



DATE OF DETERMINATION	15 December 2022
DATE OF PANEL DECISION	14 December 2022
DATE OF PANEL MEETING	14 December 2022
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Graham Brown and Marcus Sainsbury
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 7 December 2022.

MATTER DETERMINED

PPSSNH-321- Northern Beaches – DA2022/1000 – 14-21 Wentworth Street, Manly. The retention of the previously constructed Stages 1 and 2 as well as partial demolition, alterations and additions to Drummond House and the construction of mixed-use buildings which incorporate residential, retail/commercial and hospital/medical uses and associated guest accommodation with basement parking and landscaping. Strata and stratum subdivision. Business identification/information and signage.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16/4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons below and detailed in the Council's Assessment Report.

The Panel concurred with Council that the proposal is generally consistent with the concept approval with regard to scale, design, use and intended character. The concept approval was granted by the Planning Assessment Commission in 2013.

Over the last nine years, there have been various approvals for stages and modifications and the current DA was submitted in June 2022 after several pre-lodgement meetings. The proposal also benefited from review by Council's Design and Sustainability Panel.

The Panel concurs with Council that the proposal will deliver a quality design consistent with the terms and overall vision of the concept approval and it should not result in unreasonable impacts on adjoining properties or the natural environment. The Panel also concurs the proposal has been properly assessed against relevant planning controls and approval of the proposal is in the public interest.

CONDITIONS

The Development Application was approved subject to the following amendments:

- Insert the following conditions:

40. Services and Fire Hydrant Enclosure

Prior to the issue of the relevant Construction Certificate for works above Ground/Podium slab level, the Certifying Authority is to be provided with plans indicating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that compliments the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

Reason: To ensure essential services are appropriately screened

94. Easement for Public Access

An easement for public access within the ground level forecourt area is to be created on the title of the land prior to the issue of the relevant occupation certificate. 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 public access is maintained to the public forecourt area within the development.

104. Heritage Conservation Management Plan

The management and on-going commitments to heritage conservation as outlined within the Conservation Management Plan prepared by Urbis dated 20 November 2020 (as amended by any condition of this consent) are to be implemented for the life of the development.

Reason: To ensure the ongoing management of the heritage item.

- Amend Condition 1 to include reference to the Conservation Management Plan Rev 02, Drummond House, 22 Wentworth Street Manly 2095, dated 20/11/2020, prepared by Urbis
- Amend Condition 27 by inserting "relevant" in the second paragraph, prior to the words – Construction Certificate
- Delete Condition 28
- Amend Condition 32, to delete the words – 'Any external mechanical exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact'.
- Amend Condition 87 to read:

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:

- 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
- 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.

The person who prepares the acoustic assessment is to also certify that the construction of the building including internal walls and floors ensures that all noise generated between residential units has sufficient acoustical attenuation. Details of compliance must be submitted to the Principal Certifying Authority before the issue of any Occupation Certificate.

Reason: To protect the acoustic amenity of residential properties.

- Update the condition numbering accordingly

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered six written submissions and noted issues of concern included solar access, privacy, views, wind effects and traffic. The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Graham Brown
 Marcus Sainsbury	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSNH-321 – North Beaches- DA2022/1000
2	PROPOSED DEVELOPMENT	The retention of the previously constructed Stages 1 and 2 as well as partial demolition, alterations and additions to Drummond House and the construction of mixed-use buildings which incorporate residential, retail/commercial and hospital/medical uses and associated guest accommodation with basement parking and landscaping. Strata and stratum subdivision. Business identification/information and signage.
3	STREET ADDRESS	Lot 100 DP 1276056 and Lot 101 DP 1247422 19 - 21 South Steyne and 22 Wentworth Street, MANLY NSW 2095
4	APPLICANT/OWNER	Royal Far West Royal Far West Children's Health Scheme
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Act 1979 ○ 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) ○ Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Manly Development Control Plan 2013 (MDCP) • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 7 December 2022 • Written submissions during public exhibition: 6 • Total number of unique submissions received by way of objection: 6
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 24 August 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Brian Kirk (Acting Chair), Julie Savet Ward, Graham Ward and Marcus Sainsbury ○ <u>Council assessment staff</u>: Lashta Haidari • Final briefing to discuss council's recommendation: 14 December 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Julie Savet Ward, Graham Brown and Marcus Sainsbury ○ <u>Council assessment staff</u>: Jordan Davies

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report