

## ATTACHMENT 1

### Environmental Services Division Report No. 12.DOC - Proposed Amendment to Manly Development Control Plan 2013

### Details of Proposed Amendments to Manly Development Control Plan Amendments to Manly Development Control Plan 2013)

#### ATTACHMENT – DETAILS OF PROPOSED AMENDMENTS TO MANLY DEVELOPMENT CONTROL PLAN 2013

##### 2.1.2 Requirements for DA Lodgment

###### 2.1.2.2 Considerations (Site and Context Analysis)

Replace paragraph e) with "Streetscape including both sides of the street that the development fronts including the pattern of building frontages, street and side setbacks and heights of buildings (in metres and storeys).

Edit paragraph i) to insert "foreshore or ocean"

Replace paragraph q) with "overshadowing of the site including shadow casts by neighbouring structures and likely shadow effects from proposed development. The winter sun path should be shown from 9am to 3pm on 21 June."

#### Part 3 General Principles of Development

##### 3.1.3 Townscape (Local and Neighbourhood Centres)

###### 3.1.3.1 Design Principles

The following design principles and requirements at paragraphs 3.1.3.1.a) to i) should be achieved in all development involving the erection of a new building or external alterations to an existing building in order to:

- maintain and enhance the townscape of Manly's LEP Business Zones:
- achieve the townscape objectives of this plan; and
- consider that the development exhibits design excellence in accordance with considerations of LEP clause 6.13(4) (as a statutory consideration for land in Zone B2 Local Centre and as a DCP consideration in other zones)

A scale and design of building appropriate to this local role should then be achieved.

...

###### b) Townscape Principles Map

~~Proposed~~ All development involving the erection of a new building or external alterations to an existing building must be consistent, ~~where applicable to~~ with the townscape and streetscape and the principles and opportunities further illustrated in the Townscape Principles Maps at Schedule 2 of this plan. Having regard to the features located in the Townscape Principles Maps the following guidelines apply:

- i) Important corner sites shall be maintained, including strongly defined corner buildings. Ensure corner development has strong height and facade elements with building along the street frontage being set by these corner heights. Construct to boundary. Maintain and re-use existing development if it achieves objectives for these corner sites.
- ii) Important pedestrian links shall be maintained including existing public arcade links and encourage new through-block arcades which in turn should limit the size of parcels and the bulk of large buildings.
- iii) Important end of vista sites shall be acknowledged. Appearance of the street elevation requires special attention at the end of these vistas.

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d) Proposed developments must be designed to:

- i) maintain the optimum amount of sunlight into adjacent open space areas, including public open space (see LEP clause 6.13 (a) Design Excellence); and
- ii) minimise other environmental factors such as adverse wind effects, reflectivity and impermeability of surfaces (see LEP clause 6.13 (j) Design Excellence).

#### 3.4.1 Sunlight Access and Overshadowing

##### 3.4.1.3 Overshadowing Solar Collector Systems

~~In relation to solar access to hot water systems and solar collectors new/proposed development must:~~

- ~~a) not overshadow any existing adjacent solar collectors or hot water heaters between 9am and 3pm at any time of the year; or where there is no existing hot water systems and solar collectors;~~
- ~~b) maintain solar access to the north facing roofs of existing dwellings (generally within 45 degrees west to 45 degrees east) to a fixed minimum roof area of 10sqm capable of accommodating solar collectors or hot water heaters that will not be overshadowed by the proposed development between 9am and 3pm at any time of the year.~~

A minimum of 6 hours solar access be retained to solar collectors on neighbouring properties.

##### 3.4.1.4 Overshadowing Clothes Drying Areas

~~In relation A minimum of 6 hours solar access be retained to a suitable clothes drying area the rear yard of minimum dimensions 7.5m by 2m for clothes drying should be free of shade between 10am and 2pm all year.~~

#### 3.4.2 Privacy and Security

Insert: "Consideration of privacy are typically balanced with other considerations such as views and solar access. The degree of privacy impact is influenced by factors including the use of the spaces where overlooking occurs, the times and frequency theses spaces are being used, expectations of occupants for privacy and their ability to control overlooking with screening devices."...

Relevant DCP objectives to satisfy in relation to this part include the following:

Objective 1) To minimise loss of privacy to adjacent and nearby development by:

- appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings;
- mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.

Objective 2) To increase privacy without compromising access to light and air. To balance outlook and views from habitable rooms and private open space.



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Objective 3) To encourage awareness of neighbourhood security.

See also paragraph 4.1.5.3 Principal Private Open Space.

See also Amcord Design Element 5.5 for acceptable solutions in meeting the objectives of this plan where this plan is otherwise silent. Amcord solutions are not to be adopted where they result in any non-compliance with this plan or in the case of Residential Flat Buildings are inconsistent with guidance in relation to visual privacy set out in Part 3F of the Apartment Design Guide.

#### 3.4.2.1 Window Design and Orientation

- a) Use narrow, translucent or obscured glass windows to maximise privacy where necessary.
- b) When building close to boundaries, windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy.

#### 3.4.2.2 Balconies and Terraces

- a) Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties. Architectural screens must be fixed in position and suitably angled to protect visual privacy.
- b) Recessed design of balconies and terraces can also be used to limit overlooking and maintain privacy

### 3.5 Sustainability

#### 3.5.1.1 Building Form, Design and Orientation (Sustainability – Solar Access)

Replace paragraphs a), b) & c) with "The building and site layout is to maximise northern orientation to optimise solar access. Achieving passive solar energy efficiency is an important consideration in design, but it must be balanced with responding to desired streetscape character; promoting amenity for both the proposed development and neighbouring properties (including views, overshadowing and noise considerations), retaining trees and responding to topography."

#### 3.5.3.2 Location of area of openings

Edit paragraph a) to read "The area of unobstructed window opening should be equal to at least 5% of the floor area served."

Delete paragraph b) as it largely repeats guidelines at paragraph 3.5.1.1.b.

#### 3.5.3.3 Mechanical Systems

Delete paragraphs a) – j)

- ~~a) If air-conditioning is required, ensure it has sufficient controls so it is used only when required, including on/off programming schedules, after hours and holiday scheduling, and cooling and heating based on occupancy;~~
- ~~b) Ensure any air-conditioning system is well insulated, particularly those located in roof space.~~
- ~~c) Consider directing air-conditioning only to areas where it is needed, and relying on natural ventilation for the remaining part of the building;~~

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- ~~d) Use a combination of passive methods, such as direct solar access, window shading, appropriate insulation and sealing, and natural ventilation to reduce the overall use of mechanised systems;~~
- ~~e) Ensure cooking exhaust systems are not oversized in respect of their proposed use, and fit time controls to exhaust fans so that they switch off after a few minutes, or sensors to activate them during cooking;~~
- ~~f) In industrial units and warehouses, locate goods doors away from areas that may require mechanised heating or cooling;~~
- ~~g) Depending on the amount of movement, consider rapidly closing doors, plastic strip curtains or pneumatic seals for commercial and industrial buildings;~~
- ~~h) Cool small office buildings by reverse cycle air conditioning units that can be controlled individually and operated independently of the rest of the building if needed out of hours;  
Hotels should use a card system so air conditioning and lighting in each guest room is switched off when the room is vacated;~~
- ~~i) Install appropriately sized cooling and heat plant and equipment; and~~
- ~~j) Investigate the use of cooling and heating energy efficiency opportunities including economy cycles, night purging, variable speed drives, humidity controls and electronic expansion valves.~~

## 4.1 Residential Development Controls

### 4.1.1 Dwelling Density, Dwelling Size and Subdivision

**Note:** In addition to the minimum subdivision lot size standards at LEP clause 4.1, the density controls in conjunction with other controls in this plan are also important means of prescribing the nature and intended future of the residential areas of Manly.

Relevant DCP objectives to be satisfied in relation to this part include:

- Objective 1) To promote a variety of dwelling types, **allotment sizes** and residential environments in Manly.
- Objective 2) To limit the impact of residential development on existing vegetation, waterways, riparian land and the topography.
- Objective 3) ~~To promote a variety of allotment sizes, residential environments and housing diversity and a variety of dwelling sizes to provide an acceptable level of internal amenity for new dwellings.~~
- Objective 4) To maintain the character of the locality and streetscape.
- Objective 5) To maximise the use of existing infrastructure.

#### 4.1.1.1 Residential Density and Dwelling Size

This section contains maximum permissible residential density controls which generally apply to land identified on the LEP Lot Size Map and determine the maximum number of dwellings that may be achieved on any one parcel of land.

- a) The maximum permissible residential density control at Figure 24 - Minimum Residential Density applies to land identified in Residential Density Areas on the Minimum Residential Density Map at *Schedule 1 - Map A* in this plan.



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Figure 24 - Minimum Residential Density determines the maximum number of dwellings that may be achieved on any one development site. This figure indicates the minimum site area required for every dwelling contained on a site. For example, if a density control of 300sqm per dwelling applies to a site with a site area of 600sqm the density control would allow for a maximum of 2 dwellings.

- b) For the purposes of calculating the residential density control for battle-axe lots, the area of the access handle is excluded from the site area, consistent with the provisions for minimum subdivision lot size in LEP clause 4.1(3A).

**Figure 24 - Minimum Residential Density (to be read in conjunction with Schedule 1 - Map A)**

- c) Notwithstanding the minimum Residential Density in Figure 24, no more than 2 dwellings may be constructed on lots 29, 30, 31 and 32 in Section 5 of DP 939916, known as 15 - 17 Suwarrow Street Fairlight.

**Dwelling Size**

- d) Dwellings are required to have the following minimum internal areas:

Studio dwellings:	35sqm
1 bedroom dwellings:	50sqm
2 bedroom dwellings:	70sqm
3 bedroom dwellings:	90sqm

The minimum internal areas include only 1 bathroom. Additional bathrooms increase the minimum internal area by 5sqm.

A 4<sup>th</sup> bedroom and further additional bedrooms increase the minimum internal area by 12sqm each.

Note: Dwelling Size Guidelines are adopted from the NSW Apartment Design Guidelines to apply more broadly to all residential accommodation considered under this Plan.

Note: This paragraph does not apply to Secondary Dwellings which are subject to their own development standard for minimum floor area at LEP clause 5.4(9).

#### 4.1.4 Setbacks (front, side and rear) and Building Separation

**Note:** This section addresses the buildings' setback from its various property boundaries.

Relevant DCP objectives to be met in relation to this part include:

- Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.
- Objective 2) To ensure and enhance local amenity by:
- providing privacy;
  - providing equitable access to light, sunshine and air movement;
  - facilitating view sharing by maintaining adequate space around the front, back and sides of buildings to limit impacts on views and vistas from both private and public spaces;

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- defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and
- facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.

See also objectives at paragraph 3.4 Amenity.

Objective 3) To promote flexibility in the siting of buildings.

Objective 4) To enhance and maintain natural features by:

- accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;
- ensuring the nature of development does not unduly detract from the context of the site, and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and
- ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.

Objective 5) To assist in appropriate bush fire asset protection zones.

Note: In addition to the setbacks required in this plan, residential development subject to the Residential Apartment Code is subject to additional setback requirements for adequate building separation to achieve reasonable levels of privacy e.g. 12m separation between habitable rooms and balconies between buildings up to 4 storeys either on the same site or across a site boundary to a neighbouring building.

#### 4.1.4.1 Street Front Setbacks

See also paragraph Safety and Security - Street Surveillance

- c) Where the street front building lines of neighbouring properties are variable and there is no prevailing building line in the immediate vicinity i.e. where building lines are neither consistent nor established, a minimum 6m front setback generally applies. This street setback may also need to be set further back for all or part of the front building façade to retain significant trees and to maintain and enhance the streetscape....
- d) Where the streetscape character is predominantly single storey building at the street frontage, the street setback is to be increased for any proposed upper floor level. See also paragraph 4.1.7.1.

#### 4.1.4.2 Side Setbacks and secondary street frontages

- c) ~~Windows of living and dining areas in new dwellings.~~ All new windows from habitable rooms of dwellings that face the side boundary are to be setback at least 3m from the boundary.

#### 4.1.4.4 Rear Setbacks

- b) ..... The character of existing natural vegetated settings are to be maintained.
- e) ~~On sloping sites, consideration is to be given to an increased setback to enhance the natural vegetated setting particularly where new development is uphill and in sensitive foreshore locations.~~



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c) On sloping sites, particularly where new development is uphill and in sensitive foreshore location, consideration must be given to the likely impacts of overshadowing and visual privacy.

d) Rear setbacks must relate to the prevailing pattern of setbacks in the immediate vicinity to minimise overshadowing and visual privacy.

#### 4.1.5.2 Landscaped Area

##### c) Minimum Tree Planting

...iii) The required minimum number of native trees required under this paragraph must be planted in a deep soil zone as defined in this plan's Dictionary.

Note: Suggested minimum soil volumes for tree planting generally are as follows: Large size trees (13-18m high with 16m spread) required 80 cubic metres of soil. Medium size trees (9-12m high with 8m spread) requires 35 cubic metres of soil. (Source: NSW Apartment Design Code 2015)

### 4.2 Development in Business Centres

#### 4.2.2 Height of Building

##### 4.2.2.1 Exceptions to Height for Design Excellence

In determining whether to grant an exception to the LEP height standard, the environmental planning grounds to justify contravening the development standard (LEP clause 4.6(3)) may include consideration of the design principles at paragraph 3.1.3.1 Design Principles in this DCP.

#### 4.2.3 Setbacks

See also LEP clause 6.13 Design Excellence in determining the exceptions to the nil setback guidelines in this paragraph.

#### 4.2.5 Manly Town Centre and Surrounds

**Note:** These paragraphs provide guidelines in relation to the Manly Town Centre (LEP Zone B2 Local Centre) as well as other land in the vicinity (including LEP Zones R3 Medium Density & SP3 Tourist) and also deal particularly with Backpackers' Accommodation and Late Night Venues.

See also paragraph 3.1 Streetscape and Townscapes.

See also LEP clause 6.13 Design Excellence in determining the exceptions to the nil setback guidelines in this paragraph.

See also Part 5 Special Areas in relation to the heritage significance of Manly Town Centre and The Corso.

Relevant DCP objectives to be met in relation to these paragraphs include:

- Objective 1) To consolidate, promote and strengthen both retail activity in the Manly Town Centre as well as townscape in accordance with the townscape requirements of this plan.

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4.2.5.1 Design for Townscape

~~Regardless of whether a building is listed as an item of environmental heritage in the LEP, the Council must be satisfied that the design of new development (not just heritage listed buildings) gives due attention to the site's position within, and the development's contribution to the overall existing and future townscape quality of the Manly Town Centre and surrounds.~~

In addition to the townscape principles at paragraph 3.1.3 which apply to all Centres including the Townscape Principles Map A for Manly Town Centre at Schedule 2 of this plan; additional townscape requirements for Manly Town Centre and Surrounds apply as follows:

~~See also paragraph 3.1 Streetscape and Townscapes for townscape principles when designing for townscape. See also Schedule 2 Map A Manly Town Centre Townscape Principles.~~

~~Townscape Requirements~~

- ~~iii) Maintain important corners identified at Schedule 2, including strongly defined corner buildings.~~
- ~~iv) Ensure corner development has strong height and facade elements with building along the street frontage being set by these corner heights. Construct to boundary. Maintain and re-use existing development if it achieves objectives.~~
- ~~v) Maintain existing public arcade links identified in Schedule 2 and encourage new through block arcades which in turn should limit the size of parcels and the bulk of large buildings.~~
- ~~vi) Acknowledge important end of vista sites identified in Schedule 2. Appearance of the street elevation requires special attention at the end of these vistas.~~
- a) Maintain the predominant pattern of narrow fronted buildings within the town centre with new buildings incorporating modulation of the street wall such as recesses or ~~modelling~~ modulation in the building facade to visually reduce the length and perceived bulk of the street wall.
- b) Maintain existing setbacks.
- c) New development to enhance townscape characteristics, disregarding existing unsympathetic buildings.
- d) Step back development around the intersection of Sydney Road and Whistler Street to reveal the historic building (church) at this intersection.
- e) Develop new facade line in North Steyne to avoid unattractive end walls and sharp transitions in the vicinity of 46-48 North Steyne, Manly.
- f) Height and setback of development must cause no undue affectation to properties to the south in terms of loss of sunlight or privacy (Pittwater Road).

4.4.8 Subdivision

This paragraph applies to all new subdivisions, ~~and~~ the re-configuration of existing allotments within a subdivision ~~and the consolidation of allotments.~~



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### 5.3 St Patrick's Estate, Manly

Note: LEP clause 6.13 Design Excellence also applies to St Patrick's Estate pursuant to clause 6.13(2)(b). In particular, the statutory considerations at clause 6.13(4)(a) to (k) that are most relevant to development at St Patricks Estate include the setting {subclause (f)}, protection and enhancement of natural topography and vegetation (and other natural features) {subclause (g)}, promotion of vistas from public places to prominent natural and built landmarks {subclause (h)}; and high standards of design, material and detailing {subclause (i)}.

#### Dictionary

**Building line** means the predominant line formed by the main external face of the building. Balconies or bay window projections may or may not be included depending on desired streetscape.

**Deep Soil zone** means an areas (within the landscaped area) within a development that is unimpeded by building or structures above or below ground and have a minimum dimension of 6m. Deep soil zones exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and rood areas.

**Façade** means the external face of a building, generally the principal face, facing a public street or space.

**Studio Dwellings** means a dwelling with only 1 habitable room that combines kitchen, living and sleeping space.