

SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

| | |
|---|---|
| Panel Reference | PPSSNH-539 |
| DA Number | Mod2024/0475 |
| LGA | Northern Beaches |
| Proposed Development | Modification of Development Consent DA2022/1000 granted for demolition works, alterations and additions to existing buildings and construction of new mixed-use buildings |
| Street Address | Lot 101 DP 1247422, 22 Wentworth Street MANLY NSW 2095 Lot 100 DP 1276056, 19 - 21 South Steyne MANLY NSW 2095 |
| Applicant | Royal Far West |
| Date of DA lodgement | 11/09/2024 |
| Number of Submissions | 0 |
| Recommendation | Approval |
| Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011) | Development that has an estimated development cost of more than \$30 million (\$107,606,539) |
| List of all relevant s4.15(1) (a) matters | |
| List all documents submitted with this report for the Panel's consideration | <ul style="list-style-type: none"> • Architectural Plans Revision C prepared by Murcutt Candalepas dated 18 December 2024 • Stormwater Plans prepared by Northrop dated 9 August 2024 • Landscape Plans prepared by Jane Irwin Landscape architecture dated 9 August 2024 • Architectural Design Excellence Statement prepared by Murcutt Candalepas • Access Review - S4.55 Final prepared by MGAC dated 9 August 2024 • BASIX Certificate 1163350M_05 prepared by Aspire Sustainability Consulting dated 9 August 2024 • Building Code of Australia Compliance Capability Statement prepared by CityPlan dated 12 August 2024 • Design Verification Statement prepared by Murcutt Candalepas dated August 2024 • ESD Energy Performance and Green Star Report prepared by Aspire Sustainability Consulting dated 9 August 2024 • Flood Statement prepared by Northrop dated 13 August 2024 • Geotechnical Statement for S4.55 prepared by Douglas Partners dated 9 August 2024 • Heritage Impact Statement prepared by Urbis 14 dated August 2024 • Landscape Design Statement 2 prepared by Jane Irwin Landscape Architecture dated 9 August 2024 |

| | |
|-----------------------------------|--|
| | <ul style="list-style-type: none"> NatHERS Certificate 7786950 prepared by Aspire Sustainability Consulting dated 9 August 2024 Noise Impact Assessment for 4.55 Modification PL1004626 prepared by Stantec dated 9 August 2024 Stormwater Report ST200211 prepared by Northrop dated 13 August 2024 Wind Engineering Statement prepared by CPP Wind Engineering Consultants dated 2 August 2024 |
| Clause 4.6 requests | |
| Summary of key submissions | No concerns are raised with the proposed modifications. |
| Report prepared by | Claire Ryan, Principal Planner |
| Report date | |

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? **N/A**

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 **NO**

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 modification application seeks approval for modification of Development Consent DA2022/1000 (as modified by Mod2023/0720), for which consent was granted by the Sydney North Planning Panel (SNPP) in accordance with the Concept Approval MP10_0159-Mod-1 (approved by the Planning Assessment Commission in 2013 and modified in 2022).

The modification application seeks numerous changes to Buildings B, C, and D, though all are minor in nature and do not result in adverse amenity or design impact. In summary the changes include:

- minor internal and external reconfiguration of Buildings B, C, and D, with building footprints retained,
- removal of the approved guest rooms at Level 2 of Building B, resulting in height and floor space reductions,
- changes to facade elements, including altered windows, materials and finishes, and deletion of louvres and trellises,
- reallocation of two adaptable apartments from Building C to Building D (no physical changes required - Apartments C7.2 and C7.6 no longer labelled as adaptable / Apartments D1.2 and D1.3 now labelled as adaptable), and
- deletion of signage and solar panels.

A full list of works is provided in the section of this report titled Detailed Description of Development.

In accordance with the Sydney District & Regional Planning Panels Operational Procedures, the application is referred to the SNPP, as it is a modification application made under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* and seeks to modify conditions amended by the SNPP in granting approval to DA2022/1000. DA2022/1000 was referred to the SNPP as it had an estimated development cost of more than \$30 million. The cost of works for this development is \$107,606,539. This is in accordance with Clause 2 Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*).

The application was publicly notified from 20 September 2024 to 18 October 2024. No submissions were received in relation to the application.

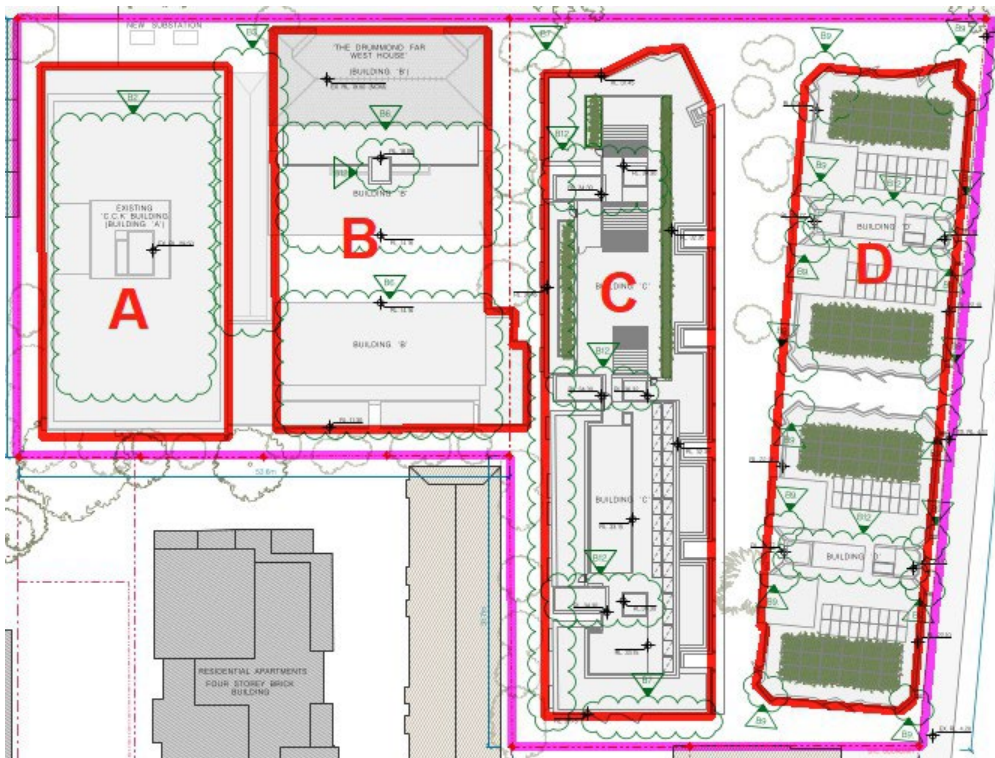
During assessment, concern was raised by Council's Heritage Advisor regarding the proposed modifications located within the curtilage of the existing heritage-listed Drummond House. The application was amended to resolve the concerns.

The application does not seek a variation to any development standard and is compliant with all applicable built form controls. Accordingly, the proposed modifications remain consistent with the Concept Approval (MP10_0159-Mod-1).

This report concludes with a recommendation that the SNPP grant approval to the modification application, subject to modified and additional conditions of consent.

PROPOSED DEVELOPMENT IN DETAIL

The application seeks to modify Development Consent DA2022/1000 (as modified by Mod2023/0720), which granted consent for demolition works, alterations and additions to existing buildings and construction of new mixed-use buildings.



Above: Site plan marked to identify outer site boundaries (pink) Buildings A to D (red).

Building A is already constructed per DA253/2014, and the northern portion of Building B (known as the heritage-listed Drummond House) is retained. The southern portion of Building B as well as Buildings C and D are subject of this application.

The proposed modifications are as follows:

- Reconfiguration of Building B to remove guest rooms from Level 2, including removal of the Level 3 Activities Room and link bridge to the Centre for Country Kids ('CCK' – Building A), resulting in a reduction in height and GFA.
- Façade material changes to Building B – amendment of precast concrete to brickwork and amendment of concrete roofs to light weight metal skillion roofs.
- Reconfiguration of the entry vestibule between the CCK and Drummond House.
- Internal reconfiguration of Drummond House for the egress stair, passenger lift and guest rooms.
- New lightweight roof design to the courtyard space between the northern and southern portions of Building B and against the existing façade of the CCK.
- Modification of façade articulation to Building C as follows:
 - Removal of metal fixed façade louvres from the east façade of commercial Levels 1 and 2.
 - Removal of trellis planting from the west façade of Levels 1 and 2.
 - Modification of the structural design from Ground to Level 2.
 - Modification of window types and set outs on the west façade of Levels 3-7.
 - Reduction of the extent of ceramic tiling on the south façade.
 - Modification of façade materials from white concrete to glass reinforced concrete.
 - Modification of the awning design on the east façade from glass and steel to a sculpted off-form concrete awning.
- The removal of enclosed lobbies on Level 8 of Building C and replacement with awnings and weatherproof doors to lift openings.

- The modification of façade articulation to Building D comprising of:
 - Modification of façade materials from off-form concrete to glass reinforced concrete.
 - Re-design of the corner articulation of facades including provision of privacy screens to the west façade.
 - Minor adjustment of window details to incorporate spandrels at slabs.
 - Incorporation of off-form concrete walls with clerestory glazing to the north and south walls of the ground level retail spaces.
 - Modification of the soffit design to the forecourt area under the northern buildings.
- Removal of the gates and awnings in the forecourt area between Buildings C and D.
- Minor modifications to the landscape design.
- Reallocation of adaptable apartments from Building C to Building D.
- Minor modification of rooftop stair core areas and lift overruns on Buildings B, C and D.
- Minor modifications to the basement levels including adjustment of fire stairs
- Minor modification of the CCK Building to retain existing façade and interiors, retain and re-plan the existing play space at Level 1, delete the digital signage to the Wentworth Street façade and delete the provision of PV cells on the roof.

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

Manly Local Environmental Plan 2013 - Zone E1 Local Centre
 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 - 6.5 Terrestrial biodiversity
 Manly Local Environmental Plan 2013 - 6.8 Landslide risk
 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

SITE DESCRIPTION

| | |
|-----------------------------------|---|
| Property Description: | <p>Lot 101 DP 1247422, 22 Wentworth Street MANLY NSW 2095</p> <p>Lot 100 DP 1276056, 19 - 21 South Steyne MANLY NSW 2095</p> |
| Detailed Site Description: | <p>The subject site consists of two allotments located within the Manly Town Centre, fronting Manly Beach. The site known as 19-21 South Steyne (Lot 100 DP 1276056) and 22 Wentworth Street (Lot 101 DP 1247422). The subject site is 'L' shaped with frontages of 79.69 metres along South Steyne and 106 metres along Wentworth Street. The site has a surveyed area of 6398.4m².</p> <p>The site is located within the E1 Local Centre zone under the Manly Local Environmental Plan 2013 ('MLEP'). The site is owned by Royal Far West ('RFW'), which operated out of the buildings located within the site until construction of the development under DA2022/1000 – subject of this modification) commenced.</p> <p>The site is currently predominantly cleared for construction, with Drummond House (containing short-term family accommodation, as well as kitchen, lounge and breakout spaces) and the newly constructed RFW Centre for Child Health and Learning building to the south-west remaining.</p> <p>The site is relatively level, with a slight fall towards the south-eastern corner. Small portions of the site are classified as low-risk flood prone land partially flood affected, with medium-risk flood prone land identified along the front boundaries of the site along 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.</p> <p>The site is not located within a heritage conservation area. The site contains Drummond House, which is an item of local heritage significance. The site fronts Wentworth Street, which contains street trees of local heritage significance. The site is also in close proximity to South Steyne Reserve, which contains bus shelters and pine trees of local heritage significance. Other items of local heritage significance are scattered around the subject site.</p> <p>The site partially faces Manly Beach and is in a visually prominent location in the highly popular beachside location.</p> <p>Immediately adjoining the site's south-western boundary is</p> |

Manly Village Primary School. At 25-29 Victoria Parade to the south-east are 3- and 5-storey residential flat buildings. At 31 Victoria Parade to the south-east is a 6-storey residential flat building. At 15-16 South Steyne to the south-east is a two-storey medical centre.

It is noted that the sites 25-29 Victoria Parade is not within the E1 zone and is instead zoned R3 Medium Density Residential.

Adjoining and surrounding development is characterised by mixed use buildings of varying height and scales. Being located within the E1 zone, most landscaping in the locality is within the road reserve, consisting of street trees (some of which are heritage listed).

The buildings to the south-east of the site fronting South Steyne vary in height between 5 and 9 storeys. The buildings to the north-west of the site fronting South Steyne are between 2 and 5 storeys. The buildings fronting Wentworth Street across the road to the north-west are 4-5 storeys fronting the street, with the central portions being up to 8 storeys. Most buildings provide a nil setback, with commercial and retail tenancies fronting the footpath.

Map:



SITE HISTORY

DA2022/1000:

Development Consent DA2022/1000 ('the DA') was lodged on 30 June 2022. The DA sought consent for demolition works, alterations and additions to existing buildings and construction of new mixed-use buildings. The DA formed Stages 3 and 4 of a Concept Approval approved by the Planning

Assessment Commission (PAC) on 18 April 2013 under the former Part 3A of the *Environmental Planning and Assessment Act 1979* ('the Act') and subsequently modified on 20 April 2022 pursuant to Section 75W of the Act by the former Department of Planning and Environment.

The DA was notified from 15 July to 12 August 2022. Six submissions were received in relation to this application, raising concern with:

- View sharing
- Amenity loss: visual privacy, overshadowing, ventilation, noise
- Bulk and scale
- Impact on nearby trees
- Traffic impacts

On 16 September 2022, Council raised concern with the proposed development, regarding:

- Concerns raised by the Design and Sustainability Advisory Panel, and Council's Landscape Officer and Flooding Engineer.
- Building height
- Overshadowing
- Variation from the concept approval building footprints
- Inconsistency with Apartment Design Guide criteria

Subsequently, amended plans intending to resolve the above concerns were submitted on 25 October 2022. The application was re-notified from 31 October to 28 November 2022. No further submissions were received in relation to this application.

Further amended plans were received on 16 November 2022, though these did not require re-notification in accordance with Council's Community Participation Plan.

Consent was granted by the Sydney North Planning Panel on 15 December 2022.

Mod2023/0720:

Modification Application Mod2023/0720 was lodged on 17 January 2024. The application sought the following modifications:

- Modification of basement level plans including adjustment of setbacks from site boundaries, internal re-planning of basement levels and coordination of structural services and lift cores.
- Minor modification to accommodate the retention of an existing fire egress stair within C.C.K building.
- Modifications to the upper-level plans to coordinate with re-planning of basement egress stairs, lifts cores and car parking exhaust riser locations.
- A 15m² reduction in commercial/retail floor space.
- The revised basement design proposes a total supply of 213 car parking spaces, comprising of 50 CCK/ Drummond House spaces (including two van spaces), 89 residential spaces, 5 residential visitor spaces, 69 commercial spaces and no car share space. The total quantum of car spaces will continue to satisfy the requirement of the Concept Approval to provide a minimum of 184 spaces for the total development.

The application was supported, and consent was granted by Northern Beaches Council on 10 April 2024.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2022/1000 (as modified by Mod2023/0720), in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

| Section 4.55 (2) - Other Modifications | Comments |
|--|--|
| A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if: | |
| (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and | The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2022/1000 (as modified by Mod2023/0720), as the works amount to reconfiguration and reduction of approved elements. |
| (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being | Development Application DA2022/1000 did not require concurrence from the relevant Minister, public authority or approval body. |

| Section 4.55 (2) - Other Modifications | Comments |
|---|--|
| consulted, objected to the modification of that consent, and | |
| (c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and | The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan. |
| (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be. | No submissions were received in relation to this application. |

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 (2) the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of 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 | Manly Development Control Plan applies to this proposal. |

| Section 4.15 'Matters for Consideration' | Comments |
|--|--|
| control plan | |
| Section 4.15 (1) (a)(iia) – Provisions of any planning agreement | None applicable. |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021) | <p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority 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 heritage significance. Sufficient information was received on 19 December 2024 and 8 January 2025.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This matter has been addressed via a condition of consent in the original assessment under DA2022/1000.</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 clause is not relevant to this application.</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 clause is not relevant to this application.</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> |
| 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>(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.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> |

| Section 4.15 'Matters for Consideration' | Comments |
|--|---|
| Section 4.15 (1) (c) – the suitability of the site for the development | The site is considered suitable for the proposed development. |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | No submissions were received in relation to this 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. |

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 application has been publicly exhibited from 20/09/2024 to 18/10/2024 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 of the application Council received no submissions.

REFERRALS

| Internal Referral Body | Comments |
|--|---|
| Building Assessment - Fire and Disability upgrades | <p><i>Supported without additional conditions</i></p> <p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p><u>Note:</u> The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p> |
| Environmental Health (Acid Sulfate) | <p><i>Supported without additional conditions</i></p> <p>Environmental Health has considered the documentation provided with this modification proposal.</p> <p>There appears to be no changes to the development proposed that would alter previous assessment of potential or actual acid sulphate</p> |

| Internal Referral Body | Comments |
|--|--|
| | <p>soils.</p> <p>This is supported by the accompanying geotechnical statement.</p> |
| Environmental Health (Contaminated Lands) | <p><i>Supported without additional conditions</i></p> <p>Environmental Health has considered the documentation provided with this modification proposal.</p> <p>There appears to be no changes to the development proposed that would alter previous determinations in relation to contaminated lands, for which a remedial action plan and associated validation requirements have already been conditioned.</p> |
| Environmental Health (Industrial) | <p><i>Supported without additional conditions</i></p> <p>Environmental Health has considered the information provided in this modification proposal as well as conclusion stated in the supporting acoustic report which states:</p> <p>"...The proposed design changes are primarily aesthetic changes to the building façade and landscaping. The proposed changes also include a height reduction of Building B, and minor modification of the basement fire stair and car park supply air reticulation.</p> <p>It is considered that the proposed changes will not have an impact on the acoustic design, or noise emissions to the environment from the development. No changes are therefore recommended to the acoustic assessment completed by Acoustic Logic and approved for DA, or the recommended acoustic treatments proposed in the report...."</p> |
| Landscape Officer | <p><i>Supported without additional conditions</i></p> <p>The application is for modification to development consent DA2022/1000.</p> <p>The proposed amendments to the landscape proposal will not change the landscape outcome approved in DA2022/1000, and as such the original conditions remain. It is noted the slab setdowns for on slab tree planting have been reduced and soil depths must remain appropriate (through mounding) for the selected species and in accordance with condition 10 On Slab Landscape Works imposed under DA2022/1000. No further conditions are imposed.</p> |
| NECC (Bushland and Biodiversity) | <p><i>Supported, subject to conditions</i></p> <p>It should be noted that no Biodiversity controls apply to the site. However, conditions are recommended given that landscaping and planting works are proposed.</p> <p>The development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p> |

| Internal Referral Body | Comments |
|-------------------------------------|---|
| NECC (Coast and Catchments) | <p><i>Supported without additional conditions</i></p> <p>The proposed modifications are negligible in nature and do not impact the assessment of coastal matters considered for DA2022/1000.</p> <p>All existing coastal conditions should be retained.</p> |
| NECC (Development Engineering) | <p><i>Supported, subject to conditions</i></p> <p>The proposed modifications do not alter the original assessment of the application and modified application by Development Engineering.</p> <p>Development Engineering support the proposal subject to the modification of condition 1 to reflect the amended stormwater report and plans by Northrop.</p> |
| NECC (Flooding) | <p><i>Supported without additional conditions</i></p> <p>This proposal is for modification of DA2022/1000, which has previously been modified under MOD2023/0720. This modification is for the redesign of several buildings and minor alterations to the landscaping and basement. This proposal has been assessed against Section 5.4.3 of the Manly DCP and Clause 5.21 of the Manly LEP.</p> <p>The proposal is affected by the Low risk and bordered by the Medium risk flood precincts. Flood Planning Levels across the site are varied due to the nature and size of the development.</p> <p>This proposed development modifies several floor levels around the proposed site, generally raising the floor levels higher than the previous DA and Mod approved FFLs. The only lowering of finished levels occurs outside buildings, where there is no FPL.</p> <p>Subject to the retention of any flood conditions applied to DA2022/1000 and MOD2023/0720, this proposal is generally compliant with Section 5.4.3 of the Manly DCP and Clause 5.21 of the Manly LEP.</p> |
| NECC (Water Management) | <p><i>Supported without additional conditions</i></p> <p>The proposed modifications do not alter the original assessment of the application and modified application by NECC Water Management.</p> <p>NECC Water Management support the proposal.</p> |
| Parks, reserves, beaches, foreshore | <p><i>Supported without additional conditions</i></p> <p>Parks, Reserves and Foreshores raise no concerns with the proposed amendments. Conditions imposed under DA2022/1000 remain.</p> |

| Internal Referral Body | Comments | | |
|--|--|----|--|
| Strategic and Place Planning (Heritage Officer) | <i>Supported without additional conditions</i> | | |
| | HERITAGE COMMENTS | | |
| | Discussion of reason for referral | | |
| | <p>This application has been referred as the site contains a local heritage item, being Item I245 - The Drummond Far West Home, 22 Wentworth Street, Manly.</p> <p>The site is also within the vicinity of a number of heritage items, including:</p> <p>I174 – Beach Reserve – Merret Park, North Steyne and South Steyne I224 – Public Shelters – South Steyne and North Steyne I226 – House at 15-16 South Steyne (also known as The Terraces) I241 – Residential flat building, 29 Victoria Parade I242 - Residential flat building, 31 Victoria Parade I243 - 1920's school building, 10 Wentworth Street I244 – Former School of Arts, 12 Wentworth Street I246 – Street Trees – Wentworth Street</p> <p>The site is also within the vicinity of C2 - Town Centre Conservation Area</p> | | |
| | Details of heritage items affected | | |
| | <p>Details of the main heritage item affected, as contained within the Heritage Inventory, are:</p> <p>Item I245 - The Drummond Far West Home <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. <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. 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> | | |
| | Other relevant heritage listings | | |
| | SEPP (Biodiversity and Conservation) 2021 | No | |
| | Australian Heritage Register | No | |

| Internal Referral Body | Comments | | |
|------------------------|--|----|--|
| | 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>The proposal seeks consent for modifications to application DA2022/1000. Proposed changes include modifications to the basement carparking, minor modifications to CCK Building to retain the existing façade, deletion of proposed PV cells from the rooftop and incorporation of new lightweight roof to replace the approved concrete roof and planters; modifications to Building B including replanning and reduction in height with the removal of guest rooms from Level 2 and activities room and link bridge to CCK from Level 3, façade articulation including the design of the entry vestibule between CCK and Drummond House, changing the façade materials from precast concrete to brickwork and off-form concrete and modification of the concrete roofs to light weight metal deck skillion roofs; modifications to the internal layout of Drummond House including the removal of a lift and redesigning the egress stair; modifications of façade articulation to Building C and modifications to the façade materials from white concrete to glass reinforced concrete; modification of façade articulation to Building D including the removal of gates and awning within forecourt between Buildings C & D.</p> <p>The proposed modifications to Building B are generally responding better to the significance of the retained portion of the heritage item. The height reduction, as a result of the removal of the of guest rooms from Level 2 and link bridge to CCK from Level 3, is supported, however, the visibility of the Building B from the street, as a result of the extensions to the east and west immediately behind the retained portion of the heritage item, can be reduced by increasing the recess to this addition. The approved plans provided a deep recess between the retained front bay and Building B. Heritage require to increase the proposed recess to be at least 2m from the corner of Drummond House for both east and west elevations. Additionally, the entry vestibule is required to leave a gap of at least 1m from Drummond House along the front bay and a further recess from the street to retain the existing free-standing presentation of the building to the streetscape.</p> <p>Revised comments - 24 December 2024</p> <p>Amended drawings, received on 09 December 2024, following a meeting with the applicant, resolved the heritage concerns that</p> | | |

| Internal Referral Body | Comments |
|------------------------|---|
| | <p>required a conditional approval earlier. From a heritage perspective, the impact of the proposal as shown on the amended architectural drawings - dated 18 December 2024 with Issue C, upon the remnant heritage building is considered tolerable.</p> <p>Therefore, no objections are raised on heritage grounds and no conditions required.</p> <p><u>Consider against the provisions of CL5.10 of MLEP.</u> Is a Conservation Management Plan (CMP) Required? Yes - as part of the original proposal Has a CMP been provided? Yes - as part of the original proposal Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p> |
| Traffic Engineer | <p><i>Supported without additional conditions</i></p> <p>The SEE prepared by Boston Blyth Fleming Pty Ltd dated 26 August 2024, and the plans (Amended Master Set), Revision B, designed by Murcutt Candalepas, dated August 2024, have been reviewed by the Traffic team.</p> <p>The proposed modification involves a reduction of 15 m² in the commercial/retail floor space. There will be no changes to the previously approved residential density, the mix of residential apartments, or the Royal Far West guest short-stay accommodation. Additionally, the number of off-street parking spaces will remain the same as previously approved. The total parking spaces will continue to meet the requirements of the Concept Approval, which mandates a minimum of 184 spaces for the entire development.</p> <p>The SEE and plans can be supported on traffic grounds. No new conditions are proposed with all previously imposed conditions in DA2022/1000 to remain in place.</p> |
| Waste Officer | <p><i>Supported without additional conditions</i></p> <p>All existing waste conditions of consent applied to DA2022/1000 to be applied, unchanged, to this Mod2024/0475.</p> |

| External Referral Body | Comments |
|---|--|
| Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48 | <p><i>Supported subject to conditions</i></p> <p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p> |

| External Referral Body | Comments |
|---|--|
| Roads and Maritime Service - SEPP (Transport and Infrastructure) 2021, s2.122 - Traffic generating development | <i>Supported without additional conditions</i> Transport for NSW has reviewed the submitted information and raises no objection as the proposed modifications are not expected to have a significant impact on the state classified road network. |
| Nominated Integrated Development - DCCEEW - Water - 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 | <i>Supported without additional conditions</i> WaterNSW has reviewed the proposed amendments. The information provided indicates that there are no changes to the water supply work to take groundwater. The General Terms of Approval (IDAS1145460) issued on 5 October 2022 are still current and WaterNSW has no objections to the proposed amendments. |

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 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)

Housing and Productivity Contribution

Part 2 Development for which contribution is require and determination of contribution, Division 2 Housing and productivity contribution amounts, Clause 7 Base component.

Comment:

The Housing and Productivity Contribution does not apply to modification applications to consents issued prior to commencement of the Contribution, which was on 1 October 2023. DA2022/1000 (being the consent modified by this application) was issued on 15 December 2022.

SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. 1163350M_05 dated 9 August 2024). A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Housing) 2021

Application of Chapter

Clause 144 of State Environmental Planning Policy Housing 2021 (SEPP Housing) stipulates that:

(1) This chapter applies to development only if:

(a) the development consists of:

- (i) the erection of a new building,
- (ii) the substantial redevelopment or the substantial refurbishment of an existing building, or
- (iii) the conversion of an existing building, and

(b) the building concerned is at least 3 or more storeys, not including underground car parking storeys, and

(c) the building contains at least 4 dwellings.

The approved development to be modified by this application involves erection of two buildings, eight and five storeys in height, containing 58 apartments in total. As per the provisions of Clause 144 outlining the application of the policy, the provisions of Chapter 4 SEPP Housing are applicable to the assessment of this application.

Clause 29 of the Environmental Planning and Assessment Regulation 2021 requires the submission of a Design Verification Statement from the qualified designer at lodgement of the development application. This documentation has been submitted with the development application.

Referral to design review panel for development applications

Clause 145 of SEPP Housing requires:

(2) Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development).

Comment:

Northern Beaches Council has an appointed Design and Sustainability Advisory Panel (DSAP).

Referral to design review panel for modification applications

Clause 146 of SEPP Housing requires:

(2) If the statement by the qualified designer required to accompany the modification application under the Environmental Planning and Assessment Regulation 2021, section 102(1) does not verify that the qualified designer designed, or directed the design of, the original development, the consent authority must refer the modification application to the relevant design review panel for advice before determining the modification application.

Comment:

The application is accompanied by a statement from the qualified designer that designed of the original development application. As such, referral of the modification application to the design review panel (DSAP) is not required.

(3) The consent authority may also refer a modification application for residential apartment development to the relevant design review panel for advice before determining the modification application.

Comment:

Sub clause (3) allows Council to refer the modification to the design review panel (DSAP), even if accompanied by a statement by the original designer. Given the minor nature of the changes this is not necessary in this circumstance.

Determination of development applications and modification applications for residential apartment development

Clause 147 of SEPP Housing requires that:

- (1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—*
- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,*
 - (b) the Apartment Design Guide,*
 - (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.*

Comment:

The modified development continues to achieve the design quality principles of Schedule 9 and appropriately responds to the design guidelines within the ADG. As above, the application did not require referral to the design review panel (DSAP).

Non-discretionary development standards for residential apartment development

Clause 148 of SEPP Housing contain non-discretionary development standards that, if complied with, prevent the consent authority from requiring more onerous standards for the matters (i.e 'must not refuse' standards).

The following are non-discretionary development standards under sub clause (2):

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

Comment:

The development meets the minimum requirements of the ADH in relation to Part 3J, 4D and 4C. This assessment has not required more onerous standards and does not recommend refusal.

DESIGN QUALITY PRINCIPLES - Schedule 9

The modification application seeks the following with respect to the approved residential apartments:

- No reconfiguration of any of the approved apartments,
- Facade materials and finishes changes,
- Addition of privacy screening, and
- Apartments C7.2 and C7.6 in Building C no longer labelled as adaptable and apartments D1.2 and D1.3 are now labelled as adaptable. No physical changes required for this.

As such, the proposed modifications do not alter the approved development's consistency with the applicable design quality principles.

APARTMENT DESIGN GUIDE (ADG)

As above, the proposed modifications do not alter the approved development's compliance with the relevant matters under the ADG.

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 provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations are included in the recommended conditions of consent.

Transport for NSW (TfNSW)

Section 2.122 and Schedule 3 of this Policy requires that the following development(s) are referred to TfNSW as traffic-generating development:

| Purpose of Development | Size or Capacity (Site with access to any road) |
|-------------------------------|---|
| Parking | 200 or more motor vehicles |
| Any other purpose | 200 or more motor vehicles |

Note: Under Section 2.122(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 who did not raise any objection to the proposal.

SEPP (Biodiversity and Conservation) 2021

Chapter 6 – Water catchments

The subject property is located within the Foreshores and Waterways Area therefore the provisions of Chapter 6 Water catchments of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* apply to this development. Accordingly, an assessment under Chapter 6 has been carried out as follows:

Part 6.3 Foreshores and Waterways Area

Division 1 Preliminary

6.25 Consent authority

(1) The Minister administering the Ports and Maritime Administration Act 1995 is the consent authority for the following development—

(a) development comprising the subdivision of land owned by TfNSW in or abutting the Foreshores and Waterways Area,

(b) development carried out in the Foreshores and Waterways Area wholly below the mean high water mark,

(c) development carried out in the Foreshores and Waterways Area for one or more of the following purposes, including development carried out wholly or partly inside a local government area—

Above-water boat lifts; Advertisements; Advertising structures; Aids to navigation; Aviation facilities; Boat lifts; Charter and tourism boating facilities; Commercial port facilities; Dredging; Floating boat platforms; Flora and fauna enclosures; Houseboats; Maintenance dredging; Mooring pens; Private landing facilities; Private landing steps; Private marinas; Private swimming enclosures; Public boardwalks; Public water transport facilities; Single moorings; Skids; Slipways

(2) Despite subsection (1), the Minister administering the Environmental Planning and Assessment Act 1979 is the consent authority for the following development carried out in the Foreshores and Waterways Area—

(a) development carried out partly above and partly below the mean high water mark,

(b) development carried out below the mean high water mark for the purposes of one or more of the following—

Boat building and repair facilities; Boat launching ramps; Boat sheds; Marinas; Reclamation works; Swimming pools; Water-based restaurants and entertainment facilities; Waterfront access stairs; Water recreation structures; Wharf or boating facilities that are sea walls

(c) development carried out wholly or partly inside the zoned waterway, including development carried out below the mean high water mark, for the purposes of one or more of the following—

Car parks; Commercial premises; Recreational or club facilities; Residential accommodation; Restaurants

or cafes; Retail premises; Tourist facilities

(3) Subsections (1) and (2) do not apply if another environmental planning instrument specifies a different public authority, other than the council, as the consent authority for the development.

Comment:

Clause 6.25(2) provides that the Minister for Planning is the consent authority for development in the Foreshores and Waterways Area, per subclauses (a)-(c) inclusive.

Clause 6.25(2)(a) refers to development carried out partly above and partly below the mean high water mark (as defined by the SEPP). This subclause is relevant to this application, as the works are partly above and partly below MWHM.

Clause 6.25(2)(b) refers to certain development types carried out below the MWHM. This subclause does not apply to this application, as the proposal does not involve any of the development types specified below MWHM.

Clause 6.25(2)(c) of the SEPP refers to certain development types carried out wholly or partly inside the zoned waterway, including development carried out below the mean high-water mark. This subclause does not apply to this application, as it is not located within the zoned waterway.

On 21 November 2024, the Department of Planning, Housing and Infrastructure delegated the Minister's consent authority functions back to Council for certain development types and Transport for NSW for other development types. The instrument of delegation specifies that:

- The Minister delegates his consent authority functions to Council for everything under Clause 6.25(2)(a) of the SEPP, except some specified land uses, which are instead to go to Transport for NSW for determination, and
- The Minister delegates his consent authority functions to Council for everything under Clauses 6.25(2)(b) and (c) of the SEPP.

Per the first dot-point above, which refers to Clause 6.25(a), being relevant to this application, Council is the consent authority, as the application does not involve any of the development types listed for determination by Transport for NSW.

The second dot-point above does not apply as it refers to Clause 6.259(b)(c), being not applicable to this application.

In this instance, despite the above, the Sydney North Planning Panel (SNPP) is the consent authority, as the application seeks to modify a development consent granted by the SNPP.

Division 2 Zoning of Foreshores and Waterways Area

6.26 Zoning of Foreshores and Waterways Area

(3) This section does not affect the zoning, under another environmental planning instrument, of land in the Foreshores and Waterways Area if the land is not included in a zone under this section.

Comment:

Not applicable. The subject site is zoned E1 Local Centre pursuant to the Manly Local Environmental Plan 2013 and is not within the zoned waterway pursuant to the SEPP.

Division 3 Development in Foreshores and Waterways Area

6.28 General

- (1) *In deciding whether to grant development consent to development in the Foreshores and Waterways Area, the consent authority must consider the following—*
- (a) whether the development is consistent with the following principles—*
 - (i) Sydney Harbour is a public resource, owned by the public, to be protected for the public good,*
 - (ii) the public good has precedence over the private good,*
 - (iii) the protection of the natural assets of Sydney Harbour has precedence over all other interests,*
 - (b) whether the development will promote the equitable use of the Foreshores and Waterways Area, including use by passive recreation craft,*
 - (c) whether the development will have an adverse impact on the Foreshores and Waterways Area, including on commercial and recreational uses of the Foreshores and Waterways Area,*
 - (d) whether the development promotes water-dependent land uses over other land uses,*
 - (e) whether the development will minimise risk to the development from rising sea levels or changing flood patterns as a result of climate change,*
 - (f) whether the development will protect or reinstate natural intertidal foreshore areas, natural landforms and native vegetation,*
 - (g) whether the development protects or enhances terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to or shading of aquatic vegetation,*
 - (h) whether the development will protect, maintain or rehabilitate watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity.*
- (2) *Development consent must not be granted to development in the Foreshores and Waterways Area unless the consent authority is satisfied of the following—*
- (a) having regard to both current and future demand, the character and functions of a working harbour will be retained on foreshore sites,*
 - (b) if the development site adjoins land used for industrial or commercial maritime purposes—the development will be compatible with the use of the adjoining land,*
 - (c) if the development is for or in relation to industrial or commercial maritime purposes—public access that does not interfere with the purposes will be provided and maintained to and along the foreshore,*
 - (d) if the development site is on the foreshore—excessive traffic congestion will be minimised in the zoned waterway and along the foreshore,*
 - (e) the unique visual qualities of the Foreshores and Waterways Area and its islands, foreshores and tributaries will be enhanced, protected or maintained, including views and vistas to and from—*
 - (i) the Foreshores and Waterways Area, and*
 - (ii) public places, landmarks and heritage items.*

Comment:

With respect to clause (1), the proposed development is wholly on private land, so is acceptable with respect to the matters above at (a) to (h) inclusive.

With respect to clause (2), the proposed development is wholly on private land, does not impact the working harbour, does not unreasonably impact upon traffic congestion, and is acceptable with respect to the visual quality of the foreshore. The development does not involve commercial maritime purposes. The proposed development retains suitable pedestrian access around the entirety of the site. As such, the development is satisfactory with respect to the matters above at (a) to (e) inclusive.

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 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*
 - ii) *adverse 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 application is supported by a geotechnical risk addendum report and plans that demonstrate the modified development is of acceptably low risk in relation to the matters above. As such, the modified development is designed, sited and will be managed so as not to result in adverse impact with respect to those matters. The modified development has been reviewed by Council's Coast & Catchments team, who are supportive of the application, without additional conditions of consent. The proposal has been considered in relation to the coastal and built environment, bulk and scale throughout the assessment, as demonstrated within this report.

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:

Given the above, the consent authority can be satisfied that the modified development is designed such that it will not result in increased risk of coastal hazards on the subject site or surrounding land.

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. Council records indicate that the subject site has been used for residential and commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential and commercial land use.

Manly Local Environmental Plan 2013

| | |
|--|-----|
| Is the development permissible? | No |
| 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 | Approved | Proposed | % Variation | Complies |
|--|--|--|--|-------------|----------------------------------|
| Height of Buildings* (Prescribed by Concept Approval) | Building B: Max. RL 21.11 | RL 21.11 | RL18.09 | - | Yes |
| | Building C: Max. RL 32.25 | RL 31.8 | RL 31.45 | | |
| | Building D: Max. RL 22.6 | RL 22.1 | Unchanged | | |
| Floor Space Ratio | FSR: 3:1 (19,195.2m ²) | FSR: 2.43:1 (15,550m ²) | FSR: 2.44:1 (15,601m ²) | - | Yes |
| Gross floor area in certain areas | Min. 25% of GFA as commercial | 18.47% | 17.5% | - | Consistent with Concept Approval |
| | Max. 1,000m ² per retail premises | Each premises <1,000m ² | Each premises <1,000m ² | - | Yes |

* Roof plant is permitted to encroach beyond the maximum RL specified by the Concept Approval, subject to assessment provided in the relevant section of this report.

Compliance Assessment

| Clause | Compliance with Requirements |
|--|------------------------------|
| 2.7 Demolition requires development consent | Yes |
| 4.3 Height of buildings | Yes |
| 4.4 Floor space ratio | Yes |
| 4.5 Calculation of floor space ratio and site area | Yes |

| Clause | Compliance with Requirements |
|--------------------------------------|------------------------------|
| 5.10 Heritage conservation | Yes |
| 5.21 Flood planning | Yes |
| 6.1 Acid sulfate soils | Yes |
| 6.2 Earthworks | Yes |
| 6.4 Stormwater management | Yes |
| 6.5 Terrestrial biodiversity | Yes |
| 6.8 Landslide risk | 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 E1 Local Centre

DA2022/1000 granted consent for the following uses:

- Medical centre and hospital (associated with Royal Far West)
- Guest accommodation (associated with Royal Far West)
- Commercial premises (within building C)
- Retail premises (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 centre' are all permissible with consent in the E1 Local Centre Zone under the MLEP 2013. The uses 'hospital' and 'guest accommodation' are not permitted uses in the E1 zone under the MLEP 2013. However, the site benefits from a Concept Approval (MP10_0159) approved by the Planning Assessment Commission in 2013 (and modified in 2022 - MP10_0159-Mod-1).

The Concept Approval includes each of the above listed uses, including 'hospital' and 'guest accommodation'. The uses are retained under this modification application, including the location of the uses within the site, and are thereby consistent with the concept approval. Provisions of the MLEP 2013 do not have effect in the instance of inconsistency with the terms of the Concept Approval. As such, the uses are permissible on this site.

There is no change to the approved uses for the site per this application.

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 metres below the natural ground surface (and/or works by which the watertable is likely to be lowered more than 2 metres 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 approved development requires excavation of the site to approximately 7 metres below the natural ground level. As such, a Preliminary Acid Sulfate Soil Assessment was 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 certifier of any new evidence of the presence of acid sulfate soils.

This condition and the recommendations made in the Preliminary Assessment were included in the recommendation of the original assessment report under DA2022/1000.

No works proposed under this modification application alter that assessment, and the approved conditions remain applicable.

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. A condition of consent was included in the original development consent requiring any fill to be of a suitable quality. The conditions remain per this assessment.

(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 were included in the original development consent to limit impacts during excavation/construction. The conditions remain per this assessment.

(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. A condition was included in the original development consent requiring any fill to be of a suitable quality. The conditions remain per this assessment.

(f) the likelihood of disturbing relics

Comment:

The original development was referred to the Aboriginal Heritage Office who provided comments and conditions that were included in the consent. An Aboriginal due diligence assessment was submitted with the development application, which concluded the development will not have any impact upon relics. The proposed modifications do not alter that outcome.

(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 were included in the original development consent (and are retained per this assessment) that will minimise the impacts of the development.

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 will provide a suitable amount of permeable surfaces given the zoning of the land and the proposed use. In this regard, Council is satisfied that the design will maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water.

The development is within the E1 Local Centre and has limited site permeability due to the urban context. Stormwater management and water sensitive urban design measures have been incorporated into the development, which have been reviewed by Council's Development Engineer and Water Management teams. The proposed modifications are 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, the development will minimise any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters.

6.5 Terrestrial biodiversity

The objective of this clause is to maintain terrestrial biodiversity by:

- (a) protecting native fauna and flora, and*
- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

In this regard, before determining a development application for development on land to which this clause applies, the consent authority must consider:

- (a) whether the development is likely to have:*
 - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - (iv) any adverse impact on the habitat elements providing connectivity on the land, and*
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment:

The application was referred to Council's Bushland & Biodiversity team, who are supportive of the proposed works, subject to recommended conditions of consent. As such, the development will not have adverse impact on the matters above and that appropriate measures have been taken to avoid,

minimise and mitigate the impacts of the development.

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 any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—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:

The application was referred to Council's Bushland & Biodiversity team, who are supportive of the proposed works, subject to recommended conditions of consent. As such, the development is designed, sited and will be managed to avoid any significant adverse environmental impact.

6.8 Landslide risk

The objectives of this clause are to ensure that development on land susceptible to landslide—

- (a) matches the underlying geotechnical conditions of the land, and*
- (b) is restricted on unsuitable land, and*
- (c) does not endanger life or property.*

In this regard, before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account the risk of landslide—

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment:

The modified development is supported by architectural plans, stormwater plans, and a geotechnical report, which demonstrate the proposal is acceptable with respect to the above matters. The modified development has also been reviewed by Council's Development Engineer, who has raised no objection to the proposal, subject to conditions of consent, which are included in the recommendation of this report.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and that—

- (a) the development is designed, sited and will be managed to avoid any landslide risk or significant adverse impact on the development and the land surrounding the development, or*
- (b) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or*
- (c) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.*

Comment:

Given the above, the modified development is demonstrated to be designed, sited and managed to

avoid landslide risk and significant adverse impact on the subject site and surrounding land.

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,*
- (b) measures to protect and improve scenic qualities of the coastline,*
- (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,*
- (d) measures to reduce the potential for conflict between land-based and water-based coastal activities.*

Comment:

The subject site is within the foreshore scenic protection area and adjoins foreshore land. The proposed development:

- does not unreasonably impact upon the visual amenity of the foreshore and surrounds, and does not result in view loss from a public place to the foreshore,
- is not closely visible from the coastline, so does not impact upon its scenic quality,
- is suitable in its site context, and
- does not result in conflict between land-based and water-based coastal activities.

It is noted the application seeks the following changes to Buildings B, C and D:

- At Building B, the application seeks to replace concrete with brickwork and change the roof to lightweight metal in the same configuration.
- At Building C, the application seeks to remove louvres and trellises, replace off-form concrete with glass-reinforced concrete, modify western window forms (of the same dimensions), reduce tiled elements, and minor reconfiguration of the eastern awning (including change of materials to concrete).
- At Building D, the application seeks to replace off-form concrete with glass-reinforced concrete, reconfigure corner articulation to include privacy screens, minor window adjustments, and inclusion of walls with clerestory windows to the north and south of the retail premises.

While there are a number of façade changes proposed, they are each minor in nature and relate to individual design features and elements, rather than a wholesale change. The majority of facade changes are at lower levels and/or do not present to the foreshore. The overarching design and presentation to the public domain and foreshore remain generally the same as approved.

The modification application is supported by materials and finishes schedules for each elevation, as well as a Design Verification Statement and Architectural Design Excellence Statement prepared by Murcutt Candalepas, demonstrating that the facade treatments remain of high quality.

6.11 Active street frontages

Under this clause, development consent must not be granted to the erection of a building, or a change of use 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.

Comment:

The development was established as providing active street frontages under DA2022/1000, consistent with the Part 3A concept approval. The proposed modifications retain consistency with the approved development in this regard.

The modification seeks to negligibly reconfigure the layout of the northern cafe at Building C, and the external treatments of the ground floor retail premises at Building D. The changes proposed do not reduce the active nature of the street-presenting elements at Buildings C and D. No change is proposed to the active street presentation of Buildings A or B.

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:

The subject site is supplied with the above essential services. The approved development and proposed modifications retain and rely upon these services.

6.13 Design excellence

Clause 6.13 applies to the E1 Local Centre zone under the Manly LEP and requires that 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:

The development was established as demonstrating design excellence under DA2022/1000. The proposed modifications retain consistency with the approved development in this regard.

At Building B, the application seeks to replace concrete with brickwork and change the roof to lightweight metal in the same configuration.

At Building C, the application seeks to remove louvres and trellises, replace off-form concrete with glass-reinforced concrete, modify western window forms (of the same dimensions), reduce tiled elements, and minor reconfiguration of the eastern awning (including change of materials to concrete).

At Building D, the application seeks to replace off-form concrete with glass-reinforced concrete, reconfigure corner articulation to include privacy screens, minor window adjustments, and inclusion of walls with clerestory windows to the north and south of the retail premises.

While there are a number of façade changes proposed, they are each minor in nature and relate to individual design features and elements, rather than a wholesale change. The overarching design and presentation to the public domain and foreshore remain generally the same as approved. The elevations demonstrate that the modified design does not appear more than negligibly different to the

approved development.

The modification application is supported by materials and finishes schedules for each elevation, as well as a Design Verification Statement and Architectural Design Excellence Statement prepared by suitably qualified professionals via Murcutt Candalepas, demonstrating that the facade treatments remain of high quality. The submitted Architectural Design Excellence Statement addresses each provision of Clause 6.13 accordingly.

It is noted that Clause 146 of the *State Environmental Planning Policy (Housing) 2021* does not require this modification application to be referred to Council's Design and Sustainability Advisory Panel for review when a Design Verification Statement has been provided with the modification application. Given the minor extent of change it is appropriate that the Design Verification Statement was acceptable in place of the Design Review Panel.

Manly Development Control Plan

Built Form Controls

| Built Form Controls - Site Area: 6,398.4m ² | Requirement | Approved | | Proposed | Complies |
|--|--|-------------------|--------------------------|-----------|----------|
| 4.2.3 Setback Controls in LEP Zones B1 and B2 (E1) | Nil setbacks to street (Unless otherwise specified on townscape opportunities map) | Wentworth Street: | Building C: 3.8m to 6m | Unchanged | Yes |
| | | | Building D: 4.4m to 5.1m | | |
| | | South Steyne: | Building D: Nil | | |
| | Side setbacks to consider amenity of adjoining R3 Zone | Side (west): | Building C: 4.6m | Unchanged | Yes |
| | | Side (south): | Building B: 3m | | |
| | | | Building C: 3.5m | | |
| | | | Building D: 3.4m to 4.9m | | |

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| 3.1.3 Townscape (Local and Neighbourhood Centres) | Yes | Yes |
| 3.2 Heritage Considerations | Yes | Yes |
| 3.3 Landscaping | Yes | Yes |
| 3.3.1 Landscaping Design | Yes | Yes |
| 3.3.2 Preservation of Trees or Bushland Vegetation | 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 |
| 3.5.2 Energy Sources and Systems | 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 |
| 3.10 Safety and Security | Yes | Yes |
| 4.1.1 Dwelling Density, Dwelling Size and Subdivision | Yes | Yes |
| 4.1.1.1 Residential Density and Dwelling Size | Yes | Yes |
| 4.2.1 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 |
| 4.2.5.2 Height of Buildings: Consideration of Townscape Principles in determining exceptions to height in LEP Zone B2 in Manly Town Centre | Yes | Yes |
| 4.2.5.4 Car Parking and Access | Yes | Yes |
| 4.4.1 Demolition | Yes | Yes |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| 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 |

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 2024

Section 7.12 contributions were levied on the Development Application.

ASSESSMENT OF MODIFICATIONS AGAINST CONCEPT APPROVAL (MP10_0159-Mod-1)

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 modifications under this application against the conditions of the Concept Approval has been undertaken as follows:

| SCHEDULE 2 | |
|---|--|
| PART A - TERMS OF APPROVAL | |
| 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 approved uses are retained by this modification application. |
| (b) Indicative building envelopes for buildings to a maximum height of RL 32.35 (8 storeys); | Consistent. The proposed modifications reach a maximum RL of 31.45, other than for the exceptions listed at A5 below. |
| (c) Residential, retail / commercial and hospital / medical uses, and associated guest accommodation; | Consistent. The approved uses are retained by this modification application. |

| | |
|--|---|
| (d) Basement car parking for not less than 184 car spaces; and | Consistent. The proposed modifications retain the approved 213 car spaces. |
| (e) Landscaping areas throughout the site. | Consistent. The proposed modifications retain approved landscaping areas. |
| subject to compliance with the modifications of this approval. | |
| A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION | |
| The development shall be undertaken generally in accordance with: | |
| <ul style="list-style-type: none"> 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 modifications are in accordance with the listed documents and modified conditions of approval in Schedule 2. |
| <ul style="list-style-type: none"> the Statement of Commitments (Schedule 4); and | Consistent. Addressed below. |
| <ul style="list-style-type: none"> [the approved drawings] * <p>(* Paraphrased for brevity)</p> | Consistent. The proposed modifications retain the general form of the development approved under DA2022/1000 (as modified by Mod2023/0720) and the Concept Approval. |
| except for as modified by the following pursuant to Section 75O(4) of the Act. | |
| 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 | Consistent. No change to the site area is proposed. |
| A4 MAXIMUM FLOOR SPACE RATIO - DELETED | |
| 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: | |
| a) roof top structures on the Building B southern envelope, including lift overruns, stair cores, parapets, vents, plant, chimney, aerials, landscaping, planting boxes and the like, which are not approved. | Consistent. Modified Buildings B, C and D are consistent with the maximum RLs and the permissible encroachments. |
| b) roof top structures on the Building C and D envelopes, including lift overruns, stair cores, pergolas, parapets, vents, plant, chimney, aerials, landscaping, planting boxes and the like, which are not approved. | |

| | |
|---|--|
| Structures, including lift overruns, stair cores, pergolas, parapets, vents, plant, chimney, aerials, landscaping, planting boxes and the like, may exceed the maximum height for Building B (south) Building C and Building D, but only where the consent authority for any development application in consultation with the Northern Beaches Design and Sustainability Panel is satisfied that they are integrated into the built form, located to ensure minimal visibility 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. | |
| 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. | Consistent. The minor modifications to the building footprints remain consistent with the Concept Approval. |

| PART B - MODIFICATIONS | |
|--|---|
| B1 BUILDING ENVELOPE AND SEPARATION MODIFICATIONS | |
| 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. | Consistent. The proposed modifications do not alter the development's consistency with the provisions of SEPP (Housing) 2021, which repeals SEPP 65, and the Apartment Design Guide. |
| 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. | Consistent. The proposed modifications retain the 4.6 metre setback to 29 Victoria Parade. |
| 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. | Consistent. The proposed modifications retain the approved solar access outcomes. |
| B2 DEVELOPMENT DESIGN | |
| 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). | The proposed modifications do not require referral to DSAP. However, the requirements of B2 are addressed as follows. |
| In considering the detailed building design, the Northern Beaches Design and Sustainability Panel must be satisfied that: | |
| a) the building heights comply with Condition A5 | Consistent. The proposed modifications are in accordance with the requirements of A5. |

| | |
|---|--|
| b) the front and rear elevations of Building C are adequately articulated (in accordance with FEAR 7) | Consistent. The proposed modifications retain suitable articulation to Building C. |
| 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) | Consistent. The proposed modifications retain the active street frontages to South Steyne and Wentworth Street. |
| d) any necessary secure line meets the criteria in FEAR 7. | Consistent. The proposed modifications retain the approved security measures. |
| 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. | Consistent. The architect for the modification application remains as Murcutt Candalepas. |
| 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. | Consistent. The proposed modifications do not alter the approved treatment of the upper levels of the Centre for Country Kids building. |

| SCHEDULE 3 | |
|---|---|
| FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS | |
| 1. LANDSCAPING AND TREE PLANTING | |
| 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. | Consistent. The submitted Landscape Design Statement includes details of the First Nations design Brief. |
| 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. | Consistent. The modification application has been reviewed by Council's Landscape Officer, who remains supportive of the development. |
| 2. CONSTRUCTION AND OPERATIONAL IMPACTS | |
| 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. This should be addressed as part of a Construction Management Plan prepared for the site. | Consistent. The approved development was supported by documentation addressing site contamination and a remediation action plan, which form the consent. The proposed modifications do not alter the assessments in those documents. |
| Future applications shall demonstrate that the operation of the commercial tenancies will not result in any unreasonable adverse impacts on the | Consistent. The modification application is supported by an acoustic assessment demonstrating the |

| | |
|--|---|
| amenity of the surrounding residential uses, such as in relation to noise, odours and light spill. | modifications are suitable with respect to noise. |
| 3. ESD | |
| 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. | Consistent. The modification application is supported by an updated ESD Energy Performance and Green Star Report, which details the ESD initiatives that have been considered and incorporated into the modified development. The report demonstrates compliance with the requirements at Schedule 3 below, consistent with a 5 Star Design & As Built v1.3 rating across all stages of the development. |
| 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. | |
| 4. GROUND FLOOR USAGE | |
| 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. | Consistent. The proposed modifications retain the active street frontages to South Steyne and Wentworth Street. |
| 5. FLOODING | |
| Future applications shall ensure that: | |
| a) A flood evacuation plan is to be prepared for relevant stages. The plan is to include warning alarms and evacuation routes. | Consistent. An updated flood risk management report has been provide with this application. Council's Flood Engineer is satisfied that flooding remains appropriately managed for the site and with no unreasonable impacts on the surrounding sites. |
| 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. | |
| c) All local services (power, water, gas, telephone) within the sub-podium levels must be flood protected to the 0.5% AEP level | |
| 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. | |
| 6.STAGING OF DEVELOPMENT | |
| Future applications shall provide details of the final staging of the development and are to be submitted with the first application 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: | |
| a) demolition; | Consistent. A staging plan for Stages 3 and 4 (to which this application relates) addressing the matters at a) through j) was approved per the Concept Approval. The proposed modifications are consistent with the staging plan. |
| 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; | |
| i) waste and Construction Management; and | |
| j) measures to protect adjacent street trees and retained on-site trees. | |
| 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. | |
| 7. 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: | |
| 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; | Consistent. The proposed modifications do not alter the development's consistency with the provisions of SEPP (Housing) 2021, which repeals SEPP 65, and the Apartment Design Guide. |
| b) provide for sufficient building modulation/articulation to achieve an acceptable built form; | Consistent. The proposed modifications retain suitable articulation to all buildings. |
| c) ensure future apartments achieve compliance with the requirements of the Apartment Design Guide; and | Consistent. The proposed modifications do not alter the development's consistency with the provisions of the Apartment Design Guide. |
| 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' | Consistent. The modification application is supported by an acoustic assessment demonstrating the modifications are suitable with respect to noise. |
| 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. | Consistent. The proposed modifications retain the approved security measures. |
| NUMBERS 8 TO 15 INCLUSIVE - DELETED | |
| 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. The proposed modifications do not alter the findings or recommendations of the approved arborist report. |
|---|---|

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 | Consistent. The proposed modifications are supported by a heritage impact assessment, which has been reviewed and accepted by Council's Heritage Advisor. The heritage impact assessment sufficiently addresses these matters. |
| <ul style="list-style-type: none"> 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.

18. 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 proposed modifications are supported by a wind engineering report, demonstrating the modified development remains acceptable. |
|---|--|

SCHEDULE 4

STATEMENT OF COMMITMENTS

CONTRIBUTIONS

| | |
|---|--|
| 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. | Consistent. The modification application does not remove the approved condition of consent relating to development contributions. |
| <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> | |

CAR SHARE

| | |
|--|---|
| Discussions will be undertaken with car share providers and a parking space will be made available for use by shared vehicles. | Consistent. The proposed modifications retain the approved car share arrangements. |
| <i>Timing: Provision of car share space/s to be confirmed in Project Application.</i> | |

| BICYCLE FACILITIES | |
|--|---|
| The project will provide for bicycle facilities and parking in accordance with Council’s relevant standards. | Consistent. The proposed modifications retain the approved bicycle parking arrangements. |
| <i>Timing: Bicycle facilities and parking to be confirmed in Project Application.</i> | |
| SUSTAINABILITY | |
| The educational component of the development commits to a minimum 4 Star Green Star Certified Rating under the Education v1 tool. | Consistent. The modification application is supported by an updated ESD Energy Performance and Green Star Report, which details the ESD initiatives that have been considered and incorporated into the modified development. The report demonstrates compliance with the requirements at Schedule 3 below, consistent with a 5 Star Design & As Built v1.3 rating across all stages of the development. |
| <i>Timing: These actions are to be further progressed in the project approvals phase.</i> | |
| The residential units will be subject to the Multi Unit BASIX criteria. | Consistent. The proposed modifications are supported by an updated BASIX Certificate. |
| <i>Timing: The BASIX criteria will be assessed at the Project Application stage.</i> | |
| ABORIGINAL HERITAGE | |
| 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. | Consistent. The modified development does not alter the assessment of Aboriginal heritage significance under the approved development. The approved condition of consents with respect to Aboriginal heritage are retained. |
| 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. | |
| <i>Timing: Following demolition/commencement of earthworks or remediation works.</i> | |
| EUROPEAN ARCHAEOLOGY | |
| A European Archaeological Assessment and subsequent archaeological investigations of the subject site be undertaken prior to any excavation works. | Consistent. The approved development was supported by an archaeological assessment. The proposed modifications do not alter the outcomes of that assessment. |
| <i>Timing: Following demolition/commencement of earthworks or remediation works.</i> | |

| CONSTRUCTION MANAGEMENT PLAN | |
|---|---|
| The proponent agrees to prepare a Construction Management Plan outlining the methods of construction, traffic management, crane height and location details and the like. | Consistent. The approved development included a condition of consent in accordance with this requirement. The condition remains applicable. |
| <i>Timing: To be issued as a condition of consent at the Project Application stage.</i> | |
| COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA | |
| All buildings will be designed in accordance with the Building Code of Australia. | Consistent. The modified development is supported by an updated BCA Compliance Capability Statement. |
| <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> | |
| NOISE MITIGATION | |
| An acoustic assessment will be undertaken as part of subsequent Project Applications when detailed design matters are resolved. | Consistent. The modification application is supported by an acoustic assessment demonstrating the modifications are suitable with respect to noise. |
| <i>Timing: To be provided as part of the Project Application submission.</i> | |
| TRAFFIC MANAGEMENT MEASURES | |
| 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. | Consistent. The modification application does not make any alteration to the approved traffic management measures for the site. Notwithstanding this, the modification application has been reviewed by Council's Traffic Engineer, who remains supportive of the development. |
| <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> | |
| BOARDING HOUSE OCCUPANTS | |
| 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. | Not applicable. This matter was addressed under DA253/2014. |
| <i>Timing: Extended notice of leave period to be negotiated prior to demolition of Elsie Hill building.</i> | |
| REMEDICATION OF LAND | |
| If necessary, a Remedial Action Plan will be submitted for approval and audited upon implementation. | Consistent. The approved development was supported by a Remedial Action Plan, which is to be adhered to as required by conditions of consent. The proposed modifications do not alter the requirements of that plan. |
| <i>Timing: RAP to be provided at the Project Application Stage.</i> | |

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 modification application seeks approval for modification of Development Consent DA2022/1000 (as modified by Mod2023/0720), for which consent was granted by the Sydney North Planning Panel (SNPP) in accordance with the Concept Approval MP10_0159-Mod-1 (approved by the Planning Assessment Commission in 2013 and modified in 2022).

No submissions were received in relation to the application as a result of the notification period.

During assessment, concern was raised by Council's Heritage Advisor with regard to the proposed modifications in the curtilage of the existing heritage-listed Drummond House. The application was amended to resolve those concerns.

The assessment report has established that, while there are a number of changes proposed, each modification is minor in nature and the cumulative impact of those modifications is also minor. The proposed modifications:

- Retain and protect the heritage significance of the subject site,
- Do not seek any variation to any development standard,
- Are compliant with all applicable built form controls,
- Retain the approved residential apartments as approved,

Retain the approved design excellence and high-quality visual presentation of the development, and
Are consistent with the Concept Approval upon which this application is based.

Overall, the changes to the development retains the high quality design and appearance as originally approved, performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment. The application has therefore been recommended for **approval**.

REASON FOR DETERMINATION

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 approval to Modification Application No. Mod2024/0475 for Modification of Development Consent DA2022/1000 granted for demolition works, alterations and additions to existing buildings and construction of new mixed-use buildings on land at Lot 101 DP 1247422, 22 Wentworth Street, MANLY, Lot 100 DP 1276056, 19 - 21 South Steyne, MANLY, subject to the conditions outlined in Attachment 1.

ATTACHMENT 1

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

| Application Number | Determination Date | Modification description |
|----------------------------|--|---|
| PAN-465587 Mod2024/0475 | The date of this notice of determination | <p>Numerous internal and external modifications, including reduction of Building B height.</p> <p>Additional Conditions</p> <ul style="list-style-type: none"> Condition 1B Modification of Consent - Approved Plans and Supporting Documentation Condition 2A Compliance with Other Department, Authority or Service Requirements Condition 70A Wildlife Protection Condition 96G Native Landscaping Condition 96H No Weeds Imported On To The Site |

| | | |
|----------------------------|---------------|---|
| | | <ul style="list-style-type: none"> Condition 113 Control of Domestic Dogs/Cats <p>Modified Conditions:</p> <ul style="list-style-type: none"> Condition 12 Flooding Condition 14 Detailed Design of Stormwater Treatment Measures - Major Condition 22 Building Code of Australia Access Condition 31 Noise - Design of Mechanical Plant Condition 40A Building Code of Australia Upgrade Requirements and Fire Safety Upgrade Condition 76 Basement Car Parking (D6) Condition 84 Validation for Remediation Condition 87 Implementation of Acoustic Design Condition 89 Garbage and Recycling Facilities <p>Deleted Conditions</p> <ul style="list-style-type: none"> Condition 35 Entry Vestibule Design - Drummond House Condition 38 Illuminated Sign - Wentworth Street |
| PAN-402035 Mod2023/0720 | 10 April 2024 | <p>Modification of basement levels, minor modification to C.C.K building, upper level modifications to coordinate with modified basement levels, reduction in commercial floor space.</p> <p>Additional Conditions</p> <ul style="list-style-type: none"> Condition 1A Modification of Consent - Approved Plans and Supporting Documentation Condition 40A Building Code of Australia Upgrade Requirements and Fire Safety Upgrade Condition 96A Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval Condition 96B Fire Safety Matters Condition 96C Long Term Environmental Management Plan Condition 96D Positive Covenant for Encapsulated Contamination Condition 96E Parking space management Condition 96F Resident Parking Permits Condition 105A Landscaping Adjoining Vehicular Access <p>Modified Conditions:</p> <ul style="list-style-type: none"> Condition 14 Detailed Design of Stormwater Treatment Measures |

- Condition 52 Dewatering Management
- Condition 89 Garbage and Recycling Facilities

Modified Conditions

A. Add Condition 1B Modification of Consent - Approved Plans and Supporting Documentation, to read as follows:

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

| Approved Plans | | | | |
|-----------------------|------------------------|--------------------------------|--------------------|---------------------|
| Plan Number | Revision Number | Plan Title | Drawn By | Date of Plan |
| S4.55 - 100 | C | Cover Sheet | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 101 | C | Site Analysis Plan | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 102 | C | Site Plan | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 103 | C | Demolition Plan - Level Ground | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 104 | C | Demolition Plan - Level 1 | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 105 | C | Demolition Plan - Level 2 | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 106 | C | Demolition Plan - Level 3 | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 110 | C | Basement 2 Floor Plan | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 111 | C | Basement 1 Floor Plan | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 112 | C | Ground Floor Plan | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 113 | C | Level 1 Floor Plan | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 114 | C | Level 2 Floor Plan | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 115 | C | Level 3 Floor Plan | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 116 | C | Level 4 Floor Plan | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 117 | C | Level 5 Floor Plan | Murcutt Candalepas | 18 December 2024 |

| | | | | |
|--------------|----|---|-----------------------------------|------------------|
| S4.55 - 118 | C | Level 6 Floor Plan | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 119 | C | Level 7 Floor Plan | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 120 | C | Level 8 Floor Plan (Roof Terrace) | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 125 | C | Section A | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 126 | C | Section B | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 127 | C | Section C | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 128 | C | Section D | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 135 | C | North Elevation | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 136 | C | East Elevation | Murcutt Candalepas | 18 December 2024 |
| S4.55 - 137 | C | South Elevation | Murcutt Candalepas | 18 December 2024 |
| CV-8000 | 04 | Cover Sheet, Drawing Schedule and Locality Plan | Northrop | 9 August 2024 |
| CV-8001 | 04 | Specification Notes | Northrop | 9 August 2024 |
| CV-8050 | 05 | Sediment and Soil Erosion Control Plan | Northrop | 9 August 2024 |
| CV-8051 | 06 | Sediment and Soil Erosion Control Details | Northrop | 9 August 2024 |
| CV-8210 | 04 | Stormwater Management Plan | Northrop | 9 August 2024 |
| CV-8215 | 02 | Stormwater Management - Sheet 01 | Northrop | 9 August 2024 |
| CV-8216 | 02 | Stormwater Management - Sheet 02 | Northrop | 9 August 2024 |
| CV-8217 | 02 | Stormwater Management - Sheet 03 | Northrop | 9 August 2024 |
| CV-8231 | 02 | Stormwater Catchment Plan | Northrop | 9 August 2024 |
| LA-S4.55-900 | A | Landscape Coversheet | Jane Irwin Landscape Architecture | 9 August 2024 |
| LA-S4.55-901 | A | Landscape Schedules | Jane Irwin Landscape Architecture | 9 August 2024 |

| | | | | |
|------------------|---|--|-----------------------------------|---------------|
| LA-S4.55-902 | A | Landscape Site Plan | Jane Irwin Landscape Architecture | 9 August 2024 |
| LA-S4.55-910 | A | Landscape General Arrangement Level Ground | Jane Irwin Landscape Architecture | 9 August 2024 |
| LA-S4.55-911 | A | Landscape General Arrangement Level 01 | Jane Irwin Landscape Architecture | 9 August 2024 |
| LA-S4.55-915 | A | Landscape General Arrangement Level 05 | Jane Irwin Landscape Architecture | 9 August 2024 |
| LA-S4.55-918 | A | Landscape General Arrangement Level 08 | Jane Irwin Landscape Architecture | 9 August 2024 |
| LA-S4.55-920 | A | Landscape Sections Sheet 01 | Jane Irwin Landscape Architecture | 9 August 2024 |
| LA-S4.55-921 | A | Landscape Sections Sheet 02 | Jane Irwin Landscape Architecture | 9 August 2024 |
| LA-S4.55-922 | A | Stone Garden Typical Detail Sections | Jane Irwin Landscape Architecture | 9 August 2024 |
| LA-S4.55-930 | A | Landscape Planting and Material Precedents | Jane Irwin Landscape Architecture | 9 August 2024 |
| LA-S4.55-STA-002 | A | Landscape Design Statement | Jane Irwin Landscape Architecture | 9 August 2024 |

| Approved Reports and Documentation | | | |
|--|----------------|----------------------------------|------------------|
| Document Title | Version Number | Prepared By | Date of Document |
| Access Review - S4.55 Final | Final | MGAC | 9 August 2024 |
| BASIX Certificate 1163350M_05 | - | Aspire Sustainability Consulting | 9 August 2024 |
| Building Code of Australia Compliance Capability Statement | 03 | CityPlan | 12 August 2024 |
| ESD Energy Performance and Green Star Report | 3.0 | Aspire Sustainability Consulting | 9 August 2024 |
| Flood Statement | - | Northrop | 13 August 2024 |
| Geotechnical Statement for S4.55 No. 2 R.022.Rev0 | - | Douglas Partners | 9 August 2024 |

| | | | |
|---|-----|-----------------------------------|----------------|
| Heritage Impact Statement | - | Urbis | 14 August 2024 |
| Landscape Design Statement | 2 | Jane Irwin Landscape Architecture | 9 August 2024 |
| NatHERS Certificate 7786950 | - | Aspire Sustainability Consulting | 9 August 2024 |
| Noise Impact Assessment for 4.55 Modification PL1004626 | 003 | Stantec | 9 August 2024 |
| Stormwater Report ST200211 | 2 | Northrop | 13 August 2024 |
| Wind Engineering Statement | - | CPP Wind Engineering Consultants | 2 August 2024 |

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

B. Add Condition 2A Compliance with Other Department, Authority or Service Requirements to read as follows:

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 | Ausgrid Referral Response | 4 February 2025 |
| Transport for NSW (TfNSW) | Referral - TfNSW | 3 February 2025 |
| WaterNSW | Referral - WaterNSW - Modification | 16 January 2025 |

(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.

B. Modify Condition 12 Flooding to read as follows:

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 prepared by Northrop dated 13 August 2024), 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 5899-S4.55-112 Ground Floor Plan Issue B dated 9 August 2024, 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 prepared by Northrop dated 13 August 2024).

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.

C. Modify Condition 14 Detailed Design of Stormwater Treatment Measures - Major to read as follows:

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with NORTHROP CIVIL AND STORMWATER PLANS dated 9 August 2024 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.

D. Modify Condition 22 Building Code of Australia Access to read as follows:

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 Review - S4.55 Final prepared by MGAC dated 9 August 2024 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.

E. Modify Condition 31 Noise - Design of Mechanical Plant to read as follows:

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" and the Noise Impact Assessment for 4.55 Modification PL1004626 Revision 003 prepared by Stantec dated 9 August 2024. 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.

Reason: To maintain amenity of the surrounding area.

F. Delete Condition 35 Entry Vestibule Design - Drummond House as follows:

35. DELETED

G. Delete Condition 38 Illuminated Sign - Wentworth Street as follows:

38. DELETED

H. Modify Condition 40A Building Code of Australia Upgrade Requirements and Fire Safety Upgrade to read as follows:

The Building Code of Australia Compliance Capability Statement Revision 03 prepared by CityPlan dated 12 August 2024 is to be considered as part of the assessment of the relevant Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

I. Add Condition 70A Wildlife Protection to read as follows:

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

J. Modify Condition 76 Basement Car Parking (D6) to read as follows:

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 prepared by Northrop dated 13 August 2024).

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.

K. Modify Condition 84 Validation for Remediation to read as follows:

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 the relevant 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 the relevant Occupation Certificate.

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

L. Modify Condition 87 Implementation of Acoustic Design to read as follows:

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”,
- the acoustic assessment of mechanical plant noise which is supplementary to Section 7 recommendations in the AC-RPT-0001 report, and
- the Noise Impact Assessment for 4.55 Modification PL1004626 Revision 003 prepared by Stantec dated 9 August 2024.

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 the relevant Occupation Certificate.

Reason: To protect the acoustic amenity of residential properties.

M. Modify Condition 89 Garbage and Recycling Facilities to read as follows:

All internal walls of the storage area 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.

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

Reason: To prevent pollution of the environment and to protect the amenity of the area.

N. Add Condition 96G Native Landscaping to read as follows:

Any new landscaping is to incorporate a minimum 80% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the relevant section of the Native Planting Guide available on Council's website.

Details demonstrating compliance are to be provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect native planting on the site.

O. Add Condition 96H No Weeds Imported On To The Site to read as follows:

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

P. Add Condition 113 Control of Domestic Dogs/Cats to read as follows:

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife and habitat.