



# Royal Far West Concept Plan - Modification 1

Section 75W Modification Assessment  
MP 10\_0159 MOD 1

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*Cover image: Photomontage of potential future development viewed from Wentworth Street*

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# Glossary

Abbreviation	Definition
<b>ADG</b>	Apartment Design Guide
<b>Concept Approval</b>	Concept plan application (MP10_0159), approved 18 April 2013
<b>CMP</b>	Conservation Management Plan
<b>Council</b>	Northern Beaches Council
<b>DA</b>	Development application
<b>Department</b>	Department of Planning and Environment
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>EPI</b>	Environmental Planning Instrument
<b>FEAR</b>	Future Environmental Assessment Requirement
<b>FSR</b>	Floor Space Ratio
<b>GFA</b>	Gross floor area
<b>HIS</b>	Heritage Impact Statement
<b>Heritage NSW</b>	Heritage NSW, Department of Premier and Cabinet
<b>Minister</b>	Minister for Planning
<b>NSW GA</b>	New South Wales Government Architect
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>Proponent</b>	Royal Far West (RFW)
<b>Proposal</b>	Modification 1 to the Concept Approval (as summarised at <b>Section 2</b> )
<b>RTS</b>	Response to Submissions
<b>SEPP</b>	State Environmental Planning Policy
<b>STOP Regulation</b>	Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017

# Executive Summary

This report provides an assessment of a request to modify the concept approval for the mixed-use redevelopment of the Royal Far West (RFW) (MP 10\_0159 MOD 1) in the Northern Beaches (Council) local government area.

The request seeks approval to modify the site boundary and approved building envelopes, demolish the rear of Drummond House and replace it with two new RFW guest accommodation buildings, and convert a building envelope for a hotel into a residential apartment building. The modification request has been lodged by the RFW (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The detailed design and construction of the project will be subject to future development application(s) (DAs) to be lodged with Council.

The modification request was publicly exhibited from 3 August 2021 to 6 September 2021 (35 days). The Department received submissions from Council, TfNSW, Sydney Water and Heritage NSW providing comments on the proposal and 45 public submissions (43 objecting to the proposal and two raising comments).

Council did not object to the proposal, however it raised concerns about the visual impact of the roof top structures and heritage impacts to the locally listed Drummond House. Council also provided comments in relation to landscaping, flood risk and public domain design.

Public submissions raised concerns about amenity impacts, including solar access, privacy and views. Concern was also raised about the bulk and scale of the proposal, design excellence and heritage impacts. Public submissions also questioned whether the proposal meets the criteria for a modification application.

The Proponent provided a response to the issues raised in submissions which included additional information and the following design changes:

- reduce the height of a portion of the Building B envelope to improve solar access to adjoining residential properties
- increase the Building B envelope setback to retain more of the locally listed Drummond House, as requested by Council to resolve heritage impact concerns
- increase the Building C setbacks to 29 Victoria Parade and Building C and D setbacks to 29 Victoria Parade, 31 Victoria Parade and 15-16 South Steyn.

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act and has carefully considered the issues raised in public submissions and the Proponent's response.

While the proposal rearranges the built form and land uses across the site, the Department is satisfied the proposal as modified would be substantially the same development as originally approved given it would remain a mixed use development, it does not seek to increase the scale of development (noting the gross floor area has been reduced), the height increase is minor and all other impacts are considered to be acceptable and can be appropriately mitigated and managed through recommended conditions of approval.

The Department's assessment considers the proposal is acceptable as:

- the State Design Review Panel support the proposed changes, subject to recommendations to inform the detailed design
- the rearrangement of the building envelopes results in an improved built form outcome compared to the concept approval through the creation of a new publicly accessible courtyard, improved accommodation for RFW guests (in Building B) and a more articulated and finer grain built form
- the proposed increase in building height is minor and the proposal would still fit comfortably within the streetscape when viewed from the Manly Beach foreshore
- the proposal would not adversely impact solar access to the Manly Beach, the adjoining promenade or the Manly Village Public School
- the proposal retains the front portion of Drummond House which has the highest level of heritage significance and visual prominence, and the proposed new building envelopes have been appropriately setback providing an appropriate curtilage around the building
- the proposal would not result in any additional traffic impacts as the reduction in floor space would generate less traffic
- the Department recommends several conditions to address issues raised during the assessment process, including requirements for:
  - the Northern Beaches Design and Sustainability Advisory Panel consider the detailed design to ensure it achieves design excellence and adequately addresses the recommendations from the State Design Review Panel
  - roof top structures only be permitted where they are integrated into the built form, located to ensure minimal visibility and do not result in additional overshadowing to Manly Beach, Manly Village Public School and surrounding residential buildings
  - the setback of Building C be increased from 3.7 m to 4.6 m where it adjoins a neighbouring residential building (29 Victoria Parade), consistent with the original concept approval
  - the front and rear elevations of Building C be articulated to break up its length and visual mass
- all other impacts associated with the proposal, such as internal residential amenity, landscaping, public domain design, parking and flooding, are all reasonable and supported.

The Department's assessment concludes the proposal is acceptable as it would result in an improved built form outcome compared to the original concept approval and it would not result in any significant environmental or amenity impacts beyond those already assessed and approved, subject to the recommended conditions. The Department is therefore satisfied the proposal is in the public interest and recommends the modification request be approved.

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# 1 Introduction

## 1.1 Introduction

This report provides an assessment of a request to modify the concept approval for the mixed-use redevelopment of the Royal Far West (RFW) in Manly (MP 10\_0159 MOD 1), pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification request has been lodged by the Lighthouse Project Group on behalf of the RFW (the Proponent). It proposes to amend the site boundary and approved building envelopes, including changes to the layout, height, floor space, land uses and local heritage listed Drummond House.

The detailed design and construction of the project will be subject to future development application(s) (DAs) lodged with Northern Beaches Council (Council).

## 1.2 The Royal Far West

The RFW is an Australian charity offering integrated health, education and disability services to children and their families from remote and rural areas. Its mission is to enhance the health and wellbeing of country children. It works in partnership with families, schools, health care providers, local and State government and community groups to provide services in Manly, virtually via telecare and in local communities.

The RFW provides a medical centre with access to health care professionals, on-site accommodation for children and their families, and access to the RFW school which provides classes for children between preschool age and Year 12. Classes are also provided for children with severe disabilities. Accommodating 30-35 families a week, the RFW is one of the largest employers in Manly with 220 staff.

The RFW is seeking to develop the site to future proof its services, with proceeds being used to expand services, improve accommodation for a larger number of children and their families, provide ongoing support, accommodate growth and deliver an integrated child and family, health and wellness campus. The RFW is seeking the modification to deliver outcomes of its design brief (such as Drummond House being no longer fit for purpose) and requirements of the concept approval to achieve design excellence and provide residential amenity in accordance with the Apartment Design Guide.

## 1.3 The site

The site is located within the Manly town centre, at the corner of Wentworth Street and South Steyne. The site fronts Manly Beach and is visually prominent from the beach and contributes to the built form character of the beachfront.

Key characteristics of the site and its surrounds are summarised in **Table 1** and shown in **Figures 1** to **6**.

**Table 1 | Key characteristics of the site**

<b>Site description</b>	
<b>Address</b>	14-22 Wentworth Street and 19-21 South Steyne (with 15-16 South Steyne proposed to be removed from the site) ( <b>Figures 1 and 2</b> ).
<b>Legal description</b> (at lodgement – see <b>Section 5.7</b> )	Lot 101 DP 1247422; Lot 1 and 2 DP 223468; Lot 1 DP 435023; Lot 2587 DP 752038; Lot 1 and 2 DP 1093126 and Lot 12 DP 1096038 (with Lot 1 DP 1091717 and Lot C DP 369972 proposed to be removed from the site)
<b>LGA</b>	Northern Beaches LGA
<b>Surrounding roads</b>	105 m frontage to Wentworth Street to the north and 79 m frontage to South Steyne to the east ( <b>Figure 1</b> ).
<b>Site characteristics</b>	
<b>Site area</b>	6,398 m <sup>2</sup> excluding 15-16 South Steyne 6,950 m <sup>2</sup> including 15-16 South Steyne
<b>Site shape</b>	“L” shaped
<b>Topography</b>	The site is largely flat.
<b>Existing development</b>	<ul style="list-style-type: none"> <li>• 6 storey Centre for Country Kids (or CCK) building, providing clinical and educational services (<b>Figure 3</b>)</li> <li>• 3 storey Drummond House, providing short stay residential accommodation for children and their families (<b>Figure 4</b>)</li> <li>• 3 storey former Far West School building (<b>Figure 5 and 6</b>)</li> <li>• 4 storey co-working office facility (within the Norman Drummond Building and George Moncrieff Barron Wing).</li> </ul>
<b>Existing landscaping</b>	9 trees onsite and 3 large street trees (Norfolk Pines) on the Wentworth Street frontage.
<b>Existing access</b>	Vehicular access to the basement car park is beneath the CCK Building from Wentworth Street.
<b>Public transport</b>	Many Ferry Wharf and bus services (350 m west).
<b>Heritage</b>	Local heritage items include Drummond House (I245), street trees on Wentworth Street (I246) and 15-16 South Steyne (I226).
<b>Flood risk affected</b>	Site impacted by Probable Maximum Flood (PMF) event, with levels varying between 4.98m AHD on Wentworth Street (at Drummond House) and 4.40m AHD on South Steyne.
<b>Surrounding area characteristics</b>	
To the north west:	<ul style="list-style-type: none"> <li>• Mixed use buildings of four and five storeys opposite the site fronting Wentworth Street (17-23 and 25-27 Wentworth Street).</li> <li>• Mix of uses and storey heights within the Manly town centre.</li> </ul>
To the north east:	Local heritage listed Manly Beach, promenade and public shelters beyond South Steyne.
To the south west:	Two storey community centre (12 Wentworth Street) and Manly Village Public School, both local heritage items.
To the south east:	Four to five storey residential flat buildings (25-27, 29 and 31 Victoria Parade), of which 29 and 31 Victoria Parade are local heritage items.





Figure 1 | Site location, with site outlined in red and area proposed to be removed in dashed red (Base source: Nearmap)



Figure 2 | Site plan, with area proposed to be removed from site area shown in red dashed (Base source: NearMap)





**Figure 3 |** Recently constructed CCK building adjacent to Drummond House (Source: Department's photograph)



**Figure 4 |** Drummond House, local heritage item (Source: Department's photograph)





**Figure 5** | The former school building and Drummond House viewed from Wentworth Street looking south-west (Source: Department's photograph)



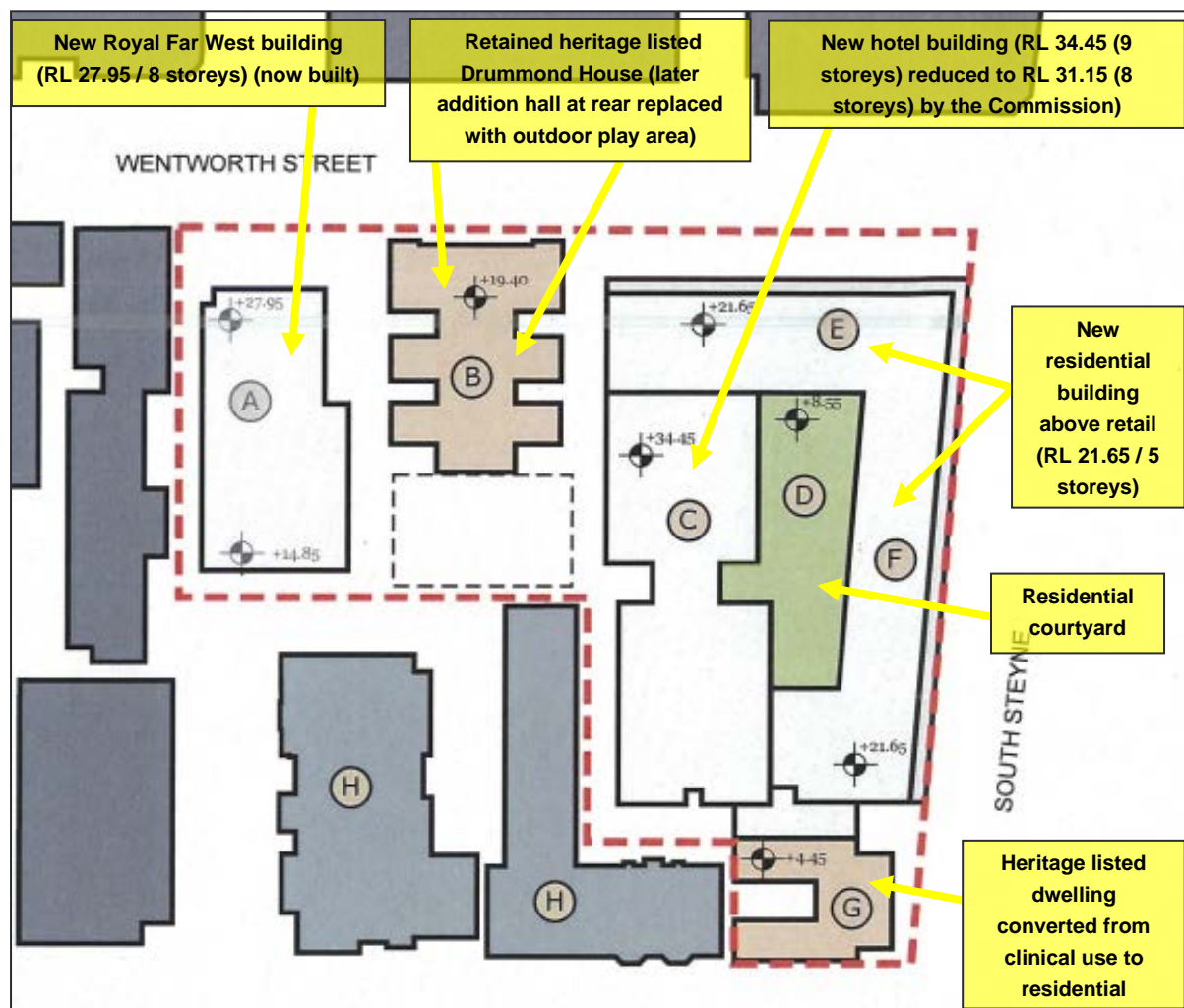
**Figure 6** | Former school buildings and playground viewed from Wentworth Street (Source: Department's photograph)

## 1.4 Relevant planning history

### 1.4.1 Concept Approval

On 18 April 2013, the Planning Assessment Commission (Commission) approved a concept plan for the RFW (MP 10\_0159) (**Figures 7 and 8**), comprising:

- mixed-use development with associated hospital facility (Centre of Excellence)
- indicative building envelopes for buildings to a maximum height of 8 storeys (RL 31.15)
- tourist and visitor accommodation, residential, retail/commercial and hospital/medical uses to a maximum FSR of 3:1
- 184 basement car parking spaces
- landscaping areas throughout the site.



**Figure 7** | Approved concept plan

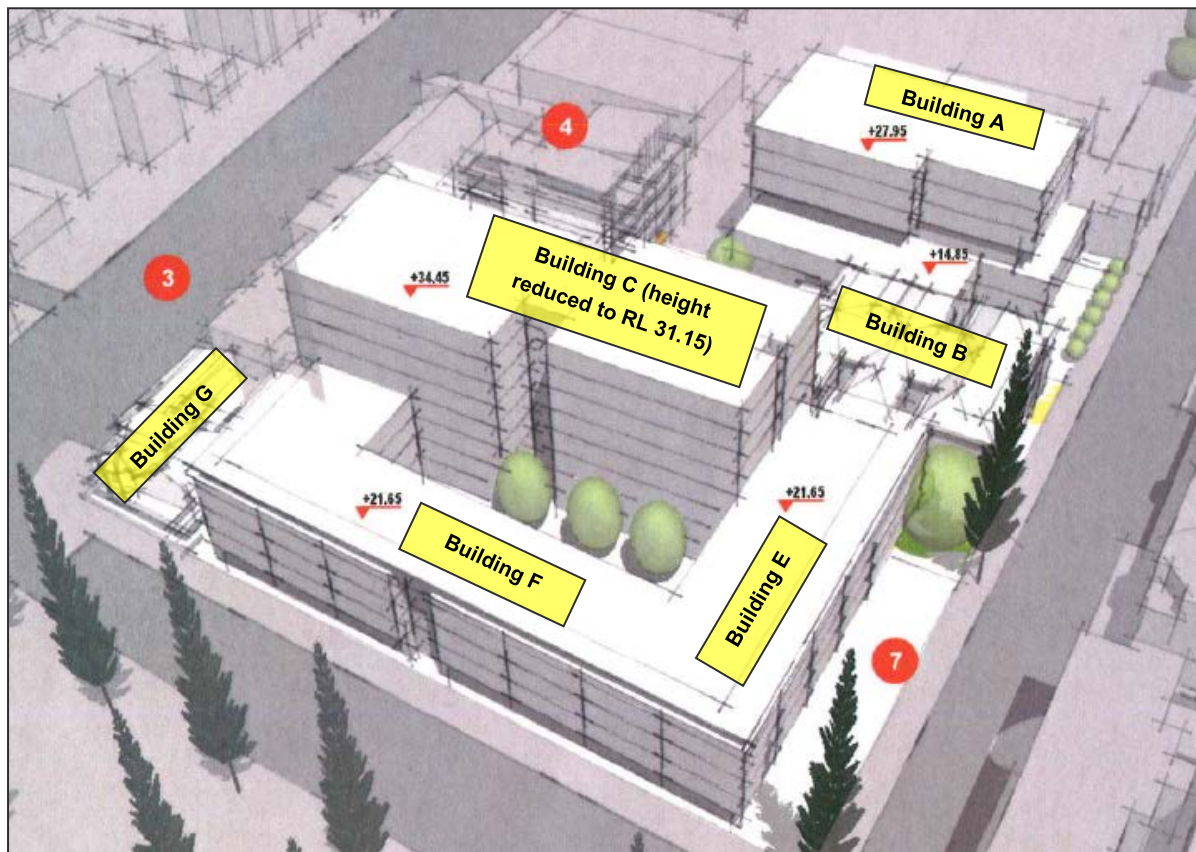
Relevant to the proposed modification, the Commission's approval included the following conditions:

- **Condition A5** in relation to building height:
  - the height of Building E [*sic – should be Building C*] (tourist and visitor accommodation building) is reduced by one storey to not exceed RL 31.15 (to ensure no unacceptable shadow impacts to Manly Beach)



- no structures, including parapets, vents, plant rooms, chimney, aerials and the like, are to exceed the maximum height limit, except lift overrun structures where integrated into the built form, located to ensure minimal visibility from the public domain and where they will not result in any additional shadow impacts to Manly Beach or the Manly Village Public School and its grounds
- **Condition B1** in relation to residential amenity:
  - requires all future DAs to demonstrate that residential amenity can be achieved in accordance with the standards under the Residential Flat Development Code of NSW and the principles of State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development) (now called SEPP 65 (Design Quality of Residential Apartment Development) and its associated Apartment Design Guide (ADG))
- **Condition B2** in relation to design excellence
  - requires future DAs to demonstrate design excellence in accordance with the Director General's Design Excellence Guidelines (which are currently being reviewed and revised through the 'Draft Government Architect's Design Excellence Competition Guidelines 2018').

The concept approval has not previously been modified.



**Figure 8** | Axonometric diagram of approved concept plan (viewed from the east)

### 1.4.2 Development application

On 6 May 2015, the Joint Regional Planning Panel (JRPP) granted development consent (DA253/2014) for the construction of a six storey building (Building A) (now called the Centre for Country Kids (CCK)), with 2 basement levels (providing 53 car parking spaces). This consent also approved a connection to Drummond House. The consent was modified on 15 August 2017 for a range of design refinements

and to reduce car parking spaces (to 50) and bicycle spaces (to 17). The works have been completed and the building is occupied (**Figure 3**).

Relevant to the proposed modification, the JRPP approved a change to the indicative staging plan to delay the timing for the demolition of a rear extension to Drummond House (to provide the external play area) from Stage 2 (as contemplated in the Concept Approval) to Stage 3. Council's report supported the change noting it remains generally consistent with the concept approval (**Figure 9**).



**Figure 9** | Indicative staging plan for the demolition and construction approved by the JRPP (DA 253/2014) with demolition of the rear extension to Drummond House delayed from Stage 2 to Stage 3 (shown in yellow)

## 2 Proposal

### 2.1 Modification to the concept approval

The modification request seeks approval to amend the site boundary and approved building envelopes, including changes to the layout, height, floor space, land uses and locally listed Drummond House. The proposal (as amended in response to submissions) is summarised in **Table 2** and **Figures 10** and **11**.

**Table 2** | Key components of the modification

Component	Modification Description
Boundary	Amend the concept approval boundary to remove 15-16 South Steyne (Lot 1 DP 1091717 and Lot C DP 369972) ( <b>Figures 1 and 2</b> ), reducing the site area from 6,950 m <sup>2</sup> to 6,398 m <sup>2</sup> (a reduction of 552 m <sup>2</sup> ).
Building envelopes	Amend the approved building envelopes to allow the: <ul style="list-style-type: none"> <li>demolition of the rear of Drummond House (local heritage item) and an approved play area, and replace it with a courtyard / play area and two new building envelopes (<b>Building B</b>) with building heights of: <ul style="list-style-type: none"> <li><b>Building B (north)</b>: RL 20.06 (with lift overrun to RL 21.11)</li> <li><b>Building B (south)</b>: RL 11.32 at its southern elevation increasing to RL 13.65 (with stairs / lift overrun to RL 13.59 and a planter / podium to RL 14.72)</li> </ul> </li> <li>replacement of approved Buildings C, D, E and F (with a maximum building height of RL 31.15) with two rectangular building envelopes (<b>Building C and D</b>), separated by a publicly accessible forecourt, with heights of: <ul style="list-style-type: none"> <li><b>Building C</b>: RL 32.35 (street wall at Wentworth Street), RL 34.00 (pergola), RL 34.20 (top of the stair) and RL 35.80 (to the lift overrun)</li> <li><b>Building D</b>: RL 22.60 (parapet height), RL 23.20 (to the lift core) and RL 24.10 (to the stair core).</li> </ul> </li> </ul>
GFA and land uses	<ul style="list-style-type: none"> <li>Reduce total GFA from 20,142 m<sup>2</sup> to 17,023 m<sup>2</sup> (-3,119 m<sup>2</sup>), which together with the removal of 15-16 South Steyne from the site area results in a FSR of 2.66:1</li> <li>Amend the approved land use mix from RFW guest accommodation, visitor and tourist accommodation (165 room hotel in <b>Building C</b>), commercial / residential to: <ul style="list-style-type: none"> <li><b>Building A</b>: no change (3,498 m<sup>2</sup> of GFA as built)</li> <li><b>Building B</b>: 1,704 m<sup>2</sup> of GFA for RFW guest accommodation (25 rooms)</li> <li><b>Building C</b>: 8,105 m<sup>2</sup> of GFA (3,183 m<sup>2</sup> commercial and 4,922 m<sup>2</sup> residential (approximately 42 dwellings))</li> <li><b>Building D</b>: 3,716m<sup>2</sup> of GFA (21 m<sup>2</sup> commercial and 3,695 m<sup>2</sup> residential (approximately 16 dwellings))</li> </ul> </li> </ul>
Open space	<ul style="list-style-type: none"> <li>Reduce private communal open space for residents (from 482.4m<sup>2</sup> to 228 m<sup>2</sup> located on the <b>Building C</b> roof)</li> <li>Provide new communal open space of 1,340 m<sup>2</sup> located between <b>Buildings C and D</b> (for residents and the public), accessed via Wentworth Street and South Steyne</li> </ul>
Landscaping	<ul style="list-style-type: none"> <li>1,650 m<sup>2</sup> of publicly accessible external areas (hard and soft landscaping)</li> <li>tree planting zones within the <b>Building C and D</b> courtyard (170m<sup>2</sup>) and the <b>Building B</b> courtyard</li> <li>rooftop soil planting zones in <b>Buildings B, C and D</b>.</li> </ul>
Basement, access and car parking	<ul style="list-style-type: none"> <li>Extend the approved two-level basement car park under <b>Building B</b>.</li> <li>Delete an approved driveway access from Wentworth Street to the hotel.</li> <li>Clarify in Condition A1(d) that vehicle parking will be provided to a minimum of 184 spaces (rather than exactly 184 spaces), consistent with existing Future Environmental Assessment Requirement (FEAR) 10.</li> </ul>



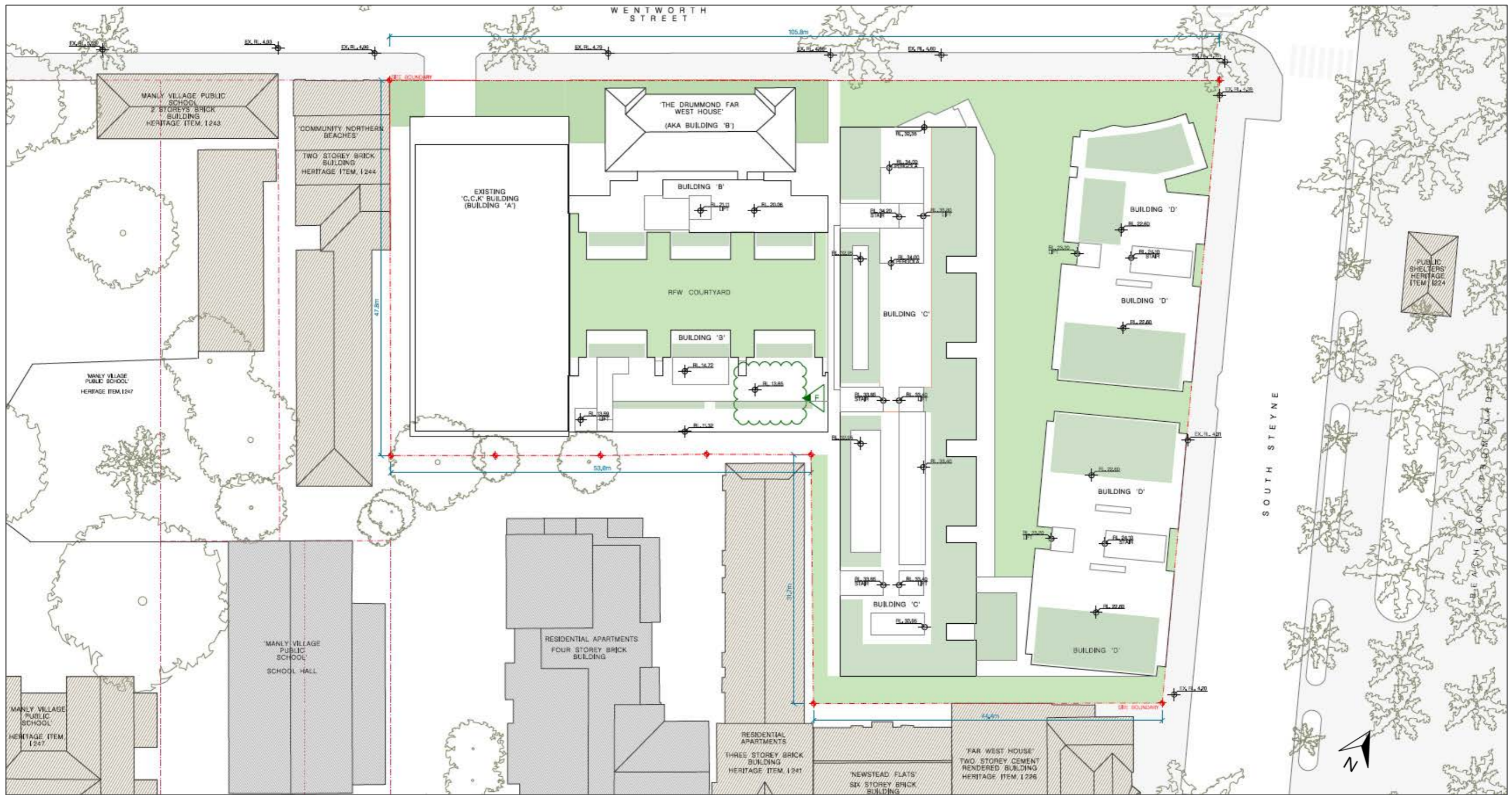


Figure 10 | Proposed concept plan building layout and landscaping areas (shown in green) (Source: Proponent's Additional Information)



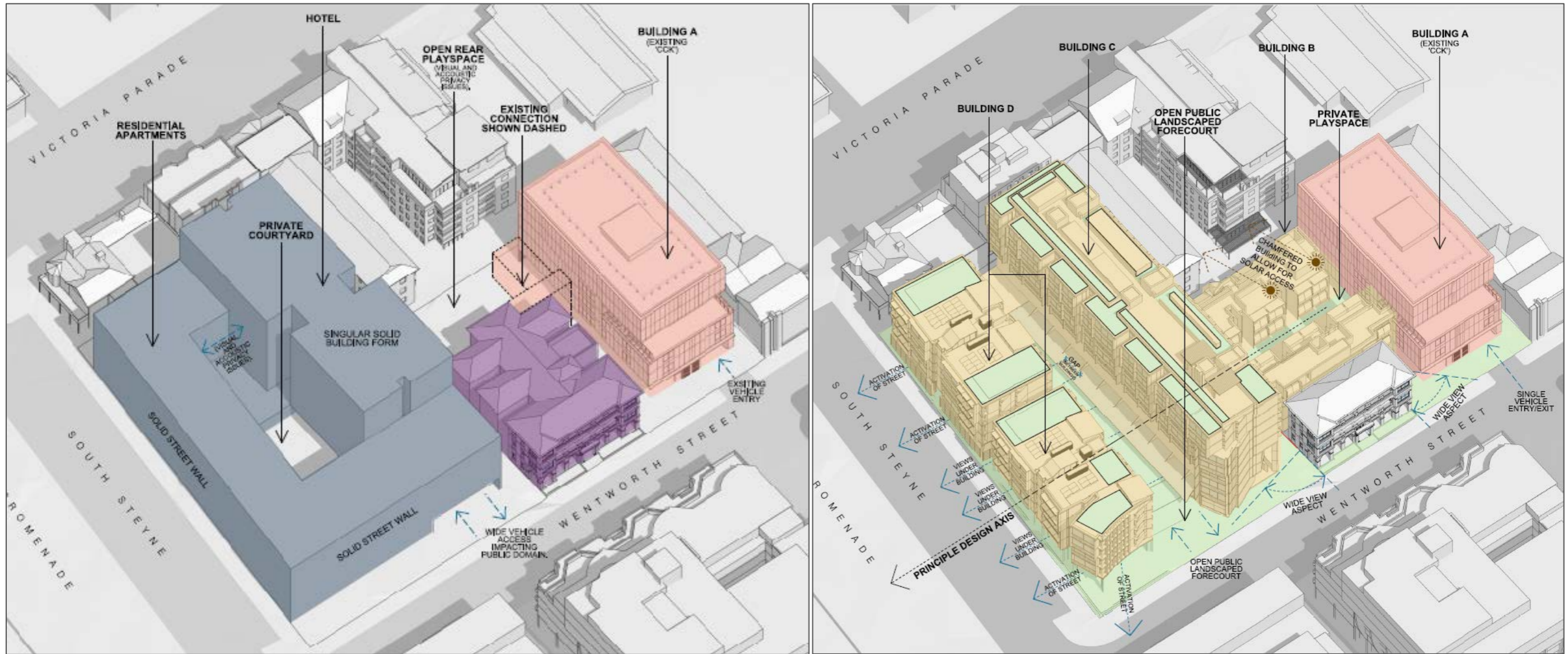


Figure 11 | Axonometric site plan of approved concept plan envelope (left) and proposed concept plan envelope (right) (Source: Proponent's Response to Submissions)

## 3 Statutory Context

### 3.1 Modification of the Minister's Approval

The concept plan was originally approved under Part 3A of the EP&A Act, which has been repealed.

Under Clause 3BA(5) of Schedule 2 to the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (STOP Regulation) an approved concept plan may continue to be modified under section 75W of the EP&A Act if the Minister for Planning (Minister) is satisfied that:

- a) the proposed modification is to correct a minor error, misdescription or miscalculation, or
- b) the proposed modification is of minimal environmental impact, or
- c) the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).

Public submissions raised concerns that the proposal does not meet the scope for a modification under the STOP Regulation. The Department has reviewed the modification request, and in particular the Proponent's justification for a modification under Clause 3BA(5)(c) of Schedule 2 of the STOP Regulation and the concerns raised in public submissions, and is satisfied that the project as modified is substantially the same as the project to which the concept plan currently relates for the following reasons:

- the scope of the project will not change, being a concept plan for a mixed-use development associated with the RFW
- the proposal does not significantly increase the bulk and scale of the development, where the proposed GFA and associated FSR is less than approved
- the proposed changes to the site boundary are minimal, being a 7.9% reduction in the site area
- any impacts associated with the proposal are considered acceptable and / or can be managed / mitigated through recommended conditions and FEARs (**Section 5**).

The Department therefore recommends that the Minister (or his delegate) may be satisfied that the proposal meets Section 3BA(5)(c) of Schedule 2 of the STOP Regulation, and therefore may be assessed as a modification under section 75W of the EP&A Act.

### 3.2 Approval authority

The Minister is the approval authority for the modification request. However, the Deputy Secretary Development Assessment may determine the request under delegation as:

- a reportable political donation has not been disclosed
- there are more than 50 public submissions objecting to the request.

### 3.3 Mandatory / relevant matters for consideration

The following are the mandatory / relevant matters for consideration in the assessment of the modification request:

- relevant environmental planning instruments (EPIs)
- objects of the EP&A Act
- Ecologically Sustainable Development

- Environmental Planning and Assessment Regulation 2021.

These matters are considered below.

### 3.3.1 Relevant Environmental Planning Instruments

The original concept plan was assessed against the following EPIs:

- State Environmental Planning Policy No.55 – Remediation of Land (now called State Environmental Planning Policy (Resilience and Hazards) 2021)
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (SEPP 65)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Major Development) 2005 (since repealed)
- State Environmental Planning Policy (Infrastructure) 2007 (now called State Environmental Planning Policy (Transport and Infrastructure) 2021)
- Manly Local Environmental Plan 2013 (MLEP 2013).

The Department is satisfied that the proposed changes do not significantly alter the conclusions of the original assessment of the concept plan against these EPIs or any subsequent replacement EPIs.

The Department has assessed residential amenity impacts of the proposal, as they relate to the concept approval, against SEPP 65 and the ADG at **Section 5.4** and **Appendix D**. Residential amenity impacts associated with the detailed building design will be assessed by Council against SEPP 65 and the ADG in future DAs.

### 3.3.2 Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under that Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act, as considered in **Table 3** below.

**Table 3** | Consideration of the Objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposal seeks to balance the needs of the RFW (to provide health, education and welfare services to Country children) while minimising adverse impacts on the surrounding area ( <b>Section 5</b> ). The proposal does not impact on any of the State's resources.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The proposal will facilitate ESD ( <b>Section 3.3.3</b> ).
(c) to promote the orderly and economic use and development of land	The proposal facilitates the redevelopment of an existing urban site to provide a mixed use development to provide guest accommodation for the RFW and additional residential dwellings, the merits of which are considered in <b>Section 5</b> .
(d) to promote the delivery and maintenance of affordable housing	The proposal is not required to deliver affordable housing.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The proposal involves an existing concept plan approval for the redevelopment of a previously developed site and will not adversely impact on any threatened or other animals and plants.



Objects of the EP&A Act	Consideration
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The proposal adequately promotes the sustainable management of built and cultural heritage, as considered in <b>Section 5</b> .
(g) to promote good design and amenity of the built environment	The proposal will promote design excellence and is acceptable in terms of amenity of the built environment, as discussed in <b>Section 5</b> .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The construction of buildings pursuant to this concept approval will be subject to future development applications.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	Council and other State agencies have been consulted on the proposal ( <b>Section 4</b> ) and issues raised are considered in <b>Section 5</b> . In addition, Council will be responsible for assessing the detailed DAs.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The proposal has been publicly exhibited ( <b>Section 4</b> ) and the issues raised are considered in <b>Section 5</b> .

### 3.3.3 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- a) the precautionary principle,
- b) inter-generation equity,
- c) conservation of biological diversity and ecological integrity,
- d) improved valuation, pricing and incentive mechanisms.

The Proponent contends that the future development is capable of exceeding the NSW Building & Sustainability Index (Basix) targets and ADG requirements, and commits to achieving voluntary Green Star targets in the concept plan (being a 4 Star Green Star rating for the residential component), through the following building technologies:

- north eastly aspect to living spaces in 100% of units to optimise solar access and daylight penetration
- achieve cross ventilation to approximately 80% of residential apartments
- use of sun-shading to prevent unwanted heat gain in summer and allowing heat gain in winter
- generous amounts of landscaping with rainwater capture and reuse for irrigation, habitat creation for native species and reducing heat loads
- some low carbon material selections.

**FEAR 3** requires future development to incorporate ESD in the design, construction and ongoing operation, including water sensitive urban design measures, energy efficiency, recycling and water disposal.

The Department has considered the project in relation to the ESD principles. The Precautionary and Intergenerational Equity Principles have been applied in the decision-making process through a thorough assessment of the environmental impacts of the project. Overall, the proposal is largely

consistent with ESD principles and the Department is satisfied the future detailed development is capable of encouraging ESD, in accordance with the objects of the EP&A Act.

However, to do so, the Department considers that the 4 Star Green Star rating for the residential component should be brought up to date with standard industry practice and expanded to apply to the commercial land uses, especially if the Proponent intends to achieve design excellence. A condition is therefore recommended requiring the development achieves a minimum 5 Star Green Star rating.

#### **3.3.4 Environmental Planning and Assessment Regulation 2021**

Subject to any other references to compliance with the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) in this report, the relevant requirements for Notification and Fees have been complied with.

## 4 Engagement

### 4.1 Department's engagement

The Department notified the modification request from 3 August 2021 to 6 September 2021 (35 days). It was published on the Department's website. The Department also wrote to adjoining landholders and residents, Council and relevant State agencies, inviting submissions on the modification request.

The Department also met with several residents of 25-27 and 29 Victoria Parade on 29 November 2021.

### 4.2 Summary of submissions

In response to the notification, the Department received submissions from Council, TfNSW, Sydney Water and Heritage NSW and 45 public submissions (43 objecting to the proposal and two raising comments). Key issues raised by Council and State agencies are summarised in **Table 4** and public submissions are summarised in **Table 5**. See **Appendix B** for a link to the submissions.

### 4.3 Key issues – Council and State agencies

**Table 4** | Summary of Council and State agency submissions

#### Northern Beaches Council (Council)

MOD 1	<p>Does not object to the proposal, but noted the following:</p> <ul style="list-style-type: none"><li>• roof structures and landscaping are not integrated into the building form</li><li>• roof terrace should not be visible from the public domain and not impact adjoining privacy</li><li>• adverse impacts the high heritage significance of Drummond House and adjacent heritage items (15-16 South Steyne and 29 and 31 Victoria Parade), with the bays and rear wings of Drummond House being significant and should be retained</li><li>• supports the landscaping design intent, noting that landscape materials should be robust and compliment the environment and not obstruct pedestrian connections</li><li>• adjacent road reserves should be incorporated into the courtyard design</li><li>• adjacent parking along South Steyne should be replaced with trees</li><li>• tree planting must be provided with adequate soil volume, irrigation and species</li><li>• rooftop planters must support wet weight of plants, soil and mulch and provide deep soil areas, in accordance with SEPP65</li><li>• adhere to the Arboricultural Statement for the removal of any trees for the basement excavation</li><li>• street trees on Wentworth Street must be protected with a Tree Protection Plan</li><li>• Arboricultural Statement does not consider potential impacts to the Norfolk Pine trees on South Steyne. Any impact to these trees would not be supported</li><li>• floor levels should be increased, or measures incorporated to reduce flood risk to life and property, as street frontages at Wentworth Street and South Steyne are impacted by the Probable Maximum Flood (PMF) event and below the Flood Planning Levels (PMF)</li><li>• parking provision statement is supported, and any issues around pedestrian safety and queuing to basement car parking will be matters for the detailed DAs</li><li>• no stormwater management plan has been prepared for the proposal, but on site stormwater detention will be required</li><li>• vehicle access from the existing CCK building entry ramp off Wentworth Avenue has been provided with freeboard above the water surface level with the roadway.</li></ul>
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- RtS Noted that:
- previous comments in relation to planning and landscaping are still relevant
  - RtS does not address previous concerns regarding a second midblock pedestrian crossing on Wentworth Street and insufficient queuing capacity at the basement entrance
  - RtS addresses its previous concerns regarding heritage and flooding.

### Heritage NSW

- MOD 1 Heritage NSW provided the following comments:
- no comments on heritage impacts as Drummond House is not a State heritage item and there are no other State heritage items nearby.
  - supports existing requirements for all future applications to demonstrate consistency with the Cultural Heritage Assessment and Aboriginal Archaeological Assessment 2011 and for test excavations within areas identified as archeologically sensitive.
  - recommends implementation of the archaeological program and any mitigation (if required) be undertaken in consultation with the Aboriginal community.

### Sydney Water

- MOD 1 Sydney Water provided the following comments:
- water and wastewater servicing may be available, and recommends conditions relating to water and wastewater servicing.

### Transport for NSW (TfNSW)

- MOD 1 TfNSW provided the following comments:
- proposal will not increase floor space or car parking.

RtS TfNSW has no further comment

## 4.4 Key issues – Community

### Public Submissions

A total of 45 submissions (including 43 objections) were received from the public in response to the notification.

The Department notes that while 11% of respondents support the work of the RFW and 4% had general support for the proposal, concerns were raised as summarised in **Table 5**.

**Table 5** | Summary of key issues raised submissions from public and community groups

Issue	Proportion of submissions
Residential amenity (overshadowing, privacy, views and ocean sounds / breezes)	80%
Lack of design excellence, including long unarticulated west edge of Building C and roof top plant	71%
Inadequate consultation	60%
Building height (inconsistent with 5 storey beachfront character)	24%
Not a modification	16%

Traffic and car parking	16%
Impacts on beach (views and solar access)	13%
Impacts on Norfolk Pine trees	13%
Property values	9%
Additional bulk and scale	4%
Operational impacts (noise/waste)	4%
Construction traffic	2%
Increase in residential apartments	2%
Reduction in landscaping	2%
Loss of open space for children	2%
Flooding	2%
Heritage impacts	2%

#### 4.5 Response to submissions

On 23 December 2021, the Proponent provided a Response to Submissions (RtS), which provided additional justification for the proposal and included the following amendments:

- amendments to **Building B** (Drummond House), including:
  - the removal of a storey to the rear of Drummond House (to improve solar access to 25-27 and 29 Victoria Parade)
  - increased front setbacks to Wentworth Street (to expose more of the Wentworth Street elevation and front bay)
  - realignment of the basement (to protect Tree 4)
- removal of a ground floor, covered walkway access between **Buildings B and C**
- amendments to **Building C**, including:
  - increase the height to RL 32.35 (top of landscape planters), RL 32.95 (top of roof mounted plant enclosures), 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)
  - removal of two southern most lift cores, with access to the roof provided via the north lift core
  - increased setbacks to south western boundary at 29 Victoria Parade (from between 1.6m and 3.6m to a consistent 3.7m)
  - reintroduction of landscaping to the south western boundary at 29 Victoria Parade
- amendments to **Buildings C and D**, to:
  - reconfigure the ground floor commercial space under Building D and provide additional roof top elements to accommodate associated mechanical services
  - increase the setback to the southern boundary at 31 Victoria Parade and 15-16 South Steyne (from between 0m and 3.2 m to a consistent 3.5 m).

The RtS was placed on the Department's website and notification was sent to everyone that made a submission on the original modification request, including Council and public submitters.



The Department received submissions from Council and TfNSW (**Table 4**). A further 12 public submissions were received objecting to the proposal. The key issues raised are summarised below:

- while the changes proposed in the RtS offer some improvement, there are still issues with privacy, noise and overshadowing (92% of submissions)
- the proposal is not a modification as it is not substantially the same (100%)
- redesign of Building B is an improvement (83%)
- Building B casts a shadow on communal and private space and the living rooms of ground floor apartments in 25 and 29 Victoria Parade when compared to the concept approval (100%)
- new lift core added between Building B and CCK Building causes overshadowing, loss of light and removed an existing gap between the buildings (100%)
- plant on the rooftop or rear of Building B must not cause noise impacts (8%)
- further details are required of the southern elevation to Building B to manage light impacts and building design (8%)
- landscaping is required behind Building B (8%)
- a charitable organisation should meet regulatory guidelines, with the development resulting in emotional and economic impacts on neighbours (17%)
- the Building C setback to 29 Victoria Parade is still less than the concept approval, results in overshadowing (100%) and does not comply with the ADG (92%)
- Building C height increase, together with any additional roof top plant, will overshadow 25 and 29 Victoria Parade (100%)
- western parapet of Building C should be chamfered to reduce impacts (83%)
- impact of the commercial tenancies in Building C (and existing CCK Building) on amenity in 25 and 29 Victoria Parade, such as privacy, noise, waste, hours of operation and light spill (92%).

## 5 Assessment

The Department has considered the proposal, the issues raised in submissions and the Proponent's response to submissions in its assessment of the modification request. The Department considers the key issues associated with the proposal are:

- design excellence
- built form
- residential amenity
- heritage
- traffic, parking and access
- landscaping and public domain.

These issues are discussed in the following sections of this report. Other issues related to the modification request are addressed in **Section 5.7** of this report.

### 5.1 Design excellence

Condition B2 of the concept approval requires future applications to demonstrate design excellence in accordance with the Director General's Design Excellence Guidelines. Under these guidelines, the Director General (now Planning Secretary) may waive requirements for a competitive design process where he/she is satisfied that design excellence will be achieved and the architect has a reputation for delivering buildings of the highest quality.

The Department also notes the MLEP 2013 (Clause 6.13) requires development within the B2 Local Centre to exhibit design excellence.

Given these requirements and the sites visual prominence along the Manly foreshore, the Department required the proposal to be reviewed by the State Design Review Panel (Panel).

The Panel reviewed the proposal on 29 April 2021, where it advised that the modified concept plan is generally supported (**Appendix B**). In particular, the Panel supported the removal of the vehicle entry from Wentworth Street, the introduction of a visual connection from Building A through the site to the ocean, removing some building mass on the perimeter fronting Wentworth Street to allow access to the courtyard and the careful planning of the architectural elements.

However, the Panel requested a further meeting to consider design resolution of the courtyard and undercroft (improving activation, solar access and safety), justification for the partial demolition of Drummond House, further analysis of internal and external amenity impacts and Connecting to Country.

On 29 July 2021, the Panel met again to review the Proponent's response. The Panel commended the project team for its well-considered design response to the Panel's previous advice (**Appendix B**). In particular, the Panel supported the approach to Connecting with Country, the masterplan layout, the amenity of the apartments and public domain and the revisions to the undercroft.

The Panel also made several recommendations to inform the detailed design, including:

- use of RFW's long standing connection to Aboriginal staff and communities for ongoing consultation on proposals to Connect to Country
- maintain key design elements contributing to the success of the undercroft and frontage to South Steyne, such as the increased soffit height, well-appointed gates that enable public access, retail

accommodation that activates the courtyard, undercroft and South Steyne interface and improved physical connections to South Steyne

- ensure physical and visual connections between various areas and spaces, while addressing concerns about children security and ensure back-of-house servicing are easily accessed
- ensure the detailed design addresses the findings from a wind analysis
- further consider soil depth relative to the basement structure and ensure species selection has regard to limitations of soil volume and include soft landscaping to complement trees.

The NSW Government Architect's (NSW GA) office reviewed the RtS and advised it is consistent with previous Panel commentary and would provide an improved outcome when compared to the concept approval. It noted particular support for the revised public domain arrangements (changes to the courtyard), the increase in setbacks, reduced bulk and scale (of Building B) and minimising the visual impact of lift over-runs. It also provided some observations and recommendations in relation to the public domain, in relation to activation of the undercroft and optimising safety.

Based on the Panel advice, the Department is satisfied that the detailed design is capable of achieving design excellence through the modified concept approval, noting the proposal:

- is designed by Murcutt Candalepas, an award winning architectural practice with a proven track record for delivery high quality developments
- removes building form from the Wentworth Street and South Steyne elevations, opening up a new public courtyard and providing a finer grain built form outcome to Wentworth Street
- removes a second vehicle crossing from Wentworth Street, improving the visual appearance of the development and reducing potential pedestrian / vehicle conflicts
- provides a new publicly accessible courtyard, visible from the surrounding public domain and with activated edges
- provides visual and physical connections between the RFW components, through Building C and D to the ocean
- provides a play area for guests of the RFW accommodation, screened by buildings to improve privacy
- has potential to use landscaping and architecture to connect to Country
- achieves good levels of internal residential amenity, through north-east facing apartments receiving good solar access and ventilation.

To ensure design integrity is maintained through to completion, the Department recommends that existing **Condition B2** be modified so that future applications be reviewed by Council's Design and Sustainability Advisory Panel (D&S Panel) and the project architect (Murcutt Candalepas) be retained as the lead architect for the duration of the project. The D&S Panel will need to be satisfied that the detailed design adequately addresses the Panel and NSW GA recommendations, while remaining consistent with the terms of the concept approval.

The Department also recommends **Condition B2** be further modified to address the concerns raised in the public submissions about the articulation of Building C and the visual prominence of the roof top plant, which is considered in **Section 5.2**.

Overall, the Department is satisfied that the revised proposal can achieve design excellence, subject to the recommended conditions and further review of the detailed design by the D&S Panel.

## 5.2 Built form

The Department considers the key assessment issues associated with the built form of the proposal are in relation to the proposed height and revised setbacks of Building C, the southern envelope of Building B, the height of Building D and the proposed courtyard design.

Each of these are assessed in detail below.

### 5.2.1 Building C – Height and Setbacks

#### Building height

Under the original concept proposal, Building C had a height of RL 34.45 (nine storeys). The Commission reduced the height of Building C to RL 31.15 (8 storeys) to improve solar access to Manly Beach.

The Commission also imposed Condition A5 which required all roof structures, except the lift overrun, to not exceed the maximum height limit. Lift overruns above the maximum height would need to be considered further during the assessment of future DAs and would only be permitted, where they are integrated into the built form, located to ensure minimal visibility from the public domain and where they will not result in any additional shadow impacts to Manly Beach or the Manly Village Public School and its grounds.

The proposal seeks to increase the maximum height of the Building C envelope by 1.2 m (3.8%) from RL 31.15 to RL 32.35 (street wall at Wentworth Street). It also seeks approval for roof top structures at RL 34 (pergola), RL 34.20 (top of the stair) and RL 35.80 (to the lift overrun) (**Table 6**).

**Table 6** | Summary of proposed changes to the Building C maximum height

Envelope component	Approved	MOD 1 (as exhibited)	RtS (as revised)
Maximum height (including roof structures / excluding lift overruns)	RL 31.15	RL 32.00 (street wall), RL 34.00 (to the pergola)	RL 32.35 (street wall), RL 34.00 (to the pergola)
Maximum height (including lift overruns)	Where meets criteria	RL 35.15 (to lift overrun)	RL 35.80 (to lift overrun)

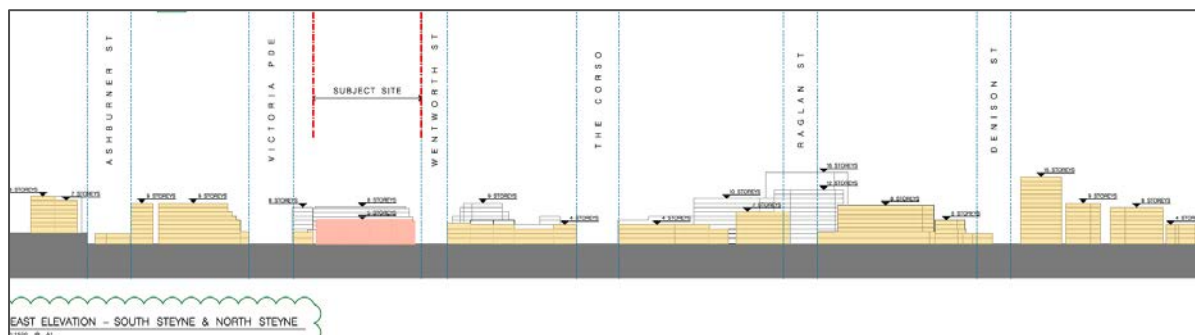
Public submissions raised concerns that the additional height and bulk of the proposed envelopes may adversely impact neighbouring residential amenity (such as solar access, views and privacy) to 25-27 and 29 Victoria Parade. Public submissions also raised concerns about the proposed height of Building C being inconsistent with the five-storey character along the Manly beachfront.

Council noted that the placement of landscaping and structures on the roof might not be integrated into the overall building form, as intended in **Condition A5**. Council also requested further consideration be given to sightlines to and from the roof terrace to ensure it is not visible from the public domain and does not impact neighbouring privacy.

The Department has carefully considered the height of the Building C envelope and considers that the increase to a maximum height of RL 32.35 (being the street wall height at Wentworth Street) to be reasonable and acceptable as:

- the additional height above the existing approved height of RL 31.15 is minor (being 1.2 m or 3.8%) and imperceptible when viewed from the surrounding public domain
- it would sit comfortably with the heights of other buildings along the Manly foreshore (**Figure 12**)

- it would assist the Proponent in providing adequate floor to ceiling heights in accordance with the ADG
- it would not adversely impact solar access to Manly Beach and the Promenade, when compared to the concept approval (**Section 5.3.1**)
- any additional overshadowing of surrounding properties is likely to be minor and acceptable, subject to the recommended conditions (**Section 5.3.1**).



**Figure 12** | The site, with Building D shown in shown in red in front of Building C, compared to other buildings along the Manly foreshore (Source: Proponent’s Response to Submissions)

However, the Department agrees with Council that any structures on the roof, including lift and stair access, pergola, landscaping and sunshades, above RL 32.35 may not be adequately integrated into the design and have the potential to be visually dominant when viewed from the surrounding public domain.

**Condition A5**, imposed by the Commission, requires all roof structures to be included in the maximum height, except for lift overruns which must be integrated into the building design, ensure minimal visibility from the public domain and not cause additional shadow impacts to Manly Beach or the Manly Village Public School and its grounds. The Department considers that the approach taken by the Commission for the lift overruns to be reasonable and considers this should be expanded to include all of the proposed roof structures (above RL 32.35).

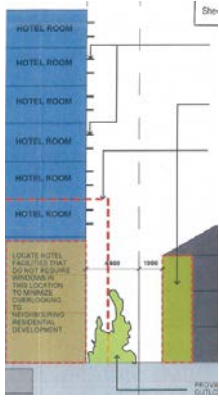
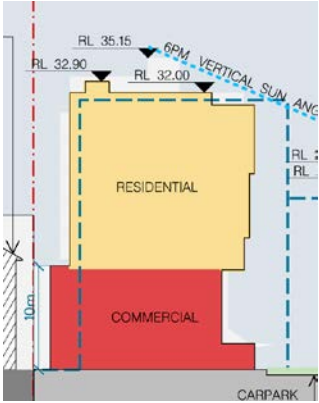
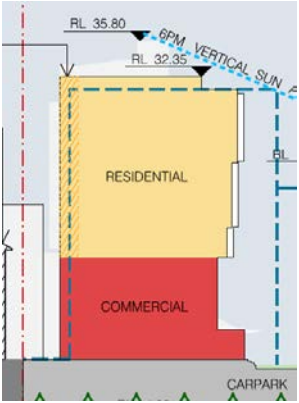
This means that any structures above RL 32.35 may only be permitted in the determination of future DAs where it is demonstrated they can meet the criteria in **Condition A5**. This would ensure all roof top structures are integrated into the built form, located to ensure minimal visibility from the public domain and not result in any additional shadow impacts to Manly Beach or the Manly Village Public School and its grounds.

#### Building setbacks

The proposal seeks to reduce the approved setbacks of Building C along its side and rear boundaries. In response to concerns raised by the Department and public submissions about potential adverse impacts on residential amenity, the Proponent increased the setbacks as summarised in **Table 7**.

**Table 7** | Summary of proposed changes to Building C setbacks

Envelope component	Approved	MOD 1 (as exhibited)	RtS (as revised)
Rear Setback - south west boundary (with 29 Victoria Parade)	4.4 m to 4.6 m	1.6 m and 4.5 m (first 3 commercial levels) 3.6 (residential levels above)	3.7 m
Side Setback - south east boundary (with 31)	5.4 m and attached to 15-16 South	1.6 m and attached to 15-16	3.5 m

Envelope component	Approved	MOD 1 (as exhibited)	RtS (as revised)
Victoria Parade and 15-16 South Steyne)	Steyne at ground level	South Steyne at ground level	
<b>Side Setback to Wentworth Street</b>	6 m up to a height of RL 21.65 and 21 m up to RL 31.15	Part 3.6 m and 6 m	Part 3.6 m and 6 m
			

The Department notes that despite the revised rear setback to 29 Victoria Parade, public submissions continued to raise concern about the setbacks, arguing that they are insufficient to resolve potential amenity impacts to 29 Victoria Parade. Concerns were also maintained about the lack of building articulation along the rear boundary.

The Department agrees with public submissions that the revised setback and lack of building articulation along the rear boundary would result in additional amenity impacts and a negative built form outcome compared to the original concept approval. Furthermore, to ensure visual privacy the ADG requires a building to be setback from the boundary by between 6 m and 12 m for a building with habitable rooms / commercial and retail tenancies facing the boundary (as being contemplated by the Proponent).

As such, Department recommends a condition requiring the portion of the building directly adjacent to 29 Victoria Parade be setback an additional 0.9 m to be consistent with the 4.6 m setback in the concept approval. The increased setback would also allow sufficient landscaping (in terms of height, maturity and thickness) to be provided along the rear boundary to adequately protect the amenity of residents in 29 Victoria Parade. The Department also recommends that the front and rear elevation of the proposal provide additional articulation to break up its length and visual mass.

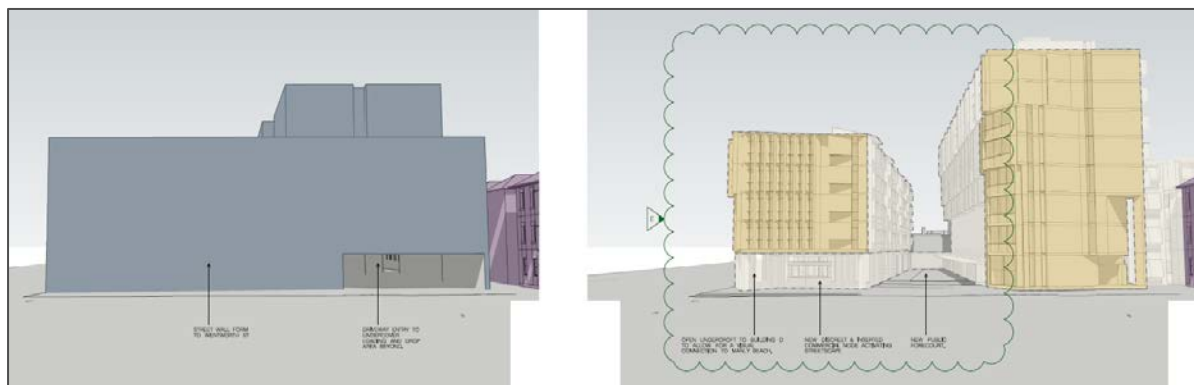
Subject to increasing the rear setback to 4.6 m and providing additional articulation to the rear elevation the Department is satisfied the proposal would not result in any significant impacts on 29 Victoria Parade beyond those already assessed and approved in the original application.

With regard to the eastern side setback to 31 Victoria Parade and 15-16 South Steyne, the Department supports increasing the setback from 1.6 m to 3.5 m. While the proposed setback is less than the approved setback (5.6 m), the Department is satisfied the proposed 3.5 m setback would still provide an acceptable built form relationship to 31 Victoria Parade and 15-16 South Steyne. It would also maintain a feeling of openness, provide views to the sky and maintain limited views from some apartments in 29 Victoria Parade through to Manly Beach. The Department is also satisfied that privacy and overlooking concerns would be minimised through design solutions, including window orientation and privacy screens (**Section 5.4.3**).

The Department supports the revised setbacks along Wentworth Street as:



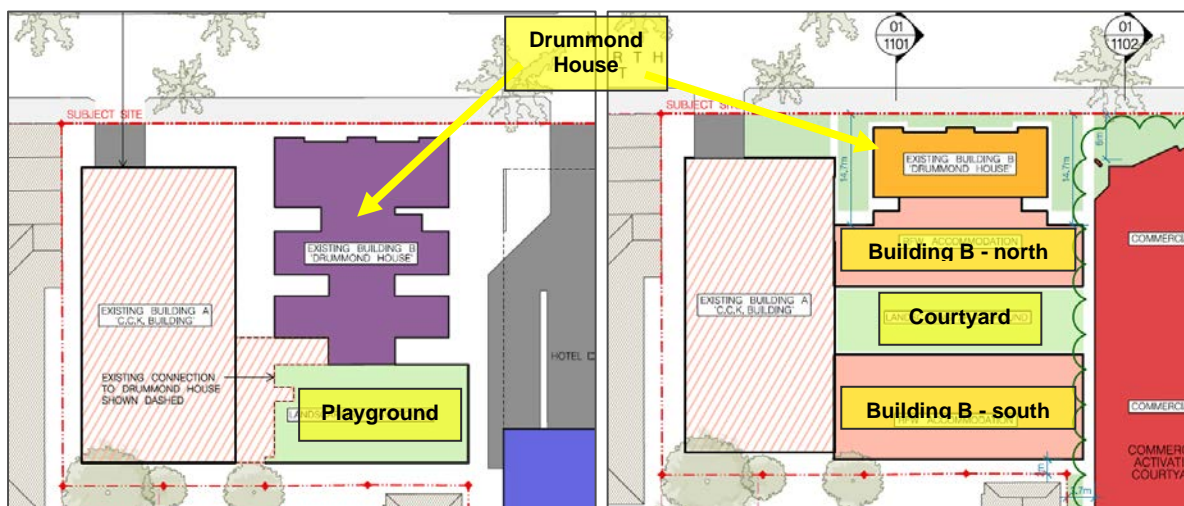
- the proposal is capable of exhibiting design excellence (**Section 5.1**), noting the Panel supported the revised form and massing and minor incursions into the 6 m setback along Wentworth Street
- the combination of removing built form fronting Wentworth Street and providing a 14.5 m gap between Buildings C and D results in an improved built form outcome, by providing two taller and thinner building forms with a clear separation, rather than a lower longer built along Wentworth Street (**Figure 13**)
- the reduced setback would not have any significant impacts on private views from 331/25 and 332/25 Wentworth Street, when compared to the concept approval (**Section 5.3.2**).



**Figure 13** | Comparison of the Wentworth Street elevation, with the approved on the left and proposed on the right (Source: Proponent's Response to Submissions)

### 5.2.2 Building B – Southern Envelope

The proposal seeks to replace the rear of Drummond House (local heritage item) and an approved outdoor playground with two new building envelopes (**Building B** north and south). The new building envelopes would provide guest accommodation for the RFW with a central courtyard / playground (**Figure 14**). Heritage impacts of the proposal are considered in **Section 5.5**.



**Figure 14** | Comparison between the approved layout for Building B (left) and proposed layout (right) (Source: Proponent's Response to Submissions)

Concern was raised in public submissions that the new southern Building B envelope, together with the removal of the approved open space behind Drummond House, may adversely impact neighbouring residential amenity (such as solar access, views and privacy) to 25-27 and 29 Victoria Parade.

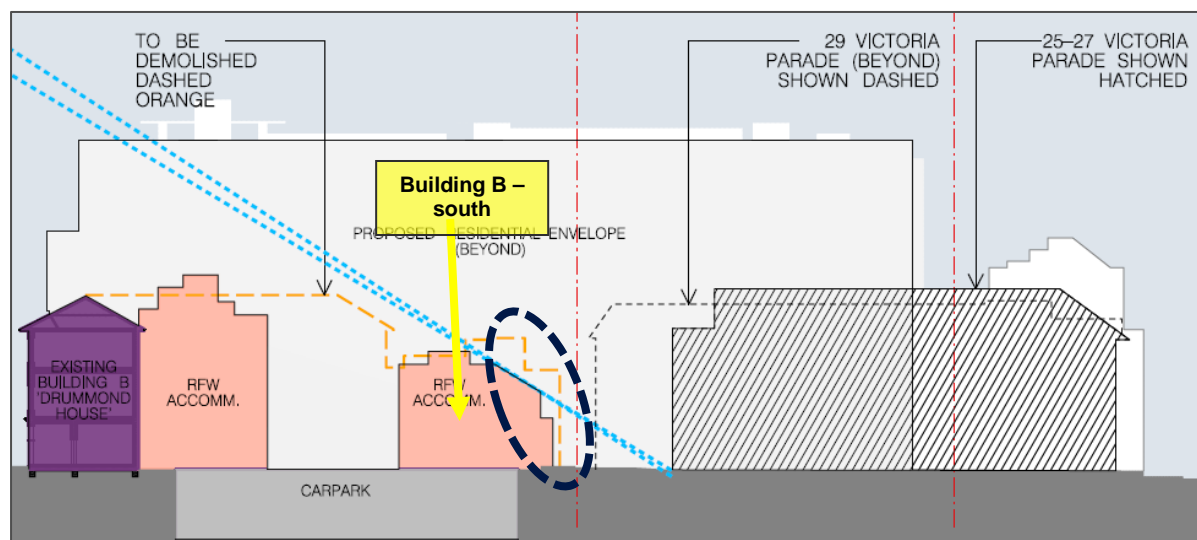
In response, the Proponent reduced the height of this southern Building B envelope to improve solar access to properties to the south, as summarised in **Table 8**.

**Table 8 | Summary of proposed changes to the height of Building B (southern envelope)**

Envelope component	MOD 1	RtS	Change
Height at southern elevation	RL 15.5	RL 11.32	Reduced by 4.18 m
Height at northern elevation	RL 17.85	RL 13.65	Reduced by 4.2 m
Maximum height (to central planter box / podium)	RL 18.6	RL 14.72	Reduced by 3.88 m
Height of lift overrun at southern elevation	RL 20.8	RL 13.59	Reduced by 7.21 m

The Department has carefully considered the concerns raised in public submissions and the Proponent’s response. The Department supports the revised Building B southern envelope for the following reasons:

- the maximum height of the southern envelope (being RL 13.65 reducing to RL 11.32 at the southern boundary) provides an appropriate scale transition and reasonable amenity to 25-27 and 29 Victoria Parade
- the southern envelope would not cause unreasonable overshadowing to adjoining properties (**Section 5.3.1**) and view impacts from the public domain and private properties (**Section 5.3.2**)
- the maximum height of the southern envelope (at approximately 10 m above ground level) complies with the maximum height control in the Manly LEP (being a maximum height above ground level of 14 m)
- the current building in this location (which could be retained by the Proponent should it wish) is higher than the proposed envelope, is closer to the boundary and contains an accessible roof terrace that overlooks adjoining properties (**Figure 15**).



**Figure 15 | Section showing proposed heights of Building B (in pink), with the existing buildings on the site shown in orange dashed and area where existing buildings are higher and closer than the proposed envelope in blue dash (Source: Proponent’s Response to Submissions)**

However, the Department is concerned that the lift core (at RL 13.59), planter / podium (at RL 14.72) and access stair structures (with no RL) on the southern envelope are larger than they need to be to service the development and are not visually integrated into the building design. Further, these features result in unnecessary overshadowing of some north facing windows of 29 Victoria Parade.

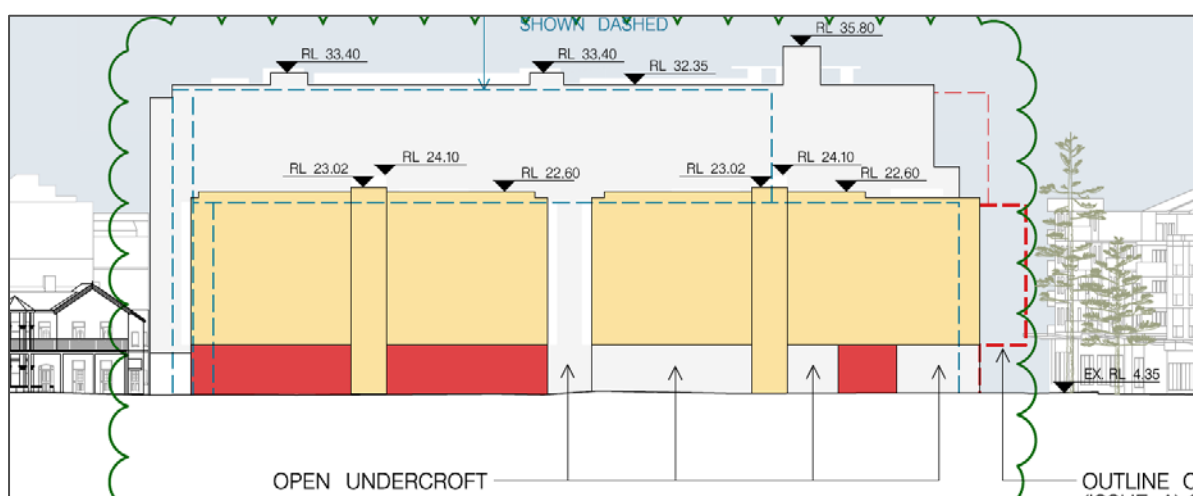


The Department therefore recommends that these rooftop structures, including the lift overruns, stair structures and any planters / podium not be approved. Consistent with amended **Condition A5** these structures may only be permitted above the approved maximum height where they are integrated into the built form, located to ensure minimal visibility and overshadowing impacts on the surrounding area.

### 5.2.3 Building D

The Building D envelope (formally called Building E and F) was approved with a maximum height of RL 21.65, to provide four levels of residential floor space above a level of retail floor space, in an “L” shaped building fronting South Steyne and Wentworth Street.

The proposed Building D (**Figure 16**) envelope comprises two building envelopes of 30 m to 34 m in length fronting South Steyne, with a 4 m separation, and approximately 18.5 m in width. The proposed Building D envelopes have a height of RL 22.60, with RL 23.20 to the lift (at the buildings rear) and RL 24.10 to the stair core.



**Figure 16** | Building D envelope, showing the maximum height compared to the concept approval (in blue dash), residential levels in yellow, commercial level in red and the undercroft space (Source: Proponent’s Response to Submissions)

While slightly taller (0.9 m) than the approved envelope (excluding the stair and lift cores), the Department is satisfied the proposed envelope is generally consistent with the concept approval and the proposed height would sit comfortably with the height of other buildings fronting Manly Beach (**Figure 12**). Further, the building envelope is well articulated through the 4 m separation and further gaps provided in the South Steyne frontage.

However, the Department is concerned that the two Building D stair cores may be visible from, and cause some overshadowing to, the beach and surrounding public domain. This is because they are located towards the front of each envelope facing South Steyne, protrude above the roof height and are potentially larger than required to provide roof access. Consistent with Building B (south) and C (**Section 5.2.1** and **5.2.2**), the Department recommends a condition that these roof top structures are not approved and are only permitted where they are integrated into the built form, located to ensure minimal visibility and will not result in any additional shadow impacts.

The Building D boundary setback to 15 -16 South Steyne is the same as Building C and is therefore supported for the same reasons.

### 5.2.4 Courtyard Design

The proposal seeks to provide a new publicly accessible courtyard fronting Wentworth Street and South Steyne. It is located adjacent to Building C and under the north portion of Building D, with a soffit height of 4.5m (**Figure 17**).

Council commented that the design of the courtyard should be extended to include the Wentworth Street and South Steyne road reserves, to integrate the site into the wider public domain.

The Panel made several recommendations in relation to the courtyard, such as maintaining the soffit height of the undercroft, providing well-appointed gates that enable public access, providing retail accommodation that activates the courtyard and using visible connections while addressing any concerns about security.

The NSW GA subsequently advised that it supports the Proponent's revised public domain arrangements (**Figure 17**) and provided recommendations in relation to activation of the undercroft, resolution of the secure line and optimising safety.



**Figure 17** | Proponent's illustrative plan showing indicative layout of the courtyard and northern elevation of **Building D** (Source: Proponent's Response to Submissions)

The Department agrees with Council, the Panel and NSW GA that the courtyard area has the potential to be a high quality and attractive space, especially given the 4.5 m height soffits, openness to South Steyne and Wentworth Street and ability to connect the RFW to the Manly Beach. However, as noted by the Panel and NSW GA, key to the success of this space is maximising active uses on all frontages (to the street and within the courtyard). As such the Department has recommended a condition requiring the D&S Panel review the detailed design to ensure it adequately addresses the recommendations of the Panel and NSW GA.

The Department agrees with the NSW GA that the secure line, indicated in the Proponent's illustrative scheme, requires resolution, as it should align with building form to ensure that any gates and fences are not visually dominant (**Figure 17**). The Department therefore recommends a condition that the secure line be minimised, selected based on minimal gaps between buildings, is integrated into the building design and does not adversely impact the visual quality of the development (as shown in **Figure 17**).

The Department also notes that the Proponent is seeking to remove a condition that the public domain area be open 24 hours, 7-days-a-week to facilitate appropriate security to publicly accessible areas of the development outside of business hours. While the Department acknowledges that some areas may be secured outside of business hours, public access to the remainder of the area should be maximised and the streetscape should not be dominated by gates and fencing. As such, it is recommended this condition be retained.

### 5.3 Amenity Impacts

#### 5.3.1 Solar access

The Proponent's modification request includes a shadow analysis, prepared by the project architect Murcutt Candalepas, comparing the overshadowing impacts between the existing built environment, the concept approval and the current proposal.

The Proponent contends that the proposed amendments to the building envelopes, including changes to the height and setbacks, would result in negligible changes to solar access when compared to the concept approval.

Given the location of the site adjacent to Manly Beach, the Manly Village Public School and residential apartment buildings, the Department sought independent expert advice on overshadowing impacts from Walsh Analysis (**Appendix A**). Walsh Analysis used a three-dimensional model (provided by the Proponent) to verify the accuracy of the Proponent's shadow diagrams and independently review any potential overshadowing impacts.

Overshadowing impacts on Manly Beach, Manly Village Public School and properties in Victoria Parade are considered below.

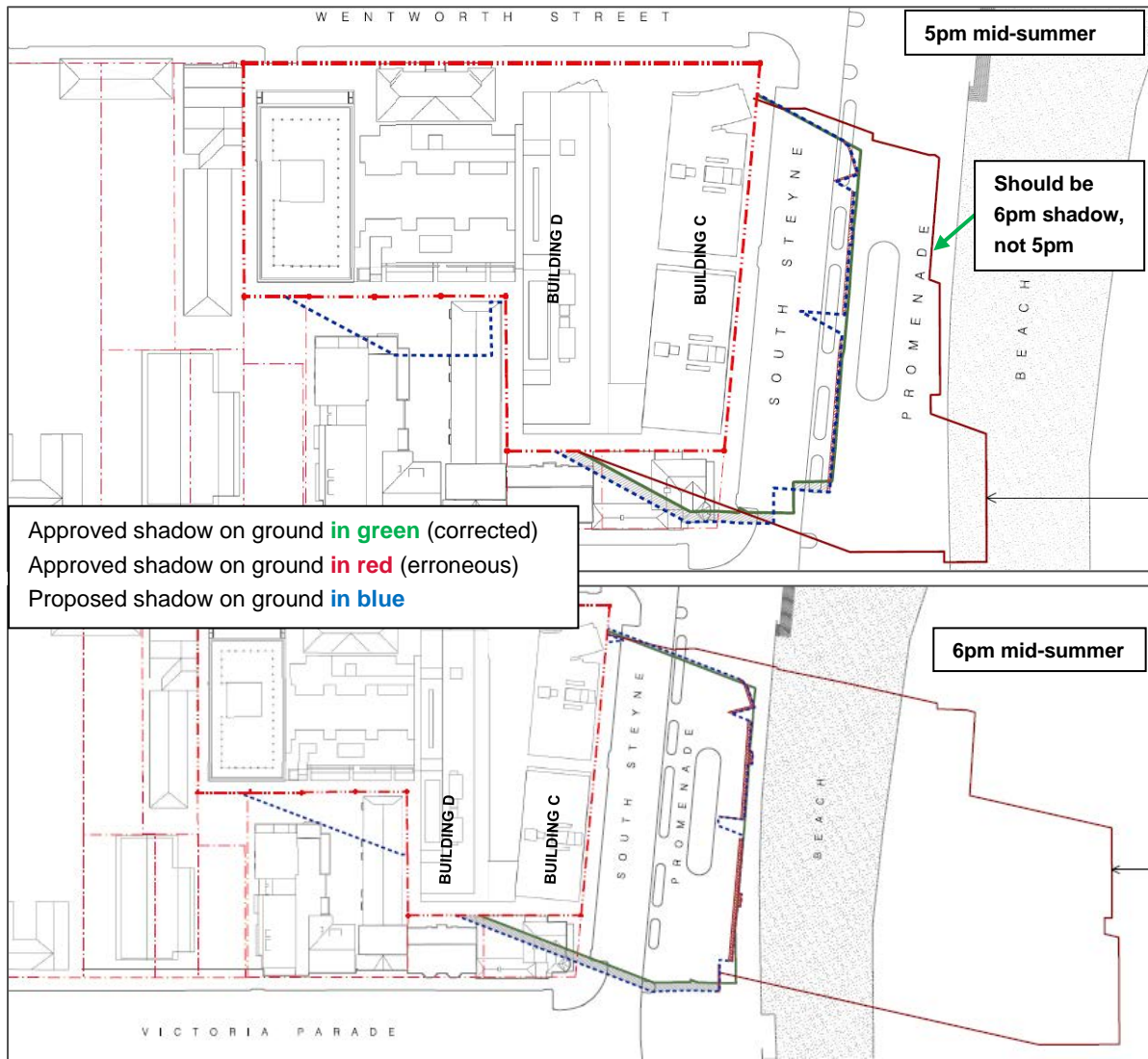
#### Manly Beach and promenade

The impact of the original proposal on solar access to Manly Beach was an important consideration in the Commission's determination of the concept plan. Shadow diagrams submitted with the original proposal indicated that the beach would be overshadowed from 5pm in mid-summer (21 December) (**Figure 18**). While supporting some overshadowing of the promenade, the Commission determined that overshadowing of the beach from 5pm in mid-summer was unacceptable and reduced the height of Building C from RL 34.45 to a maximum RL 31.15.

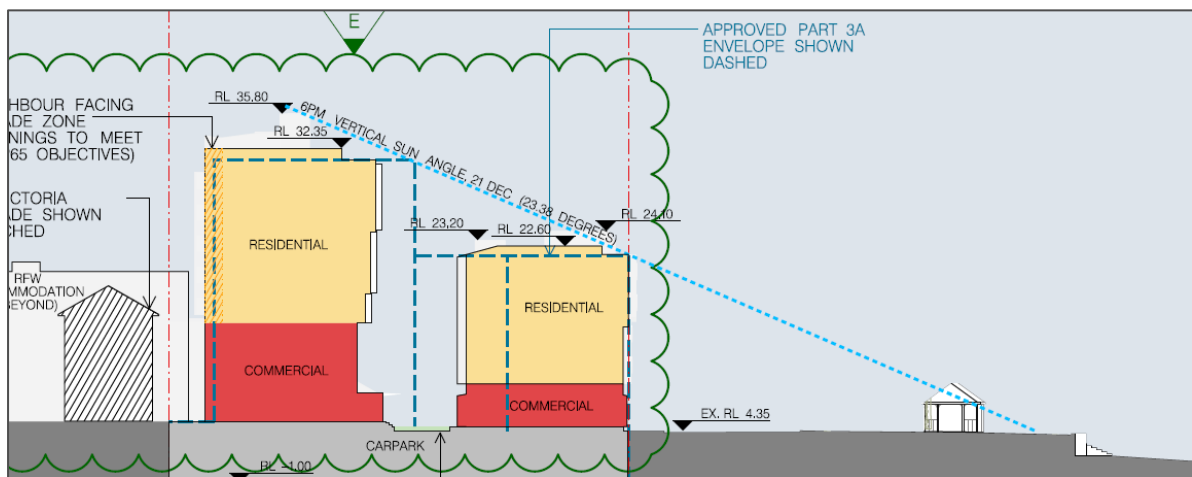
The Proponent contends that there will be significantly less overshadowing of Manly Beach than contemplated in the concept approval, as the shadow diagrams considered by the Commission contained errors that exaggerated the extent of overshadowing from the development in mid-summer.

The shadow diagrams for the original concept application used Australian Eastern Standard Time (AEST), rather than Australian Eastern Daylight Time (AEDT). This means that, for example, the 6pm AEDT diagram by Murcutt Candalepas is comparable to the 5pm AEST diagrams for the concept approval. **Figure 18** compares the approved shadow (erroneous and corrected) and proposed envelope.

The Proponent's shadow analysis shows that the revised Building C and D envelopes (including height increase and lift cores) will not overshadow Manly beach before 6pm in mid-summer (**Figures 18** and **19**). It also shows that the proposal will result in some minor additional overshadowing to the promenade between 5pm and 6pm in mid-summer when compared to the concept approval.



**Figure 18** | Shadow diagrams illustrating solar access impacts to Manly Beach at 5pm (top) and 6pm (bottom) in mid-summer (Base source: Proponent's Response to Submissions)



**Figure 19** | Angle of the sun at 6pm in mid-summer (Base source: Proponent's Response to Submissions)



The Department's expert, Walsh Analysis, assessed the difference in overshadowing between the original concept approval and proposal at mid-summer (21 December) using the Proponent's model and advises that there would be no overshadowing of Manly Beach before 6pm and no major increase in overshadowing of the public domain.

It indicates that while changes to the envelope improve solar access to the promenade in some areas, the stair cores providing access to the roof (of Building D) result in some minor overshadowing of the promenade in mid-summer. It notes that these stair projections are not required as access to the roof could be provided via a fire rated access hatch.

The Walsh Analysis also indicates that any overshadowing at mid-winter (21 June) is reasonable, as a small portion of the promenade is overshadowed from 3.30pm and any shadow cast on the beach after 4pm is consistent with shadows cast by other buildings around this time.

The Department is satisfied that the revised building envelopes will not adversely impact amenity on Manly Beach, as the overshadowing impacts are very similar to that of the concept approval and the proposal maintains solar access to the beach up to 6pm in mid-summer and 4pm in mid-winter.

The Department is also satisfied that while the proposal would result in some additional overshadowing of the promenade between 5pm and 6pm in mid-summer and after 3.30pm in mid-winter, the additional overshadowing is negligible (**Figure 18**). Further, the rooftop structures and plant above Building C and Building D are not approved (**Section 5.2.1** and **Section 5.2.3**) and would therefore only be allowed under **Condition A5** where they protect solar access to the beach.

#### Manly Village Public School

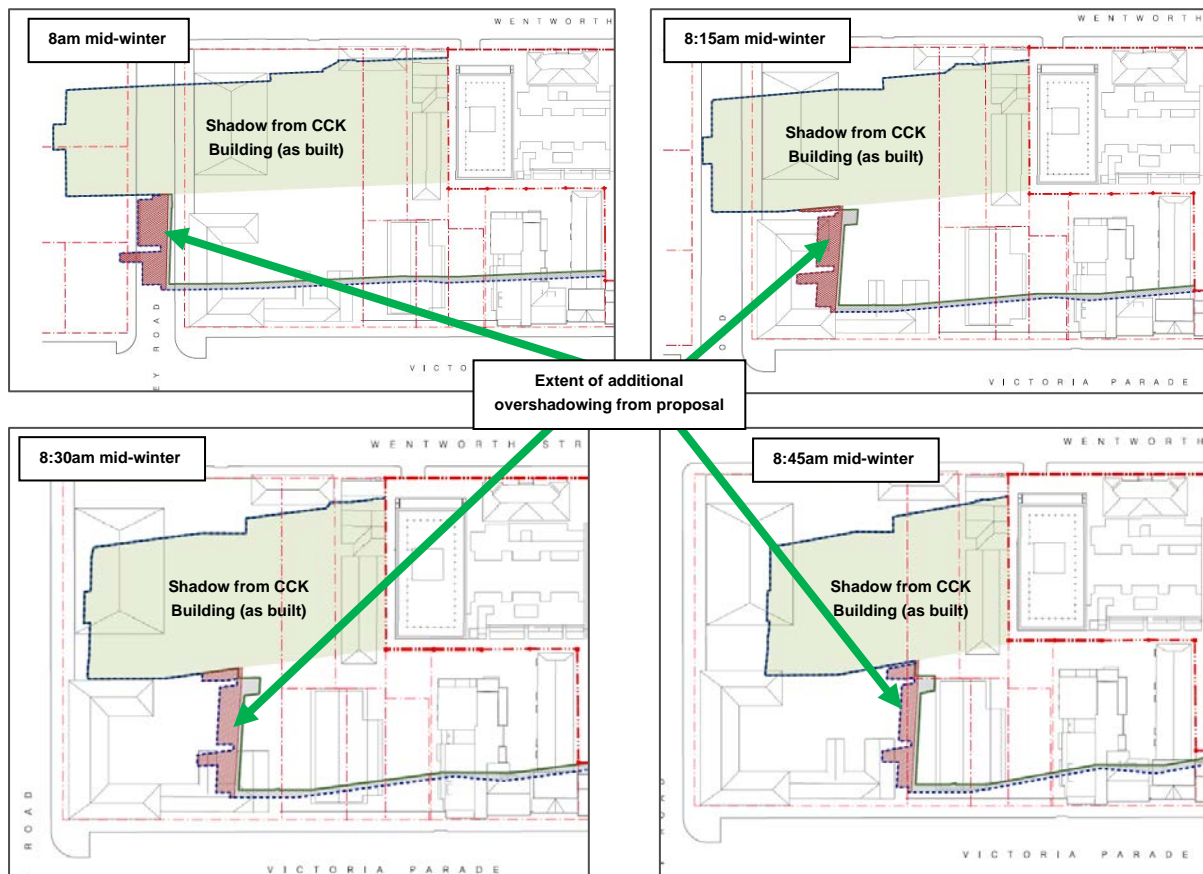
The impact of the original proposal on solar access to the Manly Village Public School (to the west of the site) was also an important consideration in the Commission's determination of the concept plan.

Shadow diagrams submitted with the original concept plan indicated that, when compared to existing or planned buildings on the site, the concept plan would result in additional overshadowing of the school playground from 8.15am to approximately 9am in mid-winter (21 June). The Commission considered this impact, being 45 minutes prior to school commencing and in mid-winter, to be acceptable.

The Proponent has provided shadow diagrams showing that, when compared to the concept approval, the proposal would result in further overshadowing of the school between 8am and 9am in mid-winter (**Figure 20**). At 8am in mid-winter an additional shadow is cast onto Darley Road, which moves east over the school buildings and courtyard (with sunshades and large mature trees) until approximately 9am. The Proponent contends this impact is minor and large areas of the playground will continue to receive solar access throughout the day (**Figure 21**).

The Department's expert notes that the proposed modifications have a very small impact on the school at 9am in mid-winter and by 9.30am there is no increase in overshadowing. At the equinox and in mid-summer, there is no increase in overshadowing between 9am to 3pm. The expert notes that the small increase in overshadowing is reasonable as the area is not heavily used at that time.

The Department accepts the expert advice and is satisfied the additional overshadowing of the school is negligible given it only affects a small area of the school which is already overshadowed by other structures and mature trees and no shadows would be cast over the school past 9.30am in mid-winter (**Figure 20**).



**Figure 20** | Shadow diagrams illustrating solar access impacts to Manly Village Public School between 8am and 8.45 in mid-winter (21 June) shaded red (Base source: Proponent's Response to Submissions)



**Figure 21** | Layout of Manly Village Public School building and courtyard (dashed blue) and boundary with adjoining residential apartment buildings on Victoria Parade (dashed yellow) (Base source: Nearmap)

## Properties in Victoria Parade

The site adjoins residential apartment buildings of 25-27, 29 and 31 Victoria Parade to its south (**Figure 21**). The Department's assessment of the original concept plan noted that solar access to:

- the majority of apartments in 25-27 Victoria Parade would reduce by 1 hour in midwinter (with solar access for 4 hours between 10am to 2pm reducing to 3 hours between 11am and 2pm)
- north and some east facing apartments in 29 and 31 Victoria Parade (6 apartments) would reduce by 4 hours in midwinter (with solar access for 6 hours between 9am to 3pm reducing to 2 hours between 1pm and 3pm).

These buildings were being redeveloped at the time of the assessment of the original concept plan and no submissions had been received from these landowners. The Department's assessment noted these properties would be impacted by any form of development, including one consistent with Council's Urban Design Guidelines, and that overshadowing was unavoidable due to their proximity and orientation to the site. The Commission did not raise concerns regarding overshadowing of these properties in its determination of the concept proposal.

The majority of submissions received during the exhibition of the modification request and in response to the RtS, raised concerns about overshadowing impacts to these residential apartments, especially as a result of the height increase and reduced boundary setback when compared to the concept approval.

The Proponent has assessed overshadowing impacts of the proposal on 25-27 and 29 Victoria Parade, comparing the proposed changes to the concept approval and existing buildings, based on whether the apartments comply with the ADG requirement to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.

The Department's solar access expert, Walsh Analysis, has reviewed the Proponent's solar access analysis. It notes that the Proponent has assessed solar access impacts based on a 2-dimensional plane, rather than in 3-dimensions, and presented the analysis as providing 2 hours of sunlight to either living spaces or private open space whereas the ADG requires 2 hours of sunlight to both living spaces and private open space.

Walsh Analysis has therefore re-assessed the impacts of the proposal on solar access to each apartment in 25-27 and 29 Victoria Parade using the Proponent's model, to determine the number of apartments that receive (**Table 9**):

- a minimum of 2 of hours direct sunlight to living rooms and private open spaces between 9am and 3pm at mid-winter
- less than 15 minutes of direct sunlight to living rooms and private open spaces between 9am and 3pm at mid-winter.

**Table 9 |** Walsh Analysis of solar access to 25-27 and 29 Victoria Parade

	<b>2 hours of solar access to living rooms and private open space</b>	<b>Less than 15 minutes of sun</b>
<b>25-27 Victoria Parade</b>		
Existing situation	11 of 26 apartments (42.8%)	8 of 26 apartments (30.8%)
Concept approval	9 of 26 apartments (34.6%)	8 of 26 apartments (30.8%)
Proposed modification (RtS)	9 of 26 apartments (34.6%)	8 of 26 apartments (30.8%)
<b>29 Victoria Parade</b>		
Existing situation	0 of 22 apartments (0%)	4 of 22 apartments (18.2%)
Concept approval	1 of 22 apartments (4.5%)	16 of 22 apartments (72.7%)
Proposed modification (RtS)	0 of 22 apartments (0%)	18 of 22 apartments (81.8%)

Based on this analysis, the Department is satisfied that, in terms of compliance with solar access standards in the ADG, the proposal does not result in additional solar access impacts to apartments in 25-27 Victoria Parade when compared with the concept approval. The same number of apartments receive a minimum of 2 hours of solar access to living rooms and private open space / less than 15 minutes of sun under the proposal, when compared to concept approval (**Table 9**).

The Walsh Analysis notes that the proposed modification results in additional overshadowing to apartments in 29 Victoria Parade when compared to the existing concept approval. One apartment (Apartment 22) will no longer receive at least 2 hours of solar access to the living room and private open space (a 5 hour reduction in solar access) and two apartments (Apartments 6 and 13) will no longer receive more than 15 minutes of sun. The Walsh Analysis notes that the additional overshadowing is due to additional building form (stair / lift core) on the Building B southern envelope and the reduced setback and increased height of Building C.

The Walsh Analysis concludes that it does not find the increase in overshadowing to these three apartments in 29 Victoria Parade to be warranted and recommends that the Department investigate further to increase the amenity of apartments in 29 Victoria Parade.

As noted by the Commission, overshadowing of adjacent apartments is unavoidable due to the orientation and proximity of the site to adjacent buildings. The Department agrees that some overshadowing of 29 Victoria Parade, as contemplated in the concept approval, is inevitable and is therefore supported as:

- Building B has been amended to reduce the height at its southern boundary to improve solar access to 25-27 and 29 Victoria Parade
- Building C (approved and proposed) is located directly north-east of 29 Victoria Parade and orientated the same way
- the existing 29 Victoria Parade elevation to Building C is designed to limit sunlight, as it has a minimal boundary setback, bedrooms fronting the proposal site, expansive brick elevation and minimal window openings with fire protection screens.

However, as noted in the Walsh Analysis, the Department does not support any additional overshadowing to apartments beyond that contemplated in the concept approval (**Table 9**). The Department therefore recommends conditions requiring that:

- any rooftop structures above Building B (south) and Building C do not adversely impact solar access to neighbouring residential properties



- Building C setback to the boundary with 29 Victoria Parade be increased to be consistent with the concept approval
- the future design of Building B south shall ensure that Apartment 22 in 29 Victoria Parade receives at least 2 hours of sunlight to living rooms and private open space in mid-winter (**Table 9**).

### 5.3.2 Views and visual impacts

Public submissions raised concerns about potential view and visual impacts resulting from the proposed changes to the built form. Of particular concern was the impact of the Building C envelope on private views from properties on Victoria Parade. One public submission also raised concerns about views to Manly Beach from Building D encroaching into the 6m setback to Wentworth Street.

The modification request includes a Visual Impact Assessment (VIA), prepared by Murcutt Candalepas, which was updated to reflect the proposal as revised in response to submissions. The VIA assesses visual impacts of the proposal from 12 viewpoints surrounding the site, including various viewpoints on Manly Beach, adjacent to Manly Village Public School, Wentworth Street and South Steyne, and private view impacts from 3 properties surrounding the site (2 apartments in 25 Wentworth Street and 1 in 29 Victoria Parade).

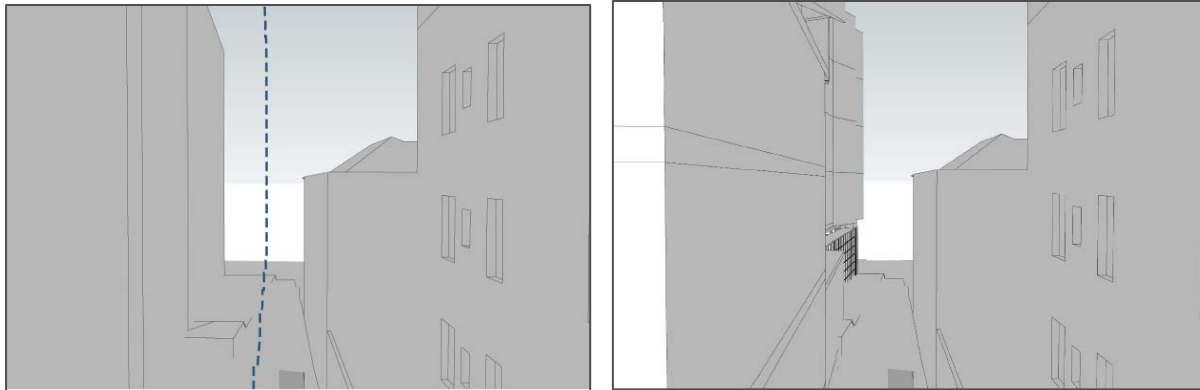
The VIA concludes that the visual and private view impacts of the proposal, when compared to the concept approval, are acceptable and in some areas provides a superior visual outcome (due to the openness of the ground plane and activation).

The VIA notes that while there is a reduction in the setback to Wentworth Street, any visual impact is offset by the removal of building accommodation along South Steyne and Wentworth Street (being the removal of built form on the ground floor and the introduction of the courtyard). In addition, the Proponent has increased the south-east boundary setback from that originally proposed (**Section 5.2.1**), which has improved private views from 5/29 Victoria Parade.

The Department has carefully considered the issues raised in public submissions, together with the Proponent's VIA, and considers the visual and view loss impacts of the proposal to be reasonable and acceptable, for the following reasons:

- views from the public domain are largely unaffected as a result of the proposed changes, when compared to the concept approval
- the recommendations in relation to roof structures (**Section 5.2**) will ensure that any roof structures above this building are integrated into the building design and ensure minimal visibility from the public domain
- the recommendation to maintain the Building C boundary setback adjacent to 29 Victoria Parade as approved (see **Section 5.2.1**) will minimise view impacts (being views to the sky) and compensate for the minor increase in the height of Building C
- visual impacts of Building D encroaching into the 6 m setback to Wentworth Street are supported by the Panel, minor and largely indiscernible when compared to the concept approval, as the view down Wentworth Street to Manly Beach is framed and dominated on the RFW side by the significant mature pine trees. In addition, the courtyard and openness of the ground level of Building D will improve views of Manly Beach, when compared to the solid building form fronting Wentworth Street
- the Building C and D envelopes have been revised in response to submissions to increase the setback to 31 Victoria Parade and 15 to 16 South Steyne, which maintains private views from 5/29 Victoria Parade to Manly Beach (**Figure 22**)
- the Department agrees with the VIA, which shows that the proposed changes to the Building D form, at the corner of South Steyne and Wentworth Street, result in a minor to moderate impact on

the private views from 331/25 and 332/25 Wentworth Street, when compared to the concept approval (**Figure 23**).



**Figure 22** | Comparison of private view impacts from 5/29 Victoria Parade as a result of the revised proposal (right) compared to the concept approval (left) (Base source: Proponent's Response to Submissions)



**Figure 23** | Comparison of private view impacts from within 332/25 Wentworth Street as a result of the revised proposal (right) compared to the concept approval (left) (Base source: Proponent's Response to Submissions)

#### 5.4 Residential amenity

SEPP 65 aims to improve the design quality of residential apartment development in NSW. It establishes design quality principles to be applied in the design and assessment of residential development. The associated ADG provides objectives, design criteria and guidance on how residential developments can meet these principles.

As the modification request relates to a concept application, the Department's assessment considers whether the building envelopes and layout can deliver future developments that are capable of compliance with SEPP 65 and the ADG.

Existing Condition B1 requires future DAs to illustrate that residential amenity can be achieved in accordance with the principles of SEPP 65 and the standards under the Residential Flat Development Code (which has been replaced by the ADG).

The Department has assessed the residential components of the proposal (being level 3 and above in Building C and level 1 and above in Building D) against the principles in SEPP 65 and the ADG in **Appendix D**. The Department is satisfied that the detailed design can comply with SEPP 65 and the ADG, except for open space, deep soil zones and visual privacy which are considered in detail below.

### 5.4.1 Open space provision

Under the design criteria for communal open space provision (Objective 3D-1), the ADG requires:

1. communal open space to have a minimum area equal to 25% of the site area
2. the principal usable part of the communal open space receives a minimum of 50% direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter).

For the residential components of the development (Buildings C and D), the proposal provides 228m<sup>2</sup> communal open space exclusively for residents on Building C, which equates to approximately 6% of the Building C and D site area (3,850 m<sup>2</sup>). The proposal also provides 1,340 m<sup>2</sup> of publicly accessible open space in the courtyard.

The Department considers that while the communal open space does not comply with the ADG (at 228 m<sup>2</sup> or 6% of the site area) and is less than the approved communal open space area for these buildings (482.4 m<sup>2</sup>), the proposed open space provision is reasonable in this instance because:

- it provides a very high standard of amenity, as it is located on the roof of Building C with expansive views over Manly Beach and great solar access (with 98% of the space receiving a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter))
- it provides 1,340 m<sup>2</sup> of publicly accessible open space in the courtyard, which may be used by residents
- the site is adjacent to Manly Beach, which provides open space for a range of activities, including recreation, sports, seating, BBQ and children's play equipment
- increasing open space on the rooftops may result in additional adverse impacts on the surrounding area, such as potential privacy impacts and visual impacts associated with additional lift overruns and shade structures.

### 5.4.2 Deep soil zones

Deep soil zones are areas of soil not covered by buildings or structures within a development. For the residential component, which has a site area of 3,850 m<sup>2</sup>, the ADG requires deep soil zones for 7% of the site area (being 269.5 m<sup>2</sup>) with a minimum dimension of 6 m.

The ADG acknowledges that achieving this requirement may not be possible where there is 100% site coverage or non-residential uses at ground level floor level. In these instances, alternative forms of planting should be provided.

The Proponent contends that given the concept approval allows a basement on the entire site and non-residential uses on the ground floors, the proposal is unable to comply with the requirement for deep soil zones. Instead, the proposal provides a 170m<sup>2</sup> tree planting zone in the Building C and D courtyard, a tree planting zone in the Building B courtyard and soil planting zones on the roof (**Figure 24**).

The proposal also contemplates stormwater management in the form of rainwater collection, filtration and storage, which will be considered in detail in the assessment of future DAs.

Council's submission recommends that tree planting should be supported by adequate soil volume (as specified in SEPP 65), irrigation and species to suit microclimate, and not be limited to native species. The Panel noted that further consideration be given to soil depth relative to the basement structure and ensure species selection has regard to limitations of soil volume and include soft landscaping to complement trees.

Despite not achieving the ADG requirements for deep soil zones, the Department is satisfied the proposal would provide sufficient landscaping across the site to provide amenity for residents and the

public and help screen and soften the proposed development from neighbouring properties. The Department also accepts the site is constrained by its dense urban environment and the approved basement, which limits the provision of deep soil zones across the site.

Notwithstanding, the Department agrees with Council and the Panel's comments about soil volume, irrigation and species selection and recommends a condition to ensure these details are adequately addressed in the assessment of future DAs.



**Figure 24** | Plans showing the ground floor tree planting zones (left) and rooftop planting zone (right) (Source: Proponent's Response to Submissions)

#### 5.4.3 Visual privacy (building separation)

To ensure visual privacy is provided between residential buildings, the ADG specifies minimum setback distances. Where there is a habitable room in the elevation (such as being contemplated in the Proponent's illustrative proposal), buildings up to 12m should be setback by 6m and buildings up to 25 m should be setback by 9m. These setbacks are doubled for buildings on the same site. The ADG also specifies these setbacks apply to commercial components of buildings adjacent to residential buildings (such as the commercial floorspace in Building C).

Proposed building setbacks to the neighbouring property boundary are (**Figure 25**):

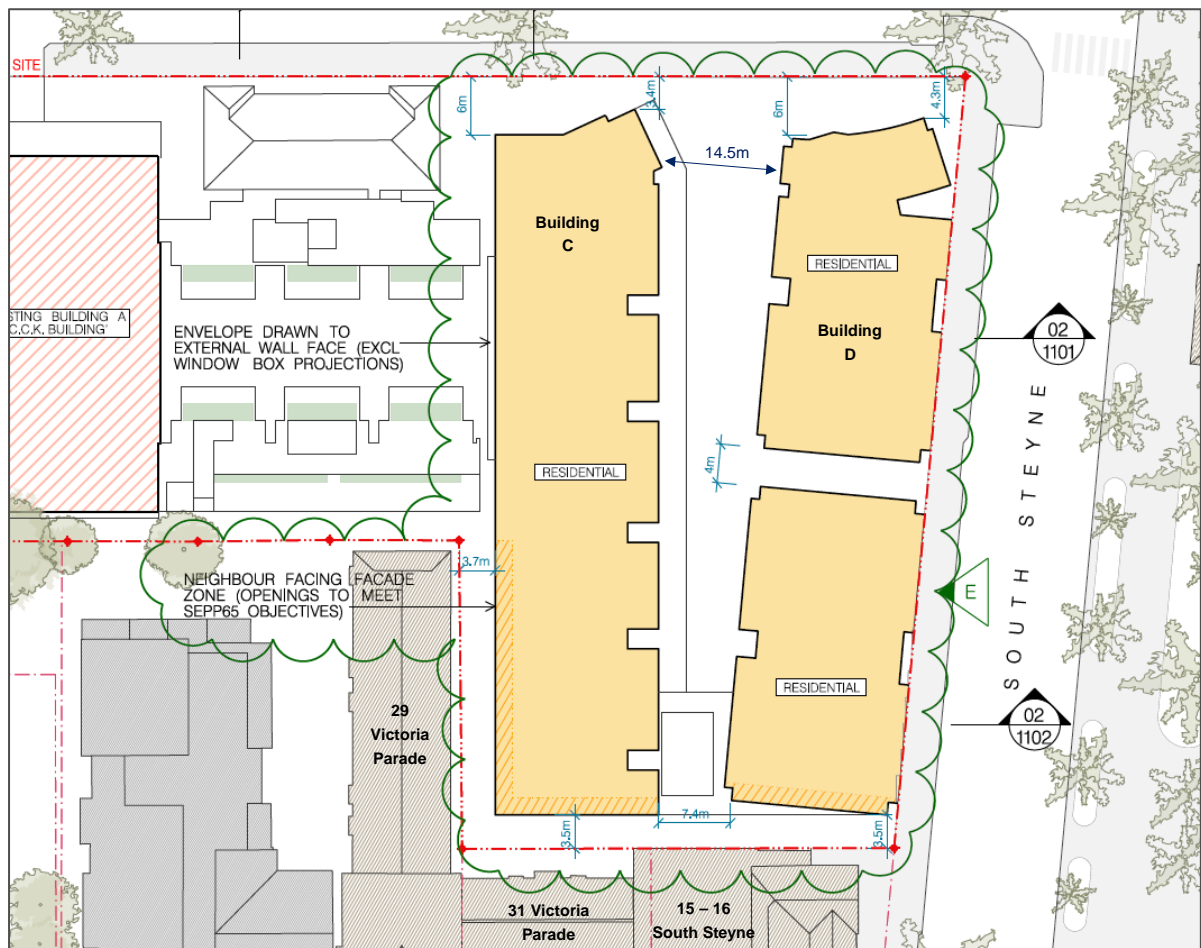
- 3.7m between Building C and the boundary to 29 Victoria Street
- 3.5m between Building C and the boundary to 31 Victoria Street
- 3.5m between Building D and the boundary to 15 to 16 South Steyne.

Proposed building setbacks to other buildings on the same site are (**Figure 25**):

- 7.4 to 14.5m between Building C and Building D
- 4m between the two Building D buildings.

The Proponent contends that while the proposal does not comply with these numerical standards (design criteria), future DAs can include a number of design solutions that are capable of complying with the objective (being to achieve a reasonable level of external and internal privacy). These design solutions include locating residential apartments at varying heights in Buildings C and D (**Figure 25**), to avoid looking directly into adjacent residential apartments, and providing privacy screens adjacent to neighbouring apartments.





**Figure 25 |** Building separation distances within the site and to adjacent residential buildings (Source: Proponent’s Response to Submissions)

The Department acknowledges that the proposed building separation distances are less than those required in the ADG. However, the Department is satisfied that the detailed building design within the envelopes can achieve adequate visual privacy, for the following reasons:

- it is recommended that the proposed setbacks adjoining 29 Victoria Parade be increased to reflect the approved building envelope setbacks (see **Section 5.2.1**)
- the living areas of 29 Victoria Parade and Buildings C and D are orientated away from each other, with Buildings C and D orientated north-east, towards Manly Beach, and 29 Victoria Parade orientated to face south-west
- residential floorspace in Building C is located between levels 4 to 8, which is above the residential floorspace in 29 Victoria Parade and predominantly higher than the residential accommodation in 31 Victoria Parade, 15 – 16 South Steyne and Building D
- the proposed envelopes include a zone for providing visual privacy screens, which would restrict downward views in Building C to 29 Victoria Parade, 31 Victoria Parade and 15-16 South Steyne
- the building envelopes represent the maximum bulk and scale for future buildings on the site and the consent authority for future DAs will need to further consider visual privacy concerns
- existing **FEAR 5** (privacy) requires future DAs to demonstrate adequate privacy screening / treatment and/or balcony / window orientation has been provided to minimise privacy impacts between buildings located on the site and to address privacy concerns of adjoining developments.

- the Proponent has re-introduced landscaping between the commercial development within Building C and 29 Victoria Parade and included a form of privacy screen to the commercial windows which would help mitigate potential amenity impacts.

## 5.5 Heritage

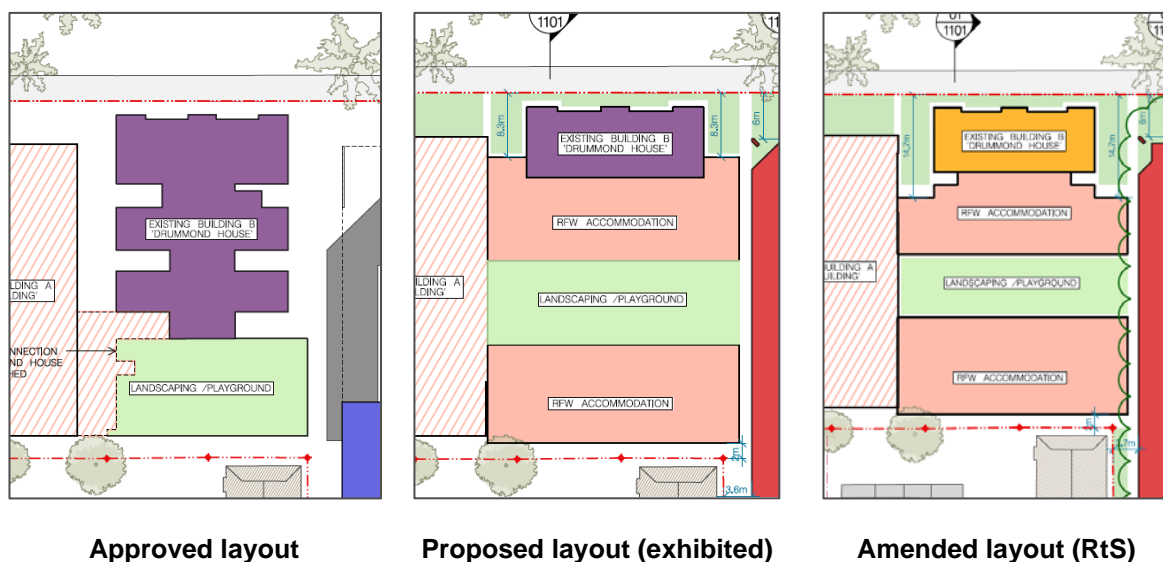
The site contains The Drummond Far West Home (Drummond House), which is a local heritage item in the Manly LEP. The building is identified as a good example in the Inter-War Classical style with state historical significance for its role as a charitable institution (The Royal Far West Children’s Scheme).

The concept approval retains Drummond House, allows for the removal of several later additions to the rear of the building and provides for connections to the CCK Building (Building A) (**Figure 26**). The concept approval (**FEAR 17**) currently requires future applications to demonstrate consistency with the recommendations of the Conservation Management Plan 2011 (2011 CMP) and Heritage Impact Statement submitted with the original concept plan.

The proposed modification seeks to retain the front portion of the building (fronting Wentworth Street) (**Figure 26**) and demolish the rear portion of the building and replace it with two new building envelopes (Building B) to provide accommodation and a central courtyard for the RFW. The Proponent provided a Heritage Impact Assessment and updated Conservation Management Plan, prepared by heritage consultants, Urbis, to support the proposal.

During the exhibition, Council advised that it did not support the proposal due to heritage impacts, as it does not retain significant built fabric of Drummond House. Heritage NSW advised that, as the site is not listed on the State Heritage Register, it had no comments on the proposal. While not a major issue, 2% of public submissions raised concerns about potential heritage impacts of the proposal.

In response, the Proponent amended the proposal to reduce heritage impacts on Drummond House (**Figure 26**). This included increasing the setback of the new RFW accommodation building envelope to Wentworth Street (from 8.3m to 14.7m) so that more of the façade and front bay of Drummond House is visible from the street.



**Figure 26** Plan showing proposed changes to Drummond House, compared to the approved layout (Source: Proponent’s Response to Submissions)

The Proponent contends the key heritage significance of Drummond House relates to its front façade and long running and ongoing role as a charitable institution for children in need. It also contends that limited original building fabric remains, as the building has been substantially altered through a later 3<sup>rd</sup> storey addition, painting the brick façade and extensive internal modifications.

While the concept approval includes the continued use of Drummond House by RFW, the Proponent contends Drummond House is no longer fit for purpose with a confused internal configuration and poor amenity for those within the residential accommodation.

The Department notes the Panel expressed support for the rationale for the works to Drummond House and the proposed relationship between the retained portion of Drummond House and the proposed modified building envelopes, noting the proposed setbacks would allow the prominence of Drummond House in the streetscape to be retained.

Council advised that its previous concerns about heritage impacts have been resolved by the amendments made to the proposal in the RtS.

The Department considers the heritage impacts on Drummond House to be acceptable as the proposal retains the front portion of Drummond House which has the highest level of heritage significance and visual prominence, and the proposed new building envelopes have been appropriately setback providing an appropriate curtilage around the building. The Department also agrees with the Proponent that the existing building is not fit for purpose and the proposal would provide improved accommodation and amenity for children and their families when visiting the RFW.

The Department also recommends existing **FEAR 17** be amended so future applications demonstrate consistency with the recommendations of the updated CMP (November 2020) and HIS to appropriately mitigate and manage the heritage impacts associated with the detailed building design.

## 5.6 Traffic, parking and access

### Traffic

The Department's assessment of the original concept plan concluded that the surrounding road network can accommodate the traffic generated by the proposed development, subject to upgrade works to be determined by Council at the DA stage. Existing **FEAR 7** requires an assessment, undertaken in consultation with advice from Council, RMS and STA, of the intersections between Sydney and Belgrave Streets, South Steyne and Wentworth Street and the entry / exit to the Council car park off Wentworth Street, to identify any improvements required as a result of the subject development.

The Proponent has provided an updated Traffic and Parking Report to support the proposal which concluded that trip generation resulting from the modified proposal (reduced floor area and change in uses) will reduce when compared to the concept approval by:

- 32 vehicles per hour in the morning peak (103 trips reducing to 71)
- 65 vehicles per hour in the afternoon peak (121 trips reducing to 56).

Public submissions raised concerns about traffic. Council and TfNSW raised no issues about traffic congestion.

Based on the above vehicle movements, the Department is satisfied that the proposal will reduce traffic generation compared to the current approval. Notwithstanding, the Department recommends existing **FEAR 7** be retained to allow Council, in consultation with relevant State agencies to further assess whether intersection upgrades are required to mitigate and manage traffic impacts as a result of any future DA.

## Parking

Existing **FEAR 10** allows a minimum of 184 car parking spaces be provided in two levels of basement car parking across the site. This was supported by the Commission and Department as on-site parking provision exceeded the minimum requirements in the Manly DCP by 39 spaces (**Table 10**).

The proposal seeks to confirm, consistent with **FEAR 10**, that future applications shall provide no less than 184 car parking spaces. The updated traffic report notes that in addition to the currently provided 50 car parking spaces (under Building A), the modified proposal provides 176 spaces (total of 226), which would meet the parking demand of the development (based on the requirements of the Manly DCP) (**Table 10**).

**Table 10** | Summary of required / proposed car parking

Type	Approved (minimum)	Required for proposed modification (under Council DCP)	Indicative car parking to be provided
Residential	71	86	176 (allocation to be confirmed at time of future DA)
Retail	11	85	
Hotel	41	0	0
RFW	61	50 (already provided onsite)	
	<b>184</b>	<b>221 (37 more than approved)</b>	<b>226 (42 more than approved)</b>

Public submissions raised concerns about parking. TfNSW advised that the proposal would not increase car parking. Council supports the parking provision statement.

The Department is satisfied that the indicative car parking being contemplated by the Proponent (226 spaces) complies with the existing concept approval (being 37 more than 184 spaces) and will meet parking demand from the development (being 5 more spaces than required in Council's DCP).

The Department therefore supports maintaining the requirement in **FEAR 10** to provide a minimum of 184 spaces, as this allows Council to determine the exact car parking to be provided in future DAs, balancing demand for spaces, allocation of spaces between uses and proximity to the town centre and public transport.

## Access

In the Statement of Commitments (SoC), the Proponent has committed to implement the following traffic management measures if required by Council:

- relocation of the pedestrian crossing at the corner of South Steyne and Wentworth Street
- provision of an additional raised (paved) pedestrian threshold across Wentworth Street as described in the traffic report.

The proposal seeks to remove this commitment, contending that it was included as a result of the second vehicle access to the hotel (near to the South Steyne / Wentworth Street intersection), which is no longer proposed.

In its submission on the RtS, Council advised that the second midblock crossing is still required on Wentworth Street to better facilitate pedestrian connections between the site and Manly Corso. Council



also commented that there is insufficient queuing capacity between the card reader and Wentworth Street, which could result in vehicles queuing across the footpath or on Wentworth Street.

The Department notes there are only two formal pedestrian crossings of Wentworth Street, approximately 200 m apart at the intersection with South Steyne and with Darley Road. The proposal, including the new public courtyard, opens up the public domain to facilitate pedestrian movement through the site.

The Department agrees with Council and considers that a further pedestrian crossing across Wentworth Street is required to provide a safe connection between the site and the wider Manly town centre. The Department therefore recommends that this commitment be retained.

## 5.7 Other issues

The Department's consideration of other issues is provided in **Table 11**.

**Table 11** | Summary of other issues

Issue	Findings	Recommended Condition
Landscaping	<ul style="list-style-type: none"> <li>• The proposal includes various spaces for landscaping, such as along site boundaries, within the play area in the Building B courtyard and the new Building C and D courtyard.</li> <li>• Existing <b>FEAR 1</b> requires future detailed DAs to include detailed landscape plans demonstrating landscaping along street frontages and over podium/basement levels.</li> <li>• The modification request includes a Landscape Design Statement. This provides a high-level approach that will inform the detailed design of these spaces, such as through meaningful engagement with Aboriginal communities, providing a garden edge to Wentworth street and more open character of Buildings C and D defined by medium height trees, undulating sandstone gullies dominated by tree planting, landscaped roofs with planter boxes and communal open space (on Building C) and a plant list comprising a rich mix of species, including some locally occurring species.</li> <li>• In its submission, Council noted that the landscape design intent is a considered approach and commented that:               <ul style="list-style-type: none"> <li>○ landscape materials should be robust and complementary to the urban environment</li> <li>○ the Wentworth Street and South Steyne road reserves should be incorporated into the design to connect the spaces</li> <li>○ parking along South Steyne could be replaced with street trees to soften the interface with buildings</li> <li>○ public use of the courtyard should create an efficient and active connection for pedestrians and useable space for the retail, not obstructed by furniture and gardens</li> <li>○ structures (roofs, basements, podiums) must support the wet weight of plants, soil and mulch</li> <li>○ rooftop gardens should be provided to improve visual quality of spaces and provide environmental heat reduction.</li> </ul> </li> <li>• As noted in <b>Section 5.1</b>, the Panel supports the approach to Connecting to Country and landscape design.</li> <li>• Based on the advice from Council and Panel, the Department supports the design direction for the landscaping. The majority of recommendations suggested by Council and the Panel relate to the detailed design, rather than the concept plan, and will therefore be considered by Council and the D&amp;S Panel in their consideration of future DAs in accordance with <b>FEAR 1</b>.</li> </ul>	Amend <b>FEAR 1</b> requiring further consideration of Landscaping at the detailed DA stage.

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> <li>The Department also supports the approach to engaging with local Aboriginal communities in the preparation of the landscape plan and recommends that this be reflected in <b>FEAR 1</b>.</li> </ul>	
Flooding	<ul style="list-style-type: none"> <li>Council advised that, under the Manly to Seaforth Flood Study (2019), the ground floor level of buildings (4.35m AHD), including RFW accommodation, commercial and residential uses, will suffer inundation in the Probable Maximum Flood Event (4.4m AHD to 4.98m AHD) and is below the Flood Planning Levels (FPL) (4.75 to 4.95m AHD).</li> <li>In its response to submissions, the Proponent confirmed that the detailed DAs would adhere to and address the flood planning levels.</li> <li>Council confirmed that this addressed its previous comments.</li> <li>Existing <b>FEAR 9</b> requires that future applications ensure a flood evacuation plan is prepared, underground parking areas are flood proofed and all services within sub-podium levels protected to the 0.5% AEP level.</li> <li>The Department accepts that the proposal can meet the FPL for the site and this matter can be considered further during the assessment of detailed DAs, when the relevant ground levels are confirmed.</li> <li>The Department therefore recommends that <b>FEAR 9</b> be amended so that future DAs appropriately address Council's flood study / requirements.</li> </ul>	Amend <b>FEAR 9</b> so that future DAs take into account Council's flood study
Proponent's consultation	<ul style="list-style-type: none"> <li>Public submissions raised concerns about inadequate consultation undertaken by the Proponent.</li> <li>In response to submissions, the Proponent provided a Community Engagement Report, prepared by Polymer Studios. This report notes that, in recent years, the Proponent has used the following to engage with the community on the redevelopment: <ul style="list-style-type: none"> <li>open days and community events</li> <li>community information sessions</li> <li>newsletter distributions</li> <li>stakeholder meetings</li> <li>project microsite and video.</li> </ul> </li> <li>In addition to the Proponent's community consultation, the Department publicly exhibited the proposal, as summarised in <b>Section 4</b> and met with affected residents on site. Council will also consult the local community on the detailed DAs.</li> <li>The Department is therefore satisfied that the local community have had sufficient opportunity to find out about the redevelopment and provide comments on the proposal at various stages.</li> </ul>	No additional conditions or amendments necessary.
Impact on trees	<ul style="list-style-type: none"> <li>The Proponent submitted an Arboricultural Impact Assessment Report (Arborist Report), which considers potential impacts of the proposal on three street trees on Wentworth Street (locally listed Norfolk Pine trees), a tree on the boundary with 25-27 Victoria Parade (Cooks Pine) and 9 trees in between Building B and C (to be removed under the concept approval).</li> <li>Council noted that the Proponent must adhere to the recommendations of the Arborist Report, street trees must be protected and Council will not support any impacts to the Norfolk Pine Trees on South Steyne (which are not assessed in the Arborist Report).</li> <li>Public submissions raised concerns that the proposal realigns the basement closer to the roots of the Cooks Pine risking its long-term health.</li> <li>In response to submissions, the Proponent has reverted the alignment of the basement to be consistent with concept approval and notes that it anticipates conditions of the DA in relation to tree protection.</li> </ul>	Add a FEAR to protect trees from the development and during construction

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> <li>The Arborist Report confirms the three Norfolk Pine trees located on Wentworth Street would not be adversely impacted, subject to appropriate construction management conditions which would be considered as part of the future detailed DA.</li> <li>Noting the above, the Department recommends a FEAR to ensure that future development doesn't adversely impact the health of on-site trees to be retained and street trees on Wentworth Street and South Steyne and ensure that these are protected during construction.</li> </ul>	
Engineering	<ul style="list-style-type: none"> <li>In its submission, Council advised that no stormwater management plan has been prepared for the proposal, on site stormwater detention is required and the vehicle access to the existing CCK building entry ramp has been provided with freeboard above the water surface level with the roadway.</li> <li>While the Department notes that the CCK building has already been constructed, the engineering issues raised are adequately addressed through <b>FEAR 11</b> (stormwater and drainage).</li> </ul>	No additional conditions or amendments are necessary.
Operational impacts	<ul style="list-style-type: none"> <li>Public submissions raised concerns that the future operation of the development will adversely impact surrounding residential amenity, in terms of light spill from the commercial tenancies and noise impacts from any external waste facilities.</li> <li>The Department considers the potential operational impacts associated with the proposed land uses would be typical of any proposed redevelopment permitted on the site and would not give rise to any unacceptable impacts.</li> <li>In addition, the Department notes that any impacts associated with the operation of the development will be further considered in the assessment of future DAs and a range of measures can be adopted/imposed to appropriately mitigate and manage potential impacts to an acceptable level. Existing <b>FEAR 18</b> also requires a waste management plan in accordance with Council's requirements.</li> <li>The Department recommends a new FEAR ensuring that the detailed building design addresses any potential impacts from the commercial tenancies on adjacent residential amenity.</li> </ul>	Add a FEAR to address any impacts from the operation of the commercial tenancies.
Contamination	<ul style="list-style-type: none"> <li>The original concept application was accompanied by a Phase 1 contamination assessment report which concluded the site is suitable for the proposed development, subject to detailed investigation and remediation work if required.</li> <li>Under existing <b>FEAR 2</b>, future DAs must address any potential contamination on site and implement the recommendations of the Phase 1 report.</li> </ul>	No additional conditions or amendments necessary.
Wind	<ul style="list-style-type: none"> <li>The modification request includes a Wind Conditions Advice Letter, prepared by ARUP and dated 21 July 2021, which provides a high-level assessment of potential wind conditions as a result of the proposed modification.</li> <li>This notes that, while a more detailed review will be conducted during the detailed design phase, the proposed changes are likely to improve wind conditions on the site and surrounding area.</li> <li>The Department accepts the findings of the assessment and recommends a new FEAR that future DAs be supported by the detailed wind study demonstrating that wind conditions will be comfortable for their intended use.</li> </ul>	A new FEAR recommended requiring a detailed wind study

Issue	Findings	Recommended Condition
Changes to the site boundary	<ul style="list-style-type: none"> <li>• The proposal seeks to remove 15-16 South Steyne (Lot 1 DP 1091717 and Lot C DP 369972) from the site, reducing the area from 6,950 m<sup>2</sup> to 6,398 m<sup>2</sup> (a reduction of 552 m<sup>2</sup>).</li> <li>• The Proponent seeks this change as 15-16 South Steyne has been sold since the concept approval.</li> <li>• The Department supports this change, as: <ul style="list-style-type: none"> <li>○ the reduction in the site area doesn't affect the development's compliance with the approved FSR</li> <li>○ landowner's consent has been provided by the new owner of the land to be removed</li> <li>○ the change is largely administrative and won't affect any development rights for 15-16 South Steyne, as this building was approved for the adaptive reuse given its local heritage status</li> <li>○ the concept approval has been amended to set back development form this building.</li> </ul> </li> </ul>	Amend concept approval to remove 15-16 South Steyne from the site area.
Changes to lot descriptions	<ul style="list-style-type: none"> <li>• During the assessment of the modification (on 8 March 2022), the Proponent advised that the legal description of the various lots (excluding 15-16 South Steyne) has been consolidated to form 2 lots and has provided evidence of the registered Deposited Plans.</li> <li>• The site previously comprised: <ul style="list-style-type: none"> <li>○ Lot 101, DP1247422</li> <li>○ Lots 1 and 2, DP 223468,</li> <li>○ Lot 1, DP 435023</li> <li>○ Lot PT2587, DP752038</li> <li>○ Lots 1 and 2, DP 1093126</li> <li>○ Lot 12, DP 1096038</li> <li>○ Lot 1, DP 1091717 &amp; Lot C, DP 369972.</li> </ul> </li> <li>• The new lots are Lot 100, DP1276056 and Lot 101, DP1247422.</li> <li>• The Department supports this administrative change.</li> </ul>	No amendments are necessary as the concept approval does not refer to the legal site description.
Property values	<ul style="list-style-type: none"> <li>• Concern was raised in public submissions that the proposal would have an adverse impact on nearby property values.</li> <li>• The Department has carefully assessed all potential impacts of the proposal on surrounding properties and concluded that the proposal is acceptable and it would not result in any significant impacts beyond those already assessed and approved.</li> <li>• As such, the Department considers the proposal would not have a negative impact on property values.</li> </ul>	No additional conditions or amendments are necessary.



## 6 Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department has carefully considered the issues raised in the submissions and the Proponent's response to submissions and concludes that the proposal is acceptable as:

- the State Design Review Panel support the proposed changes, subject to recommendations to inform the detailed design
- the rearrangement of the building envelopes results in an improved built form outcome compared to the concept approval through the creation of a new publicly accessible courtyard, improved accommodation for RFW guests (in Building B) and a more articulated and finer grain built form
- the proposed increase in building height is minor and the proposal would still fit comfortably within the streetscape when viewed from the Manly Beach foreshore
- the proposal would not adversely impact solar access to the Manly Beach, the adjoining promenade or the Manly Village Public School
- the proposal retains the front portion of Drummond House which has the highest level of heritage significance and visual prominence, and the proposed new building envelopes have been appropriately setback providing an appropriate curtilage around the building
- the proposal would not result in any additional traffic impacts as the reduction in floor space would generate less traffic
- the Department recommends several conditions to address issues raised during the assessment process, including requirements for:
  - the Northern Beaches Design and Sustainability Advisory Panel consider the detailed design to ensure it achieves design excellence and adequately addresses the recommendations from the State Design Review Panel
  - roof top structures only be permitted where they are integrated into the built form, located to ensure minimal visibility and do not result in additional overshadowing to Manly Beach, Manly Village Public School and surrounding residential buildings
  - the setback of Building C be increased from 3.7 m to 4.6 m where it adjoins a neighbouring residential building (29 Victoria Parade), consistent with the concept approval
  - the front and rear elevations of Building C be articulated to break up its length and visual mass
- all other impacts associated with the proposal, such as internal residential amenity, landscaping, public domain design, parking and flooding, are all reasonable and supported.

The Department's assessment therefore concludes the modification request is in the public interest and should be approved, subject to the new and recommended amendments to FEARs and conditions (**Appendix C**).

## 7 Recommendation

It is recommended that the Deputy Secretary Development Assessment as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the Royal Far West Concept Plan (MP 10\_0159) may be modified under section 75W of the EP&A Act, as the proposal falls within the scope of Section 3BA(5)(c) of Schedule 2 of the STOP Regulations
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the concept approval MP 10\_0159
- **signs** the attached notice of modification (**Appendix C**).

**Recommended by:**

**Anthony Witherdin**  
Director  
Key Sites Assessments

**Recommended by:**

**Anthea Sargeant**  
Executive Director  
Key Sites & Regional Assessments

## 8 Determination

The recommendation is **Adopted/Not Adopted**-by:

**David Gainsford**

Deputy Secretary

Development Assessments

# Appendices

## Appendix A – List of Documents

List of key documents relied on by the Department in its assessment:

- Modification Request titled ‘75W Modification of Part 3A Concept Plan Approval MP10\_0159 Mod 1 Mixed Use Development, Royal Far West’ and attachments, prepared by Boston Blyth Fleming Pty Ltd and dated July 2021
- Response to Submissions titled ‘Response to Submissions, 75W Modification of Part 3A Concept Plan Approval MP10\_0159 Mod 1 Mixed Use Development, Royal Far West’ and attachments, prepared by Boston Blyth Fleming Pty Ltd and dated December 2021
- Solar Access Peer Review of Royal Far West Concept Plan, Walsh Analysis, 10 March 2022.

## Appendix B – Relevant Supporting Information

The following supporting documents and information can be found on the Department’s website:

1. Environmental Assessment

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10672](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10672)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10672](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10672)

3. Proponent’s Response to Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10672](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10672)

4. Advice from the State Design Review Panel

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10672](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10672)

## Appendix C – Notice of Modification

See the Department’s website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10672](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10672)



## Appendix D – State Environmental Planning Policy No. 65 and ADG

State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65) aims to improve the design quality of residential apartment development in NSW. It establishes design quality principles to be applied in the design and assessment of residential development. The ADG provides detail on how residential developments can meet these principles.

The Department has assessed the residential components of the proposal (being level 3 and above in Building C and level 1 and above in Building D) against the principles in SEPP 65 in **Table 12** and the ADG in **Table 13**, as they relate to the concept plan.

Under Condition B1 of the concept approval, future development applications shall illustrate that residential amenity can be achieved in accordance with the principles of SEPP 65 and the standards under the Residential Flat Development Code (which has been replaced by the ADG).

**Table 12** | Consideration against SEPP 65 principles

SEPP 65 – Design Quality Principles	Department's Response
1. Context and Neighbourhood Character	The Department is satisfied that the proposed changes to the concept approval respond to the context and neighbourhood character, as the proposal exhibits design excellence and amendments to building form are acceptable, subject to conditions ( <b>Section 5.1 and 5.2</b> ).
2. Built form and scale	The Department is satisfied that the built form and scale is appropriate, as considered in <b>Section 5.1 and 5.2</b> .
3. Density	The Department is satisfied that the proposed density is appropriate, as the proposal reduces the floor space when compared to the concept approval ( <b>Section 2.1</b> ).
4. Sustainability	<b>FEAR 3</b> requires future applications to demonstrate how future developments will incorporate ESD in the design, construction and ongoing operation. The Department is satisfied that the detailed design will address ESD, subject to the recommended FEAR about improving Green Star performance ( <b>Section 3.3.3</b> ).
5. Landscape	The Department is satisfied that the detailed design is capable of achieving a high standard of landscape design ( <b>Section 5.1 and 5.7</b> ).
6. Amenity	While the proposal is a concept application, the Department is satisfied that future development will be capable of achieving reasonable internal amenity, as considered in <b>Section 5.4 and Table 12</b> . The Department is also satisfied that the proposal would not result in unacceptable amenity impacts on surrounding properties ( <b>Section 5.4</b> ).
7. Safety	<b>FEAR 15</b> requires future applications to ensure design and treatments have regard to the principles of Crime Prevention Through Environmental Design Guidelines. Consistent with the advice of the GA, further consideration should be given in the detailed design to refine the secure line arrangement and optimise safety ( <b>Section 5.1</b> ).
8. Housing diversity and social interaction	The proposal is not required to provide affordable housing. The proposal provides for approximately 58 residential apartments in Manly, with the exact numbers and mix to be determined through the assessment of future DAs.
9. Aesthetics	The proposal involves a modification to the concept approval. The aesthetics of the future buildings will be considered at the future detailed development stages.

The ADG sets out guidelines for residential flat development to ensure apartments are provided with an appropriate level of residential amenity.

The detailed design of the buildings, including floor plan layouts and façade design, will be the subject of future DA(s). The modification request includes indicative floor plans, and a SEPP 65 Design Verification Statement, demonstrating that the detailed building design within the proposed envelopes is capable of compliance with the ADG.

The Department has assessed the proposal against the relevant recommended criteria of the ADG at **Table 13**.

**Table 13 | Consideration against relevant controls of the ADG**

ADG – Relevant Criteria	Consideration	Complies
<p><b>3A Site Analysis</b></p> <p>Site analysis illustrates design decisions have been based on opportunities and constrains of the site conditions and their relationship to the surrounding context.</p>	<p>The proposal is informed by a site analysis plan (S75W-0150). The Department’s consideration of the proposed built form, having regard to the site and surrounding context, is set out in <b>Section 5</b>.</p>	<p>Yes</p>
<p><b>3B Orientation</b></p> <p>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</p> <p>Overshadowing of neighbouring properties is minimised during mid-winter.</p>	<p>The proposed residential building envelopes are orientated to front existing streets and newly created public domain areas, and face north to optimising solar access. Subject to the recommended conditions, the proposal minimises overshadowing of neighbouring properties (<b>Section 5</b>).</p>	<p>Yes</p>
<p><b>3C Public Domain Interface</b></p> <p>Transition between public/private domain is achieved without compromising safety and security.</p> <p>Amenity of the public domain is retained and enhanced.</p>	<p>The residential buildings will be accessed at the ground level via the public domain. The public domain is well activated at the ground level and visible from balconies at upper levels.</p> <p>Consistent with the advice of the GA, further consideration should be given in the detailed design to refine the secure line and optimise safety (<b>Section 5</b>).</p>	<p>Yes</p>
<p><b>3D Communal and Public Open Space</b></p> <p>Communal open space has a minimum area equal to 25% of the site.</p> <p>Minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of two hours in mid-winter.</p> <p>Communal open space is designed to allow for a range of activities and to maximise safety.</p> <p>Public open space should be well connected with nearby parks and other landscape elements.</p>	<p>The residential components of the proposal benefit from 1,568 m<sup>2</sup> of open space, which equates to approximately 41% of the Building C and D site area (3,850 m<sup>2</sup>).</p> <p>The open space provision comprises 228 m<sup>2</sup> private communal open space (for residents) on Building C and 1,340 m<sup>2</sup> of publicly accessible open space in the courtyard.</p> <p>223 m<sup>2</sup> of the 228 m<sup>2</sup> private communal open space, being the principal open space for residents, receives a minimum of two hours direct sunlight (being 98%).</p> <p>Open space will allow a range of activities, such as private open space on the rooftop, publicly accessible space on the ground level and planting / landscaped areas.</p> <p>The publicly accessible open space on ground level is well connected to, and provides an extension of, the Wentworth Street and South Steyne public domain areas. This space is also well connected to the Manly Beach public domain area, across South Steyne. Open space</p>	<p>Yes</p>

	provision is discussed further in <b>Section 5.4.1</b> .													
<p><b>3E Deep Soil Zones</b></p> <p>For sites greater than 1,500 m<sup>2</sup>, a minimum of 7% of the site with a minimum dimension of 6 m should provide for deep soil zone(s).</p>	<p>The proposal does not achieve this numerical standard, as the original concept approval allows basement car parking across the site.</p> <p>The Proponent has committed to maximising areas for planting and landscaping in the detailed design, such as through a raised planting podium in the courtyard and rooftop planting zones. Deep soil zones are discussed further in <b>Section 5.4.2</b>.</p>	No												
<p><b>3F Visual Privacy</b></p> <p>Minimum separation distance from building to side and rear boundaries:</p> <table border="1" data-bbox="193 667 769 927"> <thead> <tr> <th>Height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table> <p>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p>	Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>The proposal does not achieve these numerical standards, noting that design solutions will be incorporated in the detailed design to ensure visual privacy to neighbouring existing and proposed buildings (as discussed in <b>Section 5.4.3</b>).</p>	No
Height	Habitable rooms and balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
<p><b>3G Pedestrian Access to Entries</b></p> <p>Building entries and pedestrian access connects to and addresses the public domain.</p> <p>Access, entries and pathways are accessible and easy to identify.</p> <p>Large sites provide pedestrian links for access to streets and connection to destinations.</p>	<p>The Department is satisfied that future DAs are able to comply with this requirement, noting that all buildings are accessed from the public domain, easy to identify and the courtyard provides a strong pedestrian connection between South Steyne and Wentworth Street.</p>	Yes												
<p><b>3H Vehicle Access</b></p> <p>Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high-quality streetscapes.</p>	<p>The proposal reduces the number of vehicle access points, as it relies on an existing access on Wentworth Street, reducing pedestrian conflicts and improving the streetscape quality. Vehicle access is discussed further in <b>Section 5.6</b>.</p>	Yes												
<p><b>3J Bicycle and Car Parking</b></p> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>Car park design and access is safe and secure.</p> <p>Visual and environmental impacts of above ground enclosed car parking are minimised.</p>	<p>The concept approval prescribes a minimum number of car parking spaces to be provided (184 spaces), with the specific car parking provision and car park design to be considered in the assessment of the future DAs. The Department has considered car parking in <b>Section 5.6</b>.</p>	Yes												
<p><b>4A Solar and Daylight Access</b></p> <p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p> <p>Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9 am - 3 pm in mid-winter in the Sydney Metropolitan Area.</p>	<p>The Department is satisfied that future DAs are able to comply with this requirement. The illustrative plans show that 100% of apartments will achieve the required solar access, due to the orientation of residential apartments (all facing north east), differing heights of Building C and D, differing levels providing</p>	Yes												

<p>Maximum of 15% of apartments have no direct sunlight between 9 am - 3 pm in mid-winter.</p> <p>Daylight access is maximised where sunlight is limited.</p> <p>Design incorporates shading and glare control, particularly for warmer months.</p>	<p>residential accommodation and courtyard separation providing solar access to Building C.</p>	
<p><b>4B Natural Ventilation</b></p> <p>At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated).</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m.</p>	<p>The Department is satisfied that future DAs can comply with this requirement. The illustrative plans show that 79% of apartments will achieve the required cross ventilation, as the majority of apartments have dual aspects.</p>	<p>Yes</p>
<p><b>4C Ceiling Heights</b></p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <p>Habitable rooms 2.7 m</p> <p>Non-habitable rooms 2.4 m.</p>	<p>The Department is satisfied that future DAs can comply with this requirement.</p>	<p>Yes</p>
<p><b>4D Apartment Size and Layout</b></p> <p>Minimum apartment sizes</p> <ul style="list-style-type: none"> <li>• Studio 35 m2</li> <li>• 1 bedroom 50 m2</li> <li>• 2 bedroom 70 m2</li> <li>• 3 bedroom 90 m2</li> <li>• 4 bedroom 102 m2.</li> </ul> <p>Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms.</p>	<p>The Department is satisfied that future DAs can comply with this requirement.</p>	<p>Yes</p>
<p><b>4E Private Open Space and Balconies</b></p> <p>Primary balconies are provided to all apartments</p> <p>Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building.</p> <p>Primary open space and balconies maximises safety.</p>	<p>Illustrative drawings indicate that all apartments are provided with private open space in the form of balconies. This will be considered as part of the assessment of future DAs.</p>	<p>Yes</p>
<p><b>4F Common Circulation and Spaces</b></p> <p>Maximum number of apartments off a circulation core on a single level is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core.</p> <p>For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p> <p>Natural ventilation is provided to all common circulation spaces where possible.</p>	<p>The Department is satisfied that future DAs can comply with this requirement.</p>	<p>Yes</p>
<p><b>4G Storage</b></p> <p>The following storage is required (with at least 50% located within the apartment):</p> <ul style="list-style-type: none"> <li>• Studio apartments 4 m3</li> <li>• 1-bedroom apartments 6 m3</li> <li>• 2-bedroom apartments 8 m3</li> <li>• 3-bedroom apartments 10 m3</li> </ul>	<p>The Department is satisfied that future DAs can comply with this requirement.</p>	<p>Yes</p>
<p><b>4H Acoustic Privacy</b></p> <p>Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution.</p>	<p>The Department is satisfied that future DAs can comply with this requirement.</p>	<p>Yes</p>



<p><b>4J Noise and Pollution</b></p> <p>In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</p>	<p>The Department is satisfied that future DAs can comply with this requirement.</p>	<p>Yes</p>
<p><b>4K Apartment Mix</b></p> <p>Provision of a range of apartment types and sizes</p> <p>Apartment mix is distributed to suitable locations within the building.</p>	<p>The Illustrative drawings indicate a range of unit mixes can be provided, including 1, 2, 3 and 4 bedroom apartments. This will be considered as part of the assessment of future DAs.</p>	<p>Yes</p>
<p><b>4M Facades</b></p> <p>Building facades provide visual interest along the street while respecting the character of the local area</p> <p>Building functions are expressed by the facade</p>	<p>The Department is satisfied that future DAs can comply with this requirement.</p>	<p>Yes</p>
<p><b>4N Roof Design</b></p> <p>Roof treatments are integrated into the building design and positively respond to the street.</p> <p>Roof design includes sustainability features.</p>	<p>The Department is satisfied that future DAs can comply with this requirement.</p>	<p>Yes</p>
<p><b>4O Landscape Design and 4P Planting on Structures</b></p> <p>Landscape design is viable and sustainable.</p> <p>Landscape design contributes to streetscape and amenity.</p> <p>Building design includes opportunity for planting on structure.</p>	<p>The Department is satisfied that future DAs can comply with this requirement.</p>	<p>Yes</p>
<p><b>4Q Universal Design</b></p> <p>Universal design features are included in apartment design to promote flexible housing for all community members. Developments should achieve a benchmark of 20% of the apartments incorporating the Liveable Housing Guideline's silver level universal design features.</p> <p>A variety of apartments with adaptable designs are provided.</p> <p>Apartment layouts are flexible and accommodate a range of lifestyle needs.</p>	<p>The Department is satisfied that future DAs can comply with this requirement.</p>	<p>Yes</p>
<p><b>4T Awning and Signage</b></p> <p>Awnings are well located and complement and integrate with the building.</p>	<p>The Department is satisfied that future DAs can comply with this requirement.</p>	<p>Yes</p>
<p><b>4U Energy Efficiency</b></p> <p>Development incorporates passive environmental and solar design.</p> <p>Adequate natural ventilation minimises the need for mechanical ventilation.</p>	<p>Sustainability of the proposal, in terms of ESD, is considered in <b>Section 3.3.3. FEAR 3</b> requires future applications to demonstrate how future developments will incorporate ESD in the design, construction and ongoing operation.</p>	<p>Yes</p>
<p><b>4V Water Management and Conservation</b></p> <p>Potable water use is minimised.</p> <p>Urban stormwater is treated on site before being discharged to receiving waters.</p> <p>Flood management systems are integrated into the site design.</p>	<p>The Department is satisfied that future DAs can comply with this requirement.</p>	<p>Yes</p>
<p><b>4W Waste Management</b></p> <p>Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity.</p>	<p>The Department is satisfied that future DAs can comply with this requirement.</p>	<p>Yes</p>

Domestic waste is minimised by providing safe and convenient source separation and recycling.

**4X Building Maintenance**

Building design detail provides protection from weathering.

Systems and access enable ease of maintenance.

The Department is satisfied that future DAs can comply with this requirement.

Yes