



IRF24/876

Gateway determination report – PP-2022-2732

Former Manly Hospital Site, 150 Darley Road, Manly

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal, February 2024
Attachment A1 – Planning Principles, March 2024
Attachment A2 – Concept Master Plan Report, July 2023
Attachment A3 – Community Needs Analysis and Social Strategy, July 2020
Attachment A4 – Heritage Assessment Report, April 2018
Attachment A5 – Aboriginal Archaeological Due Diligence Assessment, March 2018
Attachment A6 – Ecological Constraints Report, July 2020
Attachment A7 – Transport Assessment, February 2022
Attachment A8 – Bushfire Report, April 2022
Attachment A9 – Geotechnical Report, July 2020
Attachment A10 – Stormwater Strategy Report, July 2020
Attachment A11– Public Domain and Landscaping Strategy, July 2020
Attachment A12 – Services Strategy, August 2020
Attachment A13 – Site Audit Report, February 2021
Attachment A14 – NSW RFS Correspondence, January 2021
Attachment A15 – National Parks and Wildlife Service Correspondence, November 2021

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Northern Beaches
PPA	Northern Beaches Council
NAME	Former Manly Hospital Site
NUMBER	PP-2022-2732
INSTRUMENTS TO BE AMENDED	Manly Local Environmental Plan (LEP) 2013 State Environmental Planning Policy (SEPP) (Precincts – Eastern Harbour City) 2021
ADDRESS	150 Darley Road, Manly
DESCRIPTION	Lots 2619, 2727, 2728 and 2774 DP 752038
RECEIVED	9/02/2024
FILE NO.	IRF24/876
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to amend the Manly LEP 2013 and the SEPP (Precincts – Eastern Harbour City) 2021 to enable the redevelopment of the subject site as a ‘health and wellbeing precinct’ while maintaining the ecological and heritage values of the site.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Manly LEP 2013 by amending:

- The Key Sites Map by replacing the existing annotation ‘Manly Hospital’ with ‘150 Darley Road, Manly’.
- Schedule 1 (Additional permitted uses) to permit the following uses on the land zoned SP2 Lot 2619 in DP 752038:

Group home, Community facility, Educational establishment, Take away food and drink premises, Restaurant or café, Centre-based child care facility, Indoor recreational facility, Neighbourhood shop, Function centre, Respite day care centre, Seniors housing

- Schedule 1, as it applies to Lot 261 in DP 752038, to incorporate a provision that requires adequate services to be provided before residential uses can be developed.
- Schedule 5 (Environmental Heritage) and the relevant heritage map to amend local heritage item 133 and introduce a new local heritage item 286, as follows:

Table 3 Proposed Schedule 5 reference

Suburb	Item name	Address	Property Description	Significance	Item no
Manly	Former Manly Hospital Complex (including Building 1 Façade, Main Ward Block Building 2, Kiosk Building 5, Kitchen Building 15, Nurses Home Building 22, Sandston boundary walls and alignment, and bushland areas).	150 Darley Road, Manly	Lots 2619, 2727 and 2774, DP 752038	Local	133
Manly	Parkhill Cottage (Building 20) and associated stables.	150 Darley Road, Manly	Lot 2728, DP 752038	Local	286

The planning proposal also seeks to amend the SEPP (Precincts- Eastern Harbour City) 2021 to:

- prescribe the site as a State Significant Precinct.
- include Planning Principles to inform the preparation of a future masterplan for the subject site.
- require a masterplan to be approved prior to any development consenting being granted for future development.

The planning proposal seeks to amend the Manly LEP 2013 per the changes below:

Table 4 Current and proposed controls

Control	Current	Proposed
Zone	SP2 Infrastructure (Health Services Facilities) C2 Environmental Conservation	SP2 Infrastructure (Health Services Facilities) C2 Environmental Conservation
Key Sites Map (annotation)	Manly Hospital	150 Darley Road, Manly
Schedule 1 (Additional permitted uses) to be applied to Lot 2619 in DP 752038 only	N/A	Group home, Community facility, Educational establishment, Take away food and drink premises, Restaurant or café, Centre-based child care facility, Indoor recreational facility, Neighbourhood

Control	Current	Proposed
		shop, Function centre, Respite day care centre, Seniors housing
Site-specific provision	N/A	Lot 261 DP752038 - adequate services to be provided before residential uses can be developed.
Heritage Items	Item no: 133 Item name: Manly district Hospital (formal principal building) Property description: Part of Lot 2619, DP 752038 Significance: Local	Item no: 133 Item name: Former Manly Hospital Complex (including Building 1 Façade, Main Ward Block Building 2, Kiosk Building 5, Kitchen Building 15, Nurses Home Building 22, Sandston boundary walls and alignment, and bushland areas). Property description: Lots 2619, 2727 and 2774 DP752038 Significance: Local
	N/A	Item no: 286 Item name: Parkhill Cottage (Building 20) and associated stables. Property description: Lot 2728 DP752038 Significance: Local

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

Planning Principles

The planning proposal seeks an amendment to SEPP (Precincts – Eastern Harbour City) to recognise the site as a State Significant Precinct. This amendment would include the need to prepare a future master plan that would be adopted by the Minister. The SEPP (Precincts – Eastern Harbour City) identifies matters to be included in a master plan, such as building envelopes and massing, environmental considerations, infrastructure requirements, and can include “any other matters specified by the Planning Secretary”. The intention of the Planning Principles is to ensure a reasonable built form outcome on the site in lieu of specific built form controls in the Manly LEP 2013 or a Development Control Plan (DCP).

Northern Beaches Council has submitted a version of principles (dated 13 March 2024) that have predominantly been agreed to by Council and Property & Development NSW (Landowner). However, they have been unable to reach an agreement on the principles relating to the area zoned C2 Environmental Conservation (Lot 2727 DP 752038) on the south-west portion of the subject site.

The Heritage Assessment Report (prepared by Paul Davies Pty Ltd), recommends the subject land be listed as a heritage item in Schedule 5 of the Manly LEP 2013 as it is of heritage significance. The Bushfire Assessment (prepared by Peterson Bushfire) proposes to locate the Asset Protection

Zone (APZ) over the subject Lot to reduce the risk of bushfire on any future development on Lot 2727 DP 752038.

Given the principles are still being worked on by Council and Property & Development NSW, it is recommended that a Gateway Condition is included that the outstanding issues relating to the principles are resolved prior to the planning proposal proceeding to public exhibition.

1.4 Site description and surrounding area

The site is identified as 150 Darley Road, Manly with a legal description of Lots 2619, 2727, 2728, and 2774 in DP 752038.

The site (**Figure 1**) currently consists of the buildings associated with the former Manly Hospital. This includes a local heritage item, known as the 'Manly District Hospital' (former principal building) (**Figure 5**), which occupies the northern portion of the site where it interfaces with Darley Road. The eastern portion of the site contains the Manly Adolescent and Young Adult Hospice and various patches of vegetation. The southern portion of the site is largely vegetated and contains an area of Littoral Rainforest and Proximity to Littoral Rainforest Area, which is an Endangered Ecological Community (EEC) (**Figure 3**).

The site is located on the southern side of Darley Road and the Manly Peninsula, 1.5km heading east from the Manly Town Centre. The site is 1.2km from the Manly Ferry Wharf and 11kms to the Sydney Central Business District (**Figure 2**).

The site is directly bound by education establishments to the north, including the International School of Management and St Paul's Catholic College. The Sydney Harbour National Park is located to the east and south. Low density residential uses are located north-west.



Figure 1 Subject site (source: Sixmaps - April 2024)



Figure 2 Site context (source: Concept Master Plan Report, 2023)

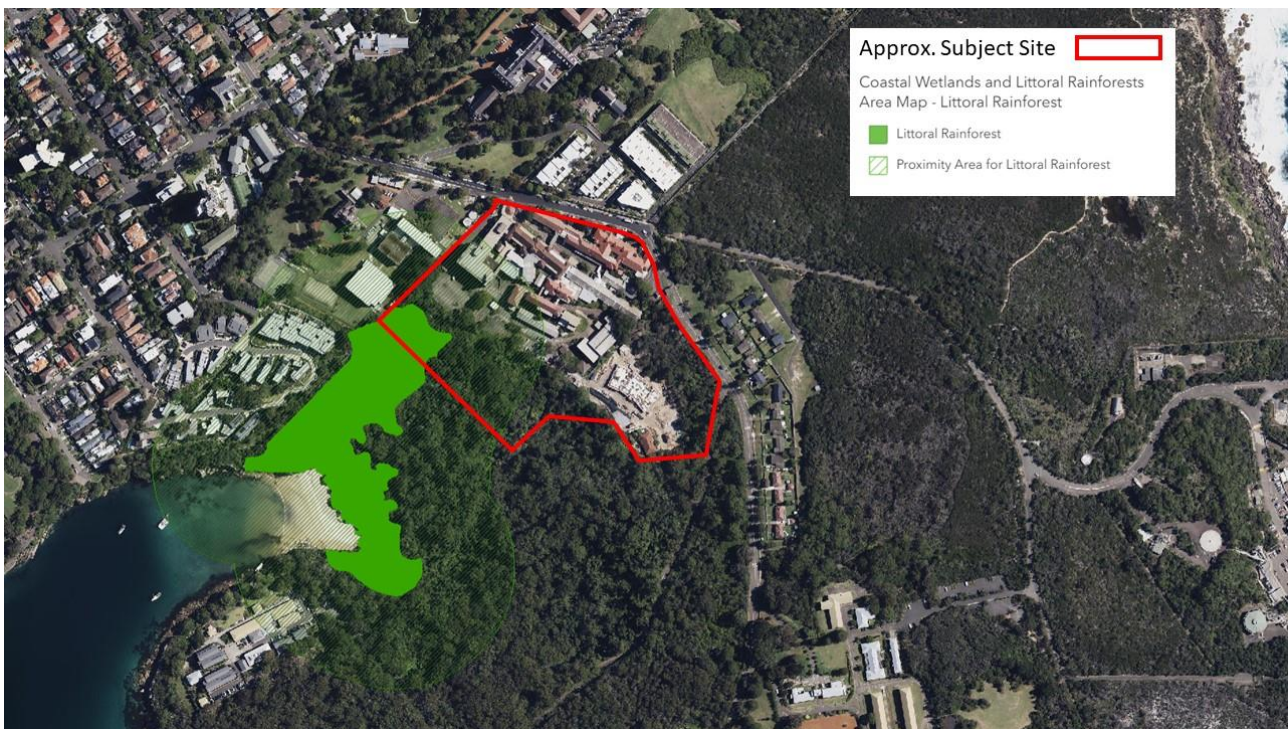


Figure 3 Coastal Wetlands and Littoral Rainforests Area Map (source: SEPP (Resilience And Hazards) 2021 – April 2024)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Heritage map, which is suitable for community consultation. The planning proposal will need to be updated to include draft maps for the proposed amendments to the Key Sites map. This is reflected in the Gateway determination.

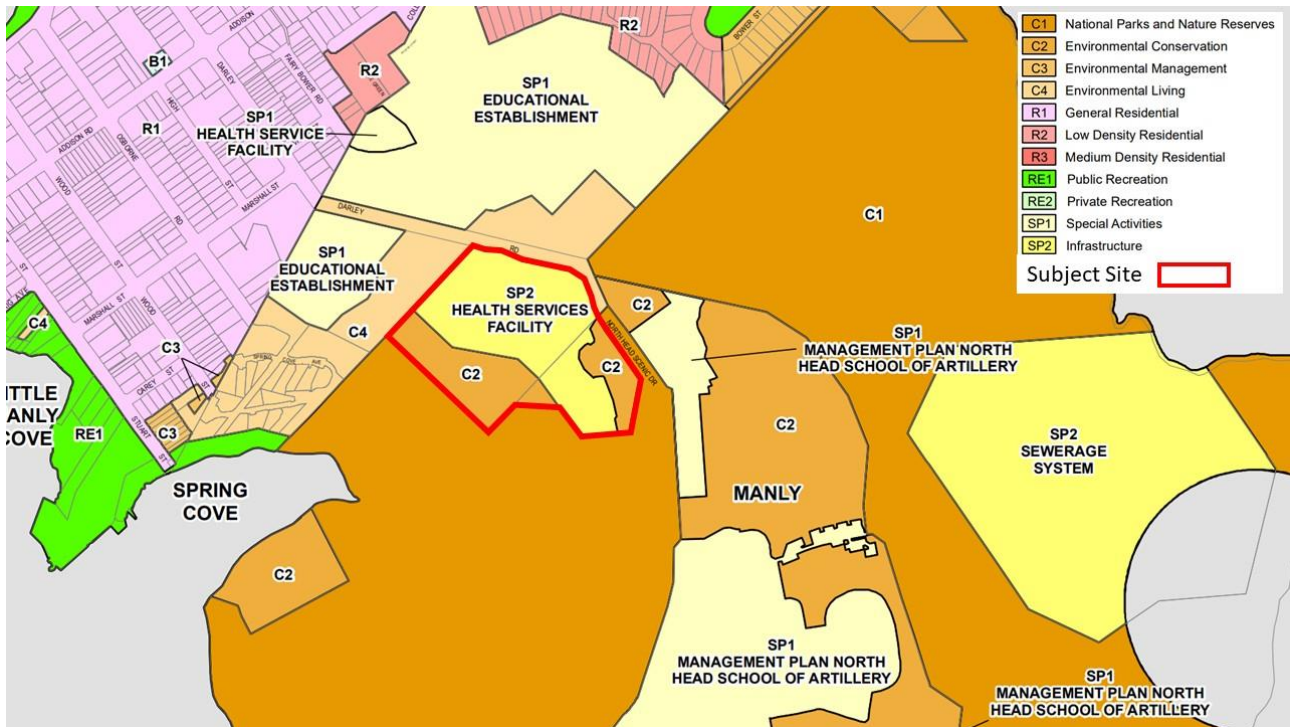


Figure 4 Current zoning map (source: NSW Legislation Website, April 2024)

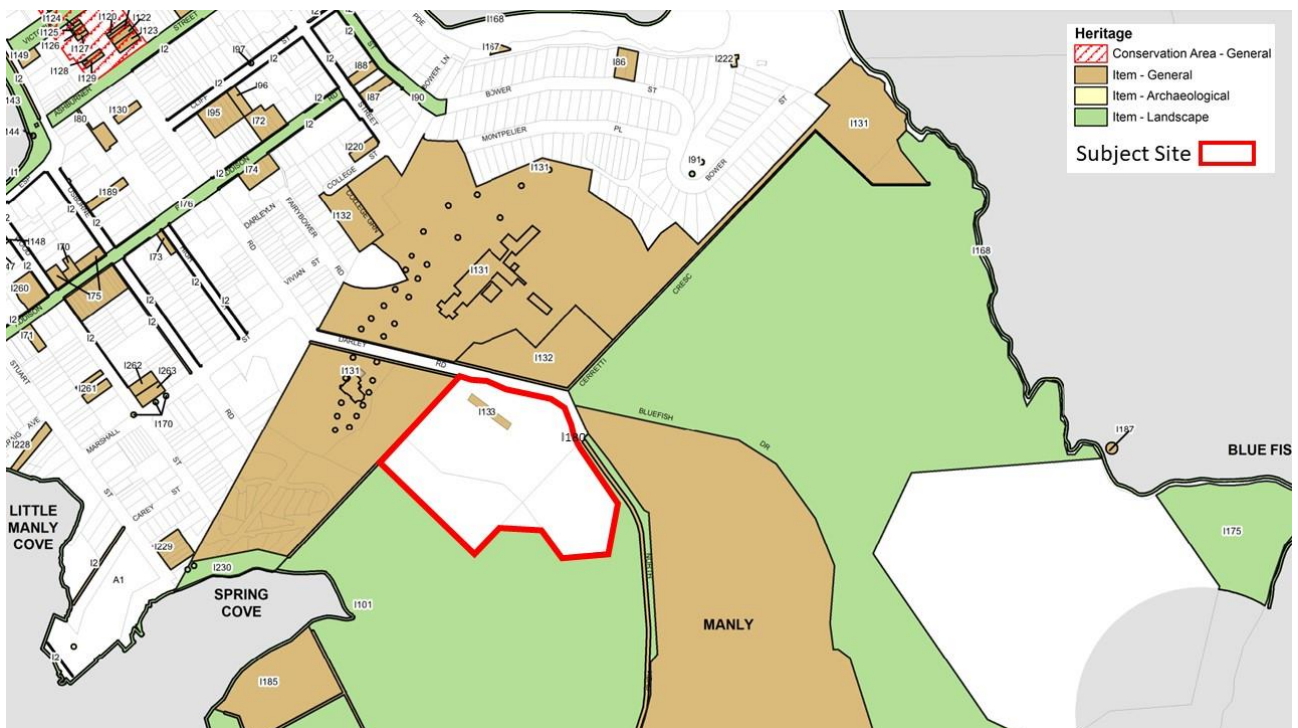


Figure 5 Current heritage map (source: NSW Legislation Website, April 2024)



Figure 6 Proposed heritage map (source: amended NSW Legislation Website, April 2024)



Figure 7 Current key sites map (source: NSW Legislation Website, April 2024)

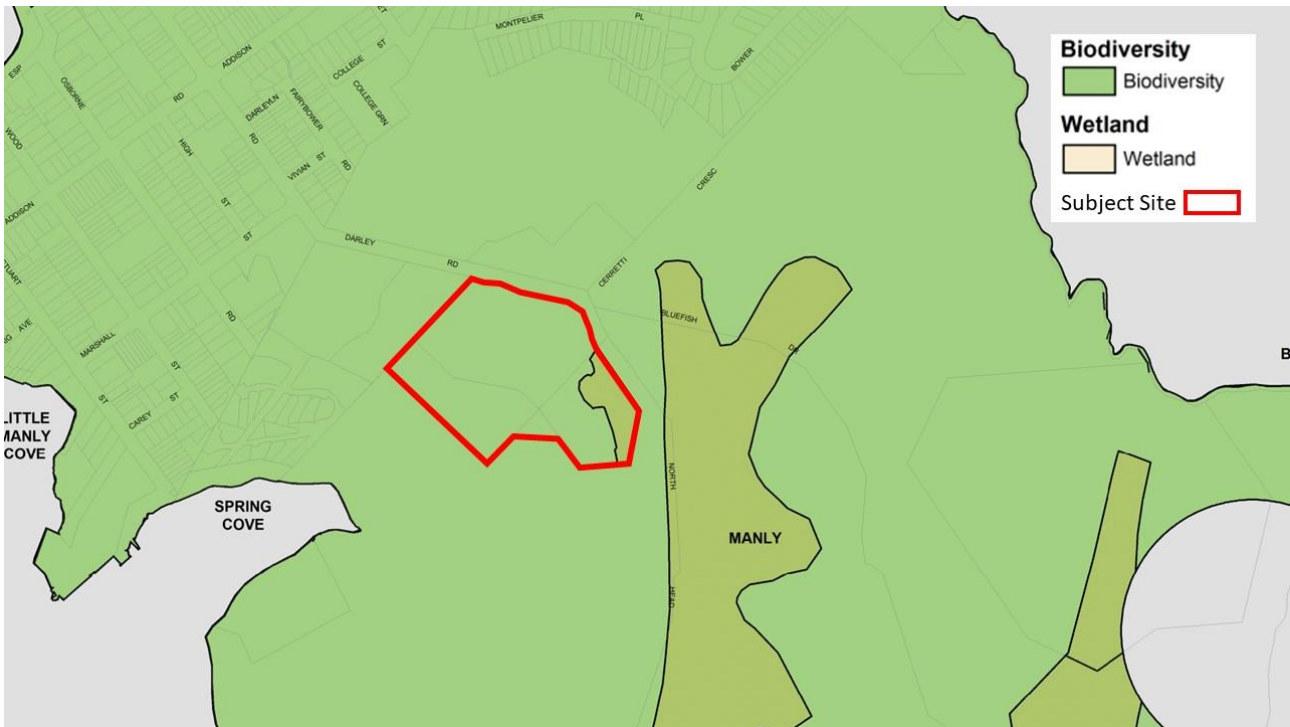


Figure 8 Current biodiversity map (source: NSW Legislation Website, April 2024)

1.6 Background

A version of this planning proposal was originally lodged with Northern Beaches Council on 6 November 2020. The proposal was then placed on a non-statutory pre-gateway exhibition from 20 November 2020 to 4 December 2020 and 6 public submissions were received. Council officers undertook an assessment of the planning proposal and concluded that the application has both strategic and site-specific merit and could be supported by Council and progressed for Gateway Determination. This support was subject to the inclusion of the heritage listing of several structures within the precinct as well as future consideration of asset protection zone (APZ) establishment and maintenance particularly along SP2 and E2 Environmental Conservation (now C2 Environmental Conservation) zone boundaries. On 27 July 2021, Council resolved to support the progression of the planning proposal, subject to additional studies, and to lodge the proposal with the Department for Gateway assessment.

In September 2021, the planning proposal was subsequently lodged with the Department, who determined there was insufficient information for the planning proposal to proceed. On 20 October 2023, the Department provided further advice about amendments needed to the planning proposal for the Department to accept and assess the planning proposal. The Department wrote to Council again on 18 January 2024 to advise that in its current form, the planning proposal still contained insufficient information to progress with the Gateway assessment of the planning proposal. On 9 February 2024, Council lodged a planning proposal with sufficient information to commence a Gateway assessment of the proposal. On 27 March 2024, Council lodged revised planning principles for consideration with the proposal.

2 Need for the planning proposal

The Manly Hospital site is identified in the Northern Beaches Local Strategic Planning Statement (LSPS), as part of Action 26.4, 'Plan for future uses for the former Manly Hospital site'. The proposal is in keeping with the strategic framework, notably the Greater Sydney Region Plan, North District Plan and Local LSPS, due to its intent to deliver housing and infrastructure, whilst protecting heritage and significant bushland.

It is intended to enable the redevelopment of the subject site as a ‘health and wellbeing precinct’ while maintaining the ecological and heritage values of the site. This will include a mix of land uses, ancillary to the primary use of health service facility. The redevelopment of the site has been identified as having regional significance in its intent to deliver housing and protect a littoral rainforest.

In keeping with the strategic framework, it is proposed to include additional permitted uses at the site, including a variety of housing types; expand the protection of biodiversity and heritage; and continue to deliver infrastructure that meets the changing needs of the community. To ensure this precinct is delivered of a high standard, amendments are required to the relevant LEP and SEPP which can only be achieved through a planning proposal.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Region Plan (A Metropolis of Three Cities).

Table 5 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 3: Infrastructure adapts to meet future needs	<p>The objective seeks to provide adaptive and flexible infrastructure that responds to demand.</p> <p>The proposal identifies that it is consistent with this objective because it was prepared in response to market-demand studies undertaken on behalf of the NSW Government. A Community Needs Analysis and Social Strategy (Ethos Urban, July 2020) (Attachment A3) found that the Northern Beaches has a growing and ageing population which will drive demand for aged care facilities and seniors living accommodation. The infrastructure facilitated from the delivery of this proposal will meet the social and health infrastructure needs of the community.</p> <p>The objectives of the planning proposal are to enable the development of the site as a health and wellbeing precinct. The additional permitted uses, including residential and commercial will create more flexibility, allowing the site to adapt to the changing needs of the community.</p> <p>The proposal is consistent with the objective.</p>
Objective 6: Services and infrastructure meet communities’ changing needs	<p>The objective seeks to identify and deliver services and infrastructure that are tailored to meet the varying needs of the current and future community in accessible locations.</p> <p>The proposal states that the co-location of health services on the subject site is in response to the Community Needs Analysis and Social Strategy. The Strategy identifies that the Northern Beaches is growing and ageing, which will drive demand for aged care facilities and seniors living accommodation. The site has public transport connections to the Manly Ferry Wharf and Manly Town Centre. The Transport Assessment (JMT Consulting, February 2022) (Attachment A7) recommends improving the public transport access to the site and states that discussions will be held with Transport for NSW to identify the potential for improving public transport access.</p> <p>The proposal is consistent with the objective.</p>

Regional Plan Objectives	Justification
Objective 13: Environmental heritage is identified, conserved and enhanced	<p>The objective seeks to conserve, interpret and celebrate the history of a community through the protection of its heritage.</p> <p>The proposal seeks to expand the local heritage protection to the site by adding more items of significance to Schedule 5 of the LEP. The proposal seeks to re-use these items as health facilities, similar to what they were originally intended.</p> <p>The proposal is consistent with the objective.</p>
Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	<p>The objective seeks to protect and enhance biodiversity.</p> <p>The C2 Environmental Conservation zone contains littoral rainforest which is an EEC. It is proposed to retain this conservation zone and manage the bushland through the removal of exotic weeds.</p> <p>The planning proposal seeks to locate an APZ on land that is zoned for environmental conservation. Further work will be done to establish the location of the APZ, which can reduce the impact on these conservation areas.</p> <p>The proposal is generally consistent with the objective.</p>
Objective 28: Scenic and cultural landscapes are protected	<p>The objective seeks to protect the heritage and biodiversity that creates the cultural and scenic landscape.</p> <p>The proposal seeks to expand the local heritage protection to the site by adding more items of significance to Schedule 5 of the LEP. These are further protected through the proposed planning principles.</p> <p>The proposal is generally consistent with the objective.</p>

3.2 District Plan

The site is within the North District and the former Greater Sydney Commission released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 6 District Plan assessment

District Plan Priorities	Justification
Planning Priority N1: Planning for a city supported by infrastructure	<p>The planning proposal seeks to align infrastructure to be address the changing infrastructure needs of the area. The proposal also seeks to maximise the utility of existing infrastructure assets by providing opportunities for the adaptive and flexible use of underutilised assets.</p> <p>This proposal will facilitate the delivery of a health and wellbeing precinct, with a mix of uses, close to existing transport infrastructure.</p>

District Plan Priorities	Justification
	The proposal is consistent with this priority.
Planning Priority N3: Providing services and social infrastructure to meet people's changing needs	<p>The planning proposal seeks to align infrastructure to meet the changes in people's needs through different stages of life. The proposal enables the site to be redeveloped for range of health and wellbeing uses on a site with existing transport access.</p> <p>The proposal is consistent with this priority.</p>
Planning Priority N6: Creating and renewing great places and local centres, and respecting the District's heritage	<p>The planning proposal seeks to identify and conserve items noted as having significant heritage values. The proposal seeks to enhance built and environmental heritage through the adaptive re-use of know heritage items. This will be achieved through an amendment to Schedule 5 of the Manly LEP 2013.</p> <p>The proposal satisfies the priority.</p>
Planning Priority N9: Growing and investing in health and education precincts	<p>The project seeks to redevelop the former Manly Hospital to create a health and wellbeing precinct. The planning proposal seeks to retain its existing SP2 Infrastructure (Health Services Facility) zoning and amend Schedule 1 to include a series of ancillary land uses, including educational establishments.</p> <p>The proposal enables the site to be redeveloped for range of health and educational uses on a site with existing transport access.</p> <p>The proposal is consistent with this priority.</p>
Planning Priority N16: Protecting and enhancing bushland and biodiversity	<p>The existing bushland on site is identified as containing EEC and is appropriately zoned C2 Environmental Conservation. The planning proposal seeks to maintain this zone.</p> <p>The planning proposal seeks to locate an APZ on land that is zoned for environmental conservation. Further work will be done to establish the location of the APZ, which can reduce the impact on these conservation areas.</p> <p>The proposal is generally consistent with this priority.</p>
Planning Priority N17: Protecting and enhancing scenic and cultural landscapes	<p>The site contains bushland and items of local heritage significance. These sensitive elements of the site will be protected by retaining the existing C2 Environmental Conservation zone and expanding the list of local heritage items under Schedule 5 of the LEP.</p> <p>The proposal is generally consistent with this priority.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 7 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement - Towards 2040 (LSPS)	<p>The Northern Beaches LSPS has been prepared in accordance with Section 3.9 of the <i>Environmental Planning and Assessment Act 1979</i> and informs Council's policies and strategies. The LSPS sets the roadmap for how Northern Beaches seeks to plan and managing growth across the LGA in line with community expectations. The planning proposal directly responds to Priority 26, Action 26.4 "Plan for future uses for the former Manly Hospital site" as it seeks to plan and enable the future development of the site.</p> <p>The planning proposal seeks to strike a balance between commercial/retails uses on site and the development of site as a health and wellbeing precinct. This will be facilitated through the adaptive reuse of existing buildings on site. The proposal seeks to recognise the sites character, identity and social significance through the retention and enhancement of the proposed heritage items on site.</p> <p>The planning proposal also enables the protection of the important bushland and vegetation communities on site through the continued protection of the C2 Environmental Conservation zoned areas on site.</p> <p>Notwithstanding the above, the planning proposal seeks to retain the current C2 Environmental Conservation zoning on site however also seeks to locate an APZ within this land. This competes with the objectives of the zoning which seek to protect and enhance vegetation within these zones. Further work is required as part of the Gateway conditions to address the location of the APZ, including further consultation with NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) and NSW Rural Fire Service (RFS).</p> <p>The proposal is consistent with the LSPS.</p>
Northern Beaches Community Strategic Plan (CSP) 2040	<p>The CSP outlines the community's values and aspirations for the future and presents Northern Beaches Council a vehicle to achieve these goals. The CSP seeks to protect the environment values across the LGA through the enhancement and protection of the natural and built environment.</p> <p>The proposal identifies that there are patches of EEC (Littoral Rainforest) communities on sites and seeks to protect these through the continued use of the C2 Environmental Conservation zone. The Bushfire Assessment Report (Peterson Bushfire, April 2022) has indicated that it proposes to implement and maintain an APZ within the C2 Environmental Conservation zone, which will impact these communities. An APZ is not approved at the planning proposal stage and as such further consultation with DCCEEW and NSW RFS is recommended to find a balance between protecting the site from bushfire risk and protecting the EEC communities on site.</p> <p>The proposal seeks to redevelop the former Manly Hospital site into a 'health and wellbeing' precinct. This includes the opportunity for seniors housing to be delivered on site. This would assist Council an opportunity to deliver a mix of housing options to support the changing needs of the community.</p> <p>The proposal is consistent with the CSP.</p>

Local Strategies	Justification
Local Housing Strategy 2021 (LHS)	<p>The LHS aims to deliver a mix of housing in appropriate locations and includes a range of principles and actions as a guide.</p> <p>The planning proposal seeks to expand the land uses permitted on the site to include seniors housing and group homes. These uses can be delivered on a site with existing access to public transports and other services.</p> <p>The proposal is generally consistent with the LHS.</p>

3.4 Local Planning Panel Recommendations

On 16 June 2021, the Northern Beaches Local Planning Panel (LPP) considered the planning proposal and determined to adopt the planning proposal subject to updates to the planning proposal. Key recommended changes included additional information about Heritage and Bushfire be submitted, the development of a master plan, submission of a traffic impact assessment report and the inclusion of a site specific provisions ensuring the primary purpose and use of the site as health services facility is maintained.

The planning proposal was subsequently updated and this version of the planning proposal was submitted to the Department on 9 February 2024.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 8 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plan	Consistent	<p>The objective of this Direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans and applies as the proposal seeks to give effect to the Greater Sydney Region Plan and Eastern City District Plan.</p> <p>The planning proposal is consistent with this Direction.</p>
3.1 Conservation Zones	Inconsistency yet to be justified	<p>The objective of this Direction is to protect and conserve environmentally sensitive areas. The Direction requires that a proposal contain provisions to facilitate the protection and conservation of environmentally sensitive areas.</p> <p>The Bushfire Assessment (prepared by Peterson Bushfire, April 2022) (Attachment A8) contains a concept APZ located within the land currently zoned C2 Environmental Conservation. This land contains known EEC communities. The role of an APZ is to reduce the vegetation that fuels a bushfire and therefore could result in the removed of vegetation associated with the EEC or the EEC buffer area. This is in consistent with the objectives of the zoning.</p> <p>An APZ is not approved at the planning proposal stage and as such further consultation is recommended to find a balance between protecting the site from bushfire risk and protecting the EEC communities on site, prior to the proposal proceeding to exhibition. This will provide more certainty regarding the potential impacts on the EEC communities on site.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		It is recommended that a Gateway condition require consultation be undertaken with the DCCEE and NSW RFS to further refine the location of the APZ and assess the impacts of the APZ on the bushland, including the impacts on the EEC and EEC buffer vegetation. The comments from these state agencies should be incorporated into the planning proposal then reported to the Department prior to public exhibition.
3.2 Heritage Conservation	Inconsistency yet to be justified	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The Aboriginal Archaeological Due Diligence Assessment (Dominic Steele Consulting Archaeology, March 2018) (Attachment A5) found the site is widely and extensively disturbed as a result of large-scale construction and landscaping. It is unlikely to contain significant and intact Aboriginal archaeological artefacts.</p> <p>The planning proposal has assessed the heritage significance of the site in accordance with the Assessing Heritage Significance manual (NSW Heritage Office, 2001). Under this manual, if an item meets one of the seven criteria, it can be considered to have local heritage significance. The assessment of the items is included in the Heritage Assessment Report (Paul Davies Pty Ltd, April 2018) (Attachment A4). The assessment of the items found that each item satisfies at least one criteria, meeting the threshold for local heritage listing.</p> <p>The supporting study identifies significant buildings and elements of local heritage significance across the site and recommends that they be retained. The landscaping of the site has changed over time except for the surrounding bushland areas with no historic plantings or landscape elements, apart from the stone boundary walls being identified as having significance.</p> <p>Although this report found that the site had various levels of heritage significance, this assessment was undertaken 5 years ago and the NSW Heritage Manual and test for heritage significance has since been changed. It is recommended that a Gateway condition require Council to undertake a new heritage assessment consistent with the 2023 Assessing Heritage Significance guidelines prior to exhibition. This will help determine what items on site meet the threshold to be listed as a local heritage item.</p> <p>The Department considers that consistency with this Direction has yet to be demonstrated.</p>
3.7 Public Bushland	Inconsistency yet to be justified	<p>The objective of this Direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland.</p> <p>The proposal is supported by an Ecological Constraints Assessment (Narla Environmental, July 2020). The study concludes that development could occur on site and avoiding areas mapped as 'High Constraint', the densely vegetated southern portion. The assessment notes that this portion of land is located within bush fire prone land and that a Biodiversity Development</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>Assessment Report and entry into the Biodiversity Offset Scheme will be required for any future use of the site.</p> <p>As noted above, further work is needed to achieve a balance between protecting the site from bushfire risk and protecting the EEC communities on site. This can be achieved through pre-exhibition consultation with DCCEE and NSW RFS to further refine the location of the APZ and assess the impacts of the APZ.</p> <p>The Department considers that consistency with this Direction has yet to be demonstrated.</p>
3.9 Sydney Harbour Foreshore and Waterways Area	Consistent	<p>The objectives of this direction are to protect and enhance the natural assets and unique environmental, scenic and visual qualities of Sydney Harbour and its islands and foreshores.</p> <p>The Direction applies as the site is identified as a Foreshores and Waterways Area in accordance with the State Environmental Planning Policy (Biodiversity and Conservation) 2021.</p> <p>The planning proposal seeks to protect, maintain and enhance the natural assets of the Sydney Harbour foreshore and surrounding lands.</p> <p>The planning proposal is consistent with this Direction.</p>
4.2 Coastal Management	Consistency yet to be demonstrated	<p>The objective of this Direction is to protect and manage coastal areas of NSW.</p> <p>This Direction applies as the site as it is located within a coastal zone, as defined under the <i>Coastal Management Act 2016</i>, and comprises of littoral rainforest areas.</p> <p>The Bushfire Assessment (prepared by Peterson Bushfire, April 2022) (Attachment A8) contains a concept APZ located within the land currently zoned C2 Environmental Conservation. This land contains known EEC communities. The location of an APZ in this area could result in the removed of vegetation associated with the EEC or the EEC buffer area.</p> <p>As noted above, further work is needed to achieve a balance between protecting the site from bushfire risk and protecting the EEC communities on site. This can be achieved through pre-exhibition consultation with DCCEE and NSW RFS to further refine the location of the APZ and assess the impacts of the APZ.</p> <p>The Department considers that consistency with this Direction has yet to be demonstrated.</p>
4.3 Planning for Bushfire Protection	Consistency yet to be demonstrated	<p>The objectives of this Direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas; and encourage sound management of bush fire prone areas.</p> <p>This Direction applies as the site is identified as being bushfire prone, with Lots 2727 and 2774 having a high-risk Category 1 and the remainder of the site Category 2.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>The Bushfire Report (Attachment A8) includes an assessment against the objectives and requirements of this Direction and concludes:</p> <ul style="list-style-type: none"> The proposed new uses do not have a higher risk profile (Special Fire Protection Purpose) than the former use of a hospital. Lots 2727 and 2774 within the site and the adjacent Lot 2728 (managed by Health Infrastructure) will be managed as an APZ. The risk to future development would be reduced due to updated bush fire resistant measures for example finishes and building materials. The new APZ will put the buildings further back from the hazard than the current situation. A perimeter road (loop road accessed from Darley Road) and APZ (located in the C2 zone) are provided, in accordance with the <i>Planning for Bush Fire Protection 2019</i>. <p>Whilst the requirements of the Planning for Bush Fire Protection guide have been met, the proposed location of the APZ on land identified as containing EEC communities is not supported at this stage. Further work is needed to achieve a balance between protecting the site from bushfire risk and protecting the EEC communities on site. This can be achieved through pre-exhibition consultation with DCCEE and NSW RFS to further refine the location of the APZ and better demonstrate the potential impacts on the EEC communities.</p> <p>The Department considers that consistency with this Direction has yet to be demonstrated.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 9 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
(Biodiversity and Conservation) 2021	Consistent	<p>Within the planning proposal, Council identifies the site as a strategic foreshore site, under Division 5, Part 6.3 of the SEPP (Biodiversity and Conservation) 2021. However, the site is not identified as being a strategic foreshore site and therefore is not mapped as such (Figure 9).</p> <p>It is recommended the Gateway determination require references to the site being a 'strategic foreshore site' in the context of SEPP (Biodiversity and Conservation) 2021 be removed.</p>
(Housing) 2021	Consistent	<p>The Housing SEPP contains provisions for seniors housing and group homes that can be applied to the SP2 zone. Should any future development application proposed to develop these uses, they will need to demonstrate consistency with the standards within the SEPP. There are no specific requirements that apply to the site at this stage.</p> <p>The proposal is consistent with this SEPP.</p>

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
(Precincts – Eastern Harbour City) 2021	Consistent	<p>The planning proposal seeks to amend the SEPP (Precincts- Eastern Harbour City) 2021 to:</p> <ul style="list-style-type: none"> • prescribe the site as a State Significant Precinct. • include Planning Principles to inform the preparation of a future masterplan for the subject site. • require a masterplan to be approved prior to any development consenting being granted for future development. <p>As mentioned above, the planning proposal is accompanied by Planning Principles, which will be inserted into the SEPP to ensure a reasonable built form outcome on the site is achieved. Council and t</p> <p>Given the principles are still being worked on by Council and Property & Development NSW, it is recommended that a Gateway Condition is included that the outstanding issues relating to the principles are resolved prior to the planning proposal proceeding to public exhibition.</p> <p>The proposal is consistent with this SEPP.</p>
(Resilience and Hazards) 2021	Consistency yet to be demonstrated	<p>The site has been identified as containing areas of 'Littoral Rainforest' as well as 'Proximity to Littoral Rainforest' under SEPP (Resilience and Hazards) 2021.</p> <p>The site is also located within a designated bush fire-prone area. Any proposed development will require a Bushfire Assessment Report and an APZ would need to be created to avoid impacts to areas mapped as Littoral Rainforest (PCT 1833).</p> <p>The planning proposal currently has a concept APZ located in close proximity to areas mapped as containing 'Littoral Rainforest' as well as 'Proximity to Littoral Rainforest' communities.</p> <p>Further work is needed to achieve a balance between protecting the site from bushfire risk and protecting the EEC communities on site. This can be achieved through pre-exhibition consultation with DCCEEW and NSW RFS to further refine the location of the APZ and better demonstrate the potential impacts on the EEC communities.</p> <p>The Department considers that consistency with this SEPP has yet to be demonstrated.</p>

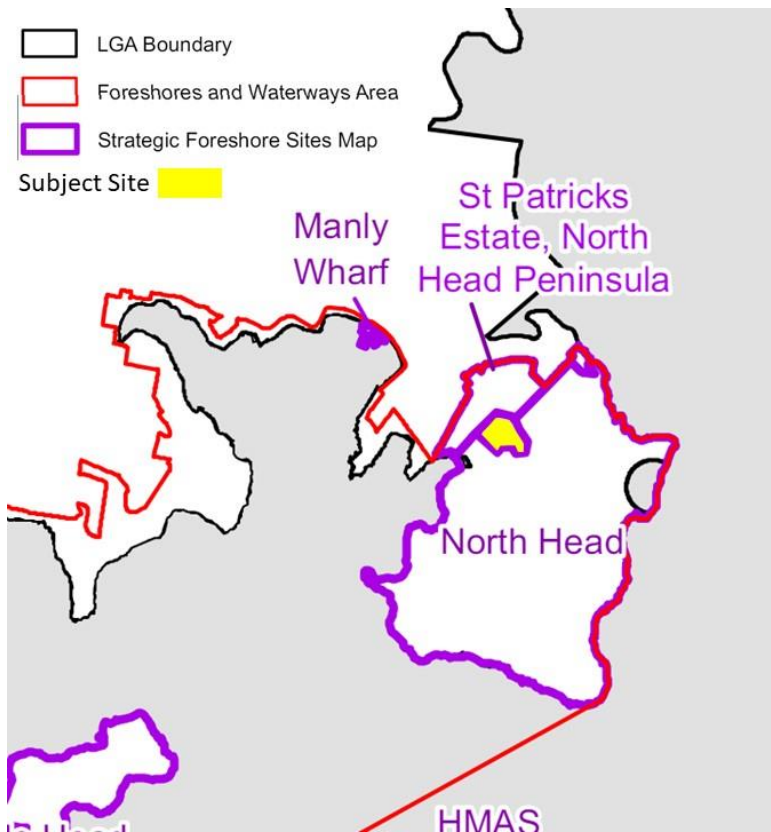


Figure 9 Sydney Harbour Strategic Foreshore Sites (source: NSW Legislation Website, April 2024)

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 10 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity	<p>As mentioned throughout this report, the site is identified as containing areas of 'Littoral Rainforest' as well areas identified as being 'Proximity to Littoral Rainforest' buffer communities. Figure 3 above highlights the extent of these communities. The entire site is also identified within the Manly LEP 2013 terrestrial biodiversity mapping as contained biodiversity and wetland values. The supporting Ecological Constraints Assessment supports development on site provided it avoids areas of high biodiversity value on site. The Ecological Constraints Assessment also notes a Biodiversity Development Assessment Report and entry into the Biodiversity Offset Scheme will be required at the development application stage to mitigate impacts to native vegetation communities and threatened species found within the site.</p> <p>As mentioned above, further work is needed to achieve a balance between protecting the site from bushfire risk and protecting the EEC communities on site. This can be achieved through pre-exhibition consultation with DCCEEW and NSW</p>

Environmental Impact	Assessment
	RFS to further refine the location of the APZ and better demonstrate the potential impacts on the EEC communities.
Built Form	<p><u>Massing</u></p> <p>Under the Manly LEP 2013, there are currently no development standard controls mapped for the site, ie no maximum building height or floor space ratio controls. This planning proposal seeks to implement Planning Principles within SEPP (Precincts- Eastern Harbour City) 2021 to ensure a reasonable built form outcome on the site in lieu of specific built form controls in the Manly LEP 2013 or a Development Control Plan (DCP).</p> <p>The supporting concept master plan report highlights one potential development scenario for the site, providing an indicative site layout, however contains no details about built form (including massing) and the likely impacts this future built form could have on the surrounding areas.</p> <p>The site adjoins a school to the north-west, bushland to the south and east of the site, as well as various heritage items and national parks. Without an indicative built form, the impact on these various constraints cannot be understood.</p> <p>It is recommended as a condition of the Gateway that prior to exhibition the Concept Master Plan Report is updated to include indicative building envelopes and massing to demonstrate the height and bulk of the built form to better understand any potential impacts resulting from the redevelopment of the site.</p> <p><u>Land uses</u></p> <p>The proposal seeks to amend Schedule 1 to include additional land uses on the site and retain the existing zoning. The concept plan indicates potential areas of redevelopment on the site but has not quantified to what scale of development these uses will be. Given the underlying zoning is not being amended, it is unclear how any of the proposed development is incidental or ancillary to development for the purpose of health services facilities.</p> <p>It is recommended as a condition of the Gateway that prior to exhibition the Concept Master Plan Report is updated to demonstrate where each land use is proposed to be located and the land use mix. In updating Concept Master Plan Report, further justification is required to demonstrate that no single land use exceeds 50% of the Gross Floor Area of the overall development.</p>
Heritage	<p>As noted above, the proposal contains an assessment of heritage significance, consistent with the <i>Assessing Heritage Significance</i> manual (NSW Heritage Office, 2001). This guideline has been replaced and it is recommended that a Gateway condition require Council to undertake a new heritage assessment consistent with the 2023 <i>Assessing Heritage Significance</i> guidelines prior to exhibition. This will help determine what items on site meet the threshold to be listed as a local heritage item.</p> <p>Notwithstanding this, below is a summary of the assessment of the items, which finds that each item satisfies at least one criteria, meeting the threshold for local heritage listing.</p>

Table 11 Heritage assessment of sites against heritage significance criteria (Source: Heritage report, April 2023)

Site	(a) Historic significance	(b) Historical association	(c) Aesthetic, creative or technical achievement	(d) Social, cultural or spiritual significance	(e) Research potential	(f) Rarity	(g) Representative
Building 1 (façade)	✓	✓	✓	✓	X	✓	✓
Building 2	✓	✓	✓	✓	X	X	✓
Building 5	✓	X	✓	✓	X	X	✓
Building 15	✓	✓	✓	✓	X	X	✓
Building 20 and adjacent stables	✓	X	✓	✓	X	X	✓
Building 22	✓	X	✓	✓	X	X	✓
Sandstone boundary wall	✓	X	✓	✓	X	X	✓
Bushland	X	X	✓	X	X	✓	X

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 12 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	The planning proposal will facilitate the renewal of health care uses on the site and provide additional uses such as group homes, seniors housing, community facility, respite day care centre and education establishments, catering for a diverse community.
Economic	The 'health and wellbeing precinct' is an opportunity to expand jobs in health care and social assistance. The introduction of limited residential uses will generate demand for goods and services. New additional uses such as take away food and drink premises, restaurant or café and neighbourhood shops will provide for the everyday needs of workers, residents and visitors to the site, particularly those less mobile. The variety of uses and proximity to the town centre will promote the economic viability of the site and have a positive impact on the locality.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 13 Infrastructure assessment

Infrastructure	Assessment
Utilities	The planning proposal states that all essential services are available to the site.

Infrastructure	Assessment
Traffic and parking	<p>The planning proposal is supported by a Transport Assessment (JMT Consulting, February 2022) which concludes:</p> <ul style="list-style-type: none"> on-site parking can be provided in accordance with the rates outlined in the Manly Development Control Plan 2013 and/or those contained in the Seniors Housing SEPP. there is additional capacity on the immediate road network to accommodate the traffic generated by any future re-development on the site. Darley Road would have sufficient capacity to support traffic movements in the event of a major bushfire event.

5 Consultation

5.1 Community

The planning proposal is categorised as a complex under the LEP Making Guidelines (September 2022). Accordingly, a community consultation period of 30 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- NSW National Parks & Wildlife Services
- NSW Department of Climate Change, Energy, the Environment and Water
- NSW Rural Fire Service
- Transport for NSW
- Environmental Protection Authority
- Ausgrid
- Sydney Water
- State Emergency Services
- NSW Department of Education
- NSW Department of Health

6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a complex

The Department recommends an LEP completion date of 30 April 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the planning proposal is seeking to amend a State Environmental Planning Policy the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- There is regional, district and local strategic merit for the proposal. It will enable the redevelopment of a site to deliver additional housing and jobs, consistent with the objectives, directions and priorities of the region, district and local strategic plans.
- The proposal will not significantly impact upon the nearby heritage items. The listing of the site as a local heritage item will support conservation of its heritage values.
- The proposal will not significantly impact upon the EEC community located on site. The retention and avoidance of development on the C2 Environmental Conservation land will support conservation of its biodiversity values.
- An amendment to the Manly LEP 2013 and SEPP (Precincts – Eastern Harbour City) 2021 is the best means of achieving the objectives of the planning proposal.

As discussed in the previous sections 4 and 5, the proposal should be updated prior to consultation to:

- Resolve outstanding relating to the planning principles, particularly in relation to the location of the APZ and local heritage items.
- Undertake a heritage assessment against Assessing Heritage Significance (June 2023) to determine what items meet the threshold for local heritage significance.
- Update the bushfire assessment report to better address to achieve a better to achieve a balance between protecting the site from bushfire risk and protecting the EEC communities on site. This should be done in consultation with NSW RFS and DCCEEW.
- Update the Concept Master Plan to include:
 - indicative built form modelling, demonstrating the maximum building heights and gross floor areas of the proposed development on site. Consideration should also be given to the impact the built form will have on adjacent properties.
 - Proposed concept land use mix, including demonstrate that no single land use exceeds 50% of the Gross Floor Area of the overall development.
- Remove references to 'strategic foreshore site' in the context of identification under SEPP (Biodiversity and Conversation) 2021.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 3.1 Conservation Zones, 3.2 Heritage Conservation, 3.7 Public Bushland, 4.2 Coastal Management, 4.3 Planning for Bushfire Protection are unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to exhibition, the planning proposal is to be updated to:

- Resolve outstanding issues relating to the planning principles, particularly in relation to the location of the Asset Protection Zones and local heritage items.
 - Undertake a heritage assessment against Assessing Heritage Significance (June 2023) to determine what items meet the threshold for local heritage significance.
 - Update the bushfire assessment report to ensure an appropriate and justified balance between protecting the site from bushfire risk and protecting the EEC communities on site.
 - Update the Concept Master Plan to include:
 - indicative built form modelling, demonstrating the maximum building heights and gross floor areas of the proposed development on site. Consideration should also be given to the impact the built form will have on adjacent properties.
 - Proposed concept land use mix, including demonstrate that no single land use exceeds 50% of the Gross Floor Area of the overall development.
 - Remove references to 'strategic foreshore site' from the assessment of SEPP (Biodiversity and Conversation) 2021.
2. Prior to community consultation, consultation is required with the following public authorities:
- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)
 - NSW Rural Fire Service (RFS).
- The comments from DCCEEW and RFS, regarding the location of the asset protection zone, are to be integrated into the planning proposal.
3. Prior to exhibition, the planning proposal is to be amended to address Gateway Conditions 1 and 2 and forwarded to the Minister.
4. Formal consultation is required with the following public authorities:
- NSW National Parks & Wildlife Services
 - NSW Department of Climate Change, Energy, the Environment and Water
 - NSW Rural Fire Service
 - Transport for NSW
 - Environmental Protection Authority
 - Ausgrid
 - Sydney Water
 - State Emergency Services
 - NSW Department of Education
 - NSW Department of Health
5. The planning proposal should be made available for community consultation for a minimum of 30 working days.

Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority and that an LEP completion date of 30 April 2025 be included on the Gateway.



30 April 2024

Louise McMahon

Director, Planning Proposal Authority



(Signature)

2 May 2024 (Date)

Tom Kearney

Executive Director, Local Planning and Council Support

Assessment officer

Kimberley Beencke

Senior Planner, Planning Proposal Authority

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