

Response to Submissions

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

MP10_0159 Mod 1

Mixed Use Development

Royal Far West, Manly

NOTE: This document is Copyright. Apart from any fair dealings for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Boston Blyth Fleming Pty Ltd, 1/9 Narabang Way Belrose NSW 2085.

Response to Submissions

75W Modification of Part 3A Concept Plan Approval

MP10_0159 Mod 1

Mixed Use Development

Royal Far West

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

Prepared by

Greg Boston
B Urb & Reg Plan (UNE) MPIA

Boston Blyth Fleming Pty Limited
Town Planners
(ACN 121 577 768)
Suite 1/9 Narabang Way
Belrose NSW 2085
Tel: (02) 99862535

December 2021

Contents

- 1.0 Introduction**
- 2.0 Response to Submissions**
 - 2.1 Summary**
 - 2.2 Government Agencies**
 - 2.2.1 Northern Beaches Council**
 - 2.2.2 Heritage NSW**
 - 2.2.3 Transport for NSW**
 - 2.2.4 Sydney Water**
 - 2.3 Public submissions**
- 3.0 Response to the request for RTS Attachment A issues**
- 4.0 Response to the additional issues raised by the Department in its email of 18th October 2021**
- 5.0 Conclusion**

Attachment A	Amended Architectural Plans, Issue E, prepared by Murcutt Candalepas
Attachment B	Heritage Response Letter, dated 14 th December 2021, prepared by Urbis
Attachment C	Flooding and Stormwater Issues Response, dated 15 th of October 2021, prepared by Northrop
Attachment D	Updated Traffic and Parking Report, dated December 2021, prepared by Traffix
Attachment E	Community Engagement Report dated October 2021 prepared by Polymer Studios
Attachment F	Crime Risk and Prevention Through Environmental Design (CPTED) report, dated October 2021, prepared by Harris Crime Prevention Services
Attachment G	Minutes of Northern Beaches Design and Sustainability Panel (NBDSAP) meeting of 28 th October 2021
Attachment H	Visual Impact Assessment, dated December 2021, prepared by Murcutt Candalepas
Attachment I	Owners consent from owners of No's 15 – 16 North Steyne, Manly
Attachment J	Updated SEPP 65 Design Verification Statement

Figures

- Figure 1** Plan extract S75W-1355(E) demonstrate that, to the extent the roof top structures are visible from any vantage point from outside the site, they will appear as integrated components of the building
- Figure 2** View looking north down western boundary between No. 29 Victoria Parade and proposed Building C
- Figure 3** View looking west down southern boundary between No. 31 Victoria Parade and proposed Building C
- Figure 4** View looking west down southern boundary between the terraces at No. 15 – 16 South Steyne and proposed Buildings C and D. The eastern façade of No. 29 Victoria Parade can be seen in the distance
- Figure 5** Photograph looking towards the communal circulation space and rear private open space areas at No's 25 - 27 and 29 Victoria Parade
- Figure 6** Plan extract S75W-1401(E) depicting highly articulated and modulated Building D presentation to South Steyne
- Figure 7** Plan extracts S75W-1352(E) to S75W-1354(E) showing superior streetscape outcome associated with the further modified Wentworth Street building setbacks.
- Figure 8** View montage showing retention of existing vistas down Wentworth Street from the vicinity of Drummond House towards Manly Beach
- Figure 9** Aerial photograph showing location of publicly accessible courtyard immediately opposite the CCK building on Wentworth Street
- Figure 10** Street view photographs of publicly accessible courtyard located immediately opposite the CCK building on Wentworth Street
- Figure 11** Plan extract S75W-1401(E) depicting the level of visual and physical permeability achieved below Building D and the integrated retail activation proposed as viewed from South Steyne

Tables

- Table 1** Modified Building C setback comparison
- Table 2** Modified building height comparison
- Table 3** Summary of submissions

1.0 Introduction

This Response to Submissions (RTS) has been prepared in response to the submissions received during the exhibition of the subject application which ended on 6th September 2021, the issues identified in Attachment A of the request for RTS prepared by the Department of Planning, Industry and Environment (the Department) dated 23rd September 2021 and the further issues raised by the Department in its email of 18th October 2021.

In response to the submissions received, further discussions with Northern Beaches Council (Council) in relation to the issues raised and post exhibition feedback from the Department, a number of further modifications have been made to the modified Concept Plans. Accordingly, this RTS is to be read in conjunction with the following further modified/ amended and supplementary supporting documentation:

- Further modified Concept Plans, Issue E, prepared by Murcutt Candalepas,
- Community Engagement Report dated October 2021 prepared by Polymer Studios,
- Heritage Response Letter, dated 14th December 2021, prepared by Urbis,
- Updated Traffic and Parking Report, dated December 2021, prepared by Traffix,
- Visual Impact Assessment, dated December 2021, prepared by Murcutt Candalepas,
- Crime Risk and Prevention Through Environmental Design (CPTED) report, dated October 2021, prepared by Harris Crime Prevention Services,
- Flooding and Stormwater Issues Response, dated 15th of October 2021, prepared by Northrop,
- Owners consent from owners of No's 15 – 16 North Steyne, Manly, and
- Updated SEPP 65 Design Verification Statement prepared by Murcutt Candalepas

The proposed amendments can be summarised as follows:

- The removal of a floor level from the rear addition to Drummond House (Building B)
- Modification to the side wings to the Drummond House additions (Building B)
- The termination of the 2 southern-most Building C lifts at level 7 and deletion of the central roof top lobby. The roof top communal open space is accessed via the northern lift and stair lobby with the central stair retained as a secondary path of egress from the communal open space to comply with the BCA.
- The removal of the covered walkway access between the northern and southern portions of Building B and the conversion to commercial space for Building C (Levels 1 and 2)
- The realignment of the basement at the rear of Drummond House to align with the approved basement footprint to protect Tree 4
- Modification to the configuration of the ground floor commercial space to Buildings C and D including additional roof top elements to accommodate associated mechanical services
- An increase in the western and southern side boundary setbacks to Building C and an increase in the southern side boundary setback to Building D as depicted in Table 1 below

Level	Part 3A Approved Setbacks to Buildings C and D	75W Modified Setbacks to Buildings C and D	Further Modified Setbacks to Buildings C and D
Ground	<u>Western boundary</u> 4.3 – 4.7m due to splayed boundary alignment	<u>Western boundary</u> 1.6 – 3.6m	<u>Western boundary</u> 3.3 – 3.7m
	<u>Southern boundary</u> Nil to 5.4m	<u>Southern boundary</u> Nil to 1.6m	<u>Southern boundary</u> 3.5 – 5m

1	<u>Western boundary</u> 4.3 – 4.7m <u>Southern boundary</u> 5.3 – 5.4m	<u>Western boundary</u> 1.6 – 4.5m <u>Southern boundary</u> Building C: 1.6m Building D: 2 – 3.5m	<u>Western boundary</u> 3.3 – 3.7m <u>Southern boundary</u> Building C: 3.5m Building D: 3.5 – 5m
2	<u>Western boundary</u> 4.3 – 4.7m <u>Southern boundary</u> 5.3 – 5.4m	<u>Western boundary</u> 1.6 – 4.5 metres <u>Southern boundary</u> Building C: 1.6m Building D: 2 – 3.5m	<u>Western boundary</u> 3.3 – 3.7m <u>Southern boundary</u> Building C: 3.5m Building D: 3.5 – 5m
3	<u>Western boundary</u> 4.3 – 4.7m <u>Southern boundary</u> 5.3 – 5.4m	<u>Western boundary</u> 3.3 – 3.7m <u>Southern boundary</u> Building C: 3.2m Building D: 2 – 3.5m	<u>Western boundary</u> 3.3 – 3.7m <u>Southern boundary</u> Building C: 3.5m Building D: 3.5 – 5m
4	<u>Western boundary</u> 4.3 – 4.7m <u>Southern boundary</u> 5.3 – 5.4m	<u>Western boundary</u> 3.3 – 3.7m <u>Southern boundary</u> Building C: 3.2m Building D: 2 – 3.5m	<u>Western boundary</u> 3.3 – 3.7m <u>Southern boundary</u> Building C: 3.5m Building D: 3.5 – 5m
5	<u>Western boundary</u> 4.3 – 4.7m <u>Southern boundary</u> 5.4m	<u>Western boundary</u> 3.3 – 3.7m <u>Southern boundary</u> Building C: 3.2m	<u>Western boundary</u> 3.3 – 3.7m <u>Southern boundary</u> Building C: 3.5m

6	<u>Western boundary</u> 4.3 – 4.7m	<u>Western boundary</u> 3.3 – 3.7m	<u>Western boundary</u> 3.3 – 3.7m
	<u>Southern boundary</u> 5.4m	<u>Southern boundary</u> Building C: 3.2m	<u>Southern boundary</u> Building C: 3.5m
7	<u>Western boundary</u> 4.3 – 4.7m	<u>Western boundary</u> 3.3 – 3.7m	<u>Western boundary</u> 3.3 – 3.7m
	<u>Southern boundary</u> 5.4m	<u>Southern boundary</u> Building C: 3.2m	<u>Southern boundary</u> Building C: 3.5m

Table 1 - Modified Building C and D setback comparison

- The reintroduction of landscaping within the western side boundary setback to Building C
- Modification to the RL’s nominated for the roof top structures as detailed within Table 2 below reflecting further design development to ensure buildability and BCA compliance

	Part 3A Approved Heights	75W Modified Heights	Further Modified Heights
Existing CCK Building	RL 27.95	As existing	As existing
Building B Drummond House	RL 14.85	RL 15.50 (southern roof edge of rear pavilion), 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)	RL 11.32 (southern roof edge of rear pavilion), RL 14.72 (maximum roof height of rear pavilion roof form), RL 13.59 (lift overrun of rear pavilion).

			RL 20.06 (maximum roof height of front pavilion), RL 21.11 (lift overrun of rear pavilion).
Building C	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)	RL 32.35 (top of landscape planters), RL 32.95 (top of roof mounted plant enclosures), RL 34.2 (top of northern access stairs), RL 33.85 (top of centrally located access stairs), RL 34.00 (top of communal open space shade structures), RL35.80 (top of northern lift overrun) and RL 33.40 top of central and southern lift overruns noting the lifts terminate at Level 7 below.
Building D	RL 21.65	RL 22.60 (top of landscape planters) and RL 24.15 (top of lift overrun and access stairs)	RL 22.60 (top of landscape planters), RL 23.20 (top of lift overrun) and RL 24.10 (top of access stairs)

Table 2 - Modified building height comparison

NOTE: The Part 3A Concept Approval nominated maximum RL's for the various buildings and with the exception of lift overruns did not anticipate any roof top structures. The s75W Modification introduces communal open space to the rooftop of Building C and makes provision for rooftop mechanical plant to service the various buildings.

Accordingly, this application seeks approval for maximum RL's for each of the proposed building elements including roof parapets, planter boxes, lift overruns, stair enclosures, shade structures and mechanical plant screening. The nomination of maximum RL's for each of these proposed building elements will provide a high level of certainty in relation to the height of all future rooftop structures.

2.0 Response to Submissions

2.1 Summary

There was a total of forty-five (45) public submissions and five (5) government agency submissions received by the Department during the exhibition period noting that a number of public submissions were from multiple persons within the same household/ family and a significant number containing duplicated content.

One (1) of the submissions was on behalf of the Executive Committee – Owners Body Corporate – Strata Plan 87727, No. 25 - 29 Victoria Parade, Manly with a majority of submissions from the owners/ occupiers of No's 25 - 29 Victoria Parade and No. 31 Victoria Parade, Manly.

Five (5) submissions were received from government agencies being Northern Beaches Council, Heritage New South Wales x 2, Transport for New South Wales and Sydney Water.

The issues raised in the public submissions can be summarised as follows:

Submission Issue	Times raised
The Part 3A modifications proposed should not be assessed under section 75W of the <i>Environmental Planning and Assessment Act 1979</i>	4
The proposed section 75W modifications do not satisfy the provisions of Cl. 3BA (5) of the <i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (Transitional Regulations)</i>	2
The proposed modifications are contrary to the Part 3A conditions of approval	17
No community engagement prior to exhibition	24
Overbearing height, bulk, scale and massing by virtue of the proposed modifications including the new building on the approved open space / courtyard behind Drummond House. Courtyard must be reinstated	28

Impact on visual amenity to neighbouring occupiers given the expansive wall façade rising to 8 storeys set at close proximity to an adjacent residential building. The approved 4.4 metre landscaped setback should be maintained	26
Additional overshadowing to neighbouring properties	28
Loss of privacy to neighbouring occupiers given the siting of building C	24
Impact on highly valued ocean and beach views currently enjoyed by the occupiers of 3 apartments within No. 29 Victoria Parade contrary to the view loss assessment criteria established by the Land & Environment Court – Tenacity consulting v Warringah [2004] NSWLEC 140	15
Loss of views over the top of existing development in Victoria Parade which are a maximum of 5 storeys. Development on the site should be 5 storeys	1
Landscape reduction	2
Public accessibility restriction	1
Non-compliant development	2
Residential buildings should not exceed a height of 5 storeys as generally approved in Manly	3
Traffic impacts	6
Unacceptable aesthetic of the ocean facing building façade	1

Excavation impacts on Norfolk Island Pine located between Royal Far West and No. 27 - 29 Victoria Parade	5
Extent of demolition of Drummond House	4
Poor design by placing services at rear of recently constructed CCK building facing adjoining residential properties	6
The proposal is a “money grab” by RFW	1
Encroachment on 6 metre setback to Wentworth Street and associated streetscape and street vista impacts	1
The visual impact of the proposed development from the standpoint of looking east down Wentworth Street from the vicinity of Drummond House towards Manly Beach	1
Increased number of residential apartments and associated traffic Impacts	2
Buildings too high and causing additional shadowing to Manly Beach	6
Construction access should be from South Steyne	1
Gross overdevelopment of the site	1
Uninteresting buildings will detract from the beauty of the beachfront	1
The development will not enhance the experience for the children	1

The heights, setbacks reduction and overall bulk of the Royal Far West site will detract from the community amenity of the adjacent beachfront Street, promenade and the beach itself	1
The envelope should be reduced to 4 storeys and in the setback to South Steyne increased significantly	1
Waste storage and management should occur from within the basement	1
Extreme height of the buildings/ overdevelopment	1
Loss of parking for driveway access	1
Loss of open ground play space for children	1
Public parking overload	1
View loss from Unit 332/25 Wentworth Street	1
Loss of sky views	1
Potential flooding	1
Unacceptable visual impacts because of size and scale	1
Additional shadowing to adjacent school	1

Table 3 - Summary of submissions

2.2 Government Agencies

2.2.1 Northern Beaches Council

Council provided comments in relation to planning, heritage, landscaping, flooding and traffic engineering. We confirm that the proponent has engaged with Council since receipt of this submission to discuss the issues raised. This response reflects the outcomes of such discussions with the concerns raised in relation to heritage resulting in further modifications to the Modified Concept Plans prepared by Murcutt Candalepas a copy of which are at **Attachment A**.

The following comments were provided in relation to the exhibited documentation:

Planning Comments

Whilst the principle of rooftop spaces is not objected to, Council holds reservations about the height increase requested and the subsequent impacts which that may give rise to.

It is not considered that the placement of structure atop of a roof equates to integration into the overall built form. It is not immediately evident from the proposed plans whether consideration of strong winds and uninterrupted sunlight would necessitate the addition of further structures to this roof (i.e. solid perimeter screening to block winds or temporary canopy umbrellas for sun protection.)

Response: The desired redistribution of floor space across the site to facilitate a publicly accessible street level forecourt area has necessitated the relocation of the previously approved podium level residential communal open space courtyard to the roof of Building C where it will receive superior levels of solar access, ventilation and privacy. Such relocation also necessitates the provision of associated access, shade and landscape structures with rooftop mechanical plant areas also nominated.

The design and location of the nominated roof top structures and mechanical plant screening have been developed in consultation with the project BCA consultant and mechanical engineer to ensure that the RL's nominated for the various structures are achievable in the final design detailing of the development at Development Application (DA) and construction stages. The proposal does not rely on roof top communal open space wind protection measures as these areas can be used at the discretion of the development's occupants depending on the weather conditions at any given time.

The relocation of the communal open space to roof level will better achieve Objective 3D-1 of the ADG and the associated design criteria compared to the Part 3A Concept Plans. In this regard, well in excess of 50% of the area of previously approved podium level communal open space was self-shadowed between 9am and 3pm on 21st June compared to the relocated communal open space which will receive direct sunlight to 100% of its area between 9am and 3pm on 21 June.

Such design modification reflects the design excellence and SEPP 65/ ADG compliance sought by the Schedule 2, Part B Modification requirements contained within the Approval Instrument.

Commensurate to the height as approved, these factors result in an active and a busy roof that was otherwise to be flat and inaccessible. No planting schedule has been provided to detail to what height the proposed roof plantings shall grow to.

Response: We rely on the justification already provided in relation to the relocation of the previously approved podium level residential communal open space courtyard to the roof of Building C. We confirm that with the exception of maintenance access for the proposed mechanical plant and landscaping, the roof top area of Building D remains inaccessible.

The proposed roof top plantings for both Buildings C and D are detailed in the Landscape Design Statement prepared by Jane Inwin Landscape Architecture at **Appendix L** to the S75W application. The proposed plantings will provide an appropriate level of visual screening and amenity to the proposed roof top areas with final design detailing incorporated within the subsequent DA documentation.

Further consideration of sightlines to and from the roof terrace are required to ensure that (a) it is not visible from the public domain as envisioned by Condition A5, and (b) that it does not impinge on the existing provision of privacy enjoyed by neighbours. Details of a robust and durable planting schedule are required.

Response: In relation to potential visual impacts associated with the roof top structures we rely on the images on plan S75W – 1355(E) which demonstrate that, to the extent the roof top structures are visible from any vantage point from outside the site, they will appear as integrated components of the building and will not be perceived as inappropriate or jarring in a streetscape context. An extract of this plan is at Figure 1 over page.



Figure 1 – Plan extract S75W-1355(E) demonstrate that, to the extent the roof top structures are visible from any vantage point from outside the site, they will appear as integrated components of the building

In relation to potential sightlines from the Building C rooftop open space areas to surrounding development we note that the accessible rooftop space is located at the northern end of the building and at a significantly elevated position relative to the height of surrounding development with the integrated planter boxes keeping persons utilising the communal open space away from the edges of the building to prevent direct downward line of sight to surrounding properties.

We note that the relocation of the communal open space from the previously approved podium level to the roof top will afford superior levels of visual and aural privacy between the communal open space and residential apartments within the development.

Such design modification reflects the design excellence and SEPP 65/ ADG compliance sought by the Schedule 2, Part B Modification requirements contained within the Approval Instrument.

As recently discussed, the final design detailing of the roof top structures are matters relevantly assessed at DA stage. That said, the s75W modified concept plans (Revision E) clearly nominate the maximum RL's for the various roof elements and to that extent these RL's will be locked into any future approval. The visual impact of the roof level structures will be a relevant matter for consideration by Northern Beaches Council and the Northern Beaches Design and Sustainability Advisory Panel (DSAP) in its assessment of the application and the Sydney North Planning Panel in its determination of the application as the relevant consent authority.

It is considered that alternative designs may provide an equally accessible roof terrace which achieves lesser overall heights and is better integrated with the built form as a whole.

Response: This comment is subjective. The overall building heights are determined by required floor to floor/ ADG compliant ceiling heights, minimum required rooftop balustrade and shade structure heights and minimum lift overrun heights.

We do not consider it feasible to reduce the building heights below those nominated on the modified concept plans accompanying this RTS given that the design and location of the nominated roof top structures and mechanical plant screening have been developed in consultation with the project BCA consultant and mechanical engineer to ensure that the RL's nominated for the various structures are achievable in the final design detailing of the development at DA and construction stages.

For the reasons previously indicated, we consider the roof top structures to be appropriately integrated with the built form as a whole.

Heritage Comments

Conclusion

For the reasons outlined in the previous Summary, the proposal is not supported for heritage reasons, as it does not retain significant built fabric of Drummond House, thereby having an adverse heritage impact on the building itself and its immediate curtilage. It also will have a more adverse impact on adjoining heritage items, than the previously approved concept.

Response: Council raised a number of concerns in relation to potential heritage impacts. We confirm that following further discussions with Council, including an on-site meeting, it was agreed to further modify the Concept Plans to retain the entire front section of Drummond House, as it presents to Wentworth Street, and further modulate the additions beyond to ensure that the primary historical fabric of the building was maintained and its contribution to the existing streetscape not compromised.

We have also been verbally advised that Council is comfortable with the built form relationship of the further modified Concept Plans to the adjacent heritage listed buildings at No's 15 -16 South Steyne and No's 29 and 31 Victoria Parade noting that the southern setbacks have been increased to provide additional visual curtilage to these heritage listed buildings and to maintain light and air to the existing windows located on the common boundary.

The acceptability of these modifications is addressed in the following accompanying documentation:

- Amended Architectural Plans, Issue E, prepared by Murcutt Candalepas (**Attachment A**)
- Heritage Response Letter, dated 14th December 2021, prepared by Urbis (**Attachment B**)

We rely on the content of these documents in our response to this particular submission.

Landscape Comments

The landscape design intent as expressed in the Landscape Design Statement is a considered approach. To assist, the following suggestions should be investigated in detail during the development of landscape plans:

Public Courtyard at ground floor connecting Wentworth Sfreef and South Steyne:

Landscape materials shall be robust and complimentary to the urban environment of the setting, and materials such as steel, concrete, sandstone, and timber shall be incorporated to withstand the rigours of high use public spaces.

The Wentworth Street and South Steyne road reserve verges should be incorporated into the design scheme of the public courtyard to unify the visual and physical connection of the public road reserve to the proposed 'public' spaces of the courtyard, and design components and materials should be alike including pavement design, furniture, and landscape works so the corner of Wentworth Street and South Steyne appears as a connected and useable public space.

The streetscape appeal of the development along South Steyne in terms of landscape character is of a predominately built form generally not softened by landscape vertically, as is evident along Wentworth Street. The built form of the development adjoins the road verge along South Steyne with no transition. Removal of carparking bays along South Steyne for the inclusion of say three street trees within the road carriageway may improve the streetscape transition.

The ground surface plane should recognise the proposed public use of the courtyard and create efficient and active connections for pedestrians and practicable and useable spaces for the retail components to function and not be obstructed by furniture and gardens, which should be located appropriately away in more passive areas of the courtyard.

The proposed tree planting shall be supported by adequate soil volume, irrigation, and species that are selected to suit the expected microclimate of extended shade, including investigation into suitability of either exotic deciduous or evergreen trees, and not necessarily be limited to native trees, which may not be sustained in the available landscape areas and restricted on structure planters.

Tree planting on structure shall comply with the SEPP65 associated Apartment Design Guide references to deep soil areas required for tree planting on structures.

On structure courtyard planter gardens are to be provided to create the transition of spaces within the public domain from public to private as intended in the landscape design statement. Planting type selection shall be selected to suit the expected microclimate of extended shade as well as wind exposure.

Any proposal for landscape on structure shall be designed to support the 'wet weight' of plants, soil, and mulch, and the slab structure shall be designed accordingly.

Response: These comments/suggestions are noted and will be incorporated into the final landscape detailing associated with the subsequent DA.

Internal Courtyard at Drummond House

No comments and the Landscape Design Statement adequately addresses a suitable landscape outcome.

Response: Noted.

Rooftop works

On structure rooftop planter gardens are to be provided to improve the visual quality of spaces including the communal area, building terrace edges, and provide environmental heat reduction to roofs.

Any proposal for landscape on structure shall be designed to support the 'wet weight' of plants, soil, and mulch, and the slab structure shall be designed accordingly.

Adequate soil volume and planter depth and width is to be determined based on the intended landscape design. Planting type selection shall be selected to suit the expected microclimate of extended sun and wind exposure.

Response: These comments/suggestions are noted and will be incorporated into the final landscape detailing associated with the subsequent DA.

Arboricultural review

Existing site trees will be removal for basement excavation, and an Arboricultural Statement with recommendations is provided and the recommendations shall be adhered to.

All street trees within Wentworth Street fronting the development stage will be protected and will require a Tree Protection Plan to provide recommendations on the tree protection measures to be undertaken, such as tree protection fencing and trunk protection.

The additional afternoon cast shadows from the proposed development does not place the existing Norfolk Island Pine trees within the South Steyne foreshore promenade into shade for the top of the tree canopies but the lower trunks and lower canopies are placed into shade. The submitted Arborist Statement provides no commentary on the possible impacts to the existing Norfolk Island Pine trees within the South Steyne foreshore promenade.

Council will not support any impact to the Norfolk Island Pine trees within the South Steyne foreshore promenade, and a report should provide recommendations for arboricultural treatments to remedy any negative trunk or lower canopy impact.

Response: These comments/suggestions are noted and will be incorporated into the final landscape detailing associated with the subsequent DA.

We note that the section on plan S75W-1102(E) at **Attachment A** demonstrates that no additional shadowing impact will occur to the Norfolk Island Pines within the South Steyne foreshore promenade compared to the shadowing impact approved as a component of the Part 3A Concept Approval.

Flooding Comments

Following approval of the existing Part 3A Concept, Council adopted the Manly to Seaforth Flood Study in 2019. This Study was the first comprehensive assessment of flood risk within the study area which includes the subject site.

This Study identified that the Royal Far West site is impacted by the Probable Maximum Flood event across both street frontages at Wentworth Street and South Steyne. The Probable Maximum Flood level varies from approximately 4.98m AHD adjacent to Drummond House to 4.40m AHD at the southern boundary of the South Steyne frontage.

The ground floor level of 4.35m AHD is not proposed to be amended as part of this modification to the Part 3A concept. The Manly to Seaforth Flood Study results indicate that the proposed buildings including the Royal Far West Accommodation, commercial and residential will suffer inundation in a Probable Maximum Flood event.

For the uses which are not considered vulnerable, such as the commercial and residential components, the ground floor levels are also located below the Flood Planning Levels of between 4.75-4.95m AHD.

However, given the magnitude of change proposed in the modification for the ground floor, with relocated and expanded Royal Far West accommodation and new commercial uses, increases to the proposed floor level or measures incorporated to reduce the flood risk to life and property could have been included.

In accordance with the Considering Flooding in Land Use Planning Guidelines, July 2021, the Royal Far West Accommodation building proposed at the ground level would be considered a sensitive use due to the delivery of health services and accommodation for children increasing risk to life associated with flooding of the land use. In this case the floor levels should be set above the Probable Maximum Flood level with additional measures to reduce the flood risk to life.

Council held a pre-lodgement meeting with the applicant and outlined that the subject site had been identified as flood prone and that comprehensive flood information should be obtained from Council to assist in the development of a Flood Report to accompany the application. Whilst flood information was obtained from Council no Flood Report has been provided in support of the application.

In conclusion, whilst the proposed modification does not alter previously approved ground floor levels, extensive modifications are proposed on the ground floor which should permit the application of flood related development controls to reduce the flood risk to life and property. The application is inconsistent with Council's requirements for developing flood prone land and the objectives of the NSW Flood Prone Land Policy.

Response: We refer to the accompanying Flooding and Stormwater Issues Response, dated 15th of October 2021, prepared by Northrop (**Attachment C**) which contains the following commentary:

Northrop presented the Flood Statement plan and confirmed that the existing floor level at Building A (Centre for Country Kids building) and the basement entry was 10mm & 20mm lower than the PMF storm respectively – This was considered by NBC to be negligible. Ground level RLs are not documented in the S75W design documentation and it was confirmed that adherence to and the detail of flood planning levels would be addressed against the DA design levels and are not subject to the S75W modification.

Accordingly, flooding will be addressed in detail in the preparation of the final DA documentation which will be finalised upon approval of the s75W Modification.

Traffic Engineering Comments

The application to modify the existing concept plan approval has been reviewed and the wording in the parking provision statement is supported.

The applicant is seeking support to delete the pedestrian safety improvements in both Wentworth Street and South Steyne. The original requirement was based on two factors:

- 1. the need to relocate the existing pedestrian crossing in Wentworth Street to accommodate the now deleted second carpark entry;*
- 2. the need to address the mid-block desire line created by the new development. The attraction of the built form and potential future uses has made the desire line requirement more compelling, especially for those walking along South Steyne and as such the need for improved pedestrian connectivity still needs to be addressed as part of any future applications for the development.*

All other relevant conditions previously added remain without any issues being raised. It should be noted that the entry manage to the carpark in Wentworth Street will need to be addressed to increase the queue length capacity to prevent vehicles blocking traffic in Wentworth Street. The current storage is one vehicle between the card reader and the footpath, which given the increased and transient usage will need that be addressed as a future condition.

Response: These comments are noted with traffic, parking and pedestrian safety to be addressed in detail in the preparation of the final DA documentation which will be finalised upon approval of the s75W Modification.

That said, this submission is accompanied by an updated Traffic and Parking Report prepared by Traffix (**Attachment D**) which contains a comparison between the net traffic generation associated with the Part 3A Concept Approval and that generated as a consequence of the s75W modification application. In particular, section 7.4 of the report contains the following conclusion:

It can be seen from the above that the proposed S75W modification would result in a net decrease in traffic generation of 32 to 65 vehicles during the morning and evening peak hour period, respectively. Therefore, the proposal would provide a traffic generation less than that of the approved concept and is a benefit to the public with the surrounding road network expected to experience less vehicles as a result of the proposed S75W modification.

Accordingly, the s75W modification results in net decrease in traffic generation compared to the Part 3A Concept Approval.

Development Engineering Comments

The proposed modification of the RFW concept plan modification has been reviewed and it is noted that no stormwater management plan has been prepared for the proposal as such conditions of consent covering stormwater management will be provided.

On site stormwater detention is required with this development which is consistent with previous stages. It is also noted that all vehicle access will be from the existing CCK building entry ramp off Wentworth Avenue. This vehicle entry has been provided with freeboard above the water surface level with the roadway.

Response: We refer to the accompanying Flooding and Stormwater Issues Response, dated 15th of October 2021, prepared by Northrop (**Attachment D**) which contains the following commentary:

Council's submission noted that "On site stormwater detention is required with this development which is consistent with previous stages." NBC confirmed that on site stormwater detention is not required for the overall site, given that the site is affected by the 1% AEP (flood prone land), which is in line with the Northern Beaches Water Management Policy (2020).

NBC confirmed that a single discharge point at Wentworth St is acceptable provided that there are no clashes with the existing services. It was confirmed that the detail of discharge points would be addressed in the DA design and are not subject to the S75W modification.

The balance of these comments are noted with stormwater and flooding to be addressed in detail in the preparation of the final DA documentation which will be finalised upon approval of the s75W Modification.

2.2.2 Heritage NSW

Aboriginal Cultural Heritage Regulation – North

The following comments were provided in relation to the exhibited documentation:

Heritage NSW (HNSW) has reviewed the available supporting documentation and direct DPIE Planning to the conditions stipulated in Schedule 3, Item 17 MP10-0159 Concept Approval Instrument, issued 18 April 2013 under the Environmental Planning and Assessment Act 1979 pertaining to Heritage, requiring all future applications (such as the current modification proposal), to 'demonstrate consistency with the Aboriginal cultural heritage recommendations in the Cultural Heritage Assessment and Aboriginal Archaeological Assessment (Dallas and Tuck; 2011). In addition, Schedule 4 (page 11 of 12) – Statement of Commitments, requires the proponent to conduct an "Aboriginal archaeological test excavation...within the areas identified as archaeologically sensitive (in accordance with Dallas and Tuck, 2011) immediately following demolition" of existing structures within the Royal Far West development area.

HNSW supports the proposed Aboriginal test excavation and recommends that the development and implementation of the archaeological program and any mitigation (if required) be undertaken in consultation with the Aboriginal community, in accordance with HNSW's Aboriginal cultural heritage consultation requirements for proponents (DECCW 2010), to ensure Aboriginal engagement and perspectives are embedded into all stages of the project.

Response: This advice from Heritage New South Wales is noted. We confirm that the application does not seek any modification to the Schedule 3, Item 17 - Heritage condition contained within the Concept Approval Instrument as it relates to the requirement to demonstrate consistency with the recommendations of the "Cultural Heritage Assessment and Aboriginal Archaeological Assessment" (2011) prepared by Mary Dallas and Dan Tuck.

Further, the application does not seek any modification to the Schedule 4 Aboriginal Heritage Commitment.

Department of Premier and Cabinet

The following comments were provided in relation to the exhibited documentation:

After review of the relevant project documentation it is noted that while part of the site (The Drummond Far West Home) is listed on the Local Environment Plan, it is not listed on the State Heritage Register. Nor are there any State Heritage Listed sites in nearby. Accordingly, HNSW has no comments to make on the proposed project modification at this time.

Response: This advice from Heritage New South Wales is noted.

2.2.3 Sydney Water

The following comments were provided in relation to the exhibited documentation:

Water Servicing

- *Potable water servicing should be available via a 150mm oPVC watermain (laid in 2009) on Wentworth Street and a 150mm CICAL watermain (laid in 1969) on South Steyne.*
- *Amplifications, adjustments, and/or minor extensions may be required.*

Wastewater Servicing

- *Wastewater servicing should be available via a 300mm VC wastewater main (laid in 1899) on Wentworth Street and a 150mm VC wastewater main (laid in 1899) within the property boundary.*
- *Amplifications, adjustments, and/or minor extensions may be required.*

Response: This advice from Sydney Water is noted with water and wastewater servicing to be addressed in detail in the preparation of the final DA documentation which will be finalised upon approval of the s75W Modification.

2.2.4 Transport for NSW

The following comments were provided in relation to the exhibited documentation:

TfNSW has reviewed the proposed modification to the Concept Approval for Stages 3 and 4 of the subject development. TfNSW would raise no objections to this application based on the consideration that this modification will not increase the approved floor space ratio or car parking numbers.

Response: We confirm that the application does not seek any modification to the maximum FSR of 3:1 or the basement parking requirement of not less than 184 car spaces in accordance with the Development Description contained within the Concept Approval Instrument.

2.3 Public submissions

The following responses are provided to the issues raised within the public submissions.

The Part 3A modifications proposed should not be assessed under section 75W of the Environmental Planning and Assessment Act 1979

Response: This issue was addressed in detail within Section 5.1 of the Section 75W modification request document. Having reviewed the submission prepared on behalf of the Executive Committee – Owners Body Corporate – Strata Plan 87727, No. 25 - 29 Victoria Parade, Manly, we do not consider there any matters which need to be further justified in relation to this issue.

The proposed section 75W modifications do not satisfy the provisions of Cl. 3BA (5) of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (Transitional Regulations)

Response: As above.

The proposed modifications are contrary to the Part 3A conditions of approval

Response: The terms and modifications identified in Schedule 2, and the further environmental assessment requirements for approval to carry out the mixed-use development as set out in Schedule 3 of the Approval Instrument reflect the key considerations identified within the PAC report in its assessment and determination of the Concept Approval.

The consistency of the modified Concept Plans when assessed against the key considerations identified within the PAC report is addressed in detail within Section 5.1 of the s75W modification request document with such assessment demonstrating that the modifications sought to the Concept Approval will not compromise the outcomes sought by the PAC in its consideration and determination of the original application.

No community engagement prior to exhibition

Response: We refer to the accompanying Community Engagement Report, dated October 2021, prepared by Polymer Studios at **Attachment E** of this RTS. This document details the extent of community engagement which has occurred the preparation of the s75W modified Concept Plans and design development in relation to the subsequent DA.

We consider the extent and nature of community engagement undertaken to be significant and entirely appropriate notwithstanding the constraints imposed by Covid 19 restrictions.

Overbearing height, bulk, scale and massing by virtue of the proposed modifications including the new building on the approved open space / courtyard behind Drummond House. Courtyard must be reinstated

Response: The justification for the additional works to the rear of Drummond House is addressed in detail in Section 4.4 of the s75W modification request. The relocation of the children's playground/open space from adjacent to the southern boundary of the property to a new centralised courtyard area creates a more private and secure environment for vulnerable country kids and their families and in doing so internalises noise associated with the use and enjoyment of this area.

As a consequence of the issues raised in relation to the southern-most building pavilion proposed behind Drummond House this building has been reduced in height from 3 storeys to a 2 storeys with its southern edge chamfered to maintain appropriate levels of solar access to the residential apartments and open space areas to the rear of the site. The presence of a 2 storey building form adjacent to the southern boundary of the property will not give rise to overbearing height, bulk, scale or massing as viewed from the adjoining residential apartments at No. 25- 27 and No. 29 Victoria Parade particularly in circumstances where the proposed building pavilion displays a height, bulk, scale and massing compared to the existing building located on this portion of the site.

The relocation of the children's playground/open space represents a contextual and land use specific design response which reflects the sensitive operational requirements of RFW and which, in the context of the client brief, represents the design excellence sought by the Schedule 2, Part B Modification requirements contained within the Approval Instrument.

Impact on visual amenity to neighbouring occupiers given the expansive wall façade rising to 8 storeys set at close proximity to an adjacent residential building. The approved 4.4 metre landscaped setback should be maintained

Response: The modified Concept Plans maintain the previously approved 8 storey building referred to as Building C with the further modified Concept Plans providing for a variable setback of between 3.3 and 3.7m (due to the splayed geometry of the boundary), at all levels to the western boundary and a variable setback to the southern boundary of between 3.5 and 5 metres to at each level of the building.

We note that the southern setbacks have been increased to provide greater separation to the adjacent residential flat building and additional visual curtilage to the adjacent heritage listed buildings and the associated windows located on the common boundary.

These increased setbacks afford appropriate landscape opportunity within the setback areas consistent with the original Part 3A Concept Plans it being noted that the location of these landscape setbacks relative to the height and setback of surrounding development result in them not being particularly conducive to the establishment of dense landscaping. In relation to the aesthetic appearance of the building as viewed from the immediately adjoining properties we are of the opinion that this is a matter for final design detailing at subsequent development DA stage it being noted that the majority of windows located within the adjacent residential flat buildings facing Building C are associated with bedroom and bathrooms and not principle living areas.

We note that the development within the Manly precinct is unique compared to development located within the balance of the Northern Beaches Local Government Area in that the established spatial relationship between development is intimate in terms of setback distances and built form arrangements/ relationships compared to those achieved through compliance with building separation design criteria contained within the ADG. This is evidenced through an analysis of the setbacks established by adjoining development in particular development located immediately adjacent to Buildings C and D as depicted in Figures 2, 3 and 4 over page.

The proposed further modified setbacks provide for a complimentary and compatible built form spatial relationship with the final detailing of the building façades appropriately dealt with during the final design detailing of the subsequent DA.



Figure 2 - View looking north down western boundary between No. 29 Victoria Parade and proposed Building C



Figure 3 - View looking west down southern boundary between No. 31 Victoria Parade and proposed Building C



Figure 4 - View looking west down southern boundary between the terraces at No. 15 – 16 South Steyne and proposed Buildings C and D. The eastern façade of No. 29 Victoria Parade can be seen in the distance

Additional overshadowing to neighbouring properties

Response: As previously indicated, the height and setbacks of the proposed envelopes for the Royal Far West accommodation Building B and Building C have been reviewed and further modified with Building B, where located immediately adjacent to the southern boundary of the property, reduced in height by a storey. The accompanying shadow analysis plans S75W – 1655(E) and S75W – 1656(E) and the solar access comparison table at plan S75W – 1657(E) demonstrate that the apartments located within the residential flat buildings at No. 25 – 27, No. 29 and No. 31 Victoria Parade that as a consequence of the Part 3A Concept Approval will receive a minimum 2 hours of solar access to living room and/ or private open space areas between 9:00am and 3:00pm on 21st June will continue to receive at least 2 hours of solar access to these areas in accordance with the Part 4A Solar and daylight access design criteria contained within the ADG.

It is however acknowledged that the further modified 75W Concept Plans continue to result in shadowing impact to Unit 18 on the ground floor of No. 29 Victoria Parade to the extent that it will not receive any direct solar access between 9am and 3pm on 21st June. In this regard, we note that this particular apartment currently receives no solar access between 9am and 3pm on 21st June given the existing built form circumstance on the site with the solar access afforded to the living room and open space areas pursuant to the Part 3A Concept Approval, which is less than 2 hours between 9:00am and 3:00pm on 21st of June and therefore non-compliant with the Part 4A Solar and daylight access design criteria contained within the ADG, being an unintentional consequence associated with the distribution of buildings originally proposed by the proponent rather than an outcome sought by the Department of Planning or the PAC in its assessment and determination of the application.

We note that this apartment is highly vulnerable to any shadowing impact given its ground floor location within immediate proximity of the south boundary of the development site.

That said, the accompanying shadow analysis plans S75W – 1658(E) and S75W – 1659(E) show that at the Equinox this particular apartment will receive direct solar access to the living room windows and adjacent private open space area between 11:20am and 3:00pm representing an appropriate level of solar access to these areas of the apartment.

In relation to communal open space, we note that No. 31 and No. 29 Victoria Parade currently do not have any communal open space areas with what is referred to within the request for RTS prepared by the Department as “communal open space” on No. 25 - 29 Victoria Parade either common circulation spaces providing ground level access to the ground floor level apartments or north facing private open space associated with the rear apartments as depicted in Figure 5 over page.



Figure 5 - Photograph looking towards the communal circulation space and rear private open space areas at No's 25 - 27 and 29 Victoria Parade

The accompanying shadow diagrams demonstrate that the communal circulation space between No's 25 – 27 and No. 29 Victoria Parade will continue to receive direct solar access between 12:30pm and 3:00pm on 21st June.

We have formed the opinion that the further modified s75W Concept Plans, particularly through the reduced height of Building B, maintain appropriate levels of solar access to neighbouring properties given that the apartments within the surrounding properties which were afforded compliant levels of solar access as a consequence of the Part 3A Concept Approval will continue to receive compliant levels of solar access in accordance with the Part 4A Solar and daylight access design criteria contained within the ADG.

Loss of privacy to neighbouring occupiers given the siting of building C

Response: The applicable ADG provisions relating to privacy are found at Part 3F – Visual privacy. Objective 3F-1 of this Part is as follows:

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy

The associated design criteria require setbacks of between 3 and 6 metres for buildings up to 4 storeys in height with these setbacks increasing for development up to 8 stories to between 4.5 and 9 metres depending on the usage characteristics of the adjacent rooms/balconies.

We note that the commentary contained within the Introduction to the ADG in the section headed “How to use this guide” indicates that if it is not possible to satisfy the design criteria, applications must demonstrate what other design responses are used to achieve the objective. That is, it is possible to achieve the objective without compliance with the “deemed to comply” design criteria.

We also note that the setbacks and building envelopes approved pursuant to the Part 3A Concept Approval do not satisfy the design criteria with condition 5 within Schedule 3 of the Approval Instrument specifying the following further privacy assessment requirements for approval to carry out the mixed-use development:

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

The proposed further modified setbacks to Building C provide for a complimentary and compatible built form spatial relationship with the final design detailing of the building façades and associated fenestration at the subsequent DA stage able to achieve Objective 3F-1 of the ADG and Condition 5 within Schedule 3 of the approval instrument as they relate to the maintenance of reasonable levels of external and internal visual privacy.

The section 75W application does not seek to modify this Schedule 3 requirement with the modification to the approved Building C setbacks not compromising the ability to satisfy the Condition 5 Schedule 3 requirement through the final design detailing of the subsequent DA.

Impact on highly valued ocean and beach views currently enjoyed by the occupiers of 3 apartments within No. 29 Victoria Parade contrary to the view loss assessment criteria established by the Land & Environment Court – Tenacity consulting v Warringah [2004] NSWLEC 140

Response: This submission is accompanied by an updated Visual Impact Assessment, dated December 2021, prepared by Murcutt Candalepas which contains an analysis as to the impact of the further modified Concept Plans on the slot view retained as a consequence of the Part 3A Concept Approval from the east facing bedroom windows associated with the Level 1 Apartment No. 6/ 29 Victoria Parade and the Level 2 Apartment No.9/ 29 Victoria Parade down the southern boundary of the property towards Manly Beach. Whilst some additional view affectation will arise as a consequence of the further modified Concept Plans such analysis confirms that the impact is appropriately described as moderate given that the views are available directly across a side boundary from bedroom areas with there being no reasonable expectation for these views to be preserved.

We also note that whilst Clause 3.4.3 (Maintenance of Views) of Manly Development Control Plan (MDCP) adopts the view sharing principles established by the Land and Environment Court of NSW in the matter of *Tenacity Consulting v Warringah* [2004] NSWLEC 140 that the DCP provision contains the following note:

DA assessment is to determine the extent of, and impact on views at eye height in a standing position (eye height is 1.6m above floor level) from within the main living areas (and associated terraces/balconies) of the proposed and existing, adjacent and nearby developments, as well as public spaces

We note that clause 3.4.3 MDCP does not seek to maintain a view sharing outcome from any seated position, from bedrooms or from secondary living areas and associated terraces/ balconies. Having regard to the clause 3.4.3 MDCP provisions, we are satisfied that the proposal does not unreasonably impact on the views available from the apartments within No. 29 Victoria Parade.

Loss of views over the top of existing development in Victoria Parade which are a maximum of 5 storeys. Development on the site should be 5 storeys

Response: Having inspected the site and its immediate surrounds to identify available view corridors across the site we are satisfied that the modifications to the approved building heights will not result in additional view affectation from the surrounding properties that currently obtained views over the top of the existing development in Victoria Parade and across the subject site.

Landscape reduction

Response: The accompanying landscape calculation plan S75W – 1070(E) demonstrates that the further modified Concept Plans provide for a significant increase in landscaping throughout the development site with landscaping maintained between the western and southern boundaries and Building C.

The quantum of landscape area proposed will enable the future environmental assessment requirement at Condition 1 within Schedule 3 of the Approval Instrument to be satisfied namely:

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

Public accessibility restriction

Response: The modified Concept Plans create a large publicly accessible forecourt area between Buildings C and D with the accompanying landscape calculation plan S75W – 1070(E) confirming that the Part 3A Concept Approval provided 275m² of publicly accessible external areas adjacent to the Wentworth Street frontage with the further modified Concept Plans providing 1600m² of publicly accessible external areas. The publicly accessible areas of the development are significantly increased as a component of the s75W modification application.

The need to provide security to the publicly accessible forecourt area outside normal business hours is addressed in detail in the accompanying Crime Risk and Prevention Through Environmental Design (CPTED) report, dated October 2021, prepared by Harris Crime Prevention Services a copy of which is at **Attachment F**.

Non-compliant development

Response: The consistency of the modified Concept Plans when assessed against the key considerations identified within the PAC report is addressed in detail within Section 5.1 of the s75W modification request document with such assessment demonstrating that the modifications sought to the Concept Approval will not compromise the outcomes sought by the PAC in its consideration and determination of the original application.

Residential buildings should not exceed a height of 5 storeys as generally approved in Manly

Response: The modified concept plans maintain the 5 and 8 storey building forms anticipated by the Part 3A Concept Approval across the site with the redistribution of floor space not compromising the outcomes sought by the PAC in its consideration and determination of the original application.

Traffic impacts

Response: This submission is accompanied by an updated Traffic and Parking Report prepared by Traffix (**Attachment D**) which contains a comparison between the net traffic generation associated with the Part 3A Concept Approval and that generated as a consequence of the s75W modification application. In particular, section 7.4 of the report contains the following conclusion:

It can be seen from the above that the proposed S75W modification would result in a net decrease in traffic generation of 32 to 65 vehicles during the morning and evening peak hour period, respectively. Therefore, the proposal would provide a traffic generation less than that of the approved concept and is a benefit to the public with the surrounding road network expected to experience less vehicles as a result of the proposed S75W modification.

Accordingly, the s75W modification results in net decrease in traffic generation compared to the Part 3A Concept Approval.

Unacceptable aesthetic of the ocean facing building façade

Response: This issue is subjective with the final design and detailing of the building façades to be resolved in the final design detailing associated with the subsequent DA. Building D is proposed to be highly articulated and modulated as depicted in the perspective rendering contained on further modified Concept Plan S75W-1401(E) as reproduced in Figure 6 over page.



Figure 6 - Plan extract S75W-1401(E) depicting highly articulated and modulated Building D presentation to South Steyne

We consider the further modified Concept Plan design associated with the ocean facing Building D form to be far superior compared to that anticipated through approval of the original Part 3A Concept Plans given the significant articulation and modulation of this building façade including its pavilion style form and its generously proportioned visually and physically permeable undercroft.

Excavation impacts on Norfolk Island Pine located between Royal Far West and No. 27 - 29 Victoria Parade

Response: The further modified Concept Plans provide for the realignment of the basement at the rear of Drummond House to align with the approved basement footprint to protect Tree 4.

It is anticipated that standard conditions of development consent will be imposed on any future development application in relation to required tree protection and arboreal supervision during excavation.

Extent of demolition of Drummond House

Response: Northern Beaches Council (Council) provided detail advice in relation to a number of concerns in relation to heritage impacts. We confirm that following further discussions with Council, including an on-site meeting, that the Modified Concept Plans were further modified to retain the entire front section of Drummond House to ensure that the primary historical fabric of the building was maintained and its contribution to the existing streetscape not unreasonably compromised.

The acceptability of these modifications is addressed in the following accompanying documentation:

- Amended Architectural Plans, Issue E, prepared by Murcutt Candalepas (**Attachment A**)
- Heritage Response Letter, dated 14th December 2021, prepared by Urbis (**Attachment B**)

We rely on the content of these documents in our response to this particular submission.

Poor design by placing services at rear of recently constructed CCK building facing adjoining residential properties

Response: This issue is not relevant to the assessment of the current Section 75W modification application noting that the CCK building has been constructed as a component of the Stage 1 and 2 works already completed on the site.

The proposal is a “money grab” by RFW

Response: This issue is subjective and not relevant to an assessment of the current application.

Encroachment on 6 metre setback to Wentworth Street and associated streetscape and street vista impacts

Response: The approved Building C tower has a variable setback to Wentworth Street of between 6 and 21 metres with the modified building C envelope maintaining a setback of between 3.6 and 8.6 metres with an average setback of 6 metres.

Such setbacks are considered appropriate given the significant reduction in building bulk as a consequence of the creation of the publicly accessible forecourt area and the removal of the solid street wall presentation to Wentworth Street as depicted in plan extract S75W-1352(E) and S75W-1354(E) at Figure 7 over page. We note that the setbacks have also been endorsed by the State Design Review Panel (SDRP) and the Northern Beaches Design and Sustainability Panel (NBDSAP). A copy of the NBDSAP meeting minutes of 28th October 2021 is at **Attachment G**.

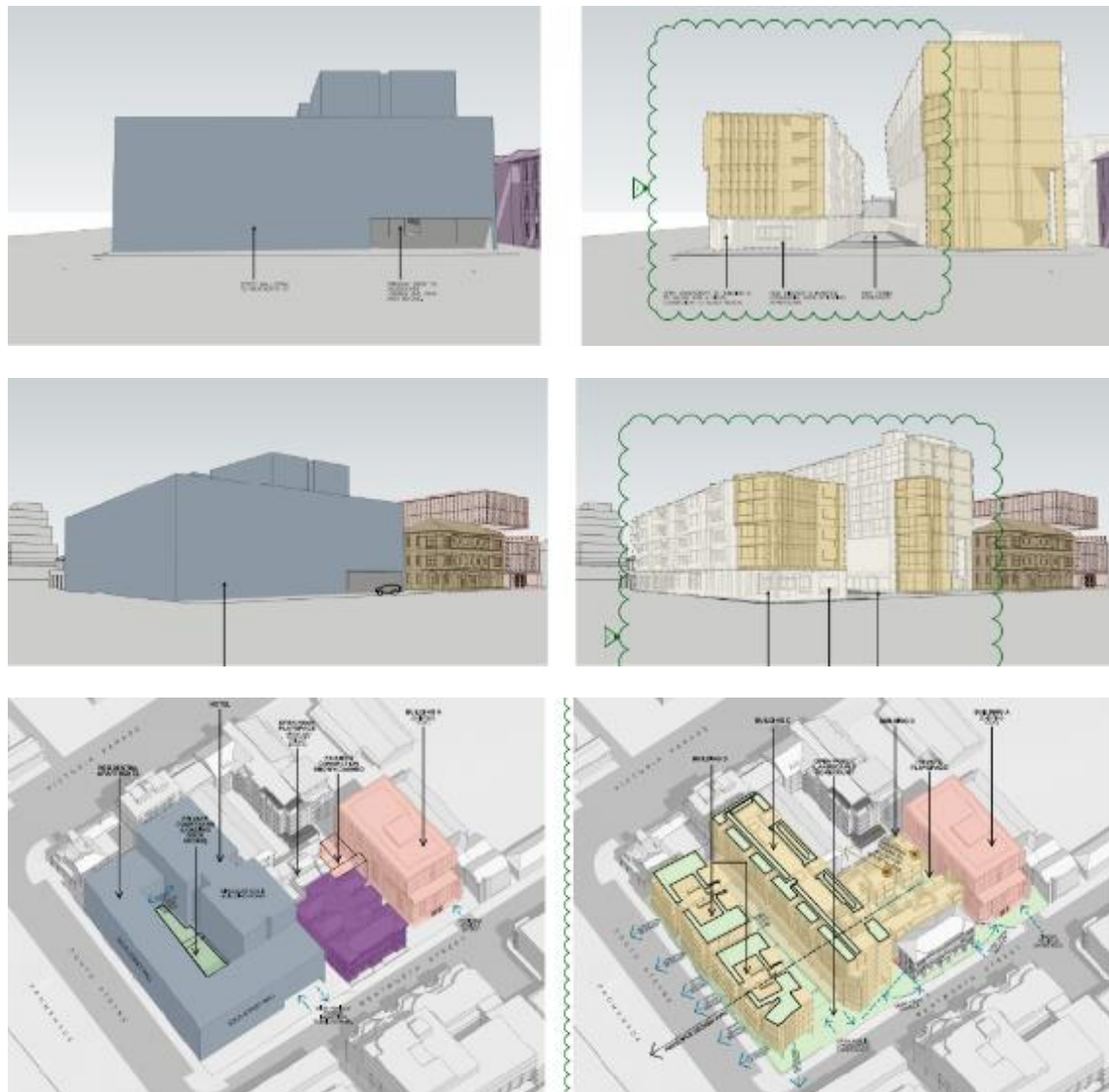


Figure 7 – Plan extracts S75W-1352(E) - S75W-1354(E) showing superior streetscape outcome associated with the further modified Wentworth Street building setbacks

In relation to potential impacts on vistas down Wentworth Street afforded through approval of the original Part 3A Concept Plans we rely on the images on plan S75W-1351(E) and the montages contained within the updated Visual Impact Assessment, dated December 2021, prepared by Murcutt Candalepas at **Attachment H** which demonstrate that the street vistas are not compromised. We note that views available from Wentworth Street are actually enhanced through the creation of the publicly accessible forecourt area and the visually permeable undercroft area provided to Building D. The montage contained within the updated Visual Impact Assessment is at Figure 8 over page.



Figure 8 - View montage showing retention of existing vistas down Wentworth Street from the vicinity of Drummond House towards Manly Beach

The visual impact of the proposed development from the standpoint of looking east down Wentworth Street from the vicinity of Drummond House towards Manly Beach

Response: As above.

Increased number of residential apartments and associated traffic Impacts

Response: The increase in the number of residential apartments is a response to the PAC's deletion of the hotel accommodation from the Part 3A Concept Approval with the updated Traffic and Parking Report prepared by TRAFFIX at **Attachment D** concluding that the proposal will not give rise to any unacceptable traffic related impacts.

Buildings too high and causing additional shadowing to Manly Beach

Response: The accompanying shadow analysis plan S75W-1653(E) confirms that the further modified plans will not result in any shadowing to Manly Beach.

Construction access should be from South Steyne

Response: This issue is subjective and not relevant to the assessment of the current s75W modification application with a comprehensive Construction Management Plan to be provided in support of the subsequent DA.

Gross overdevelopment of the site

Response: This issue is subjective and not relevant to the assessment of the current Section 75W modification application.

Uninteresting buildings will detract from the beauty of the beachfront

Response: This issue is subjective and not relevant to the assessment of the current s75W modification application.

The development will not enhance the experience for the children

Response: This issue is subjective and not relevant to the assessment of the current s75W modification application.

The heights, setbacks reduction and overall bulk of the Royal Far West site will detract from the community amenity of the adjacent beachfront Street, promenade and the beach itself

Response: These issues have been previously responded to and are not considered determinative.

The envelope should be reduced to 4 storeys and in the setback to South Steyne increased significantly

Response: The modified Concept Plans maintain the 5 and 8 storey building forms anticipated by the Part 3A Concept Approval across the site with the redistribution of floor space not compromising the outcomes sought by the PAC in its consideration and determination of the original application. The modified Concept Plans generally maintain the previously approved setbacks to South Steyne although the modified Concept Plans provide for substantially greater horizontal and vertical façade articulation and modulation compared to the approved Concept Plans.

Waste storage and management should occur from within the basement

Response: The modified concept plans anticipate all waste storage and management occurring from within the basement.

Extreme height of the buildings/ overdevelopment

Response: The modified Concept Plans maintain the 5 and 8 storey building forms anticipated by the Part 3A Concept Approval across the site with the redistribution of floor space not compromising the outcomes sought by the PAC in its consideration and determination of the original application.

Loss of parking for driveway access

Response: The modified Concept Plans delete the previously approved second driveway access from Wentworth Street with all vehicular access to the site utilising the existing CCK building driveway. Accordingly, the modified Concept Plans maintain the established on-street carparking circumstance.

Loss of open ground play space for children

Response: The s75W modification application provides for the relocation of the previously approved children's playground/open space from adjacent to the southern boundary of the property to a new centralised courtyard area to create a more private and secure environment for vulnerable country kids and their families and in doing so internalises noise associated with the use and enjoyment of this area.

Public parking overload

Response: This submission is accompanied by an updated Traffic and Parking Report prepared by TRAFFIX (**Attachment D**) which concludes that the proposal will provide compliant off-street carparking in accordance with the applicable MDCP provisions. The removal of the previously approved second vehicular driveway from Wentworth Street results in the retention of additional on street public parking adjacent to this frontage.

View loss from Unit 332/25 Wentworth Street

Response: This submission is accompanied by an updated Visual Impact Assessment, dated December 2021, prepared by Murcutt Candalepas which contains an analysis as to the impact of the further modified Concept Plans on the views retained as a consequence of the Part 3A Concept Approval from apartments 331 and 332/25 Wentworth Street down the Wentworth Street alignment to Manly Beach. A copy of the updated Visual Impact Assessment is at **Attachment H**.

Such analysis confirms that the views retained as a consequence of the Part 3A Concept Approval from apartments 331 and 332/25 Wentworth Street down the Wentworth Street alignment to Manly Beach are not compromised as a consequence of the further modified Concept Plans.

Loss of sky views

Response: We are of the opinion that the further modified Concept Plans will not give rise to unacceptable loss of sky views with the visual impact associated with the further modified Concept Plans previously addressed in this RTS. We do not consider this issue to be determinative.

Potential flooding

Response: We refer to the accompanying Flooding and Stormwater Issues Response, dated 15th of October 2021, prepared by Northrop (**Attachment C**) which contains the following commentary:

Northrop presented the Flood Statement plan and confirmed that the existing floor level at Building A (Centre for Country Kids building) and the basement entry was 10mm & 20mm lower than the PMF storm respectively – This was considered by NBC to be negligible. Ground level RLs are not documented in the S75W design documentation and it was confirmed that adherence to and the detail of flood planning levels would be addressed against the DA design levels and are not subject to the S75W modification.

Accordingly, flooding will be addressed in detail in the preparation of the final DA documentation which will be finalised upon approval of the s75W Modification.

Unacceptable visual impacts because of size and scale

Response: This issue has been previously addressed within this RTS.

Additional shadowing to adjacent school

Response: This submission is accompanied by shadow analysis diagrams S75W-1651(E) to S75W- 1654(E) which depict the on-ground shadow cast by the massing above the approved Concept Plan height plane including the increased overshadowing from all proposed roof top elements.

These diagrams demonstrate that whilst the roof top structures will result in some minor additional shadowing impact to the roof of the Victoria Parade fronting school building at 9:00am that no additional shadowing impact will occur to Manly Village Public School playground or Manly Beach at any other time between 9:00am and 3pm on 21st of June. The roof top structures have been integrated into the building form and located to minimise visibility from the public domain.

Accordingly, we are of the opinion that the modified Concept Plans are not inconsistent with the intent sought through compliance with Condition A5 – Building Height contained within the Approval Instrument.

3.0 Response to the request for RTS Attachment A issues

Issue 1 – Amenity Impacts

The Department raises concern about the proposed height and setback changes to the Royal Far West (RFW) accommodation building and Building C envelopes resulting in increased amenity impacts to apartments and the communal open space at 25-29 Victoria Parade and 31 Victoria Parade, when compared to the approved envelopes. Therefore, the Department requests:

- *That the height and setbacks of the proposed envelopes for the RFW accommodation building and Building C be reviewed and amended to reduce any amenity impacts to 25-29 Victoria Parade and 31 Victoria Parade.*

Response: We rely on the previous detailed commentary on pages 27 - 35 of this RTS in response to the height, setback and associated amenity impact concerns raised in the public submissions.

- *Revised diagrams with dimensions and a table comparing the existing, approved and proposed setbacks and average and total building separation distances between the RFW accommodation building and Buildings C and D to 25-29 Victoria Parade and 31 Victoria Parade.*

Response: This submission is accompanied by a setback comparison plan S75W – 1855(E) prepared by the project Architect which provides a comparison between the previously approved setbacks and those proposed pursuant to the further modified Concept Plans. We note that only Building C adjoins No's 25- 29 and No. 31 Victoria Parade. The Building C setbacks to the northern and western boundaries of the subject property have been increased in response to concerns raised in relation to potential amenity impacts with a variable setback of between 3.3 and 3.7 metres now maintained to the western boundary adjacent to Building C and a variable setback of between 3.5 and 5 metres maintained to the southern boundary of the property adjacent to Building C. A comparison of these setbacks is shown in Table 1.

- *Further analysis and justification of any potential amenity impacts (solar access, view loss and privacy) of the proposal on the apartments and the communal open space at 25-29 Victoria Parade and 31 Victoria Parade, including reconsideration of any variations to Apartment Design Guide (ADG) building separation and solar access/privacy provisions.*

Response: We rely on the previous detailed commentary on pages 27 - 35 of this RTS in response to the height, setback and associated amenity impact concerns raised in the public submissions.

- *Further detailed solar access analysis which considers the cumulative shadow impact of the redevelopment of the entire RFW site (not just a comparison of the approved and proposed modified stage). The analysis must also identify any differences between the approved and proposed shadow impacts, noting the concept approval included the provision of an open space area to the rear of Drummond House, which increased solar access to 25-29 Victoria Parade at certain times of the day compared to the proposed changes.*

Response: We rely on the previous detailed commentary on pages 29 and 30 of this RTS in response to the shadowing impact concerns raised in the public submissions.

- *Updated shadow diagrams that correctly shade ‘on ground shadow cast by massing above the Part 3A height plane’ areas and show any increased overshadowing from all proposed roof top elements.*

Response: The requested shadow diagrams depicting the on-ground shadow cast by massing above the Part 3A height plane areas and from all proposed roof top elements are contained within **Attachment 1** being plans S75W-1651(E) to S75W-1654(E).

- *Revised ‘view from the sun’ shadow diagrams showing the increased shadow impact of the proposed new RFW accommodation building when compared to the concept approval.*

Response: The requested shadow diagrams are contained within **Attachment 1**. We rely on the previous detailed commentary on pages 32 and 33 of this RTS in response to the shadowing impact concerns raised in the public submissions.

- *Equinox ‘view from the sun’ shadow diagrams and diagrams at a minimum of 30 minute intervals between 9 am and 3 pm in midwinter.*

Response: The requested shadow diagrams are contained within **Attachment 1**.

- *An analysis of the view impacts raised in submissions, including a view loss assessment as established by the Land & Environment Court in the Tenacity Consulting v Warringah Council [2004] planning principle.*

Response: The requested updated Visual Impact Assessment and additional view analysis along Wentworth Street accompanies this RTS at **Attachment H**. We rely on the previous detailed commentary on page 35 of this RTS in response to the view loss concerns raised in the public submissions.

Issue 2 – Heritage

Council has advised it does not support the proposed works to Drummond House. The Department requests:

- *That you consult further with Council and make any design changes necessary to resolve its position that the proposed works to Drummond House result in an unsatisfactory heritage outcome.*

Response: We rely on the previous detailed commentary on page 17 of this RTS in response to the concerns raised in relation to heritage.

Issue 3 – Visual Impact

- *Provide an addendum to the Visual Impact Assessment to include additional views from Wentworth Street looking east, with view locations to be agreed by the Department.*

Response: The requested updated Visual Impact Assessment and additional view analysis along Wentworth Street accompanies this RTS at **Attachment H** with an extract of the additional view montage looking east down Wentworth Street at Figure 8 on page 41 of this RTS. Such Visual Impact Assessment confirms that the vistas afforded through approval of the Part 3A Concept Plans down the alignment of Wentworth Street from the vicinity of Drummond House towards Manly Beach are not compromised as a consequence of the further modified Concept Plans.

- *Provide photomontages of the proposed modifications as viewed from Wentworth Street/South Steyne, with view locations to be agreed by the Department.*

Response: As above.

- *Confirm the proposed setback distance of the Building C tower element to Wentworth Street and justify the proposed reduced setback.*

Response: The approved Building C tower has a variable setback to Wentworth Street of between 6 and 21 metres with the modified building C envelope maintaining a setback of between 3.6 and 8.6 metres with an average setback of 6 metres.

Such setbacks are considered appropriate given the significant reduction in building bulk as a consequence of the creation of the publicly accessible forecourt area and the removal of the solid street wall presentation to Wentworth Street as depicted in plan extract S75W-1352(E) to S75W-1354(E) at Figure 7 on page 40 of this RTS.

We note that the setbacks have also been endorsed by the State Design Review Panel (SDRP) and the Northern Beaches Design and Sustainability Panel (NBDSAP). A copy of the NBDSAP meeting minutes of 28th October 2021 is at **Attachment G**.

In relation to potential impacts on vistas down Wentworth Street afforded through approval of the original Part 3A Concept Plans we rely on the images on plan S75W-1351(E) and the montages contained within the updated Visual Impact Assessment, dated December 2021, prepared by Murcutt Candalepas at **Attachment H** which demonstrate that the street vistas are not compromised. We note that views available from Wentworth Street are actually enhanced through the creation of the publicly accessible forecourt area and the visually permeable undercroft area provided to Building D. The montage contained within the updated Visual Impact Assessment is at Figure 8 on page 41 of this RTS.

Issue 4 – Communal use of Roof of Building C

- *Noting the potential use of the Building C roof as communal open space, please provide further information justifying how any lift overruns, structures and landscaping on the roof will be integrated into the building form, located to minimise visibility from the public domain and will not result in any additional shadow impacts to Manly Beach or Manly Village Public School (as intended through Condition A5 of the Concept Approval).*

Response: In relation to potential visual impacts associated with the roof top structures we rely on the images on plan S75W- 355(E) which demonstrate that, to the extent that the roof top structures are visible from any vantage point from outside the site, they will appear as integrated components of the building, will not give rise to unacceptable additional shadowing impacts as depicted on plan S75W-1654(E) and will not be perceived as inappropriate or jarring in a streetscape context as depicted in Figure 1 on page 16 of this RTS.

We rely on the previous detailed commentary within this RTS in relation to the shadowing impacts associated with the roof top structures on Manly Beach, Manly Village Public School and the public domain generally.

Issue 5 – Traffic and Car Parking

- *Confirm the proposed number and anticipated allocation of car parking spaces and how this compares to the car parking controls in Council's Development Control Plan 2013.*

Response: This submission is accompanied by an updated Traffic and Parking Report prepared by TRAFFIX (**Attachment D**) which concludes that the proposal will provide compliant off-street carparking in accordance with the applicable MDCP provisions. Table 3 within the report identifies a total car parking requirement of 221 parking spaces with the modified concept plans accommodating 226 parking spaces in strict accordance with the minimum car parking requirements of MDCP and the minimum 184 car space requirement prescribed within the Concept Approval Instrument.

Issue 6 – Flooding

- *Noting Council's comments that the site is now identified as flood prone, please provide a flood impact assessment.*

Response: We refer to the accompanying Flooding and Stormwater Issues Response, dated 15th of October 2021, prepared by Northrop (**Attachment C**) which contains the following commentary:

Northrop presented the Flood Statement plan and confirmed that the existing floor level at Building A (Centre for Country Kids building) and the basement entry was 10mm & 20mm lower than the PMF storm respectively – This was considered by NBC to be negligible. Ground level RLs are not documented in the S75W design documentation and it was confirmed that adherence to and the detail of flood planning levels would be addressed against the DA design levels and are not subject to the S75W modification.

Accordingly, flooding will be addressed in detail in the preparation of the final development application (DA) documentation which will be finalised upon approval of the s75W Modification.

Issue 7 – Landscape/ Courtyard

- *Confirm the minimum number of new trees anticipated to be planted within the site compared to the existing and Concept Approval.*

Response: The arborist report at **Appendix V** of the s75W application confirms that the site currently contains 9 trees or groups of moderate significance described as follows:

Site trees 5 - 13: are mostly small trees of moderate significance with trees 5 to 7 containing higher landscape amenity values being more visually dominant from Wentworth Street frontage. Remaining trees are somewhat restricted from view with all trees contained within constructed garden bed environments.

These trees are proposed to be removed.

Whilst the total number of new trees anticipated to be planted within the site will not be determined until the final design detailing associated with the subsequent development application, 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** of the s75W application. 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.

Northern Beaches Council (Council) has also provided feedback and guidance in relation to landscape outcome expectations for the site in their submission in response to the exhibition of the S75W application including the following commentary:

The proposed tree planting shall be supported by adequate soil volume, irrigation, and species that are selected to suit the expected microclimate of extended shade, including investigation into suitability of either exotic deciduous or evergreen trees, and not necessarily be limited to native trees, which may not be sustained in the available landscape areas and restricted on structure planters. Tree planting on structure shall comply with the SEPP65 associated Apartment Design Guide references to deep soil areas required for tree planting on structures.

In this regard, although the total number of new trees anticipated to be planted within the site will not be determined until the final design detailing associated with the subsequent development application, the consent authority can be satisfied that the final landscape design for the site is able to achieve the landscape outcomes sought by Council and the Schedule 3 Item 1 - Landscaping requirement contained within the Concept Approval Instrument namely:

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

- *Confirm why the basement is proposed to step closer to Tree 4 than the current concept approval and review the need for this change and confirm how the retention and ongoing health of Tree 4 will be ensured.*

Response: The accompanying further modified concept plans provide for the realignment of the basement at the rear of Drummond House to align with the approved Part 3A basement footprint to ensure the retention and ongoing health of Tree 4.

- *Confirm the area (m²) of the proposed publicly accessible courtyard, compared to the existing and Concept Approval.*

Response: The modified Concept Plans create a large publicly accessible forecourt area between Buildings C and D with the accompanying landscape calculation plan S75W-1070(E) confirming that the Part 3A Concept Approval provided 275m² of publicly accessible external areas adjacent to the Wentworth Street frontage with the modified Concept Plans providing 1600m² of publicly accessible external areas. The publicly accessible areas of the development are significantly increased as a component of the s75W modification application.

- *Provide examples of other developments with similar arrangements to the proposed courtyard and retail spaces/public domain.*

Response: The proposed publicly accessible courtyard with its flanking retail spaces and public domain permeability is not unlike the public courtyard which exists directly opposite the CCK building along Wentworth Street. Both spaces are publicly accessible, are activated by way of internalised retail frontages and have through site links to other public spaces. This adjacent publicly accessible courtyard is also flanked by 5 storey development consistent with the height of proposed building D. This publicly accessible courtyard area is depicted in Figures 9 and 10 over page.



Figure 9 – Aerial photograph showing location of publicly accessible courtyard immediately opposite the CCK building on Wentworth Street



Figure 10 – Street view photographs of publicly accessible courtyard located immediately opposite the CCK building on Wentworth Street
(Source: Google Street View)

We also rely on the accompanying Forecourt Activation Plan S75W-1401(E) which provides imagery in relation to the type of retail activation anticipated within and around the publicly accessible forecourt area and the level of visual and physical permeability achieved below Building D an extract of which is at Figure 11 below.



Figure 11 – Plan extract S75W-1401(E) depicting the level of visual and physical permeability achieved below Building D and the integrated retail activation proposed as viewed from South Steyne

- *Provide an updated Crime Prevention Through Environmental Design report that considers the need to provide a secure line around the courtyard at night.*

Response: This RTS is accompanied by a Crime Risk and Prevention Through Environmental Design (CPTED) report, dated October 2021, prepared by Harris Crime Prevention Services that considers the need to provide a secure line around the courtyard at night. This document is at **Attachment F**.

Issue 8 – Other

- *Revise the Massing Diagram (S75W – 1080) to include the proposed massing changes to Drummond House.*

Response: The accompanying further modified Concept Plans include an updated Massing Diagram plan S75W-1080(D) which depicts the proposed massing changes to Drummond House.

- *Provide a diagram, with dimensions, to clarify the extent and locations where Buildings C and D do not satisfy the recommended ADG building separation distance.*

Response: We rely on the previous detailed commentary within this RTS in relation to this issues.

- *Pay the outstanding assessment fee (Invoice No.22051087/1200).*

Response: We confirm that this fee has been paid.

4.0 Response to the additional issues raised by the Department in its email of 18th October 2021

- *Please confirm that you've provided the landowners consent for all land within the concept approval area (including the landowners consent for Lot 1 DP 1091717 and Lot C DP 369972).*

Response: This RTS is accompanied by owner's consent from the owners of Lot 1 DP 1091717 and Lot C DP 369972 at **Attachment I**.

- *Please provide a detailed breakdown (in a table) of the gross floor area for each building (and each use within each building), comparing the approved, proposed and revised proposal and detailing the implications to the site area and FSR as a result of removing the "Building G" site.*

Response: This RTS is accompanied by plan S75W-1801(E) containing a detailed breakdown in table form of the gross floor area of each building, and each use within each building, comparing area approved, proposed revised proposal and detailing implications to the site area and FSR as a result of removing the Building G site. These diagrams demonstrate the GFA/FSR nominated on the further modified concept plans remains well below the maximum 3:1 FSR prescribed by the Approval Instrument.

Finally, this submission is accompanied by an updated SEPP 65 Design Verification Statement prepared by the project Architect a copy of which is at **Attachment J**.

Boston Blyth Fleming Pty Limited



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