Manly Council

MANLY DEVELOPMENT CONTROL PLAN

2013

DRAFT AMENDMENT 8

Adopted on 16 July 2012
Commenced on 19 April 2013
Last Amended on @ 2016

Abbreviations used in this plan:	
DCP	Development Control Plan
DA	Development Application
LEP	Manly Local Environmental Plan 2013
m	metre
sqm	square metres
FSR	floor space ratio
NSW	New South Wales

Table Summary - Amendments to this DCP

Number	Adopted	In Force	Amendment Summary
1	13/05/2013	20/05/2013	Change parking requirement for Restaurants or Cafes and Food and Drink Premises from '15 spaces per 100sqm gross floor space or 1 space per 3 seats whichever is greater' to '1 space per 40 sqm of serviced area' and a new dictionary meaning of 'serviced area'. *
2	11/11/2013	23/11/2013	New provisions in relation to Boarding Houses including guidelines for boarding rooms, communal facilities, carparking and neighbourhood amenity. Update reference to Flood Study and Policy adopted by Council in September 2013. *
3	01/09/2014	27/09/2014	New provisions to include specific site controls for 550 Sydney Road, Seaforth (the former 'Seaforth TAFE' site).
4	01/12/2014	13/12/2014	Additional provisions in relation to land in the LEP Zone B1 Neighbourhood Centre. *
5	04/05/2015	16/05/2015	New provisions in relation to the development of open balconies; corner lot splays; and tandem, stacked and mechanical parking spaces. *
6	07/09/2015	19/09/2015	New provisions in relation to noise impacts from licensed premises and revised guidance for the provision of open space above ground. *
7	07/12/2015	12/12/2015 to date	New General Principles of Development in relation to 'safety in design' *
8	#/#/2016	#/#/2016	Urban Design Guide additions and improvements. Minor consequential/administrative amendments

* incorporating other minor text edits, notes, updates or the like.

1 Introduction

1.1 Name of this DCP

This plan is called Manly Development Control Plan 2013 Amendment 8. The short title is Manly DCP or otherwise referred to as the 'plan'.

The plan was adopted by Council on 16 July 2012 and came into effect on 19 April 2013, being the same day that the Manly LEP 2013 commenced. The plan was last amended on #/#/2016.

1.2 Where this DCP Applies

This DCP applies to land where the LEP applies as identified on the LEP Land Application Map.

1.3 Relationship to other Plans and Policies

This plan is to be read in conjunction with, and in addition to Manly LEP 2013. If there is any inconsistency between this DCP and the LEP, the LEP prevails. However if the DCP specifies a more restrictive control than in the LEP having regard to particular circumstances or constraints, this is not considered to be an inconsistency and appropriate consideration must be given to the more detailed DCP control in the circumstances of the case.

Manly DCP 2013 revokes all Manly DCPs in operation at the date from the date this plan is effective including:

- All earlier amendments to this plan:
- Manly DCP for the Residential Zone 2007 (Amendment 1);
- Manly DCP for the Business Zone 1989 (Amendment 7);
- Manly DCP for the Industrial Zone 1991 (no amendment);
- Manly DCP for Energy Efficient Buildings 1998 (no amendment);
- Manly DCP for Advertising Signs 1993 (no amendment);
- Manly DCP for Backpackers' Accommodation 1998 (Amendment 1);
- Manly DCP for Disability Access incorporating the Manly Access Policy 1996 (no amendment);
- Manly DCP for Landslip and Subsidence 2001 (no amendment);
- Manly DCP for Waste Minimisation and Management 2000 (no amendment);
- Manly DCP for The Corso 2005 (Amendment 1);
- Manly DCP for Notification 1999 (Amendment 2);
- Manly DCP for Childcare Centres 2004 (no amendment);
- Manly DCP for Late Night Venues 2005;
- Manly DCP for Telecommunications and Radiocommunications 2005 (no amendment).

This plan is to be read in conjunction with:

- Manly LEP 2013 incorporating the following amendments:
- Manly LEP 2013 Amendment 1 published 21 March 2014 (38 Stuart St, Manly);
- Manly LEP 2013 Amendment 2 published 2 May 2014 (45 Pacific Pde, Manly);
- Manly LEP 2013 Amendment 3 published 12 September 2014 ('Royal Far West' site);
- Manly LEP 2013 Amendment 4 published 2 April 2015 (minor corrections);
- Manly LEP 2013 Amendment 5 published 15 May 2015 ('Fairlight Reservoir' site);
- Manly LEP 2013 Amendment 6 published 25 September 2015 - (Heritage Item mapping matters);
- Manly LEP 2013 Amendment 7 published 1 April 2016 - ('NSW Health' sites);
- Manly LEP 2013 Amendment 8 published 9 October 2015 - (Conservation Area mapping matters);
- Manly LEP 2013 Amendment 9 published 25 September 2015 - (Noise from Licensed Premises);
- Manly LEP 2013 Amendment 10 published 15 January 2016 - (Rezone land zoned IN2 to B6);
- any other amendments that may be exhibited/published since commencement of this DCP;

This plan is to be read in conjunction with various State and Federal Codes, Standards and Guidelines including the following:

- AMCORD - Planning and Building Design - Design Elements;
- The Building Code of Australia;
- Australian Standards (as relevant);
- NSW Rural Fire Service's 'Planning for Bushfire Protection' 2006;
- NSW Government 'Floodplain Development Manual' 2005
- Transport Corridor Outdoor Advertising and Signage Guidelines 2007 (Appendices 2 and 3);
- Australian Communications Industry Forum Code called 'Mobile Phone Base Station Deployment Industry Code' July 2012;
- 'Noise Guide for Local Government' prepared by Department of Environment, Climate Change and Water NSW 2010; and

This plan is to be read in conjunction with various State Environmental Planning Policy including the following:

- State Environmental Planning Policy No 19 - Bushland in Urban Areas;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No 64 - Advertising and Signage;
- State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and accompanying Apartment Design Guide 2015;
- Regional Environmental Plan - Sydney Harbour Catchment 2005 (deemed SEPP) and accompanying Sydney Harbour Foreshores and Waterway Area DCP 2005;
- State Environmental Planning Policy No 55 - Remediation of Land**;**
- State Environmental Planning Policy No 71 - Coastal Protection;
- State Environmental Planning Policy (Affordable Rental Housing) 2009; and

This plan is to be read in conjunction with other Manly Council adopted policy and plans including the following:

- Manly Policy Register (periodically reviewed);
- Manly Section 94 Contributions Plan 2004;
- Manly Industrial Zone Master Plan, Balgowlah 2011;
- Manly Town Centre Urban Design Controls 2002;
- Development Control Policy for Manly Cove 1996
- Manly Town Centre Urban Design Guidelines for site bound by Darley Road, South Steyne, Victoria Parade and Wentworth Street (including Royal Far West Site) 2011;
- The Corso Landscape Master Plan;
- Balgowlah Shopping Centre Urban Design Controls 1999;
- Balgowlah Shopping Centre Urban Design Plan 1999;
- Manly Lagoon Flood Study 2013 and Interim Policy – Flood Prone Lands 2013: Administrative Guidelines for Development and Use of Land within the Flood Planning Level Area;
- Contaminated Land Policy 2003;
- Manly Council Tree Management Policies – Trees for a Sustainable Manly ;
- Manly Code for the Protection of Buildings against Termite Attack 1996;
- Manly Guidelines for Erosion and Sediment Control on Buildings Sites 2005;
- Specification for Stormwater Drainage 2003;
- Specification for On-site Stormwater Management 2003;
- Specification for Civil Infrastructure, Development & Subdivisions 2003;
- Specification for the Construction of Concrete Vehicular Crossings by Private Contractors.

1.4 Savings Provision

Manly DCP 2013 adopts the same saving provisions as LEP clause 1.8A. However in relation to amendments to this DCP adopted by Council from time to time, such amendments will apply to all DAs both lodged and undetermined from the commencement of the plan amendments.

1.5 Purpose of this DCP

The purpose of this DCP is to make more detailed provisions than in Manly LEP 2013 with respect of development to complement the provisions, and achieve the purposes of the LEP. This DCP is prepared in accordance with Division 6 of the Environmental Planning and Assessment Act 1979 and Part 3 of the Environmental Planning and Assessment Regulation 2000. Section 79C of the Environmental Planning and Assessment Act 1979 sets out matters for Council to consider and to take into account when assessing DAs, including this DCP and the LEP.

The provisions of this plan will be taken into account for development to which it relates. Nevertheless the planning legislation also requires each application to be treated on its merits and numerical compliance with the provisions of this DCP does not necessarily guarantee that consent to a DA will be granted. This means that Council must satisfy itself that the particular development is suitable for the site; that the impacts have been mitigated and that there is compliance with the relevant planning controls. Previous approvals do not create a precedent for proposed development that is of a similar form.

The planning controls set out in this plan were adopted at various times following the required planning procedures including public consultation. They therefore represent the Council's and the community's expectations as to the nature, scale and form of future development in Manly. Council is required to apply the controls in a consistent manner while balancing the interests of the applicant with those of the community as a whole. It is therefore expected that development proposals will, by and large comply with the numeric controls. Any departures will not only need to satisfy the DCP objectives and sufficiently justified on environmental planning grounds; but will also need to demonstrate (in the DA) that any variations are agreed by Council in the circumstances of the case to achieve a more desirable environmental outcome. The plan also provides guidelines in relation to appropriate environmental planning grounds in the consideration of exceptions to development standards in the LEP under clause 4.6.

1.6 Structure of this Development Control Plan

This plan is structured to assist applicants to efficiently find the relevant development provisions in a logical manner as follows:

Part 1 – Introduction

This Part outlines the plans' purpose and structure, its relationship with other plans and policies and a detailed Table of Contents and general Aims and Objectives.

Part 2 – Process (what do I lodge with the DA & how is the DA notified)

This Part outlines the range of submission requirements for lodgement and assessment of a DA. Notification, advertising and referral processes are also prescribed in this Part.

Part 3 - General Principles of Development

This Part outlines general development principles to be considered and applied as relevant for all forms of development.

Part 4 – Development Controls and Development Types

This Part outlines development controls relating to residential, commercial and industrial development as well as a range of other specific development types.

Part 5- Special Character Precincts, Areas and Sites

This Part contains additional guidelines including design requirements and/or environmental sensitivities which exist for certain places that require special consideration. Development Proposals are also to have regard to the general provisions of Parts 3 and 4, in conjunction with the additional design requirements of this Part.

Schedules

The Schedules comprise a range of maps, tables and additional detail referred to in this plan.

Dictionary

The Dictionary adopts meanings contained in Manly LEP 2013 and provides a range of additional dictionary meanings not otherwise provided in the LEP.

1.7 Aims and Objectives of this Plan

The General Aims of this plan are to:

a) Ensure that development contributes to the quality of the natural and built environments.
b) Encourage development that contributes to the quality of our streetscapes and townscapes.
c) Ensure that development is economically, socially and environmentally sustainable and to require the principles of ecologically sustainable development to be taken into consideration when determining DAs.
d) Ensure future development has consideration for the needs of all members of the community.
e) Ensure development positively responds to the qualities of the site and its context.
f) Ensure development positively responds to the heritage and character of the surrounding area.

See also Objectives throughout this plan and the LEP as relevant.

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Part 2

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Part 2 – Process (what do I lodge with the DA & how is the DA notified)

This Part outlines the range of submission requirements for lodgement and assessment of a DA. Notification, advertising and referral processes are also prescribed in this Part.

The provisions in this Part detailing DA submission requirements are to ensure the preparation of complete and comprehensive DAs for notification, assessment and determination with regard to all relevant heads of consideration.

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2 Process
(Including what to lodge with the DA & how the DA is notified)

2.1 Submission Requirements for Lodgement of DAs

Relevant DCP objectives to be met include the following:

Objective 1) To ensure the preparation of complete and comprehensive DAs for notification, assessment and determination with regard to all relevant heads of consideration.

Notes: Prior to the preparation and lodgement of a DA it is recommended that a 'pre-lodgement' meeting be held with a Council assessment officer. For further information, and to arrange an appointment, contact the Council's Customer Service Centre.

A DA package containing all the relevant documentation and checklists to assist in preparing DAs is available from the Manly Council Customer Service Centre or at www.manly.nsw.gov.au.

Part 2 of this plan generally deals with DA lodgement and notification process but also contains certain requirements for the lodgement of a Construction Management Plan with a Construction Certificate typically required under conditions of a DA.

2.1.1 Statutory and General Requirements for DA Lodgement

Statutory requirements in relation to DA lodgement requirements (including a Statement of Environmental Effects, scaled plans, north point etc.) are contained in Environmental Planning and Assessment Regulations 2000.

2.1.1.1 Notification Plans

See also paragraph 2.2 Local Consultation Processes.

Note: Environmental Planning and Assessment Regulation 2000 requires at clause 56 that certain extracts of DAs be publicly available known as 'notification plans'. Council uses this information for notification purposes by generally attaching notification plans to letters notifying the DA to certain neighbours and owners.

The notification plan must be lodged with the DA including:

a) at least 10 paper copies on A4 size paper;

b) sufficient detail to identify the land to which the DA relates; and

c) a plan of the building that indicates its height and external configuration, as erected, in relation to the site on which it is to be erected, as relevant for the development.

2.1.1.2 Survey Plans

a) A basic Site Survey Plan prepared by a Registered Surveyor is to accompany DAs and will include:
   i) site contours and levels relative to Australian Height Datum;
   ii) site boundaries;
   iii) existing structures;
   iv) easements and rights of way;
   v) tree locations; and
   vi) significant distances to boundaries.

b) A more detailed Survey Plan is required for all new developments including developments involving new floor levels and all major alterations and additions where FSR is increased by more than 50 percent. As well as matters listed in paragraph a) above, the additional survey detail will, as appropriate include:
   i) a plan of the building that indicates its height and external configuration, as erected, in relation to the site on which it is to be erected, as relevant for the development;
   ii) levels in relation to adjoining properties where development is in close proximity with the potential of impacting neighbouring properties;
   iii) details to assess shadow affects including details of surrounding properties, window locations, levels and open space areas; and
   iv) survey data for Landscaping Plans including individual tree identification including height, canopy size and distance from the proposed development.

2.1.1.3 Reports on Statutory Exceptions to Development Standards ('clause 4.6 submission')

Where a DA seeks any 'exception' (or variation) to a development standard (for example FSR, building height etc.) under LEP clause 4.6; that DA must be accompanied by a statement or report i.e. the 'clause 4.6 submission' seeking to justify the contravention of the standard by demonstrating that:

a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

b) there are 'sufficient environmental planning grounds' to justify contravening the development standard.

See LEP clause 4.6(3).

See also guidelines for variations to development standards prepared by Department of Planning and Environment www.planning.nsw.gov.au/varying-development-standards and Land and Environment Court principles '5 part test'.

2.1.2 Context and Site Analysis

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

Objective 1) To ensure that all development contributes positively to the street and locality by considering the site context/ locality and an analysis of the site, including site constraints in the design of development.

Context and site analysis must accompany all DAs, demonstrating that consideration has been given to designing new development with appropriate regard to site constraints and in context with the immediate locality. This analysis is a key element in the design process required when preparing DA plans. See also the Dictionary meaning in this plan.

2.1.2.1 General Requirements for Context and Site Analysis

a) Context and Site Analysis must be demonstrated in all DAs with a statement and/or plans having regard to the relevant considerations of context and site analysis listed at *paragraph 2.1.2.2*. Council will consider whether the design of a development proposal is compatible with the character of the local area and minimises adverse impacts on adjoining properties and the vicinity.

b) <u>General extent for analysis (including minimum radius)</u>

i) The nature of the required context and site analysis plan will vary depending of the complexity, scale and degree of potential environmental effects associated with the proposed development and the environmental sensitivities of the location. Where there are few relevant considerations and potential impacts, the Context and Site Analysis may be provided as part of the Statement of Environmental Effects with a simple statement explaining how the design of the proposed development has responded to the site analysis with plans showing key characteristics of the site and the relationship with adjacent buildings and streets.

ii) Where there are a greater number of relevant considerations and potential impacts, a more comprehensive report and a Context and Site Analysis Plan is required. Development involving significant streetscape considerations may also require a cross section drawing showing the relationship (including levels) of the proposed development to other development in the vicinity and streetscape elements.

iii) The consideration of local context should generally extend to incorporate land within a radius of at least 50m of the site. A greater radius of at least 100m radius is to be adopted for new residential accommodation involving more than 1 dwelling and new commercial or industrial development. A minimum 300m radius is to be adopted for telecommunications development.

c) Photographs are required to accompany any DA illustrating the site and its setting. Where appropriate, the context of adjoining properties will also be illustrated, including those on the opposite side of the road and streetscape generally.

d) Details of Building Materials used externally are to be detailed for residential flat buildings, multi dwelling housing and attached dwellings, new commercial development and for all DAs for development involving building works in Manly Town Centre including a sample board of the proposed materials and colours of the facade where new work is proposed to the facade.

e) An Architectural Model must accompany DAs for residential flat buildings, multi dwelling housing and attached dwellings and for non-residential development of more than 500sqm in gross floor area. An appropriate scale for a typical model is 1:200.

2.1.2.2 Considerations

The context and site analysis is to consider relevant opportunities and constraints for development and potential impacts of the proposed development on adjoining sites, critical habitat and the streetscape. The context and site analysis is to also consider how these considerations influence the design of the proposed development including consideration of the following:

a) Building and roof form, scale, building material, external finishes and colours in accordance with paragraph 2.1.6 of this plan.

b) The existing ground and/or floor levels of adjacent properties in relation to the development site and any proposed earthworks (cut and fill);

c) Existing boundary walls, retaining walls and fences including the height of existing walls and retaining walls in the vicinity of site boundaries;

d) Details of adjacent and nearby buildings including typology, location, siting, uses, including details of abutting private and communal open space and the location of main living area windows i.e. lounge room, kitchen, study, dining room;

e) The streetscape, ~~adjoining streets and foreshore or ocean~~ 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).

f) The extent of any demolition;

g) Topography and natural drainage patterns including existing contours, slope and spot levels as necessary;

h) Prevailing winds in summer and winter. The location of nearby buildings may act as a windbreak to deflect cold prevailing winds in winter. In summer however, advantage should be taken of prevailing winds for their cooling effects;

i) Adjacent foreshore or ocean, natural open space (bushland) / public or private recreation zones and access;

j) Existing vegetation, particularly native vegetation, fauna habitat and significant trees over 4m high both onsite and/or or within 3m of common boundaries;

k) Location of significant natural features including waterways/gullies, riparian land, groundwater dependant ecosystems, rocky outcrops, cliffs, bush rock and other features contributing to biodiversity;

l) Vehicular and pedestrian access points, cycle ways and connectivity;

m) Any easements or rights of way including drainage lines and services (including power poles, street trees, kerb crossings, bus stops);

n) Heritage Items and Conservation Areas either relating to the site on in the vicinity as well as any potential items of the environmental heritage (*see paragraph 3.2*);

o) Vistas and view lines, either to or from private and public land;

p) Solar access enjoyed by adjacent and nearby residents with particular regard to the location of adjacent private open spaces and living rooms *(see paragraph 3.4.1)*;

q) ~~Existing shadows cast by adjoining development, fences and vegetation~~; 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.

Note: Adjoining buildings and structures located in close proximity to a development site may cause significant overshadowing, which can act as a constraint on solar access and site development. The site analysis drawing should illustrate these, and the impact the overshadowing will cause throughout the year;

r) The size and orientation of allotments;

Note: To make the best use of solar energy, a designer must be aware of the pattern of the sun's movement throughout the day, and also specific site considerations that might affect solar access. The path of the sun corresponds to seasonal changes;

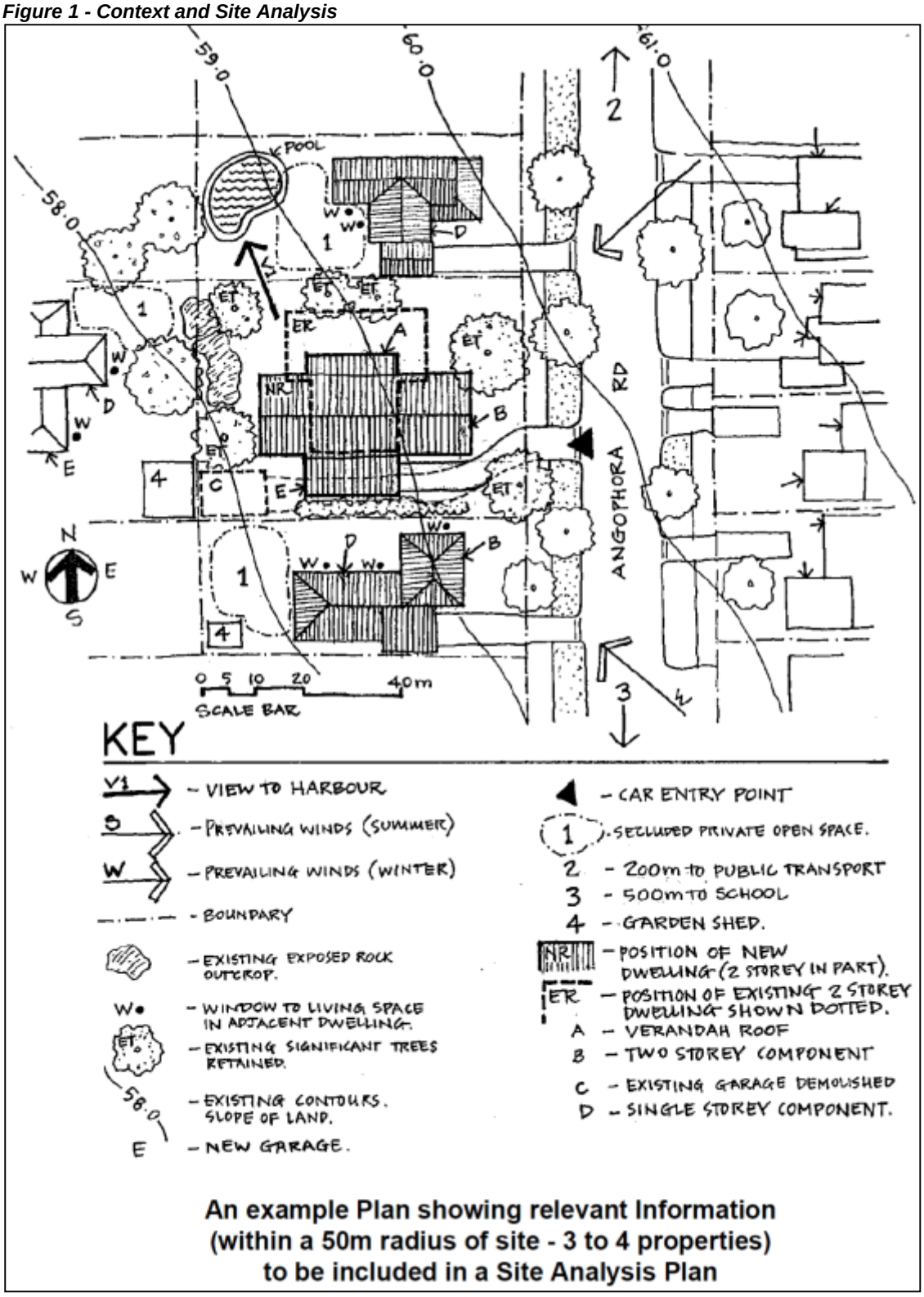
s) Contaminated lands;

Note: Development cannot be approved on a site known to be contaminated unless it has been determined that the land is suitable in its contaminated state for the proposed use, or that the land would be suitable after remediation works have been undertaken. For further Information please refer to State Environmental Planning Policy No 55 - Remediation of Land.

t) Location of any sensitive land-uses in the locality and potential environmental and social effects (including the effects of telecommunications development) with regard to the pre-cautionary principle; and

u) Noise sources on and near the site including acoustic privacy enjoyed by adjacent and nearby residents.

Figure 1 - Context and Site Analysis



An example Plan showing relevant Information (within a 50m radius of site - 3 to 4 properties) to be included in a Site Analysis Plan

2.1.3 Landscaping Plan

Relevant DCP objectives are at paragraph 3.3 of this plan.

2.1.3.1 When is a landscaping plan required?

A detailed Landscape Plan must accompany all DAs for:

a) new dwelling(s) including all types of residential accommodation;

b) alterations or additions which increase the building footprint, including ancillary structures, decks and the like by 15 percent or more;

c) swimming pools;

d) industrial, commercial or mixed use development involving building work or major change of use;

e) building works where it is proposed to remove an existing tree or other vegetation other than those trees that would require a Tree Permit to remove or prune the tree; and

f) alterations or additions where the new or altered building footprint is within 5m of a tree trunk that would require a Tree Permit to remove or prune. *See paragraph 2.3* of this plan in relation to Tree Permits.

2.1.3.2 Preparation of landscaping plans

The Landscape Plan is to be prepared by a landscape designer or landscape architect and will include:

a) a drawing scale of 1:100 or 1:200;

b) the building envelope of main structures on the site (buildings, parking structures, pergolas etc);

c) topographical information and all existing landscape features;

d) location of any proposed disturbance or clearing of vegetation and accompanying details of protection and mitigation measures. See also *paragraph 2.1.10 Construction Site Management Reports and Plans*;

e) existing and proposed vegetation mapped (and detailed in a Schedule as appropriate) including the name, height and canopy size of the following:

   i) all existing trees to be retained over 5m high or where the trees/vegetation require a tree permit. See *paragraph 2.3.1 of this plan;*

   ii) all existing trees/vegetation proposed to be removed or pruned including trees on the site boundary which are a neighbour's or Council's tree (whether subject of a tree permit or not) and accompanied by appropriate justification for the removal of the tree in the Statement of Environmental Effects or an Arborist Report; and

   iii) all proposed plants detailing both botanical and common names, plant numbers, pot size, likely mature height and canopy spread and staking requirements.

f) boundary and courtyard fencing and walls, including proposed heights;

g) the location of trees on neighbouring properties or street trees where the new or altered building footprint is within 5m of any tree trunk or within the tree canopy;

h) swimming pools, spas and water features;

i) lighting details for communal and/or public areas within the site;

j) paths, paved areas and existing and proposed finished levels of all hard surfaces, particularly retaining walls and swimming pools surrounds; and

k) principal private open space located and dimensioned in accordance with this plan. See *paragraph 4.1.5.3 Principal Private Open Space.*

2.1.4 Shadow Diagrams

Relevant DCP objectives are at *paragraph 3.4.1 of this plan*.

a) Shadow diagrams and elevations are required to demonstrate compliance with this plan in relation to both:

   i) the area of the open space affected by shadow (existing and proposed) at *paragraph 3.4.1.1;* and

   ii) the duration of solar access to living room windows of adjoining residences at *paragraph 3.4.1.2.*

   Any exceptions to the controls must be identified and justified with particular regard to the impact of the proposal on the sunlight to adjoining open space and living room windows as well as the private open space of the development.

b) Shadow diagrams are to be provided for the winter solstice (21st June) and the March/September equinox at 9am, noon and 3pm. The shadows cast at these periods is to be indicated for both the existing and

proposed development. The diagrams are also to indicate buildings on both the subject site and adjoining properties with effected window locations marked including the full extent of the adjoining site boundaries.

c) Shadow elevations of adjacent properties are to be provided for the winter solstice (21st June) sufficiently detailed to demonstrate compliance with the minimum hours of solar access required in this plan. The shadow cast at these periods is to be indicated for existing and proposed development with window locations and dimensions accurately shown (including room use nominated).

d) The shadow diagrams are to be based on a survey plan prepared by a registered surveyor. Council may also require shadow diagrams to be verified by a suitably qualified person such as an Architect or Planning Consultant.

2.1.5 Heritage Management Documents (including Aboriginal Heritage)

Relevant DCP objectives to satisfy in relation to Heritage are at *paragraph 3.2* of this plan.

2.1.5.1 Heritage Management Documents

Heritage Management Documents must accompany any DA where the carrying out of the proposed development may affect the heritage significance of a heritage item, conservation area, aboriginal object or place of heritage significance in accordance with LEP clause 5.10(5). Heritage Management Documents will be generally required to accompany all DAs on land which is either heritage listed under LEP Schedule 5; in the vicinity of listed heritage (see *paragraph 3.2.1.1* of this plan); or of potential heritage significance (see *paragraph 2.1.5.2* below). In determining whether Council may require a Heritage Management Document, consideration may also be given to the heritage significance and the extent of change proposed under LEP clause 5.10(5).

Heritage Management Documents may comprise either:

a) a Heritage Impact Statement which identifies heritage significance, assesses impact on that significance and measures to minimise that impact. In particular a Heritage Impact Statement will:

   i) demonstrate that all possible means of mitigating any negative impact on the item have been addressed and that the proposed works will not significantly alter the heritage significance of an item or the character of the locality;

   ii) be prepared by a qualified heritage consultant and in the case of Heritage Impact Statements, Council may accept statements from any other appropriately qualified or experienced person for minor development;

   iii) assist Council in its assessment of the development but Council may decide not to adopt, or not to fully adopt, the particular recommendations of the documents submitted.

See LEP Dictionary and www.heritage.nsw.gov.au/docs/hm_statements.

b) a Heritage Conservation Management Plan involving items of State or National significance including St Patricks Estate, Manly Wharf and the Quarantine Station and containing relevant conservation policies and management mechanisms in accordance with NSW Guidelines and Policy; or

c) any other document that provides guidelines for the ongoing management and conservation.

2.1.5.2 Potential Heritage Significance

In addition to the LEP provisions, this DCP may also require a Heritage Management Document be prepared in relation to any other development that has potential heritage significance. Council's Heritage Planners can assist in determining the need for Heritage Management Documents in these circumstances. For further assistance in the assessment of Heritage Significance and in determining whether a place is significant or whether it should it be listed see www.heritage.nsw.gov.au/docs/assessing heritage significance.pdf.
See also *paragraph 3.2.1.2* of this plan.

2.1.5.3 The Corso, Manly

Heritage Impact Statements for development within The Corso Heritage Item must particularly consider:

a) any heritage significance before determining the development potential of the property. In particular, this heritage assessment must give equal consideration to the:

   i) internal and external significance of the individual property;

   ii) relationship of that property to adjoining buildings, and

   iii) role of the property to the significance of the whole street and the Town Centre Conservation Area.

b) whether the development parameters for the site are appropriately established based on the heritage significance and the specific provisions of this plan in respect to heritage conservation.

See also other development matters in this plan including *paragraphs 4.2.1 to 4.2.5* in relation to development in LEP Business Zones as well as the Manly Town Centre Urban Design Guidelines.

2.1.6 Schedule of Building Materials and Finishes (including Reflectivity)

A schedule of building materials and finishes is required for new development and alterations and additions involving considerations of heritage significance, streetscapes, townscapes or foreshore scenic protection. The schedule must indicate that:

a) building materials, finishes and colours will complement those qualities that are dominant and that particularly contribute to the qualities in the locality. Developments within a bushland setting are encouraged to use colours in muted naturalistic hues similar to those of the bushland; and

b) the reflectivity of external materials and finishes (including roofs and walls) will be minimal in accordance with industry standards. The use of reflective glass and curtain walling as a facade treatment is not generally favoured by Council in terms of being consistent with townscape objectives and neighbourhood amenity. Council may require the lodgement of manufacturer's specifications of certain materials and finishes to demonstrate adequately low levels of glare from external surfaces in certain circumstances.

See also paragraph 3.4.c for general principles in designing for amenity.

2.1.7 Sustainability Reports/ Certificates

Relevant DCP objectives for sustainability are at *paragraph 3.5* of this plan.

The lodgement of building sustainability reports will ensure all DAs appropriately consider sustainable building practices with particular regards to delivering equitable and effective water and greenhouse gas reductions to residential development across NSW (BASIX Certificate) and the submission of Energy Performance Report for certain other types of development.

2.1.7.1 Building Sustainability Index (BASIX) Reports for Residential Development

a) The applicant is required to obtain and submit a BASIX Certificate with the DA. The plans and specifications must also identify the BASIX commitments which will be checked by a professional building certifier during construction. The applicant must ensure that a DA is consistent with the commitments shown on the corresponding BASIX Certificate. Where submitted plans or specifications are inconsistent with the relevant BASIX Certificate, Council may require applicants to submit consistent DAs before progressing the assessment process, either by requiring amending plans / specifications or by requiring the submission of a new BASIX Certificate with commitments that match the rest of the DA. While some commitments may not need to be shown on plans until the Construction Certificate stage, applicants must refer to the BASIX Certificate to see which commitments need to be demonstrated at each stage.

Notes: Sustainability provisions are mandated under provisions of NSW State Environmental Planning Policy (BASIX) to reduce consumption of mains-supplied potable water, reduce emissions of greenhouse gases or improve thermal comfort for all residential development. The minimum standards that a development is to achieve are determined in the completion and lodgement of a "BASIX Certificate".

The Building Sustainability Index (BASIX) is a web-based planning tool designed to assess the potential performance of residential buildings against a range of sustainability indices and demonstrate compliance with certain targets. A BASIX Certificate identifies the sustainability features required to be incorporated in the building design. These features may include sustainable design elements such as recycled water, rainwater tanks, AAA-rated showerheads and taps, native landscaping, heat pump or solar water heaters, gas space heaters, roof eaves/awnings and wall/ceiling insulation.

Applicants can generate the BASIX Certificate only on the NSW Government BASIX website: www.basix.nsw.gov.au. For more information, phone the BASIX Help Line on 1300 650 908.

2.1.7.2 Energy Performance Reports for Non-Residential Development

a) In respect of non-residential development an Energy Performance Report demonstrating that buildings meet assessed energy target, must be submitted for all DAs in the following categories:
   i) commercial and industrial type buildings with a ground floor area of greater than 500sqm; and
   ii) subdivision creating more than 2 lots.

b) An Energy Performance Report must clearly illustrate compliance with the planning provisions for Energy Efficiency/conservation contained at *paragraph 3.5* of this plan. This Energy Performance Report must be prepared by an Energy Auditor qualified in energy efficient building design and listed on the Commonwealth

Government's Register of Greenhouse and Energy Auditors. See www.cleanenergyregulator.gov.au. Energy Performance Reports from other professionals may be accepted if their qualifications and experience in assessing the energy efficiency of a DA is appropriately demonstrated to Councils' satisfaction.

Notes: This plan does not prescribe fixed energy targets as these may vary due to design, siting and location. The Energy Auditor must initially make an assessment of the amount of energy the building should consume per annum given variations in circumstances as well as the associated greenhouse gas emissions the building will produce per annum. These will be the energy consumption target for the building and the Energy Performance Report must outline how these targets will be met.

2.1.8 Water Sensitive Urban Design Strategy

See also *paragraph 3.5.8* for objectives, guiding principles and targets for water sensitive urban design.

A Water Sensitive Urban Design Strategy is required for certain major development types (and encouraged for other types) to demonstrate that development meets applicable water conservation and stormwater quality targets.

2.1.8.1 Water Sensitive Urban Design for different development types

a) DAs for which a Water Sensitive Urban Design Strategy is encouraged include:
   i) Medium and high density residential development.

b) DAs for which a Water Sensitive Urban Design Strategy is required include:
   i) Commercial and industrial alterations and additions where the increase in the roofed and/or impervious area is equal to or greater than 150sqm;
   ii) Any new non-residential development involving the provision of 10 or more car parking spaces.

2.1.8.2 Water Sensitive Urban Design Strategy

A Water Sensitive Urban Design Strategy will detail stormwater quality control measures and potable water savings to be implemented for certain development types under *paragraph 2.1.8.1* and will include:

a) a description of the proposed development detailing roof area, catchments, size etc. Any known background information, including previous studies should also be referenced and considered;

b) objectives that apply to the proposed development including objectives for stormwater quality and water conservation;

c) evidence of how the stormwater quality targets will be met. Stormwater quality model is to determine the anticipated stormwater quality pollutant loads generated from the development and develop a strategy to achieve the targets. This modelling is to be in accordance with draft NSW Water Sensitive Urban Design Guidelines, using the Modal for Urban Stormwater Improvement Conceptualisation or similar. The modelling should include:
   i) the location, size and configuration of stormwater treatment measures proposed for the development;
   ii) a summary of stormwater quality modelling results demonstrating compliance with the targets; and
   iii) details of the modelling of those elements and parameters and assumptions used;

d) details demonstrating how the potable water conservation targets will be met;

   Note: For residential developments this maybe in the form of a BASIX certificate. See *paragraph 2.1.7.*

e) an outline of how Water Sensitive Urban Design elements will be integrated with the development layout. This may include site plans which include Water Sensitive Urban Design elements, a list of plant species to be used in stormwater treatment measures and drawings to demonstrate conceptual layout of Water Sensitive Urban Design elements within the context of other site features; and

f) estimates for capital, operational and maintenance cost of the proposed water cycle management measures. Both typical annual maintenance costs and corrective maintenance or renewal/adaption costs should be included.

2.1.9 Accessibility Checklist

Relevant DCP objectives are detailed at *paragraph 3.6* of this plan.

All DAs for buildings or facilities required to be accessible must be accompanied by a checklist indicating compliance or otherwise with this plan. An Accessibility Checklist including additional resources is at Schedule 5. More complete details demonstrating compliance must be submitted with the Construction Certificate.

2.1.9.1 Requirements for Access Statements

a) Where a proposed development does not meet access requirements and where a provision of access for people with disabilities is not possible, then an access statement is required. This statement must include a request to vary the access requirements. This statement is also to accompany a DA and detail the reasons for non-compliance with requirements at *paragraph 3.6* and whether a practical solution can be achieved. This will need to be supported with evidence that all design options have been explored and should also consider the costs of each design option.
b) The access statement must address 'unjustifiable hardship' where the assessed need for a particular service or facility is considered against the capacity to provide the service or facility and the likely benefits or detriments that may accrue or be suffered by the persons concerned. Council may consider a variance with the Building Code of Australia, where access to or within the building or development is not compromised.

2.1.10 Construction Site Management Reports and Plans

See also *paragraph 2.1.11 Erosion and Sediment Management Plans.*

See also *paragraph 2.1.12 Waste Management Plans.*

See also *paragraph 2.1.13 Site Stability (Geotechnical Survey) Reports.*

See also *paragraph 3.5.7 Building Construction and Design*

Note: The abovementioned parts of this plan provide detailed requirements for certain aspects of Construction Site Management Reports and Plans. A Construction Site Management Report and Plan must also accompany any application for a Construction Certificate.

Relevant DCP objectives to be met include the following:

Objective 1) To ensure the proper management of a site to maintain the integrity of the environment and to prevent the potential for pollution whilst maximising environmental protection.

The Construction Site Management Report and Plan must demonstrate appropriate management of a development site during the construction phases and will address requirements and satisfy and/or mitigate concerns as detailed following:

2.1.10.1 Protection of Flora & Fauna and Natural Features

a) Any clearing of existing vegetation must be detailed and located on both the site & landscaping plans, identifying measures to protect vegetation to be retained.
b) Trees, significant under-storey vegetation, and significant natural features such as rock outcrops (that have been identified on the site plan to be preserved) must be fenced. The fencing will be located 1m from the canopy of trees to be retained.
c) Site activity must avoid disturbance to rock outcrops and bush rock. Salvaged bush rock will be re-used in landscape works.
d) Trenches for services must be located outside the canopy of retained trees wherever possible. If there is no alternative, then the exposed face of the trench will not be closer than 4m from the trunk of a retained tree. The trench will be excavated with hand tools.
e) Care must be taken during excavation to ensure tree roots of 4cm diameter or greater are not damaged or severed;
f) Protective fencing must be marked with warning signage, with lettering no less than 10 cm high, identifying the reasons for the fencing;
g) Native vegetation, approved for removal, should be mulched and used in the final landscaping and accompanied by appropriate stormwater and sediment protection measures.
h) Seed bank regeneration must be used to promote the perpetuation of indigenous plants on the site; and
i) Grassed areas must be preserved to retain the maximum possible cover of natural vegetation and minimising the area of disturbed land.
j) In areas of threatened species or critical habitat (*see paragraph 5.4.2*) more detailed consideration of environmental management is required outlining all measures for the protection of identified species or habitat during the construction period including the measures identified in a Threatened Flora & Fauna Assessment of Significance Report as described at *paragraph 2.1.15.*

2.1.10.2 Protection of Cultural Features.

a) The Construction Site Management Reports and Plans must identify details of all known significant natural features, historical or archaeological features and how they will be protected.

b) Items which must be protected from damage or destruction (unless permitted under development consent) include Aboriginal sites or relics; Natural features for example landscape and heritage items including fences; and Archaeological relics.

c) Where there is the likelihood of disturbing archaeological relics, such as the foundations of an earlier building, care will be taken with the use of heavy equipment. If excavation is proposed in areas containing potentially significant relics, approval is required from the NSW Heritage Council. Aboriginal sites are protected under the National Parks and Wildlife Act 1974.

d) In relation to LEP heritage items (see *paragraph 3.2* of this plan) the DA must demonstrate that:

   i) the building fabric will be stabilised and surviving structural members and systems will be repaired or refurbished;

   ii) only unsound material supplemented or replaced; and

   iii) the existing footings will not be disturbed by new excavations that may damage them or weaken the structure. Hand tools will only be used in their vicinity.

2.1.10.3 Demolition and Construction

Residues from operations such as masonry-cutting, washing tools, and concreting must be:

a) contained on the site and treated using sedimentation settling tanks or flocculation and disposed of in accordance with the Waste Management Plan at *paragraph 2.1.12* of this plan;

b) stored well clear of any poorly drained or flood prone areas, stream banks, and channel or stormwater drainage area in a designated area and under cover where possible; and

c) provided with containment bunds, constructed around the storage areas which allow salvaging of spilt materials.

2.1.10.4 Noise and Vibration Control

Construction Site Management Reports and Plans must identify details of all noisy equipment or processes (including noise ratings) and what will be done to reduce noise levels. Manly Council restricts both the level and extent of noise and vibration generating activities in accordance with NSW legislation and specific requirements may be included in the DA determination.

2.1.10.5 Erosion and Sediment Control

Consideration of Stormwater Erosion and Sediment Control is required in this plan under *paragraph 2.1.11* Erosion and Sediment Management Plans.

2.1.10.6 Waste Management

Consideration of Waste Management is detailed at *paragraph 2.1.12* of this plan which provide for Waste Management Plans either for submission with the Construction Certificate or to be partly complete with the DA lodgement for certain development. Development Principles and Guidelines for Waste are also at paragraph 3.8 of this plan.

2.1.10.7 Site Stability (Geotechnical Survey) Reports

Consideration of Landslip and Subsidence is required with the provision of Site Stability (Geotechnical Survey) Reports for certain lands detailed at *paragraph 2.1.13* of this plan and at *Schedule 1 - Map C - Potential Geotechnical Landslip Hazard.*

2.1.11 Erosion and Sediment Management Plans

See also *paragraph 2.1.12 Waste Management* in this plan.

See also Guidelines for Erosion and Sediment Control on Building Sites - Manly Council 2005.

All developments exposing soil by excavation, filling or grading, will require an Erosion and Sediment Management Plan to be submitted and endorsed by Council including the following:

a) A plan and report detailing the proposed methods of erosion control and soil and water management, including maintenance and any other areas of concern as may be required by the Council;

b) Erosion and sediment control methods for stabilisation must incorporate:
   i) diversion banks up-slope of the work to divert water around the disturbed area;
   ii) spreaders or straw bales at the end of the diversion bank and overland flow paths from the disturbed area to dissipate flows and the placement of geo textile filter fabric fences down-slope of the work.

c) The retention of vegetated buffer strips adjacent to the construction area;

d) The progressive restoration of disturbed areas;

e) Adequate sediment containment and stormwater flows during periods of wet weather;

f) Stormwater or other run-off leaving any work site in accordance with quality standards of the Protection of the Environment Operations Act 1997;

g) Stormwater run-off flowing onto disturbed areas (including stockpiles), must be intercepted, diverted and/or legally disposed of into an approved containment or treatment system prior to disposal;

h) Gravel-mesh 'sausages' will be used for the protection of drains, gutters, roadways and access-ways;

i) Drains, gutters, roadways and access-ways must be kept free of sediment;

j) A sediment containment fence must be erected around any area subject to excavation or vegetation removal;

k) All building materials must be stored within the sediment controlled area of the site;

l) Stockpiles of topsoil, sand, aggregate, spoil or other landscaping materials must be:
   i) located on a contour at least 2m from hazardous areas and areas of likely concentrated water flows; for example, kerbs or road surfaces, slopes steeper than 10 percent, or any waterways, drainage lines or easements;
   ii) protected from run-on water by placing diversion banks up-slope;
   iii) not located on nature strips, footpaths, roadways, kerbs, access-ways within protected fencing areas or around or against trees or shrubs; and
   iv) formed with sediment control structures placed immediately down-slope to protect other lands and waterways from sediment pollution.

m) Sewer, water, power, communications and drainage trenches must be backfilled (with approved backfill material), compacted up to the adjoining ground level and top-soiled within 24 hours of inspection and stabilised against erosion;

n) If a topsoil stockpile is to be retained for more than 28 days, it must be turfed or grassed immediately with a suitable annual species and stabilised. Surplus topsoil must be removed from the site;

o) The site must be progressively stabilised and/or revegetated as levelling and ground-works are completed;

p) Disturbed areas must be stabilised and/or revegetated prior to the removal of sediment controls and fences;

q) Cut and fill batters must be stabilised immediately;

r) Stormwater from roofed areas must be connected to the Council's stormwater disposal systems immediately any new roof is in place;

s) Vehicle access to the site must be restricted to a single entry and exit point unless otherwise agreed to by the Council;

t) Fencing and barriers must restrict vehicular movements to the stabilised entrance;

u) The access and traffic ways on the site must be constructed of 40mm aggregate, either recycled concrete or blue metal gravel, compacted and stabilised.

Note: The depth of the aggregate at the entry/exit will be 150mm and the length of the entry/exit will be not less than 5m with a width of not less than 3m.

v) Regular construction traffic ways, pedestrian and vehicular must be appropriately sealed, to minimise erosion, and drained to sediment control devises; and

w) Procedures must be established for washing down the tyres of construction vehicles before they exit the site. Wash down water and residues will be collected, contained and treated on the site prior to disposal.

2.1.12 Waste Management Plans

This part details requirements for lodging:

   i) a preliminary waste management plan at the DA stage;
   ii) a complete waste management plan prior to the issuing of a construction certificate; and

iii) details of ongoing waste management after construction including provision of waste facilities designed to support source separation of waste and efficient waste collection.

See *paragraph 2.1.10 Construction Site Management Reports and Plans.*

See *paragraph 3.5 Sustainability* (Objectives).

See *paragraph 3.8 Waste Management*

2.1.12.1 Waste Management at DA or Construction Certificate stage

a) Council may request that either the whole or part of the Waste Management Plan be submitted at DA stage where:
   i) development is located in the Manly Town Centre;
   ii) development includes more than 40 dwelling units; or where
   iii) the property does not have reasonable access to Council's usual garbage and recycling collection point.

Note: Completing Waste Management Plans require some research but the process should assist site managers in planning their necessary waste management procedures. This could ultimately result in cost savings.

b) A Waste Management Plan must be submitted with a Construction Certificate for development which involves construction and/or demolition (including alterations, additions and fit-outs). The plan must address:
   i) The type and quantity of excess materials to be generated during the demolition, construction and on-going stages of the proposed development;
   ii) How excess materials are to be stored and used (by re-use and/or recycling) either on or off site;
   iii) How and where residual waste will be disposed; and
   iv) How waste generated by the use of the completed development will be managed.

2.1.12.2 Scope of Waste Management Plans

The Waste Management Plan will form a component of the overall Construction Site Management Reports and Plans (see *paragraph 2.1.10* of this plan) and require consideration of the following matters:

a) The type and quantity of excess materials to be generated during the demolition, construction and on-going stages of the proposed development;

b) How excess materials are to be stored and used (by re-use and/or recycling where practicable) either on or off site;

c) How and where residual waste will be disposed; and

d) How waste generated by the use of the completed development will be managed.

2.1.12.3 Post Construction Waste Management for Residential Accommodation

a) In relation to dwelling houses, the site plan and floor plan layout of the proposed development must provide for the ongoing management of waste for occupants of the development as follows:
   i) location of a waste cupboard waste storage area within the dwelling capable of holding a single day's waste and allow source separation of non-recyclable and recyclable waste;
   ii) location of external waste storage and recycling area capable of accommodating Council's standard garbage and recycling bins, located outside the dwelling with convenient access to the usual collection point.

Note: If a development is to include a mix of residential and commercial activities, separate collection arrangements must be provided. See also *Schedule 10* for bin/container size.

b) In relation to all other residential accommodation involving more than 1 dwelling, the proposed development must provide for the ongoing management of waste for occupants of the development as follows:
   i) the location of individual, external waste storage and recycling area(s) relative to the usual collection point; or
   ii) if a communal waste storage and recycling area(s) or garbage and recycling room(s) is proposed, design specifications must be included. This would include a floor plan, elevations and cross section drawings of the room and also the materials and finishes to be used; and
   iii) design details of any garbage chute if applicable.

c) If a communal facility is proposed, the area(s) must:
   i) be able to accommodate all bins required;

ii) be accessible from all dwellings; and

iii) have prominent signage indicating correct use of bins.

d) The location and design of the waste storage area must complement the streetscape and must not impact on the amenity of adjoining properties (visual, noise, and odour).

2.1.12.4 Post Construction Waste Management for Commercial and Industrial Development

a) Commercial and Industrial building works require the following details to be provided on the floor/site plan:

i) individual waste storage and recycling area(s) located externally and relative to the collection point; or

ii) if a communal waste storage and recycling area(s) or garbage and recycling room(s) is proposed, design specifications must be included. This would include a floor plan, elevations and cross section drawings of the room and also materials and finishes

iii) if applicable, design details of garbage chute system(s) and any volume reduction equipment.

b) If individual garbage and recycling storage areas are proposed, sufficient space must be provided to facilitate source separation of waste and must be compatible with the chosen waste collection service.

c) If a communal waste storage and recycling area is proposed the following requirements also apply:

i) each separately tenanted or separately occupied area within the building or complex must have easy access to collection containers able to accommodate the type and quantity of waste and recyclable material generated;

ii) be able to accommodate all bins required;

iii) have prominent signage indicating correct use of bins; and

iv) garbage and recycling facilities must be situated as to not impact on the amenity of adjoining premises (noise, odour or visual).

Note: Where hazardous or unique waste materials are to be generated special arrangements will be required. Advice should be sought from the Environment Protection Authority or Council on the specific management arrangements for these materials.

2.1.13 Site Stability (Geotechnical Survey) Reports

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

Objective 1) To ensure that Council and the community are aware of, and appropriately respond to all identified potential landslip & subsidence hazards.

Objective 2) To provide a framework and procedure for identification, analysis, assessment, treatment and monitoring of landslip and subsidence risk and ensure that there is sufficient information to consider and determine DAs on land which may be subject to slope instability.

Objective 3) To encourage development and construction this is compatible with the landslip hazard and to reduce the risk and costs of landslip and subsidence to existing areas.

See also paragraph *4.4.5 Earthworks* (Excavation and Filling) of this plan and LEP clause 6.2.

2.1.13.1 When is a Site Stability (Geotechnical Survey) Report required?

a) A Site Stability Report is required with a DA when the proposed development involves:

i) any land identified on the LEP Landslide Risk Map. In this regard a DA for development on land identified on the LEP Landslide Risk Map must consider certain matters under LEP clause 6.8;

ii) any excavation greater than 1m below natural ground level for a basement or basement car parking area;

iii) building works (load bearing) on land contained in geotechnical area ‘G1’ in the Potential Geotechnical Landslip Hazard Map at Schedule 1 to this plan; or

iv) building works (load bearing) on other land not contained in geotechnical area ‘G1’, i.e. areas ‘G2’, ‘G3’ and ‘G4’ where the applicant’s Preliminary Assessment of Site Conditions (Landslip) determines the need for a Site Stability Report or is otherwise required by Council upon review of the preliminary assessment and having regard to the information contained in Council’s maps and records and inspection of the land and any other information available to Council.

Note: Applicants must consider which geotechnical area their property falls in accordance with the Map of Geotechnical Areas at *Schedule 1* to this DCP. Considerations for each geotechnical area include geotechnical

implications on development; potential geotechnical hazards & typical consequences of failure. With regard to consequences in respect to human life, the risks are likely to increase as damage to property increases. The actual risk to life would very much depend on site specific circumstances. Rock falls and some fill failures travel quickly, and should people be in the way there is potential for injuries or death to occur.

2.1.13.2 Considerations required in Geotechnical area 'G1'

a) Site Stability Report required in geotechnical area 'G1'

DAs for load bearing building works to be carried out on land or in the vicinity of land in geotechnical area 'G1' on the Potential Geotechnical Landslip Hazard Map (see *Schedule 1* to this plan) must be accompanied by a Site Stability Report to assess the risk of slope instability and impact of the proposed development on the site and adjoining properties.

b) Description:

The topography comprises steeper slopes, generally near coastal or harbour side areas. The natural slope of land is typically greater than 25 degrees. The geology of this land is colluvial soils and bouldery talus, with detached blocks of sandstone on steep escarpment areas.

c) Detailed Requirements:

The Principal Certifying Authority in considering the Construction Certificate application will need to be satisfied that any construction intended in the area includes appropriate precautions to prevent instability developing. Construction Certificate drawings should be viewed by the geotechnical engineer to confirm that the intent of the geotechnical recommendations has been correctly implemented. Site visits by geotechnical engineer may be appropriate during construction. Notwithstanding the above, Site Stability Report may not be required for minor works proposed in area G1 and is at the discretion of Council.

d) Potential Geotechnical Hazards & Typical Consequences of Failure:

i) Rock falls & rock toppling from natural cliffs, together with slumping of soil and fill materials from unsupported cuts onto public and private roadways and pathways are potential hazards in area G1.

ii) Down slope creep of deeper talus materials may occur on steeper soil covered slopes as well as possible down slope movement of detached blocks of sandstone, soil slumps and flows. Typical consequences of failure include moderate damage to some of structure, ranging to possible extensive damage to most of structure, or extending beyond site boundaries. Significant part of site may require large stabilisation works if landslide occurs, or to prevent landslide occurring.

2.1.13.3 Considerations required in Other Geotechnical Areas (Areas G2, G3 and G4)

a) Site Stability Report may be required in Geotechnical Areas G2, G3 and G4

The applicant should complete Council's Checklist for Preliminary Assessment of Site Conditions (Landslip) to determine whether a Site Stability Report is required in these areas at Schedule 11 of this plan. This preliminary assessment will determine whether a Site Stability Report is to be submitted with the DA including an assessment of the risk of slope instability of site, development constraints, the effects from the proposed development and recommendations for good hillside construction. All development involving load bearing building works must complete the checklist for Preliminary Assessment of Site Conditions (Landslip) to ensure developments follows good engineering practice.

b) Area G2 - Description and Potential Hazards

i) The topography comprises flanking slopes. The natural slope of land is typically 15 to 25 degrees. The geology of the land is colluvial and residual soils, possibly deeper than in Area G4, developed on Hawkesbury Sandstone. The area comprises minor detached sandstone blocks, occasional exposures of sandstone in cliffs and road cuts. Fills are typically associated with playing fields, roads and some residential developments.

ii) Potential Geotechnical hazards in this area include:

- Rock falls and slumping of soil and fill materials from unsupported cuts and natural cliffs onto public and private pathways and roadways.
- Possible creep of talus materials on steeper soil covered slopes.
- Possible movement of detached blocks of sandstone. Limited to moderate damage of some or part of structures (for example dwelling or roadway), with part of site requiring some stabilisation works. Large scale stabilisation works unlikely to be required.

c) Area G3 - Description and Potential Hazards

i) The topography comprises beach, fore dune, and alluvial flats. The natural slope of land is typically less than 5 degrees. The geology of the land is unconsolidated marine and alluvial sands often overlying deep marine sediments and also includes filled areas.

ii) Potential for Geotechnical Hazards includes settlement of foundations due to failure of unsupported excavations, dewatering & vibrations and other construction activity. Possibility of earthquake induced settlement of foundation also exists in this area. Typical consequences of failure comprise little to moderate damage of some or part of structures, including neighbouring land including dwellings or roadway and typically requiring some stabilisation works over part of the site. The need for large scale stabilisation works is unlikely in Area G3.

d) Area G4 – Description, Potential Hazards and Requirements

i) The topography comprises ridge crests, major spur slopes and dissected plateau areas. The natural slope of land is typically less than 15 degrees with some local variations, particularly adjacent to areas of cut or fill. The geology of the land is generally shallow residual soils developed on Hawkesbury Sandstone. Sandstone is exposed in occasional outcrops and in near vertical road cuts and there are some areas of fill.

ii) All developments should follow good engineering practice and geotechnical assessment may be required depending on location and nature of development and manmade cuts and fills.

iii) Residential footings are to be in accordance with AS2870.

iv) Potential hazards for this land include rock falls & minor slumping of soil and fill materials from top of unsupported cuts onto public and private pathways, roadways and building platforms. There is little to moderate typical consequences of failure involving damage of some or part of structures (for example, to a dwelling or roadway), with part of site requiring some stabilisation works. Large scale stabilisation works are unlikely to be required in Area G4.

2.1.13.4 General Requirements for Site Stability Reports

a) A structural report may also be required for further consideration in a DA for development of land which has been identified as being at risk of landslip or subsidence. Site Stability Reports are to be prepared by a practising geotechnical engineer or engineering geologist.

b) The Site Stability Report should be based on inspections, investigations, tests, and any other relevant data, and must:

i) assess the risk of slope instability in accordance with the publication - Landslip Risk Management Concepts and Guidelines; Australian Geomechanics; Volume 35, No.1 March 2000;

ii) nominate appropriate constraints to be placed upon development and measures/methods to be applied to the land or related land or any structures on the land; and

iii) include recommendations for a structural engineer and/or civil engineer to provide a civil design for the development to accommodate slope instability considered to affect the land and/or related land (this may require sub-surface investigations).

c) The drawings and specifications for the development must take into account the information contained in the geotechnical report and comply with the recommendations contained in the report. Council may refer the geotechnical report to a third party geotechnical consultant for review.

d) The Geotechnical Engineer or Engineering Geologist and/or firms involved in the preparation and review of Site Stability Reports must:

i) in circumstances where specifically required by the Site Stability Reports, immediately upon completion of development, formally advise Council that the completed development has been constructed in accordance with the requirements of the Site Stability Report and that no unforeseen ground conditions have been encountered which could impact upon the stability of the land and/or of structures on the land; and

ii) maintain a professional indemnity insurance policy of at least $1 million or be covered by the Professional Engineers Insurance Scheme. Evidence of insurance cover must be shown in the Site Stability Report.

2.1.14 Acid Sulfate Soils Management Plan

Acid Sulfate Soils Management Plans are required to accompany DAs on certain classes of land and for certain works as identified at LEP clause 6.1.

2.1.15 Threatened Flora and Fauna Assessment of Significance Report for species including Long-nosed Bandicoots and Little Penguins

Relevant DCP objectives to be met include the following:

Objective 1) To ensure the assessment of any significant effect on threatened species, populations or ecological communities or their habitats (as listed in the Threatened Species Conservation Act 1995) in accordance with Section 5A of the Environmental Planning and Assessment Act 1979.

See also both *paragraph 5.4.2* and *Schedule 1* - Map D of this plan.

2.1.15.1 When is an Assessment of Significance Report required?

a) An Assessment of Significance Report is required to accompany DAs for development carried out on land mapped at Schedule 1 - Map D 'Areas where Assessment of Significance is Required', being land generally to the south-east of Ashburner Street, Manly and including North Head. The lands identified on Map D require an Assessment of Significance Report having regard to the location of particular threatened species in Manly as follows:
   i) Endangered Long-nosed Bandicoot Population at North Head;
   ii) Critically Endangered Little Penguin Population at Manly.

b) An Assessment of Significance Report may also be required for other sites where threatened species, populations or ecological communities or their habitats are known and this report is to consider whether the proposed development is likely to have a significant effect.

Note: The key threatened species, populations and communities in Manly in addition to the endangered Long-nosed Bandicoot and Little Penguin populations include the Barking Owl (*Ninox connivens*), Eastern Bentwing-bat (*Miniopterus schreibersii oceanensis*), Glossy Black Cockatoo (*Calyptorhynchus lathami*), Grey-headed Flying-fox (*Pteropus poliocephalus*), Masked Owl (*Tyto novaehollandiae*), Powerful Owl (*Ninox strenua*), Red-crowned Toadlet (*Pseudophryne australis)*, Regent Honeyeater (*Anthochaera phrygia*), Sooty Owl (*Tyto tenebricosa*), Superb Fruit-Dove (*Ptilinopus superbus*), Curved Rice-flower (*Pimelea curviflora var. curviflora*), Magenta Lilly Pilly (*Syzygium paniculatum*), Seaforth Mintbush (*Prostanthera marifolia*) and Sunshine Wattle (*Acacia terminalis sub.sp. terminalis*), Eastern Suburbs Banksia Scrub, Duffys Forest Endangered Community, Swamp Oak Floodplain Forrest and Littoral Rainforest. The habitat for these species and communities is largely, but not exclusively on land that is in LEP Zones RE1, E1, E2, E3 and E4.

2.1.15.2 Assessment of Significance

a) Assessments of Significance Reports are to be prepared by a qualified ecological consultant. The assessment is to be undertaken in accordance with NSW State Government's Assessment of Significance Guidelines, section 5A of the Environmental Planning & Assessment Act 1979 and the relevant impacts assessment guidelines for the Long-nosed Bandicoot and/or Little Penguin populations as well as for other identified species.

b) Council will also require that the Assessment of Significance Report incorporate:
   i) A site visit. In relation to Little Penguins, this site visit is to be undertaken between August and February (during the peak Penguin breeding season). For Long-nosed Bandicoots this site visit can be undertaken at any time of the year.
   ii) A detailed description of the proposed development that has been assessed and also the inclusion of copies of any plans that have been used in the assessment. The Assessment of Significance should relate to and assess the actual development being proposed (for example, an Assessment of Significance that was done with respect to the construction of a veranda cannot be resubmitted to accompany a subsequent DA for a swimming pool).
   iii) Identification of Long-nosed Bandicoot and/or Little Penguin access to, from and within the site.
   iv) The Assessment of Significance should be current. If an otherwise relevant Assessment of Significance is more than 1 year old (at the time of submission) the applicant should obtain a letter from the consultant who prepared the assessment confirming that the details in the assessment remain current.
   v) Identification of existing and proposed natural habitat areas (foliage) and details of any appropriate site protection works and/or post construction.
   vi) Consideration of LEP clause 6.5 Terrestrial Biodiversity as required for development on land contained on the LEP Terrestrial Biodiversity Map.

See also paragraph 3.3.1.a.iv regards landscape design for Long-nosed Bandicoots and paragraph 5.3.3 regards indigenous wildlife habitat in St Patrick's Estate.

Note: The NSW Government has prepared assessment guidelines (www.environment.nsw.gov.au/resources/threatenedspecies/tsaguide07393.pdf) to assist in the interpretation and application of the factors of assessment. The Guidelines clarify the specific terminology of the relevant legalisation and provide clear interpretation of the factors that need to be considered when assessing whether an action, development or activity is likely to significantly affect threatened species, populations or ecological communities, or their habitats.

The assessment of significance is a system of assessment allowing applicants/proponents to analyse the likely impacts of a proposed development, and whether further assessment needs to be undertaken through a Species Impact Statement. All factors must be considered and an overall conclusion must be drawn from all factors in combination. Where there is reasonable doubt regarding the likely impacts, or where detailed information is not available, a Species Impact Statement should be prepared.

2.1.15.3 Species Impact Statement

a) If the proposed development is located within or is likely to impact on declared Critical Habitat then a Species Impact Statement must be submitted in accordance with specific Director General's Requirements for that development. Critical habitat for the endangered population of Little Penguins at Manly Point is mapped and described at www.environment.nsw.gov.au/resources/nature/crithabitatDeclarationLittlePenguinsManly.pdf.

b) If an Assessment of Significance is undertaken and concludes that a significant impact is likely then further assessment, in the form of a Species Impact Statement, will need to be submitted with the DA.

2.1.16 Social Impact Assessment for Development including Late Night Venues

Relevant DCP objectives to be met include the following:

Objective 1) To ensure DAs are accompanied by sufficient information so that the social issues and impacts resulting from development can be adequately addressed.

See also paragraph *4.2.5.6 Late Night Venues* for objectives and controls in relation to Manly Town Centre and the wider entertainment precinct.

a) All DAs for Late Night Venues (see Dictionary) and any licensed premises must be accompanied by a social impact assessment demonstrating that the development will ensure the safety and security of the Manly Town Centre and its environs.

b) Council may also request an assessment of social impact to accompany other DAs where there are likely social impacts as a consequence of the development including any licenced premises.

Figure 2 provides a range of physical and regulatory issues for preparing a social impact statement for licensed premises.

Figure 2 - Licensed Premises - Physical and Regulatory Factors and Issues

Factors of the Physical and Social Environment of Licensed Premises that Impact on Alcohol-Related Harms	
Physical Environment Factors	Regulatory Factors
Internal: • Crowding • Entertainment • Lighting • Seating • Bar placement • Drinks containers • Bar size • Ventilation &Air-conditioning • Entrances and exits • Cleanliness • Physical hazards • Provision of food	Internal: • Intoxication • Drinks promotions • Social mix • Patron type (age, gender) • Permissive attitudes • Attitudes re drunken deportment • Licensed venue policies and practices • Crowd controller/door staff behaviour and practices • Bar staff behaviour and practices • Management practices and policies • Police activities and responses • Enforcement of legislation
External: • Road design • Location of public phones, amenities & rubbish bins • Location and number of cab ranks & bus facilities • Cleanliness of environment • Design of city, town or entertainment centre	External: • Visibility of police • Communication between security personnel & police • Behaviour of licensed premises • Security staff • Behaviour of police • Enforcement activities of police

• Number, Density and Operating hours of licensed venues • other businesses including fast food outlets • Lighting & CCTV • Proximity to domestic premises	• Dry zone • Type of licensed premises (mix) • Enforcement of legislation

Issues and Responses to reducing Alcohol-Related Harm Associated with the Physical Environment of Licensed Premises ***(Source: Alcohol & Licensed Premises: Best Practice in Policing (Doherty & Roche, 2003)***	
Issue	Response
Crowding	• consider design of licensed premises when determining maximum patron numbers • comply with patron numbers as per liquor licence to reduce crowding • design/re-design of premises to assist traffic flow and prevent congestion in high traffic areas • set and adhere to minimum staff to patron ratios for bar, management and security staff • monitor patron numbers and limit or eliminate pass outs to assist compliance with patron numbers • remove or limit physical barriers such as seats and tables in high traffic flow areas • display signage regarding maximum capacity • incorporate monitored CCTV surveillance into licensed premises design to identify problems and assist investigation of serious offences • seek planning opinions from local council, health and other providers
Lighting	• ensure visibility of all areas and patrons • balance lighting so bright light will not act as an irritant and low light will not encourage offending
Ventilation	• ventilate premises to remove smoke • use effective climate control to prevent premises from becoming too hot • limit smoking to well ventilated areas (or eliminate smoking inside licensed premises)
Bars	• ensure accessibility and that placement does not interfere with passage of traffic • raise bar areas so staff can view patron behaviour to minimise risk of harm • increase size or number of bar areas to limit congestion • replace traditional glassware with tempered glass
Staffing	• ensure availability of sufficient staff to manage the number of patrons • establish communication systems to help staff seek and provide assistance with problems • establish communication systems for communication of problems/ potential problems to police & licensees
Cleanliness	• ensure toilets are clean, accessible and regularly monitored by security staff • ensure cleanliness of bathroom, food preparation areas, eating facilities and bars
Physical hazards	• remove obstacles such as stairs to bathroom facilities and between bars • eliminate seating in high traffic areas such as around bars, on or near dance floors • provide areas for patrons to relax and ensure seating does not interfere with walkway and dance areas • provide and highlight emergency exits and ensure placement of street furniture does not create a hazard • provide drink containers that minimise risk of harms in violent and disorderly incidents
Urban design	• design roads and footpaths to reduce risk of pedestrian injuries • provide public phones to enable calls for emergency assistance. For example, to services, relatives/friends or transport • provide toilets in well-lit and monitored areas • locate taxi ranks and bus stops close to licensed premises to assist crowd dispersal and reduce chances of victimisation, pedestrian accidents and drink driving • reduce density of licensed premises to limit 'pub-hopping' • consider proximity of licensed venues to residential premises, businesses and restaurants and their impact on economic viability and potential for harm and discomfort amongst users of these areas • ensure lighting deters congregation and builds a sense of personal safety with CCTV to deter offending • ensure fast food outlets do not become a congregating place for intoxicated people • ensure operating hours do not adversely affect residential comfort (including noise and odours), and safety

2.1.17 Management Plans for Backpackers' Accommodation and Boarding Houses

Relevant DCP objectives to be met include the following:

Objectives 1) To ensure that potential impact of Backpackers' Accommodation and Boarding Houses is minimised and appropriately managed.

Objectives 2) To ensure safety and wellbeing of the occupants.

Objectives 3) To assist Council in monitoring the operations of Backpackers' Accommodation and Boarding Houses

All DAs for new and existing Backpackers' Accommodation and Boarding Houses are required to prepare a Management Plan. Any pre-existing Management Plan is to be reviewed and resubmitted with any subsequent DA.

See also paragraph *4.2.5.5 Backpackers' Accommodation* in relation to Manly Town Centre and Surrounds.
See also provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

See also Paragraph 4.4.9 Boarding Houses.
See also Schedule 3 - Part A Parking Requirements.
See also Schedule 7 - Specific Design Standards.

2.1.17.1 Preparing a Management Plan

A Management Plan must show the following:

a) Provision of an onsite manager who is to be present at all times and have overall responsibility to oversee management commitments. The Onsite Manager must be over 18 years old and guests must not be used as temporary managers.

b) Management commitments are required to:

i) ensure the facility is run in a manner which causes no disturbance to neighbouring properties;

ii) ensure guest numbers do not exceed those permitted by the development consent;

iii) maintain the premises in a clean, safe and tidy manner and provisions of industrial waste services including professional cleaning and pest/vermin control arrangements including at least weekly servicing of communal bathroom and kitchen facilities;

iv) maintain a register of guests (including information on length of stay, address etc. in relation to backpackers. In relation to Boarding Houses there is a maximum number of 2 adults in each boarding house lodging room;

v) maintain the premises in a "fire safe" manner which includes ensuring that:

- doorways and other openings remain 'fire stopped' to maintain fire separation and compartmentation; and
- emergency access provisions remain adequate and are properly maintained; and cleared; and all fire services, equipment and warning systems remain in good working order.

vi) provide details on all doors to sleeping rooms indicating a room identification number and the maximum number of persons permitted to be accommodated in the room;

vii) display a room schedule prominently located on the premises;

viii) prescribe and enforce house rules, which are to be displayed in prominent; locations around the facilities, addressing:

- guest behaviour, visitors, activities and noise (including loud music/TV, parties and the use of outdoor areas at after 10pm;
- the responsible consumption of alcohol and a zero tolerance policy on illegal drugs on the premises;
- fire evacuation procedures;
- visitor policy; and
- after hour's access.

c) A public notice is to be sited in a location that it is readable from a public footpath identifying a contact name and number for the Site Manager and the owner or lessee who may be contacted regarding complaints or comments about the facility.

d) A performance report is to be lodged annually with Council detailing the years' management performance, including records of any complaints received and provision of an 'incidents register' (eg complaints regarding offensive noise, anti-social behaviour, accidents etc.) to be considered prior to renewing any lease.

2.2 Local Consultation Processes (Notification, Referrals and Advertising)

This Section identifies local procedures in respect of public participation and consultations for DAs. Additional public consultation requirements for advertised and designated developments are contained in the Environmental Planning and Assessment Act, 1979.

See also Council's Community Engagement Policy (Council Policy Reference C106) based on the International Association for Public Participation Spectrum for Engagement.

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

Objective 1) To provide appropriate opportunities for public involvement in the consideration of DAs which may affect the enjoyment of property or the public interest.

Objective 2) To allow reasonable time for viewing of and for making submissions, while recognising the obligations of the Council to determine DAs within prescribed periods.

Objective 3) To foster public appreciation and understanding of the development process and to set out the rights of affected persons to make submissions on DAs and in respect of Council's determination of such DAs.

Objective 4) To set out the matters to which the responsible council officer will have regard when forming an opinion as to whether or not the enjoyment of neighbouring land may be affected by a proposed development after its erection or use, and therefore requires notification.

2.2.1 Notification Process

2.2.1.1 Who will be notified?

See also *paragraph 2.2.3* Other Consultation Processes including the notification of Precinct Community Forums.

a) Council will notify all DAs to the landowners of adjoining and neighbouring land where Council is of the opinion that the proposed development is likely to have an effect on:
   i) views to and views from the neighbouring land;
   ii) overshadowing of the neighbouring land;
   iii) privacy of neighbouring land;
   iv) the likelihood of the neighbouring land being affected by noise;
   v) the streetscape, and
   vi) any other planning matter for consideration in accordance with the Environmental Planning and Assessment Act and/ or Manly plans or policies.

b) Strata or community subdivided buildings will be notified to the secretary of the Owners Corporation in addition to all owners and occupiers.

c) Property owners who do not live at the property will also be notified by mail based on Council's contact details.

d) Persons who will not be notified may include any individuals who provides Council with signed concurrence to the plans submitted to the effect that those persons have no objection to the development as lodged with Council.

Note: Council's appraisal of which persons are to be notified takes place within 15 days of receipt of a satisfactory application.

2.2.1.2 How will persons be notified?

A notification of a DA will be made by letter including:

a) the location and a brief description of the proposed development;

b) the date by which submissions must be received;

c) the name of the relevant Council contact officer;

d) the location where, times when and period during which the plans relating to the DA can be viewed;

e) a statement as to whether or not the DA has been referred to the Precinct Community Forum;

f) notification plan(s) provided by the applicant. See *paragraph 2.1.1.1* in this plan; and

g) a statement to the effect that submissions are not considered confidential and will be disclosed to any person requesting information under the applicable legislation.

2.2.1.3 Minimum notification requirements for amended DAs, modifications to a Development Consent and reviews of Determinations

a) In relation to DAs that are proposed to be significantly amended, Council will give consideration as to whether any person should be notified other than those originally notified.

b) Applications to modify a Development Consent involving minor error misdescription or miscalculation under Section 96(1) of the Environmental Planning and Assessment Act, 1979 do not require notification.

c) In relation to all other Applications to modify a Development Consent (under Sections 96(1A), 96(2), 96AA, of the Environmental Planning and Assessment Act 1979) or to review a Determination (under Sections 82A and 96AB of the Environmental Planning and Assessment Act, 1979) Council must notify all persons previously notified and who objected to the previous notification as well and any other person(s) who may otherwise be affected by the development.

d) Notwithstanding c) above, in relation to a modification involving minimal environmental effect under Section 96(1A) of the Environmental Planning and Assessment Act 1979, Council may determine not to notify certain persons in particular circumstances where the modification is not considered to affect those persons.

e) Any re-notification made under this paragraph will be made in the same manner as the original DA under *paragraph 2.2.1.2*.

2.2.2 Submissions

2.2.2.1 Nature and Receipt of Submissions

a) Written submissions must be made to Council within the period set for receipt of submissions.
b) Council will not consider a notified DA until after the submission period enabling all submissions to be considered.
c) Council is not bound by this plan to adopt or support a submission when determining a DA.
d) Submissions may be posted on Council's website along with other documentation associated with a DA during the notification period. Submissions are not confidential unless as specified in legislation.

2.2.2.2 What is the period for receipt of submissions?

DAs will be on notification for a period of 14 days unless a greater period is considered appropriate and is referred to in the notification. DAs received in December and January will be a notified for a longer period due to the holiday period.

2.2.2.3 What are the applicant's rights?

Council will notify the applicant of the period given for notification when Council determines that more than for 14 days notification is appropriate. The applicant has the right to see all submissions and the author of submissions does not have the right to confidentiality. The applicant is not entitled to copyright once the DA is lodged and is then taken to have indemnified all persons using the DA and documents in accordance with the Government Information Public Access Act, against any claim or action in respect of breach of copyright.

2.2.2.4 What are the public's rights?

a) The Environmental Planning and Assessment Act, 1979 permits public access to DA extracts on payment of the adopted copying charge. This Act also states that the minimum detail to be extracted from a DA will:
   i) identify the applicant and the land to which the development relates; and
   ii) contain a plan of the building that indicates its height and external configuration, as erected, in relation to the site on which it is to be erected, if relevant to that particular development. The public also has rights of access to Council files through the Government Information Public Access Act and an open file policy.
b) More detailed extracts may generally be provided by Council during the notification period on Council's website.

c) A register of all DAs is held by Council and is available for public inspection during council hours. Any person may inspect a DA and any accompanying information during the notification period and make copies.

d) Council will give notice of the determination of a DA to each person who made a submission in writing and is also required to notify the DA determination in the local newspaper.

2.2.3 Other Consultation Processes

2.2.3.1 Manly Council Community Precincts

Since 1990 Council has extended community consultation with some 12 Community Precincts generally meeting on a monthly basis to discuss matters referred by Council and matters of local importance and interest to the community including certain DAs. The Community Precincts are a two way communication process between the community and Council. The decisions of Community Precincts are advisory only, and will not necessarily influence Council's determination. Further information on Community Precincts is available in Council's brochure entitled 'Precincts - A General Guide', or at Council's Customer Services Centre.

a) Council will notify all operational Community Precincts of DAs within the boundaries of their precinct as follows:
   i) new dwelling houses;
   ii) addition of a new storey to a dwelling house;
   iii) new residential flat buildings;
   iv) new commercial or industrial buildings;
   v) development within the LEP Recreation Zones (RE1 & RE2) and Zone E2 Environmental Conservation;
   vi) development of a heritage item or in a heritage conservation area visible from the street or a public place;
   vii) development that significantly affects the streetscape (unless the DA is for minor development); and
   viii) any other DA where Council considers referral to be in the public interest.

b) Submissions from Community Precincts must be by way of minutes carried at a meeting held in accordance with Precinct Guidelines. In particular, the number of persons in attendance is to be supplied with the names of persons who moved and seconded each motion recorded.

2.2.3.2 Aboriginal Heritage Referrals

Council will refer any DA considered potentially significant in relation to Aboriginal Heritage to the Aboriginal Heritage Office or the Metropolitan Local Aboriginal Land Council. Such referrals will seek comment and consideration prior to or during the DA assessment. Any disturbance of grounds where there is a possibility that relics will be disturbed must be referred to NSW Government Office of Environment and Heritage.

See also notification requirements at LEP clause 5.10(8) in relation to carrying out of development in an Aboriginal place of heritage significance.

2.2.4 Advertised, Integrated and Designated Development

2.2.4.1 Advertised development

No advertised development is prescribed in this plan. Council may however identify certain major DAs that it considers in the public interest to advertise, ensuring an appropriate level of public participation. In these circumstances Council will advise applicants of this requirement and of the prescribed advertising fees.

2.2.4.2 Integrated and Designated development

Integrated and Designated development not only require development consent from Council (or the Minister in some instances) but also an approval, permit or licence from a NSW Government Agency. The requirements for notification and referrals to other relevant approval bodies are specified under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.

2.3 Approval Requirements for Removal of Trees

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

Objective 1) To maintain attractiveness, appeal and amenity of Manly by preserving healthy trees and recognising the value and importance of trees that is held by the community.

Objective 2) To prescribe species or kinds of trees or other vegetation with reference to species, size, location or other manner where a tree permit is required under LEP clause 5.9.

Note: Provisions of the Rural Fire Act 1997 allow certain vegetation clearing work notwithstanding the Manly LEP and DCP. The objects of this Act provide for the prevention, mitigation and suppression of fire, protection of persons from injury or death, and for the protection of property, infrastructure and environmental, economic, cultural, and community assets from damage arising from fires, and for the protection of the environment having regard to the principles of ecologically sustainable development described in the Protection of the Environment Administration Act 1991.
The removal of trees and other vegetation under Rural Fires legislation must be undertaken in accordance with the Fire Commissioners' '10/50 Vegetation Clearing Code of Practice' and only within prescribed areas where the Rural Fire Service determine that this Code of Practice may be applied (see online assessment tool at rfs.nsw.gov.au.). On the determined vegetation clearing entitlement land, the Code of Practice for carrying out vegetation clearing work is then required to deal with the following:
(a) the type of vegetation that can and cannot be cleared, including the types of trees,
(b) the circumstances in which vegetation should be pruned and not entirely removed,
(c) use of herbicides,
(d) managing soil erosion and landslip risks,
(e) protection of riparian buffer zones,
(f) protection of Aboriginal and other cultural heritage,
(g) protection of vegetation that the owner of the land on which vegetation clearing work may be carried out is under a legal obligation to preserve by agreement or otherwise.

2.3.1 When is a Tree Permit Required?

2.3.1.1 Prescribed Trees or Vegetation

Tree Permits are prescribed to be required for species or kinds of trees or other vegetation including:

a) removal or cutting down of any tree over 5m high;

b) topping or lopping of more than 10 percent of a tree except for reasonable maintenance trimming and pruning referred to at *paragraph 2.3.1.2.b.* following; or

c) all threatened species, endangered ecological communities and their habitat.

2.3.1.2 Exceptions to Prescribed Trees or Vegetation

a) Exceptions to the trees or vegetation prescribed under *paragraph 2.3.1.1* include trees listed at *Schedule 4 - Part A - Noxious and Invasive Trees in Manly.*

Note: LEP clauses 5.9(5)&(6) exempt trees and other vegetation from requiring a Permit where Council is satisfied that it is dead or dying and is not required as habitat of native fauna, or is a risk to human life or property. Where dead trees are to be removed, hollow bearing trees are important as habitat for many threatened species and the loss of hollow bearing trees is recognized as a key threatening process under the Threatened Species Conservation Act. Technical evidence may be required to show trees are dying, dead or are not required as habitat of native fauna.

b) 'Reasonable maintenance trimming and pruning' (*see paragraph 2.3.1.1.b)* is defined as trimming and pruning for the care and maintenance of the tree and for reasonable preservation of light, views and amenity in a manner which does not affect the appearance, integrity or health of the tree and complies with all of the following requirements.

i) No more than 10 percent of the foliage of a tree is to be removed;

ii) Trimming and pruning must occur at intervals of at least 12 months apart or any longer interval necessary to ensure the trimming and pruning is not detrimental to the tree; and

iii) In relation to foliage overhanging a site boundary, 'reasonable maintenance trimming and pruning' may occur but only where the pruning and trimming of foliage overhanging the site boundary is limited to 20 percent of that overhanging foliage.

Note: Residents are advised to seek Council inspection prior to any pruning which would cause concern to neighbours.

2.3.2 Council Assessment for Tree Permits

2.3.2.1 General Considerations in the Assessment of a Tree Permit Application

a) Considerations in the assessment of a tree permit include:
   i) Council's Tree Management Policy;
   ii) the condition of the tree with respect to disease;
   iii) necessity for removal or pruning in order to construct improvements to the property the subject of a DA;
   iv) effect of erosion - soil retention and diversion or increased flow of surface water;
   v) number of trees and effect on the amenity of the area;
   vi) number of healthy trees an area of land will support;
   vii) habitat for fauna; and
   viii) remnant and or rehabilitated riparian land.

b) Council may favorably determine a tree permit with regard to over planting of trees where removal of the tree/trees is considered by Council to be to the benefit of the remaining trees.

c) Council may not require a tree permit where it is satisfied in writing that a tree or other vegetation is a risk to human life or property pursuant to LEP clause 5.9(6) and in this regard may favourably consider a tree permit with regards to the following safety considerations:
   i) trees in a location that will obstruct the process of approved building works, road works or public utility installations;
   ii) tree limbs obstructing access by pedestrians or vehicles or obstructing vision of drivers or other traffic hazards;
   iii) trees causing illness or allergic reaction and a claim can be supported by a medical certificate and Council is satisfied that the specific tree is the cause of the problem;
   iv) trees damaged in heavy storms by lightning or wind etc and/or is subject to excessive branch shedding which could cause future problems if not removed;
   v) trees in danger of falling or causing danger to people, buildings or services; or
   vi) Council may issue a tree permit with regard to trees growing within 3m of an approved building or structure; sewer or drainage lines; swimming pools; retaining walls and double brick walls over 1m high.

2.3.2.2 Consideration for the Assessment of Tree Permits for the maintenance or enhancement of views

When Council receives an application to prune a tree for views the following procedure is followed:

a) If the tree is on private land, then that private property owner's written consent will be required before arranging an appointment with a Council officer for inspection.

Note: Council cannot force an owner to provide written consent to a neighbour's tree permit application having regard to this paragraph.

b) Pruning will only be approved if it will not be detrimental to the health of a tree.

c) Evidence must be provided to show that the present owner (not the previous owner) had a view of the harbour or ocean, lagoon or other water body.

d) Approval will be granted only if two thirds of an available view has been lost from a single location selected by the owner, i.e. a balcony, living room or the like.

e) A maximum of 20 percent of a tree's foliage can be pruned.

f) All tree pruning for views on Council land must be by submission to accompany a Tree Permit application with photographic evidence of the view prior and paid for by the applicant, before work is undertaken.

2.3.2.3 Replacement Trees

Where Council allows the removal of trees, it is generally conditional on the planting of a replacement tree planted within 2 months of the removal of the old tree. In selecting replacement trees care should be taken to select species appropriate to individual locations and conditions.

2.3.2.4 Issuing of the Permit

a) A tree permit will only be issued if the owner of the tree, or the owner of land over which the tree is growing, has agreed to removal or pruning of the tree and provided their permission with the lodgement of the tree permit application. In the case of a block of units, consent of the owner's corporation must be obtained and lodged for the issuing of the permit.

b) The issuing of tree permits do not give any rights to trespass in order to carry out pruning and these permits can only be issued by an authorised Council Officer.

c) A tree permit will expire 12 months from the date of issue at which time a new permit must be issued.

d) A tree permit must be displayed and/or available regarding any tree works.

2.3.2.5 Considerations for the Removal of Trees on Development Sites

See also *paragraph 2.1.3 Landscape Plans*.

a) A tree permit inspection is not required for trees on sites where are DA is favorably determined (trees are assessed at the DA and/ or subdivision stage).

b) A tree permit will not be issued for tree removal prior to application for a DA or subdivision, or for trees that are not included on the DA plans.

c) Clearing a property of trees prior to approval of a DA is a breach of LEP clause 5.9 and the Soil Conservation Act, 1938.

2.3.2.6 Consideration for the Removal of trees requiring Development Consent

Where development consent is required for the removal of trees or other vegetation in the LEP, the considerations and provisions regarding Council's assessment of Tree Permits at *paragraph 2.3.2* of this DCP will also apply in the assessment of the DA.

Part 3

Part 1 – Introduction

This Part outlines the plans' purpose and structure, its relationship with other plans and policies and a detailed Table of Contents and general Aims and Objectives.

Part 2 – Process (what do I lodge with the DA & how is the DA notified)

This Part outlines the range of submission requirements for lodgement and assessment of a DA. Notification, advertising and referral processes are also prescribed in this Part.

Part 3 - General Principles of Development

This Part outlines general development principles to be considered and applied as relevant for all forms of development.

In particular the general principles of development in this plan are as follows:
3.1 Streetscape and Townscapes
3.2 Heritage Considerations
3.3 Landscaping
3.4 Amenity (Views, Overshadowing, Privacy, Noise/Vibration, Odours/Fumes)
3.5 Sustainability (Energy Efficiency, Thermal Performance, Water Sensitive Design)
3.6 Accessibility
3.7 Stormwater Management
3.8 Waste Management
3.9 Mechanical Plant Equipment

Part 4 – Development Controls and Development Types

This Part outlines development controls relating to residential, commercial and industrial development as well as a range of other specific development types.

Part 5- Special Character Precincts, Areas and Sites

This Part contains additional guidelines including design requirements and/or environmental sensitivities which exist for certain places that require special consideration. Development Proposals are also to have regard to the general provisions of Parts 3 and 4, in conjunction with the additional design requirements of this Part.

Schedules

The Schedules comprise a range of maps, tables and additional detail referred to in this plan.

Dictionary

The Dictionary adopts meanings contained in Manly LEP 2013 and provides a range of additional dictionary meanings not otherwise provided in the LEP.

3 General Principles of Development

The general principles for development are to be considered and applied as relevant to all forms of development. This part gives general design principles and requirements. It is to be read in conjunction with other sections of this plan, including the specific development controls and special area requirements - all of which may influence the design of the development.

See also Amcord Design Elements where controls are silent in this plan.

3.1 Streetscapes and Townscapes

Relevant DCP objectives to be met include the following:

Streetscape

Objective 1) To minimise any negative visual impact of walls, fences and carparking on the street frontage.

Objective 2) To ensure development generally viewed from the street complements the identified streetscape.

Objective 3) To encourage soft landscape alternatives when front fences and walls may not be appropriate.

Townscape

Objective 4) To ensure that all parking provision is designed and sited to respond to and respect the prevailing townscape.

Objective 5) To assist in maintaining the character of the locality.

Objective 6) To recognise the importance of pedestrian movements and townscape design in the strengthening and promotion of retail centres.

Objective 7) To minimise negative visual impact, in particular at the arterial road entry point into the Municipality, so as to promote the townscape qualities of Manly.

3.1.1 Streetscape (Residential areas)

Streetscape is defined (see Dictionary in this plan) and represents the inter-relationship between buildings, landscape and open spaces in the street scene. Local amenity and identity are closely linked to streetscape character. Development should recognise predominant streetscape qualities, such as building form, scale, patterns, materials and colours and vegetation which contributes to the character of the local area.

3.1.1.1 Complementary Design and Visual Improvement

a) Development in the streetscape (including buildings, fences and landscaping) should be designed to:
   i) complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;
   ii) ensure the bulk and design of development does not detract from the scenic amenity of the area (see also *paragraph 3.4 Amenity*) when viewed from surrounding public and private land;
   iii) maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys;
   iv) avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like. See also *paragraph 4.1.8 Development on Sloping Sites* and paragraph *4.1.9 Swimming Pools, Spas and Water Features;*
   v) address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also *paragraph 3.2 Heritage Considerations;*
   vi) visually improve existing streetscapes through innovative design solutions; and
   vii) incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged. See also *paragraph 3.5.7 Building Construction and Design.*

Setback Principles in Low Density Areas

b) In lower density areas including LEP Zones R2, E3 & E4, setbacks should be maximised to enable open space to dominate buildings, especially on the foreshore.

See also paragraph 3.3 Landscaping and *paragraph 4.1.5 Open Space and Landscaping.*

Setback Principles in Higher Density Areas

c) In higher density areas (including LEP Zones R1 & R3), careful consideration should be given to minimising any loss of sunlight, privacy and views of neighbours. This is especially relevant in the design of new residential flat buildings adjacent to smaller developments. See also *paragraph 3.4 Amenity*.

3.1.1.2 Front Fences and Gates

See also paragraph 3.2.3 Fencing for Heritage Items and Conservation Areas.
See also paragraph 4.1.10 Fencing for height controls.

a) Notwithstanding maximum height provisions for fencing at *paragraph 4.1.10*; the siting, height and form of boundary fences and walls should reflect the fencing characteristic of the locality, particularly those of adjacent properties. All fencing and wall materials must be compatible with the overall landscape character and the general appearance of the building and the streetscape.
b) Boundary fences or walls must not be erected where they would conflict with the local character.
c) Front fences and gates must be constructed in materials that complement the architectural style and period of the dwelling and improve the streetscape. In particular, fencing adjacent to a public road or place must not be constructed in metal cladding, powder coated or otherwise.
d) Gates must not encroach on public land when opening or closing.

3.1.1.3 Roofs and Dormer Windows

See also *paragraph 4.1.7.2 Habitable Rooms in the Roof Structure*.
See also *paragraph 3.4.3 Views* regarding roof forms to minimise view loss.

a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.
b) Roofs should be designed to avoid or minimise view loss and reflectivity.
c) Dormer windows and windows in the roof must be designed and placed to compliment the roof structure and reflect the character of the building. In particular, such windows are not permitted on the street frontage of the building where there is no precedent in the streetscape, especially on adjoining dwellings.

3.1.1.4 Garages, Carports and Hardstand Areas

a) Garages, carports and hardstand areas must be designed and sited in a manner that does not to dominate the street frontage by:
   i) its roof form, material choice and detailing by being subservient to the associated dwelling; and
   ii) being compatible with the streetscape and the location in relation to front setback criteria.
b) Exceptions to setback criteria referred to in this paragraph may be considered where parking structures are a positive element of the streetscape.

3.1.1.5 Garbage Areas

Buildings with more than 1 dwelling require garbage storage enclosures which are:

a) not visible off site;
b) integrated into the building design;
c) unobtrusive and blend in with the design of front fences and walls when forward of the building; and
d) located and designed with consideration given to the amenity of adjoining properties.

3.1.2 Streetscape Improvement in LEP Zone B6 Enterprise Corridor

3.1.2.1 Streetscape

Development is to be of a high visual quality, particularly at corner locations.

3.1.2.2 Car parking

Car parking in the LEP Zone B6 Enterprise Corridor is not to be located between the street frontage and the building alignment.

3.1.2.3 Landscaping

Landscaped areas are to be maintained to the Council's satisfaction throughout the life of the development.

3.1.2.4 Security Fencing

Security fencing should be set back from any road frontage and integrated with landscaped areas.

3.1.2.5 Frontages to Condamine Street

Frontages to Condamine Street form important 'entrances' to Manly. A higher standard of finish to development is promoted along these frontages, in terms of building and landscaping.

3.1.2.6 Design for Townscape

Development is to have regard to the principles in the Townscape Principles Map at *Schedule 2* of this plan.

3.1.3 Townscape (Local and Neighbourhood Centres)

Notes: The development controls in *Part 4* of this plan place a particular emphasis on townscape considerations detailed in these paragraphs, requiring the design of development to have regard to townscape principles i.e. how it will appear when viewed from and in conjunction with surrounding buildings, spaces and streets.

Many areas of Manly have a particularly important townscape character with an essentially unified townscape, giving rise to a particular individual character which should be maintained. This townscape character is derived as a result of the general scale and interest of the buildings and surrounds. This scale and interest exists even in areas with a limited number of heritage listed buildings with individual importance. Context and Site Analysis as required under *paragraph 2.1.2* of this plan will assist in identifying townscape character.

The determination of the townscape of a locality should examine this sense of place and the sense of unity from a variety of perspectives identified in the following design principles.

3.1.3.1 Design Principles

The following design principles and requirements at paragraphs 3.1.3.1.a) to i) below 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.

a) Local role of the site

The local role of the site and existing buildings should be determined, viewed from the following perspectives:

(i) from a distance and along routes and from viewpoints leading towards the locality; (see Figure 3a)

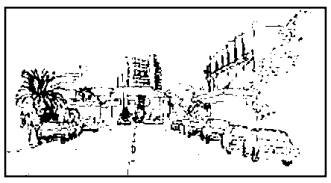


Figure 3a - Design Principles

(ii) in relation to the adjacent spaces it borders and the need to define those spaces; (see Figure 3b)

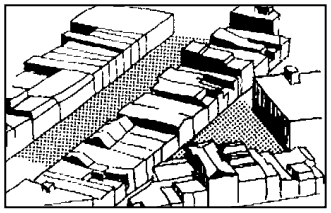


Figure 3b - Design Principles

(iii) in relation to the adjacent buildings and the need to be complementary to those buildings in terms of height, scale and design detailing. (see Figure 3c)

Figure 3c - Design Principles

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.

Design Details

c) Design details of proposed developments must complement adjacent building in the locality with particular reference to:

(i) the scale, proportion and line of visible facades;

(ii) the pattern of openings and the visual pattern of solids to voids on facades;

(iii) both the overall wall and parapet height and the height of individual floors in relation to adjoining development and important corner buildings and the height of awnings. See also *paragraph 4.4.4;* and

(iv) materials, textures and colours;

Note: In general the use of reflective glass and curtain walling as a facade treatment is not favoured in terms of being consistent with townscape objectives. See also *paragraph 2.1.6* and *paragraph 3.4.c* particularly regarding reflectivity and amenity.

(v) architectural style and the degree of architectural detail; and

(vi) the scale of the building footprint. (See Figure 4)

See also *paragraph 4.2.2* of this plan in relation to height exceptions to achieve design principles.
See also *paragraph 4.2.5.1* Design for Townscape in relation to Manly Town Centre and Surrounds (including LEP Zones R3 Medium Density and SP3 Tourist).
See also *paragraph 5.1.2* of this plan for design criteria for The Corso.

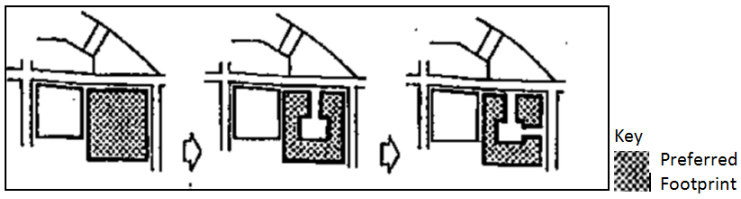


Figure 4 - Footprint Preferences

(from left as least preferred to right as most preferred)

d) Proposed development 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).

e) Exposed end or side walls must be treated in a consistent manner in terms of colour and materials, avoiding unattractive patterns of different structural and infill elements. See also Figure 5 detailing where greater attention is required to unacceptable end wall design.

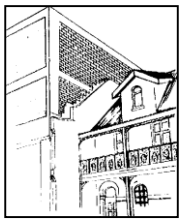


Figure 5 - Unacceptable end wall design

f) The ground floor level of premises and arcade links must be at footpath level generally in accordance with Figure 6 of this plan. Where changes in level are unavoidable, they will be made by ramps complying with accessibility requirements. See also *paragraph 3.6 Accessibility.*

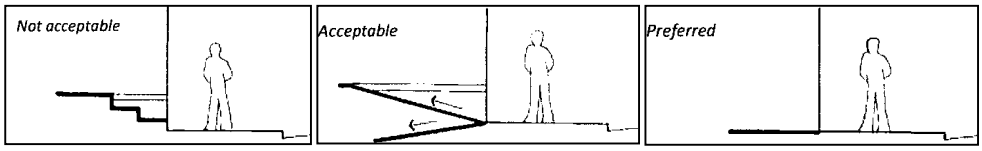


Figure 6 - Treatment of levels

g) Lettable retail space is to comprise the optimum amount of ground floor frontages. Lettable spaces having a range of floor areas and characteristics to suit differing activities are preferred.

h) Street numbers and/or names of buildings must be clearly marked in the vicinity of the main entrance in accordance with section 124 Item 8 of the Local Government Act 1993.

i) Roof structures are to be designed as an integral part of the overall design of a building, and the surrounding townscape. See also *paragraph 4.1.7 First Floor and Roof Additions.*

3.2 Heritage Considerations

This section applies to:

- Heritage Items and Conservation Areas listed in the LEP;
- development in the vicinity of heritage; and
- other development which may have potential heritage significance. If the property has merit as a potential heritage item the heritage controls and considerations of this plan will apply.

See also Part 2 of this plan for details required for lodgement of Heritage reports and statements.
See also Part 4 of this plan for planning controls generally and including *paragraph 4.4.1 Demolition* and *paragraph 4.4.3.2 Signs on Heritage Items and Conservation Areas.*
See also Part 5 of this plan for special character provisions for each of the conservation areas.
See also LEP clause 5.10 for statutory provisions.
See also guiding principles set out in the Australia ICOMOS Burra Charter.

Relevant DCP objectives in relation to heritage in this plan include the following:

Objective 1) To retain and conserve environmental heritage and cultural significance of Manly including:
- significant fabric, setting, relics and view associated with heritage items and conservation areas;
- the foreshore, including its setting and associated views; and
- potential archaeological sites, places of Aboriginal significance and places of natural significance.

Objective 2) To ensure any modification to heritage items, potential heritage items or buildings within conservation areas is of an appropriate design that does not adversely impact on the significance of the item or the locality.

Objective 3) To ensure that development in the vicinity of heritage items, potential heritage item and/ or conservation areas, is of an appropriate form and design so as not to detract from the significance of those items.

Objective 4) To provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons.

Objective 5) To integrate heritage management and conservation into the planning development process including incentives for good heritage management, adaptive reuse, sustainability and innovative approaches to heritage conservation.

3.2.1 Consideration of Heritage Significance

LEP Clause 5.10(4) requires that Council consider the effect of proposed development on heritage significance of a heritage item or heritage conservation area. LEP Clause 5.10(5)(c) further requires that the development of land in the vicinity of Heritage Items or Conservation Areas may require further assessment into the effect on the heritage significance of the item/area.

3.2.1.1 Development in the vicinity of heritage items, or conservation areas

a) In addition to LEP listings of Environmental Heritage (LEP Schedule 5), this DCP requires consideration of the effect on heritage significance for any other development in the vicinity of a heritage item or conservation area.

b) Proposed development in the vicinity of a heritage item or conservation area must ensure that:
   i) it does not detract or significantly alter the heritage significance of any heritage items, conservation area or place;
   ii) the heritage values or character of the locality are retained or enhanced;
   iii) any contemporary response may not necessarily seek to replicate heritage details or character of heritage buildings in the vicinity, but must preserve heritage significance and integrity with complementary and respectful building form, proportions, scale, style, materials, colours and finishes and building/street alignments.

c) The impact on the setting of a heritage item or conservation area is to be minimised by:
   i) providing an adequate area around the building to allow interpretation of the heritage item;

ii) retaining original or significant landscaping (including plantings with direct links or association with the heritage item);
iii) protecting (where possible) and allowing the interpretation of any archaeological features; and
iv) retaining and respecting significant views to and from the heritage item.

3.2.1.2 Potential Heritage Significance

If the property is assessed as having merit as a potential heritage item, the heritage controls and considerations in this plan will apply. See also *paragraph 2.1.5.2* of this plan.

3.2.2 Alterations or Additions to Heritage Items or Conservation Areas

See also *paragraph 4.1.7 First Floor and Roof Additions* (Residential Development Controls)

3.2.2.1 Complementary Form and Scale that Distinguishes Heritage Significance

a) Alterations or additions to heritage items or buildings within a conservation area will not necessarily seek to replicate, overwhelm, dominate or challenge heritage details or character of the building or structure of heritage significant buildings. However, a contemporary response which complements and respects the form and scale of the original buildings may be considered if the heritage significance is retained.

b) Consideration should be given to whether making a house bigger will ruin its appearance. Additions to small houses can easily overwhelm them and use up garden space needed for private open space and impact the setting and pattern of development in the locality. Modest additions work best and can be organised as wings or pavilions to the existing house. All additions must be at the back of the house, not the front.

3.2.2.2 Retaining Significant Features and Landscape Setting.

Note: Significant features in relation to this paragraph include roofs, detailing, brickwork, colours and original windows (size, proportion and type).

Alterations or additions to heritage items or buildings within a conservation area must:

a) retain original and traditional roof form, roof pitch with any alterations to the roofs to be sympathetic to the style of the heritage item or building within a conservation area;
b) retain original architectural detailing such as barge board, finial trim, window awnings and front verandas. New detailing must be complementary to the character of the item or place;
c) retain original wall treatments and original cladding (including slate). Modifications to face brick dwellings must use the original style of bricks, window heads, mortar joints and other building details;
d) not render or paint original face brickwork. In particular face brickwork where already so treated should be restored, where practical, to its original un-painted state;
e) where surfaces are not originally face brickwork:
    i) any appropriate use of cement render is complementary to and consistent with the heritage architectural style and colour schemes and repainting must be articulated in the same manner as the original colour rendering of the building;
    ii) external colour schemes are to be in keeping with the original character of the heritage building based where possible on physical or documentary evidence in keeping with the architectural style and period of the building;
    iii) contemporary colours are not discouraged, but should be combined in a complementary way; and
    iv) single colour solutions are not permitted;
f) avoid removal of original fabric in order to retain the integrity of the heritage item or conservation area;

Note: Given that the loss of any heritage item would likely reduce overall heritage values in Manly, the Council is unlikely to approve demolition unless the place is incapable of reasonable reuse or where it would not be technically feasible to make it useable. The Council is equally unlikely to approve demolition of a structure for the sole reason that it is in poor condition due to deferred maintenance or neglect.

g) ensure that any new windows are to be inserted into the existing fabric of a heritage building and be of a size, proportion and type of window that is compatible with the building's architectural style/period as shown in Figure 7; and
h) retain and maintain contributory landscape settings for heritage items and ensure new landscaping is sympathetic to the heritage significance of the item or place.

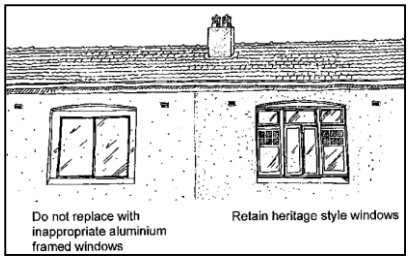


Figure 7 - Windows in Heritage Buildings

3.2.3 Fences for Heritage Items and Conservation Areas

See also *paragraph 3.1.1.2* in relation to streetscape principles for fences in residential areas.
See also *paragraph 4.1.10* in relation to general fencing controls.

a) Modifications to the front fence and garden of a heritage item or buildings within a conservation area must be designed and constructed in materials that contribute to and not detract from the historic style of the building and character of the streetscape.

b) Original fences must be retained and refurbished, where possible. New fences will be sympathetic in colour, material, height and design and will not detract from the heritage significance of the building or locality.

Note: Historical photographs can assist with identifying original fences. The Manly Local Studies Library resources are a valuable source of historical records.

3.2.4 Setbacks of Garages and Carports for Heritage Items and Conservation Areas

a) Garages and carports are not to be constructed forward of the building alignment of a listed heritage item or a building within a conservation area.

b) Where lanes exist with vehicular access to the rear of the property; driveways, crossings and garages are not to be provided on the primary street frontage.

Note: Suitably landscaped car parking hardstand areas may be considered forward of the building alignment under this paragraph.

See also *paragraph 4.1.4 Setbacks* (front, side and rear).

3.2.5 Exceptions to Parking Requirements and FSR Development Standards for Heritage Developments

See also Heritage incentives under LEP clause 5.10(10) Conservation Incentives.
See also provisions for financial assistance by the Local Heritage Fund which aims to assist with appropriate conservation works. Funding guidelines and applications are available from Manly Council.

3.2.5.1 Exceptions to Parking Requirements

See also *paragraph 4.1.6* & *paragraph 4.2.4* regarding development controls for parking and access.

a) Council may consider exceptions to providing the required onsite car parking for:
   i) alterations and additions to a heritage item or a dwelling in a conservation area listed in Schedule 5 of the LEP, if the car parking adversely impacts on the item; or
   ii) any other development of a listed heritage item in circumstances where Council is satisfied that the conservation of the item depends on Council allowing an exception to the parking requirement.

3.2.5.2. Exceptions to FSR Development Standards

Note: FSR is a development standard in the LEP clause 4.4.

See also *paragraph 4.1.3 FSR* in this plan.

Under LEP clause 4.6, Council may consider exceptions to the maximum FSR where 'compliance with the standard is unreasonable or unnecessary in the circumstances of the case' and where 'there is sufficient environment planning grounds' to justify contravening the development standard' See LEP clause 4.6(3).

a) Council may consider an exception to FSR under the LEP in relation to determining a DA for consent to erect a building on land upon which there is a building which is an item of the environmental heritage where the conservation of the item depends on allowing the exception and the development does not adversely impact on the significance of the heritage item.

   In this regard, when calculating the floor space of the development, Council may consider excluding the floor space of the item of the environmental heritage when considering an exception to the LEP standard. However such an exception will only be considered if Council is satisfied that the conservation of the item depends on Council allowing an exception to the FSR Development Standard in the LEP.

3.3 Landscaping

3.3.1 Landscaping Design

See also *paragraph 3.5 Sustainability.*
See also *paragraph 4.1.5 Open Space and Landscaping*.

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

Objective 1) To encourage appropriate tree planting and maintenance of existing vegetation.

Objective 2) To retain and augment important landscape features and vegetation remnant populations of native flora and fauna.

Landscape Character

a) The design, quantity and quality of open space should respond to the character of the area. In particular:

i) In low density areas (including LEP Zones R2 Low Density, E3 Environmental Management and E4 Environmental Living); open space should dominate the site. Setbacks of buildings from open space should also be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshore.

ii) In higher density areas the provision of adequate private open space and landscaped areas are to maximise residential amenity. Site works must be minimised to protect natural features.

iii) In areas adjacent to native vegetation, the design of development should be sympathetic to the natural environment in order to protect and enhance the area as habitat for native fauna.

iv) In areas of habitat for the long-nosed bandicoot (see *paragraph 5.4.2*), landscape design must include native plant species to provide new and/or improved low dense clumping habitat to provide for potential foraging and nesting. The planting schedule should comprise species such as *Lomandra sp. Dianella* sp., *Banksia spinulosa, Caustis* sp., *Xanthorrhoea* sp., *Isolepis* sp., *Juncus* sp., *Adiantum* sp., *Calochlaena* sp., *Callistemon* sp., *Grevillea juniperina, Gleichenia sp., Grevillea* 'Robyn Gordon' and tussocky native grasses (eg. Kangaroo Grass)

b) Planting criteria including Native Plant Species and Amenity

i) Landscaped Areas must be capable of supporting new native tree species that are typically expected to reach a mature height of 10m notwithstanding the minimum dimension requirements at *paragraph 4.1.5.2* of this plan.

ii) The use of locally occurring native plant species is preferred to assist in providing habitat for local fauna; and preserve threatened native plants.

iii) Trees should be positioned in locations that minimise significant impacts on neighbours in terms of:

- blocking winter sunlight to either living rooms, private open space or solar collectors; or
- where the proposed location of the tree may be otherwise positioned to minimise any significant loss of views.

Undercroft areas

c) Undercroft areas must be presented as a positive space and integrated into the design of the building by use of appropriate landscaping and/or the retention of natural features and vegetation where possible, having regard to the volume of the space and its orientation. In relation to sloping sites (see also *paragraph 4.1.8*) and in lower density areas, any supporting undercroft structures must be minimised.

3.3.2 Landscape/Tree Preservation

See also *paragraph 2.3 Approval Requirements for Removal of Trees.*

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

Objective 1) To ensure that development protects and conserves the natural environment.

Objective 2) To protect and preserve urban bushland areas in recognition of their:

- value as part of the natural heritage;
- aesthetic value; and
- value as a recreational, educational and scientific resource.

Objective 3) To protect and prevent clearing of remnant and or rehabilitated riparian land value as a recreational, educational and scientific resource.

a) Developments must maximise the retention and protection of natural landscape features including significant rock outcrops and vegetation including canopy trees and under-storey vegetation, which would require a tree permit under this plan.

Note: Existing trees and vegetation may support significant indigenous wildlife populations. Applicants should consult Councils' Parks and Gardens Branch to assess the possible impact on local flora and fauna.

b) The siting of buildings and landscaping must protect local waterways, drainage lines and riparian land by:
   i) protecting existing riparian native vegetation and/or rehabilitating riparian land;
   ii) retaining natural ground levels; and
   iii) providing a buffer of native planting to existing vegetation, particularly when adjoining land in LEP Zones RE1, RE2, E1 & E2 as further detailed in *paragraph 4.1.4.6* of this plan.

c) In relation to conservation and energy efficiency, plant species should be retained, selected and planted to achieve:
   i) shaded buildings in summer;
   ii) reduced glare from hard surfaces;
   iii) sunlight access into living rooms in cooler months;
   iv) cooling air currents channelled into the dwelling in summer;
   v) windbreaks where desirable; and
   vi) landscape construction taking advantage of, and using existing site materials, recycled materials and materials that have a low embodied energy.

See also *paragraph 3.5.5 Landscaping* in relation to sustainability principles.

3.3.3 Footpath Tree Planting

The installation of footpath trees is supported to satisfy the aims of the Council's Tree Management Policy 2011. Also, in relation to footpaths adjoining LEP Zone B6 in Condamine Street plantings will be in a manner which discourages parking on the footpath.

See also paragraph 9 of the Manly Tree Management Policy.

3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)

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

Objective 1) To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties including noise and vibration impacts.

Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.

Designing for Amenity

a) Careful design consideration should be given to minimise loss of sunlight, privacy, views, noise and vibration impacts and other nuisance (odour, fumes etc.) for neighbouring properties and the development property. This is especially relevant in higher density areas, development adjacent to smaller developments and development types that may potentially impact on neighbour's amenity such as licensed premises.

b) Development should not detract from the scenic amenity of the area. In particular, the apparent bulk and design of a development should be considered and assessed from surrounding public and private viewpoints.

c) The use of material and finishes is to protect amenity for neighbours in terms of reflectivity. The reflectivity of roofs and glass used on external walls will be minimal in accordance with industry standards. See also *paragraph 2.1.6* regards DA lodgement requirements for material and finishes.

3.4.1 Sunlight Access and Overshadowing

See *paragraph 2.1.4* for DA lodgement requirements for shadow diagrams.
See *paragraph 4.1.5.3.b.iii* for sunlight requirements to private open space with boarding houses.

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

Objective 1) To provide equitable access to light and sunshine.

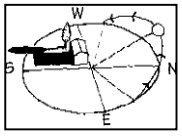
Objective 2) To allow adequate sunlight to penetrate:

- private open spaces within the development site; and
- private open spaces and windows to the living spaces/ habitable rooms of both the development and the adjoining properties.

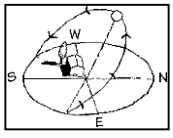
Objective 3) To maximise the penetration of sunlight including mid-winter sunlight to the windows, living rooms and to principal outdoor areas by:

- encouraging modulation of building bulk to facilitate sunlight penetration into the development site and adjacent properties; and
- maximising setbacks on the southern side of developments to encourage solar penetration into properties to the south.

Note: The winter solstice on the 21st June is the most critical time to assess solar access. On this date, the sun's altitude of 30 degrees will cause shadows 3 times as long as the height of the object.



Winter Solstice



Summer Solstice

Figure 8 - Winter and Summer Solstices

3.4.1.1 Overshadowing Adjoining Open Space

In relation to sunlight to private open space of adjacent properties:

a) New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June) ; or

b) Where there is no winter sunlight available to open space of adjacent properties from 9am to 3pm, the calculations for the purposes of sunlight will relate to the equinox in March and September from 9am to 3pm.

See LEP definition of private open space and paragraph 4.1.5.3 Principle Private Open Space.

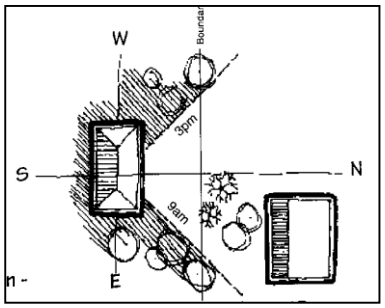


Figure 9 - Plan showing Solar Access from 9am to 3pm

3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties

In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties:

a) for adjacent buildings with an east-west orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at least 2 hours from 9am to 3pm on the winter solstice (21 June);

b) for adjacent buildings with a north-south orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 4 hours from 9am to 3pm on the winter solstice (21 June);

c) for all adjacent buildings (with either orientation) no reduction in solar access is permitted to any window where existing windows enjoy less than the minimum number of sunlight hours specified above.

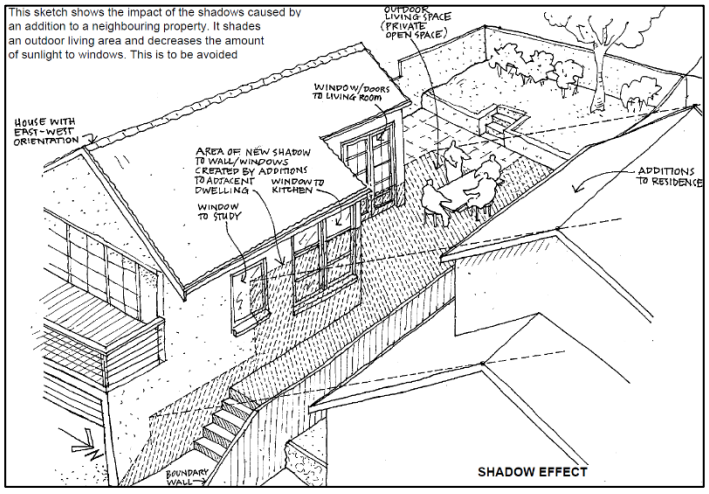


Figure 10 - Shadow effect diagram.

Note: the building in this figure has an east/west orientation.

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

3.4.1.5 Excessive Glare or Reflectivity Nuisance

See also *paragraph 2.1.6* in relation to the lodgement of appropriate details of building material and finishes.

All external material and finishes incorporated into the development must consider and mitigate any excessive glare or reflectivity nuisance.

3.4.1.6 Sunlight Access to Communal Living Areas

See also *paragraph 4.4.9 Boarding Houses*

Communal Living Areas for residential accommodation involving more than 1 dwelling (including Boarding Houses) must receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter into at least 1 communal living room (where more than 1 communal living room area is provided).

3.4.2 Privacy and Security

Note: 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

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 suitable angled to protect visual privacy.

b) Recessed design of balconies and terraces can also be used to limit overlooking and maintain privacy

3.4.2.3 Acoustical Privacy (Noise Nuisance)

See also Noise Guide for Local Government prepared by NSW Department of Environment, Climate Change and Water in 2010.

a) Consideration must be given to the protection of acoustical privacy in the design and management of development.

b) Proposed development and activities likely to generate noise including certain outdoor living areas like communal areas in Boarding Houses, outdoor open space, driveways, plant equipment including pool pumps and the like should be located in a manner which considers the acoustical privacy of neighbours including neighbouring bedrooms and living areas.

c) Council may require a report to be prepared by a Noise Consultant that would assess likely noise and vibration impacts and may include noise and vibration mitigation strategies and measures. See particular requirements for noise control reports for licenced premises below at paragraph g) below.

Licensed Premises

See also paragraph 4.2.5.6.c Late Night Venues in Manly Town Centre and Surrounds

d) LEP clause 6.21 provides for consideration of noise impacts from licensed premises being either new premises and places; or alterations and additions to existing premises. While 'licensed premises' are not defined in the LEP or DCP, the definition adopted from the Liquor Act refers to any premises (or places) that are licenced under the Liquor Act 2007. In this regard any DA where a licence is required for the sale of liquor must consider this clause.

e) The types of development that may be licenced include Restaurants, Cafes, Clubs, Hotels, Pubs, Entertainment Venues, and Community Facilities and the like. The types of licences may be granted and held under the Liquor Act 2007 for such premises include hotel licences, club licences, small bar licences, on-premises licences and others. In relation to Licensed Premises the Liquor Act 2007 provides and regulates the liquor license approvals process administered by the Office of Liquor, Gaming and Racing. With particular reference to potential noise impacts from Licenced Premises, the the Standard Noise Criteria is applied by the Office of Liquor Gaming and Racing.

f) In relation to the assessment process applicants are encouraged to lodge the DA and liquor license application simultaneously. While the Office of Liquor, Gaming and Racing will not issue an approval for a liquor license untill development consent has been granted by Council, effective consideration of matters such as noise impacts may be better resolved when dealt with concurrently.

g) Noise Control reports are to be submitted with DAs for licensed premises for the management of patron noise (including patrons exiting the premises) and other offensive noise (including amplified music and plant and equipment noise emissions) emitted over the life of the development. The Noise Control report is to demonstrate to the satisfaction of Council that the activities carried out and related to the operation of the premises will meet the following requirements:

   i) The La10* noise level emitted from the licensed premises must not exceed the background of noise level in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) by more than 5dB between 7am and 12 midnight at the boundary of any affected residence.

   ii) The La 10* noise level emitted from the licensed premises must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) between 12 midnight and 7am at the boundary of any affected residence.

   iii) The noise level from the licensed premises must not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am or as otherwise required under conditions of development consent.

   iv) Balconies, verandahs, any roof top areas and any external access thereto must be closed to patrons between the hours of 10pm to 8am daily to minimise noise nuisance.

   ***Note**: For the purposes of condition, the La10 can be taken as the average maximum deflection of noise emission from licensed premises.

See also *paragraph 3.9.3 Noise from Mechanical Plant*.

Notes: Development proposals including changes of use may lead to new or exacerbated noise impacts. For example a new residential development may be located close to existing noisy activities or a new or intensified noisy activity may be proposed close to existing residential areas. Common noisy activities include commercial premises, main roads and some entertainment facilities.

3.4.3 Maintenance of Views

Relevant DCP objectives to be satisfied in relation to this paragraph include the following:

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

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

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

a) The design of any development, including the footprint and form of the roof is to minimise the loss of views from neighbouring and nearby dwellings and from public spaces.

b) Views between and over buildings are to be maximised and exceptions to side boundary setbacks, including zero setback will not be considered if they contribute to loss of primary views from living areas.

c) Templates may be required to indicate the height, bulk and positioning of the proposed development and to assist Council in determining that view sharing is maximised and loss of views is minimised. The templates are to remain in place until the application is determined. A registered surveyor will certify the height and positioning of the templates.

Note: DA assessment is to determine the extent of, and impact on views at eye height in a standing position (eye height is 1.6m above floor level) from within the main living areas (and associated terraces/balconies) of the proposed and existing, adjacent and nearby developments, as well as public spaces. Refer to Figure 11 - View Loss Assessment Diagram.

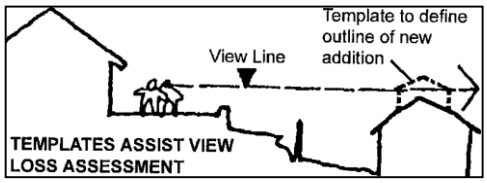


Figure 11 - View Loss Assessment Diagram

Planning Principle

d) The ultimate assessment of views and view loss in this plan must be in accordance the following planning principle established by the NSW Land and Environment Court as follows:

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

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

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

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

Note: In relation to the protection of views, LEP clause 4.3A also identifies specific locations on the LEP Height of Buildings Map where the height of the building (including the roof structure) must not exceed the highest level of the adjoining road frontage, generally at the crown of the road. Other height controls also apply to this land including wall and roof height and maximum number of storeys. See *paragraph 4.1.2 of this plan.*

3.4.4 Other Nuisance (Odour, Fumes etc.)

Consideration must be given to the protection and maintenance of public health and amenity in relation to any proposed development that involves the emission of odours to ensure compliance with legislation, for example food premises near residential accommodation. Council may require a report to be prepared by an air pollution consultant specifying odour control and other air impurity control methods.

3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)

Section 5(a)(vii) of the Environmental Planning and Assessment Act 1979 encourages ecologically sustainable development. Council require that the principles of ecologically sustainable development be taken into consideration when determining development applications under section 79C of the Environmental Planning and Assessment Act 1979 and under this plan.

Relevant objectives in relation to this part include the following:

Objective1) To ensure the principles of ecologically sustainable development are taken into consideration within a consistent and integrated planning framework that achieves environmental, economic and social sustainability in the short, medium and long term.

Objective 2) To encourage the retention and adaptation of existing dwellings including a preference for adaptive reuse of buildings rather than total demolition. Where retention and adaption is not possible, Council encourages the use of building materials and techniques that are energy efficient, non-harmful and environmentally sustainable.

Objective 3) To minimise waste generated by development and embodied in the building materials and processes through demolition.

Objective 4) To encourage the use of recycled materials in landscape construction works.

Objective 5) To encourage the establishment of vegetable gardens and the planting of fruit trees.

Objective 6) To encourage energy efficient building design, construction and practices, that reduce energy consumption (primarily for heating and cooling), reduce the use of non-renewable fossil fuels, minimise air pollution, greenhouse gas emissions and reduce energy bills.

Objective 7) To require that residential site planning and building design optimise solar access to land and buildings.

Objective 8) To site and design development to optimise energy conservation and sustainability in accordance with BASIX legislation and encourage development to exceed requirement particularly to ensure energy efficient use of energy for internal heating and cooling.
See also *paragraph 2.1.7 Lodgement Requirements*.

Objective 9) To site and design development to optimise energy conservation (in accordance with the energy hierarchy) and sustainability to which BASIX does not apply.

Objective 10) To ensure non-residential development involving a gross total floor area of greater than 500 sqm set and meet criteria for energy efficiency/conservation through an Energy Performance Report.

Objective 11) To ensure non-residential development complies with the Building Code of Australia energy efficiency provisions.

Other sustainability measures are also broadly incorporated into other sections of this plan with sustainable design principles also considered in this plan in respect of the following:

a) Sustainability Report. *See paragraph 2.1.7;*
b) Site and Context Analysis; See *paragraph 2.1.2.* Information gained from an analysis of the site and context that are relevant in addressing the passive solar design measures include:
   i) Solar access;
   ii) Building form;
   iii) Ventilation;
   iv) Solar shading in summer;
   v) Landscaping for energy efficiency; and
   vi) Subdivision.
c) Provision of solar access solar shading devices. See *paragraph 3.4.1.3;*
d) Sustainable timber specification. See *Schedule 8*;
e) Landscaping. See *paragraph 2.1.3, paragraph 3.3* & *paragraph 4.1.5.*; and
f) Waste Management. See paragraph 3.8.3 for example Composting.

3.5.1 Solar Access

The purpose of this paragraph is to provide passive solar design principles and measures to optimise solar access through:

- Building Form, Design and Orientation;
- Solar Shading Devices.

See also *paragraph 3.4.1 Sunlight Access and Overshadowing*, for provisions to minimise overshadowing of adjoining properties.

3.5.1.1 Building Form, Design and Orientation

~~a) Maximise the length of the north facing walls of living areas where site constraints allow. Where site constraints do not allow, aim to implement solar assisted techniques to compensate for inflexible building forms.~~

~~b) In achieving passive solar energy efficiency in building, the 'form' of the building can be a significant factor. In an ideal situation, buildings would be proportioned to ensure maximum solar access, with north facing walls up to 50 percent longer than east and west facing walls. However, the constraints provided by Manly's existing urban environment, means that the ideal situation does not always occur. Invariably, on individual sites, orientation to the street, lot size and shape, and adjacent buildings will significantly influence the proportions and form of a building.~~

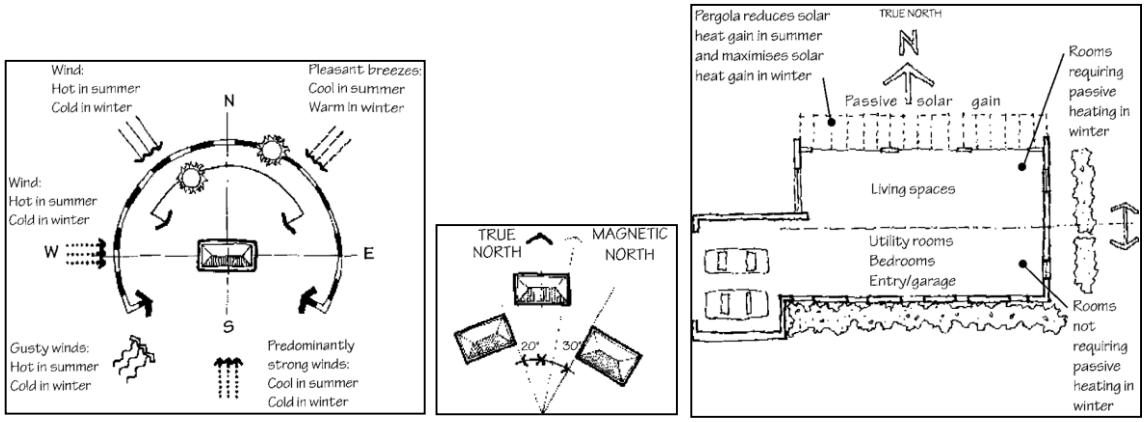


Figure 12 - Site Factors: Building orientation around the true north for maximising solar access and Living areas with northerly aspect

~~c) Windows should be rated under the Window Energy Rating Scheme (www.wers.net) and the Building Code of Australia Section J - Part 2 Glazing~~.

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.

3.5.1.2 Solar Shading Devices

Whilst the design of buildings should take advantage of winter sun, there is an equal need to provide protection from the severity of summer sun. There is a need to control summer sun penetration and prevent the overheating of the building. This can be achieved using appropriate solar shading devices. The most effective way of controlling overheating of a dwelling is to prevent summer sun from reaching glazed areas.

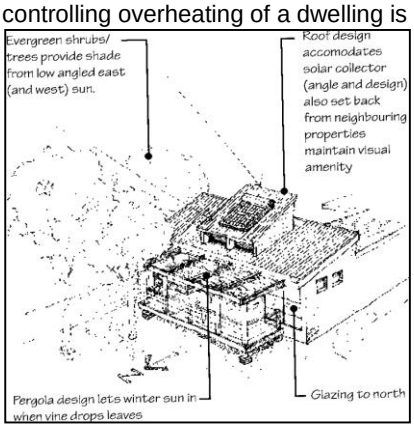


Figure 13 - Solar Energy House

a) The design of buildings may reduce summer sun penetration to north, east and west facing walls of buildings incorporated by the use of external solar shading devices, such as; awnings, external venetians, balconies, pergolas, eaves, overhangs, sails and the like.

b) The minimum projection width for north facing overhangs, or shading devices, should be a width equivalent to at least 45 percent of the height of the shaded opening, measured from the bottom of the glass, to be shaded.

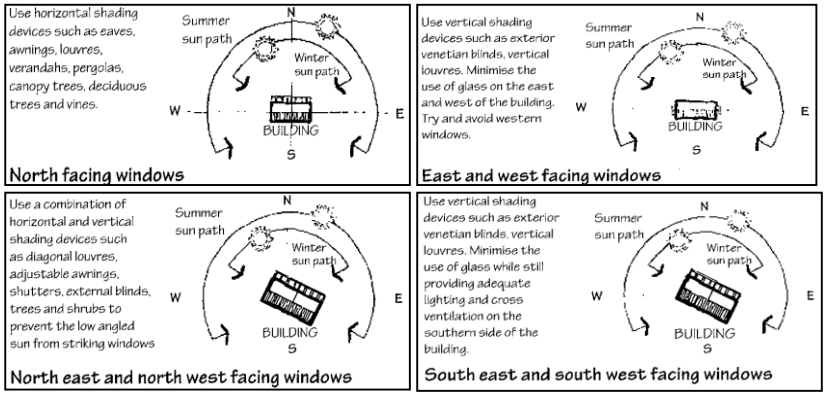


Figure 14 - External Shading Devices for various window directions

3.5.2 Energy Sources and Systems

See also *paragraph 3.4.1.3 Overshadowing Solar Systems*.

3.5.2.1 Photovoltaic solar cells

Electricity from solar power is an environmentally friendly alternative to electricity produced by other sources, such as coal, that produce greenhouse gases. Photovoltaic solar cells can be used with mains electricity to provide household electricity and pump surplus power back into the electricity grid. Where a development application is for multi-storey apartment buildings, a centralised system, with separate meters for each unit is encouraged.

The solar panels are typically mounted on the roof and face towards the sun (north) to absorb the energy from sunlight. There is an industry standard for the connection of rooftop photovoltaic systems to the grid. The use, location and placement of photovoltaic solar panels should take into account the potential permissible building form of adjacent properties.

Salt corrosion resistant panels are recommended for areas which are exposed to the sea air.

3.5.2.2 Solar Hot Water Systems

Note: Residential electric hot water systems typically comprise up to a third of overall residential energy use. Changing from an electric hot water system to solar hot water systems is likely to be the single most effective action a residence can take to save energy and produce no greenhouse gas emissions. A solar hot water system can provide between 50 and 90 percent of your hot water needs (and with electric or gas boosters to provide the rest of your hot water needs).

a) A solar hot water system is to be installed in all new residential buildings and in major renovations that require a new hot water system, except in situations where the applicant can demonstrate that a solar water heater is unsuitable. Where considerable difficulty is experienced Council will consider the use of a heat pump system in lieu of a solar water heater or a combination of both.

b) Solar hot water systems must achieve a minimum energy performance of 60 percent solar gain as measured by the Australian Standard for solar hot water systems AS 4234-1994 "Solar water heaters - Domestic and heat pump - Calculation of energy consumption".

c) Hot water systems must have thermostatic controls and tanks and pipes should be insulated.

Note: Federal Government legislation prevents the installation of electric storage hot water systems in any existing detached or attached residential dwelling in favour of three alternative electric heat pump, solar or gas technologies. Working electric hot water systems do not have to be replaced until the unit fails. This legislation does not cover multi-unit residential or non-residential buildings.

3.5.2.3 Trigeneration and Cogeneration

Cogeneration means the use of a power generator (for example, gas turbines) to simultaneously generate both electricity and useful heat. The heat may be used for various applications such as space heating or water heating.

Trigeneration means use of the waste heat to provide cooling similar to cogeneration. If the demand for cooling is high, the waste heat of the electricity generation process can be transformed into cooling energy by an absorption chiller. Trigeneration can be a cost-effective option, for certain developments such as major data centres requiring both onsite electricity generation with large year-round cooling requirements.

Note: The advantage of cogeneration and trigeneration systems is that by generating electricity locally, they avoid transmission and distribution network losses which can be as high as 10 percent. Additionally, by using heat that would otherwise be wasted, a cogeneration system can make use of 70 to 75 percent of the energy in the original fuel, compared to 25 to 30 percent for a conventional coal-fired power station.

Cogeneration and trigeneration systems can vary in size from large scale power stations to modular units for individual buildings. The cost-effectiveness of cogeneration and trigeneration varies greatly according to the specific power, heating and cooling requirement of the site or business.

3.5.2.4 Space cooling - Ceiling fans

a) Ceiling fans can be used in summer or winter. In winder, fans move hot air from the ceiling area down to the floor especially in rooms with high ceilings. Reverse speed fans can be used as heat shifters in winter In summer fans provide cooling breezes cooling the body as air moves over the skin, increasing heat loss by convection and evaporation.

b) In Manly, a well-designed house may not need the cost and installation of an air conditioning system for the few uncomfortably hot days we experience per year. All that may be needed for those days is a fan or ceiling fan. A well designed house can reduce cooling requirements and costs to a minimum and fans can provide a high level comfort on most hot days at a very low running cost.

c) Passive methods of minimising heat gain include window shading; appropriate insulation; and weather seals preventing hot air infiltration and cross ventilation to provide natural cooling by opening windows and doors when the outside temperature is cooler than the inside temperature. See also paragraph *3.5.3 Ventilation*.

d) If a space cooling system is to be used, consideration needs to be given to the size and location of rooms to be cooled, health considerations (for example dust, noise, dry/ humid air), the location of the system and the environmental impact of the system on adjacent buildings.

3.5.3 Ventilation

Building design that provides natural ventilation/cooling during summer is an important consideration in the design stage of new building works. Ventilation is also necessary for the good health of buildings by replacing internal air which may contain carbon dioxide, damp and contaminants with fresh outside air.

This paragraph provides passive solar design principles and measures to optimise natural ventilation through:

a) building design and orientation to prevailing wind; and

b) the location and area of permanent openings, windows and doors.

3.5.3.1 Building Design and Orientation to prevailing wind

a) Buildings are to be orientated to benefit from cooling summer breezes (generally easterly/north easterly in Manly) where possible.

b) Buildings are to provide for cross ventilation by locating windows and openings in line with both each other and the prevailing breezes.

3.5.3.2 Location and area of openings

a) ~~The aggregate opening or openable size of greater than 5 percent of the floor area is required for any occupied room to ensure minimum requirement for ventilation in this plan.~~ The area of unobstructed window opening should be equal to at least 5% of the floor area served

b) Locate windows and openings in line with each other, and with the prevailing breezes to assist ventilation so that air can pass through a building from one side to the other, replacing warm inside air with cooler outside air.

c) Consider the use of solar or naturally activated exhaust fans to ventilate external walls. This also keeps living areas cool in summer and dry in winter;

d) Rooms in residential flat buildings which access exposed balconies are to include a separate opening window as well as a door.

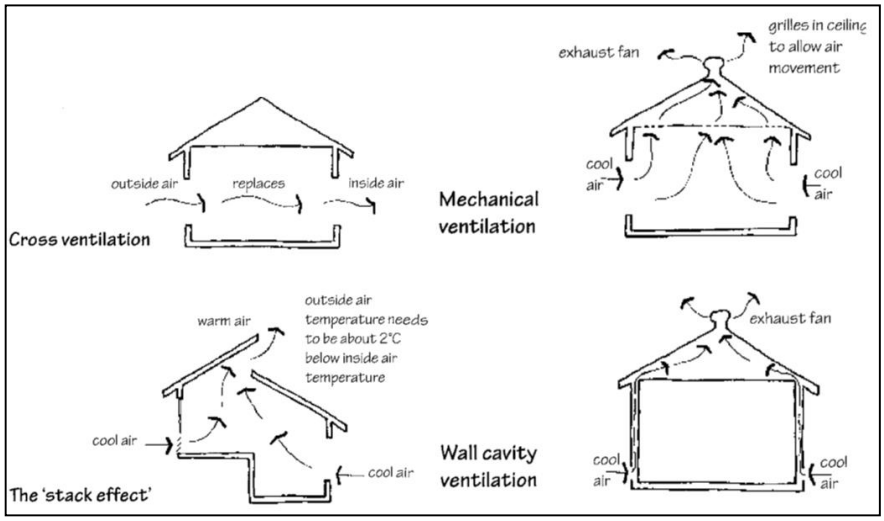


Figure 15 - Types of Ventilation of Buildings

~~3.5.3.3 Mechanical Systems~~

~~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;~~

~~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.~~

3.5.4 Energy Efficient Appliances and Demand Reduction and Efficient Lighting (non-residential buildings)

Notes: The Federal Government uses two main tools to increase energy efficiency of appliances and lighting. Firstly the Minimum Energy Performance Standards are introduced for some appliances. These standards have been introduced because many appliances have actually increased their overall energy consumption as they have become larger, more complex , despite being more efficient. Secondly, Energy Rating labels (Energy Star rating) enable comparison of the energy efficient appliances. See www.energyrating.gov.au and www.energystar.gov.au.

The Federal Government has mandated a phase out of incandescent lighting technology and placed minimum standards on fluorescent lamps; however, there are additional ways to achieve emissions reduction in lighting energy consumption and energy consumption from appliances in Manly which are outlined below (for non-BASIX buildings and are encouraged in buildings to which BASIX applies, where requirements exceed BASIX standards):

3.5.4.1 New and replacement installed electrical appliance must be rated no less than one star below the maximum available for that appliance type on the Energy Star rating schemes at the time of installation.

3.5.4.2 New or replacement air conditioning units are to have a minimum 4 star energy rating for cooling only. Reverse cycle air conditioning units are to have a minimum of 4 star rating on one cycle and 3 star rating on the alternate cycle.

3.5.4.3 New gas heaters must be rated no less than one star energy rating below the maximum available at the time of installation.

3.5.4.4 Demand reduction lighting technologies and energy efficient lighting must be used including:

a) high energy efficient lamps including LED lights, compact fluorescent lights or tubular quad phosphor and troposphere fluorescent lamps with high frequency ballasts instead of tungsten light bulbs (i.e. standard bulbs);

b) appropriate lighting lux levels relative to the use of different areas (for example, high lighting levels should be provided for workstations and service areas. (Refer to AS1680 Lighting Standards);

c) Fitting controls to ensure lights are not left on when not required, including automated lighting controls, movement sensors, timers, lux level sensors and voltage reduction units; and

d) Providing energy efficient lighting such as solar, metal halide or sodium discharge lamps for the security of external spaces, such as car parks and controlling external lighting by time and movement sensors.

3.5.5 Landscaping

3.5.5.1 Considerations in Plant Selection and Landscaping Design

a) Matters to consider in selecting trees and vegetation best suited to conserving energy in buildings include:

   i) adaptability to site conditions i.e. size of block, soils, microclimate (wind, sun and shade pattern, slope, proximity to existing vegetation, building services, water requirements);

   ii) canopy density for shading/cooling;

   iii) seasonal character i.e. deciduous species;

   iv) growth patterns - height and spread of canopy and root spread. Make sure you find out the heights of trees when buying from nurseries and try to choose trees that grow to approximately 6m to10m in height and that have low maintenance requirements;

   v) choosing plant material with low water requirements, and plants that are fire retardant if you live in a fire hazard area;

   vi) weed invasion - near bushland can be prevented by choosing plant and landscaping materials carefully; and

vii) the relationship between the building and the garden landscaping needs to be considered at an early stage in the design process. Where possible provide direct access from the principal indoor living areas to those outside. These considerations need to be carried out in conjunction with the architect/ builder.

b) Landscaping should generally contribute to energy efficiency by:
   i) controlling sun to reduce summer heat gain, by shading the house and outdoor spaces, without reducing solar access in winter;
   ii) controlling winds to reduce both heat loss, (by providing protection from unfavourable winds) and heat gain (by funnelling cooling summer breezes);
   iii) improving outdoor comfort levels in summer, through shading, absorbing heat and funnelling breezes.

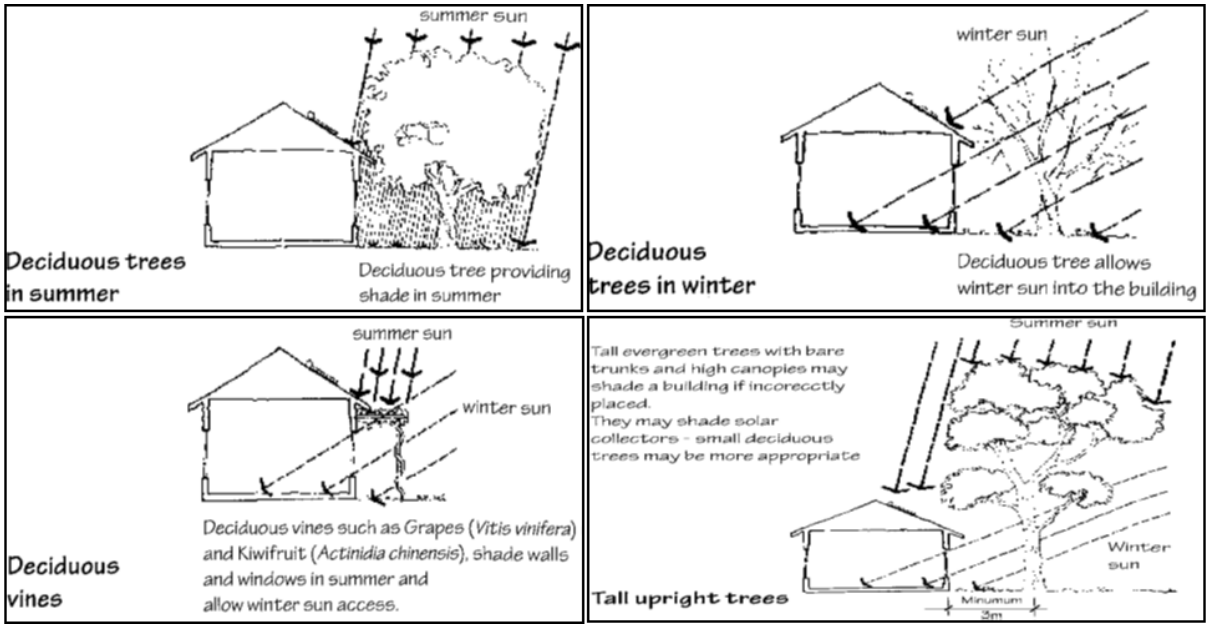


Figure 16 - Landscaping for the northerly aspect of buildings

See Schedule 4 - Tree Removal for suggested landscaping plant suggestions for enhancing the energy efficiency of buildings. This Schedule includes selection of plants for shading, ventilation and the like.

3.5.6 Energy efficiency/conservation requirements for non-residential developments

Note: This paragraph contains provisions to ensure the energy efficiency/conservation of developments which are not covered by State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

Non-residential development must comply with the energy efficiency requirements prescribed in Figure 17 - Energy Efficiency / Conservation Requirements.

Figure 17 - Energy Efficiency/ Conservation Requirements

Development type	What must be complied with	Information to be submitted with development application
New business premises, retail premises, office premises and industrial buildings involving a gross floor area of greater than 500sqm.	The total anticipated annual energy consumption and greenhouse gas emission production must be in line with current best practice to be determined in the Energy Performance Report. This Report must outline how these targets will be achieved under objectives 6 and 9 at *paragraph 3.5* of this plan. See also *paragraph 2.1.7.2*. The Energy Performance Report will investigate and evaluate the use of the least greenhouse gas intensive form of energy such as trigeneration and solar farm technology. New or replacement hot water systems of domestic/ residential scale must be solar hot water in accordance with *paragraph 3.5.2.* Energy star rated electrical appliances must be supplied in accordance with *paragraph 3.5.4.* See also paragraph *3.4.1.3 Overshadowing Solar Systems*.	Energy Performance Report including evidence from an accredited energy consultant to confirm compliance with the total anticipated energy consumption and investigation of trigeneration and other emission reduction energy sources. The DA Statement of Environmental Effects must include considerations referred to in *paragraphs 3.5.1 to 3.5.8* of this plan with particular discussion of sustainable design principles and controls.
New developments and alterations and additions to Commercial, industrial, retail, restaurant and café developments between 100sqm and 500sqm.	New or replacement hot water systems of domestic/ residential scale must be solar hot water in accordance with *paragraph 3.5.2.* Energy star rated electrical appliances must be supplied in accordance with *paragraph 3.5.4.* See also *paragraph 3.4.1.3 Overshadowing Solar Systems.*	The DA statement of environmental effects must include considerations referred to in *paragraphs 3.5.1 to 3.5.8* of this plan with particular discussion of sustainable design principles and controls.
New developments and alterations and additions to tourist and visitor accommodation and boarding houses. See also *paragraph 2.1.17* & *paragraph 4.2.5.5* of this plan.	New or replacement hot water systems of domestic/ residential scale must be solar hot water in accordance with *paragraph 3.5.2.* Energy star rated electrical appliances must be rated and supplied in accordance with and *paragraph 3.5.4.* Air conditioning in new hotels must operate on a demand or room occupation basis only. .	The DA Statement of Environmental Effects must include considerations referred to in *paragraphs 3.5.1 to 3.5.8* of this plan with particular discussion of the design principles and controls.
All other developments	New or replacement hot water systems of domestic/ residential scale must be solar hot water in accordance with *paragraph 3.5.2*. Energy star rated electrical appliances must be rated and supplied in accordance with minimum energy performance standards and *paragraph 3.5.4.* See also *paragraph 3.5.6.1 NABHERS Rating Scheme* and paragraph *3.4.1.3 Overshadowing Solar Systems.*	The DA Statement of Environmental Effects must include considerations referred to in *paragraphs 3.5.1 to 3.5.8* of this plan with particular discussion of the design principles and controls.

3.5.6.1 NABERS Rating Scheme

The Sustainable Development Authority previously developed a scheme known as the Australian Building Greenhouse Rating Scheme. The Scheme has since been formed into the National Australian Built Environment Rating Scheme (NABERS) and is managed by the NSW Office of the Environment and Heritage.

The NABERS scheme covers offices and commercial tenancies, selected hotels, shopping centres and homes.
The scheme is being developed for hospitals, schools and data centres.
The key environmental categories covered under NABERS include:

a) Energy use and greenhouse emissions;
b) Water use;
c) Waste; and
d) Indoor environment.

The NABERS scheme is voluntary; however, Federal Legislation requires building owners selling or leasing commercial office floor space greater than 2000sqm to disclose their NABERS rating through a Building Energy Efficiency Certificate.

3.5.7 Building Construction and Design

Building design is to apply fundamental principles in achieving energy efficiency in terms of the following:

- environmentally sound building materials;
- thermal mass;
- glazing;
- wall and roof colour; and
- insulation.

3.5.7.1 Environmentally Sound Building Materials

a) Where possible, reuse existing site materials and materials that have a low embodied energy. That is, materials that have the least impact on the environment in production.

b) Building materials should be selected to increase the energy efficiency of the building, and to minimise damage to the environment. In particular, the use of plantation and recycled timber is encouraged and no rainforest timbers or timbers cut from old growth forests are to be used in Manly. Building Specification for timber should specify plantation or regrowth timbers, or timbers grown on Australian farms or State Forest plantations, or recycled timbers. Recommended building timbers are located at *Schedule 8* of this plan.

Note: Whilst the commercial considerations of choice of building materials are generally influenced by availability, economy and market considerations, greater energy efficiency and environmental sustainability can be achieved by careful choice of building materials.

c) Material choice should also take account of environmental considerations, namely:

i) abundant or renewable resources;

ii) energy efficient materials, with low embodied energy;

iii) recycled materials;

iv) non-polluting materials;

v) environmentally acceptable production methods;

vi) durable materials, with low maintenance; and

vii) recyclable and reusable materials.

d) Wood certified by the Forest Stewardship Council known as 'Good Wood' must be utilised where possible. The Forest Stewardship Council sets the international standard for credible forest management and chain of custody certification and remains the most widely recognised and best regarded in the world.

e) 'Good Wood' is certified by the Forest Stewardship Council and comes from ethically and ecologically sustainable sources. Buying Good Wood tells companies there is no market for illegal and destructive timber and forces them to act responsibly. See *www.goodwoodguide.org.au.*

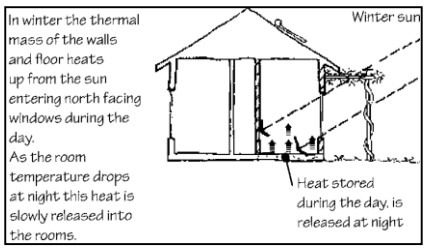
3.5.7.2 Thermal mass

See also the Building Code of Australia Section J - Part 1 Building Fabric.

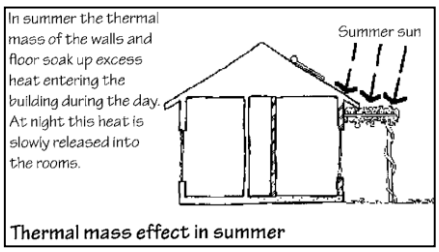
a) For the construction of buildings, use materials that have a good thermal mass, such as bricks, concrete and stone. These materials should be used where they can benefit the thermal comfort and energy efficiency of a dwelling. To be effective, materials with thermal mass should be located:

i) inside the insulated fabric of the house;

ii) in north facing rooms, where they can benefit from winter heat gain.



In Winter



In Summer

Figure 18 - Thermal Mass Effects in Summer and Winter

b) Manly's temperate climate means that the storage of heat through thermal mass is an important factor in achieving 'thermal comfort' in the home.

c) Achieving thermal mass in the building envelope as illustrated in Figure 18 is important for both:

i) heat gain in winter. Internal walls with thermal mass can soak up heat from the sun through north-facing windows. During the night, this heat is released back into the rooms;

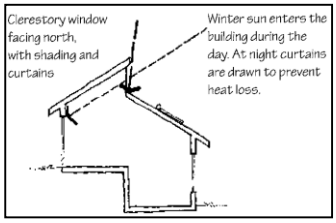
ii) heat release in summer. The thermal mass soaks up excess heat in the building. During the night this heat is slowly released.

3.5.7.3 Glazing

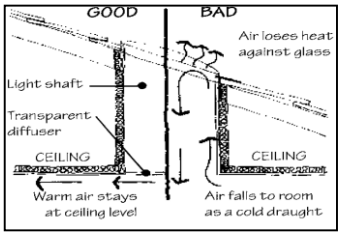
Notes: The thermal performance of a building relies upon a balance of thermal mass materials, and the area of glass exposed to sunlight. The northern orientation of major glazed areas should receive maximum solar radiation (heat gain) during winter, and a minimum amount during summer. Due to the low altitude of the sun in winter, (30° during the winter solstice) a greater percentage of solar radiation is transmitted during winter, than in summer. This contributes to 'direct heat gain'. The direct heat gain system of space heating requires a relatively large proportion of glazing on the north facing part of the house. This allows low angled winter sunshine to penetrate deeply, and heat the interior of the building. North facing glazing can take the form of full height glass windows and doors. These should also be incorporated with an effective shading system, for summer sun. Generally, north facing glazing should account for between 10 to 30 percent of the dwelling's overall floor area.

Windows should be rated under the Window Energy Rating Scheme and Building Code of Australia Section J - Part 2 Glazing.

a) <u>Clerestory windows and skylights</u>:
Where sun penetration is required to the southern parts of the house, glass roofs, skylights, or clerestory windows can be used. However, they must be shaded in summer to reduce excessive heat gain.



(a) Clerestory Windows



(b) Skylights

Figure 19 - Clerestory Windows (a) and Skylights (b) - Good and Bad Design

b) <u>Orientation of living spaces:</u>
Where a dwelling's living spaces are orientated northwards, aim to achieve a glazed area of up to 30 percent of the dwelling's floor area in this direction.

3.5.7.4 Insulation

The use of insulation in walls and roofs can alter the rate at which a house can lose or gain heat. Insulation is not a heat store - it just makes it harder for heat to pass through a wall, roof or floor. The types of roof, ceiling and wall insulation are summarised at Figure 20 below.

See also Building Code of Australia Section J - Part 1 Building Fabric.

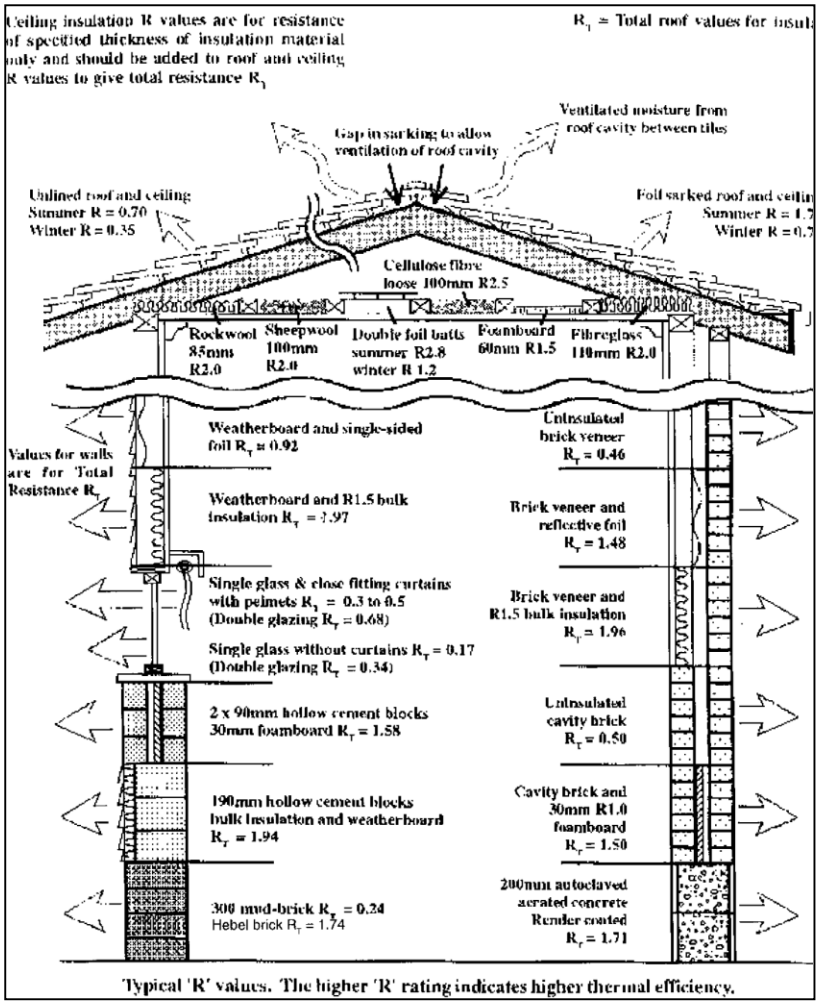
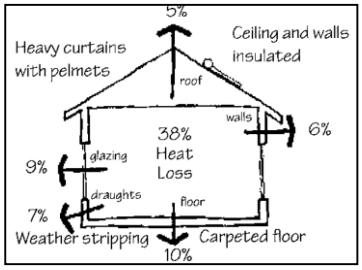
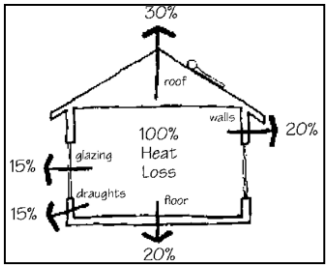


Figure 20 - Insulation Types

Thermal insulation will help make your building easier to heat in winter, by reducing the rate at which heat is lost, and help to retain any solar heat gain. In summer, insulation will help reduce heat entering through the walls and roof, thereby increasing thermal comfort. In each case insulation saves energy and energy costs. Insulation can be equally effective for all types of dwellings. However, it will not significantly improve the heat storage capacity of a timber-framed cottage with wooden floors, which will be warm during the day, but still cool down at night.



Insulated heat loss

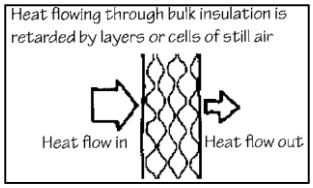


Uninsulated heat loss

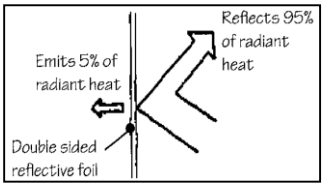
Figure 21 - Heat loss with or without insulation

Note: Types of insulation can be classified as either 'bulk' or 'reflective' insulation as follows;

- Bulk insulation: such as glass fibre, rock wool and foamed plastics reduce conducted heat flow. This is achieved by the material itself and air trapped between its fibres or particles resists heat conduction.
- Reflective insulation: reduces radiant heat flow by reflecting most of the radiation on the warm side and not emitting much on the cool side. Effective reflective insulation needs to be used in conjunction with an air space.



Bulk Insulation & Heat Flow



Reflective Insulation

Figure 22 - Types of Insulation

To prevent moisture laden air reaching insulation in a wall cavity, provide a vapour barrier on the warmer side of the insulation

Draught proofing:

a) In winter, draughts can cause a heat loss of around 20 percent in homes with insulated ceilings. In summer, hot air leaking into a building can be uncomfortable. To reduce heat loss/gain from a building, provide adequate draught excluders or weather-stripping to all windows and doors.

Fitted curtains with pelmet:

b) To reduce heat loss in winter and heat gain in summer, fit internal close fitting curtains with pelmet.

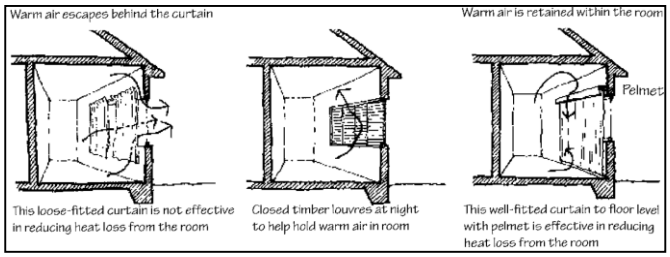


Figure 23 - Curtains

Wall and roof colour

c) Lighter colours are preferred for wall and roof materials. Dark walls and roofs absorb heat, light walls and roofs reflect heat. This phenomenon is particularly important in summer where solar radiation is absorbed by the roof and walls, heating the building.

Pipes and storage tanks

d) Pipes and storage tanks should be insulated for hot water systems.

3.5.8 Water Sensitive Urban Design

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

Objective 1) To ensure Water Sensitive Urban Design by:

- Potable water conservation;
- Wastewater minimisation;
- Stormwater management.

See also *paragraph 2.1.8 Water Sensitive Urban Design* (DA lodgement requirements).

Note: Water Sensitive Urban Design is an approach that aims to manage the effects of urban development on the urban water cycle by considering the management of potable water, wastewater, groundwater and stormwater elements in an integrated manner.

3.5.8.1 Principles of Water Sensitive Urban Design

Under LEP clause 6.4 Stormwater Management, the principles of Water Sensitive Urban Design to be considered in granting development consent for any development in residential, business and industrial zones are summarised as follows:

a) protection and enhancement of natural water systems (including creeks, rivers, lakes, wetlands, estuaries, lagoons, groundwater systems) and riparian land;

b) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments;

c) minimisation of harmful impacts of urban development by mimicking natural water runoff regimes where possible and appropriate;

d) integration of vegetated stormwater treatment and harvesting systems into the landscape in a manner that maximise visual and recreational amenity of urban development and also provides water quality benefits;

e) reduction in potable water demand through water efficiency and rainwater and stormwater harvesting; and

f) location of water quality and stormwater treatment measures outside riparian land.

3.5.8.2 Water Sensitive Urban Design Targets

a) Stormwater Quality Management

Note: Urbanisation places pressure on waterways and stormwater systems and can increase pollutants entering receiving environments.

Objective 1) To reduce the pollutant loads reaching downstream receiving waters and environments.

i) For all development, the impervious areas that are directly connected to the stormwater system should be minimised.

ii) For development requiring a Water Sensitive Urban Design Strategy under paragraph 2.1.8 the following reductions in post development average annual loads of pollutants are required:

- 90 percent reduction in the post development average annual load of Gross Pollutants (greater than 5mm);
- 80 percent reduction in the post development average annual load of Total Suspended Solids;
- 60 percent reduction in the post development average annual load of Total Phosphorus; and
- 45 percent reduction in the post development average annual load of Total Nitrogen.

Notes: The post development annual load should be determined by the applicant and presented to Council in a Water Sensitive Urban Design Strategy, along with a description of the measures used to achieve the reduction target.

Legislated pollution reduction targets are not currently established by the NSW Government but guidance is provided to Councils through the NSW Government Sydney Metropolitan Catchment Management Authority.

See also Landcom Water Sensitive Urban Design Book 1 “Policy” (page 9) Table 1 (Reference www.landcom.com.au/downloads/uploaded/WSUD_Book1_Policy_Draft_0409_6d9c.pdf) for NSW Government established pollution reduction targets for land development. Pollution reduction targets are also described in this Landcom document.

The above stormwater quality controls have been derived through the modelling of numerous combinations of Water Sensitive Urban Design elements and technologies and development types at various locations. They reflect a cost-effective level of stormwater treatment that is considered to be technically feasible in terms of the footprint or land take of measures likely to be required for compliance, and environmental benefits.

b) Water Conservation

Note: Urbanisation results in significant volumes of imported potable water from Warragamba Dam and large volumes of generated waste water discharged to the environment at North Head wastewater treatment plant. Significant financial, social and sustainability benefits exist through local adoption of water conservation measures.

Objective 1) To enhance potable water conservation in developments to provide enhanced sustainability benefits.

i) Buildings that are not affected by Building Sustainability Index (BASIX) that are installing any water use fittings must demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards Scheme. Minimum ratings recommended under this scheme include:

- 3 star showerheads;
- 3 star urinals;
- 4 star dual-flush toilets; and
- 4 star taps (for all taps other than bath outlets and garden taps).

ii) Water efficient washing machines and dishwashers are to be specified and used wherever possible.

iii) Industrial and commercial developments must supply 80 percent of their non potable demand using non potable sources. This shall include the use of rainwater as the primary source and be supplemented by recycled water only in instances where rainwater cannot meet 80 percent of the demand. Where the 80 percent demand

threshold cannot be met, the use of non potable sources shall be maximised and will be considered on a merits basis by Council.

Notes: Examples of non potable demand includes toilet and urinal flushing, washing machines, garden watering (irrigation), vehicular washing, ornamental ponds and cooling tower top up (see Blacktown Council WSUD and Integrated Water Cycle Management DCP). The percentage of proposed roof area directed to a rainwater tank must be maximised to increase the effectiveness and reliability of the reuse system. Water use within public open space (for uses such as irrigation, water features, public amenities etc.) is to be supplied from alternative sources to meet a minimum of 80 percent of the demand and treated to NSW State Government and Commonwealth Government standards (see Interim Reference Guideline for the South East Queensland Concept Design Guidelines for WSUD for Sydney).

c) Groundwater Quality Management

Note: Urbanisation not only places pressure on waterways and stormwater systems but can also impact groundwater quality and dependent ecosystems in Manly.

Objective 1) To protect groundwater resources in accordance with NSW State groundwater policy, enhance groundwater and protect any groundwater dependent ecosystems.

i) Consideration must be given to this paragraph in relation to all development to which this paragraph applies consistent with the spirit and principles of the NSW State Groundwater Policy and 'The NSW State Groundwater Policy Framework Document'.

3.6 Accessibility

These paragraphs seek to guide applicants in achieving state and federal accessibility requirements. While compliance is generally required following the determination of DA at the construction certificate stage; this plan recognises the importance of considering access issues from the beginning of the development process to assist with improving access to Manly's services and facilities. These clauses aim to provide equitable, dignified and non-discriminatory access for all people who use the Manly community, regardless of abilities. Manly Council believe that all members of our community have a right to full access and participation in all aspects of community life.

See also *paragraph 2.1.9* and *Schedule 5 - Accessibility Checklist and Additional Resources,* for a useful reference tool including ddocuments, websites, and details of relevant Standards that are referenced in the Building Code of Australia and the Access to Premises Standard 2011.

Objective 1) To ensure equitable access within all new developments and ensure that any refurbishments to existing buildings provide improved levels of access and facilities for people with disabilities.

Objective 2) To provide a reasonable proportion of residential units that should be designed to be adaptable and easily modified to promote 'ageing in place' and for people with disabilities.

Objective 3) To highlight consideration of access issues early in the development design process.

Objective 4) To continue improving understanding and awareness of access issues for people with disabilities though a commitment to implementation of best practice.

Objective 5) To ensure that the public domain, including public domain in new developments provides connectivity, legibility, flexibility and consistency to allow for equitable and safe access for all people.

3.6.1 Application of Legislation for Accessibility

All DAs are to have regard to state and federal accessibility requirements, particularly residential development with more than 4 dwellings and non- residential development. Relevant legislation and its application are summarised below.

3.6.1.1 The Disability (Access to Premises - Buildings) Standards 2010

a) The purpose of the Disability (Access to Premises - Buildings) Standards 2010 referred to as the 'Premises Standards' is to:
   i) ensure that reasonable, achievable, equitable and cost effective access to buildings, and facilities and services within buildings, is provided for people with disabilities; and
   ii) give certainty to building certifiers, building developers and building managers that access to buildings is provided in accordance with the Premises Standards, to the extent covered by the Standards, it will not be unlawful under the Disability Discrimination Act 1992.

b) Development requiring a construction certificate or complying development certificate needs to comply with the Premises Standards, unless an exception or concession under the Premises Standards applies. Furthermore it is a statutory condition of development consent and of complying development certificates that work be carried out in accordance with the access provisions in the Building Code of Australia, as per clauses 98 and 136A of the Environmental Planning and Assessment Regulation.

3.6.1.2 The Building Code of Australia and Australian Standards

Note: The Building Code of Australia and Australian Standards are the main tools used with respect to access. In order to provide equitable access for people with disabilities both the Building Code of Australia and Australian Standards prescribe the minimum standards that must be achieved in new developments. The Building Code of Australia operates on a performance based basis which allows flexibility when dealing with heritage buildings. The 'deemed-to-satisfy' provisions which provide one possible building solution that satisfies the performance based provisions.

The Building Code of Australia refers to Australian Standards that apply to the design of equitable access. The standards that apply are generally listed in this plan at *Schedule 5.* The complete Australian Standards is at www.saiglobal.org.au.

a) In relation to new development, the building classes required to comply with the provisions of the Building Code of Australia and Australian Standards AS1428.2 & AS1428.3 are at Schedule 5 of this plan. Other development that increases the public usage of the premises must also comply with the same requirements as new development such as for a building where a new service is provided to the public such as a restaurant, hotel, and retail or health services.

b) In relation to development involving alterations and additions, development, compliance with the provisions of the Building Code of Australia and Australian Standards AS1428.2 & AS1428.3 is required:
   i) where an applicant proposes substantial changes or alterations to over 50 percent of an existing building; or
   ii) if an applicant is able to demonstrate an alternative design solution. See *paragraph 3.6.2.*

c) The provisions of this plan do not apply to development that:
   i) does not require a DA and approval under the Building Code of Australia;
   ii) is a Class 1a or Class 4 buildings; and
   iii) is building work where there is no identified barriers to access such as maintenance, repair and replacement works.

3.6.1.3 The Disability Discrimination Act 1992

Note: The Disability Discrimination Act 1992 is a legislation which aims to eliminate as far as possible, discrimination against person on the ground of disability in areas of: Work, accommodation, education, access to premises, clubs and sport, the provision of goods, facilities, services and land, existing laws; and the administration of Commonwealth laws and programs.

Under the Disability Discrimination Act, where the public can legally access, then it must be accessible to people with disabilities. The Disability Discrimination Act applies to both new and existing buildings as well as places under construction. Applicants who propose to carry out development are to be aware of the requirements of the Disability Discrimination Act, the Environmental Planning and Assessment Act and the Building Code of Australia.

3.6.2 Consideration of exceptions and standards to access requirements

Note: This part explains alternative solutions to access requirements and what applicant's need to do to justify variations within the assessment process when full access cannot be achieved. Section 23 of the Disability Discrimination Act 1992 recognises that it may not be possible or fair to enforce the requirement of access to premises in all situations.

3.6.2.1 Part 4 of the Premises Standards - Unjustifiable Hardship Exemption

Part 4 of the Premises Standards outlines exceptions and concessions stating that it is "not unlawful for a person to fail to comply with a requirement of these Standards if, and to the extent that, compliance would impose unjustifiable hardship on the person." An application for an exemption to the Premises Standards on the basis of unjustifiable hardship may arise in relation to a new building, or work to an existing building, including the 'new part' or the 'affected part'.

The Board has set up a process to assist applicants seeking an assessment of unjustifiable hardship under the Premises Standards. This will initially be an Access Advisory Committee that can assess applications for unjustifiable hardship exemptions. At present the process is not mandatory and the Committee's decisions are advisory only.

3.6.2.2 General DA Requirements for Access

All development that is subject to this plan must have an access checklist and/or access statement and as detailed at *paragraph 2.1 Lodgement Requirements.* The checklist is to confirm that the proposed development complies with relevant access requirements and an Access Statement is lodged to deal with any variation to provisions.

3.6.2.3 Alternative Solutions

An alternative or partial solution is preferred under this plan over a total exemption from the requirements of access. An alternative solution may be accepted if it demonstrates that it satisfies the performance criteria of either the Building Code of Australia or relevant standard.

Note: Although an alternative solution that is non-compliant with the Building Code of Australia or this DCP may be accepted by the consent authority, it does not protect the applicant against a complaint being made against them under the Disability Discrimination Act.
More information: see 'Process to administer building access for people with a disability' (known as 'the protocol') -Australian Building Codes Board 2004 *www.abcb.nsw.gov.au*

3.6.2.4 Access to heritage items

Note: This paragraph provides guidance where there may be conflict between the heritage values of the place and accessibility requirements. Where this occurs every effort should be made to achieve access with minimal impact on the significance of the place including the places fabric. Proposals should also be reversible and aim to conserve the significance of the place as well as provide access. In cases where significant adverse impact will occur, alternative solutions should be investigated. In some instances a case of unjustifiable hardship could be argued for, if there are no other suitable alternative options to provide access to the building.

To assist in investigating all available options in reducing impacts of services or improving or providing access to a place, some useful resources are listed at Schedule 5 to this plan.

a) Proposals that affect a heritage place will be assessed in terms of the heritage significance of the place, in accordance with relevant legislation, relevant development control plans, conservation management plans (where the place is state significant) and the merits of the proposal.
b) DAs for access works to a heritage place should be accompanied by a Statement of Heritage Impact which addresses all issues regarding the proposal and impacts on the heritage significance of the place. All alternative options to the proposal should be well detailed and documented in the statement. The NSW Heritage Office provides guidelines for Statements of Heritage Impact on their website at *www.heritage.nsw.gov.au*.

3.6.3 Certain Design Criteria

3.6.3.1 Accessible (Adaptable) Accommodation Requirements

Access in accordance with AS4299 - Adaptable Housing must be provided to at least 25 percent of dwellings within residential accommodation containing 4 or more dwellings.

a) The provision of any required Adaptable Housing need to be demonstrated in the DA drawings. In particular, the following building features are to be included for adaptable housing:
    i) Provision of plans showing the dwelling in its pre-adaptation and post adaptation stages;
    ii) A continuous accessible path of travel from the car space to and within the adaptable dwelling and to common facilities;
    iii) Provision of an adaptable parking space of at least 3.8m wide;
    iv) Circulation space to allow potential wheelchair manoeuvrability externally and internally;
    v) Modular kitchen cabinetry;
    vi) Easily adjustable bathroom facilities;
    vii) Easy to use laundry facilities;
    viii) Easy use of Garbage facilities by mobility impaired residents; and
    ix) Easy egress in case of emergency.
b) Council's DA determination may condition that the required adaptable units be certified to meet the essential design elements listed in Australian Standard - AS4299. In this regard, applicants will need to submit sufficient design and construction details with the DA that demonstrate that the development is capable of satisfying future levels of access - post adaptation to meet access requirements including full wheelchair accessibility.
c) In relation to Backpackers' Accommodation at least 1 room capable of accommodating 4 people should be adaptable for access to a person with a disability. Kitchen facilities should also be capable of being used by a person with a disability. Toilet and shower rooms should be provided of suitable design and dimension to allow ease of use by a person with a disability as required by Australian Standard - AS 1482.

3.6.3.2 Car Parking Facilities

Reference: AS2890.1 and Building Code of Australia.

a) This plan specifies parking rates for people with disabilities (which may exceed the Building Code of Australia in certain circumstances). All development involving a new or refurbished building must provide parking for people with disabilities at a rate of at least:
   i) 1 car parking space for development comprising at least 10 spaces and less than 50 spaces
   ii) 2 car parking spaces for development comprising at least 50 spaces and less than 100 spaces and 1 additional car for every 50 spaces thereafter.

b) The car spaces must be identified and reserved at all times and be in the vicinity of lifts or as close as possible to public areas and facilities. See Schedule 3 Minimum Dimension for further access requirements.

c) Parking spaces for people with disabilities should be used only by those entitled to use the spaces. In this regard applicants need to demonstrate evidence of an operational management plan to implement ongoing maintenance to ensure amenable and safe use of the accessible facility.

d) Notices must be displayed in parking stations at the entrance and at each change in direction including the location of car parking spaces for people with disabilities and also detailing the maximum headroom for vehicles.

3.6.3.3 Lifts

Reference: AS1735.12 and Building Code of Australia.

In addition to the requirements in accordance with AS1735.12, the provision of a vertical lift is to be considered for all buildings containing adaptable housing as required in this plan.
Building Code of Australia requirements for the lift dimensions are at least 1.1m by 1.4m.

3.6.3.4 Sanitary Facilities

Reference: F2.4 (Building Code of Australia), AS1428.1 cl.10 and AS1428.2 cl.15

a) At least one uni-sex sanitary facility accessible for a person with a disability must be provided in all new or refurbished buildings.

Exceptions to requirement for small shops and restaurants

b) In relation to small shops and restaurants, Council may vary the requirement for sanitary facilities in circumstances where there may be existing shared toilet amenities available for these smaller premises. Where provision of an accessible toilet facility is not achievable the applicant must submit an access statement in accordance with this plan. Council acknowledges that retail uses with a floor space of under 50sqm, are particularly constrained by the building envelope to provide compliant accessible toilet facilities. In this regard the floor space required for the sanitary facility may be 10sqm alone.

c) Accessible toilet facilities which are entered from the interior of a building should not be locked. In this regard applicants need to demonstrate evidence of an operational management plan to implement ongoing maintenance to ensure open, amenable and safe use of the accessible facility.

3.6.3.5 Continuous Accessible Path of travel

Reference: AS1428.1 cl.5 & AS1428.2 cl.7.

New buildings

a) In relation to all new buildings, a continuous accessible path of travel is required to:
   i) the main entrance and exit points of the building; or
   ii) the public areas of the building including colonnades, plazas, tunnels and bridges and to all shops, restaurants and other services of a retail or service nature excluding residential accommodation comprising less than 5 dwellings.

Alterations and additions

b) In relation to alterations and additions, a continuous accessible path of travel is required to:
   i) all existing buildings or developments where this plan applies if it is proposed to carry out substantial alterations;
   ii) a principal entrance if substantial alterations to the main entrance are proposed; and
   iii) public areas if it is proposed to carry out a substantial intensification of use.

   In no case should alterations result in a decrease in access.

Mixed use development

c) In relation to mixed use development, a continuous accessible path of travel will be required to the main entrance and to the relevant floors of all residential buildings if it is proposed to use part of the building for an office, shop or other commercial use which would be open to the public.

Interface with public areas

d) In relation to where private development encroaches upon the public domain to achieve equitable access via a ramp or tactile ground surface indicators then the applicant should obtain consent from Council prior to lodgement of a DA

Entrances to buildings

e) Entrances to buildings should be kept free of clutter at all times.

Note: This is particularly important in the case of shops where in many instances merchandise and other items on display near the entrance present an obstacle to people entering or leaving the shop.

Obstacles in corridors

f) Objects such as fire extinguishers, drinking fountains, planter boxes, litter bins and photocopiers should be placed in a way that they do not become an obstacle or a hazard for people using the corridors. Similarly, corridors and aisles within shops should be free from obstructions which would make their use difficult or impossible for people with disabilities.

3.6.3.6 Shopfronts on The Corso, Manly

All ground floor premises adjoining The Corso, must achieve accessibility to and within the premises, particularly regarding floor levels and gradients at the boundary and front of shop to comply with disability requirements for alterations to shopfronts or other major alterations to premises.

3.6.3.7 Signage and Hearing Augmentation

a) Appropriate signage and tactile information indicating accessible facilities must be provided at the main entrance directory, or wherever directional signage or information is provided to those buildings where access and facilities have been provided. Such signage will have regard to the provisions of Australian Standard - AS1428.2. Reference: AS1428.1 cl.16 & Building Code of Australia part 3.7**.**

b) An assistive listening device must be provided in accordance with Building Code of Australia part 3.7 to any new/ refurbished public theatre, auditorium, hall, conference centre, church, or the like, where a public address system is installed such as a loop system, 100p receiver or FM system. Reference: AS1428.1 - Cl.14.

3.6.3.8 Fire Safety and Maintenance

Fire safety

a) Fire isolated stairs are to provide handrails on both sides of stairs and contrast stripping on the edge of the stair nosing in accordance with AS1428.1 cl.10. Fire isolated ramps are to comply with Australian Standard - AS1428.1 cl. 5. Evidence of a documented fire safety strategy is to be considered for emergency egress for people with disabilities.

Inspection of facilities

b) The access and facilities provided in accordance with this plan should be inspected and maintained on a regular basis.

Floor surfaces

c) Floor surfaces should be kept in a clean condition and in a good state of repair, as dirt, grit, litter, broken surfaces and the like may constitute a hazard to ambulant people, and make it difficult for wheelchair users to move about.

3.6.3.9. Access to Council Owned or Leased Buildings and Facilities

a) Council will comply with Australian Standard - AS1428.2 for new Council buildings and facilities and will progressively modify any existing buildings and facilities with inadequate access in accordance with AS1428.2. In no case must alterations result in decreased access.

b) Council will not buy or lease any building or facility which cannot potentially provide access in accordance with Australian Standard - AS1428.2.

c) Access throughout the pedestrian network in the Council area including footpaths, through-site links, public arcades, overpasses and underpasses will:

i) provide a continuous path of travel throughout the footpath network;

ii) provide kerbed ramps from the footpath to the road in the direction of travel at all intersections and through all traffic islands, except where circumstances warrant otherwise;

iii) provide footpaths at the same level as driveways;

iv) require that construction activity on, over or adjacent to the public way provide a pathway free of obstruction or projections and that it be complete with ramps, direction and warning signs, fencing and handrails all in accordance with Australian Standard - AS1428.2;

v) provide simple standardised signage and tactile signage at all signaled intersections to assist with street identification and such signage must have regard to the provisions of Australian Standard - AS1428.2;

vi) ensure that street furniture is designed and located under the provisions of Australian Standard - AS1428.2, clause 27;

vii) ensure that all replacement ground surfaces throughout the pedestrian network under Council's control are slip-resistant, traversable by wheelchairs and indicate changes of grade by the use of materials which provide a visual and tactile differentiation unless the circumstances warrant otherwise;

viii) investigate other pedestrian access matters as required including new paving materials, wheelchair detector loops, speed bumps, removal of obstructions, etc. in order to improve the pedestrian network; and

ix) involve Council promoting and improving access to those pedestrian areas not under its control by consulting with the relevant parties and requesting co-operation in complying with this plan.

3.7 Stormwater Management

See also *paragraph 5.4.3 Flood Effected Land,* which identifies flood affected land which is subject to Councils' Interim Policy and Administration Guidelines for Manly Lagoon.

See also *paragraph 3.5.5 Landscaping* (Sustainability) & *paragraph 3.5.8 Water Sensitive Urban Design*.

See also *paragraph 2.1.8 Water Sensitive Urban Design Strategy* (DA lodgement requirements for major developments only).

See also NSW Road and Maritime Services standard requirements for the management of stormwater in relation to development near the foreshore.

See also Council's Stormwater Control Policy Reference S190 under the Manly Policy Register.

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

Objective 1) To manage urban stormwater within its natural catchments and within the development site without degrading water quality of the catchments or cause erosion and sedimentation.

Objective 2) To manage construction sites to prevent environmental impacts from stormwater and protect downstream properties from flooding and stormwater inundation.

Objective 3) To promote ground infiltration of stormwater where there will be no negative (environmental) impacts and to encourage on-site stormwater detention, collection and recycling.

Objective 4) To make adequate arrangements for the ongoing maintenance of stormwater facilities.

Note: Development consent must not be granted on residential, business and industrial lands unless Council is satisfied that the matters identified in LEP clause 6.4(3) are satisfied.

The following consideration and requirements apply to the management of stormwater:

a) In support of the purposes of LEP clause 6.4(3), all developments must comply with the Council's 'Stormwater Control Policy" (see Council Policy Reference S190). The standards to achieve the controls contained in the Stormwater Control Policy are provided in Council's "Specification for On-site Stormwater Management 2003" and "Specification for Stormwater Drainage". Stormwater management measures are to be implemented and maintained in accordance with the Specification for Stormwater Management;

b) Stormwater disposal systems must provide for natural drainage flows to be maintained;

c) Pervious surfaces and paving will be used for driveways, pathways and courtyards where practical;

d) Notwithstanding the prevailing BASIX water conservation targets, the collection of rainwater/run-off for non-potable uses exceeding the target is encouraged; and

e) A qualified drainage/hydraulic engineer will design all stormwater controls, devices and water storage systems; and

f) In relation to development in the LEP Zone B6 Enterprise Corridor, Burnt Bridge Creek runs through this land. Land in this locality is also generally low-lying. In this regard stormwater runoff from new developments in these LEP zones must be limited to that currently existing for the site for a 1 in 5 year storm or 40 litres per second whichever is the least, unless the drainage system is demonstrated to be sufficient for unimpeded discharge for a fully developed catchment area. Developers should assess whether their land warrants additional drainage considerations because of its location. The NSW Government Floodplain Development Manual may be useful in this assessment.

3.8 Waste Management

Note: This plan requires the lodgement of Waste Management Plans that demonstrate sound waste management practices that will reduce, reuse and recycle resources further detailed in this DCP at *paragraph 2.1.12 Waste Management Plans* detailing lodgement requirements.

Relevant objectives to satisfy in relation to this paragraph include the following:

Objective 1) Minimise overall environmental impacts of waste in accordance with regional waste plans and Federal and State Government waste minimisation targets.

Objective 2) Encourage environmentally protective waste management practices on construction and demolition sites which include:

- sorting of waste into appropriate receptors (source separation, reuse and recycling) and ensure appropriate storage and collection of waste and to promote quality design of waste facilities;
- provision of design standards that complement waste collection and management services offered by Council and private service providers;
- building designs and demolition and construction management techniques which maximises avoidance, reuse and recycling of building materials and which will minimise disposal of waste to landfill; and
- appropriately designed waste and recycling receptors are located so as to avoid impact upon surrounding and adjoining neighbours and enclosed in a screened off area.

Objective 3) Encourage the ongoing minimisation and management of waste handling in the future use of premises.

Objective 4) Provide advice to intending applicants on:

- matters to be considered when assessing the waste implications of DAs;
- sound waste management practices and requirements for the preparation of waste management plans; and
- the reduction and handling of waste during the demolition and construction phase.

3.8.1 Waste and Recycling Storage Areas

a) Garbage storage areas must be of sufficient size to store the number of bins required by Council, being:
   i) For single dwellings and duplexes and multi-unit dwelling with individual waste and recycling storage areas: 1 x 80 litre bin for residual waste, 2 x 120 litre bins for paper and co-mingled (container) recycling, 1 x 240 litre bin for vegetation recycling.
   ii) For multi-unit dwellings where there is a common waste and recycling storage area, Council allocates a 240L general waste bin, a 240 litre paper recycling bin and a 240 litre co-mingled (container) recycling bin to be shared by every 4 residential dwellings. Provision for space for a 240 litre vegetation bin should be included where such bins are allocated.
   iii) For mixed use developments: The building must include no less than two independently designated areas or garbage rooms for commercial and residential occupants; to keep commercial waste and recycling separate to residential waste and recycling.
   iv) For commercial developments: Council does not provide a waste collection service for commercial developments. It is recommended that private waste contractors are consulted early in the development process to ensure that garbage storage areas are adequately designed.

b) Any waste storage facility must be architecturally designed to reflect the design style of the proposed /existing building and not detract from the visual amenity and streetscape character in the immediate vicinity. And should also be wholly contained within the property and note placed on any leased or Council land. In this respect, the storage facility must be screened from the street frontage in a manner that improves the streetscape appearance of the facility.

3.8.2 Demolition and Construction Waste Management

Requirements for the management of wastes, particularly in relation to the demolition of buildings are as follows:

a) Footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval;
b) Any material moved off-site is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1998;
c) Demolition and construction waste dockets demonstrating lawful disposal of waste must be retained onsite and kept readily accessible for inspection by regulatory authorities such as Council, the Environmental Planning Authority or Work Cover NSW;
d) Waste is only to be disposed of at an appropriately licensed facility;
e) Production, storage and disposal of hazardous waste are only conducted in accordance with any applicable Environmental Planning Authority guidelines.

3.8.3 Composting

a) In relation to single dwellings, a composting facility should be installed on site where practicable, away from the main building and in such a way that it does not adversely impact on neighbouring properties.
b) Multi-unit dwellings are to designate a non-paved area (minimum 0.8m x 0.8m) on site as space for communal or individual composting or worm farming units.
c) All commercial premises should investigate opportunities to compost food waste wherever practicable.

3.8.4 Management of Commercial Waste

Council may impose conditions on a DA to encourage waste minimisation such as the following:

a) Businesses operating from the premises must engage a contractor to collect their waste and recycling separately.
b) Consider providing alternatives to plastic bags for the purposes of carrying items purchased from the premises.

3.9 Mechanical Plant Equipment

Note: Mechanical Plant Equipment refers to the necessary infrastructure to support and maintain services or operations including air conditioning (both heating and cooling systems and ventilation), swimming pool filtration and other mechanical systems. Plant may also maintain other systems, such as plumbing and lighting for larger developments.

3.9.1 Plant Rooms

a) Plant rooms are generally required to accommodate mechanical plant systems for commercial buildings or major residential development and used exclusively for that purpose. The design and size of these rooms will vary depending on the technical specifications of the systems and other factors such as access and ventilation.

b) The provision of plant equipment in low density residential development rarely demands exclusive rooms for the occupation of plant i.e. a 'plant room', but where an exclusive plant room is proposed, the floor area must be no larger than the actual area which the plant and/or machinery occupies plus the equivalent of a 0.5m access/maintenance area surrounding the plant/machinery item for access and ventilation*****. Plant rooms are not to be used for other purposes such as for storage and laundry and the overall size of the plant room should generally be less than a size of habitable rooms and must not add to building bulk or result in excessive excavation. In considering the location of mechanical plant equipment in dwelling houses, the use of an otherwise non-habitable location/ space or under storey that is well ventilated and which minimise noise impacts are preferred.

***Note**: While additional space around plant equipment may be required for occupational, health and safety reasons, (i.e. more than 0.5m around the plant) then the floor area will be calculated as gross floor area for the purposed of the FSR calculation.

3.9.2 Roof-top Plant, Lift Towers etc.

Roof-top plant and lift towers must be inconspicuous and / or designed as an integral part of the building in such a way as to appear as an appropriate part of the overall townscape. Plant equipment is to be appropriately located and designed such that it is not apparent from the street level view or from other active pedestrian areas and must not compromise street character, landscaping or pedestrian amenity or conflict with townscape objectives of this plan. See *paragraph 3.1 Streetscapes and Townscapes.*

3.9.3 Noise from Mechanical Plant

External mechanical plant systems (for pools, air conditioning and the like) must be acoustically enclosed and located centrally and away from neighbours living areas of neighbouring properties and side and rear boundaries.

See also *paragraph 3.4.2.4 Acoustical Privacy.*

Note: Excessive noise from the operation of mechanical plant such as air conditioning units, swimming pool pumps, and ventilation and refrigeration systems can disturb residents, disrupt sleep, interfere with normal daily activities or significantly impact on people's health.

3.10 Safety and Security

Relevant DCP objectives to be net in relation to these paragraphs include the following:

Objective 1) To ensure all development are safe and secure for all residents, occupants and visitors of various ages and abilities.

Objective 2) To ensure that the design process for all development integrate principles of 'Safety in Design' to eliminate or minimise risk to safety and security.

Objective 2) To contribute to the safety and security of the public domain.

See also paragraph 2.1.2.2 Context and Site Analysis for considerations which influence design.
See also paragraphs 2.1.10 – 13 for construction site management including safety.
See also paragraph 2.3.2.1.c for considerations of when a tree is a risk to human life or property.
See also paragraph 3.6.3.8 for Fire Safety in relation to legislation for Accessibility.
See also paragraph 4.1.9 Swimming Pools and Spas referencing the Swimming Pool Act 1992
See also paragraph 4.4.6 Child Care Centres require additional considerations of safety.
See also paragraph 5.4.3 Flood Control Lots primarily concerns the management of flood risks.
See also paragraphs 4.1.4.2.f and 4.2.3.d providing for splayed setbacks at street corners for safety.
See also paragraphs 4.2.5.6 and 2.1.16 regards Late Night Venues promotes Manly Town Centre entertainment precinct as a safe night place.
See also the Work Health Safety Act 2011 (NSW) which at Section 22 (WHS Act) sets out the Duty of Designers to ensure that designed plant substance or structure is without risk to Health & Safety of persons who use, construct and maintain the 'product'/ development. See also the associated NSW Codes of Practice for ensuring the Safe Design of Structures (2012) and the Draft Code of Practice for Safe Design, Manufacture, Import and Supply of Plant (2011).

Note: Safety in Design refers to the integration of design principles and control measures early in the design process to eliminate or, if this is not reasonable or practicable, minimise risks to health and safety throughout the life of the structure being designed and assessed. Safety in Design is part of a wider set of design objectives, including practicability, aesthetics, cost and functionality.

3.10.1 Safety

The principle of 'safety in design', is to be considered for all development in relation to the design and assessment of DAs to ensure developments are safe and secure for residents, all other occupants and visitors.

a) Vehicular Access is to be designed and located to achieve safety by:
   i) locating car park entry and access on secondary streets or lands where available;
   ii) minimising the number and width of vehicle access points;
   iii) providing clear sight lines at pedestrian and vehicular crossings; and
   iv) separating pedestrian and vehicular access. This separation is to be distinguishable and design solutions in this regard may include changes in surface materials, level changes and use of landscaping for separation.

3.10.2 Security (Casual Surveillance)

In order to promote safety and security, all development is to be designed to maximise opportunities for passive surveillance of public and communal areas by:

a) orientating some rooms to the street;

b) providing sight lines to the street frontage from the window(s) of at least one habitable room unobscured by trees or any other object;

c) ensuring the design of fences, walls and landscaping minimise opportunities for concealment and encourage social interaction; and

d) preferring double glazing on windows in areas of high street noise rather than the high fences or walls as a sound attenuation measure.

Part 4

Part 1 – Introduction

This Part outlines the plans' purpose and structure, its relationship with other plans and policies and a detailed Table of Contents and general Aims and Objectives.

Part 2 – Process (what do I lodge with the DA & how is the DA notified)

This Part outlines the range of submission requirements for lodgement and assessment of a DA. Notification, advertising and referral processes are also prescribed in this Part.

Part 3 - General Principles of Development

This Part outlines general development principles to be considered and applied as relevant for all forms of development.

Part 4 – Development Controls and Development Types

This Part provides guidelines and development controls for a range of development permitted in the LEP as well as a range of other specific development types.

- Paragraph 4.1 provides Residential Development Controls. In addition to the development standards in the LEP referenced in this part (including paragraph 4.1.2 Height and paragraph 4.1.3 FSR), the DCP also provides development guidelines here in relation to the following:

- **4.1.1 Dwelling Density and Subdivision;**
- **4.1.4 Setbacks (front side and rear);**
- **4.1.5 Open Space and Landscaping;**
- **4.1.6 Parking, Vehicular Access and Loading;**
- **4.1.7 First Floor and Roof Additions;**
- **4.1.8 Development on Sloping Sites;**
- **4.1.9 Swimming Pools, Spas and Water Features; and**
- **4.1.10 Fencing.**

- Paragraph 4.2 provides Guidelines for Development in Business Centres as well as more detailed guidelines for each Local Centre and the Neighbourhood Centres.
- Paragraph 4.3 provides Guidelines for Development in the Enterprise Corridor Zone.
- Paragraph 4.4 provides Guidelines for Other Development including Demolition, Alterations and Additions, Signs, Awnings, Earthworks, Child Care Centres, Telecommunications, Subdivisions and Boarding Houses.

Part 5- Special Character Precincts, Areas and Sites

This Part contains additional guidelines including design requirements and/or environmental sensitivities which exist for certain places that require special consideration. Development Proposals are also to have regard to the general provisions of Parts 3 and 4, in conjunction with the additional design requirements of this Part.

Schedules

The Schedules comprise a range of maps, tables and additional detail referred to in this plan.

Dictionary

The Dictionary adopts meanings contained in Manly LEP 2013 and provides a range of additional dictionary meanings not otherwise provided in the LEP.

4 Development Controls and Development Types

Note: Part 4 of this plan includes a range of controls that support the LEP including LEP Development Standards for Minimum Subdivision Lot Size, Height of Building and FSR as follows:

Minimum Subdivision Lot Size is a development standard under LEP clause 4.1 and applies to land shown on the LEP Lot Size Map. This DCP provides more detailed control in relation to Dwelling Density and Minimum Subdivision Lot Size to accompany the LEP to regulate the number of dwellings in specific areas. See *paragraph 4.1.1 of this DCP.*

Height of Building is a development standard contained under LEP clause 4.3 and applies to land shown on the LEP Height of Buildings Map. This DCP provides more detailed control to accompany the LEP by controlling certain elements of building height including external walls, roof structures and the number of storeys. See *paragraph 4.1.2* of this DCP.

FSR is a development standard contained under LEP clause 4.4 and applies to land shown on the LEP FSR Map. This DCP provides more detailed control to accompany the LEP in controlling the bulk of building and its impact on adjoining development and neighbours as well as circumstances where Council may consider an exception to the LEP standard. See *paragraph 4.1.3* of this DCP.

4.1 Residential Development Controls

Where Residential Development Controls apply

This section of the plan provides controls for development generally in LEP Zones R1, R2, R3, E3 and E4. These paragraphs may also apply to residential development elsewhere in Manly and are to be read in conjunction with development standards in the LEP.

Relevant DCP objectives to be met in relation to residential development include the following:

Objective 1) To delineate by means of development control the nature and intended future of the residential areas of Manly.

Objective 2) To provide for a variety of housing types and densities while maintaining the exiting character of residential areas of Manly.

Objective 3) To ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residences, the existing environmental quality of the environment or the aesthetic quality of Manly.

Objective 4) To improve the quality of the residential areas by encouraging landscaping and greater flexibility of design in both new development and renovations.

Objective 5) To enable population growth without having adverse effects on the character, amenity and natural environment of the residential areas.

Objective 6) To enable other land uses that are compatible with the character and amenity of the locality.

Objective 7) To ensure full and efficient use of existing social and physical infrastructure and the future provision of services and facilities to meet any increased demand.

See also LEP objectives in relation to residential development at LEP clause 1.2(2)(b) and the relevant Zone Objectives in the LEP Land Use Tables.

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.

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)

Residential Density Areas	Minimum Residential Density
D1	50 sqm of site area required per dwelling
D2	150 sqm of site area required per dwelling
D3	250 sqm of site area required per dwelling
D4	300 sqm of site area required per dwelling
D5	500 sqm of site area required per dwelling
D6	600 sqm of site area required per dwelling
D7	750 sqm of site area required per dwelling
D8	950 sqm of site area required per dwelling
D9	1150 sqm of site area required per dwelling

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 <check 'habitable room' as per ADG or 'GFA'>
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 4th 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).

4.1.1.2 Residential Land Subdivision

See also *paragraph 4.4.8* in relation to controls for all Subdivisions.

a) The paragraph applies to both new subdivisions as well as the re-configuration of existing allotments within a subdivision.

b) The future development of new lots is to be considered in DAs for subdivision. A subdivision involving a new lot for residential development less than 500sqm must identify on the subdivision plan that a dwelling can be successfully accommodated on each allotment, in compliance with this Plan. Concept plans of likely future redevelopment may be required in this regard.

c) Vehicular access and services must be considered and comply with the following minimum requirements:

   i) Each lot must have frontage to a public road being at least 1m wide, with the land held as fee simple irrespective of whether this frontage serves as part of a right of way for access or not;

   ii) Battle-axe allotments must provide a 3.5m wide vehicular access handle to a public road or place in either fee simple, or by right(s)-of-way or in combination;

   iii) Driveways longer than 30m require provision of a passing bay (as shown in Figure 25 - Battle-axe Allotments) or otherwise provide an increased width demonstrating appropriate access, manoeuvrability and safety.

Note: For carriage way width and construction specifications refer to the Council's Specification for Civil Infrastructure Works, Development and Subdivisions, 2003.

d) The provision of drainage, easements and servicing requirements must be considered and any resultant adverse impacts- environmental or otherwise are to be minimised or resolved in the design. In particular sufficient details of stormwater management are to accompany the subdivision.

Note: For carriage way width and construction specifications refer to the Council's Specification for Civil Infrastructure Works, Development and Subdivision, available from the Customer Service Centre.

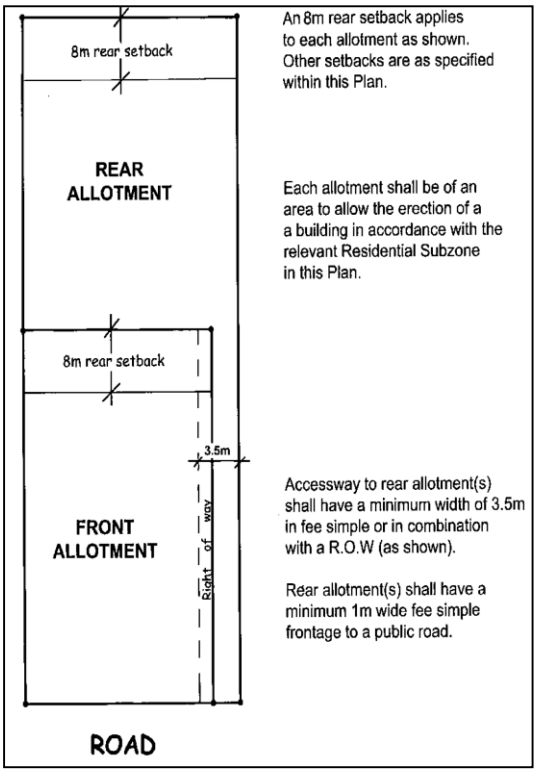


Figure 25 - Battle-axe Allotments

4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

Note: While the LEP contains Height of Buildings development standard and special height provisions, these paragraphs control the wall and roof height and the number of storeys within and in support of the LEP provisions in relation to residential development.

LEP objectives for the Height of Buildings at clause 4.3 are particularly applicable to controls at paragraph 4.1.2 of this DCP.

See also *paragraph 4.1.7 First Floor and Roof Additions.*
See also LEP clause 4.6 Exceptions to Development Standards.

a) LEP Zones where numeric height controls in this DCP apply

Height controls under *paragraph 4.1.2* of this plan apply to development in LEP Zones R1, R2, R3, E3 and E4. This part of the DCP does not apply to development of other lands subject to the LEP Height of Building standard identified on the LEP Height of Building Map.

See also *paragraph 4.2* of this plan in relation to height controls and considerations in the LEP Business Zones.

b) Exceptions to Height

Where an existing building exceeds the maximum height controls in this plan or the height of building standards in the LEP, any alterations and/or additions to the building must not increase the overall height of the existing building.

See also *paragraph 4.1.7.2 Habitable Rooms in the Roof Structure*.

4.1.2.1 Wall Height

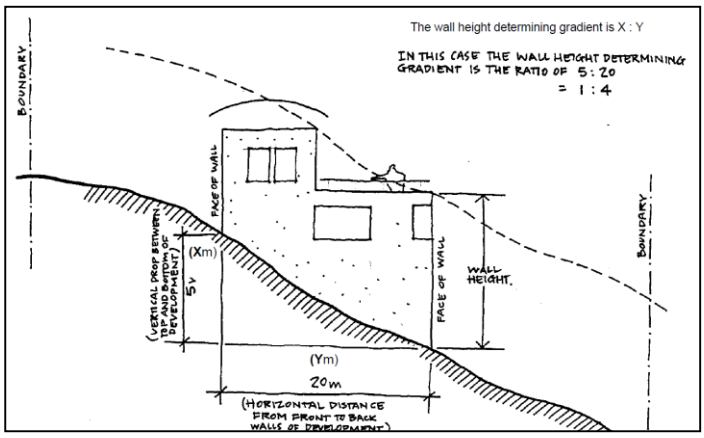
a) Within the LEP Height of Buildings development standard, the maximum external wall height is calculated based on the slope of the land under the proposed wall. Figures 26, 27 and 28 provide guidelines for determining the maximum height of external walls based on the particular slope of the land along the length of these proposed walls. The maximum wall height control will also vary from one building, elevation or part elevation to another depending on the slope of land on which the wall is sited. Within the range of maximum wall heights at Figures 26 and 28, the permitted wall height increases as the slope of the land increases up to a gradient of 1 in 4, at which point the permitted maximum wall height is capped according to Figure 26.

Figure 26 - Wall Height in relation to the LEP Height of Buildings Map

Subzones on the LEP Height of Buildings (HoB) Map *	**Maximum Wall Height on flat land (no gradient)**	**Maximum Wall Height on land with a site gradient less than 1:4**	**Maximum Wall Height on land with a site gradient of 1:4 or steeper**
Area 'L' on HoB Map (11m)	9m	See Figure 28 - Maximum Wall Height Determined by the Slope.	10.5m
Area 'N1' on HoB Map (13m)	12m		12m
All other areas on HoB map	6.5m		8m

* **Note:** Council's Wall Height control applies to the subzones within LEP Zones R1, R2, R3, E3 and E4.

Figure 27 – Interpretation of Wall Height based on Slope



b) For the purpose of determining maximum wall height, the slope of the land is calculated at natural ground level along the full length of the proposed wall expressed as a ratio that is applied in Figure 27 - Interpretation of Wall Height based on Slope. The slope of land on which the wall is sited will differ from one

building to another and from one elevation of that building to another elevation and will be used in Figure 28 below to determine the maximum wall height in each case.

Figure 28 - Maximum Wall Height Determined by the Slope
Note: This table is used to determine the maximum wall height based on a calculation of the slope of land under the wall.

Site Gradient /Slope																	
	1:4 +																
	1:4.3																
	1:4.5																
	1:5																
	1:5.5																
	1:6																
	1:.6.8																
	1:7.5																
	1:9																
	1:10																
	1:12																
	1:15																
	1:20																
	1:30																
	1:60																
	0																
Max. wall height (m) in all areas except areas 'L' and 'N1' on the LEP HoB Map		6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0
Max. wall height (m) in area 'L' LEP HoB Map		9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10	10.1	10.2	10.3	10.4	10.5

4.1.2.2 Number of Storeys

a) Buildings must not exceed 2 storeys, except on land in areas 'L' and 'N1' on the LEP Height of Building Map and notwithstanding the wall and roof height controls in this plan.

b) Buildings on land in areas 'L' and 'N1' on the LEP Height of Building Map Buildings must not exceed 3 storeys notwithstanding the wall and roof height controls in this plan.

c) Variation to the maximum number of storeys may be considered:

i) where specific physical site constraints warrant an exception to this requirement. In these circumstances the development must still fully comply with other numeric height controls and development standards; and

ii) to allow an additional understorey where that storey satisfies the meaning of basements in the LEP.

See also paragraph 3.1.1.3 Roofs and Dormer Windows.

4.1.2.3 Roof Height

a) Pitched roof structures must be no higher than 2.5m above the actual wall height *, calculated in accordance with Figure 29.

*** Note:** In this paragraph 'actual wall height' means the wall height that is either existing or proposed rather than the maximum achievable wall height control in this plan.

b) Roof parapets may extend up to 0.6m above the actual wall height where Council considers that a parapet is considered to be appropriate to the design of the development and satisfies the objectives of this DCP and the LEP. For example, a parapet roof should not result in the appearance of lift structures and the like that protrude above the roof.

Note: As the LEP definition 'Building Height' incorporates plant and lift overruns, these structures must be similarly contained and not protrude above the maximum roof height.

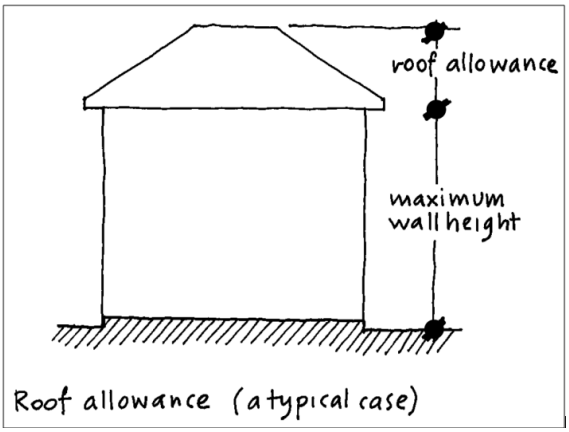


Figure 29 - Roof height diagram

Roof Pitch

c) The maximum roof pitch must be generally no steeper than 35 degrees. A roof with a steeper pitch will be calculated as part of the wall height. In this regard the wall height controls at *paragraph 4.1.2.1* of this plan will apply to the combined wall height and the height of the roof steeper than 35 degrees.

4.1.2.4 Application of DCP Controls in respect of Land Identified under 'Special Height Provisions' under Clause 4.3A of the LEP.

While LEP clause 4.3A Special Height Provision prescribe the maximum building height for certain lots identified on the LEP Height of Building Map, the DCP guidelines at *paragraphs 4.1.2* of this plan provide more detailed height control (walls, roof & storeys) on any part of the lot where the application of the DCP height controls do not conflict with the LEP i.e. where in the circumstances of the case, the DCP provides for a greater building height overall.

4.1.3 Floor Space Ratio (FSR)

Note: FSR is a development standard contained in the LEP and LEP objectives at clause 4.4(1) apply.
In particular, Objectives in this plan support the purposes of the LEP in relation to maintaining appropriate visual relationships between new development and the existing character and landscape of an area as follows:

Objective 1) To ensure the scale of development does not obscure important landscape features.

Objective 2) To minimise disruption to views to adjacent and nearby development.

Objective 3) To allow adequate sunlight to penetrate both the private open spaces within the development site and private open spaces and windows to the living spaces of adjacent residential development.

See also objectives for privacy at *paragraph 3.4.2* of this plan.

4.1.3.1 Exceptions to FSR for Undersized Lots

See also LEP clause 4.6 Exceptions to Development Standards.
See also *paragraph 3.2.5.2 Exceptions to FSR Development Standards* (for the development of Heritage).

Note: On existing sites in Residential LEP Zones (including E3 & E4) with a site area less than the minimum lot size required on the LEP Lot Size (LSZ) Map, Council may consider exceptions to the maximum FSR under LEP clause 4.6 when both the relevant LEP objectives and the provisions of this DCP are satisfied. See LEP clause 4.6(4)(a).

~~In particular,~~ The undersized nature of a lot is a matter that Council may consider in determining whether 'compliance with the standard is unreasonable or unnecessary in the circumstances of the case' and 'there is sufficient environment planning grounds to justify contravening the development standard' under LEP clause 4.6(3).

a) The extent of any exception to the LEP FSR development standard pursuant to LEP clause 4.6 in this plan is to be no greater than the achievable FSR for the lot size indicated in Figure 30 - Extent of FSR Variation for Undersized Lots.

Figure 30 - Extent of FSR Variation for Undersized Lots

Subzones on the LEP Lot Size (LSZ) Map	Maximum variation to FSR for undersized lots
Area 'C' on the LEP LSZ map	Calculation of FSR based on 250 sqm lot size/ site area
Area 'D' on the LEP LSZ map	Calculation of FSR based on 300 sqm lot size/ site area
Area 'I' on the LEP LSZ map	Calculation of FSR based on 500 sqm lot size/ site area
Area 'M' on the LEP LSZ map	Calculation of FSR based on 600 sqm lot size/ site area
Areas 'R','T'&'U' on the LEP LSZ map	Calculation of FSR based on 750 sqm lot size/ site area

4.1.3.2 Exceptions to FSR for Plant Rooms

In calculating the gross floor area under the LEP dictionary meaning for the purpose of calculating FSR, consideration must be given to *paragraph 3.9 Plant Equipment* of this plan with regard to the design and maximum area of plant equipment and plant rooms.

4.1.3.3 Exceptions to FSR for Open Balconies

Objective 1) To maintain open balconies which contribute to the articulation of building facades without adding to the building bulk and provide an amenity of open space for occupants.

In calculating the Gross Floor Area under the LEP dictionary meaning for the purpose of calculating FSR, balconies that are enclosed will not be excluded from the LEP definition of Gross Floor Area i.e. will be included in FSR when the balcony is:

i) enclosed to the extent that it is part of the building envelope as defined by the Building Code of Australia; and

ii) considered by Council to have the character of a habitable room.

Note: In this regard it is noted that the LEP only excludes balconies from the Gross Floor Area when the outer walls are less than 1.4m high

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; and
- facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.
- 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 3.2.4* in relation to Heritage and *paragraph 4.2* in relation to controls in LEP Business Zones.

a) Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.

b) 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.

c) 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.

d) Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, chimneys, meter boxes and the like, where no adverse impact on the streetscape or adjoining properties is demonstrated to Council's satisfaction.

Note: Reference to 'prevailing building lines' in this paragraph means the building lines determined in undertaking the context and site analysis required to accompany all DAs (see *paragraph 2.1.1*) including, in this case, demonstrated survey of all building lines and street frontages in the vicinity i.e. the visual catchment along the street.

4.1.4.2 Side setbacks and secondary street frontages

a) Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building.

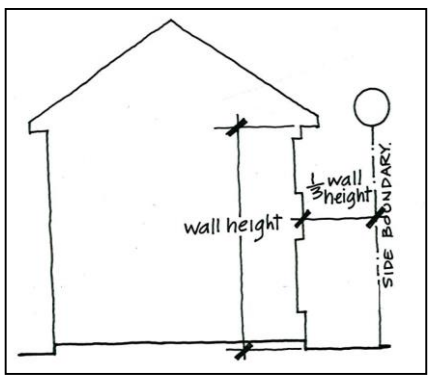


Figure 31 - Side Setback Diagram

b) Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, and the like, if it can demonstrate there will be no adverse impact on adjoining properties including loss of privacy from a deck or balcony.

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

d) For secondary street frontages of corner allotments, the side boundary setback control will apply unless a prevailing building line exists. In such cases the prevailing setback of the neighbouring properties must be used. Architecturally the building must address both streets.

e) Side setbacks must provide sufficient access to the side of properties to allow for property maintenance, planting of vegetation and sufficient separation from neighbouring properties. See also *paragraph 4.1.4.3.b.vi.*of this plan.

f) In relation to the setback at the street corner of a corner allotment the setback must consider the need to facilitate any improved traffic conditions including adequate and safe levels of visibility at the street intersection. In this regard Council may consider the need for building works including front fence to be setback at this corner of the site to provide for an unobstructed splay. The maximum dimension of this triangular shaped splay would be typically up to 3m along the length of the site boundaries either side of the site corner.

See also paragraph 5.5 Road Widening and Realignment and Council's Corner Splay Policy (C150) for instances where the corner splay may be acquired by Council at intersections in the public interest and in the circumstances of the particular case.

4.1.4.3 Variations to Side Setback in Residential Density Areas D3 to D9 (see paragraph 4.1.1 of this plan)

Note: The following paragraphs apply to residential density areas D3 to D9 identified in *Schedule 1 - Map A* of this plan. In this regard the variations in this paragraph do not apply to density areas D1 and D2.

a) Council may consider an exception to the side setback control to enable windows at 90 degrees to the boundary to provide some flexibility in the siting and design of buildings which assist in satisfying setback objectives relating to privacy subject to the following:

   i) The average distance to the boundary over the length of the wall is to be no less than the required setback control. In relation to the average distance to boundary, the area of building protruding into the minimum setback must be no greater that the area of land at the side boundary that is setback more than what is required by the minimum setback line.

   ii) The wall protruding into the minimum setback must not provide windows facing the side boundary.

   iii) The subject side elevation must provide a window(s) at some 90 degrees to the boundary.

b) Walls located within 0.9m of any one of the side boundaries may be considered but must:

   i) contain no windows; *****

   ii) be constructed to one side boundary only;

   iii) limit height to 3m; *****

   iv) limit length to 35 percent of the adjoining site boundary; ******

   v) submit a standard of finish and materials for external surfaces which complement the external architectural finishes of adjacent properties and/or the townscape character;

   vi) obtain a right-of-way to provide access for maintenance; and

   vii) satisfy the objectives for setback in this plan and the applicant can demonstrate no disadvantage to the adjacent allotment through increased overshadowing, or loss of view and no impediment to property maintenance.

***Note:** Any wall over 3m high must comply with the setback requirements irrespective of whether the wall contains windows or not.
****Note:** In relation to semi-detached dwellings the variation to side boundaries for the purpose of this paragraph is the common wall and further variations to side setback under this paragraph do not apply.

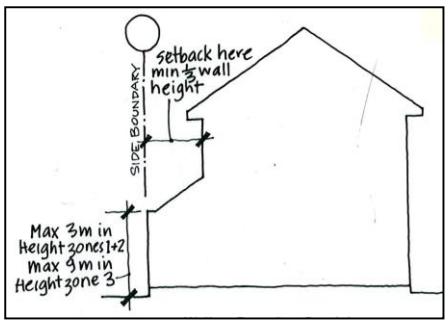


Figure 32 - Wall on Boundary Provisions

4.1.4.4 Rear Setbacks

a) The distance between any part of a building and the rear boundary must not be less than 8m.

b) Rear setbacks must allow space for planting of vegetation, including trees, other landscape works and private and/or common open space. The character of existing natural vegetated settings are to be maintained. See also *paragraph 3.3 Landscaping.*

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.

4.1.4.5 Foreshore Building Lines and Foreshore Area

Note: Foreshore building lines are contained in the LEP clause 6.10 and the LEP Foreshore Building Line Map. This paragraph is to be read in conjunction with the LEP and provides supporting and more detailed controls and considerations in respect of exceptions which may be considered under LEP clause 4.6.

a) Any exception proposed to the foreshore building lines under LEP clause 4.6 must consider the particular site terrain, the setback of adjoining development and Council's existing or future proposed foreshore walkway. Any exception sought for foreshore land that is reclaimed must also consider the position of the mean high watermark on adjoining properties.

b) Development on any property with a foreshore building line may be required to be setback a further distance from the mean high water mark than required by the LEP Foreshore Building Line Map to satisfy the objectives of the LEP in instances where the proposed height of building on the foreshore frontage is greater than 15m. The minimum foreshore setback for development in this instance is to be no less than the maximum wall height at the foreshore frontage.

c) Development of land that is permitted in the foreshore area is to be designed to complement the natural or established landscaped character of the waterfront and must not be used for accommodation.

d) Care must be taken when considering opportunities for 'continuous public access along the foreshore and to the waterway' under LEP clause 6.10(3)(e) to ensure that:

   i) remnant riparian vegetation is not degraded and removed; or

   ii) the width of riparian land that is to be protected and or rehabilitated is not reduced on order to provide public access; or

   iii) pathways are to be generally located outside the foreshore/riparian areas to avoid impacts on foreshore/riparian areas, flora and fauna and habitat it provides and the rehabilitation of riparian vegetation. If access to the foreshore/riparian areas needs to be provided, the access should be limited to strategic locations rather than provided continuous access pathways along these sensitive areas. Locating the pathways outside the foreshore/riparian areas would also improve public surveillance and safety.

e) In relation to Lots 101,102 & 103 DP1047595 and Lots 104 & 105 DP1048038 Rignold Street, Seaforth; the following foreshore building line controls apply notwithstanding any other provisions of this plan:

   i) The natural tree cover between the foreshore building line and the water's edge is to be retained and any future landscaping should complement existing natural vegetation. The retention of rock outcrops and other native features of the site are to be given due consideration in any development of the site.

   ii) Swimming pools will not be permitted between the foreshore building line and the water's edge, but gazebos, pergolas and other similar structures will be permitted provided that they are designed in keeping with the bushland character of the site and the adjacent foreshore area.

   iii) No retaining walls or fences are to be erected between the foreshore building line and the water's edge.

4.1.4.6 Setback for development adjacent to LEP Zones RE1, RE2, E1 and E2

a) Buildings, swimming pools and garden sheds on sites with a common boundary to land zoned in the LEP as Zones RE1 Public Recreation, RE2 Private Recreation, E1 National Parks and E2 Environmental Conservation must be set back at least 6m from this common boundary and in the case of rear setbacks, the minimum 8m setback prevails (see paragraph 4.1.4.4 of this plan). However, gazebos, barbeques, child play equipment and the like may be permitted within this setback provided they are designed to complement the natural or landscape character of the adjacent LEP Zones.

b) Remnant native vegetation must be protected on land particularly within the minimum required setback area adjacent to land zoned in the LEP as Public or Private Recreation (Zones RE1 & RE2), National Parks (Zone E1) and Environmental Conservation (Zone E2). The design of development generally adjacent to native vegetation should be sympathetic to the natural environment in order to protect and enhance areas as habitat for native fauna.

See also *paragraph 4.1.8 Development on Sloping Sites.*

See also *paragraph 4.1.9 Swimming Pools, Spas and Water Features.*

See also *paragraph 5.4.1 Foreshore Scenic Protection Areas.*

See also *paragraph 3.1.1.1.b Setback Principles in Low Density Areas.*

See also State Environmental Planning Policy no. 19 (Urban Bushland)

4.1.4.7 Setback for development of certain land at Boronia Lane and Rignold Street, Seaforth

The minimum rear setback of certain lands at Boronia Lane and Rignold Street, Seaforth is indicated at Figure 33 - Setbacks for certain land in Boronia Lane and Rignold Street.

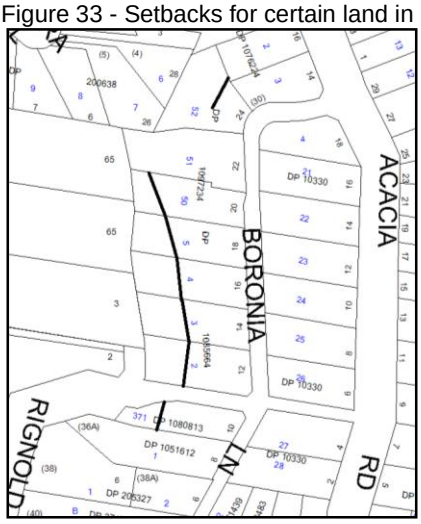


Figure 33 - Setbacks for certain land in Boronia Lane and Rignold Street

Note: The rear setback in Figure 33 is determined as generally 8m from the edge of land within the subject sites that has been identified with high biodiversity value under the LEP.

4.1.5 Open Space and Landscaping

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

Objective 1) To retain and augment important landscape features and vegetation including remnant populations of native flora and fauna.

Objective 2) To maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland.

Objective 3) To maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area.

Objective 4) To maximise water infiltration on-site with porous landscaped areas and surfaces and minimise stormwater runoff.

Objective 5) To minimise the spread of weeds and the degradation of private and public open space.

Objective 6) To maximise wildlife habitat and the potential for wildlife corridors.

See also *paragraph 3.3 Landscaping Principles* and *paragraph 2.3 Approval Requirements for Removal of Trees.*

4.1.5.1 Minimum Residential Total Open Space Requirements

See also Dictionary meaning of Total Open Space in this plan.
See also *paragraph 4.1.5.3 Principal Private Open Space*.

Numeric Controls

a) Open Space must be provided on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground.

The minimum total open space requirement is determined as a percentage of the site area in Figure 34 and applies to residential accommodation and other permissible development in the LEP Zones R1, R2, R3, E3 & E4 and residential development in any other zone excluding shop top housing in LEP Zone B1 Neighbourhood Centre (see paragraph 4.2.8.3) and Zone B2 Local Centre.

Figure 34 –
Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground

Residential Open Space Areas at DCP Schedule 1 – Map B	Total Open Space (minimum percentage of site area)	Landscaped Area (minimum percentage of Total Open Space	Open Space Above Ground (maximum of Total Open Space)
Area OS1	at least 45% of site area	at least 25% of open space	-In relation to dwelling houses: no more than 25% of Total Open Space. -In relation to all other land uses permitted in the Zone: no more than 40% of Total Open Space.
Area OS2	at least 50% of site area	at least 30% of open space	
Area OS3	at least 55% of site area	at least 35% of open space	
Area OS4	at least 60% of site area	at least 40% of open space	

Note: to be read in conjunction with *Schedule 1 - Map B.* and relevant Dictionary meanings.

Minimum dimensions and areas for Total Open Space

b) Total Open Space (see Dictionary meanings including landscape area, open space above ground and principal private open space) must adhere to the following minimum specifications:

i) horizontal dimension of at least 3m in any direction; and
ii) a minimum unbroken area of 12sqm.
iii) A variation to the minimum specifications in i) and ii) above may only be considered for Above Ground Open Space where it can be demonstrated that lesser dimensions or areas will better serve to minimise amenity impacts on neighbours. A lesser areas of above ground open space may be included or calculated under the minimum requirements in the circumstances of the case. In all other cases open space that does not comply with the minimum specification is not included or calculated under the minimum requirements for total open space.

See also paragraph 4.1.9.3 Proportion of Total Open Space in relation to the maximum area for pools and concourse.

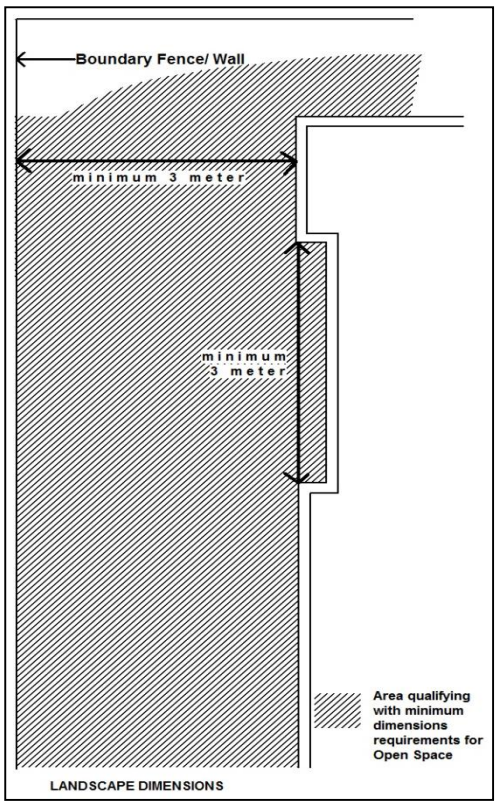


Figure 35 – Landscape Dimensions

Provisions for Total Open Space Above Ground

Note: This paragraph limits the extent of total open space which may be provided above ground level. See dictionary meaning of 'open space above ground'

c) Open Space Above Ground is limited on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space above Ground Level. The maximum open space above ground requirement is determined as a percentage of the Total Open Space.

Amenity Considerations

i) Areas of total open space that are above ground are considered to have a potentially greater impact on the amenity of neighbours. Accordingly the provision of open space that is above ground is to be confined to a maximum percentage of the total open space for any development. In particular, roof terraces and large decks are discouraged and are not a preferred design option when providing open space above ground.

ii) All open space above ground including verandas, balconies, terraces, are not to be enclosed.

iii) The Total Open Space Above Ground as provided for in Figure 34 may be refused by Council where privacy and/or view loss are issues and where development does not satisfy particular considerations in the following paragraphs iv) and v).

iv) Roof terraces are not permitted unless designed for privacy with no direct lines of sight to adjoining private open spaces or habitable window openings both within the development site and within adjoining sites.

Note: In relation to assessing privacy in this paragraph, the anticipated lines of site are to be determined from any location on the terrace at an eye level of 1.6m above the proposed finished floor level. Council may require sketches to accompany the DA demonstrating critical view lines from the proposed development to adjoining spaces and windows in sectional drawings.

v) Council may also require methods of sound attenuation and/or acoustic treatment to be indicated in the DA to protect the acoustic amenity of neighbouring properties and the public*. See paragraph 3.4.2.4 Acoustical Privacy (Noise Nuisance).*

4.1.5.2 Landscaped Area

Numeric Controls

a) Landscaped Area must be provided on site in accordance with above Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space above Ground Level. The minimum landscaped area requirement is a percentage of the actual * total open space onsite.

Note: 'Actual' space refers here to proposed (or existing where no change proposed), rather than the minimum requirement for open space in this plan.

Minimum Dimensions and Areas

b) Minimum dimensions and areas must provide for the following:
   i) soil depth of at least 1m for all landscaped areas either in ground or above ground in raised planter beds; and

   See also *paragraph 4.1.5.1.c* regarding the extent of open space above ground.

   ii) a minimum horizontal dimension of 0.5m measured from the inner side of the planter bed/ box, wall or any other structure which defines the landscaped area and incorporating an appropriate drainage and irrigation regime.

   See also *paragraph 3.3 Landscaping* regards requirements for design and planting principles.

c) Minimum Tree Plantings
   i) The minimum tree numbers must be in accordance with Figure 37 - Minimum Number of Native Trees Required.
   ii) The minimum tree requirement may include either existing established native trees or new native trees planted at a pot/container size to be at least 25 litres capacity and being a species selected in accordance with *Schedule 4 Part B - Native Tree Selection.*
   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).

Figure 37 - Minimum Number of Native Trees Required
Note: to be read in conjunction with the LEP Lot Size Map.

Site Area (sqm)	Areas in the LEP Lot Size Map	Minimum number of native trees listed in Schedule 4 Part B
up to 500	Area 'C' on the LEP Lot Size Map	1 tree
up to 500	all Areas except Area 'C' on the LEP Lot Size Map	2 trees
between 500 and 800	all Areas on the LEP Lot Size Map	3 trees
over 800	Area 'C' on the LEP Lot Size Map	3 trees
over 800	all Areas except Area 'C' on the LEP Lot Size Map	4 trees

Landscaping Driveways

d) Driveways alongside boundaries will be sufficiently setback to provide a landscaped area at least 0.5m wide between the driveway area and side boundary for the length of the driveway. Any parking hard stand area or carport associated with the driveway should also be similarly setback unless requiring a greater setback elsewhere under this plan.

4.1.5.3 Private Open Space

Note: Private open space is in addition to the provision of communal open space for residential accommodation with more than 1 dwelling. Guidelines for the provisions of communal open space are contained in the Residential Flat Design Code referenced in this plan.

Principal Private Open Space

a) Principal private open space is to be provided in accordance with the following minimum specifications:
   i) Minimum area of principal private open space for a dwelling house is 18sqm; and
   ii) Minimum area of principal private open space for residential accommodation with more than 1 dwelling on the site is 12sqm for each dwelling.

Note: Principal private open space is both part of the private open space as defined in the LEP and the total open space requirement defined in the DCP and must also comply with the meanings and provisions for these spaces provided in the LEP and elsewhere in this DCP.
See also *dictionary* meaning of principal private open space in this DCP

Private Open Space for Boarding Houses

b) Private open space for Boarding Houses is to be provided in accordance with the following minimum specifications:

i) Minimum area of 20sqm with a minimum dimension of 3m for the use of the lodgers.
ii) If accommodation is provided on site for a boarding house manager – 1 area of at least 8sqm with a minimum dimension of 2.5m is to be provided adjacent to that accommodation.
iii) The area is to receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter.

See also paragraph 4.4.9 and schedule.

4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)

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

Objective 1) To provide accessible and adequate parking on site relative to the type of development and the locality for all users (residents, visitors or employees).

Objective 2) To reduce the demand for on-street parking and identify where exceptions to onsite parking requirements may be considered in certain circumstances.

Objective 3) To ensure that the location and design of driveways, parking spaces and other vehicular access areas are efficient, safe, convenient and are integrated into the design of the development to minimise their visual impact in the streetscape.

Objective 4) To ensure that the layout of parking spaces limits the amount of site excavation in order to avoid site instability and the interruption to ground water flows.

Objective 5) To ensure the width and number of footpath crossings is minimised.

Objective 6) To integrate access, parking and landscaping; to limit the amount of impervious surfaces and to provide screening of internal accesses from public view as far as practicable through appropriate landscape treatment.

Objective 7) To encourage the use of public transport by limiting onsite parking provision in Centres that are well serviced by public transport and by encouraging bicycle use to limit traffic congestion and promote clean air.

See also *Schedule 3 - Parking and Access.*
See also AS2890.1 in relation to relevant Australian Standards.

4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas

See also *paragraph 3.1.1 Streetscape.*

a) The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain the desired character of the locality.

b) Garage and carport structures forward of the building line must be designed and sited so as not to dominate the street frontage. In particular:
   i) garages and carports adjacent to the front property boundary may not be permitted if there is a reasonably alternative onsite location;
   ii) carports must be open on both sides and at the front; and

c) the maximum width of any garage, carport or hardstand area is not to exceed a width equal to 50 percent of the frontage, up to a maximum width of 6.2m.

Note: The width of any parking structure considered under this paragraph is to be measured along the elevation of the structure that fronts the street.

d) In relation to the provision of parking for dwelling houses, Council may consider the provision of only 1 space where adherence to the requirement for 2 spaces would adversely impact on the streetscape or on any heritage significance identified on the land or in the vicinity.

   See Schedule 3 of this plan for parking and access requirements and *paragraph 3.2.5.1* in relation to general exceptions to parking requirements for items of the environmental heritage listed at *schedule 5* of the LEP.

4.1.6.2 Roof Top Parking

Parking on the roof top should be avoided for Residential Accommodation and for any other development in the LEP Residential Zones (Zones R1, R2, R3, E3 & E4).

4.1.6.3 Bicycle Storage

Secure bicycle storage is required for residential accommodation in accordance with *Schedule 3 Part 2 Bicycles.* Bicycle storage areas should be of sufficient dimensions to comply with Australian Standards.

4.1.6.4 Vehicular Access

a) All vehicles should enter and leave the site in a forward direction.

b) Vehicular access and parking for buildings with more than 1 dwelling is to be consolidated within one location, unless an alternative layout/design would better reflect the streetscape or the building form.

c) Vision of vehicles entering and leaving the site must not be impaired by structures or landscaping.

d) Particular attention should be given to separating pedestrian entries and vehicular crossings for safety.

e) Vehicular access will not be permitted from pedestrianised areas in Manly Town Centre.

f) In relation to the development of 15-17 Suwarrow Street and 28-34 Balgowlah Road Fairlight, should vehicular access for future development be through L M Graham Reserve, a right of way will be required at the eastern most part of the site, being a 1 metre right of way required for lots 29 and 30 in Sec 5, DP 939916. The right of way should nominate Council or any person nominated by Council as the beneficiary as well as Lot 1 in DP1022202, the other lots of the site, lots 29, 30, 31 and 32 in Section 5 of DP 939916, known as 15-17 Suwarrow Street Fairlight.

Note: NSW Roads and Maritime Services advise in relation to properties fronting arterial roads (being managed by Roads and Maritime Services) that continued availability of on street car parking cannot be assumed. State Environmental Planning Policy - Infrastructure 2007 also states that Council must not grant consent to development on land that has frontage to a classified road unless it is satisfied that where practicable, vehicular access to the land is provided by a road other than a classified road. In the consultation of this plan with Roads and Maritime Services, it is advised that direct vehicular and pedestrian access for a child care centre should not be permitted to a classified road. See also *paragraph 4.4.6 Child Care Facilities.*

4.1.6.5 Driveways and Crossings

See also *paragraph 4.1.5.2.d Landscaping Driveways*.
See also *paragraph 4.1.8 Development on Sloping Sites* including driveways on sloping sites.

a) Driveway crossovers/ gutter crossings should be minimised and spaced to maximise kerb-side car parking spaces. An appropriate means of minimising impacts in this regard may involve relocation of garages or carports away from the front property boundary if there is a reasonable alternative location.

Note: In assessing driveways and crossings under this paragraph, consideration will be given to whether the works have any impact on kerbside parking supply and demand.

b) Particular attention should be given to separating pedestrian entries and vehicular crossings.

c) The use of porous pavements and retention of existing vegetation is strongly encouraged in the design of driveways in order to maximise stormwater infiltration.

Note: For other information on street crossings and kerb laybacks see Council's Specifications for the Construction of Concrete Vehicular Crossings by Private Contractors.

4.1.6.6 Tandem, Stacked and Mechanical Parking Areas

The design location and management of parking facilities involving tandem, stacked and mechanical parking (including car stackers, turntables, car lifts or other automated parking systems) must consider the equitable access and distribution of parking spaces to all occupants and visitors to the building. In this regard:

a) all parking spaces in any tandem or stacked arrangement are to be allocated to the same dwelling/strata unit and must not be used as visitors parking; and

b) where the proposed development involves a tandem, stacked and mechanical parking arrangement which necessitates more than one parking space being attributed to a single dwelling unit under paragraph i) above; Council must be satisfied that sufficient parking spaces are reasonably allocated to all other dwelling units within the development.

4.1.7 First Floor and Roof Additions

See also *paragraph 4.4.2 Alterations and Additions.*

4.1.7.1 First Floor Additions

a) First floor additions must complement the architectural style of the ground floor and where possible retain existing roof forms. Notwithstanding setback provisions, the addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.

b) The dwelling and the form of alterations and additions must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences or the aesthetic quality of Manly. In this regard, it may be preferable that the addition be confined to the rear of the premises or be contained within the roof structure.

4.1.7.2 Habitable Rooms in the Roof Structure

See also *paragraph 3.1.1.3 Roofs and Dormer Windows* in relation to residential streetscape.
See also *paragraph 4.1.5.1.c.ii* in relation to roof-top decks.

Habitable rooms will be permitted in a roof structure subject to compliance with all other controls in this plan and the LEP including height and FSR in the LEP. However alterations and additions to a building which existed prior to 2007 may involve habitable rooms within an existing roof structure that is above the maximum wall and roof height; (see *paragraph 4.1.2* of this plan) subject to the rooms not detracting from the character or integrity of the roof structure and not adversely impacting on the amenity of adjacent and nearby properties and the streetscape. Similarly, alterations and additions which exceed the maximum height must not increase the overall height of the building. Consideration may be given in this paragraph to the application of LEP clause 4.6 in considering exceptions to the LEP Building Height standard.

4.1.8 Development on Sloping Sites

See also *paragraph 4.1.2 Height* in respect of sloping sites and *paragraph 3.1.1.1.b Setbacks* in low density areas.

Note: Development on sloping sites often require geological survey to consider the stability of the slope and the suitability of the proposed design for that slope.
See also *paragraph 2.1.13* for requirements for Site Stability Reports in this plan.

a) The design of development must respond to the slope of the site, to minimise loss of views and amenity from public and private spaces.

b) Developments on sloping sites must be designed to:
   i) generally step with the topography of the site; and
   ii) avoid large undercroft spaces and minimise supporting undercroft structures by integrating the building into the slope whether to the foreshore or a street.

   Driveways on sloping sites

c) On steep sites, driveways must be designed so they do not dominate the street frontage, by:
   i) limiting their height above existing ground level to avoid the need for elevated ramps and similar structures to access car parking areas, especially those which may encroach on public land;
   ii) limiting their width;
   iii) using materials that do not visually detract from the natural surroundings; and
   iv) retaining significant trees.

4.1.9 Swimming Pools, Spas and Water Features

See also *paragraph 4.1.5 Open Space and Landscaping*.

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

Objective 1) To be located and designed to maintain the privacy (visually and aurally) of neighbouring properties and to minimise the impact of filter noise on neighbouring properties;

Objective 2) To be appropriately located so as not to adversely impact on the streetscape or the established character of the locality;

Objective 3) To integrate landscaping; and

Objective 4) To become an emergency water resource in bush fire prone areas.

4.1.9.1 Height above ground

a) Swimming pools and spas must be built on or in the ground and not elevated more than 1m above natural ground level. Consideration of any exception to exceed the height above ground must demonstrate that any swimming pools and/or spa and their curtilage and/or concourse more than 1m above natural ground level:
   i) would not detract from the amenity or character of the neighbourhood; and
   ii) is a minimum distance from any side boundary equivalent to the height of the swimming pools and/or spa and their curtilage and/or concourse at any point above existing ground level.

4.1.9.2 Location and Setbacks

See also *paragraph 4.1.4.5 Foreshore Building Lines* and *paragraph 4.1.4.6 Setback* adjacent LEP Zones RE1, RE2, E1 and E2.

a) Swimming pools and spas must not be located within the front setback i.e. between the front boundary of the lot and the building line. Consideration of any exception to the required location must demonstrate that any swimming pools and/or spa and their curtilage and/or concourse:
   i) does not detract from the amenity or character of the neighbourhood; and
   ii) is a minimum distance from the front boundary equivalent to at least twice the height of the swimming pools and/or spa and their curtilage and/or concourse at any point above existing ground level.
b) The setback of the outer edge of the pool/spa concourse from the side and rear boundaries must be at least 1m, with the water line being at least 1.5m from the boundary.

4.1.9.3 Proportion of Total Open Space

Swimming pools and associated concourse areas must not comprise more than 30 percent of the total open space.

See also Dictionary meaning of Total Open Space which includes swimming pools only occupying less than 30 percent of the total open space

4.1.9.4 Other matters - sewer connections, pumps, structural certificates, rainwater tank and pool blankets

a) All swimming pools and spas must be connected to the sewerage system;
b) Pumps and filters must be located, enclosed and acoustically controlled to limit noise to the appropriate standard. (See also *paragraph 3.9.3 Noise from Mechanical Plant*);
c) A spa pool must not be located on a deck or balcony unless the structural integrity of the deck or balcony to accommodate the spa is certified by a structural engineer;
d) A separate rain water tank, of adequate capacity, must be installed to recharge the pool when required; and
e) Swimming pools should be covered with a secure “pool blanket”, or similar device, when not in use to minimise water loss by evaporation and to conserve energy in heated pools.

4.1.10 Fencing

See also *paragraph 3.1 Streetscapes and Townscapes* and *paragraph 3.2.3 Fences* for Heritage.

Freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point.

4.1.10.1 Exceptions to maximum height of Fences

a) In relation to stepped fences or walls on sloping sites (see *paragraph 4.1.8),* the fence and/or wall height control may be averaged.

b) In relation to open/ transparent fences, height may be increased up to 1.5m where at least 30 percent of the fence is open/ transparent for at least that part of the fence higher than 1m.

c) In relation to development along busy roads:

   i) where a development will be subjected to significant street noise, Council may consider exceptions to the permitted fence height where the use of double glazing or thicker glazing for the residence is not available. The use of double glazing for windows in the development is the preferred means of noise reduction. See also *paragraph 3.4.2.4 Acoustical Privacy.*

   ii) fences to the southern side of French's Forest Road, Seaforth may achieve a maximum height of 1.5m with 'solid' fencing.

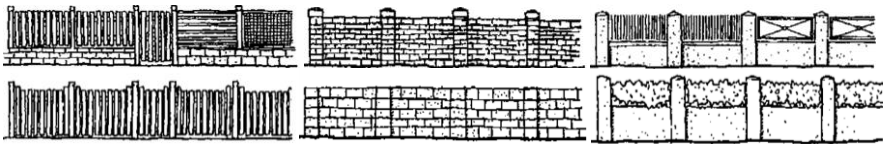


Figure 38 - Recommended fencing types

4.1.10.2. Fencing Height in relation to the height of retaining walls

Fences must be setback at least 1m from the lip of any retaining wall unless the combined height of the fence and retaining wall is contained within the maximum fence height required in this plan.

Note: Any boundary fencing close to the allotment boundary in an approved DA is in no way construed as permission to build on or encroach over the allotment boundary. Your attention is drawn to the provisions of the Dividing Fences Act 1991 which gives certain rights to adjoining owners, including use of the common property. In the absence of the structure standing well clear of the common boundary, it is recommended you make yourself aware of the legal position which may involve a survey to identify the allotment boundary.

4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres)

All DAs in local and neighbourhood centres are to consider townscape, design, diversity, interest and heritage values. Any departure from this plan and its controls will not be allowed where Council regards these considerations and the objectives of the LEP as being compromised by the development.

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

Objective 1) To introduce guidelines for the assessment of building heights, setback and other controls relating to building form and height in order to achieve a consistent and coherent townscape appropriate to the locality.

See also *paragraph 3.2 Streetscape and Townscapes (Principles*).

4.2.1 FSR (Consideration of Exceptions including Arcades)

Note: FSR is a development standard under LEP clauses 4.4 & 4.5 and applies to land shown on the LEP FSR Map. This paragraph details certain considerations for arcades in determining whether to grant an exception to the FSR standard in the LEP concerning whether 'compliance with the standard is unreasonable or unnecessary in the circumstances of the case', and whether 'there is sufficient environment planning grounds to justify contravening the development standard' (LEP clause 4.6.3).

FSR gives a firm indication of the overall maximum scale of development considered. In practice many sites may be limited in the ability to achieve this scale given characteristics of the site itself, and the other requirements of this plan.

In additional to LEP Objectives at clause 4.4(1) this plan further details the control of FSR in the following objective:

Objective 1) To provide firm guidelines as to the potential development of a centre and an individual site.

See also *paragraph 3.2.5.2 Exceptions to FSR for development of Heritage Items.*

4.2.1.1 Exceptions to FSR for Arcades

Arcades and other types of thoroughfares which are available for public use at all times may be excluded from the calculation of gross floor area for the purpose of determining the FSR.

4.2.1.2 Exceptions to FSR for Plant Rooms

In determining the exclusion of plant rooms in accordance with the LEP meaning of gross floor area, consideration must be given to paragraph 3.9 Plant Equipment of this plan with regard to the design and maximum area of plant and plant rooms when calculating the gross floor area for the purpose of calculating FSR.

4.2.2 Height of Buildings (Consideration of exceptions to Building Height in LEP Business Zones B1 and B2)

Note: Height of Building is a development standard contained under LEP clause 4.3 and applies to land shown on the LEP Height of Building Map. This DCP details certain considerations to townscape principles * in determining whether to grant an exception to the LEP standard concerning whether 'compliance with the standard is unreasonable or unnecessary in the circumstances of the case' and whether 'there is sufficient environment planning grounds to justify contravening the development standard' (LEP clause 4.6(3)).
*See also *paragraph 3.1.3.1 Design Principles* and Figure 39 - Consideration of Height Exceptions.

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.

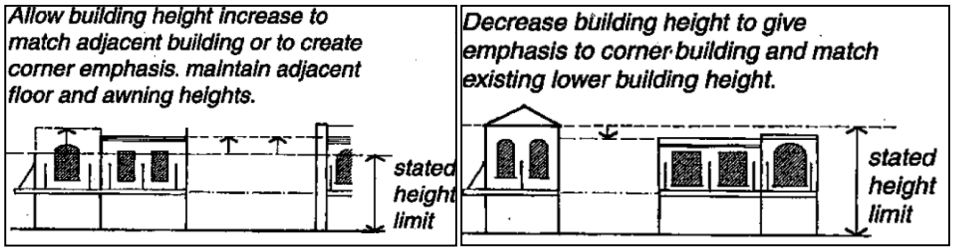


Figure 39 - Consideration of Height Exceptions

See also *paragraphs 4.2.5 to 4.2.8* for specified height provisions for Manly, Balgowlah and Seaforth Local Centres and Neighbourhood Centres.

4.2.3 Setbacks Controls in LEP Zones B1 and B2

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

Relevant DCP objectives in this plan to be met in relation to this paragraph include the following:

Objective 1) To ensure unobstructed access between the private and public domain.

Objective 2) To maintain the existing streetscape of building to the boundary.

See also *paragraphs 4.2.5 to 4.2.8* for specified setback provisions for Manly, Balgowlah, and Seaforth Local Centres and in relation to all Neighbourhood Centres.

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

a) an alternative setback is identified on the townscape and opportunities maps or having regard to established building lines and whether they contribute positively to the streetscape; or

b) the applicant can demonstrate to the satisfaction of the Council that an alternative setback will not conflict with overall townscape objectives, reduce the general availability of retail frontage or remove weather protection for pedestrians; or

c) the stipulated setback would be undesirable in terms of the amenity of any residential uses existing on adjoining land or proposed for inclusion in the development. In such cases the planning principles in this plan for residential development at *paragraph 3.1.1* will also apply. In relation to setbacks in Neighbourhood Centres, see also paragraph 4.2.8.2 which includes guidance for when development adjoins land zoned residential in the LEP.

d) Council considers the need for building works to be setback at corner lots/street intersections to provide for an unobstructed splay for the purpose of improved traffic visibility. The maximum dimension of this triangular shaped splay would be typically up to 3m along the length of the site boundaries either side of the site corner.

See also paragraph 5.5 Road Widening and Realignment and Council's Corner Splay Policy for instances where the corner splay may be acquired by Council at intersections in the public interest and in the circumstances of the particular case.

4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor

Relevant DCP objectives in this plan to be met in addition to LEP clause 1.2(2)(d) and relevant LEP Zone Objectives in the Land Use Table include the following:

Objective 1) To ensure there is adequate provisions for car parking access and loading in future development and redevelopment in all business zones.

Objective 2) To minimise conflicts between pedestrian and vehicular movement systems within the business areas.

See also *paragraphs 4.2.5 to 4.2.8* for other related provisions in specific business centres.
See also *Schedule 3* for minimum requirement for carparking and for the design of parking, access and loading.

4.2.4.1 Car Parking

a) The Council may be prepared to allow exceptions to the parking rate/requirements required in this DCP in the following circumstances:
   (i) where it can be demonstrated that particular activities in mixed use developments have car parking demands which peak at different times;
   (ii) where visitors are likely to use more than one facility per trip;
   (iii) considering available car parking in the surrounding area, except in relation to Manly Town Centre where more particular exceptions are provided at *paragraph 4.2.5.4* of this plan; or
   (iv) where it is satisfied that reduced number of parking spaces will facilitate conservation of an item of the environmental heritage in accordance with LEP clause 5(10).

See also *paragraph 4.2.5.4.b.* regarding section 94 Contributions for onsite parking requirements in Manly Town Centre.

4.2.4.2 Vehicular Access

Vehicular Access is to be provided for all new buildings in such a manner that all vehicles enter and leave the site in a forward direction.

Note: State Environmental Planning Policy - Infrastructure 2007 states that Council must not grant consent to development on land that has frontage to a classified road unless it is satisfied that where practicable, vehicular access to the land is provided by a road other than a classified road.

4.2.4.3 Access to Woodland Street

Vehicular access to the basement car parking for the Shopping Centre known as 'Balgowlah Village' (other than for residential purposes) is not allowed from Woodland Street.

4.2.4.4 Loading bays

a) Loading bays must be provided in sufficient number to meet anticipated demand. This demand is related to the total amount of floor space, the intensity of use and the nature of the activity.
b) The minimum dimensions for a loading bay are 7.6m length, 3m width and 3.4m height.
c) Access is to be provided to and from the loading bay areas in such a manner that there is sufficient room for trucks to manoeuvre. Greater head-height may be required, in consultation with NSW Roads Services (previously RTA) Guidelines, should this seem warranted by the nature of the development. Council will also have regard to the NSW Roads Services guidelines when assessing the required number and dimensions of loading bay facilities.
d) Off street loading facilities are to be provided to service the entire development in the LEP Business Zones considering the uses proposed on the site and to overall townscape considerations and in other LEP zones where the use requires regular servicing by commercial vehicles.
e) Where a residential building may require regular servicing by commercial vehicles, off street loading facilities must be provided with least 1 complying loading bay.

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.
See also Development Control Policy for Manly Cove 1996.

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.

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 any ~~new~~ development (not just heritage listed buildings) has given due attention to the site's position within, and the developments 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~~
~~a) Maintain important corners identified at Schedule 2, including strongly defined corner buildings.~~

~~b) 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.~~

~~c) 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.~~

~~d) Acknowledge important end of vista sites identified in Schedule 2. Appearance of the street elevation requires special attention at the end of these vistas.~~

e) 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.

f) Maintain existing setbacks.

g) New development to enhance townscape characteristics, disregarding existing unsympathetic buildings.

h) Step back development around the intersection of Sydney Road and Whistler Street to reveal the historic building (church) at this intersection.

i) Develop new facade line in North Steyne to avoid unattractive end walls and sharp transitions in the vicinity of 46-48 North Steyne, Manly.

j) 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).

4.2.5.2 Height of Buildings: Consideration of Townscape Principles in determining exceptions to height in LEP Zone B2 in Manly Town Centre

Note: Height of Buildings is a development standard contained under LEP clause 4.3 and applies to land shown on the LEP Height of Buildings Map. This DCP provides more detailed control to accompany the LEP Height of Buildings standard particularly in relation to townscape principles.

Consideration of the appropriate heights within the maximum Building Height development standard and exceptions to the standard in the LEP includes the following:

a) Whether the final building height including any architectural embellishments adversely dominate the heights of end (corner) buildings in the same street block or that of adjoining buildings.

b) Whether the proposed development successfully demonstrates the most appropriate relationship to adjoining development in terms of fulfilling the Council's townscape objectives. New development provides opportunities to achieve the maximum height of building in the centre of the street blocks to obtain views and outlook over buildings on the block edge at a lower height.

c) Whether new development should be constructed to the same building envelope as existing buildings on a site in order to maintain interest and variety, provided the other objectives and requirements (including FSR) of this plan are achieved.

d) Whether new buildings equate with both the overall height as well as the level of each floor of adjoining buildings and in relation to particular architectural details like parapet details and with particular regard to important end-buildings in the particular street block.

Note: The height relationship of particular architectural details with adjoining buildings may often require particular consideration of floor to ceiling heights. The creation of an additional storey by reducing the typical floor to ceiling height in a manner inconsistent with adjoining buildings will not be permitted. The use of internal mezzanine levels may be considered in order to achieve the desired height levels, where necessary, within the total height of the building.

4.2.5.3 Security Shutters

Shop window security roller shutters are not permitted on the external face of the building. Such screens may only be used behind the window display.

4.2.5.4 Car Parking and Access

See also *paragraph 4.2.4 Parking, Access and Loading* (in LEP Zones B1 and B2 generally).
See also *Schedule 3 Minimum Parking Rates/ Requirements.*

Exceptions to parking rates/ requirements in Manly Town Centre

a) In exceptional circumstances and having regard to the merits of the application, Council may be prepared to allow a reduction in the any parking rate/ requirements in Manly Town Centre (including residential and commercial) where the applicant has demonstrated that:
   (i) in the case of all uses other than dwellings, the dimensions or topography of the site would physically prevent the provision of some or all of the required spaces;
   (ii) the required access interferes with the continuity of retail frontage or interrupts the frontage of the property in other ways such that there would be a conflict with any other provisions of this DCP in particular the townscape objectives; or
   (iii) the movement of vehicles to and from the site would cause unacceptable conflict with pedestrian movements, special servicing arrangements for pedestrianised areas or contribute to congestion at key intersections.

Application of Manly Section 94 Contributions Plan

b) In respect of onsite parking requirements generated by development under this plan in Manly Town Centre (other than dwellings, tourist accommodation and backpackers' accommodation), no more than 50 percent of the required car parking spaces is permitted to be provided onsite, with the remainder being provided by way of monetary contribution in accordance with the Council's Section 94 Contributions Plan.

Note: This provision supports parking in conjunction with development in accordance with long held standards, at the same time limiting the number of cars brought into Manly Town Centre with ready access to public transport as well as existing and future public carparking stations.

Location of Driveways

c) No driveway crossover should be less than 10m from a major street intersection and vehicular crossovers should be minimal in size.

4.2.5.5 Backpackers' Accommodation

See also *paragraph 2.1.17* requiring Management Plans to be lodged with DAs for Backpackers' Accommodation and Boarding Houses.
See also *paragraph 3.6 Accessibility* and *Schedule 7 Specific Design Standards & Design Suggestions.*

Note: Backpackers' Accommodation is one of the key tourist groups attracted to Manly and is permitted with Consent under LEP Zones R3 Medium Density, SP3 Tourist and B2 Local Centre.
Note: LEP clause 6.15 Tourist and Visitor Accommodation (including Backpacker's Accommodation) requires that the maximum permitted length of stay is 3 months.

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

Objective 1) To ensure that any building that has been developed or adapted as backpackers' accommodation:
- protects or enhances the character and amenity of an area;
- provides a high standard of amenity for the users of that facility.

Objective 2) To provide for good relationships with neighbours and ensure that their amenity is maintained and protected from detrimental impacts including privacy, overshadowing, noise, antisocial behaviour, and personal safety.

Objective 3) To ensure that backpacker facilities are designed and operated in a manner which ensures the safety and wellbeing of all potential users.

General Considerations

a) When considering the general layout and design of the backpacker facility the following matters must be addressed:

i) Any Consent issued for the facility will be assessed based on the total number of guests able to be accommodated in accordance with these standards, and the facility is to be designed accordingly;

ii) Backpackers' accommodation is subject to the provisions of Schedule 1 of the Local Government (Orders) Regulation 1999 detailing standards for places of shared accommodation;

iii) Public telephones are to be provided within the building at a rate of 1 per 30 guests; and

iv) The layout and design of backpackers' accommodation must comply with the requirements of the Building Code of Australia.

Energy efficiency

b) The design of new establishments or the modification of existing buildings should seek to incorporate energy efficient design in accordance with this plan (see *paragraph 3.5 Sustainability*). In this regard the development is to consider orientation, solar access, traditional street patterns and streetscape, built and natural heritage; adequate ventilation and materials used in the construction.

Noise

c) Site layout and building design should protect neighbouring living and sleeping areas from high levels of noise.

i) Noise intrusions should be minimised to sleeping areas from both within and external to the building. Buildings are to be sound insulated to prevent offensive noise as defined by the Protection of the Environment Operations Act 1997.

ii) Sources of noise, such as the kitchen, communal rooms, communal recreation areas, and parking areas must be sited and designed to prevent noise to adjoining properties.

iii) Rooms and features that generate noise (for example laundry, communal recreation areas, and kitchens) are to be located away from, or sound proofed from sleeping rooms, and property boundaries in residential areas.

iv) Compliance with Building Code of Australia including Part 3.8.6 Sound Insulation for Backpackers' Accommodation with 12 persons or less and compliance with Part F5 Sound Transmission for Backpackers' Accommodation with over 12 persons.

v) Windows and external openings are to be located away from internal and external noise generators.

vi) Exhausts/motor units and generators should be housed in acoustic enclosures or located in areas away from living or sleeping rooms, within the building or adjacent buildings.

vii) Buildings are to be insulated to the extent that noise levels are restricted to no more than 5 decibels above the ambient noise level at any boundary.

viii) Development must not contribute to creeping noise as defined by the Environmental Protection Agency's Environmental Noise Control Manual. See also paragraph *3.4.2.4 Acoustical Privacy*.

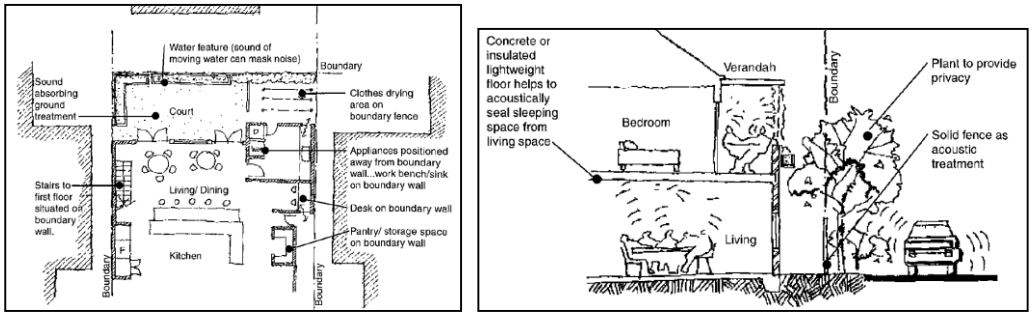


Figure 40 - Design suggestions for acoustical insulation and protection

Specific Design Standards

d) Specific design standards for Backpackers' Accommodation are provided at *Schedule 7* and detailed performance criteria, standards and design suggestions in relation to:

i) sleeping rooms to cater for the sleeping needs of guests;
ii) kitchen facilities/ dining areas to meet the needs of guests for food preparation and cooking;
iii) toilets and showers to provide an adequate number of facilities at an acceptable standard and design;
iv) communal recreational areas either within or external to the building for recreation purposes;
v) laundry and drying facilities to enable guests to wash and dry clothes;
vi) parking on site; and
vii) waste management and recycling practices.

4.2.5.6 Late Night Venues

This paragraph regulates the activities and design of late night venues in the Manly Town Centre and the wider entertainment precinct and also generally applies to the alcohol free zones and alcohol consumption prohibited zone.

See also requirements for social impact assessment under *paragraph 2.1.16* of this plan.
See also Council's Manly After Midnight Policy (Council Policy Reference M61) with respect to the conduct of activities in the Manly Central Business District after midnight and the need, in the public interest to regulate those activities.

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

Objective 1) To achieve for Manly's entertainment precinct as a place of excellence in which all people can use and enjoy Manly's highly valued natural amenity qualities as a place:

- for leisure and entertainment;
- in which late night venues can safely entertain and provide for the enjoyment of social and recreational pursuits;

without disturbing the peace of the community in terms of safety and security.

Objective 2) To regulate the activities and design of late night venues to minimize late night disturbances to the public and promote Manly as a safe place for all the community late at night such that:

- frontages to public spaces must be designed to minimize conflict between customers within the establishments and public using the public spaces;
- the applicant demonstrate (see lodgement requirements at *paragraph 2.1*) that the premises will not detract from the safety and security of the Entertainment Precinct and as a place which is acceptable for families; and
- obligations of any current Accord are addressed in minimizing anti-social behaviour and adverse effects of excessive alcohol consumption.

Intensity of Development

a) In order to provide diversity, it is proposed to limit the number of patrons which attend late-night licensed venues within the Entertainment Precinct. Within the Entertainment Precinct the total number of patrons capable of being accommodated within Late Night Venues must not exceed 8000 persons. Exceptions to this will only be granted where Council is satisfied that the existing levels of adverse impact will not be added to nor detract from opportunities to provide a diverse range of alternative entertainment activities.

Hours of Operating (maximum)

b) The maximum hours for hotels, nightclubs, restaurants & food outlets are as follows:
i) Hotels & Nightclubs: from 5am up to 2am (next day) and with a restricted entry policy for Nightclubs after 12.30am; and
ii) Restaurants & Food Outlets: from 5am up to 1am (next day).

Noise Control

c) Requirement of this plan in relation to licenced premises at paragraph 3.4.2.4 d - g apply to licensed Late Night Venues under this paragraph.

Security

d) Proprietors of Late Night Venues must enter into arrangements with Council for the provision of late night security of the premises and the adjacent public areas.

Access to Public spaces

e) Frontages to public spaces must be designed to minimise conflict between customers within the establishments and public using the public spaces.

Decks, Balconies & Roof Top Area

f) Balconies, verandahs, any roof top areas and any external access thereto must be closed to patrons between the hours of 10pm to 8am daily.

Liquor Accord

g) Proprietors of the licensed premises must be a financial member of any applicable Liquor Accord and conform to the obligations of that Accord in minimizing anti-social behaviour and adverse effects of excessive alcohol consumption.

Design

h) Applications must demonstrate how the design and operation of licensed venues take into account best practice outlined in the document titled "Alcohol & Licensed Premises: Best Practice in Policing" S Doherty and A Roche 2003. In particular refer to chapter 3 relating to Physical Environment of Licensed Premises also summarised at Figure 2 of this DCP.

4.2.6 Balgowlah Local Centre

Note: Balgowlah Local Centre (LEP Zone B2) is predominantly linear developments along Sydney Road although inclusion of certain other street frontages allows the opportunity in new developments to provide alternative access arrangements and linking pedestrian arcades. Redevelopment also gives the opportunity to form more interesting streetscapes generated by distinctive end and corner buildings and building heights which can provide some feeling of enclosure to the width of the street. Pedestrian protection, retention of interesting shopfront development and flexible floor plan and access layouts are important.

4.2.6.1 Wall Height on the Street Frontage

Note: The maximum building height is a development standard in the LEP and is contained in the Height of Buildings Map.

a) Within the LEP building height development standard, this DCP limits the wall height at the street frontage to 10.5m.

4.2.6.2 Consideration of height above the wall height as street frontage

In relation to building height above 10.5m at the street frontage (up to 13.5m in the LEP) consideration will be given to the appropriate height having regard to whether:

a) the height provides a better relationship to adjoining development in terms of fulfilling the Council's townscape objectives, and does not adversely affect adjoining properties in terms of loss of sunlight, views and privacy;

b) plant rooms, lift overruns, pitched roofs or the like are designed as an integral part of the building in such a way as to appear an appropriate part of the overall townscape and not conflict with overall townscape objectives (see *paragraph 3.1 Streetscapes and Townscapes*);

c) due to the slope of the land if it can be demonstrated that no adverse effect to adjoining properties would result and that in relation to 292-338 Sydney Road, Balgowlah, the height above established street facades in this location is not visible from the street.

4.2.6.3 Setbacks

a) All buildings must be constructed to both the street front and side boundaries of the allotment except where:

   (i) the building adjoins residential zoned land in the LEP (including zones E3 & E4), in which case the principles of height and setback for Residential development contained within this DCP;

   (ii) the applicant can demonstrate to the satisfaction of the Council that an alternative setback will not conflict with overall townscape objectives, reduce the general availability of retail frontage or remove weather protection for pedestrians and results in usable public open space; or where

(iii) the stipulated setback would be undesirable in terms of the amenity of any residential uses existing on adjoining land or proposed for inclusion in the development applies.

b) In relation to the rear setback of certain Sydney Road properties adjoining Lane 34 known as 340 to 358 Sydney Road, Balgowlah, all buildings must be setback at least 1.5m from the rear boundary to ensure:

i) pedestrian access is provided in a safe and accessible manner along the southern side of Lane 34;

ii) the provision of landscaping at the rear boundary; and

iii) the setback area is not to be enclosed by walls, fencing or any other structure to ensure adequate site distances for vehicles accessing Lane 34.

4.2.6.4 Car parking and Access

See also *Schedule 3* for minimum parking requirements

a) All residential car parking must be provided on site except where it can be demonstrated that:

i) the required access interferes with the continuity of retail frontage or interrupts the frontage of the property in other ways that would conflict with any other provisions of this DCP, in particular the townscape objectives.

ii) the movement of vehicles to and from the site would conflict with pedestrian movements, special servicing arrangements for pedestrianised areas or contribute to congestion at key intersections.

iii) the position of the parked vehicle (or the carport or garage) in the property would interfere with the desired character of the streetscape or neighbourhood.

Application of Manly Section 94 Contributions Plan

b) In Balgowlah Centre any customer or employee parking component of developments that cannot be provided on site must be met by way of contribution in accordance the Council's Section 94 Contributions Plan.

4.2.6.5 Development of 122 Condamine Street, Balgowlah

a) This clause applies to Lot 1, DP 599383 and Lot 5, DP 978325, known as 120 Condamine Street, Balgowlah.

b) A minimum of 20 percent of the gross floor area of all buildings on the land is to be used for the purpose of a place of public worship.

4.2.7 Seaforth Local Centre

Note: The Seaforth Centre like Balgowlah is a predominantly linear centre along Sydney Road. However unlike Balgowlah which is classified as a Neighbourhood Shopping Centre, Seaforth is classified as a Neighbourhood Strip or Local Shopping Centre. The primary catchment for the centre is the suburb of Seaforth. The centre relies upon convenience retailing and personal services as the underpinning of its demand. There are opportunities however to expand current services into specialist areas such as cafes, specialty food retailing and restaurants, and to focus on its potential role as a commercial hub. The size and location of the centre creates further opportunities for the centre to provide quick convenient shopping experiences, incorporating community services and facilities, integrated residential development and restaurants and creating a village atmosphere with a distinct identity. In reflection of this potential Council wishes to promote a level of development appropriate to Seaforth Shopping Centre's continued role as an important 'urban village'. However it is of critical importance to protect the residential amenity of surrounding low-rise housing by minimising the impact at the interface with any new development in the Centre.

The commercial strip character of the area determines a generally solid or masonry type finish to the majority of the main façade element, with any residential balconies designed to avoid complete balcony, or 'void' domination. The façade should be further divided into a series of vertical bays which relate to the original subdivision of 14m lots (eg 7m-7m-7m or further subdivided into 3.5m elements) and into which elements such as parking entry and shopfronts can be placed.

4.2.7.1 Wall Height and number of Storeys

Note: The maximum building height is a development standard in the LEP.

a) Within the LEP standard, this DCP restricts the wall height to 10.5m and a maximum of 3 floors above existing ground level at any point.

b) Considerations of exceptions to the maximum number of floors may be considered for basement car parking, extending no more than 1m above existing ground level.

4.2.7.2 Consideration of Height Above the Wall Height

In relation to height of building above the 10.5m wall height and up to the maximum 12.5m LEP standard, the following provisions apply:

a) Roof structures must not extend more than 2m above the maximum wall height of external walls.

b) Plant rooms, lift overruns, and the like are to be located below the maximum wall height.

c) Gable walls must not be included in the roof height allowance.

d) Voids extending from rooms below may be incorporated in the roof.

e) Mezzanines incorporated within the roof structure must be calculated as a floor.

f) The Council will only agree to an exception to height controls and standards where it is satisfied that the building is designed in such a way as to enhance the streetscape and does not conflict with the overall intent of the standards.

4.2.7.3 Car Parking and Access

See also *Schedule 3* for minimum parking requirements.

All residential car parking in Seaforth Centre must be provided on site except where it can be demonstrated that:

a) The required access interferes with the continuity of retail frontage or interrupts the frontage of the property in other ways that would be a conflict with any other provisions of this plan, particularly townscape objectives.

b) The movement of vehicles to and from the site would conflict with pedestrian movements, special servicing arrangements for pedestrianised areas or contribute to congestion at key intersections.

c) The position of the parked vehicle (or the carport or garage) in the property would interfere with the desired character of the streetscape or neighbourhood.

d) In relation to parking required for non residential uses, the dimensions or topography of the site would physically prevent the provision of some or all of the required spaces. Notwithstanding the above exceptions, all residential car parking must be provided on site.

4.2.7.4 Façade Design and Front Setback

Buildings should articulate the 3 main elements of a commercial frontage being the:

a) shop front awning at ground floor;

b) main façade above; and the

c) third floor parapet/ roof element to create a visual building finish.

4.2.7.5 Building Design

Buildings must be designed for visual and acoustic privacy to minimise overlooking of adjacent properties, and to maximise residential amenity, particularly in the application of sustainable principles such as design for passive heating/cooling and cross flow ventilation. See *paragraph 3.5* of this plan for further information. Where the secondary or side facade of a building, particularly on corner or end sites, is likely to be visible, they must be designed to present an attractive frontage to the street.

4.2.7.6 The Townscape Plan and Precincts within Seaforth Centre

The Townscape Plan summarises the direction for future development in the Seaforth Shopping Centre and the following precinct controls and guidelines are to be read in conjunction with the associated development controls and guidelines in this plan including paragraph 4.2 Development in Business Centres. These guidelines should be referred to in the design stage. The precincts identified within Seaforth Centre are:

- Sydney Road North (east of Kempbridge Avenue);
- Sydney Road South/ Ethel Street North;
- Ethel Street South; and
- 550 Sydney Road (Lots 1 & 2 DP 1041057).

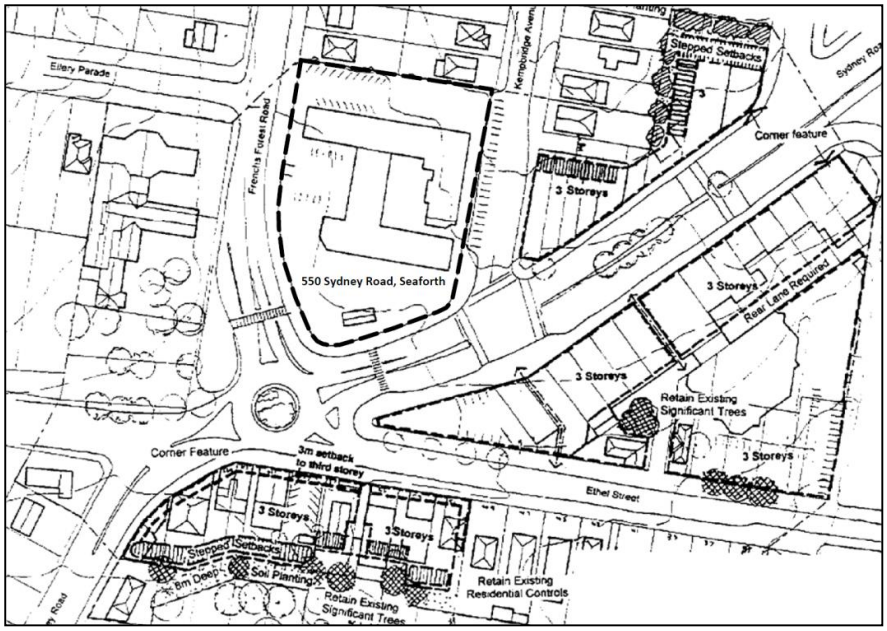


Figure 41 - Townscape Plan and Precincts within Seaforth Centre

a) Sydney Road North (east of Kempbridge Avenue)

i) Side Setback:

Buildings must be built to the side boundary except where the site adjoins Residential land in LEP Zones R1, R2, R3, E3 & E4, in which case buildings must be set back (above and below ground) a minimum of 5m at the ground and basement levels. Above ground floor, buildings must be further setback in accordance with the control diagram. This setback is determined by a 45 degree plane, 3m above the ground level of the site, commencing at the 5m setback point.

The setback to residential development must provide for deep soil planting to retain and/or establish mature tree landscape buffers. Basement parking may be permitted within this setback if the applicant can demonstrate to Council's satisfaction that the area will be capable of supporting sufficient deep soil planting to protect the privacy of neighbouring properties.

ii) Rear Setback:

Buildings must be setback (both above and below ground) 8m from the boundary of the Residential Zones (including E3 & E4). Above ground floor, buildings must be further setback in accordance with Figure 42. This setback is determined by a 45 degree plane, 3m above the existing ground level commencing at the 8m setback. This setback must be developed for deep soil planting to allow for the retention/ establishment of mature tree landscape buffers.

Part of this setback may be used for vehicular access or basement parking if the applicant can demonstrate to Council's satisfaction that:

a) the area will be capable of sustaining sufficient deep soil planting to protect the privacy of neighbouring residential properties; and
b) no other alternative is available for access to proposed or existing parking areas

iii) Street Level Design and Street Frontage Height:

Buildings must be built to the street frontage to a maximum height of 10.5m.
Parking entries are required to be from the rear as specified on the control diagrams. Pedestrian street entries should be clarified with appropriate design.

iv) Corner Elements:

The corner of Sydney Road and Hope Street is highly visible from long vistas and should be accentuated with design attention to ensure that a gateway is created at the entrance to the centre.

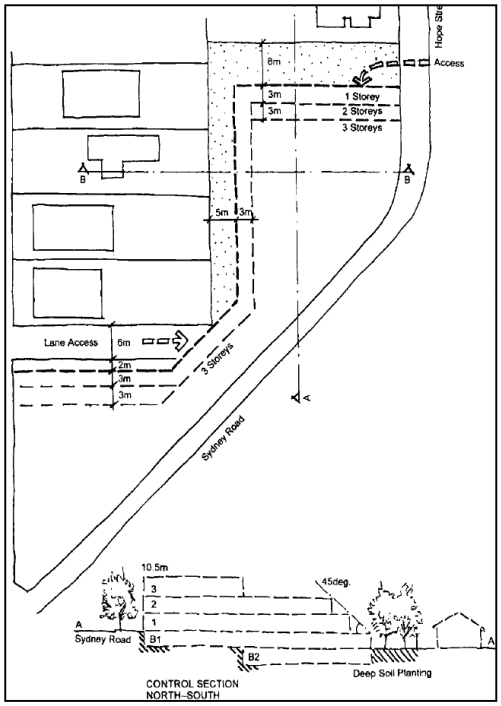


Figure 42a - Control Diagram A - Sydney Rd Nth

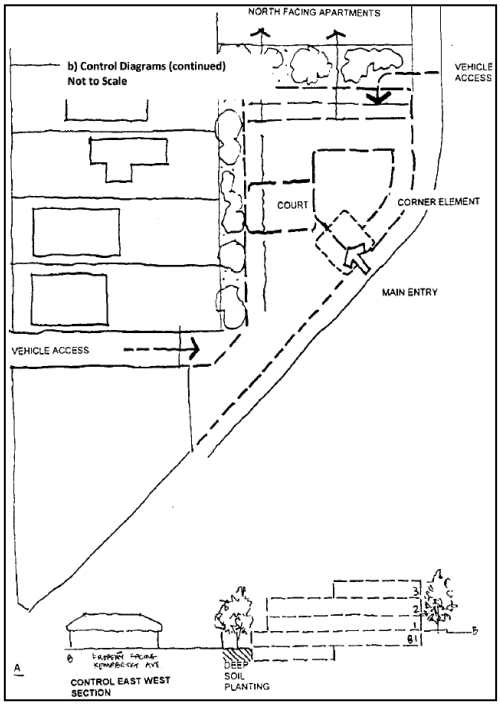


Figure 42b - Control Diagram B - Sydney Rd Nth

b) Sydney Road South/ Ethel Street North

i) Side Setback:

Buildings must be built to side boundaries. The only variation to this standard is for that property on the corner of Manly Road and Sydney Road, which is to maintain the existing building line. The remainder of this site is to be developed for mature tree planting, to create a visual softening of this corner.

ii) Front Setback:

Buildings must be built to the street frontage to a maximum height of 10.5m.

iii) Rear Setback:

Buildings must be setback (above and below ground) 8m from the rear boundary. This setback is to be reserved for a common rear laneway to service all properties, accessed from Ethel Street.

iv) Access:

No car parking entries will be permitted from Sydney Road. New development is contingent on the extension of the existing rear lane to serve parking requirements.

v) Corner Element:

The corner of Sydney Road and Manly Road is highly visible from long vistas and should be accentuated with design attention to ensure that a gateway is created at the entrance to the centre.

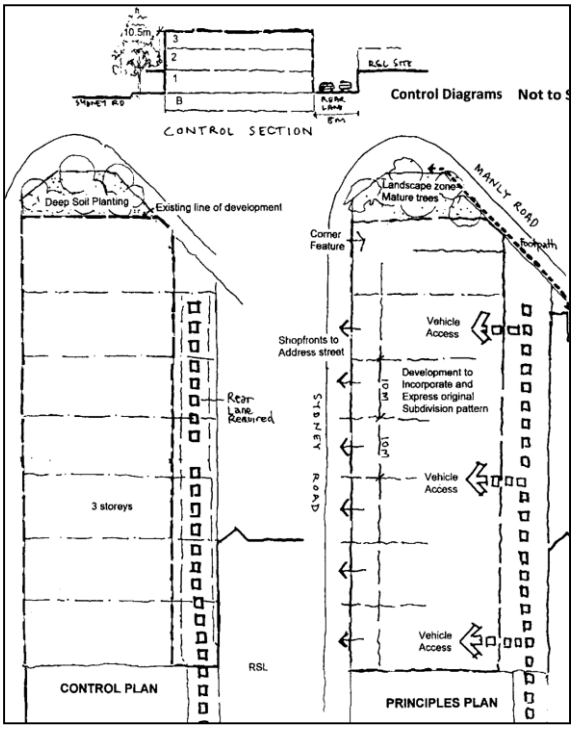


Figure 43 - Control Diagram (Sydney Rd Sth / Ethel St Nth

c) Ethel Street South

i) Front Setback:

Buildings must be built to the street frontage to a maximum height of 7.5m and 2 floors, and setback by 3m to a maximum height of 10.5m and 3 floors.

ii) Side Setback:

Buildings must be built to the side boundary to a depth of 15m from the front boundary. Beyond 15m, the building must be setback 3m from the side boundary to allow for landscaping, privacy, light and ventilation to the development.

iii) Rear Setback:

Buildings must be setback (both above and below ground) 8m from the rear boundary. Above ground floor, buildings must be further setback in accordance with the control diagram. This setback is determined by a 45 degree plane, 3m above ground level of the site, commencing at the 8m setback point. This setback is to be developed for deep soil planting to allow for the retention/establishment of a mature tree landscape buffer.

Part of this setback may be used for vehicular access or basement parking if the applicant can demonstrate to Council's satisfaction that:

a. the area will be capable of capable of sustaining sufficient deep soil planting to protect the privacy of neighbouring residential properties; and
b. no other alternative is available for access to existing or proposed parking areas.

iv) Street Level Design and Access:

The retail and/or commercial street front uses must occupy the majority of the façade width to a minimum depth of 10m with the effect of minimising the carparking entry. Entry points are to be single lane (3m wide) only for single lots, and preferred (unless otherwise necessary for traffic reasons) for amalgamated lots. Entry grills are to be recessed to reduce visual impact to the street.

Building above the parking entry is preferred in order to integrate the parking entry as a recessed bay in the street elevation.

v) Corner Element:

On corner sites adjacent to the roundabout any redevelopment should acknowledge the visual importance of the vistas down approach roads which terminate here and should respond with an appropriate architectural corner response.

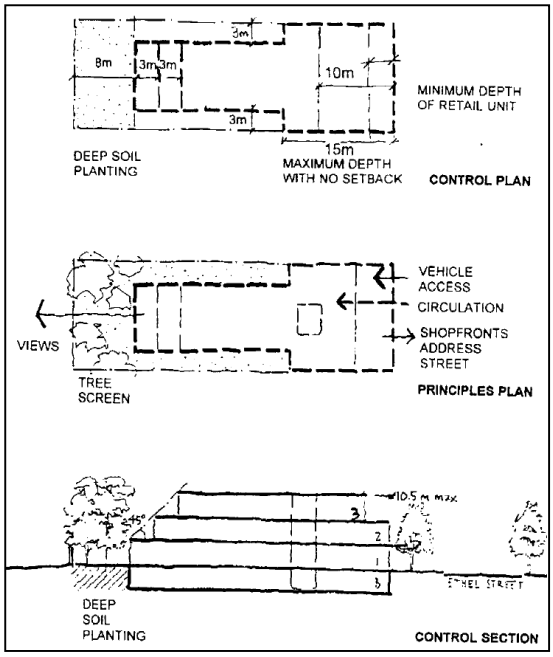


Figure 44a - Control Diagram 1 (Ethel St Sth)

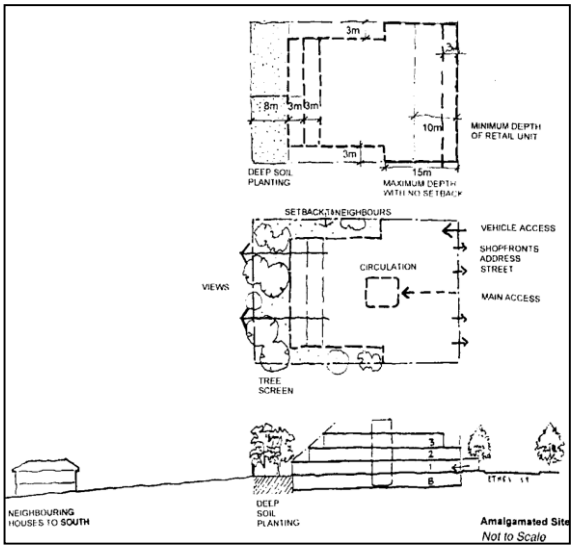


Figure 44b - Control Diagram 2 (Ethel St Sth)

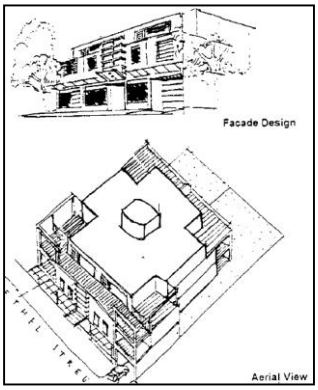


Figure 45 - Facade Modulation & Design (Principles Diagram - Ethel St Sth)

d) <u>550 Sydney Road</u>

Objective 1) To preserve the current building envelopes and setbacks on the site, ensuring the existing building form of the local landmark for the area is maintained.

Objective 2) To ensure safe and simple access to and from the site that is compatible with existing traffic movements. This includes internal roads and pedestrian layouts and walkways.

Objective 3) To prescribe distinct public and private spaces, including the preferred location of permissible uses and their integration with the surrounding area.

Objective 4) To revitalise the site and find an adaptable re-use for the existing building for a land use designated under LEP Zone B2 Local Centre.

Objective 5) To regenerate the area as a functional part of the Seaforth Local Centre by providing community facilities, amenities and public open space.

Note: In the event of any conflict between these controls and other controls in this plan, these controls regarding 550 Sydney Road take precedent. This paragraph has been drafted in accordance with LEP Clause 6.14(4) - Requirement for DCPs, requiring that a DCP for key sites provide for a range of matters as detailed following:

i) Principles drawn from an analysis of the site and its context:

The site resides in the Seaforth Local Centre consisting of the land mark building 'Seaforth TAFE' to the north and public open space 'Seaforth Plaza' to the south of the site. The landmark building and plaza act as a gateway into Seaforth, Balgowlah, and Manly CBD. The site forms a central focal point of the Seaforth Local Centre, with the Seaforth TAFE building remaining vacant since 1999. The site is bounded by:

- Residential development immediately north of the site (Zone R1 General Residential)

- Commercial development to the south and east of the site, forming the rest of the Seaforth Local Centre (Zone B2 Local Centre)
- St Paul's (a place of public worship) to the west of the site (Zone SP2 Infrastructure).
- Pedestrian road crossings across Frenchs Forest Road, Sydney Road and Kempbridge Avenue, maximising access from, to and across the site.
- The site corners a major traffic roundabout in the area facilitating traffic movement west/east and north/south across Manly and a gateway to several suburbs and Warringah and Mosman local government areas.

The site contains:

- The disused Seaforth TAFE building.
- A car park to the north of the site (bordering residential dwellings) to service the previous TAFE development.
- Setbacks that are in-line with existing residential dwellings to the north of the site which facilitates pedestrian walkways and sets back the massing of the TAFE development in the local area.
- A large public domain to the south of the site known as 'Seaforth Plaza'. The Plaza acts as the primary local open space for the Seaforth Local Centre.
- A locally listed heritage building - No.I273 – Stone building library (former school house).

The Seaforth TAFE building, surrounding landscaping, terraces and courtyard are badly in need of substantial repairs and improvements to bring the building back to life for an adaptive re-use and reintegrate the site back into the heart of the Seaforth Local Centre.

ii) Building envelopes and built form controls:

The Manly LEP 2013 applies the following development standards across the entire site:

- Zoning - B2 Local Centre.
- Maximum Height of Building - 12.5m.
- No Floor Space Ratio standards or Minimum Lot Size standards apply to the site.
- The site comprises of a Local Heritage Item – No.I273 – Stone building library (former school house).

a. The development standards set out in the LEP should be complied with. Any variations to the development standards should meet the requirements of LEP clause 4.6 'Variation to development standards'.
b. The existing building envelope set by the Seaforth TAFE building and car parking configuration should be maintained.
c. Any variation to the existing building envelope set by the Seaforth TAFE building should be ancillary to the primary use of the landmark building and meet Height of Building development standards in the LEP and paragraph 4.2.7 Seaforth Local Centre Wall Height Controls in this DCP.
d. Setbacks from Frenchs Forest Road, Sydney Road and Kempbridge Avenue should be maintained to facilitate the established building lines, view corridors, and landmark qualities of the primary building, whilst providing ample pedestrian movement around the site.
e. Any entry to the main building should preferably be from the north or east of the site.
f. The separation between the existing building and the residential zone should be maintained

iii) Subdivision pattern:

The site consists of 2 lots as follows:

- Lot 1 of DP 1041057 contains the Seaforth TAFE, car parking to the north of the Lot and part of Seaforth Plaza to the south of the site.
- Lot 2 of DP 1041057 contains the Seaforth Plaza, the heritage listed library and access to public transport (bus service from Sydney Road).

a. The existing subdivision pattern should be retained in any future redevelopment of the site.

iv) Distinct public and private spaces:

The current division between public and private space is well set out by the Seaforth TAFE building and Seaforth Plaza already present onsite. The Seaforth Plaza provides Seaforth Local Centre with a large, accessible and centralised public open space. Development of the Plaza and land uses on it or adjoining it are required to improve existing open space and facilitate community use of the site.

Any improvement to Seaforth Plaza (Lot 2) should:

- include Public seating;
- improve landscaping and surface treatments;
- promote pedestrian access from, to and through the public space to the rest of the Seaforth Local Centre and any adjoining land use;
- include Bicycle storage racks;

- promote use of the space by the community; and
- improve bus shelter/waiting facilities on the site.

The derelict Seaforth TAFE building and unmaintained landscaping, terraces and the courtyard are in need of substantial repair and improvement to modernise the site and ensure reintegration of it into the Seaforth Local Centre.

Any improvement to the Seaforth TAFE building (Lot 1) should include the following:

- Substantial building and facade improvements, internal/external landscaping and terrace/courtyard improvements should form a major aspect of any development proposal to improve the character, image and functionality of the building and the site as a whole;
- Landscaping, such as screen planting, should be provided to buffer visual and acoustic impacts on neighbouring residential development; and
- Reference should be made to LEP clause 6.13 Design excellence.

v) Overall transport hierarchy:

Overall transport hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, with particular regard to public transport, pedestrians and cyclists
The subject site fronts a major transport junction provided by a roundabout to the south of the site. The junction connects and circulates traffic movements between Frenchs Forest Road, Sydney Road, Ethel Street, Ross Street, and Kempbridge Avenue.

Land uses on the site should be conducive to a simple and safe movement system for private vehicles entering and leaving the site, whilst having regards to public transport, pedestrians and cyclist.

a. Primary access to the site should be from Kempbridge Avenue, with the possibility of a secondary entry from Frenchs Forest Road. There is to be no exit from Frenchs Forest Road, except for service vehicles.
b. No vehicular access is to be provided to the site from Sydney Road as this would not be compatible or safe with the existing junction layout or public open space at Seaforth Plaza.
c. The site should facilitate access to public transport (buses on Sydney Road) and encourage pedestrian and bicycle movement around the site.
d. Pedestrian movement through Seaforth Plaza should be encouraged and facilitated by landscaping and suitable land uses along the ground level of the Seaforth TAFE building fronting Seaforth Plaza.
e. Provision should be made for bicycle racks and are to be located close to the entry area.

vi) Preferred location of permissible uses:

a. Any development or land uses at ground level should be compatible in the first instance with the public open space immediately adjoining Seaforth Plaza.
b. As the design of the site accommodates public transport to the south of the site, community facilities and the public domain should dominate the southern end of the side at ground level.
c. Commercial uses of the site should attempt to visually integrate with the existing public domain.
d. The car parking for any commercial use of the site should remain to the north of the site utilising and improving on the existing parking layout, providing connections to Kempbridge Avenue and/or French's Forrest Road.

vii) Traffic management facilities and necessary parking ratios:

Car parking ratios for commercial development in the B2 Local Centre Zone can be found in Schedule 3 – Parking and Access of this plan. For other development types not identified in Schedule 3, parking shall be provided in accordance with the Roads and Maritime Services Design Reference Documents.

viii) Staging of development:

To avoid major disruption to the adjoining residential properties and adverse impact on the road network, consideration should be given to the staging of developments. Any adaptive reuse of existing buildings should however be done as a single stage development.

4.2.8 Neighbourhood Centres (LEP Zone B1)

Note: There are a number of neighbourhood centres zoned B1 - Neighbourhood Centre in the LEP. Each area has its own characteristic scale and style of development generally determined by when it was developed. Other important elements of the local character include the important context of the surrounding residential neighbourhoods. Neighbourhood Centres exist to serve the needs of people who live or work in the surrounding neighbourhood and it is this relationship that is particularly significant in shaping the local character of the Neighbourhood Centres.

New development should generally be at a scale which does not adversely affect the surrounding residential area. In certain centres however, the height and design of new buildings should match distinctive existing buildings, particularly at Pittwater Road (which includes LEP listed heritage items), Addison Road and Sydney Road. Redevelopment may also provide some opportunities for some of the smaller centres at Burnt Street, Montauban Avenue and Dobroyd Road neighbourhood centres to be given more interest and character.

Pedestrian protection, retention of interesting shop front developments and flexible floor plan and access layouts are important considerations for new development.

See also paragraph 2.1.2 in relation to Context and Site Analysis requiring consideration of local character and paragraph 3.1.3 Townscape (Local and Neighbourhood Centres) which provides a range of townscape design principles. These provisions are further referenced and detailed at Paragraph 4.2.8.8 requiring that all development be designed with regard to local site characteristics and in context with the locality. Detailed considerations for the context and site analysis of the proposed development are comprehensively listed at paragraph 2.1.2.2 (a) to (u) of the Plan.

See also paragraphs 2.1.12 & 3.9.3 in relation to Waste Management Plans.
See also paragraph 3.1.3 Townscape (Local and Neighbourhood Centres).
See also paragraph 3.4 Amenity (Views, Overshadowing, Overlooking / Privacy, Noise) and paragraph 3.9 in relation to Noise from Mechanical Plant.

Objective 1) To accommodate a range of small scale development permitted by the LEP within established residential neighbourhoods where such development is compatible with the amenity of the surrounding area.

Objective 2) To provide side and rear setbacks which ensure the building height and distance of the building from its boundaries at various storeys, maintain the amenity of neighbouring residential sites and contributes to the amenity of the building and surrounds through landscape design.

4.2.8.1 Height

Considerations of exceptions to the LEP development standards for building height under LEP clause 4.6 may be given where:

a) a lesser or greater height will lead to a demonstrated improvement in townscape; and

b) no unreasonable adverse impact is caused to neighbouring properties in terms of loss of sunlight, views or privacy.

4.2.8.2 Setbacks

a) The setback from the front boundary must conform to the predominantly established building alignments in the Centre (LEP Zone B1). Buildings will be constructed with a nil setback to the side boundary except where:

   (i) it adjoins land zoned residential in the LEP (including E3 & E4), in which case consideration must be given to residential setback controls at *paragraph 4.1.4* of this plan; or where

   (ii) a nil setback would be undesirable in terms of the amenity of any residential uses existing on adjoining land or proposed for inclusion in the development in which case consideration must be given to provisions of this plan in relation to amenity at paragraph 3.4 Amenity of this plan.

b) The setback from the rear boundary must consider the amenity of the surrounding residential neighbourhood and the provisions of this plan in relation to amenity at paragraph 3.4 Amenity.

c) Where the development adjoins land zoned Residential in the LEP, the buildings must be setback as follows:
   i) At least 8m from the rear boundary (both above and below ground).

ii) Above ground floor, buildings must be further setback in accordance with a 45 degree plane, 3m above ground level of the site, commencing at the 8m setback point. (See figures 42, 43 & 44 in this plan which similarly illustrate this 45 degree plane).

See also paragraph 4.2.3 in relation to general setback guidelines for both Local and Neighbourhood Centres.

4.2.8.3 Landscaping

Note: While LEP Zone B1 Neighbourhood Centres is not subject to the Minimum Residential Total Open Space and Landscaped Area requirements at Figure 34 and mapped at Schedule 1 – Map B in this plan; the objectives for landscaping and open space at paragraph 4.1.5 of this plan are to be met alongside the guidelines in this paragraph.

a) Minimum area of Private Open Space is 20sqm for each dwelling within a mixed use development or shop top housing with a minimum dimension of 3m and designed to receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter.

b) All side and rear setbacks to boundaries adjoining land zoned Residential in the LEP (excluding laneways) are to be developed for deep soil planting to allow for the retention/establishment of a mature tree landscape buffer.

Part of this setback may be used for vehicular access, parking or service delivery that is identified in certain localities as provided in this Plan at paragraph 4.2.8.5 and Schedule 2 (Townscape Principles), if the applicant can demonstrate to Council's satisfaction that: the area will be capable of sustaining sufficient deep soil planting to protect the privacy of neighbouring residential properties.

c) The provisions of communal open space for development in the Neighbourhood Centres Zone are to consider guidelines contained in the NSW Residential Flat Design Code referenced in this plan.

4.2.8.4 Residential Density

Council will consider exceptions to the Residential Density Provisions in this plan (see paragraph 4.1.1.1) in relation to major redevelopments proposed in LEP Zone B1 Neighbourhood Centres where the development conforms to a site amalgamation parcel identified at Schedule 2 Townscape Principles Maps.

4.2.8.5 Carparking, Vehicular Access and Loading Controls

See also paragraph 4.2.4 Carparking, Vehicular Access and Loading Controls for all LEP Business Zones.

Rear Access

a) In relation to Carparking, Vehicular Access and Loading Controls in LEP Zone B1 Neighbourhood Centre, consideration is to be given to opportunities to provide and/or revitalise rear lane access as identified in Schedule 2 (Townscape Principles Maps D - H) in this plan.

Loading bays

b) The provision of loading bays and other commercial servicing and access requirements are to be designed in a manner both appropriate for the proposed development and sympathetic to the requirements and amenity of any residential accommodation and the surrounding residential neighbourhood.

4.2.8.6 Hours of Operation

a) Consideration will be given to the protection of acoustical privacy and the amenity of the residential neighbourhood in the determination and approval of hours of operation including hours for service deliveries and collections.

b) The appropriate hours of operation will be assessed and determined in the DA process stage with particular regard to the proximity to, and the likely impacts on residential accommodation. Also applicants may be required to provide supporting documentation and/or mitigation measures with a DA to justify hours of operation that are considered by the Council to potentially impact on the neighbourhood.

4.2.8.7 Packaged Premises/ Outlets

Note: Packaged Premises/ Outlets are subject to Packaged Liquor Licenses i.e. liquor stores selling takeaway alcohol only. The DCP references and supports legislation under the Liquor Act 2007 and the Liquor Regulation 2008. New packaged liquor licenses are subject to a community impact statement to ensure local stakeholders can have their say in the liquor licensing process.

a) There are a range of concerns that Manly Council may have with Packaged Premises/Outlets when Council is consulted as a stakeholder with the licensing process as well as in the assessment of a DA as follows:

   i) undue disturbance to the neighbourhood of the proposed licensed premises caused by the operation of the premises and/or the conduct of patrons;

   ii) alcohol-related anti-social behaviour or crime;

   iii) alcohol-related hospitalisations and health problems;

   iv) increases in pedestrian and motor traffic numbers;

   v) drink driving and drink walking; increase in domestic violence associated with alcohol consumption; and

   vi) litter and other pollution associated with the operation of the premises.

b) Applications for extended trading hours may be subject to a Community Impact Statement. Takeaway sales are not permitted on Good Friday and Christmas Day.

c) As the Liquor Licensing Authority cannot grant a license, authorisation or approval unless it is satisfied that the overall social impact will not be detrimental to the well-being of the local or broader community; it is important that any issues and concerns raised in consultation are discussed with stakeholders, particularly the local Council and resolved before the application is lodged wherever possible.

2.4.8.8 Waste Management

a) Consideration will be given to the management of waste for development in the Neighbourhood Centres zone to ensure the objectives of this zone are satisfied with particular regard to the protection of neighbourhood amenity. Paragraphs 3.8 Waste Management and 2.1.12 Waste Management Plans of this plan must be referred to in relation to the submission of Waste Management Plans accompanying DAs.
b) Requirements for waste and recycling storage areas for development require particular attention in relation to mixed use development which may involve a combination of residential waste collections with commercial waste service. In this regard the Waste Management Plan must ensure impacts of multiple collection services are appropriately managed and impacts minimised in design and operation of waste services. It is recommended in the DCP that waste contractors are consulted early in the development process to ensure that garbage storage areas are adequately designed (paragraph 3.8.1.a.iv).

4.2.8.9 Signage

The visual impact of signs in the Neighbourhood Centres is a particular consideration to ensure the protection of the existing and likely future quality of the residential environment. In this regard Council's DCP Paragraph 4.4.3 Objective 2) in relation to signs seeks to minimise excessive, unnecessary signage, visual clutter and confusion caused by a proliferation of signs in neighbourhood (and local) centres.

See paragraph 4.4.3.1 - Controls for all Development Types including the maximum number of signs, excessive signage, advertising content, design integration, streetscape, maintenance, safety and illumination.

See paragraph 4.4.3.2 - Signage on Heritage listed items and in Conservation Areas (including Pittwater Road Conservation Area) providing particular guidelines regarding maximum percentage of window areas, use of colours, lettering styles and the like.

See paragraph 4.4.3.3 - Controls for Particular Development Types including above awning signs, under awning signs, flush wall and end wall advertising, fascia signs, top hamper signs, pole or pylon signs, projecting wall signs, advertising panels, "A' frames, real estate signs, advertising balloons.

a) With particular regards to the range of environmental effects for Neighbourhood Centres this paragraph highlights various matters that are likely to be considered include, but not limited to the following:
   i) Controls on illumination which may impact on residential accommodation (see paragraph 4.4.3.1.h.ii);

ii) Guidelines for heritage properties noting the Neighbourhood Centres located in Conservation Areas and containing Heritage Items (see paragraph 4.4.3.2.a-c); and
iii) Restrictions on the number of signs given the lesser scale for Neighbourhood Centres compared to Local Centres (see paragraph 4.4.3.1.a & b). In relation to provisions for Advertising Balloons, this form of advertising is not preferred in Neighbourhood Centres and is not considered to satisfy the objectives of LEP Zone B1 Neighbourhood Centres.

4.2.8.10 Local Character provisions

Considerations of context and site analysis are an important element in the design and assessment of development in the Neighbourhood Centres to ensure the local character of the neighborhood within which the Centres are located is protected. Paragraph 2.1.2 of this plan requires consideration of local character and Paragraph 3.1.3 Townscape (Local and Neighbourhood Centres) provides a range of townscape design principles to be considered for development to maintain and enhance local character. All development must be designed with regard to local site characteristics and in context with the locality. Detailed considerations for the context and site analysis of the proposed development are comprehensively listed at paragraph 2.1.2.2 (a) to (u) of this plan.

4.3 Development in LEP Zone B6 Enterprise Corridor

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

Objective 1) To minimise negative visual impact of development by limiting the size and scale of buildings and having regard to suitable landscaping.

See also LEP clause 1.2(2)(c) and relevant Zone Objectives in the Land Use Table.

4.3.1 <deleted>

4.3.2 FSR and Height

Note: The maximum FSR (1:1) and height of buildings (11m) are principal development standards contained is the LEP. This DCP provides more detailed control accompanying the LEP.

a) Variation in relation to the FSR and Building Height standards in the LEP may be considered having regard to:
   i) whether Council is satisfied in relation to compliance with other controls in this DCP and the need to provide usable industrial floor space with good access to loading dock facilities and provision of the required on-site car parking;
   ii) the design and integration of roof top plant equipment including lift overruns; or
   iii) reduced bulk and scale in the vicinity of lower density residential streetscapes.

4.3.3 Allotment Sizes

Note: No LEP development standards exist in terms of allotment size in LEP Zone B6.

Assessment of land subdivision applications will include consideration of whether the size or shape of the resultant land parcels are appropriate for future industrial development in terms of required floor plan areas and access arrangements. Preferred depth to frontage ratio is between 2:1 and 3:1.

4.3.4 Access, Loading and Parking

See *paragraph 4.1.6* & *paragraph 4.2.5.4* and *Schedule 3 - Part B - Minimum Dimensions for Parking, Access and Loading Areas.*

a) A minimum of 1 loading bay is required for each industrial unit. Industrial loading bays may require greater head-height in consultation with NSW Roads Services guidelines should this seem warranted by the nature of the development. Similarly, Council will also have regard to NSW Roads Services Guidelines applying the minimum number and dimensions of loading bays.
b) Parking is not permitted in the area between the street frontage and the building alignment.
   See also *paragraph 3.1 Streetscape and Townscape*.
c) The minimum driveway width should be 5m and any driveway ramps to roof-top parking are to be of sufficient width to promote easy use.

4.3.5 Setbacks

a) Any buildings, carparking and security fencing are to be setback at least 4.5m from both the street frontage and any frontage to Manly West Park.
b) Buildings may be constructed to rear or side boundaries unless this may cause undue prejudice to adjacent properties.
c) Setback areas are to be landscaped with trees set in lawn or other ground cover and no parking is to be located in the area between the street frontage and the building alignment.
d) Riparian setbacks are to be provided along Burnt Bridge Creek. The riparian setbacks are to be landscaped with local native vegetation (trees, shrubs and groundcover).

4.3.6 Drainage

Relevant DCP objectives in this plan to be met in relation to this paragraph include:

Objective 1) To ensure any new development protects, maintains and rehabilitates urban ecosystems including waterways and riparian land.

Burnt Bridge Creek runs through this industrial area and the land in this locality is generally low-lying. It is Council policy that stormwater runoff from new developments be limited to that currently existing for the site for a 1 in 5 years storm or 40 litres per second whichever is the least, unless the drainage system is demonstrated to be sufficient for unimpeded discharge for a fully developed catchment area. Developers should assess whether their land warrants additional drainage considerations because of its location.

4.4 Other Development (all LEP Zones)

Note: This part provides controls for a range of developments, both residential and non-residential across all LEP zones.

4.4.1 Demolition

Relevant DCP objectives in this plan in relation to these paragraphs include:

Objective 1) To protect the environment during demolition, site works, and construction phases of development.

See also lodgement requirements at *paragraph 2.1.10 Construction Site Management Reports and Plans.*

Where development involves demolition, the applicant is to demonstrate that the degree of demolition considers any existing building on the land that should be retained and appropriately adapted in order to:

a) Meet ecologically sustainable development principles by conserving resources and energy and reducing waste from any demolition process; and

b) Conserve the cultural heritage of the existing building and that of the locality. An appropriate assessment of potential heritage significance must accompany any DA in relation to demolition. If the property has merit as a potential heritage item, the heritage controls and considerations in this plan apply.

See also *paragraph 3.2.1 Consideration of Heritage Significance.*

Note: Where more than half of the building is to be demolished, then the provisions of this plan will apply to the whole building including both existing and new development. See *paragraph 4.4.2* regarding the extent to which this plan applies to alterations and additions and regarding the extent to which alterations and additions may demolish a building before it is considered to be new work.

4.4.2 Alterations and Additions

Manly Council promotes the retention and adaptation of existing buildings rather than their demolition and replacement with new structures.

See also *paragraph 3.2.2 Alterations and Additions to Heritage Items and Conservation Areas.*
See also *paragraph 4.1.7 First Floor and Roof Additions* (for Residential Development).
See also *paragraph 4.4.1 Demolition*.

Extent to which this Plan Applies to Alterations and Additions

a) This paragraph defines alterations and additions in respect of how much of the building is to be demolished. If alterations and additions involve demolition of more than half of the building then the development will be assessed as new work and the controls of this plan will apply to the whole building i.e. to both existing and new development.

b) In paragraph a) above, the extent of demolition is calculated as a proportion of the existing external fabric being demolished including the surface area of the walls, the roof measured in plan form and the area of the lowest habitable floor.

4.4.3 Signage

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

Objective 1) To ensure that advertising does not detract from the scenic beauty and amenity of the Municipality; harmonises with its surroundings and the buildings to which they are attached.

Objective 2) To minimise the visual impact by encouraging fewer more effective signs that may otherwise degrade the existing and likely future quality of residential environments or result in excessive, unnecessary signage, visual clutter and confusion caused by a proliferation of signs in local and neighbourhood centres.

Objective 3) To permit building and business identification signs which communicate the facilities (including tourist facilities), amenities, goods and services in local and neighbourhood centres which do not interfere with the streetscape or amenity of residents.

Objective 4) Signs should enhance the distinctive urban character and scenic amenity of the Municipality and contribute to the atmosphere of the streets in local and neighbourhood centres and should

be designed in sympathy with both the building to which it is attached and any adjoining buildings, taking into account the architectural styles and finishes of buildings in local and neighbourhood centres.

Objective 5) To prevent signage from impacting on the presentation of the heritage item or area to the general public on heritage items and conservation areas.

Objective 6) To ensure all signage is of high standards of graphic and textural content.

Objective 7) To encourage co-ordinated advertising in the Industrial Zone by the use of appropriately sized street numbers and complex names, and the use of directory boards to identify multiple unit complexes, so as to reduce adverse impact on the streetscape and confusion to traffic.

4.4.3.1 Controls for all Development Types

Note: Council must not grant development consent for signage unless it is satisfied that that the development is consistent and meets the objectives and assessment criteria of State Environmental Planning Policy No 64 - Advertising and Signage. Schedule 1 of that policy details assessment criteria in the regulation of signage to ensure that it is compatible with the desired amenity and visual character of an area and considered special areas, views and vistas, streetscape, setting or landscape, the site and building, associated devices and logos, illumination and safety.

See also the provisions of the publication titled 'Transport Corridor Outdoor Advertising and Signage Guidelines approved by the Minister for the purposes of the State Environmental Planning Policy and as in force on the date of the publication of this policy.

See also Council's Advertising and Advertisements Policy (A20) which encourage a consistent approach to advertising and Advertisements within Manly and certain directions regards Council owned and managed property.

Maximum number of Signs

a) In relation to shopfronts, a maximum of 2 identification signs will be permitted per frontage (for example 1 fascia and 1 hamper sign), in any 2 of the following preferred locations:
   - Under awning;
   - Awning fascia;
   - A transom sign above the door or shopfront (top hamper);
   - Inside the display window;
   - Below the window sill; and
   - Flush wall signs.

Excessive signage

b) Excessive signage usually has an opposite effect to its original intention. The cluttering causes visual pollution and confusion to the observer. Having fewer, but clearer advertising assists not only the advertiser, but also the appearance of the building and the overall streetscape. Excessive signage tends to have a "domino effect", by competing with neighbouring premises in order to gain the advantage in exposure.

Advertising Content

c) Advertising content must relate to the building or goods sold on the premises to which it is attached. Any third party advertising of goods sold on the premises must not dominate the advertising of the building or premises.

   Where the maximum number of signs is achieved in locations in accordance with a) above, further signs, particularly above the awning are not permitted.

d) Design Integration

   i) The design of signs is to be integral to the architectural style and finishes of the building to which they are attached, rather than a "tack on" appearance. In this regard, above awning signs level of a projecting nature are restricted. See also *paragraphs 4.4.3.3.c & d.*

   ii) Applicants designing new buildings or alterations and multi-tenant buildings refurbishment of existing buildings are strongly encouraged to take into account advertising requirements at an early stage, as an integral part of the building. In this regard a Sign Concept Plan is required for the co-ordinated identification and advertising for the development with the DA.

   Note: Submission of signage details in conjunction with development for new buildings is preferable to the submission of a separate DA for signs to ensure any issues can be resolved in the initial design of the development.

Streetscape

e) Signs must not have an adverse impact on the streetscape in terms of unobtrusive design, colour, height, size and scale in proportion to building and other urban elements. Not only should a sign be simple, clear and efficient (with a reasonable degree of visibility), but a well-designed sign inspires and promotes confidence in the business or product advertised without impacting on the streetscape.

f) Maintenance

i) Building facades should not be visually spoiled by electrical conduits to illuminated signs or spot lights, and should therefore be taken directly into the building or otherwise concealed by chasing into external walls.

ii) Signs should be located at a height which avoids impact from footpath maintenance vehicles and discourages vandalism.

g) Safety

i) Council will give due attention to all applications with respect to possible distraction of motorists due to illumination, position, colours, design and proximity to traffic lights. Signs facing roads with high traffic volumes, traffic lights or major intersections may be referred to other relevant authorities such as the NSW Roads Agency for comment.

ii) Signs must be maintained in good and substantial repair and in a clean and tidy condition at all times. Council will not favour signs which are prone to deterioration in appearance and condition, and may order removal of objectionable or unsightly advertisements.

h) Illumination

i) In considering the illumination of signage care is be given to avoid nuisance from glare and spillage of light which may impact on both residents, particularly in the Residential LEP Zones (including E3 & E4) as well as to passing traffic. Depending on the location, and its relationship to residential premises, Council may require that illumination be controlled by automatic time clocks extinguishing illumination between 10pm and 6am, or as appropriate in the circumstances.

ii) A floodlit sign which projects over a public road must not be illuminated by a lighting medium which is less than 2.6m above the ground. Lighting must not cause distraction or nuisance to neighbouring properties or traffic.

4.4.3.2 Signage on Heritage listed items and in Conservation Areas

See also *paragraph 4.4.3.1.a Maximum Number of Signs.*

a) Advertising signs should be designed and located in a manner which preserves and enhances Heritage listed items and Conservation Areas

Sign locations

b) Signs should be discreet and should complement the building and surrounding uses. The architectural features of the building or listed item should always dominate. Advertising should preferably be placed in locations on the building or item which would traditionally have been used as advertising areas. Opportunities for advertising, therefore, may be somewhat limited. Generally sign panels can be determined by dividing a building into a grid and identifying locations on:

i) a solid parapet above a cornice;

ii) the horizontal panel below a cornice;

iii) verandas or awning fascia;

iv) ground floor windows;

v) notice boards or plaques on ground floor piers;

vi) small signs on individual architectural elements such as rendered blocks;

vii) under awning signs;

viii) small not illuminated free standing pole signs; and

ix) side walls (carefully considered).

Other Guidelines for Heritage Items and Conservation Areas

c) In addition to the requirements for the particular zoning, and matters listed above, the following matters must be taken into consideration:
   i) Signs on shop windows should not exceed 25 percent of the window area;
   ii) As the external colours applied in different historical periods varied, and were more muted in range than today, it is wise to research appropriate colour ranges for buildings in heritage areas. Generally however, the following dark or muted colours are suggested: Maroon, dark green, terracotta, brown, charcoal, etc. highlighted with creams, ochres, pinks and earth tones;
   iii) Heritage lettering styles may involve shaded letters, the mixing of sizes and styles of letters, and ornamental scrolls relevant to the period of the building;
   iv) Signs are preferably illuminated by floodlighting, with the source of the illumination being suitably concealed;
   v) Modern standardised "trademarks" advertising will not usually be appropriate. This however, could be compromised by placing the modern sign in a panel with a perimeter margin and surrounding wall surface, printed in sympathetic heritage colours.

4.4.3.3 Controls for Particular Development Types

Roof or sky signs (attached to roof or upper part of facade)

a) Council will not allow signs rooftop and/or signs which break the roofline, Council may on merit, however give consideration to a proposed advertising structure in this location where it appears as an ancillary part of the building.

b) Where by reason of the nature of the use of the premises, taller buildings cannot gain adequate street level exposure, Council may favourably consider applications for flush wall signs, either by direct painting onto the upper facade, or by signage comprising individual lettering and/or logo, of materials such as acrylic or neon, and either illuminated or not illuminated. The design, colour, height and scale must be compatible with the architectural style and finish of building.

Signs above awning height

c) Signs, including projecting wall signs are not generally allowed above awning height and are to be located below the awning height rather than on the building facade above the awning, or if there is no such awning, signs are to be within 2.5m of the footpath level below.

d) Council will consider on merit, exceptions for signs above awning height applications which are:
   i) flush to the wall;
   ii) proportionate to the scale, size and height of the host building and adjoining buildings;
   iii) in keeping with the architectural design and finish of the building; and
   iv) considerate of the form and appearance of existing advertising and the shape and compactness of the proposed signage.

e) Under-awning signs
   i) are to be limited to 1 under awning sign per site;
   ii) must be positioned at least 3m from any other awning sign to which this item applies, measured at the centre of each sign to allow for fair exposure and usability;
   iii) When a site has an exceptionally wide shopfront(s), more than one under-awning sign may be considered, but must in this instance be at least 4m apart;
   iv) must be at least 2.6m at any point above the ground (footpath level) and erected approximately horizontal to the ground
   v) must not exceed 2.5m in length and be offset a minimum of 0.6m behind the kerb;
   vi) are not to project beyond the edge of the awning;
   vii) must not be wider than 0.18m when not illuminated and 0.4m when illuminated;
   viii) must not exceed 0.5m in depth (the distance between the top and bottom edges of the structure);
   ix) must be erected at right-angles to the building to which the awning is attached; and
   x) must be securely fixed to the awning by means of suitable metal supports not exceeding 50mm in width or diameter.

Flush wall and end wall advertising

f) Flush wall sign advertising on end walls adjoining residential premises or on the common boundary with other private premises are prohibited to reduce the adverse visual impact, and to protect the amenity of

residents. However, Council may permit advertising on end walls not exceeding 5sqm where the end wall adjoins a public place. In such circumstances they must not dominate the facade on which it is attached, or the streetscape. Consideration must be given to design and aesthetics, so as to harmonise with the nature of the streetscape and townscape.

g) Irrespective of the adjoining use, no advertising is permitted on side walls which are located hard on the common boundary, as access for maintenance cannot be guaranteed. Council may require the whole of a facade to be treated or painted in order to give the proposed sign an impression of being an integral component of that facade. Council will not permit poster type, regularly changing advertisements or alcohol and cigarette advertising material on flush wall signs or advertising panels.

h) Flush wall signs
   i) where illuminated, must be at least 2.6m above the ground;
   ii) must not extend laterally beyond the wall of the building to which it is attached;
   iii) must not project above the top of the wall to which it is attached;
   iv) unless the council otherwise approves, where of a skeleton letter type, must not have an advertising area greater than 4.6 times the distance (to the nearest whole metre) between the lowest part of the sign and the ground; and
   v) unless the council otherwise approves, where not of a skeleton letter type, must not have an advertising area, in square metres, greater than 3 times the distance (to the nearest whole metre) between the lowest part of the sign and the ground.

i) Fascia signs
   i) must not project above or below the fascia or return end of the awning to which it is attached;
   ii) must not extend more than 0.3m from the fascia end of the awning; and
   iii) unless the council otherwise approves, must not extend or project beyond a point 0.6m within the vertical projection of the kerb line.

j) Top hamper signs
   i) must not extend more than 0.2m beyond any building alignment;
   ii) must not extend below the level of the head of the doorway or window above which it is attached; and
   iii) must not be more than 3.7m above the ground.

k) Pole or pylon signs
   i) must not project more than 1.2m over any road alignment; and
   ii) if projecting over any road alignment, the sign must be at least 2.6m above the ground where it so projects.
   iii) In the LEP Zone B6 Enterprise Corridor, buildings setback from the street alignment, may be accompanied by a freestanding pole sign, setback at an equivalent setback to that of any other existing pole signs. The number of pole signs should be limited to one sign per 10m of frontage, and increased where influenced by frontage, existing signs and traffic speed etc. Signage size and shape will be considered on merit; but should not dominate the area of the building or the landscaped buffer area within the building line setback area.

l) Projecting wall signs (vertical)
Note: Fin signs are not allowed in Manly.

Where the height of a projecting wall sign is not less than its width, the projecting wall sign:

   i) may project from the wall to which it is attached in accordance with the following scale:

Lowest part of sign above ground level:	*Maximum allowable projection:*
• 2.6m and not more than 3.7m	- 0.8m
• Exceeding 3.7m and not more than 4.6m	- 0.9m
• Exceeding 4.6m and not more than 5.5m	- 1.2m
• Exceeding 5.5m	- 1.5m

   ii) must not project above the top of the wall to which it is attached;
   iii) must be at least 2.6m above the ground;
   iv) unless the council otherwise approves, must not extend or project beyond a point 0.6m within the vertical projection of any kerb alignment;
   v) must have a front face which is parallel to the building alignment and which does not exceed in width one third of the maximum allowable projection of the sign as determined in accordance with paragraph i) above where:

- advertisements appear on three faces of the sign; and
- the front face is not movable.

vi) where the sign rotates on its vertical axis, must have rotating surfaces each of which does not exceed in width the maximum allowable projection of the sign as determined in accordance with paragraph (a);

vii) must not have an advertising area in square metres, greater than 3 times the distance measured in metres between the lowest part of the sign and the ground; and

viii) where the advertising area in the sign occupies more than three faces of the sign, will have faces of equal dimensions.

Projecting wall signs (horizontal)

m) Where the height of a projecting wall sign is less than its width, the projecting wall sign must:

i) be erected at right-angles to the wall of the building to which it is attached;

ii) be at least 2.6m above the ground;

iii) have its maximum height determined in accordance with the following scale:

Lowest part of sign above ground level:	*Maximum height:*
• 2.6m and not more than 3.7m	- 0.5m
• Exceeding 3.7m and not more than 6.1m	- 1.0m
• Exceeding 6.1m	- 1.2m

iv) not project beyond a point within 0.6m of the vertical projection of the kerb alignment.

Advertising panels

n) Advertising panels may have a border not exceeding 0.5m in width if the border is one colour and contains no advertising material; where it is erected on the wall of a building must not:

(i) extend laterally beyond the wall;

(ii) project above the top of the wall;

(iii) project more than 0.2m from the wall;

(iv) project more than 0.5m where it is less than 2.6m above the ground over a public place;

(v) cover any window or architectural projection; and

(vi) contain endurable advertising material such as poster paper.

'A' Frame sandwich boards and other temporary footpath signs / hoardings

o) Hoardings and sandwich boards are undesirable on The Corso.

Note: 'A' Frame and temporary footpath signs are controlled by the Local Government Act 1919.

p) Real Estate Signs

i) The maximum dimensions of Real Estate Signs in relation to advertising:

- the proposed sale or letting of a property - 1.22m in length and 0.915m in height; or
- the proposed sale by auction - 1.83m in length and 1.22m in height; or
- commercial and industrial premises - 2.44m in length and 1.83m in height.

ii) Real Estate signs must be removed 10 days after the date of settlement or letting of the property and must be contained within the boundaries of the allotment.

q) Advertising Balloons (Cold Air, etc.)

DAs for Advertising Balloons will be considered on its own merits having particular regard to the site context and visual impacts and will not be permitted to be erected for a period or periods in excess of 52 days within any year.

The following requirements apply to any such advertisement:

i) The applicant is to provide the consent authority with evidence of a current public risk and property damage insurance policy with a minimum cover of $10,000,000;

ii) The balloon is to be under regular supervision of a competent person having the relevant manufacturer's operating and emergency requirements;

iii) The illumination, colour and position of the balloon are not to interfere with traffic signals, and cause distraction to motorists;

iv) illumination is not to cause nuisance to neighbouring properties by spillage of light and glare;

v) The operation of inflating mechanical services must not cause noise nuisance to neighbouring properties;

vi) Balloons and attachments are to be kept clear of overhead power lines and the applicant is to comply with any specific requirements of Energy Australia; and

vii) All electrical conduits etc. are to be adequately waterproofed.

r) Telecommunications Facilities

See *paragraph 4.4.7* regards signage in conjunction with these facilities.

4.4.4 Awnings

See also *paragraphs 4.4.3.3.c, d & e* in relation to signs above awning height and under awning signs.

4.4.4.1 Awnings in LEP B1 and B2 Business Zones

Continuous footpath awnings must be provided on all street frontages generally consistent with the streetscape. The width, fascia height and method of support of all awnings in any street block must be consistent with entrances to public lands and through-site links allowed to be accentuated and generally in accordance with given dimensions (see Figure 46 – Awnings).

In particular, awnings may be permitted where:
a) development abuts pedestrian ways;
b) aligned with adjoining awnings in height and width;
c) it can be demonstrated the specific need for protection of goods or from weather and sun;
d) through site links are not obscured; and where
e) lighting under the awnings is provided for pedestrian safety and security.

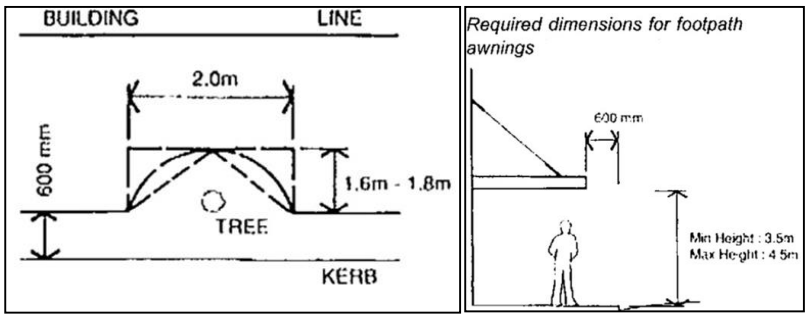


Figure 46 - Awnings

4.4.4.2 Awning supported from the ground

Awning supported from the ground must consider:
a) whether the supporting columns pose a safety problem; and
b) any impacts on traffic turning circles and bus/truck turnings.

4.4.5 Earthworks (Excavation and Filling)

Note: Before granting development consent for earthworks, consideration must be given to the matters listed in LEP clause 6.2(3)(a)-(h).

Relevant DCP objectives in this plan in relation to these paragraphs include:

Objective 1) To retain the existing landscape character and limit change to the topography and vegetation of the Manly Local Government Area by:

- Limiting excavation, “cut and fill” and other earthworks;
- Discouraging the alteration of the natural flow of ground and surface water;
- Ensuring that development not cause sedimentation to enter drainage lines (natural or otherwise) and waterways; and

- Limiting the height of retaining walls and encouraging the planting of native plant species to soften their impact.

See also *paragraph 4.1.8 Development on Sloping Sites* (Planning Principles).
See also *paragraph 3.3.2 Landscape/ Tree Preservation.*

4.4.5.1 General

a) Earthworks must be limited to that part of the site required to accommodate the building and its immediate surrounds to protect significant natural features of the site including vegetation and prominent rock outcrops.
b) Natural and undisturbed ground level must be maintained within 0.9m of side and rear boundaries.
c) On steeply sloping sites, pier and suspended slab or an equivalent non-invasive form of construction technique must be used to minimise earthworks and vegetation loss and retain natural features.
d) Excavation under the canopy of any tree (including those on neighbouring properties) will only be permitted providing its long-term survival and stability is not jeopardised. Such excavation must be supported by an Arborist report.
e) Approved sediment, siltation and stormwater control devices must be in place (and maintained) prior to and during the carrying out of any earthworks and other works on the site.

4.4.5.2 Excavation

a) Excavation is generally limited to 1m below natural ground level with the exception of basement parking areas (which will be contained within the footprint of the building) and swimming pools;
b) A dilapidation survey report and geotechnical assessment may be required for excavation works exceeding 1m. See *paragraph 2.1.13 Site Stability (Geotechnical Survey) Reports.* Dilapidation survey reports are to include photographic survey of the physical condition of adjoining properties, both internally and externally, including walls ceilings, roof, structural members and other such items. Such records are to provide proper record in relation to the proposed development to particularly assist in any dispute over damage to adjoining proposed arising from the works. It is in the interests of applicants and adjoining landowners for it to be as full and as detailed as necessary commensurate with the nature of the proposed development.

4.4.5.3 Filling

a) Filling must not exceed 1m above natural ground level.
b) Only natural rock, gravels or sand material (not builder's waste or demolition materials), obtained from approved sources, must be used as filling.

4.4.5.4 Retaining walls

Retaining walls within 1m of the front boundary must not exceed 1m above natural ground level.

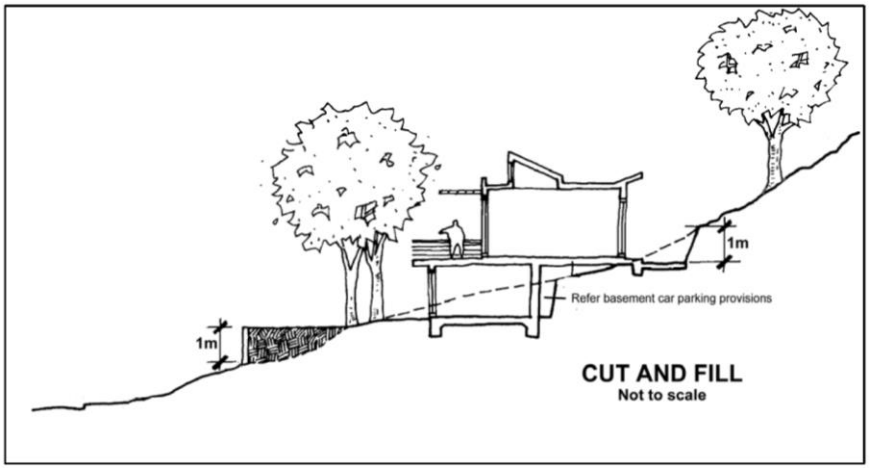


Figure 47 - Earthworks

4.4.6 Child Care Centres

See also relevant licensing requirements, operational procedures and Building Code of Australia standards.

Relevant DCP objectives in this plan in relation to these paragraphs include:

Objective 1) To ensure that the child care centres are a high quality and compatible with neighbouring land uses and that the site is generally suitable for child care centres in terms of its topography, adjacent land uses and pedestrian safety of the area and will not adversely affect the amenity of the existing neighbourhood by way of noise, loss of privacy and traffic..

Note: Other buildings or places used for home based childcare (see LEP Dictionary) are permitted without consent in the LEP. However if these developments are in areas identified as Bush Fire Prone the Rural Fire Service consider them to be Special Fire Protection Purpose development and may require a Bush Fire Safety Authority.

4.4.6.1 General Location Considerations

a) Sites located within busier non-residential area require additional considerations of the safety and amenity of the children.
b) Preference will be given to sites which form part of or adjacent to established churches, primary schools or community facilities, provided that it can satisfy the traffic and parking requirements.
c) Sites adjoining fewer residential properties will reduce the negative amenity impact on the neighbourhood in terms of noise and loss of privacy. Semi-detached dwellings are generally not preferred. Units within residential flat buildings are not suitable for child care centres.
d) Site should be located close to public transport services due to the potential for lowering the demand onsite parking and reducing traffic congestion.
e) Sites should be flat or gently sloping from the road.
f) Where possible, the child care centre should have a north to northeast aspect to allow maximum solar access.
g) Sites on arterial roads or at busy intersections should be avoided.

4.4.6.2 Car Parking and Access

Relevant DCP objectives in this plan in relation to these paragraphs include:

Objective 1) To provide adequate and safe on-site parking for staff vehicles, as well as suitable space for deliveries, service access and the setting down and picking up of children.
Objective 2) To reduce the incidence of on-street parking, which may be detrimental to road safety and amenity of residents.
Objective 3) To ensure pedestrian safety in vehicle entry and exit areas.

See Schedule 3 - Parking Requirements additional requirements for Child Care Centres.

Note: In relation to development with frontage to a classified road, NSW SEPP Infrastructure 2007 states that Council must not grant consent to development on land that has frontage to a classified road unless it is satisfied that where practicable, vehicular access to the land is provided by a road other than a classified road. In consultation of this plan with NSW Roads and Maritime Services it is advised that direct vehicular and pedestrian for a child care centre, access to a classified road should not be permitted.

a) Pedestrian access must be segregated from vehicular access with clearly defined paths to and from the centre.
b) A child care centre in a cul-de-sac is not preferred.

4.4.6.3 Built Form and Building Appearance

Relevant DCP objectives in this plan in relation to these paragraphs include:

Objective 1) To ensure child care centre is compatible with the scale of existing building in the vicinity.

Objective 2) To ensure that the appearance of the development is of high visual quality, enhances and complements the streetscape of the area.

a) Child care centres must comply with the same standards for built form controls as other development permissible in the LEP zone.
b) The design and layout of the child care centres must respond to the character of the existing neighbourhood and streetscape. Existing residential character of the locality must be maintained through the use of appropriate finishes material, landscaping, fencing and plantings.
c) Fences of child care centres should be designed to minimise noise transmission and loss of privacy for adjoining area, and complement the predominated streetscape.

4.4.6.4 Indoor and Outdoor Play areas

Relevant DCP objectives in this plan in relation to these paragraphs include:

Objective 1) To ensure that the design and layout of the play areas provide a safe and pleasant environment for children.

Objective 2) To ensure that play areas allow visual and acoustic privacy for children of the centre and the neighbouring residents.

Indoor Spaces

a) Appropriate indoor space area should be provided within the child care centre.
b) Layout of the building, especially the playroom areas, should be designed to allow easy supervision of children.
c) Building layout should be designed to minimise the need to access function areas via children's play rooms as this reduces the overall size, safety and functionality of the play space.
d) The layout must be appropriately designed to minimise the noise impact to adjoining properties. Noise generating areas such as playgrounds or playrooms should be oriented away from neighbouring bedrooms.
e) Double glazing and/or appropriate location of windows should be used where necessary to reduce noise impact from the centre.
f) Direct overlooking of adjoining internal living areas, bedrooms and private open spaces should be minimise through appropriate building layout and suitably located pathways, windows and doors.

Outdoor Spaces

g) Appropriate outdoor play area should be provided within the child care centre.
h) Outdoor play areas should have a north or north east orientation to allow maximum solar access.
i) Outdoor play area should not be occupied by any motor vehicles or used for any other purposes during operating hours.
j) The layout of the outdoor play area should be designed to allow constant supervision and access to children.
k) Outdoor play areas should be located away from neighbouring properties to minimise noise impact to adjoining properties.
l) Appropriate hedging should be planted along the fence lines to create a playground buffer between adjoining properties.
m) Appropriate fencing should be provided to segregate outdoor play area and other activities of the child care centre.

4.4.6.5 Landscaping including Pools

Relevant DCP objectives in this plan in relation to these paragraphs include:

Objective 1) To ensure safety to children by prohibiting swimming pools in all child care centres.

Objective 2) To provide a high visual quality and an attractive natural environment for the users of the site.

Objective 3) To preserve and enhance amenity and streetscape of the neighbourhood.

a) For child care centres within residential areas, landscape provision and design should comply with this plan.
b) For child care centres within non-residential areas, appropriate soft and hard landscape must be provided within the development to enhance the amenity of the children. Council may require the provision of landscaping that is above the requirement prescribed in this plan for the land.
c) Trees located on the northern and western boundary will provide shading to the play space during the hottest time of the day.
d) Appropriate landscaping is to be used to provide screening and privacy to dwellings and private open space areas on adjoining sites.
e) Landscaping should be provided in the car parking area to soften the hard materials.
f) Existing native bushland and trees particularly mature trees should be preserved.
g) Appropriate use of planting along the street frontage is encouraged to complement the neighbourhood streetscape.
h) Provision of deep soil planting area is required within the setback area.
i) Landscaping should be used for its qualities of shading, screening and decorating outdoor areas.
j) There must not be a swimming pool (within the meaning of the Swimming Pools Act 1992) on the premises of any children's service unless the pool existed on premises that were licensed before the commencement of this DCP.
k) Any swimming pool that existed on the premises of a child care service on or before the commencement of this DCP must be fenced. The fencing must be in accordance with the Swimming Pool Act 1992 (whether or not that Act applies to the swimming pool concerned).
l) Pool filter must be inaccessible to children.
m) Provision must be made at a service to ensure that all paddling pools are emptied immediately after use and stored to prevent the collection water.
n) Provisions must be made at the service to ensure that water containers, which could constitute a drowning hazard, are safely covered or are inaccessible to children.
o) Decorative pools are not encouraged.

4.4.7 Telecommunication Facilities

Relevant DCP objectives in this plan in relation to these paragraphs include:

Objective 1) To provide a consistent and integrated planning framework that addresses the community's interests in the effective and efficient provision of telecommunications and radio communications infrastructure so that it achieves environmental, economic and social sustainability in the short, medium and long term;

Objective 2) To provide a consistency of approach which benefits carriers, community and Council to balance the needs of different stakeholders, including the community/industry/local, state and federal governments, and to provide guidance to carriers about council's requirements for site selection; lodging an application and conducting community consultation.

Objective 3) *Social*

- to apply a precautionary approach to the deployment of Radiocommunications infrastructure;
- to minimise electromagnetic radiation exposure to the public;
- to avoid community sensitive locations;
- to ensure that the general public and local communities have access to telecommunications technology;
- to achieve equity for the various stakeholders by endeavouring to balance their various needs;
- to enable members of the public to adequately identify infrastructure and the agencies responsible for them;
- to provide mechanisms by which information can be disseminated to ensure that the community is adequately informed and empowered to participate in the planning/decision-making process.

Objective 4) *Environmental*

- to help implement principles of urban design in respect to telecommunications and radio communications infrastructure;
- to promote good industrial design of infrastructure;

- to provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons;
- to minimise adverse impacts on the natural environment;
- to assess whether the proposed infrastructure is consistent with the amenity of the area;
- to restore the site after discontinuation or removal of infrastructure.

Objective 5) *Economic*

- to identify the type of land use areas suitable for infrastructure in a local government area;
- to accommodate the planning requirements of new technology;
- to provide equitable availability of locations to carriers;
- to assess whether the proposed infrastructure is consistent with permitted development in adjacent areas;
- to ensure reasonable access to telecommunications technology;
- to provide certainty for stakeholders and a consistent approach to the implementation/ assessment of telecommunications infrastructure;
- to ensure that Council obtains information about existing and proposed infrastructure to assist with strategic planning.

Objective 6) To assist Council in fulfilling its obligations under the Local Government Act 1993 by having regard to the principles of ecologically sustainable development, including application of the precautionary principle.

Note: The NSW Telecommunications Facilities (including Broadband) apply to telecommunications and radio communications infrastructure (including broadcasting infrastructure under the Telecommunications Act 1997 and the Radio Communications Act 1992). While the DCP does not override this legislation, it nevertheless provides advice to carriers about the expectations of Council. This DCP broadens the scope of the Australian Communications Industry Forum Code called 'Mobile Phone Base Station Deployment Industry Code July 2012, referred to in this plan as the 'ACIF Code' by applying consistently not only to carriers and their agents, but also to builders and operators of all electromagnetic radiation emitting infrastructure, including those operating under the Radio Communications Act 1992. The ACIF Code is the industry code of practice for mobile phone infrastructure under the Telecommunications Act 1997.

4.4.7.1 Design Controls

Visual amenity

a) Carriers are to design antennas and supporting infrastructure in such a way as to minimise or reduce the visual and cumulative visual impact from the public domain and adjacent areas. Within the local context, the infrastructure design must take account of colour, texture, form, bulk and scale.

Infrastructure must: be well-designed to

- integrate with the existing building structure unless otherwise justified in writing to Council;
- concealed cables where practical and appropriate;
- be as unobtrusive as possible, and
- be consistent with the character of the surrounding area.

A discussion on facility design can be found in the document 'Low Impact Facilities for Better Visual Outcomes' at www.amta.org.au/mcf .

Infrastructure must be removed when no longer being used. The site must be restored following construction of the infrastructure.

Co-location

b) Co-location is the practice of locating a number of different telecommunication facilities, often owned by different carriers, on one facility or structure. Co-location may not always be a desirable option where:

- cumulative emissions are a consideration;
- it may be visually unacceptable;
- there are physical and technical limits to the amount of infrastructure that structures are able to support, or
- the required coverage cannot be achieved from the location.

Carriers should demonstrate a precautionary approach and effective measures to minimise the negative impacts of co-location.

Location

c) The applicant should demonstrate that, in selecting a site, it has adopted a precautionary approach in regards to minimising electromagnetic radiation exposures consistent with the ACIF Code. Preferred land uses (as determined by this council) include industrial areas, low-use open space, and commercial centres.

The applicant should demonstrate particular consideration of likely sensitive land uses. Sensitive land uses may include areas:

- where occupants are located for long periods of time (for example residences);
- that are frequented by children (for example schools, child care centres), and
- where there are people with particular health problems (for example hospitals, aged care facilities).

Heritage and Environment

d) Infrastructure proposed for areas of environmental significance (as defined in low impact facility Determination) require:

- development consent under the low impact facility Determination and the LEP;
- the applicant to have regard to avoiding or minimising the visual impact of any proposed facility on the heritage significance of adjacent/adjoining/surrounding heritage items and conservation areas;
- the applicant is to provide a heritage report/impact statement in accordance with this plan and the LEP; and
- the applicant to have regard to avoiding or minimising the physical impact of any proposed facility on native flora and fauna.

e) Facility physical design controls

- Infrastructure must be of high quality design and construction.
- Proposals should consider the range of available alternate infrastructure including new technologies, to minimise unnecessary or incidental electromagnetic radiation emissions and exposures, as required under the ACIF Code.
- The plan for the facility must include measures to restrict public access to the antenna(s). Approaches to the antenna(s) must contain appropriate signs warning of electromagnetic radiation and providing contact details for the Facilities Owner/Manager.
- The minimum requisites that apply where relevant are the Building Code of Australia for purposes of construction and the relevant exposure levels as directed by the Australian Communications Authority. The applicant must provide Council with certification about the standards with which the facility will comply.

f) Facility health controls

- The applicant is to demonstrate the precautions it has taken to minimise electromagnetic radiation exposures to the public.
- The applicant is to provide documentation to show that the proposed facility complies with the relevant Australian exposure standard as specified by the Australian Communications Authority.

4.4.8 Subdivision

This paragraph applies to all new subdivisions, the re-configuration of existing allotments within a subdivision and the consolidation of allotments. See also *paragraph 4.1.1.2 Residential Land Subdivision.*

Relevant DCP objectives in this plan in relation to these paragraphs include:

Objective 1) To maintain characteristic and established subdivision patterns

Objective 2) To maintain the visual scale of development when viewed from the street level

4.4.8.1 Access and Services

a) All subdivisions will provide adequate vehicular access to a public road.

b) The provision of drainage, easements and servicing requirements must be considered and any resultant adverse impacts - environmental or otherwise are to be minimised or resolved in the design. In particular, sufficient details of stormwater management are to accompany DAs for subdivision.

4.4.8.2 Prevailing subdivision pattern and natural features

a) New Subdivisions must complement the prevailing subdivision pattern respecting traditional street patterns; open space patterns and streetscape as well as both built and natural heritage. Any inconsistency in traditional patterns is to be minimised or resolved in the Statement of Environmental Effects accompanying the DA.

See also *paragraph 5.1.2.6* in respect of maintaining existing street facades including maintaining narrow fronted subdivision patterns.

Note: Manly is an area characterised by diverse street patterns. The development of suburbs at different periods has resulted in street patterns that vary distinctly, both within and between areas. A varied topography and mixture of land uses adds to this complexity.

b) New Subdivisions must have regard to existing vegetation, topography, views, scenic values and natural bushland and other natural features. Any resultant adverse impacts- environmental or otherwise are to be minimised or resolved in the design and addressed in the Statement of Environmental Effects accompanying the DA.

4.4.8.3 Energy Efficiency.

See also paragraph *3.5 Sustainability* of this plan.

a) The orientation and design of new allotments should maximise optimum solar access and provide for energy efficiency for future development under BASIX.

Note: In certain situations, the site planning measures of achieving optimum use of passive solar energy in a dwelling, or a larger development; may conflict with established precinct, streetscape, topography, waterway views and areas of National Park or heritage conservation policies and controls. In such cases where it can be proven that full compliance is impractical concessions may be made. However, Council's primary concerns are to improve the residential amenity of the community, and the energy efficiency of buildings.

4.4.9 Boarding Houses

This paragraph applies to boarding houses permissible with consent under Manly LEP Zones R1, R2, R3, B1 and B2.

Relevant DCP objectives in this plan in relation to these paragraphs include:

Objective 1) To support high quality affordable rental housing in the form of boarding houses with an acceptable level of amenity to meet the needs of residents and to minimise adverse impacts on adjoining properties and in the vicinity.

Objective 2) To provide controls for boarding houses that are compatible with, and enhance local character and the desired future character and provide a high level of resident amenity, safety and privacy for boarders and neighbours.

See also paragraph 2.1.17 Management Plans and paragraph 3.6.3.1.c Accessibility.
See also Schedule 7 – Specific Design Standards – Part A – Boarding Houses
See also State Environmental Planning Policy (Affordable Rental Housing) 2009 which sets out certain requirements for boarding houses.
See also Building Code of Australia Section 1.9 which defines 2 classes of boarding house. Class 1b boarding houses have no more than 12 residents and 300sqm floor area while all others are Class 3 boarding houses which are subject to different and more stringent fire safety requirements.

Note: In relation to the collection of Section 94 Contributions for Boarding Houses, the rate of monetary contribution is the same rate as for 'Tourist Development' (including Backpackers' Accommodation) as defined in the Manly Section 94 Contributions Plan 2005 (amended). The 2015-2016 rate for Tourist Development is $3856.65 per bed. For Boarding Houses it will be based on 1.4 persons per boarding room, i.e. with the current rate, the contribution is $3856.65 X 1.4 = $5399.31 per room.

4.4.9.1 Communal Rooms and Areas

See paragraph 3.4.2.6 Sunlight Access to Communal Living Areas.

a) Communal Living areas are for dining and recreational purposes and are not to include other uses referred to in this paragraph and must comprise at least an area in accordance with the design standards at Schedule 7 of this plan.

b) Adequate kitchen facilities will be available within the boarding house for the use of each lodger.

4.4.9.2 Bedrooms

Adequate boarding rooms are required within the boarding house for the use of each lodger in accordance with the design standards at Schedule 7 of this plan.

4.4.9.3 Open Space

a) In relation to boarding houses in LEP Zones R1, R2 and R3, the minimum residential total open space and landscaped area requirements of this plan apply (see paragraph 4.1.5).

c) In relation to boarding houses in LEP Zones B1 and B2 the minimum private open space is 20sqm with a minimum width of 3m. The landscape treatment must enhance the streetscape on which the building is located and provide both the minimum requirement for private open space (see paragraph 4.1.5.3) but also provide for communal areas (indoors) in accordance with this plan.

4.4.9.4 Parking

a) This DCP provides parking requirements for boarding houses (see Schedule 3 Part A) for development where Section 29(2)(f) of State Environmental Planning Policy (Affordable Rental Housing) 2009 does not otherwise apply. For example, in Manly this Policy does not apply to boarding houses in LEP Zone R2 Low Density Residential unless the land is within an accessible area.

Note: Section 29(2)(e) of State Environmental Planning Policy (Affordable Rental Housing) 2009 can be interpreted in the Manly context as follows:

Boarding houses less than 800m walking distance of Manly Wharf or 400m walking distance of a bus stop used by a regular bus service:

- 1 space for every 5 boarding rooms

- 1 space for on site manager and/or any other employee residing on the premises

Boarding houses greater than 800m walking distance of Manly Wharf or 400m walking distance of a bus stop used by a regular bus service:

- 2 spaces for every 5 boarding rooms
- 1 space for on site manager and/or any other employee residing on the premises

Note: The meaning of a 'regular bus service' in this paragraph is consistent with section 4(c) State Environmental Planning Policy (Affordable Rental Housing) 2009 meaning a service within the Passenger Transport Act 1990 that has at least 1 bus per hour between 6am and 9pm Weekdays and 8am and 6pm Weekends.

Part 5

Part 1 – Introduction

This Part outlines the plans' purpose and structure, its relationship with other plans and policies and a detailed Table of Contents and general Aims and Objectives.

Part 2 – Process (what do I lodge with the DA & how is the DA notified)

This Part outlines the range of submission requirements for lodgement and assessment of a DA. Notification, advertising and referral processes are also prescribed in this Part.

Part 3 - General Principles of Development

This Part outlines general development principles to be considered and applied as relevant for all forms of development.

Part 4 – Development Controls and Development Types

This Part outlines development controls relating to residential, commercial and industrial development as well as a range of other specific development types.

Part 5- Special Character Precincts, Areas and Sites

This Part contains additional guidelines including design requirements and/or environmental sensitivities which exist for certain places that require special consideration. Development Proposals are also to have regard to the general provisions of Parts 3 and 4, in conjunction with the additional design requirements of this Part.

The Special Character Precincts, Areas and Sites detailed in this Part are as follows:

- **Manly Town Centre Heritage Conservation Areas and The Corso Heritage Item;**
- **Pittwater Road Conservation Area;**
- **St Patrick's Estate;**
- **Environmentally Sensitive Lands (Foreshore Scenic Protection Areas, Threatened Species and Critical Habitat, Flood Control Lots, Riparian Land and Watercourses)**
- **Road Widening; and**
- **Various sites in Rignold Street, Gurney Crescent, Clavering Street Seaforth.**

Schedules

The Schedules comprise a range of maps, tables and additional detail referred to in this plan.

Dictionary

The Dictionary adopts meanings contained in Manly LEP 2013 and provides a range of additional dictionary meanings not otherwise provided in the DCP.

5 Special Character Areas and Sites

Note: This part of the DCP contains specific design requirements for certain places within Manly that have been developed to reinforce the special attributes and qualities of the area. Development within these areas is to be designed having regard to Parts 3 and 4 of this DCP, but with appropriate weight given to the more site specific additional design requirements of this Part.

Relevant DCP objectives in this plan in relation to these paragraphs include:

Objective 1) To identify the characteristics of certain areas and sites in Manly and ensure protection and to develop standards that encourage that protection.

Objective 2) To ensure protection of environmentally sensitive localities.

Objective 3) To encourage a responsible development approach resulting in design of architectural merit that interprets and complements site characteristics, streetscape and the surrounding built and natural environment.

Objective 4) To ensure the scale of development is consistent with the existing and desired character of the residential areas.

5.1 Manly Town Centre Heritage Conservation Area and The Corso

5.1.1 General Character

a) Manly Town Centre has a cohesive character resulting from a generally low scale of development on its principle streets. Construction to the property boundaries, slightly higher and distinctive corner buildings and a good level of pedestrian protection and amenity generated by footpath awnings and through-block arcades has produced strongly defined and comfortable urban spaces. These spaces range from the tight enclosure of the arcades through to the openness of the Ocean Beach promenade and the Esplanade. Developments which contradict these features have not been sufficient to remove this character.

b) This unified form of development still allows a diverse range of architectural styles. Further, civic buildings such as the Council Chambers and St. Matthews Church have not been overwhelmed by taller and larger scaled modern development and still therefore retain their visual importance. The Town Centre has been identified as a Conservation Area for these reasons.

c) The Town Centre Urban Design Guidelines provide more detailed analysis of Manly Town Centre from an urban design point of view and provides more detailed guidelines for certain precincts and areas within the Town Centre. These precincts include:

   i) Harbour/ Ocean Grid (including The Corso, Rialto Lane, Wentworth Street, Victoria Street, Ashburner Street & Darley Road);

   ii) Mainland Grid (including Sydney Road, Belgrave Street, Raglan Street, Whistler Street, North Short Street & Central Avenue);

   iii) Whistler Street Triangle (Whistler Street (south) Market Lane);

   iv) Oceanfront (North + South Steyne);

   v) Manly Cove (East + West Esplanade);

   vi) Gilbert Park Precinct (Gilbert Street); and

   vii) Pittwater Road Precinct.

Note: These Guidelines further detail the above precincts including other areas in these precincts.

5.1.1.1 Statement of Significance for Manly Town Centre Conservation Area

The Manly Town Centre Conservation Area is of local heritage significance as a reflection of the early development of Manly as a peripheral harbor and beachside village in the fledgling colony of New South Wales. This significance is enhanced by its role as a day-trip and holiday destination during those early years, continuing up to the present time, and its association with H G Smith, the original designer and developer of the Manly Town Centre Conservation Area as it is today. The physical elements of the Manly Town Centre Conservation Area

reflect this early development and its continued use for recreational purposes, most notably the intact promenade quality of The Corso and its turn of the century streetscape, as well as key built elements such as hotels, and remaining original commercial and small scale residential buildings.

The beautiful natural setting of the Manly Town Centre Conservation Area has provided a solid foundation for its picturesque qualities. The cultural landscape, including plantings, monuments and open spaces, reflects the continued enhancement of the Manly Town Centre Conservation Area over time, in order to attract and sustain visitors to the area, which in turn has provided great support to the local economy. The many historic vistas which remain to this day enhance the visitor experience of the Manly Town Centre Conservation Area and assist with providing an interpretation of the Manly Town Centre Conservation Area as it has changed over time.

The Manly Town Centre Conservation Area maintains a high level of social significance, as a popular destination for local, national and international tourists, as well as through its encapsulation of the Australian beach culture.

5.1.2 The Corso

The existing positive qualities of The Corso, comprising both the public area of the roadway and the private properties that front it all contribute to making it a special street. Although some more recent development, and some maintenance practices on older buildings, are unsympathetic to these qualities, the overall integrity of the structure - and hence significance - of the street continues. This significance has been recognised via listings as Items of the Environmental Heritage in the LEP including the listing of all buildings as whole, individual and groups of buildings with additional individual merit as well as various streetscape elements such as parks and monuments. These listings place a responsibility on Council, land owners and applicants to maintain the significance of the 'greater whole' of both The Corso and the Manly Town Centre Conservation Area. The LEP Heritage Items for The Corso include:

- All commercial buildings fronting The Corso (item 106)
- Various individual or group of commercial buildings at street numbers 36 (item 107), 41 – 45 (item 108); 46 – 64 (item 109); & 102 – 108 (item 112) The Corso;
- New Brighton Hotel at 69 – 71 The Corso (item 110);
- Hotel Steyne at 75 The Corso (item 111);
- St. Matthew's Church and Church Hall at 44 The Corso (item 113);
- St. Matthew's Rectory at the corner of Darley Road and The Corso (item 118);
- Street Trees from Whistler St to Sydney Rd, The Corso (item 104);
- Unnamed Triangular Park at the corner of the Corso & Belgrave St, Council Chambers (item 105);
- Cast Iron Pedestals - former Street Lights between The Esplanade and Darley Rd (item 102);
- Monument – War Memorial Cenotaph (item 103); and
- Cast Iron Letter Box at corner of The Corso and Whistler St (item 114).

The provisions contained in this paragraph apply to and are additional to those for Manly Town Centre (see paragraph 4.2.5) as well the Site Specific Guidelines for The Corso at Schedule 6 and in this DCP generally.

a) Statement of Heritage Significance for The Corso
This is a concise statement of the existing positive qualities of the street. It comprises the reasoning behind the LEP heritage listing of The Corso.

i) The Corso is a most impressive formal street, with a central avenue planting of mature Phoenix palms and Moreton Bay figs. It has its own unique streetscape shaped by an uncommon grouping of fine late 19 century to early 20 century buildings. Despite varying levels of intactness and some less aesthetic and sympathetic development, the group as a collective whole contributes to the historic streetscape. The overall character is created by a wide vista defined on either side by pleasantly low-scaled and detailed buildings; the vertical emphasis of the plantings; monuments; pedestrian arcades; shop awnings; and framed views of the sea. The Corso has additional social significance generated by a strong collective community experience and memory of it as a visitor destination, linked to Manly's historical function as a resort.

ii) The nature of The Corso as an important public pedestrian space means it is invariably experienced in 'serial vision' from eye-height level as one walks through the street. This experience reveals particular important attributes: an overall change in building scale from higher to lower as one moves from Manly Cove to the Ocean Beach; the particular scale and character generated by the ability to read the parapet details of the street façades (or, in some cases the related roof form) as silhouetted against the sky and background trees rather than against other buildings; and then, looking closer, building facades that are restrained but finely-detailed.

iii) St Matthew's Church, located on the intersection of Darley Road with its tower as a focal point, together with the oblique intersection of Sydney Road are important interruptions to the linear form of The Corso.

At each end The Corso is open and merges into spaces with good outward views. The gradual visual progression from Manly Cove to the Ocean Beach with the surf revealed behind a screen of Norfolk Pines is the essence of Manly's unique quality.

b) The Corso Guidelines

Paragraphs 5.1.2.1 to 5.1.2.19 below set out important matters in relation to maintaining the above mentioned significance under paragraphs following:

- 5.1.2.1 Most existing buildings are significant and are to be conserved, not redeveloped;
- 5.1.2.2 Internal changes are important;
- 5.1.2.3 Significance is more than the depth of a façade: thus new development is to be to the rear;
- 5.1.2.4 Parapets to be read against the sky;
- 5.1.2.5 Critical views to be kept open;
- 5.1.2.6 New buildings to maintain and express the existing narrow fronted subdivision pattern;
- 5.1.2.7 New buildings, where permitted, to have vertical and generally flat but finely detailed facades;
- 5.1.2.8 Windows and balconies open to the street;
- 5.1.2.9 Building heights determined by site-specific as well as numeric requirements;
- 5.1.2.10 Existing arcades to be maintained;
- 5.1.2.11 Footpath Awnings;
- 5.1.2.12 Street Level Uses to encourage activity;
- 5.1.2.13 Shop-fronts are to be reinstated;
- 5.1.2.14 New buildings to have a clear contemporary design idiom;
- 5.1.2.15 External building colours are important to the overall presentation of The Corso;
- 5.1.2.16 New residential development constrained with noise abatement measures;
- 5.1.2.17 External details for plant, exhausts, ducts etc. to be part of the overall building structure.
- 5.1.2.18 The impact of new development on rear lane-ways and on adjacent development is important
- 5.1.2.19 Site specific controls

All of the attributes outlined above comprise the essential qualities of the street and need to be retained. Specifically, these following paragraphs seek to:

i) establish criteria for new development; and

ii) reverse unsympathetic development via either replacement buildings or the reinstatement and repair of earlier fabric and detailing.

5.1.2.1 Most existing buildings are significant and are to be conserved, not redeveloped

a) The only exceptions are in respect to buildings identified in *Schedule 6 – The Corso: Site Specific Controls* as may be able to accommodate redevelopment.

b) Existing street facades, including all original detailing, are particularly important and are to be maintained. This includes original framing details and materials to windows, doors and other openings. Original details missing or removed should be reinstated and unsympathetic additions removed. Appendix 6 lists requirements and suggestions. The shop-front at 36 The Corso is the only one in its original configuration and is to be retained.

5.1.2.2 Internal changes are important

a) The spaces and activities within the building give meaning to that building. In addition, internal building fabric may be significant even if not seen from the street. The heritage assessment will advise on the significance of any internal fabric.

b) Where internal alterations are proposed:

i) floor levels and the layout of activities are to retain a logical relationship with the window, door and balcony openings of the street façade;

ii) floor levels are to be maintained adjacent to first floor windows and other openings; and

iii) architectural organisation of interiors must relate to the building facade.

5.1.2.3 Significance is more than the depth of a façade: thus new development is to be to the rear.

New development to existing buildings, where permitted, will predominantly be to the rear. The heritage assessment will be able to advise on the necessary setback for any new development. This will vary from property to property but at minimum will be the depth of the first room or shop space.

5.1.2.4 Parapets to be read against the sky

a) Parapet details on the street frontage, and in some cases the related original or historically relevant roof form, are to continue to be read by pedestrians as silhouetted against the sky. This is also to be the case for the parapet of any new building fronting The Corso.

b) This provision applies in respect to both oblique and perpendicular views of buildings as pedestrians move through the street. This provision will govern the height and setback of any permitted additional floor levels and also establishes an important 'visual catchment' to The Corso that needs to be kept clear of obstructions.

Note: Figure 48 illustrates how the placement of new buildings is dictated by the requirement to read the street parapet against the sky.

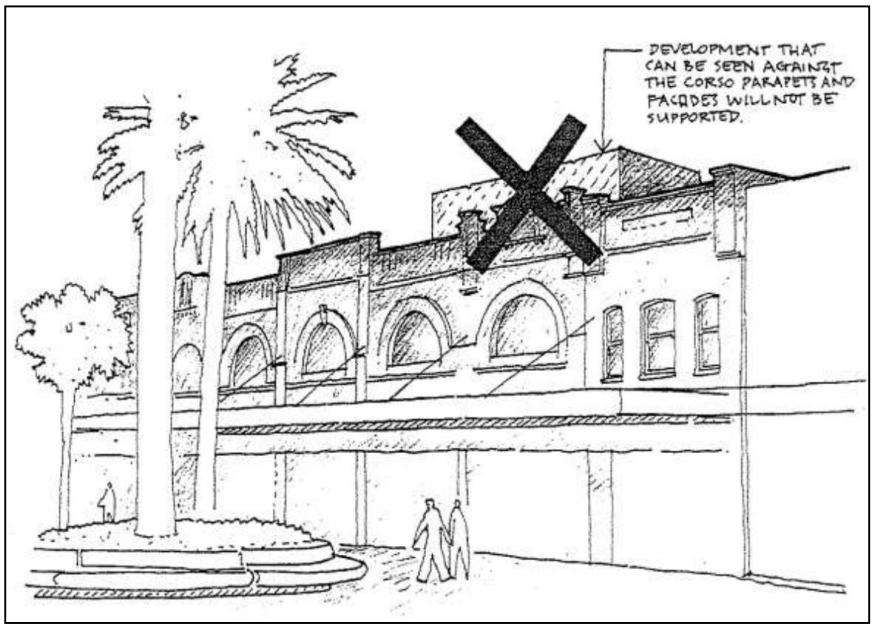


Figure 48 - Parapets to be read against the sky

5.1.2.5 Critical Views to be Kept Open

a) Part of the significance and character of The Corso derives from the views from within the street space out to Manly Cove and to the Ocean Beach. Two longer views within the visual catchment of The Corso are from Sydney Harbour as the ferry approaches Manly Wharf; and down Sydney Road, from Fairlight looking east to Shelly Beach headland.

b) Critical views identified in a) above must be protected from intrusion and are to be kept open.

See also the Townscape Principle Map A – Manly Town Centre which maps important vistas in Schedule 2.
See also The Corso Master Plan which identifies the location for certain activities such as outdoor eating areas, stage and playground was well as lighting and tree locations. The details of the Master Plan provide an important physical representation of the policies and objectives for The Corso. The location of specific activities proposed or associated with a development proposal must comply with the Master Plan.

5.1.2.6 New buildings to maintain and express the existing narrow fronted subdivision pattern

Where new buildings are permitted (to replace non-significant fabric), the architectural expression must give the impression of a separate building on each individual allotment rather than as one large mass out of scale with the established character of the area. This applies to both front and rear elevations.

5.1.2.7 New buildings, where permitted, to have vertical and generally flat but finely detailed facades

a) Within this overall building form, facades are to incorporate a level of architectural detailing that provides interest, relief, shadow lines and vertical articulation that reflects the subdivision pattern.

b) Large areas of masonry or glazing without internal articulation are not acceptable.

Reference should be made to general guidelines for the Manly Town Centre in this part and the controls and guidelines in Part 4 of this DCP for the LEP Business Zones.

c) Stepped building forms and the other types of building massing and façade treatments illustrated in Figure 50 are inconsistent with the significance of The Corso and are not acceptable.

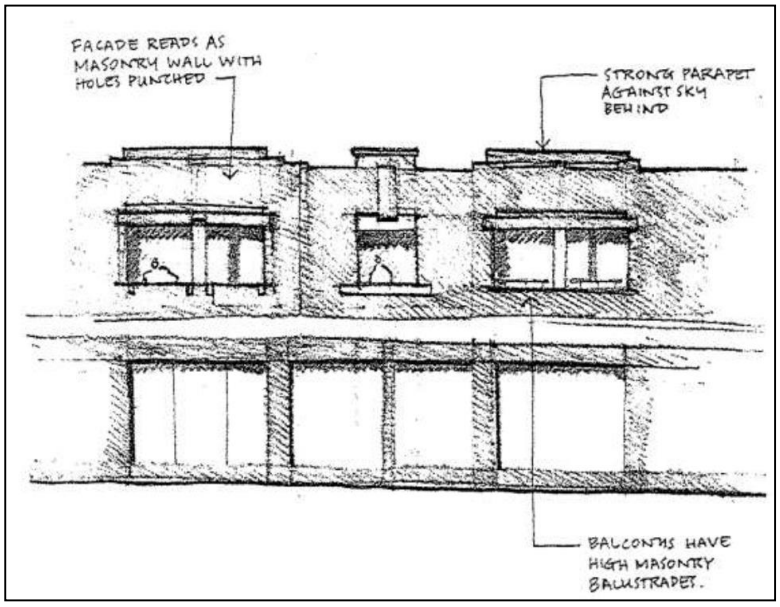


Figure 49 - Appropriate Massing and Articulation of New Front Facades.

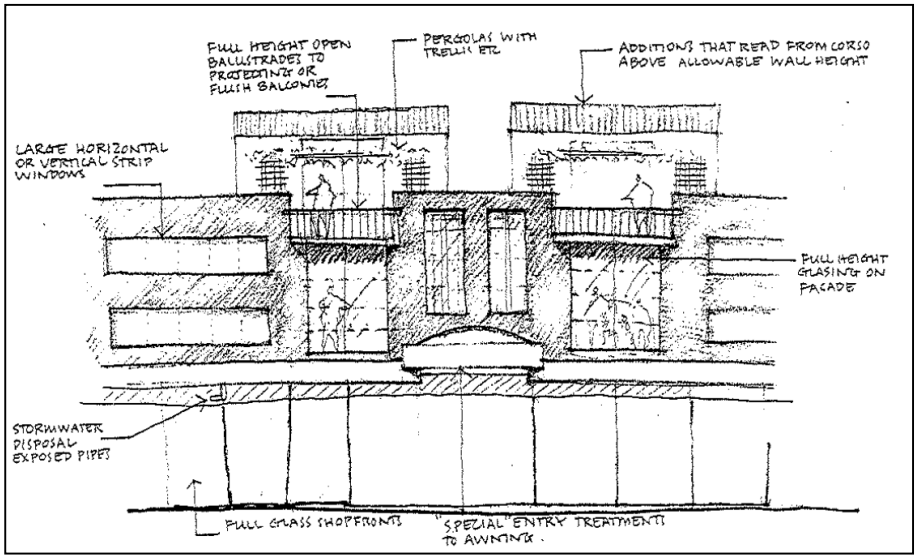


Figure 50 - Inappropriate Massing and Articulation of New Front Facades.

5.1.2.8 Windows and balconies open to the street

To allow interaction between the building and the public street (and to provide natural ventilation), windows to upper floors are to be openable and balconies are not to be enclosed. Where original balconies have been enclosed, Council encourages that they be reopened in keeping with their historic use and heritage significance.

5.1.2.9 Building heights determined by site-specific requirements in addition to the established numerical requirements.

a) While building heights are contained in the LEP Height of Building Map, considerations of the appropriate height and exceptions under LEP clause 4.6 will also consider:
   i) the provision requiring parapets to be read against the sky;
   ii) any need to retain existing long views;
   iii) the need to maintain a visual continuity between floor levels on adjoining buildings (mezzanine levels may provide a means to relate lower contemporary floor to ceiling heights with the greater heights in existing older buildings);
   iv) any need to relate to specific detailing on adjoining buildings; and
   v) any opportunity, presented by development of the site, to hide unsympathetic views of development in other streets as seen over the top of existing buildings in The Corso.

See also Schedule 6 for more detailed site requirements and suggestions.

5.1.2.10 Existing arcades to be maintained; new arcades are optional

a) Arcades provide pedestrian permeability within the Town Centre, links to adjacent car parks, and create an important diversity of retail spaces.
b) Existing arcades are to be retained and are to be open from at least 7am to 11pm each day, and be well-lit, and lined with lively shop-fronts.
c) New arcades are preferred where they link The Corso with adjacent streets and have direct sight-lines.

5.1.2.11 Footpath Awnings

Footpath awnings (solid, horizontal & with lighting) are required, but trafficable balconies and post-supported awnings and balconies are prohibited and considered to be an unnecessary intrusion on the available street space. See also Manly Town Centre Urban Design Guidelines for more details on the acceptable design of awnings.

5.1.2.12 Street Level Uses to Encourage Activity

a) Shop-fronts are to maximise their contribution to the liveliness and safety of the street, both day and night.

b) At night, all shop fronts within The Corso Conservation Area must be transparent and illuminated. Window displays are actively encouraged. Opaque security grills and the like are not acceptable. Roller shutters will not be permitted but security screens are permitted behind the window display.

5.1.2.13 Shop-fronts are to be Reinstated

a) Where shop-fronts have been removed and replaced with shuttered openings, the reinstatement of shop-fronts is supported for aesthetic and historic reasons. New Shuttered openings will not be permitted.
b) New shop-fronts should comprise a ‘frame’ established by masonry ends read as vertical continuations of the façade above, and by a solid horizontal plinth between the ground and the window sill. The design of the space within this frame can reflect the use of the premises, and utilise contemporary design. See Figure 51 - Shop-fronts within a masonry frame.

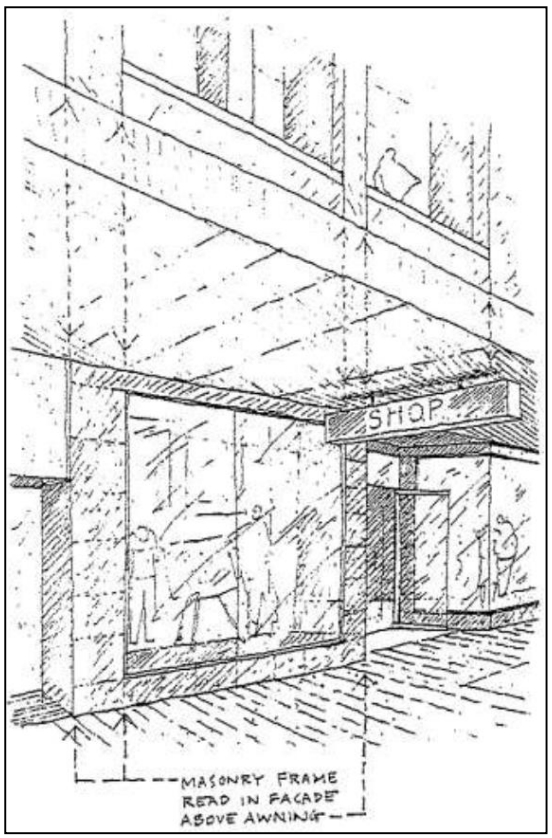


Figure 51 - Shop-fronts within a masonry frame

c) Where internal retail space extends over more than one external building frontage, the width of shop-fronts should reflect the external building design rather than the internal configuration.

5.1.2.14 New buildings to have a clear contemporary design idiom

a) New development is to be consistent with, but distinguishable from, existing buildings.

b) New development should not copy earlier styles, but should translate the significant elements of the street into a contemporary idiom.

5.1.2.15 External building colours are important to the overall presentation of The Corso

a) Colours and tones are to pick out, rather than conceal, architectural details.

b) Colour schemes need to demonstrate an appropriate balance between the contemporary function of each building and a consistent presentation of the street as a whole. To assist, Council encourages a choice between:

   i) a colour scheme that is historically correct to the age and style of the building; or

   ii) an alternative colour scheme that complements the desired character and traditional colour schemes of the wider Conservation Area.

5.1.2.16 New residential development to be constrained and to incorporate noise abatement measures

Where additional dwellings are proposed, they are to incorporate measures to reduce the transmission of noise into those dwellings.

5.1.2.17 External details for plant, exhausts, ducts and other services as part of the overall building structure.

A number of buildings are already disfigured by the addition of air conditioners, other mechanical services, kitchen exhausts, downpipes and the like without adequate thought as to their integration. All DAs are to include

provision for such services and show how they are to be integrated into the overall structure and/or disguised from public view.

5.1.2.18 The impact of new development on rear lane-ways and on adjacent development is important

Development to the rear of properties fronting The Corso will also have an impact on the character and pedestrian scale of either Market Lane or Rialto Lane. The design of such development is to be consistent with the relevant provisions of the Manly Town Centre Urban Design Guidelines.

Privacy and over-shadowing issues in relation to the 'Peninsula' development (fronting Wentworth Street) will also be a consideration in determining the scale and design of development to the rear of properties on the southern side of The Corso.

5.1.2.19 Site specific controls

The Corso as a whole comes alive through many individual considerations and actions.

Note: Schedule 6 lists specific comments on how each property in The Corso might be conserved or, where relevant, redeveloped to continue to add to the distinct and significant character of the street. Schedule 6 includes advice as to which properties may be replaced through demolition and small-scaled actions to improve the presentation of each building.

5.2 Pittwater Road Conservation Area

5.2.1 Statement of Significance

a) The Pittwater Road Conservation Area street pattern is distinctive and underpins the urban character of the area. This street pattern comprises the alignment, detailing and silhouette of the street facades and the overall scale of building in Pittwater Road is important. The streets remain unaltered in their alignment, although the names of Malvern, Pine and North Steyne are now names for what were Whistler, Middle Harbour and East Steyne respectively. In particular, the streetscape along Pittwater Road from Dennison Road to Collingwood Street is a fine example of a remaining vista of the early settlement period in the Municipality specifically its scale and architectural interest and mixed use and for its association with the tram route and the major northern transport route.

b) New development should recognise the linear nature of the buildings in Pittwater Road for their contribution to the visual character of this street. New development should not visually overwhelm the four groups of individual heritage items in that part of the street which is zoned for business purposes in the LEP.

5.2.2 Development fronting Pittwater Road

In relation to development fronting Pittwater Road, Council must be satisfied that DAs will not:

a) adversely affect the amenity of the locality;

b) result in excessive vehicular movements to and from the site or in adjacent residential streets;

c) involve signage or other non-structural change in the appearance of the exterior of the building that is inconsistent with the preservation or restoration of the heritage streetscape in the vicinity;

d) change in the appearance of the exterior of a building without being in keeping with the preservation or restoration of the heritage streetscape.

5.3 St Patrick's Estate, Manly

Note: The provisions of this plan apply to St Patrick's Estate, Manly and are to be read in conjunction with the LEP including Local Provisions at LEP clause 6.19. Where there is a conflict with the LEP, the provisions in the LEP prevail.

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)).

5.3.1 Supporting Objective and Guidelines for Zone SP1 - Special Activities

In relation to LEP Zone Objective (SP1 - Special Activities) under the Land Use Table, the following LEP Objectives are supported in this DCP as follows:

a) In relation to LEP Objective 'To conserve, enhance and restore elements of built and natural heritage items of state and local significance and permit development that is compatible with the preservation, restoration and maintenance of items of environmental heritage within the zone'; this DCP adopts a supporting Objective which also applies to development for the remaining LEP Zones within the St Patrick's Estate as follows:

Objective 1) To support the conservation, enhancement and restoration of elements of built and natural heritage significance for St Patrick's Estate and ensure development of St Patrick's Estate is compatible with the preservation, restoration and maintenance of items of heritage in the LEP.

b) In relation to LEP Objectives 'To protect vistas to and from heritage items of local and state significance and preserve and protect the setting, consistent with the pre-eminence of principal heritage buildings when viewed from within the setting and surrounding areas and vantage points'; this plan adopts supporting guidelines which apply to development generally within the St Patrick's Estate as follows:
   i) In relation to the protection of vistas to and from heritage items 'consistent with the pre-eminence of principal heritage buildings' referred to in the LEP, the vistas to be protected are those that are both to and from Moran House, Cerretti Chapel, St Therese's Convent and the Archbishop's Residence.
   ii) In relation to the protection of setting consistent with the pre-eminence of principal heritage buildings in the LEP, the setting includes the grounds of St Patrick's Estate.

5.3.2 Scale and Built Form of Development in relation to Principal Heritage Buildings

In relation to LEP Objective under clause 6.19(1)(b), this plan provides further guidance to ensure that development does not detract from the heritage significance of Moran House, Cerretti Chapel, St Therese's Convent and the Archbishop's Residence. In this regard Council considers that in addition to the numeric development standards contained in the LEP, the heritage significance of these principal heritage buildings is also generally assisted with any future development (including any new building, and any addition or alteration to an existing structure) when development is of a smaller scale than these principle heritage buildings as follows.

a) New buildings and extensions must be subordinate in scale and built form to the closest principal heritage building. The principal heritage buildings are Moran House (formerly the St Patrick's Seminary building), the Cardinal Cerretti Memorial Chapel, the Cardinal Freeman Pastoral Centre, St Therese's Convent (excluding the addition of the 1960s) and the Archbishop's Residence.

5.3.3 Indigenous Wildlife Habitat within the Estate

St Patrick's Estate is contained on the LEP Terrestrial Biodiversity Map and subject to the considerations of LEP clause 6.5. In this regard the conservation and enhancement of the indigenous wildlife habitat within the Estate is a significant consideration and the following objectives also apply.

Objective 1) To conserve and enhance the indigenous wildlife habitat within St Patrick's Estate.

Objective 2) To preserve and protect the landscape as habitat for the long nosed bandicoot.

a) Any new fencing of or within St Patrick's Estate, including the fencing of private landholdings within the Estate is to allow movement of the bandicoot population within the Estate, and between the Estate and the adjoining land (that is to say, the fencing is to provide for free circulation and not impede access for the Bandicoots). The access spaces in fencing are to be at least 300mm wide and 150mm high at intervals of 3m. This provision does not include swimming pool fencing which should exclude Long-nosed Bandicoots.

b) Consideration must also be given to indigenous wildlife habitat for the long nosed bandicoot by enabling access to undercroft areas within the development, minimising use of bright lights in open space areas (including movement sensors) and encouraging access by steps and retaining walls no greater than 200mm in height.

5.3.4 Natural Drainage System

LEP Zones R1 & E4 within the St Patrick's Estate are subject to the general considerations of LEP clause 6.4 Stormwater Management. In regards to stormwater management, the conservation of the natural landscape, as well as the natural drainage system is a significant consideration for all land within St Patrick's Estate under this DCP in the following objective.

Objective 1) To conserve the landscape, as well as the natural drainage systems within St Patrick's Estate.

5.3.5 Heritage Landscape

Relevant DCP objectives in this plan in relation to these paragraphs include:

Objective 1) To enhance and restore significant elements of heritage landscape.

a) Before granting consent for any development, the consent authority is to be satisfied that the proposed development will not adversely affect conservation of the stone walls, retaining walls, steps, stone seats and other remnant garden elements relating to the historic use of St Patrick's Estate.

b) Development is to protect the natural features of St Patrick's Estate, including rock shelves, flora and fauna, the natural topography and the drainage system.

c) Residential forms should follow the natural topography of the land.

d) In order to minimise the footprint of new development, drainage works and facilities must be incorporated, where possible, within or under the alignment of roads and other vehicular access ways.

5.3.6 Building Materials

LEP clause 6.13 Design Excellence applies to development within St Patrick's Estate which at LEP subclause (4)(i) states that Council must give consideration to 'whether the development uses high standards of architectural design, materials and detailing appropriate to the building type and location'. Accordingly this DCP supports the LEP with guidelines in relation to appropriate building materials as follows.

a) New buildings, and extensions or additions to the principal heritage buildings, are to be constructed of the same kinds of materials as were used in the original construction of the principal heritage buildings or of materials that are sympathetic to those original materials (These materials include sandstone, iron, slate, timber, brick and cement render finishes).

5.3.7 Historic Central Axial Pathway and Steps

LEP Clauses 6.19(3)(d),(e),(f),(h) and (i) require Council to be satisfied that development 'will not involve the erection of a building within 5 metres of the centre of the pathway that extends from the Archbishop's Residence to Spring Cove'. The general location of the historic central axial pathway is illustrated in Figure 52. This DCP supports the development standard detailing more specific objective and control underlying this standard as follows:

Objective 1) To ensure development will not prevent or impede the restoration or reinstatement of the historic central axial pathway and steps from the Archbishop's Residence to Spring Cove and including access to Spring Cove.

a) The restoration or reinstatement of the historic central axial pathway and steps from the Archbishop's Residence to Spring Cove and including access to Spring Cove should be provided with any DA for development in the vicinity of the pathway and steps. Where the restoration or reinstatement of the historic central axial pathway is not proposed in conjunction with development, the DA must demonstrate to the satisfaction of Council that the development supports the restoration or reinstatement works in the future or

that such works are complete and appropriately managed. This requirement is consistent with the LEP development standard requiring setback of development within the LEP 'view cone'.

5.3.8 Details of "View Cone" and Centreline of Axial Pathway on the LEP Key Sites Map

LEP Clauses 6.19(3)(1)(d),(e),(f),(h) and (i) require Council to be satisfied that development retains the view to and from the Archbishop's Residence and Spring Cove if the development is on land identified as "View Cone" on the Key Sites Map. Development standards in the LEP also require setback to the centre of the historic axial pathway that extends from the Archbishop's Residence to Spring Cove. This DCP provides details of the LEP 'view cone' and Centreline of Axial Pathway referred to in the LEP in which views are to be retained in accordance with the LEP.

Council will consider a heritage impact statement relating to the impact of the proposed development on the Archbishop's Residence and a visual impact statement and is to be satisfied that:

a) the development will be subordinate and sympathetic to the Archbishop's Residence;

b) the development will not intrude upon views to the Harbour within the 60 degree view cone from the steps of the Archbishop's Residence shown on Figure 52 - Details of the LEP View Cone and centreline of the Axial Pathway;

c) views back to the Archbishop's Residence will be protected within that 60 degree view cone for the initial 60 metres from its apex; and

d) no building resulting from carrying out the proposed development will protrude above the plane formed by producing straight lines extending from the midpoint of the steps of the Archbishop's Residence to the top of the terrace, as shown on Figure 52 so that views may be retained and objectives satisfied under the LEP.

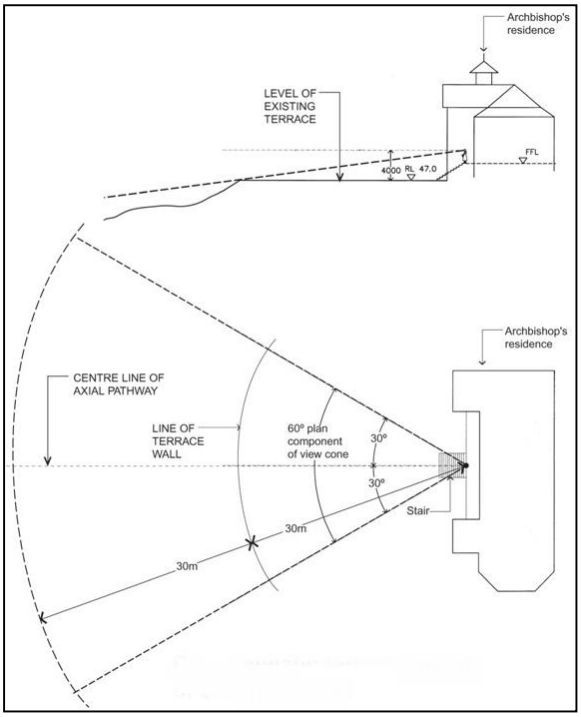


Figure 52 - Details of the LEP View Cone and Centreline of Axial Pathway

5.3.9 Special Provision for Precincts 12 and 13 (identified on the LEP Key Sites Map)

a) In considering any development in Precincts 12 and 13 as identified on the LEP Key Sites Map, Council must receive with the DA and take into consideration a bandicoot amelioration strategy and management plan applying to the subject land.

b) LEP clause 6.19(3)(k)(ii) requires Council to be satisfied that development in Precinct 13 'will not involve the erection of a building within 10 metres of a boundary with land in Precinct 14 identified on the Key Sites Map'. In this regard the land within 10m of the precinct boundary defined in the LEP comprises an important strategic vegetation link within the St Patrick's Estate and particular consideration must be given in this

regard to the maintenance and protection of natural vegetation, bandicoot habitat and access in this LEP setback area.

5.4 Environmentally Sensitive Lands

5.4.1 Foreshore Scenic Protection Area

LEP clause 6.9 designates land in the Foreshore Scenic Protection Area as shown on the LEP Foreshore Scenic Protection Area Map to protect visual aesthetic amenity and views both to and from Sydney Harbour, the Pacific Ocean and the Manly foreshore. Development in the Foreshore Scenic Protection Area must not detrimentally effect the 'visual or aesthetic amenity of land in the foreshore scenic area nor must the development similarly effect the views of that land, including ridgelines, tree lines and other natural features viewed from the Harbour or Ocean from any road, park or land in the LEP for any open space purpose or any other public place. Any adverse impacts considered in this paragraph will be mitigated. In accordance with these LEP objectives Council seeks to conserve and preserve tree canopies and street trees, wildlife corridors and habitat and minimise cumulative impacts on escarpment, rock shelves and other natural landscape features.

5.4.1.1 Additional matters for consideration

LEP clause 6.9(3)(a) to (d) lists certain matters to be taken into account in relation to all development within the Foreshore Scenic Protection Area.

a) Further to matters prescribed in the LEP, the development in the Foreshore Scenic Protection Area must also:

   i) minimise the contrast between the built environment and the natural environment;

   ii) maintain the visual dominance of the natural environment;

   iii) maximise the retention of existing vegetation including tree canopies, street trees, wildlife corridors and habitat;

   iv) not cause any change, visually, structurally or otherwise, to the existing natural rocky harbour foreshore areas;

   v) locate rooflines below the tree canopy;

   vi) consider any effect of the proposal when viewed from the harbour / ocean to ridgelines, tree lines and other natural features; and

   vii) use building materials of a non-reflective quality and be of colours and textures that blend with the prevailing natural environment in the locality.

b) Setbacks in the Foreshore Scenic Protection Area should be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshores in Manly.

See also *paragraph 4.1.4.5* of this DCP and LEP clause 6.10 in relation to Foreshore Building Lines and limited development in the Foreshore Area

5.4.2 Threatened Species and Critical Habitat Lands

Any development of land with known habitat for threatened species must consider the likely impacts of the development and whether further assessment needs to be undertaken by a Species Impact Statement.

See also *paragraph 2.1.15* for DA lodgement requirements.

a) Any DA on land identified in Schedule 1 - Map D, being land generally to the south-east of Ashburner Street, Manly and including North Head must be accompanied by an Assessment of Significance Report ('7 Part Test') under Section 5A Environmental Planning and Assessment Act 1979. Critical habitat for the little penguin (eudyptula minor) and habitat for the long nosed bandicoot (threatened species) is prescribed in the Threatened Species and Conservation Act 1995.

Notes: The Minister for the Environment and the Minister for Primary Industries, with the concurrence of the Minister for Planning, have prepared assessment guidelines to assist in the interpretation and application of the factors of assessment. The guidelines clarify the specific terminology of the relevant legislation and provide clear interpretations of the factors of assessment.

5.4.3 Flood Control Lots

Note: LEP clause 6.3 states that any development of land at or below the flood planning level must not be granted development consent unless Council is satisfied on certain matters identified at LEP clauses 6.3(3)(a) to 6.3(3)(e).

This paragraph supports the purposes of the LEP by referring to flood controls for certain land in Council's "Interim Policy – Flood Prone Lands 2013: Administration Guidelines for Development and Use of Land within the Flood Planning Level Area" known as the 'Interim Policy' as amended by Council on 2 September 2013 in accordance with the Manly Lagoon Flood Study 2013. This Interim Policy provides guidelines for development on the basis of reducing the risks and costs of flooding in relation to the flood planning level for the Manly Lagoon catchment.

See also Manly Lagoon Flood Study 2013 which identifies the flood planning level.
See also LEP clause 6.3(4)-(5) in relation to the meaning of flood planning level.
See also NSW Government 'Floodplain Development Manual' 2005.

a) Applicants must refer to Council's Interim Policy and the Manly Lagoon Flood Study 2013 when preparing a DA in flood affected lands within the Manly Lagoon catchment. Applicants and Designers are to refer to the Manly Lagoon Flood Study 2013 to determine the Flood Planning Level and adhere to the guidelines in the Interim Policy for certain development types.

Note: The flood planning level is calculated by adding a 0.5m freeboard to the 1 percent flood level.

Figure 53 - deleted

5.4.4 Riparian Land and Watercourses

This paragraph supports LEP clause 6.6 detailing more specific objective and control underlying this standard as follows:

Objective 1) To maintain, protect and improve the waterways and riparian land in Manly.

5.4.4.1 Protection and /or Rehabilitation of Riparian Land and Watercourses

Development to which this paragraph applies is to protect and /or rehabilitate fully vegetated local riparian vegetation (comprising local native trees, shrubs and groundcover species) and watercourses.

5.4.4.2 Perimeter Treatment of Riparian Land

Roads, cycle ways and pedestrian paths are to be generally located on the perimeter, adjacent to the riparian land to improve public surveillance and safety of these areas, prevent rubbish dumping and degradation of the riparian land. Appropriate fencing and bollards on the outer edge of the riparian land may also discourage informal access and the mowing/slashing of riparian vegetation.

5.4.4.3 Inappropriate development on Riparian Land

New development including water treatment measures, detention basins, recreational facilities, Asset Protection Zones etc should be generally located outside the riparian land.

5.5 Road Widening and Realignment

Development must not encroach upon land required for local road widening or realignment. Council's local road widening or realignment schemes are generally indicated at *Schedule 1 - Map E* of this plan and more specific details may be obtained from Council's Civic and Urban Services Division to verify requirements for any road realignment and/or a corner splay to facilitate improved traffic conditions.

Note: Requirements for local road widening or realignment may arise in relation to significant redevelopment of properties effected by an adopted local road widening or realignment scheme. Further clarification of any pending dedication of land adopted by Council may be obtained from Council's Civic and Urban Services Division.

See Council's Corner Splay Policy (Council Policy Reference C150) providing for the acquisition of corner splays at intersections in the public interest and in the circumstance of the particular case'.

See also paragraphs 4.1.4.2.f and 4.2.3.d of this plan in relation to requirements for splayed setbacks at the street corner of corner lots for residential development and in the business centres respectively.

5.6 Rignold Street, Gurney Crescent and Clavering Road, Seaforth

5.6.1 Rignold Street, Seaforth

The following special provisions apply to Lots 101, 102 and 103 DP1047595 and Lot 104 and 105 DP1048038 Rignold Street, Seaforth and supplement the provisions of this plan.

Relevant DCP objectives in this plan in relation to these paragraphs include:

Objective 1) To preserve the natural bushland on Lots 102 and 103 DP1047595 and Lot 104 DP1048038, Rignold Street, Seaforth, particularly the lower escarpment of the sites, so as to ensure that development does not unduly detract from the view of the sites from Middle Harbour.

5.6.1.1 Stormwater Disposal

Stormwater run-off from any building to be erected on the site is to be disposed of or dispersed by the provision of a system of on-site detention or dissipation that controls potential run-off and prevents erosion. Construction of a pipeline from an individual dwelling to the harbour foreshore will not be permitted.

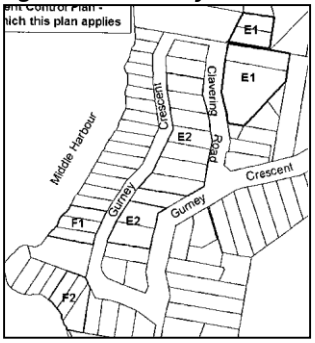
5.6.1.2 Access and Internal Roads

The access road/s and roads within the site must be designed so as to minimise their impact on the bushland character and natural features of the site. Consideration must be given to limiting the proportion of the site covered by roadway and non-permeable surfaces.

5.6.2 Gurney Crescent and Clavering Road, Seaforth

This section applies to the lots, or any lots created by re-subdivision of land, located in Gurney Crescent and Clavering Road, Seaforth, as shown in Figure 54

Figure 54 - Gurney Crescent and Clavering Road



Relevant DCP objectives in this plan in relation to these paragraphs include:

Objective 1) To identify areas on each site where development is preferred in order to provide both site specific and cumulative ecological, visual and water quality benefits;

Objective 2) To identify the characteristics of the subject land that require protection and to develop standards that encourage that protection;

Objective 3) To protect the amenity of the subject land and its locality for existing and future residents;

Objective 4) To encourage residential design that responds to each site and its surrounds;

Objective 5) To encourage preservation of the ecological values of each site and its surrounds;

Objective 6) To provide for and encourage ecologically sustainable building and site design;

Objective 7) To encourage maintenance of the visual character of the locality; and

Objective 8) To implement the findings of the study entitled Development Analysis of E & F Precincts in Abandoned Warringah Transport Corridor (Surplus RTA Lands) Study prepared by ERM, 2000 on behalf of the RTA ('ERM Study').

5.6.2.1 Buildable Area

Dwellings and associated structures, including swimming pools, are to be generally located within the 'buildable area' delineated on Figure 55 Gurney Cres 1 and Gurney Cres 2. Exceptions will only be considered where the development demonstrates that it meets the objectives, findings and intent of the ERM Study. Buildable Area means that part of a lot on which the development of a dwelling is permitted under this part.

5.6.2.2 Development Outside Buildable Area

Development outside the 'buildable area' delineated on Figure 55 will generally be for the purposes of landscaping and the installation of water, sewer, power or telecommunications lines in accordance with a Development Consent and approved Landscape Plan. Such development is required to observe the principles of Environmentally Sustainable Development and minimise environmental impacts. Appropriate restoration and bush regeneration is required. The development is to minimise disturbance and protect the natural habitat values.

5.6.2.3 Significant Trees and Tree Stands

Notwithstanding LEP provisions for tree permit (LEP clause 5.9) and *paragraph 2.3* of this DCP, trees identified as "major trees - retained" and tree stands identified as "tree stands to be retained" on Figure 55 must be retained and will only be removed with the approval of Council, following consideration of:

a) An ecological assessment;
b) A visual assessment;
c) An Arborist's report; and
d) Identification of mitigation measures aimed at achieving the objective and the findings and intents of the ERM Study.

5.6.2.4 Protection of Landforms

The following applies for the protection of landforms:

a) A site analysis plan must be submitted with all DAs indicating:
   i) Proposed extent and depth of cut and fill (including driveways, buildings and paved areas) and its impact on any existing trees, shrub understorey, rocky outcrops or bush rock;
   ii) Location of natural or significant features (for example watercourses, rocky outcrop, bush rock) to be protected if likely to be affected by construction.

b) Excavation must not adversely affect the stability or long term survival of any trees on adjoining properties. Excavation under the canopy of any trees to be retained including those on neighbouring properties) will only be permitted if Council is satisfied that their long term survival and stability is not likely to be jeopardised; and

c) On sloping sites pier and suspended slab construction techniques should be considered in order to reduce excavation and maximise retention of existing vegetation.

5.6.2.5 Flora and Fauna

The following applies to flora and fauna:

a) The site analysis plan must indicate surveyed trees and shrub under-storey proposed to be removed, or likely to be affected by construction. Such trees and shrubs are to be identified by common names and preferably include botanical names;

b) The design and location of buildings must minimise the extent of clearing and vegetation removal and maximise the number of trees retained on site;

c) If the subject site shares a common boundary with open space land in LEP Recreation Zones (RE1 & RE2) and Environmental Protection Zones (E1& E2), setbacks along this boundary are to be maximised. Any remnant vegetation in the setback is to be retained, protected, and enhanced where space permits using indigenous vegetation (including tree cover). On sites with no remnant vegetation the majority of this setback is to be planted using indigenous vegetation (including tree cover);

d) Any proposed tree removal or tree pruning must only be undertaken in accordance with Council's Tree Preservation Order.

e) Should the development propose the removal of trees which do not require Council consent under the Tree Preservation Order, a supporting statement must be provided in the statement of environmental effects accompanying the DA;

f) Existing vegetation to be retained, including trees, shrub understorey, and groundcover plants must be protected from the effects of cut and fill to enable maximum vegetation retention;

g) If the subject site is a known potential habitat for an endangered faunal population as identified under the Threatened Species Conservation Act 1995, an assessment of significance '7 part test' must be carried out in accordance with Part 5A of the Act. This test is to be carried out by a suitably qualified consultant and submitted with the DA;

h) Except where cliffs and significant rock outcrops identified as "rock cliffs/ significant outcrops" are contained within the "buildable area" delineated on the plans, development must be sited away from cliffs and significant rock outcrops identified as "rock cliffs/significant outcrops";

i) Where construction activity would adversely impact on bush rock, (i.e. loose sandstone boulders and rocks) that bush rock must be salvaged from the subject site prior to construction. It must be reused in landscape design in a manner that mimics its original position and context, the intent being that the rocks continue to provide valuable habitat for identified species; and

j) A Landscape Plan is to be submitted in accordance with *paragraph 2.1.3* of this plan and is to demonstrate enhancement of the native vegetation of the site in a manner complementary to the ecological values of the locality as identified in the ERM Study.

5.6.2.6 Buffer Strips

Vegetation in the water quality buffer strips, as described and located in the Development Analysis for Precincts E & F in the Abandoned Warringah Transport Corridor Study (ERM Study) is to be retained and enhanced. Exceptions will only be considered where they are approved in a Landscape Plan.

5.6.2.7 Access to Lots

Resident car parking should be provided on-site, where possible, in accordance with the provisions of this plan. Council will only consider granting a lease for the provision of garages/ car ports within the road reserve where the applicant demonstrates that consideration has been given to all possible alternatives for access to and parking provisions on the site,

Note: Restrictions to users may exist on the title of the land to which this Plan applies.

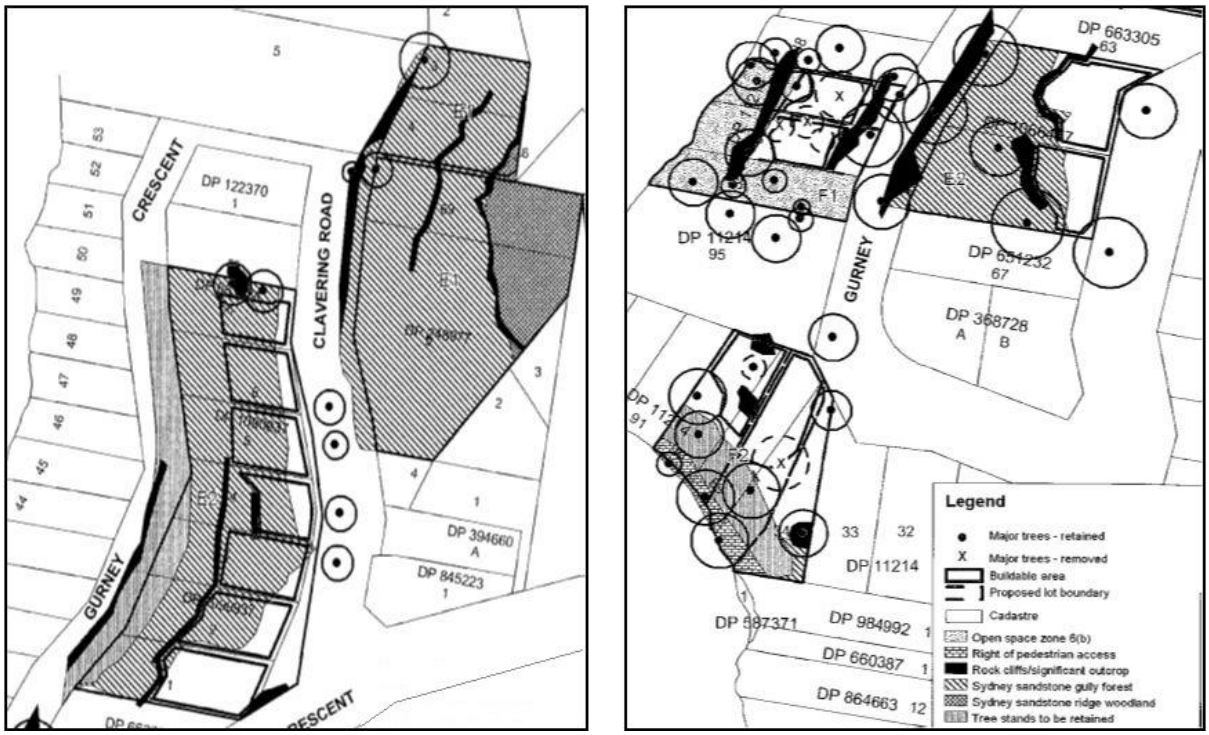


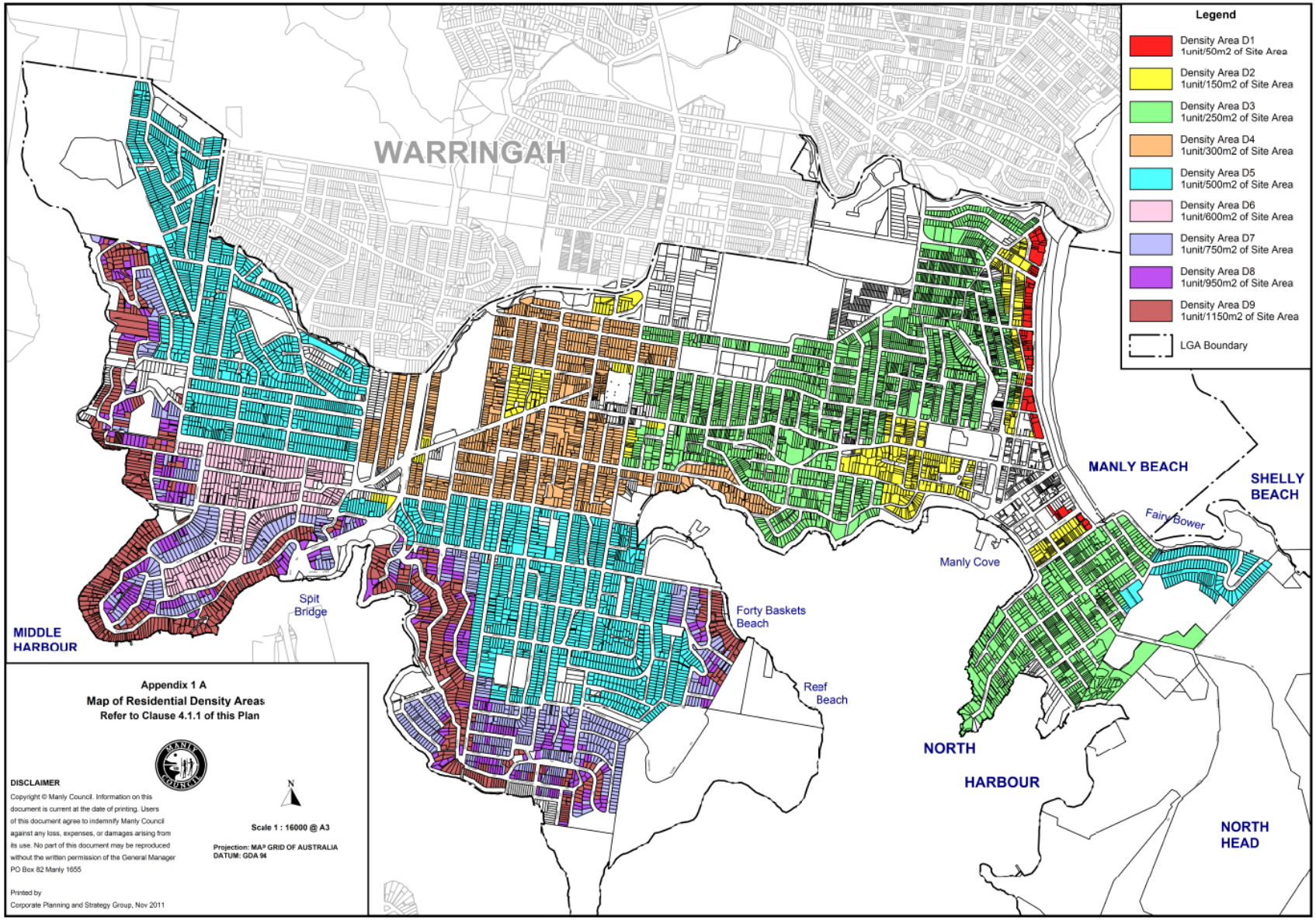
Figure 55 - Gurney Crescent 1 & 2

Schedules

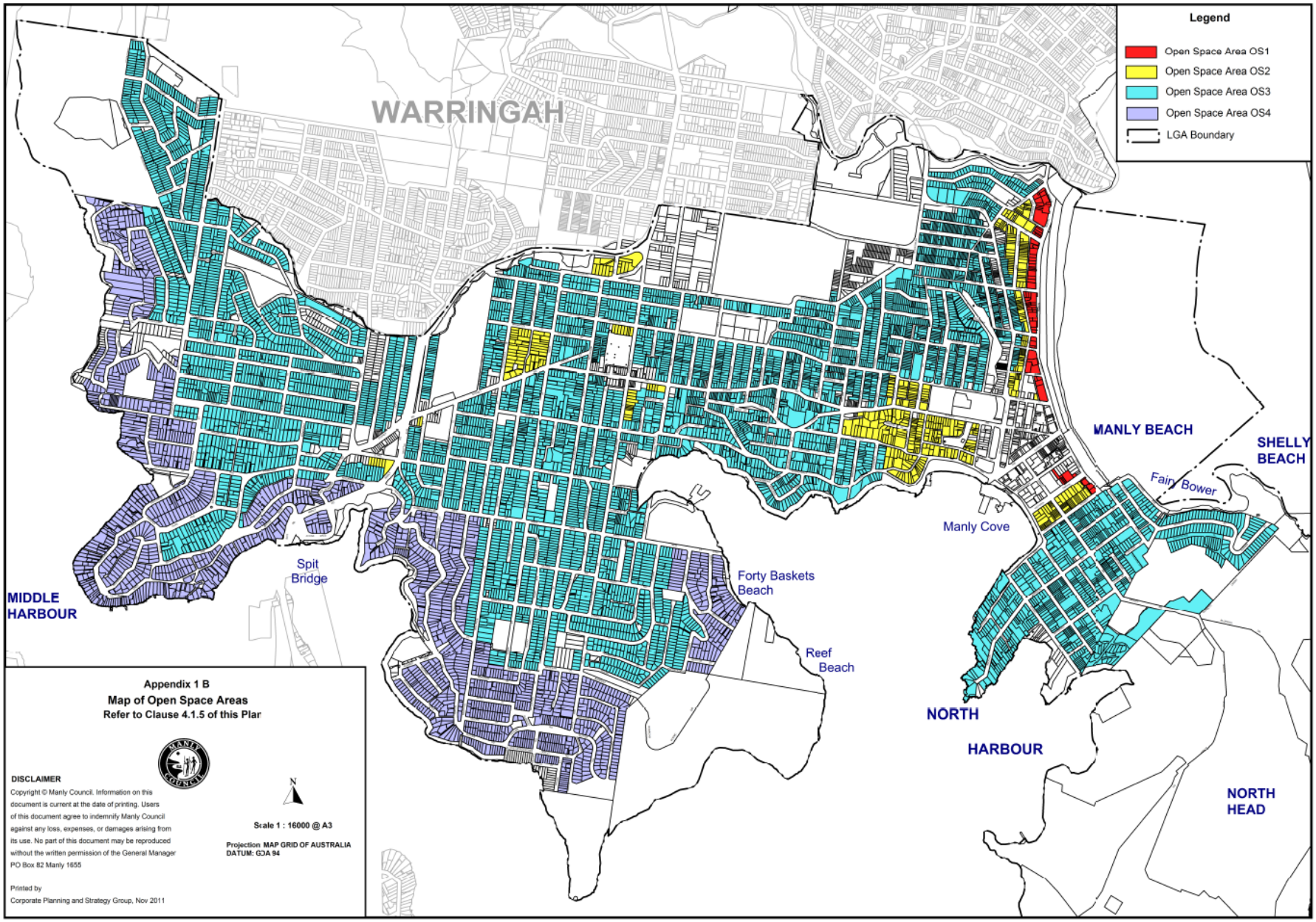
Schedule 1 – Maps accompanying the DCP

- Map A - Residential Density Areas
- Map B - Residential Open Space Areas
- Map C - Potential Geotechnical Landslip Hazard Areas
- Map D - Areas where Assessment of Significance required (for Little Penguins and/or Long Nosed Bandicoots)
- Map E – Land affected by Road Widening and Realignment Schemes

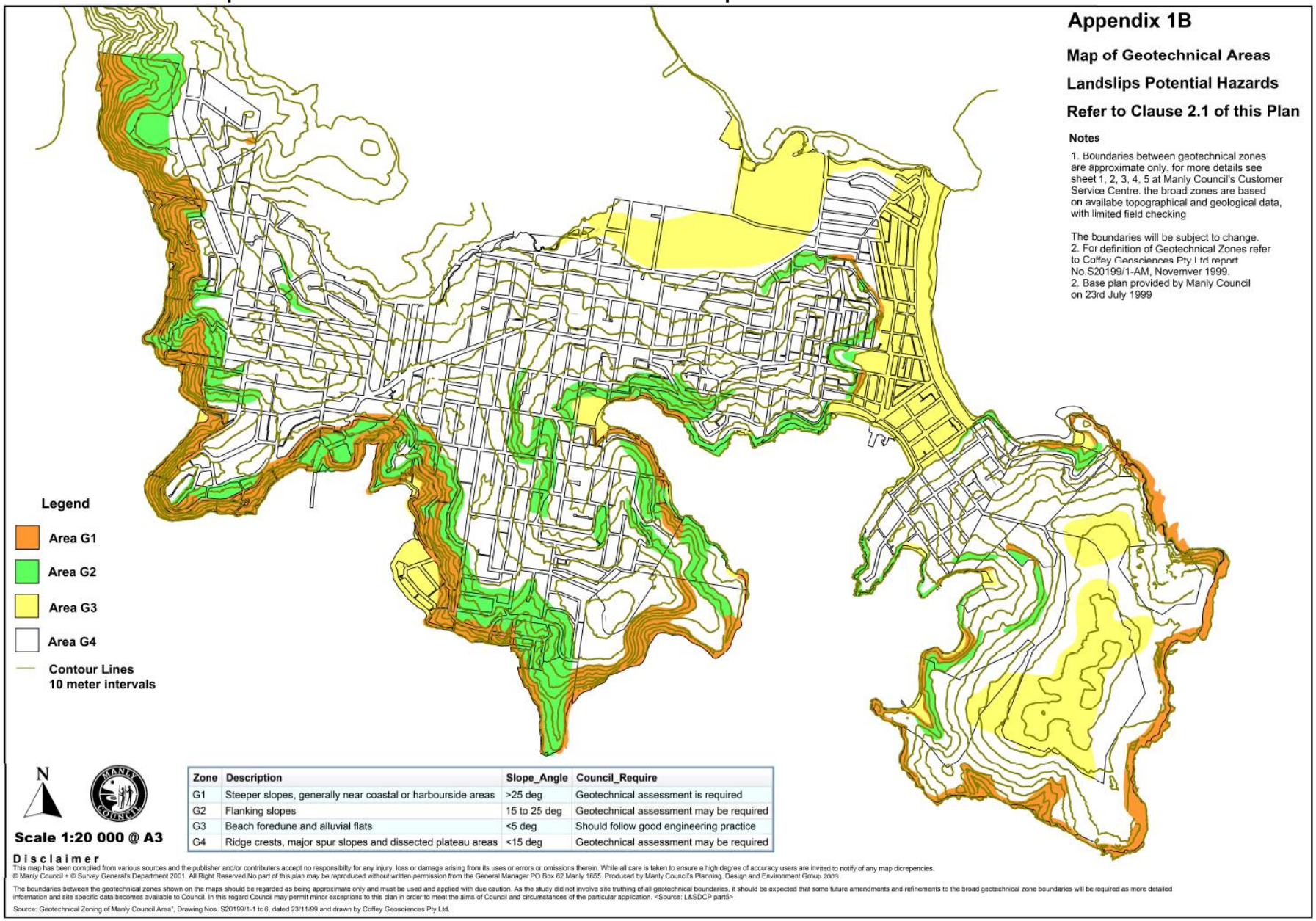
Schedule 1 - Map A - Residential Density Areas



Schedule 1 - Map B - Residential Open Space Areas



Schedule 1 - Map C - Potential Geotechnical Landslip Hazard Areas

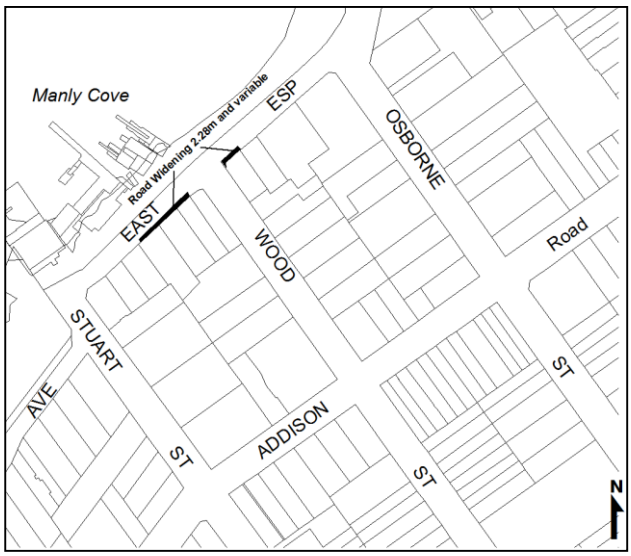


Schedule 1 - Map D - Areas where Assessment of Significance required (for Little Penguins and/or Long Nosed Bandicoots)

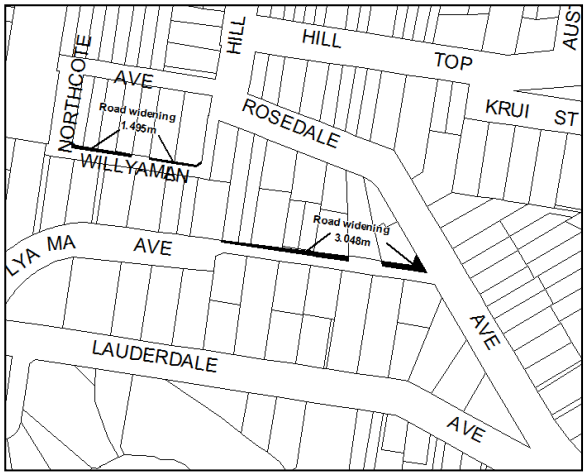
Note: Refer to *paragraph 2.1.15* of this plan for lodgement requirements

Schedule 1 - Map E - Road Widening and Realignment

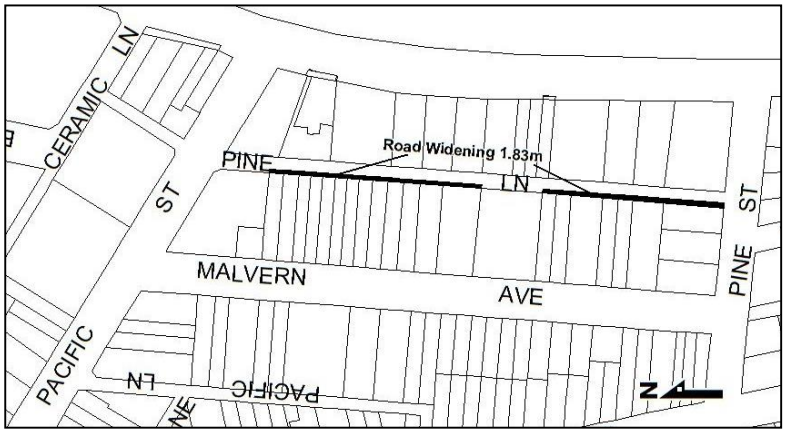
Note: The following maps identify local road and lane widening plans where by land is to be ceded when major development occurs. Refer to *paragraph 5.5* of this plan.



East Esplanade, Manly

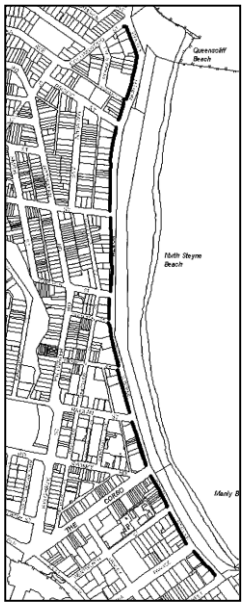


Willyama Avenue and Northcote Avenue, Fairlight

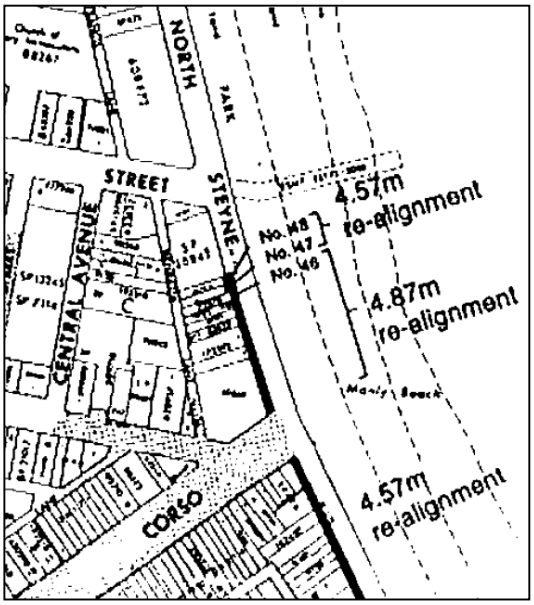


Pine Lane, Manly

The following map identifies the Council Road Realignment Schemes for North Steyne and South Steyne Manly:



North and South Esplanade, Manly



Insert (Manly Centre)

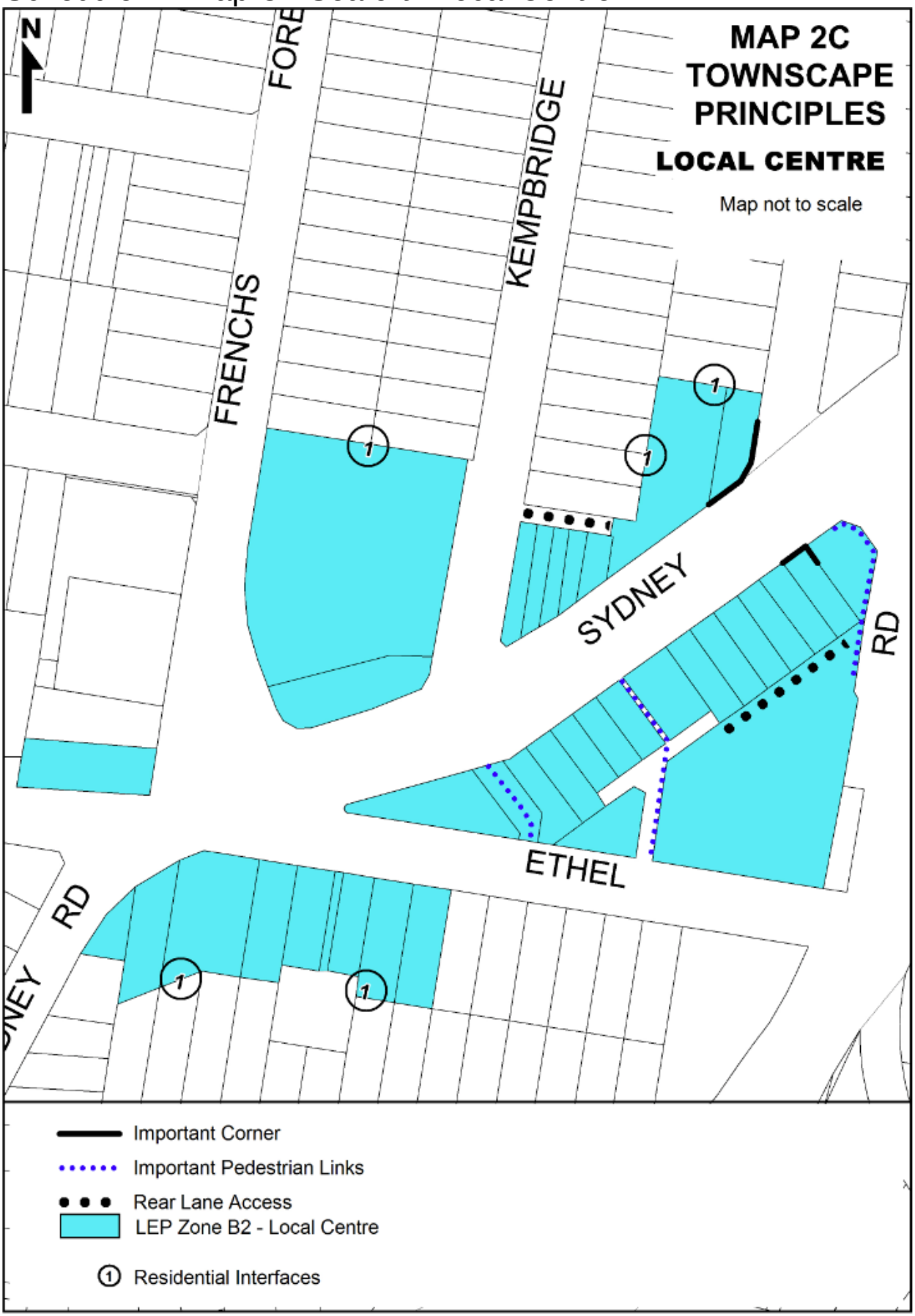
Schedule 2 - Townscape Principles

- Map A - Manly Town Centre
- Map B - Balgowlah Local Centre
- Map C - Seaforth Local Centre
- Map D - Balgowlah Neighbourhood Centres
- Map E - Balgowlah Heights Neighbourhood Centres
- Map F - Fairlight Neighbourhood Centres
- Map G - Manly Neighbourhood Centres
- Map H - Seaforth Neighbourhood Centres
- Map I - Balgowlah Enterprise Corridor Zone

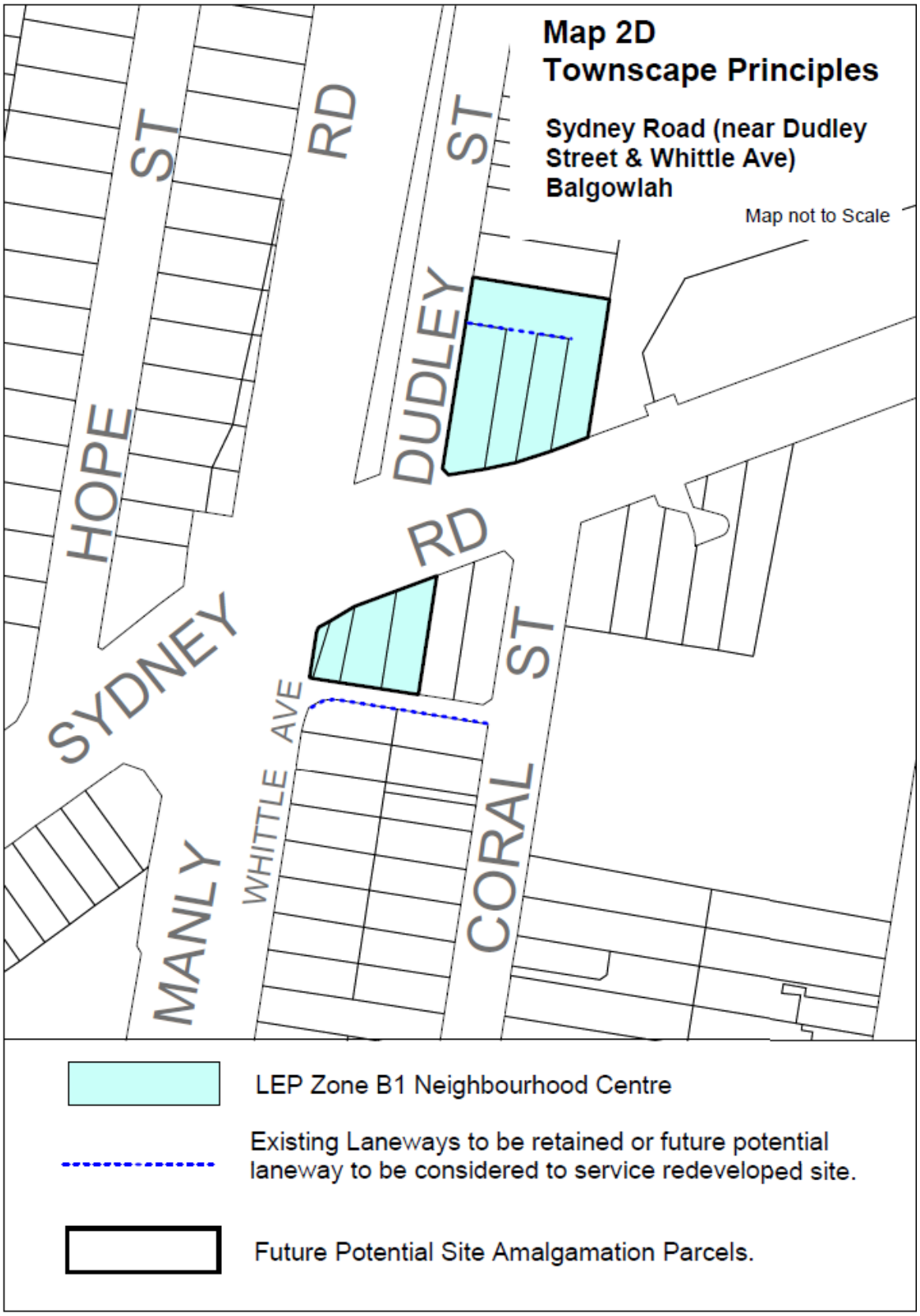
Schedule 2 - Map A - Manly Town Centre

Schedule 2 - Map B - Balgowlah Local Centre

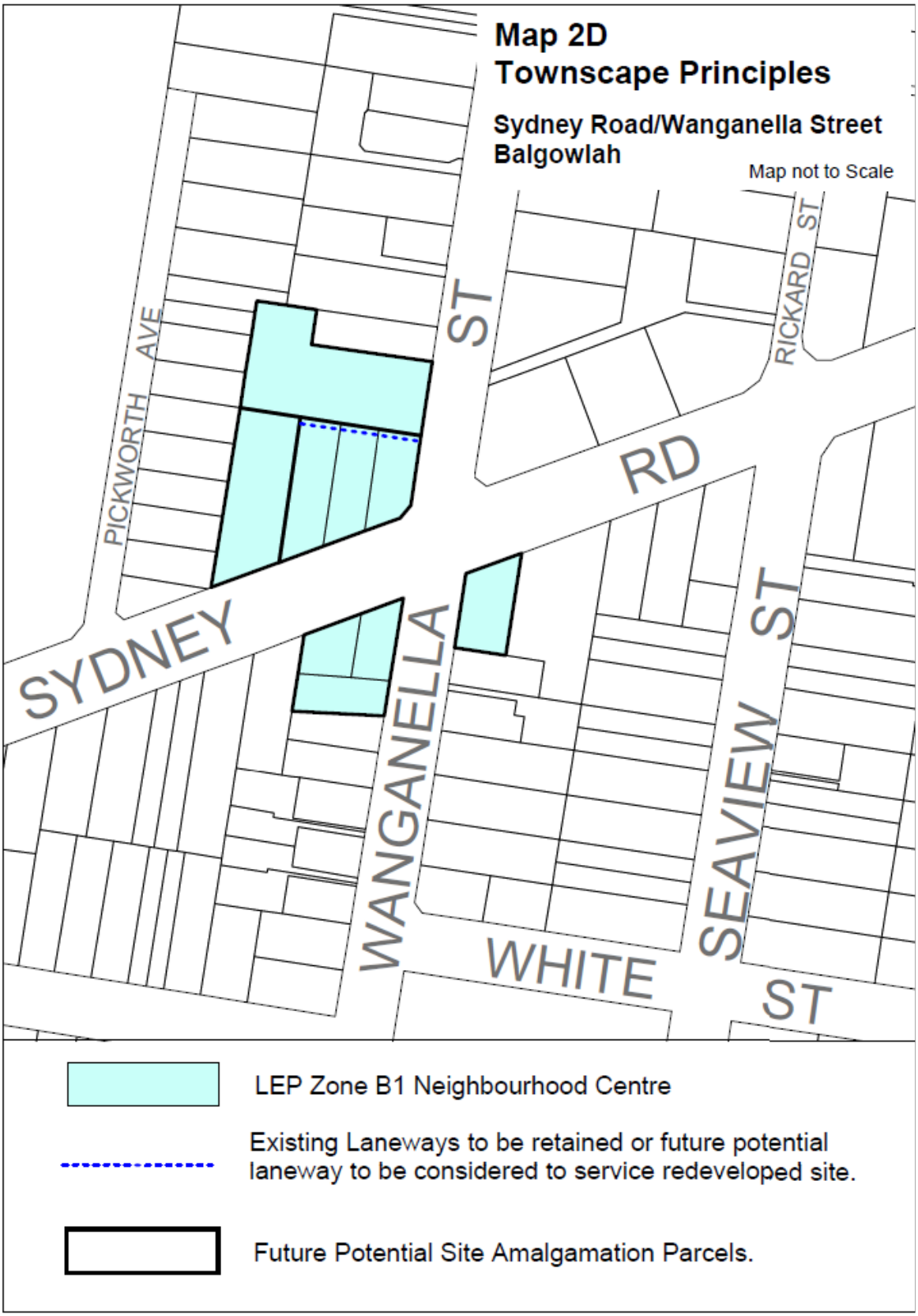
Schedule 2 - Map C - Seaforth Local Centre



Schedule 2 - Map D – Balgowlah Neighbourhood Centres - Sydney Road/ Dudley Street & Whittle Ave

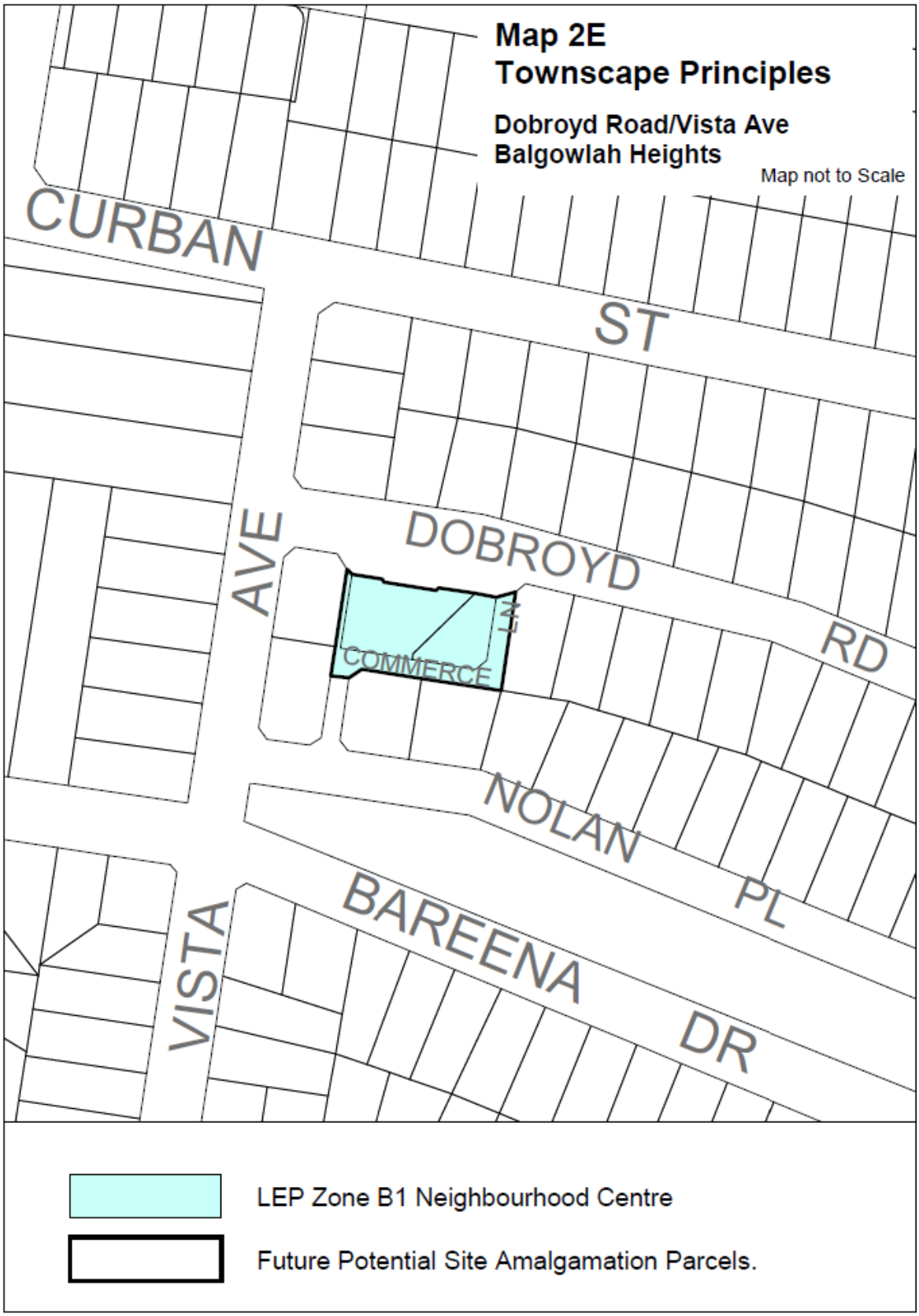


Schedule 2 - Map D – Balgowlah Neighbourhood Centres - Sydney Road/Wanganella Street

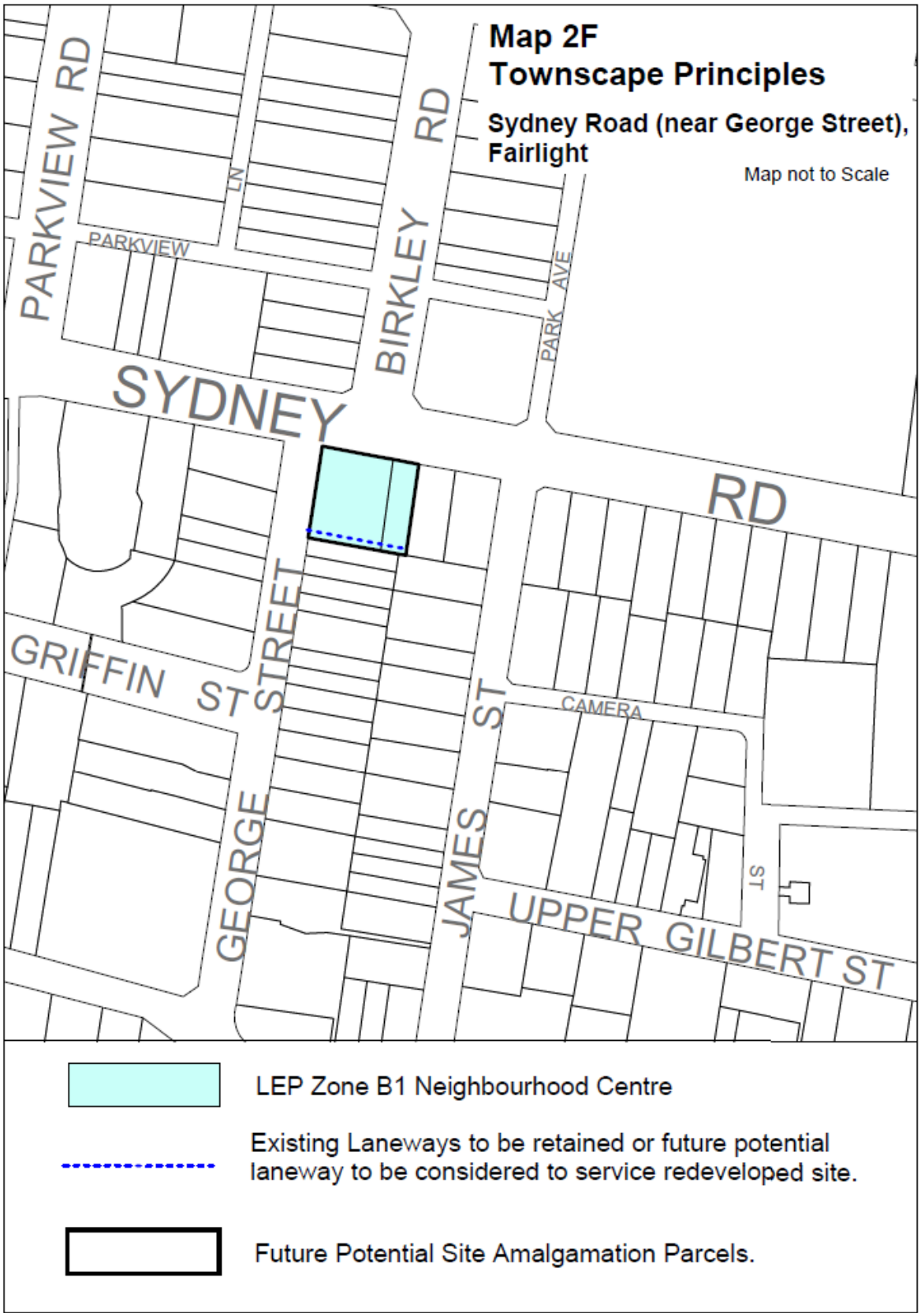


Schedule 2 - Map E – Balgowlah Heights Neighbourhood - Beatrice Street/ New Street

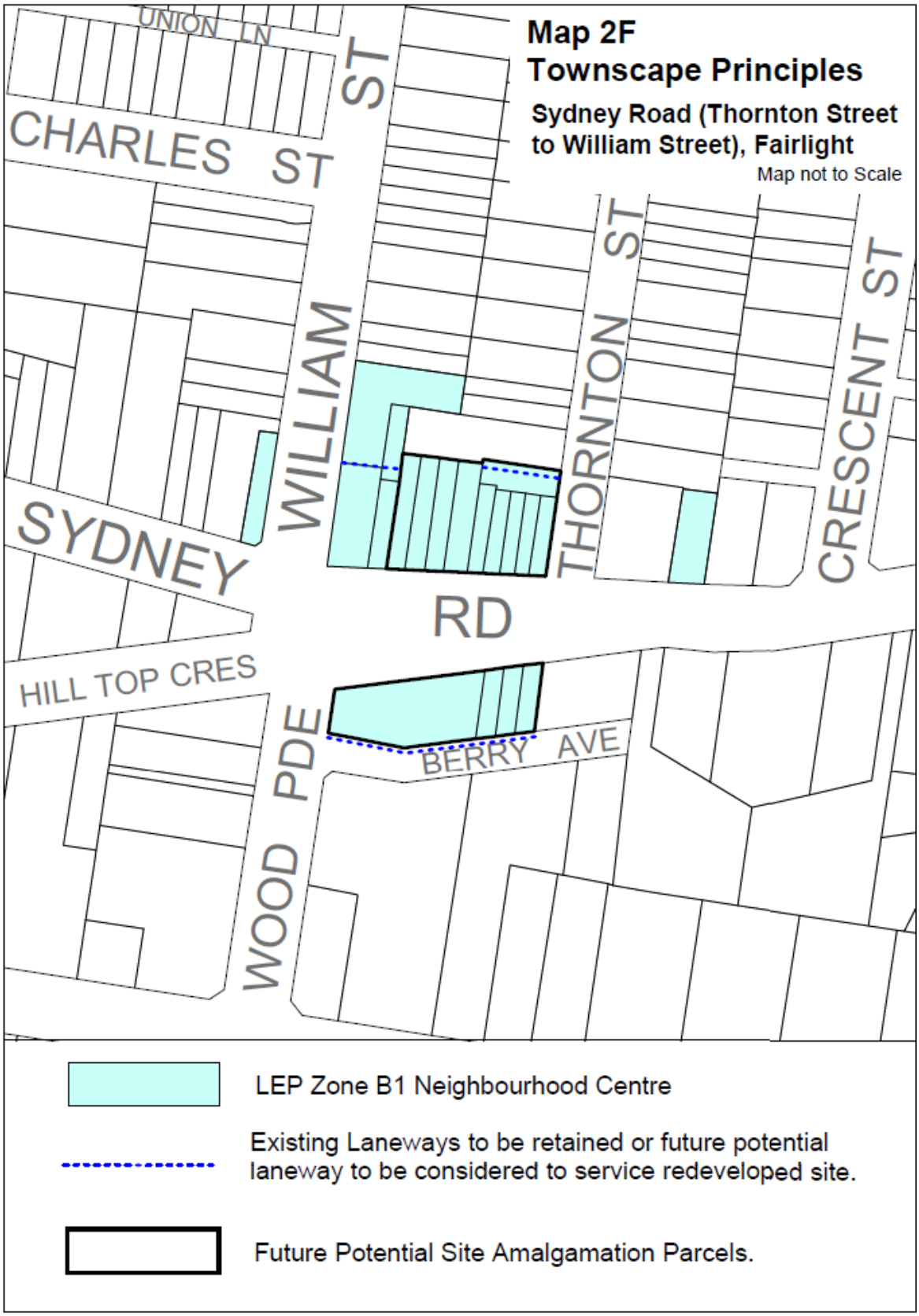
Schedule 2 - Map E – Balgowlah Heights Neighbourhood - Dobroyd Road/ Vista Avenue



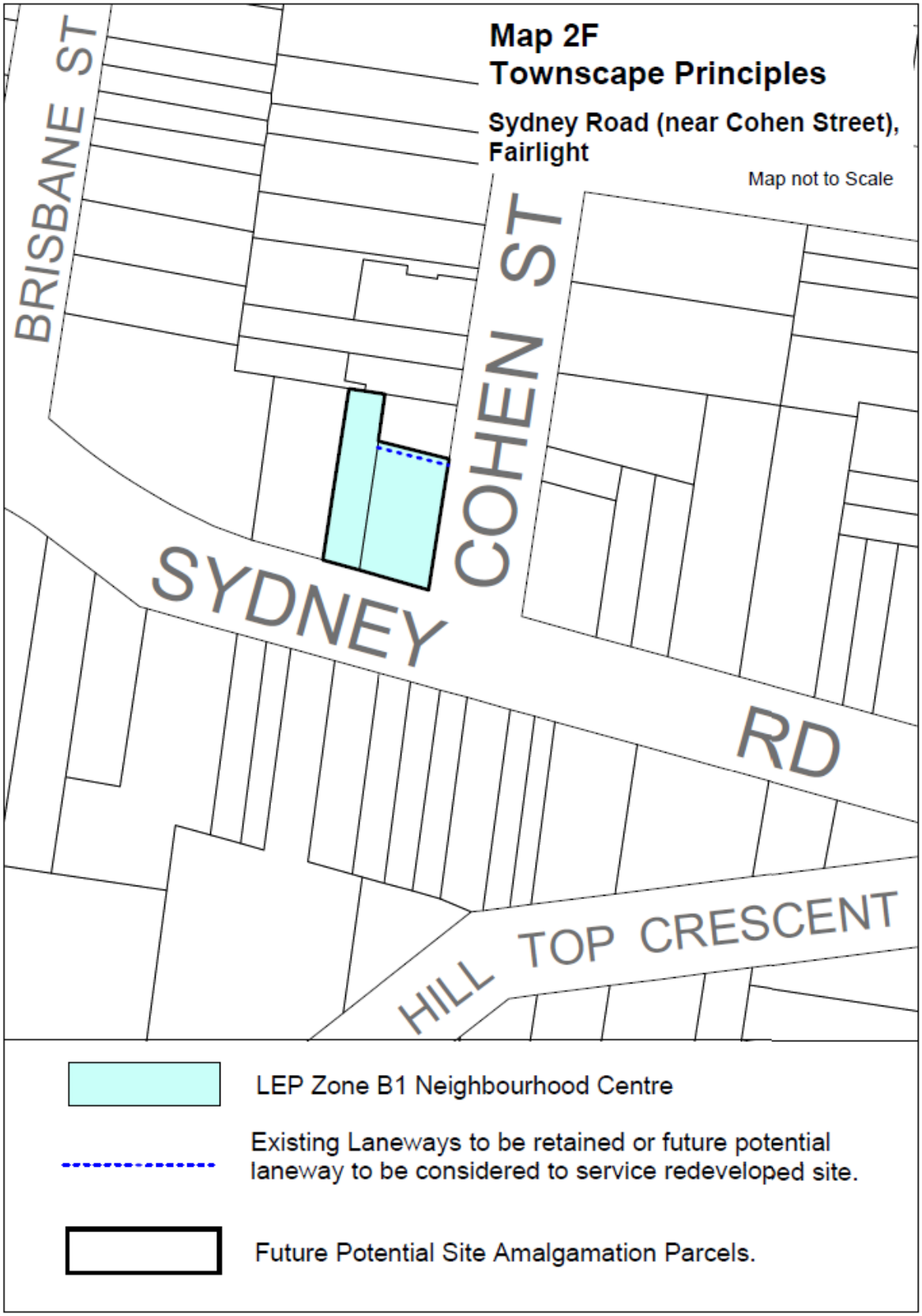
Schedule 2 - Map F – Fairlight Neighbourhood Centres - Sydney Road/George Street



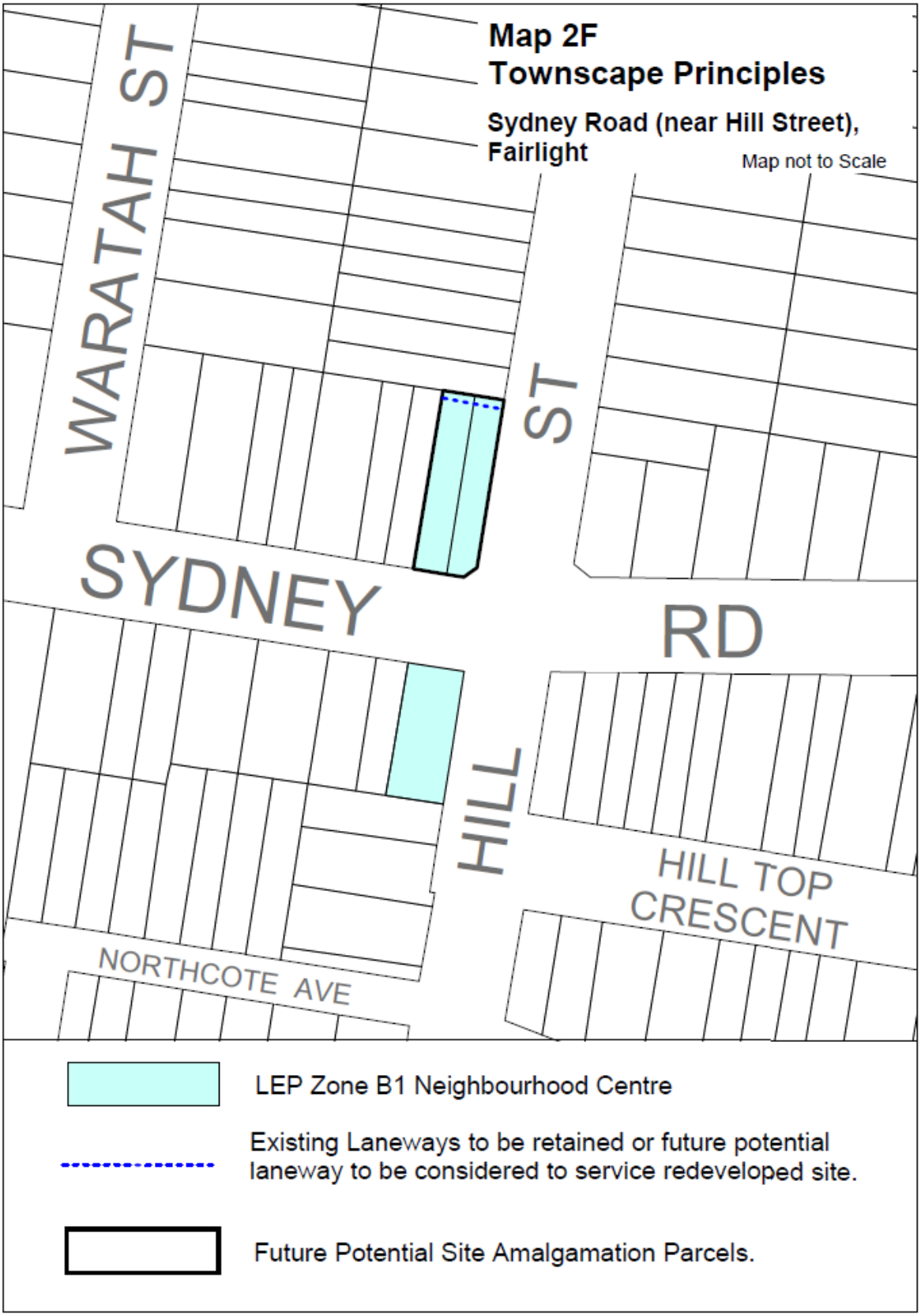
Schedule 2 - Map F – Fairlight Neighbourhood Centres - Sydney Road between Thornton and William Streets



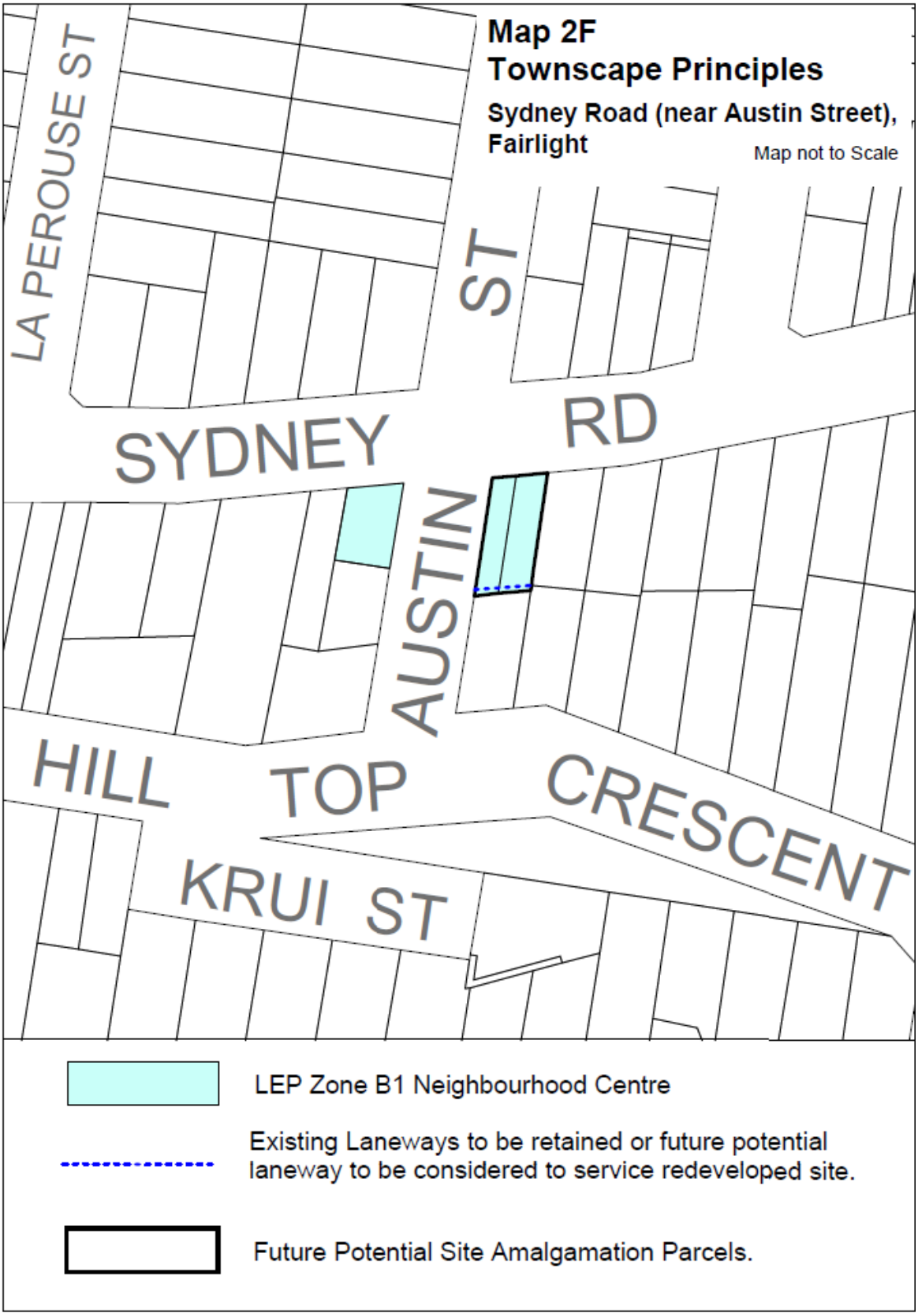
Schedule 2 - Map F – Fairlight Neighbourhood Centres - Sydney Road/ Cohen Street



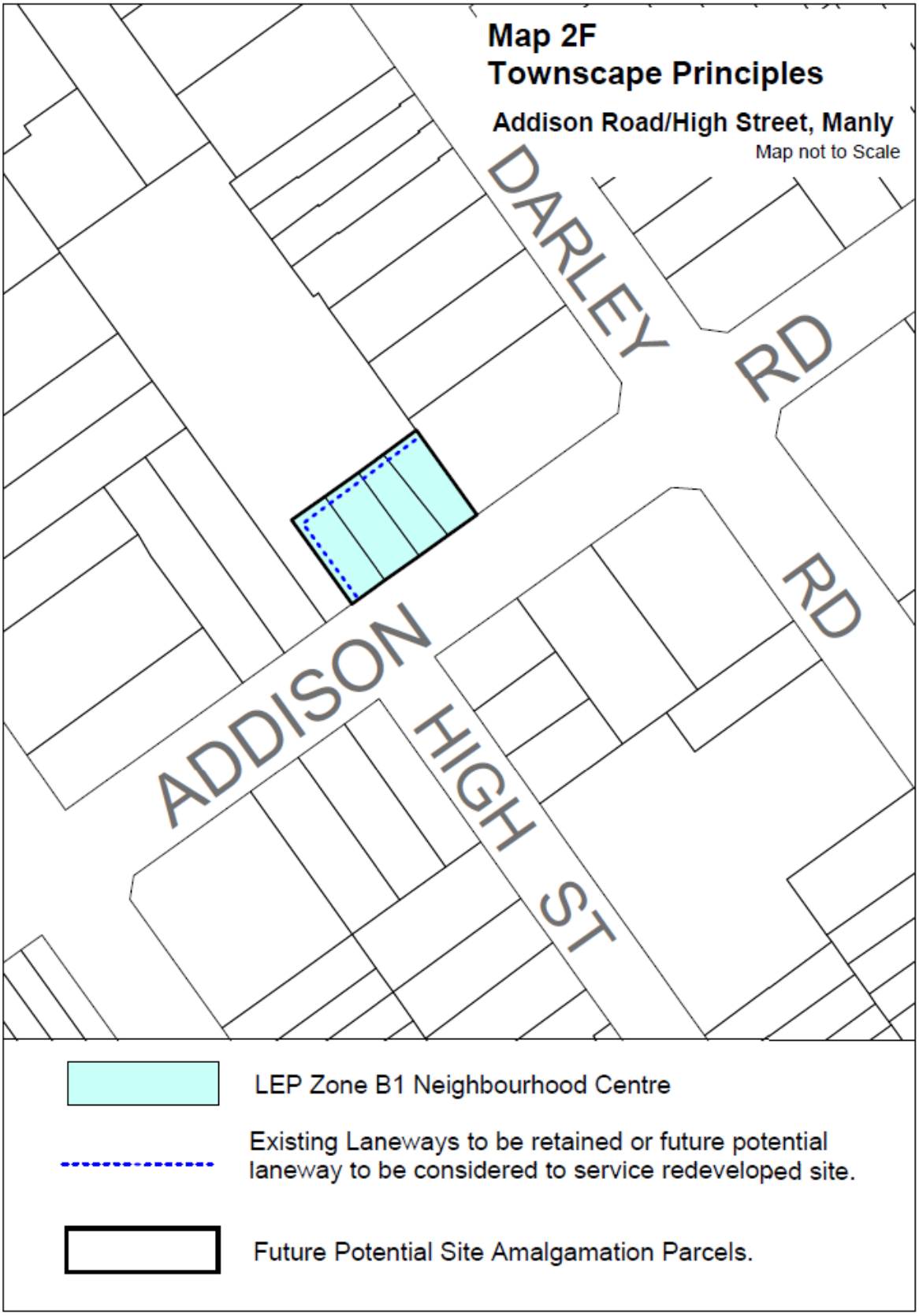
Schedule 2 - Map F – Fairlight Neighbourhood Centres - Sydney Road/ Hill Street



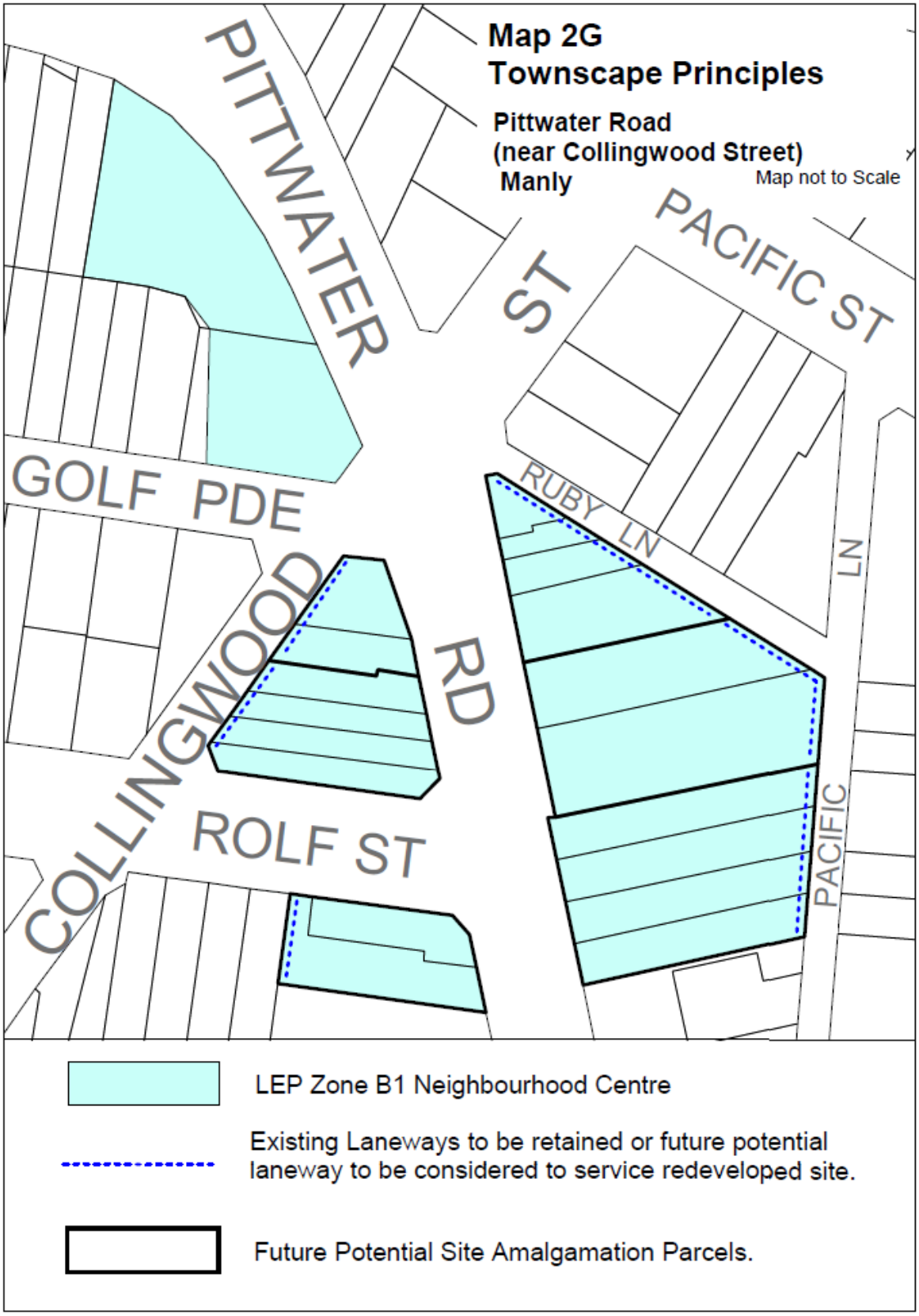
Schedule 2 - Map F – Fairlight Neighbourhood Centres - Sydney Road/ Austin Street



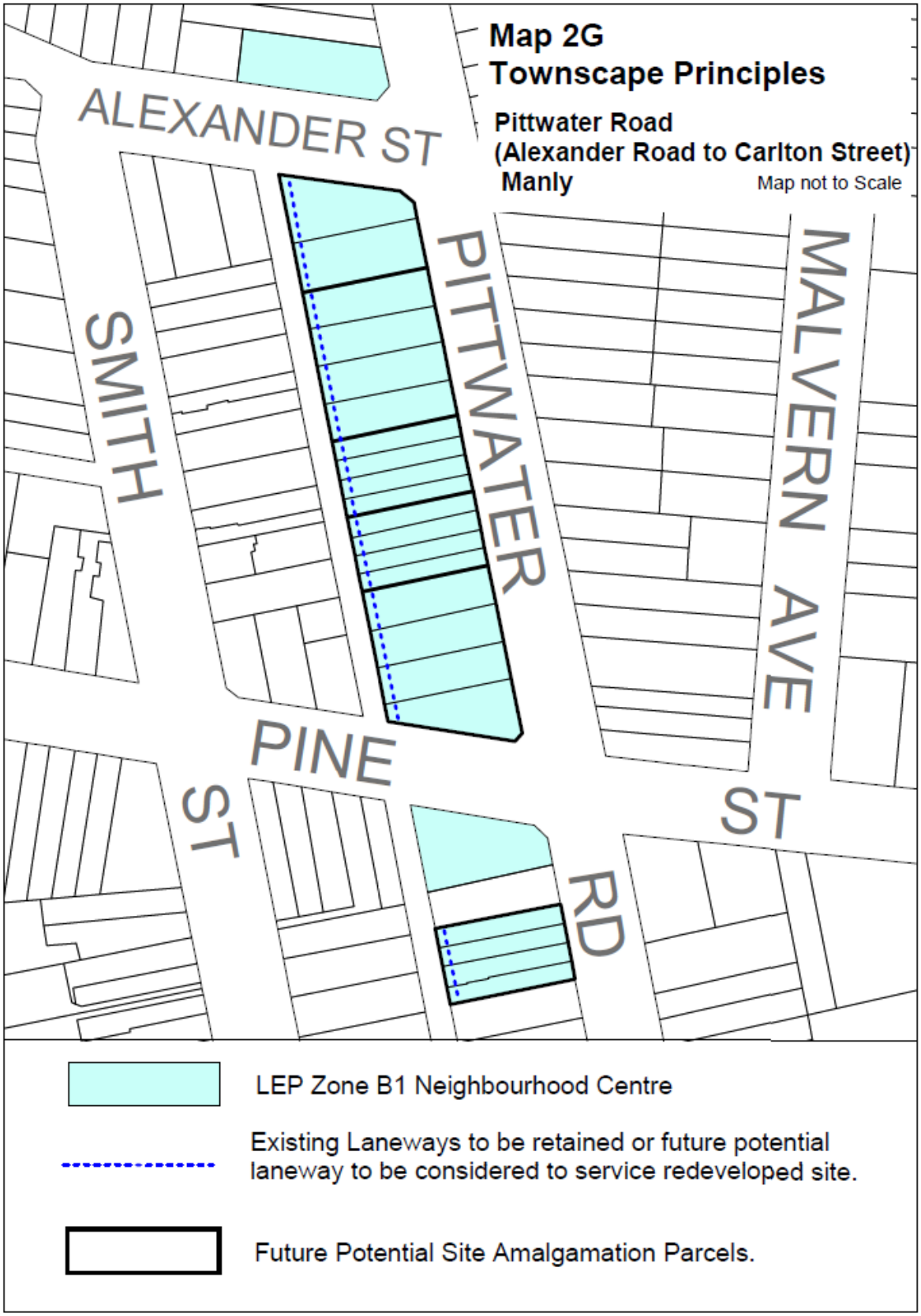
Schedule 2 - Map G – Manly Neighbourhood Centres - Addison Road/ High Street



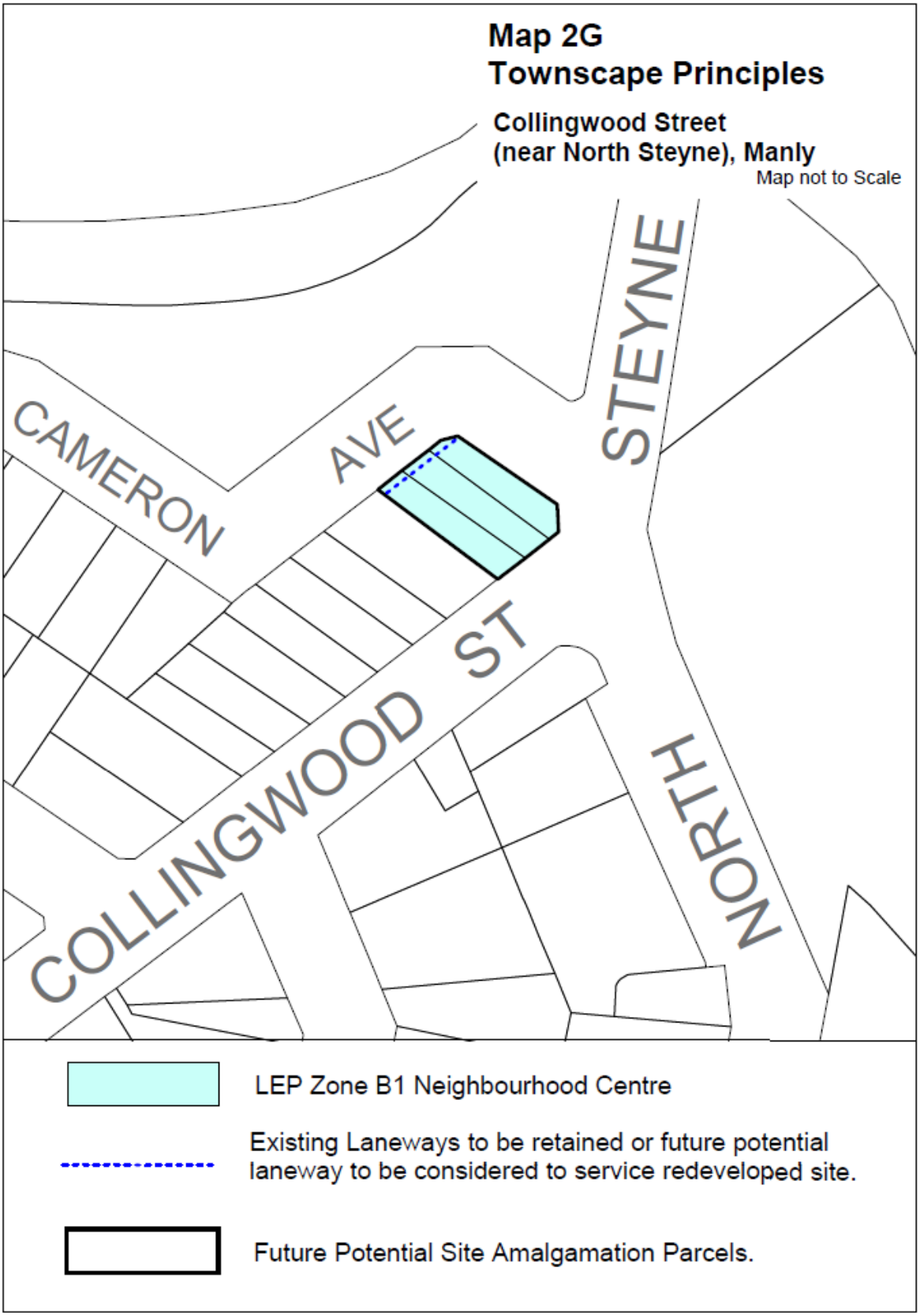
Schedule 2 - Map G – Manly Neighbourhood Centres - Pittwater Road near Collingwood Street



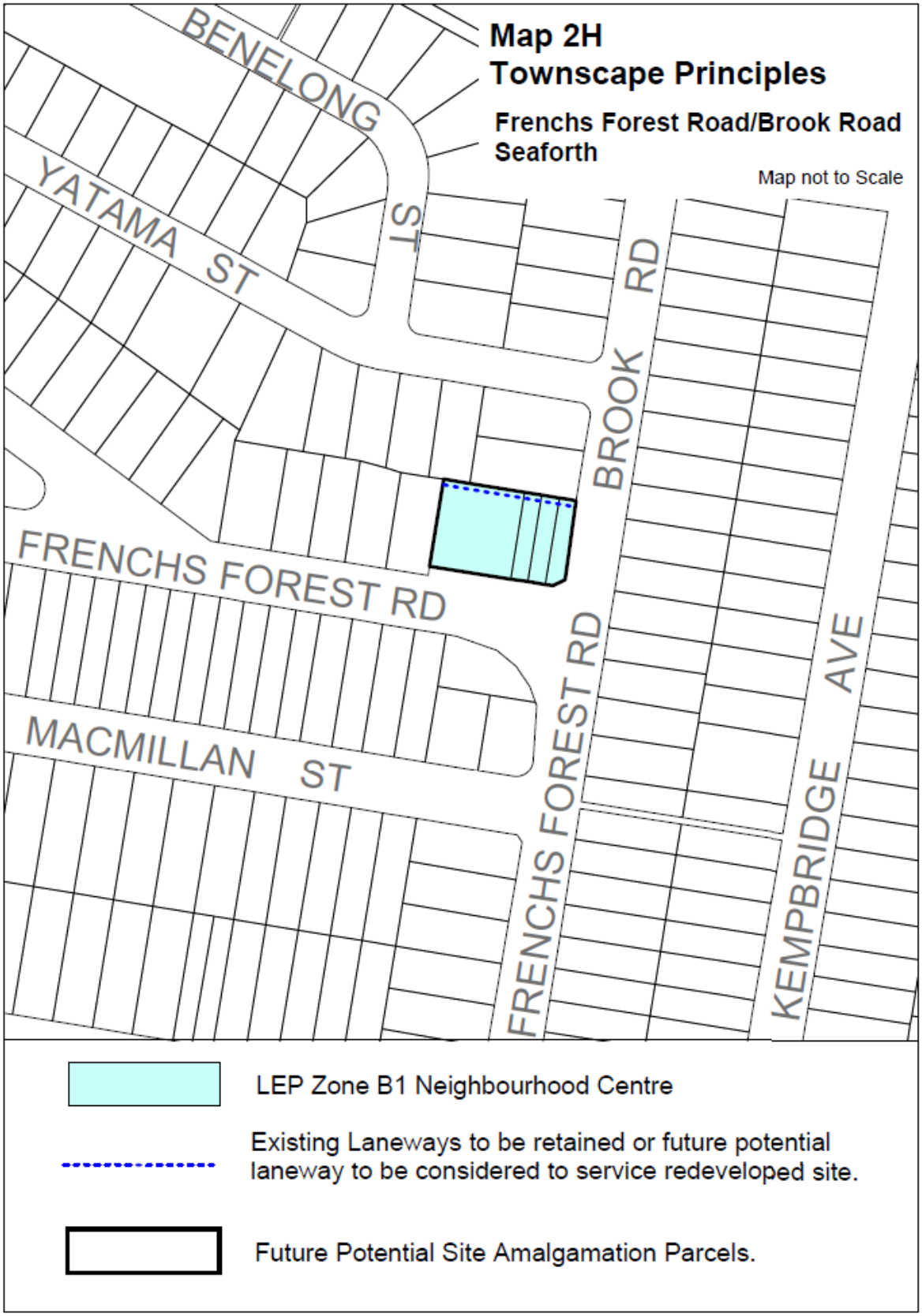
Schedule 2 - Map G – Manly Neighbourhood Centres - Pittwater Road (various from Alexander Road to Carlton Street)



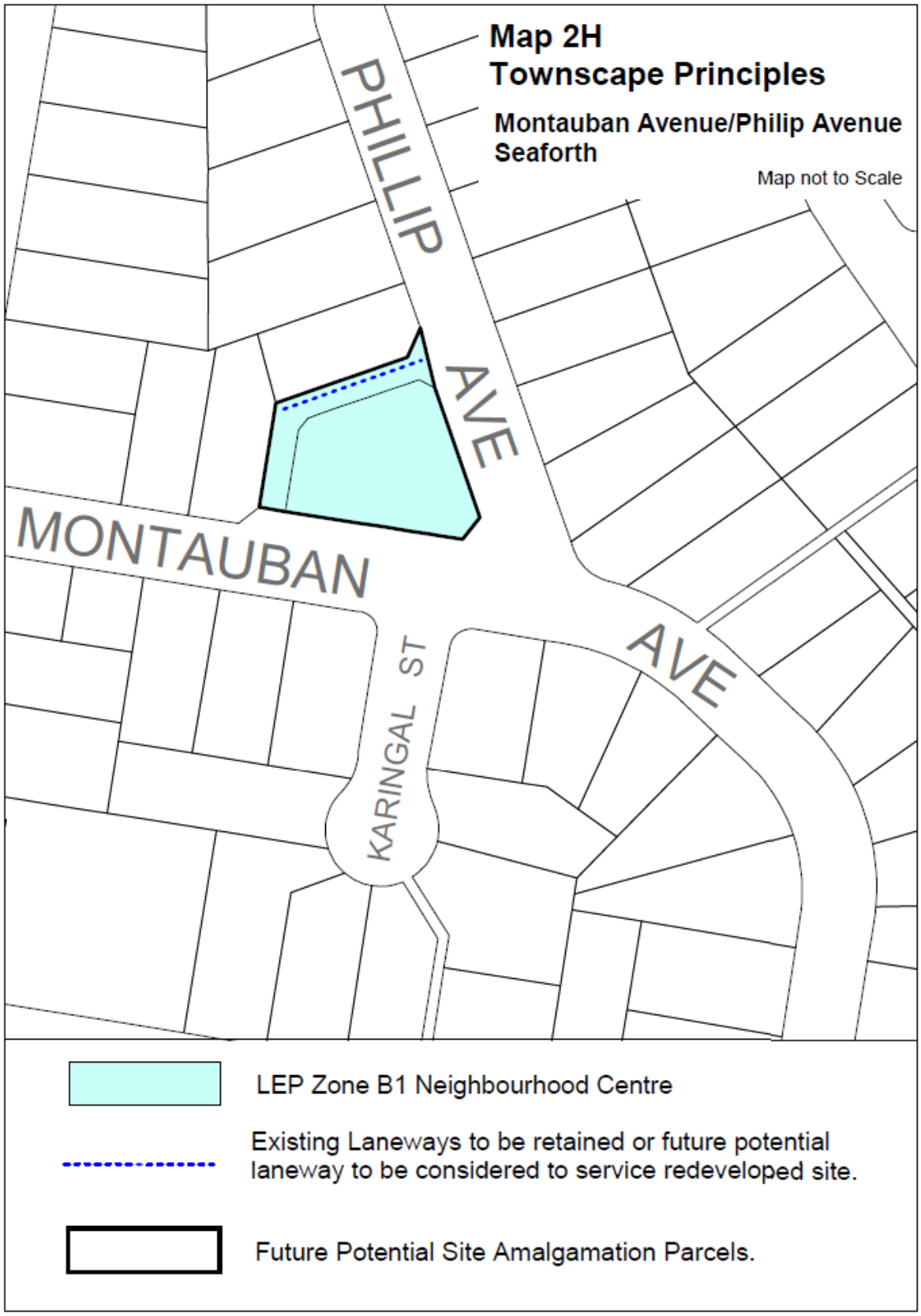
Schedule 2 - Map G – Manly Neighbourhood Centres - Collingwood Street near North Steyne



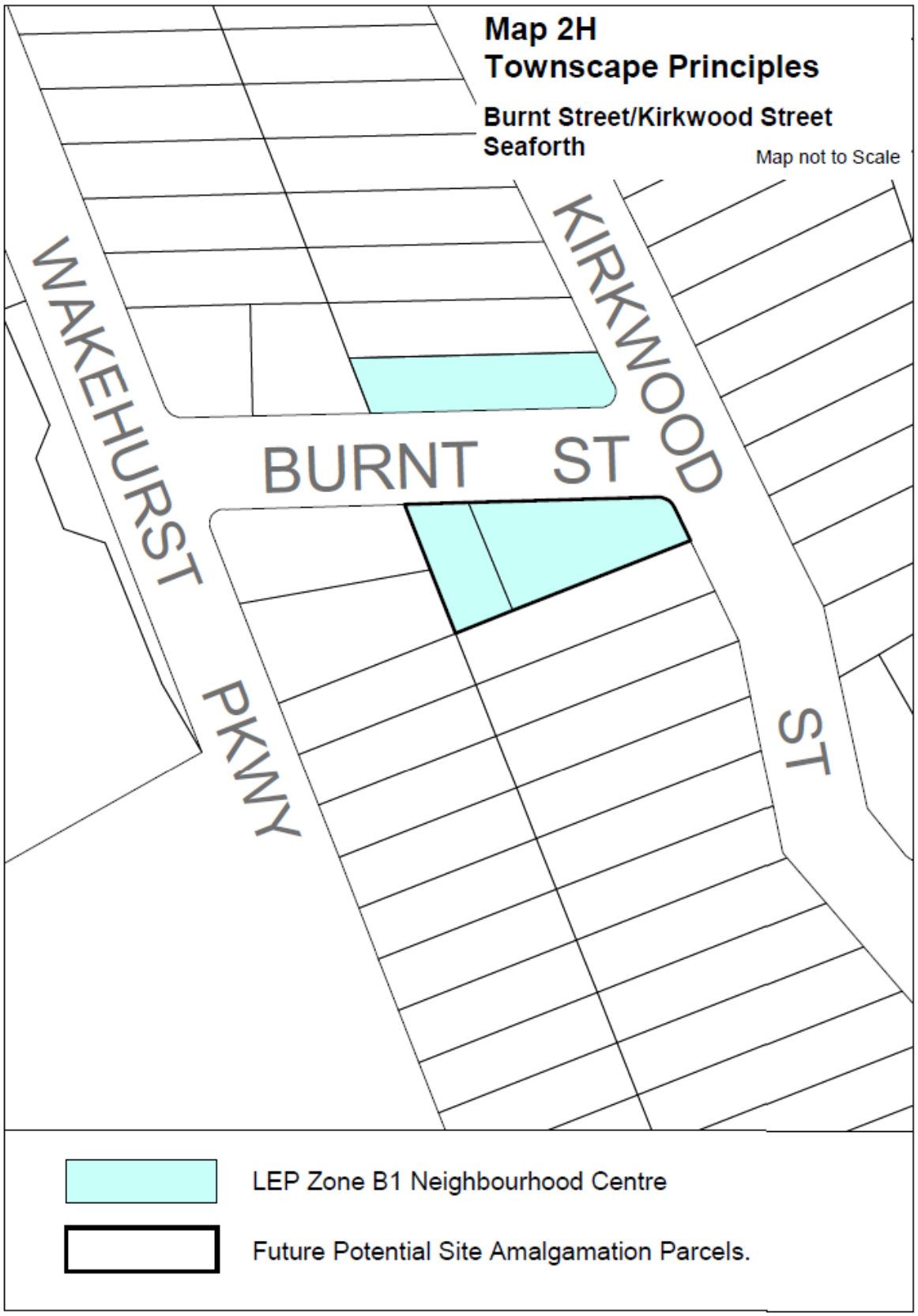
Schedule 2 - Map H – Seaforth Neighbourhood Centres - Frenchs Forest Road /Brook Road



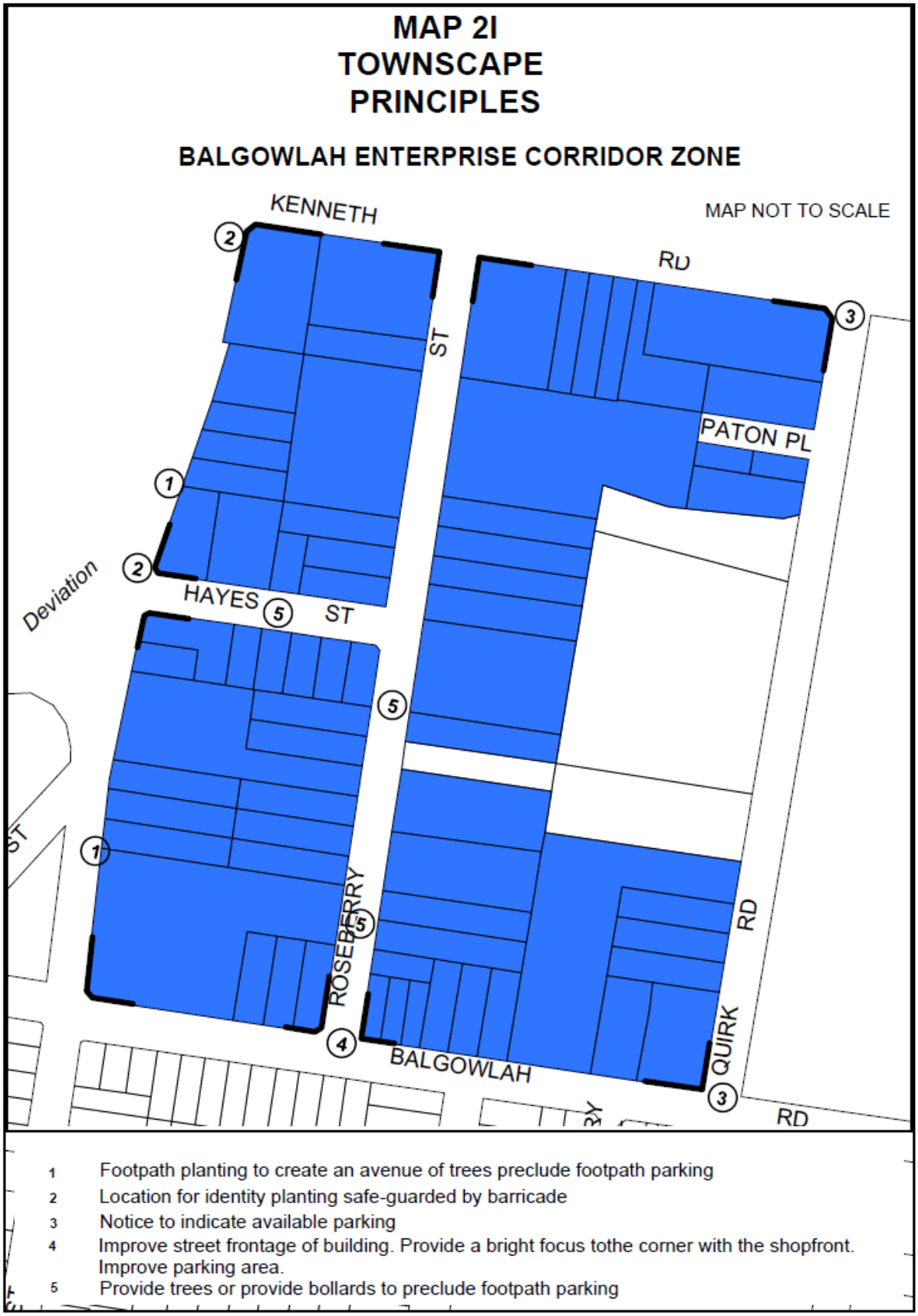
Schedule 2 - Map H – Seaforth Neighbourhood Centres - Montauban Avenue/ Philip Avenue



Schedule 2 - Map H – Seaforth Neighbourhood Centres - Burnt Street/ Kirkwood Street



Schedule 2 - Map I – Balgowlah Enterprise Corridor Zone



Schedule 3 - Parking and Access

Schedule 3 - Part A1 - Parking Rates and Requirements for Vehicles

Note: For other development types not identified in this Schedule, parking shall be provided in accordance with the Roads and Maritime Services (RMS) Design Reference Documents located at www.rta.nsw.gov.au/doingbusinesswithus. This site is a one-stop-shop to access a large range of information and programs to assist in the management of the NSW road network. It includes RMS's technical directions, updated survey data, specifications, guidelines, and information fact sheets

Application of Parking Rates/Requirements:

All calculations of required parking rates are to be rounded up to the next whole number. In the case of visitors spaces, the required rate is to be rounded up separately for the visitors parking (e.g. for 2x2b dwellings, the sum of rates are 2.4 resident spaces and 0.5 visitor spaces, these rates would be rounded to 3 resident spaces and 1 visitor space i.e. a total of 4 spaces.)

Backpackers' Accommodation

- 1 guest parking space for every 10 guests, plus
- 1 parking space for each manager/employee on site at any one time, plus
- 1 parking space for a person with a disability at least 3.2m wide and if undercover have a height clearance of least 2.5m.

Boarding Houses not otherwise subject of parking requirements in State Environmental Planning Policy (Affordable Rental Housing) 2009

- 2 parking spaces for every 5 boarding rooms
- 1 parking space for on site manager and/or any other employee residing on the premises

Note: See section 29(2)(e) of State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP) for parking required for boarding housing to which that Policy applies. In this regard Boarding Houses in LEP Zone R2 Low Density Residential that are not within an 'accessible area' (see SEPP meaning) are not subject to the provisions of Division 3 Boarding Houses of the SEPP.

Bowling Alleys, and Squash Courts in the Business Zones except for Manly Town Centre

- 3 parking spaces for every lane or court.

Bulky goods premises:

- 1 parking space for every 50sqm of gross floor area for industrial use or retailing of bulky goods, and
- 1 parking space for every 100sqm of gross floor area for warehousing and storage of bulky goods.

Note: Additional car parking may be required for Bulky goods premises which have a high component of ancillary retailing /showroom or office functions, or a need for on-site truck parking with reference to Roads and Maritime Services (RMS) Design Reference Documents.

Catering or Reception Establishments in the Business zones except Manly Town Centre Zoned B2 – Local Centre

- 1 parking space for every 10sqm of gross floor area.

Child Care Centres

- 1 parking space for each employee and provision of onsite drop off and pick up points. Both the parking and collection areas are to be conveniently located to allow safe movement of children to and from the centre.

Commercial Premises (including business, offices and retail premises) not elsewhere referred to in this Schedule *:

- 1 parking space for every 40sqm of gross floor area. **Note**: Where Commercial Premises that are subject to this rate are located in Manly Town Centre, paragraph 4.2.5.4 Car Parking and Access also applies (particularly in relation to section 94 Contributions).

***Note**: Commercial Premises elsewhere specifically referred to in this schedule and subject to a different requirement to that of the standard rate for commercial premises includes Pubs and Supermarkets. Restaurant or Cafes and Take Away Food and Drink Premises are subject to a similar rate but are only calculated on the basis of the serviced area for the development.

Dwelling-houses, Semi-detached Dwellings and Secondary Dwellings

- 2 parking spaces for each dwelling house, semi-detached dwellings and secondary dwellings.

Note: While no visitor parking is required for a dwelling house or semi-detached dwellings; one of the two spaces required for a Secondary Dwelling may be used as a visitor space for both the secondary and principle dwelling. See paragraph 4.1.6 for exceptions which may be considered by Council.

Hospitals

- 1 parking space for every 3 beds, plus 1 parking space for every 3 staff**.**

Hotel and Motel accommodation outside Manly Town Centre

- 1 parking space for each room or single occupancy unit, plus
- 1 staff parking space for every two employees, for premises at peak times.

Hotel and Motel accommodation in Manly Town Centre LEP Zone B2- Local Centre

Hotels

- 1 parking space for every 4 rooms or suites.

Motels

- 2 parking spaces for every 3 single occupancy units.

Staff Parking (Hotels and Motels)

- 1 staff parking space for every 2 staff on the premises at peak times.

Light Industry

- 1 parking space for every 50sqm of gross floor area and any additional car parking required for developments which have a high component of ancillary retailing/showroom or office functions and/or generate a need for on-site truck parking.

Motor Showrooms/Car Sales Yards

- 1 parking space for every 30sqm of display area.

Places of Public Assembly & Worship in the Business zone except Manly

- 1 parking space for every 10 seats or 1 parking space for every 10sqm if seating capacity not specified.

Pubs

- 1 space for every 4sqm of licensed floor area (bar, lounge, bistro, beer garden area).

Residential Flat Buildings, Multi Dwelling Housing, Shop Top Housing, Attached Dwellings, Boarding Houses, Dual Occupancies, Group Homes, Hostels, Seniors Housing:

In LEP Residential Zones and all other Zones except LEP Business Zones

- 1 resident parking space for each dwelling (irrespective of number of bedrooms), plus
- 0.2 resident parking spaces for each 2 bedroom dwelling, plus
- 0.5 resident parking space for each 3 (or more) bedroom dwelling, and plus
- 0.25 visitor parking space for each dwelling (irrespective of number of bedrooms).

In Manly Town Centre Business Zone (LEP Zone B2- Local Centre)

- 0.6 resident parking space for each Studio or one bedroom dwelling, plus
- 1 resident parking space for each 2 bedroom dwelling, plus
- 2 resident parking spaces for each 3 or more bedroom dwelling, and plus
- 0.16 visitor parking space for each dwelling (irrespective of number of bedrooms).

In other LEP Business Zoned land (i.e. other than Manly Town Centre)

- 1 resident parking space for each dwelling (irrespective of number of bedrooms), and
- 0.16 visitor parking space for each dwelling.

Note: The calculation of resident parking and visitors parking are to be individually rounded up to the next whole number (e.g. for 2 x 2b dwellings in the residential zone, the sum of rates are 2.4 resident spaces and 0.5 visitor spaces, these rates would be rounded to 3 resident spaces and 1 visitor space i.e. a total of 4 spaces).

Restaurants or Cafes and Take Away Food and Drink Premises:

- 1 parking space for every 40 sqm of gross floor area of serviced area, **Note**: Where Restaurants or Cafes and Take Away Food and Drink Premises that are subject to this rate are located in Manly Town Centre, *paragraph 4.2.5.4 Car Parking and Access* also applies (particularly in relation to section 94 Contributions).

Service Stations incorporating Workshop Facilities

- 10 parking spaces.

Supermarket and Shopping Centres

- 1 parking space for every 25sqm of gross floor area.

Note: Subject to provisions for Section 94 Contributions in Manly Town Centre. See *paragraph 4.2.5.4.*

Warehouse or Distribution Centres and Storage Centres

- 1 parking space for every 100sqm of gross floor area and any additional car parking required for developments which have a high component of ancillary retailing/showroom or office functions and/or generate a need for on-site truck parking.

Schedule 3 - Part A2 - Parking Rates and Requirements for Bicycles

Dwellings: secure storage area capable of accommodating at least two adult sized bicycles.

Boarding houses:

- Al least 1 parking space for a bike for every 5 boarding rooms and
- Al least 1 parking space for a motorcycle for every 5 boarding rooms.

Other development which generates requirements for vehicular parking: bicycle parking stands are required at a minimum rate of one stand for every three car parking spaces with a minimum provision of one stand for each premise.

Bicycle parking stands for other than employee use shall be provided in a highly accessible and visible location as rails which are either freestanding or attached to the wall of the building as close as possible to the public roadway.

For further specifications for Bicycles see AS2890.3 and NSW Bicycle Guidelines.

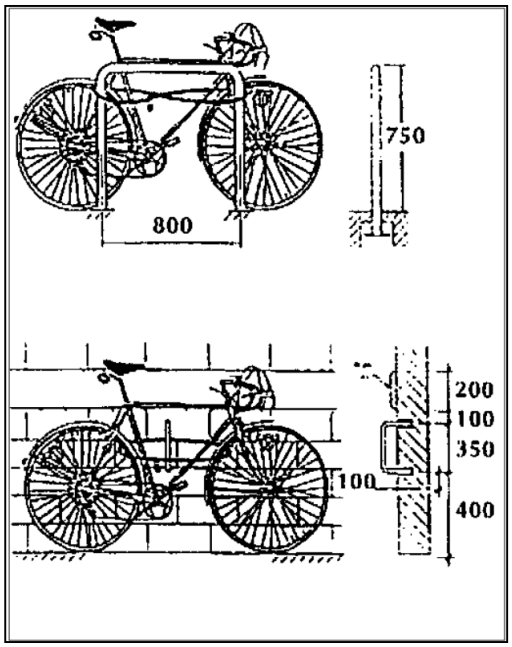


Figure: Suggested Bicycle Parking Designs

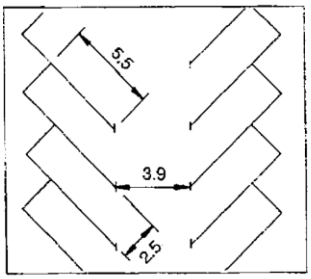
Schedule 3 - Part B - Minimum Dimensions for parking, access and loading

Part B1 - Compliance with Australian Standards

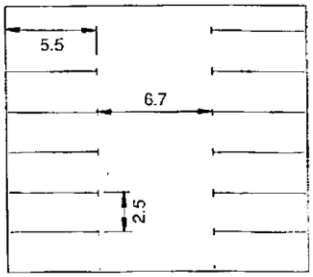
All parking areas are to be designed in accordance with Australian Standard AS 2890.1–2004 or later editions. Refer in particular to Figure 5.2 of this Standard.

Carparking Layout Minimum Dimensions:

Width of Aisle	Minimum Width of Bay or Garage Doorway	
5.2m	3.0m	Note: All end bays against walls to be 0.2m wider than minimum dimensions indicated.
5.5m	2.75m	
6.7m	2.5m	



45° angle parking



90° angle parking

Part B2 - Car Parking Spaces for persons with a Disability

See *paragraph 3.6 Accessibility* for minimum requirements of this plan for Accessibility.

Car spaces for accessibility must have minimum dimensions of 3m x 5.5m and one space shall have a minimum headroom clearance of 2.5m for use by vehicles fitted with a roof mounted wheelchair rack. A notice shall be displayed at the entrance to parking stations and at each change in direction indicating the location of the accessible car spaces and the maximum headroom for vehicles.

Part B3 - Minimum Requirements for access driveway crossovers

a) Crossovers should not be located within 10m (or 6m in low traffic volume residential areas) of an intersection or within the vehicle visibility splay.

b) Close to major road intersections a crossover should not be located within the 'No Stopping' zone, to ensure the capacity and safety at the intersection is not compromised.

c) The width of a crossover should be sufficient for a single lane driveway (between 2.5m and 3.75m). Wider crossovers should only be considered if the access is to serve more than 40 vehicle movements in the peak hour.

d) Crossovers should be co-located with neighbouring properties to minimise impact from lost parking, where practical.

e) Consideration needs to be given when siting a crossover to the typical dimensions of a parking bay so that parking over access issues is avoided.

Note: Where these minimum requirements cannot be met, justification will need to be provided based on an assessment by a suitable qualified Engineer.

Schedule 4 - Trees

Schedules of Trees include the following:

- Part A - Noxious and Invasive Trees in Manly
- Part B - Native Tree Selection
- Part C - Plant selection for energy efficiency

See also Schedule 8 - Recommended Timber for Building

Schedule 4 - Part A - Noxious and Invasive Trees in Manly

Trees/plants which are not encouraged and do not require Council's consent or permit for removal or pruning:

- African Olive *(Africana olea)*
- All Citrus *(Citrus sp.)*
- Camphor laurel (under 10m in height) (*Cinnamomum camphora)*
- Cocos palms *(Arecastrum romanzoffianum)*
- Coral tree *(Erythrina x sykesii)*
- Crepe myrtle *(Lagerstroemia)*
- Evergreen Alders *(Alnus acuminate)*
- False Acacia *(Robinia psuedoacacia)*
- Rubber tree *(Ficus elastic)*
- Honey locust *(Gleditsia triacanthos)*
- Large and Small Leafed Privet
- Leightons Green *(Cupressocyparis leylandii)*
- Liquidambar (under 10m in height) *(Liquidambar styraciflua)*
- Loquat *(Eriobotrya sp.)*
- Mulberry tree *(Morus sp.)*
- Oleander *(Nerium oleander)*
- Paw paw *(Carica papaya)*
- Pittosporum (up to 8m) *(Pittosporum sp.)*
- Poplars *(Populus sp.)*
- Prunus *(Prunus sp.)*
- Tree of Heaven *(Alianthus altissima)*
- Umbrella tree *(Schefflera sp.)*

Note: See also Weed Control Orders published in the NSW Government Gazette for weeds declared noxious in Manly Council area under the Noxious Weeds Act 1993.

Schedule 4 - Part B - Native Tree Selection

Figure: Native Tree Selection to satisfy paragraph 4.1.5.2.c - Minimum Tree Plantings

Species Name	Typical height in cultivation	Common name	Situation
Acmena smithii	12m	Lilly Pilly	South Slopes; Creek banks
Angophora costata	20-25m	Smooth Barked Apple	Coastal (salt tolerant); Open forest(sun & shade, some shelter)
Ceratopetalum apetalum	15-20m	Coachwood	Creek banks
Ceratopetalum gummiferum	8-10m	NSW Christmas Bush	South Slopes; Coastal (salt tolerant); Open forest (sun and shade, some shelter)
Eucalyptus botryoides	15-25m	Bangalay	Coastal (salt tolerant); Open forest (sun & shade, some shelter)

Species Name	Typical height in cultivation	Common name	Situation
Eucalyptus gummifera	15-25m	Red Bloodwood	Open forest (sun and shade, some shelter); heath (poor soil, sunny, open position)
Eucalyptus haemastoma	12-15m	Scribbly Gum	Open forest (sun and shade, some shelter); heath (poor soil, sunny, open position)
Eucalyptus piperita	12-20m	Peppermint	Open forest (sun and shade, some shelter)
Eucalyptus punctata	10-25m	Grey Gum	Open forest (sun and shade, some shelter)
Ficus rubiginosa	4-10m	Rusty Fig	Coastal (salt tolerant)
Glochidion ferdinandii	8-12m	Cheese Tree	Coastal (salt tolerant); Open forest (sun and shade, some shelter)
Melaleuca quinquinervia	8-12m	Broad-Leafed Paperbark	Wet/moist areas; Coastal (salt tolerant); Open forest (sun & shade, some shelter); Creek bank
Tristaniopsis laurina	4-10m	Water Gum	Wet/moist areas; Creek bank
Syzygium paniculatum	8-10m	Magenta Lilly Pilly	Open forest (sun and shade, some shelter); Creek bank; Wet/moist areas
Syzygium oleosum	8-10m	Blue Cherry	Creek bank; Wet/moist areas

Schedule 4 - Part C - Energy Efficient Plant Selections Landscaping Plant Suggestions

Note: These plant suggestions are a guide only and may be unsuitable in some cases.

4.C1 - Suggestions in Selecting Plants for Summer Shading

Consider the part of the site and building where summer shade is appropriate i.e. roofs, outdoor living areas, walls and/ or windows. The plants used may include the following selection criteria:

- type - trees, shrubs, ground covers, vines;
- suitability for their location;
- growth habit;
- height, width, shape;
- root spread; and
- dense or dappled shade pattern.

a) Shade for the northerly aspect of a building

Northern walls can be protected by planting deciduous trees, shrubs and vines for summer shading while allowing winter sun access. Deciduous vines can be grown over a pergola to provide summer shade and allow winter sun access.

Tall evergreen trees with bare trunks and high canopies located close to buildings can shade the roof, walls and windows in summer.

Avoiding planting trees in locations where they:

i) shade solar collectors, both on the building and on adjoining properties;
ii) block winter sun access to the building; or
iii) may drop branches on roofs.

Suitable planting distance of at least 75 percent of the tree's mature height away from the building is recommended for trees with vigorous root systems such as Ashes, Elms, and Peppercorns and native plants such as Figs, Lillypilly and some Eucalypts. Note – Roots may cause damage to buildings and pavements.

While evergreen and deciduous trees are growing, other shading devices may be needed in the interim.

b) Shade for the easterly and westerly aspect of a building

East and west walls can be protected from low intense summer sun, while allowing some winter sun access, by planting a dense screen of evergreen trees, shrubs and ground covers. Tall upright evergreen trees can also provide shade from low angled eastern and western sun. Deciduous vines covering a pergola or trellis can be

used to protect the east and west walls. Alternatively, evergreen vines grown on a trellis can insulate and shade the walls.

To reduce glare and lower surface temperatures, ground covers, lawn and low growing shrubs can be used. Compared to paved areas, low growing planted areas are cooler and increase stormwater absorption.
Trees or pergolas covered with vines can shade large paved areas to reduce surface temperatures and reflected glare. Minimise the use of lawn as it involves higher water usage and is less energy efficient than other forms of ground covers.

c) Recommended Tree Selections

Trees to provide shading for the northern wall
- Suggested deciduous native trees:
  - White Cedar (*Melia azedarach*) 6-1Om tall x 5-8m wide
  - Note: subject to white cedar moth and total defoliation.
- Suggested deciduous exotic trees:
  - Almond (*Prunus amygdalus*)
  - Chinese Pistachio (*Pistacia chinensis*) 8-15m tall x 6-8m wide
  - Chinese Tallow Tree (*Sapium sebiferum*) 8-10m tall x 5-7m wide
  - Claret Ash (*Fraxinus oxycarpa 'Raywoodii*) 12-15m tall
  - Golden Ash (*Frazinus excelsior 'Aurea'*) 10-1 2m tall
  - Maple (*Acer palmatum*) 4-5m tall
  - Silk Tree (*Albizia julibrissin*) 5-6m tall x 7-8m wide.

Vines to provide shading for the northern wall
- Suggested deciduous exotic vines:
  - Grapes (*Vitus vinitera*)
  - Kiwifruit (*Actinida chinensis*)

Trees to provide shading for the east & west walls
- Suggested tall upright evergreen native tree:
  - Black Wattle (*Callicoma serratifolia*) 4-10m tall
  - Heath leafed Banksia (*Banksia ericifolia*) 3-5m tall
  - Lemon scented tea tree (*Leptospermum petersonii*) 2-4m tall
  - Port Jackson Pine (*Callitris rhomboidea*) 4-8m high x 2-3m wide
  - Small-leafed Lillypilly (*Syzygium luehmannii)* 6m or so tall
  - Sydney Golden Wattle (*Acacia longifolia*) 3-6m tall
  - Sandpaper Fig (*Ficus coronata*) 3-5m tall
  - Tree Fern (*Cyathea cooperi*) 5-6m tall
- Suggested tall upright evergreen exotic trees:
  - Banana (*Musa sapientum*)
  - Tamarillo (*Cyphorgandra betacea*)

Vines to provide shading for the east & west walls
- Deciduous vines covering a pergola or trellis can be used to protect the east and west walls. Alternatively, evergreen vines grown on a trellis can insulate and shade the walls.
- Suggested evergreen native vines:
  - Bower of Beauty (*Pandorea jasminoides*)
  - Climbing Guinea Flower (*Hibbertia scandens*)
  - Kangaroo Vine (*Cissus antarctica*)
  - Native sarsaparilla (*Hardenbergia violacea*)
  - Old Man's Beard (*Clernatis aristata*)
  - Running Postman (*Kennedia rubicunda*)
  - Water Vine (*Cissus hypoglauca*)
  - Wonga Vine (*Pandorea pandorana*)
- Suggested evergreen exotic vines:
  - Banks' Rose (*Rosa banksiae*)
  - Chinese Star Jasmine (*Trachelospermum jasminoides*)
  - Passionfruit (*Passiflora edulis*)

Ground covers to reduce glare
- Suggested native ground covers:
  - Climbing Guinea Flower (*Hibbertia scandens*)
  - Dichondra (*Dichondra repens*)
  - Gota cola (*Centella asiatica*)
  - Native Sarsaparilla (*Hardenbergia violacea*)
  - Native Violet (*Viola hederacea*)
  - Running Postman (*Kennedia rubicunda*)
  - Grevillea (*Grevillea 'Poorinda Royal Mantle'*)
- Suggested exotic ground covers (note: these are best used as fill-in plants rather than as a lawn substitute):

English Camomile (*Anthernis noblis*)
Pennyroyal (*Mentha pulegium*)
Thyme (*Thymus serpyllum, T vulgaris*)

Shrubs can also help reduce glare.

4.C2 - Selection of Plants for Ventilation and Wind Breaks

Try to channel cooling north easterly summer sea breezes through the building by using large dense shrubs. Trees can be positioned to deflect air flow through the building to assist with its natural ventilation.

Windbreaks are more effective if they can filter 50-60% of the wind through their leaves compared to a solid structure such as a wall that doesn't allow wind penetration and creates turbulence on its lee side.

The most effective windbreaks are planted at 90°, to the direction of westerly and southerly winds. Small straight windbreaks are not effective unless designed into subdivision layouts or neighbourhood plantings. For smaller areas, windbreaks planted in a parabola shape (as in the adjacent diagram) can help deflect cold winds around and over the windbreak

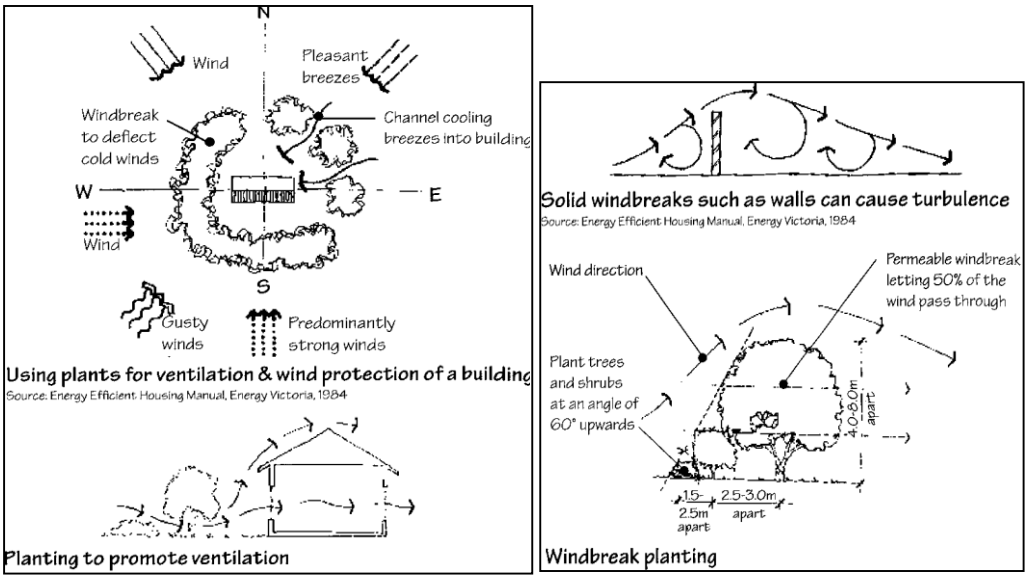


Figure: Selection of plants for ventilation and wind breaks

Recommended Tree Selections

Suggested windbreak native trees:
- Black She-oak (*Allocasuarina littoralis*) up to 4m tall
- Bracelet Honey-myrtle (*Melaleuca armillaris*) 5-6m tall
- Coast Tea-tree (*Leptospermum laevigatum*) 3-4m tall
- Dwarf Apple (*Angophora hispida*) 3-10m tall up to 2m tall
- Needle Bush (*Hakea sericea*) 5-6m tall
- Old Man Banksia (*Banksia serrata*) 10-15m tall
- Port Jackson Pine (*Callitris rhomboidea*) 4-8m high x 2-3m wide
- Scribbly Gum (*Eucalyptus haemastoma*) 8-16m tall x 6-8m wide
- Scrub Cherry (*Syzygium australe*) 5-8m tall
- Silver Banksia (*Banksia marginata*) 10-15m tall
- Small-leafed Lillypilly *(Syzygium luehmannii*) 4-6m tall
- Small Leafed Lilly Pilly *(Acmena smithii* var. 2-4m tall minor)
- Sydney Golden Wattle (*Acacia longifolia*) 3-6m tall
- Swamp Paperbark (*Melaleuca ericifolia*) 3-5m tall
- Water Gum (*Tristaniopsis laurina*) 10-15m tall x 6-8m wide

Suggested windbreak exotic trees:
- Silk Tree (*Albizia julibrissin*) 5-6m tall x 7-8m wide
- Carob Bean (*Ceratonia siliqua*) up to 1 2m tall

Suggested windbreak native shrubs:
- Allocasurina distyla up to 4m tall
- Coastal rosemary (*Westringia fruiticosa*)
- Dagger Hakea (*Hakea teretifolia*) up to 3m tall 4-10m tall
- Hairpin Banksia (*Banksia spinulosa*) 2-3m tall

Hakea (*Hakea gibbosa*) up to 2m tall
Heath leafed Banksia (*Banksia ericifolia*) 3-5m
Myrtle-leafed Wattle (*Acacia myrtifolia*)
Peach-flowered Tea-tree (*Leptospermum squarrosum*) 2-3m tall
Sunshine Wattle (*Acacia terminalis*) 1-3m tall
Swamp Banksia (*Banksia robur*) 1-3 tall
Sweet scented Wattle *(Acacia suaveolens*) 1-2m tall
Tick Bush (*Kunzea ambigua*) 2-3m tall
Yellow Tea-tree (*Leptospermum flavescens*) 2-4m tall

Suggested windbreak exotic shrubs: 6m or so tall:

English Lavender (*Lavandula officianalis L. spica*) up to I m tall
French Lavender (L. *dentata*) up to 1.5m tall
Italian Lavender (L. *stoechas*) up to 0.6m tall
Murraya (*Murraya paniculata*) 2-3m tall
Rosemary (*Rosemarinus officinalis*) 2-3m tall
Wormwood (*Artemesia absinthium*) 1-1.2m tall

Note: When choosing plants consider:

- services such as sewer, drainage and overhead power lines;
- planting trees at least 3m from the building line; and
- any plant over 4m in height, should be planted 2m from the boundary fence to avoid future problems with neighbours from overshading and blocking views etc.

Schedule 5 - Accessibility Checklist and Additional Resources

Schedule 5 - Part A - Checklist for all development

Note: This checklist is intended to highlight key access requirements when preparing a DA Submission. It is a summary and does not include every specification of the Disability (Access to Premises - Buildings) 2009 or the BCA 2009.

Access Feature	Complies	
Accessible Path of Travel (AS1428.1 Cl.5.1.2)		
1. The continuous accessible path of travel provides dignified and equitable access from the allotment boundary and accessible car space to the main pedestrian entrance.	Yes	No
2. The most commonly used and direct entrance to the building does not have any steps or trip hazards.	Yes	No
Walkways and Landings (AS1428.1 Cl.5.2 & 5.3) **Ramps and Landings**		
1. Walkways and Ramps are appropriate width.	Yes	No
2. Walkways and Ramps have appropriate gradients and length between landings.	Yes	No
3. Sufficient passing and turning spaces are provided.	Yes	No
4. Pathways are constructed to be non-slip and as smooth as possible.	Yes	No
Doorways and Entrance Lobbies (AS1428.1 Cl. 7)		
1. Located on an accessible path of travel with sufficient clear opening width.	Yes	No
2. No step at door threshold.	Yes	No
3. Level circulation space on either side of the door.	Yes	No
Sanitary Facilities (AS1428.1 Cl. 10)		
1. Sanitary facility is unisex with separate entrance to male and female toilets.	Yes	No
2. The dimensions of the unisex toilet facility to be sufficient for a wheelchair user.	Yes	No
3. For inward opening doors, be capable of being opened outwards in case of an emergency.	Yes	No
4. Accessible toilet facility to be provided in accordance Part F2.4 BCA.	Yes	No
Car Parking Facilities (AS2890.1)		
1. Accessible car spaces to be located as close as possible to main entrance and linked by an accessible path of travel.	Yes	No
2. Designed in accordance with minimum dimensions required.	Yes	No
3. Access car spaces to be provided in accordance with Table D3.5 of the BCA.	Yes	No
Lifts (AS1735.12)		
1. Accessible Lifts to be provided as an accessible path of travel for buildings over 3 storeys.	Yes	No
Stairways (AS1428.1 Cl.9)		
1. Handrails on both sides and continuous around landings.	Yes	No
2. Install warning contrast strips on edge of stair nosing.	Yes	No
3. Tactile indicators on the top and bottom of the stairs.	Yes	No

Schedule 5 - Part B - Additional Resources

As a useful reference tool, the lists below accompany this plan including paragraph 2.1 Lodgement Requirements and *paragraph 3.6.2 Accessibility.*

a) Relevant Standards that are referenced in the BCA and the Access to Premises Standard (2009)

- AS1428 Design for access and mobility
- Part 1 2001 General requirements for access – New building work
- Part 1 (supplement) 1993 General requirements for access – Buildings – Commentary
- Part 2 1992 Enhanced and additional requirements – Buildings and facilities
- Part 4 1992 Tactile ground surface indicators for the orientation of people with vision impairment
- AS/NZS 1428 Design for access and mobility
- Part 4.1 200X Tactile ground surface indicators for the orientation of people with vision impairment

- AS1735 Lifts, escalators and moving walks (SAA Lift Code)
- Part 1 2003 Lifts, escalators and moving walks
- Part 2 2001 Passenger and good lifts -electric
- Part 3 2002 Passenger and good lifts –electro hydraulic
- Part 7 1998 Stairway lifts
- Part 8 1986 Inclined lifts
- Part 12 1999 Facilities for persons with disabilities, Amendment 1
- Part 14 1998 Low-rise platforms for passengers
- Part 15 2002 Lifts for people with limited mobility – Restricted use – non-automatically controlled
- Part 16 1993 Lifts for persons with limited mobility – Restricted use – automatically controlled
- AS/NZS 2890 Parking facilities
- Part 6 200X Off-street car parking for people with disabilities

b) List of Documents and websites for further information

- Disability (Access to Premises – building) Standard 2011
  www.aph.gov.au/house/committee/laca/disabilitystandards/tor.htm
- A model process to administer building access for people with a disability 'the protocol'- Australian Building Codes Board 2008
  www.aph.gov.au/house/committee/laca/disabilitystandards/exhibits/exhibit05.pf
- Australian Standards
  infostore.saiglobal.com/store/default.aspx
- Improving access to heritage buildings – a practical guide to meeting the needs of people with disabilities by Eric Martin 1999
  www.environment.gov.au/heritage/ahc/publications/commission/books/pubs/improvingaccess-heritage-buildings.pdf
- Australian Human Rights Commission including more information on the Disability Discrimination Act
  www.hreoc.gov.au & www.humanrights.gov.au.
- Process to administer building access for people with a disability 'the protocol' Australian Building Codes Board 2004 (available at www.abcb.nsw.gov.au)
- Improving access to heritage buildings – a practical guide to meeting the needs of people with disabilities by Eric Martin 1999 (report available at www.ahc.gov.au)
- Legal Liabilities of the owner or occupier with respect to investigating their own personal legal liability under the DDA.

c) List of Documents and websites for further information in relation to Heritage Items

- NSW Department of Planning Heritage Branch website and publications – www.heritage.nsw.gov.au
- NSW Department of Planning Heritage Branch Fire, Access, and Services Advisory Panel;
- BCA – alternative solutions;
- Manly Council Heritage Staff;
- Heritage Consultants and Access & Mobility Consultants;
- Australian Heritage Commission Publication: **'**Improving Access to Heritage Buildings, A practical guide to meeting the needs of people with disabilities', Eric Martin, 1999
  www.ahc.gov.au/publications/generalpubs/access/index.html

Schedule 6 - The Corso: Site Specific Controls

Note: The following table lists specific comments on how each property in The Corso might be conserved or, where relevant, redeveloped to continue to add to the distinct and significant character of the street.

The following includes requirements, guidelines & suggestions as to:

• which properties may be replaced through demolition;

• height of new buildings; and

• small-scaled actions to improve the presentation of each building.

Property	Use	Site specific controls
Properties on North Side of The Corso (nos. 1 – 75 The Corso		
1 The Corso	Shops + residential	• consistent treatment to the awning fascia and remove signage panels. • relocate air conditioner units (mostly gone).
9 The Corso	Arcade + old 'Purves Bakery'	• arcade to be retained. • awning to match those adjoining with additional form. • give more prominence to arcade. • the plinths to the shop-windows are to be maintained. • investigate heritage significance of early milling equipment at 1st floor .
11 The Corso	Shop	• repaint façade to improve visibility of detailing. • awning to match those adjoining.
13 The Corso	Shops/Arcade	• arcade to be retained. • replace the façade treatment below the 1st floor windows with a more substantial material • repaint façade to highlight heritage details.
15-15A The Corso	Shop	• future renovation and reconstruction of shop-front is envisaged and encouraged.
17 The Corso	Shop (with Nos. 15-15A)	• redevelopment may be considered subject to heritage impact assessment. • in the interim, given this building is highly visible from the Darley Road intersection and from down Darley Road, the façade should be re-clad to a more attractive design. • new building height (A) is to be approx. 600mm below the sill height of the top floor windows of No. 21 to retain outlook from those windows. • as a way of adding interest, any new development could repeat the bay-window treatment of the earlier building.
21 The Corso	Shop + residential	• redesign the two ground level entrance doors to the upper floors to give a more substantial appearance, with transparent glazing (to increase connection with street) and solid returns.
23 The Corso	Shop (with No. 21)	• redevelopment may be considered subject to heritage assessment. • new building height is to be approx. 600mm below the sill height of the top floor windows of No. 21 to retain outlook from those windows but also to disguise the view of the Market Lane car park when viewed from Darley Rd. • ducting at south corner at 1st floor level should be removed or relocated.
25 The Corso	Shop	• redevelopment may be considered subject to heritage assessment. • desirable new building height is approx. 600mm below the sill height of the top floor windows of No. 21 to relate to any future development of No. 23 and not dominate the parapet of No. 27 The Corso. • move shop-front out to the property line. • improve visibility to and from the 1st floor windows.
27 The Corso	Ivanhoe Hotel	• hide roof-top ducting and A/C units as viewed from Darley Rd Intersection. • note that the post-supported trafficable awning is no longer seen as a model for adoption elsewhere in The Corso – remove as opportunity arises.
31 The Corso	Commonwealth Bank	• redevelopment may be considered. • new development or alterations to the existing building should articulate the earlier subdivision pattern – or even re-subdivide the property.
37 The Corso	Shops + commercial + arcade	• re-development may be considered but the arcade is to be retained. • change awning fascia to give a consistent treatment. • make the glazing to the upper levels more transparent to increase connection with street. • improve signage indicating existence of arcade.
41 The Corso	Shop	• remove 1st floor air conditioner unit.
43	Commercial	• clean façade and repair end wall at ground floor level

Property	Use	Site specific controls
The Corso		
45 The Corso	Shop	• reinstate slate roofing. • lower awning to match adjoining. • colour of façade should match that at No 47 and 51. • repair broken parapet.
47 & 49 The Corso	Shop	• reinstate slate roofing. • colour of façade to match that at No 45.
51 The Corso	Shop	• reinstate slate roofing and restore chimney. • colours may match no's 45 and 47.
53-55 The Corso	Shop	• re-development may be considered with replacement upper level more consistent with roof shape and heights at 41-57 The Corso. • the building disrupts a symmetrical row of nine buildings (i.e. Nos. 41-57).
57 The Corso	Shop	• reinstate slate roofing
59-61 The Corso	ANZ Bank	• re-development may be considered. • inappropriate design of: ground floor facade; awning (which should be horizontal); and window design at 1st floor level (due to degree of opaqueness and excessive width relative to wall area). • new building should be constructed to the max. height limit (10 m.) to hide end wall of Manly National building as viewed by pedestrians in Rialto Lane.
63-67 The Corso	Backpacker's + shop	• re-paint façade to highlight the Art Deco detailing. • reconstruct ground floor shops as opportunity arises.
69-71 The Corso	New Brighton Hotel	• reconstruct missing historic features.
75 The Corso	Steyne Hotel	• relocate telecommunications aerials from corner tower so less prominent. • replace reflective glazing to ground floor increasing connection with street. • retain existing wall treatment (tiling) and of discrete placement of signage (except that above entry to gaming ('Magic Millions'). • the property is subject to a re-alignment to South Steyne. • recent new roof-top level not a good model for other buildings in The Corso because it precludes a reading of the original parapet line against the sky, and appear to be over-scaled proportionally to the rest of the otherwise modest building at this low-scaled Ocean Beach end of The Corso.
Properties on South Side of The Corso (nos. 112 - 4 The Corso) & 53 East Esplanade		
112-110 The Corso	Former 'Ocean Beach Tea Rooms'	• brickwork should be stripped of paint (nos. 94-112 The Corso). • awning and signage to be reduced to DCP limit). • property is subject to a re-alignment to South Steyne.
106-108 The Corso	Takeaway food shop	• reinstate original parapet detail that continued across to No. 104. • consistent painting of upper part of parapet. • new awning detail as per No 102. • reinstate eastern metal strut to awning. • brickwork should be cleaned of paint.
104 The Corso	Takeaway food shop	• reinstate shop-front and front façade at 1st floor level plus original parapet detail, including that which continued across to No. 106. • redesign roof-top addition to enable the street parapet to once again be read against the sky. • repaint façade and enhance detailing more consistent with 106-108. • new awning detail as per No 102.
102 The Corso	Takeaway food	• consistent detail to awning fascia (across Nos. 102 – 108), including a reduced fascia height to better match the scale of the building. • strip paint from brickwork at first floor and from edge of metal deck roof.
98-100 The Corso	Shop	• replace PVC down-pipes with coloured metal. • shop fronts should reflect original patterns.
96 The Corso	Takeaway food shop	• replace PVC down-pipes with coloured metal. • remove sign on awning fascia to give consistent treatment with nos.98-100.
94 The Corso	Restaurant	• replace PVC down-pipes with coloured metal. • remove sign on awning fascia to give a consistent treatment with nos.98-100.
92 The Corso	Shop	• repair the underside of the awning. • repaint around 1st floor window areas to improve visibility of detailing. • remove security grill to 1st floor window, or place behind glazing line. • strip off paint (all – nos. 80-92). • open up / restore original balconies.

Property	Use	Site specific controls
90 The Corso	Restaurant	• no requirements, guidelines or suggestions.
88 The Corso	Shop	• no requirements, guidelines or suggestions
82-86 The Corso	Shop (with No. 88)	• no requirements, guidelines or suggestions.
80 The Corso	Shop	• no requirements, guidelines or suggestions.
78-74 The Corso	'La Galleria'	• redevelopment may be considered. • future redevelopment should include a ground floor at ground level: the current configuration of split levels is not appropriate. • all future awnings / signage to comply with DCP.
72 The Corso	Chemist	• reinstate parapet and original 'onion' dome. • reinstate original detailing to upper floor windows.
70 The Corso	Shop	• replace signage board attached to awning fascia with one of consistent height with No 72. • match depth of awning and apply consistent colour scheme with 66-68.
68 The Corso	Shop	• change awning fascia to match that at No. 66. • apply consistent colour scheme with Nos. 66 & 70.
66 The Corso	Shop	• apply consistent colour scheme with Nos. 68-70.
60-64 The Corso	Newsagency	• improve appearance of signage and awning fascia.
46 The Corso	Shops + offices	• strip back paint from around the four eastern-most 1st floor windows. • retain the existing copper detailing and drainage elements.
38-42 The Corso	Shops + residential + commercial	To The Corso frontage: • existing open balconies should not be enclosed. • retain stucco and fenestration detailing to the balconies. To the Darley Rd frontage: • strip-back painted brickwork at No. 2 Darley Road. • retain existing doorway treatment to ground floor.
36 The Corso	Shop	• retain shop-front configuration and continue to use 'bay' window display • repair parapet to original detailing. • re-profile or relocate drainage gutter & down-pipe. • no closure of balcony. • retain fireplace in second room at ground floor, laundry details at rear & rear storeroom with leadlight window.
32 The Corso	Westpac Bank	• redevelopment may be considered. • inappropriate awning (should be horizontal) and window at 1st floor level (due to degree of opaqueness and excessive width relative to wall area.) • height and architectural design of any new building should not over-power the intimate scale of Nos. 30 and 36, and the rich detailing of No. 36.
30 The Corso	Delicatessen	• given visibility of building along the side passage, retention of an equivalent of a depth of two rooms will be necessary in any alterations and additions to retain apparent massing when viewed from The Corso. • can be repainted to give a greater interest and variation. • open shutters to first floor window to improve interaction with the street.
24 The Corso	Shops & Offices	• no requirements, guidelines or suggestions (new building construction)
8 – 24 The Corso	supermarket + retail commercial	• the supermarket provides an important neighbourhood use to retain.
6 The Corso	Chemist + commercial	• retain window detailing and ability to open windows. • The design and uses of the building should reflect the function of the adjacent part The Corso as a 'Town Square'.
4 The Corso	Shop + commercial	• keep original detailing but relocate air conditioning unit. • improve detailing to shop-front, and area above entrance door (the detailing of which should be retained). • The design and uses of the building should reflect the function of the adjacent part The Corso as a 'Town Square'.
53 East Esplanade	Shops + restaurants + commercial + Residential	• remove all air conditioner units above the awning line and replace blinds to awning. • retain original railings to top floor balcony and do not enclose. • retain ground floor pilasters and transom glazing detail. • redesign (East Esplanade) entrance to upper floors to give a more substantial appearance.

Schedule 7 - Specific Design Standards

Schedule 7 – Part A – Boarding Houses

Part A1 - Boarding Rooms

a) Performance Criteria
Adequate boarding rooms are required within the boarding house for the use of each lodger

b) Guidelines
i) Each boarding room requires a gross floor area of at least 12sqm for a single room and 16 sqm for a double room (excluding area requirements for ensuite, shower, laundry and kitchenette.
ii) In addition to the basic room requirements above, the minimum gross floor area requirements for the additional purposes of private kitchen or bathroom facilities are as follows:

- ensuite (hand basin and toilet) - 2.1 sqm;
- shower in the ensuite - 0.8sqm
- laundry - 1.1sqm
- kitchenette - 2sqm (small fridge, cupboards, shelf and microwave).

iii) Each bedroom must have access to natural light, from a window and/or a door with a minimum aggregate area that is equivalent to 10 percent of the floor area of the room. Skylights are not to be used as the sole source of light.

Part A2 - Communal Living Areas

a) Performance Criteria

Adequate communal living areas will be available within the boarding house for the use of each lodger.

b) Guidelines
Communal living areas are to provide:
i) a minimum area of 12.5sq or 1.25sqm for each resident, whichever is the greater.
ii) The use of communal living areas is to be for dining and recreational purposes only and not to include bedrooms, bathrooms, laundries, reception areas, storage areas, storage, kitchens, car parks, loading docks driveways, clothes drying areas, corridors and the like.
iii) The location of communal living areas to be on each level of a multi-storey boarding house.
iv) The location and design of communal areas are to minimise impact on the visual and acoustic privacy of neighbouring properties and being located away from side boundaries. See also paragraph 3.4 of this plan.

Part A3 - Communal Kitchen Areas

a) Performance Criteria

Adequate communal kitchen facilities will be available within the boarding house for the use of each lodger where such facilities are not provided in the room. In this regard minimum area requirements in this part are based on the number of residents occupying a boarding house without a kitchenette in the room.

b) Guidelines

Communal kitchen facilities are to provide:
i) a minimum area of 6.5sq or 1.2sqm for each resident, whichever is the greater;
ii) a double sink for each 12 residents and a stove top cooker for each 6 persons including adequate exhaust ventilation; and
iii) adequate refrigerator and freezer storage space and storage space in lockable drawers or cupboards.

Part A4 - Communal Bathroom and Laundry Areas

a) Performance Criteria

Adequate communal bathroom and laundry facilities will be available within the boarding house for the use of each lodger where such facilities are not provided in the room. In this regard minimum area requirements in this part are based on the number of residents occupying a boarding house without en suite or laundry facilities in the room.

b) Guidelines

Communal bathroom and laundry facilities are:
i) be accessible at all times;
ii) to include a shower and a toilet with wash basin for each 10 residents; and
iii) to include a washing machine and large laundry tub with hot and cold running water for each 12 residents.

Schedule 7 - Part B - Backpackers' Accommodation

Part B1 - Sleeping rooms

See also paragraph 3.6 Access

a) Performance criteria

i) Sleeping rooms should provide adequate storage space ventilation, guest area and light.
ii) Bedding and flooring must be able to easily be cleaned and maintained.

b) Guidelines

i) A minimum of 5.5sqm area per person in sleeping rooms.
ii) Lighting and ventilation shall be provided in accordance with the requirements of the Building Code of Australia.
iii) Where bunks are provided:

- safety trails which cannot be easily removed to the upper beds that extend along at least half the length of the bed;
- a ladder which cannot be easily removed providing access to provide the upper bunks;
- the distance between the mattress of the top bunk and the ceiling above or the distance between the bottom bunk mattress and the top bunk mattress should not be less than 0.85m; and
- the distance between adjacent bunks should be no less than 0.9m.

c) Design suggestions

i) Adequate space should be provided for guests to store personal items within the sleeping rooms during absence from the establishment, or alternatively facilities provided elsewhere in the building.
ii) Each sleeping area should be provided with a flyscreen on at least 1 window and a rubbish bin.

Part B2 - Kitchen facilities/ dining areas

See also *paragraph 3.6 Accessibility*

a) Performance criteria

i) Kitchen facilities should be designed for easy cleaning and maintenance and to promote the highest level possible of hygienic food storage and preparation.
ii) Adequate kitchen facilities and dining areas should be provided to meet the needs of guests.

b) *Guidelines*

i) At least 1 communal kitchen and 1 communal dining area is to be provided (may be combined), The minimum combined floor area of these rooms is to be 1m² per person able to be accommodated.
ii) Provision is to be made within the kitchen of no less than 1 sink with hot and cold water for the use of guests, together with facilities for the preparation and cooking of food.
iii) Cooking facilities should be sufficient that 15-20 percent of the maximum number of guests may prepare meals at any one time.
iv) An approved fire blanket and fire extinguisher should be located within 2m of the cooking area.
v) Floors, walls and other surfaces in the kitchen should be durable, smooth, impervious and easy to clean.

c) Design suggestions

i) The area should be laid out and designed to enable easy cleaning and maintenance
ii) Refrigerated space should be provided to allow guests to store small items of food prior to cooking.
iii) Kitchens are to be provided with a sufficient supply of cooking utensils, cutlery and crockery to accommodate the maximum number of guests.

Part B3 - Toilets and showers

See also *paragraph 3.6 Accessibility*

a) Guidelines

Suitable sanitary facilities for personal hygiene must be provided for employees and guests in a convenient location within the building, in accordance with the requirements of the Building Code of Australia for Class 1b or 3 buildings, as applicable.

b) Design suggestions

Bathroom facilities should be designed to allow easy cleaning and maintenance.

Part B4 - Communal Recreational Areas

See also *paragraph 3.3.1 Landscaping Design*

a) Performance criteria

Sufficient area is to be provided within or outside the building for a variety of recreational pursuits

b) Guidelines

i) A minimum of 2sqm of communal recreation space is to be provided per person. This area is to have a minimum dimension of 3m, and may be located either within or outside the building, compiled from no more than 2 locations

ii) Outdoor communal area are to be setback from neighbouring residential properties by 2 metres, or otherwise physically separated from those neighbouring properties to the extent that the potential for littering is minimised (eg fencing, vegetation)

iii) At least 30% of outdoor communal areas are to be capable of growing substantial trees and should be planted with an appropriate large tree species when the site is landscaped.

iv) Lighting of outdoor recreation areas is to be baffled to prevent intrusion on the amenity of neighbouring properties.

v) All communal recreation areas are to be accessible to a person with a disability.

vi) All communal recreation areas must provide a variety of recreational facilities for the use of guests (eg, Television, books games, stereo, BBQ).

c) Design suggestions

i) Communal recreation areas should be designed and located to minimise the possibility of noise intrusion to the occupants of adjoining neighbouring dwellings.

ii) Outdoor communal recreation areas should be designed to maximise solar access during the cooler months and shade and solar protection during the warmer months.

iii) Location of outdoor communal recreation areas should take account of views and natural features of the site and to minimise impacts from potential noise intrusions.

iv) All communal recreation areas should be equipped with seating and tables.

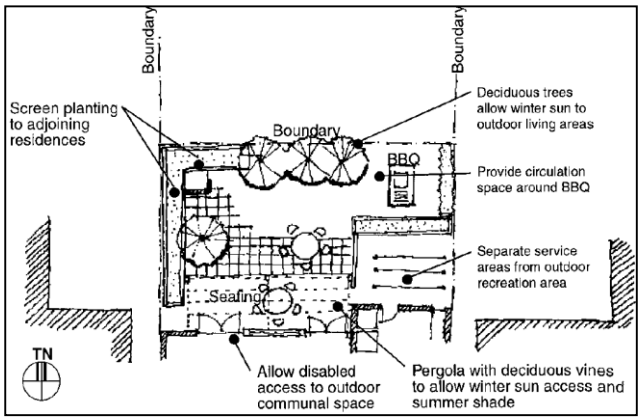


Figure: Suggestions for design of communal space

Part B5 - Laundry and drying facilities

a) Performance criteria

i) An adequate number of washing machines should be provided to cater for the needs of all guests without excessive time delays.

ii) A method of drying clothes should be provided by either natural or mechanical means to cater for the needs of guests.

b) Guidelines

i) A separate communal laundry area is to be provided within the building.

ii) One washing machine and 1 trough is to be provided for every 30 guests able to be accommodated within the facility.

iii) One dryer or 20m of external clothesline is to be provided for every 30 guests able to be accommodated within the facility.

iv) Washing machines and mechanical dryers shall not be used between the hours of 10pm and 8am.

c) Design suggestions

Clotheslines should be located to maximise access to direct sunlight.

Part B6 - Parking

See also *Schedule 3 Parking Requirements*

a) Guidelines

i) Parking provision should be made in accordance with the requirements of the site, and the potential number of guests in accordance with Schedule 3 of this DCP. The required parking space should be at least 0.32m wide and, where undercover parking is provided, there should be clearance from the ceiling of at least 2.5m.

Note: In some instances these requirements may be varied on the following basis:

- projected future needs and occupancy rates of the building
- the degree of public transport accessible to the building
- the land use of adjoining properties
- the demand on existing parking in the area.

ii) Parking areas are to be landscaped to soften visual impact, and minimises potential noise intrusions on neighbouring properties. Parking areas shall be available to guests on a 24 hour basis.

b) Design suggestions

Parking areas should be located to the rear of the property with direct access onto a roadway if possible.

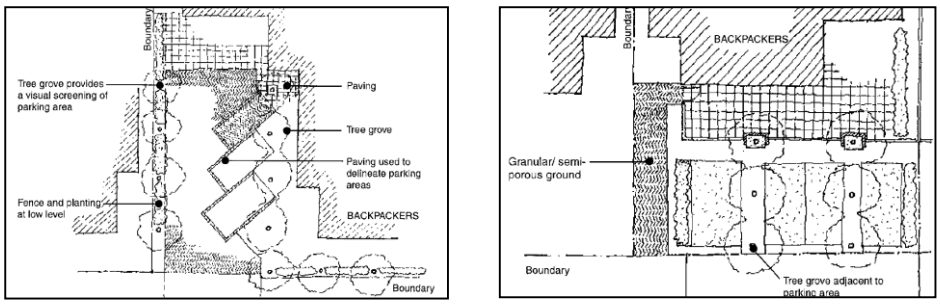


Figure: Suggestions for Softening and Screening of Car park Areas at either the side of front of the site

Part B7 - Waste Management

See also *paragraph 3.8 Waste* in this plan.

a) Performance criteria

Regular collection of waste should be undertaken from backpacker facilities. The location of waste and recycling receptors should not impact upon surrounding and adjoining neighbours.

b) Guidelines

i) Waste bins should be located in all sleeping rooms and communal areas.

ii) Clearly identified recycling bins should be provided within the premises.

iii) All bins within the building are to be emptied daily. A screened area is to be provided for garbage/recycling receptacles external to the building out of public view. Receptacles are to be provided within the screened area for paper products, other recyclables and garbage. Garbage should be collected from the premises not less than weekly. Recyclable matter should be collected fortnightly. Receptacles need to be cleaned out at this time.

Part B8 - Other Design Suggestions

a) Energy Efficiency:

i) Fixtures and building appliances (including water heaters, space heaters and coolers, artificial lighting, washing machines shower tap flow control devices etc) are to be chosen for their efficiency rating.

ii) Electrical appliances carrying an Energy Rating Label are encouraged. The highest rating available for that product should be used.

iii) Water appliances and plumbing fixtures should have a Water Conservation Rating of no less than AA.

iv) Building materials should be selected to increase energy efficiency of the building and have, a low embodied energy content.

b) Noise:

i) Internal layout and design of rooms should minimise the transmission of structural borne sound.

ii) The impact of noise from exhaust fans and water in bathrooms, on neighbouring the building properties should be considered.

iii) The design and layout of the facility should consider ‘sleep arousal levels’ as defined by the Environmental Protection Agency’s Environmental Noise Control Manual.

Schedule 8 - Recommended Building Timbers

Note: Before the arrival of Europeans, nine percent of Australia was covered with forest. Of this area 40 percent has been cleared, mostly for agriculture. The remaining forests are both publicly and privately owned, and comprise areas that are undisturbed modified, regrowth or plantation. Only 25 percent of forests remain relatively unaffected by logging or other significant human activity. If forest use is to be sustainable the total area of forest should not permanently decrease in area and should be managed to take into account mechanisms to conserve biological diversity and to minimise the impact on ecosystems. Governments throughout Australia have agreed that the permanent forest area should not decline further.

Today the most pressing long term effects of extensive clearing are soil erosion, siltation of rivers, the loss of unique wildlife and timber shortages. After two centuries of European settlement Australia provides many examples of the ill-effects of excessive forest clearing.

Trees are also important to remove the greenhouse gas carbon dioxide from the air. Worldwide tropical forests are being logged in an unsustainable way. This is catastrophic for the millions of indigenous people who rely on the forest for their home and livelihood.

Schedule 8 - Part A - Recommended Plantation Timbers

Council recommends the use of the following plantation timbers: (mainly pine species often referred to as softwoods):

a) Caribbean Pine (*Pinus caribaea*) grown in Queensland
b) Cypress Pine (*Callistris* sp)
c) Hoop Pine (*Araucaria cunninghamii*) grown in Queensland and New South Wales
d) Oregon (*Pseudotsuga menzieslii*) grown in New Zealand
e) Radiata Pine (*Pinus radiata*) grown in Australia, New Zealand
f) Slash Pine (*Pinus elliottii*) grown in Queensland, New South Wales and New Zealand

NB: Some of these timbers are grown in other countries but for energy efficiency it is preferable to source them locally.

Schedule 8 - Part B - Recommended Australian Regrowth Timbers

Council recommends these native timbers (often referred to as 'hardwoods') including but not limited to:

a) Blackbutt (*Eucalyptus pilularis*) NSW species
b) Spotted Gum *(Eucalyptus maculata*) NSW species
c) Sydney Blue Gum (*Eucalyptus saligna*) NSW species
d) Flooded Gum (*Eucalyptus grandis*) NSW species
e) Manna Gum (*Eucalyptus viminalis*) NSW species
f) Jarrah (*Eucalyptus marginata*) WA species
g) Silvertop Stringybark (*Eucalyptus laevopiniea*) NSW species
h) Red Ironbark (*Eucalyptus sideroxylon*) NSW species

Schedule 8 - Part C - Recycled Timbers

Council recommends the use of recycled timbers.

Schedule 8 - Part D - Uses for Recommended Timbers

Council recommends the use of the following sustainable timbers as alternatives to rainforest and old growth forests.

a) Framing and General Construction

i) Radiata Pine (F5 & F7 Internal) (F11-F17 Structural)
ii) Laminated Veneer Lumber (LVL)
iii) Plantation Grown Oregon
iv) Cypress Pine

v) Australian regrowth timbers e.g. Blackbutt
vi) Composite timber products e.g. glue laminated beams
vii) Recycled timber

b) Concrete Formwork

A large percentage of form ply used in Australia is made from tropical timber. Use only form plywood made from Plantation pine - Radiata, Slash and Hoop Pine. Reuse form ply wherever possible and do not specify a higher grade than what is required.

c) In ground Users
i) Recycled Australian timber
ii) Australian regrowth timber (Jarrah, Red Ironbark, Spotted Gum, Cypress Pine)
iii) CCA treated radiate Pine (pressure impregnated)

d) Cladding
i) Treated plantation pine
ii) Australian regrowth timber(Jarrah, Red Ironbark, Spotted Gum, Cypress Pine)
iii) Durable recycled timber
iv) Treated Exterior grade plywood

e) Window and Door Frames
i) Treated plantation pines
ii) Cypress pines
iii) Poplar
iv) Recycled timber

f) Flooring
i) Plantation pines
ii) Cyprus Pine Particle Board
iii) Australian regrowth timbers

g) Fencing, Exposed Decking and Stairs
i) Durable recycled timber
ii) Australian regrowth forest hard woods (Jarrah, Red Ironbark, Spotted Gum, Cypress Pine).

h) Furniture, Joinery, Shelving & Bench tops
i) Plantation Pines (Radiata, Hoop)
ii) Poplar
iii) Plantation Oregon
iv) Camphor Laurel
v) Particleboard
vi) Recycled Timber
vii) Medium Density Fibreboard
viii) Australian regrowth timbers (Blackbutt, Jarrah Spotted Gum, Sydney Blue Gum, Rose Gum, Silver top Decorative Veneer Stringybark, Turpentine)
ix) Jacaranda, Silky Oak

i) Panelling & lining
i) Hoop Pine
ii) Spotted Gum
iii) Hardboard (Masonite)
iv) Pine veneer plywood

j) Internal Stairs
i) Recycled timber
ii) Plantation Pines (not for treads)
iii) Australian regrowth timber

k) Doors & Frames
i) Plantation Oregon
ii) Hoop or clear Radiata Pine
iii) Recycled doors or timber

l) Decorative Veneer
i) Plantation Pines
ii) Camphor Laurel
iii) Australian Regrowth Forest timbers

HOOP PINE is a rainforest timber but also grown in plantations - check its source before purchase

OREGON or Douglas fir is often cut from old growth forests in North America. The majority of Oregon in Australia is from New Zealand plantations.

Schedule 8 - Part E - Timbers to Be Avoided

a) Australian Native Rainforest Timbers to be Avoided

Manly Council does not recommend the use of Australian Native Rainforest timbers which are not grown on plantations. The use of the following Australian Native rainforest timbers is not recommended

i) Alder, Black Bean,
ii) Myrtle Beech,
iii) Beech White,
iv) Booyong,
v) Brushbox,
vi) Rose Butternut,
vii) Bunya Pine,
viii) Candlenut,
ix) Carabeen,
x) Red Cedar,
xi) Celery - Top Pine,
xii) White Cheesewood,
xiii) Coachwood,
xiv) Cudgerie,
xv) Huon Pine,
xvi) Kauri Pine,
xvii) King William Pine,
xviii) Silky Oak,
xix) Mararie,
xx) Pigeonberry Ash,
xxi) Queensland Maple,
xxii) Rosewood, Sassafras,
xxiii) Crows Ash Teak,

Note: This list is a guide only, and is not intended to be comprehensive.

b) Imported Rainforest Timbers to be Avoided

Most rainforest timber imported into Australia comes from Indonesia, Malaysia, Burma, Papua New Guinea and the Philippines. All timber cut in these countries is cut from virgin Rainforests. There are no plantations yet old enough to provide timber logs.
The use of the following imported rainforest timbers is not recommended
Timber merchants often group all rainforest timbers using two names - Maple or Meranti.

More specifically these timbers are:

- Agathis,
- Alan,
- Almon,
- Amboyna Wood,
- Apitong,
- Balau,
- Balsa,
- Bangtikan,
- Batu,
- Baygo,
- Gaharu Buaja,
- Betis,
- Borneo Camperwood,
- Calantas,
- Camphorwood,
- Gmelina,
- Lpil,
- Lroko,
- Jelutong,
- Kalantas,
- Kapur,
- Keladin,
- Kempas,
- Keruing,
- Ketiau,
- Koto,
- Lauan,
- Lanutan,
- Mahogany,
- Mangasinoro,
- Marfim,
- Mayapis,
- Mavota,
- Melawis,
- Mengkulang,
- Meranti,
- Merawan,
- Merbau,
- Mersawa,
- Motoa,
- Narra,
- New Guinea Beech,
- New Guinea Walnut,
- Nyatoah,
- QBA Saluk,
- Pacific Maple,
- Padauk,
- Palaquim,
- Pink Satinwood,
- Ramin Red,
- Rosewood,
- Selangan Kacha,
- Seraya,
- Tanquile,
- Teak,
- Vesi

For further information, consult the ‘Good Wood Guide’, available at the Manly Environment Centre.

Schedule 9 - Climatic Factors (Sydney) for site and locality analysis and the Manly / Sydney context

Addressing the impact of climatic factors can be significant in achieving more energy efficient buildings. For energy efficient building design the following variables and their effects need to be taken into account as part of the site planning and design process.

a) Manly is located within an area of coastal temperate climate, characterised by cool winters warm and humid summers, relieved by sea breezes

b) In Manly, most prevailing winds are seasonal in direction, so it is possible to orientate buildings so that they are protected from winter winds, but open to summer breezes. Manly's wind patterns are influenced by the proximity to the ocean and harbour. This results in sea breezes to the land during the day, and land breezes to the sea during the night. Sydney has a high frequency of westerly winds during winter mornings, and a high frequency of north-easterly winds in summer afternoons.

   i) NE winds= pleasant breezes (cool in summer, warm in winter)

   ii) SE winds= predominantly strong winds (cool in summer, cold in winter)

   iii) SW winds= gusty winds (hot in summer, cold in winter)

   iv) W & NW winds= hot in summer, cold in winter

   v) moderate diurnal range (less than 10° Celsius average temperature difference between day and night).

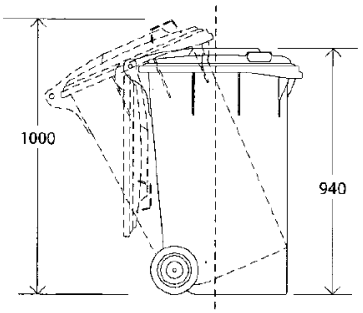
c) Climatic factors directly affect thermal comfort in our buildings include temperature range; relative humidity; wind speed and direction; and solar radiation and access.

d) Movement of the sun

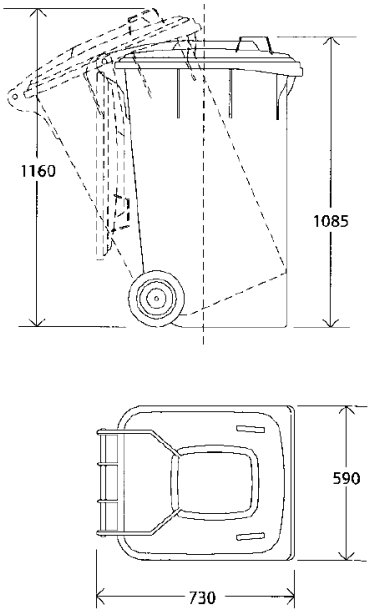
   i) During mid-winter (the winter solstice) in Manly, the sun rises at a point 29° to the north of due east, and sets at a point of 29° to the north of due west. Its maximum altitude at noon is approximately 30° above the horizon, which equates to a slope of about 1 in 2.

   ii) During mid-summer (the summer solstice), the sun rises from a point 29° to the south of due east, and sets at a point 29° south of due west. Its maximum altitude at noon is approximately 80°. At the equinox (March 21st and September 21st), the sun rises due east and sets due west. Its maximum altitude at noon is approximately 55°.

Schedule 10 - Standard Dimensions for bins and recycling containers



Mobile Recycle Bin
120 litres



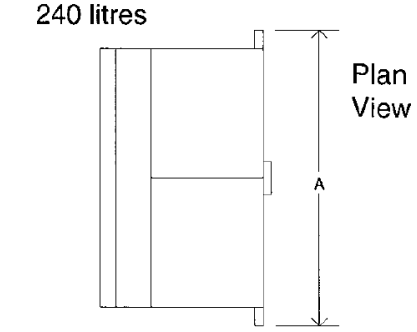
Mobile Recycle Bin
240 litres

Note:

1. Recommended clear dimensions for internal clearances of container storage housing units are as follows:
   A–450
   B–1000
   C–250
2. Surface grade of access way—max 1:12
3. Kerb layback flush to street gutter (no nosing)
4. Where it is necessary for the collection vehicle to enter the property for collection, a minimum of 3.6m headroom floor to ceiling clear for all obstructions is required.
5. Floor shall be concreted steel trowel finish and graded to a floor waste connected to the waterboard sewer.

SCHEDULE

Clear dimensions of containers Vol. (m^3)	0.75	1.125	1.50	2.25
A	2020	2020	2020	2020
B	1244	1244	1244	1244
C	940		1070	1300
D	2100	2200	2250	2250

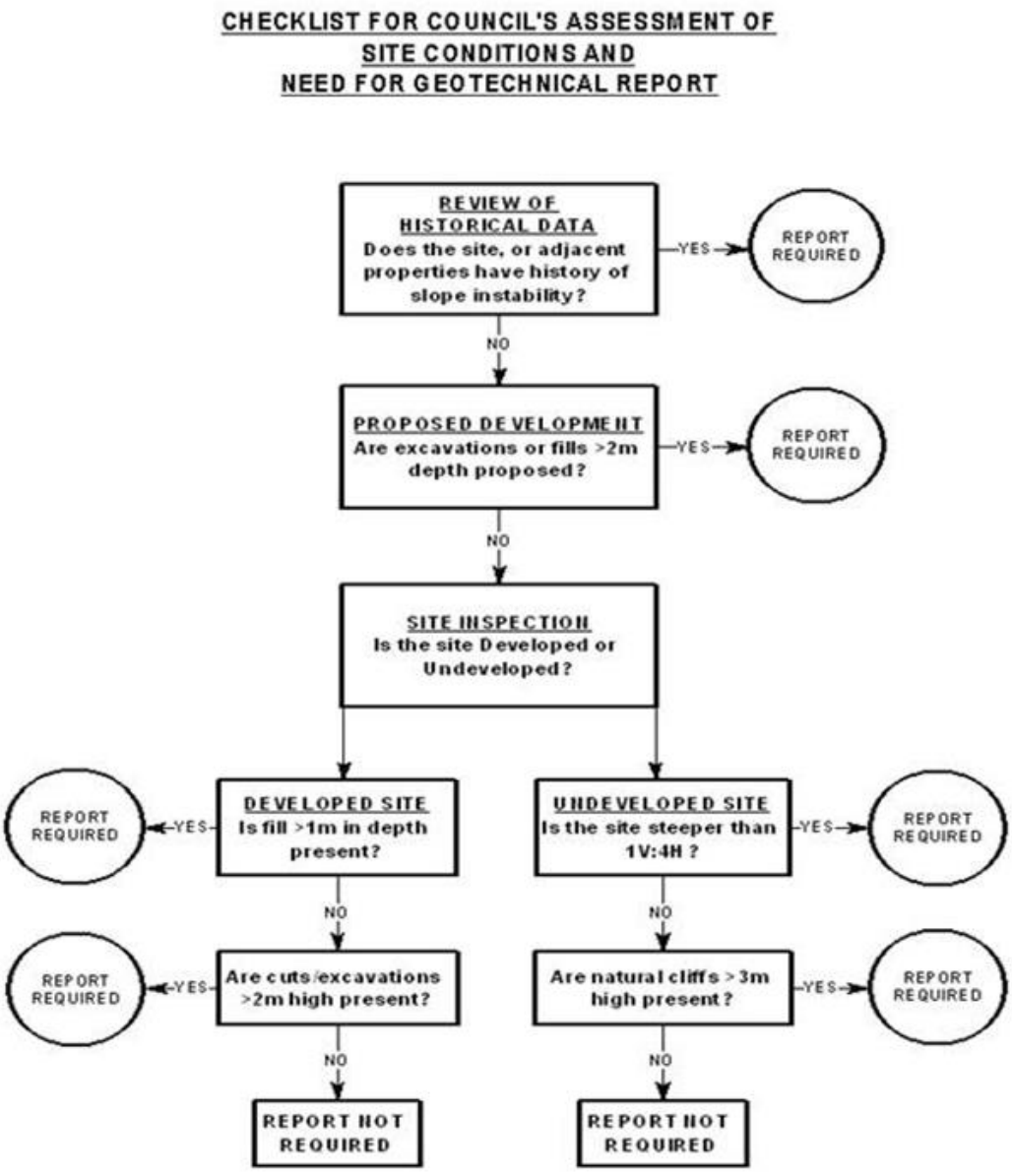


Container storage

Schedule 11 - Suggested Checklist for Preliminary Assessment of Site Conditions in relation to the preparation of Site Stability Reports

1. Site Location (Street and Position in street - above or below; Site dimensions - block shape & size):
2. Geotechnical Area in which the site is located):
3. Proposed development (general description, including maximum excavation depths, maximum fill depths, and proximity to existing structures):
4. Existing site: description eg. topography, slope angles (in degrees), exposures of rock and soil, existing site development, evidence of possible slope instability:
5. Recommendations: based on the above items, and the flowchart below that indicates the principal factor(s) considered in the assessment, it is recommended that:
   - geotechnical assessment is required; or
   - geotechnical assessment is not required.
   - other comments:

DATE OF ASSESSMENT : ..... ASSESSMENT BY :.....



Schedule 12 - Extracts from Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Act 1979

Clause 79C – Evaluation
(1) Matters for consideration - general

In determining a DA, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

a. the provisions of:
   i. any environmental planning instrument, and
   ii. any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
   iii. any development control plan, and
   iii.a. any planning agreement that has been entered into under Section 93F,or any draft planning agreement that a developer has offered to enter into under Section 93F, and
   iv. the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates, and
   v. any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),
   that apply to the land to which the development application relates,
b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
c. the suitability of the site for the development,
d. any submissions made in accordance with this Act or the regulations,
e. the public interest.

and

Clause 79C – Evaluation
(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application the consent authority:

a. if those provisions set standards with respect to an aspect of the development and the development application complies with those standards – is not to require more onerous standards with respect to that aspect of the development, and

b. if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards – is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

c. may consider those provisions only in connection with the assessment of that development application.

In this subsection, *standards* include performance criteria.

Note: This extract is current at the date of printing of this plan, but should not be relied upon. Please refer to the Environmental Planning and Assessment Act, 1979. See also sections 74(BA) and 74C of the Environmental Planning and Assessment Act, 1979 in relation to DCPs.

Dictionary

In this DCP, terms have the meaning ascribed in the Environmental Planning and Assessment Act, 1979 and Manly LEP 2013. Certain other meanings are provided in this dictionary consistent with relevant planning instruments as follows.

access handle means that part of a battle-axe (or hatchet shaped) allotment, whether in fee simple or as a right of way or in combination, which serves as an access to a street or public place.

adaptable housing is the term used to describe a dwelling that has the ability to be modified or extended at minimal cost to suit the changing need of individuals over time.

advertisement see LEP

advertising structure see LEP

backpackers' accommodation see LEP

bulky goods premises see LEP

basement see LEP

BASIX (Building Sustainability Index) means a web-based planning tool (www.basix.nsw.gov.au) that measures the potential performance of residential development against a range of sustainability indices.

building envelope means the three dimensional space within which a building is, or can be, contained. It is generated by, but not limited to the following criteria: site coverage, setback, height and floor space ratio controls.

building height see LEP

~~***building line*** means the line of an existing or proposed external wall or roof edge of a building (other than a wall or roof of any building element within an articulation zone), or the outside face of any existing or proposed ancillary development, closest to a boundary of a lot.~~
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.

bushland means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristic of the natural vegetation.

carport means a free-standing, un-enclosed roofed structure for the parking or storage of vehicles.

child care centre see LEP

commercial sign means an advertisement whether illuminated or not which:

a) has an outline that would fit within a rectangular figure 1.2m in length and 0.6m in height; and
b) In respect of any place or premises to which it is affixed contains only:
    i) A reference to the identification or description of the place or premises;
    ii) A reference to the identification or description of any person residing or carrying on an occupation at the place or premises;
    iii) Particulars of any occupation carried on at the place or premises;
    iv) Such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there at;
    v) Particulars or notifications required or permitted to be displayed by or under legalisation;
    vi) Particulars relating to the goods, commodities or services dealt with or provided at the place or premises;
    vii) a notice that the place or premises is or are for sale or letting together with particulars of the sale or letting;
    viii) Particulars of any activities held or to be held a the place or premises; or
    ix) A reference to an affiliation with a trade, professional or other association relevant to the business conducted on the place or premises.

context and site analysis is a key element in the design process to encourage development to be designed in context, enhancing the sense of place and reinforcing the role and character of localities within Manly. Context and site analysis will improve the quality of the environment for the community and encourages energy efficient buildings. When designing a development for a site it is essential to respond to the local and broader urban context by identifying the locality defining elements and site characteristics which can positively influence design. The design should be informed by these matters to achieve an optimum site layout and to maximise the residential amenity of the locality. In order to understand this context, a site analysis should be undertaken as a first step in preparing for a development. This analysis should identify the opportunities and constraints of the site and create a platform from which to develop a design. A site analysis demonstrates that the proposed development is the best possible solution and makes the greatest contribution positive to its surroundings.

continuous accessible path of travel means an uninterrupted path of travel to or within a facility (whether a building or not). This accessible path should not incorporate any steps, humps, stairways, turnstiles, revolving doors, escalators or other impediments which prevent the path being used by people with disabilities.

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.

demolition see LEP

dual occupancy see LEP

dwelling see LEP

dwelling house see LEP

ecologically sustainable development see LEP
Note: the same meaning as in the Act i.e. section 6(2) Protection of the Environment Administration Act 1991.

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

floor space ratio (FSR) see LEP
Note: LEP clause 4.5(2) states 'the floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area'.

frontage means the property boundary line to the street to which the property is rated under the Local Government Act.

garage means a partially or fully enclosed roofed structure for the parking of vehicles and includes a carport type structure attached to another structure or building.

geotechnical engineer or engineering geologist means any geotechnical engineer and/or engineering geologist who has a minimum of 5 years relevant practise as a geotechnical engineer or engineering geologist in the Sydney area or who is able to demonstrate considerable relevant experience with similar geology. Such persons may be a current member of the Australian Geomechanics Society, or a Member or Fellow of the Australian Institute of Geoscientists, or listed on the National Professional Engineers
Register, Level 3.

geotechnical survey see Site Stability (geotechnical survey) Report in this Dictionary

gross floor area (GFA) see LEP
Note: Subparagraph (g) of the LEP meaning excludes from GFA 'any carparking to meet the requirements of the consent authority, including access to that carparking'. While Council recognises that in some circumstances additional parking may be justified, the additional parking not excluded by the LEP dictionary meaning will be counted as gross floor area and FSR.

heritage Items see LEP

Heritage Conservation Area see LEP

heritage streetscape means a street environment in which the character and form of buildings, ancillary structures, landscaping, pathways, fencing and other landscape elements, and their relationship to each other is indicative or reflective of a particular period or era in history, or architectural style.

landscaped area see LEP

late-night venues includes but is not limited to hotels, clubs, nightclubs, restaurants and premises which have a liquor license, fast food outlets and take away food shops that propose to trade after 10pm.

NatHERS is a computer simulation tool for rating the thermal performance of houses across Australia.

native plant species means plants, which naturally occur, but not limited to Manly, or would have existed prior to development and includes native grasses, herbs, shrubs, palms and trees.

north relates to the orientation of the building to true solar north not magnetic north.

open space see meanings for total open space, landscaped area (LEP), private open space (LEP) and principal private open space

open space above ground means that part of the total open space that is above ground being (including a veranda, balcony, terrace) and has a finished floor level that is more than 1m above existing ground level.

primary road means the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face.

private open space see LEP

principal private open space means private open space located adjacent to living rooms, excluding bedrooms of a single area and dimension sufficient to enable it to usefully serve domestic outdoor functions for the exclusive use of the occupants of the dwelling.

reflectivity means a measure of the amount of light which is reflected from a surface.
Note: The NSW Department of Planning and Infrastructure have recommended that no more than 20 percent of light should be reflected from glass used on external walls in order to minimise the impact of glare (meaning that 80 percent of the light is either absorbed by or passed through the glazing). By way of example, the blue glazing used on the building at 18-22 Darley Road, Manly has a reflectivity index of 20 percent.

residential accommodation see LEP

residential density is the ratio of the number of dwellings to the site area.

residential flat building see LEP

secondary dwelling see LEP

secondary road means, in the case of a corner lot that has boundaries with adjacent roads, the road that is not the primary road.

serviced area means a portion of the gross floor area used for the calculation of onsite parking requirements for restaurants or cafes and take away food and drink premises in this plan that comprises the area(s) generally accessible to the public/patrons i.e. tables and chairs, seating around bar areas, circulation/waiting areas and public amenities but excludes kitchens, store rooms and other areas generally for staff only.

setback means the horizontal distance between the relevant boundary of the lot and the building line.

setback area means the area between the building line and the relevant boundary of the lot.

signage see LEP and 'types of signs' detailed below in this dictionary.

site area see LEP Dictionary and clauses 4.1(3A) and 4.5 of LEP. In particular, LEP clause 4.1(3A) excludes the area of access handles when calculating area for battle-axe lots in relation to development involving subdivision.

Site Stability (Geotechnical Survey) Report means a report prepared by a geotechnical engineer or engineering geologist in accordance with this DCP and based on the inspections, investigations, tests and any other data detailed in the report which addresses the stability of the site; the method of excavation; the impact of excavation on adjoining properties; the impact of excavation on ground water flows; the impact of excavation on acid sulphate soils; the impact on natural features; methods of stormwater collection and disposal during the excavation and construction period; and methods that provide advice on implementing necessary mitigating measures.

social impact is an impact on individuals, or on groups of people i.e. community. Social impacts are changes that occur in:

- The social fabric of the community (composition of the social structures);

- People's way of life (how they live, work, play, rest and relate to one another on a day-to-day basis);
- Their community (its cohesion, stability, character, services and facilities);
- People's health (physical and mental health of stakeholders);
- Employment and the local economy (growth or reduction of local jobs);
- Access and transport (pathways, cycle ways, public transport availability, other sustainable transport use, eg. car sharing);
- Safety and minimisation of crime (pedestrian safety, anti-social behaviour);
- Culture and arts (shared beliefs, customs, values and self-expression).

Certain types of development have social, human or community impacts and a ***social impact assessment*** will ensure that positive impacts are enhanced, and negative impacts are minimised and mitigated against.

solar access is a measure of the available sunlight for a particular building or site. Mid-winter is the most critical time to assess solar access to a dwelling, and its associated effect on private open space. For the purpose of this DCP solar access is assessed between the hours of 9am and 3pm with particular regard to solar access to living areas and private open space of dwellings.

storey see LEP

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

streetscape means the spatial arrangement and appearance of built and natural elements (in the private and public domain) within a street, which create the character of that street. Such elements include the appearance of positively contributing building forms and styles, vistas, road, driveway and footpath surfaces, street trees, other vegetation, fences, walls, street furniture, utility services and traffic devices. See also ***heritage streetscape*****.**

signage see LEP. In this DCP (see also 'Commercial Sign') a range of sign types have the following meanings:

advertising panel means hoardings, bulletin boards or the like that is not illuminated.

awning sign means signs painted on or attached to an awning (other than the fascia or return end). Awning Signs may be either above awning signs or under awning signs.

fascia sign means signs attached to the fascia or return end of an awning.

fin sign erected on or above the canopy of a building.

flashing sign means signs in which any part of the advertising area is illuminated at frequent intervals by an internal source of artificial light and whether or not included in any other class of advertising structure and includes animated signs.

floodlit sign means signs that are illuminated (as to any part of the advertising area) by an external source of artificial light and whether or not included in any other class of advertising structure.

flush wall sign means signs attached to the wall of a building, including painted wall signs, (other than the transom of a doorway or display window) and includes a painted wall sign which does not project horizontally more than 0.3m from the wall.

moving sign means signs attached to a building and capable (as to any part of the advertisement or advertising structure) of movement by any source of power (whether or not included in any other class of advertising structure).

painted wall sign means signs painted directly onto the facade of a building.

pole or pylon sign means signs **e**rected on a pole or pylon independent of any building or other structure.

projecting wall sign attached to the wall of a building (other than the transom of a doorway or display window) and projecting horizontally more than 0.3m from the wall.

roof sign means signs erected on or above the roof or parapet of a building.

top hamper sign means signs attached to the transom of a doorway or display window.

window sign means signs located or displayed on or in the window of a building.

thermal mass means the term used to describe materials that have the ability to absorb and store heat. Generally, the heavier and denser a material is, the more heat it will store, and the longer it will take to release it. Certain materials (bricks, mud bricks, concrete, and stone) have a high heat storage capacity.

total open space means that part of a site which is designed or designated to be used for active or passive recreation, and includes:

- Landscaped area (see LEP meaning);
- Open Space Above Ground as defined in this DCP;
- Hard paved areas (un-enclosed pedestrian walkways and access paths pergolas, clothes drying and barbeque areas);
- Swimming pools occupying less than 30 percent of total open space; and
- Private open space (including principal private open space) as defined in this DCP.

but excludes:

- any area for parking (including garages; carports; hardstands and vehicular access to that parking);
- out buildings (including sheds, cabanas, cubby houses and the like).

townscape means the total appearance of a locality and contributes to its character. A high level of townscape quality will result in an area being experienced, not as a number of disconnected parts, but as a whole, with one recognisable area leading into another. The determination of the townscape of a locality should examine this sense of place and the sense of unity from the following perspectives:
(i) From a distance;
(ii) The spaces within the locality formed by and between the buildings and the elements; and
(iii) The buildings themselves: their details and relationship to each other.

wall height means that part of the building height measured vertically from the ground level (existing) at any point to the top most part of the external wall and exclusive of the height of any pitched roof or parapet. The top most part of the wall height is measured to the underside of the eaves associated with the topmost floor and where a deck or terrace is located at the top of the wall, the wall height is measured to the top of any balustrade, planter box or privacy screen.