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RECEIVED

09 NOV 2011

Director-General

**Little Manly & The Corso
Precinct Community Forums**

**The Director General
NSW Department of Planning and Infrastructure
23 Bridge Street Sydney 2000**

2nd November 2011

Dear Sir,

**INITIAL SUBMISSION ON MANLY ROYAL FAR WEST FACILITIES
DEVELOPMENT re: MP10_0159**

As you may be aware Manly Council supports Precinct Community Forums which meet monthly throughout the Manly Local Government Area. At these meetings residents discuss matters referred to them by Council as well as raising matters of community concern.

The following comments and questions are those raised by The Corso & Little Manly residents at their combined October Precincts' meeting attended by 55 residents and by email or web site submission. These two precincts represent about 4,000 residents in, or adjacent to, Manly CBD who are reached by monthly newsletter and precinct web site. A presentation was given to the October meeting by Ian Cady, Assistant Director of URBIS the Town Planning Consultants for the Royal Far West Development.

The overall feeling of residents is very negative towards the proposed development although they are most supportive of the RFW objectives and operations. They particularly object to the proponents' belief that a 9 storey landscape is the acceptable norm for the Manly CBD and that the RFW development fits comfortably into it; they have not considered that such buildings were not and are not considered in any way beneficial to Manly and reflect lax building regulations prevailing in earlier decades. It would only add to the "ugly side" of Manly. Also concern was expressed that representatives for the development were not able to answer even some basic questions from residents.

CONCERNS AND QUERIES include:

1/ Loss of view both partial and total for many residents of the Peninsular Building is unacceptable. They need to be consulted on the Vision Impact studies.

2/ **Traffic implications** - *which are the most worrying.*

The Assessment in reaching the conclusion that 'traffic generation will result in negligible impacts' is considered flawed, or at its best superficial. It turns on what could be described as an engineering perspective without ever acknowledging that an increase in traffic along Wentworth Street will have a major social impact. This lack of analysis is not helped by the Director General's

Environmental Assessment Requirement No. 4 which pays no attention to social (principally noise) impacts.

The logic used in the Assessment to reach its conclusions turns on the belief that the area is solely a commercial one and all subsequent analysis is framed around that misconception. Nothing could be further from the truth – the entire length of Wentworth Street is devoted to residential uses above ground level.

There appears to be a complete absence of community parking spaces in the proposal. The spaces that are there appear to be for the RFW building tenants only.

Specific concerns with traffic include:

- The car park entry opposite Rialto Square will greatly aggravate an existing difficult traffic area in what is essentially a residential zone.
- As the CBD is facing traffic restructuring under Council's Manly 2015 Plan which many believe will further restrict existing traffic flows why has the impact of the proposed RFW development not been reviewed in that context? Add to this the fact that several hundred meters down Wentworth St a massive commercial and residential development (Coles Supermarket, at least two large retail stores and sixty new residential apartments) will have their only vehicular entry and exit, commercial or private, via a lane into Wentworth Street. And we must not forget the Manly Wharf proposed upgrade.
- The availability of 184 underground parking spaces cannot cater for up to 220 guests and the presumed 50 or so staff (RFW and Hotel) during daylight hours. Will there be an overflow onto the already saturated street parking spots?
- At the corner of Wentworth and South Steyne Streets, with frequently bumper to bumper beach front traffic and one of the very rare pedestrian crossings from the beach, plus another crossing across the neck of this T intersection – there is constant delay, confusion and lack of vehicle and pedestrian safety. This intersection however doesn't get a mention despite the report by - TRAFFIX traffic and transport planners - considering: "*Darley Road and Wentworth Street, East Esplanade and Wentworth Street; East Esplanade and Belgrave Street; and Sydney Road and Belgrave Street/Pittwater Road*" on behalf of Royal Far West. Just down Wentworth from this intersection we are told in the same concept plan application that there will be from the single vehicle entry/exit to this large development an additional "121 trips (66 in, 55 out) during the afternoon peak (5-6pm)". That means a vehicle crossing the footpath and entering the Wentworth snarl every 30 seconds. Add to this the existing Exit from the Council carpark opposite this single access point and you have a recipe for endless drama of vehicles queued along both the South Steyne beach front and down Wentworth and across Darley and beach or school going pedestrians manoeuvring between vehicles.
- On-site Car Parking provisions are inadequate and justified with the laughable argument "Minimal levels of on-site car parking for the proposed development having regard to the high public transport accessibility of the site, opportunities for car sharing, local planning controls and RTA guidelines". This statement in the TRAFFIX report is as absurd as those made by those supporting the three restaurants on top of Manly Wharf where it was laughably suggested that patrons of these restaurants would arrive in and leave Manly by public transport! Certainly this is not the current experience with restaurant diners.
- The proximity of Manly Public School seems to be overlooked.

3/ There is no provision for community parking spaces.

4/ The development is allowed the greater FSR applicable to hotels as opposed

to residences. A concern is that a future application may be made to convert form hotel usage to residential apartments as has occurred elsewhere.

5/ Residents wish to see the Visual Impact Study and also receive assurance that all Norfolk Island Pines are protected.

6/ Shadow diagrams for late afternoon are requested.

7/ Even though hotel bars are restricted to residents and guests is a 24 hour license appropriate in a children's home environment?

8/ It is felt that press releases are often using the very admirable objectives of RFW as almost a trojan horse for the 164 room hotel and the 32 residential units. There is apparently no increase in the children capacity but the intention is rather making facilities more fit for purpose.

9/ The site's current provision of low cost housing is lost in the proposed development.

In summary residents are concerned that the new development is too large for the site, creates unacceptable traffic congestion and that there has been no meaningful community consultation in relation to the DA. We therefore request that it be rejected in its current form and that the closing date for final submissions be extended by one month.

We remain available to discuss the above and we strongly believe that much greater community consultation is essential before the proposals go anyway forward.

Yours sincerely



Candy Bingham
Chair of Little Manly Precinct (and pro temp The Corso Precinct)

**Copy: The Hon. Mike Baird MP
Wentworth Street
MANLY NSW 2095**

**The General Manager
Manly Council
1 Belgrave Street
MANLY NSW 2095**

SOUTH STEYNE HOTEL PTY LTD
ABN 69 094 240 767

Suite 1 Level 1
207 Ben Boyd Road
PO Box 408
Neutral Bay NSW 2089

10 October 2011

Major Projects Assessment
NSW Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

**Environmental Assessment Submission – Royal Far West (RFW) Expansion Concept Plan
(MP10_0159)**

We refer to the above submission and set out herein our objection to the proposed hotel portion of the proposed development. The Minister should not approve the project in its current form as it does not adequately address the Director-General's environmental assessment requirements issued on 23 December 2010, specifically: Objects of the Environmental Planning and Assessment Act 1979 (EP&A Act); and the Manly Local Environmental Plan 1988 (Manly LEP).

By way of background we set out the following facts:

- South Steyne Hotel Pty Ltd (SSH) owns most of the hotel rooms at the Sebel Manly Beach at 9-13 South Steyne and 45-49 Ashburner Street, Manly NSW 2095.
- SSH has a significant interest in the demand for hotel rooms in the area surrounding the proposed hotel and the number of rooms available to meet that demand.
- There are already two, four star hotels operating in the vicinity of the proposed hotel, being the Sebel Manly Beach with 83 rooms and the Manly Pacific with 213 rooms. These hotels are located within 100 metres and 450 metres of the proposed hotel development.
- The proposed 164 room hotel will increase the supply of hotel rooms from 296 to 460. This is a 55% increase in the supply of hotel rooms in the Manly Beach locality.
- The Sebel Manly Beach and the Manly Pacific are the subject of regulation 36 of the Manly LEP which states:
(2) Despite any other provision of this plan, consent must not be granted for the use of any building situated, as at 12 August 2002, on the land to which this clause applies for the purpose of a residential flat building or seniors housing.

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Regulation 36 of the Manly LEP restricts both of these properties to operate for the purpose of short term tourist accommodation regardless of whether this is the highest and best economic use, and irrespective of the prevailing economic conditions.

- The proposed hotel is a prohibited use on the RFW site.

I. CONSENT TO A PROHIBITED USE ON THE GROUNDS IT IS ECONOMICALLY NECESSARY

The proponent asserts that:

The proposed mix of new tourism, retail and residential uses will enable an additional funding stream, derived from capitalisation of newly developed assets, for RFW into the next 50 years. This will allow RFW to remain viable and support the range of high quality services it provides to rural children. Government funding and donations are limited and without an appropriate funding stream the health care facility would be very hard to achieve.

Essentially, the proponent is seeking development approval from the Minister for a prohibited use on the grounds that it is necessary for them to maximise the capital value of the site, which they will presumably then sell, in order to maintain their current services and develop a children's healthcare & education facility.

The proponent does not make out an economic case that the prohibited commercial uses are necessary to allow RFW to remain viable or to achieve its aims. Nevertheless, our concerns are limited to the construction of the 164 room hotel. SSH believes the Minister should not approve this part of the development proposal unless it can be shown that it is economically viable to introduce another 164 room hotel into such a small area taking into account the current and expected demand for hotel accommodation in the area.

Importantly, SSH believes that this principle of a local, positive economic impact is an objective of both the EP&A Act and the Manly LEP. Furthermore, this principle of "what is economically likely in the locality" was considered in detail by the Land and Environment Court in *Morgan & Banks Properties v Manly Council* [2002] NSWLEC251.

II. OBJECTS OF THE EP&A ACT 1979

The proponent has not adequately addressed part 5 section (a) of the Act which states:

The objects of this Act are to encourage the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages *for the purpose of promoting the social and economic welfare of the community* and a better environment.
[Emphasis added]

In response to part 5 of the Act, the proponent produced the following general statement:

The project represents a unique opportunity to carefully manage and promote and revitalise an established health and education facility and introduce a range of other uses which support the strategic role of Manly. The redevelopment will therefore promote social welfare and enhance the tourism, retail and broader economic welfare of the community.

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Despite the proponent's claims, economic modelling was not provided to address: the impacts of increasing the supply of hotel rooms on the economic welfare of the Manly community, or how the increased capacity will enhance tourism. Since our acquisition of the Sebel Manly Beach hotel in 2001, the results achieved by the hotel show there has been no increase in demand for hotel rooms in the area and, if anything, there has been a reduced demand. The economic performance of the hotel has suffered accordingly. Furthermore in our view, anecdotal evidence suggests that most tourists to Manly are day visitors or stay at lower cost accommodation than hotels.

III. MANLY LOCAL ENVIRONMENTAL PLAN 1988

It is purported by the proponent that the prohibited use of a hotel 'provides a unique opportunity to achieve a range of positive social, economic and environmental outcomes for Manly' and lists regulation 3 section (f) of the Manly LEP in support:

To recognise that tourism is a major industry and employer in Manly and to endeavour to encourage its growth and *continuing viability*.
[Emphasis added]

The proponent however, has failed to demonstrate how the addition of 164 rooms into the Manly tourist accommodation market will be viable for the local hotel industry. In fact it appears the proponent may have simply included the hotel development in the proposal in order to give it the appearance of meeting all of the different criteria outlined in the Manly LEP and thereby improve its chances of gaining approval. In our opinion it would make far more economic sense to construct a smaller residential building on the proposed hotel portion of the site. This would also reduce the visual impact of the building and cause fewer disturbances to the residential building on the beach frontage of the proposed development.

IV. MORGAN & BANKS PROPERTIES v MANLY COUNCIL

SSH has, under its previous name Morgan & Banks Properties Pty Ltd, attempted to gain council approval for conversion of the North Tower (9-13 South Steyne) of the Sebel Manly Beach hotel into residential apartments. The use of the South Tower (45-49 Ashburner Street) as residential apartments was already approved in the original development approval which only required use for short term accommodation for ten years from construction. This matter was taken to the Land & Environment Court in *Morgan & Banks Properties v Manly Council*. In that case the Court refused the approval of the residential use in favour of the council's policy of promoting tourism and stated that:

We acknowledge the legitimate desire of the applicant to obtain the highest financial return from its investment by developing the building... However, we think that the council's policy of promoting and encouraging tourism would be better served at the present time by maintaining the status quo and not granting consent for the proposed change of use (in planning terms) from holiday accommodation to residential apartments. [Para 10]

The Court also noted that the most likely short term use would be as a four star hotel and that this met the Council's desire to maintain two, four star hotels in Manly. Pursuant to section 79C (1) (b) of the EP&A Act, the Court considered the economic and social impacts of removing 83 hotel rooms from the Manly locality over 11 pages.

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As a result of this decision, council amended the Manly LEP with the addition of regulation 36 which requires both the North and South Towers of the Sebel Manly Beach to be used for short term tourist accommodation. The Court's use of the underlined words in the above quote being 'at the present time', therefore became redundant as the new regulation 36 caused the short term usage to become permanent.

The Minister will appreciate that the implication of this amendment to the Manly LEP is that SSH cannot change the use of the buildings at 9-13 South Steyne and 45-49 Ashburner Street from short term tourist accommodation even if the supply of hotel rooms in the Manly locality was significantly increased and revenue of the Sebel Manly Beach was negatively impacted as a result.

The Minister should also have regard to the fact that the South Tower was not the subject of the development application which gave rise to the case and that it was originally developed for residential use with a temporary short term use requirement. This building is completely separate from the North Tower and is located in the middle of residential apartments. Despite this fact, council included the South Tower in regulation 36 of the Manly LEP thereby preventing its original intended use for residential purposes.

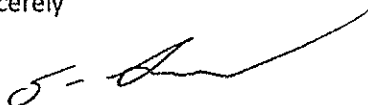
SSH accepted the decision of the Court and the planning decisions by council and continued to operate the two buildings as a four star hotel. However these decisions were based on circumstances which did not include the construction of another 164 room hotel.

V. CONCLUSION

In our view, the Minister should not approve the Royal Far West concept plan without taking into account the likely economic impacts of the construction of the 164 room hotel proposed. The proponent has not provided any analysis of these impacts and accordingly, the plan should be rejected at least in so far as it relates to the construction of a hotel.

As well or alternatively, the Minister should have regard to the potential negative impact of the construction of the hotel on the business of existing hotels and seek the variation of regulation 36 to allow for more flexibility in usage for existing hotel operators where their business has been negatively impacted by the construction of the hotel. In particular, the exclusion of the South Tower of the Sebel Manly Beach from regulation 36 should be considered. SSH understands that Manly Council is currently finalising the draft Manly LEP in accordance with the Standard Instrument (Local Environmental Plans) Order 2006 and that it is expected to be lodged with the Minister before the end of 2011. This would provide an excellent opportunity for the Minister to amend the Manly LEP if he were to approve the RWS concept plan in its current state.

Yours sincerely



Graham Brand
SOLE DIRECTOR

Chris King - Objections to: Royal Far West Expansion Concept Plan, South Steyne and Wentworth Street, Manly (MP10_0159)

From: [REDACTED]
To: <plan_comment@planning.nsw.gov.au>
Date: 10/25/2011 5:43 PM
Subject: Objections to: Royal Far West Expansion Concept Plan, South Steyne and Wentworth Street, Manly (MP10_0159)
CC: <Chris.King@planning.nsw.gov.au>

I DO NOT WANT MY NAME TO BE MADE AVAILABLE TO ANY OF THE INTERESTED PARTIES OR ON THE WEBSITE.

Re.: Environmental Assessment Exhibition - Royal Far West Expansion Concept Plan, South Steyne and Wentworth Street, Manly (MP10_0159)

I **object** to the abovementioned Plan on two grounds:

1. The gross commercial overdevelopment of the site with little if any gains for the Children and their families directly served

but massive losses for the local community

and

2. The apparent deceptive information presented in the plan.

The gross commercial overdevelopment of the site with little if any gains for the Children and their families directly served.

Manly has regretted previous massive development and vowed to prevent any further "mistakes". These past "mistakes" were recently quoted by a spokesperson for the development as a justification - as comparison - for this massive change to what is now an attractive part of Manly.

Reference was made by the spokesperson to the apparent lack of mass of the hotel high rise he added - when viewed from several hundred meters off the shore! Ordinary people, particularly those living in this predominantly residential part of Manly, as well as the thousands of visitors, should be considered, rather than some judges in an architecture/town planning competition which appears the focus of this development team.

The apparent deceptive information presented in the plan.

The content of the "transport and accessibility study" can only be considered as either absurd in it's disregard for fact, or insulting to the intended reader or

unbelievably inept.

The claim that public transport will be used by hotel, or bar/restaurant/retail patrons is simply unsustainable based on the facts of current use, timetabling and routes and the character of the patrons proposed. In relative scale, this is a hotel/residential/retail development with a facility to offer care to kids tacked on.

The section of the report on "existing intersection performances" lists four intersections - a few arguably at such a distance as to be irrelevant. It does not consider the currently, constantly confused and dangerous intersection of South Steyne and Wentworth Streets directly adjacent to the site and the proposed SINGLE vehicle access point - for "the biggest development in Manly's history"! The following statement in the report is obviously meant to deceive/distract the reader:

"The scope of the analysis has identified the Director General's requirements and examines all intersections that are expected to be impacted and these are as follows:

Wentworth Road and Darley Road;

East Esplanade and Wentworth Road;

East Esplanade, West Esplanade and Belgrave Street;

Belgrave Street and Sydney Road"

The dishonesty/incompetence of this statement and the discussion of data collected in the present grossly unrepresentative conditions, without a reference to imminent dramatic changes, is beyond belief - even if perhaps technically complying with requirements. Even considering this favourable bias the findings were that under current levels of neighbouring development and not considering the most affected intersection, at least three Levels of Service are already at full capacity or beyond.

However any consideration of the traffic conditions must emphasize the fact that several hundred meters down Wentworth St a massive commercial and residential development (Coles Supermarket, at least two large retail stores and sixty new residential apartments) will have their only vehicular entry and exit, commercial or private, via a lane into Wentworth Street. This will be a fact well before this proposed Royal far West development starts!

The "trips" (vehicle-crossing-of-the-footpath) frequency of more than one every thirty seconds between 5 and 6 PM - via the single vehicle access point proposed, adjacent to one of the rare pedestrian to beach access points is inviting havoc and injury. A single vehicle access into a narrow and already overused street from what

is said to be the biggest development in Manly's history is an absurdity. The plan ignores any pedestrians not heading into the development: "Pedestrians are able to continue along into the site without crossing the main driveway serving the basement car parks which is located to the north of the pedestrian entrance." The vast majority of pedestrian movement is the thousands of beach goers and children from the neighbouring school crossing the path of this new vehicular movement!

Shadow diagrams, of great importance in an area of public beach are inexplicably restricted in time periods considered?

The sites current provision of low cost housing is lost in the proposed development.

Sincerely

Peter O'Meara

1/5 Wentworth Street, Manly 2095

Chris King - Submission Details for [REDACTED]

From: [REDACTED]
 To: <chris.king@planning.nsw.gov.au>
 Date: 9/28/2011 3:33 PM
 Subject: Submission Details for Hannah Gildon
 CC: <assessments@planning.nsw.gov.au>



Planning &
Infrastructure

Disclosable Political Donation: no

Name: [REDACTED]

Email: [REDACTED]

Address:
[REDACTED]

Manly, NSW
2095

Content:

I strongly oppose to this redevelopment on the grounds that as a resident of Manly the town cannot handle the additional number of people this development will bring in terms of residents and hotels. Also the parking is a massive issue, you have noted in your report that the streets are already under pressure yet you have not provided anything more than the bare minimum for parking.

The height and size of the development is ridiculously large and not appropriate - nor necessary.

Why is RFW not constrained to the same building regulations as everyone else, it seems as though whoever's decided to do this is abusing their lack of regulations. I'm all for RFW being upgraded and continuing to provide their services and opportunities for kids but i don't want all the other stuff you're proposing.

It's greedy and inappropriate and the community will suffer, not gain from this development.

Thanks
[REDACTED]

IP Address: [REDACTED]

Submission: Online Submission from [REDACTED]

[https://majorprojects.affinitylive.com/?action=\[REDACTED\]](https://majorprojects.affinitylive.com/?action=[REDACTED])

Submission for Job: #4258

https://majorprojects.affinitylive.com/?action=view_job&id=4258

Site: #2345 Royal Far West

https://majorprojects.affinitylive.com/?action=view_site&id=2345

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