

SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-321
DA Number	DA2022/1000
LGA	Northern Beaches
Proposed Development	Demolition works, alterations and additions to existing buildings and construction of new mixed-use buildings
Street Address	Lot 100 DP 1276056 and Lot 101 DP 1247422 19 - 21 South Steyne and 22 Wentworth Street, MANLY NSW 2095
Applicant/Owner	Royal Far West Royal Far West Children's Health Scheme
Date of DA lodgement	30/06/2022
Number of Submissions	6
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Capital Investment Value (CIV) >\$30 Million The CIV of the development being \$103,708,679.
List of all relevant s4.15(1) (a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • State Environmental Planning Policy (Hazards and Resilience) 2021 • State Environmental Planning Policy (Building Sustainability Index: BASIX) • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy No 65 – Design Quality of Residential apartment Development (SEPP 65) • Manly Local Environmental Plan 2013 (MLEP 2013) • Manly Development Control Plan 2013 (MDCP)
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1 - Conditions • Attachment 2 – Concept Approval Assessment
Clause 4.6 requests	No Clause 4.6 Requests are required – Assessment is against the Concept Approval on the land
Summary of key submissions	<ul style="list-style-type: none"> • Consistency with the concept approval • Design Excellence • Public submissions pertaining to views, privacy and overshadowing • Heritage
Report prepared by	Jordan Davies, Principal Planner
Responsible Officer	Jordan Davies, Principal Planner
Report date	7 December 2022

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **YES**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP: **YES**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **NOT APPLICABLE**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **NOT APPLICABLE**

Conditions

Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report. **YES**

EXECUTIVE SUMMARY

This development application (DA) seeks consent for demolition works and construction of mixed-use buildings on the site currently owned and operated by the organisation known as 'Royal Far West' (RFW). The DA seeks to implement Stages 3 and 4 of a Concept Approval MP10_0159 MOD1 (the 'concept approval') that was approved by the Planning Assessment Commission (PAC) under the former Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) and then subsequently modified on 20 April 2022 pursuant to Section 75W of the EP&A Act 1979 by the Department of Planning and Environment (DPE).

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. The CIV of the development is \$104,708,679.

Stages 1 and 2 of the development have been completed which involved demolition works and the construction of the 'Centre for Country Kids' (CCK Building - Building A) which is a hospital facility associated with the RFW. Stages 3 and 4 are the remaining stages of the concept approval and are proposed under this DA. Stage 3 involves the demolition of the existing building at the rear of Drummond House (22 Wentworth Street) and demolition of all buildings on 19-21 South Steyne. Stage 4 (the final stage of the concept approval) involves construction of Building B (short term accommodation associated with the CCK), an eight (8) storey mixed use building (Building C) and a five (5) storey mixed use building (Building D) over a basement carpark containing 217 parking spaces. There is a total of 2890m² of commercial floor area and 58 residential apartments proposed under the DA.

Critical to the assessment of the DA is considering if the proposal is 'generally consistent' with the concept approval, the application demonstrating Design Excellence (as required under the Manly LEP and the concept approval) and the public submissions received (council received six (6) submissions in total).

A detailed assessment has been carried out in Attachment 1 of this report against the terms of the concept approval and assessment finds that the DA is generally consistent with the terms of the concept approval, including the building footprints, height, land uses and inclusion of the public forecourt. As discussed within this report, Council is satisfied the DA demonstrates a high degree of architectural merit, a high-quality façade presentation to the public domain including Manly Beach and is compatible with the scale and form of surrounding buildings within the locality. The proposal includes a public forecourt between Building C and Building D to enhance public access within the site and further activate South-Steyne. For the reasons discussed within this assessment report, Council is satisfied the DA demonstrates Design Excellence and realises the vision of the concept approval through the final detailing of the design presented with the DA.

As a result of two (2) public exhibition periods, a total of six (6) submissions were received which primarily raised issues of solar access, privacy, view impacts, wind impacts and traffic and impacts. The

issues raised within the public submissions have been considered in detail within this assessment report and Council has found the proposal to be designed to maintain reasonable amenity for the adjoining properties and demonstrates consistency with the concept approval for which there was a separate public consultation process which has informed the concept approval.

The application has satisfied the essential pre-conditions of the Manly LEP 2011 with regards to Heritage, Flooding, Earthworks, Scenic Protection, Acid Sulfate Soils and Design Excellence.

This report concludes with a recommendation that the SNPP grant approval to the development application, subject to conditions attached at the end of this report.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the implementation of stages 3 and 4 of a Part 3A Concept Approval which applies to the site (as amended by a subsequent modification application MP10_0159 MOD 1 under Section 75W of the *EP&A Act 1979*). The proposal is generally described as 'Demolition of existing structures and construction of mixed-use buildings' and a detailed outline of the proposal is provided below. The proposal includes the retention of previously constructed Stages 1 and 2 which involved construction of a hospital facility known as the 'Centre for County Kids (CCK Building)' which is known as Building A associated with the Royal Far West (RFW). Stages 1 and 2 also involved partial demolition and alterations and additions to the heritage building 'Drummond House' including associated guest accommodation, hospital medical uses, basement parking and landscaping, this building known as 'Building B' associated with the Royal Far West (RFW)

The proposed seeks implementation of stages 3 and 4 which involve the construction of two new mixed-use buildings known as Building C and Building D, along with alteration and additions to Building A (CCK Building) and Building B (Drummond House).

The proposed works under this application are described below:

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 (heritage fabric retained fronting Wentworth Street). 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. The building includes:

- Alterations and additions to Drummond House to include reception, store, kitchen and dining

space on the ground floor.

- Two levels of guest accommodation within the Drummond House Building fronting Wentworth street, with roof top activities room.
- The southern block of comprising of a two storey form containing two levels of guest accommodation.
- Basement level below which joins to the existing basement beneath building A.
- Landscape Planting along the southern boundary of Building B.

Building C - New Mixed-Use Building

The construction of an 8 storey mixed use building with ground, first floor and second 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 northern 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. The building comprising of:

- 2521m² of Commercial floor area located across Ground, Level 1 and Level 2.
- 42 Residential Apartments located across Levels 3, 4, 5, 6 and 7. The apartment mix being 12 x 1 Bedroom, 24 x 2 bedroom and 6 x 3 bedroom.
- Roof top communal open space, lift overrun x 3, screened plant equipment area, landscape planters and photovoltaic cells.

Building D - New Mixed Use Building

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. The building comprising of:

- Commercial floor space on the ground level 359m².
- 16 Residential Apartments located across Levels 1, 2, 3 and 4. All apartments are 3 bedrooms and generous in size.
- Roof top planters and photovoltaic cells.

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 217 parking spaces

Public Forecourt

The construction of an open public forecourt area between buildings C and D that provides landscape plantings within the forecourt and beneath Building D. The southern portion of the public forecourt separated by after hours gates as indicated on the ground floor plan.

Strata Subdivision

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 structure of which setout in Part 4.9 of the SEE.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning

and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Assessment - Concurrence - Roads and Maritime Service - SEPP (Transport and Infrastructure) 2021, s2.118

Manly Local Environmental Plan 2013 - Zone B2 Local Centre

Manly Local Environmental Plan 2013 - 4.3 Height of buildings

Manly Local Environmental Plan 2013 - 5.21 Flood planning

Manly Local Environmental Plan 2013 - 6.1 Acid sulfate soils

Manly Local Environmental Plan 2013 - 6.2 Earthworks

Manly Local Environmental Plan 2013 - 6.4 Stormwater management

Manly Local Environmental Plan 2013 - 6.9 Foreshore scenic protection area

Manly Local Environmental Plan 2013 - 6.11 Active street frontages

Manly Local Environmental Plan 2013 - 6.12 Essential services

Manly Local Environmental Plan 2013 - 6.13 Design excellence

Manly Local Environmental Plan 2013 - 6.16 Gross floor area in Zone B2

Manly Development Control Plan - 3.4.1 Sunlight Access and Overshadowing

Manly Development Control Plan - 3.4.2 Privacy and Security

Manly Development Control Plan - 3.4.3 Maintenance of Views

Manly Development Control Plan - 4.2.3 Setbacks Controls in LEP Zones B1 and B2

SITE DESCRIPTION

Property Description:	Lot 100 DP 1276056 and Lot 101 DP1237422, 19 - 21 South Steyne and 22 Wentworth Street, MANLY NSW 2095
Detailed Site Description:	<p>The subject site consists of two (2) allotment located within the Manly Town Centre and fronting Manly Beach. The site known as 19-21 South Steyne (Lot 100 DP 1276056) and is located on the corner of South Steyne and Wentworth Street. The site known as 22 Wentworth Street (Lot 101 DP 1247422) and has a frontage to Wentworth Street. Together they form the subject site.</p> <p>The subject site is 'L' shape with a frontage of 79m along</p>

South Steyne, a frontage of 105m along Wentworth Street. The site has a surveyed area of 6398.4m².

The site is located within the B2 Local Centre zone under the Manly LEP. The site is owned by the organisation 'Royal Far West (RFW)' and operates out of the buildings located within the site. The RFW site is currently occupied by a clinical services and school building known as CCK (approved under Stage 1 of the concept approval), 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 is relatively flat with a slight fall towards the south-eastern corner. The small portion of the site is partially flood affected, with flooding identified along the front boundary of the site adjoining South Steyne and Wentworth Street. The site does not contain any significant vegetation or high value trees. The site is not identified as having any biodiversity values or containing threatened species. The site is not located within a heritage conservation area, however contains the locally listed heritage item 'Drummond House' and fronts Wentworth Street which the road reserve is identified as a landscape heritage item. The public reserve along South Steyne is a listed heritage landscape item and contains heritage listed Norfolk Pine trees.

The site faces Manly Beach and is in a visually prominent location in the highly popular beachside suburb.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by mixed use buildings of varying height and scales. Being located within the B2 Zone, the majority of landscaping is within the road reserve and consisting of street trees (some of which are heritage listed). The buildings to the south-east of the site which front South Steyne are varied in height between 5 and 9 stories. The buildings to the north-west of the site fronting South Steyne are between 2 and 5 stories. The buildings fronting Wentworth Street across the road to the north-west are five 4 stories fronting the street, with the central portion being 8 stories. The majority of buildings comprising of a nil setback providing commercial and retail tenancies fronting the footpath.

Immediately adjoining the sites south-western boundary is

Manly Village Primary School, with the existing CCK Building A sharing this boundary. Located at 25-27 Victoria Parade is a 5 storey residential flat building and at 29 Victoria Parade is a 3 storey residential flat building (heritage item). Building B and Building C share a common boundary with this two buildings. At 31 Victoria Parade is a 6 storey residential flat building which has recently been subject to development above the existing heritage item. At 15-16 South Steyne is a two storey building (heritage item) which operates as a medical centre.

As can be seen by the above description, the range of buildings are varied in height and scale, with a number of locally listed heritage items adjoining the site with varies uses. It is noted that the sites 25-27 and No. 29 are not within the B2 Zone and are zoned R3 Medium Density Residential.

Map:



SITE HISTORY

The relevant history of the site with regards to the relevant approvals and concept approval under Part 3A is as follows:

- A concept approval for the subject site redevelopment was granted by the Planning Assessment Commission (PAC) as a delegate of the Minister for Planning and Infrastructure on 18 April 2013 subject to conditions. The concept approval was granted under the now repealed *Part 3A of the EP&A Act 1979*. The concept approval for the mixed use development described as:
 - 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.

- Stages 1 and 2 of the concept approval we approved by the former Manly Council under DA253/2014 on 6 May 2015, with the works undertaken under this approval being described as:

Demolition of existing “Elsie Hill Building”, construction of a six (6) story building “Centre for Child Health and Learning” (know as Building A, CCK Building) 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.

Stage 1 consisted of Demolition of Elise Hill Building and Stage 2 consisted of Construction of the CCK building and alterations to Drummond House to connect Drummond House to the CCK building.

- The approval for Stages 1 and 2 under DA253/2014 was modified by MOD2018/0640, MOD2018/0285 and DA253/2014/1 following the original granting of consent. A final occupation certificate was issued for DA253/2014 on 3 April 2019 and Stages 1 and 2 have been implemented and are operational.
- A pre-lodgment meeting (PLM2020/0144) was held with Northern Beaches Council on 23 July 2020 where the applicant sought Council's feedback on progression of Stages 3 and 4 of the concept approval under a future development application. Upon consideration of the proposal, Council advised the applicant that the scheme submitted in the pre-lodgement meeting was not considered 'generally consistent' with the Part 3A Concept approval and therefore, advised the applicant that the concept should be modified prior to lodgement of a development application to Council.
- The PLM plans were presented to the Northern Beaches Design and Sustainability Panel (DSAP) on 28 October 2021, with detailed minutes provided by the DSAP following the meeting.
- Another pre-lodgment meeting (PLM2022/0262) was held with Council on 11 November 2021, in particular to seek technical feedback from Council's referral staff regarding the the latest proposal which required the concept approval to be modified.
- Following the pre-lodgment meetings with Council, an application to modify the Concept Plan approval pursuant to Section 75W of the *EP&A Act 1979* was submitted to Key Sites Assessments within the Department of Planning, Industry & Environment (DoP). Following consideration by the DoP, modification to the concept approval under MP 10_0159 MOD 1 was approved on 20 April 2022. The modifications can be generally described as an amended layout and footprint of the development, removal the use 'tourist and visitor accommodation and removal 16 South Steyne from the site and amended the maximum height from RL31.14 to RL 32.35. Together with the plan changes, amended terms of approval were provided in Schedule 2 of the Minister Approval (a copy of which forms part of the documentation submitted with this development application).
- The subject development application DA2022/1000 was submitted to Council on 30 June 2022.

History of Development Application

The following outlines the history of the assessment of the application so far:

- The application was notified and advertised for a period of 28 Days between 15 July 2022 to 12 August 2022 in accordance with Council's Community Participation Plan (CPP).
- The application was presented to the DSAP on 28 July 2022 and a copy of these minutes are attached to this assessment report. The DSAP made recommendations around further improvements and refinement of the proposal, however overall, were generally supportive of the proposal and acknowledged the work undertaken to date via the concept approval and development application.
- A briefing was undertaken with the Sydney North Planning Panel (the consent authority) on 24 August 2022.
- Following the DSAP meeting, SNPP Briefing and an assessment of the application by Council's technical staff, Council wrote to the applicant on 16 September 2022 outlining the additional information required and issues to be resolved for the application.
- On 21 October 2022, the applicant responded to Council's request for information with a package of information and documentation, including a revised set of plans in response to Council's letter.
- The application was then re-notified and re-advertised for a period of 28 Days between 31 October 2022 and 28 November 2022 in accordance with Council's CPP. The information was also provided to the external referral bodies of Transport for NSW and Water NSW, both confirming the amended plans and documents do not change their initial comments or General Terms of Approval.
- On 16 November 2022, the applicant provided another revision of plans which made further refinements of the facade detailing of Building D and adjustment to bathroom windows on Building C. The amendments to the plans were considered minor in nature and did not require further renotification or extension of the notification period.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Mainly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv)	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority

Section 4.15 Matters for Consideration	Comments
<p>– Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)</p>	<p>to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation has been submitted.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to clarifications around consistency with some elements of the concept approval including Condition B1 (envelope and separation), Condition A5 (Building Height), Condition A6, Solar Access under the Apartment Design Guidelines, landscaping and flooding. Council wrote to the applicant on 16 September 2022 and the applicant provided a response to Council's letter on 25 October 2022. The applicant's response included amended plans and additional supporting information. Council conducted an assessment of these amended documentation (noting the changes to the plans were considered to be minor). The changes and documentation submitted resolved Council's queries in a satisfactory way. Subsequent to this, the applicant submitted a third revision of plans which made some minor facade and detailing changes to further improve the design of Building D. Council has accepted these plans and they form part of the final assessment of the application.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. The proposed development provides a public plaza centrally within the site which enhances public use of the site and areas available for people to use to gather within the town centre. The development of the site will complement the continued operation of the Royal Far West hospital and medical centre.</p>

Section 4.15 Matters for Consideration	Comments
	<p>(iii) Economic Impact</p> <p>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use. The proposal provides a quantum of commercial and retail floor space that is consistent with the concept approval.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development. The site has undergone extensive consideration via the Part 3A approval process and subsequent modification to the approval approved more recently.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report. The submissions raised have been considered and detail in this report. The matters raised in the submissions do not warrant refusal of the application.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

Concept Approval on the Site under Part 3A

As outlined in the 'site history' at the beginning of this report, the site has a concept approval under the now repealed 'Part 3A' of the *EP&A Act 1979*. This development application seeks to carry out the remaining stages of the concept approval for the site and therefore, the assessment of this development application is required to have regard to the terms of that concept approval.

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 from the Transitional Regulations 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. In this regard, Council have

undertaken a detailed assessment of the proposal against the concept approval include and the terms outlined in the approval document. The detailed assessment forms part of this assessment report as Attachment 1.

In order to grant consent, Council must be satisfied that the development is 'generally consistent' with the terms of the concept approval. The term 'generally consistent' has been defined and tested in planning case law and it has been established that this term anticipates a degree of flexibility for the consent authority in their consideration of the proposed development against the concept approval. The words 'generally consistent' do not require strict adherence or require the development to be exactly the same as the concept approval allows a degree of flexibility in Council's consideration of the development.

As outlined in the assessment of the application against the terms of the concept approval in Attachment 1 to this assessment report, the proposal is found to be generally consistent with the terms of the concept approval, with any minor differences in building footprint found to be generally consistent with the concept approval and have been well justified and documented by the applicant in the documentation accompanying the application.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has most recently been publicly exhibited from 31/10/2022 to 28/11/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 6 submission/s from:

Name:	Address:
Sally Jane Berkeley	9 / 31 Victoria Parade MANLY NSW 2095
Anonymous	N/A
Mr Graham John Chew-Harris Mrs Kerry Rachel Chew-Harris	21 / 25 - 27 Victoria Parade MANLY NSW 2095
Mrs Teresa Margaret Evans	17 Fairport Street NORTH CURL CURL NSW 2099
Mrs Janette Margaret Wall	24 / 25 - 27 Victoria Parade MANLY NSW 2095
James Lovell & Associates Pty Ltd	Level 1 Suite 2 20 Young Street NEUTRAL BAY NSW 2089

The application was notified and advertised for a period of 28 Days between 15 July 2022 to 12 August 2022 in accordance with Council's Community Participation Plan (CPP). During the initial notification period, Council received six (6) submissions from surrounding properties.

The application was then re-notified and re-advertised for a period of 28 Days between 31 October

2022 and 28 November 2022 in accordance with Council's CPP, as a result of amended plans and additional documentation. No new or further submissions were received during the re-notification of the application.

The following issues were raised in the submissions:

- View impact of Unit 533/25 Wentworth Street and general view impacts for the 'Peninsular Building' at 25 Wentworth Street.
- View impacts upon the public corridor along Wentworth Street looking east.
- Visual privacy for 31 Victoria Parade.
- Increase in traffic.
- Overshadowing of central communal open space area between 25-27 and 29 Victoria Parade.
- Overshadowing impact of the development for Units 3 and 4, 27-29 Victoria Parade (ground floor north facing units).
- Loss of airflow for 25-27 Victoria Parade due to joining of Building A and B.
- Length and Scale of Building C facing 25/27 and 29 Victoria Parade resulting in visual impact.
- Wind impacts along Wentworth Street within public domain.
- Impact on the health of the Norfolk Pine Tree at the rear of 25-27 Victoria Parade adjoining proposed building B. This tree will receive reduced sunlight.
- Noise impacts from mechanical plant equipment.

The above issues are addressed as follows:

- **View impact of Unit 533/25 Wentworth Street and general view impacts for the 'Peninsular Building' at 25 Wentworth Street.**

Comment: One submission raised that there would be a general view impact of the units within the Peninsular Building (25 Wentworth Street) towards Manly Beach. One submission was received specifically from an owner of Unit 533/25 Wentworth Street with regards to a view impact, which Council undertook a site inspection to conduct a view impact assessment. The applicant provided in their documentation a view impact photograph with a photomontage of the development looking at the site from a mid-level apartment 331 within the Peninsular Building.

A detailed view impact assessment is undertaken later in this assessment report having regard to the Land and Environment Court Planning Principle which deals with view sharing (*Tenacity v Warringah Council*). This assessment considers the apartment which raised an objection (being Unit 533/25 Wentworth Street) as well as the apartment 331 within 25 Wentworth Street (which is a typical example of an apartment within the building facing Wentworth Street). The assessment against the planning principle for view sharing has found that these units will retain a portion of their views to Manly Beach and that overall, the view sharing outcome is considered to be reasonable when considered against the *Tenacity* planning principle and having regard to the envelope approved under the concept application. See the assessment under Clause 3.4.3 MDCP Maintenance of Views later in this assessment report.

- **View impacts upon the public corridor along Wentworth Street looking east.**

Comment: The siting of building D has regard to the public view of Manly Beach along Wentworth Street, with the building being setback appropriately on the corner of Wentworth and South Steyne to maintain the public view corridor. Furthermore, this view corridor is enhanced by the undercroft of Building D so that further views are captured beneath the building towards Manly Beach when looking east along Wentworth Street. The views towards the heritage listed

Norfolk Pines are captured by this undercroft and building setback. Having regard to the footprint of the concept approval, the proposed development retains a reasonable view corridor from the public domain of Manly Beach along Wentworth Street.

- **Visual privacy for 31 Victoria Parade.**

Comment: Building C provides a compliant setback in accordance with the concept approval to the boundary adjoining 31 Victoria Parade. The southern façade of Building C has been designed to have splayed windows which mitigate privacy impacts on the northern façade of the apartment building on 31 Wentworth Street. The application deals with privacy in a satisfactory way and the building layout is in accordance with the concept approval

- **Increase in traffic.**

Comment: The application has been referred to Transport for NSW as 'traffic generating development' given the quantum of parking spaces provided within the site. Transport for NSW have not raised any objection or concerns with the proposal. Council's traffic team have assessed the application and are satisfied the development will not have unreasonable impacts with regards to traffic in the locality and adequate parking is provided within the site.

- **Overshadowing of central communal open space area between 25-27 and 29 Victoria Parade.**

Comment: The central communal open space between Building 25-27 Victoria and 29 Victoria will continue to receive the levels of solar access presently enjoyed, with the central communal open space area currently overshadowed prior to 12:30pm by the building 29 Victoria Parade and the new Building C not having any further impact to the sunlight access during mid-winter as demonstrated in the view from sun diagrams. Building B (rear of Drummond House) is a modest 2 storey scale and chamfered roof to increase levels of solar access to the central communal open space. The proposal has been designed having regard to maintenance of solar access to this area and this is demonstrated in the view from sun diagrams.

- **Overshadowing impact of the development for Units 3 and 4, 27-29 Victoria Parade (ground floor north facing units).**

Comment: The impact to overshadowing of the above two units have been considered in detail later in this assessment report under Clause 3.4.1 Manly DCP, along with the other eastern facing units within the building 27-29 Victoria Parade. In summary, the view from sun diagrams have demonstrated that reasonable amounts of solar access in accordance with the apartment design guidelines will be received for the adjoining residential properties. The proposed development is consistent with the height and setbacks nominated under the concept approval, with the roof plant not resulting in the adjoining properties receiving solar access less than the ADG requirements. The proposal overall is satisfactory with regards to maintenance of solar access for the adjoining properties. The submission raises that no solar access diagrams are provided for the summer solstice for the adjoining apartments. However, solar access will improve during the summer months and the solar access diagrams provided for the winter solstice are the worst-case scenario (shortest day of the year with the sun at the lowest trajectory).

- **Loss of airflow for 25-27 Victoria Parade due to joining of Building A and B.**

Comment: It is considered that there is sufficient building separation between the development and common boundary to promote air flow and circulation around the adjoining sites. The

development footprint is consistent with the concept approval and therefore, the application could not be refused on this basis.

- **Length and Scale of Building C facing 25/27 and 29 Victoria Parade resulting in visual impact.**

Comment: The concept approval sets the height, length and setback of Building C and the proposed development is found to be consistent with the concept approval. Building C is provided with a number of vertical building breaks only its length to break down the façade massing and provide visual interest. Given the developments consistency with the concept approval, this would not be a reason for Council to refuse the application.

- **Wind impacts along Wentworth Street within public domain.**

Comment: The application is accompanied by an 'environmental wind report' which considers the comfort levels of pedestrians and uses of the forecourt, along with persons travelling around the perimeter of the site in the public domain. The environmental wind report concludes that comfortable levels for pedestrians and uses of the site will be maintained, with design of the building (including the undercroft area) promoting even airflow around the building and within the public forecourt.

- **Impact on the health of the Norfolk Pine Tree at the rear of 25-27 Victoria Parade adjoining proposed building B. This tree will receive reduced sunlight.**

Comment: The footprint of Building B and basement beneath has had regard to the tree protection zone of the Norfolk Pine, noted as T14 in the arboricultural impact assessment. Council's landscape officer has reviewed the application and is satisfied that this tree can be retained based on the layout of the buildings, which includes a section of Building A and B being joined.

- **Noise impacts from mechanical plant equipment.**

Comment: The application is accompanied by an acoustic report which makes an assessment of the plant equipment, which is either located within the basement level or in a centralised area of Building C. Council's environmental Health officer has reviewed the report, including the recommendations to mitigate noise. Council's EHO is satisfied that the development will not have an unreasonable acoustic impact on the adjoining sites, subject to conditions that require compliance with the acoustic report.

REFERRALS

Internal Referral Body	Comments
Design and Sustainability Advisory Panel	<p><u>Supported with recommendations</u></p> <p>The application was reported to the DSAP on 28 July 2022. The concluding comments of the DSAP were overall supportive of the proposal and acknowledged the work undertaken through the concept application and the following modification to the concept application. The DSAP did not recommend any fundamental design changes or raise any fundamental issues with the proposal.</p>

Internal Referral Body	Comments
	<p>The DSAP recommended a number of matters be investigated and implemented to further enhance the project. The applicant subsequently revised the application and provided a response where necessary in response to the DSAP comments. Below, the DSAP recommendations are stated and the applicant's response in the below comment.</p> <p><u>Recommendations and applicant responses</u></p> <p><i>1. The Panel encourages the design team to continue enriching long-standing Community relationships so that voices of Aboriginal people are interwoven with a project of this significance. Guide the imagining of what might occur on this place, how it can respond over time, and that in its final form will become part of Country embedded with the significant social and health services that RFW continues to provide to Community.</i></p> <p><u>Comment:</u> The design presented in this application has been prepared with consultation of both Traditional Owners as well as other First Nations representatives. Details of this consultation process is included in the attached First Nations Design Brief, the project's Community Engagement Report as well as the Landscape Architect's Design Statement.</p> <p><i>2. Design development should ensure the continuing connection to the horizon through buildings and spaces is realised in the final built form. (Including continuing consideration of proposed ground floor soffit and structural design to maximise the clearance).</i></p> <p><u>Comment:</u> The project sees a strong connection to the horizon as well as focusing on the activation of the street and new forecourt space. The proposed soffit height is both consistent with the approved S75W concept plan as well as achieving a good balance between ground floor openness, human scaled space as well as allowing for the overall Building D street elevation to be considerate of the future desired building form heights.</p> <p><i>3. Continue to explore opportunities for referencing Connection with Country both through consultation and design outcomes. The Panel supports opportunities for Aboriginal guidance in exploring a holistic ground plane relationship of space, form and experience within and beyond the site to land, ocean and sky and through other identified engagement embedded with the project.</i></p> <p><u>Comment:</u> See above point 1.</p> <p><i>4. The narrow courtyard has been provided with a substantial soil volume in planters to achieve large growth but limiting factors will be shade and salt laden onshore breezes.</i></p> <p><u>Comment:</u> Noted, no further action.</p>

Internal Referral Body	Comments
	<p><i>5. Undercroft and courtyard spaces will be shady and exposed to wind with the building permeable to sea wind. Public spaces are desirable to be cool and breezy in midsummer but uncomfortable especially in Winter and to a less extent in Spring and Autumn.</i></p> <p><u>Comment:</u> The application is accompanied by a Environmental Wind Assessment which states the development will provide satisfactory comfort levels for uses of the pedestrian forecourt and around the edges of the building on the public street.</p> <p><i>6. The Panel would support a single common space on the northern part of building C.</i></p> <p><u>Comment:</u> Noted, this is provided.</p> <p><i>7. Review solar access and thermal comfort of the design of the apartments in Building C.</i></p> <p><u>Comment:</u> The revised architectural DA design includes amendments to the living areas to the apartments in Building C allowing significantly increased amounts of solar access to these living spaces. Please refer to the project architectural DA documentation for additional information here.</p> <p><i>8. Increase solar amenity for lower-level units (3 and 4) in close proximity in Buildings C and D.</i></p> <p><u>Comment:</u> The 'Issue 02' Architectural DA design now includes larger living areas (and associated increase to façade glazing) to most of the Building C apartments such that they will now receive more direct sunlight to these living spaces compared to the earlier 'Issue 01' DA design.</p> <p><i>9. Additional information to demonstrate how acoustic amenity is achieved without impacting on natural cross ventilation for units in close proximity Buildings C and D.</i></p> <p><u>Comment:</u> Given the number and orientation of the windows to the bedrooms in Building D (oriented to sides and courtyard spaces), there is an ability for the occupant of these rooms to adjust the windows to cope with increased noise levels from outside whilst also not impacting the amenity of this bedroom space. Further details on the acoustic performance of these spaces is included in the accompanying statement from the project Acoustic consultant.</p> <p><i>10. Connect rainwater reuse to uses inside the building such as toilets and laundries.</i></p> <p><u>Comment:</u> The project's water saving measures have been detailed in the project's Sustainability report as well as the project's BASIX certificate.</p>

Internal Referral Body	Comments
	<p><i>11. Increase the proposed rooftop PV and consider incorporation with rooftop communal open space opportunities for a dual purpose to provide shade.</i></p> <p><u>Comment:</u> The project has sought to balance the provision of green roof planting zones, solar cells for power generation as well as the provisioning of zones to allow for a variety of communal uses. The rooftop communal gathering space on Building C has been provisioned with a number of pergola shading devices. These would be seen to offer dappled light rather than complete shade as well as being a frame for plants to grow over. The project also proposes a new significant PV array on the roof of the existing Centre for Country Kids ('CCK') Building.</p> <p><i>12. Investigate an all-electric building through heat pump hot water and induction cooktops, no gas connection.</i></p> <p><u>Comment:</u> The project will achieve a minimum of 5 green star rating across the whole project, which includes measures such as roof top solar cells, energy efficient fittings, good apartment solar access, high levels of natural cross ventilation etc. For additional detail refer to the project Sustainability Report.</p> <p><i>13. Include provisions for increased car share, EV charging for future full electrification, considering bidirectional charging points.</i></p> <p><u>Comment:</u> Provisions for a car share space have been included in the project (basement parking). The development's maximum electrical demand calculation has been designed to allow for future electrician/EV charging.</p> <p><i>14. Maximise external windows to bathrooms and utility rooms wherever possible including commercial components.</i></p> <p><u>Comment:</u> This detailed development application includes a number of apartments with outward facing bathrooms. The commercial areas will be subject to a future development application however there is provision for wet areas to also open to the outside.</p> <p><i>15. Investigate material choices with low embodied carbon; low carbon concrete mixes with 70% less cement are readily available. Fly ash concrete should be investigated for the structure of the building, as well as other low carbon materials</i></p> <p><u>Comment:</u> The Project is considering the use of low carbon concrete as part of its Green star Assessment. As part of this there will also be the consideration of the use of Fly ash concrete (such as Boral Envisia). A more detailed analysis of the project concrete specification will be undertaken during the documentation phase to ensure the necessary durability of this material in a marine environment</p> <p><i>16. Select roofing materials with high albedo roof to reduce urban heat</i></p>

Internal Referral Body	Comments
	<p><i>and install high insulation levels.</i></p> <p><u>Comment:</u> The project includes extensive areas of roof top planting which will greatly assist in prevent unwanted roof top solar heat gain along with contributing to local biodiversity and helping to reduce the urban heat island effect. Light colour waterproofing membranes (along with ballast etc) will be targeted for use.</p> <p><i>17. Bike storage – ensure the residential storage has dimensions that accommodates bike storage.</i></p> <p><u>Comment:</u> Bicycle storage facilities are provided throughout basement. Residential storage enclosures are also included in the basement areas.</p> <p><i>18. Accessible layouts constructed at the outset so that any future modification is limited to joinery changes and cosmetic changes will achieve the most cost-effective and functional long-term outcome for future residents.</i></p> <p><u>Comment:</u> Apartment designs have been considered a number of different user mobility levels and detailed pre and post adaption drawings have been prepared as part of this development application. These designs have also been prepared in consultation with the project Access Consultant - Accessible Building Solutions.</p> <p><u>Concluding Comment from Council</u></p> <p>Council is satisfied that the applicant has addressed the recommendations of the DSAP where necessary and provided responses to the DSAP queries where appropriate to enhance the development. It is noted the DSAP is an advisory panel that is used to enhance the design quality and sustainability of the development. The application has provided an appropriate response and demonstrates design excellence. There are no recommendations the applicant has not incorporated that would warrant refusal of the application.</p>
Building Assessment - Fire and Disability upgrades	<p>Supported subject to conditions</p> <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Acid	Supported subject to conditions

Internal Referral Body	Comments
Sulphate)	<p>General Comments</p> <p>Reviewed:</p> <ul style="list-style-type: none"> · EN-RPT-0001 Report on Site Investigation (Contamination) with Limited Sampling · EN-RPT-0002 Remediation Action Plan · GE-RPT-0001 Report on Geotechnical Desktop Assessment · Master Plans <p>For the installation of basement carparks, footings and supporting structures, excavation will be required to a depth of approximately 10m below ground level (bgl). It has been demonstrated in multiple reports that acid sulfate soils are highly unlikely to be encountered to a depth of 8m bgl. Exceeding that, investigation to 20m bgl did not identify any soil types indicative of acid sulfate soils.</p> <p>As a contingency, it has been recommended by the contamination / Geotech consultant that "if materials suspected of potentially containing ASS are identified, samples shall be collected in accordance with the methods outlined in Appendix D and the results compared to the action criteria in Appendix C.". Thus we recommend the below condition in support of the proposal.</p>
Environmental Health (Contaminated Lands)	<p>Supported subject to conditions</p> <p>General Comments</p> <p>Redevelopment of the Royal Far West site at Manly includes the demolition of several structures, and excavation of subsurface contaminating materials. A site investigation report was provided with the application along with a remedial action plan (RAP). The RAP provides a detailed outline of measures that need to be taken to make the land 'suitable for use' (in line with SEPP (Remediation and Hazards) requirements) and to achieve validation certification.</p> <p>A crucial part of validation will be determined by the requirement for a long-term environmental management plan where contaminants will be "capped" below hardstands rather than removed. Although unlikely to occur, this can only be determined once the demolition has begun and the current "data gap" can be filled via further detailed investigation.</p> <p>Council is satisfied that the site can be made suitable for land use by following the RAP, and if an EMP is required, must be informed of any capping.</p>

Internal Referral Body	Comments
	<p>The below conditions are imperative to ensuring the safe decontamination of this site.</p>
<p>Environmental Health (Industrial)</p>	<p>Supported subject to conditions</p> <p>General Comments</p> <p>Demolition of the existing, and construction of new buildings at the Royal Far West Manly site triggers a review of health amenity outcomes for surrounding 'sensitive receivers'. Amenity categories such as light, odour and noise are potential issues to be looked at.</p> <p><u>Noise</u></p> <p>Kitchen and car park exhausts, air conditioning banks are classed as mechanical plant which produce noise. By ensuring that the building design has adequate provisions to discharge exhausts at the roof level, we can most effectively control noise impacts on residential receivers (in particular).</p> <p>An acoustic report has been provided to account for mechanical plant noise. Cross-referencing the Master Plans with the control measures in that report, we are satisfied that the development can meet the criteria of the Manly DCP as well as the <i>Noise Policy for Industry</i> recommendations for noise amenity.</p> <p>Waste collection was also considered regarding noise impacts during night-time periods (NPfI). The proposal has the waste area positioned in the basement carpark, and as stated, "private collection service from the basement can occur discreetly away from the built surrounds, minimising any amenity impacts to the neighbouring properties and Manly Beach proper". We support this proposition as it infers a reduced noise impact because noise will be 'internalised'. We recommend a restriction on waste collection times -from 6am to 10pm to prevent excessive noise from garbage collection trucks on entry/exit of the carpark.</p> <p><u>Odour</u></p> <p>Because the waste location is below ground level, it may need to be well ventilated to control odour. In the waste management plan, it is proposed that the waste area will be mechanically ventilated. If this is the preferred method, the ventilation must not discharge onto external public areas or at ground level.</p>
<p>Environmental Health (Food Premises, Skin Pen.)</p>	<p>Supported subject to conditions</p> <p>General Comments</p>

Internal Referral Body	Comments
	<p>Multi-building demolition and construction is proposed for the Royal Far West site at Manly. This includes guest accommodation and a kitchen in Building B, and the provision of retail spaces that may be used as food premises' in buildings C and D.</p> <p>Consent conditions below apply to the kitchen and servery in Building B. Whereas, any food premises in Building C or D are subject to separate development consent.</p> <p>Kitchen exhaust must be ducted to the roof and not the sidewalk or internal-facing thoroughfares.</p>
Landscape Officer	<p>Supported subject to conditions</p> <p>The development application proposes the implementation of Stages 3 and 4 of the Part 3A Concept Plan approval MP10.0159 MOD1, including demolition, alterations, additions and construction of mixed use buildings. 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 landscape works.</p> <p>A Landscape Plan and a Arboricultural Impact Assessment accompany the application and are assessed as part of this Landscape Referral. Council's Landscape Referral section have considered the application against the Manly Local Environment Plan for land zoned B2 and the objectives under clause 6.11 Active street frontages, and the following Manly DCP 2013 controls (but not limited to):</p> <ul style="list-style-type: none"> • 3.3.1 Landscaping Design • 3.3.2 Preservation of Trees or Bushland Vegetation • 4.1.5 Open Space and Landscaping, including 4.1.5.2 (c) Minimum Tree Plantings where applicable <p>The following State Environmental Planning Policy applies: No. 65 - Design Quality of Residential Apartment Development (SEPP 65), under Schedule 1 Design quality principles of SEPP65, including: Principle 5: Landscape. Additionally, the objectives of the Apartment Design Guide shall be satisfied as follows: 3C Public domain interface; 3D Communal and public open space; 3E Deep Soil Zone; 4O Landscape Design; and 4P Planting on Structures.</p> <p>Amended Landscape Plans are submitted that address the previous concerns regarding the following: deep soil, ground level on structure planting, ground level public domain surfaces materials, and active street frontages. Detailed Landscape Plans for construction certificate</p>

Internal Referral Body	Comments
	<p>incorporating hard landscape plans, soft landscape plans, landscape construction details, and landscape specifications shall be developed to deliver the landscape outcome as proposed.</p> <p>The Arboricultural Impact Assessment submitted provides determination of the impact to existing trees within the property and within adjoining land, from the proposed development works, and provides recommended tree protection measures that shall be the subject of imposed conditions. Within the property five prescribed trees ranging from 5 to 6 metres in height are impacted by the works and recommended for removal subject to Council consent, and five exempt trees under 5 metres in height are impacted by the works and do not require Council consent.</p> <p>Three heritage listed Norfolk Island Pine street trees under the Manly Local Environmental Plan (item 246) are located within the Wentworth Street road reserve and shall be protected by conditions as imposed. Three trees within adjoining property 25-29 Victoria Parade are in proximity to the works and the Arboricultural Impact Assessment advises of minimal physical impact subject to tree protection measures.</p> <p>Should the application be approved, Landscape Referral provide conditions of consent to be imposed.</p>
NECC (Bushland and Biodiversity)	<p>Supported subject to conditions</p> <p>The subject site does not contain native vegetation or wildlife habitat. The Biodiversity referrals team therefore have no objections to the proposal.</p>
NECC (Coast and Catchments)	<p>Supported no conditions</p> <p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i> and State Environmental Planning Policy (Resilience & Hazards) 2021. It has also been assessed against requirements of the Manly LEP and DCP.</p> <p>Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development. The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>Coastal Hazard Risk Assessment The Coastal Risk Management Report prepared by Royal HaskongDHV dated 10 June 2022 identified that the present day (2012) hazard line extends generally for the full width of the reserve, the 2050 hazard line extends to approximately the landward side of</p>

Internal Referral Body	Comments
	<p>South Steyne, and it is only the 2100 hazard line extends well into the proposed development RFW site. It is considered that the coastal hazards shown to affect the RFW site, which correspond to a case where the seawall is assumed to have failed,</p> <p>The report concluded 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.</p> <p>State Environmental Planning Policy (Resilience & Hazards) 2021</p> <p>The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP R & H). Hence, Clauses 2.10, 2.11 and 2.12 of the CM (R & H) apply for this DA.</p> <p>Comment:</p> <p>On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Boston Blygh Fleming dated 12 June 2022 and also Coastal Assessment Report prepared by Royal HaskongDHV dated 10 June 2022, the DA satisfies requirements under clauses 2.10, 2.11 and 2.12 of the SEPP R&H.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.</p> <p>Manly LEP 2013 and Manly DCP</p> <p>Foreshores Scenic Protection Area Management</p> <p>The subject site is also shown to be as "Manly Foreshores Scenic Protection Area" on Council's Foreshores Scenic Protection Area in</p>

Internal Referral Body	Comments
	<p>Manly LEP 2013. As such, Clause 6.9 (Foreshores Scenic Protection Area) of the Manly LEP 2013 and Part 5, section 5.4.1 Foreshores Scenic Protection Area of the Manly DCP 2013 will apply to proposed development on the site.</p> <p>On internal assessment, the DA satisfies requirements under Clause 6.9 (Foreshores Scenic Protection Area) of the Manly LEP 2013 and Part 5, section 5.4.1 Foreshores Scenic Protection Area of the Manly DCP 2013.</p> <p>As such, it is considered that the application does comply with the requirements of the Clause 6.9 (Foreshores Scenic Protection Area) of the Manly LEP 2013 and Part 5, section 5.4.1 Foreshores Scenic Protection Area of the Manly DCP 2013.</p>
NECC (Development Engineering)	<p>Supported subject to conditions</p> <p>Development Engineering has no objection to the application subject to the following conditions of consent.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>Supported subject to conditions</p> <p>The proposed development includes partial demolition and alterations and additions, as well as the construction of mixed use buildings which incorporate residential, retail/ commercial and hospital/ medical uses and associated guest accommodation with basement parking and landscaping.</p> <p>The site is partially affected by the Flood Planning Area (Medium Flood Risk Precinct) and the Probable Maximum Flood (Low Flood Risk Precinct), but not by the 1% AEP flood event. The Flood Life Hazard Category is H1-H2.</p> <p>Flood Planning Levels (FPLs) vary across the site. Relevant FPLs are as shown in Appendix C of the Flood Statement by Northrop (14.10.2022), and are based on flood levels from the “Manly to Seaforth Flood Study Revision 3” (Cardno, 2019).</p> <p>The floor level of Building C along Wentworth St has now been satisfactorily amended to the FPL of 4.92m AHD.</p> <p>All floor levels now meet the FPL requirements.</p> <p>The driveway entry to the basement car park is existing and does not need to be modified. The Flood Statement by Northrop notes that the existing crest level of 5.15m AHD is almost at the FPL of 5.16m AHD.</p> <p>The proposed development generally complies with the flood controls in Part 5.4.3 of the Manly DCP 2013.</p>
NECC (Water Management)	<p>Supported subject to conditions</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Coastal Management Act 2016;

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • State Environmental Planning Policy (Resilience and Hazards) 2021 (clauses 2.8 and 2.12); • Northern Beaches Water Management for Development Policy (WM Policy); and • Relevant LEP and DCP clauses. <p>The proposal is unlikely to increase the risk of coastal hazards.</p> <p><u>Dewatering</u> A Council dewatering permit application must be made for expected multiple instances or continuous dewatering.</p> <p><u>Environmental Management Plan and Sediment management</u> Due to the sensitivity of the downstream environment it is imperative that sediment are managed appropriately during construction.</p> <p><u>Water management</u> The proposed stormwater management strategy is satisfactory.</p>
Parks, reserves, beaches, foreshore	<p>Supported subject to conditions</p> <p>The development application proposes the implementation of Stages 3 and 4 of the Part 3A Concept Plan approval MP10.0159 MOD1, including demolition, alterations, additions and construction of mixed use buildings. 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 landscape works.</p> <p>The development site adjoins the North Steyne foreshore promenade and beach located across the road reserve, that occupies land zoned RE1 Public Recreation. The proposed development does not impact upon the objectives of the RE1 land zone and the development is not detrimental to the landscape character of the adjoining land nor the recreational use of the recreational land, and associated features, structures and natural character, and as such Parks, Reserves and Foreshores raise no concerns with the development proposal.</p>
Strategic and Place Planning	<p>Supported without conditions</p> <p>The subject property is within the study area of the Manly Place Plan project. The property is unlikely to be in a defined nighttime activity designation although the property enjoys immediate beach frontage where events have/will continue to occur. Accordingly the development should be attune to the utility of the beachfront and implement acoustic mitigation in its overall construction eg. acoustic windows.</p>
Strategic and Place Planning (Heritage Officer)	<p>Supported subject to conditions</p>
	<p>Discussion of reason for referral</p> <p>This application has been referred as the site contains a local heritage item, being Item I245 - The Drummond Far West Home,</p>

Internal Referral Body	Comments
	<p>22 Wentworth Street, Manly, which is listed in Schedule 5 of Manly Local Environmental Plan 2013.</p> <p>The site is also within the vicinity of a number of heritage items, including:</p> <p><i>I174 – Beach Reserve – Merret Park, North Steyne and South Steyne</i> <i>I224 – Public Shelters – South Steyne and North Steyne</i> <i>I226 – House at 15-16 South Steyne (also known as The Terraces)</i> <i>I241 – Residential flat building, 29 Victoria Parade</i> <i>I242 – Residential flat building, 31 Victoria Parade</i> <i>I243 – 1920's school building, 10 Wentworth Street</i> <i>I244 – Former School of Arts, 12 Wentworth Street</i> <i>I246 – Street Trees – Wentworth Street</i></p> <p>The site is also within the vicinity of C2 - Town Centre Conservation Area</p> <p>Details of heritage items affected</p> <p>Details of the main heritage item affected, as contained within the Heritage Inventory, are:</p> <p><i>Item I245 - The Drummond Far West Home, 22 Wentworth Street, Manly</i> <u>Statement of Significance</u> This building is a good example of Inter-War Classical style in a building with state historical significance for its role as a charitable institution.</p> <p><u>Physical Description</u> Three storey Inter-War Classical style building. Cream brick institutional building with tile roof. Wide colonnade ground floor. Paired Doric columns to first and second floor balconies. Contrasting brickwork used as highlight to arches on ground floor and in horizontal bands.</p> <p>The Drummond Far West Home is a three-storey brick and concrete building located on the south side of the street. The building is symmetrical about the main entry. The ends of the front façade are terminated with projecting rooms on the First and Second Floors containing large sliding timber framed windows that provided sheltered sunrooms and the Ground Floor arcade projects to support the sunrooms.</p> <p>The Ground Floor verandah is shaded by an arcade of arches in the face brickwork. The entry is defined by a projecting porch with brick side walls, concrete Doric columns in the opening and rendered moulded cornice. The First and Second Floor verandahs have four pairs of Doric columns dividing the verandahs into five bays. Between the pairs of columns are the original low wrought steel handrails. The original angled tops have been removed and modern glass balustrades have been installed behind the wrought steel balustrades.</p> <p>The windows are timber framed and the main entrance doors are a</p>

Internal Referral Body	Comments		
	<p>pair of timber and glass doors given a horizontal emphasis by the omission of any vertical glazing bars – there being only horizontal glazing bars.</p> <p>The floor levels are defined with projecting painted rendered moulded cornices and the lintels over the sunroom windows are also rendered and painted. The original unpainted face bricks have now been painted and the original contrast between the painted Second Floor and unpainted Ground and First Floors has now been lost.</p>		
	Other relevant heritage listings		
	SEPP (Biodiversity and Conservation) 2021	No	Comment if applicable
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	Consideration of Application		
	<p>Background</p> <p>This application responds to a Concept Approval (MP 10_0159) which was approved for the site in 2013 and which was amended in May 2022. Heritage raised a number of concerns with the proposed amended concept, and after discussions with the applicants, the main heritage objections were resolved.</p> <p>Proposal</p> <p>This application provides for the detailed design of the Royal Far West site, in accordance with the approved Concept Plan (Approved 2013 and amended May 2022).</p> <p>The application proposes a major mixed use redevelopment of the land holding owned by Royal Far West, on the corner of Wentworth Street and South Steyne. It proposes demolition of all buildings on-site, with the exception of the existing CCK building on Wentworth Street and retention of the front part of the heritage listed Drummond House building, which faces Wentworth Street. It also proposes construction of three new buildings containing residential, commercial and retails uses, with basement parking and landscaping works. The overall building envelope is approved by the original Concept Approval (as amended in 2022), with this DA providing the detailed design.</p> <p>Heritage Comment</p> <p>Major heritage concerns were raised in response to the Concept</p>		

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	<p>Approval modification, as the concept had shifted from retaining all of heritage listed Drummond House, to only retaining the front bay facing Wentworth Street. After discussions with the applicant this overall objection to extra demolition of the heritage item was removed, after modifications were made to the plan to enable the remaining portion of Drummond House to be more appreciated and understood from Wentworth Street.</p> <p>These comments are based on the latest amended plans submitted for this application on 16 November 2022.</p> <p>The updated Heritage Impact Statement (HIS) by URBIS, dated 14 October 2022 has also been reviewed. It concludes that "<i>the proposal is considered to have an acceptable heritage outcome...</i>" and that</p> <p><i>"The potential heritage impacts of the removal of the rear wing fabric of Drummond House and development of two 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."</i></p> <p>The HIS recommends the following conditions of consent, which are all agreed with:</p> <ul style="list-style-type: none"> - Preparation of a Photographic Archival Recording prior to CC; - Engagement of heritage consultant for all stages of project until completion; - Preparation of a Schedule of Conservation Works prior to CC; and - Preparation of a Heritage Interpretation Plan, prior to CC. <p>The application was also supported by a Conservation Management Plan (CMP), also by URBIS, dated 20 November 2020. This CMP identifies the fabric of the rear wings of Drummond House, which are to be demolished, as having Little Significance, with only the front wing identified as having Moderate Significance. Interiors, having been extensive altered over the years, are graded as having Little or Neutral Significance. Original timber framed windows and doors have Moderate Significance with later replacements Neutral.</p> <p>While Heritage does not agree with these gradings of fabric significance, the proposal is in accordance with the approved Concept Plan which shows demolition of the rear bays of Drummond House. Therefore, these comments are focused on how to achieve the best outcome for the portion of Drummond House which is to remain. Council also requested that the CMP be updated to include policies relating to moveable heritage, as it was silent on this category of heritage, which is relevant due to the fact</p>

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	<p>that Royal Far West have occupied the site since the 1920's. An updated CMP was not submitted with the application.</p> <p>Changes to Drummond House As mentioned, demolition of the majority of this heritage item was approved by the modification of the Concept Plan in May 2022. The plans state that there will be "<i>Refurbishment works to Drummond House to Heritage Architect approval</i>", but with little specific detail. There is also a lack of detail around the design of the entry vestibule, landscaping in front of Drummond House and proposed materials, finishes and colours (including the roof replacement).</p> <p>All internal walls and also the rear walls of the front bay are proposed to be demolished, leaving only the shell of the front of the Inter War Free Classical building. It is essential that this demolition be guided by a structural engineer to ensure that no harm comes to that part of the building which is to remain - during demolition, excavation and construction. It is noted that the application was supported by Civil and Structural Comments from James Taylor & Associates (dated 10 June 2022), which concluded that "<i>We are satisfied that the integrity of Drummond House can be maintained throughout the excavation, construction and afterwards.</i>" More details of how this will be done are required.</p> <p>The new construction behind Drummond House has been reduced in width and set back, so that it is largely contained behind the front portion, which now allows for part of the original form of Drummond House to be viewed and appreciated from Wentworth Street. This combined with the larger angled setback of Building C (than in previous concepts), means that more of the original form of Drummond House will be visible from the public domain, especially when viewed from the beachfront. However, the western side context will be affected by the design of the entry vestibule and further details are required to ensure this does not have an adverse impact on the significance of Drummond House.</p> <p>It is noted that the existing fence in front of Drummond House is to be removed, which is supported, along with the removal of the existing timber screen facade element between the CCK building and Drummond House.</p> <p>There is little detail provided on materials, colours and finishes for the proposed changes to Drummond House, apart from statements that refurbishment works will be done with Heritage Architect approval. Full details of all materials, colours and finishes affecting Drummond House and the larger development, will be required to be submitted to Council's heritage officer for approval prior to the issue of a CC. This will include the proposed re-roofing of the heritage building, for which details have not been provided. There is also some confusion about the treatment of the front facade of Drummond House. The architectural plans state that the paint is to be removed on the lower 2 stories, if the bricks are in an</p>

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	<p>acceptable condition, however the HIS states that <i>"It is not proposed to alter the existing painted facade of Drummond House, however opportunities to recycle brickwork, strip back paint to the original facebrick and apply a different painted colour palette may be explored in the future."</i></p> <p>Due to the lack of detail provided on the refurbishment of Drummond House, a condition will also be imposed requiring the preparation of a detailed <i>Schedule of Conservation Works</i>, submitted for approval prior to issue of a CC. An additional condition will be imposed requiring the appointment of a heritage architect/consultant to supervise all works affecting heritage fabric, during construction.</p> <p>There is also a lack of detail on the Landscape Plans by Jane Irwin Landscape Architecture (dated 18 November 2022), which refers to <i>"new Drummond House front planting to compliment heritage building"</i>, without providing any specifics. Details will need to be submitted to Council's heritage officer for approval. No details are shown of a replacement fence. Should one be proposed, full details will need to be submitted to Council's heritage officer for approval.</p> <p>As mentioned, there is a lack of detail for the entry vestibule shown on the plans adjacent to the western side of Drummond House. Further details should be submitted showing the relationship and integration of this area with the fabric of Drummond House.</p> <p>There are also no details of the illuminated sign proposed for the front of the CCK building. Given its size and the proximity of this sign to Drummond House, further details need to be submitted for review.</p> <p>Impact on heritage items in the vicinity</p> <p><u>15-16 South Steyne</u></p> <p>The site adjoins the heritage listed Victorian terraces at 15-16 South Steyne which currently sits beside the 4 storey WOTSO building. While the proposed new building is of a similar, slightly higher scale to the existing building, it is agreed that the new building will present an improved streetscape design response and therefore will not have a more adverse impact on the heritage building than exists currently. The new building is set back as required by the Concept Approval.</p> <p><u>29 and 31 Victoria Parade</u></p> <p>The site also adjoins heritage listed residential flat buildings at 29 and 31 Victoria Parade, adjoining the western boundary of the site. Again, setbacks are provided between these heritage buildings and the new buildings. Building C will be located adjacent to these heritage buildings, as approved by the Concept Approval. The setbacks and proposed landscaping will provide some visual relief between the new development and these heritage items. While the new buildings, in particular Building C, will change the context of</p>

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	<p>these heritage buildings, it is agreed that this is an acceptable heritage impact, given the location in the town centre of Manly.</p> <p><u>10 and 12 Wentworth Street</u> The site also adjoins heritage items at 10 and 12 Wentworth Street, however given that the recent CCK building already separates these heritage items from Drummond House, there will be no increased impact.</p> <p><u>Street trees - Wentworth Street</u> The street trees in Wentworth Street are also heritage listed. There are 3 heritage listed Norfolk Island Pine trees located adjacent to the site, one near South Steyne and the other two located to the east and west of Drummond House. These trees must be protected at all times during demolition, excavation and construction. It is noted that proposed Landscape conditions will ensure that these heritage listed trees are protected.</p> <p><u>Beach Reserve and Shelter sheds</u> The beach reserve with Norfolk Island pine trees and the shelter sheds are also heritage listed. It is not considered that the proposal will have an adverse heritage impact, taking into account the Concept Approval.</p> <p>Impact on Town Centre Conservation Area The site is located in the vicinity of the Town Centre Conservation Area, which in this area is located along The Corso and Darley Road. It is considered that there will be no adverse impact upon the significance of this conservation area as a result of this development.</p> <p>Other matters Given that the majority of a listed heritage building is being demolished as part of this proposal, it is essential that a thorough and detailed <i>Photographic Archival Recording</i> is made of Drummond House (inside and out, including any moveable heritage), along with its setting within the greater Royal Far West site.</p> <p>Additionally, as the site is of state significance for its association with the work of the Royal Far West, a <i>Heritage Interpretation Plan</i> is also required, so that the history of the whole site is interpreted in the new development. There should be a specific Heritage Interpretation Plan for Drummond House and also one for the wider development. These Heritage Interpretation Plans should include any items of moveable heritage remaining in-situ or being relocated on-site.</p> <p>Conclusions In light of the approved Concept Plan, the proposal is considered to have an acceptable impact upon the heritage significance of Drummond House, subject to careful management of</p>

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	<p>excavation/construction works and the implementation of appropriate refurbishment works, including the use of appropriate materials, colours, finishes and landscaping. It is also considered to have an acceptable impact upon the heritage items adjacent to the site and in the vicinity.</p> <p>Therefore, the proposal can be supported on heritage grounds, subject to the imposition of conditions:</p> <p><u>Prior to Construction Certificate</u></p> <ul style="list-style-type: none"> - Heritage Interpretation Plans - Photographic Archival Record - Supervision by Heritage Architect/Consultant - External finishes, materials and colours - Detailed Schedule of Conservation Works - Landscaping - Wentworth Street in front of Drummond House - Entry vestibule design - Drummond House - Update of Conservation Management Plan - Drummond House - Structural engineering advice - Drummond House - Illuminated sign - Wentworth Street <p><u>During Works</u></p> <ul style="list-style-type: none"> - Exposure of bricks - Drummond House - Archaeological finds <p><u>Prior to Occupation Certificate</u></p> <ul style="list-style-type: none"> - Implementation of Heritage Interpretation Plans <p><u>Consider against the provisions of CL5.10 of MLEP 2013:</u> Is a Conservation Management Plan (CMP) Required? Yes Has a CMP been provided? Yes Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p> <p>Further Comments</p> <p>NOTE: Not all conditions could be pre-filled in the conditions section, as there were not enough Prior to CC blank conditions available. Therefore, 5 x Prior to CC conditions have been pre-filled as well as 2 x During Works and 1 x Prior to OC conditions.</p> <p>The remaining 5 x Prior to CC conditions are listed below and MUST be added to any Notice of Determination.</p> <p><u>Prior to Construction Certificate</u></p>

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	<p>Landscaping - Wentworth Street, in front of Drummond House Details of proposed landscaping in front of Drummond House (including any fencing) are to be submitted to Council's Heritage Officer for approval, prior to the issue of a Construction Certificate. Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority. Reason: To ensure that landscaping in front of Drummond House is sympathetic with its aesthetic heritage significance.</p> <p>Entry Vestibule Design - Drummond House Details of the design of the entry vestibule, located adjacent to the western side of Drummond House, are to be submitted to Council's Heritage Officer for approval, prior to the issue of a Construction Certificate. Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority. Reason: To ensure that the entry vestibule does not adversely impact upon the aesthetic significance of Drummond House.</p> <p>Update of Conservation Management Plan - Drummond House The Conservation Management Plan for Drummond House (Urbis - 20 November 2020), is to be updated to include consideration of, and policies for, the protection of moveable heritage. The updated Conservation Management Plan is to be submitted to Council's Heritage Officer for approval, prior to the issue of a Construction Certificate. Reason: To ensure that the Conservation Management Plan for Drummond House is comprehensive.</p> <p>Structural Engineering Advice - Drummond House A report is to be submitted which details how the remaining portion of Drummond House is to be structurally supported and protected during demolition, excavation and construction. This report is to be prepared by a suitably qualified structural engineer and submitted to Council's Heritage Officer, prior to the issue of a Construction Certificate. Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority. Reason: To ensure that the remaining heritage item structure is not damaged during any works.</p> <p>Illuminated Sign - Wentworth Street Further details of the illuminated sign on the CCK building fronting Wentworth Street are to be provided to Council's Heritage Officer for approval, prior to the issue of a Construction Certificate. Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority. Reason: To ensure that the sign does not adversely impact upon the significance of Drummond House.</p>
Traffic Engineer	Supported subject to conditions

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	<p>Amended comments relating to amended plans - 26/10/22</p> <p>Proposal description: mixed-used development comprising residential, commercial, and retail uses at 14-22 Wentworth Street and 19-21 South Steyne, Manly</p> <p>The Transport Assessment Addendum prepared by Stantec dated 14 October 2022 and the plans (Amended Master Set) DA110 to DA112 Revision 02 prepared by MURCUTT CANDALEPAS dated 13/10/2022 have been reviewed by the Traffic team.</p> <p>All the Council's comments dated 08/09/2022 on the first version of the plans and traffic report have been addressed in the amended report.</p> <ul style="list-style-type: none"> - The updated development plans propose a total of 217 car parking spaces, which is a reduction of 14 parking spaces compared to the lodged plans. The total parking provision, however, continues to comply with the Concept Approval requirement of a minimum of 184 spaces. - The revised plans and proposed amendments meet or exceed the DCP parking requirements for all development uses. The revised layout resulted in a provision of 99 residential parking spaces, inclusive of 10 dedicated visitor parking spaces. Therefore, the DCP requirement of 86 residential spaces is exceeded. A total of 50 parking spaces have been provisioned for CCK and Drummond House to meet the previously approved provision. A total of 68 spaces have been provided for use by the new commercial and retail spaces. This increase in commercial and retail parking supply meets the DCP parking requirement of 68 spaces. - The revised development plans continue to propose 15 adaptable units. Therefore, a total of 15 residential accessible parking spaces are required. The revised plans include 15 residential accessible parking spaces and meet this requirement. <p>Some minor items of concern are as follows:</p>

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	<ul style="list-style-type: none"> - The indicative roller shutter location on Basement Level 2 is to be relocated to a place to secure both residential and residential/visitor parking spaces. This will be conditioned. - As per the Pre-Lodgement comments (PLM2021/0262) dated 11 November 2021 and Traffic Referral Responses dated 08/09/2022, the carparking levels will be conditioned to incorporate directional and turning pavement arrows to assist drivers in negotiating their way into and out of and through the carpark. - A detailed CTMP along with TCPs are also conditioned to be submitted to Council. <p>The amended traffic report and plans require minor amendments which will be conditioned however the amendments required are not sufficient to prevent the application from being supported.</p> <p>-----</p> <p>Initial comments 8/9/22</p> <p>Proposal description: mixed-used development comprising residential, commercial, and retail uses at 14-22 Wentworth Street and 19-21 South Steyne, Manly</p> <p>The traffic team has reviewed the following documents:</p> <ul style="list-style-type: none"> - Plans (Master Set) – issue 01, designed by MURCUTT CANDALEPAS, dated 10/06/2022, - Traffic Impact Assessment report prepared by Stantec dated 10 June 2022, - TfNSW referral letter (ref: SYD22/00787) dated 20 July 2022, - Royal Far West Redevelopment, Manly – Stages 3 and 4 Preliminary Construction Traffic Management Plan prepared by Stantec dated 10 June 2022 - Statement of Environmental Effects prepared by Boston Blyth Fleming Town Planners dated 12 June 2022, and - Pre Lodgement Advice (PLM2021/0262) dated 11 November 2021. <p>There were a number of traffic concerns raised in the PLM referral comments dated 11 Nov 2021 that were requested to be addressed in</p>

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	<p>the TIA report.</p> <p>Parking Requirements and Design</p> <ul style="list-style-type: none"> - The parking requirements for the development comprising 58 units (12 one-bedroom units, 24 two-bedroom units and 22 three or more bedroom units) and 2810m² retail/commercial are 76 resident spaces, 10 visitor spaces, 71 retail/commercial users = 157 spaces. There is also a parking requirement for Hospital facilities (Existing CCK building and Drummond House) which is 50 spaces from the previously approved DA. The development proposes an overall site total of 231 car parking spaces (50 CCK spaces, 55 Commercial spaces, 116 residential and 10 visitor parking spaces). - The Concept Approval for the whole site indicates that the total amount of parking “shall not be less than 184 spaces” for the full development. Therefore, the overall parking provision complies with and comfortably exceeds the Concept Approval requirement. However, residential parking in excess of DCP requirements is proposed (116 residential spaces and 10 visitor spaces exceeding residential spaces required by some 30 spaces), while the additional spaces are not opposed, given the shortfall in commercial/retail parking the reallocation of 16 of the residential spaces for commercial/retail use is considered appropriate. This will be conditioned. - Given the oversupply of residential parking the parking needs of residents have been more than adequately addressed and residents of the development will therefore not be eligible for resident parking permits. This will be conditioned. - 55 commercial/retail parking spaces have been proposed which is under DCP requirements by 16 spaces. The commercial/retail parking shortfall of 16 spaces can be addressed by reallocating some of the excess resident parking on site: <ul style="list-style-type: none"> o While some relaxation of DCP requirements in this location could be considered to reduce traffic levels and given the proximity of the site to good public transport, shops and recreational uses and the high level of walking and cycling activity in the vicinity such arguments would be more appropriately applied to the residential parking component and is not accepted as a justification for a reduced commercial/retail parking supply when there is an

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	<p>excess of residential parking being provided.</p> <p>o Section 4.2.5.4 of Manly DCP gives some exceptions to parking rates/ requirements in Manly Town Centre (including commercial premises) where the constraints of the site preclude the provision of some or all of the required parking spaces, and where the movement of vehicles to/from the site would cause unacceptable conflict with pedestrian movements. This is not applicable to this site as the site is not constrained in terms of its ability to provide parking.</p> <p>o While the presence of two (2) carshare spaces on site is supported the presence of these spaces does not justify a shortfall of commercial parking when there is an oversupply of residential parking.</p> <p>o the use of a Green Travel Plan and will be of use in reducing private motor vehicle trips and its use is supported however it does not justify a shortfall in commercial parking when there is an oversupply of residential parking as a significant increase in residential parking encourages higher car ownership levels by residents.</p> <ul style="list-style-type: none"> - The DCP requires 3 accessible parking spaces and 15 adaptable spaces. The development provides for 15 residential adaptable spaces, 2 CCK accessible spaces and 2 accessible commercial spaces. This exceeds of the requirements of the DCP and will improve the equitability of access to the premises for persons with a disability. - Some swept path analysis have been included in Appendix B of the traffic report, demonstrating that critical turning areas are accessed by 5.92m Minibus (Hiace Van), 6.4-metre-long Waste-Wise Mini vehicle, B85 and B99 vehicles. - As per the PLM comments, the carparking levels will be conditioned to incorporate directional and turning pavement arrows to assist drivers to negotiate their way into and out of and through the carpark. <p>Site Access</p> <ul style="list-style-type: none"> - The existing 6.5m wide two-way vehicular crossover to Wentworth Street has been retained. This access is currently controlled by a card reader and roller shutter door to access the basement parking.

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	<ul style="list-style-type: none"> - It is noted that the concept approval scheme included two vehicular accesses for the development, and the section 75W scheme removed the secondary access with all vehicular access for the development to be via the existing vehicular access on Wentworth Street. - A queueing assessment was included in the traffic report based on the anticipated peak traffic volumes for the development. The analysis confirmed that the 95th percentile inbound queue expected at the access was only one to two vehicles based on an average service time of 10 seconds per vehicle. Therefore no adjustments were made to the existing roller shutter and/or boom gate locations. <p>Pedestrian Crossing</p> <ul style="list-style-type: none"> - As per the pre-lodgement meeting, the relocation of the pedestrian crossing at the corner of South Steyne and Wentworth Street is not required. The existing crossing location is to be retained and the implementation of a raised pedestrian crossing on Wentworth Street is required as per the Architectus Drawing CP-06, Rev J dated June 2012. - The traffic report included the proposed location of the crossing. The proposed location provides the required connection between Rialto Square and the RFW site, taking into consideration the location of trees and nearby crossovers. The concept plans prepared by Stantec for introduction of a raised pedestrian crossing are noted and will result in the loss of four on-street parking spaces but maintain the existing established trees on Wentworth Street. Subject to review of detailed designs for the work this is considered acceptable given that: <ul style="list-style-type: none"> o The raised pedestrian crossing supports the recently introduced 30km/h high pedestrian activity zone which has been established within the Manly Town Centre. o It improves through site links between Royal Far West, Rialto Lane and The Corso. o The pedestrian crossing will enhance pedestrian safety

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	<p>Authorised Vehicle Zone fronting Drummond House</p> <ul style="list-style-type: none"> - At the PLM stage concern was raised regarding the retention of the on-street Authorized Vehicle Zone in Wentworth street fronting the development. It was requested that provision be made to provide off-street parking alternatives for the parking of Royal Far West buses which would allow removal of the on-street authorised vehicle zone. - This has been addressed by providing two (2) parking spaces for CCK RFW buses on Basement Level 1. Given the existing height constraints (head height entry of 2.35m), these 2 spaces provide on-site parking for RFW's smaller-sized buses in the form of a Hiace Van. - RFW requires the use of their larger 8.8m bus that currently occupies the 'authorised vehicles excepted' parking space for the following reasons: <ul style="list-style-type: none"> o This vehicle is critical to RFW operations and is used daily to facilitate the transport of patients. o RFW's larger vehicle (up to a size of an 8.8m MRV), required for transporting larger numbers of people, is too big to be parked under the building due to the head height constraints of 2.35m. o RFW provides child disability services, with the majority of RFW's clients being children with varying complex developmental vulnerabilities and disabilities. These children require close supervision from RFW clinicians, carers, volunteers and staff and cannot simply be picked up/dropped off in the same manner as less vulnerable, more advantaged children. o In 2019, RFW negotiated an agreement with Council to halve the designated space that was previously available in the authorized parking zone. By halving the length of the zone, two public car spaces were returned to the community. o Further, Royal Far West receives many deliveries to allow the charity to effectively operate day-to-day from ready-prepared meals to laundry/clean linen services. Although RFW intends to accommodate as many deliveries to the basement as possible to service CCK and Drummond House, this may not however always be viable given that some vendors have vehicles that are restricted by the existing basement entry head height. It is proposed that the existing

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	<p data-bbox="715 315 1406 416">Authorised Zone also be occasionally utilised as a loading zone for RFW deliveries when the large RFW bus is out on a trip.</p> <p data-bbox="520 528 1430 595">Retaining the Authorised Vehicle Zone fronting Drummond House has been therefore considered acceptable for the reasons outlined above.</p> <p data-bbox="520 633 715 667">Traffic Impact</p> <ul data-bbox="619 779 1430 1895" style="list-style-type: none"> - The site will generate up to 56 and 43 vehicle movements in the AM and PM peak hours. The operation of the key intersections within the study area was assessed using SIDRA INTERSECTION software. The modelling scenarios were considered based on the opening year and a 10- year design horizon assuming a 2% annual growth. Based on the Sidra modelling outputs included in Appendix D of the report, 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 operate well with spare capacity. - It is noted that the modelling has been completed for each intersection in a non-connected site arrangement. Given that the modelled intersections are closely spaced intersections, for a development of this scale it would normally be recommended that a network-wide process (Sidra Network Model) is also developed and assessed. This determines the backward spread of congestion as queues on downstream lanes block upstream lanes (queue spillback), and applies capacity constraint to oversaturated upstream lanes, thus limiting the flows entering downstream lanes. However as TfNSW who are the roads authority for management of signalised intersections has not requested this and as the modelling has not identified intersections that will perform poorly post development it will not be required. - It is also noted that TfNSW has reviewed the submitted application and raises no objection and considers that the proposed development is unlikely to have a significant impact on the classified road network.

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	<p>Construction Traffic Management Plan</p> <ul style="list-style-type: none"> - A preliminary CTMP has been lodged with the DA. The CTMP advises that certified traffic controllers will be in place to ensure smooth operation of the construction zone to avoid traffic queuing along Wentworth Street and South Steyne. Deliveries will be accommodated on-site. <ul style="list-style-type: none"> o For truck-and dogs, the entry would be a right-in via the eastern gate on South Steyne, unload on site and exit right-out via the same gate, and o For MRVs, the entry would be a left-in via the northern gate on Wentworth Street, unload on site and exit left via the same gate. - However, for the period of time that site access is not possible, The CTMP advises that a Works Zone will be required and this will be assessed as part of future detailed CTMP and associated construction staging. A detailed CTMP along with TCPs are therefore conditioned to be submitted to Council to cover the following additional information: <ul style="list-style-type: none"> o Description of construction activities, duration and number of personnel required for each phase of construction o Construction work hours o Detailed assessment of construction traffic impact including any cumulative impact of surrounding developments o Details regarding any one-off activities for installation of cranes and other equipment o Swept path analysis of heavy vehicle access to the site o Detailed assessment of on-street parking impacts o Emergency vehicle access o Impacts to public transport services o Traffic Guidance Schemes. - It is also reported that during the superstructure

Internal Referral Body	Comments
	<p>construction, when façade and fit-out activities will commence, on average between 100 to 150 workers are expected on site, with a peak of around 200 to 250 workers on site. No parking will be provided on site with public transport highly encouraged. Workers will also begin and end their workday outside of network peak periods. The heavy vehicle movements are anticipated to be spread throughout the day, with conservatively 20 per cent expected in the peak hours. The worst-case scenario is expected to be up to six vehicles in the peak periods during peak construction activity. These arrangements are unlikely to adversely impact the surrounding road network.</p> <p>The traffic report and plans require minor amendments which will be conditioned however the amendments required are not sufficient to prevent the application from being supported.</p>
Waste Officer	<p>Supported subject to conditions</p> <p>Waste Collection Services The applicant proposes to use a private waste contractor to collect all the waste generated within the property - both residential and commercial. Councils' waste collection service is available to the property, with services able to be provided from both Wentworth Street and South Steyne. Domestic waste service charges will be levied on all residential lots within the proposal as required by State legislation contained within the NSW Local Government Act.</p> <p>It is noted that the proposal includes an area at street level located between buildings "B" and "C" that can be converted for use as a temporary bin holding bay that would allow Council to provide a wheel out/wheel in service for all the residential garbage and recycling bins should the owners of the residential units decide to use Councils' service. Details regarding the temporary bin holding bay proposal can be found in the Operational Waste Management Plan, Section 2.2 h) and i) Policy Chapter 3 Section 4.6. This document forms part of the Development Application submitted to Council.</p>
External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p>Supported subject to conditions</p> <p>The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is</p>

External Referral Body	Comments
	assumed that no objections are raised and no conditions are recommended.
Aboriginal Heritage Office	<p>Supported subject to conditions</p> <p>The application was referred to the Aboriginal Heritage Office for review. The aboriginal heritage office have reviewed the application, including the submitted Aboriginal Due Diligence Assessment report prepared by Urbis and raised no objection to the proposal.</p> <p>The due diligence assessment concluded that there are no Aboriginal objects or Aboriginal places registered within the subject site. The conditions of consent will recommend that the proposal be carried out in accordance with the due diligence assessment to ensure the correct protocols are in place during the construction phase in the event there are unexpected finds.</p>
Nominated Integrated Development - WaterNSW - Water Management Act 2000, s90(2) - Water management works approval to construct and use a specified water supply/drainage/flood work at a specified location	<p>Supported subject to conditions (General Terms of Approval Issued)</p> <p>The application was referred to Water NSW Seeking General Terms of Approval under Section 90(2) of the Water Management Act 2000 for a 80mm submersible pump for dewatering of the basement excavation.</p> <p>Water NSW have provided general terms of approval which will be referred in the development consent conditions.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 65 - Design Quality of Residential Apartment Development

Clause 4 of State Environmental Planning Policy No. 65 – Design Quality for Residential Apartment Development (SEPP 65) stipulates that:

(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed-use development with a residential accommodation component if:

(a) the development consists of any of the following:

- (i) the erection of a new building,
 - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
 - (iii) the conversion of an existing building, and
- (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and
- (c) the building concerned contains at least 4 or more dwellings.

As previously outlined the proposed development is for the erection of a five (5) and eight (8) storey residential flat 'housing' development plus basement car parking for the provisions of 58 self-contained dwellings.

As per the provisions of Clause 4 outlining the application of the policy, the provisions of SEPP 65 are applicable to the assessment of this application.

As previously outlined within this report Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 requires the submission of a Design Verification Certificate from the building designer at lodgement of the development application. This documentation has been submitted.

Clause 28 of SEPP 65 requires:

(2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):

- (a) the advice (if any) obtained from the design review panel, and
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and
- (c) the Apartment Design Guide.

DESIGN REVIEW PANEL

Northern Beaches Council has an appointed panel called the Design and Sustainability Advisory Panel (DSAP). The application was presented to this Panel and the proposal was well received by the panel and in principal supported. The DSAP had some suggestions in regard to internal apartment amenity, privacy internally between buildings C and D, consideration of cross ventilation on balance with acoustic via openable windows, investigation of further sustainability measures including increasing the amount of PV on the roofs and improve solar performance through window placement and balcony design. The applicant has provided a response to these suggestions and queries and have addressed the issues to Council's satisfaction in latest issue of plans documents. The panel suggested that the applicant continues dedication to integrating connection to country principles into the project, which the applicant has provided further details of their commitment to.

Council has taken into consideration the advice provided by the DSAP into the assessment and the application has been updated accordingly to address the items raised by the Panel therefore satisfying Clause 28 (2).

DESIGN QUALITY PRINCIPLES

Principle 1: Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment: The immediate site context consists of mixed use buildings of between 4 and 8 stories, including a mixed-use building directly to the north of the site which is between 5 and 8 stories, with buildings presenting towards the southern part of South Steyne of between 5 and 9 stories facing the beach. Existing on the subject site are buildings between 3 and 4 stories which are currently used for the Royal Far West operation on the site. A recently constructed building at 14 Wentworth Street under Stage 1 of the concept approval is up to 6 stories and forms part of the subject land.

The sites in the surrounding locality are for the most part have their site area completely built upon with limited landscaping between and within the sites, with the only landscaping present along the building fronting South Steyne within the Council road reserve. Some of the sites facings Victoria Parade have private landscaped gardens that provide private open space or communal open space for those residential flat buildings, however the landscaping does not contribute to the street character. The proposed development consists of well-designed and intentional pockets of landscaping within and around the buildings, with landscaping along the boundaries facing the residential buildings to the west. The landscape scheme compliments and enhances the design of the building and integrates into the character of the area.

The uses on the ground floor activate the commercial centre and provide economic opportunities that complement the character of the Business Zone.

The proposal is consistent with the concept approval with regards to scale, design, use and intended character. The concept approval has been considered in detail by a number of design review panels with regards to context and character and given the proposed development is consistent with the concept approval, the development application satisfies this principle.

Principle 2: Built Form and Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment: The building scale, bulk and height is consistent with the surrounding buildings in the vicinity of South Steyne which consists of buildings of between 5 and 9 stories fronting the beach. The height of the development is consistent with the nearest comparable mixed-use development to the north on the corner of South Steyne and Wentworth Street, which is between 5 and 8 stories. The proposal breaks down building bulk by providing a generous public plaza between buildings C and D, along with a building break between building D. Building C has a varied façade with articulated balconies, recesses into the western and eastern façade and architectural features such as finned windows, projecting elements to break up the building bulk. An open undercroft is integrated into Building D to invite the public into the plaza area and facilitate views through the site. Overall, the proposal is a highly considered design that compliments the existing height, scale and bulk of the surrounding buildings.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment: The site is within a highly accessible and serviced area within Manly, within walking distance to the Manly Ferry, bus options into the city and employment opportunities within Manly. The density of the development is consistent with the envisaged floor space under the Manly LEP and concept approval. The applicant has demonstrated that the minimum amenity requirements in terms of solar access and cross ventilation have been achieved in accordance with the ADG. The applicant has used innovative solutions to achieve visual and acoustic privacy between the buildings and surrounding sites where the proposal is less than the numerical requirements for building separation under the ADG. It is noted however, that the development is consistent with the building separation approved under the concept approval, with the detailing in the development application addressing privacy through the use by offsetting balconies and windows and using screening devices where appropriate to further enhance privacy.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.

Comment: The applicant has demonstrated that the minimum amenity requirements in terms of solar access and cross ventilation have been achieved in accordance with the ADG. The applicant has used a high level of PV on the roof and taken on board the suggestions by the DSAP panel in regard to additional sustainability and updated the ESD Energy Performance and Green Star Report in line with the recommendations. The development still includes a gas connection, however, still maintains a 5 star rating in terms of sustainability. Landscaping is used within the site and recycled rain water to water the gardens. The proposal is satisfactory in this regard.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long-term management.

Comment: The immediate locality is a B2 Local Centre Zone with the majority of the sites built upon with limited landscaping within and around the buildings. There majority of the landscaping is within the Council road reserve in the vicinity of the site. However, the development has integrated landscaping

within the public forecourt, on the roof areas and along the boundaries of the site where adjoining the western and southern residential flat buildings to enhance the landscape setting and soften areas within the development to enhance the site. The development provides an appropriate amount of landscaping within the site in strategic locations having regard to the existing character and interface with neighbouring sites.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.

Comment: The development has demonstrated that the adjoining residential properties will maintain solar access in accordance with the requirements of the ADG and in some areas, improve solar access to areas of private open space. For instance, building B is setback further than the existing situation improving solar access to the rear gardens of 25-27 Victoria Parade. Outlook for these buildings has been dealt with through the use of landscaping along the site boundaries to maintain amenity for adjoining properties. Building separation, window location and screening devices have been used to preserve reasonable amenity for the adjoining properties.

In terms of the amenity of the development itself, the proposal meets the minimum criteria under the ADG in terms of size, solar access, cross ventilation, Private Open Space and privacy is mitigated between the buildings through offsetting windows/balconies, spatial separation and innovative use of screening devices where appropriate to enhance privacy where the separation is less than the ADG numerical requirements (noting the building locations are consistent with the concept approval). The development provides areas of communal open space on top of Building C which would likely be more used by the apartments within this building as not all apartments have ocean views and balconies which exceed the requirements. The apartments within Building D provide excellent amenity with views of Manly Beach and oversized balconies facing east.

Overall, the development provides a high level of amenity for the new residential units within the development and preserves reasonable amenity for the adjoining residential properties.

Principle 7: Safety

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment: The application is accompanied by a CPTED report which finds that the development has an acceptable outcome with regards to safety, passive surveillance and delineation of public and private spaces. Good visibility of the public plaza area is provided through the undercroft of Building D and from Wentworth Avenue between the buildings. The entries are well defined and the private areas for the Royal Far West operation are able to be fenced/separated as needed with gates as shown on the plans.

Principle 8: Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

Comment: The development achieves a housing mix with a variety of 1, 2 and 3 bedroom apartments in accordance with the ADG criteria and serves a variety of occupants who wish to live in Manly. The development provides 15 Adaptable units which account of 25% of the units within the development and 20% of units achieving Silver level of universal design features.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment: The application is accompanied by a Design Excellence Statement in support of the submitted plans and photomontages which explains the merits of the architectural treatment, landscape treatment and sustainability measures have been used in the proposal. The design excellence statement outlines the variety of architectural methods that have been used to achieve a high quality outcome for the prominent location, these methods including materiality, recesses in the buildings and breaks, separation to create a public plaza and use of undercroft to enhance views through the site. The application has been referred to the DSAP and the DSAP who have acknowledged the high quality of the development as a result of the work undertaken through the concept approval stage.

APARTMENT DESIGN GUIDE

The following table is an assessment against the criteria of the 'Apartment Design Guide' as required by SEPP 65.

Development Control	Criteria / Guideline	Comments
Part 3 Siting the Development		
Site Analysis	Does the development relate well to its context and is it sited appropriately?	Yes - Detailed site analysis has been undertaken through the concept approval stage and the proposal is consistent in height and number of stories relating to the surrounding buildings in the South Steyne portion of Manly Beach. The proposal sits within the

		context of the B2 Zone and provide buildings that are compatible with the surrounding in terms of setback, height and building bulk.
Orientation	Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?	Yes - The building provides a compliant amount of solar access in accordance with the ADG and the adjoining properties either maintain solar access in accordance with the ADG requirements or see an improvement over the existing situation.
Public Domain Interface	Does the development transition well between the private and public domain without compromising safety and security? Is the amenity of the public domain retained and enhanced?	Yes - A public plaza is created with good visibility from both Wentworth Street and from South Steyne through the building undercroft. The amenity of the public domain is enhanced through the introduction of public spaces within the site.
Communal and Public Open Space	Appropriate communal open space is to be provided as follows: 1. Communal open space has a minimum area equal to 25% of the site 2. Developments achieve a minimum of 50% direct sunlight to the principal usable parts of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter)	No, however satisfactory on merit - The proposal provides a communal open space area on the roof of Building C, accessible areas within the public forecourt within the undercroft of Building D and within the public forecourt within the site. Although these areas do not achieve 25% of the site area, the areas are high quality and service the development adequately having regard to the fact the site is located across from Manly Beach and the open space network along the beach. The roof communal open space receives solar access for more than 3 hours.
Deep Soil Zones	Deep soil zones are to meet the following minimum requirements:	No, however satisfactory on merit - The concept

Visual Privacy

Site area	Minimum dimensions	Deep soil zone (% of site area)
Less than 650m ²	-	7%
650m ² – 1,500m ²	3m	
Greater than 1,500m ²	6m	
Greater than 1,500m ² with significant existing tree cover	6m	

Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

Note: Separation distances between buildings on the same site should combine required building separations depending on the type of rooms.

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.

approval does not nominate any areas of deep soil planting and it is noted that the site context being within the B2 Zone the surrounding sites have limited deep soil or landscaped character. The proposal is acceptable on merit because a range of landscape planters provide enhanced amenity within the public plaza and provide an enhanced landscape setting within the B2 Zone. The site provides planter boxes around the side boundaries where adjoining an adjoining residential property to the west.

Consistent with concept approval - The concept approval sets the building footprints and nominates separation distances to the adjoining property boundary which the proposal has demonstrated consistency with. This includes, the separation distance of 4.6m between the western boundary and building C, which has resolved privacy to the three lower commercial floor levels with screening and the upper residential levels not directly facing into the windows of the building on 29 Victoria Parade. Additional angled privacy screens have been placed on the western facade of building C to future proof this facade.

The separation between buildings C and D in some areas are less than 12m. However, visual privacy is managed in a satisfactory way by as off-setting

		windows, privacy hoods, orientation of balconies and obscuring views between habitable spaces using angled architectural features. The applicant has provided advice from an acoustic engineer which addresses the potential for noise transfer between properties and the proposal is found capable of maintaining acoustic privacy between building C and D.
Pedestrian Access and entries	<p>Do the building entries and pedestrian access connect to and addresses the public domain and are they accessible and easy to identify?</p> <p>Large sites are to provide pedestrian links for access to streets and connection to destinations.</p>	Yes - The pedestrian entrances are well defined for building C and D. A pedestrian link is provided within the internal courtyard and beneath building D to provide direct access to South Steyne from both buildings.
Vehicle Access	Are the vehicle access points designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes?	Yes - A singular vehicle access point has been nominated off Wenworth Street and is supported by Council's traffic engineer.
Bicycle and Car Parking	<p>For development in the following locations:</p> <ul style="list-style-type: none"> - On sites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; or - On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p> <p>Parking and facilities are provided for other modes of transport.</p>	<p>Yes - Council's traffic team are satisfied of the quantum of car parking spaces proposed.</p> <p>There is proposed four separate areas proposed for bicycle parking upon each level of proposed basement, plus two (2) spaces on each level of the existing CCK basement. The proposal provides the required quantum of parking as specified in the concept approval.</p>

Visual and environmental impacts are minimised.

Part 4 Designing the Building

Amenity

Solar and Daylight Access

To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:

- Living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter.
- A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.

Yes - The submitted view from sun diagrams demonstrate that 46/58 or 79.3% of units receive a minimum of 2 hours solar access between 9am and 3pm mid winter.

Yes - All apartments receive some solar access between 9am and 3pm mid winter.

Natural Ventilation

The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by:

- At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.
- Overall depth of a cross-over or cross-through apartment must not exceed 18m, measured glass line to glass line.

Yes - 79.3% of the units (46/58) are cross ventilated

Yes - No units exceed 18m deep

Ceiling Heights

Measured from finished floor level to finished ceiling level, minimum ceiling heights are:

Minimum ceiling height	
Habitable rooms	2.7m
Non-habitable	2.4m
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use

Yes - 2.8m ceiling heights provided for the residential component.

Yes - 3.3m is provided for ground floor commercial

Apartment Size and Layout	Apartments are required to have the following minimum internal areas:			Yes - All apartments provide the minimum internal floor area.															
	<table><tr><th>Apartment type</th><th colspan="2">Minimum internal area</th></tr><tr><td>Studio</td><td colspan="2">35m²</td></tr><tr><td>1 bedroom</td><td colspan="2">50m²</td></tr><tr><td>2 bedroom</td><td colspan="2">70m²</td></tr><tr><td>3 bedroom</td><td colspan="2">90m²</td></tr></table>				Apartment type	Minimum internal area		Studio	35m ²		1 bedroom	50m ²		2 bedroom	70m ²		3 bedroom	90m ²	
	Apartment type	Minimum internal area																	
	Studio	35m ²																	
	1 bedroom	50m ²																	
	2 bedroom	70m ²																	
	3 bedroom	90m ²																	
	The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each.																		
	A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.																		
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.			Yes - All habitable rooms have an external window.																
Habitable room depths are limited to a maximum of 2.5 x the ceiling height.			Yes - All habital room depths comply																
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.			Yes - Room depths are maximum 8m measured from external glass to the edge of the kitchen bench.																
Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space).			Yes - Internal dimensions achieved																
	Bedrooms have a minimum dimension of 3.0m and must include built in wardrobes or have space for freestanding wardrobes, in addition to the 3.0m minimum dimension.			Yes - Internal dimensions achieved															
	Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments			Yes - Internal dimensions achieved															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts			Yes - Internal dimensions achieved															
	Private Open Space and Balconies			Yes - A compliant sized balcony is provided.															
	<table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td></td><td></td><td></td></tr></table>				Dwelling Type	Minimum Area	Minimum Depth	Studio apartments	4m ²	-									
Dwelling Type	Minimum Area	Minimum Depth																	
Studio apartments	4m ²	-																	

	<table><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table>	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m		
1 bedroom apartments	8m ²	2m										
2 bedroom apartments	10m ²	2m										
3+ bedroom apartments	12m ²	2.4m										
	The minimum balcony depth to be counted as contributing to the balcony area is 1m											
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	N/A - No ground level apartments or podium level										
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.	Yes - Three lift cores are provided to service a floor containing 9 units.										
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	N/A Under 10 stories										
Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><tr><th>Dwelling Type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m²</td></tr><tr><td>1 bedroom apartments</td><td>6m²</td></tr><tr><td>2 bedroom apartments</td><td>8m²</td></tr><tr><td>3+ bedroom apartments</td><td>10m²</td></tr></table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling Type	Storage size volume	Studio apartments	4m ²	1 bedroom apartments	6m ²	2 bedroom apartments	8m ²	3+ bedroom apartments	10m ²	Yes - 51 storage spaces Basement 2 8 storage spaces Basement 1 All spaces have dimensions 2m long by 1.2m wide, suitable for dimensions for a bicycle and minimum volume of 6m ³ for all apartments, with spaces exceeding 6m ³ for those larger apartments.
Dwelling Type	Storage size volume											
Studio apartments	4m ²											
1 bedroom apartments	6m ²											
2 bedroom apartments	8m ²											
3+ bedroom apartments	10m ²											
Acoustic Privacy	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	Yes - Layout considers external noise with plant on the roof and in basement.										
Noise and Pollution	Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.	Yes - The layout has placed bedrooms against bedrooms to achieve amenity.										
Configuration												
Apartment Mix	Ensure the development provides a range of apartment types and sizes that is appropriate in supporting the needs of the community now and into the future and in the suitable locations within the building.	Yes - A range of 1, 2 and 3 bedroom apartments are provided.										
Ground Floor Apartments	Do the ground floor apartments deliver amenity and safety for their residents?	N/A - No ground floor apartments										
Facades	Ensure that building facades provide visual	Yes - The building is well										

	interest along the street and neighbouring buildings while respecting the character of the local area.	articulated and presents a high quality facade to each boundary, demonstrated design excellence as discussed in this report.				
Roof Design	Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features. Can the roof top be used for common open space? This is not suitable where there will be any unreasonable amenity impacts caused by the use of the roof top.	Yes - Roof used for communal open space and PV Cells.				
Landscape Design	Was a landscape plan submitted and does it respond well to the existing site conditions and context.	Yes - Landscape design and plan submitted and has been endorsed by Council's Senior landscape officer.				
Planting on Structures	When planting on structures the following are recommended as minimum standards for a range of plant sizes:				Yes - Landscape team has reviewed and is satisfied the proposed soil depths and the variety of plants which will be used.	
	Plant type	Definition	Soil Volume	Soil Depth		Soil Area
	Large Trees	12-18m high, up to 16m crown spread at maturity	150m ³	1,200mm		10m x 10m or equivalent
	Medium Trees	8-12m high, up to 8m crown spread at maturity	35m ³	1,000mm		6m x 6m or equivalent
	Small trees	6-8m high, up to 4m crown spread at maturity	9m ³	800mm		3.5m x 3.5m or equivalent
	Shrubs			500-600mm		
	Ground Cover			300-450mm		
	Turf			200mm		
Universal Design	Do at least 20% of the apartments in the development incorporate the Livable Housing Guideline's silver level universal design features				Yes - An access report has been submitted confirming this is	

		achieved.
Adaptable Reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A - New development.
Mixed Use	Can the development be accessed through public transport and does it positively contribute to the public domain? Non-residential uses should be located on lower levels of buildings in areas where residential use may not be appropriate or desirable.	Yes - Well serviced by public transport and adds a internal public plaza to enhance public domain and public use of the site.
Awnings and Signage	Locate awnings along streets with high pedestrian activity, active frontages and over building entries. Awnings are to complement the building design and contribute to the identity of the development. Signage must respond to the existing streetscape character and context.	Yes - Awnings are used internally within the site for pedestrian cover and along the South Steyne frontage within the boundary to provide cover.
Performance		
Energy Efficiency	Have the requirements in the BASIX certificate been shown in the submitted plans?	Yes - BASIX Certificate provided and achieves requirements
Water Management and Conservation	Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?	Yes - Council's water management team have reviewed the proposal with regards to water sensitive urban design and ground water. Rainwater is used to water the gardens. GTA's have been issued by Water NSW for dewatering of the basement during construction.
Waste Management	Has a waste management plan been submitted as part of the development application demonstrating safe and convenient collection and storage of waste and recycling?	Yes - Waste management plan provided and compliance required as a condition.
Building Maintenance	Does the development incorporate a design and material selection that ensures the longevity and sustainability of the building?	Yes - Robust materials have been used to withstand the coastal environment.

STANDARDS THAT CANNOT BE USED TO REFUSE DEVELOPMENT CONSENT

Clause 30 of SEPP 65 Standards that cannot be used as grounds to refuse development consent or modification of development consent states that:

(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:

- (a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,
- (b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,
- (c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

Note. The Building Code of Australia specifies minimum ceiling heights for residential flat buildings.

Comment: The application is consistent with the minimum requirements above and approval is recommended for the application.

(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:

- (a) the design quality principles, and
- (b) the objectives specified in the Apartment Design Guide for the relevant design criteria.

(3) To remove doubt:

- (a) subclause (1) does not prevent a consent authority from refusing an application in relation to a matter not specified in subclause (1), including on the basis of subclause (2), and
- (b) the design criteria specified in subclause (1) are standards to which clause 79C (2) of the Act applies.

Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant or modify development consent.

Comment: The application has had extensive conservation to the design quality principles under the concept approval and through the detailing of the development as submitted in this development application. The proposal overall achieves the objectives of the ADG and will result in a high quality outcome.

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report. The conditions provide standard safe work method requirements and relate to work adjacent to overhead powerlines.

Roads and Maritime Service (RMS)

Section 2.121 and Schedule 3 of this Policy requires that the following development(s) are referred to the RMS as Traffic Generating Development:

Purpose of Development	Size or Capacity (Site with access to any road)	Size of Capacity (Site with access to classified road or to a road that connects to classified road if access is within 90m of connection, measured along alignment of connecting road)
Parking	200 or more motor vehicles	50 or more motor vehicles
Any other purpose	200 or more motor vehicles	

Note: Under Section 2.121(2) of Chapter 2, 'relevant size of capacity' is defined as meaning:

“(2) (a) in relation to development on a site that has direct vehicular or pedestrian access to any road - the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or

(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection - the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.”

Comment:

The application was referred to Transport for NSW as the development proposes basement parking with 217 parking spaces. The application was referred to Transport for NSW on two occasions (the second time following the receipt of amended plans which reduced the number of parking spaces from 231 to 217 spaces). Transport for NSW provided a response both times and advised they raise any objection to the proposal and did not recommend any conditions.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 1 Coastal Wetlands and littoral rainforest area

2.7 Development on certain land within coastal wetlands and littoral rainforests area

- 1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest”

on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:

- a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,
- b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,
- c) the carrying out of any of the following:
 - i) earthworks (including the depositing of material on land),
 - ii) constructing a levee,
 - iii) draining the land,
 - iv) environmental protection works,
- d) any other development

Comment: The site is not located within land containing coastal wetlands or littoral rainforest.

2.8 Development on land in proximity to coastal wetlands or littoral rainforest

- 1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:
 - a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
 - b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

Comment: The site is not located within land in proximity to coastal wetlands or littoral rainforest.

Division 2 Coastal Vulnerability Area

2.9 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and
- b) the proposed development:
 - i) is not likely to alter coastal processes to the detriment of the natural environment or
 - ii) other land, and
 - iii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and
- c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.

Comment: Not identified as being within the coastal vulnerability area.

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- 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.

Comment: The development is setback from Manly beach as such that it will not have any direct impacts on the coastal environment, with the dewatering of the basement level subject to the General Terms of Approval from NSW Water. The development will not impede upon public foreshore access as the site is located fully within private land on the western side of South Steyne. The development will not result in direct impacts to native vegetation that forms part of the coastal environment. The site has been subject to an aboriginal due diligence assessment and the proposal has been found to not have an impact on any relics located within the site, with conditions recommended to ensure appropriate steps are taken if there are unexpected finds during construction.

The development will not impede the use of the surf zone and consideration has been had to the overshadowing impacts of Manly Beach under consideration of the maximum building height approved under the concept approval which the proposal is consistent with.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

Council is satisfied the development has been sited to avoid impacts upon the matters detailed in subsection (1).

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 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
 - ii) platform for members of the public, including persons with a disability,
 - iii) overshadowing, wind funnelling and the loss of views from public places to
 - iv) foreshores,
 - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
- b) is satisfied that:
- i) the development is designed, sited and will be managed to avoid an adverse
 - ii) impact referred to in paragraph (a), or
 - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or 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.

Comment: The development will not impede safe foreshore access to the beach being setback on the western side of South Steyne. Overshadowing of Manly Beach has been considered under the concept approval with a maximum RL of each building established that considers overshadowing of Manly Beach. It is noted that the shadow diagrams show that overshadowing of Manly Beach does not occur prior to 6pm on the summer solstice (21 December). Council is satisfied that the plant equipment and lift overruns that is permitted above the maximum RL's for Building C and D do not cause detrimental overshadowing of Manly Beach and therefore meet the concept approval conditions. The application is accompanied by an report titled 'Environmental Wind Assessment' and the report concludes that "It is considered that all locations in and around the proposed development would meet the pedestrian safety criterion". In this regard, given that pedestrian comfort levels are met in and around the development, the wind effect on the foreshore area fronting the beach and the beach itself will also achieve comfortable levels for pedestrians. The development is considered to demonstrate design excellence and is compatible with the height and scale of the surrounding building facing Manly Beach at South Steyne.

The application is accompanied by an Aboriginal Due Diligence assessment which concludes there are no known items that be impacted as a result of the development. The development considers the cultural heritage of the area by integrating the heritage item Drummond House into the development and reflecting the character of the beachside suburb of Manly through a compatible building height and scale and builds upon the publicly accessible areas within manly through the provision of a public forecourt within the site.

Council is satisfied the development has been designed to avoid and minimise impacts upon the items i)-v).

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

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.

Comment: The proposed development is not considered to result in increased coastal hazards. The application is accompanied by a Coastal Risk Assessment report prepared by Royal Haskoning DHV dated 10 June 2022 and finds the proposal acceptable with regards to coastal risks having regard to the site location.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment: There is no coastal management program that applies to the subject site.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the consent authority to consider whether land is contaminated.

In response to the above requirements of Chapter 4, the applicant has submitted a Preliminary Environmental Site Investigation (Report 72252.09.R.001.Rev0) dated February 2022 and prepared by Douglas Partners. In its conclusion, the investigation states:

Potential sources of contamination for the site were identified to comprise fill of unknown origin, former diesel storage and use (including inground underground storage tanks, UST), former workshop(s), hazardous building materials (from former and current buildings), electrical transformer, grease trap, and off-site groundwater. Based on the site information and the details of the proposed development, it was considered that the site can be rendered suitable for the proposed development subject to remediation of the UST and contaminants which are potentially present at the site.

Therefore, as the Investigation indicates that there is a potential for contaminants to exist on the site, sub-section 4.6 (1)(b) and 7(1)(c) of this chapter must be considered.

Sub-section 4.6(1)(b) stipulates that *"if the land is contaminated, it [Council] is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out"*.

Given the claimed potential of contamination on the site as noted in the Phase 1 Investigation, a Phase 2 Environmental Site Assessment has been provided to confirm whether contamination is actually present, at what levels and at what locations. A Phase 2 Environmental Site Assessment has been provided (prepared by Douglas Partners, Ref 72252.09 Rev 1 dated 10 June 2022) which confirms the location and type of contaminants on the site. Subsequent to this, a Remediation Action Plan has been provided making recommendations for the remediation of the site to enable the development to be safely carried out (Remediation Action Plan Project 72252.09 dated June 2022). In this regard, Council is satisfied that the land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the investigation and remediation action plan are included as conditions in the Recommendation of this report.

Sub-section 4.6 (1)(c) stipulates that *"if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose"*.

Council is satisfied that the land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the investigation and remediation action plan which are included as conditions in the Recommendation of this report.

Manly Local Environmental Plan 2013

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards:

Standard	Requirement	Proposed	Compliance
Height of Buildings:	<u>As prescribed by Concept approval</u> Building B Max - RL21.11 Building C Max RL 32.25 Building D Max RL 22.6 *Roof plant is permitted to encroach max RL subject to assessment as per Condition A5 of concept approval - Refer to Attachment 1	Building B - RL21.11 Building C - RL31.8 Building D - RL22.1	Yes - Consistent with concept
Floor Space Ratio	FSR: 3:1	FSR: 2.43:1	Yes – Consistent with concept
Gross floor area in Zone B2	25% Commercial GFA, maximum 1000sqm per premises	Commercial GFA: 18.5% Max sqm per premises: 180sqm	Yes – Consistent with concept

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	N/A
5.21 Flood planning	Yes
6.1 Acid sulfate soils	Yes

Clause	Compliance with Requirements
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.9 Foreshore scenic protection area	Yes
6.11 Active street frontages	Yes
6.12 Essential services	Yes
6.13 Design excellence	Yes
6.16 Gross floor area in Zone B2	Yes

Detailed Assessment

Zone B2 Local Centre

The application proposes the following uses (inclusive of Building A which has already been constructed, however this application seeks alteration and additions to):

- Medical Centre and Hospital Uses (associated with Royal Far West)
- Guest Accommodation (associated with Royal Far West)
- Commercial Uses (within building C)
- Retail Uses (within Building C and D)
- Residential Dwellings (in the form of 'shop top housing') (within Building C and D)

'Commercial', 'Retail', 'Shop Top Housing' and 'Medical Centres' are all permissible with consent in the B2 Local Centre Zone under the MLEP 2013. The uses 'hospital' and 'guest accommodation' are not permitted uses in the B2 Zone under the MLEP 2013.

The concept approval includes each of the above listed uses, including 'Hospital' and 'Guest Accommodation'. The uses proposed under this Development Application, including the location of the uses within the site, are consistent with the concept approval. As a provision of the Manly LEP 2013 does not have effect to the extent it is inconsistent with the terms of the concept approval, the uses are able to be approved under the development application given the consistency with the concept approval.

4.3 Height of buildings

The site has a varied height limit under the Manly LEP 2013, with heights ranging between 10m and 25m. The buildings within the proposed development have varied height limits between 12.5m (Building B) to 26m (Building C), and up to 29.2m for the lift overrun of Building C.

It has been noted earlier within this report that there is a 'Concept Approval' on the site that has been approved under Part 3A of the EP&A Act 1979 (and subsequently modified by the Section 75W application). Pursuant to Schedule 2, Clause 3B (2)(f) of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* the regulations state '*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 *Transition Regulations* also state under Clause 3B(2)(d) that '*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*'.

A detailed assessment of the development application's consistency with the concept approval is contained within an attachment to this report, including the height of each of the buildings within the concept approval as specified on the plans and the conditions of the approval. Council has undertaken this assessment and found the proposal to be consistent with the concept approval in regard to the height of the buildings, including the permitted encroachments of the roof structures as specified under Condition A5 of the terms of the concept approval.

Therefore, as Council is satisfied that the proposal is generally consistent with the concept approval, the application does not need to be assessed against Clause 4.6 of the Manly LEP 2013 with regards to any exceedance of the height limits prescribed under Clause 4.3 Height of Buildings Development Standard.

5.21 Flood planning

Under this clause, development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Comment:

In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters:

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Comment:

A flood report has been submitted with the development application to address the flood risk upon the development and adjoining properties. Council's flood engineers have reviewed this report and are satisfied the development will not increase flood risk on the adjoining properties or have unacceptable risk in terms of life or property as a result of flooding. Council's engineer's have provided a response (elsewhere within this report) and are satisfied with the development subject to conditions of consent.

6.1 Acid sulfate soils

Clause 6.1 - 'Acid sulfate soils' requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being

of the class specified for those works.

The site is located in an area identified as Acid Sulfate Soil Class 4, as indicated on Council's Acid Sulfate Soils Planning Map.

Works at depths beyond 2.0m below the natural ground surface and/or works by which the watertable is likely to be lowered more than 2.0 metre below the natural ground surface within a Class 4 acid sulfate soil area are required to be assessed to determine if any impact will occur.

The development proposes to excavate the site to approximately 7m below the natural ground level. As such, a Preliminary Acid Sulfate Soil Assessment has been undertaken by Douglas Partners dated 10 June 2022 (titled Report on Site Investigation (Contamination) with limited Sampling, 72252.09.R.003.Rev1). In the assessment, Douglas Partners found that:

"Soil samples were collected from each borehole to a depth of up to 8m 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 8m bgl. Therefore, no further analysis for acid sulfate soil was considered to be warranted.

If clay or peat materials are encountered below 8m 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."

In this regard, Douglas Partners advise that an Acid Sulfate Soil Management Plan (ASSMP) is not considered to be necessary for the development of the site. The Preliminary Assessment was referred to Council's Environmental Health Officer who concurred with the findings and imposed a condition which requires the applicant to notify the principal certifying authority of any new evidence of the presence of acid sulfate soils.

This condition and the recommendations made in the Preliminary Assessment have been included in the recommendation of this report.

6.2 Earthworks

The objectives of Clause 6.2 - 'Earthworks' require development:

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and*
- (b) to allow earthworks of a minor nature without requiring separate development consent.*

In this regard, before granting development consent for earthworks, Council must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

- (b) the effect of the proposed development on the likely future use or redevelopment of the land*

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both

Comment: The excavated material will be processed according to the Waste Management Plan for the development. No fill is required to be brought onto the site.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

(e) the source of any fill material and the destination of any excavated material

Comment: The excavated material will be processed according to the Waste Management Plan for the development. No fill is required to be brought onto the site for the DA.

(f) the likelihood of disturbing relics

Comment: The development was referred to the Aboriginal Heritage Office who provided comments and conditions that have been included in the consent. An aboriginal due diligence assessment has been submitted with the development application and concludes the proposal will not have any impact upon relics.

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area

Comment: The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: Conditions are included in the recommendation of this report that will minimise the impacts of the development.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of MLEP 2013 and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

6.4 Stormwater management

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and

Comment: The development is within the B2 Local Centre Zone and therefore has limited site permeability due to the urban context. A stormwater management plan and water sensitive urban design measures have been incorporated into the development, which have been reviewed by Council's Water Management Team. The proposal is satisfactory and supported by Council's experts.

(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water,

groundwater or river water, and

Comment: On-site stormwater retention has been incorporated into the development.

(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

Comment: The proposal has been assessed by Council's Development Engineers who have raised no objections to approval, subject to conditions. In this regard, Council is satisfied that the development will minimise any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters.

6.9 Foreshore scenic protection area

Under this clause, 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,

Comment: The site has been subject to a comprehensive review and consideration under the Part 3A Concept approval with regards to the appropriate building height and length presenting to Manly Beach. The proposal is consistent with the concept approval which consists of Building D being (5) stories in height presenting to Manly Beach and Building C (behind) being 8 storeys. The facade of Building D presenting to Manly Beach is high quality and well articulated, presenting as four modules and a district building breach centrally between Block D to break down the length and bulk of the building. The proposal has been considered by the DSAP and the architectural presentation of the building supported by this panel.

A requirement of the concept approval was to ensure overshadowing was limited to Manly Beach as a result of any ancillary structures upon the roof of Building C and D (including lift overruns, stair cores etc). Shadow diagrams have been provided with the application demonstrating that during the Summer Solstice (21 December) there will be no additional overshadowing upon the sand of Manly Beach as a result of the ancillary structures on the roof of the buildings. Therefore, Council is satisfied that the development will not cause overshadowing of the foreshore during the summer peak up to 6pm and the level of overshadowing acceptable having regard to the height of the buildings under the concept approval.

(b) measures to protect and improve scenic qualities of the coastline,

Comment: As discussed above, the building is considered to be well articulated and consists of a high quality architectural treatment, including building breaks and the building being broken into modules. The building is considered to compliment the surrounding established development fronting Manly Beach with regards to building height and style. The scenic quality of Manly is maintained and the high quality addition to the foreshore considered an improvement over the existing building on the site.

(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,

Comment: The development is suitable for the location and is consistent with the building heights in the vicinity of the site moving towards South Steyne, with the larger building C being setback further into the site. The land is zone B2 Local Centre and this style of development is consistent with what would

be expected under the local planning controls. The design is high quality as considered by the DSAP panel and the proposal will not result in excessive overshadowing of the foreshore area during the summer peak period.

(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.

Comment: The proposal does not impact upon water-based activities.

Council is satisfied the development meets the requirements of Clause 6.9 and is a high quality addition to the Foreshore Scenic Protection area.

6.11 Active street frontages

Under Clause 6.11, sub clause (3), development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

The frontages of the site along South Steyne and Wentworth Street are identified as requiring an 'active street frontage' on the Active Street Frontages Map under the MLEP 2013. The clause states a building has an 'active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.' The control provides some exceptions states:

(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:

- (a) entrances and lobbies (including as part of mixed-use development),*
- (b) access for fire services,*
- (c) vehicular access.*

Comment: Each ground floor premises within Building C and D facing South-Steyne or Wentworth Street is nominated as a retail premises, compliant with the Clause. Building A and B have been nominated upon the Part 3A Concept Approval (as modified) being used for a hospital and medical uses associated with the Royal Far West, along with the Centre for Excellence in Building A. The uses approved within the Part 3A Approval (as amended) override any requirement of the Manly LEP to provide a 'retail or commercial' use on the ground floor facing Wentworth Street. Therefore, the proposed uses can be approved given the consistency with the concept approval.

6.12 Essential services

Under this clause, 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.*

Comment:

Council is satisfied that the above services are readily able to be provided to the site and that suitable

vehicle access arrangements have been made via the existing access driveway off Wentworth Street.

6.13 Design excellence

Clause 6.13 applies to the B2 Zone under the Manly LEP, whereby the clause for design excellence requires the following:

(3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

Comment: For the reasons described below, the development exhibits design excellence and Council is therefore satisfied consent may be granted. The architectural firm who has designed both the concept approval (as modified) and the development application has provided a comprehensive response to the design excellence clause under the LEP and submitted this with the application in the SEPP 65 design verification certificate. This document has been considered by Council in the assessment of design excellence and the applicant has adequately demonstrated this to Council. Furthermore, the application has been presented to the DSAP who supports the proposal, subject to some minor recommendations that have been investigated by the applicant and adopted where appropriate. The proposal has also been reviewed by the State Design Review Panel (SDRP) which has informed the design in achieving design excellence.

(4) 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 development is consistent with scale and form of the surrounding buildings, with the massing of the development separating each building on the site to provide a public forecourt which reduces the overall massing of the development. The proposal is well articulated, with the facade having a high level of visual interest presenting to the public domain through the use of skewed windows, building breaks and recesses and robust materials.

The concept approval requires Council to be satisfied that any roof plant or lift overruns do not create further overshadowing of Manly Beach or Manly Village Public School. The shadow diagrams demonstrate that these public areas will not have additional overshadowing during the usable hours of the beach of public school.

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

Comment: The building immediately to the north and south are 4 to 9 stories facing South Steyne. Building D is 5 stories presenting to South Steyne and has been broken into two distinct buildings, with additional recesses within the façade and articulation break down the building a high-quality outcome presenting to South Steyne and Manly Beach. The building is a high-quality outcome that will complement the predominant character of South Steyne and Manly Beach and read in character with the surrounding buildings, thus resulting in an enhancement to the streetscape.

The public realm is enhanced through the provision of a public forecourt that will offer additional opportunities for rest and shelter at Manly Beach and have a retail/commercial interface to enhance the usability of the public forecourt. This will significantly contribute to the public realm and is a benefit of the development when considering design excellence.

(c) clearly defines the edge of public places, streets, lanes and plazas through separation, setbacks,

amenity, and boundary treatments, and

Comment: The public forecourt has a generous opening to Wentworth Street and a large undercroft beneath Building D from South Steyne, which invites people into the site and will be clearly read as a public place. The rear areas of the Royal Far West operation are separated through entry gates that define the private spaces within the development. The amenity of the public area is enhanced through landscaping which further identifies this area as a public space.

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

Comment: The public forecourt area is easily defined and clear of clutter, with a well designed landscape scheme that offers shade and defines areas for rest and pause within the forecourt. The undercroft and entrance of Wentworth Street into the forecourt are of a size that enables circulation for pedestrians and bicycles without conflict. The service areas of the development are within the basement and the waste storage rooms are contained within Building C, hidden from public view. Servicing is out of view of the public and this minimises clutter.

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

Comment: The site provides enhanced permeability and casual surveillance through the undercroft of Building D, which promotes passive surveillance. The forecourt is of a width that avoid a narrow laneway feel and all retail/commercial spaces face this central courtyard for passive surveillance.

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

Comment: As discussed within this report, the proposed height of the buildings has been defined by the concept approval which takes into consideration the character of the existing development along South Steyne and the immediate vicinity of the site, which is a mixture of buildings between 4 and 9 stories.

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

Comment: The site has a relatively flat topography and does not contain any locally significant trees. Heritage listed trees existing within the public domain adjoining the site, and the development is able to be undertaken without impact on the heritage listed trees. The pine tree to the rear of Building B on the adjoining site is able to be retained and the basement level has been sufficiently setback to achieve this.

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

Comment: The siting of building D has regard to the public view of Manly Beach along Wentworth Street, with the building being setback appropriately on the corner of Wentworth and South Steyne to maintain the public view corridor. Furthermore, this view corridor is enhanced by the undercroft of Building D so that further views are captured beneath the building towards Manly Beach when looking east along Wentworth Street. The views towards the heritage listed Norfolk Pines are captured by this undercroft and building setback.

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

Comment: The architect has made the following comment on the materiality of the building in the

design statement:

"The proposed project material palette is formulated around both long lasting and natural materials. These materials include a combination of coloured and textured (with oxides, aggregates and surfaces finish texture) high quality off-form concrete, profiled façade tiling, dry-pressed brickwork (including recycle brickwork from the site), metal trims, blades etc, timber details and mouldings, low profile metal framed glazing, sandstone, and other durable, natural, and timeless materials. The use of these materials in the project will be well integrated and intrinsic to the architectural expression (not an applied secondary applique). These materials are also considered appropriate for the local climate, durable and require less maintenance whilst also speaking to natural, eternal values associated with this beach side setting."

The above statement is reflected on the architectural plans and Council can be satisfied the material selection has been well considered in the scheme that is suitable for the environment which is an interface between a coastal and urban setting.

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

Comment: The application is accompanied by an 'environmental wind report' which considers the comfort levels of pedestrians and uses of the forecourt, along with persons travelling around the perimeter of the site in the public domain. The environmental wind report concludes that comfortable levels for pedestrians and uses of the site will be maintained, with design of the building (including the undercroft area) promoting even airflow around the building and within the public forecourt.

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

Comment: The development provides an at grade transition between the street level and includes a single basement entrance to minimise impact on the public domain. The services are located either within the basement level or within the building itself which minimises visibility and physical disruption of the use of the public domain.



Figure above - Extract from Design Excellence Statement prepared by Murcatt Candalepas Architects.

6.16 Gross floor area in Zone B2

Clause 6.16 states that '*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 overall GFA of the development is 15,564m², with approximately 2890m² designated to 'commercial' GFA. This equates to 18.5% of the development consisting of commercial GFA. In addition to the commercial GFA, building A and B are used for medical/hospital uses associated with the 'Royal Far West'.

The concept approval nominates a specific use for each level of the development. The development application is consistent with the uses nominated within the concept approval. It is noted that the quantum of floor space nominated in the concept approval does not achieve 25% commercial GFA within the development. However, the LEP provision must not derogate from concept approval and given that the proposed uses which have been nominated within the development are consistent with the concept approval, consent may be granted in this circumstance despite the inconsistency with the LEP provision.

Manly Development Control Plan

Built Form Controls

Built Form Controls -	Requirement	Proposed	% Variation*	Complies
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4.2.3 Setback Controls in LEP Zones B1 and B2	<p>Nil setbacks to street boundaries where not identified as different on the townscape opportunities map</p> <p>Side setbacks to consider amenity of adjoining R3 Zone</p>	<p>Wentworth Street Building C - 3.8m to 6m Building D - 4.4m to 5.1m South Steyne - Nil</p> <p>Building B - 2m to south Building C - 4.6m to west Building C 3.5m to south</p>	N/A	Yes
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*** See discussion elsewhere within this report which makes an assessment against the setbacks under the concept approval, with the concept approval setbacks taking precedence of the DCP.**

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.3 Townscape (Local and Neighbourhood Centres)	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Yes	Yes
3.3.3 Footpath Tree Planting	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.1 Solar Access	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.5.4 Energy Efficient Appliances and Demand Reduction and Efficient Lighting (non-residential buildings)	Yes	Yes
3.5.5 Landscaping	Yes	Yes
3.5.6 Energy efficiency/conservation requirements for non-residential developments	Yes	Yes
3.5.7 Building Construction and Design	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes
4.1.1.1 Residential Density and Dwelling Size	Yes	Yes
4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres)	Yes	Yes
4.2.1 FSR (Consideration of Exceptions including Arcades)	Yes	Yes
4.2.2 Height of Buildings (Consideration of exceptions to Building Height in LEP Business Zones B1 and B2)	Yes	Yes
4.2.3 Setbacks Controls in LEP Zones B1 and B2	Yes	Yes
4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor	Yes	Yes
4.2.5 Manly Town Centre and Surrounds	Yes	Yes
4.2.5.1 Design for Townscape	Yes	Yes
4.2.5.4 Car Parking and Access	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.4.1 Awnings in LEP B1 and B2 Business Zones	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes
5 Special Character Areas and Sites	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes
Schedule 1 – Maps accompanying the DCP	Yes	Yes
Schedule 2 - Townscape Principles	Yes	Yes

Detailed Assessment

3.4.1 Sunlight Access and Overshadowing

The southern wing of Building B (at the rear of Drummond House) has been designed to ensure reasonable solar access is maintained to the ground floor units and private open space at the northern extent of 25-27 Victoria Parade (units 3 and 4). The southern wing of Building D has been designed with an increased setback over the existing situation, has limited the presence of any rooftop plant and lift-overruns, as well as included a chamfered roof over the eastern portion to allow sunlight penetration into the rear courtyards of the ground floor units at 25-27 Victoria Parade.

View from sun diagrams demonstrate solar access is received to the courtyard (vergola shown over this courtyard area) for Unit 4 from 11am, and sunlight hitting the ground floor window shortly after, with full solar access hitting the window of Unit 4 at 11:30am. Solar access is provided to the POS area and ground floor window up until 2pm, therefore, both receiving the required amount of solar access of 2 hours in accordance with the Apartment Design Guidelines.

It should be noted that solar access is improved for Unit 4 between 12:30pm to 2:30pm, with solar access more heavily impacted during this time due to the existing building at the rear of Drummond House.

For Unit 3 (ground floor northern extent of 25-27 Victoria Parade), the view from sun diagrams demonstrate solar access to the POS and living room window is received from 11am until 2pm, and therefore achieving the minimum 2 hour requirement under the ADG.

The eastern facing windows of the Apartments of 25-27 Victoria Parade are considered with regards to the ADG requirements. The eastern facing apartments on Level 1 to 4 receive solar access from at least 11:30am until 1:30pm to the living room window and balcony, achieving 2 hours under the ADG.

For the east facing ground floor units, the existing building on 29 Victoria Parade impacts sunlight up until 11:30am, with the proposed development of Building C not having any further impact upon the ground floor units when compared to the existing situation. Therefore, Council is satisfied that those units within 25-27 Victoria Parade on the ground floor which do not currently receive 2 hours in accordance with the ADG, will not be further impacted as a result of the development.

The Building at 29 Victoria Parade contains bedroom windows on the eastern facade only, which are already impacted by the existing 5 storey building in the location of proposed Building C. The living room windows or balconies of the building 29 Victoria Parade are not impacted by the proposed development.

Regard has also been had to the footprint, height and terms of the concept approval with regards to solar access. A detailed assessment is undertaken against the concept approval as an appendix to this report. The proposed application is found to be generally consistent with the concept approval, with the building heights and setbacks that would affect overshadowing of the adjoining residential properties consistent with the concept approval and in some instances, providing a greater setback and reduced building volume when compared to what is permitted under the concept approval (for instance reduced volume of building B and increased setback of building C when compared to the concept approval). When compared against the terms of the concept approval, the proposal achieves the envisaged outcome with regards to solar access for surrounding properties.

3.4.2 Privacy and Security

The privacy within the development has been considered against the assessment under the Apartment Design Guidelines earlier within this report and the development found to have a high quality outcome with regards to visual privacy by strategic placement of balconies, offsetting of windows and the use of architectural screening devices where necessary.

The development is considered to not have any unreasonable impacts on the visual privacy of the adjoining apartments. The adjoining 3 storey residential flat building on 29 Victoria Parade does not contain any living room windows or balconies on the eastern elevation facing building C. These windows have existing metal grills on them to address fire safety and all living rooms windows of this building face west. The corresponding first three levels of Building C contain commercial floor area, with the residential levels above looking over the roof of 29 Victoria Parade, thus not having an interface between residential levels. The commercial levels have a full height privacy screen for the western elevation to further limit views between properties and a landscape planter is provided along the common boundary to facilitate landscaping to soften the outlook and enhance privacy between sites.

The southern elevation of Building B does not contain any windows which would result in privacy impacts for the apartments on 25-27 Victoria Parade.

The southern facade of Building C and D contain skewed windows to prevent views between the residential apartments on 31 Victoria Parade, including the new additional levels recently constructed on top of 31 Parade. The skewed windows address privacy in an adequate way and limit views.

The communal open space on Building C is located to the northern extent of the building to limit any direct overlooking of the adjoining sites.

Overall, the development has considered the retention of privacy for the adjoining properties and uses a variety of methods to mitigate views between properties.

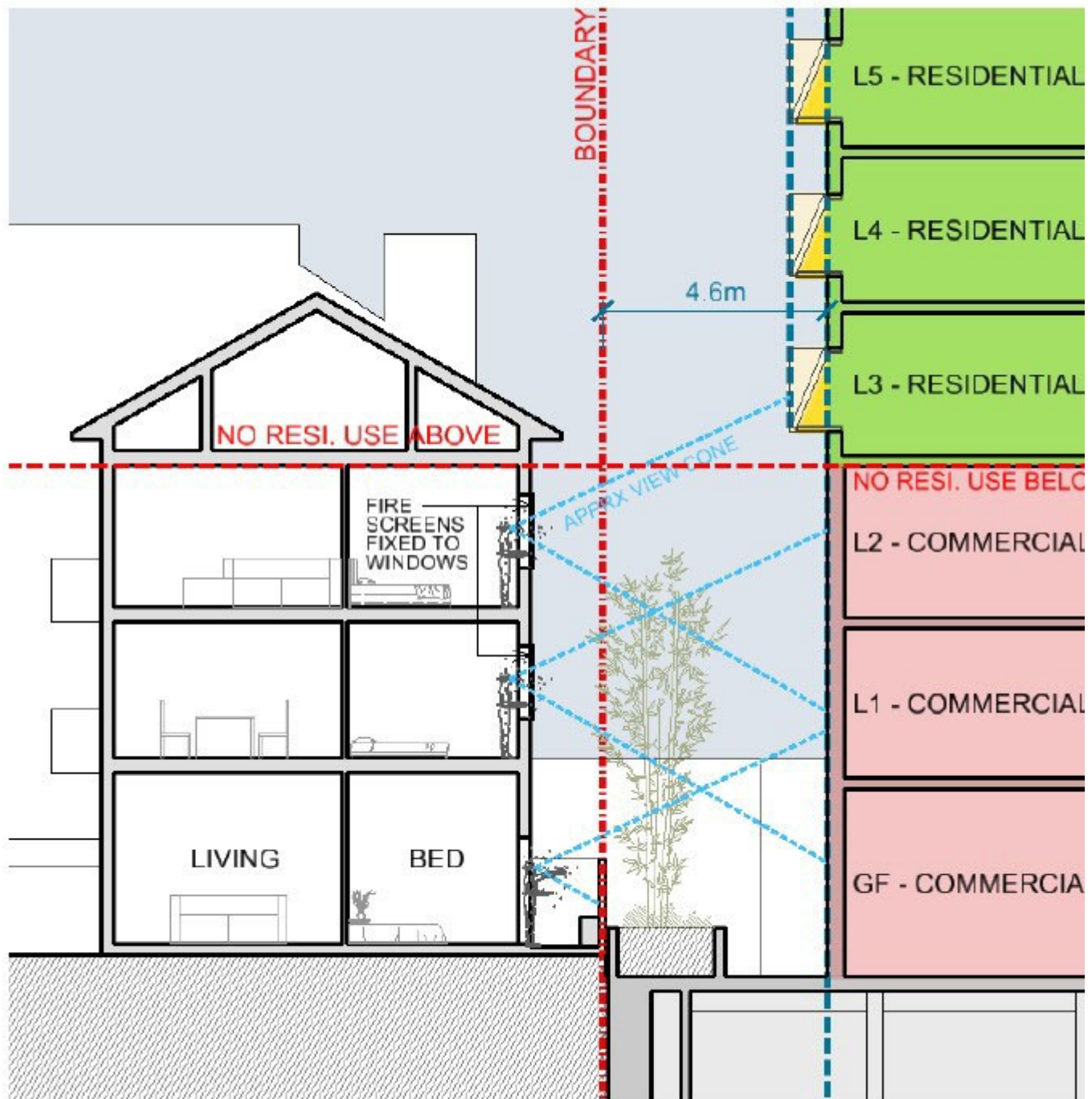


Figure above - Extract from applicant's addendum SEE showing how privacy mitigated between Building C and 29 Victoria Parade.

3.4.3 Maintenance of Views

Merit consideration:

There is one (1) property which has raised view loss during the assessment of the development

application. This property being Unit 533/25 Wentworth Street, Manly. A second property was considered within the applicant's documentation submitted to Council, this being a unit within the same building being Unit 331/25 Wentworth Street, Manly.

The development is considered against the Objectives of the Control:

Objective 1) To provide for view sharing for both existing and proposed development and existing and future Manly residents.

Objective 2) To minimise disruption to views from adjacent and nearby development and views to and from public spaces including views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths).

Objective 3) To minimise loss of views, including accumulated view loss 'view creep' whilst recognising development may take place in accordance with the other provisions of this Plan.

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of *Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140*, are applied to the proposal.

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (for example of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, for example a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comment:

The below photomontage was prepared by the applicant to show the extent of impact from Unit 331/25 Wentworth Street. As can be seen in the below photomontage (figure 1), views of Manly Beach consisting of land/water interface (the beach), the public reserve and heritage listed Norfolk Pines are available over the subject site.



Figure 1 - Photomontage view of the proposal from the balcony of Unit 331/25 Wentworth Street looking south-east (photomontage prepared by applicant).

The second property which is considered is Unit 533/25 Wentworth Street, which raised a submission regarding view impacts from the development. The views to be impacted from this property are views of Manly Beach, the water and the ocean horizon, including the wave impact zone of Manly Beach and heritage listed Norfolk Pines. Some filtered views of Shelly Beach and Fairy Bower can be seen through the Norfolk Pines (although heavily obscured).

Photographs were taken by the assessing officer during a site inspection from the affected living room, balcony and bedroom of Unit 533/25 Wentworth Street. Whilst there has not been a photomontage prepared from this property, the below photographs have been marked up by the assessing officer to represent the approximate location of corner of Building D, which is the portion of the development that obstructs the view. The approximate position has been determined having regard to the position of Building D, which has a 4.4m setback from the corner of the site on South Steyne and Wentworth Street. The below figure shows the location of the corner of the building, relative to the substation on the site. Based on the location of the substation and proposed setbacks, a well informed assessment of the view impact can be undertaken within further montages.

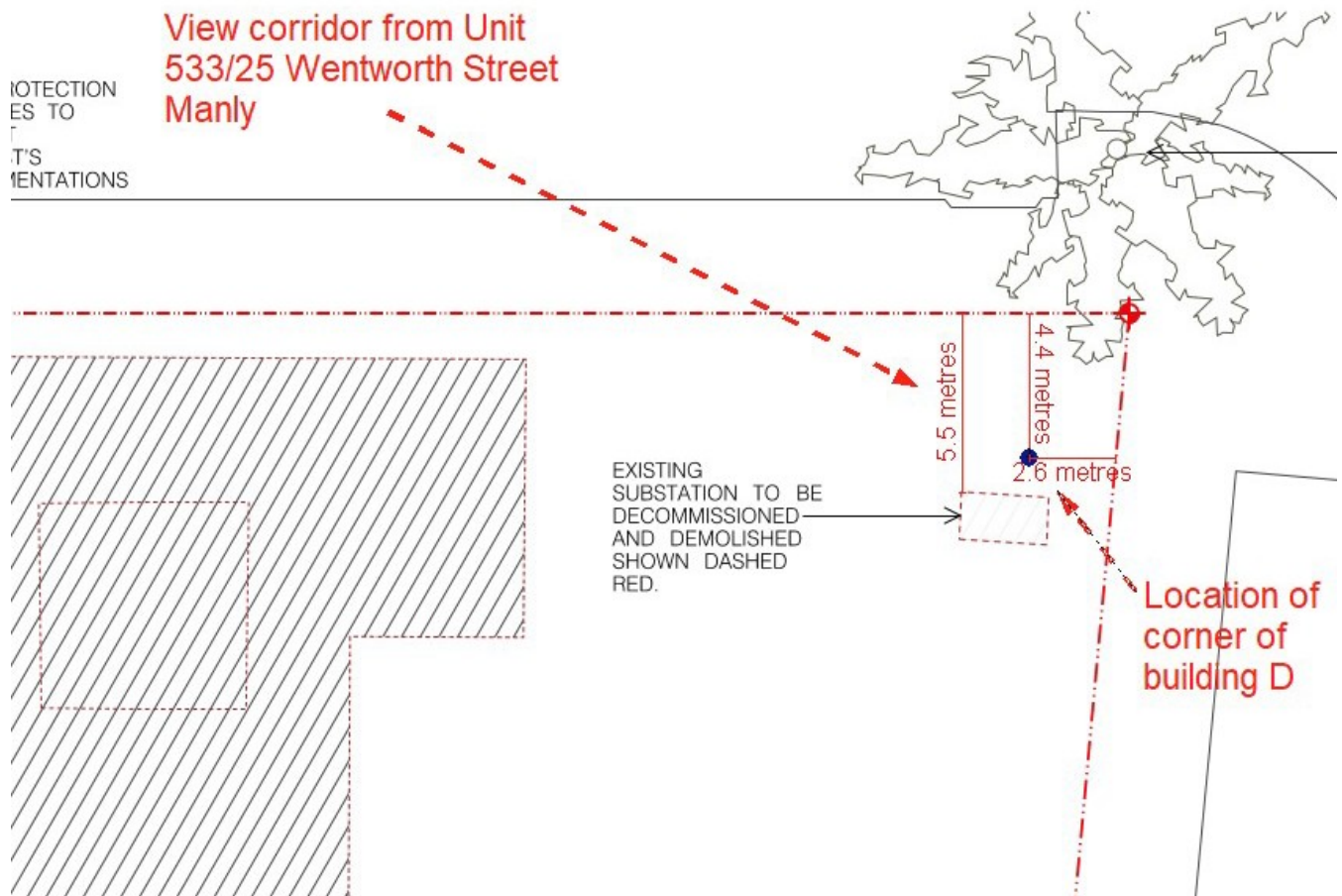


Figure 2 - Marked up plan showing building location relative to the substation, based on the proposed setbacks. Mark ups prepared by the assessing officer.



Figure 3 - Photo taken from the balcony of Unit 533/25 Wentworth Street, standing position, looking south-east. The red line representing position of the development which is extrapolated from corner of the site.



Figure 4 - Photo taken from within the living room of Unit 533/25 Wentworth Street, standing position, looking south-east. The red line representing position of the development which is extrapolated from corner of the site and location of Building D.



Figure 5 - Photo taken from within the bedroom window of Unit 533/25 Wentworth Street, standing position, looking south-east. No mark up has been provided on this image.

The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comment:

For Unit 331/25 Wentworth Street, the views are obtained from the balcony, which adjoins the primary living area (figure 2). All views are obtained from the front boundary of the affected property, the street address being Wentworth Street for Unit 331/25 Wentworth Street. Views are obtained from a standing

and seated position.

For Unit 533/25 Wentworth Street, the views are obtained from the balcony (figure 3), the living room (figure 4) and the bedroom (figure 5). All views are obtained from the front boundary of the affected property, the street address being Wentworth Street for Unit 533/25. Views from the balcony are obtained from a seated and standing position. Views from the living room are obtained in a standing position, however once seated, the water view becomes more obscured because of the balcony balustrade. Views from the bedroom are obtained in a standing position, however once seated, the water view becomes more obscured because of the balcony balustrade.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20 percent if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comment:

Unit 331/25 Wentworth Street - The view is obtained from the balcony of the property only, no other views are available from this unit. The view loss results in approximately 50% of the water views being obscured. The view at present is partially obscured the heritage listed trees, however is still a valuable water view. Based on this, the view impact is moderate as there is a good portion of views which are retained (and will be retained given the public road will not be developed).

Unit 533/25 Wentworth Street - The views which are shown in figure 3, 4 and 5 are the total views available from the property. The view of Manly Beach is obscured by the heritage listed trees, however, is still good quality containing Manly Beach and the wave action zone. The view of Shelly Beach and Fairy Bower is highly obscured by the heritage listed trees and is considered low quality, as these landmarks are very obscured. From the living room and the balcony, approximately 50% of the view will be obscured and this considered to be a moderate impact, given the fact the view is already partially obscured by vegetation and around 50% of the view will be retained (and will be retained in the future given the public road will not be redeveloped). The portion of view from the bedroom will have between 40%-50% impacted (the bedroom being east of the living rooms, therefore a wider corridor available), with the portions of water view impacted obscured by the existing heritage trees. Therefore, the view impact is moderate for this room as well.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comment:

The development assessment must have regard to the concept approval on the site. Under the concept approval, the northern corner of building D has a setback of 4.3m from Wentworth Street. The setback of Building D under this development application is 4.4m to Wentworth Street, and therefore compliant with the concept approval. It is also noted that, Clause 4.2.3 of Manly DCP required that a 'nil setback'

is provided to the street frontage in the B2 Zone. Therefore, the concept approval provides an increased setback when compared to the DCP controls and therefore, the concept approval provides a better view sharing outcome than what could be constructed under the Manly DCP controls. The fact that the concept approval (and subsequently the DA) provides a setback 4.4m more than the DCP requirement further preserves the available view corridor for the affected property and therefore, provides a reasonable view sharing outcome from the development. Given that the proposal provides a 4.4m greater setback than the requirement under the DCP, it is considered unnecessary to require a greater setback or an amended design to further improve the view corridor. Whilst it is acknowledged the units within Building D are generous in size (and are over the minimum unit size under the ADG), due to the 4.4m setback being provided and subsequent 50% of the views being retained from the affected properties, this is a sufficiently skillful design and an acceptable view sharing outcome.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

4.2.3 Setbacks Controls in LEP Zones B1 and B2

The DCP states the following with regards to Street Setbacks in the B2 Zone:

All buildings must be constructed to the public road and side boundaries of the allotment except where:

- a) an alternative setback is identified on the townscape and opportunities maps or having regard to established building lines and whether they contribute positively to the streetscape; or
- b) the applicant can demonstrate to the satisfaction of the Council that an alternative setback will not conflict with overall townscape objectives, reduce the general availability of retail frontage or remove weather protection for pedestrians; or
- c) the stipulated setback would be undesirable in terms of the amenity of any residential uses existing on adjoining land or proposed for inclusion in the development. In such cases the planning principles in this plan for residential development at paragraph 3.1.1 will also apply.

Comment: The development comprises of nil setbacks to South Steyne for Building D and varied setbacks of between 3.6m and 6m for Building C and D facing Wentworth Street. These street setbacks have been established through the concept approval and the development application is found to be generally consistent with these setbacks. In this regard, the concept approval takes precedence over the requirements of the DCP where this is an inconsistency.

The concept approval also established minimum building separation to the adjoining R3 zone boundary to the west. The setback endorsed under the concept approval for Building C to the western boundary is 4.6m with privacy treatment to meet the objectives of the ADG. The proposed setback to the western boundary is consistent with the concept approval and privacy measures through screening devices and landscaping have been provided along the western facade to result in reasonable privacy and meet the ADG outcomes.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$1,047,087 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$104,708,679.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

PLANNING CONCLUSION

This proposal, for Demolition Works and Construction of Mixed Use Buildings has been referred to the Sydney North Planning Panel (SNPP) as the Cost of works is over \$30 Million CIV and therefore, is regionally significant development and the SNPP is the consent authority.

The assessment of the application finds that the DA is generally consistent with the terms of the concept approval and meets the required pre-conditions of the Manly LEP 2013 in order for consent to be granted. As detailed within the assessment report, the development is considered to demonstrate design excellence through a high-quality architectural façade that is well articulated with a high level of visual interest presenting to the public domain and Manly Beach. The provision of a public forecourt within the site is a great benefit of the development that will enhance public use of the site and further active South Steyne as a commercial and tourism precinct within Manly and the wider Northern Beaches Locality.

The development demonstrates a high level of amenity for the residential component within the

development and has adequately demonstrated the the surrounding residential properties will maintain level of amenity that is in accordance with the planning controls and that is anticipated by the concept approval, with these issues considered in detail within through the consideration of the six (6) public submissions received.

The referral officers who have reviewed the application are satisfied with the development which included an assessment of the application with regards to the impact on the built and natural environment, heritage listed trees and buildings, flooding, landscaping, traffic, waste, the coastal environment and public health matters including noise.

Overall, the development is a high-quality design that is consistent with terms and overall vision of the concept approval and will not result in unreasonable impacts on the adjoining properties or the natural environment. The proposal has therefore been recommended for approval.
It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Sydney North Planning Panel as the consent authority grant Development Consent to DA2022/1000 for Demolition works, alterations and additions to existing buildings and construction of new mixed-use buildings on land at Lot 100 DP 1276056 and Lot 101 DP 1247422) 19 - 21 South Steyne and 22 Wentworth Street MANLY, subject to the conditions outlined in Attachment 1.

ATTACHMENT 1

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-100 Issue 03	10/11/2022	Murcutt Candalepas
DA-102 Issue 02	13/10/2022	Murcutt Candalepas
DA-103 Issue 02	13/10/2022	Murcutt Candalepas
DA-104 Issue 02	13/10/2022	Murcutt Candalepas
DA-105 Issue 02	13/10/2022	Murcutt Candalepas
DA-106 Issue 02	13/10/2022	Murcutt Candalepas
DA-110 Issue 02	13/10/2022	Murcutt Candalepas
DA-111 Issue 02	13/10/2022	Murcutt Candalepas
DA-112 Issue 02	13/10/2022	Murcutt Candalepas
DA-113 Issue 04	15/11/2022	Murcutt Candalepas
DA-114 Issue 04	15/11/2022	Murcutt Candalepas
DA-115 Issue 04	15/11/2022	Murcutt Candalepas
DA-116 Issue 04	15/11/2022	Murcutt Candalepas
DA-117 Issue 04	15/11/2022	Murcutt Candalepas
DA-118 Issue 03	10/11/2022	Murcutt Candalepas
DA-119 Issue 03	10/11/2022	Murcutt Candalepas
DA-120 Issue 02	13/10/2022	Murcutt Candalepas
DA-125 Issue 02	13/10/2022	Murcutt Candalepas
DA-126 Issue 02	13/10/2022	Murcutt Candalepas
DA-127 Issue 03	10/11/2022	Murcutt Candalepas
DA-128 Issue 03	10/11/2022	Murcutt Candalepas
DA-135 Issue 03	10/11/2022	Murcutt Candalepas
DA-136 Issue 03	10/11/2022	Murcutt Candalepas
DA-137 Issue 04	15/11/2022	Murcutt Candalepas
DA-175 Issue 02	13/10/2022	Murcutt Candalepas
DA-180 Issue 02	13/10/2022	Murcutt Candalepas
DA-190 Issue 02	13/10/2022	Murcutt Candalepas
Plan of Subdivision - Sheet 1 to 8	14/10/2022	Copland C. Lethbridge

Engineering Plans

Drawing No.	Dated	Prepared By
DA-800 Revision 3	14/10/2022	Northrop
DA-805 Revision 3	14/10/2022	Northrop
DA-809 Revision 3	14/10/2022	Northrop
DA-810 Revision 3	14/10/2022	Northrop
DA-813 Revision 3	14/10/2022	Northrop
DA-814 Revision 3	14/10/2022	Northrop
DA-850 Revision 3	14/10/2022	Northrop
DA-851 Revision 3	14/10/2022	Northrop
DA-852 Revision 3	14/10/2022	Northrop

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Operational Waste Management Plan (WM-RPT-0001)	14/10/2022	Low Impact Development Consulting
Heritage Impact Statement HR-RPT-0002	14/10/2022	Urbis
Flood Statement Job No. 200211	14/10/2022	Northrop
ESD Energy Performance and Green Star Report ED-RPT-0001	14/10/2022	Aspire
BCA Compliance Capability Statement, BC-STA-0001, Rev 02	19/10/2022	City plan
Access Report, Issue B, AS-RPT-0001	11/10/2022	Accessible Building Solutions
BASIX Certificate No.1163350M_03	14/10/2022	Aspire
Environmental Wind Report, WI-RPT-0001, Rev 01	10/06/2022	ARUP
CPTED Report, CP-RPT-0001	10/06/2022	Harris Crime Prevention Services
Construction Traffic Management Plan, Rev 01	10/06/2022	Stantec
Draft Construction Management Plan CM-RPT-0001	10/06/2022	Lighthouse Project Group
Historical Archaeological Impact Assessment HR-RPT-0001	10/06/2022	Urbis
Arboricultural Impact Assessment, AB-RPT-0001 Rev 01	10/06/2022	Jackson Nature Works
Acoustic Report, 20211295.1/0206A/R1/WY	10/06/2022	Acoustic Logic
Aboriginal Due Diligence Assessment HR-RPT-0003	10/06/2022	Urbis
Remediation Action Plan, EN-RPT-0002 Rev 1	10/06/2022	Douglas Partners
Geotechnical Report, GE-RPT-0001 R.001.Rev1	10/06/2022	Douglas Partners

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
DA-900 Revision 2	18/10/2022	Jane Irwin Landscape Architect
DA-901 Revision 2	18/10/2022	Jane Irwin Landscape Architect
DA-902 Revision 2	18/10/2022	Jane Irwin Landscape Architect
DA-910 Revision 2	18/10/2022	Jane Irwin Landscape Architect
DA-911 Revision 2	18/10/2022	Jane Irwin Landscape Architect
DA-912 Revision 2	18/10/2022	Jane Irwin Landscape Architect
DA-913 Revision 2	18/10/2022	Jane Irwin Landscape Architect
DA-915 Revision 2	18/10/2022	Jane Irwin Landscape Architect
DA-918 Revision 2	18/10/2022	Jane Irwin Landscape Architect
DA-920 Revision 2	14/10/2022	Jane Irwin Landscape Architect
DA-921 Revision 2	14/10/2022	Jane Irwin Landscape Architect
DA-922 Revision 1	12/10/2022	Jane Irwin Landscape Architect
DA-923 Revision 1	12/10/2022	Jane Irwin Landscape Architect
DA-930 Revision 2	12/10/2022	Jane Irwin Landscape Architect

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Demolition and Construction Management Plan WM-RPT-0002 Rev 01	10/06/2022	Low Impact Development Consulting

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	2022/419711	11 July 2022
Water New South Wales - General Terms of Approval IDAS114560	2022/652761	5 October 2022

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the relevant Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work

relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the relevant Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009

- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$1,047,086.79 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$104,708,679.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

6. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from

the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to the relevant Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

7. Construction, Excavation and Associated Works Bond (Drainage works)

The applicant is to lodge a bond of \$ 50,000 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: Protection of Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

8. Detailed Landscape Plans

Detailed Landscape Plans for construction purposes, prepared by a qualified and registered Landscape Architect and based on the approved Landscape Plans prepared by Jane Irwin Landscape Architecture, shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate including the following details:

- i) hard landscape plans,
- ii) soft landscape plans,
- iii) landscape construction details, and
- iv) landscape specifications.

Certification shall be provided to the Certifier that these documents generally comply with the approved Landscape Plans.

Reason: Landscape amenity.

9. Tree Protection Plan

a) A Tree Protection Plan, otherwise listed as a Tree Management Plan in the Arboricultural Impact Assessment, shall be submitted to the Certifier for approval prior to the issue of the relevant Construction Certificate, demonstrating tree protection measures to protect the following trees:

- i) Heritage listed street tree numbers 1, 2 and 3
- ii) Tree numbers 14, 15 and 16

b) The Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:

- i) layout of the development, including existing and proposed underground services,

- ii) location of all trees identified for retention, including extent of canopy,
- iii) access routes throughout the site for construction activity,
- iv) plan documentation of tree protection measures including: location of tree protection fencing; root protection in the form of mulching or boards proposed within the tree protection zone, as required; and trunk and branch protection within the tree protection zone, as required,
- v) inspection hold points,
- vi) other general tree protection measures.

c) Heritage listed trees documentation:

- i) annotated photographs of the tree trunk, any exposed roots, branches and canopy.

d) Tree protection methods are to be in accordance with AS4970-2009 Protection of Trees on Development Sites.

Reason: Tree protection.

10. **On Slab Landscape Works**

Details shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

On structure planter soil depths shall be certified as suitable to support the proposed planting.

Design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.

11. **Stormwater Disposal**

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the proposed new stormwater pits and pipeline.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development.

12. **Flooding**

In order to protect property and occupants from flood risk the following is required:

Building Components and Structural Soundness – B1

All new development below the relevant Flood Planning Level shall be constructed from flood compatible materials in accordance with "Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas", Hawkesbury-Nepean Floodplain Management

Steering Committee (2006).

Building Components and Structural Soundness – B2

All new development must be designed to ensure structural integrity up to the relevant Flood Planning Level (refer to Appendix C of the Flood Statement by Northrop, 14.10.2022), taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion.

Building Components and Structural Soundness – B3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the relevant Flood Planning Level. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed to cut electricity supply during flood events.

Floor Levels – C1

New floor levels within the development shall be set at or above the floor levels shown on architectural drawing 5892-DA-112, issue 02, (13/10/2022), in order to be at or above the relevant Flood Planning Level.

Car parking – D6

All access, ventilation and any other potential water entry points to the basement car park (apart from the existing driveway) shall be at or above the relevant Flood Planning Level (refer to Appendix C of the Flood Statement by Northrop, 14.10.2022).

Storage of Goods – G1

Storage areas for hazardous or potentially polluting materials shall not be located below the relevant Flood Planning Level unless adequately protected from floodwaters in accordance with industry standards.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

13. **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- i Site Boundaries and contours
- i Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- i Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- i Existing and proposed drainage patterns with stormwater discharge points
- i Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.

- i North point and scale.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

Reason: Protection of the receiving environment.

14. **Detailed Design of Stormwater Treatment Measures - Major**

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with NORTHROP CIVIL AND STORMWATER PLANS rev 01 10.06.22 and Council's Water Management for Development Policy shall be submitted to the Certifying Authority prior to the release of the relevant Construction Certificate.

Reason: Protection of the receiving environment.

15. **Photographic Archival Record**

A photographic archival record of the whole site capturing existing improvements and Drummond House shall be prepared. The archival record must:

- Generally capture the external appearance of existing improvements on the site; and
- Provide an extensive and detailed record of Drummond House (including its interiors and exteriors) as well as its context and setting within the site; and
- Capture any items of movable heritage, prior to their removal for storage or relocation.

This record is to be prepared generally in accordance with the guidelines issued by NSW Heritage and must be submitted to Council's Heritage Officer for approval, prior to the commencement of works on site.

The photographic record should be made using digital technology, submitted on archival quality CD-R disc or issued in an electronic format acceptable to Council, and should include:

- i Location of property, date of survey and author of survey
- i A site plan at a scale of 1:200 showing all structures and major landscape elements;
- i Floor plans of any buildings at a scale of 1:100;
- i Photographs which document the site, cross-referenced in accordance with recognised archival recording practice to catalogue sheets. The extent of documentation will depend on the nature of the item.
- Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To provide an archival photographic record of this heritage item, prior to commencement of any demolition or works.

16. **Supervision of works by Heritage Architect/Consultant**

Works to Drummond House are to be supervised by an experienced heritage architect/consultant, to provide ongoing advice throughout the construction of the project. The appointed architect/consultant is to be involved in the resolution of all matters where significant

fabric and spaces are subject to demolition and adaptive reuse. The heritage architect/consultant is to be available throughout the construction process to respond directly to Council when issues relating to heritage require clarification or resolution. They are also to ensure that the policies outlined in the Conservation Management Plan for Drummond House are adhered to and the approved Schedule of Conservation Works for Drummond House is followed.

Details of the appointment of this heritage architect/consultant are to be submitted to Council's Heritage Officer, prior to the issue of the relevant Construction Certificate. Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure that all matters relating to significant fabric and spaces are guided by heritage conservation best practice, the Conservation Management Plan and the approved Schedule of Conservation Works.

17. **Detailed Construction Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a detailed Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of the relevant Construction Certificate.

Due to heavy traffic congestion throughout the town centre, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic Engineer prior to submission of the CTMP.

The CTMP must address following:

- i The proposed phases of construction works on the site, and the expected duration of each construction phase
- i The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- i Make provision for all construction materials to be stored on site, at all times
- i The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- i The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- i The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- i Make provision for parking onsite where possible. All Staff and Contractors are to use the basement parking once available
- i Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- i Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety
- i The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- i Include a site plan showing the location of any site sheds, location of requested Work

Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees

- i Take into consideration the combined construction activities of other nearby development to limit the impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes in the surrounding area. The proposed strategy will be captured in the CTMP.
- i The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- i Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- i The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- i Proposed protection for Council and adjoining properties
- i The location and operation of any on site crane

The detailed CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

18. **Removal of Redundant Driveways**

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to Council for approval prior to the issue of the relevant Construction Certificate. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy.

19. **Submission of Engineering Plans for raised pedestrian crossing**

Civil Engineering plans are required for the design of:

A raised pedestrian crossing on Wentworth Street on the frontage of the development and providing a pedestrian link to the Rialto Lane pedestrian plaza

These are to be generally in accordance with the concept design approved with the Development Application and Council’s specification for engineering works - AUS-SPEC #1 and or Council’s Minor Works Policy and relevant TfNSW technical directions. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Section 138 and/or 139 applications inclusive of regulatory signage and road markings are to be submitted to Council for Local Traffic Committee approval.

Reason: To ensure compliance with Council's specification for engineering works.

20. **Pedestrian sight distance at property boundary**

A pedestrian sight triangle in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To maintain pedestrian safety.

21. **Commercial/Retail Spaces**

Commercial/Retail parking spaces are to be separated from the residential component via a security facility.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate.

Reason: To ensure adequate commercial retail car parking spaces are provided and accessible to customers.

22. **Building Code of Australia Access**

Access and facilities to and within the building are to be provided for Persons with a Disability. In this regard the recommendations contained in the Access Statement of Compliance Report prepared by Accessible Building Solutions dated 11/10/2022, Job No. 220190 is to be taken into consideration as part of the assessment of the relevant Construction Certificate. Details are to be provided to the Certifying Authority prior to the issue of the relevant Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

23. **Submission Roads Act Application for Civil Works in the Public Road**

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of pipeline and pit to connect to the existing pit on Wentworth Street which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information:

- 1) all utilities service must be identified and plotted on the submitted site plan
- 2) detailed design plan of the pipeline including Hydraulic grade line, road pavement restoration and all rectification works on the affected areas etc
- 3) the traffic management plan of the pipeline construction must be submitted.
- 4) the concurrence from any affected utility service providers to support the installation of the

pipeline

5) the applicant is responsible to the cost of any possible relocation of the utility services

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

24. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To provide public and private safety.

25. Sub-Soil Seepage

The Applicant is to submit plans demonstrating that all sub-soil seepage drainage on both existing basement and proposed basement is discharged via a suitable silt arrester pit, directly to proposed new Council's pit on Wentworth Street and is to be carried out in accordance with relevant Australian Standards. (Note: At the time of determination the following (but not limited to) Standards applied:

- i Australian/New Zealand Standard AS/NZS 3500.3 - 2003 Plumbing and drainage - Stormwater drainage
- i Australian/New Zealand Standard AS/NZS 3500.3 - 2003 / Amdt 1 - 2006 Plumbing and drainage - Stormwater drainage.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To ensure appropriate drainage and Stormwater management on site to protect amenity of residents.

26. Shoring of Council's Road Reserve (Temporary road anchors)

Should the proposal require shoring to support an adjoining property or Council land, the Applicant shall provide the adjoining properties with engineering drawings, detailing the proposed shoring works for their consideration and approval.

Written approval from Council under Section 138 of the Roads Act 1993 is required if temporary ground anchors are to be used within Council's road reserve. The Owner's approval is to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

27. **Heritage Interpretation Plans**

A Heritage Interpretation Plan is to be prepared for the Royal Far West site to interpret the strong social, cultural and historical significance of the use of the land by Royal Far West since the 1920s. The Heritage Interpretation Plan must:

- Cover the interpretation of the site generally and provide strategies which are to be implemented as part of the development; and
- Cover the interpretation of Drummond House with specific strategies which are to be implemented as part of the development. The strategies for Drummond House must also include the interpretation of this heritage item, its historical role in the work of the Royal Far West as well as its aesthetic significance as an example of the Inter War Free Classical architectural style.

The Heritage Interpretation Plan must be prepared by a suitably qualified consultant in accordance with the Heritage NSW guidelines "Interpreting Heritage Places and Items" and must be submitted to Council's Heritage Officer for approval prior to issue of the Construction Certificate. Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure that the historical and cultural significance of the site is recognised and interpreted as part of the development of the whole site, as well as incorporated into the refurbishment of Drummond House

28. **External finishes, materials and colours**

Full details of external finishes, materials and colours, for Drummond House and Buildings C and D, are to be submitted to Council's Heritage Officer for approval, prior to the issue of the relevant Construction Certificate.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure compatibility with the architectural significance of Drummond House and its setting as well as compatibility with adjoining heritage items.

29. **Detailed Schedule of Conservation Works - Drummond House**

A detailed Schedule of Conservation Works is to be prepared for all proposed works to Drummond House. This Schedule is to be prepared by a suitably qualified and experienced heritage architect/consultant and is to be submitted to Council's Heritage Officer for approval, prior to the issue of the relevant Construction Certificate.

Details demonstrating compliance with this condition are to be provided to the Principal

Certifying Authority.

Reason: To ensure that all conservation works to Drummond House are carried out in accordance with an approved Schedule of Conservation Works.

30. **Plans of Kitchen Design, Construction and Fit-out**

Prior to the issue of the relevant Construction Certificate (CC), detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be provided to the Certifying Authority. These plans are to be prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

Reason: To ensure that the food premises complies with the design construction and fit-out requirements.

31. **Mechanical Ventilation Plans**

Where Mechanical ventilation is required to be installed in the food premises detailed plans must be submitted to and approved by the Certifying Authority that demonstrate compliance with the following:

- Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings"; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

These plans are to be prepared by a suitably qualified person.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

32. **Noise - Design of Mechanical Plant**

Prior to the issue of the relevant Construction Certificate, the design, specifications and location of noise generating mechanical plant are to be implemented into the design of buildings B, C and D, and provided to the Principal Certifier.

A further acoustic assessment is to be undertaken by a suitably qualified professional such as an acoustic engineer to determine acoustic treatments required to control noise emissions from all mechanical plant noise in accordance with Section 7 of the Acoustic Logic report entitled "Royal Far West, 14-22 Wentworth Street & 19-21 South Steyne, Manly - DA Acoustic Assessment - Document Number AC-RPT-0001". Any design recommendations made by the consultant must be implemented into the plans prior to issuing the relevant Construction Certificate in order to achieve compliance with noted conditions of this consent.

Any external mechanical exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

Reason: To maintain amenity of the surrounding area.

33. **Low Level Coastal Inundation Risk Design**

All development must be designed and constructed to achieve a low risk of damage and instability due to coastal inundation, wave impact and foreshore erosion hazards.

34. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

35. **Landscaping - Wentworth Street, in front of Drummond House**

Details of proposed landscaping in front of Drummond House (including any fencing) are to be submitted to Council's Heritage Officer for approval, prior to the issue of the relevant Construction Certificate.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure that landscaping in front of Drummond House is sympathetic with its aesthetic heritage significance.

36. **Entry Vestibule Design - Drummond House**

Details of the design of the entry vestibule, located adjacent to the western side of Drummond House, are to be submitted to Council's Heritage Officer for approval, prior to the issue of the relevant Construction Certificate.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure that the entry vestibule does not adversely impact upon the aesthetic significance of Drummond House.

37. **Update of Conservation Management Plan - Drummond House**

The Conservation Management Plan for Drummond House (Urbis - 20 November 2020), is to be updated to include consideration of, and policies for, the protection of moveable heritage. The updated Conservation Management Plan is to be submitted to Council's Heritage Officer for approval, prior to the issue of the relevant Construction Certificate.

Reason: To ensure that the Conservation Management Plan for Drummond House is comprehensive.

38. **Structural Engineering Advice - Drummond House**

A report is to be submitted which details how the remaining portion of Drummond House is to be

structurally supported and protected during demolition, excavation and construction. This report is to be prepared by a suitably qualified structural engineer and submitted to Council's Heritage Officer, prior to the issue of the relevant Construction Certificate.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure that the remaining heritage item structure is not damaged during any works.

39. **Illuminated Sign - Wentworth Street**

Further details of the illuminated sign on the CCK building fronting Wentworth Street are to be provided to Council's Heritage Officer for approval, prior to the issue of the relevant Construction Certificate.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure that the sign does not adversely impact upon the significance of Drummond House.

40. **Waste and Recycling Requirements**

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifying Authority prior to the issue of the relevant Construction Certificate.

Note: If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

41. **Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, and the recommendations of the Arboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise all works as nominated in the approved Tree Protection Plan and the Arboricultural Impact Assessment under section 4. Recommendations, and in particular:

- i) during excavation works to monitor if any roots from existing trees numbered 14, 15 and 16, located with adjoining property, have grown beyond the existing building and its foundations, and provide any remedial actions, and if required a root mapping investigation shall detail the size, location and depth of any roots from this tree to determine the arboricultural tree protection measures to be undertaken to retain trees 14, 15 and 16,
- ii) monitor the health of the existing street trees numbered 1, 2 and 3, including the preservation of the tree protection measures identified in section 4. Recommendations (tree protection fencing, and trunk protection).

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifier that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

42. **Tree Removal Within the Property**

The following trees as identified in the Arboricultural Impact Assessment require removal:

- i) trees 4, 5, 6, 7 and 11
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Exempt Species (by species type or by height) as listed in the Development Control Plan do not require Council consent for management or removal, and the following exempt species are identified in the Arboricultural Impact Assessment: trees 8, 9, 10, 12 and 13.

Reason: To enable authorised development works.

43. **Works on Land Owned or Managed By Council**

No works are to be carried out on land owned or managed by Council.

Note: Separate approval from Council is required for access driveways, paths, stairs, connections to underground utilities (stormwater, gas, sewer, electricity, telecommunications etc.) and landscaping works on land owned or managed by Council.

Reason: To protect the land owned or managed by Council.

44. **Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

Reason: To ensure Work zones are monitored and installed correctly.

45. Road Occupancy Licence

Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows.

Reason: Requirement of TMC for any works that impact on traffic flow.

46. Demolition Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) shall be prepared by an suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

Due to heavy traffic congestion throughout the area, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

The DTMP must:-

- i Make provision for all construction materials to be stored on site, at all times.
- i The DTMP is to be adhered to at all times during the project.
- i Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- i Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- i Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- i Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- i Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- i Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- i Specify spoil management process and facilities to be used on site.
- i Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS' Manual – "Traffic Control at Work Sites".

All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and are to be paid at the time that the Demolition Traffic Management Plan is submitted.

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

47. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

48. Protection of Sites of Significance

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

49. Condition of Trees

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from the Project Arborist during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Project Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

50. Road Reserve

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

51. Installation and Maintenance of Sediment and Erosion Controls

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

52. Dewatering Management

The groundwater/tailwater to be discharged must be compliant with the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

All approvals, water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Reason: Protection of the receiving environment and groundwater resources.

53. No Access Through Land Owned or Managed by Council

Site access is not approved for delivery of materials nor construction of the development through adjacent land owned or managed by Council, without the written approval of Council.

Reason: Public safety, landscape amenity and tree protection.

54. Storage of Materials on Land Owned or Managed by Council Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste or any other material in land owned or managed by Council is prohibited.

Reason: Public safety and environmental protection.

55. Protection of Council's Public Assets

Any damage to Council's public assets shall be made good by the applicant, and/or the contractor, to the satisfaction of Council.

Council's public assets include, but is not limited to, the following: road, kerb and gutters, crossovers, crossings, paths, structures, landscape features, trees and vegetation, grass verge, open space and associated elements such as furniture, recreational facilities and the like, within the meaning of the Local Government Act 1993.

Reason: To protect and/or restore any damaged public asset.

56. Implementation of Demolition Traffic Management Plan

All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

57. Staff and Contractor Parking

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project where possible. All Staff and Contractors are to use the basement parking once available. All necessary facilities are to be provided to accommodate this requirement including lighting in the basement, security cameras, etc.

Reason: To ensure minimum impact of construction activity on local parking amenity.

58. Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

59. Ongoing Management

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

60. Demolition Works - Asbestos

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

61. Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

62. Property Boundary Levels

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To maintain the existing profile of the nature strip/road reserve.

63. Civil Works Supervision

The Applicant shall ensure all civil works approved in the Section 138 approval are inspected at appropriate hold points by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works.

64. Exposure of bricks - Drummond House

Should the approved Schedule of Conservation Works require the paintwork to be removed from the brickwork of Drummond House, then this work should be carried out under the supervision of the appointed heritage architect/consultant. A test should be initially carried out to ensure that the bricks will not be damaged by the process. If it is determined that removing the paint would be detrimental and damaging to the original brick fabric, then evidence should be provided to Council's Heritage Officer.

Reason: To ensure that the conservation works to Drummond House are authentic to its original architectural character.

65. **Archaeological finds**

Should any archaeological finds be uncovered during demolition/excavation, work is to stop and notice given to the appointed heritage architect/consultant for review and advice as to whether any statutory notices are required under the Heritage Act, 1977 or other Acts. Council's Heritage Officer should also be notified.

Reason: To ensure that any archaeological finds are dealt with appropriately and in accordance with relevant legislation.

66. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

67. **Acid Sulfate Soils Contingency**

During excavation and construction works, if materials suspected of potentially containing ASS are identified, samples shall be collected in accordance with the methods outlined in Appendix D and the results compared to the action criteria in Appendix C of the report "EN-RPT-0002 Remediation Action Plan" by Douglas Partners Pty Ltd, dated 10 June 2022.

Reason: appropriate management of acid sulfate soils.

68. **Implementation of the Remediation Action Plan**

At all times during demolition, excavation and construction, works must be done according to the Remediation Action Plan "EN-RPT-0002 Remediation Action Plan, Royal Far West Redevelopment 14-22 Wentworth Street & 19-21 South Steyne, Manly, Project 72252.09 June 2022".

A certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy must oversee the decontamination and remediation process.

Reason: manage on-site contamination in accordance with the NSW EPA Land Contamination Guidelines and SEPP (Resilience and Hazards).

69. **Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled 'Demolition and Construction Management Plan WM-RPT-0002 Rev 01 Management Plan' dated 10/06/2022.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided.

70. Waste/Recycling Requirements (Materials)

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE
OCCUPATION CERTIFICATE**

71. Landscape Completion

Landscape works are to be implemented in accordance with the approved Detailed Landscape Plans, inclusive of the following requirements:

- i) at least 6 *Cyathea australis* and 6 *Dicksonia antarctica* to the southern boundary landscape area adjoining property at 25-27 Victoria Parade,
- ii) at least 3 *Elaeocarpus reticulatus* and 5 *Cyathea australis* to the western boundary landscape area adjoining property at 25-27 Victoria Parade.

Prior to the issue of the relevant Occupation Certificate, certification details from a registered landscape architect shall be submitted to the Principal Certifier that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

72. Condition of Retained Vegetation - Project Arborist

Prior to the issue of the relevant Occupation Certificate, a report prepared by the Project Arborist shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree protection.

73. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a qualified Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

74. Certification of the Structural Stability of the Building (B2)

A suitably qualified structural engineer is to certify the structural stability of the new development considering lateral flood flow, buoyancy, suction effects, wave action and debris load impact up to the Flood Planning Level.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW

Government policy.

75. **Certification of Services (B3)**

A suitably qualified electrician or contractor is to certify that all electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections are located above the Flood Planning Level, are protected from water ingress or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

76. **Basement Car Parking (D6)**

A registered surveyor is to certify that all access, ventilation and any other potential water entry points to the basement car park (apart from the existing driveway) have been constructed at or above the relevant Flood Planning Level (refer to Appendix C of the Flood Statement by Northrop, 14.10.2022).

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Occupation Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

77. **Certification for the Installation of Stormwater Treatment Measures**

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the Stormwater plans . The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment.

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the relevant Occupation Certificate.

Reason: Protection of the receiving environment.

78. **Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater treatment measures in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Treatment Measures Operation and Maintenance Plan.

A restriction as to user shall be created on the title over the stormwater treatment measures, restricting any alteration to the measures.

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such

covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate.

Reason: To identify encumbrances on land, ensure ongoing maintenance, and ensure modification to the stormwater treatment measures is not carried out without Council's approval.

79. **Stormwater Treatment Measures Operation and Maintenance Plan**

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater treatment measures remain effective.

The Plan must be attached to the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

1. Detail on the stormwater treatment measures:
 - a) Work as executed drawings
 - b) Intent of the stormwater treatment measures including modelled pollutant removal rates
 - c) Site detail showing catchment for each device
 - d) Vegetation species list associated with each type of vegetated stormwater treatment measure
 - e) Impervious area restrictions to maintain the water balance for the site
 - f) Funding arrangements for the maintenance of all stormwater treatment measures
 - g) Identification of maintenance and management responsibilities
 - h) Maintenance and emergency contact information
2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:
 - a) Activity description, and duration and frequency of visits

Additionally for vegetated devices:

 - b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
 - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure
3. Maintenance schedule and procedure - ongoing
 - a) Activity description, and duration and frequency of visits
 - b) Routine maintenance requirements
 - c) Work Health and Safety requirements
 - d) Waste management and disposal
 - e) Traffic control (if required)
 - f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
 - g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the relevant Occupation Certificate.

Reason: Protection of the receiving environment.

80. **Works as Executed Drawings - Stormwater Treatment Measures**

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council

Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the relevant Occupation Certificate.

Reason: Protection of the receiving environment.

81. **Signage and Linemarking - Internal**

A plan demonstrating appropriate wayfinding signage and markings (directional arrow and signs, Give Way signage and linemarking) for vehicles circulating through the carpark is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate.

Reason: to aid wayfinding and traffic safety.

82. **Disabled Parking Spaces**

Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate.

Reason: To ensure compliance with Australian Standards.

83. **Implementation of Heritage Interpretation Plans**

The approved Heritage Interpretation Plan (for the whole site including Drummond House) must be implemented to the satisfaction of Council's Heritage Officer prior to the issuing of the relevant Occupation Certificate.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure that the historical and cultural significance of the site is recognised and interpreted as part of the development of the site.

84. **Validation for Remediation**

At the completion of any required remediation works a validation report is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy and submitted to the satisfaction of the Principal Certifier.

The Validation Report must be in accordance with the requirements of the following:

- State Environmental Planning Policy No 55—Remediation of Land;
- Contaminated Land Management Act 1997;
- Relevant NSW EPA guidelines including the NSW EPA Guidelines for Consultants reporting on contaminated Land: Contaminated land guidelines 2020.

The report shall document the following:

1. The extent of validation sampling, and the results of the validation testing;
2. That the remediation and validation of the site has been undertaken in accordance with the Remedial Action Plan.
3. A Long-Term Environmental Management Plan if capping was required.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Council must be notified of any Long-term Environmental Management Plan required for the site, in accordance with the Remedial Action Plan, prior to the issue of any interim / final Occupation Certificate.

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

85. **Kitchen Design, Construction and Fit-out of Food Premises Certification**

Prior to the issuing of the relevant occupation certificate, certification is to be provided to the Principal Certifying Authority by a suitably qualified person demonstrating that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Reason: To ensure that the kitchen complies with Australian Standard design requirements.

86. **Mechanical Ventilation Certification**

Where Mechanical ventilation is required to be installed in the food premises it must comply with the following:

- Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings"; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

Certification is to be provided to the Principal Certifying Authority by a suitably qualified person that the mechanical ventilation complies with the above requirements.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

87. Implementation of Acoustic Design

Prior to the relevant Occupation Certificate being issued, an acoustic assessment is to be undertaken by a qualified and experienced person(s) to confirm compliance with recommendations within:

- i the Acoustic Logic report entitled "Royal Far West, 14-22 Wentworth Street & 19-21 South Steyne, Manly - DA Acoustic Assessment - Document Number AC-RPT-0001", as well as
- i the acoustic assessment of mechanical plant noise which is supplementary to Section 7 recommendations in the AC-RPT-0001 report.

Any recommendations made by the consultant/s must be implemented prior to issuing the relevant Occupation Certificate, in order to achieve compliance with noted conditions of this consent.

Reason: To protect the acoustic amenity of residential properties.

88. Garbage and Recycling Facilities

All internal walls of the waste rooms shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

89. Unit Numbering for Multi Unit Developments (Residential, Commercial and Industrial)

The units within the development are to be numbered in accordance with NSW Address Policy and User Manual.

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table available on Council's website Unit Numbering for Multi-Unit Developments Form

External directional signage is to be erected on site at driveway entry points and on buildings and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

It is essential that all signage throughout the complex is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details are to be submitted with any Occupation Certificate or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition and the Unit Numbering for Multi Unit Development Table.

Reason: To ensure consistent numbering for emergency services access.

90. **Construction of raised pedestrian crossing**

The raised pedestrian crossing on Wentworth Street together with any associated linemarking and regulatory signage shall be constructed at no cost to Council in accordance with any plans approved by Council's Traffic Committee

Reason: Enhanced pedestrian safety and amenity

91. **Waste and Recycling Facilities Certificate of Compliance**

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate.

Reason: To ensure waste and recycling facilities are provided.

92. **Waste/Recycling Compliance Documentation**

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of the relevant occupation Certificate.

Reason: To ensure waste is minimised and recycled.

93. **Positive Covenant for Council and Contractor Indemnity**

A positive covenant shall be created on the title of the land prior to the issue of the relevant Occupation Certificate requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities.

94. **Authorisation of Legal Documentation Required for Waste Services**

The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of the relevant Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

95. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Detailed Landscape Plans and any conditions of consent.

For all new residential works with two or more dwellings and mixed use developments, a maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

Reason: To maintain local environmental amenity.

96. **Maintenance of Stormwater Treatment Measures - Major**

Stormwater treatment measures must be maintained at all times in accordance with the Stormwater Treatment Measure Operation and Maintenance Plan, manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. Evidence supporting the replacement must be retained on site and made available to Council as required.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

97. **Parking Enclosure**

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

98. **Positive Covenant for Council and Contractor Indemnity**

A positive covenant shall be created on the title of the land prior to the issue of a Subdivision Certificate requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities.

99. **Proposed Outdoor Dining Condition**

No outdoor dining is approved in this consent. Any proposed outdoor dining must be consistent with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Any outdoor dining that is consistent with the SEPP shall be the subject of a separate Outdoor Dining Application to Council's Property team.

Reason: To ensure that outdoor dining is assessed and approved under the appropriate regulatory framework and legislation.

100. Waste Collection Hours

Waste collection must only occur between the hours of 6am and 10pm on any day.

Reason: Minimise noise impacts on residents

101. Compliance with Coastal Risk Management Report

The risk assessment is based on previous findings and certain assumptions as described in the approved Coastal Risk Management Report prepared by Royal HaskongDHV dated 10 June 2022. As such, there is no need to consider measures to address coastal risks. It is recommended that updated assessments are done every five years to accommodate latest knowledge and legal requirements over the life of the development.

Reason: To ensure coastal risk is addressed appropriately

102. Commercial Waste and Recycling Storage

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins as shown on the approved plans.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed.

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA
SUBDIVISION OR SUBDIVISION CERTIFICATE**

103. Authorisation of Legal Documentation Required for Waste Services

The original completed request form (NSW Land Registry Services standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Subdivision Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

104. Right of Carriageway

The Applicant shall create a right of carriageway (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision and accompanying 88B instrument, to include all vehicular access and manoeuvring areas. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919.

105. Sydney Water Compliance Certification

The Applicant shall submit a Section 73 Compliance Certificate under the Sydney Water Act 1994 issued by Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and fees to be paid. Please make early contact with the coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water.

106. Easement for Services

The Applicant shall create an easement for services (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all utility services are located within the appropriate easement(s).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: Council’s Subdivision standards and statutory requirements of the Conveyancing Act 1919.

107. Release of Subdivision Certificate

The final plan of subdivision will not be issued by Council until the development has been completed in accordance with terms and conditions of the development consent.

Reason: Council’s subdivision standards and the statutory requirements of the Conveyancing Act 1919.

108. Subdivision Certificate Application

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, four copies of the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council’s fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

109. Title Encumbrances

The Applicant shall ensure all easements, rights of carriageway, positive covenants and restrictions as to user as detailed on the plans and required by the development consent are to be created on the title naming Council as the sole authority empowered to release or modify.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior

to the issue of the Subdivision Certificate.

Reason: To ensure proper management of land.

Attachment 2


Concept Approval Assessment (MP10_0159 MOD 1) – 19-21 South Steyne and 22 Wentworth Street, Manly

The approved Concept Plan (MP10_0159 MOD 1) established the fundamental design and built form parameters applicable to the future development of the site. A compliance assessment of the proposed works against the conditions of the Section 75W Concept Approval has been undertaken as follows.

Condition/Requirement	Compliance/Comment
SCHEDULE 2	
Part A – Terms of Approval	
CONDITION - A1 DEVELOPMENT DESCRIPTION	
Concept Plan approval is granted to the development as described below:	
(a) Use of the site for a mixed use development with associated hospital facility, “Centre for Excellence”;	Consistent The proposal is consistent with the development description approved under the concept plan and implements the remaining stages of the concept which includes mixed use buildings with the associated hospital facility “Centre for Excellence” (known as the Centre for Country Kids ‘CCK’) which has already been constructed under Stage 1 and 2 and is retained within the site under the proposal.
(b) Indicative building envelopes for buildings to a maximum height of RL 32.35 (8 storeys)	Consistent Building C is a maximum height of 8 stories and maximum RL32.35 (excluding the encroachments contemplated and permitted above RL32.35 under Condition A5 of the concept approval – discussed later in this assessment).
(c) Residential, retail/commercial and hospital / medical uses, and associated guest accommodation	Consistent Building A ‘CCK’ retains hospital/medical uses. Building B includes guest accommodation associated with the CCK building. The mixed use buildings C and D comprise of residential and retail/commercial spaces.
(d) Basement car parking for not less than 184 car spaces; and	Consistent A total of 217 parking spaces are contained within a two level basement.
(e) Landscaping areas throughout the site.	Consistent The site is suitably landscaped within and around the development.
CONDITION A2 - DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION	
The development shall be undertaken generally in accordance with:	
The Environmental Assessment dated 24 August 2011 prepared by Urbis Pty Ltd, except where amended by the Preferred Project Report dated 17 August 2012 including all associated documents and reports, as amended by; <ul style="list-style-type: none"> the Section 75W Modification Application (MOD 1) by Boston Blyth Fleming dated July 2021 and Response to Submissions dated December 2021; 	Consistent The proposal will be undertaken in accordance generally in accordance with the documents as modified by the Section 75W Modification and as modified conditions of approval in Schedule 2.
The Statement of Commitments (Schedule 4)	The Statement of Commitments is addressed later in this table.
Architectural Drawings listed on the Approval Instrument prepared by Murcutt	The footprint and general form of the buildings proposed under the DA is considered against the approved concept below.

Condition/Requirement	Compliance/Comment																									
Candalepas (except where modified by the conditions of approval)	<p>Basement – Two level basement is generally consistent with concept approval. Consistent</p> <p>Building A – ‘CCK’ was completed under previous application DA253/2014 and the height and footprint is retained. Minor alterations are proposed to link Building A to Building B and this is anticipated by the concept approval. Consistent</p> <p>Building B – Building B consists of the Retention of existing Drummond House fronting Wentworth Street, Four (4) stories of guest accommodation adjoining south-eastern extent of Drummond House, central landscape playground which separates a two (2) storey building containing guest accommodation setback 3m to the south-eastern boundary with chamfered roof and associated plant area and landscape planting. Consistent</p> <table><tr><th></th><th>Concept Approval</th><th>Proposed DA</th><th>Compliance</th></tr><tr><td rowspan="2">Height Northern envelope</td><td>RL21.11 Lift</td><td>RL21.11 Lift</td><td>Yes</td></tr><tr><td>4 stories</td><td>4 stories</td><td>Yes</td></tr><tr><td rowspan="3">Height for Southern envelope</td><td>RL13.65 central</td><td>RL13.62 central</td><td>Yes</td></tr><tr><td>RL11.32 chamfered Roof</td><td>RL11.40 Chamfered roof</td><td>Generally consistent*</td></tr><tr><td>2 stories</td><td>2 stories</td><td>Yes</td></tr><tr><td>South-eastern setback</td><td>3m</td><td>3m</td><td>Yes</td></tr></table> <p>* Discussion on building B Height</p> <p>The minor discrepancy of 0.8m is considered to be generally consistent with the concept approval and the applicant has provided the following response to this minor increase:</p> <p><i>The ‘Issue 02’ architectural DA drawings include a number of amendments to Building B - Southern Annex (Drummond House) with respect to its height and building form. These include:</i></p> <p><i>a. Removal of guest room accommodation on level 1 to both the eastern and western ends of the building;</i></p> <p><i>b. Relocation of roof top plant areas to the lower levels;</i></p> <p><i>c. Removal of the lift (and associated overrun on the roof).</i></p> <p><i>As a result of the above noted design amendments, there will be increased amounts of both daylight and solar access to many parts of No. 25-27 and No. 29 Victoria Parade (i.e. due to the removed roof elements and building mass on the sides). This</i></p>		Concept Approval	Proposed DA	Compliance	Height Northern envelope	RL21.11 Lift	RL21.11 Lift	Yes	4 stories	4 stories	Yes	Height for Southern envelope	RL13.65 central	RL13.62 central	Yes	RL11.32 chamfered Roof	RL11.40 Chamfered roof	Generally consistent*	2 stories	2 stories	Yes	South-eastern setback	3m	3m	Yes
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	RL11.32 chamfered Roof	RL11.40 Chamfered roof	Generally consistent*																							
	2 stories	2 stories	Yes																							
South-eastern setback	3m	3m	Yes																							

Condition/Requirement	Compliance/Comment																				
	<p><i>reduced building form is less than the form described in the Concept Approval and is in our opinion a superior outcome for the amenity of these adjacent properties.</i></p> <p>The comparative view from sun diagrams on drawing DA-152 Issue 2 demonstrates how the proposed development has a better outcome with regards to solar access when compared to the full volume of the concept approval. Therefore, on balance, the development is considered generally consistent and meets the terms and intent of the concept approval.</p> <p>Building C – This building is an eight (8) storey mixed use building, first three (3) levels comprising of commercial floor area and the five (5) levels above containing residential apartments and roof top communal open space and areas for plant equipment. Consistent</p> <p>The building form as follows:</p> <table><tr><th></th><th>Concept Approval</th><th>Proposed DA</th><th>Compliance</th></tr><tr><td>Height</td><td>RL32.25 (8 stories)</td><td>RL31.3 (8 stories) Condition 5A applies to portions above</td><td>Yes - Condition 5A applies to portions above</td></tr><tr><td>Wentworth Street Setback</td><td>Ground to L5 = 3.4m to 6m L6/L7 – 6m</td><td>Ground to L7 – 3.4m to 6m</td><td>Generally consistent – L6 and L7 continues lower floor setbacks – discussion below*</td></tr><tr><td>South-east setback</td><td>3.5m</td><td>3.5m Skewed windows 3m however achieves SEPP65 Principles</td><td>Yes</td></tr><tr><td>South-west setback</td><td>4.6m (as per modification B1)</td><td>4.6m to facade</td><td>Yes</td></tr></table> <p>*Discussion on Wentworth Street Setback The concept approval plans show that Level 6 and 7 on building C have a setback of 6m to Wentworth Street. The proposal continues the setbacks of levels G to 5 at between 3.4m and 6m. The applicant has stated the following about why the design has been proposed this way:</p>		Concept Approval	Proposed DA	Compliance	Height	RL32.25 (8 stories)	RL31.3 (8 stories) Condition 5A applies to portions above	Yes - Condition 5A applies to portions above	Wentworth Street Setback	Ground to L5 = 3.4m to 6m L6/L7 – 6m	Ground to L7 – 3.4m to 6m	Generally consistent – L6 and L7 continues lower floor setbacks – discussion below*	South-east setback	3.5m	3.5m Skewed windows 3m however achieves SEPP65 Principles	Yes	South-west setback	4.6m (as per modification B1)	4.6m to facade	Yes
	Concept Approval	Proposed DA	Compliance																		
Height	RL32.25 (8 stories)	RL31.3 (8 stories) Condition 5A applies to portions above	Yes - Condition 5A applies to portions above																		
Wentworth Street Setback	Ground to L5 = 3.4m to 6m L6/L7 – 6m	Ground to L7 – 3.4m to 6m	Generally consistent – L6 and L7 continues lower floor setbacks – discussion below*																		
South-east setback	3.5m	3.5m Skewed windows 3m however achieves SEPP65 Principles	Yes																		
South-west setback	4.6m (as per modification B1)	4.6m to facade	Yes																		

Condition/Requirement	Compliance/Comment												
	<p><i>“Detailed design considerations described in this DA have sought to refine the envelopes contained within the Concept Approval whilst also being respectful of and consistent with this Approval. One such example is the architectural consideration of the north eastern end façade to Building C. It is our opinion that the continuation of the lower levels’ façade expression onto the upper levels (levels 6 & 7) along with their orientation to the north east will result in a superior and more coherent building form compared to a building form which would mirror exactly the Concept Approval envelope. Further these minor differences do not impact view corridors or the like (either public or private) and in our opinion are not inconsistent with the Concept Approval.”</i></p> <div></div> <p>Figure 5: Massing photomontage image noting the additional building form (shown in yellow) proposed for the corner of Level 6 & 7 (Building C).</p> <p>Council agrees, that the minor change has architectural merit and provides a coherent façade expressing facing Wentworth Street. The change does not have an increased impact of the view corridor for the properties in the vicinity of the site, particularly Unit 533/25 Wentworth Street which is at a lower level than building C. The development considered to be generally consistent despite this minor difference from the concept approval.</p> <p>Building D – This building is a five (5) storey mixed use building, ground level comprising of two retail tenancies within the south-eastern portion of the ground floor and open under-croft at north-western portion, with residential apartments for the floors above.</p> <table><tr><th></th><th>Concept Approval</th><th>Proposed DA</th><th>Compliance</th></tr><tr><td>Height</td><td>RL 22.6 (5 stories)</td><td>RL 22.1 (5 stories)</td><td>Yes – Condition A5 applies to portions above</td></tr><tr><td>Wentworth Street Setback</td><td>4.3m to 6m</td><td>4.4m to 5.1m</td><td>Generally Consistent - See discussion below*</td></tr></table>		Concept Approval	Proposed DA	Compliance	Height	RL 22.6 (5 stories)	RL 22.1 (5 stories)	Yes – Condition A5 applies to portions above	Wentworth Street Setback	4.3m to 6m	4.4m to 5.1m	Generally Consistent - See discussion below*
	Concept Approval	Proposed DA	Compliance										
Height	RL 22.6 (5 stories)	RL 22.1 (5 stories)	Yes – Condition A5 applies to portions above										
Wentworth Street Setback	4.3m to 6m	4.4m to 5.1m	Generally Consistent - See discussion below*										

Condition/Requirement	Compliance/Comment			
	South Steyne Setback	Nil setback	Nil Setback	Yes
	South-east setback	3.5m	3.4m – 4.9m	Generally consistent – Minor encroachment due to architectural window feature.
	Separation to Building C commercial	9m	9m	Yes
	Separation to Building C residential	7.4m	6.5m to 7.4m	Generally consistent – Meets ADG privacy requirements through offsetting of windows/balconies and screening.
	Separation two buildings	4m	4.3m main façade Skewed windows encroach	Generally consistent- Encroachment are skewed windows only

*Discussion on Wentworth Street Setback

There is a minor difference in the proposed setback arrangement to Wentworth Street for Building D, which the applicant has prepared the following diagram and explanation below:

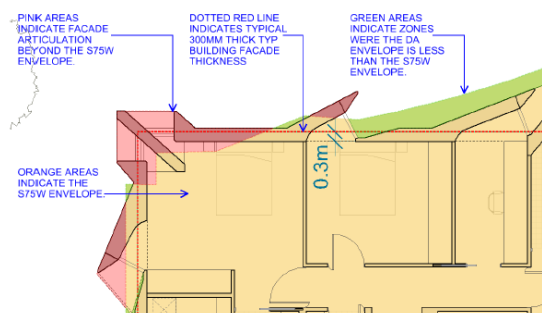


Figure 6: Overlay diagram of the S7SW Concept envelopes with the proposed detailed DA design (NW corner of Building D).

Building D (North-western corner)

There are some minor differences between this detailed development application and the Concept Approval around the North-western corner of Building D. These differences are a result of subsequent more detailed consideration of both the spaces within the building along with the overall architectural forms and their reading from the public domain. The project is seeking to achieve a high degree of façade articulation with a rich and varied arrangement of architectural elements such as fins, ledges,

Condition/Requirement	Compliance/Comment
	<p><i>voids and the like. These elements have a significant façade depth associated with them when compared with a more typical apartment building facade thickness (say 300mm for a typical wall thickness). As a result, there are some instances where the proposed DA façade alignment deviates from the Concept Plan envelope. It is our opinion that these deep façade articulations add significantly to the appreciation of the building when viewed from the public domain and are a superior result when to more traditional flatter facades. These relatively minor differences to the Concept envelopes do not impact view corridors through the development from public or private areas. It is our opinion that these differences are not inconsistent with the Concept Approval and contribute positively to the appreciation of the building from the public domain.</i></p> <p>The above reasoning put forward by the architect is accepted by Council and the slight change provides increased articulation at the corner of this building and does not result in an any additional view impacts, with the north-eastern corner of Building D proposing a slightly increased setback (thus a better view corridor for properties at in 25 Wentworth Street when compared to the concept approval). The proposal is therefore considered to remain general consistent with the concept approval.</p>
CONDITION A3 - DEVELOPMENT SITE AREA	
The development site area is the area defined as the subject site in the Site Analysis Plan (E) prepared by Murcutt Candalepas Urbis Pty Ltd, dated 22.02.21	<p>Consistent</p> <p>The sites identified for development under the DA are consistent with the concept approval.</p>
CONDITON A4 – MAXIMUM FLOOR SPACE RATION	
<i>*This condition was Deleted by the Section 75W Modification.</i>	
CONDITION - A5 BUILDING HEIGHT	
Development on the site shall 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:	<p>Consistent</p> <p>Buildings B, C and D are consistent with the maximum RL's and the permissible encroachments are discussed below.</p>
a) roof top structures on the Building B southern envelope, including lift overruns, stair cores, parapets, vents, plant, chimney, aerals, landscaping, planting boxes and the like, which are not approved	<p>Consistent</p> <p>These services have not been proposed on the southern envelope of building B and therefore, the southern envelope of building B has a building volume less than the concept approval and is a better outcome than the concept.</p>
b) roof top structures on the Building C and D envelopes, including lift overruns, stair cores, pergolas, parapets, vents, plant, chimney, aerals, landscaping, planting boxes and the like, which are not approved.	<p>Consistent</p> <p>The elements on the roof space of Building C and D include landscaping, planting boxes, stair cores, plant, pergolas and lift overruns.</p>
Structures, including lift overruns, stair cores, pergolas, parapets, vents, plant, chimney, aerals, landscaping, planting boxes and the like, may exceed the maximum height for Building B (south) Building C and Building D, but only where the consent authority for any development	<p>Consistent</p> <p><u>Integration of roof structures</u></p> <p>The proposal has been referred to the Northern Beaches Design and Sustainability Panel for comment. The DSAP panel have reviewed the proposal and have not raised a concern with the breaching elements, noting the panels</p>

Condition/Requirement	Compliance/Comment
<p>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 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.</p>	<p>comment <i>"The Panel strongly supports the use of rooftops as the common space and supports minor breaching of height limits if necessary to allow for shading devices and planter beds"</i>. Council is satisfied as to the level of integration of the roof top structures on each building and are satisfied these elements have been integrated into the built form and therefore the visibility of such structures is minimal from the public and private domains. The position of the lift core providing access to the communal open space on Building C has been centralised to limit visibility from the public domain.</p> <p><u>Overshadowing of Manly Village Public School</u> The assessment report for the concept approval contemplates that overshadowing as a result of the development prior to school commencing at 9am to be acceptable (page 31 assessment report). The shadow diagrams submitted demonstrate that the central play space of the school courtyard will not be overshadowed by the development from 9am onwards. Therefore, Council is satisfied the roof structures do not result in adverse overshadowing impacts.</p> <p><u>Overshadowing of Manly Beach</u> The assessment of the concept approval focused on retaining solar access to Manly Beach up until 6pm at the summer solstice, with a level of overshadowing anticipated for the south steyne promenade between 5pm and 6pm. The submitted shadow diagrams demonstrate that the building will not overshadow Manly Beach prior to 6pm at the summer solstice (21 December). Therefore, Council is satisfied the roof structures do not result in adverse overshadowing impacts. As demonstrated in the shadow diagrams, the structures on the roof of Building C do not cause further overshadowing of Manly Beach given the position of Building D, which is at the approved maximum RL under the concept approval.</p> <p><u>Overshadowing of adjoining residential Development</u> The applicant has provided comparative view from sun diagrams (Drawing DA 151 and DA 152 Issue 2) which show how any of the permitted structures (lift over runs, stairs etc) above the approved RL's impact sunlight for the adjoining residential apartments.</p> <p>There is two Level 4 apartments that has a north and east facing windows that would have minor reduction in solar access as a result of the lift overrun on building C (less than 30 minutes between 11am-11:30am. However, as shown on the diagrams, these window will continue to receive solar access for at least 3.5hrs mid-winter, in accordance with the ADG (noting both have a north facing living room window). Therefore, the roof structures meet the requirements of the concept approval and do not cause unreasonable overshadowing of adjoining properties.</p>

Condition/Requirement	Compliance/Comment
A6 BUILDING ENVELOPES, FORM AND SEPARATION.	
Building footprints and setbacks are 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.	A detailed assessment of the building footprints and separation have been carried out above for each of the buildings. The building footprint and separation is generally consistent with the concept approval and where there are minor departures from envelope these are discussed in detail above, however are found to be generally consistent with the concept approval. The proposal incorporates the modifications in Part B of the concept approval.
SCHEDULE 2	
PART B – MODIFICATIONS	
<p>B1 BUILDING ENVELOPE AND SEPARATION MODIFICATIONS</p> <p>Any future development application shall demonstrate that residential amenity can be achieved in accordance with State Environmental Planning Policy No.65 Design Quality of Residential Apartment Development and the Apartment Design Guide.</p> <p>Future development application(s) involving Building C shall demonstrate that the building, including the 'neighbour facing zone', is setback by at least 4.6m to the boundary adjacent to 29 Victoria Parade and adequate soil planting zones is provided to optimise adjacent residential amenity and visually screen the commercial tenancies.</p> <p>Future development application(s) shall ensure that Apartment 22 in 29 Victoria Parade receives at least 2 hours of sunlight to living rooms and private open space in mid-winter.</p>	<p>Consistent</p> <p>A detailed assessment has been undertaken against SEPP 65 and the Apartment design guidelines within the assessment report, including residential amenity through building separation and orientation of habitable room openings.</p> <p>The western façade of building C has been considered in detail and a 4.6m setback has been provided in accordance with the concept approval, with the lower floors incorporating privacy screening and landscaping to further enhance privacy and by locating the residential levels above have mitigated direct views between residential properties.</p> <p>The application has demonstrated through view from sun diagrams that Apartment 22 in 29 Victoria parade receives 2 hours sunlight to the living room window.</p>
<p>B2 DEVELOPMENT DESIGN</p> <p>Future applications shall be presented to the Northern Beaches Design and Sustainability Panel. The Panel must be satisfied that the detailed building design achieves design excellence and adequately addresses the recommendations of the State Design Review Panel (dated 10 August 2021) and Government Architect's office (dated 2 February 2022)</p> <p>In considering the detailed building design, the Northern Beaches Design and Sustainability Panel must be satisfied that:</p> <p>a) the building heights comply with Condition A5</p>	<p>Consistent</p> <p>The application has been presented to the DSAP and the panel in principle supported the application, with some feedback provided to further improve and refine the development. The applicant has taken on board the feedback where necessary and appropriate to further resolve the scheme.</p> <p>In response to the criteria:</p> <p>a) The Panel stated their support for the roof top communal open space and did not raise any concerns regarding the building heights.</p> <p>b) Refinement of the elevations of building C have resulted in a highly articulated building, the panel did not raise issue with the level of articulation with the front or rear elevations.</p>

Condition/Requirement	Compliance/Comment
<p>b) the front and rear elevations of Building C are adequately articulated (in accordance with FEAR 7)</p> <p>c) active land uses are provided to maximise activation to South Steyne and Wentworth Street and to the courtyard space at Building C and D (in accordance with Condition FEAR 4)</p> <p>d) any necessary secure line meets the criteria in FEAR 7.</p> <p>The project architect for the concept plan modification (Murcutt Candalepas) must be retained as the lead architect for the detailed design, any modifications and post approval matters, and through to occupation, to ensure that design integrity is retained, having regard to advice from the State Design Review Panel, Northern Beaches Design and Sustainability Panel and Government Architect's office.</p> <p>Future applications shall incorporate treatment of all openings, windows/balconies, proposed above the third floor level of the western façade of the Royal Far West Centre for Excellence Building (west building) with fixed louvre screening to a height of 2 metres above floor level at a 45° angle plane to the floor level.</p>	<p>c) Active land uses have been provided with ground floor commercial provided and an open public forecourt with open undercroft.</p> <p>d) Security fencing has been placed in places within the forecourt that minimise visual impact and are integrated into the forecourt design through a simple swinging secure gate.</p> <p>The project architect has been retained as Murcutt Candalepas.</p>
SCHEDULE 3 FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS	
<p>1. LANDSCAPING AND TREE PLANTING</p> <p>Future applications shall include detailed landscape plans, prepared in consultation with the local Aboriginal community, demonstrating landscaping along street frontages and over podium/basement levels.</p> <p>Future applications shall demonstrate that all tree planting will be supported by adequate soil volume (relative to the species, basement structure and as specified in the ADG), irrigation and species are selected to suit the microclimate.</p>	<p>Consistent</p> <p>Details of this consultation process has been included in the attached First Nations design Brief, the project's Community Engagement Report as well as the Landscape Architect's Design Statement.</p> <p>Council's landscape team are satisfied the development incorporates adequate soil depth within the planters to support landscaping.</p>
<p>2. CONSTRUCTION AND OPERATIONAL IMPACTS</p> <p>Any future application shall address any potential contamination on the site and implement the recommendation of the Phase 1: Contamination Assessment Report, dated July 2011.</p>	<p>Consistent</p> <p>Documentation has been provided addressing site contamination and a remediation action plan is provided, to be included as part of the consent conditions.</p> <p>An acoustic report has been submitted with the application which has regard to the commercial uses within the site and</p>

Condition/Requirement	Compliance/Comment
<p>This should be addressed as part of a Construction Management Plan prepared for the site.</p> <p>Future applications shall demonstrate that the operation of the commercial tenancies will not result in any unreasonable adverse impacts on the amenity of the surrounding residential uses, such as in relation to noise, odours and light spill.</p>	<p>the impact on surrounding properties. The report finds that acoustic amenity will be maintained at reasonable levels and Council's EHO supports the proposal, subject to conditions requiring compliance with the report.</p>
<p>3. ESD</p> <p>Future applications shall demonstrate that any future development will incorporate ESD principles in the design, construction and ongoing operation phases of the development, including water sensitive urban design measures, energy efficiency, recycling and water disposal.</p> <p>Future applications shall also demonstrate that the development, or each stage of the development, achieves a minimum 5 Star Green Star Design & As Built v1.3.</p>	<p>Consistent</p> <p>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.</p>
<p>4. CONTRIBUTIONS</p> <p>Development contributions may be required to be paid to Council towards the provision or improvement of public amenities and services and may be required as a condition of consent for each detailed stage of the development. The amount of the contribution will be determined in accordance with the requirements of a Planning Agreement or, if no Planning Agreement is entered into, in accordance with the development contributions plan current at the time of approval for each stage.</p>	<p>Consisted</p> <p>A condition has been included to require the payment of development contributions in line with Council's adopted Section 7.12 contributions plan.</p>
<p>5 PRIVACY</p> <p>Future applications shall demonstrate that adequate privacy screening/treatment and/or balcony/window orientation has been provided to minimise privacy impacts between buildings located on the site and also address privacy concerns of adjoining developments.</p>	<p>Consistent</p> <p>The development retained reasonable privacy of the adjoining properties in accordance with the ADG. This is discussed in detail in the SEPP 65 assessment in the assessment report.</p>
<p>6. GROUND FLOOR USAGE</p> <p>The final design of the ground floor shall maximise active frontages to South Steyne, Wentworth Street and the internal courtyards such as through the provision of retail shops, commercial tenancies, restaurants and residential lobbies.</p>	<p>Consistent</p> <p>The provision of retail shops, commercial tenancies, restaurants and residential lobbies are provided on the ground floor.</p>
<p>7 TRANSPORT AND TRAFFIC</p> <p>Future applications shall:</p> <ul style="list-style-type: none"> a) Include a Construction Traffic Management Plan (CTMP) 	<p>Consistent</p> <p>A preliminary CTMP is provided and a condition is required that a final CTMP is provided prior to CC, as recommended by Council's traffic engineer. Council's engineer is satisfied with the quantum of bicycle parking provided and end of</p>

Condition/Requirement	Compliance/Comment
<p>prepared in consultation with the Council, RMS and STA;</p> <p>b) detail the number and location of sheltered and secure bicycle racks or bicycle parking stations, shower/change room and lockers to ensure they meet the needs of residents, staff and visitors;</p> <p>c) include a Workplace Travel Plan (WTP) for the commercial development, including a Travel Access Guide (TAG) and provision for car-share, be developed and implemented prior to occupation of the development; and</p> <p>d) include an assessment, undertaken in association with advice from Council, the RMS and STA, of the intersections between:</p> <ul style="list-style-type: none"> • Sydney Road and Belgrave Street • South Steyne and Wentworth Street, and • The entry / exit to the basement car park off Wentworth Street (opposite entry to the Council car park) and which identifies any improvements requires at the relevant intersections as a result of the subject development. 	<p>trip facilities are located in the basement level. The traffic report submitted with the DA addresses requirements C and D.</p>
<p>8. SYDNEY WATER REQUIREMENTS</p> <p>Future development applications shall demonstrate that the Sydney Water requirements have been met in relation to:</p> <ul style="list-style-type: none"> • Water servicing: To service the proposed development the existing 150mm potable water main is required to be upgraded to a 200mm main. The proposed potable water infrastructure must be designed and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). • Wastewater servicing: The site has access to a 300mm wastewater main in Wentworth Street and a connection/extension to this main, for a minimum 225mm main, is acceptable at the developer's cost. The developer is required to design and construct a wastewater main (connecting to the 300mm main in Wentworth Street), which provides a point of connection at least 1m inside the property's boundary. • Trade waste: All customers discharging trade waste must have written permission from Sydney Water. A permit or agreement must be obtained from Sydney Water before 	<p>Consistent</p> <p>The application is able to be connected to Sydney Water Mains and conditions will be recommended to require approval from Sydney Water.</p>

Condition/Requirement	Compliance/Comment
<p>discharging any trade waste into Sydney Water's wastewater system.</p> <p>Submitted infrastructure designs should be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-20002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).</p>	
<p>9. FLOODING</p> <p>Future applications shall ensure that:</p> <p>a) A flood evacuation plan is to be prepared for relevant stages. The plan is to include warning alarms and evacuation routes.</p> <p>b) Underground car parking areas are to be flood proofed upon completion of the development and are to incorporate flood warning alarms and designated evacuation routes. The flood proofing system is to be independent of the stormwater drainage system.</p> <p>c) All local services (power, water, gas, telephone) within the sub-podium levels must be flood protected to the 0.5% AEP level</p> <p>d) the detailed design takes into account the relevant flood planning levels for the site, having regard to Council's Manly to Seaforth Flood Study 2019.</p>	<p>Consistent</p> <p>A flood risk management report has been provide with the DA and Councils flood engineers are satisfied that flooding can be appropriately managed for the site and with no unreasonable impacts on the surrounding sites.</p>
<p>10 CAR PARKING</p> <p>Future applications shall include:</p> <p>a) Details of the total amount of car parking to be provided as part of the development which shall be not less than 184 spaces.</p> <p>b) An updated schedule of parking allocations.</p> <p>c) Details of parking facilities (public, commercial and bicycle) designed in accordance with relevant Australian Standards.</p> <p>d) The design of the parking and commercial vehicle facilities that will enable all vehicles, including commercial vehicles, to enter and exit the development in a forward direction.</p> <p>e) The provision and implementation of a car share scheme.</p>	<p>Consistent</p> <p>A total of 217 parking spaces are provided with the basement which is appropriately allocated within in accordance with the quantum of floor space within the building.</p> <p>A traffic report has been submitted addressing each of the requirements and Council's traffic engineer is satisfied with the development in terms of parking.</p>

Condition/Requirement	Compliance/Comment
<p>f) Details of all loading and unloading associated with the use of the development which is to take place wholly within the site from designated loading bays as identified in the Concept Plan. Loadings bays shall not be used for storage or any other purpose that would restrict their use for the purposes of loading and unloading.</p>	
<p>11. STORMWATER AND DRAINAGE Future applications shall address the following: a) The design of stormwater drainage facilities shall be detailed in future applications and will generally be consistent with Manly Council technical specifications for the design of stormwater management facilities, and the principles of Water Sensitive Urban Design (WSUD). Water recycling facilities may be considered in lieu of any Council rainwater tank requirements. b) A stormwater drainage system shall be designed and implemented through the site and shall comprise pipe or culvert underground. c) A Positive Covenant is required, binding all present and future owners of the property to the following:</p> <ul style="list-style-type: none"> • submission to Manly Council of a structural check of any pipeline/culvert every ten (10) years; and • responsibility for maintenance of any pipes/culverts in perpetuity and their replacement when required. 	<p>Consistent Council's water management expert and development engineer are satisfied the development can be carried out in accordance with Council's specifications.</p>
<p>12 GROUNDWATER AND CONTAMINATION Future applications are to demonstrate that the development does not impact upon the health of any groundwater dependant ecosystems and that where basements intercept groundwater, the basements are to be tanked. Site contamination is to be monitored and controlled in accordance with the findings and recommendations of the Phase 1 - Contamination Assessment Report prepared by Douglas Partners.</p>	<p>Consistent General terms of approval has been issued by Water NSW for ground de-watering during basement construction. A remediation action plan has been submitted to address site contamination.</p>
<p>13. STAGING OF DEVELOPMENT Future applications shall provide details of the final staging of the development and are to be submitted with the first application</p>	<p>Consistent A staging plan has been provided which implements the remaining stages 3 and 4 of the concept approval. Each of the matters a)-j) have been addressed in the DA documentation which carries out the remaining stages 3 and</p>

Condition/Requirement	Compliance/Comment
<p>after DA253/2014 to ensure the orderly and coordinated development of the site. Each stage described shall provide full details of inclusions in respect of:</p> <ul style="list-style-type: none"> a) demolition; b) earthworks; c) buildings and all other structures (including basements); d) any elements of the overall public domain plan to be dedicated or embellished; e) any site remediation works; f) stormwater management works; g) any vehicular or pedestrian access to the site; h) measures to mitigate and manage nuisance caused by stages, under construction through to completed stages, including vehicle access, noise, parking and safety; and i) waste and Construction Management; and j) measures to protect adjacent street trees and retained on-site trees. <p>An access application shall be made to Council to obtain footpath crossing and boundary alignment levels before commencing the detailed design of internal driveways, paths and car park area.</p>	<p>4 of the development, which will see completion of the project.</p>
<p>14. DEVELOPMENT DESIGN GUIDELINES Future applications for the site shall be generally consistent with the Modifications in Part B and Future Assessment Requirements in Schedule 3 and shall:</p> <ul style="list-style-type: none"> a) ensure the built form complies with the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) and the accompanying Apartment Design Guide, except where modified by this Concept Plan approval; b) provide for sufficient building modulation/articulation to achieve an acceptable built form; c) ensure future apartments achieve compliance with the requirements of the Apartment Design Guide; and d) ensure that the internal residential amenity of the proposed apartments are not unduly affected by the noise and vibration impacts from surrounding traffic and should comply with the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning and Infrastructure's 'Development Near Rail Corridors and Busy Roads – Interim Guidelines' 	<p>Consistent</p> <ul style="list-style-type: none"> a) The proposal has demonstrated the principles of SEPP 65 and the ADG have been incorporated into the development. b) The building is well articulated throughout, resulting in a outcome that is considered to achieve design excellence. c) The apartments meet the criteria of the ADG as discussed in the assessment report and assessment against SEPP 65. d) The development will achieve suitable internal noise levels, as demonstrated in the acoustic report. e) Secure lines have been provided within the forecourt area to enhance security for the development, whilst allowing continuous public access to the forecourt.

Condition/Requirement	Compliance/Comment
e) ensure that any necessary secure lines (such as fencing and gates) is minimised, selected based on minimal gaps between buildings, is integrated into the building design and does not adversely impact on the visual quality of the development.	
<i>*Note, the modified approval document jumps from Point 7 to Point 16, there is no points in between.</i>	
16 PROTECTION OF TREES Future applications shall demonstrate how the detailed design will not adversely impact on the health of any street trees in Wentworth Street and south Steyne and trees that are being retained on-site. Future applications shall also ensure these trees are protected during construction, having regard to the recommendations of the Arboricultural Impact Assessment Report, dated 21 July 2021.	Consistent Council has received an arboricultural impact assessment demonstrating how trees can be maintained and conditions of consent are recommended.
17 HERITAGE Future applications shall demonstrate consistency with the recommendations of: <ul style="list-style-type: none"> • the Conservation Management Plan (20 November 2020) and Heritage Impact Statement (22 July 2021) prepared by URBIS Pty Ltd; and • the "Cultural Heritage Assessment and Aboriginal Archaeological Assessment" (2011) prepared by Mary Dallas and Dan Tuck that have been prepared in support of the Concept Plan.	Consistent A heritage impact statement and assessment has been submitted demonstrating consistency with the CMP and the Aboriginal Cultural Heritage Assessment. The application has been reviewed by Council's heritage officer who is satisfied with the development.
18 WASTE MANAGEMENT Future applications shall include a waste management plan in accordance with Council's requirements.	Consistent Council's waste team are satisfied with the development.
19 SALE OF LIQUOR Future applications shall not provide for the sale of liquor other than to service venues located on the site.	Consistent The proposal is consistent. The application does not involve the sale of liquor.
20 WIND Future applications shall be supported by a detailed wind study, prepared by suitably qualified expert having regard to the Wind Conditions Advice Letter prepared by Arup dated 21 July 2021. This study must demonstrate that the wind conditions in all public domain areas are comfortable for its intended use, and identify any mitigation measures required to achieve this.	Consistent The application is accompanied by an 'environmental wind report' which considers the comfort levels of pedestrians and uses of the forecourt, along with persons travelling around the perimeter of the site in the public domain. The environmental wind report concludes that comfortable levels for pedestrians and uses of the site will be maintained, with design of the building (including the undercroft area) promoting even airflow around the building and within the public forecourt.
SCHEDULE 4 STATEMENT OF COMMITMENTS	

Condition/Requirement	Compliance/Comment
<p>Contributions</p> <p>Section 94 contributions to be made for the commercial component of the project will be in accordance with Northern Beaches Section 7.12 Contributions Plan 2019</p> <p><i>Timing: Calculation confirmed at Project Application Stage in accordance with Northern Beaches Section 7.12 Contributions Plan 2019 and paid prior to the commencement of Stage 2 works.</i></p>	<p>Consistent</p> <p>Conditions will be imposed by Council for contributions in accordance with Council's adopted 7.12 Plan.</p>
<p>Car share</p> <p>Discussions will be undertaken with car share providers and a parking space will be made available for use by shared vehicles.</p> <p><i>Timing: Provision of car share space/s to be confirmed in Project Application.</i></p>	<p>Consistent</p> <p>This is addressed in the submitted traffic report and accepted by Council's traffic team.</p>
<p>Bicycle facilities:</p> <p>The project will provide for bicycle facilities and parking in accordance with Council's relevant standards.</p> <p><i>Timing: Bicycle facilities and parking to be confirmed in Project Application.</i></p>	<p>Consistent</p> <p>This is addressed in the submitted traffic report and accepted by Council's traffic team.</p>
<p>Sustainability:</p> <p>The educational component of the development commits to a minimum 4 Star Green Star Certified Rating under the Education v1 tool.</p> <p><i>Timing: These actions are to be further progressed in the project approvals phase.</i></p> <p>The residential units will be subject to the Multi Unit BASIX criteria.</p> <p><i>Timing: The BASIX criteria will be assessed at the Project Application stage.</i></p>	<p>Consistent</p> <p>Compliance with these commitments is detailed in the accompanying ESD Energy Performance and Green Star Report prepared by Aspire.</p> <p>BASIX certificate provided.</p>
<p>Aboriginal Heritage:</p> <p>At the commencement of any earthworks or remediation works on site the excavation workers be provided Cultural Heritage Awareness Induction by a qualified archaeologist and a representative of the Metropolitan Local Aboriginal Land Council. The induction should ensure that workers can identify cultural remains so that they can be managed appropriately.</p>	<p>Consistent</p> <p>Condition will be recommended for compliance with the Aboriginal Due Diligence Assessment which requires this.</p>

Condition/Requirement	Compliance/Comment
<p>An Aboriginal archaeological test excavation be conducted within the areas identified as archaeologically sensitive immediately following demolition of the court surfaces of the Far West School and the concrete slab surface of the rear car park of the Elsie Hill building and across the footprint of the Terrace should it not be retained. These areas should be investigated before neighbouring demolition to avoid contamination of sediments. The test excavations should be co-ordinated with any historical archaeological investigations as may be recommended.</p> <p><i>Timing: Following demolition/commencement of earthworks or remediation works.</i></p>	
<p>European Archaeology:</p> <p>A European Archaeological Assessment and subsequent archaeological investigations of the subject site be undertaken prior to any excavation works.</p> <p><i>Timing: Following demolition/commencement of earthworks or remediation works.</i></p>	<p>Consistent</p> <p>The submitted archaeological assessment requires this to be undertaken and compliance with this report is a condition.</p>
<p>Construction Management Plan:</p> <p>The proponent agrees to prepare a Construction Management Plan outlining the methods of construction, traffic management, crane height and location details and the like.</p> <p><i>Timing: To be issued as a condition of consent at the Project Application stage.</i></p>	<p>Consistent</p> <p>This is dealt with as a condition of consent.</p>
<p>Compliance with the Building Code of Australia:</p> <p>All buildings will be designed in accordance with the Building Code of Australia.</p> <p><i>Timing: A BCA statement can be provided at the Project Application stage, and conditioned as part of subsequent detailed design stages of the development.</i></p>	<p>Consistent</p> <p>A BCA report has been provided and this is a condition of consent.</p>
<p>Augmentation of services:</p> <p>The approval of all existing utility service providers (e.g. gas, electricity, telephone, water, sewer) will be obtained, and any required augmentation works undertaken.</p> <p><i>Timing: At project application stage detailed negotiations and approval from utility provider will be confirmed.</i></p>	<p>Consistent</p> <p>This will form a condition of consent and the development can be connected to these services.</p>

Condition/Requirement	Compliance/Comment
<p>Noise mitigation:</p> <p>An acoustic assessment will be undertaken as part of subsequent Project Applications when detailed design matters are resolved.</p> <p><i>Timing: To be provided as part of the Project Application submission</i></p>	<p>Consistent</p> <p>An acoustic report has been provided and demonstrates internal noise levels of the development will be achieved and there will be no unreasonable impacts on neighbouring properties.</p>
<p>Traffic Management Measures:</p> <p>Implement traffic management measures including the relocation of the pedestrian crossing at the corner of South Steyne and Wentworth Street, and the provision of an additional raised (paved) pedestrian threshold across Wentworth Street as described in the Traffic and Car Parking Report, if required by Manly Council under the Roads Act 1993.</p> <p><i>Timing: If required, potential traffic management measures to be submitted to Council for approval at the Project Application stage and, subject to Council approval, Implemented prior to occupation.</i></p>	<p>Consistent</p> <p>Council's traffic team are satisfied and have recommended conditions.</p>
<p>Boarding House Occupants:</p> <p>RFW will assist the current boarding house occupants within Elsie Hill by providing an extended notice of leave period and assisting these occupants where possible.</p> <p><i>Timing: Extended notice of leave period to be negotiated prior to demolition of Elsie Hill building.</i></p>	<p>N/A</p> <p>This was dealt with under the Stage 1 and 2 DA which has now been fully implemented.</p>
<p>Remediation of Land:</p> <p>If necessary, a Remedial Action Plan will be submitted for approval and audited upon implementation.</p> <p><i>Timing: RAP to be provided at the Project Application Stage.</i></p>	<p>Consistent</p> <p>A RAP has been provided and compliance will be required as a condition.</p>