

## Agenda

### Extraordinary Meeting of Council

Notice is hereby given that a Extraordinary Meeting of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

**Wednesday 10 October 2012**

Commencing at 7.00 pm for the purpose of considering items included on the Agenda.

*Copies of business papers are available at the Customer Service Counters at Manly Council, Manly Library and Seaforth Library and are available on Council's website:*

[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)

# Seating Arrangements for Meetings

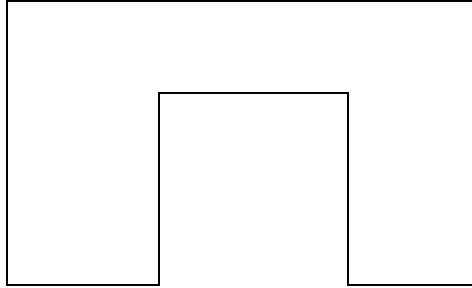
Deputy  
General  
Manager

Minute  
Taker

General  
Manager

Chairperson

Deputy  
General  
Manager



Mayor Jean Hay AM  
Clr James Griffin  
Clr Barbara Aird  
Clr Candy Bingham  
Clr Adele Heasman  
Clr Alan Le Surf  
Clr Steve Pickering  
Clr Cathy Griffin, and  
Clr Hugh Burns

Press

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Public  
Addresses

**Public Gallery**

**Chairperson:** The Mayor, Clr Jean Hay AM

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**\*\*\*\*\* END OF AGENDA \*\*\*\*\***

**TO:** Extraordinary Meeting of Council - 10 October 2012  
**REPORT:** Environmental Services Division Report No. 26  
**SUBJECT:** Revised plans for the redevelopment of the Royal Far West site (Preferred Project Report)  
**FILE NO:**

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## SUMMARY

This report has been prepared by staff as a supplementary background report to inform Council of the status of the revised Plans for the redevelopment of the Royal Far West Site (Preferred Project Report). It provides the context under which the development is being determined by the Planning Assessment Commission including arrangements regarding public input to the proposal. Council's submission to the NSW Department of Planning, Infrastructure in relation to this matter is also attached for Council's Information.

## REPORT

Council received the Preferred Project Report (PPR) for the proposed expansion of the Royal Far West, Manly from the Department of Planning & Infrastructure on the 31 August 2012. The documents contained amended reports for the proposed Part 3A application under the Environmental Planning & Assessment Act 1979.

The Department requested Council to put the drawings & documents on public display till the 21 September 2012. It was emphasised to Council that the proposed development was not on public exhibition and that only previous submitters were being re-notified.

Following is an extract from the email received by Council on 31 August 2012 from Chris King, Assessment Officer, Department of Planning & Infrastructure:

*"This does not constitute a public exhibition but the documents are made available for perusal both on the website and in a hard copy format.*

*The Department has determined that a full public re-exhibition of the PPR proposal is not warranted. It was accepted that the original submitters on this proposal should be notified of the amended proposal. Original Submitters are being individually notified that the proposal can be viewed on the website and in a hard copy format at both Council and the Department up until the 21 September."*

All the documents received were put on public display at the front counter at Town Hall.

With regards to the assessment of the application, the Department has informed Council as follows:

*"The process from here would involve the gathering of additional comments/submissions on the PPR and preparing a final report for submission to the Planning Assessment Commission (PAC), who will be the determining authority. The PAC would then hold a public meeting as part of their assessment of the proposal."*

Council forwarded its submission, objecting to the amended development, to the Department on 21 September 2012 and acknowledgement of the submission was received. A copy of Council's submission is attached to this report. Council's submission can also be viewed on Council's web site: <http://www.manly.nsw.gov.au/planning-and-development/submissions-by-council/>

**Environmental Services Division Report No. 26 (Cont'd)**

**RECOMMENDATION**

Recommendation: That the report be received and noted.

**ATTACHMENTS**

**AT- 1** Manly Council Submission 9 Pages

OM101012ESD\_1

\*\*\*\*\* End of Environmental Services Division Report No. 26 \*\*\*\*\*

## ATTACHMENT 1

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### Environmental Services Division Report No. 26.DOC - Revised plans for the redevelopment of the Royal Far West site (Preferred Project Report) Manly Council Submission

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#### MANLY COUNCIL SUBMISSION

TO THE DEPARTMENT OF PLANNING AND INFRASTRUCTURE,  
METROPOLITAN AND REGIONAL PROJECTS SOUTH  
IN RESPONSE TO THE **PREFERRED PROJECT REPORT** AUGUST 2012

SUBJECT: **ROYAL FAR WEST EXPANSION CONCEPT PLAN**,  
SOUTH STEYNE AND WENTWORTH STREET MANLY (MP10\_0159)

DATE: SEPTEMBER 2012

#### INTRODUCTION

This submission provides Manly Council's comments and issues on the notification of the Preferred Project Report for the Major Project Application made by Royal Far West for the abovementioned site lodged pursuant to Part 3A of the Environmental Planning and Assessment Act 1979. Council's submission dated October 2011 was made in response to the exhibition of the Environment Assessment and was provided to the Department on 4 November 2011. This earlier submission is referenced along with the subsequent submission of comments from Councils' Heritage Committee DA Working Group dated 3 November 2011, forwarded by email to the Department on 7 November 2011. Other earlier submissions in response to the Director General's Requirements on 20 December 2010 and the consultations with the Proponent in May 2011 are also noted. Both this submission and earlier submissions are significantly informed by Council's Urban Design Guidelines which were adopted on 10 October 2011 for the urban block located within Darley Road, South Steyne, Victoria Parade and Wentworth Street, Manly.

#### Background - Manly Urban Design Guidelines (2011)

On 14 February 2011 Council resolved to prepare design control guidelines for the urban block containing the Royal Far West Site. These guidelines were to address the significant urban design, landscape and environmental planning issues on the site. The Manly Urban Design Guidelines (the 'Guidelines') were prepared and exhibited in response to Council's resolution on 1 August 2011 as follows:

1. *Council resolves to exhibit the Draft Urban Design Framework for the urban block located within Darley Road, South Steyne, Victoria Parade and Wentworth Street, Manly for public consultation for 28 days.*
2. *Council strengthens the through site pedestrian link requirements;*
3. *A floor space ratio be set so that the envelope is not fully saturated, and*
4. *Consideration of desirable locations for motor vehicular access to basement parking be addressed.*

The Manly Guidelines were exhibited from 8 August 2011 to 5 September 2011 for public comment to ensure that the re-development of the Royal Far West site is of an acceptable scale that is comparable to the surrounding area. Submissions were received and considered by Council in adopting the Guidelines. A number of issues arising in these earlier submissions are further addressed in this submission.

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On 10 October 2011, Council adopted the Guidelines and further resolved to use the Guidelines in its submission on the exhibition. These Manly Guidelines also led to new principal development standards (Height of Buildings and FSR) in the draft Manly LEP 2011 which were also adopted by Council for the redevelopment site. These Height and FSR development standards were certified by the Department on 19 April 2012 for exhibition commencing on 30 April 2012. This submission raises issues and concerns with the proposed development with particular regard to Council's adopted Guidelines for the site and as adopted in the exhibited draft LEP. The LEP is currently with the Department for publication which is expected before the end of 2012.

#### Consideration of Key Issues arising in the Exhibition

In relation to the exhibition of the Environmental Assessment Report from 21 September 2011 and 30 November 2011, Council submitted its issues and concerns on 4 November 2011. The Preferred Project Report states that the Department issued a letter to the applicant identifying key issues and additional information to be addressed.

The key issues in the Preferred Project Report responding to matters raised in the exhibition appear to be summarised in the Executive Summary (page v.) as follows:

- *Consideration has been given to view loss principles established by the NSW Land and Environment Court.*
- *Modification of the building envelope on the corner of Wentworth Street and South Steyne to assist with view loss impacts and the prominence of Drummond House in the streetscape.*
- *Commitment to traffic management measures in Wentworth Street to assist with local traffic conditions.*
- *Additional shadow analysis and examination of impacts on Manly Village Public School and Manly Beach.*
- *Clarification on the historic use of Elsie Hill with regard to the applicability of State Environmental Planning Policy (Affordable Rental Housing) 2009.*

Council is concerned that a number of key issues raised in its submission to the Department do not appear to be considered in the Preferred Project Report or, in Council's view do not appear to adequately address issues and concerns raised in Council's earlier submission. This submission details these outstanding issues and concerns including the exceptions to the Manly Urban Design Guidelines (the 'Guidelines') with particular reference to established building envelopes, requirements for pedestrian links and public open space, public courtyard space and heritage considerations.

#### ISSUES

##### Proposed building height and setbacks

Compliance with the Manly Guidelines, in terms of a stepping of height, setbacks and modulation is sought and justified in terms of the size of the development site and context. The Guidelines provide maximum height of buildings at specific and purposeful locations on the site and address townscape principles and amenity issues. Various height limits at these 'stepped' locations identify where it is considered that development must be controlled to protect the amenity of adjoining development, streetscape character and landscape and architectural heritage.

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Council acknowledges modifications made in the Revised Concept Plans to the building envelope and setback on the corner of Wentworth Street and South Steyne to assist with view loss impacts and the prominence of Drummond House in the streetscape. However, the proposed exceptions to the Manly Guidelines are considered unacceptable to Council particularly regarding the central block heights and massing of the Hotel and Hospital buildings.

The Hospital building in the Revised Concept Plan indicates a maximum 26.5m height, setback 7.4m to Wentworth Street. However, the Manly Guidelines' Indicative Building Envelope recommend building heights in this location of no more than 12m, 14m & 16m with corresponding setbacks of at least 16m, 20m and 28m from Wentworth Street. Council considers that the height and scale of development in this location should be significantly reduced to within the Guidelines (Urban Design Framework diagram) to ensure the development reflects the scale of adjacent buildings and the heritage significance of Drummond House.

The Hotel building in the Revised Concept Plan is 29.8m high compared to Council's Guidelines which recommends a height of 25m (a variation equivalent of greater than 1 storey). The impact of this variation in height is significantly increased when considering the building envelopes within which the proposed buildings are intended to fit in accordance with the Manly Guidelines. Most significantly, the proposed Hotel building is 54.9m in length along the elevation of South Steyne (a significant ocean front elevation), while the Guidelines only provide for an envelope that is no more than 35m in length. While the Guidelines provide for buildings with a larger footprint at a similar length proposed at this part of the site, the Guidelines limit the envelope of such larger footprint buildings to 18m in height compared to the proposed 29.8m high Hotel.

In relation to the Concept Plan's Residential Building, proposed heights of 13.8m and 17m are indicated compared to 12m and 15m in the Manly Guidelines. Council's Guidelines particularly in these locations are considered to more appropriately correspond to controls and/or existing buildings. These Guidelines are established with regard to the local urban context and to local policy and plans.

#### Requirements for pedestrian links and public open space

The inclusion of through site pedestrian links are an important requirement of the Manly Guidelines as indicated on the 'Urban Design Framework diagram' and important in the context of existing connections, public spaces and plazas in the Manly Town Centre. Manly Council request that the Revised Concept Plan be further amended to incorporate appropriate pedestrian links in accordance with Guidelines and integrate with other public space elements further detailed in this submission following.

#### Public courtyard space

Manly's 2011 Guidelines identify important urban design opportunities for public plaza space in the vicinity of Rialto Plaza (across Wentworth Street) to create a public realm focus point to the street block that will tie back to The Corso and the greater Manly Town Centre. While the proposed 8 storey Hospital building is setback 7.4m from Wentworth Street allowing a depth of only 6m for any courtyard; the Manly Guidelines provide for a courtyard of an appropriate scale requiring a depth of some 16m. This space should be of sufficient dimensions to include 'public' and 'semi public' components and should be an important area in urban design terms given the context and scale of the development proposed. The proposed setbacks nominated as 'public courtyard' in the Preferred Project Report are not



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considered to adequately provide space of public scale and benefit. The siting and height of building in this location is considered excessive for this site and context. In this regard the Preferred Project Plans are not supported by Council. This submission seeks the activation of adequate public courtyard space within the site on the southern side of Wentworth Street opposite Rialto Square.

While the Preferred Project Report suggest that setbacks of more than 6m would 'sever connection to the street', the proposed size of the courtyard has been determined by Council in the Manly Guidelines with detailed consideration of site constraints and opportunities at a width and alignment which complements and enhances the existing Rialto Square and also having regard to the heritage significance of Drummond House adjoining the courtyard. Provision in the Guidelines for a public domain space in this location are not considered excessive or unreasonable having regard to the scale of the development overall. Given proposed heights of 8 storeys fronting this space, it is considered that a public space of any benefit and at an appropriate scale would need to be deeper than 6m.

The Revised Concept Plans are substantially over and above Councils' Guidelines detailed in this submission and the provision of some contribution back to the public domain in the form of a public courtyard opposite Rialto Square identified in the Manly 2011 Guidelines is considered reasonable. There is an opportunity to create an important strategic public space here of a quality and scale comparable to Rialto Square which is not realized in the Preferred Project Report. The Report recommendation for a new pedestrian crossing in the vicinity of Rialto Square is considered to be of lesser public benefit in the absence of the strategic public space for this location, envisioned in the Manly Guidelines.

#### View loss impacts

Consideration of view loss principles is the first key issue listed in the Preferred Project Report as a matter clarified in response to the public exhibition. Council acknowledges that modification of the building envelope on the corner of Wentworth Street and South Steyne do assist to some degree with view loss impacts particularly from apartments at 'The Peninsula'. However, Council remains of the view that the proposed building envelope significantly exceeds Council's 'Wire Frame maximum envelope control' in the Manly Guidelines. This level of variation is considered to be to the detriment of the Manly townscape and to the views over and through the site generally.

#### Heritage considerations

Council acknowledges that the 6m setback to the north-east of the Drummond Building will improve the prominence of the heritage item along Wentworth Street. However, Council remains of the view that the concept plan adversely impacts on the heritage listed items within the site and in the vicinity and does not meet the policies of the Conservation Management Plan. Notwithstanding the proposed amendments, the development is still considered to challenge the heritage listed items within the site and in the vicinity in terms of the proposed height and bulk as detailed below.

The proposed Royal Far West building is more than 10m higher than the two adjacent heritage buildings - Drummond House and 12 Wentworth Street. Notwithstanding the proposed set backs from the street, the proposed height is not considered to respect the scale of the listed buildings. Further consideration should be given to the adopted Urban Design Guidelines for the site, providing opportunities for public and semi public spaces adjacent to the listed buildings while providing a building which does not challenge the scale of the listed buildings.

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The proposed Hotel building is more than 15m and 12m higher than heritage listed items at 29 and 31 Victoria Parade respectively. Although the hotel building is set behind these 2 buildings, its impact will be clearly visible and is unacceptable.

The significance of the adjoining terraces at 15 and 16 South Steyne is challenged by the contrast between the 2 storey listed terraces and the adjacent Hotel building which dominates at 9 storey. Consideration needs to be given, not only to direct views to the listed item but also to the oblique views from South Steyne.

Council's original submission raised concerns with the proposed connection of the proposed development to the heritage listed terraces and recommended that the connection be deleted and that the proposal be amended to comply with Policy 15 and 17 of the Conservation Management Plan, Urbis, 2011 to minimize any additional impact on the listed item. The Revised Concept Plan indicates that the ground floor retail floor has increased the physical connection of new buildings to the heritage buildings to the fullest extent. Moreover ground level planting at this interface has been omitted from the recent plans. In this regard, Council's concerns regards conformity with the Conservation Management Plan are heightened. The relevant policies in this regard are restated as follows:

*Policy 15 – 'The Terraces should retain its heritage curtilage and any new works should be setback from the building to allow visibility of its elevations and to retain the building's landmark qualities. The 3-D form of this building should be read from the street.'* and

*Policy 17 – 'There should not be any connections added from the Terraces to any existing or new buildings on the site'*

The heritage buildings on the site are 2 and 3 storey in height with relatively small footprints. The heritage buildings in the vicinity of the site are a maximum of 5 storeys in height also with relatively small footprints. Nevertheless the proposed Hospital and Hotel buildings (adjoining the heritage items) are 8 and 9 storeys in height with very large footprints. Clearly the character of the heritage buildings have not been considered and the mass, scale and heights of the proposed buildings on the Royal Far West site do not reflect or compliment the building forms of the heritage buildings on the site and in the vicinity. In this regard the development is not considered to adequately address Policy 23 of the Conservation Management Plan which states:

*Policy 23 – 'The mass, scale and height of any new development on the Royal Far West site should consider the character and relationship to the mass, scale and height of heritage buildings on the site and in the vicinity'*

As previously stated in Council's submission, it is considered appropriate that Policy 6 of the Conservation Management Plan should include the 'heritage items within the site' in relation to the following:

*Policy 6 – 'Changes at the Royal Far West site should consider the significance of and not adversely impact on other heritage items in the vicinity'.*

Further to heritage issues raised in the body of Council's submission dated 4 November 2012, Council submitted further comments to the Department on 7 November 2011 from its Heritage Committee. Reference to this subsequent submission is not contained in the Preferred Project Report. In particular, this submission raised the following points:

1. *The proponent is to be commended on the proposed retention of Drummond House and Tranby / Latrobe, the listed Heritage items.*

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2. *The proponent should ensure the full restoration of both properties. The detailed restoration of the Tranby/ La Trobe pair (c.1883) is essential, in particular the reinstatement of the tower roof, roof details and verandahs. (see attached photos and plans for 15 South Steyne).*
3. *It is vital that the South Steyne frontage has a strong horizontal emphasis and low scale to respect and reinforce the horizontal character of the beachfront and historic South Steyne promenade.*
4. *We are concerned the development will increase significantly the number of cars within the Manly CBD, in contradiction of Council's current strategy to reduce car dependence and vehicle movements within central Manly.*
5. *We are pleased that the historic Royal Far West mission to underprivileged rural children is to be retained on part of its original site, and that these functions are to be located adjacent to the historic Manly Village Public School with which it has enjoyed close links over many decades.*

In relation to the above, this submission makes particular reference to point 2 and requests that recommendations in the Preferred Planning Report include a greater commitment to the full restoration of both these heritage items. In particular, the detailed restoration of the terraces is considered essential, including reinstatement of the tower roof, roof details and verandahs.

#### Potential overshadowing of adjoining lands and in particular Manly Village Public School

The Manly Guidelines – Urban Design Framework seek to establish a generous building mass including building envelope height controls in certain locations to ensure solar access is appropriately maintained.

Council acknowledge the more detailed shadow impact analysis submitted with the Preferred Project Report considering shadow impacts at the south east and south west elevations of the proposed Hotel building. While the assessment is noted, the Council's Guidelines recommend a stepping of the building mass from 10m, to 18m, to 25m which further, and more appropriately address shadow effects.

Similarly, the Guidelines seek to control shadow effects of future building bulk on the neighbouring school and its grounds. In this regard the analysis of the shadow impacts from the southern corner of the Hospital building onto the public school playgrounds is acknowledged. Height reductions which minimise these likely shadow effects are supported.

The exhibited shadow diagrams indicate impact of overshadowing to neighboring residential units. However, assessment of the impact based on local planning criteria remains absent. In this regard Council's DCP for the Residential Zone 2007, A2 and Energy Efficiency DCP seek to limit the impact of shadows effects to living areas particularly noting standards for a minimum number of hours of solar access to windows at mid-winter and depending of the orientation of the overshadowed windows in the Residential DCP. While detailed assessment of shadow effects is provided, an assessment against local DCP controls is not particularly addressed.

#### Social Impacts

The Environmental Assessment does not include a Social Impact Assessment and Manly Council has requested that the Department seek to obtain such a report and provide this assessment on the exhibition website. Details in relation to affordable housing are acknowledged.

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In relation to earlier submissions regards the impact of introducing effective 24 hour alcohol service via the hotel next to the children's area, Council has requested consideration of Manly Development Control Plan for Late Night Venues 2005 which promotes Manly Town Centre as a safe place for enjoyment of the wider community, minimising disturbances to the public, late at night. This DCP has not been considered in the Preferred Project Report.

Other previously identified concerns that the new development represents a loss of amenity for children attending the site do not appear to be adequately addressed. These earlier submissions suggested that children attending the site appear to 'have lost out – relegated from beach view to be buried within or behind the complex with no view and no sunlight, including the relocation of the children's play area'.

#### Traffic management

The location of desirable locations for motor vehicular access to basement parking is detailed on the 'Urban Design Framework diagram'. The implications for parking and ingress and egress for the site for vehicles and pedestrians is not considered to be sufficiently addressed in the Environmental Assessment. In this regard Council's earlier submission has identified that the proposed vehicular access point is adjacent to the intersection of Wentworth Street and Rialto Lane which provides ingress and egress from a major public car park as well as numerous delivery movements. This consideration is not found to be adequately assessed. Furthermore, it is considered that the environmental capacity of Wentworth Street should also be addressed particularly noting various noise sensitive land uses including residential development along the street.

#### Exhibited Draft Local Environmental Plan

The Preferred Project Report notes the adoption of development standards for height and FSR based on the Manly Guidelines previously referred to in this submission. The Preferred Project Report states that the Manly provisions 'generally reflects the surrounding built form characteristics' (Executive Summary p.vi). The Preferred Project Report summarises these draft LEP standards as 'a street edge height...of 12-15m and a generous setback mid-block height of 25m'. Council affirms that its mid-block height standards are 'generous' in that they provide the basis for a maximum building envelope in conjunction with Guidelines within which quality design can occur. Council objects to the proposed exceptions to the development standards in the draft LEP for reasons identified in this report. It is considered that such exceptions are extensive, significant and are not well founded. An extract of the draft Manly LEP Height of Building (HOB) Map consistent with Urban Design Framework in the Manly Guidelines is extracted below:



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In relation to the Hotel and consistency with the objectives for the Manly Town Centre, Council also submits that a 5 star rating for this development should be committed to provide a high standard of accommodation for visitors.

#### Conclusion

Council's submission on the Revised Concept Plans and the Preferred Project Report, considers the development should not be approved in its current form by the Department of Planning and Infrastructure given particular regard to Council's adopted Urban Design Guidelines and draft LEP as exhibited.

The Concept Plan indicates significantly more additional bulk and scale than approved in Council's Guidelines and draft principal development standards, notwithstanding the proposed 6m setback to Wentworth Street in the Revised Concept Plan. For example, the proposed Hotel component of the development at some 30m above natural ground is taller by 5m and twice the footprint size at that height than the Council's control would allow. The departures from the maximum building envelopes recommended in the Council's Guidelines and as raised in this submission are considered to significantly impact on the townscape and amenity - more so than would otherwise be experienced in a development in accordance with the Council's Guidelines.

The environmental assessment is not considered to provide sufficient consideration to justify support of the Revised Concept Plans contrary to the Manly Guidelines and draft LEP. Council submits that the redevelopment of this significant strategic site in the Manly Town Centre should also have greater consideration of important urban design opportunities including public space and pedestrian linkages in accordance with Council's Guidelines.

#### ATTACHMENTS

<b>AT-</b>	Draft Urban Design Guidelines for the Urban block located within Darley	23
<b>1</b>	Road, South Steyne, Victoria Parade and Wentworth Street, Manly	Pages