

**STATEMENT OF  
ENVIRONMENTAL EFFECTS**

Stages 3 and 4 of Concept Plan  
approval MP10\_0159 MOD 1

Demolition, alterations, additions and  
construction of mixed use buildings

Royal Far West

14 - 22 Wentworth Street &  
19 - 21 South Steyne  
Manly



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# Statement of Environmental Effects

Stages 3 and 4 of Concept Plan approval MP10\_0159 MOD 1

Demolition, alterations, additions and construction of mixed use buildings

Royal Far West Redevelopment

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

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## Executive Summary

This document has been prepared on behalf of Royal Far West (RFW) and in support of a development application proposing the implementation of Stages 3 and 4 of the Part 3A Concept Plan approval MP10\_0159 MOD1 (the Concept Approval) as recently modified by way of section 75W of the Environmental Planning and Assessment Act 1979 (the Act).

Specifically, the works involve the retention of the previously constructed Stages 1 and 2 (hospital facility “Centre for Country Kids’ now known as the ‘CCK’ building) as well as partial demolition, alterations and additions to Drummond House and the construction of mixed use buildings which incorporate residential, retail/ commercial and hospital/ medical uses and associated guest accommodation with basement parking and landscaping.

The Concept Approval was granted by the Planning Assessment Commission of New South Wales (PAC) as a delegate of the Minister for Planning and Infrastructure on 18<sup>th</sup> April 2013 subject to conditions with the recently approved modification application providing for the following amendments to the Concept Approval:

- The remove No. 16 South Steyne from the land,
- The provision of a new building envelope (Building B) and courtyard to replace the rear of Drummond House and an approved outdoor play area,
- The replacement of Buildings C, D, E and F with 2 rectangular building envelopes (Building C and D) and a publicly accessible forecourt, and
- The clarification of the provision of no less than 184 parking spaces in the basement.

The Concept Plan approval, as recently modified, provides for a mixed use development described as follows:

- (a) Use of the site for a mixed use development with associated hospital facility, “Centre for Excellence”;
- (b) Indicative building envelopes for buildings to a maximum height of RL 32.35 (8 storeys);
- (c) Residential, retail/commercial and hospital/medical uses and associated guest accommodation;
- (d) Basement car parking for not less than 184 car spaces; and
- (e) Landscaping areas throughout the site.

The modified Concept Plans and associated approval instrument are provided at **Appendix A** and **Appendix B** respectively.

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

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

This consent has been fully implemented with an Occupation Certificate issued for the associated works.

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

In the preparation of this application direct and indirect consultation has occurred with Federal and Local Members of Parliament, NSW Government authorities and agencies, the Chamber of Commerce, local newspapers and Community groups including schools and local business owners. Broader community engagement also occurred via the project microsite, community newsletters and the “Zoom” video conferencing platform.

The final design and detailing of the proposal have also been informed by the community and stakeholder consultation undertaken and the comments and recommendations received from the State Design Review Panel (SDRP), the Northern Beaches Design and Sustainability Advisory Panel (DSAP) and the minutes arising from formal pre-lodgement discussions with Northern Beaches Council (PLM2020/0144) and (PLM2021/0262).

This submission will demonstrate that the consent authority can be satisfied that the development is generally consistent with the terms of the approval of the Concept Plan, as modified, pursuant to Clause 3B of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (Transitional Regulations)*.

This document addresses the relevant matters for consideration pursuant Section 4.15 of the Act and other relevant considerations. The proposed development exhibits design excellence and represents a positive development outcome for the site, surrounding area and the community as a whole for the following reasons:

- The proposed development exhibits design excellence and has been designed in accordance with the modified Concept Plans (MP10\_0159 MOD 1).



- The proposal strategically aligns with a range of social, economic, employment and environmental outcomes that are reinforced in the relevant local, sub-regional and state planning strategies.
- The application will finalise the process of updating the current out-dated, dilapidated and poorly coordinated facilities on the site with modern facilities which will secure the financial future of RFW and allow the organisation to improve and reinforce its legacy of caring for country kids.
- RFW has engaged two of Australia's most renowned Architects – Glenn Murcutt AO and Angelo Candalepas – to design the final stages of the RFW campus. The Murcutt - Candalepas vision for the site will ensure the new RFW health and wellbeing campus becomes a beacon for intelligent, modern and contemporary design that respects its surroundings and its proximity to the iconic Manly Beach.
- The proposal is in the public interest in that it enables the continued provision of the core services and functions that RFW has deliver to rural children for over 97 years whilst providing for a development displaying design excellence in its response to Country, its retention and adaptive reuse of the historical significant elements of Drummond House, its contribution to the public domain through the provision of a publicly accessible forecourt area and its provision of a mixture of retail, commercial and health service land uses available for the use and enjoyment of the wider community.

The proposal succeeds when assessed against the relevant matters for consideration pursuant to Section 4.15 of the Act and is appropriate for the granting of consent.

## 1.0 Introduction

This Statement of Environmental Effects (SoEE) has been prepared on behalf of Royal Far West (RFW) and in support of a development application proposing the implementation of Stages 3 and 4 of the Part 3A Concept Plan approval as recently modified (Application # MP10\_0159 MOD 1) (the Concept Approval).

Specifically, the works involve the retention of the previously constructed Stages 1 and 2 (hospital facility “Centre for Child Health and Learning” now known as the ‘CCK’ building) as well as partial demolition, alterations and additions to Drummond House and the construction of mixed use buildings which incorporate residential apartments, retail/ commercial uses, hospital/ medical uses and associated guest accommodation with basement parking and landscaping.

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

This submission will demonstrate that the consent authority can be satisfied that the development is generally consistent with the terms of the approval of the Concept Plan, as modified by the Section 75W modification application, pursuant to Clause 3B of Schedule 2 of *the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (Transitional Regulations)*.

Consideration has also been given to the comments and recommendations received from the State Design Review Panel (SDRP), the Northern Beaches Design and Sustainability Advisory Panel (DSAP) and the minutes arising from formal pre-lodgement discussions with Northern Beaches Council (PLM2020/0144) and (PLM2021/0262). In the preparation of this document, consideration has been given to the following statutory planning documents:

- The Environmental Planning and Assessment Act, 1979.
- Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017.
- Manly Local Environmental Plan 2013.
- Manly Development Control Plan 2013.
- State Environmental Planning Policy (Resilience and Hazards) 2021.

- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

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

- First Nations Design Brief prepared by Royal Far West
- Architectural plans prepared by Murcutt Candalepas
- Site survey prepared by Veris
- Draft Strata and Stratum plans prepared by Bee & Lethbridge
- SEPP 65 Design Verification Statement and Architectural Design Excellence Statement prepared by Murcutt Candalepas
- Community Engagement Report prepared by Polymer Studios
- Support letter from Royal Far West School
- Support letter from RFW regarding the retention of the existing authorised vehicle zone adjacent to Drummond House
- Landscape plans and Landscape Design Statement prepared by Jane Irwin Landscape Architecture
- Heritage Impact Statement prepared by URBIS
- Heritage Conservation Management Plan prepared by URBIS
- Aboriginal Due Diligence Assessment and Archaeological Impact Assessment prepared by URBIS
- Crime Risk and Prevention Through Environmental Design (CPTED) report prepared by Harris Crime Prevention Services
- Statement of Compliance – Access for People with a Disability prepared by Accessible Building Solutions
- Acoustic Assessment prepared by Acoustic Logic
- Environmental Wind Assessment prepared by ARUP

- Arboricultural Impact Assessment Report prepared by Jacksons Nature Works
- Geotechnical Desktop Assessment prepared by Douglas Partners
- Traffic Impact Assessment prepared by Stantec
- Construction Traffic Management Plan prepared by Stantec
- Site Investigation (Contamination) Report and Remediation Action Plan prepared by Douglas Partners
- Civil and Structural Letter prepared by James Taylor and Associates
- Coastal Assessment Report prepared by Royal Haskoning DHV
- Coastal Risk Management Report prepared by Royal Haskoning DHV
- Draft Construction Management Plan prepared by Lighthouse Project Group
- Flood Statement and Overland Flow Assessment prepared by Northrop
- ESD Energy Performance and Green Star Report prepared by Aspire
- Waste Management Plans (Construction and Operational) prepared by Low Impact Development Consulting
- Building Code of Australia Compliance Capability Statement prepared by City Plan
- Fire Safety Measures Statement prepared by Omnii Fire
- Civil Engineering Drawings prepared by Northrop
- BASIX Certificate and Stamped Plans by Aspire
- QS/Capital Investment Value (CIV) reports prepared by MBM
- Perspective images

We confirm that the proposed basement excavation triggers Section 91(1) of the *Water Management Act 2000* which classifies the proposal as an activity requiring 'Activity Approval' under this Section. As such, the proposed is a Nominated Integrated Development, and will be referred to the Office of Water for assessment.

The site is located in the Northern Beaches Local Government Area (LGA) and as such the application will be assessed by Northern Beaches Council (the Council), pursuant to Part 4 of the Act. The Capital Investment Value (CIV) has been calculated at \$107,606,539 as detailed in the cost estimate prepared by MBM. The proposal is regionally significant development pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 given that it has a CIV of more than \$30 million and accordingly the Sydney North Planning Panel is the consent authority for this application.

## **2.0 Background**

### **2.1 About Royal Far West**

RFW is an Australian charity that offers integrated health, education and disability services to children and their families from remote and rural areas.

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

RFW has had a presence in Manly since the mid-1920's when Reverend Stanley Drummond visited Manly to recuperate from a procedure. It was during that trip with his wife that he first envisaged bringing children from his congregation in Cobar and surrounds to Manly for much needed respite from the harsh outback conditions.

It was during this summer camp to Manly in 1925 that he met local doctor, George Moncrieff Barron. When Dr Barron became aware of the children's medical needs and lack of access to health services, he offered his services free-of-charge, attending to a wide range of medical problems. Dr Barron went on to become the co-founder of the Far West Children's Health Scheme alongside Reverend Stanley Drummond.

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

Throughout its history, RFW has been deeply embedded in the Manly community, with thousands of local volunteers supporting the work the charity does with children, donating to the cause and bequeathing property and other gifts. Today RFW is one of Manly's largest businesses through its 270 staff and the hundreds of children and families who stay at Royal Far West across any given year.

## 2.2 Client Brief

### Architectural Brief

We confirm that RFW provided Murcutt Candalepas architects with a clear operational specific design brief which included the following objectives and vision/ strategic direction:

### Objectives

- Appropriately respond to the First Nations Design Brief,
- Future proof RFW for the next 100+ years and support current business operations,
- Maintain freehold ownership of land,
- Provide an ongoing annuity to support future child and family services for RFW,
- Accommodate RFW growth requirements, and
- Deliver RFW's vision of an integrated child and family, health and wellness campus that amplifies the RFW brand and reinforces RFW's benevolent mission.

### Vision / Strategic Direction

- People come to Manly for respite, recreation and retirement. Families will be able to stay in the purpose-built accommodation for treatment, holidays and for respite– the RFW redevelopment will respond to these motives.
- Stages 3 and 4 will reflect an integrated campus that includes residential, commercial and retail services that focus primarily on lifestyle, wellness, child and family wellbeing and resilience.
- The services offered will be complementary to RFW's core purpose and where possible, accessed and used by the local community. Each individual component of Stages 3 and 4 will add value to RFW in some material way.
- Secure RFW's financial future.
- A development that is integrated into and aesthetically pleasing to the local community.

- A compelling and beautiful, harmonious design and integration that attracts respect and admiration.
- Provide new, purpose-built accommodation for RFW families and friends which can also be opened to public staying guests.

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

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

.....

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

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

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



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

This application is also accompanied by a letter of support from the Principal of Royal Far West School (**Appendix E**) confirming the following:

*The principal of Royal Far West School and Director Educational Leadership of School Operational Readiness have been broadly consulted in relation to Royal Far West's Development Application and are supportive of the proposals.*

*The design of new spaces for the Royal Far West School are highly suitable, well planned, and are reflective of feedback provided by the school during consultation. It is noted, and appreciated, that the development proposal allocates additional fit-for-purpose space for the school to use compared to the current floor configuration.*

*Advice from educationalists has been incorporated into the designs, including:*

- *relocation of a play area to a location that better supports student privacy from neighbouring properties, and which will support all-weather play*
- *activation of the Centre for Country Kids (CCK) play area on Level 3 and Drummond House roof area*
- *reconfiguration of Level 1 areas for teaching and administrative efficiency*
- *removal of the outdoor barbeque on Level 3 to provide more useable open space*
- *improving connectivity of student amenities to the nearby playground Royal Far West School supports the development application and looks forward to the delivery of new and upgraded infrastructure in the near future.*

Finally, this submission is accompanied by a letter prepared by the Chief Executive Officer of Royal Far West (**Appendix F**) the acutely important function served by the existing authorised vehicle zone adjacent to Drummond House in relation to the safety and well-being of Royal Far West patients, carers and staff. This application seeks the retention of this vitally important authorised vehicle zone.

## First Nations Design Brief

RFW has a long history of serving and partnering with Indigenous communities, with existing service partnerships with many Aboriginal services and community groups. Extensive consultation with Indigenous groups was undertaken as part of developing RFW's REFLECT RAP, which was endorsed by Reconciliation Australia and launched in August 2021. The RAP sets out RFW's commitment to ensuring we provide culturally safe and accountable health, education and disability services to Aboriginal and Torres Strait Islander children, families, organisations and communities.

As part of the redevelopment of the site, RFW has sought to continue its deep commitment to First Nations peoples through the cultural expression in design.

The accompanying First Nations Design Brief has been prepared for the redevelopment following extensive internal research of local Aboriginal history, and individual interviews and workshop sessions with First Nations stakeholders to address connection with Country through landscaping, architecture and public art. RFW has consulted with representatives from the local Aboriginal community and many First Nations stakeholders as part of its response to Country for the redevelopment. The summary of this consultation has deeply informed the development of this First Nations Design Brief document.

This First Nations Design Brief is the core document that is used by the design team to inform the design development of connection to Country, from DA through to project completion. It is an important living document that also serves to inform RFW's Reconciliation Journey Team of the many forms of expression and support provided by RFW in its redevelopment, to honour First Nations people.

### 2.3 Engagement Strategy

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

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

In the preparation of this application direct and indirect consultation has occurred with Federal and Local Members of Parliament, NSW Government authorities and agencies, the Chamber of Commerce, local newspapers, neighbouring property owners, First Nations stakeholders and Community groups including schools and local business owners. Broader community engagement also occurred via the project microsite, community newsletters and the “Zoom” video conferencing platform.

The final design and detailing of the proposal have been informed by the community and stakeholder consultation undertaken, and the comments and recommendations received from the State Design Review Panel (SDRP), the Northern Beaches Design and Sustainability Advisory Panel (DSAP) and the minutes arising from formal pre-lodgement discussions with Northern Beaches Council (PLM2020/0144) and (PLM2021/0262).

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

- Commercial space for local businesses,
- An open, activated and engaging ground plane,
- A publicly accessible internal courtyard to connect the campus to the community,
- Revitalisation of the existing site through a high-quality architectural design,
- The creation of an architectural statement on the corner of South Steyne and Wentworth Street,
- The design compliments the local area rather than just juxtaposing against it,
- The refurbishment of Drummond House into a guesthouse that services the needs of RFW clients and their children as well as the local community, rather than a large commercial hotel,
- Sustainability inclusions such as a 5-star Green Star benchmark target for the residential component of the project, and
- The ownership of the land holdings as freehold, by RFW in perpetuity.

A summary of the engagement program’s results is contained within the accompanying Community Engagement Report prepared by Polymer Studios.

## 2.4 Concept Plan Approval and Section 75W Modification

### Concept Plan Approval

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

- a) Use of the site for a mixed use development with associated hospital facility, “Centre for Excellence”;
- b) Indicative building envelopes for buildings to a maximum height of 8 storeys;
- c) Tourist and visitor accommodation, residential, retail/commercial and hospital/medical uses to a maximum FSR of 3:1;
- d) Basement car parking for 184 car spaces; and
- e) Landscaping area throughout the site.

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

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

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

## Section 75W Modification

We confirm that Murcutt Candalepas architects have established that the outcomes required by the design brief together with the modification requirements at Part B of the Concept Plan could not be achieved without modifying the arrangement of approved uses, the approved building envelopes in terms of heights and setbacks, the scope of works to Drummond House and the associated Heritage Conservation Management Plan (CMP). Further, since the granting of the Concept Plan approval, No. 16 South Steyne was sold and no longer formed part of the Concept Plan development site.

Accordingly, an application to modify the Concept Plan approval pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979 (the Act)* was submitted to Key Sites Assessments within the Department of Planning, Industry & Environment (DoP) for assessment with such modification recently approved. The modification application provides for the following amendments to the Concept Approval:

- The remove of No. 16 South Steyne from the land,
- The provision of a new building envelope (Building B) and courtyard to replace the rear of Drummond House and an approved outdoor play area,
- The replacement of Buildings C, D, E and F with two rectangular building envelopes (Building C and D) and a publicly accessible forecourt, and
- The clarification of the provision of no less than 184 parking spaces in the basement.

The Concept Plan approval, as recently modified, provides for a mixed use development described as follows:

- (f) Use of the site for a mixed use development with associated hospital facility, “Centre for Excellence”;
- (g) Indicative building envelopes for buildings to a maximum height of RL 32.35 (8 storeys);
- (h) Residential, retail/commercial and hospital/medical uses and associated guest accommodation;
- (i) Basement car parking for not less than 184 car spaces; and
- (j) Landscaping areas throughout the site.

The Section 75W modified Concept Plans and associated approval instrument are provided at **Appendix A** and **Appendix B** respectively.

The modifications approved by the Section 75W application have informed the land holding, land use, built form, heritage conservation, landscaping and vehicular access arrangements detailed with this application and to that extent clearly satisfy the client brief and the SEPP 65 and design excellence outcomes prescribed at Part B of the Concept Plan.

This submission demonstrates that the consent authority can be satisfied that the development is generally consistent with the terms of the approval of the Concept Plan, as modified, pursuant to Clause 3B of Schedule 2 of *the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (Transitional Regulations)*.

### 3.0 Site Analysis

#### 3.1 Location and Context

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

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

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

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

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



Source (SIX Maps)

**Figure 1** – Aerial location/ context photograph of Manly



### 3.2 Site Description

The development site comprises the following allotments:

- Lot 100, DP1276056, and
- Lot 101, DP 1247422

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

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



Source: Murcutt Candalepas

**Figure 2** – Aerial photograph of subject site

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

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

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

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



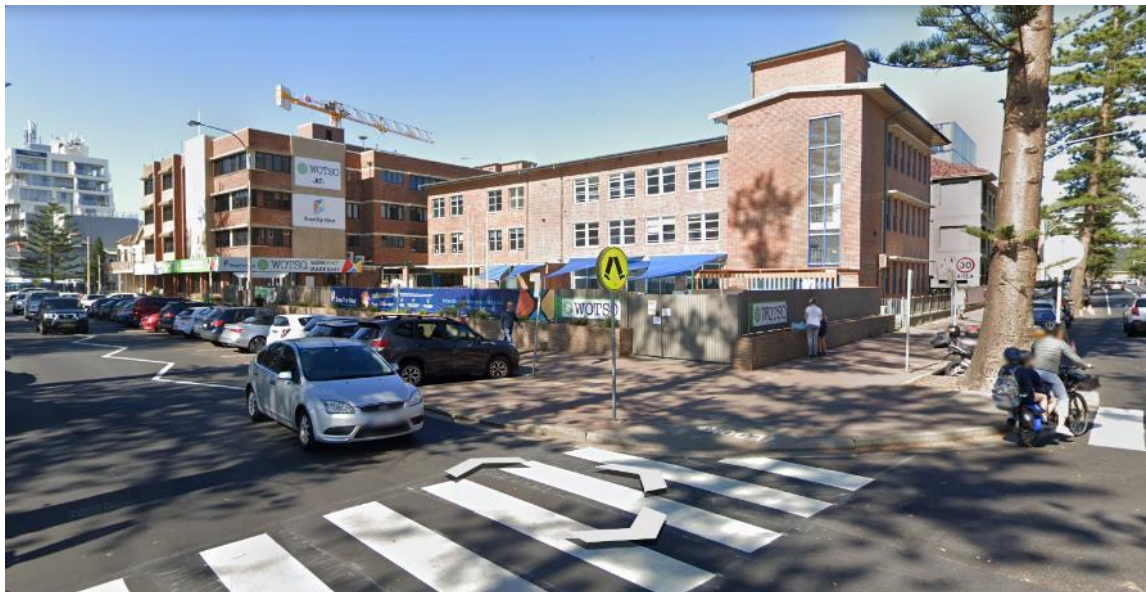
**Figure 3 – Site survey**





Source: Google Earth

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



Source: Google Earth

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



Source: Google Earth

**Figure 6** – View of Drummond House



Source: Google Earth

**Figure 7** – View of George Moncrieff Barron Wing



### 3.3 Surrounding Development

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

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



Source: Google Earth

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



Source: Google Earth

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



Source: Google Earth

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





Source: Google Earth

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

## 4.0 Development Proposal

### 4.1 Proposed Built Form and Land Use Outcomes

This development application proposes the implementation of Stages 3 and 4 of the Part 3A Concept Plan approval, as modified (Application # MP10\_0159 MOD 1) (the Concept Approval). The works involve the retention of the previously constructed Stages 1 and 2 (hospital facility “Centre for Country Kids” now known as the ‘CCK’ building) as well as partial demolition, alterations and additions to Drummond House and the construction of mixed use buildings which incorporate residential, retail/ commercial and hospital/ medical uses and associated guest accommodation with basement parking and landscaping. The proposed architectural works are depicted on the following plans prepared by Murcutt Candalepas:

DA 100	COVER SHEET
DA 101	SITE ANALYSIS PLAN
DA 102	SITE PLAN
DA 103	DEMOLITION PLAN – LEVEL GROUND
DA 104	DEMOLITION PLAN – LEVEL 1
DA 105	DEMOLITION PLAN – LEVEL 2
DA 106	DEMOLITION PLAN – LEVEL 3
DA 110	BASEMENT 2 FLOOR PLAN
DA 111	BASEMENT 1 FLOOR PLAN
DA 112	GROUND FLOOR PLAN
DA 113	LEVEL 1 FLOOR PLAN
DA 114	LEVEL 2 FLOOR PLAN
DA 115	LEVEL 3 FLOOR PLAN
DA 116	LEVEL 4 FLOOR PLAN
DA 117	LEVEL 5 FLOOR PLAN
DA 118	LEVEL 6 FLOOR PLAN
DA 119	LEVEL 7 FLOOR PLAN
DA 120	LEVEL 8 FLOOR PLAN (ROOF TERRACE)
DA 125	SECTION A
DA 126	SECTION B
DA 127	SECTION C
DA 128	SECTION D
DA 135	NORTH ELEVATION
DA 136	EAST ELEVATION
DA 137	SOUTH ELEVATION
DA 145	SHADOW ANALYSIS SHEET 1
DA 146	SHADOW ANALYSIS SHEET 2
DA 147	SHADOW ANALYSIS SHEET 3
DA 148	SHADOW ANALYSIS SHEET 4
DA 149	SHADOW ANALYSIS SHEET 5
DA 165	DEVELOPMENT CALCULATIONS
DA 170	AMENITY CALCULATIONS
DA 180	ADAPTABLE UNITS SHEET 1
DA 181	ADAPTABLE UNITS SHEET 2
DA 190	STAGING DIAGRAMS



Specifically, the application proposes the following construction works:

#### Building A – Existing CCK building

Minor alteration and addition to the existing building to create appropriate links into Building B including a ground floor visitor and RFW client reception area. Specifically, such works include the refurbishment of the ground floor including:

- The provision of a new reception area (with a security airlock/entry vestibule between CCK & Drummond House) & WCs,
- The provision of conference rooms that open to an external terraced landscape area,
- The provision of PV panels to the existing roof,
- The removal of the CCK OSD tanks which are no longer required given the flooding affectation of the site,
- The installation of digital business identification/information signage to the Wentworth Street façade, and
- The provision of kiosk substations adjacent to the frontage of CCK.

#### Building B – Drummond House

Partial demolition, alterations and addition to the existing Drummond House. This building will comprise short stay guest accommodation and associated kitchen, dining and living room areas for RFW. A central children's play space is located at ground floor level and on the roof top connecting Drummond House with CCK.

#### Building C – Residential/ Commercial building

The construction of an 8 storey mixed use building with ground and first floor commercial floor space accessed from the publicly accessible forecourt area and 42 residential apartments over 5 levels above. Roof top communal open space is located over the norther part of this building with integrated roof mounted PV. The fit out and use of the proposed ground floor commercial/retail tenancies will be subject to separate development consent.

#### Building D – Residential

The construction of a 5 storey residential apartment building with street facing retail tenancies to align with the site's eastern boundary along South Steyne. This building contains 16 residential apartments above a landscaped open ground floor undercroft. The fit out and use of the proposed ground floor retail tenancies will be subject to separate development consent.

## Basements

The relocation of a number of car spaces from the existing basement of the CCK Building to accommodate shared driveway and internal circulation access to the proposed development basement carpark. The construction of two (2) basement levels providing a total of 231 parking spaces.

## Residential Apartment Mix

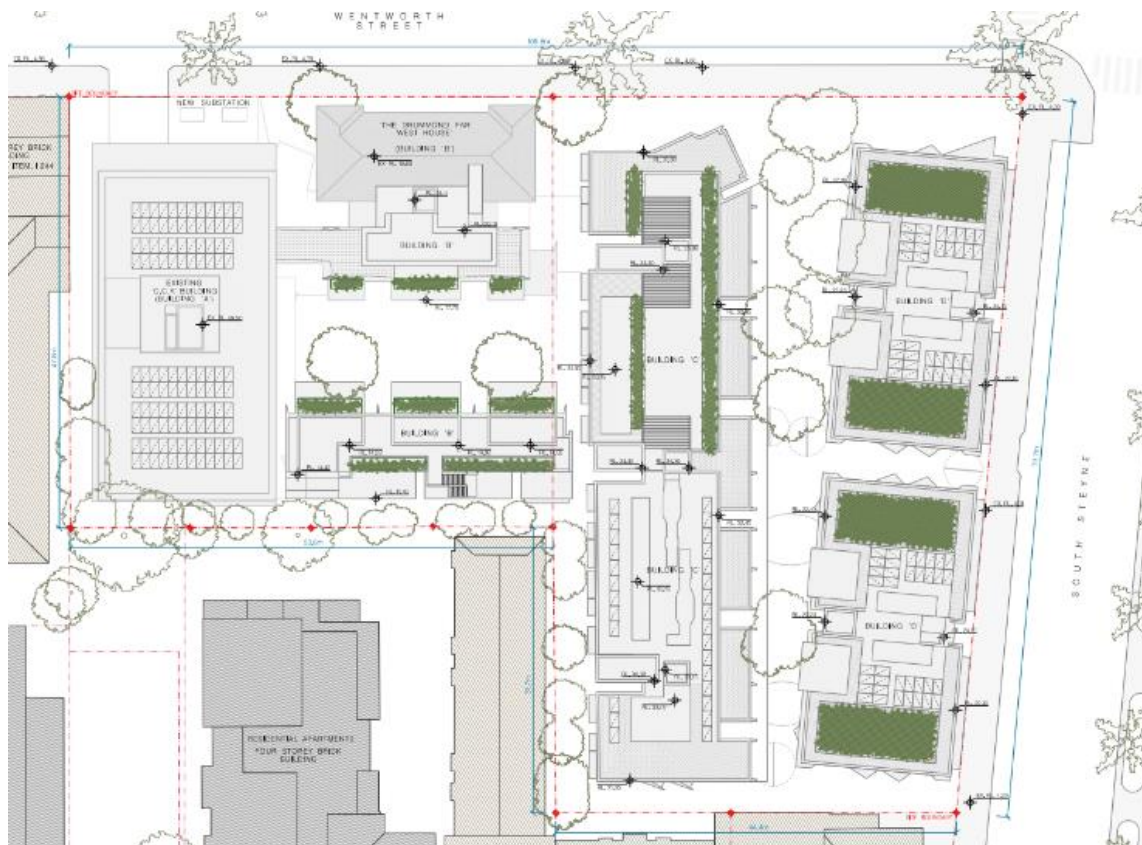
The residential apartment mix proposed is as follows:

12 x 1 bedroom apartments

24 x 2 bedroom apartments

22 x 3 bedroom apartments

The general building arrangement across the site is depicted in Figure 12 below.



**Figure 12 – Proposed site plan and building arrangement**

## 4.2 Architectural Design Statement

Murcutt Candalepas architects has prepared an Architectural Design Excellence Statement (ADES) a copy of which is at **Appendix G**. The ADES outlines the design approach adopted to ensure the development achieves design excellence whilst also satisfying the client brief. An extract of the ADES is as follows:

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

*The proposed primary north/south axis for the buildings results in the creation of a high-quality open space fronting Wentworth Street. This openness includes the formation of a publicly accessible forecourt between Buildings C & D. In addition, this orientation of the buildings has meant that only these building's narrow end facades are presented to Wentworth Street, further assisting the reduction of any unwanted visual bulk on the street scape. The taller Building C is well setback from the beach frontage of South Steyne and makes use of a variety of architectural devices to erode its mass, provide visual interest and provide an anchoring element in the project's overall composition. The adjustment of Building C's Wentworth St setback has allowed for the removal of building accommodation previously located at the base of Building D and along Wentworth St. This relocation (without negative impacts on neighbours or bulk and scale) has then allowed for a significant amount of openness on the ground plane to be achieved and the consequential public space created. This amendment was approved in the Section 75W modification application.*

*Building bulk and scale is mediated across the site by making careful use of massing, proportion, architectural articulation, and open spaces to achieve an outcome which will enhance the local area. The lower scaled Building D faces the primary street frontage (South Steyne) with the building's form further eroded into 4 separately legible and finer scaled building wings.*

*The larger Building C has been oriented to minimise its size, set back from the street and uses a variety of design strategies to also minimise its apparent bulk e.g. varying façade setbacks (to street and neighbouring developments), deeply recessed and layered architectural articulation (to create a rich interplay of light and shadow), modular well-proportioned façade compositions etc. Views of the site from the most active street frontage (Wentworth St) sees each building present their smaller narrow dimension. This allows for the formation of a publicly accessible forecourt which further reduces the proposals visual bulk, creating a suitably scaled and inviting public space with good views of the ocean through the open undercroft to Building D.*

*The proposed formation of a new publicly accessible forecourt still sees the activation and enlivening of South Steyne both with the generous amounts of landscaping and gathering areas along with the high degree of visual connection to the forecourt behind and its active commercial uses. The South Steyne street frontage also contains commercial space immediately abutting the street; with this space and its generous and open character lending itself to a variety of commercial and active enterprises.*

#### 4.3 Works to Drummond House

The proposed works to Drummond House, and their acceptability from a heritage perspective, are detailed within the accompanying Heritage Impact Statement prepared by URBIS. Such works are described as follows:

*The proposed demolition works on the subject site would include demolition of the Royal Far West School building, and the WOTSO building on South Steyne. These two buildings are late-20th century structures which have no heritage significance and do not contribute to the heritage significance of the subject site. Furthermore, these buildings are no longer fit for purpose but the site is required for ongoing use by the Royal Far West institution. The demolition of these buildings and their replacement with new contemporary structures and facilities will enable the ongoing significant use of the subject site by Royal Far West.*

*Drummond House, while listed on the Manly Local Environmental Plan as an item of local heritage significance, is a highly modified Inter-War building. The original form and fabric of the building has been obscured by the additional third storey constructed in 1945, contemporary changes to the building interior, alterations to the roof form of the building, and many additional internal changes, including room configuration and removal of any previous significant fabric and details.*

- *As such, the proposed demolition of the rear wing of Drummond House is considered acceptable from a heritage perspective as this would involve demolition of a highly modified and non-contributory area of the building. The rear wings do not contribute to the Inter-War Classical style of the building, evident primarily within the principal elevation.*
- *Furthermore, the demolition of interior spaces and the rear wings is necessary for the Royal Far West institution, which has operated on the school for over 95 years, to continue its ongoing significant association with the site. As the primary heritage significance of the place is vested in its State significant long term operation as a charitable institution, the proposal is considered acceptable and appropriate from a heritage perspective as it safeguards these operations, allowing them to continue into the future and adapt as required to meet the evolving demands of this significant institution.*

*The proposed works, including the new rear addition to Drummond House, the internal reconfiguration of Drummond House, and the two proposed buildings on the subject site have been designed by two of Australia's preeminent architects, Glenn Murcutt and Angelo Candalepas and represent a high degree of design excellence. The proposal has carefully considered the heritage context of the subject site and respond to the streetscape and character of South Steyne and Wentworth Street.*

*The proposed addition to Drummond House is contemporary in design and materiality yet responds to the bulk and scale of the existing Drummond House building, with careful consideration of setbacks that do not detract from the sympathetic interpretation of the form being read from the public domain. The rear addition would be secondary in height and scale, allowing the original building portions to be clearly interpreted. The addition would also reinterpret the 'E form' of the extant Drummond House rear wing. This design allows an understanding of a sympathetic response to the original design and form of the building, while enabling the ongoing use of Drummond House for the Royal Far West institution.*

*Due to the scale and lightweight materiality, the proposed new additions to Drummond House would not detract from appreciation of the heritage item nor prevent the legibility of the original, principal building form from the public domain.*

We also note that given the existing room arrangement of the rear part of Drummond House the modification of this part of the building to accommodate the Client's Brief is extremely difficult to achieve. In this regard, the existing arrangement creates visual and acoustic privacy issues with the environmental performance of the rooms extremely poor in terms of ventilation, daylighting and thermal performance. Further, the small spatial configuration of the rooms does not easily adapt to multiple bed configurations with casual surveillance/ supervision impeded given the dead-end corridors and the cellular nature of the rooms.

The poor amenity and design difficulties associated with the existing building is detailed within the support letters from a RFW clinical specialist and a Royal Far West service and accommodation user at **Appendices C and D**.

#### 4.4 Proposed Open Space and Landscaping

The proposed development is to be extensively landscaped in accordance with the accompanying landscape plans prepared by Jane Irwin Landscape Architecture. The landscaping has been designed as a fundamental and integrated component of the overall scheme as detailed within the Landscape Design Statement (LDS) at **Appendix H**. An extract of the LDS is as follows:

##### Landscape Design Statement

*Landscape design responds to the physical parameters of the site: the immediate natural context of the ocean and the shore, and sandstone gullies and cliffs of areas to the north; the urban form of streetscape and existing buildings; and the proposed building form and character that will be the frame of the development. The cultural values and program needs of Royal Far West also shape the character and physical form of the landscape.*

*Landscape has been imagined as a series of spaces that weave through the cluster of existing, heritage and new buildings of the Royal Far West (RFW) proposal, tying edges to the street and wider landscape; giving expression to RFW's rich cultural history and significance - making a series of courtyards at ground floor, and usable and green spaces on roofs.*

*Architecture and landscape are closely integrated in form and character; JILA has worked with the architectural team to ensure that framing of views is maintained, and that materials and planting enhance architectural aspirations and aesthetic. JILA has also consulted with many of RFW's stakeholders and user groups to ensure that the landscape areas complement, enhance and facilitate RFW's daily charitable operations*

### *Response to Country*

*We recognise that the site is on the land of the Gaimaragal people, and that there are many other Aboriginal nations and cultures that have a relationship with RFW. We expect that future meaningful engagement with Aboriginal communities, together with the local Knowledge that RFW has attained through both the development of the First Nations Design Brief and RAP engagement activities, will enrich design development and our understanding of this place and community specific cultural interpretations and practices.*

*Our approach to design is guided by a response to place, thinking about landscape as a connective ground, and all the elements that make a place – soil, geology, plants, animals, air, water and people. In past projects, the Aboriginal communities that we have worked with have encouraged this approach as a way of building on a sense of place, and with that prior knowledge and RFW's cultural advice and guidance, our thinking is guided towards:*

- working in a way that priorities caring for Country through repair;*
- planting to reflect seasons as understood by local Aboriginal people;*
- the idea of individual connection to nature;*
- providing opportunities for continuing engagement of Aboriginal people with the place, including potential economic opportunities;*
- the opportunity to acknowledge local Traditional Owners and their customs, culture, heritage and the local history of the area; and*
- honouring all First Nations people and their contribution to Country*

## **4.5 Environmentally Sustainable Development (ESD)**

This application is accompanied by a ESD Energy Performance and Green Star Report prepared by Aspire Sustainability Consulting which details the ESD initiatives that have been considered and incorporated into the proposal. The report demonstrates compliance with the requirements at Schedule 3 of the Modified Concept Approval being the incorporation of design initiatives consistent with a 5 Star Design & As Built v1.3 rating across all stages of the development.

The report details the sustainable design initiatives incorporated into the proposal in line with the following ecological sustainable design categories:

- Energy;
- Transport;
- Materials;
- Water;
- Construction;
- Land Use & Ecology;
- Emissions & Waste; and
- Climate Change Adaptation

#### 4.6 Traffic and Parking

##### Parking Assessment

The application is accompanied by a Traffic Impact Assessment prepared by Stantec Australia Pty Limited that details the acceptability of the proposal in terms of the provision of off-street carparking. The report identifies a compliant quantum of residential car spaces with a shortfall of 16 commercial and retail car spaces in the development. Such shortfall is justified on the following basis:

*To accommodate this shortfall in part, two carshare spaces are to be provided within the commercial carpark for use by tenants. It is anticipated these spaces could replace around five private vehicle spaces, reducing the shortfall by around eight spaces. It is noted that these carshare spaces are unlikely to be exclusive to the building, however, given they are to be located within a secure building it is likely to be used by tenants only, with the general public more likely to opt to use other on-street carshares. A review of existing car share locations indicates there are at least five locations within 500 metres of the site.*

*Notwithstanding the proposed carshare provision, there remains a shortfall that is deemed to be acceptable based on the following:*

- *The site's location within Manly Town Centre has access to a range of bus and ferry services conveniently located within a 500-metre walking distance. Additionally, two taxi ranks are located nearby on North Steyne opposite Raglan Street and on Belgrave Street near Gilbert Street. Therefore, suitable alternative transport options are available for staff/ visitors.*



- *As discussed above, the site has well-established walking and cycling infrastructure providing accesses to the site. Furthermore, the current proposal sets out to provide more than the minimum bicycle requirement (detailed below) and with the provision of end-of-trip facilities on site, there is appropriate arrangements on site to support individuals who do not drive to site.*
- *Given the excellent public and active transport access to the site, a restriction in on-site parking provision is proposed to actively discourage the use of private vehicles to travel to/ from the site.*
- *Mainly DCP 2013 Objective 7 part 4.1.6 encourages “the use of public transport by limiting onsite parking provision in Centres that are well serviced by public transport and by encouraging bicycle use to limit traffic congestion and promote clean air”. Although the DCP indicates a minimum parking rate, a provision below this should be considered to further assist in achieving this objective.*
- *A Green Travel Plan (refer to Section 7) would support the objective of reducing the reliance on private vehicles and parking by increasing public transport usage. By providing information to employees/ visitors about the surrounding public and active transport networks available and frequencies of services, a reduction in car-oriented trips to/from the site is anticipated.*

*The arrangements with this proposal support the use of more sustainable modes of transport to compensate for the shortfall of commercial car parking spaces within the total development and is considered appropriate.*

### Traffic Impact Assessment

The accompanying report details the acceptability the proposal in relation to potential traffic Impacts with the report containing the following conclusions:

*The site is expected to generate up to 56 and 43 vehicle movements in the AM and PM peak hours respectively.*

*Two future modelling scenarios were considered based on the opening year and a 10-year design horizon assuming a two percent annual growth rate. The surrounding intersections would continue to operate satisfactorily under both scenarios with generally only minor increases to average delay and 95th percentile queue lengths. The LOS of each intersection would still operate well with spare capacity.*

## Construction Traffic Management

We also confirm that the application is accompanied by a preliminary Construction Traffic Management Plan (CTMP) prepared by Stantec Australia Pty Limited which will be refined in response to any conditions applied to the development consent and upon appointment of the project builder.

## Retention of the existing on street “authorised vehicles excepted” zone adjacent to Drummond House

The accompanying report prepared by Stantec Australia Pty Limited contains the following commentary in relation to the retention of the existing on street authorised vehicle zone adjacent to Drummond House:

*Historically RFW has been provided a dedicated on-street space for the use by their patient transport buses. These buses provide a critical service to rural families and their physically and/ or mentally disabled children from their point of arrival in Sydney to the RFW site. Additionally, these vehicles transport patients to and from the RFW site to specialist’s appointments and offsite for after school activities.*

*At the pre-lodgement meeting of 2 December 2021, Council noted that the retention of the dedicated onstreet space was no longer appropriate, given the provision of off-street parking. The deletion of the originally approved secondary basement vehicle crossover on Wentworth Street under the modified Part 3A approval, eliminated the opportunity for RFW to relocate their existing on-street space into the basement due the spatial constraints of the existing basement entry. There is no off-street parking alternative.*

*It is noted that in 2019 RFW previously reduced the length of their dedicated on-street parking to give back kerbside space to Council. This reduction consequently created two new on-street public car spaces. As a result, the proposed development now provides on-site parking for RFW’s smaller buses, in the form of a Hiace Van, that can be accommodated within the basement and existing height constraints. Notwithstanding, RFW continue to require use of their larger 8.8m bus that currently occupies the ‘authorised vehicles excepted’ parking space. This vehicle is critical to RFW operations and is used daily to facilitate the transport of patients.*

*Many of the children receiving care and treatment at RFW are recognised as ‘runners, jumpers and bolters’, meaning they are quick to exit or get away without due care of their surroundings. As such, the location of the authorised vehicles space, directly outside the entrance to Drummond House and CCK, is critically important to minimise the associated risks. RFW staff always provide strict supervision, however, any increase in length of complexity of the route between RFW and the transport vehicles would significantly increase the risk of children moving unsupervised into the surrounding area.*

*The proposed removal of the dedicated on-street parking space would require the loading and unloading of patients to occur within the basement. This is considered an inappropriate solution, particularly for after school activities where the RFW recreational team take groups of children offsite for various activities. Loading, unloading and marshalling of children between the van and lifts within the basement during the afternoon/ evening peak is problematic.*

*Therefore, the retention of the on-street ‘authorised vehicles excepted’ zone is critical to enable RFW to continue to safely undertake their daily operations. Further details on the critical need for the authorised vehicles parking area is provided in a letter of support from RFW, which is provided in Appendix E.*

### Proposed Loading Arrangement

The accompanying report prepared by Stantec Australia Pty Limited contains the following commentary in relation to the acceptability of the proposed loading arrangement:

*The development does not provide a dedicated loading area on site due to the basement height access restrictions. However, such an arrangement is acceptable in the circumstances that the ‘authorised vehicles excepted’ zone is retained on Wentworth Street adjacent to the northern frontage of the site, given it can be used occasionally when the larger RFW bus is off-site. Notwithstanding, RFW is committed to accommodating as many deliveries within the basement as possible. However, it is acknowledged that some vendors’ vehicles would be restricted from entering the basement due to the height restriction.*

*To design for such an infrequent situation would impose a design standard which would represent an inappropriate constraint on the development given the existing conditions. Additionally, design standards by convention rarely accommodate all eventualities and the retention of the existing authorised vehicles excepted zone and nearby on-street loading zones are considered appropriate to service the development.*

#### 4.7 Accessibility

The application is accompanied by a Statement of Compliance - Access for People with a Disability prepared by Accessible Building Solutions which assesses the performance of the development against the applicable access provisions of the BCA and the Access to Premises Standard. This report contains the following statement of compliance:

*On the basis of the above assessment, I am satisfied that the proposal can achieve compliance with the access provisions of the BCA and the Access to Premises Standard.*

#### 4.8 Operational Waste Management

The application is accompanied by a detailed Operational Waste Management Plan prepared by Low Impact Development Consulting. This report contains the following summary as it relates to the proposed waste collection regime:

*Located on the prominent beach front corner of Wentworth & South Steyne in Manly, Royal Far West (as land owner) is a service that provides integrated health, education and disability services for rural children both on this site and through remote community programs.*

*The proposed development extends the existing facilities towards Manly beach to provide additional public retail and amenity at street level. Residential apartments are proposed above. Royal Far West will retain full land ownership across the site, with a strata leasehold structure. The complex facility management is responsible for all aspects of waste management including access for the waste contractor to enter the site and bin stores on the days of collection.*

*A private collection service is proposed to be engaged to collect all commercial and residential waste generated on the site from within the site at Basement level. Royal Far West, as the land owner of the site, will incorporate the details of the private collection service in the Building Management and Strata Management Statements.*

*The waste vehicle is to enter the site via the existing ramp down to the basement from Wentworth St, turn & exit up the same ramp exiting back onto Wentworth Street in a forward direction.*

*Space for the separation, storage and collections for a number of waste streams has been provided for all users. This is contained within the site with no visual impact on the adjoining amenity.*

*The approved Waste Management Plan (WMP) will be the model to be adopted for this development. Detailed design and as-built installation must incorporate the design proposed and approved under this WMP. Any revisions of the WMP or changes to the approved waste system of the development may require Council approval and may require a re-submitted Waste Management Plan.*

The proposed private waste collection arrangement is also endorsed in the accompanying report prepared by Stantec Australia Pty Limited where it states:

*Waste Collection is proposed to occur within basement level 1 via the existing access off Wentworth Street. Due to the existing 2.35 metre height restriction on the basement access, waste collection is proposed to be undertaken by a private contractor using a 6.4-metre-long Waste-Wise Mini vehicle. Details of the proposed waste collection vehicle are provided in Appendix F.*

*There is a dedicated waste pick up area in basement level 1, in the vicinity of the various waste rooms including a residential waste room, commercial waste room and a shared commercial bulky hard waste room. The waste vehicle will reverse into the provided waste pick up area and the bins will be moved behind the area for pick up. Swept path analysis of the proposed waste collection vehicle is included in Appendix B demonstrating the vehicle can manoeuvre through the basement appropriately.*

Finally, Schedule 2, Part B, B2 – Development Design of the Section 75W approval instrument requires the development application to achieve design excellence and to that extent we note the following commentary as contained within the Architectural Design Excellence Statement at **Appendix G**:

*As part of the careful design considerations for the ground floor design, it is proposed that waste collection for the whole project is consolidated and collected from a suitable centralised waste handling area in the basement. This would be in lieu of several different street facing waste collection areas (e.g. residential waste, commercial waste etc). This wholistic waste management proposal sees significant benefits to the project's urban design outcomes as well as benefits for the surrounding areas (both public and private domains).*

*Some of the benefits of this proposal include:*

- 1. The removal of large waste holding area off the street frontage allows for greater utilisation of limited street frontage for more activation and contributory uses i.e. landscape, retail, seating and recreation areas etc.*

2. *A consolidated waste collection area in basement allows for a more tailored, efficient and safer waste handling area away from the general public i.e. all the waste rooms open close to the vehicle loading area with safe access paths and loading areas. Cleaning and hygiene would be greatly improved in this proposal along with considerably less amenity impacts on other users e.g. space, smells, noise etc.*
3. *Removal of ground floor waste handling areas reduced impacts (aesthetics, noise, smells etc) on residents and other users within the development along with the immediate neighbours i.e. waste in basement is in a controlled environment.*

Whilst we appreciate that Council provides a wheel in/ wheel out waste collection arrangement for residential waste we are of the firm opinion that a consolidated waste collection area in the basement facilitates the design excellence sought by Schedule 2, Part B, B2 – Development Design of the Section 75W approval instrument with better environmental planning, heritage conservation, streetscape and broader urban design outcomes achieved.

No objection is raised to the imposition of a suitably worded condition requiring an advisory note to be placed on the title of the residential properties confirming that residential waste collection will be undertaken by a private waste contractor notwithstanding that Council rates will continue to include a fee associated with waste management.

#### 4.9 Strata and Stratum Subdivision

The subject application also proposes the Strata and Stratum subdivision of the completed development with the subdivision structure for the site being a part building leasehold strata development comprising a combination of stratum lots and leasehold strata schemes.

The relevant site development site will initially be subdivided by a stratum plan of subdivision to create the separate parcels relating to the building/uses to be constructed on the site. The proposed stratum lots are as follows:

Lot 100	Building A, CCK and Building B, DH building;
Lot 101	Building C & D, retail and commercial;
Lot 102	Building C, Residential apartments; and
Lot 103	Building D, Residential apartments.

Lot 100 (Building A, CCK and Building B, DH building) will remain as one stratum lot and will not be further subdivided.

Lot 101 (Building C & D, retail and commercial) will remain as one stratum lot and will not be further subdivided. Part building leases may be granted to the lessees of the retail and commercial components of this lot as required.

Lot 102 (Building C, Residential apartments) will be further strata subdivided to create a leasehold strata scheme.

Lot 103 (Building D, Residential apartments) will also be further strata subdivided to create a leasehold strata scheme.

The part building strata schemes legislation (contained in the *Strata Schemes Development Act 2015*) will apply to this development as components of the site are structurally connected and part is being subdivided by a strata plan. Compliance with these statutory provisions is mandatory.

A strata management statement (SMS) will be registered over the entire RFW site to deal with shared facilities, whole of site issues and cost sharing.

#### 4.9 Response to Northern Beaches Council Pre-Lodgement Meeting Minutes PLM 2021/026

As previously indicated, the final design and detailing of the proposal has been informed by the comments and recommendations received from the State Design Review Panel (SDRP), the Northern Beaches Design and Sustainability Advisory Panel (DSAP) and the minutes arising from formal pre-lodgement discussions with Northern Beaches Council (PLM2021/0262).

Whilst the comments and recommendations from SDRP and DSAP have been responded to in the accompanying Architectural Design Excellence Statement (**Appendix G**) the minutes arising from the formal pre-lodgement discussions with Northern Beaches Council (PLM2021/026) are addressed in detail in the response table at **Appendix I**.

## 5.0 Terms of the Approval of the Concept Plan

### 5.1 Assessment Framework

Although the provisions in Part 3A of the EPA Act were repealed on 1 October 2011, the effect of those provisions is partially continued by Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (Transitional Regulations)*.

The framework for assessing a development application lodged in respect of a stage of a development approved under a Part 3A concept approval is outlined in Clause 3B of Schedule 2 of the Transitional Regulations, extracted below.

- (1) *This clause applies to development (other than an approved project) for which a concept plan has been approved under Part 3A, before or after the repeal of Part 3A, and so applies whether or not the project or any stage of the project is or was a transitional Part 3A project.*
- (2) *After the repeal of Part 3A, the following provisions apply to any such development (whether or not a determination was made under section 75P(1)(b) when the concept plan was approved):*
  - (a) *if Part 4 applies to the carrying out of the development, the development is taken to be development that may be carried out with development consent under Part 4 (despite anything to the contrary in an environmental planning instrument),*  
...
  - (d) *a consent authority must not grant consent under Part 4 for the development **unless it is satisfied that the development is generally consistent** with the terms of the approval of the concept plan,*  
...
  - (f) *the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan,*

The approved Concept Approval (MP10\_0159 MOD 1) establishes the fundamental design and built form parameters applicable to the future development of the site.



This development application adopts the land use, built form and heritage conservation outcomes sought by the Concept Approval, as modified, and accordingly the consent authority can be satisfied that the development is generally consistent with the terms of the approval of the Concept Plan, as modified by the Section 75W application, pursuant to Clause 3B of Schedule 2 of the *Transitional Regulations*.

As a consequence of the operation of clause 3B of Schedule 2:

- (a) *the development controls contained in the Concept Approval will apply to the Proposed Development to the extent of any inconsistency with the provisions of any environmental planning instrument applying to the Site; however*
- (b) *a consent authority would need to be satisfied before granting consent to the Proposed Development that it was “generally consistent” with the terms of the Concept Approval.*

The phrase “generally consistent” has been considered by the Courts in the context of a requirement that development be “generally consistent” with the objectives of a zone under an environmental planning instrument. This general planning context is comparable to the manner in which that term is used in clause 3B(2)(d), of the Transitional Regulation.

- (a) *Schaffer Corporation v Hawkesbury City Council* (1992) 77 LGRA 21 (Schaffer),
  - (i) In this case, the applicable local environmental plan provided that all development was prohibited unless the council was satisfied that the carrying out of the development was “generally consistent” with the objectives of the zone within which the development was proposed to be carried out.
  - (ii) Pearlman CJ stated at [27]:
 

*“The guiding principle, then, is that a development will be generally consistent with the objectives, **if it is not antipathetic to them.**”*<sup>2</sup> It is not necessary to show that the development promotes or is ancillary to those objectives, nor even that it is compatible.”
  - (iii) This test has been consistently applied by the Court, with the most recent decision being of Bish C in *Lu Projects Pty Ltd v Fairfield City Council* [2019] NSWLEC 1021.
- (b) *Hibbard & Anor v Coffs Harbour City Council* [1991] NSWLEC 112
  - (i) In this case, Cripps J relevantly stated:

*“Generally consistent” and “generally conform” are recognised planning expressions. Ordinarily they are used for the purpose of conferring a degree of flexibility in decision making (see for example Guideline Drafting & Design v Marrickville Municipal Council 64 LGRA 275). In the present context, in my opinion, the words “generally consistent” are intended to allow some latitude to the decision maker.*

(c) *Moskovich v Waverley Council* [2016] NSWLEC 1015

(i) Preston CJ made the following statement at [53] on the test for consistency in the context of a clause 4.6 variation to a development standard imposed under a local environmental plan:

*The threshold of “consistency” is different to that of “achievement”. The term “consistent” has been considered in a judgements of the Court in relation to zone objectives and has been interpreted to mean “compatible” or “capable of existing together in harmony” (Dem Gillespies v Warringah Council (2002) 124 LGERA 147; Addenbrooke Pty Ltd v Woollahra Municipal Council [2008] NSWLEC 190) or “not being antipathetic” (Schaffer Corporation v Hawkesbury City Council (1992) 77 LGRA 21). Whichever interpretation is adopted the test of “consistency” is less onerous than that of “achievement”.*

(ii) The above was adopted in *Yapp Pty Ltd v Inner West Council* [2018] NSWLEC 1415.

Reverting to the general principle of statutory construction (which requires the adoption of the common and ordinary meaning of statutory language) can also provide assistance.

Dictionary definitions are a first step of examining the common or ordinary meaning and can assist when considering the breadth of a term such as “generally consistent”, but should not be applied rigidly.

(a) The Macquarie Dictionary defines the word “generally” as:

*adverb 1. with respect to the larger part, or for the most part: a claim generally recognised.*

*2. usually; commonly; ordinarily: he generally comes at noon.*

*3. without reference to particular persons or things: generally speaking.*

- (b) In the present context, definition 1 is applicable so that the word “generally” is taken to mean “with respect to the larger part”, “for the most part” or “without reference to particular things”.
- (c) The Macquarie Dictionary then defines “consistent” as:

*adjective* 1. agreeing or accordant; compatible; not self-opposed or self-contradictory.  
2. constantly adhering to the same principles, course, etc.  
3. Obsolete holding firmly together; cohering.  
4. Obsolete fixed; firm; solid.

Both definitions 1 and 2 are applicable to the phrase “generally consistent”, so that the word “consistent” is taken to mean “agreeing or accordant”, “compatible”, “not self-opposed or self-contradictory” and “constantly adhering to the same principles, course, etc”. Arguably, based on these definitions, and as is the case with “generally”, the definition of “consistent” does not require a strict adherence to exact and precisely defined requirements. Rather, it requires a general alignment or compatibility having regard to a broader context.

While the above statements provide a general flavour for what is intended when clause 3B(2)(d) requires a consent authority to be satisfied that a proposed development is “generally consistent” with a Part 3A concept approval, there is clearly an absence of any definitive guidance from case law on the number, nature, or quality of differences that might still meet this test.

In this regard, a detailed compliance assessment of the proposed development against the Schedule 2 Terms of Approval, as modified, and the Schedule 3 Future Environmental Assessment Requirements as modified by the Section 75W Application, has been undertaken. This compliance assessment is at **Appendix J**. In addition to the detailed compliance assessment, we also make the following key observations:

**Schedule 2 (A2)** requires development in accordance with the plans and documentation listed in the Approval Instrument. As previously indicated, an application to modify the Concept Plan approval pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979 (the Act)*, to reflect the land-use, heritage conservation and built form outcomes proposed by the subject development application, has recently been approved by Key Sites Assessments within the Department of Planning, Industry & Environment (DoP).

In this regard, the consent authority can be satisfied that the proposed development is consistent with the plans and documentation listed in the approval instrument, as modified pursuant to Section 75W of the Act.

**Schedule 2 (A5)** requires development on the site to not exceed the levels (RL's) as identified on the Site Plan (S75W – 1060(E)) prepared by Murcutt Candalepas, dated 22.12.21 with the exception of:

- a) *roof top structures on the Building B southern envelope, including lift overruns, stair cores, parapets, vents, plant, chimney, aerials, landscaping, planting boxes and the like, which are not approved*
- b) *roof top structures on the Building C and D envelopes, including lift overruns, stair cores, pergolas, parapets, vents, plant, chimney, aerials, landscaping, planting boxes and the like, which are not approved.*

*Structures, including lift overruns, stair cores, pergolas, parapets, vents, plant, chimney, aerials, landscaping, planting boxes and the like, Lift overrun structures may exceed the maximum height for Building B (south) Building C and Building D, but only where the consent authority for any development application in consultation with the Northern Beaches Design and Sustainability Panel is satisfied that 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 and adjoining residential apartments.*

The accompanying architectural plans and montage images demonstrate that the proposed roof top structures on buildings B, C and D have been appropriately integrated into the built form and located to ensure minimal visibility from the public domain. Further, the accompanying shadow diagrams demonstrate that the roof top structures will not result in any additional shadowing impacts to Manly Beach, or the Manly Village Public School and its grounds and adjoining residential apartments.

**Schedule 2 (A6)** requires:

*Building footprints and setbacks to be consistent with the Concept Plan diagrams, except where amended by the Modifications in Part B. Future development should be consistent with the provisions of the Apartment Design Guide except where amended by the Modifications in Part B*

In this regard, we rely on the SEPP 65 Design Verification Statement prepared by Murcutt Candalepas which details the performance of the development when assessed against the provisions of the Apartment Design Guide. The consent authority can be satisfied that the proposed development is consistent with the plans and documentation listed in the approval instrument, as modified pursuant to Section 75W of the Act.

## 5.2 Development generally consistent with the Concept Approval

### **Is the Proposed Development generally consistent with the Concept Approval?**

In our opinion, given the similarities and differences between the proposed development and the Concept Approval, it is open to a consent authority to reach the required level of satisfaction that the Proposed Development is “generally consistent” with the Concept Approval, because:

- (a) the proposal adopts the land use, built form and heritage conservation outcomes sought by the Concept Approval, as modified,
- (b) nothing in the proposed development could be characterised as “antithetical to” the Concept Approval as the buildings proposed accord with the controls identified in the Concept Approval, as modified, with respect to the quantitative aspects describing approximate values of FSR, GFA, car parking spaces and landscaping, and
- (c) the conditions of the Concept Approval naturally anticipate the proposals for each stage would contain some alterations as compared to the development described in the Concept Approval. In this regard, the outcomes sought by this development application have been made with reference to, and in order to comply with, the conditions of the Concept Approval including the need to achieve design excellence. It follows those changes would be consistent with the Concept Approval.

In conclusion, we consider the “generally consistent” test should not present an impediment to a consent authority approving the proposed development pursuant to the Concept Approval.

Accordingly, the consent authority can be satisfied that the development is generally consistent with the terms of the approval of the Concept Plan, as modified by the Section 75W modification application, pursuant to Clause 3B of Schedule 2 of Transitional Regulations.

## 6.0 Statutory Planning Considerations

### 6.1 State Environmental Planning Policy (State and Regional Development) 2011

The site is located in the Northern Beaches Local Government Area (LGA) and as such the application will be assessed by Northern Beaches Council (the Council), pursuant to Part 4 of the Act. The Capital Investment Value (CIV) has been calculated at \$107,606,539 as detailed in the cost estimate prepared by the quantity surveyor. The proposal is regionally significant development pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 given that it has a CIV of more than \$30 million and accordingly the Sydney North Planning Panel is the consent authority for this application.

### 6.2 Integrated Development

We confirm that the proposed basement excavation triggers Section 91(1) of the *Water Management Act 2000* which classifies the proposal as an activity requiring 'Activity Approval' under this Section. As such, the proposed is a Nominated Integrated Development, and will be referred to the Office of Water for assessment.

### 6.3 Manly Local Environmental Plan 2013

#### 6.3.1 Zone and Objectives

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

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

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

- *To encourage employment opportunities in accessible locations.*

Comment: The accompanying CIV report prepared by MBM estimates of the proposed development will generate approximate 376 construction jobs with the RFW campus generating approximately 300 full-time employment opportunities. The Manly CBD is the most accessible location on the Northern Beaches due to available public transport options including bus and ferry services. The proposal is consistent with this objective.

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

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

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

Comment: This submission demonstrates that the proposal is consistent with the Concept Approval, as modified, with the land-use and residential amenity outcomes anticipated through approval of the original application not compromised. The proposal is consistent with this objective.

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

### 6.3.2 Height of Buildings and Floor Space Ratio

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

Notwithstanding, the building heights approved pursuant to the Concept Plan, as modified, prevail with the proposed development being consistent with the building heights approved pursuant to the S75W Concept Approval.

Further, we confirm that the proposed development has a total GFA of 15,597 square metres representing a compliant MLEP 2013 and Concept Plan approved FSR of 2.44:1 being no more than the prescribed maximum of 3:1.

### 6.3.3 Heritage Conservation

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

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

The stated objectives of this clause are as follows:

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

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

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

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

*Overall, the proposal is considered to have an acceptable heritage impact for the following reasons:*



- *The proposed demolition works on the subject site would include demolition of the Royal Far West School building, and the WOTSO building on South Steyne. These two buildings are late-20th century structures which have no heritage significance and do not contribute to the heritage significance of the subject site. Furthermore, these buildings are no longer fit for purpose but the site is required for ongoing use by the Royal Far West institution. The demolition of these buildings and their replacement with new contemporary structures and facilities will enable the ongoing significant use of the subject site by Royal Far West.*
- *Drummond House, while listed on the Manly Local Environmental Plan as an item of local heritage significance, is a highly modified Inter-War building. The original form and fabric of the building has been obscured by the additional third storey constructed in 1945, contemporary changes to the building interior, alterations to the roof form of the building, and many additional internal changes, including room configuration and removal of any previous significant fabric and details.*
  - *As such, the proposed demolition of the rear wing of Drummond House is considered acceptable from a heritage perspective as this would involve demolition of a highly modified and non-contributory area of the building. The rear wings do not contribute to the Inter-War Classical style of the building, evident primarily within the principal elevation.*
  - *Furthermore the demolition of interior spaces and the rear wings is necessary for the Royal Far West institution, which has operated on the school for over 95 years, to continue its ongoing significant association with the site. As the primary heritage significance of the place is vested in its State significant long term operation as a charitable institution, the proposal is considered acceptable and appropriate from a heritage perspective as it safeguards these operations, allowing them to continue into the future and adapt as required to meet the evolving demands of this significant institution.*

- *The proposed works, including the new rear addition to Drummond House, the internal reconfiguration of Drummond House, and the two proposed buildings on the subject site have been designed by two of Australia's preeminent architects, Glenn Murcutt and Angelo Candalepas and represent a high degree of design excellence. The proposal has carefully considered the heritage context of the subject site and respond to the streetscape and character of South Steyne and Wentworth Street.*
- *The proposed addition to Drummond House is contemporary in design and materiality yet responds to the bulk and scale of the existing Drummond House building, with careful consideration of setbacks that do not detract from the sympathetic interpretation of the form being read from the public domain. The rear addition would be secondary in height and scale, allowing the original building portions to be clearly interpreted. The addition would also reinterpret the 'E form' of the extant Drummond House rear wing. This design allows an understanding of a sympathetic response to the original design and form of the building, while enabling the ongoing use of Drummond House for the Royal Far West institution. Due to the scale and lightweight materiality, the proposed new additions to Drummond House would not detract from appreciation of the heritage item nor prevent the legibility of the original, principal building form from the public domain.*
- *The proposed new buildings which would be constructed in the eastern half of the subject site are contemporary in design however respond to the heritage significance of the subject site through carefully designed scale, height, and materiality. The proposed accommodation building, located adjacent to Drummond House, has a proposed height taller than that of Drummond House, however the carefully considered and respectful setback from Drummond House, in addition to the slim design of the building and recessive, neutral materials palette ensure that the proposed building would not visually dominate or detract from appreciation of Drummond House. Furthermore, the proposed accommodation building fronting South Steyne would also use sympathetic neutral colours and materials palette and is at a lower height than the proposed central accommodation building, allowing a stepped hierarchy of building massing across the subject site. These buildings would utilise materials such as concrete, brass, and bronze cladding, and furthermore would not seek to replicate the Inter-War Classical style details seen at Drummond House.*

- *The proposed siting of the new accommodation buildings would retain a respectable setback from Drummond House, Wentworth Street and South Steyne. This would ensure that significant vistas throughout the subject site, the surrounding area and to and from vicinity heritage items and Manly Beach would be retained.*
- *No changes to the exiting curtilages or physical lot boundaries of adjoining heritage items are proposed. While there will be some change to the visual setting of the adjacent heritage items, this would not result in an adverse visual impact. As discussed above, the proposed new buildings on the subject site are of a respectable scale, massing, and materiality which will not visually dominate or detract from the vicinity heritage items, such as the adjacent terraces or the Inter-War flat heritage items. The vicinity heritage items will continue to be appreciated within their existing setting and will remain readily interpretable in the streetscape.*
- *Along Wentworth Street, the proposal site adjoins the Former School of Arts at 12 Wentworth Street (Item 244). However, it is noted that a new building has been constructed at 18 Wentworth Street as part of the previous approval for the subject site and provides a visual and physical barrier between the heritage item and Drummond House. The new development on South Steyne adjoining the heritage item (Item 226), a Victorian house at 15–16 South Steyne, effectively replaces an existing late twentieth century concrete building with a new development with a more consistent streetscape response. This new building is setback from the Victorian heritage item to provide appropriate distancing. There is no marked change in terms of heritage impact on the Victorian item between the existing building to the new building, apart from an improved streetscape response in design and amenity. The buildings are of a similar scale and the new building provides a larger setback from the heritage item, and is therefore considered to provide an overall improved heritage outcome.*
- *The subject site is also located in the vicinity of the C2 Town Centre Conservation Area which is significant for its ability to demonstrate the development of the beach-side town centre. The proposal will not impact adversely on any of the heritage values associated with this conservation area.*
- *The proposed excavation across the subject site has been assessed by a structural engineer and would have no adverse physical impact to the heritage item of Drummond House.*

- *The proposed addition of a digital sign to Level 1 of the north façade of the CCK building adjacent to Drummond House would have no adverse impact to the significance of Drummond House. The sign would be recessive in size and would not detract from appreciation of the principal façade of Drummond House.*

*Overall, the proposal is considered to have an acceptable heritage outcome and is recommended for approval from a heritage perspective. The detailed design presented within this HIS and DA has responded to Council's preliminary feedback throughout the S75W Modification and Pre-Lodgement process to address and manage potential concerns.*

*The potential heritage impacts of the removal of the rear wing fabric of Drummond House and development of two new buildings in the immediate vicinity are substantially outweighed by the benefits provided by the new facilities, which would allow the important charitable operations of Royal Far West – which are of state significance – to continue at the subject site.*

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

#### 6.3.4 Acid Sulphate Soils

Pursuant to clause 6.1 MLEP 2013 the site is mapped as Class 4 on the Acid Sulfate Soils (ASS) map and accordingly a preliminary assessment report must be provided given that excavation in excess of 2 metres in depth is proposed.

In this regard, the application is accompanied by a "Site Investigation (Contamination) with Limited Sampling" Report Geotechnical Desktop Assessment prepared by Douglas Partners which at section 11.2 contains the following commentary:

*Soil samples were collected from each borehole to a depth of up to 8 m and subjected to acid sulfate soil screening tests (Table G3, Appendix G). The oxidised pH was above 6.8 in all samples tested indicating a very low probability of acid sulfate soils to a depth of 8 m bgl. Therefore, no further analysis for acid sulfate soil was considered to be warranted.*

*If clay or peat materials are encountered below 8 m then further acid sulfate soil assessment may be warranted. It is noted that the CPTs completed for the concurrent geotechnical investigation (Project 72252.08) did not identify any suspected clay or peat layers to a depth of approximately 20m.*

These provisions are satisfied.

### 6.3.5 Earthworks

In response to the clause 6.2 considerations, the application is accompanied by a Geotechnical Desktop Assessment prepared by Douglas Partners which details the acceptability of the earthworks proposed subject to compliance with a number of recommendations including the preparation of dilapidation surveys on adjoining properties.

### 6.3.6 Flood Planning

Pursuant to clause 6.3 of MLEP 2013, the subject property is identified as potentially affected by flooding. In this regard, this application is accompanied by a Flood Statement prepared by Northrop with such report containing the following conclusions:

*The outcomes of this assessment demonstrate:*

- *That the property is mostly outside of the 1% AEP floodplain.*
- *Flood Planning Levels have been advised in accordance with the Flood Information provided by the Northern Beaches Council, and Flood Study Report “Manly to Seaforth Flood Study Revision 3” (Cardno, 22 February 2019).*
- *Floor levels and the basement entrance to the proposed development achieve Flood Planning Level requirements.*

We also confirm that potential coastal hazards have been addressed in detail in the accompanying Coastal Risk Management Report prepared by Royal Haskoning DHV with such report containing the following conclusions:

*It follows from the above that the coastal risk to the RFW site is not considered to be significant and, accordingly:*

- *the building and other works (including existing works to be retained) do not need to be engineered to withstand current and projected coastal hazards for the design life of the development;*
- *the proposed development would not alter coastal processes to the detriment of the natural environment or other land; and*

- *it is not necessary to put measures in place to ensure there are appropriate responses to, and management of risks associated with, anticipated coastal processes and current and future coastal hazards. Management of the coastal hazards along Manly Ocean Beach will continue to be the responsibility of Council under the existing CMP and under any future Coastal Management Program prepared under the Coastal Management Act, 2016.*

In this regard, consent authority can be satisfied that the proposed development will not be adversely impacted by flood or coastal hazards.

### 6.3.7 Foreshore Scenic Protection Area

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

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

Having regard to these provisions we have formed the considered opinion that the proposed development will not result in any adverse impact on the Foreshore Scenic Protection Area in that:

- The height, scale, spatial relationship to the foreshore and associated shadowing are not inconsistent with those detailed within the Concept Plan, as modified, with the development displaying design excellence.
- The proposal will not result in any potential conflict between land-based and water-based coastal activities.
- The proposal exhibits design excellence and will significantly enhance the scenic qualities of the coastline.

- Having regard to the Land and Environment Court of NSW planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed building offensive, jarring or unsympathetic to its context or surrounds.

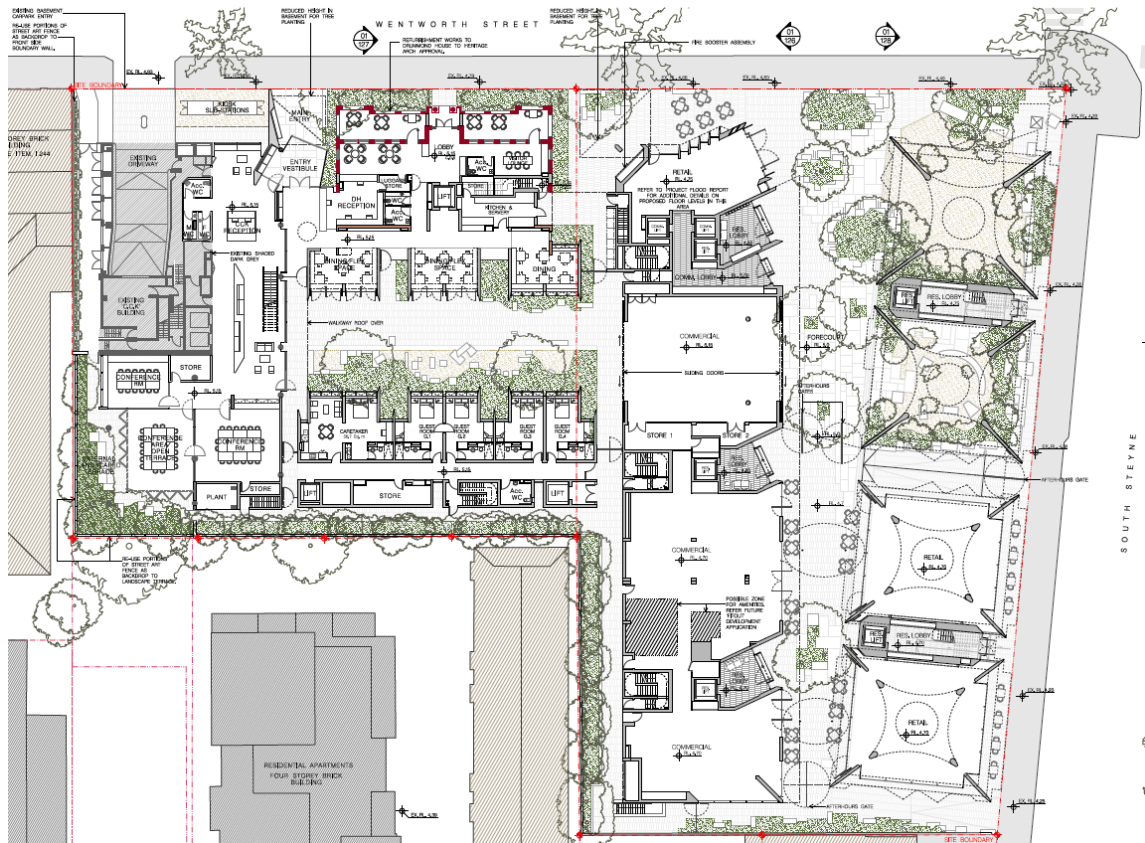
For these reasons, the consent authority can be satisfied that the development will not give rise to any actual or perceived impact on the Foreshore Scenic Protection Area having regard to the Clause 6.9 considerations.

### 6.3.8 Active Street Frontages

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

The ground floor plan extract at Figure 13 over page demonstrates that the Wentworth Street frontage will be appropriately activated by the existing CCK building, the provision of a Wentworth Street facing retail tenancy and the landscaped publicly accessible open space courtyard proposed between Buildings C and D which will encourage pedestrian movement into the site where the public can take advantage of the ground floor commercial uses proposed.

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



**Figure 13** - Ground floor plan extract showing active street frontages

The objective of the standard is achieved.

### 6.3.9 Essential Services

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

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

We confirm that the above essential services are able to be accommodated/ provided with provision made for kiosk substations adjacent to the frontage of CCK.



### 6.3.10 Design Excellence

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

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

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

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

Comment: This report clearly demonstrates that the height, bulk, scale and form of development proposed is consistent with the urban design outcomes sought through approval of Section 75W modification application noting that the arrangement of buildings on the site as detailed within this application satisfy the provisions of SEPP 65 and achieve design excellence.

In this regard, the streetscape and quality of the public realm will be significantly enhanced as a consequence of the development proposed.

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

Comment: The development appropriately defines the Wentworth Street and South Steyne boundary interfaces through separation, setbacks, amenity, and boundary treatments. We rely on the accompanying Architectural and Landscape Design Statements at **Appendix G and H**.

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

Comment: The proposal seeks to utilise the driveway entrance to the existing CCK building to prevent the need for a second driveway crossing and enhance pedestrian circulation and safety around the perimeter of the site.

Street clutter is also minimised through the provision of basement waste storage and collection areas.

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

Comment: The development incorporates residential uses and associated balconies providing excellent levels of casual surveillance to the street and surrounding public domain.

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

Comment: The documentation prepared in support of this application demonstrates that the height, form, massing and setbacks of the proposal will not give rise to any unacceptable or jarring visual impacts having regard to the height, form, massing and setbacks established by surrounding development and development generally with the site's visual catchment

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

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

The proposed development is to be extensively landscaped in accordance with the accompanying landscape plans prepared by Jane Irwin Landscape Architecture. The landscaping has been designed as a fundamental and integrated component of the overall scheme as detailed within the Landscape Design Statement (LDS) at **Appendix H**. An extract of the LDS is as follows:

#### Landscape Design Statement

*Landscape design responds to the physical parameters of the site: the immediate natural context of the ocean and the shore, and sandstone gullies and cliffs of areas to the north; the urban form of streetscape and existing buildings; and the proposed building form and character that will be the frame of the development. The cultural values and program needs of Royal Far West also shape the character and physical form of the landscape.*

*Landscape has been imagined as a series of spaces that weave through the cluster of existing, heritage and new buildings of the Royal Far West (RFW) proposal, tying edges to the street and wider landscape; giving expression to RFW's rich cultural history and significance - making a series of courtyards at ground floor, and usable and green spaces on roofs.*

*Architecture and landscape are closely integrated in form and character; JILA has worked with the architectural team to ensure that framing of views is maintained, and that materials and planting enhance architectural aspirations and aesthetic. JILA has also consulted with many of RFW's stakeholders and user groups to ensure that the landscape areas complement, enhance and facilitate RFW's daily charitable operations*

### *Response to Country*

*We recognise that the site is on the land of the Gaimaragal people, and that there are many other Aboriginal nations and cultures that have a relationship with RFW. We expect that future meaningful engagement with Aboriginal communities, together with the local Knowledge that RFW has attained through both the development of the First Nations Design Brief and RAP engagement activities, will enrich design development and our understanding of this place and community specific cultural interpretations and practices.*

*Our approach to design is guided by a response to place, thinking about landscape as a connective ground, and all the elements that make a place – soil, geology, plants, animals, air, water and people. In past projects, the Aboriginal communities that we have worked with have encouraged this approach as a way of building on a sense of place, and with that prior knowledge and RFW's cultural advice and guidance, our thinking is guided towards:*

- working in a way that priorities caring for Country through repair;*
- planting to reflect seasons as understood by local Aboriginal people;*
- the idea of individual connection to nature;*
- providing opportunities for continuing engagement of Aboriginal people with the place, including potential economic opportunities;*
- the opportunity to acknowledge local Traditional Owners and their customs, culture, heritage and the local history of the area; and*
- honouring all First Nations people and their contribution to Country*

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

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

Comment: Having inspected the site and its immediate surrounds we have formed the considered opinion that the proposed development will not give rise to any unacceptable view impacts from surrounding properties and certainly not to the extent that such impact could be considered inconsistent with that anticipated through approval of the original concept plan. A significant view corridor is maintained down the Wentworth Street alignment from the residential properties located on the northern side of Wentworth Street. A view sharing outcome is maintained.

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

Comment: As previously indicated, the proposed development displays design excellence in terms of architectural detailing, materiality and building topology. In this regard, we rely on the accompanying Architectural Design Statement at **Appendix G**.

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

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

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

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

Having regard to the development's performance when assessed against the clause 6.13 design excellence provisions we have formed the considered opinion that the development exhibits design excellence and therefore satisfies the LEP, DCP and Concept Plan provisions.

### **6.3.11 Gross Floor Area in Zone B2**

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

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

We note that this provision derogates from the concept plan approval and to that extent and not a relevant consideration in relation to the current application.

## 6.4 Manly Development Control Plan 2013

**Table 1 – Summary Compliance Table – Manly DCP 2013**

PROVISION	REQUIREMENT	PROPOSAL
Part 3 – General Principles of Development		
3.2.2 Alterations or Additions to Heritage Items or Conservation Areas	Retain significant features and landscape setting	Compliant. Significant features are retained. Complimentary landscaping proposed. Refer to accompanying Heritage Impact Statement (HIS) and Conservation Management Plan (CMP) for Drummond House prepared by URBIS.
3.4.1 Sunlight Access and Overshadowing	Provide equitable and adequate access to light and sunshine to penetrate private open spaces and windows within the development site and the adjoining properties.	Compliant. The proposal maintains the sunlight access and overshadowing outcomes anticipated through approval of the Concept Plan, as modified.
3.5 Sustainability	Non-residential development involving a GFA more than 500sqm set and meet criteria for energy efficiency/ conservation through an Energy Performance Report.	Compliant. This application is accompanied by a ESD Energy Performance and Green Star Report prepared by Aspire Sustainability Consulting which details the ESD initiatives that have been considered and incorporated into the proposal. The report demonstrates compliance with the requirements at Schedule 3 of the Modified Concept Approval being the incorporation of design initiatives consistent with a 5 Star Design & As Built v1.3 rating across all stages of the development.
3.6 Accessibility	Ensure equitable access within all new developments and improved levels of access to any refurbishments.	Complaint. Proposed new development and alterations ensure equitable access to people with a disability as detailed in the Statement of Compliance - Access for People with a Disability prepared by Accessible Building Solutions.
3.8 Waste management	Garbage storage areas must be of sufficient size to store the number of bins required by Council.	Compliant. The basement located waste storage and collection rooms will adequately store required bins. Refer to the accompanying Waste Management Plan prepared by Low Impact Development Consulting.
Part 4 – Development Controls and Development Types		
Not applicable. Built form and height is established by the Concept Plan approval.		

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

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

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

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

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

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

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

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

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

The proposed development involves the construction of a new residential flat buildings which will be 5 and 8 storeys in height and contain 58 residential apartments. As per the definition of a ‘Residential Flat Building’ and the provisions of Clause 4 outlining the application of the Policy, the provisions of SEPP 65 are applicable to the proposed development.

Clause 28(2)(b) SEPP 65 requires any development application for residential flat development to be assessed against the 9 design quality principles contained in Schedule 1. The proposal's compliance with the design quality principles is detailed in the SEPP 65 Design Verification Statement at **Appendix K**.

Pursuant to clause 28(2)(c) of SEPP 65 in determining a development application for consent to carry out residential flat development the consent authority is required to take into consideration the Apartment Design Guide. In this regard an Apartment Design Guide compliance table is attached at **Appendix K**.

The proposed development satisfies the provisions of SEPP 65 and the ADG as outlined.

#### 6.7 State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 aims to facilitate the effective delivery of infrastructure across the State. The SEPP identifies matters for consideration in the assessment of development adjacent particular types of infrastructure development.

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

#### 6.8 State Environmental Planning Policy (Resilience and Hazards) 2021

The site is identified on the SEPP map as being within the Coastal Environmental Area Map and Coastal Use Area Map, as shown in Figure 14 over page:





**Figure 14 - SEPP Coastal Management map extract**

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

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
  - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - (b) *coastal environmental values and natural coastal processes,*
  - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*

- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

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

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

*(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*

*(a) has considered whether the proposed development is likely to cause an adverse impact on the following:*

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

*(b) is satisfied that:*

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

The proposed development does not impact on the foreshore processes, access or the amenity of the foreshore area. The development has been demonstrated to be consistent with the desired future character, the Concept Approval and with the scale of development along the foreshore area.

Clause 15 of the SEPP states:

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

The consent authority can be satisfied that the proposed development will not give rise to any adverse coastal management consequences.

The SEPP also aims to provide for a State-wide planning approach to the remediation of contaminated land. Clause 4.6 of the SEPP requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land.

In this regard, the application is accompanied by a Preliminary Site Investigation (PSI) and Remediation Action Plan (RAP) prepared by Douglas Partners which identifies potential contaminants on the site with the conclusion contained within the RAP confirming that following implementation of its recommendations the project site will be made suitable for the intended land uses.

## 6.9 Other Relevant Matters for Consideration

### 6.9.1 Built Form and Character

#### Strategic Context

Manly Town Centre is a major tourism and visitor destination in Sydney that provides a mix of retail, tourism and residential uses which are well connected to a range of strategic public transport options. Manly is also the key industry cluster for health services in the North East Subregion.

Strengthening and supporting industry clusters for medical purposes in Manly is a strong focus of key strategic policy documents including the NSW State Plan, draft Metropolitan Strategy for Sydney and North Subregional Strategy. Aligned with this strategic framework, the DA is seeking to rationalise the site and improve its overall community wellbeing offering.

#### Height

Building height has been distributed across the site in a contextually appropriate manner consistent with the outcomes sought by the modified Concept Plan approval. The building heights proposed achieve the SEPP 65 and design excellence outcomes prescribed at Part B of the Concept Plan.

#### Density

We confirm that the proposed development has a total GFA well below the maximum prescribed FSR for development on the site of 3:1. The compliant FSR has been appropriately distributed across the site to achieve the SEPP 65 and design excellence outcomes prescribed at Part B of the Section 75W Concept Approval.

#### Building Envelope

The proposed building envelopes have been developed through detailed site analysis and achieve the SEPP 65 and design excellence outcomes prescribed at Part B of the Concept Plan as they relate to the maintenance of appropriate streetscape, urban design, heritage conservation and residential amenity outcomes as they relate to views, privacy and solar access.

## Design Excellence

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

We rely on the Architectural Design Statement, Landscape Design Statement and SEPP 65 Architect Design Verification Statement at **Appendix G**, **Appendix H** and **Appendix K** of this report to demonstrate design excellence.

## Noise

The application is accompanied by an Acoustic Assessment prepared by Acoustic Logic. This report assesses potential noise impacts associated with the proposed development and confirms that the external noise emissions criteria have been established in this report to satisfy the requirements from the following documents:

- Northern Beaches Council *Manly Development Control Plan* DCP 2013, and
- New South Wales Environmental Protection Authority (EPA) Noise Policy for Industry (NPI) 2017.

## View Impact

Having inspected the site and its immediate surrounds we have formed the considered opinion that the proposed development will not give rise to any unacceptable view impacts from surrounding properties and certainly not to the extent that such impact could be considered inconsistent with that anticipated through approval of the modified concept plan. A significant view corridor is maintained down the Wentworth Street alignment from the residential properties located on the northern side of Wentworth Street including, but not limited to, Apartments 331 and 332/25 Wentworth Street with the views retained as a consequence of the S75W modification approval not compromised as a consequence of this application. A view sharing outcome is maintained.

Further, we confirm that the views available from Apartment No. 6/ 29 Victoria Parade and the Level 2 Apartment No.9/ 29 Victoria Parade down the southern boundary of the property towards Manly Beach as a consequence of the section S75W modification approval are maintained and to that extent a view sharing outcome is achieved.

We note that views to and from the site, and the developments visual openness, are significantly increased through the adoption of a ground floor plane which now allows views of the foreshore precinct from the public domain through the project. Visual blocking elements such as a street wall along South Steyne have been removed. There has been a reprioritisation of view sharing (from the Part 3A) from the private to the public domain. On balance this is seen as a superior outcome when compared to the visual amenity afforded by the original Concept Plan design.

### Solar Access

Shadow diagrams have been prepared to assess the proposed impact on solar access to neighbouring properties between 9am and 3pm for the Winter Solstice (June 21). It can be seen from these diagrams the shadowing associated with the proposed works are generally consistent with the shadow impacts from the modified Concept Plans and are considered acceptable in this regard.

In this regard, we note that Schedule 2 Part B – Modifications of the approval instrument requires that future development applications shall ensure that Apartment 22 in No. 29 Victoria Parade receive at least 2 hours of sunlight to living rooms and private open space in midwinter. The accompanying shadow diagrams demonstrates compliance with this approval instrument requirement.

We have formed the opinion that the development maintains appropriate levels of solar access to neighbouring properties given that the apartments within the surrounding properties which were afforded compliant levels of solar access as a consequence of the Part 3A Concept Approval will continue to receive compliant levels of solar access in accordance with the Part 4A Solar and daylight access design criteria contained within the ADG.

### 6.9.1 Building Code of Australia

The application is accompanied by a Building Code of Australia Compliance Capability Statement prepared by City Plan. This report contains a following conclusion:

*The design as proposed is capable of complying with the Building Code of Australia and will be subject to construction documentation that will provide appropriate details to demonstrate compliance.*

*This report has identified areas of non-compliance with the deemed-to-satisfy provisions and indicates the design intent to modify the design or demonstrate compliance with the Performance Requirements of the BCA. Whilst the performance-based solutions are to be design developed, it is my view that the solutions will not impact on the current design.*

### 6.9.2 Biodiversity

The subject property is not identified on Council's Terrestrial Biodiversity map and accordingly no flora and fauna assessment is required.

### 6.9.3 Archaeological Impact

This submission is accompanied by a Historical Archaeological Impact Assessment prepared by URBIS with such report containing the following conclusions and recommendations:

*This assessment has identified the following:*

- *The subject site has nil potential to contain archaeological resources associated with the early European settlement of the area (1810-1876). This determination is based the lack of historical evidence to suggest that the subject site had been occupied and utilised during this time, despite ownership by D'Arcy Wentworth*
- *The subject site has moderate-high potential for locally significant archaeological relics associated with residential occupation of the site from 1877 onwards.*

- *The archaeological potential of the subject site is demonstrated by the potential structural remains associated with the Sandhurst and the Bungalow cottages, the Yandilla flats, the Bucklawen and Willyama terraces and associated outhouses. Deeper archaeological features such as cesspits may be present to the rear of some of the former properties along Wentworth Street, such as the Sandhurst and the Bungalow cottages. Furthermore, archaeological resources including artefactual deposits may be identified in areas across the subject site resulting from intentional or incidental discard.*
- *There is nil-low potential for underfloor deposits to occur beneath Drummond House.*
- *Geotechnical investigations confirm the presence of subsurface structures to the south-east of the subject site.*
- *The proposed works will result in an impact to identified potential resources of local significance through bulk excavation across the majority of the subject site.*

*As a result of these conclusions, Urbis recommends the following:*

1. *An Archaeological Research Design (ARD) be prepared by a suitably qualified archaeologist to develop a methodology for the investigation and management of potential locally significant relics across the subject site. This should include methodologies for monitoring and test excavation, as well as salvage excavation should that be deemed necessary.*
2. *A Section 140 Excavation Permit be prepared and submitted to Heritage New South Wales prior to the commencement of any works on the site, accompanied by the completed Excavation Director Criteria and the ARD.*

#### 6.9.4 Construction Management

We confirm that the application is accompanied by a preliminary Construction Traffic Management Plan (CTMP) prepared by Stantec which will be refined in response to any conditions applied to the development consent and upon appointment of the project builder.



### 6.9.5 Crime Prevention Through Environmental Design (CPTED)

This application is accompanied by a CPTED report prepared by Harris Crime Prevention Services. This report assesses the proposal against the applicable statutory considerations and confirms that the development's incorporation of CPTED principles adheres to the State Government's "social impact" and "public interest" requirements, under Section 4.15 of the New South Wales Environmental Planning and Assessment Act, 1979, as amended, and with the Act's regulatory guidelines.

### 6.9.6 Economic Impact

The proposed development seeks to revitalise a currently out-dated health and education facility and increase its capacity to serve this role. The accompanying CIV report prepared by MBM estimates of the proposed development will generate approximate 376 construction jobs with the RFW campus generating approximately 300 full-time employment opportunities. The redevelopment will promote social welfare and bolster tourism, retail and broader economic welfare of the community.

The increase in visitors to the site will increase localised retail expenditure, while the expenditure of the workforce population will be retained.

### 6.9.7 Social Impact

The application will finalise the process of updating the current out-dated, dilapidated and poorly coordinated facilities on the site with modern facilities which will secure the financial future of RFW and allow the organisation to improve and reinforce its legacy of caring for country kids.

### 6.9.8 Site Suitability

The suitability of the site for the proposed works has been established through the approved Concept Plan (MP10\_0159 MOD 1). In summary, the site is considered suitable for the proposed development in that it:

- was found to be suitable for the development through the assessment of the Concept Plan by the Department of Planning and approval by the PAC;

- is ideally located within Manly Town Centre. Staff and visitors will have access to numerous transport options, as well as access to a range of restaurant, entertainment and recreation options;
- is within an established area with electricity, telephone, water and sewerage infrastructure already established;
- can accommodate the parking needs of the proposed development without having a negative impact on the surrounding road network;
- can accommodate the proposed excavation without unacceptable impacts on the natural environment; and
- does not contain any significant flora or fauna species.

#### 6.9.9 The Public Interest

The approved Concept Plan has established the proposal is in the public interest. Further, the proposal is in the public interest in that it:

- increases the capability of the Royal Far West in terms of its services to the community, and improves the built quality of the facility in its local context,
- maintains employment currently provided on the site,
- brings additional visitors to contribute to localised spending and support the vitality of the town centre,
- creates the opportunity for employment during the construction phase, as well as on-going building, site and landscaping maintenance, and
- will not have unacceptable acoustic, privacy or shadowing impacts on the surrounding properties beyond what was approved under the Concept Plan.

The proposal is in the public interest in that it enables the continued provision of the core services and functions that RFW has deliver to rural children for over 97 years whilst providing for a development displaying design excellence in its response to Country, its retention and adaptive reuse of the historical significant elements of Drummond House, its contribution to the public domain through the provision of a publicly accessible forecourt area and its provision of a mixture of retail, commercial and health service land uses available for the use and enjoyment of the wider community.

## **6.10 Section 4.15 EP&A Act Assessment Summary**

### **6.10.1 Environmental Planning Instruments**

The proposal is found to be generally in accordance with the applicable Environmental Planning Instruments.

### **6.10.2 Draft Environmental Planning Instruments**

There are no draft environmental planning instruments applicable to the site.

### **6.10.3 Development Control Plans**

The proposal is found to be generally in accordance with the applicable Development Control Plans.

### **6.10.4 Any Planning Agreement**

There is no planning agreement in place.

### **6.10.5 Any Matters Prescribed by the Regulations**

There are no matters prescribed by the regulations which relate to this proposal.

### **6.10.6 Likely Impacts of the Development**

Any anticipated impacts from the proposal are considered minor and can be mitigated as recommended by relevant consultant reports.

### **6.10.7 Suitability of this Site**

The suitability of the site for the proposed development has been established through the approved Concept Plan.

The proposal is generally consistent with the approved Concept Plan, as modified by the Section 75W application, and therefore is considered to continue to be appropriate for the site.

### **6.10.8 Any Submissions Made in Accordance with the Act or the Regulations**

Council will undertake the normal statutory notification process and give due consideration to any submissions received.

### 6.10.9 Public Interest

As previously indicated, the proposal is in the public interest in that it enables the continued provision of the core services and functions that RFW has deliver to rural children for over 97 years whilst providing for a development displaying design excellence in its response to Country, its retention and adaptive reuse of the historical significant elements of Drummond House, its contribution to the public domain through the provision of a publicly accessible forecourt area and its provision of a mixture of retail, commercial and health service land uses available for the use and enjoyment of the wider community.

## 7.0 Conclusion

This document has been prepared in support of a development application proposing the implementation of Stages 3 and 4 of the Part 3A Concept Plan approval (Application # MP10\_0159 MOD 1)

Specifically, the works involve the retention of the previously constructed Stages 1 and 2 (hospital facility “Centre for Country Kids’ now known as the ‘CCK’ building) as well as alterations and additions to Drummond House and the construction of mixed use buildings which incorporate tourist and visitor accommodation, residential apartments and retail/ commercial uses with basement parking and landscaping.

We confirm that RFW has engaged Murcutt Candalepas architects to design the remaining stages of the Concept Plan approval having regard to a clear operational specific design brief from RFW and the modifications prescribed at Part B of the approval which collectively seek to ensure compliance with SEPP 65 and to achieve design excellence.

In the preparation of this application direct and indirect consultation has occurred with Federal and Local Members of Parliament, NSW Government authorities and agencies, the Chamber of Commerce, local newspapers, neighbouring property owners, First Nations stakeholders and Community groups including schools and local business owners. Broader community engagement also occurred via the project microsite, community newsletters and the “Zoom” video conferencing platform.

The final design and detailing of the proposal have also been informed by the community and stakeholder consultation undertaken and the comments and recommendations received from the State Design Review Panel (SDRP), the Northern Beaches Design and Sustainability Advisory Panel (DSAP) and the minutes arising from formal pre-lodgement discussions with Northern Beaches Council (PLM2020/0144) and (PLM2021/0262).

This submission demonstrates that the consent authority can be satisfied that the development is generally consistent with the terms of the approval of the Concept Plan, as modified, pursuant to Clause 3B of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (Transitional Regulations)*.

This document addresses the relevant matters for consideration pursuant Section 4.15 of the Act and other relevant considerations. The proposed development exhibits design excellence and represents a positive development outcome for the site, surrounding area and the community as a whole for the following reasons:

- The proposed development exhibits design excellence and has been designed in accordance with the modified Concept Plans (MP10\_0159 MOD 1).
- The proposal strategically aligns with a range of social, economic, employment and environmental outcomes that are reinforced in the relevant local, sub-regional and state planning strategies.
- The application will finalise the process of updating the current out-dated, dilapidated and poorly coordinated facilities on the site with modern facilities which will secure the financial future of RFW and allow the organisation to improve and reinforce its legacy of caring for country kids.
- RFW has engaged two of Australia's most renowned Architects – Glenn Murcutt AO and Angelo Candalepas – to design the final stages of the RFW campus. The Murcutt - Candalepas vision for the site will ensure the new RFW health and wellbeing campus becomes a beacon for intelligent, modern and contemporary design that respects its surroundings and its proximity to the iconic Manly Beach.
- The proposal is in the public interest in that it enables the continued provision of the core services and functions that RFW has deliver to rural children for over 97 years whilst providing for a development displaying design excellence in its response to Country, its retention and adaptive reuse of the historical significant elements of Drummond House, its contribution to the public domain through the provision of a publicly accessible forecourt area and its provision of a mixture of retail, commercial and health service land uses available for the use and enjoyment of the wider community.

The proposal succeeds when assessed against the relevant matters for consideration pursuant to Section 4.15 of the Act and is appropriate for the granting of consent.

**Boston Blyth Fleming Pty Limited**



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

- Appendix A** Section 75W Approved Concept Plans
- Appendix B** Section 75W Concept Plan Approval Instrument
- Appendix C** Clinical support letter prepared by Professor Elizabeth Elliott AM - Director and Clinical Specialist on the Royal Far West Board
- Appendix D** Support letter from RFW service and accommodation user
- Appendix E** Support letter from Royal Far West School
- Appendix F** Support letter from RFW regarding the retention of the existing authorised vehicle zone adjacent to Drummond House
- Appendix G** Architectural Design Excellence Statement
- Appendix H** Landscape Design Statement
- Appendix I** Response Table – Northern Beaches Council pre-lodgement meeting minutes PLM2021/0262
- Appendix J** Compliance Table – Approval Instrument Schedule 2 Terms of Approval and Schedule 3 Future Environmental Assessment Requirements (as modified)
- Appendix K** SEPP 65 Design Verification Statement and Apartment Design Guide Compliance Table