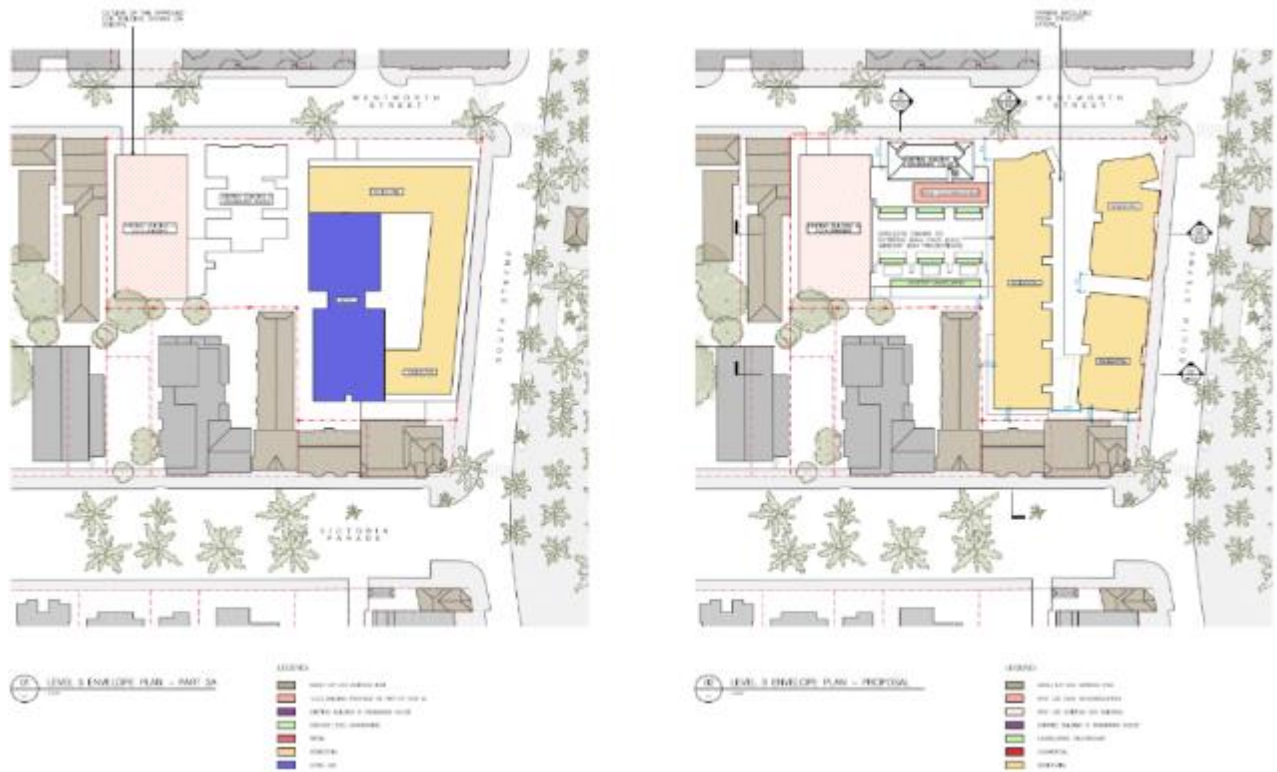


Figure 22 – Level 3 comparative diagrams (plan extract S75W – 1006)

- The residential floor plates are extended towards the southern boundary of the properties with the previously approved building envelope, where it adjoins this boundary, broken to provide for a continuation of the central forecourt space.

Level 4

Figure 23 over page provides a comparison between the Concept Plan approved Level 4 arrangement and the section 75W modified arrangement.

The modifications at this level can be broadly summarised as follows:

- The previously nominated hotel use is changed to residential at this level with the residential floor space redistributed and broken into 3 pavillions located around the central forecourt area,
- The previously approved setbacks to Wentworth Street and South Steyne are generally maintained although both street facing facades provide for significantly greater visual articulation and relief through the introduction of the publicly accessible forecourt to Wentworth Street and the pavilion style building forms to South Steyne, and

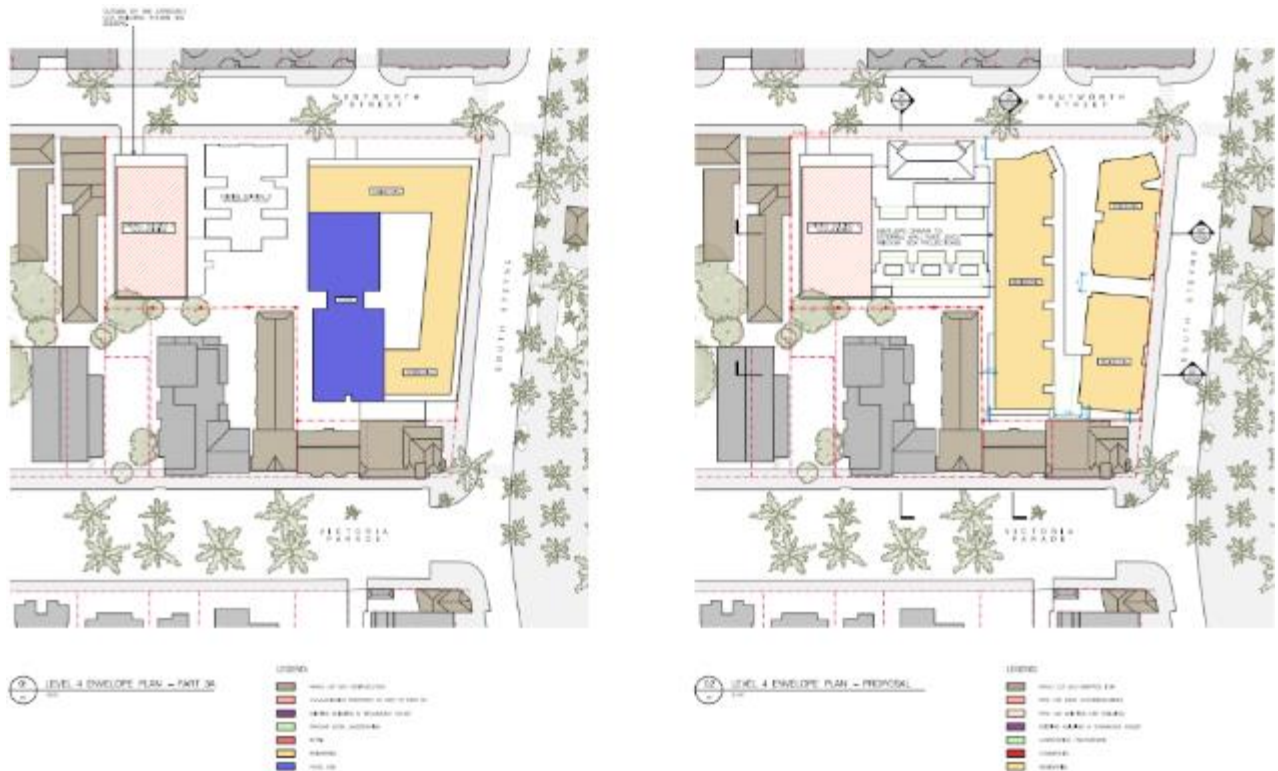


Figure 23 – Level 4 comparative diagrams (plan extract S75W – 1007)

- The residential floor plates are extended towards the southern boundary of the property with the previously approved building envelope, where it adjoins this boundary, broken to provide for a continuation of the central forecourt space.

Level 5

Figure 24 over page provides a comparison between the Concept Plan approved Level 5 arrangement and the section 75W modified arrangement.

The modifications at this level can be broadly summarised as follows:

- The previously nominated hotel use is changed to residential at this level with the floor plate extended towards the Wentworth Street frontage,
- Rooftop landscaping is introduced to the South Steyne fronting pavilions with these roof elements having a maximum parapet height of RL 22.6 with roof top stair and lift access not exceeding an RL of 24.15.
- The side boundary setbacks are modified to accommodate the central forecourt area.

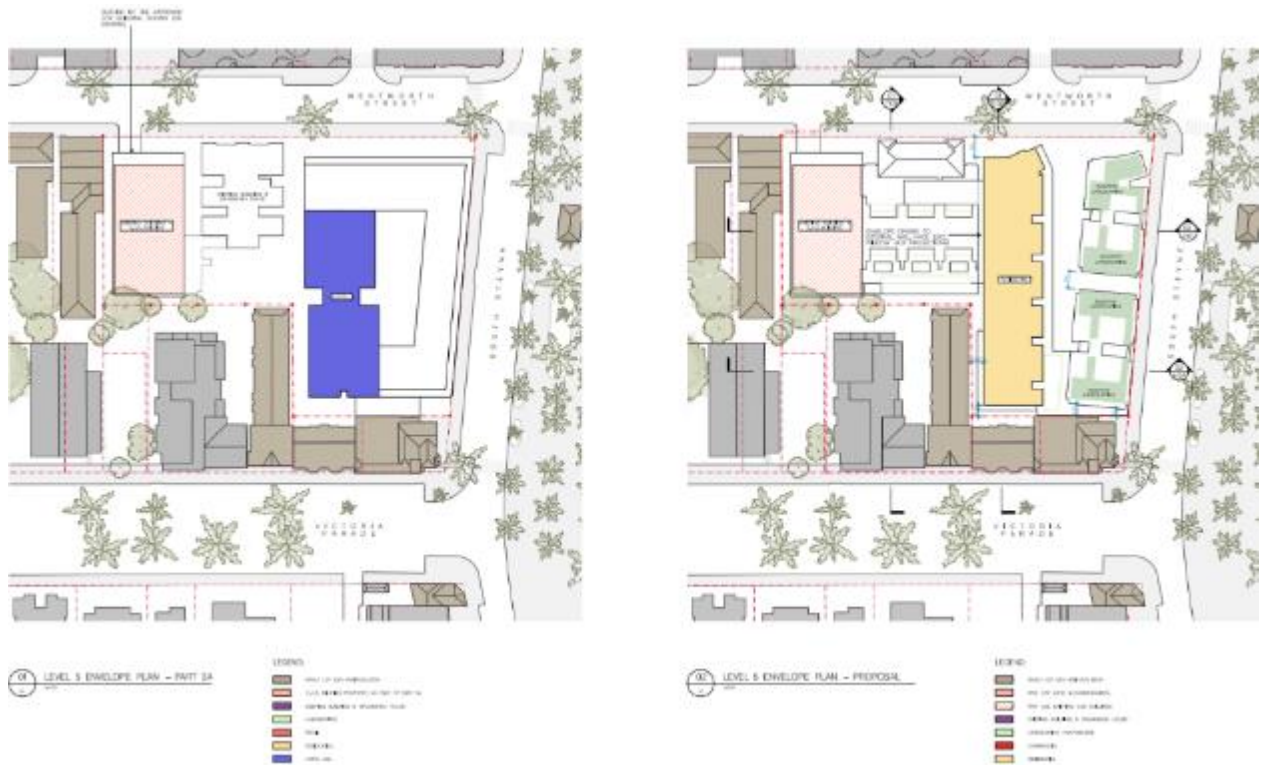


Figure 24 – Level 5 comparative diagrams (plan extract S75W – 1008)

Level 6

Figure 25 over page provides a comparison between the Concept Plan approved Level 6 arrangement and the section 75W modified arrangement.

The modifications at this level can be broadly summarised as follows:

- The previously nominated hotel use is changed to residential at this level with the floor plate extended towards the Wentworth Street frontage, and
- The side boundary setbacks are modified to accommodate the central forecourt area.

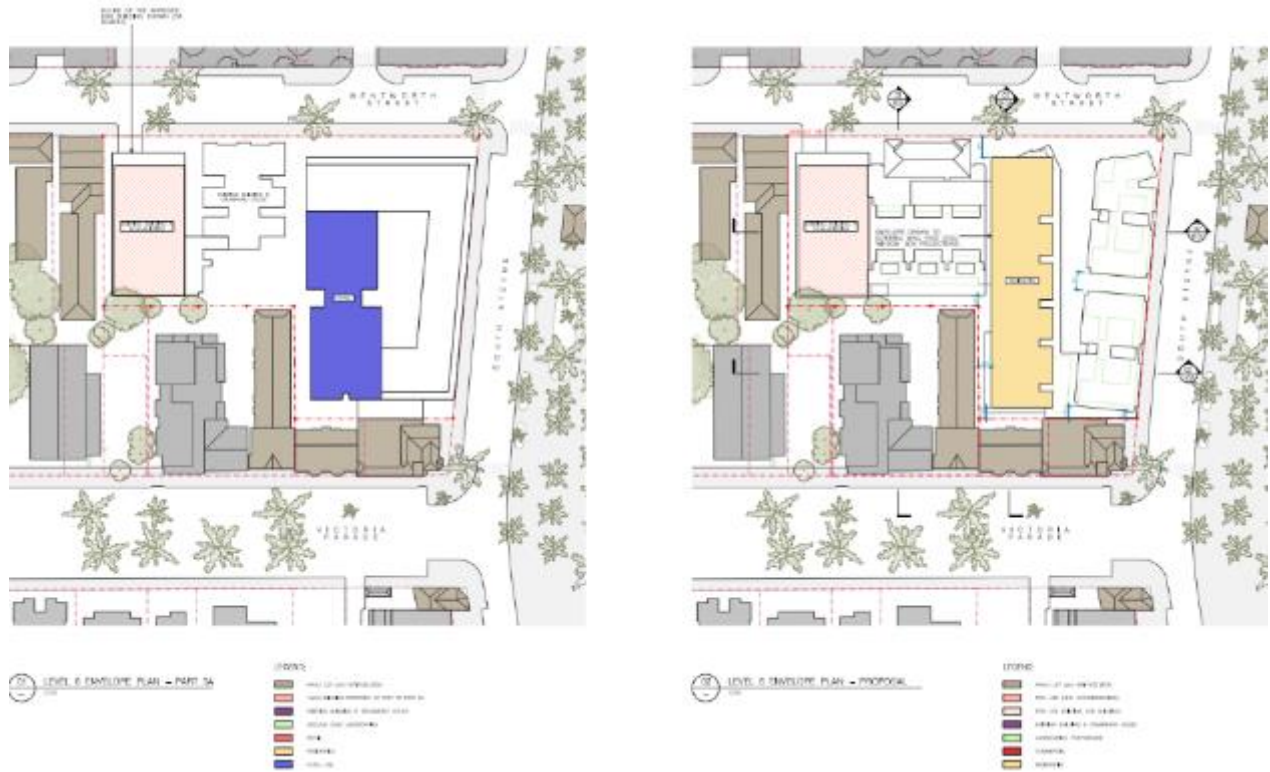


Figure 25 – Level 6 comparative diagrams (plan extract S75W – 1009)

Level 7

Figure 26 over page provides a comparison between the Concept Plan approved Level 7 arrangement and the section 75W modified arrangement.

The modifications at this level are the same as those for Level 6.

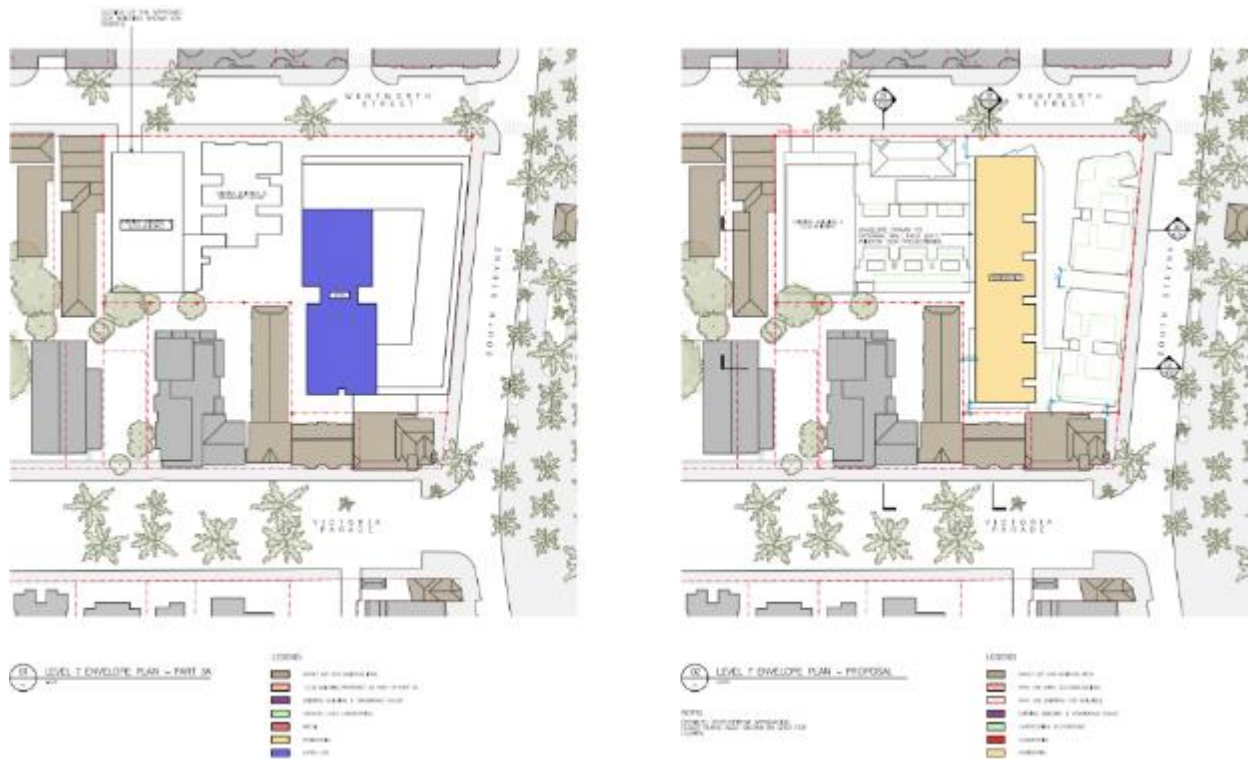


Figure 26 – Level 7 comparative diagrams (plan extract S75W – 1010)

Roof Top

Figure 27 below provides a comparison between the Concept Plan approved Level 8/ Roof top and the section 75W modified arrangement.

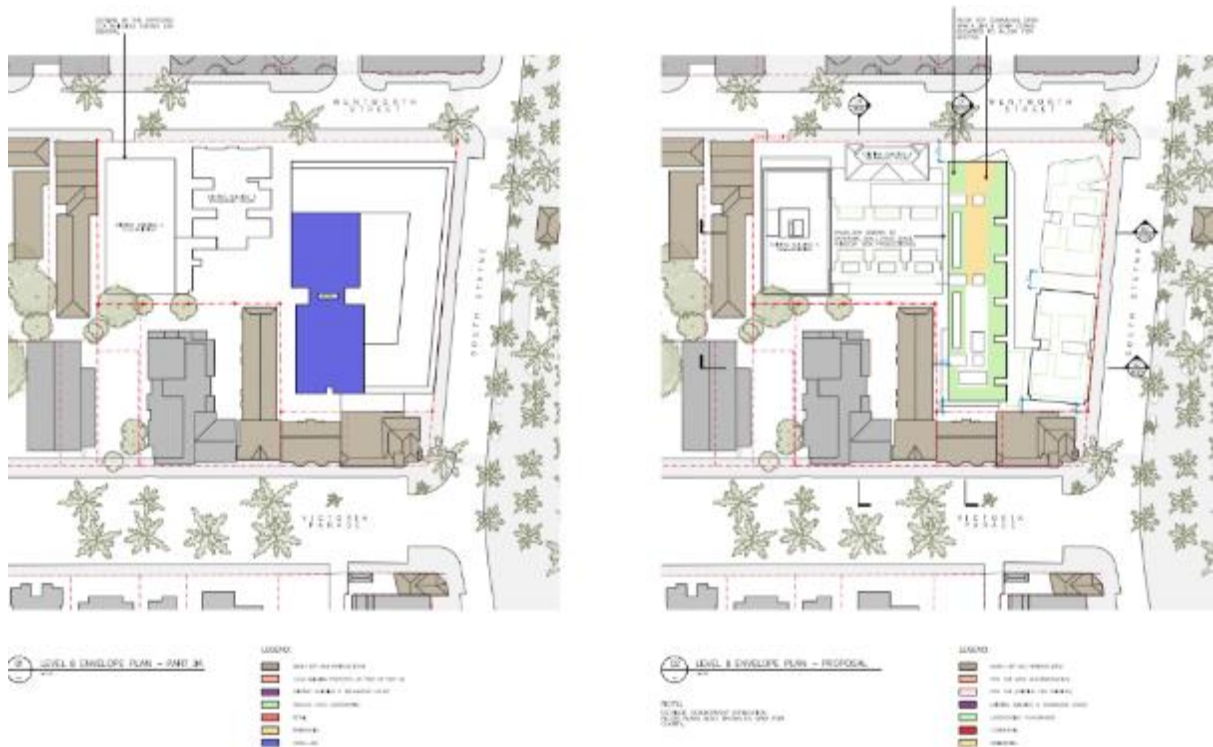


Figure 27 – Roof Level comparative diagrams (plan extract S75W – 1011)

The modifications at this level can be broadly summarised as follows:

- The previously nominated hotel floor plate at this level is deleted in accordance with the PAC report and replaced with roof top communal open space associated with the residential component of the proposal,
- The roof is extended towards the Wentworth Street frontage, and
- The roof top planter elements have a maximum parapet height of RL 32.00 with roof top structures, including necessary plant equipment, access stairs, shading devices and lift structures not exceeding a maximum height of RL 32.9, RL 33.4, RL 34 and RL 35.15 respectively.

Land Use Comparison

Figure 28 below shows the approved land use arrangement noting that the PAC imposed a Part A Term of Approval limiting FSR on the site to a maximum of 3:1 and replaced the Hotel use with Tourist and Visitor Accommodation.

REVISED Concept Plan Scheme:

	Retail	Residential	Hotel	Terraces	Drummond House	Consulting Rooms	RFW
ground	1315	...	945	250	540	...	661
level 1	...	1300	470	200	540	450	696
level 2	...	1300	470	...	540	450	958
level 3	...	1300	1020	...	...	...	549
level 4	...	1200	1020	...	...	...	679
level 5	...	...	1020	...	...	...	679
level 6	...	...	1020	...	...	...	679
level 7	...	...	1020	...	...	...	...
level 8	...	...	1020	...	...	...	...
totals	1315	5100	8005	450	1620	900	4900
TOTAL GFA	22290						
SITE AREA	6950						
FSR	3.2 :1						
approx room/unit numbers							
hotel	165						
res	46						

Figure 28 – Concept Approval land use table (plan extract CP-12(J))

Figure 29 below confirms the modified land use arrangement.

	COMMERCIAL	RESIDENTIAL	DRUMMOND HOUSE	ROYAL FAR WEST
GROUND	1,487 m ²	125 m ²	700 m ²	447 m ²
LEVEL 1	895 m ²	910 m ²	774 m ²	686 m ²
LEVEL 2	895 m ²	910 m ²	772 m ²	681 m ²
LEVEL 3	– m ²	1,876 m ²	89 m ²	418 m ²
LEVEL 4	– m ²	1,905 m ²	– m ²	646 m ²
LEVEL 5	– m ²	973 m ²	– m ²	620 m ²
LEVEL 6	– m ²	991 m ²	– m ²	– m ²
LEVEL 7	– m ²	989 m ²	– m ²	– m ²
LEVEL 8	– m ²	6 m ²	– m ²	– m ²
TOTAL	3,277 m ²	8,685 m ²	2,335 m ²	3,498 m ²

PROPOSED SITE CONDITIONS

TOTAL SITE AREA	6,398 m ²
PROPOSED TOTAL GFA	17,795 m ²
PROPOSED FSR	2.78 : 1
PROPOSED UNIT NUMBERS	58
PROPOSED RFW ACCOMODATION	36

APPROVED SITE CONDITIONS

TOTAL SITE AREA	6,398 m ²
TOTAL ALLOWABLE GFA	19,194 m ²
APPROVED FSR	3:1
APPROX UNIT NUMBERS	46
APPROX HOTEL NUMBERS	165

Figure 29 – Proposed modified land use arrangement (plan extract S75W – 1801)

In relation to the approved and modified land use arrangement we note the following:

- The site area has reduced given that since granting of the Concept Approval, No. 16 South Steyne has been sold and no longer forms part of the Concept Approval development site.
- The proposed GFA remains below 3:1 in strict accordance with the Concept Approval.
- The ground level retail/ commercial floor space is increased by 172 square metres with overall retail/ commercial floor space increased by 1962 square metres reflecting a conversion of a portion of the previously nominated Level 1 and level 2 “Hotel” floor space to “Retail/ Commercial” floor space.

- The RFW operational and guest accommodation (tourist and visitor accommodation) floor space totals 5833 square metres compared to 7420 square metres as approved noting the overall reduction in the GFA proposed in the modified concept plans (FSR - 2.78:1) compared to those previously approved (FSR – 3:1).
- The residential floor space is increased from 5550 square metres to 8685 square metres reflecting the part conversion of the previously nominated “Hotel” use, which had a total GFA of 8005 square metres, to residential.
- Importantly, the modified concept plans maintain ground level retail/commercial street activation with residential accommodation above. Drummond house continues to be used for its historical RFW accommodation purpose with the floor space associated with RFW ensuring that it remains a significant land use on the site.
- Whilst the previously proposed “hotel” floor space has been reallocated to both retail/ commercial and residential floor space the modified Concept Approval maintains the range of approved uses in a manner which provides for the orderly and economic use and development of the land consistent with the outcomes outlined in the RFW client brief.
- Importantly, the modified concept plans provide for a development which remains consistent with the approved development description namely:
 - (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;
 - (c) Tourist and visitor accommodation, residential, retail/commercial and hospital/medical uses to a maximum FSR of 3:1;
 - (d) Basement car parking for a minimum of 184 car spaces; and
 - (e) Landscaping areas throughout the site.

4.3 Design Excellence Statement

Murcutt Candalepas Architects has prepared a Design Excellence Statement (DES) a copy of which is at **Appendix I**. The ADES outlines the design approach adopted to ensure the modified Concept Plans create building envelopes capable of accommodating a future building displaying design excellence whilst also satisfying the client brief. An extract of the DES is as follows:

The proposed redevelopment of the Site seeks to achieve a compatibility of development both to the existing and future desired character of the area. The project has loosely been divided into 4 separate building forms, arranged along a north/south axis. This partitioning of the development site into these 4 areas or buildings allows for a consideration of each portion of the development into a suitable fine grain scale rather than one larger mass. Further this separation allows for the creation of important open spaces around these discreet buildings. The building forming the South Steyne street frontage ('Building D') is of a lower scale commensurate with the scale of buildings along South and North Steyne and its beach side environment. This building is then further divided into two smaller separate buildings, affording a good degree of openness to the forecourt (and landscaping) behind as well as the resulting fine grain highly articulated facade facing the street with retail nodes along the street frontage to achieve a high degree of street and courtyard activation.

The primary north south axis for the buildings in the proposal allows for a high degree of open space fronting Wentworth St. This includes the forming of a public forecourt space between Buildings C & D as well as presenting a small end elevation to the street. The taller Building C is well setback from the beach frontage of South Steyne and this S75W application allows for a variety of architectural devices to erode its mass, provide visual interest and provide an anchoring element in the project's overall composition. The adjustment of Building C Wentworth St setback has allowed for the removal of building accommodation at the base of Building D and along Wentworth St. This allows for significant amounts openness on the ground plane to be achieved and the consequential public space created whilst also allowing for commercial nodes under Building D to activate both South Steyne and the eastern side of the new forecourt space. on balance is considered a superior outcome to that presented in the Part 3A proposal.

4.4 Drummond House Modifications

The modified scope of work to Drummond House, and their acceptability from a heritage perspective, are detailed within the accompanying Heritage Impact Statement prepared by URBIS a copy of which is at **Appendix J**. Such works are described as follows:

Drummond House (a listed heritage item) is a highly modified inter-war building which has been subject to numerous rounds of major changes over the years. The original form and fabric of the building is obscured by the additional third storey constructed in 1945 and the contemporary changes to the exterior including painting of the original face brick. The overall building form is not original and the roof form and materiality is not original. The original balustrades to the principal frontage have been replaced and the windows have been modified. Internally, the majority of early or original features have been stripped out and the original configuration modified to accommodate the change in use over time for the continuation of charitable institution operations.

Royal Far West who has operated on the subject site for in excess of 95 years, has advised that the current buildings, and in particular Drummond House, are not fit for use. This proposal has been prepared to provide for a particular and highly sensitive use which includes the protection of vulnerable children. The provision of upgraded and fit-for-purpose facilities is critical to the continued operation of Royal Far West as a place of respite and security. As the primary heritage significance of the place is vested in its State-significant long term operation as a charitable institution, the proposal is considered acceptable and appropriate from a heritage perspective as it safeguards these operations allowing them to continue into the future and adapt as required to meet the evolving demands of this important institution.

The rear wings of Drummond House will be demolished as part of this development for a number of reasons; they are not fit for purpose to support the significant charitable use of the place; they have been highly modified and provide a confused internal configuration; the subject site is being excavated to provide for underground parking and demolition of the rear wings is required to facilitate this use; and the existing outdoor play areas are insufficient to support the special needs of the children and families being supported by Royal Far West and the rear wings of Drummond House are an ideal location to provide a safe and secure outdoor environment for clients.

This demolition removes fabric of secondary importance compared with the front principal wing form, which is generally the only area of the building to still demonstrate the Inter-War Classical style of the place (albeit, also highly modified). The rear wings of Drummond House, proposed for removal, are not required to be retained in order to understand and appreciate the identified heritage significance of the place, being its State-significant function as a charitable institution and its representative value as an Inter-War Classical style, evidenced primarily in the principal elevation. The revised CMP grades this rear wing fabric as having ‘Moderate Significance’ only, and as such the removal of this fabric will not affect any fabric of Exceptional or High heritage significance.

The proposal including the new rear additions to Drummond House, the internal adaptive reuse of Drummond House and the new buildings on the site have been designed by two of Australia’s preeminent architects, Glenn Murcutt and Angelo Candalepas, and represents a high degree of design excellence. The proposal is finely detailed and carefully considers the heritage context within which the new buildings sit, and having regard for the calibre of the architects involved in this important charitable institution proposal, the proposal has been carefully considered and represents an important addition to the streetscape and the architectural layering of Manly. We also consider that the new work, of design excellence, is very likely to be recognised as an important historic layer in the future.

The proposed extensions, additions and new buildings are wholly contemporary in their design and materiality, however have been designed to respond to the character of the precinct and the adjoining heritage items. The buildings will incorporate contemporary materials such as concrete and brass or bronze cladding which respond to the masonry materiality of the immediate heritage items including Drummond House and the Victorian building on South Steyne to the south of the site. The new buildings and additions will not replicate traditional or significant detailing or design, retaining a sense of hierarchy across the site and along the streetscape which provides an understanding of the various periods of development.

The proposed new rear additions to Drummond House have adopted a rhythmic wing form that interprets the wing form of the fabric proposed for demolition. This approach allows for an understanding of and sympathetic response to the original design and form of the building while still being able to facilitate the proposal and retaining the highly significant front portions of Drummond House.

No changes to the existing curtilages or physical lot boundaries of adjoining heritage items are proposed. While the visual setting of the immediately adjoining heritage items will change as a result of the proposal, this does not equate to an adverse impact on the significance of these items. As the proposal effectively provides for the replacement of existing buildings with new upgraded facilities for Royal Far West, there will be negligible changes to views towards and from vicinity heritage items. The vicinity heritage items will continue to be appreciated within their existing setting and will be readily interpretable.

Along Wentworth Street, the proposal site adjoins the Former School of Arts at 12 Wentworth Street (Item 244). However, it is noted that a new building has been constructed at 18 Wentworth Street as part of the previous approval for the subject site and provides a visual and physical barrier between the heritage item and Drummond House. The new development on South Steyne adjoining the heritage item (Item 226), a Victorian house at 15–16 South Steyne, effectively replaces an existing late twentieth century concrete building with a new development with a more consistent streetscape response. This new building is setback from the Victorian heritage item to provide appropriate distancing. There is no marked change in terms of heritage impact on the Victorian item between the existing building to the new building, apart from an improved streetscape response in design and amenity. The buildings are of a similar scale and the new building provides a larger setback from the heritage item, and is therefore considered to provide an overall improved heritage outcome.

The subject site is also located in the vicinity of the C2 Town Centre Conservation Area which is significant for its ability to demonstrate the development of the beach-side town centre. The proposal will not impact adversely on any of the heritage values associated with this conservation area.

Overall, the proposal is considered to have an acceptable impact and is strongly recommended for approval from a heritage perspective. The design has evolved in response to Council's preliminary feedback to address and manage potential concerns and the proposed scheme is now well resolved and represent a strong collaboration by two of Australia's leading architects.

The potential heritage impacts of the removal of the rear wing fabric of Drummond House and development of new buildings in the immediate vicinity are substantially outweighed by the obvious longer-term benefits of this transformational project to the operations of Royal Far West and the protection and reinforcement of the State-significant heritage values of this place as a long running charitable institution.

We also note that given the existing room arrangement of the rear part of Drummond House the modification of this part of the building to accommodate the client's brief is extremely difficult to achieve. In this regard, the existing arrangement creates visual and acoustic privacy issues with the environmental performance of the rooms extremely poor in terms of ventilation, daylight and thermal performance. The various design considerations for this component of the development are detailed on plan S75W – 1852 as reproduced in Figure 30 below.



Figure 30 – Drummond House RFW guest design considerations

Further, the small spatial configuration of the rooms does not easily adapt to multiple bed configurations with casual surveillance/ supervision impeded given the dead-end corridors and the cellular nature of the rooms. The poor amenity and design difficulties associated with the existing building is detailed within the support letter from a RFW service and accommodation user at **Appendix F**. We rely on the contents of the HIS to demonstrate the acceptability of the proposal having regard to these provisions and the accompanying updated Conservation Management Plan (CMP) a copy of which is at **Appendix K**.

4.5 Proposed Open Space and Landscaping Modifications

The modified Concept Plans will accommodate enhanced landscaped outcomes as detailed in the accompanying design statement prepared by Jane Irwin Landscape Architecture. The landscaping has been designed as a fundamental and integrated component of the overall scheme as detailed within the Landscape Design Statement (LDS) at **Appendix L**. An extract of the LDS is as follows:

Landscape has been imagined as a series of spaces that weave through the cluster of existing, heritage and new buildings of the Royal Far West (RFW) proposal, tying edges to the street and contextual landscape; giving expression to RFW's rich cultural history and significance; making a series of courtyards at ground floor, and a series of usable and green spaces on roofs. These spaces respond to the spatial qualities created by the buildings; aspirations of the client for the use of the spaces, and the rich coastal landscape.

Figure 31 below provides a comparison between the Concept Approval landscaped area arrangement and the section 75W modified arrangement with Figure 32 over page depicting the additional roof top landscape zones proposed as a component of the section 75 modification request.

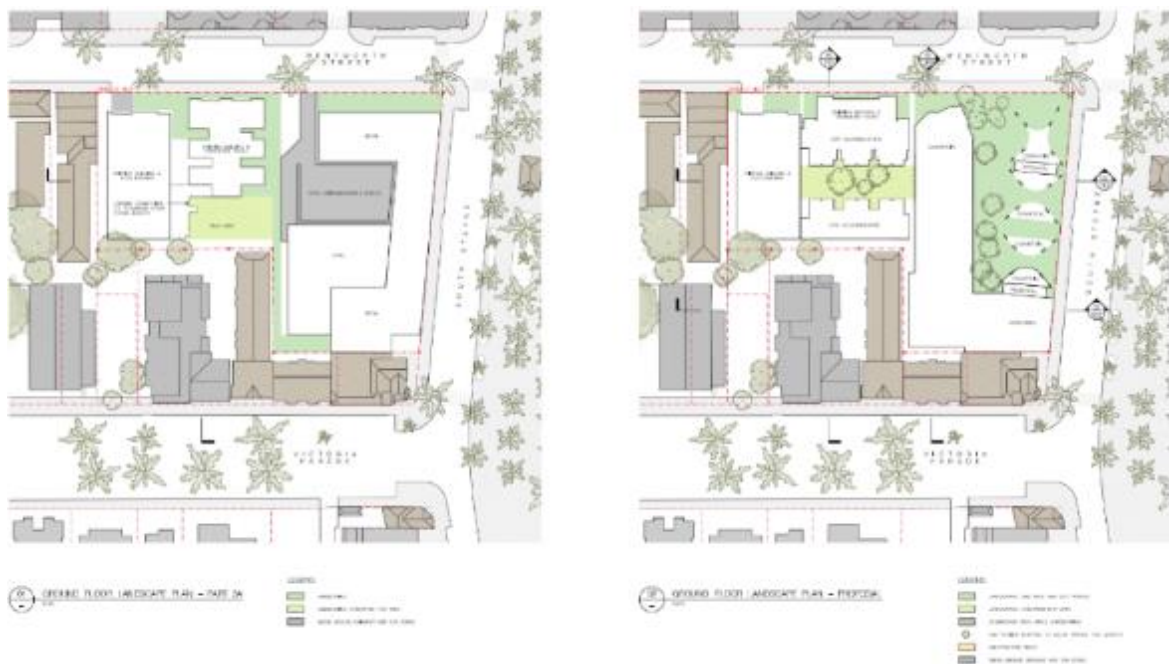


Figure 31 – Ground level landscaped area comparative diagrams (plan extract S75W – 1070)

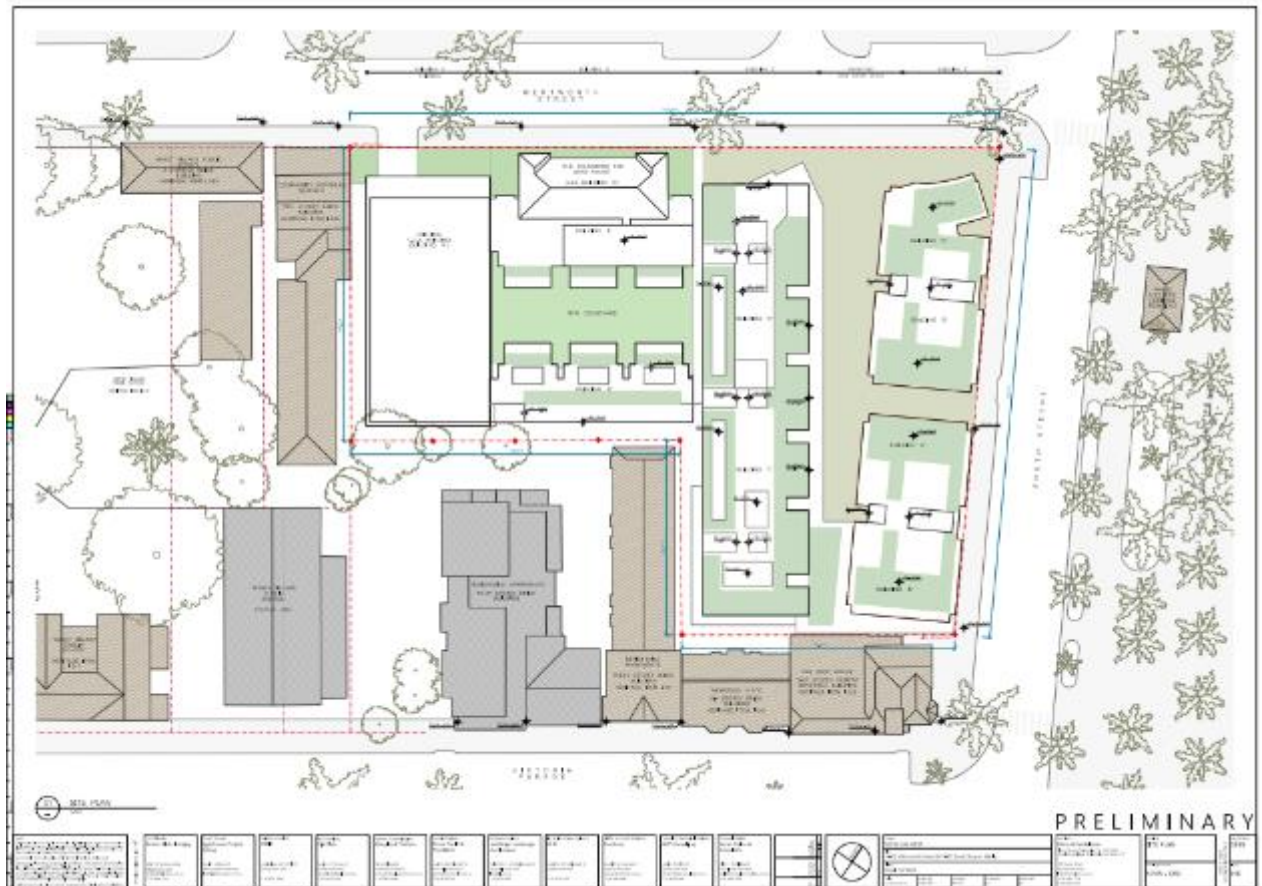


Figure 32 – Plan showing additional roof top landscape zones (plan extract S75W – 1060)

We consider the landscaped outcome for the site to be significantly enhanced as a consequence of the modifications sought including the provision of publicly accessible ground level landscaped forecourt space, appropriately located safe and secure private open space for RFW families and guests and the provision of appropriately located private and communal rooftop landscaped open space areas.

Potential wind and safe by design considerations for future development have been detailed within the accompanying wind conditions report and Crime Risk and Prevention Through Environmental Design (CPTED) report copies of which are at **Appendix M** and **Appendix N**.

4.6 Environmentally Sustainable Development (ESD)

The design represented in this S75W application is capable of exceeding the targets set out in the NSW Building & Sustainability Index (BASIX) and the ADG and commits to achieving the voluntary Greenstar development targets (as part of the original Part 3A application). The design represented in the S75W has the ability to include many simple, robust and long-lasting sustainable building design strategies which are integral with its design. Some of these include:

1. North easterly aspect to living spaces in 100% of the units to optimise solar access and daylight penetration.
2. An ability to achieve cross ventilation to approximately 80% residential apartments with most apartments enjoying multiple aspects. Non-dual aspect units are provided with significant portions of façade and associated openings to achieve high levels of ventilation and daylighting etc.
3. An ability to make extensive use of sun-screening to most building openings with also generous northeast facing terraces and façade articulation. The west façade makes use of integral sun shading, mounted externally to prevent unwanted heat gain in summer whilst also allowing for more favourable heat gain in winter.
4. Generous amounts of landscaping with suitable amounts of rainwater capture and reuse to irrigate these landscaped areas. This amount of landscaped area will both help with local biodiversity (using native species to provide habitat) along with reducing heat loads (reducing thermal mass exposed to the sun as well as via evapotranspiration) whilst also providing a visually pleasing backdrop to its neighbourhood.
5. Use of a long lasting, aesthetically pleasing, and robust material palette. Some of these materials include low carbon high salt resistant concrete, bronze cladding, and trims and reused sandstone. These materials will translate into reduced and less intensive building maintenance and replacement cycles.

4.7 Traffic and Parking

This modification application is accompanied by a Traffic Impact Assessment prepared by TRAFFIX (**Appendix O**) which details the acceptability the modified concept plans in terms of parking and traffic related outcomes. The report confirms that the removal of the second vehicular access driveway onto Wentworth Street represents an overall improvement with the existing CCK driveway able to accommodate all future vehicular access, egress and development servicing requirements.

Further, the basement remains capable of accommodating not less than 184 spaces in accordance with requirement 10 within Schedule 3 of the Concept Approval.

4.8 Response to Country

This application seeks to include the contents of the accompanying “Response to Country” prepared by RFW (**Appendix P**) as a Schedule 4 Statement of Commitment with response to Country also forming an integral component of the overall landscape vision for the development as detailed in the Landscape Design Statement at **Appendix L**.

4.9 Urban Design and Public Benefit Outcomes

The modifications sought by this application achieve the following enhanced urban design and public benefit outcomes:

- The modifications facilitate future development in accordance with the design objectives and considerations contained with the RFW client brief.
- The modified Concept Approval incorporates the accompanying “Response to Country” prepared by RFW as a Schedule 4 Statement of Commitment.
- The modified concept plans have been prepared having regard to the advice obtained from the State Design Review Panel (SDRP). An architectural response to the SDRP advice of 11th May 2021 is at **Appendix Q** with a Heritage Response at **Appendix R**.
- The modified concept plans facilitate compliance with the Part B - Modifications requirements of the Concept Approval in relation to compliance with SEPP 65 and the ADG and the attainment of design excellence. This includes the location of public and communal open space areas where solar access and amenity are maximised.
- The previously approved 5 storey street wall to Wentworth Street, the adjacent vehicular driveway and associated forecourt/ service area and the privatised podium level courtyard beyond are replaced with a publicly accessible landscaped forecourt accessed from both the Wentworth Street and South Steyne frontages.
- The previously approved 5 storey street wall to South Steyne is articulated through the creation of a partially open street level undercroft providing views and access to/ from the public forecourt, the provision of a central break in the facade and the introduction of a building envelope articulation zone at the intersection of South Steyne and Wentworth Street.

- The additional demolition works associated with Drummond House facilitate the provision of purpose built RFW guest accommodation with a centrally located private and secure play space.
- The modified concept plans significantly enhance the visual and physical permeability of the site with significant view corridors created through the site as viewed from both the public and private domains.
- The landscaped outcome for the site is significantly enhanced through the provision of publicly accessible ground level landscaped forecourt space, appropriately located safe and secure private open space for RFW families and guests and the provision of appropriately located private and communal rooftop landscaped open space areas.

4.10 Modifications to Approval Instrument

The modifications proposed to the concept plans will necessitate modifications to the development description, the Schedule 3 Conditions and the Schedule 4 Statement of Commitments as outlined in the accompanying table at **Appendix S**.

5.0 Statutory Planning/ Environmental Considerations

5.1 State Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017

Clauses 3BA(5) and 3C(1) of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (Transitional Regulations)* prescribe the provisions relating to Section 75W modification applications made after the cut-of date of 1st March 2018 namely:

- (5) *A concept plan may continue to be modified under section 75W pursuant to a request lodged on or after the cut-off date (whether or not the project is or has ceased to be a transitional Part 3A project), but only if the Minister is satisfied that—*
 - (a) *the proposed modification is to correct a minor error, misdescription or miscalculation, or*
 - (b) *the proposed modification is of minimal environmental impact, or*
 - (c) *the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).*

3C Modification of concept plans

- (1) *Section 75W continues to apply (subject to clause 3BA) for the purpose of the modification of a concept plan approved before or after the repeal of Part 3A, whether or not the project or any stage of the project is or was a transitional Part 3A project.*
- (2) *This clause applies despite anything to the contrary in this Schedule (other than provisions relating to approval for the carrying out of a project or stage of a project that is given in connection with an approval to modify a concept plan).*

We note that the clause 3BA(5) considerations are consistent with those prescribed at section 4.55 of the Act to that extent an assessment against the case law applicable to the “substantially the same test” is of assistance.

In answering the threshold question as to whether the proposal represents “substantially the same” development the proposal must be compared to the development for which consent was originally granted. In order for Council to be satisfied that the proposal is “substantially the same” there must be a finding that the modified development is “essentially” or “materially” the same as the (currently) approved development - *Moto Projects (no. 2) Pty Ltd v North Sydney Council* [1999] 106 LGERA 298 per Bignold J.

The above reference by Bignold J to “essentially” and “materially” the same is taken from Stein J in *Vacik Pty Ltd v Penrith City Council* (unreported), Land and Environment Court NSW, 24 February 1992, where his honour said in reference to Section 102 of the Environmental Planning and Assessment Act (the predecessor to Section 96):

“Substantially when used in the Section means essentially or materially or having the same essence.”

What the abovementioned authorities confirms is that in undertaking the comparative analysis the enquiry must focus on qualitative elements (numerical aspects such as heights, setbacks etc) and the general context in which the development was approved (including relationships to neighbouring properties and aspects of development that were of importance to the consent authority when granting the original approval).

The modifications proposed to the concept plans and associated Approval, the Schedule 3 Conditions and the Schedule 4 Statement of Commitments are outlined in the accompanying table at **Appendix S** and plans/modification analysis prepared by Murcutt Candalepas a copy of which is at **Appendix H**.

Having undertaken the above analysis in relation to the modifications sought we make the following observations:

- The Schedule 1 Concept Plan project description, as modified, remains essentially or materially the same as the project description to which the Concept Plan currently relates in that the concept plans, as modified, do not exceed a maximum height of 8 storeys and continue to contain tourist and visitor accommodation, residential, retail/commercial and hospital/medical uses to a maximum FSR of 3:1. Further, the Concept Plans, as modified, continue to have basement car parking for not less than 184 car spaces and landscaping area throughout the site.
- The Concept Plans, as modified, are able to comply with the essence of the Schedule 2 – Part A – Terms of Approval noting that modifications to the Concept Plans were always anticipated pursuant to Schedule 2 – Part B of the approval instrument.

- The modifications proposed to the Concept Plans are in direct response to the Part B – Modifications required by the Concept Approval and primarily relate to the redistribution of the previously approved height and floor space across the site in a manner which responds to the design quality principles at Schedule 1 of SEPP 65, the objectives at Parts 3 and 4 of the Apartment Design Guide (ADG) and which facilitates a development displaying design excellence. The redistribution of floor space is depicted in Figure 33 below.



Figure 33 – Building envelope and massing redistribution diagram (plan extract S75W – 1354)

- The Concept Plans, as modified, are able to comply with the Schedule 4 - Statement of Commitments noting that modifications to the Concept Plans were always anticipated pursuant to Schedule 2 – Part B of the approval instrument.
- The application is accompanied by a Heritage Impact Statement (HIS) (**Appendix J**) and an updated Conservation Management Plan (CMP) for Drummond House prepared by Heritage Architects, URBIS a copy of which is at **Appendix K**. The HIS contains an assessment of the acceptability of the proposal having regard to the heritage sensitivities on the subject site and those of surrounding development and contains the following conclusions:

Overall the proposal is considered to have an acceptable impact and is strongly recommended for approval from a heritage perspective. The design has evolved in response to Council's preliminary feedback to address and manage potential concerns and the proposed scheme is now well resolved and represent a strong collaboration by two of Australia's leading architects.

The potential heritage impacts of the removal of the rear wing fabric of Drummond House and development of new buildings in the immediate vicinity are substantially outweighed by the obvious longer-term benefits of this transformational project to the operations of Royal Far West and the protection and reinforcement of the State-significant heritage values of this place as a long running charitable institution.

Accordingly, the consent authority can be satisfied that the heritage conservation outcomes achieved through approval of the original application are not compromised.

Having assessed the proposed modifications against the key considerations identified within the PAC report (**Appendix C**) we provide the following analysis:

Owners Consent

We confirm that all properties, the subject of this modification application, are owned by Royal Far West and to that extent there is no statutory impediment to the granting of a modified Concept Approval.

Shadowing Impacts

We note that particular attention was given to shadowing impacts associated with the proposed development on the heritage listed Manly Beach in mid-summer (21st December) particularly after 5:00pm and also on Manly Village Public School in mid-winter (21st June) with the height of the centrally located “Hotel” tower reduced from RL 34.45 to a maximum of RL 31.15, equivalent to a storey in height, to ensure that shadowing impacts to both Manly Beach and Manly Village Public School were acceptable.

This submission is accompanied by detailed shadow diagrams prepared by the project Architect (plans S75W – 1651 to S75W – 1654) depicting a comparative analysis of the shadows cast by the approved Concept Plans compared to the shadow cast by the modified concept plans. During this process it became apparent that there were some discrepancies in the approved shadow diagrams in relation to shadowing impacts on Manly Beach on 21st December. In this regard, the shadow diagrams prepared in support of the subject modification application have been peer reviewed and certified as accurate by Deneb Design a copy of which is at **Appendix T**.

The accompanying shadow diagram confirm the following:

- The modified concept plans will not cast shadow onto Manly Beach before 6:00pm on 21st December consistent with the outcome sought by the PAC in its assessment and determination of the original Concept Plans. In this regard, we note that the eastern edge of the 5 storey Building D, rather than the eastern edge of the 8 storey Building C, is the building element creating shadowing towards the beach in the late afternoon on 21st December. Accordingly, the additional height proposed on Building C does not contribute to overall shadowing towards the beach and its adjacent promenade in the late afternoon.
- The overall shadowing associated with the modified concept plans on the public domain between 5pm and 6pm on 21st December is significantly less than that nominated on the approved concept plans noting that the modified shadow diagrams have been peer reviewed and certified in relation to accuracy.
- Some additional shadowing will occur to Manly Village Public School between approximately 8:15am and 9:00am in mid-winter (21st June) although large areas of playground will continue to receive direct solar access during this period and throughout the balance of the school day. The shadow impact will reduced from this worst-case situation (21st June) over the remainder of the year with the additional shadowing impact occurring prior to school commencing.
- We consider the additional shadowing impact on Manly Village Public School to be acceptable given the limited period of the year during which additional shadowing will occur and the time of day that this will occur having regards to school hours.

Accordingly, we are satisfied that the modified concept plans will not cast shadow onto Manly Beach before 6:00pm on 21st December or unacceptable additional shadowing impact on Manly Village Public School on 21st June consistent with the outcomes sought by the PAC in its assessment and determination of the original Concept Plans.

We also confirm that ADG compliant solar access will be maintained to the adjacent residential flat buildings to the south of the site as detailed on the accompanying shadow diagrams and within the accompanying Architect Design Statement.

Compliance with Council's Urban Design Guidelines

The above guidelines are non-statutory guidelines that were adopted by resolution of Manly Council in 2011 in support of its submission to Department of Planning as part of the Concept Plan exhibition period. As such, no weight can or should be given to these guidelines.

Expansion of Manly Village Public School

We confirm that the modified concept plans will not prevent the future expansion of Manly Village Public School.

Traffic and Parking

We note that the concern expressed by the PAC in relation to required 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) has been resolved through the removal of this secondary vehicular access point from Wentworth Street.

This modification application is accompanied by a Traffic Impact Assessment prepared by TRAFFIX (**Appendix O**) which details the acceptability the modified concept plans in terms of parking and traffic related outcomes. The report confirms that the removal of the second vehicular access driveway onto Wentworth Street represents an overall improvement with the existing CCK driveway able to accommodate all future vehicular access, egress and development servicing requirements. Further, the basement remains capable of accommodating not less than 184 spaces in accordance with requirement 10 within Schedule 3 of the Concept Approval.

The proposed concept plan modifications do not compromise the traffic and parking outcomes sought by the PAC.

Flooding

The modified concept plans retain the previously proposed 2 level basement arrangement on the site with requirement 9 within Schedule 3 of the Concept Approval remaining relevant to the modified application.

The proposed concept plan modifications do not compromise the flooding outcomes sought by the PAC.

View Loss

The PAC concurred with the Department's assessment in relation to view impacts particularly from the Peninsula development at No. 25 Wentworth Street in that the proposed 6 metre setback to Wentworth Street achieved an acceptable level of view sharing.

We confirm that the modified concept plans provide for a variable and articulated setback to Wentworth Street being generally consistent with the 6 metre setback nominated on the approved concept plans. The modified building envelope setbacks, compared to the concept approval, have been modelled and incorporated into a detailed View Impact Assessment prepared by the project Architect a copy of which is at **Appendix U**.

Such analysis demonstrates that the modified concept plans do not compromise the public view sharing outcomes achieved through approval of the original concept plans with public views enhanced through the opening up of the undercroft area below building D and the creation of a publicly accessible forecourt area through which views are able to be obtained through the site.

In relation to private views, the accompanying view analysis contains photomontages prepared from the living room and balcony areas of apartments 331 and 332/ No. 25 Wentworth Street which demonstrate that the concept plan modifications do not compromise the view sharing outcomes sought by the PAC in its approval of the original concept plans.

Licensed Premises

We confirm that the proposed modifications do not involve a hotel use or propose any licensed premises. The proposed concept plan modifications do not compromise the licensed premises outcomes sought by the PAC.

Social Impact

We confirm that the proposed modifications do not involve a hotel use or propose any licensed premises. The proposed concept plan modifications do not compromise the social impact outcomes sought by the PAC.

Consultation

Since 2015 RFW has been working in earnest to engage the Manly community to share its vision and mission, and to listen in order to better understand community interests and concerns. There have been numerous activities undertaken which have allowed RFW to engage around a specific initiative whilst providing an opportunity to build ongoing relationships and seek feedback on the planned redevelopment.

Polymer Studios was engaged to facilitate a range of community engagement sessions to introduce the proposed development and seek community feedback and sentiment which could be used to inform the final design outcome.

In the preparation of this application direct and indirect consultation has occurred with Federal and Local Members of Parliament, NSW Government authorities and agencies, the Chamber of Commerce, local newspapers and Community groups including schools and local business owners. Broader community engagement also occurred via the project microsite, community newsletters and the "Zoom" video conferencing platform. The final design and detailing of the proposal have been informed by the community and stakeholder consultation undertaken.

As a result of this extensive community consultation, feedback has now been incorporated into the design and development of the new campus, including, but not limited to:

- Commercial space for local businesses,
- An open, activated and engaging ground plane,
- A publicly accessible internal courtyard to connect the campus to the community,
- Revitalisation of the existing site through a high-quality architectural design,
- Health focused retailers supports and fills key community needs,
- The creation of an architectural statement on the corner of South Steyne and Wentworth Street,
- The design of a campus that compliments the local area rather than just juxtaposing against it,
- The refurbishment of Drummond House into a guesthouse that services the needs of RFW clients and their children as well as the local community, rather than a large commercial hotel,
- Sustainability inclusions such as a 4-star Green Star benchmark target for the residential component of the project, and
- The ownership of the land holdings as freehold, by RFW in perpetuity.

A summary of the engagement program's results is contained within the accompanying Community Engagement Report prepared by Polymer Studios a copy of which is at **Appendix G**.

Careful consideration has also been given to the feedback obtained from formal pre-lodgement engagement with Northern Beaches Council, NSW Department of Planning, Industry and Environment and the SDRP.

Waste

Consistent with the PAC recommendations and requirements of the Concept Approval a waste management plan will be prepared in support of any future development application on the site.

In this regard, the approved Concept Plans remains, in their modified state, Concept Plans which continue to appropriately respond to the key issues identified by the PAC in its assessment and determination of the original application.

The Court in the authority of *Stavrides v Canada Bay City Council* [2007] NSWLEC 248 established general principles which should be considered in determining whether a modified proposal was “substantially the same” as that originally. A number of those general principles are relevant to the subject application, namely:

- The application remains an application proposing the construction of a mixed-use development across the subject property.
- The modifications proposed to the Concept Plans are in direct response to the Part B – Modifications required by the Concept Plan approval and primarily relate to the redistribution of the previously approved height and floor space across the site in a manner which responds to the design quality principles at Schedule 1 of SEPP 65, the objectives at Parts 3 and 4 of the Apartment Design Guide (ADG) and which facilitates a development displaying design excellence.

In this regard we note that modifications to the Concept Plans were always anticipated pursuant to Schedule 2 – Part B of the approval instrument.

- The modifications maintain the previously approved environmental outcomes in terms of heritage conservation, residential amenity, sustainability, traffic management, waste management and landscaping.

On the basis of the above analysis, we regard the proposed application as being “essentially or materially” the same as the approved development such that the application is appropriately categorised as being “substantially the same” and appropriately dealt with by way of clause 3BA(5)(c) of the Transitional Regulations.

5.2 Manly Local Environmental Plan 2013

5.2.1 Zone and Objectives

The subject property is zoned B2 Local Centre pursuant to Manly Local Environmental Plan 2013 (MLEP 2013). Notwithstanding the land uses permissible with consent in the zone the Concept Plan approval granted consent to tourist and visitor accommodation, residential, retail/commercial and hospital/medical uses on the subject site. The proposed uses are consistent with the Concept Plan approved uses.

An assessment as to the consistency of the Concept Plan, as modified, against the objectives of the zone is as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

Comment: The proposal, as modified, facilitates a range of retail and community uses that serve the needs of people who live in, work in and visit the RFW campus. The proposal is consistent with this objective.

- *To encourage employment opportunities in accessible locations.*

Comment: The Concept Plan, as modified, will generate approximate 343 construction jobs with the RFW campus generating approximately 300 full-time employment opportunities. The Manly CBD is the most accessible location on the Northern Beaches due to available public transport options including bus and ferry services. The proposal is consistent with this objective.

- *To maximise public transport patronage and encourage walking and cycling.*

Comment: The Concept Plan, as modified, provides bicycle storage to ensure convenience for those cycling to the facility. The proposal is consistent with this objective.

- *To minimise conflict between land uses in the zone and adjoining zones and ensure amenity for the people who live in the local centre in relation to noise, odour, delivery of materials and use of machinery.*

Comment: This submission demonstrates that the Concept Plan, as modified, maintain the previously approved environmental outcomes in terms of heritage conservation, residential amenity, sustainability and landscaping. The proposal is consistent with this objective.

Accordingly, the consent authority can be satisfied that the proposal is consistent with the objectives of the zone as outlined.

5.2.2 Height of Buildings and Floor Space Ratio

Pursuant to clause 4.3 of MLEP maximum building height is prescribed across the site range from between 10 and 25 metres with clause 4.4 of MLEP prescribing a maximum FSR of 3:1.

Notwithstanding, the building heights approved pursuant to the Concept Plan prevail with the Concept Plan, as modified, continuing to provide for a maximum 8 storey built form outcome across the site. Further, we confirm that the concept plans provide for an FSR below the prescribed maximum of 3:1.

Accordingly, the modified concept plans are not inconsistent with these provisions.

5.2.3 Heritage Conservation

Pursuant to clause 5.10 MLEP 2013 development consent is required for any of the following:

- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*

The stated objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of Manly,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The development site contains a heritage item being I245 – The Drummond Far West Home, which is listed pursuant to MLEP 2013. Additionally, the site is within the vicinity of a number of other listed heritage items including:

- I226 – House at 15-16 South Steyne (also known as The Terraces)
- I242 - Residential flat building at 31 Victoria Parade
- I241 – Residential flat building at 29 Victoria Parade
- I244 – Former School of Arts at 12 Wentworth Street
- I246 – Street Trees – Wentworth Street
- I224 – Public Shelters – South Steyne and North Steyne
- I174 – Beach Reserve – Merret Park North Steyne and South Steyne – North and South Steyne

In this regard, the application is accompanied by a Heritage Impact Statement (HIS) and Conservation Management Plan (CMP) for Drummond House prepared by Heritage Architects, URBIS. The HIS contains an assessment of the acceptability of the proposal having regard to the heritage sensitivities on the subject site and those of surrounding development and contains the following conclusions:

Drummond House (a listed heritage item) is a highly modified inter-war building which has been subject to numerous rounds of major changes over the years. The original form and fabric of the building is obscured by the additional third storey constructed in 1945 and the contemporary changes to the exterior including painting of the original face brick. The overall building form is not original and the roof form and materiality is not original. The original balustrades to the principal frontage have been replaced and the windows have been modified. Internally, the majority of early or original features have been stripped out and the original configuration modified to accommodate the change in use over time for the continuation of charitable institution operations.

Royal Far West who has operated on the subject site for in excess of 95 years, has advised that the current buildings, and in particular Drummond House, are not fit for use. This proposal has been prepared to provide for a particular and highly sensitive use which includes the protection of vulnerable children. The provision of upgraded and fit-for-purpose facilities is critical to the continued operation of Royal Far West as a place of respite and security. As the primary heritage significance of the place is vested in its State-significant long term operation as a charitable institution, the proposal is considered acceptable and appropriate from a heritage perspective as it safeguards these operations allowing them to continue into the future and adapt as required to meet the evolving demands of this important institution.

The rear wings of Drummond House will be demolished as part of this development for a number of reasons; they are not fit for purpose to support the significant charitable use of the place; they have been highly modified and provide a confused internal configuration; the subject site is being excavated to provide for underground parking and demolition of the rear wings is required to facilitate this use; and the existing outdoor play areas are insufficient to support the special needs of the children and families being supported by Royal Far West and the rear wings of Drummond House are an ideal location to provide a safe and secure outdoor environment for clients.

This demolition removes fabric of secondary importance compared with the front principal wing form, which is generally the only area of the building to still demonstrate the Inter-War Classical style of the place (albeit, also highly modified). The rear wings of Drummond House, proposed for removal, are not required to be retained in order to understand and appreciate the identified heritage significance of the place, being its State-significant function as a charitable institution and its representative value as an Inter-War Classical style, evidenced primarily in the principal elevation. The revised CMP grades this rear wing fabric as having 'Moderate Significance' only, and as such the removal of this fabric will not affect any fabric of Exceptional or High heritage significance.

The proposal including the new rear additions to Drummond House, the internal adaptive reuse of Drummond House and the new buildings on the site have been designed by two of Australia's preeminent architects, Glenn Murcutt and Angelo Candalepas, and represents a high degree of design excellence. The proposal is finely detailed and carefully considers the heritage context within which the new buildings sit, and having regard for the calibre of the architects involved in this important charitable institution proposal, the proposal has been carefully considered and represents an important addition to the streetscape and the architectural layering of Manly. We also consider that the new work, of design excellence, is very likely to be recognised as an important historic layer in the future.

The proposed extensions, additions and new buildings are wholly contemporary in their design and materiality, however have been designed to respond to the character of the precinct and the adjoining heritage items. The buildings will incorporate contemporary materials such as concrete and brass or bronze cladding which respond to the masonry materiality of the immediate heritage items including Drummond House and the Victorian building on South Steyne to the south of the site. The new buildings and additions will not replicate traditional or significant detailing or design, retaining a sense of hierarchy across the site and along the streetscape which provides an understanding of the various periods of development.

The proposed new rear additions to Drummond House have adopted a rhythmic wing form that interprets the wing form of the fabric proposed for demolition. This approach allows for an understanding of and sympathetic response to the original design and form of the building while still being able to facilitate the proposal and retaining the highly significant front portions of Drummond House.

No changes to the existing curtilages or physical lot boundaries of adjoining heritage items are proposed. While the visual setting of the immediately adjoining heritage items will change as a result of the proposal, this does not equate to an adverse impact on the significance of these items. As the proposal effectively provides for the replacement of existing buildings with new upgraded facilities for Royal Far West, there will be negligible changes to views towards and from vicinity heritage items. The vicinity heritage items will continue to be appreciated within their existing setting and will be readily interpretable.

Along Wentworth Street, the proposal site adjoins the Former School of Arts at 12 Wentworth Street (Item 244). However, it is noted that a new building has been constructed at 18 Wentworth Street as part of the previous approval for the subject site and provides a visual and physical barrier between the heritage item and Drummond House. The new development on South Steyne adjoining the heritage item (Item 226), a Victorian house at 15–16 South Steyne, effectively replaces an existing late twentieth century concrete building with a new development with a more consistent streetscape response. This new building is setback from the Victorian heritage item to provide appropriate distancing. There is no marked change in terms of heritage impact on the Victorian item between the existing building to the new building, apart from an improved streetscape response in design and amenity. The buildings are of a similar scale and the new building provides a larger setback from the heritage item, and is therefore considered to provide an overall improved heritage outcome.

The subject site is also located in the vicinity of the C2 Town Centre Conservation Area which is significant for its ability to demonstrate the development of the beach-side town centre. The proposal will not impact adversely on any of the heritage values associated with this conservation area.

Overall, the proposal is considered to have an acceptable impact and is strongly recommended for approval from a heritage perspective. The design has evolved in response to Council's preliminary feedback to address and manage potential concerns and the proposed scheme is now well resolved and represent a strong collaboration by two of Australia's leading architects.

The potential heritage impacts of the removal of the rear wing fabric of Drummond House and development of new buildings in the immediate vicinity are substantially outweighed by the obvious longer-term benefits of this transformational project to the operations of Royal Far West and the protection and reinforcement of the State-significant heritage values of this place as a long running charitable institution.

We rely on the contents of the HIS to demonstrate the acceptability of the proposal having regard to these provisions and the modified CMP.

5.2.4 Acid Sulphate Soils

Pursuant to clause 6.1 MLEP 2013 the site is mapped as Class 4 on the Acid Sulfate Soils (ASS) map and accordingly a preliminary assessment report will be prepared in support of any future development application involving works on the site.

5.2.5 Earthworks

In response to the clause 6.2 considerations, a detailed geotechnical report will be prepared in support of any future development application involving works on the site.

5.2.6 Flood Planning

Pursuant to clause 6.3 of MLEP 2013, the subject property is identified as potentially affected by flooding. In this regard, a detailed flood analysis will be prepared in support of any future development application involving works on the site.

5.2.7 Foreshore Scenic Protection Area

Pursuant to clause 6.9(2) the land is identified on the Foreshore Scenic Protection Area Map. Pursuant to clause 6.9(3) development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:

- (a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,*
- (b) measures to protect and improve scenic qualities of the coastline,*
- (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,*

(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.

Having regard to these provisions we have formed the considered opinion that the Concept Plans, as modified, will not result in any adverse impact on the Foreshore Scenic Protection Area in that:

- The height, scale, spatial relationship to the foreshore and associated shadowing are not inconsistent with those detailed within the approved Concept Plans with the development capable of displaying design excellence.
- The proposal will not result in any potential conflict between land-based and water-based coastal activities.
- The proposal provides for a building envelope able to accommodate a future building exhibiting design excellence and which is capable of significantly enhance the scenic qualities of the coastline.
- Having regard to the Land and Environment Court of NSW planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the modified building envelope, and any future building accommodated within, offensive, jarring or unsympathetic to its context or surrounds or inconsistent with the building form anticipated through approval of the original concept plans.

For these reasons, the consent authority can be satisfied that the modified concept plans, and any future building containing within, is unlikely to give rise to any actual or perceived impact on the Foreshore Scenic Protection Area having regard to the Clause 6.9 considerations.

5.2.8 Active Street Frontages

Pursuant to clause 6.11 the objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre.

This submission demonstrates that both street frontage will be appropriately activated by the existing CCK building, the provision of Wentworth Street and South Steyne facing shopfronts and commercial nodes and the landscaped publicly accessible forecourt proposed between Buildings C and D which will encourage pedestrian movement into the site where the public can take advantage of the ground floor commercial uses proposed.

The South Steyne frontage is also activated through the creation of a visually stimulating undercroft landscaped area which creates a sense of visual permeability into the site towards the South Steyne facing ground floor commercial uses. This design initiative satisfies the objective of the standard being to attract pedestrian traffic along certain ground floor street frontages.

5.2.9 Essential Services

Pursuant to clause 6.12 development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

We confirm that the above essential services are able to be accommodated/ provided with provision able to be made for a basement located substation with details provided with any future development application for works on the site.

5.2.10 Design Excellence

Pursuant to clause 6.13 development consent must not be granted for development on land in Zone B2 Local Centre unless the consent authority considers that the development exhibits design excellence. In considering whether development exhibits design excellence, the consent authority must give consideration to whether the development:

- (a) *contains buildings that consist of a form, bulk, massing and modulation that are likely to overshadow public open spaces, and*

Comment: The accompanying shadow diagrams confirm that the form, bulk, massing and modulation of the development will not compromise the public open space solar access outcomes achieved through approval of the original Concept Plan. In fact, overshadowing of the public domain is significantly reduced.

- (b) *is likely to protect and enhance the streetscape and quality of the public realm, and*

Comment: This report clearly demonstrates that the height, bulk, scale and form of development as expressed by the modified concept plan envelopes are consistent with the urban design outcomes sought through approval of the original Concept Plan noting that the arrangement of buildings on the site as detailed within this application are capable of accommodating future buildings satisfying the provisions of SEPP 65 and displaying design excellence.

- (c) *clearly defines the edge of public places, streets, lanes and plazas through separation, setbacks, amenity, and boundary treatments, and*

Comment: The modified concept plans appropriately define the Wentworth Street and South Steyne boundary interfaces through separation, setbacks, amenity, and boundary treatments.

- (d) *minimises street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access, and*

Comment: The modified concept plans seek to utilise the driveway entrance to the existing CCK building to prevent the need for a second driveway crossing and enhance pedestrian circulation and safety around the perimeter of the site. Street clutter is also minimised through the provision of a basement located substation and waste storage and collection areas with details been provided in association with any future development application for works on the site.

- (e) *encourages casual surveillance and social activity in public places, streets, laneways and plazas, and*

Comment: The modified concept plans incorporate residential uses and associated balconies providing excellent levels of casual surveillance to the street and surrounding public domain.

- (f) *is sympathetic to its setting, including neighbouring sites and existing or proposed buildings, and*

Comment: The documentation prepared in support of this application demonstrates that the height, form, massing and setbacks of the modified concept plans will not give rise to any unacceptable or jarring visual impacts having regard to the height, form, massing and setbacks established by surrounding development and development generally with the site's visual catchment is depicted in Figure 34 over page.

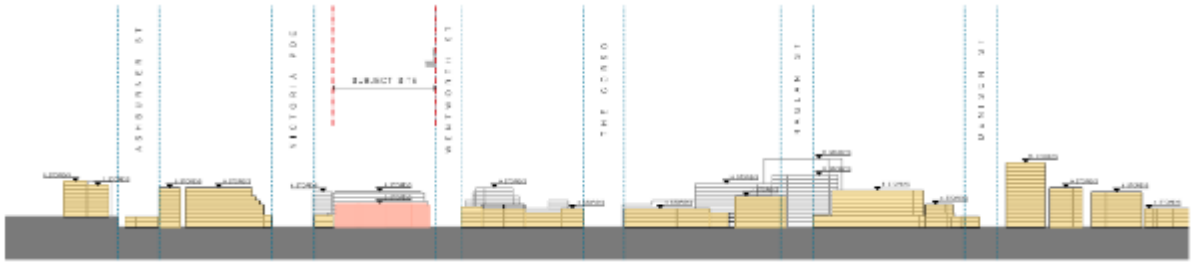


Figure 34 – Contextual townscape diagram

- (g) *protects and enhances the natural topography and vegetation including trees, escarpments or other significant natural features, and*

Comment: The accompanying arborist report prepared by RainTree consulting (**Appendix V**) confirms that the application requires removal of nine (9) trees or groups however none of these trees or groups are considered of such significance as to necessitate design changes to accommodate their retention. We note that the arborist report confirms that the modified concept plans will not give rise to any adverse impacts on any heritage listed street trees.

The modified concept plans provide for extensive landscaping with landscaping designed as a fundamental and integrated component of the overall scheme as detailed within the Landscape Design Statement (LDS) at **Appendix L**. An extract of the LDS is as follows:

Landscape spaces weave through the cluster of existing, heritage and new buildings of the Royal Far West (RFW) proposal, tying edges to the street and contextual landscape; making a series of courtyards at ground floor, and a series of usable and green spaces on roofs. These spaces respond to the spatial qualities created by the buildings; aspirations of the client for the use of the spaces, and the rich coastal landscape.

We confirm that the proposal does not require excessive excavation nor does it impact any significant trees, escarpments or natural features.

- (h) *promotes vistas from public places to prominent natural and built landmarks, and*

Comment: Having inspected the site and its immediate surrounds we have formed the considered opinion that the modified concept plans will not give rise to any unacceptable view impacts from surrounding properties and certainly not to the extent that such impact could be considered inconsistent with that anticipated through approval of the original concept plan.

A significant view corridor is maintained down the Wentworth Street alignment from the residential properties located on the northern side of Wentworth Street. A view sharing outcome is maintained as detailed within the accompanying View Impact Assessment prepared by the project Architect a copy of which is at **Appendix U**

- (i) *uses high standards of architectural design, materials and detailing appropriate to the building type and location, and*

Comment: As previously indicated, the modified concept plan envelopes can accommodate future buildings displaying design excellence in terms of architectural detailing, materiality and building topology. In this regard, Murcutt Candalepas Architects has prepared a Design Excellence Statement (DES) a copy of which is at **Appendix I**.

- (j) *responds to environmental factors such as wind, reflectivity and permeability of surfaces, and*

Comment: The modified concept plan envelopes have been designed and orientated to take advantage of the site superior location in relation to views, sunlight and prevailing sea breezes. We have formed the considered opinion that the modified concept plans appropriately responds to environmental factors.

- (k) *coordinates shared utility infrastructure to minimise disruption at street level in public spaces.*

Comment: As previously indicated, the proposal seeks to utilise the driveway entrance to the existing CCK building to prevent the need for a second driveway crossing and enhance pedestrian circulation and safety around the perimeter of the site. Street clutter is also minimised through the provision of a basement located substation and waste storage and collection areas.

Having regard to the developments performance when assessed against the clause 6.13 design excellence provisions we have formed the considered opinion that the modified concept plans provide for building envelopes able to accommodate future buildings exhibiting design excellence and therefore satisfies the LEP, DCP and Concept Plan provisions.

5.2.11 Gross Floor Area in Zone B2

Pursuant to clause 6.16 development consent must not be granted to the erection of a building on land in Zone B2 Local Centre unless the consent authority is satisfied that at least 25% of the gross floor area of the building will be used as commercial premises.

The objective of this clause is to provide for the viability of Zone B2 Local Centre and encourage the development, expansion and diversity of business activities, that will contribute to economic growth, retention of local services and employment opportunities in local centres

We confirm that 52% of the gross floor area of the concept plans will be used for commercial purposes and to that extent these provisions are satisfied.

5.3 Manly Development Control Plan 2013

Table 2 – Summary Compliance Table – Manly DCP 2013

PROVISION	REQUIREMENT	PROPOSAL
Part 3 – General Principles of Development		
3.2.2 Alterations or Additions to Heritage Items or Conservation Areas	Retain significant features and landscape setting	Compliant. Significant features are retained. Complimentary landscaping proposed. Refer to accompanying Heritage Impact Statement (HIS) and Conservation Management Plan (CMP) for Drummond House prepared by URBIS.
3.4.1 Sunlight Access and Overshadowing	Provide equitable and adequate access to light and sunshine to penetrate private open spaces and windows within the development site and the adjoining properties.	Compliant. The proposal maintains the sunlight access and overshadowing outcomes anticipated through approval of the Concept Plan.
3.5 Sustainability	Non-residential development involving a GFA more than 500sqm set and meet criteria for energy efficiency/ conservation through an Energy Performance Report.	Compliant. The proposed development has a GFA greater than 500sqm This application is accompanied by an Ecological Sustainable Design (ESD) report prepared by JHA Services which details the ESD initiatives that have been considered. Full details will be provided with any future development application.
3.6 Accessibility	Ensure equitable access within all new developments and improved levels of access to any refurbishments.	Capable of complying. Full details will be provided with any future development application.
3.8 Waste management	Garbage storage areas must be of sufficient size to store the number of bins required by Council.	Capable of complying. Full details will be provided with any future development application.
Part 4 – Development Controls and Development Types		
Not applicable. Built form and height is established by the Concept Plan approval.		

5.4 Manly Council Urban Design Guidelines: Site Bounded by Darley Road, South Steyne, Victoria Parade, Wentworth Street

The above guidelines are non-statutory guidelines that were adopted by resolution of Manly Council in 2011 in support of its submission to Department of Planning as part of the Concept Plan exhibition period. As such, no weight can or should be given to these guidelines.

5.5 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land.

In this regard, any future development application will be accompanied by the required Preliminary Site Investigation (PSI) and Remediation Action Plan (RAP).

5.6 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve the design quality of residential flat developments to provide sustainable housing in social and environmental terms that is a long-term asset to the community and presents a better built form within the streetscape.

It also aims to better provide for a range of residents, provide safety, amenity and satisfy ecologically sustainable development principles. In order to satisfy these aims the plan sets design principles in relation to context, scale, built form, density, resources, energy and water efficiency, landscaping, amenity, safety and security, social dimensions and aesthetics to improve the design quality of residential flat building in the State.

SEPP 65 applies to new residential flat buildings, the substantial redevelopment/refurbishment of existing residential flat buildings and conversion of an existing building to a residential flat building.

Clause 3 of SEPP 65 defines a residential flat building as follows:

“Residential flat building means a building that comprises or includes:

- a) *3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- b) *4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.”*

The proposed modified concept plans provide for the construction of new residential flat buildings which will be 5 and 8 storeys in height and contain more than 4 apartments. As per the definition of a ‘Residential Flat Building’ and the provisions of Clause 4 outlining the application of the Policy, the provisions of SEPP 65 are applicable to the proposed development.

Clause 28(2)(b) SEPP 65 requires any development application for residential flat development to be assessed against the 9 design quality principles contained in Schedule 1. As previously indicated, the modified concept plan envelopes can accommodate future buildings able to comply with the provisions of SEPP 65 and the ADG and which are capable of displaying design excellence in terms of architectural detailing, materiality and building topology. In this regard, Murcutt Candalepas Architects has prepared a SEPP 65 Design Verification Statement and Apartment Design Guide Compliance Table a copy of which is at **Appendix W**.

Pursuant to clause 28(2)(c) of SEPP 65 in determining a development application for consent to carry out residential flat development the consent authority is required to take into consideration the Apartment Design Guide. Detailed analysis confirming compliance with the ADG will be provided in support of any future development application.

The modified concept plans provide for building envelopes capable of accommodating development that satisfies the provisions of SEPP 65 and the ADG.

5.7 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 came into force in December 2007 and aims to facilitate the effective delivery of infrastructure across the State. The SEPP identifies matters for consideration in the assessment of development adjacent particular types of infrastructure development.

Schedule 3 of this SEPP identifies developments of a scale that require referral to the RMS. The development does not specifically fall under the development definitions listed as it accommodates a mixture of land uses.

5.8 Sydney Regional Environmental Plan (Coastal Management) 2018

The site is identified on the SEPP Coastal Management map as being within the Coastal Environment Area Map and Coastal Use Area Map, as shown in Figure 33 below:



Figure 33 - SEPP Coastal Management map extract

Clause 13 (1) of the SEPP, coastal environmental area, states the following:

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*

- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

Having regard to these provisions, the modified concept plans and associated development will have no impact on the natural coastal processes and environment, marine flora and fauna, public access to the beach and is not within the surf zone.

Clause 14 (1) of the SEPP, Coastal Use Area, states the following:

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*

- (b) *is satisfied that:*
- (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

The modified concept plans and associated development will not impact on the foreshore processes, access or the amenity of the foreshore area. Future development, designed in accordance with the modified concept plans, is capable of being consistent with the desired future character of the area, the form of development anticipated through approval of the original Concept Approval and complimentary and compatible with the scale of development along the foreshore area within the sites visual catchment.

Clause 15 of the SEPP states:

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The consent authority can be satisfied that future development designed in accordance with the modified concept plans will not give rise to any adverse coastal management consequences.

6.0 Conclusion

This document has been prepared on behalf of Royal Far West (RFW) as a component of an application made pursuant to section 75W of the *Environmental Planning and Assessment Act 1979 (the Act)* seeking the modification of the Part 3A Concept Approval (Application # MP10_0159) (the Concept Approval) granted by the Planning Assessment Commission of New South Wales (PAC) as a delegate of the Minister for Planning and Infrastructure on the 18th April 2013.

The concept approval included an indicative Development Staging Plan (SK-103(A)) which provided for the implementation of the Concept Plan over 4 stages. We confirm that on the 6th May 2015, a development application (DA253/2014) involving Stages 1 and 2 of the Concept Plan was approved by the former Manly Council with this consent fully implemented and an Occupation Certificate issued for the associated works. This modification request relates to the remaining Stages 3 and 4 of the Concept Plan.

We confirm that RFW has engaged Murcutt Candalepas to design the remaining stages of the Concept Approval having regard to an operational specific design brief from RFW and the modifications prescribed at Part B of the Concept Approval which collectively seek to ensure compliance with *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65)* and the attainment of design excellence.

In this regard, it has become evident that the outcomes sought by the RFW design brief together with the modification requirements at Part B of the Concept Approval cannot be achieved without modifying the arrangement of approved uses, the approved building envelopes in terms of heights and setbacks, the scope of works to Drummond House and the associated Heritage Conservation Management Plan (CMP). Further, since the granting of the Concept Approval, No. 16 South Steyne has been sold and no longer forms part of the Concept Approval development site.

Accordingly, this application seeks to modify the Concept Approval pursuant to Section 75W of the Act to reflect the land use, built form and heritage conservation outcomes reflected in the accompanying modified concept plans prepared by Murcutt Candalepas Architects which will ultimately inform the fine grain architectural design and detailing of the development application involving the remaining stages of the Concept Approval.

The modifications proposed to the Concept Approval are in direct response to the client brief and the Part B – Modifications required by the Concept Approval and primarily relate to the redistribution of the previously approved height, as expressed by storeys, and floor space across the site in a manner which responds to the unique operational requirements of RFW, the design quality principles at Schedule 1 of SEPP 65, the objectives at Parts 3 and 4 of the Apartment Design Guide (ADG) and the attainment of design excellence.

Careful consideration has also been given to the key issues identified in the PAC report and feedback obtained from formal pre-lodgement engagement with Northern Beaches Council, NSW Planning, Industry and Environment and the State Design Review Panel (SDRP). This submission represents a highly considered response to the issues raised.

This submission demonstrates that the Concept Approval as modified does not compromise the outcomes sought by the PAC in its consideration and determination of the original application, is substantially the same as the project to which the Concept Approval currently relates, and accordingly the application is appropriately determined pursuant to clause 3BA(5)(c) of the Transitional Regulations.

Under such circumstances, we are of the opinion that there is no statutory impediment to the modification of the Concept Approval as detailed within this submission.

Boston Blyth Fleming Pty Limited



Greg Boston
B Urb & Reg Plan (UNE) MPIA
Director